



Grant of Process for Senate Resolution #2989 under JC Injunction

Order of the Judicial Council delivered by Justice Swaney. Justice Swaney is joined by the Chief Justice and Justices Compton, Thompson, Wangen and Cruz.

Background

Following an anonymous report on April 5th alleging witness tampering related to the appeal of the Student Organization Funding Board (SOFB) 1-year funding suspension of the J. Reuben Clark Law Society (JRCLS), the Judicial Council (JC) granted an injunction for the purpose of protecting witnesses from coercion and retaliation. This injunction, submitted on April 7th, “prevent[ed] any action by the Senate, including articles of censure, articles of impeachment, or removal from committee against any individual who [was] called as a witness on behalf of the [JRCLS].”

Over the following days, the JC was made aware of articles of censure being prepared by the Steering Committee against Senator Sophia Gomelsky, an individual called as a witness by JRCLS, and thus qualifying for protections under the injunction. These articles of censure were justified as arising from concerns over meeting attendance and professionalism. The JC reviewed the proposed articles of censure, Senate Resolution #2989 (SR 2989), and met with both ASUW President Murfitt and the Dean of Students on April 15th to discuss the circumstances of the legislation with the aim of determining whether to allow the action to proceed.

The JC Permits the ASUW Senate to Present, Consider, and Take Action on Senate Resolution #2989: Censure of Senator Gomelsky

Upon reviewing, investigating, and discussing SR 2989, the JC finds that the articles of censure against Senator Gomelsky are part of a long course of events initiated prior to concerns related to the JRCLS v. SOFB appeal, as demonstrated by the material presented in Senate Bill #2957, and other confidential correspondence reviewed by the JC. This Council concludes that the present legislation neither aims to coerce the Senator’s behavior in relation to the appeal, nor constitutes retaliation for the Senator’s participation in that process. The change in form of redress sought by the Steering Committee from impeachment to articles of censure around the time of the JRCLS v. SOFB appeal represents an effort by that Committee to keep from prolonging events, not to influence the Senator’s involvement in the appeal.

The JC grants SR 2989 access to the processes of the ASUW Student Government that it would have had prior to the JC injunction of April 7th. The JC retains the right to review, halt, or strike the legislation according to the initial injunction should the JC determine that the content or effect of SR 2989 has been significantly altered from the form presented to the JC, such that it presents new concerns of coercion and retaliation connected to the JRCLS v. SOFB appeal.

It is so ordered.



Addendum A: ASUW JC Injunction

ASUW JC Injunction

Order of the Judicial Council delivered by Justice Compton. Justice Compton is joined by Justices Wangen, Swaney, Cruz, and the Chief Justice.

Background

The Judicial Council received an anonymous report alleging witness tampering on April 5th. This report involved individuals who may be called as witnesses on behalf of the J. Reuben Clack Law Society (JRCLS) in its appeal of the Student Organization Funding Board (SOFB) 1-year funding suspension. This report raised concerns about witness tampering, including articles of censure, removal from committees, or impeachment. The report also asked for an injunction to prevent intimidation and retribution of the JRCLS witnesses.

The Judicial Council takes these matters seriously, and as such, we are granting the request for an injunction to protect the fundamental rights of the appellants. Their witnesses should not fear reprisal solely based on their decision to testify.

The JC has the Authority to Enjoin the Other Branches as Required

The ASUW By-Laws art. 3 § 3.01(3) (C), provides “[t]he council shall have the right to make recommendations to or require actions of other branches of the ASUW as they determine are required.” By negative implication, this section gives the Judicial Council the authority to prevent actions of other branches of the ASUW when they are required. *See* ASUW By-Laws art. 3 § 3.01(3) (C).

Appellants have the right to present witnesses to support their defense. JC Rules and Procedures art. 5 § 5.02 (2) (E). Witnesses in fear of retribution cannot adequately support the defense of an appellant. Intimidation tactics such as threats, censure, loss of committee seats, or impeachment place undue influence upon otherwise objective witnesses.

The Judicial Council has an obligation to protect the fundamental rights of appellants. JC Rules and Procedure art. 5 § 5.02 H(2). To protect the fundamental rights of appellants, the Judicial Council may require actions or prevent actions of the other branches of the ASUW. By granting an injunction, the Judicial Council protects the fundamental rights of appellants by allowing them to “present witnesses in defense of their rationale for a referral or complaint” JC Rules and Procedures art. 5 § 5.02 (2).



Scope of Injunction

The Judicial Council grants an injunction to prevent any action by the Senate, including articles of censure, articles of impeachment, or removal from committee against any individual who has been called as a witness on behalf of the JRLCS. The Senate may bring articles of censure, articles of impeachment, or remove from committee a member who violates ASUW policies, the ASUW code of ethics, cannot fulfill the duties of their office, or who has compromised their integrity as a student leader. ASUW By-Laws art. 6 § 6.02 (1). However, these measures taken against the JRCLS witnesses must be first reviewed by the Judicial Council to ensure that justification exists for these measures outside participation in the JRCLS appeal.

The injunction shall protect only those called as witnesses by the JRCLS in the JRLCS v. SOFB appeal from retribution solely based on their testimony supporting the JRLCS position. This injunction shall end at the end of the term for the 111th administration, April 30th, 2024. This injunction does not protect those called to be witnesses for the SOFB alone but can protect those who are called as witnesses by the JRLCS as well as the SOFB. These protections do not extend to those who violate ASUW policies or procedures.

It is so ordered.



Addendum B: Approved Articles of Censure

Senate Resolution #2989

TITLE: Censure of Senator Gomelsky

DATE INTRODUCED: 4/16/2024

AUTHOR: President Murfitt

SPONSORS: Steering Committee

1. WHEREAS, the purpose of the Associated Students of the University of Wyoming
2. (ASUW) is to serve our fellow students in the best manner possible; and,
3. WHEREAS, to fulfill this purpose, ASUW requires its Senators maintain certain
4. attendance standards as listed in Addendum A and to abide by the Code of Ethics and
5. Standards of Behavior as listed in Addendum B, both of which are outlined in the
6. ASUW Bylaws; and,
7. WHEREAS, ASUW senators are expected to maintain a higher standard of
8. professionalism and communication; and,
9. WHEREAS, ASUW is divided into three branches, with each office having a division of
10. powers and responsibilities to ensure efficient and effective representation and
11. leadership; and,
12. WHEREAS, as paid employees of the University of Wyoming, ASUW Senators are
13. required to uphold behavioral standards as set forth by the University of Wyoming; and,
14. WHEREAS, the Steering Committee in conjunction with the appropriate professional
15. staff, ASUW President and Vice President, and answerable to the Dean of Students
16. Office is responsible for presiding over all disciplinary cases for ASUW Senators, at
17. least initially, as described in Addendum C; and,
18. WHEREAS, the University of Wyoming does not require any further documentation
19. from student employees who are under the age of 18; and,
20. WHEREAS, Senator Gomelsky was initially brought before steering in the fall 2023
21. semester for absences between Senate and committees in excess of three combined
22. absences; and,
23. WHEREAS, Senator Gomelsky was given a personal improvement plan including one
24. on-one mentorship with Accountant Shelly Schaeff, volunteer and service hours 50% of
25. which would include tabling, and no additional absences without appropriately
26. communicating with the committee chair or Vice President prior to the absence; and,
27. WHEREAS, Senator Gomelsky only attended two of her assigned four
28. scheduled one-on-one's with Accountant Schaeff and without proper, timely
29. communication; and,
30. WHEREAS, Senator Gomelsky did not submit her volunteer and service hours until after
31. the deadline when asked multiple times and did not complete her tabling



32. requirement in the time given; and,
33. WHEREAS, Senator Gomelsky has continued to acquire absences without proper
34. communication into the spring 2024 semester; and,
35. WHEREAS, the Steering Committee once again met with Senator Gomelsky to follow
36. up in the additional violations and optimize the personal improvement plan to best
37. support Senator Gomelsky; and,
38. WHEREAS, Senator Gomelsky stated to the Senate that her being a minor during the fall
39. of 2023 semester should exempt her from an unexcused absences or consequences
40. thereof; and,
41. WHEREAS, the Steering Committee has been counseled that no such provision exists
42. exempting minors from completing their duties as set forth in the expectations of their
43. student employment, of which ASUW is included; and,
44. WHEREAS, prior to the initial publishing of the Articles of Impeachment against
45. Senator Gomelsky, extensive discussion regarding possible violations of the ASUW
46. Code of Ethics by Senator Gomelsky was held in the Steering Committee; and,
47. WHEREAS, violations of the Code of Ethics can result in Articles of Impeachment as
48. outlined in Addendum D; and,
49. WHEREAS, the Steering Committee decided to keep the Articles of Impeachment
50. focused on absences in an attempt to keep issues simple and away from any character
51. complaints; and,
52. WHEREAS, the Steering Committee communicated with Senator Gomelsky that her
53. accusations, excuses, lack of communication, and unwillingness to accept responsibility
54. for her actions were considered by the Steering Committee to be unprofessional; and,
55. WHEREAS, due to the repeated delays, the Articles of Impeachment were withdrawn;
56. and,
57. WHEREAS, the Steering Committee believes that the prior actions constitute a violation
58. of multiple sections of the ASUW Bylaws Code of Ethics and Duties of Senators and
59. potential grounds for a conduct referral to the Dean of Students Office; and,
60. WHEREAS, despite Senator Gomelsky's passion for politics and issues impacting
61. students, for which she should be commended, her disregard for the proper
62. workings of ASUW, procedures and communication, and expected professionalism and
63. integrity in the workplace potentially render her unfit to be an employee or student
64. representative within ASUW; and,
65. WHEREAS, multiple attempts have been made to account for her age and inexperience
66. to mentor and support her both in the workplace and,
67. WHEREAS, these efforts have been dismissed by the Senator; and,
68. WHEREAS, the author and sponsors of this legislation did not come to this decision
69. lightly; and,
70. WHEREAS, the actions of Senator Gomelsky have moved the author and sponsors from
71. a position of willingness to give Senator Gomelsky every benefit of the doubt to one of
72. proposing strong corrective action.
73. THEREFORE, be it resolved that this legislation represents an act of censure against
74. Senator Gomelsky as allowed per Robert's Rules of Order; and,
75. THEREFORE, be it further resolved that passage of this resolution should be interpreted



76. as a strong encouragement of Senator Gomelsky to resign her position as ASUW
77. Senator; and,
78. THEREFORE, be it further resolved that the author and sponsors of this legislation
79. would strongly encourage Senator Gomelsky to take this motion seriously and carefully,
80. reconsider her attitudes toward this body, student government, and her position as an
81. employee; and,
82. THEREFORE, be it further enacted that a copy of this legislation be sent to the Dean of
83. Students, particularly considering the role of interim advisor; and,
84. THEREFORE, be it further enacted that should the Senator not resign for the duration of
85. her term and given the proximity to next election, that these articles constitute a notice of
86. potential ineligibility for office upon disciplinary review by the Dean of Students Office
87. as described in Addendum F; and,
88. THEREFORE, be it further enacted that due to the approaching end of the
89. administration, all further actions regarding this matter will be directed through the Dean
90. of Students Office; and,
91. THEREFORE, be it resolved that this legislation takes effect upon this resolution's
92. passage.

Referred to: _____

Date of Passage: _____ Signed: _____
(ASUW Chairperson)

“Being enacted on _____, I do hereby sign my name hereto and approve this
Senate action.” _____

ASUW President

Addendum A

4. ASUW Senator Responsibilities

- A. Senators shall attend regularly scheduled meetings of the ASUW Senate, and any special meetings of the ASUW Senate as scheduled by the ASUW Vice President.
- B. Senators shall be allotted a set amount of unexcused absences, as determined by the ASUW Steering Committee on an annual basis.
- C. Senators shall serve on a minimum of two (2) ASUW Standing Committee, two (2) ASUW Special Committees, as assigned by the ASUW Vice President. Other duties can fill a Special Committee requirement:
 - i. Serving on a University Committee;
 - ii. Serving as the ex-officio for the Student Athlete Advisory Committee as appointed by the Program and Institutional Development Committee.



Addendum B (Italicized Emphasis Added)

Section 5.02 Standards of Behavior

1. As an elected and/or appointed representative of the Associated Students of the University of Wyoming Student Government (ASUW):
 - A. *I will not misuse my position as an elected representative or the resources of ASUW for personal gain.*
 - B. and views on subjects brought before this governing body in a professional and civil manner and will respect and objectively evaluate the opinions and views of others.
 - C. I will not tolerate language or actions that may discriminate against or discredit any individual student, group of students, or student organization(s).
 - D. I will endeavor to allow the presentation of all views, however diverse, of any student, group of students, or student organization(s) or subject, which may come before this governing body.
 - E. I will actively promote open two-way communication between the ASUW leadership and the students we serve.

Section 5.03 Obligations and Duties

1. As an elected and/or appointed representative of the Associated Students of the University of Wyoming Student Government (ASUW):
 - A. *I will at all times, refrain from conduct involving dishonesty, fraud, deceit, misrepresentation, discrimination or other actions contrary to the spirit or intent of this Code of Ethics.*
 - B. *I will familiarize myself with the Constitution, By-laws and other rules and procedures of this governing body and will act within the spirit and intent of these documents.*
 - C. I will endeavor to advance and promote the interests of the students of the University of Wyoming, taking into account their diverse needs and views.
 - D. *I will acknowledge and make public any potential conflict of interest arising from my other involvements and will abstain from voting in the matter and refrain from misusing my position in ASUW Student Government to influence the vote of any voting member.*
 - E. I will present an accurate portrayal of the nature and extent of my qualifications and competencies when applying for positions within ASUW Student Government and when representing ASUW.



Addendum C (Non-relevant portions redacted by "...")

F. The ASUW Steering Committee

b. Powers: The Committee shall refer proposed ASUW legislation to ASUW standing or special committees for specified action or recommendation prior to final consideration by the Senate. The Committee may refer bills to itself as long as the legislation is steered to at least one (1) other committee or to itself except when:

- i. Legislation that oversees Articles of Impeachment and direct discipline of an ASUW member is introduced.... The Committee shall have the power to investigate and administer warnings and take disciplinary actions against violations of the ASUW By-laws, Rules and Procedures and Senator Handbook.... The Committee shall also make a bi-monthly report of those Senators who have failed or are currently failing to meet their Senatorial duties as outlined in the By-Laws. The Committee shall be vested with all necessary and appropriate powers to carry out its purpose under these rules. The Committee shall serve to reevaluate the senatorial scholarship on a yearly basis.
- b. Composition: The Committee shall consist of the ASUW Vice President, who shall serve as chairperson, the ASUW President Pro Tempore, the ASUW Parliamentarian, the ASUW Sergeant at Arms, the ASUW Marshal, two (2) ASUW Senators; the ASUW Advisor, and The ASUW Vice
- c. President shall appoint one (1) Executive to serve as an ex-officio on the committee. The ASUW Advisor, or designee, shall be serve on the committee in an advisory role.

Addendum D

Section 5.04 Procedural Requirements for Violations

1. Proceedings against an individual for an alleged violation of the Code of Ethics may be initiated by the following methods upon receiving a written complaint from any source indicating that a violation may have occurred.
 - A. Senate Violations: complaints pertaining to Code of Ethics violations committed by members of the Senate shall be presented to the ASUW Vice President.
 - B. Executive Violations: complaints pertaining to Code of Ethics violations committed by the members of the executive board shall be presented to the Judicial Council.
2. Upon delivery of a complaint, the ASUW Vice President or the Judicial Council shall meet with the alleged violator and discuss why the action of the individual



was not appropriate. It is then up to the discretion of the recipient to refer the complaint directly to the Judicial Council for their review, if the complaint is egregious enough to merit such a decision.

- A. The complaint recipient shall inform the alleged violator that future violations can be considered negligent and can be grounds for impeachment upon review by the Judicial Council.
- B. The alleged violator shall receive a copy of the complaint in writing at the meeting with the complaint recipient.
- C. A copy of the complaint shall also be sent to the ASUW Advisor or designee.
- D. All communications between the alleged violator and the complaint recipient shall remain confidential, including any copies sent to the ASUW Advisor or designee.
- E. All other disciplinary procedures that are not outlined in this document shall follow the guidelines set forth by the regulations of the University of Wyoming.

Section 6.02 Impeachment

- 1. Articles of Impeachment shall be brought against any member of the Executive, Legislative, or Judicial branch of the ASUW if it is suspected that the persons in question violated the ASUW Code of Ethics as found in the ASUW By-Laws, is unable to fulfill their duties of office, or has committed any other acts that would compromise their integrity as a student leader or representative of ASUW.

Addendum E

Article 6. Removal from Office

Section 6.01 Ineligibility

- 1. Any member of the ASUW Legislative, Executive or Judicial branches shall be removed from office through automatic disqualification during an election or term of office if found to be in violation of academic or disciplinary requirements as established in the ASUW Constitution or these By-Laws.
 - A. The ASUW Advisor, or designee of the Dean of Students Offices shall have the authority to remove any ASUW official who is ineligible due to academic or conduct violations.
 - B. The ASUW Advisor, or designee of the Dean of Students Office, shall be responsible for reviewing the eligibility of each member of ASUW at least once during the ASUW election and once during each academic semester.
 - C. If a current ASUW Senator or official is ineligible for office, the ASUW



- Advisor, or designee of the Dean of Students Office, shall be responsible for notifying the ASUW Elections Committee of an open seat and the individual in question within (1) one academic week.
- D. Election candidates who are found to be ineligible for office shall be removed from the ballot upon notification. Elected or appointed officials found to be ineligible shall be removed from their respective office.
2. Election candidates who are removed from the ballot due to cases of disciplinary ineligibility shall have the privilege of being reinstated on the ballot if the appeals process of the Dean of Students Office clears the individual in question of all charges before the election.
- A. In cases when an official in the Legislative, Executive or Judicial branches is found to be ineligible, their position shall remain vacant until all appeals processes are exhausted or if the appeals process as found in the Student Code of Conduct clears the individual of all charges. If an individual is cleared of charges then that person shall be reinstated to their position. If the appeals processes fails to clear an individual of charges then the appropriate ASUW body shall be instructed by the ASUW Advisor or designee of the Dean of Students Office that a replacement ought to be found to fill the vacant position.