



## Final Decision Notice

November 7, 2018

### Overview

On November 1, 2018, ASB Judicial Chair Alex Crouch met with representatives from the ASB Treasury Department and representatives from the Graduate Student Council (GSC) regarding a dispute over the amount of ASB funding for the GSC's annual dinner that will be held on November 14, 2018. The Judicial Chair has used authorities granted under the Student Activity Fee Fund Manual and the ASB Code and Constitution's Budgetary Procedures §118.I.5 to unilaterally hear and decide the case at hand.

The ASB Judicial Chair reviewed the following evidence provided to arrive at a decision: 1) GSC's Funding Decision Appeal Meeting Request; 2) GSC's Budget Request; 3) invoice from The Inn at Ole Miss; 4) ASB Treasury Department's scoresheet of the request in question; 5) ASB Treasury Department policy and expressed precedent; 5) the ASB Code and Constitution; and, 6) testimony from the involved parties during the November 1, 2018 appeal meeting.

### Findings

*The Judicial Chair has decided to remand the funding decision back to the ASB Treasury Department with the following conditions that must be met:*

1. The ASB Treasury Department must make its revised funding decision by 5:00PM on November 7, 2018 and provide all parties involved, including the ASB Judicial Chair, a written rationale for its revised funding decision.
2. The ASB Treasury Department shall not be influenced in making its revised funding decision by any administrator, ASB official, or other inappropriate factor(s) other than the binding conditions mandated in this Decision Notice of the ASB Judicial Chair.
3. The ASB Treasury Department must fairly consider new information garnered through the November 1, 2018 appeals meeting in its revised funding decision.
4. The ASB Treasury Department *must at a minimum* fund the request in question at the \$4000.00 cap level set for all student organizations during the 2018-19 school year in its revised funding decision.
5. The ASB Treasury Department *can at a maximum* fund the request in question at a rate of 90% in its revised funding decision.
6. The ASB must follow all applicable rules, regulations, and laws regarding student activity fee derived funds in its revised funding decision.
7. Should the ASB President or any official operating under the explicit or implied direction of the ASB President decide to fund the request in question outside of the purview of the ASB Treasury Department's revised decision (ex. providing more funds than allotted in the revised ASB Treasury Funding Decision), such funds must be derived from the Presidential Contingency Fund, and appropriate procurement and reporting requirements as prescribed in the Code and Constitution must be followed.

**The decision of the ASB Judicial Chair is final.** A full Decision Notice, including a summation of the facts of the case and detailed rationale, will be disseminated early next week.

## Facts

On October 11, 2018, the GSC requested a total of \$5055.00 from ASB through the Registered Student Organization (RSO) funding request form. Specifically, GSC requested \$600 for room rental, \$255 for equipment rental, and \$4,200 for food costs. The ASB Treasury Department originally decided to fund approximately \$2741.45 of the GSC's \$5055.00 request, which constituted only 54% of the GSC's request. The ASB Treasury Department reported that it decided to fund 75% of the two respective rental costs, and 50% of the food cost. The GSC appealed this funding decision asking for 90% of its request to be fulfilled by ASB.

The GSC representatives present at the November 1, 2018 appeals meeting expressed several lines of concern about the amount of funding provided by ASB. First, the GSC representatives reported that the funding request is for their annual event that brings together "departmentalized" graduate students and is one of the few opportunities for graduate students to "relax from our academic duties and bring all of us together."

The GSC representatives said that GSC leadership had assumed ASB would once again fund 90% of its request. GSC representatives reported that the amount provided from ASB this year was significantly less than previous years. Both the GSC and ASB Treasury Department representatives stipulated that ASB had decided to fund the event at 90% in previous years. Last year, GSC requested approximately \$3405 and received ASB funding of \$3105 – slightly over 90% of the request. The GSC representatives expressed during the appeals meeting and in its written appeal that costs have risen substantially, and wrote that costs "have reached a non-sustainable amount," but claimed it was natural for costs to rise with time. GSC representatives also said that funding needs for the event had changed because GSC now needed to rent space and equipment, in addition to food, this year.

The GSC representatives argued that undergraduate students who serve in the ASB Treasury Department do not understand graduate student affairs and cannot effectively determine if the GSC's funding request meets the standards held for undergraduate requests.

Furthermore, the GSC representatives argued that graduate students are disproportionately allotted funding from the student activity funds because graduate students pay \$5 each semester into it and don't receive the same as undergraduate students out of it. The GSC responded during the hearing that they receive \$12,000.00 per year from student fees, but that the amount is still not proportional to the amount of fees graduate students pay to the university per semester. The representatives said that they offset this disproportional appropriation by requesting additional funds from ASB. Though the GSC representatives said this was not the core of their concerns, they thought it was important to note.

Additionally, the GSC representatives argued that as equal members of the shared governance model it should be respected enough to have greater access to funds given their role in the graduate student community. The GSC representatives also noted that "we aren't just any other club on campus."

Lastly, the GSC representatives expressed that a lack of full funding from ASB "has raised some simmering problems that have long threatened to erupt between ASB and GSC," and claimed that the ASB Treasury Department had not adequately explained why their funding request was not met in whole.

The ASB Treasury Department representatives present at the November 1, 2018 appeals meeting responded to the GSC appeal by stating that the comptroller team collectively came to the aforementioned funding decision because it was standard for their 2018-19 school year

funding approach. The ASB representatives said that these requests are not solely decided by the ASB Treasurer and that the entire comptroller team comes to the decision. The ASB representatives reported that the funding approach used for the GSC request and other requests is not written policy, but is derived from a team decision that can change year-to-year and treasurer-to-treasurer.

The ASB representatives noted that they come to funding decisions systemically by scoring requests through an established evaluative criteria.<sup>1</sup> The ASB representatives responded to the GSC claim that they may not adequately be able to judge graduate student events by saying that ASB evaluates all requests against the department's established criteria fairly because the request form asks student organizations to thoroughly explain their request in a way that would allow anyone to understand the purpose, plan, and importance of the event. They opined that if the Treasury Department were hypothetically unable to understand one's request, it would likely be because the requester did not put sufficient effort in filling out the form. However, the ASB Treasury Department representatives stated that this was not the case in this instance.

According to the scoring document for the GSC request, the ASB Treasury Department gave the request a maximum score of 5 on every criteria except for "stewardship" and "accountability and risk management." They gave "stewardship" a score of 3 out of 5 and "accountability and risk management" a score of 2 out of 5. The document includes a rationale for the low scores by noting that the GSC had not shown that they would use the ASB logo on the event's promotional documents, had not supplied a required RSO budget to help the comptrollers determine the financial needs of the organization, documented confusion about the GSC's absence from ASB funding orientation sessions, and questioned what the GSC does with the \$12,000 it receives from student fees. The ASB representatives said that funding decisions for GSC is atypical from other RSO requests because the GSC receives \$12,000 from student fees, which other organizations do not.

### **Rationale**

The ASB Judicial Chair has decided to remand the funding decision back to the ASB Treasury Department with binding considerations given the merit in several aspects of both arguments, but has deemed the root of the issue at hand to be more of a systemic problem outside of the scope of ASB and GSC authority than an issue in how the ASB Treasury Department evaluated this specific request.

The ASB Judicial Chair recognized that this issue has been drawn out through the appeals process and believed it is important for the ASB Treasury Department to respond in a reasonable amount of time for the GSC to adequately plan or modify its event with the funds allotted. Furthermore, the ASB Judicial Chair understood that there were growing frustrations with the funding request and that additional parties had gotten involved in lobbying for funds, and thus felt it important to demand that the ASB Treasury Department remain uninfluenced by outside individuals in its decision.

The ASB Judicial Chair found that the appeals meeting generated thoughtful conversation that brought forth new information, given both the ASB and GSC's prior lack of effective communication with each other over the issue, and determined such information may have shifted the ASB Treasury Department's funding decision should it had been shared before the appeals meeting. Therefore, the ASB Judicial Chair found it important for the department to fairly evaluate the new information gained through that meeting in ASB's revised decision.

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<sup>1</sup> The scoring form evaluates the following factors on a scale of 1 to 5: impact, stewardship, leadership development, community service, inclusiveness, student involvement, and accountability/risk management.

The ASB Judicial Chair found that the GSC failed to attend RSO funding orientations, failed to attach the required organizational budgetary documentation to the initial request, did not adequately explain why it could not contribute a portion of its \$12,000 student activity fund allotment to the event, and did not conduct proactive communication with the ASB Treasury Department regarding the request at hand. Making an effort to do these things would have alleviated confusion about the ASB Treasury Department's 2018-19 funding policy and possibly changed the outcome of the ASB's initial funding decision.

The ASB Judicial Chair found that the GSC made a poor assumption that ASB would continue to fund its event at the same percentage as other years despite costs growing by approximately \$1650.00. The GSC stipulated that the cost of its event has grown to a "non-sustainable amount," but did not demonstrate that it sought out cheaper alternatives or was willing to trim costs to make the event more sustainable. These factors are fairly considered in the ASB Treasury Department scoring form.

The ASB Judicial Chair found that the ASB Treasury Department did not adequately communicate its funding guidelines for the 2018-19 school year. Although this policy may have been discussed during the RSO funding orientations that the GSC failed to attend, the ASB representatives present confirmed that the guidelines are not written policy and may be difficult for organizations to find.

The ASB Judicial Chair found that the ASB Treasury Department failed to take proactive steps to communicate its decision to the GSC. Both GSC and ASB representatives stipulated that ASB typically funded 90% of this annual event in previous years. The ASB Judicial Chair believed that the ASB Treasury Department has the authority to fund a request at any level it determines, but found that it should have been proactive in explaining the **significant** change in funding percentages from previous year to the GSC.

The ASB Judicial Chair found the GSC's complaints about the university's disproportionate allocation of funding to be a systematic issue beyond the control of ASB or GSC, and though empathetic the ASB Judicial Chair determined those specific complaints were not germane to the the appeal at hand.

**The ASB Judicial Chair weighed the issues above while also considering the finding that the ASB Treasury Department's funding decision in this case was consistent with the informal policies and practices set in place for the 2018-19 school year, and that a fair evaluation of the GSC's funding request had occurred. Given the totality of the circumstances, the ASB Judicial Chair decided that the GSC should be allotted more funding through his establishment of a minimum/maximum funding condition, but recognized the ASB Treasury Department still deserved to make the final decision given the fact that they adequately followed and defended their processes.**

**Lastly, the ASB Judicial Chair recognized potential opportunities for internal ASB actors to circumvent this ruling and the revised funding decision of the ASB Treasury Department given the contentiousness of the issue and the GSC's implied suggestion of in an escalation of tensions between the two organizations should they not receive the funding amounts they desire. Therefore, the ASB Judicial Chair deemed it important to ensure any additional ASB funding measures outside of the ASB Treasury Department's explicit purview are done in according to the ASB Code and Constitution.**