

Passed by referendum on 4/15/2021



**SENATE BILL #2738**

**TITLE:** Revisions to the ASUW Constitution, Article IV, Section 2 and  
The ASUW By-Laws, Article 2, Section 2.02, Subsection 11

**DATE INTRODUCED:** March 23, 2021

**AUTHOR:** Senator Wilkins

**SPONSORS:** Senators Houghton and McManamen

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, on February 7<sup>th</sup>, 2021, the ASUW Judicial Council (JC) provided an
4. Interpretation on Article IV, Section 2 of the ASUW Constitution as shown in Addendum A;
5. and,
6. WHEREAS, the JC determined that a member of the ASUW Executive Branch shall
7. not serve as the chair of a standing committee; and,
8. WHEREAS, the JC's ruling was only specific to standing committees, but the ASUW
9. Legislative Branch has long observed the practice of allowing ASUW Executives to chair
10. various special committees; and,
11. WHEREAS, in order to continue the allowance of this practice while remaining in
12. accordance with the ASUW Constitution, Addendum B provides a change to the ASUW
13. Constitution to clarify that other working documents of ASUW, such as the By-Laws,
14. can grant ASUW Executives the authority to chair special committees; and,
15. WHEREAS, Addendum D provides a clause that prohibits Executives from chairing standing
16. committees; and,
17. WHEREAS, Article X of the ASUW Constitution outlines the process for amending the
18. ASUW Constitution.
19. THEREFORE, be it enacted by the Associated Students of the University of Wyoming

20. (ASUW) Student Government that the ASUW By-Laws be amended to reflect the
21. changes outlined in Addendum D; and,
22. THEREFORE, be it further enacted that the changes to Addendum D take effect immediately
23. upon passage of this bill; and,
24. THEREFORE, be it further enacted that the ASUW Constitution be amended to reflect the
25. changes outlined in Addendum B; and,
26. THEREFORE, be it further enacted that Addendum C be added to the upcoming ASUW
27. General Election ballot, pursuant to Article X of the ASUW Constitution; and,
28. THEREFORE, be it further enacted that the changes to Addendum B shall only take effect if
29. the proposed amendment earns a majority of the votes cast in the upcoming election.

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

**Date of Passage:** March 16, 2021

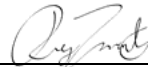
**Signed:**



(ASUW Chairperson)

**“Being enacted on March 16, 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**

### **ARTICLE IV**

#### **Appointed or Elected Officers**

Section 2. Except as provided elsewhere in the ~~ASUW Working Documents~~ is 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; however, an ASUW member may, as is provided or determined to be appropriate, maintain multiple responsibilities or positions within one (1) of the three (3) areas.

## **Addendum C**

### **Referendum Language**

Do you support the following change to Article IV, Section 2 of the ASUW Constitution in order to clear up language and make it consistent with the current practices of the ASUW Student Government?

## **ARTICLE IV**

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## Addendum D

### Article 2. Legislative Branch

#### Section 2.02 The ASUW Senate

##### 11. Standing Committees

H. Each standing committee shall establish regular meeting times. The regular meeting time and place shall be permanently posted in the ASUW Senate Office and on the ASUW website during the academic year.

I. Each ASUW Standing Committee shall be responsible for any and all outreach it deems necessary within its jurisdiction.

J. All standing committees shall endeavor to publicize in advance their meetings and the matters they may have under consideration. Any member of the ASUW shall be entitled to appear before any standing committee and be heard upon any pending matter or upon matters within the functions and duties of the committee under the same procedures as established for any ASUW member to appear before the ASUW Senate.

~~J.K.~~ Members of the ASUW Executive Branch shall not serve as chairperson of any ASUW standing committee.