**University of Colorado Student Government**

**Legislative Council**

February 17, 2011 Bill name/number: 74LCB09

Sponsored by:

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**A Bill to Implement Waiveable Referenda Fees for Student Groups**

**Bill History**

The University of Colorado Student Government has a student initiated referendum process outlined in Article XIII of the Constitution. In FY 2008-2009, student group referenda on the University at Colorado Boulder campus were no longer honored. This bill reforms the referendum process to meet current state law.

            This bill ensures that students are not required to fund groups or activities with which they disagree by giving individual students the opportunity to opt-out of all referenda fees. 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.” Therefore, optional referendum fees are constitutional and can be implemented by CUSG.

This bill also clarifies the oversight process for groups that receive funding through a referendum.  Specifically it ensures money is spent legally and student groups do not retain left over money in their accounts for years.

            One final concern this bill addresses is the precise opt-out mechanism. Several Legislative Council members expressed concern that the process outlined in 73LCB3 was too difficult for students who might not know about the fees they are assessed. This bill establishes an easy-to-use procedure for students to opt-out of individual fees when they register for classes online.

            By removing the old referenda system, CUSG took the choice of which groups receive what amount of funding away from students. Student voices are now exclusively filtered through CUSG. This bill, which accords with state and federal law, gives student groups the opportunity to appeal to direct democracy and receive funding via optional fees.  All students will be presented with a clear, straightforward way to waive such fees.

**Bill Summary**

This bill provides oversight before and during the time student groups receive referenda fees. The following is a step-by-step timeline of what a typical referendum process would look like under this system:

* In the fall, SGFB will review the budget, description, and precise wording of the referendum question.
* This is followed by the petition submittal process outlined in Article XIII of the CUSG Constitution, in which a student group must collect 1,000 signatures to appear on the ballot.
* After the actual fall referendum passes, fees will be assessed for fall and Spring Semesters for three years beginning the following fall. Students will have opportunity to waive such fees when they register.
* After registration, student groups who receive less than 80% of their budget must present a smaller budget to SGFB for approval.
* Groups who assess more than their budget have the extra money go into an overflow account overseen by SGFB which they will have exclusive access to for that semester, after which it rolls into SGFB’s budget.
* If referenda groups have money left over in their account after the spring semester, that money will roll into SGFB’s budget.
* Legislative Council and SGFB have review and audit processes to ensure that referenda groups are not spending money outside the scope of their referendum, violating student fee policy, or consistently assessing too much from the student body.

**BE IT ENACTED**:

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

**Section 2:** Nothing in the bill shall be construed as forcing student groups to use the referendum process to receive funding. This bill leaves other funding processes, including SGFB allocation, intact. However, student groups who choose to receive funding via a referendum are prohibited from receiving an SGFB allocation for funding cycles in which they receive referendum funding.

**Section 3:** All student group referenda ballot measures shall be voted on in the fall Election. If a group’s referendum fails, they will be ineligible for the next round of SGFB funding.

**Section 4:** 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 meet with SGFB and present the following information:
      1. Student group by-laws, which shall include their name, mission statement, organizational & decision-making structure and procedures.
      2. The precise phrasing of the referendum question to appear on the ballot.
      3. A brief description of the services and benefits they provide to the students, including accomplishments, future goals for the student group, a list of uses for the referendum funds, and any additional information the student group thinks is beneficial to their group. CUSG, SOFO, and the Bursar should work together to ensure that the structure of all descriptions is such that it is both feasible to program into mycuinfo and detailed, accurate, and concise enough to allow students to make informed decisions during voting and opt-out.
      4. A detailed, year-long budget adhering to the following line items:
         1. Operations
         2. Dues
         3. Payroll
         4. Travel
         5. Events
         6. Other
      5. SGFB will review items band c above to ensure their accuracy. If they are not accurate, SGFB will explain what needs to be changed and the changes can be made on the spot or submitted via email to the SGFB chair who must approve the final question, description and list. This brief description will be used on the ballot as the “referendum purpose statement” outlined in Article XIII of the CUSG Constitution and will be available on the registration page where student can waive student group referendum fees.
      6. A link to the detailed budget will be made available on the voting website.
   2. The student group shall defend their budget to SGFB and answer any questions of the Board.
   3. SGFB shall ONLY review the 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, detailing which proposed line items or projected expenses 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 per semester, per capita opt-out fee such that the maximum possible fees assessed would be no less than 100% and no greater than 150% of the approved budget.
      2. Appeal the decision. The student group must notify SGFB of their intention to appeal within 48 hours of receiving a final number, including a written document no longer than two pages specifying which line items’ statuses are being appealed and why.
         1. SGFB must schedule an appeal meeting no later than one week after being notified of the group’s intention to appeal.
         2. After hearing the student group’s appeal, SGFB will vote to accept or not accept the disputed line items as additions to the budget. They will send the group an email of their decision no later than 24 hours after the appeal meeting.
         3. If SGFB does not change their decision, the student group can appeal to the Appellate Court, and shall follow court procedures as outlined in Article IV of the Constitution. The Appellate Court’s decision is final and the student group must finalize a number with SOFO and move forward to the petition and ballot process in order to receive referendum fees.
2. The following SGFB-approved items will appear on the ballot:
   1. The referendum question, including the precise fee to be assessed.
   2. The description will appear as the “referendum purpose statement” described in Article XIII Section C-7.
3. Length of Fee Assessment: If the referendum passes, all fees outlined in this legislation shall be assessed during only fall and spring semesters beginning in the fall following the referendum for three years unless the group is found to be in violation of any rules governing the use of student fees.
4. Opt-Out Procedure
   1. Once the referenda are passed and the fees assessed, students will have the opportunity to opt-out of individual student group referenda fees online when they register for the fall and spring semesters.
   2. When students register for classes, they will be required to access a page on which they can opt out of student group referenda fees.
   3. On the top of this page will be the following statement. “The student body voted to assess opt-out fees for the student groups listed below. If you choose to waive any of these fees, check the appropriate box.”
   4. Next to each student group will appear description as well as a box students can check to waive the fee for the respective group.
   5. At the bottom of the page and before completing registration, students must check a box certifying the following statement: “By checking this box, I certify that I understand that if I have not waived the fee for a particular group, I will be assessed the fee for that group.”
   6. All students, including students who register through their department, will have the opportunity to opt out of referendum fees online for the duration of their registration period.
5. Disbursement of Fees
   1. After registration, the bursar will deduct all waived fees from the student fee bill of each student.
   2. After registration, 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.

**Section 5:** Reconciliation

1. If the amount of money collected for the student group amounts to less than 80% of the SGFB-approved budget (which would be determined after all students have registered), then the following happens:
   1. The student group must present a new, smaller line-by-line budget to SGFB for the amount of money they know they have.
   2. SGFB will review the new budget and will make recommendations based on the following criteria:
2. Are there newly created inefficiencies, duplications or illegal use of money as defined in the SGFB section.
3. Does the new budget significantly change the organization such that it no longer is performing the services that students voted for.
   1. If SGFB takes no action, the new budget is approved
   2. If SGFB determines the budget is inappropriate based on the above criteria, it may require the student group to make changes.
   3. A student group can appeal to the Legislative Council at the next regular meeting for a final decision. Legislative Council may take no action and the budget will be approved or they can require the group return with revisions.
4. If the amount of money collected is more than the amount approved, the extra money from all student groups will be deposited into one “overflow” account overseen by SGFB.
   1. SGFB will maintain a spreadsheet detailing the extra money assessed by each group.
   2. Student groups which assessed extra money can apply to SGFB to use only the extra funds which were assessed for their group.
   3. SGFB will update the spreadsheet to reflect how much of the extra funds each group has been allocated.
   4. At the end of every fiscal year, if there is money left in the “overflow” account, it will roll into the SGFB budget.

**Section 6:** Any money left over in any referendum account at the fiscal year will roll into SGFB’s budget.

**Section 7:** Audit and Review. All student group referendum fees will comply with the Student Fee Regulations.

1. The SGFB reserves the right to audit any student group receiving referendum funding as if that group had received an SGFB allocation. If a simple majority of Legislative Council so requests, SGFB shall audit any student group receiving referendum funding. This process is outlined in section 902 of the SGFB code.
2. Legislative Council reserves the right to review any referendum group’s budget and may take action to permanently freeze/alter any budget if the group is using money in an inappropriate way as described in Article XIII, section E of the CUSG Constitution which states, “Legislative Council may only freeze referendum accounts if referendum money is used in a manner that necessarily and inherently negatively affects the well-being of the students of the University of Colorado at Boulder, in the event that a referendum group violates State Law or university Policy, or in the event that referendum monies are spent obviously outside of the referendum group’s referendum purpose statement.”
3. Towards the end of every spring, SOFO, together with the Representative Council and Council of Colleges and Schools appointments to SGFB, will schedule sit down appointments with each student group who received referendum funds. They will discuss the goals the student group set for themselves, the goals that they achieved, and how they can improve. If the student group is not achieving what it set out to do in the description students voted on, Legislative Council may take action as outlined in “B” above.
4. Legislative Council and SGFB should maintain close contact with SOFO. Legislative Council should consider freezing/altering a groups budget if they are consistently assessing more money than they spend, since such useless taxation inherently negatively affects the well-being of students.

**Section 8:** Any necessary changes to the Student Group Funding Board By-Laws and the Election Code shall be made in compliance with this legislation to ensure oversight and accountability of the student group referenda process. In particular, Election Code Section 503 (d) will be null and void.

**Section 9:** The first student group referendum will be held the first fall semester after the opt-out process is programmed into mycuinfo. The results detailing the fees assessed shall be presented each spring in a Student Group Referenda Fee Package to the University of Colorado Board of Regents.

Section 10: Legislative Council must approve final cost of the programming before this bill can be implemented. None of this cost can be paid for with SOR funding unless this funding is approved by finance board

**Section 10:** This bill shall take effect upon passage by the Legislative Council and upon either obtaining the signatures of two Tri-Executives or the lapse of six days without actions by the Tri-Executives.

**Vote Count**

**02/17/2011 Passed on 1st reading 12-3-1**

**02/24/2011 Amended (bundle) 10-6-1**

**02/24/2011 Failed on 2nd reading 3-7-7**

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Will Taylor Carly Robinson

Student Body President Legislative Council President

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