**Request for Interpretation:** **ASUW Constitution, Article IV, Section 2**

Chief Justice Sanders assigned Associate Justice Cloud to deliver the Majority Opinion of the Judicial Council on February 7th, 2021, in which Chief Justice Sanders and Associate Justices Bellamy, Campbell, De Meillon, and Gruntmeir concurred.

**Questions Presented**

On February 2nd, 2021, the Judicial Council received a request from Chief of Legislative Affairs Hunter Swilling to interpret Article IV, Section 2 of the ASUW Constitution. The Request for Interpretation posed the following questions:

1. Does Article IV, Section 2 of the Constitution bar a member of the Executive branch from serving as chair of a standing committee?
2. Can the Senate vote to suspend Article 2, Section 2.02, Subsection 11, Subsubsection E, Clause c of the ASUW By-Laws to allow a member of the Executive branch to serve as chair of the RSO Funding Board?

**Interpretation and Recommendation**

*1. The ASUW Constitution does not allow for a member of the Executive branch to serve as chair of a standing committee.*

Article IV, Section 2 of the ASUW Constitution states: “Except as provided elsewhere in this Constitution, a member of the ASUW shall not, at one time, hold office or fulfill responsibilities in more than one (1) of the Executive, Legislative or Judicial branches...” Article 2, Section 2.02, Subsection 11, Subsubsection E, Clause c of the ASUW By-Laws states that a “Senator with board experience shall serve as chairperson” of the RSO Funding Board committee. This clause of the By-Laws specifically designates the chair role to a Senator, a member of the Legislative branch. Because of this designation, allowing an Executive Assistant to chair a standing committee would mean that a member of the Executive branch is also fulfilling responsibilities of the Legislative branch. Therefore, an Executive Assistant may not serve as chair of a standing committee.

Further, this same section of the By-Laws provides for one Executive Assistant to serve as an ex-officio member on the RSO Funding Board. Under Article IV, Section 4 of the ASUW Constitution, an ex-officio member of a committee shall enjoy the rights of senate membership except the right to vote, with the exception of the First-Year Senate ex-officio. Therefore, an ex-officio under the ASUW Constitution is not a senatorial role. Because the ASUW By-Laws specifically require that a Senator chair the committee, and the ASUW Constitution states that an ex-officio is not a senatorial role, it would be unconstitutional to allow an ex-officio member of a committee to be chair.

*2. The Senate cannot vote to suspend Article 2, Section 2.02, Subsection 11, Subsubsection E, Clause c of the ASUW By-Laws.*

Currently, the only article of the ASUW By-Laws the Senate may vote to suspend is Article 5, Elections Policy. Because there is no specific guidance on suspension of other articles of the By-Laws, the Judicial Council referred to Robert’s Rules of Order to answer this question. According to *Robert’s Rules of Order Newly Revised*, the Senate cannot suspend provisions that do not relate to parliamentary procedure. Robert, Henry M.; et al. (2011). *Robert's Rules of Order Newly Revised* (11th ed.). Philadelphia, PA: Da Capo Press. p. 260. Therefore, the Senate is unable to suspend Article 2, Section 2.02, Subsection 11, Subsubsection E, Clause c of the ASUW By-Laws to allow an Executive Assistant to serve as chair of the RSO Funding Board.