

The Office of the
ATTORNEY GENERAL

Robert T. Hill

The question before us today is in regard to the validity of an affidavit for impeachment by College of Graduate Studies Senator Rachel Friant (seat 2) against College of Graduate Studies Senator Patrick Cherubin (Seat 1). According to the University of Central Florida's Statutes, in order for such a document to be valid it must meet the following criteria:

Charges or complaints of wrongdoing may be filed by the student in affidavit form:

701.2

- A. The Affidavit must include a description of what alleged wrongdoings were conducted. The student must list the provision of the Student Body Constitution, Student Body Statutes, or Senate Rules that are alleged to have been violated.
- B. The Affidavit must be notarized prior to submission to the Senate Graduate Assistant. Said Affidavit must be submitted and time-stamped at least three (3) hours prior to the next regularly scheduled Legislative, Judicial, and Rules (LJR) Committee meeting in order to be heard at that meeting.
- C. The student must include contact information along with the Affidavit. This contact information shall only be used by the LJR Chair, the Interview Director, and the Senate Graduate Assistant to ensure the individual is informed throughout the process.
- D. Should the student decide to withdraw the Affidavit, the student must request to do so in writing to the LJR Chair

701.3

Once properly submitted to the Senate Graduate Assistant, the Senate Graduate Assistant must time stamp it. Once the Affidavit(s) is submitted to the Senate Graduate

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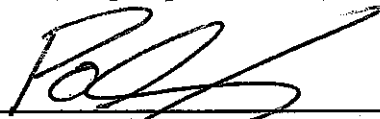
Assistant, the Senate Graduate Assistant will contact the LJR Chair via email to notify the Chair of the filing. The Senate Graduate Assistant will provide the Chair with the Affidavit.

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

A new Affidavit was filed by Rachel Friant on February 1, 2019 following the invalidation of the original Affidavit. Senator Patrick Cherubin requested an opinion be written on Sections 701.2C four days later on February 4, 2019. Contained in section 701.2C is the following information:

The student must include contact information along with the Affidavit. This contact information shall only be used by the LJR Chair, the Interview Director, and the Senate Graduate Assistant to ensure the individual is informed throughout the process.

It is my opinion as Attorney General that, after careful review, the Affidavit to begin the impeachment process for Senator Cherubin is valid. Given that impeachment proceedings have not occurred in the recent past, a methodology of strict scrutiny should be applied. As such, regarding 701.2C, the language in question is whether "the student" refers to the filer or the accused. In the Heading to 701.2, the same verbiage is used: "Charges or complaints of wrongdoing may be filed by the student in affidavit form:" Because of the verbiage as well as the colon (:) at the end of the sentence, it is my opinion that every time "the student" is used in that specific section, it refers to the filer and not the accused. Additionally, in 701.2D, the contents begin with, "Should the student decide to withdraw the Affidavit..." Because only the filer may withdraw such documentation, it again points to only the filer and not the accused.



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