**Request for Interpretation:** **ASUW Constitution, Article VI, Section 1, subsection A**

Chief Justice Sanders delivered the Majority Opinion of the Judicial Council on October 12th, 2020, in which Associate Justices Bellamy, Campbell, Cloud, De Meillon, and Jackson joined.

Associate Justice Gruntmeir did not partake in the decision.

**Question**

On September 29th, 2020, the Judicial Council received a request from the ASUW Chief of Legislative Affairs to interpret the ASUW Constitution, Article VI, Section 1, subsection A. This subsection reads: “Each of the University’s colleges and sole degree-granting programs shall have at least one (1) student senator.” The ASUW Chief of Legislative Affairs posed the following questions:

1. Does the phrase “Each of the University’s colleges” apply only to full degree granting colleges, or all colleges at the University of Wyoming?
2. Does this phrase include the Honors College; that is, should they have at least one senator and be included in the proportional allocation of the remaining seats?

**Interpretation and Recommendation**

In this interpretation, the Judicial Council relied mainly on the intent of the subsection in question, the ASUW By-Laws, and preceding legislation. For question one, the Council rules that the phrase “Each of the University’s colleges” applies only to sole degree-granting colleges. The Council was unable to find a clear definition of the term “college” anywhere in the ASUW governing documents or provided by the University as a whole. As a result, the Council focused on the intent of Article VI, Section 1 of the ASUW Constitution; Article 5, Section 5.03, subsection 2, subsection A, subsection c of the ASUW By-Laws; and Senate Bill #2599.

Article VI, Section 1, subsection A of the ASUW Constitution states that “Each of the University’s colleges and sole degree-granting programs shall have at least one (1) student senator.” Article 5, Section 5.03, subsection 2, subsection A, subsection c of the ASUW By-Laws states that “Fee-paying students with more than one major will only be allowed to vote in their primary college, as documented by the Registrar.” The third Whereas clause, lines 7-9, of Senate Bill #2599 states: “ WHEREAS, it is possible for a student to earn a degree solely from the Haub School or the SER [School of Energy Resources] without a second major, meaning that these students are not represented in any of UW’s seven colleges…” These three quotes, when placed in context with each other, show that the intent of the system of Senator allocation was to provide representation to every student on campus. Moreover, each student is only to be represented once, not twice, as indicated by the rule in the By-Laws that a student can only vote in their primary college. The Council recognized that through Senate Bill #2599, the Haub School and SER were included in the process for proportional allocation due to their status as sole degree-granting programs, further reinforcing the intent to provide representation to all. The Council would like to note that although there are students that could belong to multiple colleges, they only technically have representation from their primary college because this is the only college they can actively participate in the selection of their representation. Finally, due to the confusing nature of the word “college,” the Council recommends that the appropriate ASUW governing documents be amended to remove the word “college” and only use the phrase “sole degree-granting programs.” For example, the Council recommends that Article VI, Section 1, subsection A of the ASUW Constitution be amended to read: “Each of the University’s sole degree-granting programs shall have at least one (1) student senator.” This recommendation does not have to be followed, and the decision the Council reached on this interpretation is not dependent on this recommendation being followed.

The ruling to the second question was dependent on the answer to the first question. The Council decided that Article VI, Section 1, subsection A of the ASUW Constitution does not include the Honors College. As a result, the Honors College should not have at least one senator nor be included in the process for proportional allocation. The Council reached this decision because the Honors College is not a sole degree-granting program; every member of the Honors College must belong to a sole degree-granting program. Furthermore, the Honors College is applied as a minor on degrees, and a student cannot declare their primary major to be in the Honors College or graduate with a degree from only the Honors College. Because each student in the Honors College is represented elsewhere, there is no need to provide representation from the Honors College specifically. In fact, this would go against the intent discussed previously to provide only single representation to each student.

It is the recommendation of the Council that the ASUW Senate reflect on the current process for allocating Senators and ensuring representation to improve transparency. The Council recognizes that the Honors College may have needs specific to the College that might be difficult for the sole degree-granting programs to meet and thus recommends that the ASUW Senate find another way to address these needs. For example, the Honors College RSO, Wyoming Honors Organization, could be added as an ex-officio to the Senate and given a seat at the Senate. These recommendations do not have to be followed, and the decision the Council reached on this interpretation is not dependent on these recommendations being followed.