



Official Opinion of the ASUW Judicial Council



Majority Opinion handed down on October 10, 2017 by Justice Stott:

Chief Justice Richardson, Justices Culver, Manown, Laffey concurring:

Justice Bisheka did not take part in this decision.

Request for interpretation: ASUW By-Laws, Article II, Section 8, Subsection C and the legislative intent of Senate Bill #2452

Question

On October 4, 2017 the Judicial Council received a request to interpret ASUW By-Laws, Article II, Section 8, Subsection C and the legislative intent of Senate Bill #2452 on behalf of the acting ASUW President. Article II, Section 8, Subsection C states: “Those who shall have speaking rights only, excluding voting and parliamentary rights, include members of the ASUW Executive Branch” reflecting the amendment to the ASUW By-Laws found in Senate Bill #2452. The task of the Judicial Council is to answer the following questions in relation to the Senate Bill and subsequent amended section of the By-Laws:

- 1) Can ASUW Executives speak at ASUW Senate Meetings without being yielded the floor by an ASUW Senator?
- 2) If so, are there any restrictions on the content of their testimony?

In full consensus of the Justices present, the Judicial Council’s official interpretation is that the ASUW Executive Branch has a right to speak at Senate Meetings, but that it is within the power of the Senate to limit those rights as they see fit. These limitations can, therefore, come in the form of requiring senators to first yield and restrict testimonial content. Regarding the intent of Senate Bill #2452, the Judicial Council finds that it is within the rights of the Senate to conduct their meetings in the manner they so choose. This is entailed in the ability to pass legislation that reflects regulation on speech during their meetings, such as Senate Bill #2452, being based on ASUW self-governance. Due to the official interpretation of the Judicial Council regarding the first question, we do not find it in the interest of ASUW or the council to consider the second question regarding the content of the testimonies of those executives who choose to speak at Senate Meetings.

Speaking Ability of ASUW Executives at ASUW Senate Meetings

There are several key sections of the ASUW working documents and parliamentary procedure that were part of the Judicial Council's decision on interpretation. Article II, Section 6, upholds the Senate Bill and subsequent amendment cementing it in the By-Laws. This, in redefining the role of Executives in Senate Meetings, allows for members of the Executive branch to speak at the meetings. However, Article II, Section 8, Subsection C, does not allow for Executives to have unrestricted access to the floor, a right not even given to the Senators. It is the interpretation of the Judicial Council that "speaking rights" refers to the privilege of the Executive Branch to appear and be heard at the meetings and that the inclusion of the phrase discerns the ability of the Executives to be heard and participate from the inability of other members of ASUW. Therefore, the Judicial Council concludes that ASUW Executives do not currently possess the right to speak at ASUW Senate Meetings without being yielded the floor by a member of the ASUW Senate.