



Request for Interpretation: ASUW Finance Policy, Article 3, Section 3.02, Paragraph 11

Chief Justice Sanders delivered the Majority Opinion of the Judicial Council on November 5th, 2019, in which Associate Justices Cloud, Gruntmeir, and Pauling joined.

Associate Justices Bellamy and Jackson concurred.

Associate Justice Vinluan took no part in the decision.

Question

On October 22nd, 2019, the Judicial Council received a request from the ASUW Advisor to interpret ASUW Finance Policy, Article 3, Section 3.02, Paragraph 11. The clause in question reads “A representative from the RSO shall be contacted and required to attend a RSO Funding Board meeting to present the funding request.” The ASUW Advisor posed the following questions:

1. What is the definition of the word “representative”?
2. Must a representative be an active student member of the group in question?
3. Can a representative be a former student, former member, or even the RSO’s advisor?
4. If an RSO designates someone as their representative does said person need to be an active student and a current member of the RSO?

Interpretation and Recommendation

In this interpretation, the Judicial Council relied on both the plain language and the intent of the clause. Specifically, the Council focused on the word “a.” The use of this word in front of “representative” indicates that there might not be a specific representative within the RSO that holds this title. As such, the RSO retains the right to appoint a representative to attend RSO Funding Board and present the RSO’s request. The Council also addressed the word “from.” The Council determined that the use of this word after “representative” was indicative of the intent that a representative be a member of the RSO. Since a representative must be an active member of the RSO, this disqualifies former students or members of the RSO. The Council next addressed the question of whether an advisor could be a representative. In answering this question, the Council focused on the preamble of the ASUW Constitution: “In the belief that students have the right, as well as the obligation, to play a significant role in guiding their University, we, the student body of the University of Wyoming, seeking to provide an effective organization to promote the general welfare of all students at the University, to represent the concerns for the student body, and to provide for and regulate such other matters...” The Council found the preamble emphasizes that the student is the central focus of ASUW. The Council also found that a student initiates the process of applying to RSO Funding Board, thus concurring

ASUW Judicial Council
020 Wyoming Union
307-766-5204
asuwc@uwyo.edu



Nicole D. Sanders- Chief Justice

with the preamble that the student is key. When looking at the plain language of the clause in question, the Council found that it left the possibility open that an advisor could serve as a representative. However, it also does not explicitly state that the advisor has this capability. This corresponds with the determined intent of the ASUW working documents. As the advisor is not an active student member, they are disqualified from serving as a representative. Thus, the official opinion of the Council is that a representative that a RSO appoints to present to RSO Funding Board must be an active, student member of the RSO in question.

During this interpretation, the Council found that the plain language of the clause in question does not reflect the intent described above. As such, the Council recommends that the ASUW Finance Policy be clarified to reflect said intent.