



2016-2017 F.I.U.S.C.

MAJORITY OPINION OF THE COURT

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

STUDENT SUPREME COURT OF FLORIDA INTERNATIONAL UNIVERSITY – MMC

FILED GRIEVANCE – SANTTI V. SANTTI

Decided 1 February, 2017

Majority Opinion issued 3 February, 2017

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By Unanimous Decision

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

Plaintiff Santti, the Senate Speaker of the Florida International University's Student Government Association at the MMC Campus, brought this action as a grievance against an SGC-MMC official. Santti asserts that SGC-MMC senators are each required to collect 100 survey responses every semester from students specifically within their colleges and that as Senate Speaker it was her duty to ensure that this was accomplished. Speaker Santti also suggests that because she is responsible for the senate, she needs to hold herself accountable for her senators' statutory breaches. We address these claims in turn

and rule unanimously in the Plaintiff's favor.

**ISSUES:**

1. Whether an SGC-MMC Official has the ability, given proof of standing, to file a writ of certiorari against himself or herself.
2. Whether Senate Speaker Santti failed in her duty to ensure that senators complied with SGC-MMC Statutes Article III §3.05(d)(iv)<sup>1</sup>.

**HOLDING:**

1. The evidence has shown that Senate Speaker Santti is guilty for having failed in her duties

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<sup>1</sup> "Senators shall be individually required to administer surveys each Fall semester, in which they must receive at least one-hundred (100) responses, every semester, exclusively from students within their college/division."

to ensure that her senators complied with the SGC-MMC Statutes Article III §3.05(d)(iv).

### **FACTS**

1. Sasha Santti is both a SGC-MMC Senator at Large and also the SGC-MMC Senate Speaker.
2. The Senate Speaker is the chief administrative officer of the senate.
3. The Senate Speaker Pro-Tempore is to assist the speaker in his or her duties.
4. Peter Hernandez is both a Senator for the College of Nursing and also the SGC-MMC Senate Speaker Pro-Tempore.
5. As per SGC-MMC Statutes Article III §3.05(d)(iv), all senators are required to administer surveys every semester in which they must receive 100 responses exclusively from students within their colleges.
6. The completion of surveys was brought to Speaker Santti's attention by the SGC-MMC Advisor, Michelle Castro, throughout various points in the Summer 2016 and Fall 2016 semesters.
7. Survey completion was addressed by Advisor Castro during various executive board meetings at which both Speaker Santti and Pro-Tempore Hernandez were present.
8. In September 2016, Speaker Santti experienced the loss of a close family member.
9. Speaker Santti addressed the formation of the survey at the senate meeting held on October 31<sup>st</sup>, 2016.
10. Senators began submitting survey questions after Speaker Santti's announcement at the October 31<sup>st</sup>, 2016 senate meeting.
11. Senators submitted survey questions to both Speaker Santti and Pro-Tempore Hernandez.
12. Speaker Santti did not set a deadline for the formation or administration of the Fall 2016 survey.
13. Survey links were received by Speaker Santti and Pro-Tempore Hernandez on December 5<sup>th</sup>, 2016.

14. Survey links were sent out by Pro-Tempore Hernandez between December 5<sup>th</sup>, 2016 and December 6<sup>th</sup>, 2016.
15. December 5<sup>th</sup>, 2016 was the Monday of finals week for the Fall 2016 semester.
16. At the conclusion of the Fall 2016 semester, no senator fulfilled his or her statutory requirement as stated in SGC-MMC Statutes Article III §3.05(d)(iv).

### **OPINION**

Chief Justice S. Molina for a unanimous court,

The Supreme Court of Florida International University's Student Government Association at the MMC Campus will have jurisdiction over the SGA-MMC Constitution, Statutes, and all other governing documents, and the upholding of each. Such being the case, and in order to fully discuss the issues in question, The Court must first recognize the SGA-MMC Constitution as the supreme law, as is stated within the Constitution's Authority and Sovereignty. <sup>2</sup> Additionally, it must also be noted that the same is also made clear on the first page of the governing Statutes. <sup>3</sup>

To entertain a hearing on the writ of certiorari filed by Speaker Santti against herself, the court must first determine whether or not such a hearing would even be valid, given the self-incriminating nature of the allegations. When reviewing the SGA Constitution, the court referenced Article V §§3(E),3(E)(1) which state that "any member of the Student Body may file a writ of certiorari... against any SGA Official..."

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<sup>2</sup> Authority (III) – "In conformance with the aforementioned laws and codes, this constitution is the supreme law of SGA."

<sup>3</sup> "Through the authority of the SGA Constitution, the Student Government Council – Modesto A. Maidique Campus hereby establishes its statutory policies and procedures."

Due to the fact that Speaker Santti is both a member of FIU's Student body and also an SGA Official, it would follow that Speaker Santti was in her ability to file a writ of certiorari against herself. The court also took consideration of Article VI §1(A)(5), which states that students are afforded the right to "refrain from providing self-incriminating testimony". This due process right precedes the ability of a student to file a writ against him or herself. Because of this, the moment Speaker Santti filed a writ against herself, she waived—by that action—her right to refrain from providing self-incriminating testimony. The court once again reminded Speaker Santti of her due process rights both prior to her hearing and at the onset of her hearing. Despite being reminded on various occasions, Speaker Santti proceeded with her testimony and once again waived her right to refrain from providing self-incriminating testimony.

In consideration of these facts, the court would associate this situation, although unusual, as being synonymous with those in which an individual state and/or federal law and reports the crime to authorities as an admission of guilt. The act of simply admitting guilt does not bar the United States judicial system from trying the individual in court. The same could be said about workplace infractions where individuals violate Human Resource protocols. It is understandable that these situations are uncommon, given that not many individuals who violate rules would have an interest in putting themselves at the discretion of the rule-enforcer(s) and risk losing the privileges he or she has, however, the court cannot justifiably assert in those cases, as it cannot in this case, that what is uncommon is disallowed. Because of this, any effort to suggest that Speaker Santti, a member of FIU's student body, had no standing to bring forth a writ against herself in her position as an SGA official, would be

a violation of the privileges afforded to all students under the SGA Constitution.

After determining the validity of Speaker Santti's writ, the court also took into account the charges brought against her. When considering the timeline of events in addition to the fact that no deadline was set, the court fails to find a justifiable reason for the Senate Speaker's inability to ascertain from her senators the required survey responses. Trying to determine whether this was a momentary lapse of leadership or a habitual one, the court looked for any efforts that Speaker Santti made to promote accountability for her senators' statutory requirements. Throughout the trial, It became evident that Speaker Santti had received survey questions from the senators at around the middle of the semester, which would have given her ample time to formulate the survey and distribute it to her senators; however, this wasn't done until the last week of the semester, which coincided with the university's finals week. Given students' hectic schedules during finals week, and the fact that Speaker Santti didn't give her senators the ability to administer surveys until that point, it was made clear that Speaker Santti had all of the opportunities to prevent the senate's shortcomings, but failed to utilize them.

The court also acknowledged the fact that in the month of September, Speaker Santti suffered the loss of a close relative that took a toll on her performance within her position as evidenced by her absence from the senate the week following her loss. Additionally, Speaker Santti tried to defend her position by asserting that part of the responsibility was also on Pro-Tempore Hernandez, as his job is to assist her in her duties. Although the court understands the statutory duties for, and expectations of, Pro-Tempore Hernandez, Speaker Santti failed to present substantial arguments or

proof to reaffirm her stance on his level of involvement.

For all the reasons outlined and referenced herein, The Supreme Court of Florida International University's Student Government Association at the MMC Campus rules unanimously in favor of the Plaintiff, and finds Speaker Santti guilty of the charges against her.

In determining the sanction the court would issue, it considered that senators have duties to their constituencies such as making educated decisions in an effort to advocate for their delegation. Additionally, it is the duty of the Senate Speaker and Speaker Pro-Tempore to make decisions ever-cognizant of their senators and the delegations each of them represents. Given that Speaker Santti has failed to ensure that her senate receives the surveys, and thus has no feedback from those that she is to represent—be they her senators or her constituents—the court has unanimously decided that effective immediately, Speaker Santti will lose her ability to vote until each one of her senators receives 200 survey responses from students within their respective college/delegation; 100 to account for fall and 100 to account for the spring.