



Resolution #	45
Originally Presented On	2/4/2010
Sponsor(s)	Charlie Feng, Dan Gusz, Chris Basil
Subject of Resolution	SAFC Appeals Process Reform
Type of Resolution	Legislation
Status/Result	New Business

Whereas, the Student Assembly (the Assembly) has both legislative and judicial authority over the Student Assembly Finance Commission (the Commission);

Whereas, the judicial function of the Assembly is important, but distinct, from its legislative oversight;

Whereas, the Assembly presently exercises judicial authority over the Commission by an appeals process set in the Commission’s Funding Guidelines (the Guidelines);

Whereas, this process currently requires organizations first appeal internally through the Commission before the Assembly may review the appeal;

Whereas, numerous student organizations have asked that the appeals process provide more direct access to the Assembly;

Whereas, the Commission does not believe the internal appeals process provides any additional oversight of its decisions beyond the Assembly’s oversight;

Whereas, the current appeals process does not specify key details necessary to provide a consistent and fair judicial process such as the scope of the appeal and standards of evidence;

Whereas, the current appeals process does not specify how the Commission should respond to appeal decisions after they are adopted by the Assembly; and,

Whereas, the current appeals process does not specify how the Assembly might provide for organizations whose appeals do not have merit, but for whom the Assembly would nonetheless like to provide funding; and,

Whereas, the current appeals process does not distinguish legislative and judicial distinctions, leading the Assembly to waive or alter parts of the Guidelines in a manner that favors appealing groups that do not follow the rules over others that followed rules correctly;

Whereas, the current appeals process by design is biased in favor of appealing organizations over consistent application of the Guidelines and organizations that follow the rules but do not appeal;

Be it therefore resolved that Chapter 6 of the Funding Guidelines, titled “Appeals” be replaced with the following text, effective for the Spring 2010 semester:

Purpose

The external appeal process assures actions of the Commission are fair and reasonable. An organization may utilize this process to dispute any decision affecting its allocation of funds where it can demonstrate that the Commission:

1. incorrectly interpreted or applied its guidelines or relevant policies; or,
2. wrongly excluded or construed relevant information or supporting documentation in the organization’s application.

The burden shall rest on the appealing organization to demonstrate that the Commission erred. The Student Assembly (the Assembly) determines the outcome of the appeal.

Procedure

Format of Review Request

Organizations must utilize the SAFC Appeal Form provided by the Office of the Assemblies (the Office), and the appeal must include the following:

1. name of the organization;
2. written rationale identifying the actions the organization wishes to dispute, citing the specific policies the organization alleges the Commission to have incorrectly applied, and what the organization believes to be the correct interpretation; and,
3. signature of the president, treasurer, and advisor of the organization.

The organization may not include supporting documentation in the appeal except for those documents the organization alleges the Commission to have incorrectly excluded from consideration in its original decision. The organization must identify the specific policies it alleges the Commission to have violated in excluding such documents.

Receipt of Review Request and Initial Action

1. The organization must submit completed appeals before the deadline provided by the Commission or, if the Commission does not specify an explicit deadline, within five business days after the Commission releases the decision the organization wishes to dispute.
2. The Office of the Assemblies transmits decisions and supporting documents to the Assembly’s Vice President for Finance (the Vice President) and the Commission’s Executive Board, after verifying they are timely and formatted correctly.

3. If the Executive Board agrees with the appeal request in its substance, the Chair of the Commission may notify the Vice President, who may grant the request without conducting a hearing.

4. The Vice President, unless so notified regarding the appeal, contacts the members of the organization within five business days of receiving the review request to schedule a hearing with the Appropriations Committee.

5. The hearing occurs within ten business days of receiving the appeal.

Appeal Hearing

In presentation and discussion, the Appropriations Committee reviews only the actions disputed in the appeal, and neither the affected organization nor the Commission may present new information or documentation that was unavailable when the Commission made its initial decision.

The affected organization and the Chair(s) of the Commission each:

1. present their rationales; and,
2. answer questions concerning its presentation.

Decision

The committee:

1. deliberates in closed session and, for each disputed action, determines whether Commission erred in its original decision; and,
2. for each determination that the Commission erred in its original decision, adopts a rationale explaining its determination.

In determining whether guidelines were correctly interpreted the Committee will consider whether the Commission's application of guidelines was reasonable. In determining whether the Commission erred in its determination of facts, the Committee will decide based on a preponderance of evidence provided in the hearing.

For each appeal reviewed, the Vice President for Finance:

1. compiles a preliminary report of all determinations and rationales approved by the Appropriations Committee;
2. presents the preliminary report for the Assembly to adopt at the earliest practical date; and,
3. transmits the adopted report to the Chair(s) of the Commission, the Office of the Assemblies, and the presidents, treasurers, and advisors of the affected organizations.

If the Committee determines that the Commission did not err, but still believes the organization should receive funding for activities not covered by the Commission, the Committee may recommend an appropriation from administrative budget of the Assembly.

For each determination that the Commission erred, the Commission or its Executive Committee must within ten business days:

1. reconsider the disputed action, adopting actions that are consistent with the rationale of the Assembly;
2. report its revised decision to the Vice President, the Office of the Assemblies, and the affected organizations.

Further Appeals

Organizations may appeal a revised decision of the Commission in the same manner as the original decision, but only on the basis of new determinations that were made since the original appeal was filed. Organizations may additionally dispute outcomes of appeals through the university Ombudsman.

Respectfully Submitted,

Charlie Feng
SAFC Co-Chair

Dan Gusz
SAFC Co-Chair

Christopher Basil
Vice President for Finance