

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

Opinion delivered on February 16th, 2023.

Justice Persia Naseri, Ashley Perez and Maria Pujol Voting.

Chief Justice Sebastian Aviles Abstaining.

Justices Affirming the Majority Opinion: Justice Persia Naseri and Justice Ashley Perez

Justices Dissenting: Justice Maria Pujol

SGAC: 2023.01 Majority Opinion

I. *Introduction*

The action comes before the Supreme Court of the Student Government Association of Florida International University as a writ for Judicial Review on Interpretation. The question presented to the Court is how long a candidate must have attended Florida International University prior to running for the position of President/Vice President of the Student Government Association (SGA). The constitutional provision in question is SGA Constitution Article 7.04.1, which states "The President and Vice President shall have attended FIU for a minimum of two years and achieved at least junior standing". The remainder of this opinion shall utilize the word President only; however, it applies to both the presidential and vice-presidential candidates. The purpose of this opinion is to provide a clear and concise interpretation of this constitutional provision in accordance with the laws and traditions of the Florida International University Student Government Association.

II. *Jurisdiction*

Pursuant to the Student Government Association Constitution (SGAC), Section 6.04.1 and 6.04.1.4, the Supreme Court of the FIU Student Government shall have exclusive jurisdiction over "interpretation of any provision of the constitution and governing councils' constitutions and/or any governing documents". In the present case, the issue comes before the court as a Writ of Judicial Review on Interpretation. The Student Government Association Statute (SGAS) 5003.2 "writs for Judicial Review on Interpretation may be submitted by any Student." As such, this court maintains jurisdiction over the matter and is consistent with the

traditional role of the Student Government Association Supreme Court to consider interpretations on the language contained within the governing documents.

III. *Definition of Two Years*

The question of how to determine the two-year requirement as laid out by SGA Constitution Article 7.04.1 requires a careful and thorough analysis of the applicable laws. This Court analyzed three primary ways to define what constitutes “two years”.

The first interpretation is to base it on the first date of the candidate’s enrollment plus 730 calendar days (2 Years). This definition would require the candidate to have been enrolled at Florida International University for a minimum of 730 calendar days prior to running for the position of SGA President, thus making them ineligible to run until their third year at FIU. It is the responsibility of this Supreme Court of the Student Government Association to base its interpretation upon the governing documents of Florida International University. For that reason this Court primarily considered the *second* and *third* interpretations to define what constitutes “two years.”

The second interpretation comes from SGAC 5.02.3 which states “The term for the Student Body President and Vice President shall be a one-year term beginning on the last day for faculty to submit the grades for the Spring Semester at 12:00 p.m. and ending on the last day for faculty to submit the grades for the next Spring Semester at 12:00 p.m.” This interpretation would require that the student has attended FIU in 2 separate legislative years, regardless of which semester they entered FIU. Based solely upon SGAC 5.02.3 as a basis for this interpretation, a two-years term would require a student chronologically attend FIU in the terms as follows: Last day for faculty to submit the grades for Spring at 12:00 p.m. onwards, following Summer, following Fall, following Spring, following Summer, following Fall, following Spring up until the last day for faculty to submit the grades for Spring at 12 p.m.. For example, an FIU student would have reached a two-years term if they attended FIU in the following terms: Last day for faculty to submit the grades for Spring 2022 at 12:00 PM onwards, Summer 2022, Fall 2022, Spring 2023, Summer 2023, Fall 2023, and Spring 2023 up until the last day for faculty to submit the grades for the Spring at 12 PM.

The third final interpretation of the two-year requirement as defined in Article 7.04.1 of the Student Government Association (SGA) Constitution can be based on the completion of four

semesters, as outlined in the Student Government Association Statutes (SGAS) 3013.2.1. which states “One year is to be constructed as two consecutive academic semesters inclusive of each summer semester.” While SGAS 30013.2.1 is not directly in reference to the elections code, it offers a definition of a year by specifying that one year is equal to two university semesters. Adopting this definition for the purpose of the SGA elections, two years is to be interpreted as the completion of four semesters. To make clear, this opinion does not rule on the merits of SGAS 3013.2.1 nor is this opinion setting the precedent that a definition in one statute, must affect the definition of a particular word in another separate governing documents. But rather, this court utilized all available resources in coming to the interpretation of a year solely for the purpose of SGAC 7.04.1. This approach provides a clear and consistent way of determining a candidate's eligibility based on their academic progress.

Upon further review Florida International University’s governing documents, this Court determined no additional definition of a “year” can be offered, nor any additional findings relevant or helpful to the defining of a “year” and therefore the “two-years” requirement.

IV. *Potential Conflict between SGAC 5.02.3 and SGAS 3013.2.1*

The court then analyzed whether the two specific definitions of a “year” offered were in conflict. Specifically, SGAC 5.02.3 and SGAS 3013.2.1. If a conflict were to arise between the SGAC and the SGAS, the SGAC would naturally supersede the SGAS. In evaluating both governing documents, this Court found that although both provisions use the term "year", they are defined in different contexts. SGAC 5.02.3 defines a year in the context of when the president serves their term, while SGAS 3013.2.1 defines a year in the context of a separate Legislative event. SGAC 5.02.3 specifically outlines that it is in reference to a “one-year **term**” thus limiting its definitional scope to that of the term of the presidency and not the general definition of one year. While SGAS 3013.2.1 outlines the definition of a year in the context of the Meet Your Dean Event which is outside the scope of the elections process.

Additionally, throughout the SGAC various forms of years were mentioned whether in reference to fiscal, term, or legislative years. The language specifically in SGAC 7.04.1 states “The President and Vice President shall have attended FIU for a minimum of **two years**...” Since SGAC 5.02.3 refers to a “one-year term” and SGAS 3013.2.1 refers to “one year,” it is

only the SGAS definition that is most relevant and relatable to the current issue of determining what defines “two-years.”

Therefore, as there is no direct conflict and neither definition is directly applicable to the definition of a year in the context of SGAC 7.04.1, the court must determine the definition of the word “year” as utilized in SGAC 7.04.1 and based upon a definition offered in SGAS 3013.2.1.

V. *Benefits and Pitfalls of Each Definition*

In considering the various interpretations of the two-year requirement, it is important to weigh the benefits and drawbacks of each option. One of the first definitions of two years is to base it on the first date of enrollment plus 730 calendar days. This interpretation does not consider gap semesters or intended/unintended leaves of absence, which could result in a student who has been a registered student for two years but has not taken any classes for the majority of that time, being ineligible to run for the SGA Student Body President position.

Another interpretation of the two-year requirement is to base it on the legislative year as indicated by SGAC 5.02.3. This interpretation would similarly bar many students from running for the SGA Student Body President position, as they would have to wait more than two years to be eligible. This interpretation presents certain challenges for transfer students or students who come in with college credits. This interpretation would bar students who graduate in less than four years from completing a full presidential term. This interpretation like the *first* interpretation would require FIU students attend Fall, Summer, and Spring semesters to run for Presidency. These students would be unfairly burdened with the academic, housing and financial weight of attending Summer terms, or Fall and Spring terms depending upon their challenges.

In contrast, basing the two-year requirement on completed semesters as outlined in SGAS 3013.2.1 provides several benefits. This interpretation ensures that the student has had adequate experience at FIU, while also avoiding the pitfalls of not allowing students who graduate in less than four years to serve as student body president. Additionally, this interpretation still ensures that the student has been a student at FIU in two different calendar years, which is in line with the purpose of the two-year requirement to ensure familiarity with the operations and culture of the University.

In addition to ensuring that the candidate has attended FIU for a minimum of 2 years, SGAC 7.04.1 also requires the candidate to have achieved at least junior standing. SGAC 7.04.01 requirement serves a dual purpose. Firstly, it ensures that the student has adequate experience of FIU's culture and practices. Secondly, it ensures that the candidate may only serve as president in their senior year(s). This is an important consideration in a student government election, as the SGA constitution should be fair to all students including transfer students and students with Advanced Placement (AP), Dual Enrollment (DE), or other transfer credits. Per Florida International University Official University Policy #1360.25 "Classification of Students", a Junior is defined as "A degree-seeking undergraduate student who has completed between 60 and 89 credit hours." The first clause of the SGAC Article 7.04.1 requirement, which mandates the candidate has attended FIU for two years, ensures that the candidate has sufficient experience at the university to be eligible to serve as SGA President. The second clause, which requires the candidate to have achieved junior standing, helps to further ensure that the candidate is fully prepared to take on the responsibilities of the role, as it presumes that the candidate has completed a minimum number of credit hours and progressed far enough in their educational program to be considered a junior.

VI. *Conclusion*

This court holds that any student who has completed 4 terms (Fall, Spring, and/or Summer terms) and achieved at least junior standing has met the requirement of SGAC Article 7.04.1 and is eligible to run for the office of the SGA Student Body President. The court recognizes the importance of ensuring that the SGA Constitution is fair to all students, including transfer students and those with AP, DE, or other transfer credits, and that candidates are well prepared to serve as SGA President. This interpretation of SGAC Article 7.04.1 strikes an appropriate balance between ensuring that candidates have adequate experience and familiarity with the operations and culture of FIU, and that they are ready to take on the responsibilities of the role. This opinion defines a year only within the scope of SGAC 7.04.1 and should not be extended to other sections without further review from the Court.