To the ASUW Student Government Judicial Council, the UW Dean of Students-Associate Vice President of Student Affairs, and the UW Vice President of Student Affairs,

I hereby submit a complaint pertaining to ASUW Senate Bill #2489-One Year Provisional Extension of Privileges to the Interfraternity and Panhellenic Councils, Addendum C of said legislation, ASUW President Brian Schueler, ASUW Vice President Emily Kath, and actions taken by multiple ASUW Officials surrounding this legislation. Attention should be drawn to several issues within the attached letter and my account of public actions by the President, violating multiple sections of the ASUW working documents.

The beginning of the sixth paragraph of the letter reads:

“If the change to IFC and CPH’s statuses was made with minimal or no student involvement, a problematic precedent has been set for ASUW Student Government and its Programs. From the accounts which we have received, it appears that only the IFC and CPH Presidents were included in these discussions. No ASUW Government representatives were allowed to participate in the process which effectively ended the Program status of two of ASUW’s storied organizations.”

Furthermore, in an ASUW Committee meeting, an ASUW Executive decreed that the Executive Branch and the Vice President interpreted the working documents to conclude that any ASUW Program which would transition into a Recognized Student Organization (RSO), including the Interfraternity Council (IFC) and College Panhellenic Council (CPH), will not receive the representation guaranteed to them in the ASUW Working Documents, and would, in fact, call to question those RSO’s statuses as programs on the whole. The specific occurrence took place at the Program and Institutional Development Committee meeting on February 19, 2016, at which an ASUW Executive informed the representatives from IFC and CPH in attendance that the Executive Branch had interpreted the ASUW working documents and UW Regulation to conclude that any Program which would become an RSO would automatically forfeit Program status and therefore any representation on the committee. Though the ASUW Vice President has the power to approve any Program’s or Service’s representative at the Program and Institutional Development Committee, neither the ASUW Vice President nor the Executive Branch have any such power to effectively terminate the Program Status of any organization, nor does any member of the Executive Branch have power to deny programs or services any representation completely. In addition to misinterpreting University Regulation and ASUW working documents, the Executive Branch made a declaration which was not within their authority to make. If the issue was under contention, it should have been referred to the Judicial Council.

My first complaint is the executive branch has no power to interpret the ASUW working documents to such an extreme degree, and that there have been unprecedented and unacceptable steps taken to ensure that the Interfraternity Council and the Panhellenic Council do not receive the representation they are entitled to via the ASUW By-Laws. This is a severe overstep of the powers of the ASUW Executive Branch.

University of Wyoming Regulations 8-234 and 8-249 lead to no such conclusion that ASUW Programs and UW RSOs are mutually exclusive, which would be the justification for the automatic termination of program status in the case of an ASUW Program becoming an RSO. Article II of the ASUW Constitution begins with: “As an inseparable part of the University of Wyoming, the ASUW derives all power and authority from the Trustees of the University.” However, nowhere in any University of Wyoming Regulation or anywhere in the ASUW Working Documents does it say that any ASUW Program is solely associated or integrally part of ASUW, nor do the Interfraternity Council and Panhellenic Council fall solely under the regulatory umbrella of ASUW. In fact, in Article VIII of the ASUW By-Laws, the only article which pertains to the structure of Programs within the ASUW by-laws, all verbiage in the article points to the fact that ASUW Programs and Services merely interact at a high degree with ASUW and give no indication that any program is inherently part of the ASUW Organization. Therefore, any ASUW Program which may become an RSO does not automatically forfeit its program status.

I ask the ASUW Student Government Judicial Council, the UW Dean of Students, and the UW Vice President of Student Affairs to declare that any suggestion that the Interfraternity Council’s and the Panhellenic Council’s program statuses has been terminated is based off misunderstanding of University Regulation and ASUW Constitution and By-Laws, and reaffirm the current program status of the Interfraternity Council and the Panhellenic Council. I also request that any such language alluding to such conclusions be disregarded and stricken from any legislation currently going through the legislative process.

My second complaint pertains to the allegations made in Addendum C of Senate Bill #2489 and public statements made by President Schueler. Throughout the letter, the President and Vice President make numerable accusatory statements. The third paragraph of the letter states:

“…students involved in or represented by the IFC and CPH were not provided an opportunity to participate in the decision to become RSOs. Further, it appears that information regarding the status change may have been misrepresented and/or withheld from student leaders and student constituents of the IFC and CPH. Finally, given that the decision to become RSOs occurred during the course of a public records request on IFC and CPH, we worry that the change of status may have been motivated with the goal of preventing emails which would have been classified under the Wyoming Public Records Act as public record from being released.”

In addition, the letter later states, “only the IFC and CPH Presidents were included in these discussions,” which goes beyond any assumed issue within the organizations, but rather specifies myself and my former Panhellenic counterpart. Any insinuation that student involvement was limited is unfounded and is merely an effort to further the President and Vice President’s narrative of wrongdoing within IFC and CPH.

Aside from the fact that these statements are as far from the truth as possible, they are also incredibly accusatory. Other statements pertaining to the rational of IFC’s and CPH’s transition to RSOs and how decisions affecting the ASUW Student Government and its Programs should be made are both offensive in nature, and challenge the character and motives of myself, my peers, and several University Officials.

At the United Multicultural Council meeting on February 24, 2016, the President made a statement claiming IFC’s and CPH’s transition to an RSO was made in order to avoid a Wyoming Public Records Act, Freedom of Information request to obtain internal emails. The President stated these emails were related to fraud. At the Budget and Planning meeting on February 25, 2016, the President reaffirmed his assertion that the rational for IFC and CPH becoming RSOs was to avoid releasing aforementioned emails. Combined with the fact that the letter in Senate Bill #2489 Addendum C specifically names myself and implies I was the only student associated with IFC involved in the decision, and both the President’s letter and public statements suggest I made the decision in order to prevent information pertaining to a “justified public records request” from being released, the President has publically insinuated that I acted in order to conceal a case of fraud.

I have attached the full and complete account of events which lead to IFC and CPH becoming RSOs, and the steps which were taken to complete that process. This account reveals that both past and present IFC and CPH Executives operated with complete transparency, and the constituents of both Councils were completely involved in the decisions to become RSOs.

In addition to being inaccurate, the President’s actions have cast doubt on IFC and CPH as legitimate organizations and made my own character the victim of the court of a misinformed public opinion. Through the public distribution of the letter and statements made in a public meeting, the President has caused fellow students to doubt my motives and my integrity, has placed my reputation in a position of vulnerability, and endangered my goals of a prosperous future.

This is defamation of character.

The ASUW Code of Ethics, in Article VI of the ASUW By-Laws delineates how all ASUW Officials should act, and sets the standards which all ASUW Officials are held to. This article includes obligations such as:

“In doing so, we will respect the integrity, dignity and worth of individual students and will recognize and acknowledge the differences in each. We will be sensitive and protective of the liberties and respect to which each individual student is entitled. We will refrain from and discourage behaviors that threaten these ideals and freedom and civility that every individual deserves.”

In addition, section 2, subsection 3 of the article reads:

“I will not tolerate language or actions that may discriminate against or discredit any individual student, group of students, or student organization(s).”

Although the letter contained in Addendum C and Senate Bill #2489 as a whole has not completed the legislative process, this legislation has been circulated publicly, including email distribution to all ASUW Senators, Executives, Programs, the student newspaper, a local newspaper, and numerous Students at Large. By stating in an open meeting of an ASUW Program that the Freedom of Information request regarded to fraud, President Schueler has publically insinuated that I acted contrary to the mission of ASUW and to the principle of open and transparent governance in order to cover up such a fraud, and inflicted a blow to the integrity with which my character is regarded.

The actions by President Schueler and Vice President Kath are blatant violations of ASUW Student Government’s Code of Ethics.

An action or group of actions by any elected official which targets a select group of students for unjust and unfounded reasons is unacceptable. If such an official advocates against specific students, opposed to acting completely for the student population’s benefit the entirety of their term, then they are unfit for office.

I request that the ASUW Student Government Judicial Council, the UW Dean of Students, and the UW Vice President of Student Affairs conduct a full investigation in this matter.

I additionally request that the ASUW Student Government Judicial Council, the UW Dean of Students, and the UW Vice President of Student Affairs take the proper actions to remove the letter included in Addendum C of Senate Bill #2489 from the legislation so it that will cease to be an egregiously offensive and inaccurate portrayal of the character of my peers, several University Officials, and myself.

I demand both a written and public verbal apology from President Schueler and Vice President Kath to myself and Ms. Briana Long. I also demand the President and Vice President publically explicate the full and accurate account of events and clarify that any implied accusations were baseless, and damaging to public opinion of IFC, CPH, and the elected officials of those organizations, including myself.

I request the ASUW Student Government Judicial Council, the UW Dean of Students, and the UW Vice President of Student Affairs consider the violation of ASUW’s Code of Ethics by President Shueler and Vice President Kath as grounds for punitive action.

I recommend one such action to be the removal of ASUW President Brian Schueler from his office.

In the case of the Vice President, I recommend the action be a series of educational and constructive workshops to remind the Vice President of her role to represent the entirety of the student body, and that any action publically and unjustly calling into question the character and motives of a fellow student is, ”antithetical to the mission and purpose of ASUW Student Government.”

I am also attaching a letter of correspondence between the ASUW President and ASUW Chief Justice Manown, which has been publicly distributed to myself, many other Senators, ASUW Officials, and Students at Large via email and several ASUW Committee meetings. This letter includes a request for opinion from the Chief Justice which is in itself is a violation of the impartiality which ASUW Judicial Council Justices are obligated to maintain. The President’s statements in this letter are riddled with assumptions, mistruths, and misinterpretations. In addition, in President Shueler’s letter, instead of posing questions for the Chief Justice to interpret, the President begins and ends with his own interpretations. In the Chief Justice’s response, she both concedes to his conclusion, and agrees with the legislative action he suggests. Both of these responses are unacceptable for any ASUW Judicial Council Justice who is obligated both to maintain impartiality, and refrain from commenting on the legislative process. Given the clear and present biases included in this letter, I request Chief Justice Manown recuse herself from this case.

I believe that actions taken by the aforementioned ASUW Officials have brought ASUW as an organization in its entirety into the realm of subversive, politically-motivated, and unethical actions which must be met with just, punitive action so that a clear precedent can be set that we, the students of the University of Wyoming and the Officials of the ASUW Student Government, do not condone such actions and demand high standards be maintained.

Sincerely,

Daniel Kerbs