

SENATE Bill #2405



TITLE: By-Laws Revisions

DATE: October 22, 2013

AUTHOR: Senator Powell

SPONSORS: Senators Blazovich, Gibbs, and Messer

1. WHEREAS, the Working Documents of the Associated Students of the University of
2. Wyoming (ASUW) govern the procedures of the ASUW Student Government; and,
3. WHEREAS, the By-Laws is a working document that is fluid in nature; and,
4. WHEREAS, they are always in need of updating for current policies and grammatical errors;
5. and,
6. WHEREAS, clarifications of procedures are sometimes necessary to expedite processes
7. quickly and concisely.
8. THEREFORE, be it enacted by the Associated Students of the University of Wyoming that
9. the By-Laws be amended to reflect the language in Addendums A and B.

Referred to: Constitution Committee

Date of Passage: 10/29/13

Signed:

Kia N. Munebach
(ASUW Chairperson)

“Being enacted on 10/30/13, I do hereby sign my name hereto and

approve this Senate action.”

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Addendum A

ARTICLE I
Executive Branch

Section 1. Specific responsibilities and authorities of the ASUW President include the following:

- A. The promoting, improving, and pursuit of the goals and objectives of the ASUW and the University.
- B. Presenting a legislative report including the status of all legislation passed by the ASUW Senate, each semester (as a supplement to the Steering Committee reports).
 - a. The report given during the fall semester shall encompass the previous year and the report given during the spring semester shall encompass the fall semester of their term.
- C. The President shall insure that all resolutions and recommendations passed by the legislative branch are enforced or brought to the attention of those University officials with authority to take the recommended action.
- D. The President may veto, within ten (10) days of its passage, any action of the ASUW Senate, but such veto may be overridden by a two-thirds (2/3) vote of all the voting Senators at either of the two (2) regular ASUW Senate meetings following the veto.
 - i. If the President fails to act on any piece of legislation within ten (10) days of passage, or before the new President is sworn in, the legislation shall go into effect without the President's signature.
 - ii. The President shall provide a written explanation of any veto to the Senate at the next meeting following the veto or before the subsequent Senate is sworn in, whichever is sooner.
- E. The President or, in special situations, the President's designee, shall be the representative of the entire student body to the faculty, the administration, other officials of the University, and entities outside the University community.
- F. The delegation of any member of his/her staff to attend ASUW committee meetings as ex-officio members.
- G. Reporting all matters of interest or concern relative to student affairs to the various committees and the ASUW Senate, with such information as is within his/her power to supply, and to make recommendations thereon.
- H. His/her presence during the summer for participation in the ASUW presidential internship.

Section 2. The ASUW President shall have the following powers of appointment with the advice and consent of the ASUW Senate, and he/she may remove from office, for cause, any Presidential appointee in the Executive branch.

- A. The President shall appoint representative to fill all student held positions on university boards and committees.
 - i. The president shall make applications available for university committees and boards during the spring semester after his/her election.
 - ii. Appointments for the student held positions on the University boards and committees shall be presented to the ASUW senate for consideration at the first regularly scheduled meeting of the fall semester.
 - iii. As vacancies arise, appointments will be presented to the ASUW senate for consideration.

Addendum B

ARTICLE V Vacancy of Office

Section 1. Procedure for filling vacancies of Executive officers between elections:

- A. Upon the resignation, permanent absence, or incapacity of the President, the Vice President shall become president.
- B. Upon the resignation, permanent absence, or incapacity of the Vice President, the President Pro Tempore of the Senate shall become Vice President.
- C. Upon the resignation, permanent absence, or incapacity of the President Pro Tempore of the Senate, the Senate Parliamentarian shall become the President Pro Tempore.
- D. Upon the resignation, permanent absence, or incapacity of the aforementioned members of ASUW, the following order of offices shall assume the executive responsibilities until the special election outlined in clause E is held;
 - i. Senate Sergeant at Arms
 - ii. Senate Marshal
 - iii. Chief of Staff
 - iv. ~~Director of Finance~~
 - v. ~~Director of Policy Planning~~
- E. Upon resignation, permanent absence, or incapacity of the aforementioned members of ASUW, any further line of succession may be outlined by the president at the beginning of their term and approved by ASUW.
- F. At the next senate meeting following the resignation, absence, or incapacity outlined above, a special in-senate election will be held to fill the open position with current senators.

Section 2. Procedure for filling Senate vacancies between elections:

- A. Upon the resignation, permanent absence or incapacity of any Senator, the senatorial candidate from the college who received the next highest number of votes in the preceding election shall fill the vacancy.
 - i. In accordance with Article IV, Section 3, Subsection C of the ASUW By-Laws, senators terminated from their senate seats due to a change in college shall be placed subsequent to all other candidates from the preceding election of the college to which he/she changes.
- B. The ASUW Vice President will notify the person with the next highest number of votes as soon as a Senator's resignation has been approved at an ASUW Senate meeting. The person notified will have two school days to accept or refuse the Senate position. Upon acceptance the person will be sworn in at the next ASUW Senate meeting. In the event of refusal, the same procedure will be followed with the next available candidate. This process will include write-in candidates, if applicable.
- C. In the event that a vacancy occurs and the list of eligible candidates from the preceding General Election has been exhausted, the procedure outlined in Subsections A and B of this Section will then be applied to the results of the associated Primary Election.
- D. In the event that a vacancy occurs and the list of eligible candidates from the preceding General Election and associated Primary Election has been exhausted, the

Elections Committee will begin an application and interview process to fill the vacant seat.

- i. As soon as possible after the vacancy occurs, a call for applicants will be made to the affected College with the application period lasting two (2) weeks from the time of initial notice.
- ii. At the close of the application period, the Elections Committee, with the aid of the ASUW Adviser, will review the applications for eligibility (see Article IV, Section 6, Subsection A.)
- iii. All those meeting initial eligibility requirements will be contacted with an interview time. Interviews will be conducted no later than two (2) weeks after the close of the application period.
- iv. After all interviews have been conducted, the Elections Committee will debate and vote on which candidate shall be granted the seat. If no candidate receives a majority, then all but the two leading candidates are removed from consideration, and a second vote is taken.
- v. The Elections Committee Chairman will notify the chosen applicant as soon as possible after a decision has been made. Upon acceptance, the candidate will be sworn in at the next ASUW Senate Meeting.

Section 3. Procedure for filling vacancies for Judicial Council member:

- A. Upon the resignation, permanent absence or incapacity of any Judicial Council member, a new member shall be appointed by the ASUW President, with the advice and consent of three-fourths (3/4) of the ASUW Senate.
- B. In making a subsequent appointment, the ASUW President shall make all possible efforts to preserve the existing diversity of the Judicial Council before the departing justice's absence from office, making special efforts to see that the Council represents as many of UW's seven colleges as possible.
- C. The appointment shall only last until the expiration of the term of the absent justice.
- D. Any Justice appointed in such a situation shall, at the end of the term, be eligible to be appointed to a full two (2) year term.

Article VI
Code of Ethics

Section 1. Preamble

We, the elected and/or appointed representatives of the Associated Students of the University of Wyoming Student Government, seek to promote the interests and well being of all students, regardless of race, color, religion, sex, sexual orientation, age, political belief, veteran status, disability, national origin, relationship status or gender identity. In doing so, we will respect the integrity, dignity and worth of individual students and will recognize and acknowledge the differences in each. We will be sensitive and protective of the liberties and respect to which each individual student is entitled. We will refrain from and discourage behaviors that threaten these ideals and freedom and civility that every individual deserves.

Section 2. Standards of Behavior

As an elected and/or appointed representative of the Associated Students of the University of Wyoming Student Government (ASUW):

- A. I will not misuse my position as an elected representative or the resources of ASUW for personal gain.
- B. I will express my opinions and views on subjects brought before this governing body in a professional and civil manner and will respect and objectively evaluate the opinions and views of others.
- C. I will not tolerate language or actions that may discriminate against or discredit any individual student, group of students, or student organization(s).
- D. I will endeavor to allow the presentation of all views, however diverse, of any student, group of students, or student organization(s) or subject, which may come before this governing body.
- E. I will actively promote open two-way communication between the ASUW leadership and the students we serve.

Section 3. Obligations and Duties

As an elected and/or appointed representative of the Associated Students of the University of Wyoming Student Government (ASUW):

- A. I will at all times, refrain from conduct involving dishonesty, fraud, deceit, misrepresentation, discrimination or other actions contrary to the spirit or intent of this Code of Ethics.
- B. I will familiarize myself with the Constitution, By-laws and other rules and procedures of this governing body and will act within the spirit and intent of these documents.
- C. I will endeavor to advance and promote the interests of the students of the University of Wyoming, taking into account their diverse needs and views.
- D. I will acknowledge and make public any potential conflict of interest arising from my other involvements and will abstain from voting in the matter and will be encouraged to refrain from misusing my position in ASUW Government to influence the vote of any voting member.
- E. I will present an accurate portrayal of the nature and extent of my qualifications and competencies when applying for positions within ASUW Government and when representing ASUW Government.

Section 4. Procedures for Violations

- A. Proceedings against an individual for an alleged violation of the Code of Ethics may be initiated by the following methods upon receiving a written complaint from any source indicating that a violation may have occurred.
 - i. Senate Violations: complaints pertaining to Code of Ethics violations committed by members of the senate shall be presented to the ASUW Vice President.
 - ii. Executive Violations: complaints pertaining to Code of Ethics violations committed by the members of the executive board shall be presented to the Judicial Council.
- B. Upon delivery of a complaint, the ASUW Vice President or the Judicial Council shall meet with the alleged violator and discuss why the action of the individual was not appropriate. It is then up to the discretion of the recipient to refer the complaint

directly to the Judicial Council for their review, if the complaint is egregious enough to merit such a decision.

- i. The complaint recipient shall inform the alleged violator that future violations can be considered negligent and can be grounds for impeachment upon review by the Judicial Council.
- ii. The alleged violator shall receive a copy of the complaint in writing at the meeting with the complaint recipient.
- iii. A copy of the complaint shall also be sent to the ASUW Advisor or designee.
- iv. All communications between the alleged violator and the complaint recipient shall remain confidential, including any copies sent to the ASUW Advisor or designee.
- v. All other disciplinary procedures that are not outlined in this document shall follow the guidelines set forth by the regulations of the University of Wyoming.

ARTICLE VII

Removal from Office

Section 1.

Any member of the ASUW Legislative, Executive or Judicial branch shall be removed from office through automatic disqualification during an election or term of office if found to be in violation of academic or disciplinary requirements as established in the ASUW Constitution or By-Laws.

- A. The ASUW Advisor, or designee of the Dean of Students Offices shall have the authority to remove any ASUW official who is ineligible due academic or conduct violations.
- B. The ASUW Advisor, or designee of the Dean of Students Office, shall be responsible for reviewing the eligibility of each member of ASUW at least once during the ASUW election and once during each academic semester.
- C. If a candidate or ASUW official is ineligible for office, the ASUW Advisor, or designee of the Dean of Students Office, shall be responsible for notifying the ASUW Elections Committee of an open seat and the individual in question within (1) one academic week.
- D. Election candidates who are found to be ineligible for office shall be removed from the ballot upon notification. Elected or appointed officials found to be ineligible shall be removed from their respective office.
- E. Election candidates who are removed from the ballot shall have the privilege of being reinstated on the ballot if the appeals process of the Dean of Students Office clears the individual in question of all charges in cases of disciplinary ineligibility before the election.
- F. In cases when an official in either the Legislative, Executive or Judicial branches is found to be ineligible, their position shall remain vacant until all appeals processes are exhausted or if the appeals process as found in the Student Code of Conduct clears the individual of all charges. If an individual is cleared of charges then that person shall be reinstated to their position. If the appeals processes fails to clear an individual of charges then the appropriate ASUW body shall be instructed by the ASUW Advisor or designee of the Dean of Students Office that a replacement ought to be found to fill the vacant position.

Section 2. Any member of the ASUW Senate who changes his/her major during his/her term in office resulting in a change in college shall automatically be terminated from his/her office.

Section 3. Articles of impeachment shall be brought against any member of the Executive, Legislative, or Judicial branch of the ASUW if it is suspected that the persons in question violated the ASUW Code of Ethics as found in the ASUW By-Laws, is unable to fulfill their duties of office, or has committed any other acts that would compromise their integrity as a student leader or representative of ASUW.

- A. The Student Senate shall have the sole power to try all impeachments.
- B. The impeachment proceeding shall be considered legislative action and carry the same weight as legislation
- C. A vote of two-thirds (2/3) or more of the current membership of the Student Senate shall be necessary to bring the charge of impeachment.
- D. The trial of impeachment must be commenced at least (2) weeks following the vote of the Student Senate to authorize the charge of impeachment.
- E. The accused must have a fair trial consistent with the concept of due process as provided by the University Procedures in such matters.
 - i. The trial of impeachment shall consist of the following proceedings:
 1. The President Pro Tempore shall preside over all trials of impeachment.
 - a. In the event that Articles of Impeachment are brought against the President Pro Tempore, the ASUW Vice President shall preside.
 2. The author of the articles of impeachment may address the Student Senate with concerns and/or reasons why the charged should be removed from office.
 3. The charged may then plead guilty or not guilty of allegations and address or present a letter to the Student Senate addressing concerns and/or a list of reasons of why they should not be removed from their position.
 4. The Student Senate will then debate whether to convict the charged member.
- F. Charges of impeachment must be publicized by being published in at least one (1) issue of the official campus newspaper.
- G. A person shall not be convicted without the concurrence of at least three-fourths (3/4) of the voting Student Senate.
- H. Individuals who are being charged with impeachment shall not have the privilege to vote in their own impeachment.
- I. If found guilty of articles of impeachment, there shall be no punishment other than the removal of office.
- J. If found not guilty, the individual shall be cleared of all charges and cannot be tried for identical charges for the remainder of their term.

Section 5. All ASUW Legislative, Executive, and Judicial Branch vacancies shall be filled as outlined in Article V of the ASUW By-Laws.

