



SENATE BILL #2866

TITLE: Reform to the Appointment Process of ASUW Justices
DATE INTRODUCED: April 4, 2023
AUTHORS: President Brown and Vice President Swilling
SPONSORS: Senators Castronovo, Ewalt, and Meikeljohn; Chief Justice Otuya; Former Chief Justice Hoversland


1. WHEREAS, the purpose of the Associated Students of the University of Wyoming
2. (ASUW) Student Government is to serve our fellow students in the best manner possible;
3. and,
4. WHEREAS, Chief Justice Hoversland, in his 2021-2022 Chief Justice report, identified the
5. following as a concern, and highlighted a potential solution “One thing that is unclear is
6. when the terms of the justices come to a close. I would urge you to work collaboratively to
7. fix this issue. One such solution would be to make the terms May 1 to May 1 and have the
8. outgoing President appoint these Justices. This would increase the independence of the
9. Council and allow for time to recruit candidates that are qualified for the open positions.”;
10. and,
11. WHEREAS, this idea was brought to Chief Justice Otuya, who is supportive and believes it
12. would improve the functioning of the ASUW Judicial Council; and,
13. WHEREAS, this would also allow the Judicial Council to function over the summer, which
14. has been a critical gap in years past; and,
15. WHEREAS, this would not prevent the President of the 111th Administration from being
16. able to nominate and confirm their own justices, it would only delay it until the spring of
17. 2024, which would increase the independence of Justices and ensure that the ASUW

PASSED: 17-0-1

18. President cannot simply nominate friends or other allies; and,
19. WHEREAS, these changes inspire the full support of both the Executive and the Judicial
20. branches of ASUW.
21. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
22. (ASUW) that the ASUW By-Laws be amended to reflect the changes outlined in
23. Addendum A; and,
24. THEREFORE, be it further enacted that these changes take effect immediately upon
25. passage and enactment of this bill.

Referred to: _____ Steering; Program and Institutional Development__

Date of Passage: April 11th, 2023 Signed: 
(ASUW Chairperson)

“Being enacted on April 11th, 2023, 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. 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 Policies, and the ASUW Elections Code in situations of disagreement.
 - B. The ASUW Judicial Council shall have jurisdiction over all actions of the ASUW Executive branch.
 - C. 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.
 - D. 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 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 of the written complaint being submitted.
3. Responsibilities and Authorities
 - A. The ASUW Judicial Council will be overseen by the ASUW Judicial Council Advisor or the ASUW Advisor. The ASUW Judicial Council shall have the following responsibilities and authorities:
 - a. The Council shall be the final authority 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 Code, and the ASUW Finance Policies.
 - b. The Council shall have the ability to impose sanctions 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. The Council may render final decisions regarding the actions of the ASUW executive branch 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 Policies, and the ASUW Elections Code. 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.

- c. The Council shall have the right make recommendations to or require actions of other branches of the ASUW as they determine are required.

4. Appointments

- A. Pursuant to Article VII, Section 1 of the ASUW By-Laws, Justices shall be appointed by the ASUW President with the advice and consent of the ASUW Senate. Each year of a Justice's term shall run concurrently with the one-year term of the ASUW President and Vice President, from the first Monday in May to the first Monday in May of the next year.
- B. The ASUW President shall appoint justices in the spring semester of their term, and those newly confirmed Justices shall take office on the same day as the newly elected President and Vice President.

5. 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. Incompliance with established rules and procedures; it shall seek to protect the interests and rights of students, and it shall fulfill the following procedural requirements:
 - a. 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.
 - b. All decisions, including sanctions, made by the Council may be appealed to the Dean of Students, 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, or designee, has thirty (30) academic days from the appeal being filed to issue their decision.
 - c. All official hearings by the Council shall be conducted in accordance with written Rules and Procedures of the ASUW Judicial Council. Proposed changes to the Rules and Procedures of the Judicial Council must be approved by the ASUW Senate. Such rules shall include provisions for the following matters:
 - i. The proceedings and decisions of the Council must be conducted in a fair manner consistent with principles of due process.
 - ii. 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.
- iii. 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.
 - iv. Each party to a dispute or charge shall be provided a written explanation of the reasons for any decision rendered by the Council.
- d. 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. A permanent copy of all Council documents, interpretations, sanctions and opinions shall be kept on file 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.