



2019– 2020

STUDENT GOVERNMENT ASSOCIATION
STUDENT GOVERNMENT COUNCIL - MMC
MAJORITY OPINION OF THE SUPREME COURT

NOTICE: The following document represents the majority opinion of the Supreme Court of the Student Government Association of Florida International University’s Modesto A. Maidique Campus and constitutes a binding decision on all parties concerned within this decision.
STUDENT SUPREME COURT OF FLORIDA INTERNATIONAL UNIVERSITY – MMC

FILED REVIEW – S.C.001 (Spring 2020)

Decided 13 April, 2020

Majority Decision issued 13 April, 2020

By 5-0 Majority Decision

Chief Justice DE LA OSA, N. delivers the decision of the Court, in which Associate Justices PEREZ, J., RODRIGUEZ, K., and REAL, M., ROSARIO. M., join.

Petitioner Biagioni F., brought this appeal on April 24, 2019 in review of the Florida International University Student Government council Modesto A. Maidique Campus Statutes and Constitution.

ISSUES:

1. Whether the elections board erred in disqualifying candidate Ha “Jourdan” Le, hereinafter referred to as Jourdan Le.

FACTS:

1. On April 2, 2020, the SGA-MMC elections board charged Jourdan Le with a Tier III (3) violation and disqualified Ms. Le from the SIPA Senatorial elections.

2. MMC Statutes Section 6.08 Violations(a)(iii) Tier Three: defined as Disqualifying Offenses, included but not limited to failure to attend meeting session as mandated by this Elections Code, exceeding allowed campaign spending or donation limits, misrepresentation or forgery of any required election paperwork, attempted or successful fraud in the voting process, campaigning in clearly marked restricted areas during voting hours, destruction or defamation of personal/private/University property, mechanical amplification within five hundred (500) feet of voting stations, threat or use of verbal or physical abuse against any FIU student/employee/volunteer/designee/administrator, use of SGA staff/services/funds to campaign, disparaging another candidate or Party via any form of communication, having been impeached and removed from a Student Government Office less than one semester prior to the date of the elections
3. MMC Statutes section 6.06 (g)(5) Any appeals for violation penalties will be sent to the Supreme Court for a second hearing

DECISION:

The Supreme Court of Florida International University’s Student Government Association at the MMC Campus will have jurisdiction over the SGC-MMC Constitution, Statutes, Elections Code and all other governing documents and the upholding of each. Such being the case, and

in order to fully discuss the issues in question, the Court must first recognize the SGC-MMC Constitution as the supreme law, as is stated within the Constitution’s Authority and Sovereignty.¹ Additionally, it must also be noted that the same is also made clear on the first page of the governing Statutes.²

In consideration of the facts, the court under the jurisdiction of the Constitution and MMC statutes has the authority over cases that violate the constitution and/or violate any constitutions or laws within the sovereignty of SGA.³

As stated in the facts, Jourdan Le’s case was deliberated and decided by the Elections Board. These conversations culminated in the disqualification of Ms. Le on April 2nd, 2020, a decision subsequently appealed by the candidate. In order to fully assess the validity of the appeal, the MMC Supreme Court subpoenaed the Elections Board discussion recordings, presented evidence, and meeting minutes. From this analysis, the Supreme Court was able to gain an understanding on the basis for the initial disqualification as well as a timeline from events.

On April 2, 2020, Candidate Fiorella Biagioni, filed an election code violation against Candidate Jourdan Le claiming that Le made “disparaging” statements against the *Future is You* party in a conversation with a student leader on campus. The

¹Authority (III) – “In conformance with the aforementioned laws and codes, this constitution is the supreme law of SGA.”

² ” Through the authority of the SGA Constitution, the Student Government Council – Modesto A. Maidique Campus hereby establishes its statutory policies and procedures.”

conversation was presented in the form of a screenshot and detailed the following information between Casey Amaya, President of Pi Sigma Alpha, and Jourdan Le: “Hey Casey! I’m emailing elections and if you don’t mind, I’ll CC it to you. Because the other party is accusing us of manipulating organizations to post on our behalf and this is very not true. So I’ll just clarify to them that we are not informed of what makes a non-partisan post and the ROAR! Party does not affiliate with PSA”. The use of the word “manipulation” was used to justify the use of the Tier III offence procedures. This decision was coupled with an earlier Tier II violation brought against Jourdan Le. During the testimonies, Ms. Le expressed that she had no malice or ill-intention in stating the concerns she had which came about when the first violation was filed against her.

After reviewing the records, the Court did not come to the same conclusion. It’s evident that Ms. Le did not intend to disparage or defame the Future Is You Party with her text message. The word “manipulating” was not targeted at the Future Is You Party, but rather Ms. Le used this phrase to describe, based on her interpretation, of what she had been accused of.

The Court feels that Ms. Le is not guilty of the Tier III violation. Thus the Court overturns the elections board’s decision and rules that Jourdan Le be reinstated as a candidate for the SIPA Senatorial race.