



THE FLORIDA STATE UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION

73RD STUDENT SENATE

Senate Bill #: 49
Primary Sponsors: Linsky

A revision to the Student Body Statutes

BE IT ENACTED BY THE SEVENTY THIRD STUDENT SENATE THAT:

A revision is made to the Student Body Statutes § 406 (See attached).

To elucidate the legislative subpoena powers vested in the Senate by the Student Body Constitution, subject to limited oversight by the Student Senate President.

Read 1st Time: 9/08/2021
Referred to Committee: Judiciary
Committee Report: Amended & Passed in Judiciary 9/14
Read 2nd Time: 9/16/2021
Senate Vote: 29-1-5

OFFICIAL: _____

DocuSigned by:

Alexander Harmon

9/20/2021 | 9:03 PM EDT

18244305E958499...

Student Senate President

PASSED: September 16th, 2021

CERTIFIED TO THE STUDENT BODY

DocuSigned by:

Tazzy Janvier

9/30/2021 | 4:17 PM EDT

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President of the Student Body

Date

DocuSigned by:

Dr. Felicia Williams

10/4/2021 | 8:10 AM EDT

B6BA9C68BC2347F...

Director of the Student Governance & Advocacy

Date

DocuSigned by:

Dr. Amy Hecht

10/4/2021 | 4:00 PM EDT

F8C9CD8890224DE...

Vice President of Student Affairs

Date

Chapter 406 Investigative Rights of the Senate

A. The Student Senate shall have the right to initiate and conduct an investigation in order to examine any impropriety or to question any action of any Student Government Association officer, appointed official, or Student Government Association funded organization agency, bureau, affiliated project, or funding board.

B. An investigative Board may only be initiated by:

1. A 2/3 vote by the Student Senate in the form of a resolution, or
2. Whenever a standing or ad hoc committee deems necessary by 2/3 vote, and

3. The Student Senate President.

C. An Investigative Board will consist of the Judiciary Committee unless otherwise deemed by a Student Senate resolution.

D. All conclusions of any Investigative Board will be reported to the Student Senate in the form of a resolution.

E. An Investigative Board may make a recommendation for action to the Student Senate in the form of a resolution.

F. If the Investigative Board produces a resolution containing the results of the investigation or any recommendation for action, upon passage by the senate, the resolution shall be published in the Senate minutes.

G. In order to carry out its duties, an Investigative Board **or standing committee** shall be empowered with the right and authority to issue a legislative subpoena upon an SGA Officer for any private records related to the investigation, unless prohibited by the Student Body Constitution, state law, or federal law (such as FERPA or HIPPA),- provided that:

1. The text of the subpoena includes:
 - a. The name of the SGA Officer upon whom the subpoena is to be served;
 - b. The names of all acting Senators on the Investigative Board **or standing committee** which has authorized the issuance of the subpoena by majority vote;
 - c. The date and time wherein the Investigative Board **or standing committee** authorized the issuance of the subpoena by majority vote;
 - d. The date and time wherein the Student Senate President authorized the issuance of the subpoena;

- e. The nature of the specific evidence sought by issuance of the subpoena;
 - f. A legitimate investigative purpose for the evidence sought within the context of the investigation;
 - g. Sufficient reason as to why the evidence sought is not unreasonably burdensome to produce; and
 - h. A designated time and place, at least fifteen (15) days after the Investigative Board **or standing committee**'s majority vote to authorize the subpoena's issuance, wherein the information compelled for disclosure may be inspected and examined by the Investigative Board **or standing committee** under the direct supervision of an impartial custodian of the public record.
2. The subpoena is approved using the following timeline:
- a. The ~~investigative board~~ **or standing committee** approves the text of the legislative subpoena by a majority vote, the Chair of the Investigative Board **or standing committee** authorizes the subpoena by signature, and sends the subpoena to the Student Senate President for further authorization;
 - b. The legislative subpoena is subsequently authorized by the Senate President by signature and sent by the Student Senate President to the Chair of the Investigative Board **or standing committee** within eight (8) business days of the Investigative Board **or standing committee**'s majority vote;
 - i. Upon the decision to deny a legislative subpoena for issuance, the Student Senate President shall, within twenty-four (24) hours of the subpoena's denial, provide the Chair of the Investigative Board **or standing committee** with the full and unrelenting rationale as to why the legislative subpoena was denied so that the Investigative Board **or standing committee** may attempt to cure those deficiencies by drafting and authorizing a revised subpoena, or alternatively, appeal the Student Senate President's decision to the Student Supreme Court pursuant to Article IV, section 3(C)(1) of the Student Body Constitution.
 - c. The Chair of the Investigative Board **or standing committee** shall present the subpoena to the Senate via a resolution which must be heard on the Senate floor and affirmed by a majority vote of the Senate at that meeting.