



Official Opinion of the ASUW Judicial Council



Majority Opinion handed down on October 26, 2017 by Chief Justice Richardson:

Justices Stott, Culver, Manown, and Laffey concurring:

Justice Bisheka did not take part in this decision.

Request for interpretation: ASUW By-Laws, Article I, Section 1, Subsection D

Question

On October 12, 2017 the Judicial Council received a request to interpret ASUW By-Laws, Article I, Section 1, Subsection D on behalf of the ASUW President. Article I, Section 1, Subsection D states: “The President must notify the senate of all proposed changes to a University Regulation. After twenty-one (21) days, if no legislation has been authored, the President will have the right to speak on behalf of the ASUW Student Government on the proposed changes.

i. The President, any executive member, any senator, and any student may write legislation regarding the recommended changes. If legislation is passed, the President must represent the opinion of the senate that is formed through the legislation.”

The task of the Judicial Council is to answer the following questions in relation to Article I, Section 1, Subsection D of the By-Laws:

- 1) What is the definition of “Senate” in the context of Article I, Section 1, Subsection D?
- 2) When distributing the Regulation that is being reviewed, must the ASUW President distribute the legislation to the Senators; Senators and Ex-Officios; or Senators, Ex-Officios, and Executives?

In full consensus of the Justices present, the Judicial Council’s official interpretation is that Article VI, Section 1 of the ASUW Constitution has defined the Senate’s composition. Article VI, Section 1 of the Constitution states “The ASUW Student Senate shall include thirty (30) elected Senators.” Given that the Constitution/charter of ASUW supersedes all other governing documents, it is the opinion of the Judicial Council that the definition of the Senate as found in Article VI, Section 1 of the Constitution constitutes the definition of the Senate in regards to the interpretation request.

Because the definition of the Senate as given in Article VI, Section 1 of the Constitution only mentions the thirty elected Senators, it is the duty of the ASUW President to provide a copy to every sitting Senator in the event of a regulation review. If the President chooses to provide a copy of the regulation documents to any other party we find nothing in the ASUW governing documents that would preclude the President from taking such action.