

The Office of the
ATTORNEY GENERAL

Robert T. Hill

The question before us today is in regard to Senate Rule 2.03: Membership of Committees. Senator Patrick Cherubin has brought forth the question as to what is deemed “written concurrence”. According to the University of Central Florida’s Senate Rules, Rule 2.03 Membership of Committees reads:

2.03 MEMBERSHIP OF COMMITTEES

- A. Any committee member may resign at any time by submitting a written resignation to the Chair.
- B. The Senate President may remove a committee member from any committee with written concurrence of the Executive Committee which may be overturned by a majority vote of the Student Body Senate.
- C. Any Student Body Senator who goes without sitting on at least one (1) Senate Standing or Ad Hoc committee for two (2) consecutive weeks, without previous approval of the Student Body Senate, shall be considered resigned from the Student Body Senate.
- D. No Student Body Senator shall serve as a member of more than two (2) Standing committees and two (2) Ad Hoc committees at any one time, except for the Senate President Pro Tempore or the appointed Deputies Pro Tempore.
- E. No Student Body Senator shall Chair more than one (1) Standing committee or one (1) Ad Hoc committee at the same time.

Additionally, while Black’s Law Dictionary does not provide a specific definition of “written concurrence”, it does provide a definition of both “written consent” as well as “concurring opinion”. As such, they will be used in this opinion to ascertain the proper definition of “written concurrence”

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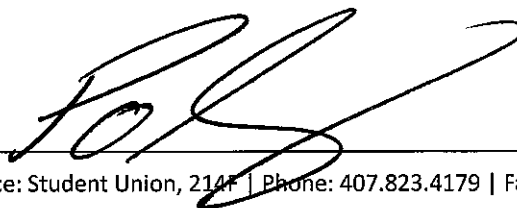
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Written Consent: Binding agreement signed digitally or on paper.

Concurring Opinion: An opinion that is given by another authority that is in agreeance and upholds the opinion of the first authority.

After reviewing relevant statutes and definitions, it is my opinion as Attorney General that the removal of Senator Patrick Cherubin by the Executive Committee was not procedurally correct. Because the minutes from the Executive Committee's meeting on Thursday February 21, 2019 were not signed by all members of the Executive Committee, it cannot be deemed a "written concurrence", only an "auditory concurrence". In order for the removal of Senator Cherubin to be valid, all members must sign a document, stating their vote on the removal.

Effective immediately, Senator Cherubin must be reinstated as a voting member of the Conference, Registration, and Travel (CRT) Committee and will remain a voting member until such a time where the Executive Committee either follows proper procedure in executing Senate Rule 2.03B, or Senate Rule 2 is observed by other means listed.



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