

SENATE BILL #2567



TITLE: Judicial Council Policy and Procedure Revisions

DATE INTRODUCED: April 11, 2017

AUTHOR: Constitution Committee

SPONSORS: Senators Defebaugh and Wetzel

1. WHEREAS, the Associated Students of the University of Wyoming (ASUW) Student
2. Government should serve our fellow students to the best manner possible through
3. responsible, effective leadership; and,
4. WHEREAS, as one of the three branches of ASUW Student Government, the ASUW
5. Judicial Council has the authority to render final decisions on all ASUW Working
6. Documents and actions of the Executive and Legislative Branches, as well as impose
7. sanctions upon individual students and student organizations; and,
8. WHEREAS, it is crucial that Judicial Council policies and procedures be kept to maintain
9. students' rights, clear and accessible processes, and autonomy of ASUW Student
10. Government.
11. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
12. (ASUW) Student Government that the ASUW By-Laws be amended to reflect the changes in
13. Addendum A.

Referred to: Constitution, PID

Date of Passage: 04/17/18 **Signed:** Tyler Wanner
(ASUW Chairperson)

"Being enacted on 04/19/2017 **, I do hereby sign my name hereto and**
approve this Senate action." Melvin R. Rothermel
ASUW President

ADDENDUM A
THE BY-LAWS
ASSOCIATED STUDENTS OF THE UNIVERSITY OF WYOMING

ARTICLE III
Judicial Council

- Section 1. The following matters shall be within the jurisdiction of the ASUW Judicial Council:
- A. In situations of disagreement or dispute, it shall provide interpretation of all ASUW working documents, including, but not limited to, the ASUW Constitution, the ASUW By-Laws, the ASUW Rules and Procedures, and the ASUW Finance Policy, Elections Code;
 - B. It shall have jurisdiction over all actions of the ASUW Executive branch;
 - C. It shall have jurisdiction over all violations of ASUW rules, regulations, policies, procedures, and/or standards governing student conduct or requirements of students who participate in officially approved ASUW programs; and
 - D. It shall have jurisdiction over offenses against the Constitution of the Associated Students of the University of Wyoming.
- Section 2. Any member of the ASUW may bring a dispute before the ASUW Judicial Council. All complaints must be filed with the ASUW Secretary within a timely manner upon discovery of a disputed action.
- Section 3. The Council must meet regarding the complaint within ten (10) academic days after the written complaint is filed. In the discharge of its jurisdictional responsibilities, the ASUW Judicial Council shall have the following authority, under the advisory role of the Judicial Council or ASUW Advisor:
- A. The Council shall be the final authority in making decisions brought before the Council and interpretations of all ASUW working documents, including, but not limited to, the ASUW Constitution, the ASUW By-Laws, the ASUW Rules and Procedures, and the ASUW Finance Policy
 - B. The Council has the ability to impose sanctions to individual students or student organizations which have been appropriately charged and found responsible for violations of ASUW rules, regulations, policies, standards or conduct established as a part of officially approved ASUW programs;
 - C. The Council may render final decisions regarding the actions of the ASUW Executive Branch found to be procedurally inappropriate or incorrect pursuant to the provisions of all ASUW working documents, including, but not limited to, the ASUW Constitution, the ASUW By-Laws, the ASUW Rules and Procedures, the ASUW Finance Policy, and the ASUW Elections Policy;
 - D. The Council shall have the right to summon any member of the ASUW to testify on any matter that is within the jurisdiction of the Council and which has been appropriately made a matter of issue or dispute before the Council; and,
 - E. The Council may assign or refer any matter, which is within its jurisdiction and which has been appropriately brought to the Council, back to the ASUW body, unit or committee of original decision for such action or consideration as the Council determines is required.

Section 4.

In the discharge of its responsibilities, the ASUW Judicial Council shall conduct its business pursuant to the principles of due process and fairness; in compliance with established rules and procedures; it shall seek to protect the interests and rights of students, and it shall fulfill the following procedural requirements:

- A. The Council will not render a final decision until the appropriate body, unit or committee of original jurisdiction has fulfilled all of its responsibilities in the matter;
- B. Decisions, including sanctions, by the Council may be appealed to the Vice President of Student Affairs, or designee. Students or student organizations have five (5) academic days to appeal a Council decision. Notice of appeals being filed must be given immediately to all involved parties, as well as the Judicial Council. The Vice President of Student Affairs, or designee, has thirty (30) academic days from the appeal being filed to issue their decision;
- C. All official hearings by the Council shall be conducted in accordance with written rules and procedures. Proposed changes to the Rules and Procedures of the Judicial Council of the ASUW must be approved by the Vice President for Student Affairs, or designee. Such rules shall include provisions for the following matters:
 - i. The rules for procedure shall provide for the fundamentals of due process and fairness;
 - ii. In any situation where a charge is made against individual students or a student organization, the charge shall be made in writing, and those persons charged shall be provided with a copy of the charge along with the names of any persons who may speak against them;
 - iii. Each party to a dispute or charge shall have the right to be present in the meeting room during all testimony and they shall be afforded an opportunity to speak on their own behalf, present rebuttal, have an opportunity to question any witnesses; and present summary testimony; and
 - iv. Each party to a dispute or charge shall be provided a written explanation of the reasons for any decision rendered by the Council; and,
 - v. The protocol for summoning any member of the ASUW to testify in front of the Council shall conform to outlined guidelines as promulgated in the Rules and Procedures of the ASUW Judicial Council.
- D. A permanent copy of all Council documents, interpretations, sanctions and opinions shall be kept on file in the ASUW Office, as well as online, in order to uphold the precedence of Council decisions. Cases involving Code of Ethics investigations shall be kept only in writing, except in cases which carry matters of interpretive precedence, which shall be kept online, but have names and all other personally identifiable information of the individuals in question redacted to the greatest extent possible, at the discretions of the Chief Justice with advice from the ASUW or Judicial Council Advisor.
- E. All Council case decisions and appeals must be turned into the ASUW Secretary within ten (10) academic days after a formal Council decision or appeal has been issued, or the precedence of the case will not be honored.

ARTICLE V
Vacancy of Office

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, 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 to 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 Commission 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 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 their major during their term in office resulting in a change in college shall automatically be terminated from their 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 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 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 4. All ASUW Legislative, Executive, and Judicial Branch vacancies shall be filled as outlined in Article V of the ASUW By-Laws.

