

In Re Senator Peter Schultz Request for Constitutional Clarification  
Decided March 30, 2005

HOCKMAN, J.J., delivered the opinion of the Council, in which CHRISTENSEN, C.J., MELINKOVICH, J.J., and WILEN, J.J. joined.

On Tuesday, March 22, 2005, Senator Karyn Thoman spoke to the ASUW Senate during Old Business, on the reallocation of Senate Seats for the 2005 election. The number of seats allocated to each college in the 2005 elections packet was based on enrollment data from the 2003-2004 academic year. The Elections Committee had been presented three alternative allocation methods from the Math Department which all resulted in the following Senate seat allocations: Agriculture – 3, Arts & Sciences – 10, Business – 4, Education – 4, Engineering – 4, Health Sciences – 4, and Law – 1. A question arose in the Senate as to what method of allocation was required by the ASUW Constitution. The proposed motion to amend the 2005 elections code failed, meaning the Senate seat allocation as listed in the 2005 elections code would remain based on 2003-2004 academic year data.

On Monday, March 28, 2005, Senator Peter Schultz filed a formal complaint with the Judicial Council. The issue before the Council is whether the number of Senate seats per college in the 2005 elections code has been improperly allocated, thus violating the ASUW Constitutional requirements for seat allocation. We hold that the allocation of Senate seats, as stated in the 2005 elections code is in violation of the ASUW Constitution.

Article VI §1 of the ASUW Constitution establishes the Senate at 30 members, with each college guaranteed one seat; with the remaining 23 seats divided “in exact relation” to the percentage of one seat per one-thirtieth of the total students enrolled in the university per college. The enrollment data to figure the population is to be from the semester prior to the election.

The Council was presented with the Math Departments figures for allocation as well as the allocation of seats based on the Senate’s historical precedents for allocation. Under the precedent of prior allocations, based upon fall 2005 enrollment data, the Senate would consist of the following:

| College         | Quota  | Actual Allocation |
|-----------------|--------|-------------------|
| Agriculture     | 2.343  | 2                 |
| A & S           | 12.019 | 12                |
| Business        | 3.515  | 4                 |
| Education       | 3.503  | 3                 |
| Engineering     | 3.860  | 4                 |
| Health Sciences | 4.076  | 4                 |
| Law             | 0.685  | 1                 |

This method takes the total number of students enrolled divided by 30 and compares that to the per college enrollment. We find that this method is unconstitutional. In dividing the college population by 30, the guaranteed one seat per college is effectively nullified. This seat becomes a part of the division meant to split 23 seats. The Council in turn developed a formula to divide the 23 seats proportionally to one-thirtieth of the overall university population per college. The formula is as follows:

$$\left[ \left( \frac{\text{college population}}{\text{total university population}} \right) / 30 \right] 23.$$

In creating the formula, the Council divided each college's population by the university's total population. This number gives you the colleges' percentage in relation to the total university. This percentage is then divided by 30, for the total number of seats in the Senate. This fulfills the ASUW Constitution's requirement that each seat in the Senate be proportionally one-thirtieth of the university's total population. This number is then multiplied by 23, for the number of seats open in the Senate. The calculations for the College of Agriculture as an example are  $[(780/9987)/30]23 = 1.7963$ . In practice this formula provides the same numbers for seat allocation as presented by the Math Department.

Allocation under JC Method

| College         | Quota  | Rounded | Guaranteed | Final Allocation |
|-----------------|--------|---------|------------|------------------|
| Agriculture     | 1.7963 | 2       | 1          | 3                |
| A & S           | 9.2143 | 9       | 1          | 10               |
| Business        | 2.6945 | 3       | 1          | 4                |
| Education       | 2.6853 | 3       | 1          | 4                |
| Engineering     | 2.9593 | 3       | 1          | 4                |
| Health Sciences | 3.1252 | 3       | 1          | 4                |
| Law             | 0.5251 | 0       | 1          | 1                |

This method, while not the only constitutionally acceptable method, fulfills the ASUW Constitution's requirements for dividing 23 seats exactly proportional to college populations of one seat per one-thirtieth of the total university population, and is the only constitutional apportionment. While this formula provides fractional numbers, rounding each number up would allocate 31 seats. As only 30 seats are available, numbers are to be rounded in order of the numbers closest to the next whole number until the final allocation equals 30 seats.

We hereby order the 2005 elections code amended to be in compliance with the ASUW Constitution, so that the seat allocation of the Senate is Agriculture – 3, Arts & Sciences – 10, Business – 4, Education – 4, Engineering – 4, Health Sciences – 4, and Law – 1.

3/29/05-011 AM

Complaint: The current allocation of seats to each college in the upcoming election has not been properly done.

Reasoning: Currently, the number of seats allocated to each college is based on the numbers from the 2003-2004 school year. In the ASUW Constitution, Article VI, Section 1, Part C, it states that all calculations "will be based upon the enrollment in the colleges during the semester prior to the general election." As such, it would seem that the number of seats currently allocated is incorrect, as it is based on last year's enrollment. The senate has noted the issue, but has not resolved it as yet due mainly to a disagreement on the proper way to allocate the seats. According to the By-Laws, it must be resolved next senate meeting (4/5) for a valid election.

As stated, the contention within the senate has been due to the proper way to allocate seats. Currently, the Chair of the Elections Committee has presented a proposal to the senate that was generated by the Math Department. Within it, a number of methods are presented for use in the allocation of seats (e.g. Hill-Huntington, Hamilton's, Webster's Method). While I see no problem with the use of these methods, the way in which they were applied causes me to question the legitimacy of the numbers. My basic contention is the way in which Article VI, Section 1, Part B was applied. It states, "The remaining twenty-three senators shall be allocated to those colleges with more than one-thirtieth of the total full-fee paying University students. This allocation shall be done in exact relation to the percentage of such students who are enrolled in the college."

Basically, the Math Department proposal first allocates the seven guaranteed seats to each of the colleges (Article VI, Section 1, Part A). It then allocates the remaining 23 seats by dividing the entire University enrollment by 23. Then the enrollment within each college is divided by the University enrollment divided by 23. The result is an exact number of seats that should be allocated under the method. Below, the math used is displayed.

University Statistics for Fall 2004 Semester

| College                     | Enrollment |
|-----------------------------|------------|
| Agriculture                 | 780        |
| A & S                       | 4001       |
| Business                    | 1170       |
| Education                   | 1166       |
| Engineering                 | 1285       |
| Health Sciences             | 1357       |
| Law                         | 228        |
| Total University Enrollment | 9987       |

The Total University Enrollment divided by 23 yields 434.217 (9987 / 23 = 434.217). This number is the number of students needed to justify one senate seat under this method. Hence, the 23 seats would be allocated as described in the table below. Please note that adjustments are required for the decimals that occur, the methods referenced above were used to account for this. Also, the guaranteed seats are included in the actual allocation, which gives a total of 30 senators.

Allocation Under Math Department Method

| College         | Quota  | Actual Allocation |
|-----------------|--------|-------------------|
| Agriculture     | 1.7963 | 3                 |
| A & S           | 9.2143 | 10                |
| Business        | 2.6945 | 4                 |
| Education       | 2.6853 | 4                 |
| Engineering     | 2.9593 | 4                 |
| Health Sciences | 3.1252 | 4                 |
| Law             | 0.5251 | 1                 |

In the above table, the colleges of Agriculture, Business, Education, and Engineering are all rounded to the next whole number, while A & S, Health Sciences, and Law are rounded down. The resulting allocation is then shown above.

The issue with allocating seats in this manner is that the Constitution states that, “The remaining twenty-three senators shall be allocated to those colleges with more than one-thirtieth of the total full-fee paying University students. This allocation shall be done in exact relation to the percentage of such students who are enrolled in the college,” (Article VI, Section 1, Part B). The method fails to account seats in a exact relation to the percentage of students enrolled within a college. Rather than accounting 30 seats in relation to a colleges’ enrollment, it accounts 23 seats in this manner.

If using an allocation based on 30 seats, the Total University Population (displayed above in the first table) is divided by 30. This Total University Population divided by 30 gives 332.9 (  $9987 / 30 = 332.9$ ). Hence, a senate seat is justified for every 332.9 students enrolled within a college. Allocation in this manner ensures that the exact relation of a college’s population is used. The number of seats that would be allocated is displayed within the table below.

Allocation Under Total Enrollment Divided by 30

| College         | Quota  | Actual Allocation |
|-----------------|--------|-------------------|
| Agriculture     | 2.343  | 2                 |
| A & S           | 12.019 | 12                |
| Business        | 3.515  | 4                 |
| Education       | 3.503  | 3                 |
| Engineering     | 3.860  | 4                 |
| Health Sciences | 4.076  | 4                 |
| Law             | 0.685  | 1                 |

The above method divides the seats in a manner that is nearly exactly proportional to a colleges population as compared to the entire university’s population (obviously, the decimals cause an exactly proportional division to be impossible).

My basic question to the Judicial Council is therefore which method of allocation of senate seats is correct under the ASUW constitution (there may be other methods, however either they have not been presented to me or I am unaware of them). I realize that the math and concepts behind this are a little much to take in. If you have any

questions or would like to talk to me please feel free to, my email is [pete82@uwyo.edu](mailto:pete82@uwyo.edu)  
and my number is 307-752-3966. Thank you very much for your time.

*Pete Scholtz*

*3/29/05*

**Ruth Shepherd**

**From:** Tahnee Hutchinson [hutcht@uwyo.edu]  
**Sent:** Monday, April 11, 2005 6:59 PM  
**To:** Ruth Shepherd  
**Cc:** Charles@uwyo.edu; hutcht@uwyo.edu  
**Subject:** ASUW Education Senator

4/11/2005

To Whom It May Concern:

I am a student in the College of Education at the University. I noticed that my college is going to unconstitutionally lose a senator in the upcoming election due to the actions of the ASUW Senate. I would like to have the decision of the Senate reviewed by the ASUW Judicial Council as I understand is possible.

If the constitutional apportionment would give the College of Education four senators, then that is the amount I believe should prevail next year. I thank you for your consideration of my request.

Sincerely,

*Tahnee Hutchinson*

Tahnee Hutchinson

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In Re Tahnee Hutchinson, ASUW Member  
Decided April 13, 2005

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FORWOOD, JJ., delivered the opinion of the Council, in which CHRISTENSEN, CJ., HOCKMAN, JJ, MELINKOVICH, JJ. and WILEN, JJ joined.

In an opinion on March 30, the Judicial Council decided that the Senate apportionment is unconstitutional. Since that time, the Judicial Council received a complaint from Tahnee Hutchinson concerning the constitutionality of the Senate apportionment.

On April 13, the Judicial Council met to review this complaint. The Judicial Council holds that the March 30, 2005 opinion stands: the current method employed by the ASUW Senate for Senate seat apportionment in the 2005 ASUW Election is unconstitutional.

Therefore, it is the ASUW Judicial Council's ruling that the election for the 2005-2006 academic year constitutionally elected the candidate with the highest votes from each college and the ASUW President and Vice President.

Until the Senate apportionments seats in a constitutionally sound method, there may only be one (1) senator from each college and the ASUW President and Vice President. At this time, for the 2005-2006 school year, the senators are as follow: Stacia Berry (Agriculture), Hope Wilson (Arts and Sciences); Ann Redgate (Business); Cortney Chadwick (Education); Nick Landen (Engineering); Lisa Praeuner (Health Sciences); Grant Lawson (Law). These seven seats are elected through Article VI, § 1(A) of the ASUW Constitution.

It is so ordered.