

**IN THE SUPREME COURT OF THE STUDENT GOVERNMENT ASSOCIATION**  
**FLORIDA INTERNATIONAL UNIVERSITY**

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**IN RE CONFLICT OF INTEREST**

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SGASC 2024-02

PER WRIT FOR JUDICIAL REVIEW ON INTERPRETATION

February 2, 2023

CHIEF JUSTICE RODRIGUEZ, ASSOCIATE JUSTICE ROBLEDO, and ASSOCIATE  
JUSTICE VIRGO delivered the opinion of the Court.

**I. Introduction**

This action comes before the Supreme Court of the Student Government Association of Florida International University as a Writ for Judicial Review on Interpretation. The question presented to the Court is whether there exist potential conflicts of interest within the Student Government Association. More specifically, this action raises concern as to whether the actions of SGA officials that comprise the Budget Committee comply with established conflict-of-interest rules within the SGA Statutes and Constitution. The provisions in question are SGA Statutes (SGAS) 8002.1 - “No Student Government Official shall participate in any SGA activity that would place that person in a position where there may be a conflict of interest between a private interest and the interest of the Student Body”; SGAS 8002.11 - “No Justice, Senator, member of the Executive Branch or Elections Commissioner shall allow personal interest to influence a vote”; and SGAS 2.01.5 - “Conflict of Interest: A conflict of interest as identified by Sunshine Law, shall include, but shall not be limited to, having an immediate blood, by marriage, or through adoption relationship, business relationship, a romantic relationship, being a member of the organization directly affected, and/or being a member of a board, commission, or committee that is currently voting on or will be voting on dissolving or instating the subject matter at hand.” The purpose of this opinion is to provide a clear answer to this constitutional question and propose the appropriate course of action.

**II. Jurisdiction**

According to SGA Constitution (SGAC) 6.04.1 and 6.04.1.4, “the Supreme Court shall have exclusive jurisdiction over cases or conflicts dealing with the interpretation of any provision of the constitution and governing councils’ constitutions and/or any governing documents.” In this case, the

issue has come before the Court as a Writ for Judicial Review on Interpretation, which, as outlined in SGAS 5003.2, “may be submitted by any student.” The following language of this statute also provides the Chief Justice specific jurisdiction over this dispute in SGAS 2.01.5: “In situations where it is too difficult to determine if there is a reasonable conflict of interest, the Senate President, Chief Justice, or Elections Commissioner in each of their corresponding divisions shall make the final determination by distinguishing whether there are personal interests that might benefit from a member’s vote.” Therefore, this Court retains jurisdiction on this matter.

### **III. Facts**

Kaily LaChapelle currently serves as Senate President in the FIU Student Government Association and also therefore serves on the Budget Committee. LaChapelle also serves as President of the Pride Student Union (PSU) and Vice-President of Disabled Student Union (DSU), which both operate as Bureaus, one type of SGA-supported and A&S-funded entity. Under our governing documents, specifically statutes such as SGAS 2.01.5, the definition of a “Conflict of Interest” shall include but not remain limited to “being a member of a board, commission or committee that is currently voting on or will be voting on dissolving or instating the subject matter at hand.” The demand submitted by the filer requests advice on whether having a blood relationship to yourself constitutes a conflict of interest under the FIU SGA governing documents.

### **IV. Conflict of Interest as per SGAS 2.01.5**

The question posed to the Court regards conflict of interest. More specifically, whether the current Senate President’s role as a voting member of the Budget Committee while simultaneously acting as an executive board member of two (2) Bureaus constitutes a conflict of interest.

The full text regarding the definition of a conflict of interest within SGAS 2.01.5 is below:

*2.01.5 “Conflict of Interest: A conflict of interest as identified by Sunshine Law, shall include, but shall not be limited to, having an immediate blood, by marriage, or through adoption relationship, business relationship, romantic relationship, being a member of the organization directly affected, and/or being a member of a board, commission or committee that is currently voting on or will be voting on dissolving or instating the subject matter at hand. In situations where it is too difficult to determine if there is a reasonable conflict of interest, the Senate President, Chief Justice, or Elections Commissioner in each of their corresponding divisions shall make the final determination by distinguishing whether there are personal interests that might benefit from a member’s vote.”*

This statute contains two provisions of note regarding what constitutes a conflict of interest. The first core provision of this statute is found within the third and fourth lines, which outline that a

conflict of interest may be identified through “being a member of the organization directly affected.” The second core provision is found within the fourth and fifth lines, which make it clear that a conflict of interest may also be identified through “being a member of a board, commission or committee that is currently voting on or will be voting on dissolving or instating the subject matter at hand.”

## **V. Senate President and Bureaus**

There are two matters that must be considered when discussing the stated law: (1) the Senate President and the powers of its position, and (2) the status of a Bureau which is funded by SGA.

The current Senate President of the Student Government Association holds an executive board position on two separate Bureaus. They currently serve as the president of the Pride Student Union and as the Vice President of the Disabled Student Union.

Pursuant to SGAC 8.04.2, “the composition of the Budget Committee shall be as follows, The Student body President, The Student body Vice President, The Senate President, The Senate President Pro Tempore, The Senate Floor Leader, The Governor of the Biscayne Bay Campus, Executive Administrator and The Comptroller.” SGAS 7001.2.1 outlines that “the allocation and expenditure of these funds shall be determined by the SGA through the Student Government Budget Committee and the procedures herein.” As the Senate President, the individual in question serves as a member of the Budget Committee, and therefore has the power to vote on determining the allocation of funds to Bureaus. The Senate President is also able to voice thoughts on the budget once it has been approved by the Budget Committee and sent to the Senate for their legislative vote. Because the Pride Student Union and the Disabled Student Union are both Bureaus, this individual would therefore have the power to vote on determining the allocation of funds to two organizations in which they hold executive board positions.

They are “a member of the organization directly affected” by the determinations of the Budget Committee, and they are “a member of a board, commission, or committee that is currently voting on or will be voting on dissolving or instating the subject matter at hand.” Furthermore, SGAS 8002.1 explains that “no Student Government Official shall participate in any SGA activity that would place that person in a position where there may be a conflict of interest between a private interest and the interest of the Student Body.”

Not only is the individual in question a member of a board that will be voting on the funding of SGA Bureaus, but they are also in leadership roles within some of those same Bureaus. SGA supports Bureaus because they are organizations that create community for students that need a safe place on campus. Because SGA has the honored privilege of determining the funding allocations of Bureaus, it is important that this honored privilege and responsibility not be tarnished by the appearance of impropriety stemming from a potential conflict of interest.

## **VI. Holding**

This Writ begs two questions that we aim to address wholeheartedly and succinctly:

1. Is there a conflict of interest when a Budget Committee Member serves on a Bureau?
2. How should this conflict of interest affect voting power on the Budget Committee when voting on their organization's budget?

Based on the provisions set in SGAS 2.01.5, the Court holds that the current Senate President's role as a voting member of the Budget Committee while simultaneously acting as an executive board member of two (2) Bureaus constitutes a conflict of interest.

In light of these considerations, the Court proposes that the individual with a conflict of interest refrain from voting during Budget Committee meetings on matters concerning the Bureaus on which they hold executive positions. The Court holds that the individual may still contribute to discussions regarding the allocation or expenditure of funds to their Bureaus.

This Court also holds that a "blood relationship," when referring to conflict of interest, can include oneself under the FIU SGA governing documents.

The rationale behind this decision is rooted in the idea that the member, as pertaining to Robert's Rules of Order, is not forced to recuse themselves or vote in a particular way. However, the Court uses the term "proposes" to indicate that refraining from voting is a highly recommended course of action, as the act of recusal is seen as a fair and moral form of leave. The same way the Chief Justice must recuse themselves for a conflict of interest when voting on Writs when they are "a member of the organization being directly affected," the current Senate President should act accordingly within the confines of the Budget Committee.