Megan,

This appeal is submitted on behalf of myself, as an individual, and all others similarly situated. Although the rules do not specify whether multiple students can submit an appeal together, last year the Vice Provost responded to “seemingly identical” appeals with a single response.

I request anonymity. Also, to avoid time-consuming editing of the audio tapes, I recommend that names not be used during deliberations for individual appeals.

This appeal is that the system is not viewpoint neutral. It is not an attack on any individual. Also, it is not a request that you give a certain group more money (or another group less money).

Although I submitted an appeal last year, this is not a rehash of old issues that have already been resolved. However, if the appeals committee wishes to rely on precedent, it should post appeal decisions online like the University of Wisconsin does.

http://www.asm.wisc.edu/cases-and-decisions.html

TOO MUCH DISCRETION GRANTED MAKES SYSTEM NOT VIEWPOINT NEUTRAL
In general, this appeal is that the system grants too much discretion, which means that it is not viewpoint neutral. By saying too much discretion, I am not accusing a specific person or group of people of any misconduct. Nor am I criticizing a specific decision for a specific applicant.

1. COMMITTEE HAS DISCRETION TO ADD NEW RULES
Speaking of rehashing old issues, the committee considered an interpretation of the Equal Opportunity Statement that the University has rejected. The General Counsel informed the 2012 Student Service Fees Reform Task Force that the University does not require student groups to “take all comers.” The University settled a lawsuit in 2004 with Maranatha Christian Fellowship on this very point. In 1994, the University allowed Christian Legal Society and Graduate Christian Fellowship to register as student groups, despite their faith statement membership requirements. In the 1980s, the University defended the exclusive membership of WSAC (then U-YWCA) and MPIRG in court. The system is not viewpoint neutral that allows the fees committee to rehash this long-settled issue of student group rights of association.


The apparent authority for this new rule is the discussion at 1:58:00 on the “3.7 Deliberations” recording that the “gist” of the General Counsel’s opinion was that there was a “potential violation of the Equal Opportunity Statement.” Whether this rationale appeared in a majority opinion, minority opinion, or just influenced the committee implicitly, this is proof that the system grants too much discretion.

2. UNWRITTEN RULES
During the February 14 initial deliberations audio tape (30:00 mark), one fees committee member stated that one of his professors, who is a lawyer, was “surprised” that the University funded “worship.” The committee decided against creating a “baseline” and would look at each request on a “case by case” basis. Navigating the balance between free exercise of religion and the establishment clause is serious business, needing more than an informal conversation with a professor. When ordered by the U.S. Supreme Court to fund a religious newspaper, the University of Virginia developed specific written definitions in this area. The absence of written rules on this point shows that the system grants too much discretion and is therefore not viewpoint neutral.

3. BASELINES CREATED AFTER THE FEE REQUESTS ARE SUBMITTED
At the beginning of the February 14 initial deliberations audio tape (22:00 to 45:00), the committee has some good ideas about what things ought to be funded. Whether it is a “dollar per head” figure for catering limit, partial funding for t-shirts, or requiring “meritocratic” decisions on travel, the fees committee had a productive discussion. Some baselines passed, while others would be given “case by case” treatment.

The problem is that these “baseline” discussions came after the fee requests were already submitted. This denied the applicants the opportunity to conform their requests to the baselines. There is also the chance that the viewpoint of a particular group could factor in to a decision whether a “baseline” is a good idea or not. It may or may not be explicit in deliberations or rationales, but the viewpoint of a group could still factor in. This is another example of too much discretion granted by the system.

4. COMMITTEE DECIDES ON VALUE OF INDIVIDUAL MOVIES AND LECTURES
While discussing a proposed baseline at the 28:30 mark of the February 14 deliberations, one fees committee member expressed dismay at Students Against Hunger watching a movie in TCF Bank Stadium, when the movie itself was not about “hunger.” Although the baseline did not pass, the inquiry into what topics a group should choose remains a part of the process. In the case of Students for Human Life, the honoraria for three separate lectures were each deemed to be “unjustified.” Speakers on the national lecture circuit set their own honoraria, so cutting these expenses means that they will not speak on campus. A system that allows this much inquiry into the value of individual movies and lectures is not viewpoint neutral.

5. CUTS TO LOWER THE FEE WERE NOT ACROSS THE BOARD
The fees committee discussed a desire in final deliberations to cut the overall fee charged to students. While this is laudable, without zero-based budgeting, it burdens new viewpoints at the expense of old viewpoints. In addition, without “sequester” or across-the-board cuts, there is a danger that there is too much discretion and that viewpoints will implicitly or explicitly become a factor in which groups get cut.

I request a refund of all student service fees paid and a change to the system to remove the discretion of the fees committee. Thank you to the appeals committee for considering this appeal.

Sincerely,

REDACTED NAME
REDACTED EMAIL ADDRESS