

Committee to Review Allocable Segregated Fee Policies
Notes of October 16, 2007 Meeting

The meeting was held in the Brodhagen Counsell Room (Room 027) of the Health Enhancement Center on the UW-Stevens Point campus. It began approximately at 2:30 p.m.

Committee members present: Bunnell, Brady (participating via telephone), Dewees, French, Gallagher, Glodowski, Shields, Soll, Viney
Committee members absent: Berquam (Kevin Helmkamp represented Ms. Berquam)
Committee staff present: Hendrix (via telephone), Rubin and Stafford
Committee staff absent: None
Others present: Dr. Chris Sadler, parliamentarian, and various observers

Following introductions, the minutes of the September 28, 2007, meeting were moved and accepted. Chancellor Bunnell then requested the committee to identify the most significant issues from the list developed at the first committee meeting with the view of discussing those issues first. Chancellor Bunnell noted that the committee only would be discussing issues and that no formal action would be taken at the meeting.

Committee members identified four issues as most significant: (1) University leasing off-campus space for student organizations; (2) Paying salary/fringe benefits for non-university employees; (3) Operational funding; and (4) Contracting for services. It was agreed to address these four issues first.

Leasing off-campus space was discussed. Dewees stated that students should be able to lease off-campus space. Chancellor Bunnell reaffirmed that the committee was not charged to revisit the issue of student organizations leasing space off-campus, which had already been determined in the negative by the Board of Regents in the ASM appeal. Rather, the issue for discussion was the university leasing off-campus space for student organizations. Brady explained the state leasing process and the Department of Administration's (DOA's) role in that process. The committee was in general agreement that it was not feasible to provide space to all of the hundreds of student organizations recognized on the various campuses. Brady suggested language to address the issue. Helmkamp expressed concerns that the language on this point not be too broad. French noted that the shared governance process would need to determine for each campus the nature of the space available for student organizations. It was noted that the students had access to an appeal process in the event of a disagreement over student organization space. Brady was asked to provide the committee with draft language.

Paying the salary and fringe benefits of non-university employees was discussed, specifically in relation to the WISPIRG organization. Glodowski expressed support for funding salary and fringes for non-university employees. Gallagher stated that no lump sum payments should be made to organizations, but supported the students' ability to contract for services. There was discussion of UW-Madison ASA contract process.

Helmkamp and Soll raised specific concerns re using allocable fees to pay non-university employees in terms of liability if those employees were deemed to be University employees. Glodowski left the meeting temporarily and was represented by Holly Erhardt in his absence.

At approximately 4:00 p.m., a ten-minute break was taken. Chancellor Bunnell turned over the chair to Viney as she had to leave temporarily for a short meeting. After the break, there was more discussion on the issue of paying non-university employee salaries, specifically regarding the complexities and uncertainties of the university contracting with a student organization that was also a 501(c)(3) and in essence contracting with itself. Liability concerns relating to the university paying the employees of the 501(c)(3), who, however, were not university employees, were discussed further.

Chancellor Bunnell returned at approximately 4:30 p.m., and resumed the chair. French asked what measures could be taken to make this work. Brady stated that a workable alternative would be not to pay the employees of the 501(c)(3) but rather to just contract for a service. Shields noted this was a troubling issue, and he was uncertain how to resolve it.

Brady asked whether there was consensus that lump sum payments to student organizations were not acceptable. There was general agreement among the committee on this point. Brady stated that the ASA contracts appeared to be an attempt to effectuate lump sum payments under the guise of a contractual arrangement, and instead suggested using the basic contracting process to procure services that students want without involving the university in the internal workings of the third-party contractor, including paying the salaries of non-university employees.

Gallagher noted that part of the service procured from WISPIRG was lobbying. Concerns were raised about the legality of using state funds for lobbying and there was discussion on this point. Gallagher raised the idea of making WISPIRG an independent contractor. Helmkamp stated support for contracting with a third party to provide services for students, but continued to voice concerns regarding contracting with registered student organizations that were also 501(c)(3)'s. Soll raised the option of WISPIRG seeking a mandatory refundable fee. Chancellor Bunnell concluded the discussion, and Brady was asked to provide the committee with draft language.

Operational funding was discussed. Concerns were raised by student members regarding the absence of a reference to "operations" in paragraph I, B(2)(e)(1) on page 3 of the combined policy draft. Brady noted that allocable fees were primarily to be used for student activities and not to fund the "operational" expenses of student organizations, but that it was certainly ok for allocable fees to cover basic operational expenses like office supplies, etc., related to the activity. Shields noted a lack of clarity regarding the line that needed to be drawn on this point. French noted his concern that this change was being driven by the administration and not the students. Erhardt noted her agreement with French and stated that the students work hard to contain operational costs in making funding decisions. Dewees stated that students should decide whether to fund operational

costs. Gallagher agreed that student control was important on this point. Brady was asked to draft changes to include "operations" in appropriate places in the combined draft, subject to possible inclusion of other safeguards in the policy to ensure no use of lump sum payments. It was agreed by the committee that the discussion to this point had adequately covered the issue of contracting for services, and that the committee would move on to other issues.

Student organization recognition criteria were discussed. French asked why the criteria were in the combined policy as opposed to RPD 30-6. Explanation was provided. The committee was generally comfortable with the language in the combined policy, except Brady was requested to include "advising service" along with "advisor" in the draft, making clear, however, that those providing the "advising service" were required to be university employees. This change was suggested to avoid the potential of losing student organizations due to their inability to secure an advisor.

Use of allocable student fees for academic credit producing activities was discussed. Brady noted that the language in the combined policy was not a change from the current policy language, and explained the policy reflected by the language, i.e., not using allocable segregated fees to fund instructional activities. Members described several examples where allocable fees were used to fund positions where students received academic credit. Soll and Helmkamp noted this was not a change from current language and suggested the language remain as currently stated in UW System policy. Shields suggested there might be some value in clarifying the issue.

At approximately 6:35 p.m., Glodowski rejoined the meeting and replaced Erhardt.

Limits on total allocable fees were discussed. Student members were unanimous in advocating not including this in the combined policy, but rather leaving it open for individual campuses to determine in negotiations between chancellor and students whether there should be a limit set on total allocable fees prior to the commencement of the SUF committee process, and if so, what that limit should be. Viney advocated that campuses should strongly consider adopting such a process of consultation and negotiation to set budget targets and goals relating to segregated fees, noting that this is how real world budgets are established. Brady noted that the combined policy did not currently have language addressing this point, and that such language probably did not need to be included. Campuses could certainly set such limits despite the absence of policy language.

Nomenclature was discussed. The committee agreed the term "segregated university fees," as opposed to "segregated fees," should be consistently used in the combined draft policy.

The committee agreed to next meet in Madison on November 7, 2007, at 3:00 p.m. The meeting adjourned shortly after 7:00 p.m.