**University of Colorado Student Union**

**Legislative Council**

April 29, 2010 73LCB3 – Student Group Referendum Process

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**A Bill to Implement a Student Group Referendum Process**

**Bill History**

The University of Colorado Student Government has a student initiated referenda process outlined in Article XIII of the Constitution. In FY 2008-2009, the referenda on the University at Colorado Boulder campus was no longer honored based on the ruling in *Board of Regents of the University of Wisconsin System v. Southworth.* This case ruled that a mandatory referendum was unconstitutional on the basis that the voters were deciding a fee that would be charged to the entire student population. At this time, the University of Colorado Student Union took the position that it would no longer honor mandatory student group referendum, but rather the referendum would serve as an advisory question to UCSU.

In the 2009 Colorado Legislative Session, action was taken about the language of this issue to allow an institution to implement an optional fee. The Colorado Revised Statutes defines optional fees in 12-1-123 (5) (i). This section gives authority of an institution to establish an optional fee “to fund student-directed programs to enrich student life and learning opportunities.” Section 23-1-123 (7) (b) defines fees as “any campus-wide fee assessed against students by any institution of higher education the revenues from which are used for academic or nonacademic purposes, for which the following section, (I), identifies these purposes as “support for student programs, including but not limited to cultural or social events, off-campus housing assistance, student clubs, student organization, student-directed issue advocacy, and student media.” Therefore, optional referendum fees are constitutional and can be implemented by CUSG.

Another issue with the old referenda system was that there was little to no oversight over how these student groups were funded. The student organization would go directly to the students to ask if they would support their group, and the money was dispersed into the student organization account. Although all transactions were made through the Student Organization Finance Office (SOFO), there was little oversight over the fees since SOFO’s responsibility is to ensure that student fees are spent legally. At this time, students were asking for large amounts of money, and in some cases, more money than students knew how to spend. There were several groups that sat with their referenda money sitting in their student group accounts after referenda had expired. Taking these two issues into account, this new process will ensure accountability of these referenda funds and oversight within the University of Colorado Student Government.

**Bill Summary**

This bill establishes a new oversight process for student groups choosing to be funded through the referenda process as outlined in Article XIII of the CUSG Constitution. This bill gives authority over the referenda process to the Student Group Funding Board, and establishes an opt-out process for students who choose to get a refund for the fee of student groups funded through referenda money. This bill and process applies exclusively to student groups that are funded through the referenda process.

Whereas, student groups are an essential part of the university experience as a way to engage and develop student leadership on campus,

Whereas, the many student groups on the University of Colorado at Boulder campus are nationally ranked and recognized, therefore improving the reputation of the university.

Whereas, student organizations who choose the referenda process must understand their responsibilities, the governing documents for student fees, and that they may receive less funds than they anticipate or budget,

Whereas, it is the responsibility of the University of Colorado Student Government to ensure that all student groups are held accountable for their portion of student fees

**THEREFORE BE IT ENACTED**:

**Section 1:** This legislation applies exclusively to student group as recognized by the University of Colorado Student Government and the Student Organization Finance Office. All student fee budgets decided on by CUSG are excluded from this legislation.

**Section 2:** All referenda ballot measures shall be voted on in the Fall Election.

**Section 3:** All referenda procedures shall comply with Article XIII of the Constitution. In addition to this outline, student groups shall adhere to the following guidelines.

1. **Student Group Funding Board Procedure**
   1. 5 weeks prior to the petition submittal, outlined in Article XIII, Sec. A. 3., the student group must prepare a budget to present to the Student Group Funding Board, and shall include the following information:
      1. Student group by-laws, which shall include their name, mission statement, organizational & decision-making structure and procedures
      2. A description of the services and benefits they provide to the students, including accomplishments, as well as future goals for the student group, and any additional information the student group thinks is beneficial to their group
      3. A detailed budget adhering to the following line items
         1. Operations
         2. Dues
         3. Payroll
         4. Travel
         5. Events
         6. Other
   2. The student group shall defend their budget to SGFB and answer any questions of the Board
   3. SGFB shall ONLY review their budget to ensure that all the requested line items comply with the Student Fee Regulations and any other CUSG governing document that outlines student fee policy. They shall also be aware of efficiencies within the budget and make decisions based on real prices for materials, such as copies, posters, etc.
   4. Within one week, SGFB shall send the student group, by e-mail, a final number that can be requested of the students in the Fall Election, including detailed descriptions of any line items or projected expenses that do not comply with CUSG policies on student fees.
   5. Once this final number is approved by SGFB, the student group can move forward in two ways:
      1. Use that final budget number to work with SOFO to finalize a breakdown of the fee per projected enrollment that will be placed on the petition, the ballot, and be voted on by the students
      2. Appeal the decision to the SGFB, defending how their budget complies with student fee policies. If SGFB does not change their decision, the student group can appeal to the Legislative Council, where SGFB and the student group shall have the opportunity to present and answer questions about the decision. If Legislative Council does not change the decision, the student group can appeal to the Appellate Court, and shall follow court procedures as outlined in Article IV of the Constitution. This decision is final and the student group must move forward to the petition and ballot process.
2. **Referenda Fee & Opt-Out Procedure**
3. Once the fee is assessed, determined by the outcome of the Fall Election, students shall have the opportunity to opt-out of ONLY the referenda fees for student groups.
4. Students shall inform the CUSG Office Staff of the referenda fees to opt-out of
   1. The student shall place their date, name, student ID, signature and the specific referenda fees to be refunded on a form that shall be stored in a secure place
   2. The CUSG office staff shall use this information to compile two separate spreadsheets; an internal and external
      1. The internal spreadsheet shall include the following information:
         1. Date
         2. Name
         3. Student ID
         4. Each individual opt-out (refunded) fee
      2. The external spreadsheet, to be sent to the Bursar’s office to ensure refunds for students who opt-out of referenda fees shall include
         1. Date
         2. Name
         3. Student ID
         4. TOTAL amount to be refunded to the student
5. **Timeline for Opt-Out/Refund Procedure**
   1. Students shall opt-out of the referenda fees by the 1st add/drop, as outlined by the academic calendar. After the add/drop deadline, students can no longer opt-out of the student referenda fees, unless they meet the criteria as defined by the Bursar’s office for Withdrawals or Tuition Disputes.
6. **Disbursement of Fees** 
   1. Based on the enrollment at the end of the add/drop deadline, the appropriate funds shall be dispersed into the student group account. In this case, student groups can receive less than their total budget based on the number of students that choose to opt-out of the referenda fee.

**Section 4:** If the approved SGFB budget is different than the budget dispersed to the student group, the student group shall prepare a new budget, making adjustments with the actual budget allocated to the student group. This process shall function to ensure student groups are appropriately re-allocating their line items in the interest of the student group.

**Section 5:** The Student Group Funding Board By-Laws shall be changed in compliance with this legislation to ensure oversight and accountability of the student group referenda process.

**Section 6:** The first student referenda election shall be held in Fall 2010. The results shall be presented in the Student Fee Package to the University of Colorado Board of Regents. The first disbursement of funds shall be allocated to student groups that choose the student group referenda process at the enrollment, after the 1st Add/Drop deadline, in Fall 2011.

**Section 7:** This bill shall take effect upon passage by the Legislative Council and upon either obtaining the signatures of two Tri-Executives or the elapse of six days without actions by the Tri-Executives.

**Vote Count**

**4/29/2010 Referred to Rules Committee 9-2-1**

**5/13/2010 Rules Committee moved to approve Failed unanimously**

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Will Taylor Will Krebs

Student Body President Legislative Council President

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Allison Foley Peter Swanson

Vice President of External Affairs Vice President of Internal Affairs