



2015-2016 F.I.U.S.C.

MAJORITY OPINION OF THE COURT

NOTICE: The following document represents an 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

JUDICIAL APPEAL – GILCES V. SIRVEN

Decided 23 March, 2016

Majority Opinion issued 23 March, 2016

By Unanimous Decision

Chief Justice MOLINA, S. delivers the opinion of the Court, in which Associate Justices KURE, H., MENENDEZ, G., TIUSO, M., and WELDON, V. join.

Petitioner Villalón, on behalf of Gilces, the Vice President of the Florida International University's Student Government Associate at the MMC Campus, brought this action in appeal of the decision reached by the Elections Commission in the matter of Gilces V. Sirven on 23 February, 2016. Gilces asserts that despite the similarities between the President of the Resident Housing Association, commonly referred to as RHA, and the President of MMC's Student Government Association, Sirven, who is both the President of RHA and a Presidential candidate for the upcoming SGA Elections at the MMC campus, does not qualify to run for President of SGA-MMC. We address these claims in turn and rule unanimously in Petitioner's favor.

ISSUES:

1. Whether the RHA President is recognized in the Constitution or the Statues as an SGA position;
2. Whether Sirven has held an SGA position for the two semesters, as required by the SGA-MMC Constitution in order to run for President of SGA-MMC;
3. Whether, in light of the answer to these things, Sirven is eligible to run for President of SGA-MMC.

HOLDING:

1. No; neither the SGA-MMC Constitution, nor the SGA-MMC Statues explicitly recognize the RHA President, or the Presidents of other agencies, as SGA positions.
2. No; as the President of RHA is not considered an SGA position, and that Sirven has had no other SGA position prior to his Presidential

candidacy, he has failed to hold any SGA position at all, let alone one for two semesters.

3. No; taking the aforementioned into consideration, Sirven is not eligible to run for President of SGA-MMC.

FACTS

1. Sirven is the current President of the Resident Housing Association (RHA).
2. Sirven is attempting to run for President of SGA-MMC.
3. On 19 February, 2016, Gilces, the current Vice President of SGA-MMC filed a Writ of Certiorari to the Elections Commission against Sirven.
4. Gilces States that Sirven does not meet the qualifications to be eligible to run for President of SGA-MMC.
5. Gilces requested the disqualification of Sirven's candidacy as a result of his alleged ineligibility.
6. The Elections Commission met on 23 February, 2016 to deliberate over Gilces' Writ.
7. The Elections Commission found that Sirven was, in fact, eligible and qualified to run for President of SGA-MMC.
8. On 25 February, 2016, Gilces filed an appeal to the Supreme Court in regards to the decision reached by the Elections Commission.
9. Gilces, once again, alleges that Sirven does not meet the qualifications to be eligible to run for President of SGA-MMC and that the Elections Commission was misguided in their decision.

OPINION

Chief Justice S. Molina for a unanimous court,

The Supreme Court of Florida International University's Student Government Association at the MMC Campus will have jurisdiction over the SGA-MMC Constitution, Statues, and all other governing documents, and the upholding of each. Such being the case, and in order to fully discuss the issue in question, The Court must first recognize the SGA-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 Statues. ²

If The Court is to determine who is eligible to run for Presidency by taking the Constitution for face value, it must reference Article VII, Section 4, which outlines the academic requirements, but, more importantly, specifies the required experience in regards to SGA-MMC. As it is written, "The President shall have held at least one SGA position for at least two (2) semesters or one hundred and fifty-four (154) consecutive days prior to the first day of campaigning in general elections, except in the case the President succeeds to office".

Respondent, Sirven, interpreting this statement very loosely, alleges that the RHA President is considered an SGA position and that as such, he should be deemed eligible to run for SGA-MMC President. The Court, fully recognizing the ambiguity in the definition of an "SGA position" as stated in Article VII, Section 4, cannot accurately rule on the issues brought forth by the Petitioner. Because of this, The Court took notice of Sirven's reference to Article IV, Section 4.05 (A)(i)(1) of the Statues, which states that "the Student Government Council Agencies/Bureaus are established to perform the duties as described in these Statues with the purpose of programming activities, managing student clubs, and representing student organizations", Article IV, Section 4.05 (A)(iii)(5), which states that "each President, Director, or Agency/Bureau Representative shall attend all Executive Cabinet meetings. The Agency/Bureau shall present a brief weekly verbal report and a more in-depth written report at least twice a month (filed with the SGC-MMC Clerk) on the status of their organization (events, minutes, membership numbers, spending, etc.)", and Article IV, Section 4.05 (A)(viii), which

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."

discusses the Residence Hall Association, as well as its expectations and requirements, in further detail.

Undoubtedly, The Court recognizes the fact that the RHA President has been created by the SGA-MMC to account for the needs of housing students, however, The Court still fails to deduce from those references that the RHA President is not only created by the SGA-MMC, but also an official SGA position. The only SGA Positions, in relation to housing students, that are recognized explicitly by any governing document of SGA-MMC, and by This Court, are the Housing Senators, as is stated in Article III, Section 2 (A)(13) of the SGA-MMC Constitution.³

However, if, for the sake of argument, The Court chose to ignore the fact that the SGA-MMC Constitution supersedes the SGA-MMC Statues, the result would be the same: The Court would still find that the RHA President is not considered an SGA position, as the RHA President is not mentioned in Article III⁴, Article IV⁵, or Article V⁶ of the SGA-MMC Statues, each of which identifies each of all the branches of government recognized by SGA-MMC. Instead, all that is referenced is a list of Agencies/Bureaus, the formation of such, and the expectations/requirements of each. The only relationship between SGA-MMC and any Agency/Bureau—RHA included—is that each is created by SGA-MMC, answers to SGA-MMC, is funded by SGA—MMC, but is not part of SGA-MMC; each is separate, each has their own governing documents.

When referencing the specificity of payment of the Agencies/Bureaus by the SGA-MMC, as outlined in Article IX, Section 1 of the SGA-MMC Constitution, The Court found that such is no more than a fiscal measure, as stated by the Petitioner. As it is stated, “governing councils shall dutifully expend A&S Fees appropriated to them by SGA in order to enhance the Student Body experience. Each Governing Council shall be under the jurisdiction of either SGC-MMC or SGC-BBC”.

³ “Two (2) Housing Senators”

⁴ Article III – Legislative Branch

⁵ Article IV – Executive Branch

⁶ Article V – Judicial Branch

Were SGA-MMC and its Agencies/Bureaus one in the same, the Constitution would have no need to clearly delineate, and explicitly note, that SGA appropriates funds to said Agencies/Bureaus. Instead, it would fall under the same umbrella of payment as SGA-MMC and all of its branches of government. Furthermore, the fact that agencies/bureaus fall under the jurisdiction of SGA-MMC does not necessarily mean that the former is part of the latter, similarly to the way that This Court is not part of the Executive Branch.

Despite the consideration of our hypothetical, The Court cannot interpret these facts assuming that the Constitution does not supersede the Statues; instead, it recognizes the hierarchical structure. Additionally, The Court recognizes the changes made from the 2008 edition of the SGA-MMC Constitution, which explicitly listed the RHA President as an SGA position, to the current edition of the SGA MMC Constitution, which purposefully removed the RHA President as an SGA position.

The Court also notes that this large puzzle of obscure governing texts is something that even the Elections Commission clearly couldn’t put together. Such is evident by the Election Commission’s reference to the inconsistencies⁷, conflicting information⁸, and lack of clarity⁹ between the Constitution and Statues of SGA-MMC. However, where the Elections Commission has failed to do its job by loosely interpreting the governing documents and intentionally “[erring] on the side of democracy and competition” rather than on the side of facts and evidence, This Court has chosen to obey the Black Letter Law¹⁰, and make a decision in light of the evidence, and the evidence alone.

Although This Court sympathizes with Sirven, it is not a Court that can make rulings on the basis of emotions or feelings. For all the

⁷ “Not only are there inconsistencies within the governing laws that the petitioner cited...”

⁸ “We strongly recommend that the Senate resolve these discrepancies...”

⁹ “The Board has found that there is not enough clarity in the SGA Constitution and Statues...”

¹⁰ A term used to describe basic principles of law that are accepted by a majority of judges

reasons outlined and referenced herein, The Supreme Court of Florida International University's Student Government Association at the MMC Campus rules unanimously in favor of the Petitioner, overturns the decision reached by the Elections Commission, and disqualifies Sirven from running for President of SGA-MMC on the basis of his constitutional ineligibility.