

I. Individuals, Students, Anyone, Everyone?

The “Inclusion of Multiple-Choice Questions on Final Examination” section states “Multiple-choice questions will be included on the final examination, pursuant to the results of a vote of all *individuals* in attendance on the date at which the midterm examination is returned”

The term individuals does not limit those who vote on whether to include multiple choice to those people who are actually members of this class, this section, or members of the school. If I really felt so inclined I could get the requisite number of persons to defeat the proposition. Gathering enough people in order to get at least 1/3 vote against multiple choice would not be too much effort given that the class is made up of only ~70 persons.

The dictionary definition of individual is: A single human being as distinct from a group, class, or family (See: Oxford English Dictionary at http://www.oxforddictionaries.com/us/definition/american_english/individual)

This definition would indicate that an individual is a broad term. It specifically says an individual is *distinct* from a group, class or family. Meaning that by the language of the statute any person would qualify as an individual and even supports the idea that it should be someone removed from our specific class.

This argument is strengthened by the rest of the section. Which continues to show no details on who an individual is and uses conflicting words in the same paragraph.

“*Students* who are excused from attendance per university policy on the date of the vote shall be provided a means by which to vote. If at least 2/3 of the *individuals* eligible to vote so vote to include multiple-choice questions on the final examination, multiple-choice questions will be included on the final examination. If less than 2/3 of the *individuals* eligible to vote do not vote to include multiple-choice questions on the final examination, no multiple-choice questions will be so included.”

We know that there is a presumption of consistent usage and when that usage deviates it is done intentionally. The statute uses both an undefined definition of individuals and students. This would seem to indicate that the drafters specifically used the word individuals, as it knew and did use the word students. As such the inference to draw is that individuals are not to be limited to “students” and they anyone, and everyone who shows up in class to vote will be able to.

Even if I were to admit that students was the controlling word in the section it still is not limited to students in this class and suffers from the same problem as above. “Students” is unrestricted as well and is subject to the same manipulation as *individuals*.

The absence of definitions for students and individuals leave the statute open to manipulation.

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