



# EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

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## Caitlin G. Moore

**To:** Emma Custis, Senate President  
**CC:** Vihan Yalamanchili, LGBTQ+ Caucus Chair  
Daniella Lopez, Student Body President  
Xelayris Martinez, Student Body Vice President  
Brodie Taylor, Student Government Coordinator  
**From:** Caitlin Moore, Attorney General  
**Date:** July 25<sup>th</sup>, 2022  
**Subject:** Opinion on Senate Seats

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 Senate President, Emma Custis, and all other interested parties:

Here, two questions will be addressed. The first question is when is a Student Body Senator considered removed from a seat? The second question is if committee and caucus memberships and leadership roles are tied to the Senate seat or if they're conferred within the Student Body Senator themselves, and therefore, transferable with a Student Body Senator even if their designated seat changes?

The answer to the first question is as follows. Within Senator Vihan Yalamanchili's situation—specifically, the one subsequently detailed—the answer is that he was never considered removed from the Student Body Senate. Of the second question, memberships and leadership roles are tied to the seat a Student Body Senator holds and can't be transferred with a Student Body Senator to a new seat.

### I.

This question arose out of a need for further clarification on the holding of my previous opinion concerning Senator Yalamanchili changing his University college designation from the College of Medicine (hereinafter COM) to the College of Health Professions and Sciences (hereinafter CHPS) and whether the leadership role he held while in his previous seat would be forfeited as a result of changing colleges. The prior opinion, released on June 22nd, 2022, held that “[a] Student Body Senator who is considered removed from their seat *does not* retain the leadership role(s) held, regardless of current or potential future appointment or confirmation to a new seat.” This holding was and is still an accurate interpretation in accordance with the Student Body Statutes. However, the statement of the facts didn't accurately and wholly reflect the situation.

On June 9th, 2022, Senator Yalamanchili—then a Student Body Senator for the COM—went through the confirmation process for a seat within the CHPS. He passed favorably with a vote



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count of 31-00-01. Until the moment he was sworn in for his new seat, he had not resigned from his prior seat, been dismissed due to ineligibility or absences, or been removed through noncompliance, impeachment, or through the acceptance of the “Oath of Office” for another position.

## II.

A Student Body Senator is considered removed when one of the following is invoked: resignation, dismissal due to ineligibility or surpassing the allotted number of absences, noncompliance over one (1) week under Title III: The Legislative Branch, Chapter 302: Apportionment of the Student Body Senate (302.4), the impeachment process, or upon acceptance of the “Oath of Office” for another position.

Senator Yalamanchili didn’t change his primary academic major out of the COM until after he had been confirmed to his new seat under the CHPS, at no point was he ineligible to hold his Senate seat under the COM. None of the statutorily prescribed ways to be removed were ever invoked by or against Senator Yalamanchili and there was never a moment in which he wasn’t considered a Student Body Senator. Essentially, he transferred from one seat to another without ever jeopardizing his status as a member of the Student Body Senate. His seat under the COM is considered vacant, as he left that seat and transferred immediately into a new one under the CHPS.

After this transfer between Senate seats occurred, even if never removed from the Student Body Senate, the committee and caucus memberships and the leadership role conferred in Senator Yalamanchili’s time as a Student Body Senator for the COM are forfeited.

## III.

Committee and caucus memberships and leadership roles are tied to the Senate seat, they are not conferred within the Student Body Senator themselves, and therefore, are not transferable with a Student Body Senator even if their designated seat changes.

Student Body Senators are elected or appointed to represent their University college or school per Chapter 302.1. Memberships and leadership roles obtained during one’s tenure as a Student Body Senator are intertwined with the Senate seat one holds. Senator Yalamanchili was elected to serve as the Chair of the LGBTQ+ Caucus while he was a Student Body Senator for the COM, and now that he represents the CHPS, he is no longer considered the Chair of the caucus.

If Senators were elected at-large to the Senate seats, contingent upon other eligibility requirements, including being a student, which within itself is tied back to a University college or school, the holding here would be different. However, this isn’t the case.



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It follows it's necessary to appoint Senator Yalamanchili to the committees and caucuses that he was previously sitting on and for him to be appointed and elected to any prior leadership roles, should he wish to reconfer those positions and if the Student Body Senate and/or committee should pass such business favorably.

#### IV.

I recommend the Student Body Senate amend statutes to outline a process for handling similar situations, perhaps through voting on the Student Body Senator's previously held committee and caucus membership(s) and/or leadership role(s) immediately following their confirmation into their new seat.

To quote Justice Stevens, I don't wish "to craft an all-encompassing rule for the future. It would be far wiser to give legislators an unimpeded opportunity to grapple with these emerging issues rather than to shackle them with prematurely devised constitutional constraints." *Kyllo v. United States*, 533 U.S. 27, 51 (2001).

#### V.

A Student Body Senator is considered removed from their seat when they resign, are dismissed due to ineligibility or absences, are found in noncompliance or censured for an offense that may result in removal, are impeached, or accept the "Oath of Office" for another position.

Memberships to committees or caucuses and leadership roles are tied to the Senate seat one holds and are not able to be transferred with a Student Body Senator to a new seat.

For the foregoing reasons, it is the opinion of the Office of the Attorney General that Senator Yalamanchili was never removed from the Student Body Senate, but does forfeit his committee and caucus memberships and leadership role.

It is so ordered,

**Caitlin G. Moore**  
Attorney General  
University of Central Florida