

SUFAC
Meeting Minutes for 6 October 2011

I. Call to Order

SUFAC Chair Matt Balson called the meeting to order at 5:18pm.

II. Roll Call

- a. **Members Present:** Matt Balson, Jessica Olive, John Landrum, SGA Exec., OFO, Michael Hengles, Jillian DeRidder, Lindsay Krapfl, Mick Sheuer, Jonathan Amel, Jeff Huebner, Shawna Albert, Shawn Brown, Josh Shope, Rebecca Ellenbeckner, Kyle Zellner, OFO

III. Recognition of Guests: No one.

IV. Approval of Agenda: Matt entertained a motion to approve the agenda. Jess motioned. Riley seconded. Jeff called the question. Michael acclimated.

V. Approval of Minutes: Matt entertained a motion to table the minutes. Jess motioned. Rebecca seconded. Lindsay called the question. Jonathan acclimated.

VI. Reports

- a. **OFO:** Contingency fund is \$44,109.87, and small org startup is \$1,500.
- b. **SGA:** We are working on our sustainability fund. We also have open house October 12th.
- c. **Vice-Chair:** If you are curious as to what has been approved, you can always check the OFO sheet. Michael asked why the contingency report hasn't changed. John clarified with a point of information that this money most likely hasn't been spent. Also, in the grand scheme of things, that money that was approved.
- d. **Chair:** No report.

VII. Discussion Items

a. Auxiliary Budget Training Questions:

Jess said that SuAnne has not emailed SUFAC yet, so we will be doing that next week. Jess asked if there were any questions that people thought of since last week's meeting?

b. Viewpoint Neutrality Training

Many schools down south are getting sued, so we want to make sure that the board understands the information that will be presented. Basically, we need to do things fair. The people who are concerned provided a power point to make sure we all understand. Southworth is the name that got engaged in the lawsuit. This case is used frequently in the context of the distribution of student segregated fees, it is important to understand what the Southworth line of cases really means so that the students involved in this process can ensure that

actual funding decisions comply with the constitutional mandates. John provided the history of the Southworth court case. Overall, a group of students challenged UW-Madison's allocation of segregated fees, claiming that it was unconstitutional to compel them to financially support groups that espoused political and ideological views with which they did not agree. This case went to the Supreme Court, which issued a decision in March 2000. The Court found that the fee system was constitutional as long as the distribution was viewpoint neutral. The Court also noted that referenda probably wouldn't pass the viewpoint neutrality test and remanded the issue to the district court to address. In February 2001, The UW Board of Regents amended Financial and Administrative Policy Paper F20 (now F50). The changes included the following:

- Describing criteria for the allocation of Seg University Fees.
- Creating a detailed record of deliberations
- Providing Registered Student Organizations ("RSOs") written reasons for funding denial
- Providing mechanisms for avoiding conflicts of interest by students involved in the allocation process
- Establishing an appeal process within student government for alleged VPN violations
- Disallowing student referenda, directly or indirectly

There was a related case, in which the court ruled that Madison's segregated fee funding system is constitutional as long as students do not have "unbridled discretion" in the allocation of student fees. Madison's system avoided unbridled discretion because of objective/viewpoint neutral criteria for evaluating fee requests and a comprehensive appeals process. The court also found it helpful that the student government participated in viewpoint neutrality training. However, the Seventh circuit found the following problematic:

- Absence of criteria for funding travel grants
- Considering the length of time an organization received funding
- Funding criteria that considers amount of organizations past funding to determine eligibility for funding

John then went into the practical application of decisions. To operate in a viewpoint neutral manner means:

- Not consider the viewpoint espoused by the group
- Decision makers cannot have unbridled discretion-there must be objective rules in place
- Checks and balances must be in place: appeal process, including appeal to Chancellor
- Compare grant amounts to determine whether similar RSOs were treated equally. Similarity should be judged by requests, not the organization's purpose

John continued by saying that establishing in eligibility criteria that are neutral on their face: must be unrelated to viewpoint/content of group's speech and do not have effect of excluding unpopular minority viewpoints. Also, most importantly, consider use of the funding application and attached budget(s), and apply common sense to those documents to determine whether to grant funding. There are also potential VPN violations, which state:

- Ignoring eligibility/funding criteria
- Considering longevity or past funding
- Considering the purpose of group, its members' opinions or political activities, success of group's mission

There was discussion about the student affairs staff's role, which states:

- If you sense there are viewpoint neutrality issues, talk to the students and ask questions.
- Make sure they can be fair
- Students should recuse themselves from part of all of the process if they cannot be fair.
- Training is not intended to teach students how to be savvy about avoiding viewpoint neutrality rules. If they can't provide their actual reasoning on record, they should not be relying on the reasoning.

John then continued with test questions and discussions, asking the board why SUFAC could or could not do that, and the reasoning.

c. Bi-Law Review

Matt entertained a motion to strike item C. Jess motioned. Mick seconded. Jillian called the question. Riley acclimated.

VIII. Action Items

a. Art Agency Contingency October 13th

Matt motioned to approve art agency. Jess motioned. Michael seconded.

Questions: Jillian asked if the group reported back to SUFAC last year as to how the attendance was? No, SUFAC doesn't police that, and the organizations do not report back. There was discussion if there were 15 places with posters up for advertising. Lindsay was quite sure that there isn't any artsy poster hung in Mac. Michael said that because the artist was from Oshkosh, so it doesn't seem to be a big deal that it's come up on short notice. Jess also talked to Grant Winslow. Michael doesn't know if SUFAC needs to be concerned about the advertising since it's only \$300. Riley wanted to know when SUFAC has been a "poster police" in the past. Jess

IX. Announcements: Jess announced that ResLife is hosting a neon dance party on the basketball courts from 8:00-11:00pm.

X. Adjournment- Matt entertained a motion to adjourn. Jessica motioned. Jonathan seconded. Lindsay called the question. Riley acclimated. Exited at 6:10pm.

Respectfully submitted by:
Hope Nyenhuis
SUFAC Administrative Assistant