

The Office of the
ATTORNEY GENERAL

Robert T. Hill

The question before us today is in regard to Chapter 706 and whether the accused, College of Graduate Studies Senator Patrick Cherubin (Seat 1), rights have been violated during thus far in the impeachment process. According to the University of Central Florida's Statutes, in order for such a violation to be valid it must meet the following criteria:

Chapter 706 Rights of the Accused

Any Student Government Agent accused of an offense at any time during the Impeachment Process and/or Removal Process is awarded the following rights:

- A. To be informed of all policies, procedures, and decisions made by any Student Government Agent concerning the Impeachment and Removal Process.
- B. To know the offenses and adverse witnesses and to review all evidence prior to the Removal Hearing.
- C. To have the assistance of a Judicial Advisor as per Title IV.
- D. To refrain from self-incrimination and to not be called upon as a witness to said individual's own case.
- E. The right to submit any tangible evidence and/or submit witnesses to be interviewed during the Discovery Process.
- F. The right to resign from office at any time during the Impeachment or Removal Process, thus concluding all actions of the Impeachment or Removal Process.
- G. The right to cross-examine all witnesses that testify in the Removal Hearing and submit evidence that will be considered at the Removal Hearing. No evidence submitted by a witness may be considered at the

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Removal Hearing if the witness does not appear at the Removal Hearing for cross-examination by the accused Student Government agent.

H. The right to ask for statutory interpretation by the Attorney General.

I. The right to appeal the ruling of the Senate to the Judicial Council for issues related to due process.

After reviewing documentation provided to me by relevant parties, the following facts have been established:

An Affidavit was filed by Rachel Friant on February 1, 2019 at 4:49 P.M. Beginning with the most recent Affidavit, Senator Patrick Cherubin has requested an opinion be written on Sections 701.2C, 702.6, and Chapter 706. It is worthy to note that since Impeachment Proceedings have, as of February 7, 2019, only reached the point of establishing that the Affidavit does warrant further investigation and does fall within the jurisdiction of being an impeachable offense, 706B, 706D, 706E, 706G, and 706I are not relevant at this time. Additionally, after further investigation, on Tuesday, January 29, 2019 a meeting or call to inform Senator Cherubin that an Affidavit had been filed against him, and to elaborate on the fact that although said Affidavit was most likely going to be invalidated, another one was likely to be filed in the future. Senate President Scott, Advisor Brown, and Senator Cherubin met on Thursday, January 31, 2019 to discuss the situation mentioned above. It was in this meeting that Sierra and Advisor Brown discussed the ongoing situation and informed him to familiarize himself with Title VII and reach out to the Judicial Advisor if he had any questions, comments, or concerns. After the meeting, the same three individuals also met with Shane Juntunen, the Director of the Office of Student Involvement, to further offer assistance and support regarding the issue at hand.

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Regarding relevant documentation: Senator Cherubin was given the original redacted, invalidated Affidavit on January 31, 2019, new redacted Affidavit, along with preliminary evidence, and the 1.25.19 LJR Committee Meeting minutes on February 1, 2019, a recording from the 10.18.18 CRT Caucus Meeting and the 2.1.19 LJR Committee Meeting minutes on February 5, 2019, and a recording of the 2.1.19 Preliminary Review from the LJR Committee on February 7, 2019.

After official correspondence with Student Government Officials with extensive knowledge of office dynamics as well as an ability to assist the accused in the event a question would arise, it is my opinion as Attorney General that the Rights of the Accused have not been violated. Given that the accused, Senator Cherubin had, on multiple occasions, conversations with Senate President Sierra Scott, Student Government Wills Brown, Office of Student Involvement Director Shane Juntunen, as well as a meeting with Dr. Kerry Welch, Associate Vice President, Student Engagement & Leadership Development regarding his rights. Since these conversations have happened on a consistent basis since the filing of the Affidavit, it is fair to conclude that the individual was indeed informed of the policies, procedure, and decisions made thus far by any Student Government Agent regarding the Impeachment.

It is vital to this process that all individuals are given a fair and just hearing and opportunity to confront all relevant parties to discern the validity of the charges. As such, it is imperative that if at any point the accused have questions relating to their Rights, they are properly answered in a timely manner.

As previously stated in an earlier Advisory Opinion, I encourage all parties carefully review their statutory duties, rights, and responsibilities in order to ensure that proper procedure is being

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followed and their obligations are met to their fullest extent without overstepping or falling short of what is required.



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