

SENATE BILL #2716



TITLE: Revisions to the ASUW By-Laws – Article 3

DATE INTRODUCED: October 13, 2020


AUTHOR: Chief of Legislative Affairs Swilling

SPONSORS: Senators Anderson, Pierson, and St. Marie

1. WHEREAS, the purpose of the Associated Students of the University of Wyoming (ASUW)
2. Student Government is to serve our fellow students in the best manner possible; and,
3. WHEREAS, the By-Laws of the ASUW have multiple grammatical and formatting issues;
4. and,
5. WHEREAS, minor grammatical edits are necessary to make the working documents of the
6. ASUW professional and comprehensible; and,
7. WHEREAS, it is important to update working documents periodically, so they reflect
8. changes that occur over time.
9. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
10. (ASUW) Student Government that the ASUW By-Laws be amended to reflect the changes
11. outlined in Addendum A; and,
12. THEREFORE, be it further enacted that these changes take effect immediately upon passage
13. of this bill.

Referred to: Advocacy, Diversity, and Policy; Steering

Date of Passage: October 20, 2020 **Signed:** 
(ASUW Chairperson)

“Being enacted on October 20, 2020 **, I do hereby sign my name hereto and**
approve this Senate action.” 

ASUW President

Addendum A

Article 3. Judicial Council

Section 3.01 Jurisdiction

1. Matters within Jurisdiction

- A. ~~In situations of disagreement or dispute, it~~ The ASUW Judicial Council shall provide interpretation of all ASUW working documents, including, but not limited to, the ASUW Constitution, the ASUW By-Laws, the ASUW Rules and Procedures, the ASUW Finance Policy, and the ASUW Elections Code ~~in situations of disagreement.~~;
- B. ~~It~~ The ASUW Judicial Council shall have jurisdiction over all actions of the ASUW Executive branch.
- C. ~~It~~ The ASUW Judicial Council shall have jurisdiction over all violations of ASUW rules, regulations, policies, procedures, and/or standards governing student conduct or requirements of students who participate in officially approved ASUW programs. ~~and~~
- D. ~~It~~ The ASUW Judicial Council shall have jurisdiction over offenses against the Constitution of the Associated Students of the University of Wyoming.

2. Complaints

- A. Any member of the ASUW may bring a dispute before the ASUW Judicial Council. ~~All complaints must be filed with the ASUW Secretary. All complaints must be submitted to the Chief Justice of the Judicial Council or the relevant position,~~ within a timely manner upon discovery of a disputed action.
- B. The Council must meet regarding the complaint within ten (10) academic days ~~after of~~ the written complaint ~~is being~~ filed.

3. Responsibilities and Authorities

- A. ~~In the discharge of its jurisdictional responsibilities, the ASUW Judicial Council shall have the following authority, under the advisory role of the Judicial Council Advisor or ASUW Advisor. The ASUW Judicial Council will be overseen by the ASUW Judicial Council Advisor and/or the ASUW Advisor. The ASUW Judicial Council shall have the following responsibilities and authorities:~~
 - i. The Council shall be the final ~~authority in making decisions brought before the Council and~~ regarding the interpretation of all ASUW working documents, including, but not limited to, the ASUW Constitution, the ASUW By-Laws, the ASUW Rules and Procedures, the ASUW Elections Policy Code, and the ASUW Finance Policy.
 - ii. The Council ~~has~~ shall have the ability to impose sanctions ~~to on~~ individual students or student organizations which have been appropriately charged and found responsible for violations of ASUW rules, regulations, policies, standards or conduct established as a part of officially approved ASUW programs.

- d. The Council may render final decisions regarding the actions of the ASUW ~~eExecutive bBranch~~ found to be procedurally inappropriate or incorrect pursuant to the provisions of all ASUW working documents, including, but not limited to, the ASUW Constitution, the ASUW By-Laws, the ASUW Rules and Procedures, the ASUW Finance Policy, and the ASUW Elections ~~CodePolicy.~~;
- e. The Council shall have the right to summon any member of the ASUW to testify on any matter that is within the jurisdiction of the Council and which has been appropriately made a matter of issue or dispute before the Council. ~~and,~~
- f. ~~The Council may assign or refer any matter, which is within its jurisdiction and which has been appropriately brought to the Council, back to the ASUW body, unit or committee of original decision for such action or consideration as the Council determines is required.~~ The Council shall have the right make recommendations to or require actions of other branches of the ASUW as they determine are required.

4. Procedural Requirements

- A. In the discharge of its responsibilities, the ASUW Judicial Council shall conduct its business pursuant to the principles of due process and fairness. In compliance with established rules and procedures, it shall seek to protect the interests and rights of students, and it shall fulfill the following procedural requirements:
 - i. The Council will not render a final decision until the appropriate body, unit or committee of original jurisdiction has fulfilled all of its responsibilities in the matter.
 - ii. All decisions, including sanctions, made by the Council may be appealed to the ~~-Dean of Students Vice President of Student Affairs,~~ or designee. Students or student organizations have five (5) academic days to appeal a Council decision. Notice of appeals being filed must be given immediately to all involved parties, as well as the Judicial Council. The ~~Dean of Students Vice President of Student Affairs,~~ or designee, has thirty (30) academic days from the appeal being filed to issue their decision.
 - iii. All official hearings by the Council shall be conducted in accordance with the written Rules and Procedures of the ASUW Judicial Council. Proposed changes to the Rules and Procedures of the ASUW Judicial Council ~~of the ASUW~~ must be approved by the ~~ASUW Senate. Vice President for Student Affairs, or designee.~~ Such rules shall include provisions for the following matters:
 - a. ~~The rules for procedure (Change) shall provide for the fundamentals of due process and fairness. The proceedings and decisions of the Council must be conducted in a fair manner consistent with principles of due process.~~

- b. In any situation where a charge is made against individual students or a student organization, the charge shall be made in writing, and those persons charged shall be provided with a copy of the charge. ~~along with the names of any persons who may speak against them.;~~
 - c. Each party to a dispute or charge shall have the right to be present in the meeting room during all testimony and they shall be afforded an opportunity to speak on their own behalf, present rebuttal, have an opportunity to question any witnesses; and present summary testimony. ~~;~~ ~~and~~
 - d. Each party to a dispute or charge shall be provided a written explanation of the reasons for any decision rendered by the Council. ~~;~~
 - e. The protocol for summoning any member of the ASUW to testify in front of the Council shall conform to outlined guidelines as promulgated in the Rules and Procedures of the ASUW Judicial Council.
- iv. A permanent copy of all Council documents, interpretations, sanctions and opinions shall be kept on file ~~in the ASUW Office, as well as online,~~ in order to uphold the precedence of Council decisions. Cases involving Code of Ethics investigations shall be kept only in writing, except in cases which carry matters of interpretive precedence, which shall be kept online, but have names and all other personally identifiable information of the individuals in question redacted to the greatest extent possible, at the discretions of the Chief Justice with advice from the ASUW or Judicial Council Advisor.
- ~~v. All Council case decisions and appeals must be turned into the ASUW Secretary, or the relevant position, within ten (10) academic days after of a formal Council decision or appeal has being been issued, or the precedence of the case will not be honored.~~