

Freshman Leadership Institute Leadership Team

v.

Jean Tabares,
Student Body President

Decided: February 5th, 2016

Published: February 10, 2016

Issue

1. Does the Student Body President have the authority to appoint a director of the Freshman Leadership Institute (FLI) regardless of the candidate forwarded by the outgoing Leadership Team pursuant to Student Government Statute 303.1?

Holding

1. No, the Student Government Statute 303.1 allows the Student Body President to confirm or deny the candidate forwarded by the Leadership Team. The Student Body President does not have the authority to appoint a director outside of this procedure.

Procedural Posture

On January 28th, 2016, Jean Tabares, Student Body President, submitted to the Court a request for an advisory opinion in accordance with Student Government Constitution Section 3(C)(5). On January 28th, 2016, Ausar Amadi, FLI Director (Director), submitted an original jurisdiction complaint alleging that the Student Body President violated Student Government Statutes by his intention to confirm a candidate for the position of FLI Director contrary to the recommendation by the Leadership Team.

Upon reviewing the proceedings, the Court decided that no hearing was necessary and consolidated the cases. The parties were notified of this decision on February 1st, 2016, by official

FSU email. The Court also requested the parties to submit supplemental briefs detailing how they wished the Court to rule. These briefs were considered in the Court's deliberations. The Court informed the parties that deliberations would be conducted on February 5th, 2016 at the law school. Both parties declined the invitation to observe the proceedings.

Facts

On January 22nd, 2016, the FLI Leadership Team conducted interviews for the position of Director of FLI. The committee interviewed two applicants, Mr. Timothy Vincent and Ms. Jaelee Edmond. At the conclusion of the interviews, the Leadership Team decided to forward Mr. Timothy Vincent to the Student Body President for confirmation. The Leadership Team subsequently informed the Student Body President of its decision. In response, the Student Body President submitted an email indicating his intention to forward Ms. Jaelee Edmond as the new FLI Director.

Opinion

C. J. Cox writing for a unanimous court,

Jurisdiction

The Supreme Court shall have jurisdiction over cases and controversies involving questions of constitutionality of actions by student governing groups. SGA Const. Art. IV § 3(C)(1). The complaint submitted by the Director alleges that the Student Body President acted contrary to statutes by announcing his intention to confirm a different candidate than the one submitted by the Leadership Team. Upon reviewing the pleadings, the Court does not find that the Student Body President violated statutes by his actions. The circumstances, coupled with the Student Body President's request for an advisory opinion, however, indicate to the Court that this is a case and

controversy ripe for decision before the Supreme Court.

Holding

Selection of the FLI Director is governed by SGA Stat. 303.1(C)(1). This section indicates that “[t]he Director of the Freshman Leadership Institute shall be selected by the outgoing Leadership Team.” SGA Stat. 303.1(C)(1)(a). The Leadership Team consists of FLI officers who have been appointed by the Executive Branch. SGA Stat. 303.1(C)(1)(a)(i). Once the Leadership Team selects a candidate, that candidate will be forwarded to the Executive Branch for confirmation. SGA Stat. 303.1(C)(1)(c). Both parties are in relative agreement that these statutes apply, however, the parties disagree regarding the process if the Student Body President refuses to confirm the selected candidate.

The Student Body President contends that the authority to fill vacant positions lies with the Student Body President. Since the Student Body President rejected the candidate proposed by the Leadership Team, the position of FLI Director is therefore vacant and the power to fill the position falls to the Chief Executive pursuant to SGA Stat. 303.1(F). Alternatively, the Student Body President argues, that since FLI is an executive project within the Executive Branch, the ultimate appointment power rests within that office and SGA Statutes cannot prescribe the manner in which the position is filled. Interpreting the statute in this way would prevent the possibility of a never ending loop of applicants, resulting in the position never being filled.

Conversely, the Leadership Team asserts that the language in SGA Stat. 303.1(C)(1)(a) limits the authority of the Student Body President to either (a) confirming the candidate or (b) denying the candidate. The Leadership

Team concedes that the Student Body President has the authority to deny the forwarded candidate, however, the statute does not give the Student Body President authority to appoint another candidate instead. The Leadership Team contends that if the Student Body President denies the forwarded candidate, the interview process restarts until a candidate that both sides can agree on is forwarded.

The pleadings, therefore, present two issues which must be determined by the court. First, does the Legislative Branch wield the authority to proscribe the method by which Directors of Executive Projects are appointed. Second, if the Legislature possess such authority, what happens if the Student Body President declines to confirm the candidate forwarded by the Leadership Team.

A. Legislative Authority

As a threshold determination, the Court must determine whether the Legislative Branch has authority to dictate how the Executive Branch selects leadership for Executive Projects. The Court finds that the Legislative Branch does have authority to provide for procedures by which executive branch members are appointed.

Power to write legislation is vested in the Legislative Branch of Student Government. SGA Const. Art. II § 1. The sole limitation on this power, as provided in the Constitution, is that legislation of the Senate is subject to review by the University and the Student Government Supreme Court. SGA Const. Art. II § 6(A)(1)-(2). Thus, the Court must look at whether SGA Stat. 303.1 violates any provision of the Student Government Constitution. The Student Government Constitution expressly grants the Student Body President to appoint members of the Executive Cabinet. SGA Const. Art. III § 3(B). The Advisory Cabinet is defined as “the group that shall exist for the purposes of coordination among executive branch groups, projects, and

offices, and to provide information and assistance to the Student Body President and Vice President.” SGA Stat. 303.2(B). While the Director of FLI is arguably a member of that Executive Cabinet, SGA Stat. 303.3(C)(1) merely prescribes the method by which the SGA President appoints the Director of FLI. While the statute restricts what candidates the Student Body President can consider, the statute does not divest the Student Body President of the ultimate appointment power. Further, since all legislation must be signed by the Student Body President to become law, the Office of the Student Body President has expressly agreed to follow the procedures for selecting the FLI Director as laid out in statutes.

For the reasons stated above, the Court opines that the Legislative Branch possesses the authority to enact procedures by which Directors of Executive Projects are selected.

B. What happens if the Student Body President denies the candidate forwarded by the Leadership Team?

Since SGA Stat. 303.1(C) does not violate the Constitution, the Court must determine what happens if the Student Body President refuses to confirm the Candidate proposed by the Leadership Team. The Court finds that the legislature intended the appointment of the Director of FLI to be a collaborative effort between the Student Body President and the Leadership Team. The Court, therefore, finds that if the SGA President denies the candidate forwarded by the Leadership Team, then the Leadership Team must conduct candidate searches until they forward a candidate the Student Body President confirms.

The Student Government Statutes indicate that “the Director of the Freshman Leadership Institute Shall be selected by the outgoing Leadership Team. SGA Stat. 303.1(C)(1)(a). Once a candidate is selected by

the Leadership Team, that candidate will be forwarded to the Student Body President for confirmation. SGA Stat. 303.1(C)(1)(c). The Student Body President argues that once a candidate is denied, the vacancy provision of the FLI statute controls. The vacancy provision provides that “[t]he Executive Branch will . . . interview and confirm a new Director.” SGA Stat. 303.1(F)(1)(c). This reading, however, cannot be sustained, the position is not “vacant” by means of rejecting the application process. To allow this reading would circumvent the purpose of the selection statute, to provide a collaborative selection effort between the outgoing FLI Leadership Team and the Student Body President.

Further, the contention that requiring the FLI Leadership Team to continue nominating candidates to the Student Body President would result in a never ending loop is equally unsupported in statutes. This would treat the Leadership Team’s nomination as a mere recommendation. Looking to other sections of the Student Government Statutes indicates that when the Senate wishes to make nominations for presidential appointments mere recommendations, the Senate knows how to communicate that intent. *See* SGA Stat. 304.5(A)(3)-(4)(providing outgoing directors of Executive Bureaus the ability to recommend a replacement to the Student Body President, but vests the ultimate decision with the Student Body President). Similarly, the Senate is aware of potential issues with a circular nomination process but has chosen to enact it in other situations. *See* SGA Stat. 304.5(B)(1)-(5)(outlining the process for Bureau Directors to select Assistant Directors, indicating that the Director forwards a candidate, the Student Body President has the ability to confirm or deny the candidate, if the Student Body President denies the candidate, the Director nominates another person until the Student Body President confirms a candidate). While these statutes deal

with different parts of the Executive Branch, the provisions indicate that the Senate is aware of these potential problems yet still chose to draft the FLI statute the way it reads.

Conclusion

In conclusion, if the Student Body President rejects a candidate nominated by the FLI Leadership Team, the Leadership Team must continue its search process and submit candidates until the Student Body President confirms a candidate. The Court notes that nothing in statutes place restrictions on how the Student Body President makes his determination. Neither do statutes require the Student Body President to explain his reasoning behind confirming or denying a particular candidate.