



**SENATE BILL #2732**

**TITLE:** Allowing for the Suspension of the ASUW By-Laws

**DATE INTRODUCED:** February 16, 2021

**AUTHOR:** Chief of Legislative Affairs Swilling

**SPONSORS:** Senators Anderson, Knight, and Wilkins

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 ASUW Judicial Council ruled on February 9<sup>th</sup>, 2021 that the ASUW By-
4. Laws, except for Article 5, cannot be suspended, as shown in Addendum A; and,
5. WHEREAS, we have had the need to suspend the ASUW By-Laws in the past, most notably
6. when Article 2, Section 2.02, subsection 7, clause C, which specifies the procedure and
7. rules governing the removal of ex-officios from the ASUW Senate, was suspended on March
8. 10<sup>th</sup>, 2020 due to the ongoing COVID-19 Pandemic; and,
9. WHEREAS, per the Judicial Council ruling released on February 9<sup>th</sup>, 2021, the ASUW
10. Senate did not have the power to do this; and,
11. WHEREAS, sometimes situations arise that necessitate the suspension of certain portions of
12. the ASUW By-Laws; and,
13. WHEREAS, any portion of the ASUW Rules and Procedures and the ASUW Finance
14. Policy can be temporarily suspended by a four-fifths (4/5ths) vote of the ASUW Senate; and,
15. WHEREAS, the four-fifths (4/5ths) majority required to suspend any portion of these
16. working documents has been sufficient to prevent abuse of this power.
17. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
18. (ASUW) Student Government that the ASUW By-Laws be amended to reflect the changes

19. outlined in Addendum B; and,

20. THEREFORE, be it further enacted that these changes take effect immediately upon passage

21. of this bill.

**Referred to:** Advocacy, Diversity, and Policy; Steering

**Date of Passage:** February 23, 2021 **Signed:**   
(ASUW Chairperson)

**“Being enacted on** February 23, 2021**, I do hereby sign my name hereto and**  
**approve this Senate action.”**   
**ASUW President**

## **Addendum A**

### **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 7<sup>th</sup>, 2021, in which Chief Justice Sanders and Associate Justices Bellamy, Campbell, De Meillon, and Gruntmeir concurred.

#### **Questions Presented**

On February 2<sup>nd</sup>, 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.

## **Addendum B**

### ~~Section 5.08—Amendments and Suspension~~

#### ~~1.—Suspension~~

~~A. Any portion of this article may be suspended by a fourth-fifths (4/5ths) standing vote of the ASUW Senate.~~

### **Article 9. Suspension**

#### Section 9.01 Suspension

1. Any portion of these By-Laws may be temporarily suspended by a four-fifths (4/5) vote of the ASUW Senate.

### **Article 109. Revisions and Adoptions**

#### Section 109.01\_ Revisions

1. All revisions and amendments to these By-Laws shall facilitate the requirements of the Constitution and not be in conflict with the Constitution.

#### Section 109.02\_ Adoptions

1. Any amendment to these By-Laws must be presented to the ASUW Senate membership and be approved by a two-thirds (2/3) majority of the current ASUW Senate body.