



EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

Caitlin G. Moore

To: Katrina Wangen, Student Body Senator
CC: Daniella Lopez, Student Body President
Xelayris Martinez, Student Body Vice President
Emma Custis, Senate President
Daisy Guel, Elections & Appointments Committee Chair
Juan Carlos Almenar, Elections & Appointments Committee Vice Chair
Brodie Taylor, Student Government Coordinator
From: Caitlin Moore, Attorney General
Date: July 11th, 2022
Subject: Opinion on Presidential Appointments to Interim Positions

I, Attorney General Moore, in accordance with the Constitution, Statutes, and Senate Rules of the Student Body of the University of Central Florida, hereby issue the following opinion to the Student Body Senator, Katrina Wangen, and all other interested parties:

Here, the question is if presidential appointments to interim positions need to be confirmed by the Elections & Appointments Committee (hereinafter E&A) and the Student Body Senate. They do *not*.

This question arose from a discussion during an E&A meeting regarding the Interim Chief Justice position before former Interim Chief Justice, Sage Kehr, was appointed and confirmed as the regular incumbent Chief Justice. Student Body Senators were considering the process for confirming interim positions, including if they shall follow the confirmation process other regular incumbent presidential appointees go through. Interim positions are appointed by the Student Body President, raising the question about whether all presidential appointees—*independent of classification as interim versus permanent*—shall follow the same appointment and confirmation procedures.

I.

“Ad interim” is defined by Black Law’s Dictionary as, “[i]n the mean time. An officer ad interim is one appointed to fill a temporary vacancy, or to discharge the duties of the office during the absence or temporary incapacity of its regular incumbent.”

II.

Under Title III: The Legislative Branch, Chapter 306: Student Senate Confirmation of Presidential Appointments (306.1), the process for presidential appointees' confirmations in E&A and Senate is given in detail. While it stipulates “[e]ach presidential appointee,” it makes no mention of the word “interim” nor how to fill vacancies, leading to the interpretation held today that Chapter 306.1 applies to regular incumbent appointees. The word “interim” doesn't appear anywhere within Title III. The aforementioned title, though outlining the process for presidential appointees to regular incumbent positions, is not the correct place to look for appointments to interim positions and their appointment and confirmation process.



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Rather, turning to Title IV: The Executive Branch and Title V: The Judicial Branch, the context under which “interim” arises gives plenty of textual evidence to safely presume the urgency interim positions pose shall be treated differently than regular appointments. Notably, all positions listed within statutes with an interim component belong to positions or offices composed of one (1) individual at a time, with the Chief Justice also being a branch head. Furthermore, the Attorney General and Comptroller—the only other statutorily prescribed positions with the ability to be interim positions—directly report to a branch head, the Student Body President.

Even forgoing the analysis directly preceding, interim positions, whether branch heads or directly below branch heads, are to be fulfilled irrespective of the normal procedures of confirmation through E&A and Senate. The current way statutes are laid out is silent on an exact process for confirming interim positions, leaving room for procedural flexibility per individual case.

III.

Furthermore, Election Commissioners (Section D of Chapter 400.3) and the Interim Chief Justice position are the only two statutorily stipulated positions in which a vacancy would result in the waiver of Title IV, Chapter 400.3: Appointments and the Student Body Senate (Section A).

Section A of Chapter 400.3 states, “[a]ll appointments made by the Student Body President, requiring a confirmation by the Student Body Senate, must be read into Senate minutes by the Student Body President or his or her designee at least one (1) week prior to consideration by the Student Body Senate.”

Section E of Chapter 400.3 states, “[i]n the event that the Office of the Chief Justice becomes vacant, Title IV, Chapter 400.3, Section A, will be waived strictly for the appointment of an Interim Chief Justice.”

Chapter 400.3 illustrates the urgency of keeping the position of Chief Justice filled for the efficiency of Student Government and to the benefit of the Student Body.

IV.

For the foregoing reasons, it is the opinion of the Office of the Attorney General that a presidential appointee to an interim position is *not* required to be confirmed by E&A or the Student Body Senate.

It is so ordered,

Caitlin G. Moore
Attorney General
University of Central Florida