

2017-2018 F.I.U.S.C.

MAJORITY OPINION OF THE COURT

NOTICE: The following document represents the majority opinion of the Supreme Court of the Student Government Association of Florida International University's MMC Campus, and constitutes a binding decision on all parties concerned within this decision.

STUDENT SUPREME COURT OF FLORIDA INTERNATIONAL UNIVERSITY – MMC

FILED GRIEVANCE – Senate Internal Affairs V. Padilla

Decided 30 November, 2017

Majority Opinion issued 13 December, 2017

By Unanimous Decision

Chief Justice EISINGER, C. delivers the opinion of the Court, in which Associate Justices GARCIA, C., ANDRADE, A., and TIUSO, M. join. Plaintiff Senate Internal Affairs, whose purpose is to ensure senator compliance with all requirements as well as ensuring compliance by SGC-MMC officials with the Ethics Code, brought this action as a grievance against an SGC-MMC official. Senate Internal Affairs asserts that SGC-MMC senators are each required to complete at least three office hours per week as well as attend weekly Senate meetings. Senate Internal Affairs claims that Senator Padilla did not complete these statutory requirements and in turn must be held accountable. Senate Internal Affairs suggest that the accused official be removed from office. We address these claims in turn and rule unanimously in the Plaintiff's favor.

Issues:

1. Whether Senator Padilla failed in his duties as a Senator by not fulfilling the requirements asked of him stated in SGC-MMC Senate Statutes Article III 3.05(d)(i)(vii)

2. If this court finds that Senator Padilla did not fulfil his duties, should he be removed from office?

Holding:

1. The evidence has shown that Senator Padilla is guilty for having failed in his duties as a Senator by not fulfilling the requirements asked of him stated in SGC-MMC Senate Statutes Article III 3.05(d)(i)(vii)
2. Due to Senator Padilla not fulfilling his duties as a Senator, the court has ordered Senator Padilla to be removed from office.

Facts:

1. Senate Internal Affairs must ensure that Senators comply with all requirements as well as ensure compliance by SGC-MMC officials with the Ethics Code.
2. Senator Padilla is currently one of the SIPA Senators for SGC-MMC Senate.
3. As per SGC-MMC Statutes Article III 3.05(d)(i), Senators shall be required to attend all Senate and Committee meetings.
4. As per SGC-MMC Statutes Article III 3.05(d)(vii), Senators shall be required to hold and maintain at least three (3) office hours a week in which they are accessible to their constituents within the Student Body.
5. As of November 13, 2017, Senator Padilla has not attended five senate meetings, has left early for one and arrived late for another.
6. Senate Internal Affairs Chairwoman, Cassidie-Anne Toussaint, stated multiple times during Senate meetings that any absences must be excused.
7. Senator Padilla has only completed one week of office hours as of November 13, 2017.
8. Chairwoman Toussaint has sent multiple emails throughout the semester to Senators warning them about the consequences of not fulfilling their duties.
9. On November 14, 2017, Chairwoman Toussaint filed a grievance against Senator Padilla for not fulfilling his duties as a Senator.
10. Chairwoman Toussaint has asked that the punishment for Senator Padilla is to be his removal from office.

Opinion:

Chief Justice C. Eisinger for a unanimous court,

The Supreme Court of Florida International University's Student Government Association at the MMC Campus will have jurisdiction over the SGC-MMC Constitution, Statutes, 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

The court has been asked to remove Senator Padilla from office for nonfeasance. The Supreme Court of FIU SGC-MMC has the authority to, "Rule to censure or remove SGC officials and/or group(s) of officials upon the outcome of a hearing."³ As stated in the Facts, Senator Padilla has not attended all Senate meetings and has failed to complete his office hours. Senator Padilla has failed to provide the Senate Internal Affairs Committee any evidence or documentation excusing his absences. When given the opportunity once again by Senate Internal Affairs to provide documentation to excuse his absences, Senator Padilla failed to provide the necessary documentation. In regards to Senator Padilla's office hours, the evidence overwhelmingly supports the claim by the Plaintiff that he did not complete his requirement. Per the Plaintiff's claim, the court finds that Senator Padilla has failed in fulfilling his Senatorial requirements.

The court was presented irrefutable evidence that Senator Padilla did not attend all Senate meetings and did not provide valid excuses for said absences. Additionally, the court was presented irrefutable evidence that Senator Padilla did not complete his required weekly office hours for a number of weeks. After taking into account all the evidence that was presented, the court unanimously rules in favor of the Plaintiff and finds Senator Padilla guilty of the charges brought against him. Seeing that Senator Padilla has missed more than half of the required Senate meetings and has not completing more than half of his office hours, the court unanimously rules to remove Senator Padilla from his Senatorial position, effective immediately.

¹ Authority 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."

³ SGA Constitution Article V Section 5(A)(6)