

SENATE BILL #1878

Title: Establishment of Concert and Convocation Committee and Fund

Date: February 6, 1998

Authors: Senators Gasson, Sherlock, and Tufts

Sponsors: Senators Damori, Gasson, Olson, Sherlock, and Tufts

1. WHEREAS, there is currently a lack of an established program to support the
2. introduction of "big name" events at the University of Wyoming; and
3. WHEREAS, only twenty-three percent (23%) of students surveyed are satisfied
4. with the number of "big name" entertainers visiting the University of Wyoming;
5. (see addendum A) and,
6. WHEREAS, numerous surrounding universities incorporate a concert and
7. convocation program into their student activities which far exceed the amount of
8. money presently allocated by the University of Wyoming; (see addendum B) and,
9. WHEREAS, the introduction of such a program would be a highly effective
10. mechanism for purposes of recruitment and retention; and,
11. WHEREAS, the Student Activities Council (SAC) of the ASUW does not
12. currently have the necessary means to provide for an established committee with
13. appropriate funds for "big name" events; and,
14. WHEREAS, potential funds currently exist for the establishment and maintenance
15. of such a program (see addendum C).
16. THEREFORE, be it enacted by the Student Senate of the Associated Students of
17. the University of Wyoming that a Concert and Convocation (C & C) Committee
18. be created as an entity of the ASUW Student Activities Council, and

19. THEREFORE, be it further enacted that this committee is responsible for the
20. facilitation of a program for "big name" events, including the provision of
21. spending authority with the allotted funds, and
22. THEREFORE, be it further enacted that the C & C Committee follow the
23. established and appropriate guidelines given (see addendum D) and,
24. THEREFORE, be it further enacted that the ASUW create a new fund for the
25. purpose of funding the activities of the C & C Committee by transferring
26. \$100,000 from the Student Loan Account to the C & C fund, and,
27. THEREFORE, be it further enacted that the C & C Committee will not incur a
28. financial loss of more than \$35,000 per fiscal year, and,
29. THEREFORE, be it further enacted that the ASUW Budget and Planning
30. Committee shall subsidize the C & C fund up to \$35,000 each year, but not more
31. than the amount needed to replenish the fund to \$100,000.
32. THEREFORE, be it further enacted that the subsidized amount be taken from the
33. ASUW Reserve for the next five fiscal years upon which an evaluation will be
34. conducted by the ASUW Budget and Planning Committee.

Referred to: Budget and Planning Committee

Date of Passage: February 17, 1998

Signed: Angela Cicke

(ASUW Chairperson)

"Being enacted on FEBRUARY 18, 1998, I do hereby sign my name hereto and
approve this Senate action."

ASUW President

ADDENDUM A:

1997 ASUW Student Needs Assessment: (505 respondents)

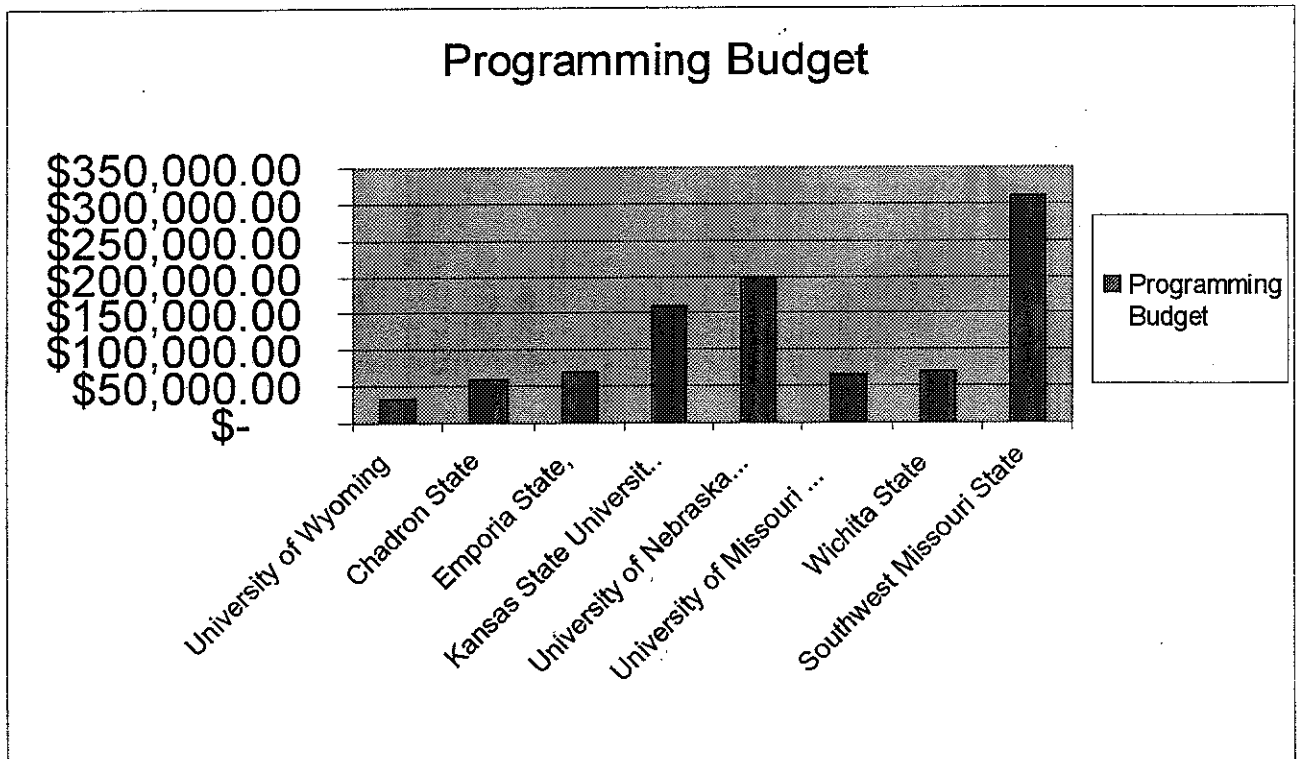
“I am satisfied with the number of “big name” entertainers visiting UW.”

Strongly Agree: .8%
 Agree: 22.2%
 Disagree: 45.9%
 Strongly Disagree: 12.9%
 No Opinion: 16.8%
 Don't know: 1.4%

ADDENDUM B:

<u>School</u>	<u>Population</u>	<u>Programming Budget</u>	
University of Wyoming, WY	10,500	\$	32,000.00
Chadron State, NE	3,600	\$	60,000.00
Emporia State, KS	6,000	\$	70,000.00
Kansas State University, KS	22,000	\$	160,000.00
University of Nebraska-Lincoln, NE	25,000	\$	200,000.00
University of Missouri Kansas City, MO	10,000	\$	65,000.00
Wichita State, KS	16,000	\$	70,000.00
Southwest Missouri State, MO	16,000	\$	310,000.00

**Numbers received when SAC attend the National Association of Campus Activities



Addendum C

ASUW's current financial situation is as indicated below in Table 1. The assets listed below consist of multiple student accounts in combination with interdepartmental loans within the university community.

Table 1

Fund Balance	Source	Terms
\$ 245,358.17	ASUW Reserve	
\$ 627,867.58	Student Loan Account	Minimum of \$327,000 must remain for self-sufficiency
\$ 75,592.00	Loan to Student Publications	19 payments of \$4000 outstanding. Payable over 6 years.
\$ 450,000.00	Loan to Information Technology	4 annual payments of \$112,500 beginning FY 98.
\$ 24,000.00	ASUW Equipment Reserve	
\$ 1,422,817.75	Total	

ASUW generally supplements its annual budget with approximately \$15,000. This is primarily due to ASUW subsidizing the campus recycling. The student loan account must continue to have a minimum balance of \$327,000 in order to maintain the account self-sufficient while simultaneously eliminating the student loan fee.

Assuming that ASUW continues to budget at the same level in the next four years, a minimum of \$327,000 is left in the Student Loan Account, and all loans are repaid on time, ASUW will have liquid assets exceeding \$1 million.

Addendum D:

The C & C Committee:

- Shall be made up of the Assistant Director Programs/Activities, acting as co-chairperson, a student co-chair, one ASUW senator, one Freshman senator, and four additional members (students-at-large).
- Student Chair shall be selected through an interview process to occur the week following the ASUW General Election. Applications will be available four weeks prior to the ASUW General Election, and shall be due the day immediately following the ASUW General Election. Interviews will be conducted by the ASUW Student Activities Council Chair of the preceding ASUW term, Lead Student Programmer, newly elected ASUW Vice President, and ASUW SAC Advisor. This selection committee shall then, with the advice of SAC and consent of ASUW Senate, appoint the C & C Student Chair.
- C & C Committee members shall be selected through an interview process occurring the week following the approval of the C & C Committee student chair. Application will be available four weeks prior to the ASUW General Election, with them due the day immediately following the ASUW General Election. Interviews will be conducted by the ASUW Student Activities Council Chair, Lead Student Programmer, newly elected C & C Committee Student Chair, and ASUW SAC advisor. This selection committee shall then, with the advice of SAC and consent of ASUW Senate, appoint the C & C Committee members.
- The student chair would be responsible for communication with the SAC chair and the Lead Student Programmer and must attend all SAC meetings.
- The student chair would share responsibilities with the SAC chair and the LSP.
- This Committee must make a report at Senate once per semester, to explain what they have accomplished, how the money was spent, what they are planning for the next semester, and allow the Senate to ask questions.
- This Committee will not incur a financial loss of more than \$35,000 per fiscal year.



The facts in this case are as follows:

Senator and current Student Activities Council Chair Shannon Tufts brought an application for hearing before the ASUW Judicial Council on April 1, 1998. The disputed action arose as Senator Tufts was attempting to implement Senate Bill #1878. It was her opinion that the provisions of Senate Bill #1878 were inconsistent with the SAC By-Laws. She requested that the ASUW Judicial Council interpret Senate Bill #1878 to determine the structure of the Concert and Convocation Committee and how the committee would fit under the SAC By-Laws.

Senate Bill #1878 was passed by Senate on February 17, 1998 and signed by the ASUW President on February 18, 1998. Senate Bill #1878 calls for the creation of the Concert and Convocation Committee with the responsibility of programming "big name" events. An addendum to the bill states that the committee shall consist of the Assistant Director Programs/Activities acting as co-chair; a student co-chair; one ASUW senator; one Freshman Senator; and four additional members (Students at Large). The composition of the committee was to be approved by Senate.

At this point, it is essential to note the disputed action arose not in the passing of Senate Bill #1878 but in its implementation.

The Judicial Council has jurisdiction in this matter as provided by Article VIII, Section 2, subsections A, B, C, D of the Constitution of the Associated Students of the University of Wyoming. The Judicial Council has the power to act and requires the enforcement of its decisions under Article VIII, Section 3, subsections C and E.

As the ASUW Judicial Council began hearings into Senate Bill #1878 many difficulties soon emerged and the following two questions arose:

- (1) Is Senate Bill #1878 constitutional?
 - (2) What did Senate Bill #1878 create? A "committee?" An "entity?" Or a "commission?"
- The ASUW Judicial Council believed these questions to be crucial because until these questions were answered, Senator Tufts concerns could not be adjudicated.

The ASUW Judicial Council Held:

- (1) Senate Bill #1878 is unconstitutional.
- (2) Because the Judicial Council unanimously rendered Senate Bill #1878 unconstitutional, the second question became moot.

Reasoning:

The first reason why Senate Bill #1878 is unconstitutional is that it places a UW staff member in a formal leadership position within the ASUW Student Government. This is inconsistent with the Constitution of the Associated Students of the University of Wyoming. An addendum to Senate Bill #1878 describes the structure of the C&C committee and directs that a co-chair, the Assistant Director Programs/Activities, a paid University of Wyoming staff member, be included on the committee. The ASUW Constitution implicitly denies membership, leadership positions and voting authority to anyone who is not a full fee paying student of the University of Wyoming. It is ludicrous to assert that the absence of a specific provision in the ASUW Constitution prohibiting staff members ASUW membership, leadership positions and voting authority could be construed as granting them these privileges. This same line of reasoning could also lead one to conclude that a student from Colorado State University could be elected ASUW President because there is no specific provision in the ASUW Constitution denying them that right. The ASUW Constitution governs full fee paying students of the University of Wyoming and only these fee paying students. The Judicial Council concludes that students and students alone can hold appointed or elected positions in ASUW Student Government.

The second major problem with Senate Bill #1878 is the lack of clear legislative intent indicating where the C&C committee would fit into the ASUW Student Government structure. ASUW Senators Damori, Gasson, Olson, Sherlock and Tufts and President Neu could not give consistent, cohesive testimony as to whether the Concert and Convocation Committee is an entity, committee or commission, nor could they explain how the chain of command would work with the newly created "committee." The ambiguous language contained in Senate Bill #1878 and the lack of clear legislative intent, does not place the C&C Committee within the structure provided by the ASUW Constitution.

The ASUW Constitution, By-Laws, and policies establish three classifications for ASUW student government entities: ASUW Senate standing committees, Student Activities Council commissions, and officially sanctioned representative organizations, including Freshman Senate, the United Multicultural Council and the Non-Traditional Student Council. The language in Senate Bill #1878 does not place the C&C committee into any of these three categories. Without such a classification no hierarchy is established and therefore there is no clear means of checks and balances.

Although at least one senator testified that the C&C committee is most like an ASUW Senate standing committee. This would require a change in the ASUW Constitution which requires the approval of the student body in a student body general election as mandated by Article XI of the ASUW Constitution.

Although some witnesses testified that the C&C committee is most like an officially sanctioned representative organization such as Freshman Senate, United Multicultural Council and Non-Traditional Student Council, this stance is wholly inconsistent with ASUW policies and procedures. Each of the representative organizations listed above were created in order to ensure fair representation for all the students attending the University of Wyoming. These groups were created in order to provide for a interchange of information between these organizations and the Student Senate. Each of these groups have a broad scope in that they legislate, represent, and do some minor programming. Their membership is open to all students at the university. Certainly, all students are welcomed and encouraged to participate in these organizations.

This is in sharp contrast to the purpose and membership of the C&C committee. The C&C has an extremely narrow scope, in that its only purpose is to program for one or perhaps two large activities each year. Further, its membership is limited to the seven students who have been approved by the Student Senate. This is inconsistent with the open and inclusive nature of the before mentioned ASUW representative organizations. Clearly, given the distinctions between the C&C and the other quasi-independent ASUW entities the C&C committee should not be treated or characterized in a like manner.

Traditionally, ASUW Student Government conducts its programming through the commissions of the Student Activities Council, a standing committee of the ASUW Student Senate. When the sponsors of the bill were asked why the C&C committee was not created as a commission, they had three primary responses. First, they were not aware of the procedure used to create a new commission as outlined by the SAC By-Laws. Second, they wanted to expediate the process required to create a commission (committee). They hoped to circumvent the standard procedure that Student Senate has directed as described in the SAC By-Laws by creating an independent committee. They simply did not want to take the time to go through the proper channels in order to make the "entity" constitutional, but instead sped up the process so programming could begin immediately. This done without thinking about the future consequences. Third, they were concerned that the C&C committee would "overshadow the other commissions." This is again a tenuous position. It is the very role of the SAC chair, the Lead Student Programmer, the advisors, and the Senate itself to ensure that each of the commissions is programming in a manner consistent with its purpose.

Therefore, based on the forgoing analysis the ASUW Judicial Council has the following recommendations:

It is the recommendation of the Judicial Council that the C&C Committee should be created as a commission under SAC, consistent with the applicable provisions of the ASUW Constitution, By-Laws, and the By-Laws of the Student Activities Council. By creating the C&C as a commission, it would function within the established structure of ASUW. There would be no questions about its place within the ASUW hierarchy.

It is further recommended that the Assistant Director Programs/Activities serve only in an advisory capacity. The Assistant Director Programs/Activities would not have commission membership or the ability to vote on commission activities. This would be consistent with the current advisor/commission relationship in the Student Activities Council.

Further, this commission, like all the other commissions, will have to go through the budgetary process described in the ASUW Finance Policy in order to receive their annual maximum subsidy of \$35,000. This in no way effects the original allocation of \$100,000 from the Student Loan Account. *-this gives B: P power is that what we want.*

While the Student Senate may be tempted to act hastily before the end of the school year, the ASUW Judicial Council feels this action would be imprudent. It was acting in haste without proper research and planning that has led to the ambiguous and unclear nature of the bill. This has stalled the implementation of a Concert and Convocation "Committee". The Judicial Council strongly urges restraint, thoughtfulness, and precision when drafting a subsequent bill with similar intent as Senate Bill #1878. The Judicial Council stresses further caution in regard to this matter due to the large amount of student fee dollars involved and the enduring nature of the proposed "commission".

Therefore, the Judicial Council of the Associated Students of the University of Wyoming unanimously holds that:

- Senate Bill #1878 is rendered unconstitutional. The actual bill shall keep its place within the historical record and shall still be known as Senate Bill #1878, but it shall be clearly marked unconstitutional. A copy of this opinion shall be attached to the bill.
- The Concert and Convocation Committee shall be disbanded and its membership vacated. The appointments the ASUW Student Senate has made to said committee shall be void.
- The funds allocated to the C&C committee by Senate Bill #1878 are enjoined until such time as ASUW Student Senate acts in a manner not inconsistent with this opinion. These funds shall revert back to the ASUW Student Loan Account if no action is taken by the Student Senate of the Associated Students of the University of Wyoming before December 1, 1998.

This opinion was issued upon the unanimous decision of the Judicial Council of the Associated Students of the University of Wyoming, signed April 23, 1998.



Chief Justice Krone



Justice Mathes



Justice Mehl



Justice Plemmons



Justice Studenmund