




FLORIDA INTERNATIONAL UNIVERSITY  
STUDENT GOVERNMENT COUNCIL  
MODESTO A. MAIDIQUE CAMPUS  
**STATUTES**

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Through the Authority of the SGA Constitution, the Student Government Council - Modesto A. Maidique Campus hereby establishes its statutory policies and procedures.

 *September 25, 2020*



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## ARTICLE I. ORGANIZATION

### Section 1.01 Jurisdiction

- (a) All students by virtue of their registration at Florida International University are members of the Student Body and are granted all the rights and privileges of the Student Government Association (SGA) Constitution and the Student Government Council - Modesto A. Maidique Campus (SGC-MMC) Statutes.
- (b) Members of the Student Body shall be subject to the SGA Constitution, University Wide and SGC Statutes, SGA rules and procedures, and all University rules and regulations.
- (c) All organizations, entities, and groups funded by the Student Government Council - Modesto A. Maidique Campus Activity and Service Fee allocations shall be subject to these Statutes.

### Section 1.02 Council Structure

- (a) The Student Government Council - Modesto A. Maidique Campus shall have all powers as prescribed by the SGA Constitution in the Modesto A. Maidique Campus, and the Engineering and Applied Sciences Center of Florida International University.
- (b) The SGC-MMC shall oversee all student organizations and Activity and Service Fee funded entities.
- (c) The SGC-MMC shall be divided into three separate but equal branches, the Executive, represented by the President, the Legislative, represented by the Senate, and the Judicial, represented by the Supreme Court.

### Section 1.03 Statutes Structure

- (a) All Student Body laws of permanent effect and general public interest, or of legal or historical significance, shall be compiled in a codification known as Student Government Council - Modesto A. Maidique Campus Statutes. Except in unusual circumstances, this codification shall exclude non-governmental organizational charters, authorizations, resolutions, proposed constitutional amendments, the Budget and amendments thereto, and contracts of limited duration.
- (b) The Statutes shall be arranged by subject matter in the following nine (9) articles:
  - (i) Article I. Organization



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- (ii) Article II. General Statutes
  - (iii) Article III. Legislative Branch
  - (iv) Article IV. Executive Branch
  - (v) Article V. Judicial Branch
  - (vi) Article VI. Elections Code
  - (vii) Article VII. Finance Code
  - (viii) Article VIII. Ethics Code
  - (ix) Article IX. Amendments and Procedures
- (c) Each article shall be divided in sections marked in a decimal place system, with section followed by the containing article's number, with each tenth decimal place specifying the section's number, as Section 1.01, is the first section within the first article.
- (i) Each section shall be divided in subsections, organized with lowercase roman numerals.
    - (1) Each subsection shall be divided in sub-subsections, organized with Latin numerals.
      - a) Each sub-subsection shall be divided in paragraphs, marked in outline form with the alphabet.
        - i) Each paragraph shall be divided in sub-paragraphs, marked with lowercase roman numerals.
          - 1. Each sub-paragraph shall be divided in clauses, marked in outline form with Latin numerals.



## ARTICLE II. GENERAL STATUTES

### Section 2.01 Definitions

- (a) The most recent edition of Black's Law Dictionary shall be used in understanding the terms contained within the Student Body Statutes not otherwise defined in this section.
  - (i) Agency
    - (1) An administrative division of the Executive Branch created to provide goods and/or services to the entire Student Body. The service shall be student oriented and shall be available for use by all students. The agency will be held responsible for the administration of their budgets and adherence to their purpose as outlined in these statutes. It shall be able to establish separate identities from the SGC-MMC upon approval of the SGC-MMC President.
  - (ii) Activity and Service Fee funded entity
    - (1) Any person, group, department, organization, or office that receives any funding from the Activity and Service Fee.
  - (iii) Activities and Services Fees
    - (1) The State of Florida has established a separate Activity and Service Fee. This fee shall be collected as part of the student tuition as a dollar amount per credit hour and shall be retained by the University and paid into a separate A&S fund.
  - (iv) Committee
    - (1) The entities within the SGC-MMC Senate with a specific purpose as outlined in these Statutes or through a council bill.
  - (v) Conflict of interest
    - (1) 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,



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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 Speaker, 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.

(ix) Council

- (1) An administrative division of the Executive Branch created to provide representation and programming to a particular and established interest group of the Florida International University. The Council will be held responsible for the administration of their budgets and adherence to their purpose as outlined in these statutes. It shall be able to establish separate identities from the SGC-MMC upon approval of the SGA-MMC President.

(viii) Executive Board

- (1) The leaders of the SGC-MMC: the President, Vice President, Speaker of the Senate, Speaker Pro Tempore, Comptroller, and the Chief Justice.

(x) Malfeasance

- (1) The performance by a public official of an act that is legally unjustified, harmful, or contrary to law.

(xi) Misfeasance

- (1) The wrongful performance of a normally lawful act.

(xii) Nonfeasance

- (1) The omission of some act that ought to have been performed.

(xiii) Senate Leadership

- (1) Senate Leadership shall be comprised of the Speaker, the Speaker Pro Tempore, and each of the Committee Chairs.



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(xiv) Student Government Official

- (1) Any official member of the Legislative, Executive, or Judicial Branch, or those other individuals as identified in these Statutes.

**Section 2.02 Logo**

- (a) The logo of the Student Government Council - Modesto A. Maidique Campus shall be the official graphic representation of the SGC.
- (i) The logo and any subsequent changes to it must be approved by a simple majority of the Senate.

**Section 2.03 Executive Board**

- (a) The Executive Board shall meet on a regularly regular basis to discuss matters of SGC-MMC leadership and assure inter-branch cooperation.

**Section 2.04 Florida State Statutes Compliance**

- (a) Activities and Service Fee Fund Allocation
- (i) The SGC-MMC shall comply with Section 1009.24 State University Student Fees of the Florida Statutes when fulfilling its duties and allocating the Activity and Service Fee funds.
- (b) Florida Sunshine Law
- (i) The Student Government Council and SGC-MMC funded entities are bound by Florida Sunshine Laws as defined by Title XIX Chapter 286 - Public Business of the Florida Statutes.

**Section 2.05 Transparency and Accountability**

- (a) SGC-MMC Public Meetings and Records
- (i) All Senate, Cabinet, and full council meetings of the Student Government Council at Modesto A. Maidique Campus shall be video and/or audio recorded, with all recordings posted online on the SGC-MMC website.



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- (ii) All signed legislation must be scanned, stored electronically, and be accessible online. (1) Legislation must be scanned with the President's signature or veto.

**Section 2.06 Clerk of Council**

- (a) The Clerk of Council shall be the official record keeper of the SGC-MMC.
- (b) The Clerk of Council shall not be considered a member of any constitutional branch, but shall be subject to the same requirements and oversight as any SGC-MMC Official.
  - (i) The Clerk shall be appointed by the President and confirmed by the Senate.
  - (ii) The Clerk can be removed from office by the Senate through the impeachment and removal process and by the Judicial Branch.
- (c) The Clerk of Council shall attend all Senate meetings, weekly Executive Branch meetings, and University Wide Council Meetings when hosted by the SGC-MMC.
  - (i) The Clerk of Council shall be able to designate an individual to represent him/her self at these functions.

**Section 2.07 Council Emoluments & Remunerations**

- (a) At the inception of the University Wide Budget Committee process, the President shall submit an Emoluments Proposal, at which time the Senate shall review the proposed emolument amounts for all branches and positions of the Student Government Association (Legislative, Judiciary, and Executive).
  - (i) The Emoluments Proposal must be approved by a two-thirds (2/3) vote of the Senate.
- (b) Executive Cabinet emoluments shall not surpass the emoluments amounts of the Senators with the exception of the SGC-MMC Chief of Staff.
  - (i) Exceptions may be made by Presidential request with the approval of a simple majority of the Senate.
- (c) Emoluments shall be made public to the student body on the SGA website as an individual document at the commencement of each fiscal year.
  - (i) The document shall break down the pay per position per each SGC - MMC Official under fully staffed conditions.





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- (ii) Should any positions be modified, added, or removed, the document shall be updated.
- (d) SGC-MMC Vice President, Senate Speaker & Chief Justice shall receive annually an amount up to seventy-five percent (75%) of the President's pay, distributed bi-weekly.
- (e) SGC-MMC Speaker Pro Tempore & Comptroller shall receive annually an amount up to fifty percent (50%) of the President's pay, distributed bi-weekly.
- (f) SGC-MMC Senators, excluding the Speaker & Speaker Pro Tempore, shall receive annually an amount up to twenty-five percent (25%) of the President's pay.
- (g) Salaries for other appointed or elected positions of each SGC, including such positions as Director of Student Legislative Affairs, Chief of Staff, and Elections Commissioner, shall be left to the discretion of the individual executive council of SGC-MMC, an amount up to twenty-five percent (25%) of the President's pay.



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## ARTICLE III. LEGISLATIVE BRANCH

### Section 3.01 Purpose and Powers

(a) Purpose

- i) The purpose and duties of the Student Senate, hereinafter referred to as the “Senate”, shall be to serve as the legislative body of the SGC-MMC, presenting and discussing legislation in the form of resolutions, appropriations, and bills for the benefit of the student body. In addition, the Senate shall serve as a venue for the Senators to report progress, discuss upcoming goals and ideas, investigate issues and debate on matters concerning student life at FIU.

(b) Powers

- i) The Senate shall, subject the SGA Constitution, University-Wide Statues, and MMC Statues shall:
  - (1) Enact all legislation necessary and proper for the general welfare of the Student Body.
  - (2) The Senate shall be able to make emolument recommendations at the beginning of the annual budget process after receiving an Emoluments Proposal from the President.
  - (3) Approve and allocate Activity & Service Fee fund expenditures, subject to the provisions of the Chapter 1009.24 of the Florida Statutes.
  - (4) Approve or deny all appointments that the President presents to the Senate.
  - (5) Overturn a Presidential veto by a two-thirds (2/3) majority vote.
  - (6) Create any ad hoc Committee deemed necessary and proper to the operation of its duties.
  - (7) Audit student organizations and entities funded by SGA through A&S Fee funds.
  - (8) Expand the jurisdiction of the Supreme Court, expand the number of Justices of the Supreme Court, Judicial Branch; the number of Justices on any court shall be an odd number.
    - a) Lower court Justices and clerks shall not be considered SGA officials for the purposes of emolument.
  - (9) The Senate shall be able to summon members as well as records of the Executive Branch of the SGC-MMC, Governing Councils for hearings on the information or Officials.



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- (10) The Senate shall have the power to impeach, which is the formal charge of misfeasance, malfeasance, or nonfeasance, and remove any SGC Official.

**Section 3.02 Terms of Office**

- (a) Senators shall assume office upon inauguration.
- (b) Senators shall serve for a (1) academic year term.
- (c) Senators shall be dismissed from office at the end of the Spring semester as per the University Academic Calendar.
- (d) Senators shall may otherwise only be dismissed from office for reasons of formal resignation, failure to meet SGA qualifications to hold office, failure to be in good standing with the Office of Student Conduct and Conflict Resolution, or by impeachment and removal from office.
- (e) Appointed Senators shall serve the remainder of the term of the seat in which they have been appointed to.

**Section 3.03 Installation of Senators**

- (f) Installation of Senators shall occur at the inauguration ceremony for the term that they are elected. Any Senators not sworn in at inauguration shall be sworn in at the next Senate meeting they are present.
- (g) Installation of appointed Senators shall occur at the Senate meeting in which they are confirmed at. The installation of multiple appointed Senators may be done at once. (h)

The following oath of office shall be administered:

*“I, (Officer’s Full Name) do solemnly swear (or affirm) that I will support the Constitution of the United States, the constitution and the laws of the state of Florida, the Constitution and the laws of the Student Government Association of Florida International University, and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, to the best of my ability, so help me God (or on pain of impeachment).”*

- i) Candidates may choose to replace the words “so help me God” with “on pain of impeachment,” when taking the oath of office. The person administering the oath shall inform the candidate of the option to change the ending of the oath prior to the administration of the oath.

**Section 3.04 Organization**



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- (a) Structure
  - (i) The Senate shall be comprised and apportioned as delineated by the SGA Constitution.
  - (ii) The SGC-MMC Vice President shall serve as the ex-officio non-voting President of the Senate.
    - (1) The SGC-MMC Vice President shall serve as chair of all Senate meetings until the Senate elects the Speaker of the Senate.
      - a) Should a tie occur, the SGC-MMC Vice President shall cast the tie-breaking vote.
      - b) In the absence of the SGC-MMC Vice President, the SGC-MMC President or their designee shall serve as chair until the Senate elects the Speaker of the Senate.
        - i) The SGC-MMC President must notify in writing to all members of the Senate and the SGA Advisor(s) regarding whom will be their designee.
  - (iii) The SGC-MMC Speaker of the Senate shall be elected no later than the second meeting of the new legislative session.
  - (iv) The Senate shall establish its Standing Committees.
  - (v) The Senate shall be administered, represented, and guided by the Speaker, and assisted by the Speaker Pro Tempore.
- (b) Senate Leadership
  - (i) Speaker of the Senate
    - (1) The Speaker of the Senate hereinafter referred to as the “Speaker”, upon election, shall chair all Senate meetings, and the chief administrative officer of the Senate.
    - (2) The Speaker shall be a Senator, selected by a simple majority vote of the Senate.
    - (3) The SGC-MMC Vice President shall be ineligible to serve as the Speaker.
    - (4) The Speaker shall report on the business of the Senate to the SGC-MMC Executive Board.
    - (5) The Speaker shall be the official voice of the Senate and shall represent the Senate in all official matters, including but not limited to, University functions and the Florida Student Association (FSA).
    - (6) The Speaker shall serve as one of the two (2) SGC-MMC Senators on the University Wide Council, University Wide Budget Committee, and the MMC Campus Budget Committee.



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- (7) The Speaker shall draft Bills that authorize the approval of the SGA budget.
  - (8) The Speaker of the Senate shall oversee the Legislative Archives.
  - (9) The Speaker shall have the power to call additional meetings of the Senate as necessary with forty-eight (48) hours written notice to the Senate membership. Attendance in these cases is mandatory.
  - (10) The Speaker shall be an ex-officio non-voting member of all Committees and shall only serve an advisory role. They shall have all rights except voting. They shall be exempt from Committee requirements.
  - (11) The Speaker shall complete an additional 7 regularly-scheduled office hours per week on top of the three (3) office hours required of Senators. Their office hours shall be publicly available.
- (ii) Speaker Pro Tempore
- (1) The Speaker Pro Tempore shall assist the Speaker in their duties and shall assume the role of the Speaker in the event of the Speaker's absence, recusal, resignation, or impeachment.
  - (2) The Speaker Pro Tempore shall be a Senator, selected by a simple majority vote of the Senate.
  - (3) The SGC-MMC President shall be ineligible to serve as the Speaker Pro Tempore.
  - (4) In the absence of the Speaker, the Speaker Pro Tempore shall chair all Senate meetings and report on the business of the Senate to the SGC-MMC Executive Board.
  - (5) In the absence of the Speaker, the Speaker Pro Tempore shall be the official voice of the Senate and shall represent the Senate in all official matters, including but not limited to, University functions and the Florida Student Association (FSA).
  - (6) Should the Speaker resign or be impeached and removed from office, the Speaker Pro Tempore shall assume the role of acting Speaker of the Senate until a new Speaker is elected.
    - a) Should there be no Speaker Pro Tempore or the Speaker Pro Tempore resigns or is impeached and removed, the Line of Succession shall determine the acting Speaker of the Senate until a new Speaker is elected.
      - i) Should the Line of Succession be exhausted, the SGC-MMC Vice President shall appoint a Senator to assume the role of acting Speaker until a new Speaker is elected.



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- (7) The Speaker Pro Tempore shall serve as one of the two (2) SGC-MMC Senators on the University Wide Council and the University Wide Budget Committee.
  - (8) The Speaker Pro Tempore shall oversee the Legislative Archives.
  - (9) The Speaker Pro Tempore shall be an ex-officio non-voting member of all Committees and shall only serve an advisory role. They shall have all rights except voting. They shall be exempt from Committee requirements.
  - (10) The Pro Tempore shall complete an additional 7 regularly-scheduled office hours per week on top of the three (3) office hours required of Senators. Their office hours shall be publicly available.
- (iii) Committee Chairs
- (1) All Committee Chairs shall serve as the chief administrative officers of their respective Committees.
  - (2) A Chairs may be removed from their chairmanship by a simple majority vote of the Senate, or by Judicial order.
  - (3) Committee Chairs must present a report to the Senate following each Committee meeting. In the absence of the Chair, the Vice Chair or any committee member shall present the report.
  - (4) Committee Chairs must submit comprehensive bi-weekly, written reports to the Speaker of the Senate by the 2<sup>nd</sup> and 4<sup>th</sup> Senate meeting of each month.
  - (5) No Senator shall chair more than one (1) Standing Committee.
  - (6) The SGC-MMC Vice President, Speaker, or Speaker Pro Tempore shall be ineligible to serve as the Chair of any Committee.
  - (7) Committee Chairs shall hold 2 additional office hours a week, for a total of five (5) office hours a week.
- (iv) Order of Succession
- (1) Should the Speaker be unable to fulfill their duties, the order of successions shall be as follows.
    - a) Speaker Pro Tempore
      - i) The Speaker Pro Tempore shall be the second in line in Senate Leadership.
    - b) Finance Committee Chair
      - i) The Finance Committee Chair shall be the third in line in Senate Leadership.
    - c) Rules, Legislation, and Judiciary Committee Chair
      - i) The Rules, Legislation, and Judiciary Committee Chair shall be the fourth in line in Senate Leadership.



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- d) Operational Review Committee Chair
  - i) The Operational Review Committee Chair shall be the fifth in line in Senate Leadership.
- e) Internal Affairs Committee Chair
  - i) The Internal Affairs Committee Chair shall be the sixth in line in Senate Leadership.
- f) Student Advocacy Committee Chair
  - i) The Student Advocacy Committee Chair shall be the seventh in line in Senate Leadership.
- g) Graduate and Professional Student Committee Chair
  - i) The Graduate and Professional Student Committee Chair shall be the eighth in line in Senate Leadership.
- (v) Election of Senate Leadership
  - (1) Speaker of the Senate
    - a) Nominations and selection of the Speaker shall be conducted by the SGC-MMC Vice President and shall be no later than two (2) Senate meetings after the beginning of a new Senate term. Should a Speaker resign or be impeached and removed, the SGC-MMC Vice President shall conduct the nomination and selection of a new Speaker at the next Senate meeting.
    - b) Upon opening of the floor to nominations, nominees must accept or decline a nomination.
    - c) Upon closing of the floor to nominations, the nominee(s) shall be allowed to speak for two (2) minutes. The nominee(s) shall speak in alphabetical order of their surname.
    - d) The Senate shall be allowed to hold a debate and discussion prior to voting.
    - e) The Speaker shall be selected by a simple majority vote of the Senate.
  - (2) Speaker Pro Tempore
    - a) Nominations and selection of the Speaker Pro Tempore must occur during the same meeting as the selection of the Speaker. Should a Speaker Pro Tempore resign, or be impeached and removed, the Speaker shall conduct the nomination and selection of a new Speaker Pro Tempore at the next Senate meeting.



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- b) Upon opening of the floor to nominations, nominees must accept or decline a nomination.
- c) Upon closing of the floor to nominations, the nominee(s) shall be allowed to speak for two (2) minutes. The nominee(s) shall speak in alphabetical order of their surname.
- d) The Senate shall be allowed to hold a discussion prior to voting.
- e) The Speaker shall be selected by a simple majority vote of the Senate.

(3) Committee Chairs

- a) A Committee Chair shall be elected from the members of the Senate.
- b) Upon opening of the floor to nominations, nominees must accept or decline a nomination.
- c) Upon closing of the floor to nominations, the nominee(s) shall be allowed to speak for two (2) minutes. The nominee(s) shall speak in alphabetical order of their surname.
- d) The Senate shall be allowed to hold a discussion prior to voting.
- e) A Committee Chair shall be selected by a simple majority vote of the Senate.
- f) Should a Committee Chair resign, or be impeached and removed, the Speaker shall conduct the nomination and selection of the vacant Committee Chair at the next Senate Meeting.
  - i) The Vice Chair of the Committee shall act as the Acting Chair of the Committee until a new Committee Chair is selected.

(vi) Senate Leadership Responsibilities

- (1) The Speaker and Speaker Pro Tempore shall analyze the degree to which each Senator has fulfilled their duties and requirements as enumerated in the SGC-MMC Statutes.
  - a) This analysis shall be made available in a monthly report that is publically available in the SGC-MMC Office and website.
- (2) Senate Leadership shall meet bi-weekly to discuss attendance and legislative work.
  - a) This meeting shall be chaired by the Speaker of the Senate.
    - i) In the Speaker's absence, the chair of the meeting will be decided the regular Senate Line of Succession.





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- b) Committee Chairs shall disclose committee member attendance and Committee business as part of their Committee report.
- (c) Legislative Aides
  - (i) Legislative Aides (LA) shall be assistants to the Senate, its members, and its Committees, whose purpose is to aide in special functions including but not limited to media relations, legislative research, event planning and administrative duties.
    - (1) LAs shall not be considered SGC-MMC Officials for the purposes of Senate floor privileges and SGA resource management.
    - (2) LAs shall perform the duties as assigned by their appointer. The LA and the Speaker must be notified of their duties and updates to their duties in written notification.
      - a) Legislative Aides may exercise some special duties in the areas above with written consent from their appointed and written notification to the Speaker.
    - (3) LAs shall be subject to any requirements as determined by their appointer. The LA and the Speaker must be notified of their requirements and updates to their requirements in written notification.
    - (4) Aides may be removed by their appointer, the Speaker, or the Speaker Pro Tempore of the Senate, at their discretion without any impeachment or judicial procedure.
    - (5) Legislative Aides shall not hold any other office within the SGA.
  - (ii) The Speaker and Speaker Pro Tempore shall be able to appoint up to three (3) Legislative Aides each.
  - (iii) Each Committee shall be able to appoint up to four (4) Legislative Aides, to be appointed by each Committee chair, and confirmed by the Committee members with a simple majority of those committee members present and able to vote. (iv) Each Senator shall be able to appoint up to two (2) Legislative Aides.
- (d) Organizational Definitions
  - (i) Quorum
    - (1) “Quorum” is defined as the simple majority of members for Senate and Committee meetings for business to be transacted legally.
  - (ii) Simple Majority Vote
    - (1) “Simple Majority Vote” shall be defined as one (1) more than half of those Senators present and able to vote, excluding abstentions, at any properly opened meeting at which a quorum is present.
  - (iii) Two-Thirds Majority



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- (1) “Two-Thirds Majority Vote” or “supermajority” shall be defined as at least two-thirds ( $2/3$ ) vote of those Senators present and able to vote, excluding abstentions, at any properly opened meeting at which a quorum is present.
- (iv) Three-Fifths Majority Vote
  - (1) “Three-Fifths Majority Vote” shall be defined as three-fifths ( $3/5$ ) vote of those Senators present and able to vote, excluding abstentions, at any properly opened meeting at which a quorum is present.
- (v) Entire Senate Membership
  - (1) “Entire Senate Membership” shall be defined as the total authorized number of Senators in the Senate minus the number of vacancies.
- (vi) Nonfeasance
  - (1) “Nonfeasance”, per Article II, shall be defined the omission of some act that ought to have been performed.
- (vii) Misfeasance
  - (1) “Misfeasance”, per Article II, shall be defined as the wrongful performance of a normally lawful act.
- (viii) Malfeasance
  - (1) “Malfeasance”, per Article II, shall be defined as the performance by a public official of an act that is legally unjustified, harmful, or contrary to law.

**Section 3.05 Senate Committees**

- (a) Standing Committees
  - (i) The Standing Committees of the SGC-MMC Senate shall be the Finance Committee, Rules, Legislation and Judiciary Committee, Student Advocacy Committee, Operational Review Committee, Internal Affairs Committee and Graduate and Professional Student Committee. It shall be the duty of these committees to present items for discussion and present solutions to the SGC-MMC Senate. These committees are to be chaired by SGC-MMC Senators.
- (b) Ad hoc Committees
  - (i) An Ad hoc committee shall be formed by Resolution passed with a two-thirds majority vote.
    - (1) This Resolution shall state the name of the committee, the purpose, objective, and scope of the committee, requirements of the committee, and



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the conditions for its dissolution whether it be a date of dissolution, or upon successful completion of the committee's objectives.

- (2) This Resolution shall not be subject to Presidential veto.
  - (ii) Upon formation of an ad hoc committee, the Senate shall choose the Chair per the procedures for selection of Chairs at the same Senate meeting.
  - (iii) The ad hoc committee shall be subject to committee requirements and any other requirements as set forth in the Resolution forming it.
  - (iv) The Senate may dissolve any ad hoc committee as deemed necessary with a two-thirds (2/3) majority vote.
- (c) Committee Requirements
- (i) Each committee will be responsible for the selection of a Vice Chairperson who is voted upon by the individual members of each committee during its first meeting.
  - (ii) Committees shall meet every week to conduct business. Attendance and minutes shall be recorded by the Vice Chairperson, distributed and filed with the Clerk of Council in the SGC-MMC office within forty-eight (48) hours of the meeting's adjournment.
    - (1) Committees shall be able to hold hearings on specific topics. These hearings shall count towards the committee meeting requirement.
    - (2) Senators may attend committee meetings virtually or by phone at the discretion of the respective committee chair.
    - (3) Should FIU make announcements resulting in the closing of facilities and rooms due to external emergency circumstances concerning public safety, all Senate Committees and recognized Ad Hoc Committees will continue to meet through a University sponsored online platform on the dates and times as declared by the respective Committee chairs.
  - (iii) Committee size, excluding the Finance Committee and the Graduate and Professional Student Committee, shall be determined by the SGC-MMC Speaker.
  - (iv) Any official decisions and/or projects, initiatives and measures made by a Committee must be brought before the Senate for approval.
    - (1) The Graduate and Professional Student Committee shall be exempt from this clause for requests made by graduate students for conference, research, professional development funding, Gradsellar events, and Graduate Student Appreciation Week, and shall bring all other decisions before the entire Senate.
- (d) Finance Committee
- (i) Purpose and Responsibilities



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- (1) The purpose of the Finance Committee (FC) is to allocate the Finance Committee Appropriations Budget.
    - (2) It is the responsibility of the Finance Committee to review and make recommendations to the Senate for the expenditure of all reserve and unallocated funds of the SGC-MMC budget, as well as the Finance Committee Appropriations budget, including any line item transfers in the completed budget.
  - (ii) Structure
    - (1) The Finance Committee shall be comprised of the Finance Committee Chairperson and five (5) additional Senators selected by a simple majority vote of the Senate.
    - (2) Any matter being presented to the Senate by the Finance Committee must have two (2) sponsoring Senators.
      - a) All appropriations must first be approved by the Finance Committee. This is to be done with a simple majority vote of Committee membership, given quorum.
      - b) Once the Finance Committee approves any appropriation, the proposal is then brought before the Senate. The appropriation is to be approved with a simple majority vote of the Senate.
      - c) If not approved by the Finance Committee, the proposed appropriation shall be reported to the Senate at the next regularly scheduled meeting.
      - d) If a Senator wishes the appropriation to be reconsidered by the Finance Committee, they must gain a simple majority vote of the Senate. This is to be done with a 'Motion to Reconsider Proposed Appropriation'.
      - e) If the Finance Committee does not approve an appropriation after reviewing it for the second time, they must provide a summary paragraph to describe why the appropriation was not approved and the Senate may overturn the Committee's decision with a two-thirds (2/3) majority vote.
- (e) Rules, Legislation and Judiciary Committee
  - (i) Purpose and Responsibilities
    - (1) The purpose of the Rules, Legislation and Judiciary Committee (RLJC or Rules Committee) is to keep and maintain the Senate Rules of Procedure, ensure the proper passage of legislation in the Senate, and serve as a liaison between the Legislative and Judicial Branches.



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- (2) The Rules Committee is charged with the responsibility of preparing and submitting the protocols, formats, and rules to allow for efficient working of the Senate and its committees.
- (3) The Rules Committee shall prepare and maintain the Senate Rules of Procedure and submit them for approval by the Senate.
  - a) These Rules of Procedure shall be amended by the same procedure as the Student Government Statutes but shall not be subject to Presidential veto.
  - b) The Senate Rules of Procedure shall serve to detail internal procedures and policies of the Senate and shall not conflict with the Student Government Association Constitution and Statutes.
  - c) Each session, the Rules Committee shall review the Senate Rules of Procedure, and submit recommendations, if necessary, for the improvement of the document.
  - d) All amendments to the Senate Rules of Procedure must be presented to the Rules, Legislation, & Judiciary Committee for its approval by a simple majority.
    - i) After legislation is referred to the committee, once approved, it shall be presented to the Senate by two (2) members of the committee.
    - ii) The procedural legislation may be approved with a simple majority vote of the Senate.
    - iii) Shall a proposal be rejected by the Committee, and a Senator wish that the legislation be reconsidered by the Rules Committee, they must gain a simple majority vote of the SGC-MMC Senate. This is to be done with a 'Motion to Reconsider Proposed Procedural Legislation'.
    - iv) If the Rules Committee does not approve a piece of legislation after reviewing it for the second time, the Senate may overturn the committee's decision with a two-thirds (2/3) vote of its members.
- (4) The committee shall have the responsibility of reviewing legislation to ensure the legality, proper format, constitutionality, implication, spelling, grammar, references, and syntax, when submitted to the Committee prior to the legislation reaching the Senate floor.
  - a) The committee may pass, table, or fail all legislation sent or referred to the Committee:



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- i) Legislation passed by the committee may be done so with or without committee recommendations.
  - ii) Legislation tabled by the committee shall be reviewed in the next committee meeting or it will be considered failed in committee
  - iii) Legislation failed by the committee on the basis of the aforementioned review standards shall be sent back to the author.
    - i. The Chair of the committee shall inform the author as to why it failed.
- (5) The committee will verify that all legislation is signed by the President.
- (6) Once legislation becomes law, it is the responsibility of the Rules Committee to update the SGC-MMC Statutes.
- (7) It is the responsibility of the Rules, Legislation, and Judiciary Committee to maintain a register of all statutes' amendments passed by the Senate and made effective by the SGC-MMC President.
  - a) The register shall be maintained as a separate print and digital document accessible to all SGA officials and the public.
  - b) The document shall be updated and made public within one (1) week of an amendment becoming effective.
  - c) The register will be separated by Article in numerical order, with each article maintained as its own section.
  - d) Each entry in the register shall be codified as follows:
    - i) Commence with a square bracket ([), followed by the Agenda Item number of the amendment (SB#####), followed by the date in which it was enacted in the form of (YYYY/MM/DD) and an m-dash (—), and closed with a square bracket (]) resulting in the full format of [SB#####—YYYY/MM/DD].
    - ii) Should an article be added to the statutes, it shall be given its own section respective of its numerical position.
      - i. The first entry shall be the bill which created the article.
    - iii) Should an article be removed from the statutes, its section shall be marked as deleted but not deleted from the register.
      - i. The last entry shall be the bill which removed the article.



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- ii. The removed article shall be moved to the end of the register, irrespective of numerical order.
  - (8) Upon the request of a simple majority of the Senate, the Rules Committee can prepare and provide a report for applicants to the Supreme Court.
  - (9) The Committee by request of a simple majority of the Senate, can also review the performance of the Chief Justice and Associate Justices, to then submit a positive or negative report to the Senate.
    - a) If the committee submits a negative report, the report can be considered grounds for instigation of impeachment against a member of the Judiciary, in accordance with the SGA Constitution.
  - (10) The Rules Committee will work in coordination with the Supreme Court to suggest updates and amendments to the Student Government Association Constitution and Statutes.
  - (11) All judicial hearing reports may be reviewed by this committee, ensuring the legislative oversight over the Chief Justice and Associate Justices.
  - (12) The RLJC shall be responsible of representing the Senate before the Judicial Branch in cases where there is a grievance against the Senate.
  - (13) The RLJC shall be responsible with informing all incoming Senators of the appropriate legislative format.
- (ii) Structure
- (1) The Rules, Legislation, & Judiciary Committee shall be composed of a Committee Chairperson and an odd number of Senators as determined by the Speaker.
- (f) Operational Review Committee
- (i) Purpose and Responsibilities
    - (1) The purpose of the Operational Review Committee (ORC) shall be to audit entities that are directly funded by the Student Government Association through the student Activities and Services (A&S) fees to ensure that they are being used properly in accordance to the University- Wide Finance Code.
    - (2) This committee holds the power and responsibility to investigate all organizations and/or entities, including the SGA that are questioned and/or challenged by Student Government Officials as well as the entire FIU student body concerning the use or misuse of A&S monies.
    - (3) This committee shall have the power to write legislation about an already investigated organization or entity in regards to how the entity used or



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misused A&S monies. It will then be used as a guide or piece of evidence for yearly budget hearings and deliberations.

- (4) The ORC shall also have the power to check the Finance Committee when allocating A&S fees improperly in accordance with the SGA Finance Code as well as any other necessary document.

- a) The ORC shall present an Expenditure Analysis Report at the Senate immediately following the end of every fiscal quarter.
  - i) The ORC shall work with the Monthly Finance Reports provided by the Comptroller.
- b) The ORC shall have the power to aid the Student Government Comptroller in checking/monitoring all SGA officials' use of annual budget.

- (5) The ORC shall be responsible for scheduling a minimum of (1) monthly meeting with the Comptroller to discuss their plans to audit different MMC entities.

- (6) The ORC is responsible for auditing all the SGC-MMC entities that receive A&S fees and SGC-MMC Governing Councils prior to the first Budget Hearing.

- a) They shall present their audit reports to the Senate immediately upon the conclusion of the audit and will provide a digital copy of the audit to the entire membership of the SGC-MMC Senate as well as the SGC-MMC Comptroller.
  - i) At the request of the Comptroller, the ORC shall be tasked with auditing any University Wide entity or council funded by A&S fees.
    - i. If the Senate deems this request unnecessary, they may vote to overrule this request with a simple majority vote.

- (7) During the Summer semester, the ORC shall create a comprehensive timeline as to the order of their audits and shall present this to the Senate by the end of the summer session. The Senate and the Comptroller shall be made aware of any changes made to this timeline via official communication.

(ii) Structure

- (1) The Operational Review Committee shall be composed of a Committee Chairperson and an odd number of Senators as determined by the Speaker.





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- (2) The SGC-MMC Comptroller, or a designee, shall serve as ex-officio, nonvoting member of the Operational Review Committee.
    - a) The SGC-MMC Comptroller, or their designee, is required to attend at least two (2) Operational Review Committee meetings per calendar month.
- (g) Internal Affairs Committee
  - (i) Purpose and Responsibilities
    - (1) The purpose of the Internal Affairs Committee (IAC) is to ensure Senator compliance with all requirements as well as ensuring compliance of SGC-MMC officials with all requirements and the Ethics Code.
    - (2) The IAC shall have the responsibility of maintaining the Ethics Code. All amendments to the Ethics Code must be first approved by this Committee.
      - a) After legislation is referred to the committee, once approved, it shall be presented to the Senate by two (2) members of the committee.
      - b) Shall a proposal be rejected by the Committee, and a Senator wish that the legislation be reconsidered by the Internal Affairs Committee, they must gain a majority vote of the SGC-MMC Senate. This is to be done with a 'Motion to Reconsider Proposed Internal Affairs Legislation'.
      - c) If the Internal Affairs Committee does not approve a piece of legislation after reviewing it for the second time, the Senate may overturn the committee's decision with a two-thirds (2/3) majority vote of its members.
    - (3) The committee will keep an active check on minutes, and ensure that legislation records are kept, minutes are maintained, and maintain records of compliance with the Statutes.
    - (4) The committee will work with all of the members of the Executive branch to ensure that the Chief of Staff keeps track of office requirements for each member of the Executive Branch.
      - a) The Committee will compile monthly reports submitted to Cabinet by Agencies and Bureaus to form a written in-depth semester Report keeping a rolling record of Agency & Council Progress
      - b) The Committee will create written in-depth Annual Reports for each Agency & Council to be archived for future reference.
    - (5) The committee shall provide oversight over Executive Branch compliance with the Statutes and assure that the Executive Branch is fulfilling its duties.



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- (6) The committee will create compliance reports on individuals whose fulfillment of duties may be questioned by the committee or Senate as a whole.
- (7) The committee will be responsible for investigations pertaining to impeachment proceedings.
- (8) The committee will be responsible for submitting grievances against officials, Agencies and Councils in cases of direct violations of the statutory requirements of the Agency's/Council's status and the official's position.
- (9) The committee will be responsible for administering repercussions for missing mandatory meetings, such as Senate meetings, Committee meetings, and Senate Leadership meetings, as well as not completing office hours.
  - a) Repercussion administered regarding Senator office hours shall be as follows:
    - i) Upon one week of not completing their required Senator office hours, the Senator shall be emailed within forty-eight (48) hours of the Senate meeting following the week during which they did not complete their Senator office hours for the first time. The email shall consist of a notification of their lack of compliance with the governing documents and a warning that continuing to do so could result in further consequences including, but not limited to, impeachment. The IA Chair will be tasked with trying to arrange a meeting that shall include the Senator in question, the Speaker of the Senate or the Speaker Pro Tempore, and themselves. This meeting shall serve as a way to further alert the Senator to their failure to fulfill their Senator requirements.
    - ii) Upon a second week of not completing their required Senator office hours, the Senator shall again be notified via email of their failure to comply with the governing documents within forty-eight (48) hours of the Senate meeting following the week during which they did not complete their Senate office hours for a second time. For the week immediately following their second week of missing their Senator office hours, the Senator in question



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- will have their Senate floor and voting rights and their committee voting rights suspended.
- iii) Upon a third week of not completing their required Senator office hours, the IA Chair will be tasked with submitting a writ to the Judicial Branch against the given SGC-MMC Senator and recommend that the Supreme Court remove the Senator on the grounds that the Senator is in nonfeasance. The IA Chair shall again notify via email the Senator in question within forty-eight (48) hours of the Senate meeting following the week during which they did not complete their Senator office hours for a third time. This email shall also warn the Senator that a writ will be filed against them based on the fact that they have failed to meet their Senator requirements. The IA Chair will let the Senator in question know in this email that they also have the option to resign if they would not like to endure a trial before the Supreme Court.
  - b) Repercussions administered regarding absences shall be in accordance with the procedure outlined in the SGC-MMC Statutes Article III Section 3.07 subsections (a) “Meeting Attendance” and (b) “Absences”
- (ii) Structure
    - (1) The Internal Affairs Committee shall be composed of a Committee Chairperson and an odd number of Senators as determined by the Speaker.
  - (h) Student Advocacy Committee
  - (i) Purpose and Responsibilities
    - (1) The purpose of the Student Advocacy Committee is based upon the ideal of maximizing representation of the student body. This committee shall investigate student concerns, make recommendations, and enact legislation as deemed appropriate.
    - (2) To ensure prompt responses to student issues, this committee stands dedicated to working diligently with all Senators on legislation directly impacting student advocacy.
    - (3) To gather information on Senator’s meetings with Deans, this committee shall collect the two reports required of each Senator per semester from the Internal Affairs Committee or Speaker.



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- (4) The Student Advocacy Committee shall be responsible for filing a report at the end of each semester outlining students concerns that were found on the Student Concern Doc and delegate each concern to the respective delegates.
  - a) Dean Meeting Minutes shall be collected through the committee form by each Senator once a semester.
  - b) The Student Advocacy Committee shall be responsible for reviewing and recommending the continuation of an application for the creation of an Agency or Council.
- (5) This committee shall maintain record of current contact information for each of the Executive Board members of each Governing Council so as to be readily available to any Student Government Association member or any student when requested.
- (6) This committee will be responsible for direct communication with each of the Governing Councils of the Student Government Association. This includes but is not limited to contact via email.
- (7) Each member of this committee shall be assigned accordingly to a Governing Council(s) for the purpose of regulating contact.
- (8) The Student Advocacy Committee will maintain contact with the Student Government Association Cabinet by specifically meeting with Cabinet members whose purpose directly correlates with student concerns and by requesting weekly Cabinet meeting minutes from the Chief of Staff. (9) A representative of this committee shall be present at the Student Government Council Cabinet to gather issues relating to the purpose of this committee and also to report SAC progress to the Cabinet. This shall occur on a rotational basis and reports from Cabinet shall be presented to the Student Advocacy Committee at the first meeting subsequent to the Cabinet meeting.
  - a) This committee shall actively promote partnerships with Senators to draft legislation respective to the purpose of student advocacy and resolving student concerns.
- (ii) Structure
  - (1) The Student Advocacy Committee shall be composed of a Committee Chairperson and an odd number of Senators as determined by the Speaker.
  - (2) Any matter being presented to the Senate by the Student Advocacy Committee must have two (2) sponsoring Senators.



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- a) All applications must first be approved by the Student Advocacy Committee. This is to be done with a simple majority vote of Committee membership, given quorum.
  - b) Once the Student Advocacy Committee approves any application, the proposal is then brought before the Senate. The application is to be approved with a supermajority vote of the Senate.
  - c) If not approved by the Student Advocacy Committee, the proposed application shall be reported to the Senate at the next regularly scheduled meeting.
  - d) If a Senator wishes the application to be reconsidered by the Student Advocacy Committee, they must gain a simple majority vote of the SGC-MMC Senate. This is to be done with a 'Motion to Reconsider Application'.
  - e) If the Student Advocacy Committee does not approve an application after reviewing it for the second time, they must provide a summary paragraph to describe why the application was not approved and the Senate may overturn the Committee's decision with a two-thirds (2/3) majority vote.
- (i) Graduate and Professional Student Committee
  - (i) Purpose and Responsibilities
    - (1) The purpose of the Graduate and Professional Student Committee (GPSC) is to facilitate and enhance the overall graduate and professional student experience by advancing the University's academic goals. Its primary goal is to fund graduate and professional students' research, conference and professional development and promoting quality presentations and research efforts in scholarly forums. The GPSC shall also serve as an advocate for graduate and professional students, by working with the College of Law, College of Medicine, and the University Graduate School.
    - (2) The GPSC shall determine the application procedure and regulations graduate students must follow to request funding.
      - a) The application will be an online document that will specify the details of the budget, research, conference, professional development, and the benefits of participation.
      - b) Requests shall be approved by a simple majority vote of the GPSC.
        - i) If a request for funding is approved by the GPSC, upon return of their event the requester has up to one (1) week to turn in all materials for reimbursement to the Student



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- Government Association and is allowed up to four (4) weeks to claim the funds and provide all necessary documentation to the Student Government Association and to the A&S Business Office for the proper disbursement of the funds.
- c) If a request is not approved by the GPSC, the applicant shall have the right to file a written appeal with the Senate Speaker. Should the Speaker approve the written appeal, the applicant shall present their case before the Senate.
  - d) With a simple majority vote of the Senate at a meeting where there is quorum the Senate can send back the application to the GPSC who shall reconsider the request. The GPSC is not obligated to approve the reconsidered request.
  - e) If the GPSC does not approve a request after reviewing it for a second time, the Senate may overturn the committee's decision with a two-thirds (2/3) majority vote of the Senate at a meeting where there is quorum.
  - f) Changes to the procedures and regulations for GPSC funding requests shall require the simple majority approval of the Senate. i) Amendments to the procedure and regulations shall be subject to Presidential veto.
- (3) Funding shall benefit individual graduate students interested in the following:
- a) Research, as defined as an investigation that is necessary for the completion of a masters, doctoral or professional degree.
  - b) Conferences, as defined as presentations (i.e. papers, posters, performances) on current and developing research that pertains to their respective masters, doctoral or professional degree.
    - i) Funding can only be used for conference registration, travel costs, and accommodations.
  - c) Professional development, as defined as events (i.e. workshops, seminars, conferences) that advances the knowledge of the graduate or professional students' academic career.
    - i) Funding can only be used for conference registration, travel costs, and accommodations.
- (4) Graduate and professional students shall be eligible to request travel funds from the committee up to once a funding year, unless the student has



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submitted their M2/D3 and is in their last year of education, in which case they may apply for funding twice. Professional students in their last year are exempt from the M2/D3 requirement.

- (5) Students are ineligible to request funds from more than one (1) entity that is funded by A&S fees.
  - a) The GPSC Chair shall be responsible for submitting written reports to the Finance Committee Chair, the Council for Student Organizations, and the Operational Review Committee Chair to ensure that the previous stipulation is enforced.
- (6) The GPSC shall be able to allocate funds for Gradskellar events and Graduate Student Appreciation Week.
  - a) Any other allocations except for travel funding, Gradskellar events, and Graduate Student Appreciation Week shall require the approval of the Senate as Appropriations from the GPSC.
- (ii) Structure
  - (1) The Graduate and Professional Student Committee will consist of the entire Graduate School Senate Delegation, the College of Law Senator, and the College of Medicine Senator.
    - a) The Comptroller shall have a consulting role to the committee and shall provide a monthly report to the GPSC on the status of the funding for the committee.
    - b) The GPSC shall be presided over by its Committee Chairperson.

### Section 3.06 Legislation

- (a) Legislation
  - (i) Legislation shall be codified as either a Bill, Resolution, or Appropriation and shall be drafted on the appropriate templates for proper archival record.
  - (ii) Legislation intended for University-Wide shall be codified as either a University-Wide Bill, University-Wide Resolution, or University-Wide Allocation.
- (b) Bills / University-Wide Bill
  - (i) Bills or University-Wide Bills shall be legislative proposals to adopt statutory amendments and revisions and for approving the annual budget.
    - (1) Bills that delete text from the Constitution, University Statues, SGC-MMC Statutes, or the Senate Rules of Procedure, shall strike out the text to be deleted.



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- (2) Bills or University-Wide Bills that add text to the Constitution, University Statues, SGC-MMC Statutes, or the Senate Rules of Procedure, shall underline the text to be added.
- (c) Resolutions / University-Wide Resolutions
  - (i) Resolutions or University-Wide Resolutions shall be formal expressions of the opinion, thought, position or the will of the Senate or SGA as well as for stating commitments, orders, and recognitions.
- (d) Appropriations / University-Wide Appropriations
  - (i) Appropriations shall be legislative proposals to appropriate and/or transfer funds from accounts the Senate or SGA has jurisdiction over.
- (e) Legislation Indexing
  - (i) All legislation, upon submission for consideration by the Senate, the Rules, Legislation, and Judiciary Committee shall assign a legislation identifier and code to it to allow for proper indexing.
  - (ii) All legislation shall be indexed as follows.
    - (1) Dependent on the type of legislation, legislation shall first be assigned a two-letter identifier as follows.
      - a) Bills shall be identified as SB
      - b) Resolutions shall be identified as SR
      - c) Appropriations shall be identified as SA
      - d) University-Wide Bills shall be identified as UB
      - e) University-Wide Resolutions shall be identified as UR
      - f) University-Wide Appropriations shall be identified as UA
    - (2) Upon assignment of an identifier, legislation shall be codified as follows:
      - a) Commence with the legislation's two-letter identifier (XX) followed by the numerical Senate Session number (##) and followed by its two-digit legislation number (##) which is assigned in successive order of submission per legislation type resulting in the legislation code of XX####.
    - (3) When a new Senate Session is elected, the Senate Session number shall reflect the new Senate Session number, and the legislation number for all legislation types shall reset to one (01).
  - (f) Legislative Format
    - (i) The Rules, Legislation, and Judiciary Committee shall determine the format of all legislative templates accordingly each new legislative session.
    - (ii) All legislation shall have a title that briefly explains the subject of each legislation.





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- (iii) All legislation shall state the date of introduction to the Senate, committee(s), if any, the legislation has originated from, the author(s), and the sponsor(s).
  - (1) Authors and Sponsors shall state their highest title, full name, and constituency.
- (iv) All legislation shall have a section that states the date of passage, the total vote count, including abstentions, the resulting action of the vote, list of amendments to the legislation, presidential action on the legislation, and a section for the Author(s), Senate Speaker, and SGC-MMC President to affix their signature.
  - (1) Should Legislation be classified as University-Wide, additional sections shall be added in accordance to the provisions of the University-Wide Statutes.
- (g) Procedure for Passage of Legislation
  - (i) Legislation to be presented to the Senate for consideration must be sponsored by two (2) Senators in order to be brought before the Senate.
  - (ii) At the beginning of each semester, within the first two Senate meetings, the chair of the Rules, Legislation, and Judiciary Committee shall announce to the Senate the committee's legislation submission deadline.
    - (1) If the committee wishes to alter the deadline at any point in the semester beyond the first two Senate meetings, the Rules, Legislation, and Judiciary Committee must hold a vote. If the motion passes with a simple majority, the Chair of the Rules, Legislation, and Judiciary Committee shall announce the new deadline at the next Senate meeting immediately following the Committee meeting in which the vote was held.
  - (iii) All legislation shall be required to have two (2) readings which shall take place at two (2) different Senate meetings, at which there is quorum, to be eligible for a vote by the Senate.
    - (1) The Senate may vote to override the second reading with a simple majority vote to proceed with legislation during the same meeting.
  - (iv) Upon passage of legislation in the Senate, Authors shall affix their signature to the legislation, and the Speaker shall indicate the total vote count including abstentions, the resulting action of the vote, and affix their signature to the legislation.
  - (v) The Speaker or the Clerk of Council shall forward a physical copy of the legislation passed by the Senate to the SGC-MMC President within forty-eight (48) hours of the Senate meeting and shall notify the Senate of this action.
    - (1) Upon receipt of the SGC-MMC President, the bill shall be considered property of the Executive Branch and shall not be subject to legislative



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authority. If legislation is vetoed by the SGC-MMC President, the vetoed bill shall again be considered property of the Senate.

- (h) Approval, Veto, and Veto Amendment Process
- (i) Upon receipt of legislation to the SGC-MMC President, they shall have five (5) business days to approve or veto the legislation. The five (5) day limit shall initiate one (1) business day after receipt of the legislation.
  - (ii) If no action is taken by the SGC-MMC President within the five (5) business days, the legislation shall be considered approved by the SGC-MMC President and shall be enacted.
    - (1) The Rules, Legislation, and Judiciary Committee shall affix to the archived legislation that it is enacted.
  - (iii) Should the SGC-MMC President veto legislation, they must submit written justification/reasoning to the Senate, within the five (5) business day limit, for the administering of a veto. The SGC-MMC President must additionally deliver an oral justification to the Senate for the reasoning of the veto.
  - (iv) Vetoed legislation may be amended on the floor of the Senate. Amended vetoed legislation shall be considered new legislation and permitted to be resubmitted to the SGC-MMC President for approval or veto, all preceding statutes on time constraints notwithstanding.
  - (v) Presidential vetoes may overridden with a two-thirds (2/3) majority vote of the Senate.
- (i) Legislative Archives
  - (i) Purpose
    - (1) The Senate shall make all attempts in good faith to preserve the intent, history, and reasoning of all legislation. Archives shall serve as an aide to future legislative sessions, the Judicial Branch, and the Student Body on the intent and reasoning behind revisions to the laws of SGA. All entries into the Legislative Archives are intended to be clear and understandable for future students.
  - (ii) Scope
    - (1) All legislation shall be documented and archived per the provisions set forth.
    - (2) The Speaker of the Senate and the Speaker Pro Tempore shall oversee the Legislative Archives.
    - (3) The Speaker and the Speaker Pro Tempore shall have the authority to audit the Legislative Archives so long as the legislative intent is preserved.
  - (iii) Archival Procedures



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- (1) Upon submission of legislation to the Senate, the Authors shall preserve the original version of the legislation.
- (2) The Author(s), as well as the RLJC Chair, or their designee, shall record all legislative action taken upon the legislation as part of its Legislative History.
  - (1) It shall be the duty of the Clerk of Council to record any and all legislative action taken upon a piece of legislation in that meeting's minutes. This is to include proposed amendments, the vote margins of each proposed amendment, changes to authorship or sponsorship, and any other legislative action which the Senate requests be recorded in the minutes.
- (3) The Legislative History shall consist of:
  - a) A comprehensive summary of intent and legislative intent of the legislation that explains the reasoning for drafting, and potential effects of the legislation on the University and the SGA.
  - b) A list of committees the legislation has passed through including all amendments made in each committee, if any.
  - c) A Senate report detailing the date in which the legislation was first read, any major points made during debate and discussion of the first reading of the legislation, date of second reading, if done, any major points made during debate and discussion of the second reading of the legislation, if any.
    - i) "Major Points" shall be defined in all cases as points of concurrence or contention to the legislation that are universally deemed important by members of the Senate and necessary for understanding of the legislation.
  - d) The total vote count, including abstentions, and the resulting action of the vote.
  - e) Vetoes, if any, and the reasoning for a veto.
  - f) Upon passage and approval by the SGC-MMC President, the Author(s) shall preserve the final signed and approved version of the legislation.
  - g) Any other document, research, personal statements, and information the Author(s) deems necessary to preserve in the Legislative History.



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- (4) Once a Legislation's Legislative History is complete, the Author(s) shall submit it to the Senate Speaker, and Speaker Pro Tempore for review, approval, and inclusion in the Legislative Archives.
- (j) **Typographers Errors**
  - (i) Should spelling or grammatical errors be identified in enacted legislation or the SGC-MMC Statutes, the Rules, Legislation, and Judiciary Committee are authorized to make such necessary changes to correct the mistakes. In all cases, the legislative intent of the legislation must be preserved.
    - (1) Failure to preserve the legislative intent shall constitute an act of malfeasance.
  - (ii) In cases of references found in statutes that no longer indicate the correct title, article, section, subsection, or paragraph, the Rules, Legislation, and Judiciary Committee is authorized to make such necessary changes to correct the mistakes. In all cases, the legislative intent of the legislation must be preserved.
    - (1) Failure to preserve the legislative intent shall constitute an act of malfeasance.
  - (iii) If changes are made, the Rules, Legislation, and Judiciary Committee shall make a report to the Senate detailing the changes.

**Section 3.07 Senator Requirements**

- (a) **Meeting Attendance**
  - (i) Senators shall be required to attend all Senate meetings in person, unless they have a valid excuse (with unanimous approval by the Speaker and the Chair of Internal Affairs) to attend virtually or by phone.
    - (1) Senators shall not be allowed to have more than two (2) excused absences from Senate meetings per Fall and Spring semester.
    - (2) Senators shall not be allowed to have more than one (1) unexcused absence from Senate meetings per Fall and Spring semester (Summer semester excluded).
    - (3) Senators that come into Senate meetings more than fifteen (15) minutes late after the meeting is opened without providing prior notification or documented proof for being tardy to the Speaker and Internal Affairs Committee by the end of that day (11:59 PM EST) shall have their attendance for that Senate meeting marked as absent and unexcused. The Speaker must notify the Internal Affairs Committee in writing of the unexcused absence.



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- (4) Senators that leave a Senate meeting prior to 5:01 PM EST, if it is a full time meeting, or is absent for the majority time of a meeting shall be marked as absent and unexcused.
  - a) Senators that have a class that begins at 5 PM EST or later during Senate meetings and have documented proof that the class is the only one being offered and will affect the Senator's graduation will be exempt.
    - i) Documented proof will include a written statement from the Professor, Dean, and/or assigned Academic Advisor. ii) Documented proof shall be sent in writing the Speaker, Internal Affairs Committee, and the SGA Advisor.
    - iii) Senators that fall under this exemption shall be required to make up the time missed during Senate meeting in the form of one (1) additional office hour in the Same week of the Senate meeting.
- (5) Should FIU make announcements resulting in closing of facilities or rooms due to external emergency circumstances of public safety, all Senators must attend through a University-sponsored online platform. Attendance shall continue to be monitored by the Speaker and Internal Affairs Committee.
- (ii) Senators must serve on at least one Standing Committee.
- (iii) Senators shall be required to attend all assigned Committee meetings in person, unless they have a valid excuse (approved by respective committee chair) to attend virtually or by phone.
  - (1) Senators shall not be allowed to have more than two (2) excused absences from their assigned Committee meetings per Fall and Spring semester.
  - (2) Senators shall not be allowed to have more than one (1) unexcused absence from assigned Committee meetings per Fall and Spring semester (Summer semester excluded).
  - (3) Senators that come into their assigned Committee meetings more than fifteen (15) minutes late after the meeting is opened without providing prior notification or documented proof for being tardy to the Committee Chair and Internal Affairs Committee by the end of that day (11:59 PM EST) shall have their attendance for that Committee meeting marked as absent and unexcused. The Committee Chair must notify the Internal Affairs Committee in writing of the unexcused absence.



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- (4) If a Senator leaves their assigned Committee meetings early without permission from the Committee Chair shall have their attendance marked absent and unexcused. The Committee Chair must notify the Internal Affairs Committee in writing of the unexcused absence.
  - (iv) Housing Senators shall be required to attend Residence Hall Association meetings at least once per month, four (4) times per Fall and Spring semester.
    - (1) Housing Senators shall not be allowed to have more than one (1) excused absence (missing every meeting within a single month) from Residence Hall Association meetings per Fall and Spring semester.
    - (2) Should a Senator be unavailable to attend any RHA meeting within a month, the Senator shall notify the RHA President, Speaker, and Internal Affairs Committee Chair in writing detailing their absence from all RHA meetings for said month.
      - a) Should a Housing Senator not attend any RHA meetings within a month, they shall email or meet with an RHA representative to receive an update on the work done by the RHA as well as the needs of the housing students.
    - (3) Should a Senator not be available during the Residence Hall Association's regular meeting schedule, and therefore unable to attend all meetings for the semester, the Housing Senator shall instead meet in person with an RHA representative monthly to receive an update on the work done by the organization as well as the needs of the housing students.
      - a) In this case, the Senator must notify the Speaker and the Internal Affairs Committee Chair in writing detailing why they are unable to attend RHA meetings (proof of excuse must also be presented) and informing them that they will instead be meeting with an RHA representative.
      - b) Proof of meeting with an RHA representative such as an email confirming the meeting from the RHA representative must be collected after every meeting.
- (b) Absences
- (i) For any absence to be considered excused, an excuse and all documentation excusing the Senator from a required meeting must be provided to the Clerk of Council, Speaker, Internal Affairs Committee, and, when applicable, Committee Chairperson, and Residence Hall Association President, at least one (1) hour before the meeting in writing or if applicable, a University-sponsored online platform to submit excuses.



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- (ii) The guidelines to be used for acceptable reasons for an excused absence of any required meeting shall include, but not be limited to:
  - (1) Death in the immediate or extended family.
  - (2) Exam, midterm, or final examination with proper signature from either the professor, teaching assistant, or assigned academic advisor.
  - (3) Illness.
  - (4) Car accidents.
  - (5) Natural disasters/"Acts of God".
  - (6) Academic commitments, with proper documentation.
- (iii) The guidelines to be used for unacceptable reasons for an excused absence of any required meeting shall include:
  - (1) Regular meetings of organizations, clubs, and committee's not pertaining to the SGA.
  - (2) Studying.
  - (3) Employment schedules.
    - a) Should emergency changes to employment schedules occur, proof of the emergency changes must be sent to Speaker and Internal Affairs Committee Chair no less than twelve (12) hours prior to the occurrence of a required meeting to be considered excused.
  - (4) Regularly scheduled classes that overlap any required meeting.
  - (5) Graduate/Professional School entrance exam preparation courses. This includes but is not limited to LSAT, GMAT, GRE, MCAT, etc. preparation courses.
- (iv) The Speaker shall determine the validity of each excuse within five (5) business days of the submission of the excuse and shall notify the Senator in writing.
  - (1) All Graduate, College of Medicine, and College of Law Senators shall be exempt from Senate meeting and Committee meeting attendance requirements, insofar they provide an excuse for each meeting to be missed related to their regular academic schedules.
  - (2) The Internal Affairs Chair shall determine the validity of the Speaker's excuse within five (5) business days of the submission of the excuse.
  - (3) Any Senator shall be allowed to petition any excuse determined to be unexcused before the Internal Affairs Committee limited to the next regular Internal Affairs Committee meeting after written notification by the Speaker. The decision of the Internal Affairs Committee shall be overturned with a simple majority vote.





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- (v) Senators shall not be allowed to have more than one (1) unexcused absence from Senate meetings and assigned Committee meetings. Housing Senators shall not be allowed to go longer than one (1) whole calendar month without attending a Residence Hall meeting per Fall and Spring semester (Summer semester excluded).
    - (1) Upon the first unexcused absence from a Senate meeting, assigned Committee meeting, or Residence Hall Association meeting, the Speaker and accused Senator shall be notified in writing by the Internal Affairs Committee.
      - a) The notification shall inform the accused Senator that have accumulated one (1) unexcused absence and that they are at risk of being reviewed for impeachment.
    - (2) Upon the second unexcused absence from a Senate meeting, assigned Committee meeting, or, if applicable, Residence Hall Association meetings, the Speaker and accused Senator shall be notified in writing by the Internal Affairs Committee that the accused Senators have accumulated two (2) unexcused absences and the accused Senator shall have their Senate floor and voting rights suspended and their assigned committee voting rights suspended. The accused Senator shall also be notified that they are placed on priority review for impeachment.
      - a) Priority review for impeachment shall be defined as reviewing the accused Senator's completion of requirements or progress thereof and suggesting any course of action deemed appropriate by the Internal Affairs committee.
      - b) The Senator may choose to resign or be subject to impeachment before the Senate
      - c) Failure to receive a warning notification after reaching two (2) unexcused absences shall not be used as an acceptable argument in appeal.
  - (vi) Should the Internal Affairs Committee fail to enforce these requirements within five (5) business days of any Senator's third unexcused absence shall constitute a violation of these statutes and shall amount to a nonfeasance of duties of the Internal Affairs Committee Chair.
- (c) Constituency Engagement
- (i) Each semester, Senators shall be required to hold and maintain at least (3) office hours a week in which they are accessible to their constituents within the Student Body.





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- (1) Senators shall notify the Speaker, Internal Affairs Committee, and the Student Government Association Advisor of the day(s), times(s), and location(s), and hours of their office hours at least five (5) university business days after the official University Add/Drop date in writing or, if applicable, a University-sponsored online platform to submit their hours.
  - (2) Office hours shall only be held on days that the University is open and during regular business hours.
  - (3) Senator office hours shall be posted publicly on the SGA website, in-print, or any platform that is easily accessible for all members of the Student Body to access.
  - (4) Senators shall inform the Internal Affairs Committee of any cancelled office hours within one (1) university business day of the hours to be cancelled.
  - (5) Any required meeting of a Senator, or SGA sponsored event shall not count towards office hours. This includes but is not limited to all Senate meetings, all assigned Committee meetings, RHA meetings of Housing Senators, or Dean meetings.
  - (6) Should FIU make announcements resulting in the closing of facilities and rooms due to external emergency circumstances concerning public safety, all Senators shall complete their office hours through a University-sponsored online platform.
- (ii) Senators shall be individually required to meet with their school, college, or division Dean(s) or administration every other month, and at least two (2) times per Fall and Spring semester.
- (1) Individuals of a school, college, or division delegation may schedule meetings together.
  - (2) At-Large Senators and Lower Division Senators shall have the option to meet with academic Deans, join other Senators in their Dean meeting, or join other delegations in their Dean meetings to fulfill this requirement. They are additionally permitted to meet with the University Ombudsman, Senior Vice President of Student Affairs, or Assistant Vice President of Student Affairs to fulfill this requirement.
  - (3) Proofs of meeting occurrence and confirmation of attendance shall be provided to the Internal Affairs Committee and the Speaker in writing or, if applicable, a University-sponsored online platform to submit proof.
- (iii) Senators shall be required to host one (1) event per Fall and per Spring semester for their school, college, or division with their respective delegation.



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- (1) Proof of the event shall be sent to the Internal Affairs Committee and the Speaker at least twenty-four (24) hours prior to the end of the Fall and Spring semester as set by the University Academic Calendar in writing or, if applicable, a University-sponsored online platform to submit proofs. a) Proofs shall include but are not limited to:
  - i) Pictures or videos of the event occurring.
  - ii) Detailed receipts or invoices of monies used for the event.
  - iii) Detailed list of attendees.
- (2) Proof of individual or delegation attendance to the event shall be sent to the Internal Affairs Committee and the Speaker at least twenty-four (24) hours prior to the end of the Fall and Spring semester as set by the University Academic Calendar in writing or, if applicable, a University-sponsored online platform to submit proofs.
  - a) Proof of attendance at the event must be submitted, preferably in the form of a picture or video, which may be used to promote the Student Government Association
- (iv) Senators shall be required to attend at least five (5) or 25% of all Student Government Association sponsored events per Fall and per Spring Semester, whichever is lesser.
  - (1) Graduate Senators shall be exempt from this requirement.
  - (2) Proof of attendance at each event must be submitted, preferably in the form of a picture or video, which may be used to promote the Student Government Association.
  - (3) Proofs of attendance must be submitted to the Internal Affairs Committee and the Speaker at least twenty-four (24) hours prior to the end of the Fall and Spring semester as set by the University Academic Calendar in writing or, if applicable, a University-sponsored online platform to submit proofs.
- (v) Senators shall be individually required to submit two (2) reports per Fall and Spring semester. The first report shall be submitted no earlier than Monday of the sixth (6<sup>th</sup>) week of each semester and Friday of the seventh (7<sup>th</sup>) week of each semester. The second report shall be submitted no earlier than Monday of the last week of each semester and no later than Friday of the last week of each semester.
  - (1) These reports shall include updates on meetings with college/division administration, a listing of all submitted legislation, current and planned projects, current and planned events, as well as a discretionary budget expenditure summary.



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- (2) These reports shall be submitted to and collected by the SGC-MMC Speaker of the Senate as well as the Internal Affairs Committee Chair.
- (3) If the first report is not submitted by Friday of the seventh (7<sup>th</sup>) week of every semester, the SGC-MMC Speaker of the Senate and the Senator in question shall be notified in writing by the Internal Affairs Committee that the Senator in question has not submitted their report and they will have their Senate and assigned committee floor and voting rights suspended until the report is submitted. If the Senator in question does not submit their report by the Friday of the eighth (8<sup>th</sup>) week of every semester, they shall be notified that they are placed on priority review for impeachment.
  - a) Priority review for impeachment shall be defined as reviewing the Senator in question's completion of requirements or progress thereof and suggesting any course of action deemed appropriate by the Internal Affairs committee.
  - b) The Senator may choose to resign or be subject to impeachment before the Senate.
  - c) Failure to receive a warning notification after not submitting the report shall not be used as an acceptable argument in appeal.

**Section 3.08** Legislative Sessions

- (a) The Senate shall convene every Monday during the Fall and Spring semesters at 4:00 PM EST in the Student Government Chambers located in room GC 150.
  - (i) In the event of a crisis (e.g. Public health emergencies, natural disasters, or similar unforeseen circumstances) or any other sort of emergency, the Speaker of the Senate may choose to convene Senate sessions virtually until it is deemed safe to return to GC 150.
- (b) For emergency meetings, the time and place shall be announced with forty-eight (48) hours of notice.
- (c) Summer Senate sessions shall begin on the first day of Summer and shall end at the close of the Summer semester as delineated by the University calendar.
- (d) Fall Senate sessions shall begin on the first day of Fall semester and close on the last day of Fall semester as delineated by the University calendar.
- (e) Spring Senate sessions shall begin on the first day of Spring and close on the last day of Spring as delineated by the University calendar.



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- (f) Senate sessions shall not be called during holidays, breaks, or when the University is closed.
- (g) Should FIU make announcements resulting in the closing of facilities and rooms due to external emergency circumstances concerning public safety, the Senate shall continue to convene through a University-sponsored online platform on the same dates and times highlighted on the specifications.

**Section 3.09 Senate Procedures**

- (a) Meetings of the Senate
  - (i) Senate meetings shall be designated in accordance with the following specifications:
    - (1) For the purpose of regular meetings, the Senate shall meet on Mondays at 4:00 PM EST in the SGC-MMC Chambers (GC 150) every Fall and Spring semester. Each Senator shall work their schedules around this time. Meetings shall last a maximum of two (2) hours.
      - a) Should the SGC-MMC Chambers (GC 150) be unavailable, an alternative room shall be used and announced with forty-eight (48) hours' notice.
      - a) Should the Senate decide to address more business, the Senate may, with a two-thirds (2/3) majority vote, extend the duration of the meeting up to one (1) extra hour.
    - (2) During the Summer semester, the Senate shall meet every other Monday at 4:00 PM EST in the SGC-MMC Chambers (GC 150).
      - a) Should the SGC-MMC Chambers (GC 150) be unavailable, an alternative room shall be used and announced with forty-eight (48) hours' notice.
      - b) Should the Senate decide to address more business, the Senate may, with a two-thirds (2/3) majority vote, extend the duration of the meeting up to one (1) extra hour.
    - (3) For special or emergency meetings, the Senate shall meet at the designated time, place, date and duration as indicated in the Special Meeting notification as called by the Speaker or two-thirds (2/3) of the Senate with at least forty-eight (48) hour notice.
    - (4) For the purpose of scheduling Committee meetings, the academic and work schedules of each Senator will be taken into consideration by the Committee Chair. These schedules must be submitted to the respective



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- Committee Chair no later than two (2) weeks after the beginning of each semester, in order to allow for adequate planning time by the Committee Chair.
- (5) Should FIU make announcements resulting in the closing of facilities and rooms due to external emergency circumstances concerning public safety, the Senate shall continue to convene through a University-sponsored online platform on the dates and times highlighted on the specification.
- (ii) The Senate shall assemble at least bi-weekly during active legislative sessions of the Senate.
- (iii) All SGC-MMC meetings shall be run in accordance with the latest edition of Robert's Rules of Order.
- (1) The Senate shall adopt a special rule which would not limit the number of times that Senators can speak during a particular debate.
- (iv) Any student or group wishing to voice their opinion, or present a project or issue before the Senate, must make arrangements with the Speaker of the Senate at least twenty-four (24) hours prior to the Senate meeting. These presentations must not exceed ten minutes (10) unless otherwise stated by the Speaker or approved by a simple majority vote of the Senate.
- (v) The Speaker shall allow for a period no longer than twenty (20) minutes to be used for announcements at the end of any Senate meeting.
- (b) Agenda
- (i) The Agenda shall govern the order of consideration of measures by the Senate at each meeting of the Senate.
- (ii) The order of consideration for measures shall be as follows:
- (1) Call to Order
  - (2) Pledge of Allegiance
  - (3) Roll Call of Senators Present & Verification of Quorum
  - (4) Approval of the Minutes
  - (5) Adoption of the Agenda
  - (6) Invited Speakers
  - (7) Committee Reports
  - (8) Executive Board Reports
  - (9) Special Orders
  - (10) Vetoed Legislation
  - (11) Unfinished Business
  - (12) New Business
  - (13) Public Forum



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- (14) Senate Forum
  - (15) Announcements
  - (16) Adjournment
- (c) Senate Transparency
  - (i) All Senate meetings shall be open and be made available to the Student Body and the public.
    - (1) The Student Body shall be notified of any Senate meeting at least twenty-four hours (24) prior to the meeting. This notification shall include the time, place, and agenda of the meeting.
    - (2) Copies of such notices shall be granted to any member of the Student Body so requesting.
    - (3) Senate meetings shall be digitally (video and/or audio) recorded and be available to any member of the Student Body so requesting.
    - (4) Minutes from the meeting shall be available to the Student Body at least five (5) business days after the meeting. The minutes shall be scanned and uploaded to the SGA website within five (5) business days after the meeting. Physical copies shall be available to the Student Body.
  - (ii) All Committee meetings shall be open and be made available to the Student Body and the public.
    - (1) The Student Body shall be notified of regular Committee meetings at least twenty-four (24) hours prior to the meeting. This notification shall include the time, place, and agenda of the meeting.
    - (2) Copies of such notices shall be granted to any member of the Student body so requesting.
    - (3) Minutes from the meeting shall be available to the Student Body at least five (5) business days after the meeting. The minutes shall be scanned and uploaded to the SGA website within five (5) business days after the meeting. Physical copies shall be available to the Student Body.
  - (iii) All legislation, upon approval by the SGC-MMC President or other approving body, shall be scanned and uploaded to the SGA website within five (5) business days of approval. Physical copies shall be available to the Student Body.
  - (iv) All Legislation Archives shall be made available upon request.
- (d) Confirmations
  - (i) Once the Speaker has been properly notified of a nominee to be appointed for office, the Speaker shall place the confirmation of the nominee on the Agenda of the next Senate meeting.



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- (ii) The rules as set forth in the SGC-MMC Statutes, and the rules set forth in the Senate Rules of Procedure shall apply for confirmation procedures.
- (iii) Upon confirmation of an individual, the Speaker shall administer the oath of office.
- (e) Senate Inquiry and Investigations
  - (i) The Senate shall issue *subpoenas ad testificandum* with a simple majority vote in order to compel the presence of any SGC-MMC Official, Agency, or Council for investigative hearings.
    - (1) “*Subpoena ad testificandum*” refers to a written notification served via certified mail, hand delivery, or electronic mail which compels the attendance and testimony of any SGC-MMC Official, Agencies, or Councils.
  - (ii) The Senate shall issue *subpoenas duces tecum* with a simple majority vote in order to compel the deliverance of SGA documents or documents pertaining to an investigation or hearing.
    - (1) “*Subpoena duces tecum*” refers to a written notification served via certified mail, hand delivery, or electronic mail which compels any SGC-MMC Official, Agency, or Council to deliver reports, documents, books, electronic recordings, audio recordings, video recordings, or any other like items.
  - (iii) The Speaker or Internal Affairs Committee shall be able to serve an above subpoena on any SGC-MMC Official, Agency, or Council.
    - (1) The Senate may with a simple majority vote be able to nullify any subpoena issued by the Speaker of Internal Affairs Committee.
  - (iv) Upon issuances of an above subpoena, the Speaker shall notify the subpoenaed party or party in possession of the subpoenaed documents on typed letterhead that they have been summoned and that their presence is commanded before the Senate including the required date and required time of their appearance. The notification shall state the penalty for failure to answer a subpoena and the penalty for perjury. Subpoenas shall be either hand-delivered to the subpoenaed party, certified mailed to the subpoenaed party’s most recent home address, faculty advisor, or organization address, or over electronic email to the subpoenaed party.
    - (1) For electronic email notifications, the SGA advisor, and if applicable, faculty advisor of the SGC-MMC Official, Agency, or Council shall be carbon-copied in the electronic mail notification.
    - (2) The Speaker shall retain signed and time-stamped copies of all notifications.





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- (3) Failure to comply with a subpoena amounts to a nonfeasance of duty and may serve as grounds for impeachment.
- (v) Pursuant to the issuance of the above subpoenas, hearings shall be held during Senate meetings and are to be used to investigate the actions of any SGC-MMC Official, Agency, or Council.
  - (1) In the cases of investigative hearings, the Speaker or Internal Affairs Committee Chairperson may administer oaths or affirmations: a) The following oath shall be administered: *“Do you solemnly (swear/affirm) that you will tell the truth, the whole truth, and nothing but the truth, (so help you God/on pain of impeachment?)”*
  - (2) In cases of summons of records, the party in possession of the subpoenaed document(s) must present the document(s) to the Senate within five (5) business days of receipt of the subpoena.
- (f) Impeachment Procedures
  - (1) Any Senator or Committee may motion to consider Articles of Impeachment.
    - a) Should the motion be seconded, the Senate shall commence impeachment procedures.
  - (2) Any Senator may authorize the Internal Affairs Committee to investigate impeachable conduct of any SGC-MMC Official with a simple majority vote.
    - a) Should any member of the Internal Affairs Committee be the subject of this investigation, they must recuse themselves from the Committee until the investigation has been concluded.
    - b) Following an investigation, the Internal Affairs Committee shall determine whether grounds for impeachment exist with a simple majority vote of those committee members.
      - i) Should the Internal Affairs Committee determine grounds for impeachment exist, they shall draft Articles of Impeachment and present them at a meeting of the Senate in which the Internal Affairs Committee motions to consider Articles of Impeachment.
  - (3) The Senator or Committee who moved to consider Articles of Impeachment shall present Articles of Impeachment.
    - a) Articles of Impeachment are formal written charges of the causes for impeachment and shall state the laws violated that constitute an





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- impeachable offense and, if any, supporting evidence that corroborate the charges.
- b) Multiple Articles of Impeachment may be presented to the Senate for consideration.
- (4) The Senate shall debate on each Article of Impeachment.
  - (5) Following debate on the Articles of Impeachment, the Senate may move to vote on the Articles of Impeachment as a whole or vote on each Article of Impeachment individually. Articles of Impeachment shall be passed with a three-fifths (3/5) vote of the entire Senate membership.
    - a) A SGC-MMC Official is formally impeached upon passage of any Articles of Impeachment.
  - (6) Following the impeachment of the SGC-MMC Official, the author(s) of the passed Articles of Impeachment shall be designated as the Lead Senate Prosecutor and shall represent the Senate in the impeachment trial. Should there be more than one author, the Senate shall select by simple majority vote of the authors to be designated as the Lead Senate Prosecutor who shall lead prosecution on behalf of the Senate.
    - a) Should a Committee be the author of the passed Articles of Impeachment, the Committee shall be designated as the Senate Prosecutor and the Committee Chair shall be designated as the Lead Senate Prosecutor who shall lead prosecution on behalf of the Senate.
  - (7) The Senate Prosecutor and Internal Affairs Committee shall be authorized to further accumulate evidence applicable to the passed Articles of Impeachment. This shall be compiled in a written report which must be delivered to the impeached official five (5) business days prior to the trial. This report shall be presented to the Senate as evidence during the impeachment trial.
  - (8) The Senate Prosecutor shall deliver the passed Articles of Impeachment to the impeached SGC-MMC Official within twenty-four (24) hours of their impeachment.
  - (9) The trial shall take place at the Senate meeting two (2) weeks after the impeachment. The Chair of the meeting shall relinquish the chair for the duration of the trial and shall assume the Chair at the conclusion of the trial.



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- (10) The SGC-MMC Chief Justice shall preside over the impeachment trial for the purpose of overseeing the trial. The Supreme Court shall render no judgement which is reserved of the Senate.
  - a) Should the SGC-MMC Chief Justice be impeached, the SGC-BBC shall be requested to preside over the impeachment trial. Should there be no SGC-BBC Chief Justice or should both Chief Justices be impeached, the Senate shall choose an Associate Justice of either Supreme Court to preside over the trial.
- (11) The trial shall proceed as per Article V, Section 5.03 Court Procedures.
- (12) At the conclusion of the trial, the Senate may move into public or private debate for a maximum of twenty (20) minutes. Should no debate be entertained, the Senate shall vote.
- (13) The Senate shall vote on whether to convict and remove the impeached SGC-MMC Official on the charges presented.
  - a) A two-thirds (2/3) vote of the entire seated membership shall convict and remove the impeached SGC-MMC Official from their office. If the Senate acquits the impeached SGC-MMC Official, the SGC-MMC Official in question may continue the duties of their office and the Senate shall not impeach the SGC-MMC Official again on the same charges in which they were impeached for.
  - b) If the Senate convicts and removes an SGC-MMC Official, the individual shall be ineligible to hold office in any capacity within the Student Government Association for one (1) year from the date of removal.
- (g) Budget Procedures
  - (i) Upon completion of the proposed budget from the University-Wide Budget Committee or Campus Specific Budget Committee, the SGC-MMC President and the Comptroller shall present the proposed budget at the next meeting of the Senate.
    - (1) The Speaker shall place the consideration of the budget as an item of special importance.
    - (2) All Senators must be provided a physical and digital copy of the budget no less than three (3) business days prior to the Senate meeting in which it will be presented.
    - (3) All minutes and records from the budget deliberation process shall be available for Senators to review.



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- (ii) The Senate shall be permitted a technical question and answer period of ten (10) minutes.
  - (1) These questions are to be used for technical questions of the contents of the proposed budget.
  - (2) Questions as to the merits of the any recipient(s) of any amount of monies are prohibited.
  - (3) Questions as to the intentions of the any party of the University-Wide Budget Committee or Campus Specific Budget Committee are prohibited.
  - (4) The technical question and answer period shall be extended by a simple majority vote.
- (iii) The Senate shall be permitted to have a debate and/or discussion period of twenty (20) minutes.
  - (1) Debate and/or discussion may be extended by a simple majority vote.
- (iv) The Senate shall have up to ten (10) business days to review, amend, approve and authorize the proposed budget.
- (v) The Senate shall be authorized to use its powers of inquiry to assist in its review.
- (vi) A Bill shall be passed to approve and authorize the proposed budget with a two-thirds (2/3) majority vote.
  - (1) The Speaker shall have the responsibility of drafting the Bill and considering any proposed amendments to the proposed budget.
  - (2) Amendments to the proposed budget shall be clearly indicated in the Bill.
  - (3) Provisos appended to the proposed budget shall clearly state the recipient and conditions of the proviso and shall be clearly indicated in the Bill.
  - (4) Riders to the Bill approving and authorizing the proposed budget are prohibited.
  - (5) The Bill shall be considered as any other piece of legislation.
  - (6) The proposed budget must be approved by roll-call vote as whole.
- (vii) Upon passage, the Bill shall be sent to the SGC-MMC President for approval or veto.
- (h) Senate Emoluments
  - (i) All Senators shall be entitled to compensation in adherence to the provisions put forth by the FIU SGA Constitution, Article XV.
  - (ii) The emoluments for officers of the Senate shall be as follows:
    - (1) Speaker of the Senate



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- a) SGC-MMC Speaker of the Senate shall receive annually an amount up to thirty-two percent (32%), but no less than twenty-five (25%) of the SGC-MMC President's salary.
- (2) Speaker Pro-Tempore
  - a) SGC-MMC Speaker Pro-Tempore shall receive annually an amount up to twenty-five percent (25%), but no less than ten percent (10%) of the SGC-MMC President's salary.
- (3) Committee Chairs
  - a) SGC-MMC Chairs of Senate Standing Committees shall receive annually an amount up to twenty percent (20%), but no less than eight percent (8%) of the SGC-MMC President's salary.
- (4) Senators
  - a) SGC Senators, excluding the Speaker, Speaker Pro-Tempore and Committee Chairs, shall receive annually an amount up to fifteen percent (15%), but no less than seven percent (7%) of the SGC-MMC President's salary.
- (iii) International Students under particular working conditions shall be exempt from this clause on a case-by-case basis.

**Section 3.10 New Senator Orientation**

- (a) Purpose
  - (i) The New Senator Orientation shall be a program established for all newly elected Senators and Appointed Senators. This program is to educate and prepare Senators for their role in SGA and shall cover necessary topics to ensure a Senator may serve the Student Body to the best of their abilities with the education and tools provided.
- (b) Attendance
  - (i) All newly elected Senators and Appointed Senators shall complete Orientation.
    - (1) Should an Appointed Senator be appointed six (6) weeks prior to the start of the next election cycle, they shall be exempt from completing Orientation.
  - (ii) Senators may attend Orientation again should they deem their performance and knowledge lacking.



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- (iii) Senators or Appointed Senators who have held previous legislative office for longer than one-hundred-and-twelve (112) days are exempt from completing Orientation.
  - (iv) Should members of the Student Body be interested in becoming a Senator, they may enroll into the Orientation upon written notification to the Senate Speaker at least ten (10) business days prior to the beginning of an Orientation Session.
  - (v) Any Senator or Appointed Senator may request exemption from Orientation with a two-thirds (2/3) majority vote. Prior to the vote, they shall present before the Senate Body reasoning for their exemption and any proof of competency on the proceedings of the SGA.
- (c) Administration and Content
- (i) The Speaker and/or Speaker Pro Tempore shall lead all sessions of Orientation. The SGA Advisor is permitted to assist in administering of the sessions.
  - (ii) Orientation shall be administered at least once during the Summer Legislative Session, and once during the Fall Legislative Session.
    - (1) Summer Orientation shall be permitted to live-stream sessions.
  - (iii) Orientation must be held within twenty (20) business days of the appointment of any Senator to a vacant seat.
  - (iv) Orientations are permitted to be held at SGA, or SGC-MMC Retreats.
  - (v) All content shall be provided in a written format for Senators to refer to in addition to other formats the content shall be presented in.
  - (vi) Orientation content shall comprise:
    - (1) Purpose, Mission, and Authority of SGA
    - (2) Structure of SGA
    - (3) Purpose, Powers, and Duties of the Legislative Branch
    - (4) Senator Requirements and Expectations
    - (5) Standing Committees and their Duties and Expectations
    - (6) Proceedings of Senate Meetings
    - (7) Parliamentary Procedure
    - (8) Legislation, Passage, Veto, and Veto Amendment
    - (9) Investigative Authority of the Senate
    - (10) General Impeachment Proceedings
    - (11) Yearly Budget Proceedings
    - (12) Goal Planning
- (d) Competency
- (i) The Speaker and/or Speaker Pro Tempore shall deliver a report detailing each



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Senator's competency at the conclusion of an Orientation. The report shall carry no merit to a Senator's execution of the duties of their office.



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## ARTICLE IV. EXECUTIVE BRANCH

### Section 4.01 Purpose

(a) Purpose

- (i) The purpose of the Executive Branch of the Student Government Council – Modesto A. Maidique Campus is to execute and carry out all duties as prescribed by these Statutes and the SGA Constitution, representing the interests of the student body before the FIU Administration. The Executive Branch shall ensure that all laws of the Legislative Branch and decisions of the Supreme Court are enforced and observed.

### Section 4.02 Structure and Leadership

(a) President

- (i) The President of the Student Government Council is the head of the Executive Branch of Government, the student representative to the Board of Trustees, and the representative of FIU to the Florida Student Association. (ii) The President shall abide by the SGA Constitution and these Statutes.
- (iii) The President shall be able, pursuant to Florida Statutes, to appoint students to serve on university committees on specific areas such as the Health Fee Committee and Technology Fee Committee.
- (1) Appointments to these committees shall be made publicly available through the SGC-MMC website. The appointment shall also be announced at the next Senate and Executive Branch meeting.
- (iv) The President shall complete 15 regularly scheduled office hours per week that classes are in session. Their office hours shall be publicly available.

(b) Vice President



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- (i) The Vice President of the Student Government Council is the second in command of the Executive Branch of Government and the *ex officio* President of the Senate. (ii) The Vice President shall abide by the SGA Constitution and these Statutes.
- (iii) The Vice President shall complete 10 regularly scheduled office hours per week that classes are in session. Their office hours shall be publicly available.
- (c) Comptroller
  - (i) The Comptroller shall be considered part of the Executive Branch, but not part of the Executive Cabinet as stated in the Constitution, Article IV, Section 2.
  - (ii) The Comptroller shall be in charge of carrying out the distribution of the budget and of auditing and advising the SGC-MMC.
  - (iii) The Comptroller shall provide a monthly financial report to the Senate and Executive Cabinet at the last meeting of every month.
  - (iv) Following the approval of a funding request by the Finance Committee and the SGC-MMC Senate, and the disbursement of these approved funds, the Comptroller shall provide detailed reports of budgetary requests to the Finance Committee.
    - 1) The Comptroller shall work with the Finance Committee Chairperson to adequately process budgetary requests in compliance with finance policy.
  - (v) The Comptroller shall complete 10 regularly scheduled office hours per week that classes are in session. Their office hours shall be publicly available.
  - (vi) The Comptroller shall be able to create the position of Deputy Comptroller and Assistant Deputy Comptroller if they wish to do so. The Deputy Comptroller and the Assistant Deputy Comptroller shall report directly to the Comptroller.
  - (1) The Comptroller shall be responsible for assigning duties and responsibilities to the Deputy Comptroller and Assistant Deputy Comptroller. The Deputy Comptroller and Assistant Deputy Comptroller shall be responsible for holding a minimum of three (3)





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office hours a week, completing 10-week reports, and acting as the Comptroller's liaison in Cabinet meetings.

- (2) Emoluments shall be set aside each year for the Deputy Comptroller and Assistant Deputy Comptroller positions and they shall receive the same salary as members of the Cabinet.

- (vii) The Comptroller shall be tasked with meeting with the ORC Chair and the Finance Chair prior to the first budget hearing.

(d) Cabinet

(i) Chief of Staff

- (1) The Chief of Staff shall be the chief advisor to the President.
- (2) Responsibilities shall include, but are not limited to, overseeing executive personnel, supervising the execution of office policies, being informed of the SGC-MMC calendar, facilitating the administration's goals and objectives, helping to preside over the weekly Executive Branch meetings, and proofreading all of the SGC-MMC literature.
- (3) The Chief of Staff shall complete 10 regularly scheduled office hours per week that classes are in session. Their office hours shall be publicly available.

(ii) Composition of the Executive Cabinet

- (1) The members of the Executive Cabinet shall be nominated by the President and Vice President and approved by a simple majority of the Senate.
- (2) The composition of the Executive Cabinet is determined by the President and Vice President. There shall be a permanent Chief of Staff within the Cabinet.
  - a) New Cabinet positions shall be created by the President through a New Cabinet Position Executive Order, to be announced at the



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next Executive branch meeting and Senate meeting following the establishment of the position.

- b) The New Cabinet Position Executive Order creating the position shall provide an overview of the general functions and duties of the position, as well as the formal title for the position.
- c) Nominees appointed by the President and being presented for approval by the Senate must be in attendance in the Senate meeting during which they will be considered. If there is a case in which a nominee cannot be in attendance, the President may speak on their behalf, by discretion of the Senate Speaker.
  - i) A copy of the New Cabinet Position Executive Order must be provided to the Senate when a nominee is presented to be confirmed.
  - ii) Each nominee must be presented and confirmed individually.

(3) Requirements

- a) All officials of the Executive Cabinet shall be required to attend bi-weekly Cabinet meetings.
  - i) Executive Cabinet officials shall not be allowed to have more than two (2) excused absences from Cabinet meetings.
  - ii) For an absence to be considered excused, documentation excusing one-self from a meeting must be provided to the Clerk of Council and Chief of Staff.
  - iii) During the Summer semester, Cabinet officials shall be allowed to miss meetings, as long as they are excused for every meeting.
    - 1. To be counted as present, Cabinet officials must be present for the majority of a meeting.



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- b) All Executive Cabinet members shall be individually required to submit one (1) report every Fall and every Spring semester. The report shall be submitted no later than ten (10) weeks after the beginning of every semester.
  - i) These reports shall include updates on goals, current and planned projects, current and planned events as well as a discretionary budget expenditure summary. ii) These reports shall be submitted to the Chief of Staff and be readily accessible to the Senate upon request.
- c) All Cabinet members shall complete 3 regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.
- d) All cabinet members shall fulfill the duties prescribed in the New Cabinet Position Executive Order that creates each respective position.

**Section 4.03 Elections Board**

- (a) The Elections Board shall be considered part of the Executive Branch, but not part of the Executive Cabinet as stated in the Constitution, Article IV, Section 2.
  - (i) The Elections Commissioner shall be appointed by the President of the SGC-MMC.
  - (ii) The Members of the Elections Board shall be appointed by the Elections Commissioner of the SGC-MMC.
  - (iii) Members of the Elections Board shall only be subject to removal of office when a formal charge of misfeasance, malfeasance, or nonfeasance has occurred.
    - (1.) A formal charge shall be considered as an impeachment trial voted on by the Senate, or when a writ of certiorari has been filed and a judicial hearing occurred.

**Section 4.04 Committees, Departments, Directors, Agencies, and Councils**



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(a) Agency/Council

(i) Purpose and Responsibilities

(1) The Student Government Council Agencies/Councils are established to perform the duties as described in these Statutes with the purposes of programming activities, managing student clubs, and representing student organizations.

(2) The Councils of the SGC-MMC shall be:

- a) Residence Hall Association
- b) Black Student Union
- c) Multi-Faith Council

(3) The Agencies of the SGC-MMC shall be

- a) Student Programming Council
- b) Homecoming Council
- c) Council for Student Organizations

(ii) Creation

(1) The process for the creation of an Agency/Council shall be as follows:

- a) Submission of an Application in the form of a formal Business Plan  
and a tentative Standard Operating Procedure to the Student Advocacy Committee
- b) The Application shall consist of the following items:
  - (i) Mission Statement
  - (ii) Scope of Service(s)



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- (iii) Description of how the service(s) will benefit the Student Body of Florida International University
    - (iv) Organizational Structure
    - (v) Proposed Budget & Breakdown
  - c) The Student Advocacy Committee shall review these documents and with a majority vote make a recommendation to the Senate about the proposed Agency/Council to proceed to the Rules, Legislation, & Judiciary Committee
  - d) After the Recommendation of the standing committees pursuant to Senate Rules of procedure, a Senator shall draft a Special Act enacting the addition of the reviewed group as an SGC-MMC Agency/Council
    - (i) The Agency/ Council Senate Bill will require a supermajority vote of the Senate
  - e) Upon passing of the Special Act to create the Agency/Council, the Agency/Council shall be considered an Interim Agency/Council.
  - f) The Interim Agency/Council application and Senate Bill shall be submitted to the University-Wide or Campus-Specific Budget Committee and the Office of the Vice President of Student Affairs or their designee for review of fiscal viability.
  - g) Upon creation Upon approval by the Office of the Vice President of Student Affairs, SGC Agencies/Bureaus Councils shall be incorporated into the organizational structure of the Student Government Association Executive Branch and shall be subject to all privileges and responsibilities inherent with Agency and Bureau Council status the following fiscal year.
- (2) All Agencies/Councils shall abide by these Statutes.
- (iii) Duties
- (1) All Agencies/Councils of the SGC-MMC shall operate under the authority of the SGC-MMC and its Constitution and Statutes.



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- a) Each Agency/Bureau shall have an Advisor who is a full-time faculty or staff member on the MMC or Engineering Campus designated by the Office of the Vice President of Student Affairs.
- (2) The Agencies/Council shall oversee the allocation of funds and operation of the organizations under their jurisdiction and/or of their specific directors, as determined by the budget of the Student Government.
  - a) The use of funds by the Agencies/Councils must fully comply with the Finance Code of the SGC-MMC.
  - b) Each Agency/Council shall be subject to audits by the SGC-MMC Comptroller, the Operational Review Committee of the Senate, and any other entity or official mandated by these Statutes.
- (3) Each Agency/Council shall conduct (either Executive Board or general membership) meetings, at least twice a month.
  - a) The time and schedule of the meetings of every Agency/Council shall be made available in the SGC-MMC Office and on each Agency's/Council's website, no later than forty-eight (48) hours before the next scheduled meeting.
- (4) Each Council shall have its Constitution, which shall outline the procedures of operation for the Council and for the elections of the Council's executive board.
  - a) The Constitution and every amendment to the constitution of each Council shall require the approval by the SGC-MMC Senate and the SGC-MMC President's signature.
  - b) Each Council reserves the right to elect and/or designate its own President or Director and Executive Board according to its own procedures as outlines in their governing documents.
    - i) The SGC-MMC Senate has the power to remove, after impeaching, a member of the Council's Executive Board for malfeasance and/or nonfeasance with a two-thirds (2/3) vote of the Senate.



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- ii) A list of all Executive Board members shall be made available at the SGC-MMC Office and on each Council's website.
- (5) Each Agency shall have its Constitution, which shall outline the procedures of operation for the agency. Elections of the Agency's executive board must follow the procedure outlined below.
  - a) The Constitution and amendments to the Constitution of each Agency shall require the approval by the SGC-MMC Senate and the SGC-MMC President's signature.
  - b) Each Agency reserves the right to elect and/or designate its own President or Director and Executive Board through the following procedure.
    - i) The Agency shall recommend, through an internal process outlined in its Constitution, to the SGC-MMC President, an individual to be considered for Director or President of the Agency.
    - ii) The SGC-MMC President shall approve or deny the recommendation. IF the recommendation is denied, another recommendation of a different individual shall be made to the SGC-MMC President, until a recommendation is approved.
    - iii) Once approved, the SGC-MMC Senate shall appoint the recommended individual to the position of President or Director.
    - iv) The SGC-MMC Senate shall confirm or deny the appointment of the Agency Director or President.
- (6) Each President, Director, or Agency/-Council Representative shall attend Executive Cabinet or Executive meetings as designated by the SGC-MMC President. The Agency/Council shall present a detailed report to the SGC-MMC Senate at least once a month on the status of their organization (events, minutes, membership numbers, spending, etc.).
  - a) Violations of this clause shall be considered misfeasance.



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- (7) Every Agency/Council President or Director must be paid through the SGC-MMC emolument account.
- (iv) Termination
  - a) Agencies/Councils will be eligible for termination when it is determined through a Senate review, that the agency no longer is providing the services for which it was created
  - b) Prior to any termination process being initiated, a formal grievance shall be issued, in writing, to the President/Director and Advisor regarding all issues deemed worthy of resolution or attention
  - c) A formal grievance shall only be initiated by the Student Body President, the Speaker of the Senate or the Internal Affairs Committee
    - (i) SGC Agencies/Councils shall be terminated upon enactment of a bill to delete the Agency from the SGC-MMC Statutes, Article IV, Section 4.05.
    - (ii) If an Agency/Councils is terminated its budget is automatically frozen
- (v) Council for Student Organizations
  - (1) The Council for Student Organizations (CSO) shall be the Agency overseeing and representing all undergraduate clubs, graduate clubs, and Honor Societies.
  - (2) The CSO shall be responsible for allocating funds to each organization, providing a structure for funding, and providing leadership to its member organizations.
- (vi) Student Programming Council
  - (1) The Student Programming Council (SPC) shall be the Agency responsible for programming on the Modesto A. Maidique Campus for activities such as lectures, concerts, performances, and other events throughout the year.
- (vii) Homecoming Council
  - (1) The Homecoming Council (HC) shall be the Agency responsible for programming a designated week of events which promote school spirit, and entertainment for students.





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(viii) Residence Hall Association

- (1) The Residence Hall Association (RHA) shall serve as the Council responsible for representing the students living in the on-campus housing facilities under the Department of Housing and Residential Life.
  - a) The RHA shall represent the housing community on issues of facilities, services, fees, general climate, and security.
- (2) The RHA shall serve as the Council, manager, and provider of funding towards any programming for the facilities of the Village Council, Panther Hall Council, University Towers Council, Everglades' Hall Council, Lakeview North Council, Lakeview South Council, Parkview Hall Council and National Residence Hall Honorary.

(ix) Multi-Faith Council

- (1) The Multi-Faith Council shall be the Council responsible for fostering levels of understanding, communication and respect among religious faiths in the Florida International University Community.

(x) Black Student Union

- (1) The Black Student Union (BSU) shall be the Council that serves as the liaison of students of the African Diaspora and Florida International University.

(b) Departments

- (i) The Executive Branch shall have divisions called departments charged with specific duties as outlined in these Statutes and composed of Directors. Departments shall be headed by a member of the Executive Cabinet as designated by the President, unless otherwise specified in these statutes. Cabinet positions with specific functions may be created outside of these departments at the President's discretion.
- (ii) Department of External Relations



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(1) Purpose and Responsibilities

- a) The Department of External Relations shall serve as the liaison between SGC-MMC and the University, the press, and the community as a whole.

(2) Structure

- a) The SGC-MMC President shall determine the composition, operational structure, and membership of this department.

(iii) Department of Governmental Relations

(1) Purpose and Responsibilities

- a) The Department of Governmental Relations shall be charged with representing SGC-MMC to members of the State Legislature, the U.S. Congress, federal and state government agencies, and other national and international public organizations.
- b) The Department of Governmental Relations shall be the lobbying arm of SGCMC and shall assist the Executive Branch and Legislative Branch with lobbying efforts and legislative outreach.
- c) The Department of Governmental Relations shall be responsible for coordinating all civic and voter engagement of the SGC-MMC

(c) Director

- (i) The Executive Branch shall have members that do not belong to the Cabinet known as Directors who shall assist and advise the Secretaries and/or Executive Branch Leadership on specific initiatives and topics. Directors belonging to Departments shall carry out the purpose of the Departments, but not all Directors must belong to a Department.
- (ii) Directors shall either be appointed by a Cabinet Member and approved by the President or appointed by the President. Directors shall be removed either by the SGC-MMC President, by the SGC-MMC Senate, or the SGC-MMC Judicial Branch.



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- (iii) Directors shall be considered SGA officials and shall be held to the same professional and ethical standards but shall not receive compensation as the position is a volunteer position.



## ARTICLE V. JUDICIAL BRANCH

### Section 5.01 Purpose

- (a) In accordance with the SGA Constitution and these SGC-MMC Statutes, a judicial system shall be established and titled the SGC-MMC Judicial Branch.
- (b) The purpose of the SGC-MMC Judicial Branch is to serve as the judicial body of the Student Government Council – Modesto A. Maidique Campus through its SGC-MMC Supreme Court and Department of Justice.
- (c) For the purposes of this Article and the officials over which it establishes its authority, any mention of legal advice, counsel, representation, or behavior representative thereof is not official or certified legal advice, counsel, representation, or behavior representative thereof. None of the officials listed herein shall act as, or assume, the legal privileges and prerogatives of any certified attorney in any capacity.
  - (i) Unless otherwise stated, any position, office, title, or document referenced to within this Article V shall be understood to be an SGC-MMC position, office, title, or document.
- (d) The Supreme Court shall receive *Writs of Certiorari*, for cases of petitions for legal review or grievances against SGC-MMC officials and entities, and shall decide whether to hear them, and if accepted for a hearing, shall rule on the *Writ*.

### Section 5.02 Structure and Leadership

- (a) The structure of the SGC-MMC Judicial Branch shall be composed of:
  - (i) One (1) Chief Justice
  - (ii) Four (4) Associate Justices
  - (iii) Up to two (2) Court Clerks
    - (1) The SGC-MMC Judicial Branch must have at least one (1) Court Clerk.
  - (iv) One (1) Attorney General
  - (v) Up to three (3) Deputy Attorney General
  - (vi) One (1) University Defender
- (vii) Up to three (3) Deputy University Defender
- (b) The Supreme Court shall consist of the Chief Justice, the Associate Justices, and the Court Clerks.
- (c) The Office of the Attorney General shall consist of the Attorney General and the Deputy Attorney(s) General.
- (d) The Office of the University Defender shall consist of the University Defender and the Deputy University Defender(s).
- (e) The Department of Justice shall consist of both the Office of the Attorney General and the Office of the University Defender.



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- (i) The Department of Justice is responsible for enforcing the law, defending the interests of the Student Body, and ensuring the fair and impartial administration of the Constitution and Statutes of the Student Government Association.
- (ii) Oversight of the Department of Justice may be exercised by the Senate's Internal Affairs Committee, which shall have the authority to review the records of the department, compel reports of its members, and to make recommendations to the University Defender, Attorney General, Chief Justice, or Senate with regards to its improvement.

**Section 5.03** Appointments and Terms of Office

- (a) As delineated in Article V, Section 6 of the SGA Constitution:
  - (i) The Chief Justice shall be appointed by the President and confirmed by a simple majority vote of the Senate members present and eligible to vote.
  - (ii) The Associate Justices shall be appointed by the Chief Justice and confirmed by a simple majority vote of the Senate members present and eligible to vote.
  - (iii) Justices shall serve for one (1) two-year term, starting at the date of confirmation and ending two years after that date.
    - (1) Justices are not limited to a number of terms they can serve but must re-apply after every two-year term.
  - (iv) Court Clerks shall be appointed by the Chief Justice and serve a one-year term.
    - (1) Court Clerks are not limited to a number of terms they can serve but must re-apply after every one-year term.
- (b) The positions of the Department of Justice shall be appointed and serve their terms as follows:
  - (i) The Attorney General shall be appointed by the Chief Justice and confirmed by a simple majority vote of the Senate members present and eligible to vote. The Attorney General shall serve a one-year term.
    - (1) Attorneys General are not limited to a number of terms they can serve but must re-apply after every one-year term.
  - (ii) Deputy Attorneys General shall be appointed by the Attorney General and serve a one-year term.
    - (1) Deputy Attorneys General are not limited to a number of terms they can serve but must re-apply after every one-year term.
  - (iii) The University Defender shall be appointed by the Chief Justice and confirmed by a simple majority vote of the Senate members present and eligible to vote. The University Defender shall serve a one-year term.
    - (1) University Defenders are not limited to a number of terms they can serve but must re-apply after every one-year term.



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(iv) Deputy University Defenders shall be appointed by the University Defender and serve a one-year term.

(1) Deputy University Defenders are not limited to a number of terms they can serve but must re-apply after every one-year term.

**Section 5.04 Duties and Responsibilities of Officers**

(a) The Duties and Responsibilities of the Chief Justice shall include:

(i) Serving as the chief administrative officer of the Judicial Branch and the SGC-MMC Supreme Court.

(ii) Presiding over meetings of the SGC-MMC Supreme Court.

(iii) Serving as a member of the Executive Board.

(iv) Having the same powers and responsibilities of the Associate Justices.

(v) Serving as the SGC-MMC Senate Parliamentarian.

(i) In the absence of the Chief Justice, they may designate an Associate Justice to serve as the SGC-MMC Senate Parliamentarian.

(vi) Controlling the judicial agenda and docket and decide which cases the SGC-MMC Supreme Court will consider first.

(1) It shall be the sole responsibility of the Chief Justice to decide on and render decisions on motions, made by parties to a case, prior to, during, and after a trial.

a) In the absence of the Chief Justice, or in the case of their recusal, they shall designate an Associate Justice to perform this duty.

(vii) Being responsible for notifying members of the Judicial Branch of the date, time, location of any Judicial Branch meetings.

(viii) Having the authority to assign duties to members of the Judicial Branch that are necessary to meet the objectives of the Judicial Branch.

(ix) Ensuring that the Oath of Office has been administered to all confirmed SGC-MMC officials.

(x) Announcing all SGC-MMC Supreme Court resignations and removals at the SGC-MMC Senate meeting immediately following the procedure of resignation and/or removal.

(xi) Announcing any Writs that the Supreme Court has voted to grant at the SGC-MMC Senate meeting immediately following the Supreme Court's decision.

(xii) Completing ten (10) regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.

(xiii) Attending at least three (3) SGA-sponsored events per semester.



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- (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.
- (xiv) Not being actively identified with any candidate/ticket or campaign for any SGC-MMC elected office(s), nor act in a partisan manner.
- (b) The Duties and Responsibilities of Associate Justices shall include:
  - (i) Assisting the Chief Justice in the administration of his or her duties.
  - (ii) Performing any duties of the Chief Justice upon his or her request.
  - (iii) Completing three (3) regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.
  - (iv) Attending at least three (3) SGA-sponsored events per semester.
  - (v) (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.
  - (vi) Not being actively identified with any candidate/ticket or campaign for any SGC-MMC elected office(s), nor act in a partisan manner.
- (c) The Duties and Responsibilities of Court Clerks shall include:
  - (i) Acting as a liaison between the members of the SGC-MMC Supreme Court and the members of the Student Government Association and Student Body.
  - (ii) Naming and assigning a citation to Writs of Certiorari received by the SGC-MMC Supreme Court.
  - (iii) Making available, for public consumption, the votes, and opinions of the court, as well as the name and citation of the case.
  - (1) A hard copy of the opinions relative to each petition shall be filed in a binder in the SGC-MMC office.
  - (2) A digital copy of the opinions relative to each petition shall be filed and uploaded to the FIU Digital Commons Archives.
  - (iv) Attending at least three (3) SGA-sponsored events per semester.
  - (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.
  - (v) Not being actively identified with any candidate/ticket or campaign for any SGC-MMC elected office(s), nor act in a partisan manner.
- (d) The Duties and Responsibilities of the Attorney General shall include:
  - (i) Serving as the chief administrative officer of the Office of the Attorney General.



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- (ii) Being responsible, upon request, for providing counsel and representation to any student petitioning the SGC-MMC Supreme Court, the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC, as a petitioner, plaintiff, or appellant.
- (iii) Reviewing all bills, resolutions, and appropriations passed by the Senate and offering advice on the legality of the legislation with respect to the Student Government Association Constitution, SGC-MMC Statutes, and university policy.
- (iv) Ensuring the legality of legislation, actions, and proceedings of the Student Government Association with respect to the Student Government Association Constitution, SGC-MMC Statutes, and university policy.
- (v) Filing Writs on behalf of the Students of Florida International University's Modesto A. Maidique Campus in the event that an SGC-MMC official, group of officials, or branch, is, or are, in violation of the Student Government Association Constitution, SGC-MMC Statutes, university policy, or any relevant governing document under the jurisdiction of the Student Government Association.
- (vi) Overseeing litigation on behalf of the Students of Florida International University's Modesto A. Maidique Campus in the SGC-MMC Supreme Court and any lower courts established under the SGC-MMC.
- (vii) Investigating all relevant records and collecting evidence for the purpose of trial preparation and presentation.
- (viii) Completing five (5) regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.
- (ix) Attending at least three (3) SGA-sponsored events per semester.
- (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.
- (x) Not being actively identified with any candidate/ticket or campaign for any SGC-MMC elected office(s), nor act in a partisan manner.
- (e) The Duties and Responsibilities of the Deputy Attorney General shall include:
  - (i) Assisting the Attorney General in the administration of his or her duties.
  - (ii) Serving as second chair and co-counsel for all cases in which the Attorney General is present.
  - (1) In the event that the Attorney General is not, or will not, be present the Deputy Attorney General shall serve as first chair and lead counsel with the written consent of the Attorney General.





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- (iii) Performing any duties of the Attorney General in his or her absence or upon his or her request.
- (iv) Attending at least three (3) SGA-sponsored events per semester.
  - (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.
- (f) The Duties and Responsibilities of the University Defender shall include:
  - (i) Serving as the chief administrative officer of the Office of the University Defender.
  - (ii) Being responsible, upon request, for providing counsel and representation to any student brought before the SGC-MMC Supreme Court, the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC, as a respondent, defendant, or appellee.
  - (1) The University Defender will be required to offer to represent SGC-MMC, or any SGC-MMC governing council, in the event that the SGC-MMC and/or an SGC-MMC governing council is party to a case being heard before the SGC-MMC Supreme Court.
  - (iii) Investigating all relevant records and collecting evidence for the purpose of trial preparation and presentation.
  - (iv) Completing five (5) regularly scheduled office hours per week in which they are accessible to anyone within the student body. Their office hours shall be publicly available.
  - (v) Attending at least three (3) SGA-sponsored events per semester.
    - (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.
  - (vi) Not being actively identified with any candidate/ticket or campaign for any SGC-MMC elected office(s), nor act in a partisan manner.
- (g) The Duties and Responsibilities of the Deputy University Defender shall include:
  - (i) Assisting the University Defender in the administration of his or her duties.
  - (ii) Serving as second chair and co-counsel for all cases in which the University Defender is present.
  - (1) In the event that the University Defender is not, or will not, be present the Deputy University Defender shall serve as first chair and lead counsel with the written consent of the University Defender.
  - (iii) Performing any duties of the University Defender in his or her absence or upon his or her request.
  - (iv) Attending at least three (3) SGA-sponsored events per semester.



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- (1) Photo evidence, or another form of documentation deemed appropriate by the Internal Affairs Committee, must be submitted to the Internal Affairs Committee for attendance at the event to be valid.

**Section 5.05** Orientation and Training

- (a) Upon confirmation, each member of the Judicial branch shall be required to attend an orientation and training as to their respective roles within the Judicial Branch.
- (b) The Chief Justice, in cooperation with the Office of General Counsel, shall conduct the training session.
  - (i) Should the Office of General Counsel be unavailable within a reasonable amount of time to assist with Judicial Branch training, the Chief Justice shall conduct the training session in cooperation with the Office of the Vice President of Student Affairs.
  - (ii) Should the Office of the Vice President for Student Affairs be unavailable within a reasonable amount of time to assist with the Judicial Branch Training, the Chief Justice shall conduct the training in cooperation with the Student Life and Development Office.
- (c) This orientation and training session may include, but need not be limited to education of the following:
  - (i) Judicial Process;
  - (ii) State Laws;
  - (iii) Local Laws;
  - (iv) Government in the Sunshine;
  - (v) Family Educational Rights and Privacy Act (FERPA);
  - (vi) SGA Constitution;
  - (vii) SGC-MMC Statutes;
  - (viii) SGC-MMC Senate Rules;
  - (ix) FIU's Human Resources guidelines;
  - (x) SGC-MMC Case Law; and
  - (xi) All relevant governing documents.

**Section 5.06** Meetings and Attendance

- (a) The Judicial Branch shall meet at least once a month.
  - (i) Judicial Branch meetings will be scheduled regularly by the Chief Justice.
- (1) The Clerk(s) of Court will send out the agenda and minutes of the upcoming Judicial Branch meeting to all of the members of the Judicial Branch no later than 24 hours prior to the given Judicial Branch meeting.
- (b) The SGC-MMC Supreme Court will convene whenever necessary in order to review filed Writs or entertain hearings.



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- (i) SGC-MMC Supreme Court meetings and hearings will be scheduled by the Chief Justice.
- (ii) The Chief Justice may call the court and/or Judicial Branch into session for a special meeting with a 48-hour notice.
- (1) Any member of the Judicial Branch may ask the Chief Justice to call a special meeting. If the Chief Justice refuses to do so, a meeting may be called with a supermajority vote of all the Justices and a 48-hour notice for all Judicial Branch members.
- (c) Each Justice of the SGC-MMC Supreme Court shall attend all court hearings and meetings.
  - (i) For any case to be heard, a minimum of three (3) Justices must be present.
  - (ii) No Justice will be able to serve in their position during a particular hearing if the scheduled hearing has begun prior to their arrival.
- (d) The accumulation of more than two (2) unexcused absences in one semester by a member of the Judicial Branch from required Judicial Branch Meetings, SGC-MMC Supreme Court Meetings, and/or SGC-MMC Supreme Court Hearings will result in the automatic removal of that Judicial Branch member.
  - (i) In order to be excused, notice of the absence must be sent to the Court Clerk(s) no later than 48 hours prior to said absence with documentable proof of excuse.
- (e) Minutes will be taken at all meetings and hearings of the Judicial Branch.
  - (i) Judicial Branch meeting minutes are to be made electronically available for public consumption no later than 48 hours after a given meeting.
  - (ii) SGC-MMC Supreme Court meeting and hearing minutes are to be made electronically available for public consumption no later than 48 hours after a given meeting or hearing.
  - (1) A hard copy of the meeting minutes taken at SGC-MMC Supreme Court Hearings will form part of the record of the case and shall be entered into the judicial archive which shall be held in the SGA Office.
  - (2) A digital copy shall additionally be retained and shall be entered into the FIU Libraries Digital Commons.

**Section 5.07 Definitions**

- (a) Affidavits:
  - (i) If it so chooses, any office of the Department of Justice may collect affidavits from witnesses subpoenaed to testify for a particular trial.
  - (1) Affidavits must be taken by officials of the Department of Justice and submitted to the Clerks of Court no later than 24-hours prior to the commencement of trial.
- (b) Amicus Curiae Briefs:



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- (i) After a Writ of Certiorari has been granted and all parties have been notified, both parties to the case and any interested parties may file Amicus Curiae Briefs with the Chief Justice.
- (ii) Briefs must be received by the Chief Justice no later than five (5) business days prior to the commencement of a hearing.
- (iii) Briefs must conform to the SGC-MMC Amicus Curiae Brief Template and must contain a listing of the general arguments for or against the issue in question.
- (1) The SGC-MMC Amicus Curiae Brief Template can be found on FIU's Student Government Association website.
  - a) The format of the SGC-MMC Amicus Curiae Brief Template may be revised and approved at the discretion of the Chief Justice.
- (iv) Briefs must be succinct, to the point, and signed by the party that prepared it.
- (v) Prior to the start of trial, the Chief Justice shall distribute copies of all available Amicus Curiae Briefs to all parties involved.
- (c) Contempt:
  - (i) The SGC-MMC Supreme Court shall have the power to cite all parties at interest and any witnesses or spectators, at hearings and trials, for contempt of court and shall have the power to try him, her, or them for this offense and issue punishment or penalty thereof.
- (d) Counsel:
  - (i) Any student may represent a plaintiff, or a defendant, in cases of a grievance against an SGC-MMC official or entity, an appellant, or an appellee, in cases of an appeal of the decisions of the SGC-MMC Elections Board or any governing council, or a petitioner, or a respondent, in cases of a petition for legal review so long as the party being represented submits written approval of counsel to the Court Clerk at least 24-hours prior to any judicial proceedings regarding the party's case.
  - (1) Any party brought before the SGC-MMC Supreme Court has the right to representation by the University Defender but must elect to do so. Any party that consents to representation by the University Defender shall be bound to all actions and statements made by said counsel.
    - a) All respondents, defendants, and appellees shall have the right to be represented by the Office of the University Defender. The respondent, defendant, or appellee may choose to forgo representation by the Office of the University Defender.
    - b) All petitioners, plaintiffs, and appellants shall have the right to be represented by the Office of the Attorney General. The petitioner, plaintiff, or appellant may choose to forgo representation by the Office of the Attorney General.
- (e) Double Jeopardy:



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- (i) No SGC-MMC official shall be tried for the same case twice after having already been found innocent or guilty of said case.
  - (1) This does not include situations in which a student and/or SGC-MMC official chooses to appeal the verdict of his or her case.
- (f) Failure to Appear:
  - (i) Occurs when a party has failed to appear when, after being served with process or having actively resisted attempts to receive process, he or she does not make an appearance, in person or by counsel, at a duly convened preceding of the SGC-MMC Supreme Court
  - (ii) If an SGC-MMC official, elected or appointed, knowingly fails to appear before the SGC-MMC Supreme Court, he or she will be held in contempt of court.
  - (iii) Should the charged official, officials, and/or counsel for such, not present themselves at the hearing, the hearing will take place and a decision will be rendered in absentia.
- (g) Injunction:
  - (i) The SGC-MMC Supreme Court shall have the power to enjoin the action of any official or entity within its jurisdiction.
  - (ii) For any case, the Chief Justice, or in the case of the Chief Justice's recusal or absence in a case, the senior-most Justice, may only enjoin an official or entity within the SGC-MMC's jurisdiction prior to the announcement of the Court's decision, opinion, or verdict.
    - (1) Any injunction the Court puts in place may be the result of a request from either party to a case or the result of the Court's belief that it must intervene in order to prevent further damage to any party.
    - (2) Any injunction the Court puts in place must be lifted upon the conclusion of the case that brought about said injunction. However, this does not mean that the action compelled or restrained by the injunction may not be part of the Court's decision, opinion, or verdict.
  - (iii) The Court may hold individuals, branches, or entities under its jurisdiction in Contempt of Court for acts which defy its injunctions.
- (h) Opinion:
  - (i) The SGC-MMC Supreme Court shall issue opinions in cases of appeals of the decisions of the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC.
  - (ii) The Court may issue the follow types of opinions:
    - (1) Majority opinions:
      - a) The opinion of a simple majority of the Court, the author of which shall be decided by the Chief Justice or, if the Chief Justice is not part of that simple majority,



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the senior-most Justice within the majority. Majority opinions shall have binding legal authority and may be cited as precedent in future cases.

(2) Dissenting opinions:

- a) The opinion of a member of the Court who disagrees with the majority. Any Justice disagreeing with the majority may write a dissenting opinion and there may be as many dissenting opinions as there are Justices disagreeing with the majority. Dissenting opinions shall not have binding legal authority.

(3) Concurring opinions:

- a) The opinion of a member of the Court who agrees with the majority but based on legal reasoning different to that of the majority opinion. Concurring opinions shall not have binding legal authority.

(4) Plurality opinions:

- a) The opinion of a set of members of the Court that make up less than a simple majority. This type of opinion can only exist in instances where the Court failed to arrive at a majority opinion.

(i) Oral Argument:

- (i) Oral Argument is the time allotted in cases involving an appeal or a petition for legal review to the parties of the case during which they make their argument for why their interpretation of the law should be upheld.

- (ii) During this time, Justices may interrupt the presenting party to ask questions. Although the time taken by the Justice to ask the question will not be taken from the presenting party's time, the time they take to answer the Justice's question will.

- (iii) No later than 72-hours prior to the commencement of Oral Argument proceedings the Chief Justice shall inform both parties of the amount of time they will each be allotted.

(1) After reading all filed Amicus Curiae briefs, the Chief Justice may decide that Oral Argument is not necessary, at which point both parties will be notified. Upon the notification of both parties, the three (3) business day period of deliberations will begin.

(2) If the Chief Justice decides that Oral Argument proceedings are necessary, they may set no less than ten (10) minutes and no more than thirty (30) minutes for both sides to present their case.

- a) If after hearing Oral Argument from both sides the Court wishes to continue hearing from the parties to the case, the Chief Justice may extend Oral Argument by no more than ten (10) minutes.

- i) This extension may not be granted after the adjournment of the original proceeding.



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- ii) This extension shall follow the same structure as that of a standard Oral Argument proceeding.
- (j) Recusal:
  - (i) Any Justice of the SGC-MMC Supreme Court shall recuse himself/herself from participation in the adjudication of a case if he or she believe that, by virtue of his or her relationship or close association with any of the parties to the case, he or she is unable to decide the case impartially.
  - (ii) Any parties to a case before the SGC-MMC Supreme Court have the right to challenge the inclusion of any Justice in his or her respective hearing.
    - (1) This challenge must be submitted no later than three (3) business days prior to the scheduled hearing.
    - (2) The challenge must be in writing and based on cause, which clearly provides evidence of a conflict of interest, bias, pressure, or influence that could preclude a fair and impartial hearing.
  - (iii) In the event of a challenge for recusal, or that one or more Justices feels as though a fellow Justice should be recused, the Justices shall take a vote for said Justice's recusal.
    - (1) This vote shall take place during an official meeting of the Supreme Court.
    - (2) If a simple majority of the Justices hearing the case vote to recuse the Justice in question, that Justice will be recused for the remainder of the case.
  - (iv) When a Justice has been recused, they shall take no part in the trial in any official capacity. This restriction is to include hearings, deliberations, votes, the opinion drafting process, and any other business of the court regarding the case in which they were recused.
  - (v) If the Chief Justice is recused, the senior-most Justice taking part in the case shall be serve as acting Chief Justice and bare all of the duties and responsibilities of the Chief Justice for that case.
- (k) Standing:
  - (i) Any aggrieved party who is a student at Florida International University shall have the standing to bring a complaint before the SGC-MMC Supreme Court.
  - (ii) Any SGC-MMC official, officials, or SGC-MMC branch can be referred for judicial hearing for violations of any SGA or SGC governing documents, and/or relevant governing documents, university procedures, state laws, and/or federal laws. This review shall be instigated by a written grievance filed as a Writ of Certiorari.
    - (1) SGC-MMC officials shall include but may not be limited to all members of the SGC-MMC Legislative, Executive, and Judicial branches as well as all Governing Council Directors.





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(l) Statute of Limitations:

- (i) No case shall be heard by the SGC-MMC Supreme Court more than ninety (90) business days after the alleged act, occurrence, or transaction constituted the principal matter of the case or reasonable discovery thereof.

(m) Subpoena:

- (i) The SGC-MMC Supreme Court shall have the power of subpoena over all SGC-MMC Officials.
- (ii) The SGC-MMC Supreme Court may request the testimony of students that are not SGC-MMC Officials.
- (iii) Any SGC-MMC Official who fails to obey a subpoena shall be held in contempt of court.

(n) Summary Judgment:

- (i) A pre-trial motion in cases of a grievance against an SGC-MMC official or entity. Motions for Summary Judgment seek to establish that the disputed issues of the case are matters of law rather than matters of fact and therefore renders the need for a trial unnecessary.

- (1) The Court shall only grant this motion after receiving an outline of the facts as presented by both sides.

- a) If the Court believes that the facts, as presented by both sides, do not conflict with one another it may grant this motion.

- b) After granting a Motion for Summary Judgment, the Court shall request that both parties to the case submit briefs outlining the legal theory behind their allegation or defense within five (5) business days.

- c) Upon the conclusion of the five (5) business day period for submission of briefs, the Court shall enter a five (5) business day period to deliberate, arrive at a verdict, and, if applicable, decide on the sentence.

- (2) This motion may only be filed by the defendant since, in effect, it waives the defendant's right to a trial if granted by the Court.

(o) The Supreme Court:

- (i) Refers to all Justices of the Supreme Court, acting as one entity.

- (1) When mentioned in the context of a case, "The Supreme Court" may refer to all the Justices participating in that given case, which may exclude any Justices that were absent or recused. It may also refer to the Chief Justice in their capacity as the chief administrative officer of the Supreme Court, usually in the context of the power to grant or deny motions.

- (ii) May also be referred to as "The Court," "The Justices," or "The Bench"

(p) Writs of Certiorari:





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(i) The SGC-MMC Supreme Court shall receive Writs of Certiorari for cases of:

(1) Petition for legal review.

a) For these cases, the parties involved will be either:

i) Petitioner; or

ii) Respondent.

(2) Grievance against SGC-MMC officials and entities.

a) For these cases, the parties involved will be either:

i) Plaintiff; or

ii) Defendant.

(3) Appeal of the decisions of the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC.

a) For these cases, the parties involved will be either:

i) Appellant; or

ii) Appellee.

**Section 5.08 Pre-Trial Procedures**

(a) All Writs of Certiorari must be granted or denied by a simple majority vote of the SGC-MMC Supreme Court Justices within ten (10) business days of being submitted to the Court Clerk(s).

(i) Upon granting of a Writ, the SGC-MMC Supreme Court Clerk(s) is/are required to forward the Writ to the officers of the Department of Justice no later than 48 hours after granting.

(1) The Office of the Attorney General will be required to serve as counsel for the petitioner/plaintiff/appellant.

a) The petitioner/plaintiff/appellant may choose to opt out of being represented by the Office of the Attorney General.

b) The Office of the Attorney General has the prerogative to take a student's case and represent it on behalf of the Students of Florida International University.

(2) The Office of the University Defender will be required to serve as counsel for the respondent/defendant/appellee.

a) The respondent/defendant/appellee may choose to opt out of being represented by the Office of the University Defender.

b) The Office of the University Defender has the prerogative to take a student's case and aid the student in preparing a defense to the charges rendered against him, her, and/or them.

(b) Upon the granting of the Writ of Certiorari, the SGC-MMC Supreme Court Clerk(s) shall:



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- (i) Assign the name of the case, where the surname of the plaintiff/petitioner/appellant shall be listed first, followed by the surname of the defendant/respondent/appellee. (i.e. Richards v. Smith)
- (ii) Assign each case a trial number of standard formats.
  - (1) The case number shall be formatted with the SGC-MMC Supreme Court designation listed first followed by the order number beginning with 001 according to the order in which it was received, followed by the respective calendar year in which the case was adjudicated. (i.e. S.C. 001 (2020)).
    - a) All cases should begin January 1<sup>st</sup> (S.C. 001 (2020)) through December 31<sup>st</sup> (S.C. XXX (2020)).
- (iii) Inform the accused, in writing, of the allegations, charges, students' rights, and judicial hearing process no later than twenty-four (24) hours after granting.
- (c) All Writs of Certiorari must be heard within ten (10) business days of being granted unless the Writ is a complaint or grievance filed against an SGC-MMC official.
- (i) If the Writ is a complaint or grievance filed against an SGC-MMC official, the SGC-MMC Supreme Court must hear the Writ within fifteen (15) business days of granting the Writ.
- (d) The SGC-MMC Supreme Court Chief Justice should take into account the accused's academic and extracurricular schedules when selecting the date and time of his, her, and/or their hearing.
- (e) Once the judicial hearing is scheduled, the SGC official, or officials, under investigation shall be notified within five (5) business days by the Chief Justice of the time, date, and location of the judicial hearing.
- (i) If, for any reason, a hearing is postponed the Chief Justice must alert all parties to the case no later than 24-hours prior to the commencement of the original hearing and must notify them of the new time, date, and location of the judicial hearing no later than five (5) business days prior to the commencement of the new hearing unless the new hearing is to take place less than five (5) business days after the time set originally, in which case the Chief Justice is to notify all parties as soon as possible.
- (f) The Attorney General, University Defender, and/or chosen Counsel shall compile all evidence to be used at the judicial hearing. This evidence shall be submitted to the opposing party and the Court by the Attorney General, University Defender, and/or chosen Counsel no later than five (5) business days prior to the hearing.
- (g) If any party to a case wishes to subpoena a witness for a hearing, the party must submit an official request.
- (i) This request must be communicated to the Court and all other parties to the case.



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- (ii) This request must include the full name of the person being subpoenaed, their academic email, and an explanation of the relevance of this subpoena.
  - (1) The Chief Justice shall decide whether the witness is relevant to the case. If so, the Chief Justice shall inform the Court Clerk(s) to contact the witness to inform them that they have been subpoenaed and must appear before the Court on the date of the hearing.
- (h) Whenever the Chief Justice, or a simple majority of the Justices present, deems it appropriate, the Supreme Court may consolidate multiple cases into one.
- (i) A consolidation of cases will be deemed appropriate when the constitutional issue in question is the same or substantially similar.
- (ii) A consolidation of cases may be deemed appropriate in appeals cases and cases involving a petition for legal review.
- (iii) A consolidation of cases shall be prohibited in cases of a grievance against an SGC-MMC official or entity.
  - (1) This prohibition is to exclude instances where multiple officials or entities have been alleged to conspire to commit an act of nonfeasance, misfeasance, or malfeasance in concert, whereby the Court may choose to try all the accused as co-defendants.
- (i) In cases involving an appeal of the decisions of the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC, the Chief Justice shall forward all Amicus Curiae briefs to the rest of the Court. After distributing all briefs and no later than 72 hours prior to the commencement of Oral Argument proceedings, the Chief Justice will inform both parties of how much time they are to be allotted for Oral Argument as well as whether or not additional briefs will be accepted up to 24-hours prior to the commencement of proceedings.
- (i) No briefs shall be accepted past the 72-hour period prior to the commencement of Oral Argument proceedings that was not written and filed by either of the parties to the case.
  - (1) Before this period, briefs shall be accepted from all interested parties.
- (ii) Both parties in cases of an appeal of the decision of the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC shall be allotted the same amount of time for Oral Argument.
  - (1) The only exception to this shall include sanctions levied by the Chief Justice in cases where a party to the case is being held in Contempt of Court.
- (j) In cases involving a grievance against an SGC-MMC official or entity, the accused may file a motion for Summary Judgment.



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- (i) This request is to be submitted to the Clerk of the Court and the Chief Justice via official communication.
- (ii) With the request, the accused must also submit a brief outlining the facts as they know them.
- (iii) The plaintiff will be notified of the defendant's filing and required to submit a brief outlining the facts as they know them as well.
- (iv) Upon receiving both briefs, the Chief Justice will decide whether to grant the motion for Summary Judgment. If the motion is granted, both parties shall be asked to submit briefs outlining the legal theory of their allegation or defense.
- (k) In cases involving a petition for legal review the Court shall be tasked with notifying the entity which governs the challenged governing document of the case. This entity shall have standing in that matter and may serve as the Respondent in that given case if they would like to offer an alternate interpretation to that of the Petitioner.
- (i) When a petition for legal review is filed and granted Writ of Certiorari by the Court, the case will enter a two (2) business day period during which any SGC-MMC branch or entity with standing in the matter may file to serve as a Respondent in the case. If the two (2) business day period elapses without any SGC-MMC branch or entity opting to serve as a Respondent a three (3) business day period will begin, during which any student enrolled at the university may file to serve as the Respondent in this case. If after the three (3) business day period, there is no Respondent the case moves forward with the Petitioner as the sole party to the case.
  - (1) Organizations, branches, entities, officials, or students that wish to serve as a Respondent to a case may request to do so by submitting a written communication to the Clerk of the Court and the Chief Justice.
- (ii) When a petition for legal review of the SGA governing documents is filed and the Court grants that case Writ of Certiorari, the SGC-MMC Senate shall have standing to serve as the Respondent to the case.
  - (1) The SGC-MMC Speaker of the Senate shall, as the representative of the Senate, decide whether the Senate will argue the case.
    - a) If the SGC-MMC Speaker of the Senate decides that the Senate will serve as a Respondent to the case the Speaker must appoint a Senator to argue the case on the Senate's behalf.
      - i) The Speaker must obtain the Senator's consent in writing in order to appoint them as the Senate's representative in this case.
- (iii) When a petition for legal review of lower governing documents, such as the Constitutions of governing councils and other organizations under the Student Government's



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jurisdiction, is filed and the Court grants that case Writ of Certiorari, that governing council or organization's executive board shall have standing to serve as the Respondent to the case.

- (1) The governing council or organization's Executive Board must choose one member to represent the council or organization in the case.
- (iv) The Chief Justice shall review and distribute all Amicus Curiae briefs to the rest of the Court and shall inform all parties to the case of how much time they will be allotted for Oral Argument no later than 72 hours prior to the commencement of Oral Argument proceedings.
- (l) After the Court has granted a case Writ of Certiorari and before the start of trial, either party to a case may request a continuance, which may be granted at the discretion of the Chief Justice.
- (i) Any continuance granted by the Court shall not be in excess of five (5) business days, unless agreed to by both parties to the case as well as the Court.
- (m) The SGC-MMC Supreme Court shall have the power to issue injunctions.

**Section 5.09 Trial Procedures**

- (a) All trial, hearing, and court proceedings and orders of the court shall be established by the SGC-MMC Statutes and published prior to the court session.
- (b) All parties shall be given equal opportunity to review the orders, and rules, and to present their case.
- (c) Proceedings for cases involving a grievance against an SGC-MMC official or entity are as follows:
  - (i) Opening remarks by the Chief Justice.
  - (ii) Opening statement by the plaintiff.
  - (iii) Opening statement by the defendant.
  - (iv) Presentation of witnesses by the plaintiff.
    - (1) The defendant may ask the plaintiff's witnesses questions after the plaintiff has finished with their line of questioning for each.
    - (2) The amount of time allotted for either side to question the witness shall be determined by the Chief Justice.
  - (1) The plaintiff shall be allotted the same amount of time to question their witnesses as the defendant will be allotted to question the plaintiff's witnesses.
- (v) Presentation of witnesses by the defendant.
  - (1) The plaintiff may ask the defendant's witnesses questions after the defendant has finished with their line of questioning for each.



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- (2) The amount of time allotted for either side to question the witness shall be determined by the Chief Justice.
- a) The defendant shall be allotted the same amount of time to question their witnesses as the plaintiff will be allotted to question the plaintiff's witnesses.
- (vi) Closing statement by the plaintiff.
- (vii) Closing statement by the defendant.
- (viii) Rebuttal by the plaintiff.
- (ix) Closing remarks and adjournment by the Chief Justice.
- (d) Proceedings for cases involving an appeal of the decision of the SGC-MMC Elections Board, any lower courts, or established judicial boards under the jurisdiction of the SGC-MMC are as follows:
  - (i) Opening remarks by the Chief Justice.
  - (ii) Oral Argument by the Appellant.
  - (iii) Oral Argument by the Appellee.
  - (iv) Rebuttal by the Appellant if any time was reserved for rebuttal.
    - (1) Only the Appellant may reserve time for a rebuttal.
    - (2) To reserve time for a rebuttal, the Appellant must state that they desire to reserve the remainder of their time during Oral Argument when they have as much time left as they would like to reserve.
    - a) The amount of time reserved for rebuttal may not exceed twenty (20) percent of the total amount of time allotted to the Appellant for Oral Argument.
- (v) Closing remarks and adjournment by the Chief Justice.
- (f) Proceedings for cases involving a petition for legal review are as follows:
  - (i) Opening remarks by the Chief Justice.
  - (ii) Oral Argument by the Petitioner.
  - (iii) Oral Argument by the Respondent.
    - (1) If no one has filed to serve as a Respondent to the case then Oral Argument shall only be heard from the Petitioner.
  - (iv) Rebuttal by the Petitioner if any time was reserved for rebuttal.
- (1) Only the Petitioner may reserve time for a rebuttal.
  - (2) To reserve time for a rebuttal, the Petitioner must state that they desire to reserve the remainder of their time during Oral Argument when they have as much time left as they would like to reserve.
  - a) The amount of time reserved for rebuttal may not exceed twenty (20) percent of the total amount of time allotted to the Petitioner for Oral Argument.



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(v) Closing remarks and adjournment by the Chief Justice

**Section 5.10 Post-Trial Procedures**

- (a) Upon the adjournment of proceedings for a case, the SGC-MMC Supreme Court Justices shall have up to three (3) business days to deliberate on the case and vote on a decision if it is an appeal or a petition for legal review. In grievance cases, the Court shall have up to ten (10) business days to deliberate on the case, arrive at a verdict, and decide on a sentence.
- (b) Appeals cases and cases involving a petition for legal review shall be decided using the standard of “to a preponderance of the evidence.”
- (c) Grievance cases shall be decided solely on the information presented during the trial and using the standard of “beyond a reasonable doubt.”
- (d) Upon the conclusion of deliberations, the Court shall render one of the following types of decisions based on the type of case:
  - (i) In petition for legal review cases, the Court shall provide a constitutional interpretation that addresses the issue presented by the Petitioner.
    - (1) The Court may recommend that further action be taken by the SGC-MMC Senate, SGC-MMC Executive Branch, or other entity under the jurisdiction of the SGC-MMC to address the issue as part of its interpretation.
  - (ii) In grievance cases, the Court shall announce a verdict and, if applicable, a sentence.
    - (1) The verdict of a grievance case shall either be “guilty” or “not guilty” as determined by the vote of the Justices.
    - (2) If a defendant is found guilty, the Chief Justice shall be tasked with deciding the sentence but should consult the rest of the Court before delivering the sentence.
  - (iii) In appellate cases, the Court will decide whether to remand, affirm, reverse, vacate, or modify the decision of the lower court or judicial body and shall deliver an opinion that states what action the Court has decided to take as well as the Court’s legal reasoning.
    - (1) The court may issue the following kinds of opinions:
      - a) Majority opinions
      - b) Dissenting opinions
      - c) Concurring opinions
      - d) Plurality opinions
    - (2) Only majority opinions shall have binding legal authority and establish precedent within the SGC-MMC case law.
    - (3) Justices may only author one (1) opinion for each given case.
      - a) Justices may opt to not author an opinion and instead join in the opinion of another Justice.





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- b) The only instances where a Justice may join in the opinion of another Justice and author their own at the same time including the following:
  - i) When they are a part of the majority, but do not deliver the majority opinion, and author a concurring opinion.
  - ii) When they are not a part of the majority and author a dissenting opinion and join in the opinion of another dissenting Justice.
- (4) In the case where a simple majority of the Court cannot agree upon an opinion, the lower court or judicial body's ruling shall stand, and no majority opinion shall be produced.
- (e) After arriving at their decision, the Court shall have up to five (5) business days to write all of their opinion(s).

**Section 5.11 Appeals Process**

- (a) The Appeals Process is as follows:
  - (i) A written request must be submitted to the Vice President of Student Affairs or their designee within five (5) business days of the receipt of the hearing decision. If a disciplinary action is not appealed, that decision becomes final. The written request must state the reason(s) for appeal, the supporting facts, and the recommended solution. Failure to describe the nature of the evidence in full detail in the appeal letter will result in the denial of an appeal. Appeal considerations are limited to:
    - (1) Violations of State and/or Federal Law(s)
    - (2) Violations of Students' Due Process Rights
  - (ii) The Vice President of Student Affairs or their designee will review the written appeal, the record, and documentation from the original hearing, and determine if there is a basis for appeal. If the Vice President for Student Affairs or their designee determines there is no basis for appeal and upholds the original SGC-MMC Supreme Court Decision, a written decision will be sent to the student stating appeal denial and basis for the denial.
  - (iii) If an appeal is granted, the Vice President of Student Affairs or their designee will remand the decision to the original hearing body for a de novo review in consideration of the Vice President of Student Affairs' instruction to follow the violated State and/or Federal law(s), or to consider the new evidence, or both.
  - (iv) After delivering an opinion or verdict for any case, the Court must inform the parties to the case of how they may contact the Senate Rules, Legislation, and Judiciary Committee if they wish to report a perceived violation of their Due Process rights.





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- (1) The Senate Rules, Legislation, and Judiciary Committee shall be tasked with preparing a virtual form on a university sponsored online platform that students may access to report a perceived violation of their Due Process rights.



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## ARTICLE VI. ELECTIONS CODE

This document is authorized to be changed annually during the Summer C semester by the University-Wide Council (“UWC”). It cannot be changed without the express approval of the UWC and the Vice-President for Student Affairs.

### Section 6.01 Authority

- (a) The elections rules for all general elections and senate vacancies, including referendum elections and Constitutional amendment questions, are set forth in this document
- (b) The Elections Code policies for campaigning on campus may not violate the Code of Student Conduct, University Posting Policy, or the posting policies for specific facilities
- (c) The Elections Code may be amended following the amendment process set forth in the SGA Constitution
- (d) The provisions set forth by this Elections Code shall apply to SGC
- (e) Index
  - (i) Section 6.01- Authority
  - (ii) Section 6.02- Elections Board
  - (iii) Section 6.03- Definition
  - (iv) Section 6.04- Candidate Procedure and Qualifications
  - (v) Section 6.05- Political Parties
  - (vi) Section 6.06- Campaign and Election Guidelines
  - (vii) Section 6.07- Finance and Donation Guidelines
  - (viii) Section 6.08- Violations
  - (ix) Section 6.09- Senate Vacancies Guidelines

### Section 6.02 Elections Board

- (a) Purpose
  - (i) The respective Elections Board shall organize and execute all general elections, referendums, and senate vacancies at their respective campuses and each Election Board is thereby established for that purpose
- (b) Requirements
  - (i) The Elections Board of each campus will be subject to the requirements specified in the SGA Elections Code and to all other applicable provisions in the SGA Constitution and SGA Statutes



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- (ii) All members of any Elections Board shall maintain a 2.5 cumulative Grade Point Average to apply for and hold office and not be under any academic or disciplinary sanctions by the University
- (c) Selection
  - (i) The initial selection of an Elections Commissioner shall be by appointment by the SGC President of each campus following an open application process and must be confirmed by a simple majority vote of the SGC Senate, at a meeting where there is quorum. The Elections Commissioner shall appoint the following Elections Board chairs and must be confirmed by a simple majority vote of the SGC Senate, at a meeting where there is quorum
    - (1) The Deputy Elections Commissioner and the other members of the Elections Board shall be appointed by the Elections Commissioner. They shall assist the Elections Commissioner in his/her duties, should the Commissioner be unable to fulfill them
    - (2) The Elections Commissioner and the remainder of the Elections Board shall be appointed no later than the end of the Summer A semester as designated by the University calendar, and shall serve until the last day of the Spring semester or until they are discharged of their duties by the Elections Code, whichever comes first
      - a) The previous clause 6.02(c)(i)(2) shall apply to any chair appointed to fill a vacancy on the Elections Commission
- (d) Neutrality
  - (i) All members of the Elections Board, including the Elections Commissioner and Deputy Elections Commissioner shall not be actively identified with any candidate, political party and/or campaign for an elected position in any SGA, nor shall they act in any partisan manner while they are serving as chairs of the Board. In addition, no chairs of the Commission may hold or be a candidate for an elected or other appointed SGA position at any campus, excluding SGC-Interns
    - (1) In the event that a complaint is brought before the Board and the accused is an active member of the same student organization as a chair of the Board, the Board member must recuse him or herself from the complaint hearing
    - (2) Interns shall not participate on the Elections Board
- (e) Composition
  - (i) The Elections Board shall consist of a minimum of five (5) and a maximum of seven (7) members, with one (1) of whom being the Elections Commissioner and one (1) of whom being the Deputy Elections Commissioner. The remaining Commissioners may be



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assigned the responsibility of marketing, regulations, and minutes of meetings but not limited to these responsibilities

- (ii) The Elections Commissioner's emolument amount shall be subject to Article XI of the SGC Constitution

- (a) The salary shall be determined by the budget for each fiscal year and approved by a simple majority of the Senate

(f) Duties

(i) Elections Commissioner Duties

- (1) The Elections Commissioner shall serve as the Chairperson of the Board and shall faithfully execute those duties and responsibilities designated by these Statutes, the University policies, regulations, and the law
- (2) The Elections Commissioner shall be available for ten (10) weekly office hours, five (5) of which must be in the SGA o Office itself during the start of the election cycle. All hours must be logged and accounted for with the respective campuses' Clerk
- (3) The Elections Commissioner shall attend all Executive Cabinet meetings of their respective SGA in order to discuss business and keep the SGA apprised of changes to and/or difficulties with the elections process
- (4) The Elections Commissioner shall present a report to the respective SGA Senates and Executive Branches following each Elections Commission meeting in the Spring and/or at the discretion of the respective Speaker of the Senate or SGA Presidents. In his/her absence, the Deputy Commissioner should present a report
  - (a) The Elections Board must meet at least once a month in the Fall semester and once a week during the election cycle
- (5) The meeting minutes and findings of the Elections Commissioner are subject to review by each Senate's Internal Affairs Committee
- (6) The Elections Commissioner shall be responsible for instructing all election officials, Board members, and poll workers of the proper election procedures
- (7) The Elections Commissioner shall ensure that the application documents of all candidates are submitted to a Division of Student Affairs designee (hereafter "designee") for eligibility review
  - (a) The designee shall certify to the Elections Board the names of those candidates who meet all academic and matriculation



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- requirements for their chosen office as listed in the SGC Constitution and the respective SGC Statutes
- (b) The Elections Commissioner and/or the designee shall then strike from the list of candidates the names of those persons who have failed to qualify for their intended office
  - (c) The Elections Commissioner and/or the designee will notify all registered candidates of their status in writing and with a copy of any certified documents
- (8) The Elections Commissioner shall be responsible for the preparation of the ballot, which shall be approved and finalized by a majority approval of the Elections Board no later than two (2) weeks prior to the actual date of the first day of the elections. All qualified candidates will be listed on the ballot in alphabetical order by last name and organized by candidate position. The ballot shall clearly indicate which office the candidates are seeking
- (a) A preliminary ballot will be tested by the Senate two (2) meetings prior to the date of elections
    - (i) No changes shall be made to the ballot after it is tested by the senate unless the ballot does not work, an error occurred in the creation of the ballot, or a candidate is disqualified
    - (ii) The Senate shall be notified of any changes made to the ballot by the Speaker
- (9) The Elections Commissioner shall present a comprehensive report on the elections process to the Senate of their corresponding SGA no more than two (2) weeks after the end of the General Election
- (10) The Elections Board shall have the power to create regulations so long as there is no contradiction of the election code and SGC-MMC governing documents
- (a) All regulations created by the Elections Board shall be voted on and passed by a 2/3 vote of the Elections Board before it becomes implemented
- (ii) Elections Board Duties
- (1) Candidate Packets
    - (a) The Elections Board is responsible for preparing Candidate Packets for distribution, to include no less than, but not limited to, this Elections Code, a petition for candidacy form, a tentative timeline for the election cycle, the SGC Constitution and Statutes, the Student Code of Conduct, each respective campuses' Posting Policy, and Candidate



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and Party Expense Report as required in Section 6.07 of this Elections Code. All rules and regulations must be stated in the packet.

(2) Campaign Regulations

- (a) The Elections Board shall not regulate color schemes chosen by candidates
- (b) The Elections Board shall regulate all social media and other online outlets chosen by candidates
- (c) The Elections Board shall have the right to oversee all candidate events, including but not limited to, tabling, fundraising and other programming
- (d) The Board will be required to ensure that every candidate's individual flyer includes a link to the elections website
- (e) All campus location reservations shall be done through the Elections Board. All requests must be submitted no less than 5 business days before the event in question
- (f) Publish candidate campaign regulations in a document to be called "Campaign regulations" subject to the approval of the Supreme Court

(3) Candidates Information Sessions

- (a) The Elections Board will be responsible for hosting at least two  
(2) Candidate Information Sessions, of which in person attendance is mandatory for all candidates and political party leadership for the General Elections. The Board shall present the Elections Code and the nuances of the election process as well as to field any questions from Candidates and Political Parties. These Information Sessions shall occur following the deadline for registration and prior to the opening of the election cycle. All Candidates and Parties are responsible for the information presented at these meetings
  - (i) Candidates may be exempt from attending an inperson information session if they are registered as a fully online student

(a) Registered online students unable to attend an information session must notify the Elections Board three (3) University Business Days before the date of the first information session

(b) The Elections Board will be responsible for sending online registered



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candidates a video presentation of the information that was given at the information session no later than two (2) University Business Days following the last Information Session. (c) All online registered students who receive the presentation via email must respond to the email stating that they understand the information presented within two (2) University Business Days after the date that the email was sent by the Elections Board

(ii) Political party leadership shall be defined as the Party President, Campaign Manager, and Treasurer respectively

(iii) The Elections Board shall host two (2) Candidate Information Sessions at two (2) different days and times

(4) Public Records

(a) The Elections Board shall be responsible for publishing the official list of candidates on the SGA websites no later than seven (7) University Business Days before the first day of the elections

(b) The Elections Board is responsible for posting all of a candidate's relevant information on their respective SGA websites including each Candidate's and Party's Platform, Resume, and Estimated Campaign Finance Report no later than seven (7) University Business Days before the first day of the elections

(c) Both the names and applications of registered candidates, as well as final candidate lists to include disqualified candidates and the reason for their disqualification shall be public. Only matters of academic and/or financial privacy shall be precluded from this requirement

(5) Candidates' Debate

(i) It shall be the responsibility of the Elections Board to coordinate and sponsor a townhall-style debate for the President, Vice President, and At- Large Senator candidates, impartially and without reservation. This debate shall take place no later than one (1) day prior to the first day of the elections. The debate shall be in moderator form, and all candidates will be made aware of the debate's



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location, time, and date at the candidates meeting. The moderator will be selected by the Elections Board

- (1) The moderator must have no association with and/or partisanship between any of the candidates participating in the debate and must not act in any partisan manner
  - (2) Members of the Elections Board may nominate any student to be moderator
  - (3) The moderator selection must be voted upon and approved by a simple majority of the Elections Board
- (ii) The Elections Board shall be able to coordinate and host a townhall-style debate for any other delegation being voted on in the next election
- (1) The Elections Board shall have a simple majority vote to call for the debate
  - (2) Any student or candidate may petition the Elections Board to host a debate
  - (3) Each candidate whose position will be having a debate shall be notified five (5) University Business Days before the debate takes place
- (iii) The debate will be monitored by Campus Life Advisors
- (g) Polling Locations
- (i) The Elections Board shall make all necessary arrangements for at least two (2) polling locations at MMC with one (1) polling location at the Engineering and Computing Center and at least one (1) polling location at the Biscayne Bay Campus between the hours of 9:00AM and 7:00PM. These arrangements shall include providing for supplies, staffing a secure environment and any other items required for the proper, efficient, and legal completion of the Elections
- (1) One (1) of the polling locations must be in the Graham University Center at MMC and one (1) at the Wolfe University Center at BBC. If this location is unavailable at the time of voting, it will be left to the discretion of the Elections Board to select an alternate site
  - (2) There will be a minimum of two (2) people working each election polling site at all times





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- (ii) The location of the polls shall be announced at least one (1) week prior to the first day of Elections through posters and at least one (1) University-Wide email
  - (iii) In the event that the online voting system fails, at least two (2) additional physical polling locations must be added in each campus and promoted through a University-Wide email within twelve (12) hours of the system failure
  - (iv) There shall be no campaigning within fifty (50) feet of voting stations
- (h) Tabulation of Results
- (i) The Elections Board, along with a designee of the Division of Student Affairs, shall be responsible for supervising the tabulation and certifying the results of any campus wide election or referendum. The Elections Board must certify both the digital votes as well as to manually count the paper ballots
- (i) Complaints and Concerns
  - (i) It shall be the responsibility of the Elections Board to hear and act upon complaints and charges of violations of for the Elections Code in a speedy and public manner. For these complaints, the Elections Board will follow the procedure outlined in Article VI, Section 6.06(g).
  - (ii) All appeals made in regard to election code violation decisions shall be sent to the Supreme Court where a simple majority vote of the Supreme Court shall decide if a second hearing will occur.
  - (iii) Candidates and students shall have a have a final chance to appeal any decision made by the Elections Board and Supreme Court in regard to elections code violations by appealing the case to administration.
- (j) Vacancies
  - (i) A vacancy in the positions of Elections Board must be filled through appointment by the Elections Commissioner following an open application process and must be confirmed by a simple majority vote of the respective SGA Senate, at a meeting where there is quorum
  - (ii) If the position of Election Commissioner is vacant, the Deputy Commissioner shall act as interim Elections



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Commissioner until a new Commissioner is nominated by the respective SGA President and confirmed by a simple majority vote of the SGA Senate, at a meeting where there is quorum

**Section 6.03 Definitions**

- (a) Campaigning
  - (i) Defined as the marketing of a person, candidate, political party or group through promotional material, be it tangible or online, or through word of mouth, that encourages students to vote for that person, idea, candidate, political party or group
  - (ii) This shall not include the announcement of candidacy through word of mouth, when such an announcement is University property and does not include a gathering of more than three students
    - (1) Candidates and Political Parties may begin campaigning, limited to social media, once the candidate and political party have submitted their complete application packet.
    - (2) Candidates and Political Parties may begin campaigning, to include all forms of marketing such as on-campus posting and solicitation, once the Elections Board posts the complete list of approved Candidates and Political Parties as required per this Elections Code
  - (iii) Tangible materials and human resources shall be considered campaigning
- (b) Candidate and/or Political Parties Packet
  - (i) Drafted for distribution by the Elections Board, packets are to include no less than this Elections Code, a petition for candidacy / Party establishment form, a tentative timeline for the election cycle, the SGC Constitution and Statutes, the Student Code of Conduct, each respective campuses' Posting Policy, and Candidate and Party Campaign Finance Reports as required in Section 6.07 of this Elections Code
- (c) Campaign Period

Time period set by the Elections Board in which campaigning is able to occur
- (d) Campaign Volunteer
  - (i) Any individual who self-affiliates with a particular candidate or political party participating in an Election



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- (ii) Campaign volunteers includes those individuals campaigning on behalf of a candidate or political party
- (e) Days
  - (i) All references in the Elections Code to time shall be based on University Business Days.
- (f) Designee
  - (i) An official representative, designated by the Senior Vice President of Academic and Student Affairs, charged with assisting each respective Elections Board in the administration of Elections.
- (g) Donation
  - (i) Shall be defined as goods or services given to a candidate's or party's campaign by a business, corporation, individual, party and/or organization free of charge, and/or monetary funds donated to the campaign by an individual. At no point will monetary donations by parties, businesses, organizations, and corporations be allowed
- (h) Election Cycle
  - (i) The official opening of the application period wherein candidates may tender the required documents to stand for the General Election
- (i) Final Campaign Finance Reports
  - (i) Statement of expected and final campaign financial expenses and received donations on behalf of a particular candidate or party. Each report includes campaign expense form(s) as well as donations form(s) as needed. For specific regulations see Section 6.07 of this Elections Code
- (j) Fundraising
  - (i) The act of eliciting funds, donations, and/or goods for a candidate or Party through promotional material, be it on paper or online, and/or events
- (k) Elections Announcement
  - (i) The annual election announcement will be held in the Spring semester one
    - (1) week following the close of voting
- (l) Elections
  - (i) The elections held in the Spring semester to elect SGC Officers and Senators as prescribed by the SGC Constitution. As per the SGC Constitution, the General Elections shall be held on the Tuesday and Wednesday of the 3rd week following Spring Break
- (m) Open Application Process



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- (i) The process in which individuals apply for positions, not limited to a submission of an application, a qualification form, and the appropriate background checks
  - (ii) The period in which positions are listed on the SGA websites for selection and confirmation by the SGA Senates
- (n) Political Party
  - (i) A group and/or collective of FIU students organized for the purpose of achieving electoral success in the General Election or for subsequent confirmations
    - (1) All policies, procedures, and regulations that are required of individual candidates shall be required of political parties
    - (2) The leadership of the Political Party shall be defined as the Party President, Campaign Manager, and Treasurer, respectively
    - (3) The formation of Political Parties shall be limited to MMC and shall hence be prohibited from forming at BBC
- (o) Poll Workers
  - (i) Individuals appointed by the Elections Board to assist in student voting during the Election. Poll workers must be registered FIU students but may not be SGC officials (including Interns) and shall not be affiliated with any candidate, party, nor a candidate for office. All poll workers shall remain neutral during the General Election and may not have been associated with a political party or candidate campaign during the Spring Semester of the General Election
- (p) Referendum Election
  - (i) The submission of a proposal to a direct popular vote of the Student Body. A referendum petition must be signed by five percent (5%) of the Student Body and shall be submitted to the SGC President and Elections Commissioner no later than one (1) month before the Election is scheduled to be held. After a petition for a referendum is submitted, such referendum must be held at the next scheduled General or Runoff Election
  - (ii) Any petition that has been disallowed may ask for a review by the Judiciary Branch to confirm or overturn the previous status
    - (1) In no way may this review supersede the defined requirements by the SGA Constitution, SGA Statutes, and Elections Code
- (q) Recall Election
  - (i) Any student has the right to recall a Election, as stated in the Constitution



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- (r) Run-off Elections
  - (i) Elections held two (2) weeks following the Elections in the event of a tie in a particular race. All candidates will be notified of the date within twenty-four (24) hours of the Elections Results announcement
- (s) Senate Vacancies Application Period
  - (i) An application period must be called by a two-thirds (2/3) vote of the SGC Senate. This period will be utilized to fill any senate vacancies until the next General Election as detailed in Section 6.09 of this Elections Code

**Section 6.04** Candidate Procedures and Qualification Guidelines

- (a) Qualification
  - (i) Any candidate or political party that wishes to qualify for the General Election must comply with the provisions of this Elections Code and the Student Government Association governing documents
  - (ii) In determining the eligibility of a candidate to run for and hold office in SGA, the cumulative Grade Point Average will be computed from courses attempted at FIU from the date of current acceptance. All candidates must have a minimum 2.5 cumulative grade point average and a 2.0 term grade point average from the most recent preceding semester to which elections are being held. Students who have not completed any courses at FIU will have their Grade Point Average computed from the transcripts used to gain acceptance to FIU
    - (1) Only officially enrolled students will be allowed to run for and hold office
  - (iii) Candidates seeking office for a particular school/college must be accepted into the school/college they wish to represent or present a signed letter of eligibility from the appropriate Dean with his/her Petition of Candidacy. Candidates must have a minimum of 50 credit hours and maximum 59 credit hours in order to have a Dean petition for his/her candidacy
  - (iv) It shall be the responsibility of the candidate to determine that all information regarding his/her eligibility to run and hold office is correct prior to qualifying for candidacy. This should include any information from the Registrar's Office, and any other University records, be clear of any debt to the university and petition documents
  - (v) A student may be a candidate for only one (1) position at a time during any given election
  - (vi) Presidential and Vice Presidential Qualifications



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- (1) Per Section 4 of the SGC-SGA Constitution, the President and Vice President of any campus must be at least a sophomore in good standing and have attended FIU for a minimum of one (1) year in order to run for office
  - (a) Candidates for President shall have held at least one SGA position in which they served for one (1) full Fall or Spring semester or one hundred (100) consecutive University business days except in the case the President succeeds to office.
- (2) Individuals running for President and Vice President at MMC shall pair and be on one (1) ballot. A presidential candidate can only have one (1) Vice President on his/her ballot. In the same respect, a candidate for Vice President can only be on one (1) presidential ticket
  - (a) In order for the ticket to retain eligibility, all candidates must individually meet all qualifications and submit individual Candidate Packets within the time prescribed in the Elections Code. To qualify as a ticket, each candidate must list their running mates in their applications in the appropriate section
- (3) Individuals running at BBC shall run for President and Vice-President separately. Each must meet the minimum qualifications to run for and hold office
- (vii) The Elections Board may declare any candidate ineligible to run for and hold office with a simple majority vote of the Board's membership if a substantive error is found in the candidate's qualifications, and this error is found to be the direct responsibility of the candidate
- (viii) Any candidate or political party that has not been certified or whose petition has been disallowed may ask for a review by the Elections Board wherein a simple majority vote of the Board will confirm or overturn the previous finding
  - (1) In no way may this review ignore the defined requirements by the SGA Constitution, SGA Statutes, and Elections Code
- (b) Procedure
  - (i) Application
    - (1) Applications for the General Election shall open on the first business day of February and last for three (3) weeks



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- (a) If, after the application period, there are seats for which there are no applicants, or for which no applicants qualify, the Elections Board will close the application to those seats until after the General Election concludes
  - (2) A candidate may qualify to run for office under the name by which they are registered at FIU or a variation of that name, subject to Elections Board approval. A nickname may appear in quotation marks with the approved name of the candidate
  - (3) Once a student has filed an application for a seat or office, s/he may not change to any other seat or office unless the original application is withdrawn and the application period is still open.
    - (a) If during the campaign period, a presidential or vice presidential candidate on a ticket has not qualified, has been disqualified, or has withdrawn, the remaining candidate on the ticket has forty-eight (48) hours from the time the original candidate has not qualified, has been disqualified, or has withdrawn to appoint a qualified candidate to the now open vacancy. The aforementioned does not preclude the remaining candidate on a ticket from switching positions on the same ticket: a presidential or vice presidential candidate provided they meet the requirements and are qualified. The elections Commissioner must be advised of the change via email or personal delivery
- (ii) Elections Documents
  - (1) A candidate or Political Party must file all registration documents with the Elections Board on or before the deadline date and time designated by the Elections Board as predicated in this Elections Code
  - (2) All candidates must complete and submit the following documents:
    - (a) Candidate Platform
    - (b) Authorization to Check Eligibility
    - (c) Declaration of Intent
    - (d) Agreement to Follow Elections Guidelines
    - (e) Estimated Campaign Finance Reports
    - (f) Final Campaign Financial Report



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- (3) A Political Party must file all registration documents with the Elections Board on or before the deadline date and time designated by the Elections Board as predicated in this Elections Code
  - (a) Party Platform
  - (b) Declaration of Intent
    - (i) To include the following: Party Constitution and Bylaws, List of Party Leadership, List of Party Members
  - (d) Agreement to Follow Elections Guidelines
  - (e) Expected and Final Campaign Finance Reports
- (4) In order to withdraw a registration document, written documentation must be provided at least two (2) weeks prior to the actual date of the election to ensure that the candidate's name does not appear on the ballot

**Section 6.05 Political Parties**

- (a) Students at MMC will have the right to gather and support one or multiple candidates in the form of political parties as defined in Section 6.03
  - (i) Students at BBC shall be prohibited from forming such political parties for the purposes of the BBC General Election as defined in Section 6.03
- (b) All political parties must be registered with Elections Board and meet the qualifications set forth in this Elections Code
- (c) Candidates affiliated with a registered political party shall be able to have their party affiliation shown in the ballot for up to one (1) party
- (d) Parties shall be able to campaign for and support as many candidates as one less seat than the total amount available per delegation that includes two or more seats in the election. In the case that there is one seat, a party may campaign for and support the one candidate for that seat.
  - (i) A delegation is considered to be comprised of seats (e.g., the Senator At- Large delegation is comprised of three seats)
- (e) Political parties will be responsible for reserving their tables and rooms and are held accountable for payments to the University at such rate as given. Political Parties are still required to inform the Elections Board of their solicitation efforts as per the Elections Code
- (f) Political parties shall be subject to the same campaigning limitations and periods as established for candidates in general, making no new special rules or limitations
  - (i) This provision applies to monetary donations made to parties





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- (g) There shall be no membership requirements for political parties with regards to a minimum number of officers or candidates. Students shall form these entities in compliance with the stipulations of the Elections Code
- (h) At the conclusion of the SGA Elections, the campaigning and financial components of Political Parties shall discontinue until they again register with the Elections Board for the next General Election cycle

**Section 6.06 Campaign and Elections Guidelines**

- (a) Posting Policy
  - (i) All posting regulations must be followed in accordance with the University Posting Policy
  - (ii) All candidates, political parties, and campaign volunteers must adhere to all posting policies and regulations as delineated by the Office of the Provost and A&S Fee-funded buildings at each campus
  - (iii) Any campaign material, be it digital media, fliers, postings, solicitations, and the like, may not:
    - (1) advertise or promote alcohol consumption or drinking contests
    - (2) demean or humiliate another candidate, party, person, group student organization, or University department
    - (3) depict or express sexual or discriminatory messages or portrayals of individuals or groups based on race, religion, nationality, sex, sexual orientation, physical condition, disability, or mental state
- (b) Posting Guidelines
  - (i) Poster/Flyer specifications
    - (1) One (1) flyer is allowed per board (wall affixed) or per side (triangle-boards)
    - (2) Only tacks must be used in order to affix all fliers or posters. Any type of staples, adhesives, glue, or tape are prohibited
    - (3) Fliers may only advertise a candidate, party, or platform (i.e., to exclude disparaging commentaries towards other candidates)
    - (4) Fliers must be posted on designated open bulletin boards only. Fliers may not be placed on the exterior or interior of buildings, trees, walls, sidewalks, vehicles, windows, stairwells, stairs, display cases/racks, vending machines, doors, classrooms, departmental and unauthorized bulletin board, railings, elevators, bathrooms, or art/sculptures
- (c) Solicitation Guidelines
  - (i) Solicitation



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- (1) This policy refers to any fliers, papers, or promotional materials disbursed to another individual for the purpose of advertisement or promotion of one's group, department, or University sponsored function/event. The phrase "promotional material" will be used as a general term to refer to all solicitation material
  - (2) For the purpose of this document, disbursement refers to any form of passing or handing out information, fliers, cards, pamphlets, collaterals, promotional materials, etc. to another person or group for any purpose
- (ii) Solicitation Locations
  - (1) The disbursement of promotional material must be done in a location and fashion which does not impede the passage of automobile, cars, pedestrian, or bicycle traffic. The disbursement of promotional material must not interfere with or obstruct the orderly processes of the University or its academic mission
  - (2) Any solicitation in the residence halls must have approval from the Director of Housing
  - (3) Solicitation inside of the classroom or on vehicles is strictly prohibited
- (d) Solicitation Regulations
  - (i) Promotional material may only be handed to another person. Placing fliers on campus grounds or on property on campus (i.e. vehicles, walls, and classrooms) is prohibited
  - (ii) Promotional material may only advertise candidates or platforms
  - (iii) Promotional material may not be placed in classrooms, on building roofs, or over campus roads or sidewalks in such a manner to impede the passage automobile, cart, foot, or bicycle traffic
- (e) Social and Digital Media
  - (i) The Elections Board shall have complete oversight regarding the use, distribution, and general campaigning via social and digital media during the election cycle
    - (1) Candidates and Political Parties are required to provide their social and digital media contacts to the Elections Board during the application process and/or as they become active throughout the campaign cycle
  - (ii) This oversight shall apply to all Candidates and Political Parties that begin the application / registration process for the General Election
  - (iii) As per the Elections Code, all Candidates and Political Parties are required to adhere to the University Student Code of Conduct in



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their social and digital media interactions. This is also to include the campaign volunteers affiliated with a Candidate or Party

- (f) Voting Procedures
  - (i) Each student desiring to vote shall present to the poll workers his/her current valid FIU Panther ID student identification card
  - (ii) Registered students will also be given the opportunity to vote online by accessing the appropriate election website
  - (iii) In order to vote, students must enter their student identification number in the computer in order to access the electronic ballot
  - (iv) Students' identification cards will be electronically scanned before proceeding to vote
  - (v) Students shall be eligible to vote only for candidates representing the campus where they are currently enrolled in a majority of their classes.
    - (1) Fully online students may vote at the campus at which their college is housed
      - (a) The following colleges shall be considered as based in the Modesto A. Maidique Campus:
        - (i) College of Architecture and the Arts
        - (ii) College of Arts and Sciences
        - (iii) College of Business Administration
        - (iv) College of Education
        - (v) College of Engineering and Computing (vi) College of Law
        - (vii) Herbert Wertheim College of Medicine
        - (viii) Nicole Wertheim College of Nursing and Health Sciences
        - (ix) Robert Stempel College of Public Health and Social Work
    - (2) Fully online lower division students may vote only once for candidates representing their choice of campus
  - (vi) Students with equal course loads on different campuses may vote only once for candidates representing their choice of campus
  - (vii) All eligible students waiting to vote at the time the polls close shall be permitted to vote after having been given an access marker of some sort
  - (viii) No voting records or ballots shall be destroyed until the time for contesting an election has expired, all complaints are resolved until the time for



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- contesting an election has expired, all complaints are resolved, and the elections are certified by the Elections Board
- (ix) Campaigning by candidates or campaign volunteers will not be permitted within a fifty (50) feet radius of a polling location
  - (x) Each student is eligible to vote for the positions of SGA President, Vice President and all Senators At-Large for their corresponding campuses' SGA, only if they are eligible to vote. Each student may also vote for position(s) in each of the following SGC Senate categories: Lower Division, a specific school/college, Honors College Senators, Housing Senators, and University Graduate School Senators, in accordance with the students' enrollment status in each of these categories
  - (xi) In the event that the online voting system fails, a University-Wide e-mail must be sent out within twelve (12) hours of the system failure, notifying students of the paper ballot voting procedures and physical polling locations. The voting period must then be extended for an additional twenty- four (24) voting hours starting at the time that the e-mail is sent
  - (xii) Tabulation Discrepancy
    - (1) If the number of ballots cast differs from the number of voters registered as having voted on the voting lists, the Elections Board shall investigate the discrepancy and determine appropriate action in a speedy and public manner
    - (2) If the number of voters cast in any sections of the elections exceed the number of persons logged in to vote by two and one half percent (2.5%) or more, those sections of the election shall be declared invalid only if the discrepancy would affect the outcome
- (g) Procedures for Appeals and Contesting Elections
- (i) Any University student, including chairs of the Elections Board, shall have the right to challenge an election or bring a complaint before the Elections Board alleging a violation of the Election Code, as well as the eligibility of candidates
    - (1) The complaint must be made in writing to the Elections Commissioner no later than two (2) University Business Days after the conclusion of voting and shall include:
      - (a) The name(s) of the individual(s) against whom the complaint is being brought about
      - (b) The specific section(s) of the Elections Code which are alleged to have been violated
      - (c) The specific nature of the alleged violation(s)



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- (d) The name(s) and signature(s) of the person(s) bringing forth the complaint
- (2) Upon receipt of a complaint, the Elections Board shall make a determination as to whether a hearing is necessary based upon whether there has been probable cause shown that a violation has occurred
  - (a) Both the complainant and defendants must receive written notice of the time and location from the Elections Commissioner no less than twenty- four (24) hours before a hearing is conducted
- (3) The complainants may withdraw the complaint prior to the Elections Board taking final action; however, the Elections Board may proceed with its investigation of the complaint regardless of such a withdrawal
- (4) The Elections Board, upon finding a candidate guilty of committing an election violation, will decide the just penalty for the violation
  - (a) Penalties for the violations are defined by Section 6.08 of this Elections Code
- (5) Any appeals for violation penalties will be sent to the Supreme Court for a second hearing
- (6) Candidates and students may have a final chance at appealing any decision made by the Elections Board and Supreme Court by filing another appeal with administration
- (7) All pending grievances regarding elections must be resolved prior to the results of the General/Special Election being announced

**Section 6.07** Campaign Finances and Donation Guidelines

- (a) Individual candidates shall file an Estimated Campaign Finance Report and a Final Campaign Finance Report, both of which include the expense and donation forms found in the Candidate Packet. The Estimated Campaign Finance Report is part of, and shall be submitted with, the registration application and is due at that time. The Final Expense Form must be completed, signed, and submitted to the Elections Commissioner no later than 6:00PM on the last day of the General Election.  
Expenses and donations must be reported at actual cost or value to the candidate. Receipts must be provided with the Final Campaign Finance Report



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- (i) If documents are not fully and accurately submitted, the candidate is subject to a campaign violation including, but not limited to, disqualification per Section 6.08 of this Elections Code
- (b) Political Parties shall file both an Estimated Campaign Finance Report and a Final Campaign Finance Report. The Estimated Campaign Finance Report is part of, and shall be submitted with, the registration application by the Party Treasurer and is due at that time. The Final Campaign Finance Report must be completed, signed, and submitted to the Elections Commissioner no later than 6:00PM on the last day of the General Election. Expenses and donations must be reported at actual cost or value to the Party. Receipts must be provided with the Final Campaign Finance Report
  - (i) If documents are not fully and accurately submitted, the Party is subject to a campaign violation including, but not limited to, the disqualification of Party Member Candidates per Section 6.08 of this Elections Code
  - (ii) Any campaign expense (to include donations) made by the Party is considered to be to the benefit of the candidate or candidates that are affiliated with the Party. Any campaign expense and/or donation will therefore count against the total allotted campaign expense limit of both the Party and the Candidate or Candidates that the contribution benefits
    - (1) The value of any expense or donation that finances campaign materials, promotions, or solicitation by a Party must be divided equally among that party's candidates with that divided total to count against each candidate's allowed campaign expense (e.g., if the Party purchases a \$1000 in t-shirts, the cost of the t-shirts will count against each candidate of the party equally)
- (d) MMC Allowed Campaign Expenses
  - (i) President & Vice President: \$4,500.00
  - (ii) At Large: \$1,000.00
  - (iii) Lower Division: \$1,000.00
  - (iv) All other Senators: \$600.00 (v) Political Parties: \$2,500.00
- (e) BBC Allowed Campaign Expenses
  - (i) President \$1,250.00
  - (ii) Vice President: \$1,250.00
  - (iii) (iv) At Large: \$1,000.00
  - (v) Lower Division: \$1,000.00
  - All other Senators: \$600.00
- (f) All donations must be reported in a Donation form, with all paperwork and proof regarding donations included in a Donation form



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- (i) Each Donation form is an individual sheet that itemizes an individual donated item, campaign material, or solicitation. Attached to the Donation form must be invoices of the donated items and/or services, receipts, and contact information by which the Elections Board can verify the donations
- (ii) Each Donation form shall include the name, signature, and amount of donation for the case of individual monetary contributions
- (iii) Donations made to a party must be reported by both the candidate(s) and the party, with donations counting against both the party and the candidate(s) allowed campaign expenses
- (g) Donation Limitations
  - (i) Donation limits shall be half of the allotted campaign expenses for each category
- (h) No SGA, Student Activities and Services Fees, or campus organizations' funds may be used for candidates' campaigns
- (i) Any personal expenses, not exceeding the maximum expenditure amount, may be used as additional funds beyond the donations expenditure limit
- (i) Fundraising by individual candidates will be allowed beginning the day immediately after the deadline to submit registration documents to the Elections Commissioner. Election Commissioner must be notified of fundraising events with at least one (1) week of anticipation, and can be held until the last day of campaigning

**Section 6.08 Violations**

- (a) With regards to the General Election, any candidate and/or party found in violation of this Elections Code, the governing documents of the FIU-SGC, the FIU Student Code of Conduct, or University policy shall be subject to penalty by a majority vote of the Elections Board. The Board may approve one or more of the following penalties as per the following violation tiers:
  - (i) Tier One: defined as Minor Offenses, which include but are not limited to improper disposal of campaign materials, actively campaigning in classroom settings, failure to follow the university posting policy (1) Tier One penalties include:
    - (a) Private censure by a majority of the Elections Board
    - (b) Public censure, as reported by the Elections Commissioner during his/her report to the Senate and Cabinet





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- (c) Digital/social media limitation, including de-activation or temporary removal of digital/social media for a period not to last more than one day
- (ii) Tier Two: defined as Mid-Level Offenses, which include but are not limited to repeated Tier One violations, repeated Posting Policy violations, tardiness in the submission of Estimated Campaign Finance Reports, violations committed by Campaign Volunteers (when evidence of Candidate or Party involvement is not clear), early campaigning and/or violating the campaigning timeline restrictions, and failure to report a campaign event
- (1) Tier Two penalties include:
  - (a) Finance limitations, whereby the Elections Board reduces the allowed campaign expense total of the violator
    - (i) Finance limitations are not to exceed half of the allowed campaign expense limit
  - (b) Campaign limitations, whereby the Elections Board bars a Candidate or Party from campaigning for a period of time not to exceed 2 days
- (i) Campaign limitations include all digital/social media, campaign materials (i.e., t-shirts, posters, flyers), and solicitations as per the definition of Campaigning in this Elections Code
- (ii) Campaign limitation shall be the recommended penalty for the Elections Board in the event that a Candidate or Party has already met their allowed campaign expense limit or such a financial limitation is not deemed appropriate by the Board
- (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





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- (b) The Elections Board shall have discretion of changing violation tiers based on date of violation, severity of violation, and the amount of violations presented
  - (i) In the case that a violation tier is changed, the Elections Board shall take a vote and the change shall be confirmed by a 2/3 vote of the Elections Board
- (c) In the case of verbal abuse, clear evidence must be presented either by a third party or parties or in material form that corroborates the violation in question
- (e) At the discretion of the Elections Board's finding, candidates are responsible for the actions of any Political Party to which they are affiliated. In turn, Political Parties are responsible for the actions of those candidates for which they campaign and/or represent on the ballot
  - (i) A Political Party may be penalized for any and all violations for which a candidate is accountable. The Elections Board may follow the same tier system for any subsequent penalties levied against a Party

**Section 6.09 – Senate Vacancies Guidelines**

- (a) The application period for the Senate Vacancies shall be open for two (2) weeks. The application period shall take place upon being called by a two thirds (2/3) vote of the SGC-MMC Senate
  - (i) The application period for BBC shall take place during the Summer semester
  - (ii) If after the two (2) week application process there are no applicants, then a rolling application process will be opened, whereby the next applicant will be considered at the next regular meeting of the Senate at which there is a quorum
  - (iii) If a candidate fails to be approved by the Senate, then a rolling application process will be opened, whereby the next applicant will be considered at the next regular meeting of the Senate at which there is a quorum
- (b) If a vacancy occurs less than one (1) month prior to a scheduled General Election, that vacancy will be included in that upcoming election and no substitutes shall be appointed.



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## ARTICLE VII. FINANCE CODE

### **Section 7.01** University Wide Statutes

- (a) The SGC-MMC shall abide by the Finance Code set forth in the University Wide Statutes.



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## ARTICLE VIII. CODE OF ETHICS

### Section 8.01 Purpose and Authority

- (a) The purpose of the Ethics Code is to protect the integrity of the Student Government Council – Modesto A. Maidique Campus by prescribing restrictions against conflicts of interest and unethical practices.
- (b) Violation of the Ethics Code regulations may be considered malfeasance.

### Section 8.02 Regulations

- (a) 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.
- (b) No Senator shall cast a vote in any council bill, resolution, or appropriation that would place that Senator in a position where there may be a conflict of interest between a private interest and the interest of the Student Body.
- (c) No Student Government Official shall participate in any SGA activity or represent Student Government as a Student Government Official in any action or activity in which there may be a personal benefit made that directly conflicts with the interest and benefit of the Student Body.
- (d) No Student Government Official shall use, authorize to use, or condone in any way the wrongful use of Student Government property or Activity and Service Fee funds, defined as the use of funds in violation of the Finance Code, including, but not limited to, the use of Student Government property or Activity and Service Fee funds to aid Student Government political campaigns.
- (e) No Student Government Official shall aid, advise, condone, or in any way induce another to act in violation of any provision in the SGA Constitution or SGC-MMC Statutes. (f)  
No Student Government Official shall commit slander or libel.
- (g) No Student Government Official shall commit or attempt to commit extortion or blackmail.



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- (h) No Student Government Official shall commit or attempt to commit bribery.
- (i) No Student Government Official shall cover up evidence or misrepresent any fact pertaining to a violation of the SGC-MMC Statutes, the SGA Constitution, or the FIU Student Code of Conduct.
- (j) No Student Government Official shall knowingly provide false information in his/her capacity as a Student Government Official.
- (k) Student Government Officials must disclose all knowledge of corruption in the Student Government Association.
- (l) No Justice, Senator, member of the Executive Branch or Elections Commissioner shall allow personal interest to influence a vote.
- (m) Student Government Officials are to choose the most qualified and capable applicants to SGA regardless of their race, color, religion, sex, national origin, ethnicity, age, disability, marital status, parental status, veteran status, sexual orientation, organizational affiliation, or affiliation with a political party when confirming and selecting candidates. during special Senate elections and for confirmation.
- (n) No Student Government Official who is in a position of authority shall threaten, attempt to threaten, or condone threatening, either verbally or in writing, the current or future employment, funding, or position of a subordinate Student Government Official based upon the subordinate's race, color, religion, sex, national origin, ethnicity, age, disability, marital status, parental status, veteran's status, sexual orientation, organizational affiliation, or affiliation with a political campaign.
- (o) All Student Government Officials shall perform their duties with due diligence and make a continuous effort towards improvement, and maintain the highest standards of performance, conduct, cooperation, and professionalism.
- (p) All Student Government Officials shall conduct themselves at all times in a manner which shall reflect the creditability and professional standard of the Student Government Association, and shall uphold these principles, ever conscious that public office is a public trust.

**Section 8.03** Removal of Student Government Officials

- (a) Any member of the Executive Branch may be impeached and removed by the Senate or removed by the Judicial Branch.



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- (i) Any Executive Branch member, with the exception of the Vice President, may be removed by the President, or a President's designee, without consent from the Senate.
- (b) Any member of the Legislative Branch may be impeached and removed by the Senate or removed by the Judicial Branch.
- (c) Any member of the Judicial Branch may be impeached and removed by the Senate or removed by the Judicial Branch.



## ARTICLE IX. AMENDMENTS AND PROCEDURES

### Section 9.01 Amendments

- (a) Statutes may be amended, deleted, and added by a simple majority vote of the Senate.
- (b) All statutes amendments passed by the Senate shall become effective immediately after the signature by the SGC-MMC President, unless otherwise stated in the Council Bill.

### Section 9.02 Procedures

- (a) All amendments to the statutes shall be submitted in the form of a Council Bill requiring a minimum of two Senate sponsors. Amendments shall follow the regular legislative process.
- (b) Legislation shall be considered as enacted law, official opinion and/or approved appropriation upon signature of the SGC-MMC President.
  - (i) Upon receiving legislation following its approval in the Senate, the Clerk of Council shall deliver the pieces of legislation to the President no later than 4:00pm the Wednesday after the Senate meeting during which the legislation was approved.
  - (ii) Once the legislation has been delivered to the President, they shall have five (5) business days to sign or veto legislation per Article III of the SGA Constitution.
    - (1) When appropriations are signed, the Clerk of Council shall immediately deliver the signed appropriation to the SGA Office Secretary for the financial processing of the appropriation.
  - (iii) Once legislation is signed or vetoed, the President shall notify the Senate Speaker of the signing or vetoing of legislation within five (5) business days of issuing the signature or veto.