

UNDERGRADUATE STUDENTS ASSOCIATION
COUNCIL

Tuesday March 11, 2003
417 Kerckhoff Hall
7:00pm

MINUTES

PRESENT: Clark, Cordero, Dahle, DerManuelian, Diaz, Harmetz, LaFlamme, Lam, Leyco, McLaren, Nelson, Pearlman, Styczynski, Tuttle, Yu

ABSENT: Eastman, Grace, Neal, Wilson

GUESTS: Menaka Fernando, Debra Simmons, Josh Lawson, Gideon Baum, Justin Levi, Amanda Patrick, Alex Red Eagle

I. A. Call to Order
-Dahle called the meeting to order at 7:10 pm.

B. Signing of the Attendance Sheet
-DerManuelian passed the Attendance Sheet around.

II. Approval of the Agenda
-Dahle said that he would like to move the AISA Petition of Appeal Regarding Capital/Surplus Funds from New Business to just after Contingency.
-Dahle asked if there were any objections to approval of the Agenda, as amended, by consent. There being no objections the Agenda, as amended, was approved by consent.

III. Approval of the Minutes
***February 18, 2002**
-Dahle asked if there were any changes or edits to the Minutes from February 18, 2003.
-Cordero moved and Diaz seconded to approve the Minutes from February 18, 2003 as submitted. Council voted to approve the motion with 9 votes in favor, 0 against, and 0 abstentions.

IV. Special Presentations
-There were no Special Presentations this week.

V. Appointments
-There were no Appointments this week.

VI. Fund Allocations
-DerManuelian said that Karisma accidentally submitted their application for Contingency this week and would be resubmitting their application next week.
-Harmetz moved and LaFlamme seconded to approve the Fund Allocations.
-Dahle asked if there was any discussion. There being none, Council voted to approve the motion with 9 votes in favor, 0 against and 0 abstentions.

Karisma Magazine

Requested: \$1,031.00

Recommended: \$0.00

FiCom did not approve this request due to insufficient information regarding any line item.

UCLA Eagle Wing**Requested: \$375.00****Recommended: \$375.00**

FiCom recommended the allocation of \$375.00 for the full cost of Facilities for the UCLA AFROTC Commissioning Ceremony on April 4th.

Judicial Board**Requested: \$725.27****Recommended: \$350.00**

FiCom recommended the allocation of \$350.00 for the partial cost of Graphics.

Campus Events Commission**Requested: \$1,500.00****Recommended: \$600.00**

FiCom recommended the allocation of \$600.00 for the partial cost of Honorarium for The Arab Strap Rock Concert.

American Indian Student Association**Requested: \$848.25****Recommended: \$848.25**

FiCom recommended the allocation of \$848.25 for the full cost of Supplies and Graphics for the 4th Annual Youth Conference and Basketball Tournament from March 21st to the 23rd.

Financial Supports Commission**Requested: \$1,224.00****Recommended: \$762.00**

FiCom recommended the allocation of \$762.00 for the partial cost of Advertising and Supplies for the Book Lending Program.

Delta Sigma Phi**Requested: \$388.48****Recommended: \$194.22**

FiCom recommended the allocation of \$194.22 for the partial cost of Facilities for the Delta Sigma Phi Regional Leadership Conference.

Sigma Nu Fraternity**Requested: \$1,469.48****Recommended: \$962.00**

FiCom recommended the allocation of \$962.00 for the partial cost of Honorarium and the full cost of Advertising and Supplies for Spring Recruitment from March 31st to April 4th.

Theta Xi Fraternity**Requested: \$1,550.38****Recommended: \$812.00**

FiCom recommended the allocation of \$812.00 for the partial cost of Advertising, Graphics and Transportation for Spring Recruitment from March 31st to April 4th.

Delta Sigma Phi**Requested: \$2465.62****Recommended: \$957.33**

FiCom recommended the allocation of \$957.33 for the partial cost of Advertising, Graphics and Transportation for Spring Recruitment from March 31st to April 4th.

VII. New Business

***AISA Petition of Appeal Regarding Capital/Surplus Funds**

-Amanda Patrick introduced herself as the Treasurer of AISA. She said that they prepared a Capital Items Request on February 18th and that it was complete except for the signature of the applicant. She said that everything else had been finished and it had been signed by everyone except a group representative. She said that AISA wished to appeal based on all three grounds available to them: procedural error, unfair treatment and the lack of a reasonable opportunity to appear before the committee. She said that they are requesting that their application be reconsidered. She said that the application was for a monitor, a zip drive and a lock down device. She said that due to the major events that AISA has coming up it is a busy time and they need the equipment very much.

-DerManuelian said that he would pass out a packet to Council containing sections of the USAC By-laws, the AISA proposal, an advertisement and a flyer relating to the Capital Items application process. He said that he would like to thank AISA for following due process. He said that appeals are a legitimate part of most any decision-making process and that FiCom takes appeals and the funding process very seriously. He reminded council members that the petition for appeal from AISA should be considered solely on its merits and the validity of arguments and that they should remember that appeals deal with the process rather than an individual application. He said that he would like to shed as much light as possible on the situation to help clear up any misconceptions or misunderstandings. He said that based on points 2 and 3 of the AISA petition and on the correspondence from Carri Fiero, FiCom feels that AISA and its CSP advisor may be confused as to how this specific funding process was run. He said that when the process was started, council members wanted to make sure that the advertisement of funding was campus-wide and that FiCom made an effort to notify as many student groups as possible. He said that the funding process officially opened on January 18th, remained open for 30 days and closed promptly on February 18th at 5:00pm. He said that two ½ page Daily Bruin advertisements were placed two weeks apart; flyers were distributed to every CSP advisor; flyers were posted in Kerckhoff Hall as well as in CSP. He said that personal letters were sent to every CSP advisor to update them on the funding process and notify them of the requirements. He said that the Finance Committee collected the 39 submitted applications at 5:01 p.m. on February 18th and the process was closed. He said that the next day, Wednesday, February 19th, the Finance Committee chair and two of its members, Winnie AoJeong and Janice Oh held deliberations to discuss and vote upon the submitted allocations. He said that nearly every application was reviewed 3 times, each time by a different member of Finance Committee and that once an application was reviewed by all members, a post-it note was pasted onto the proposal with the committee's tentative decision and that that application was then placed in a separate file depending on the committee's decision. He said that every application was thoroughly reviewed for the following requirements and then reread two more times. He said that the requirements were: whether or not the group was an ORSO, whether they had an SGA Timestamp, whether the Signatory and CSP advisor signed the application, that all the supporting documentation was included, that Lockdown and protection information be clearly stated, that the requested amounts seemed reasonable. He said again that every application was reviewed by every Finance Committee member who attended the deliberation. He said that every application was thoroughly reviewed and that each application was given the same consideration and due process. He said that since this process has become a ritual within the committee, it was almost second-nature. He said that there was no opportunity for any member of FiCom to review the proposals ahead of the deliberations because the time between the closing of the process and the deliberations was so close, and that all of the members entered with a fresh and clear mind. He said that

in total FiCom spent almost 3 hours deliberating over these applications. He said that the Finance Committee voted separately on approved and denied applications and that both votes were unanimous in the affirmative. He said that the next day, Thursday, February 20th, the Finance Committee Chair spent 2 hours compiling the information voted upon the previous night into a spreadsheet which was submitted for the following week's USAC meeting. He said that the content within the spreadsheet was complete and more than explicit in its individual evaluations. He said that every group's request was stated within the spreadsheet and specific reasoning was given for those proposals that were not approved by FiCom. He said that Student Government Accounting Manager, Debbie Simmons, who was unable to attend the meeting, subsequently reviewed every application, as well as the allocation decisions that were to be forwarded to council. He said that Simmons then reviewed the allocations as approved by the Finance Committee. He said that in all, every application and its respective allocation was reviewed four times before being forwarded to council. He said that AISA is appealing based on every point of appeal allowed within the USAC By-laws. He said that the first claim, that a procedural error or discrepancy caused the proposal to be substantially disadvantaged before the funding committee or body, is moot. He said that Finance Committee provided the same review process for every submitted application and due process was administered to every proposal. He said that the mere fact that every application was reviewed four different times by four different officials attests to the meticulous nature of the process and the fact that there was virtually no room for procedural error. He said that the second claim, that there was alleged unfair treatment or inconsistent treatment by the funding committee or body, is also moot because the reason for denial of the application was that it was missing a group signatory signature. He said that the email correspondence within AISA's petition for appeal takes things out of context. He said that the full email is provided within the packet that he had handed out. He said that the tone of the email is positive and Finance Committee was merely trying to reinforce the fact that the proposal was fully reviewed before voting. He said that they did not merely deny an application once they realized that the signature was missing and they did not want to send the message that the application was thrown aside once FiCom realized the group signatory signature was missing. He said that on the third claim, that there was a lack of a reasonable opportunity to appear before the funding committee or body, that since deliberations were not a requisite for this process and since this had not been done in the past, Finance Committee simply followed precedent and based information for its decision on the submitted proposal. He said in addition, AISA states that its CSP advisor's signature certified that the group had met with an advisor who reviewed the "completed application." He said that the missing signature was therefore not only an error of the group signatory but also an oversight by the group's CSP advisor who was unable to point out that the group's signature was missing from the application. He said that he would like to point council members to a copy of the first page of AISA's proposal. He said that it would be pretty difficult for one to miss the blank signature line since it is the only line without information. He said that the group also failed to write the name of the group signatory and instead wrote in the group name. He said that the assumption that could be made was that the application was completed in haste and that this oversight was a clear result of that. He said that Council voted for all of Finance Committee's allocations, approved or not approved, with a consensus vote. He said that he urged council members to take into consideration the office's meticulous nature and how that has been reflected in the thorough deliberation process laid out. He said that he would also like to urge council members to stray from a sympathy vote. He said that what would truly benefit students, student groups and all of USAC's funding boards would be unified funding decisions upheld by its student government. He said that he would like to make

clear to council members that Finance Committee put much time and effort into this process to ensure the speedy, efficient and fair allocation of surplus funds. He said that instead of waiting an extra week or two to deliberate on the proposals, every effort was made to get FiCom's recommendations to Council and get the allocations to the student groups as fast as possible. He said that Article VI. Section C.6.c(6) of the By-laws reads "Concurrence of three-fourths of the voting members of the USAC shall be necessary to overrule any Committee decision." He said that the by-laws are very clear on what is stated and that he would like to make sure that the Council is in agreement with what is in the guiding documents.

- Alex Red Eagle introduced himself as the President of AISA. He said that DerManuelian mentioned that the cause of the oversight may have been haste in preparing the application, but that DerManuelian also said that it was a great application otherwise. He said that the missing signature was an oversight. He said that DerManuelian said that four people had the opportunity to read the applications, but he asked why the application was not turned down immediately if the main reason for its denial was a missing signature. He asked why the application was not turned back to AISA as unsigned.
- Cordero asked if groups were contacted in cases where there was just a minor oversight.
- DerManuelian said that they were not. He said that this was the only group with that sort of oversight.
- Cordero asked if the idea to just take off a percentage of the allocation was entertained.
- DerManuelian said that it was not. He said that FiCom felt that the other groups had completed their applications correctly and deserved the funding.
- Pearlman said that what had happened was distressing and at best unfortunate. He said that he disagrees with DerManuelian that the process should not be looked at, but that there are larger implications to an appeal than are obvious. He said that if Council grants an appeal it could open the floodgates to those not granted money in the past and in the future. He said that by approving the appeal Council would be turning the by-laws on their head. He said that he would like to know if a three-fourths vote consisted of three-fourths of those at the table or of three-fourths of all those on Council. He said that that needs to be straightened out first.
- Tuttle said that, in Article II. Section D.1, the Constitution speaks to the matter of whether or not the president should vote. Tuttle then read that section of the Constitution: "The President shall vote only in the event of a tie, or where his/her vote will affect a Constitutionally required two-thirds or three-fourths vote. All other Officers of the Association shall have the power to vote on all questions. The Ex-Officio Members and the Appointed Members of Council shall not have the power to vote." He said that that section would seem to indicate that the president does vote on any two-thirds or three-fourths vote. He said that the second item of who should be included in the three-fourths votes is not clear from his quick review of the Constitution. He said that his recommendation would be that Council include all the members of Council, including those not present, in the total number from which to take three-fourths. He said that in other words he would set the base number at 13 and that the minimum vote for a three-fourths majority would be 10. He said that it is one thing for him to just say that but that the final choice lies with the President. He said that Council, of course, has the right to overrule that decision with a majority vote. He said that if the chair is overruled then that is it. He said that by doing it this way Council would be creating a precedent and that that may be good. He said that the judgment should come from the Council but that the J-Board is a remedy. He said that he agrees that it should be straightened out.
- Nelson asked if Council members would be willing to dip into their own funds to see that AISA's program is moved forward. He said that that is not a violation of any bylaw provisions. He said that it has been said that it was a good proposal other than the oversight. He said that Pearlman had said that he would like to see it funded and that Council members funding it themselves is a viable option.

- Dahle said that he thinks that the three-fourths vote should apply to those present at the table and not to the Council as a whole. He said that if it applied to Council as a whole it would require 9 votes and that that is quorum, which would make it impossible to pass the vote if the president wasn't allowed to vote.

- Tuttle said that the President would be allowed to vote on a two-thirds or three-fourths vote.
- Dahle said that his ruling would still be three-fourths of those present at the table. He said that abstentions would therefore help to kill the vote. He said that three-fourths of those Council Members at the table have to vote in the affirmative.
- Tuttle asked if that would include the President?
- Dahle said that it would.
- Diaz asked the group why the application wasn't signed.
- Patrick said that it was a mistake and not intentional.
- Dahle said that his solution would be to allow Council Members to pitch in on the equipment they need. He said that he would contribute \$250.
- Diaz asked if it could be paid through Contingency.
- LaFlamme said that he would be happy to contribute funds. He said that he would like FiCom to look at the application and recommend a maximum amount that should be given to the group by those willing to contribute.
- Diaz said that having FiCom look at the application again may take up too much time.
- Pearlman said that Council should not fund their full request out of laziness. He said that the other groups had to go through the process, and did not receive their full request.
- Yu asked if FiCom looked over the application.
- DerManuelian said that they had.
- Yu asked if DerManuelian could give a recommendation on a maximum amount to fund.
- DerManuelian said that it had been two weeks since he'd reviewed the application and that he was unsure of a specific recommendation.
- Cordero said that their request was only for a monitor, a locking device and a zip drive.
- Tuttle asked if he could look at the application with the Council and try to see why the signature was missed. He said that he was reading the application and that on the 2nd page of the application there are 7 bullets and it says that those requirements will be strictly enforced. He said that those bullets do not specifically call for the signature in question. He said that on the front page it has room for a signature. He asked if it could be agreed that this is an incomplete document since there is no requirement for that specific signature on the second page.
- Pearlman said that on the first page above the signature area it reads "Please provide the required information below."
- Tuttle said that that point is well taken and that that would nullify his argument.
- LaFlamme asked if specific offices would be willing to provide the money for the items. He said that if they would then this question would not need to come before Council. He said that he would be willing to supply one-third of the money up to \$250. He said that he would like FiCom to look over the application and forward a recommendation on how much to pay, as a personal favor. He said that his contribution would be based on that recommendation.
- Cordero said that he does not think that that option should be considered. He said that there is a 2 week window of opportunity for appeals, so no flood gates would be opened. He said that he thinks that the money of the offices should be used at the offices discretion, for their own projects.
- McLaren said that the monitor being requested had recently gone down in price.
- Cordero asked why this specific monitor had been requested.

- Red Eagle said that they were willing to change the brand and were just looking for something similar in size and resolution to the monitor that was recently stolen from them. He said that they would be willing to look into cheaper options.
- DerManuelian reiterated that the vote would be on the merits of the appeal only and not on the actual process. He said that taking the money from Contingency would also be setting a bad precedent.

- Tuttle said that he understands that Dahle's ruling is that the three-fourths vote consists of three-fourths of the members present. He said that he wanted to mention that on a previous occasion the question was raised as to whether or not the President would count in the three-fourths. He said that now that the Constitution has been discussed, and Council is more aware, they may be able to make a more informed opinion.
- Dahle said that his ruling was that the President would vote in a two-thirds or three-fourths vote.
- Cordero moved and Clark seconded to approve the AISA Petition of Appeal Regarding Capital/Surplus Funds.
- Dahle asked if there was any discussion. There being none, the motion was defeated with 4 votes in favor, 6 against and 1 abstention.
- Harmetz said that he would contribute \$100 to the purchase of the monitor for AISA.
- Tuttle asked if the minutes would reflect that the President voted in the negative.
- McLaren asked if the minutes should include that.
- Tuttle said that it may be helpful to have that knowledge available to resolve any future questions.
- McLaren said that in the case of a vote by a show of hands no one's vote is recorded by name except in the case of a tie breaking vote.
- DerManuelian said that in terms of parliamentary procedure no one's vote should be recorded.
- Tuttle said that in that case he would state for the record that the president voted in the negative on the matter of the AISA Petition of Appeal Regarding Capital/Surplus Funds.
- Yu said that she would also contribute \$350 to the purchase of the monitor.
- DerManuelian said he would forward an email to Council with a recommended allocation for AISA.
- Simmons told the members of AISA that budget transfer forms are available in the Student Government Accounting office.

VIII. Officer and Member Reports

President

- Dahle said that he would be interviewing the applicants for Student Regent soon.

Internal Vice President

- Cordero said he would like to thank the members of Council who helped fund a portion of the meeting on the hill. He said that he would be forwarding a memo in response to Associate Administrative Vice Chancellor of Business and Administrative Services Morabito's Bruin Go! proposal.

ASUCLA Representative - Pat McLaren

- McLaren said that she would pass around a flyer for a workshop, being held by the UCLA Student Affairs Division this Thursday, on the impending budget cuts in student affairs.
- LaFlamme asked why they didn't consult Council on times if it was supposed to be for them.
- Cordero said that it is because they don't care.

Facilities Commissioner

- Pearlman said that OSAC had met last week. He also said that the Wooden Center had offered to pay one-third of the cost for the John Wooden Center Appreciation Day Resolution advertisement. He said that they are also considering raising the non-student membership price.

- IX. Old Business
 - There was no Old Business this week.

- X. Announcements
 - McLaren said that the corrected version of the OCHC/USAC Joint Resolution on Housing Fees will run in the Daily Bruin on Thursday.

- XI. Signing of the Attendance Sheet
 - DerManuelian passed around the Attendance Sheet.

- XII. Adjournment
 - Due to the loss of quorum, there was no motion to adjourn this meeting.

- XIII. Good and Welfare

Respectfully Submitted,

Stephen Araiza
USAC Minutes Taker