



# EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

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## Jan Soto

**To:** Senator David Ferguson  
**CC:** President Meg Hall, Senate Speaker Emma Custis, Senate ProTempore Samantha Ciresi, LJR Chair Brianna Urea, Senate Advisor Brodie Taylor, Student Government Advisor Shane Juntunen, Members of the LJR Committee  
**From:** Attorney General Jan Soto  
**Date:** 04/21/2022  
**Subject:** Question on Recent Censure

Hi Senator Ferguson,

Thank you for forwarding your questions and concerns. Here, I will address the question posed: can a Student Government Agent be censured if it is not alleged that they violated any Student Body Regulations (the Student Body Constitution, Student Body Statutes, Senate Rules, Senate Rules, and/or other legal mandates)? The question will be considered in light of the recent censure presented before the Legislative, Judicial, and Rules (LJR) Committee. This opinion will consider a subsequent question: if a Student Government Agent *cannot* be censured without a connection to Student Government regulations, can the Student Body Senate consider the censure at hand?

An overview of the current censure must guide this discussion. Here are the facts as alleged by Senator Evannrue Cox, also referred to as the issuer. On the evening of April 7<sup>th</sup>, Senator Ferguson – the party issued – was called to serve as witness to the swearing in of the issuer. Chief Justice Gamarra addressed the issuer with “she/her” pronouns to which the issuer corrected the Chief Justice: “my pronouns are actually they/them.” The party issued, a mere feet away, was asked for his name. He responded by stating that his name was Bob the Tomato with a similar tone to the one used by Senator Cox when correcting the Chief Justice. The issuer argues that the tonality used by Senator Ferguson reflects his intent to make a transphobic joke.

Senator Cox perceived this joke as an attack on their dignity which led to emotional distress and reminders of “the trauma of the times my life had been threatened for being who I am.” At this time, the issuer filed the censure mentioned here. Days after they met with Senator Ferguson and Senate Advisor Brodie Taylor,



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who served as mediator. Senator Ferguson apologized repeatedly to no avail. With the context at hand, the analysis may proceed.

The claims submitted allege that Senator Ferguson violated Title IX (the federal statute prohibiting sexual discrimination), UCF Golden Rule, and the UCF Creed based on the transphobic joke. The censure itself lacks any mention of Student Government Regulations whatsoever – particularly Title IX: The Enforcement and Accountability Statutes.

Chapter 905.1 of the aforementioned title states that any individual submitting a censure must do so “in accordance to the Student Body Constitution, Student Body Statutes, Senate Rules, Senate Bills, and/or other legal mandates.” While Student Government has no jurisdiction/ability to rule over federal statutes or university regulations, these were included under the “other legal mandates” portion of the statute. The LJR Committee concurred with this logic, finding merit to the claim that the Student Body Senate may decide as to whether Senator Ferguson violated federal and university-wide regulations. The LJR Committee erred in its judgement.

The context surrounding the “other legal mandates” portion of Chapter 905.1 does not give Senate free reign to rule on any legal mandates. A legal mind would reach this conclusion only if that portion of the statute were read in isolation. When read altogether, the statute lists Student Government Regulations only. Other legal mandates include Executive Orders by the Student Body President, Judicial Opinions by the Chief Justice, or those legal mandates amending requirements in the Student Body Constitution, Statutes, or Senate Rules.

This reading aligns the outer limits of the statute to fall in accordance with the appropriate authority bestowed to Student Government since its inception. Student Government cannot exceed its constitutional boundaries. Thus, a Student Government Agent cannot be censured if it is not alleged that they violated any Student Body Regulations. The Student Body Senate cannot then consider the censure before the body as it exceeds the limited jurisprudential authorities bestowed by the Student Body Constitution and Student Government statutes.

If Senator Cox or any other Student Government Agent wishes to file a censure against other Student Government Agents, they must find the specific portion within governing statutes that prohibits/mandates actions or inactions. As an example, if Attorney General Mickey Mouse repeatedly yells obscenities during multiple Senate meetings which disrupt Senate’s ability to pursue their business, this action would be censurable under Chapter 905.1(A) which prohibits repeated disruptive behavior. Chapter 905.1(A) would have to be referenced in order for the censure to be valid. Any



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reference to university wide regulations prohibiting the interference of University meetings should only be referenced persuasively. UCF regulations – or any other federal, state, or local regulations not changing the requirements/mandates of Student Government statutes – do not satisfy the requirement that a censure must cite Student Government regulations.

If you have any further questions, I am happy to clarify them at my earliest convenience.

Best wishes,

**Jan Soto**  
Attorney General