

# ASSOCIATED STUDENTS of MADISON

Student Activity Center Room 4301 ♦ 333 East Campus Mall ♦ Madison, WI

## FOR IMMEDIATE RELEASE

July 1st, 2009

## CONTACT

Kurt Gosselin, SSFC Chair Emeritus  
[kgosselin@wisc.edu](mailto:kgosselin@wisc.edu), (262) 237-4511

Carl Fergus, SSFC Chair Emeritus  
[cfergus@wisc.edu](mailto:cfergus@wisc.edu), (262) 902-0429

### **University of Wisconsin Madison Student Government Correct in CFACT Decision**

*Former Chairs of the Student Services Finance Committee Discuss CFACT Eligibility Decision*

After digesting the media storm concerning the University of Wisconsin – Madison’s decision to not fund Collegians for a Constructive Tomorrow (CFACT), we would like to clarify the decision making process and rationale concerning CFACT’s eligibility for segregated university fee (SUF) funding for fiscal year 09-10. As former chairmen of the Student Services Finance Committee (SSFC), who participated in the decision-making process, we feel particularly compelled to correct for the record the information that is circulating throughout the national and local media.

First, we will outline the manner in which SUF are allocated at the UW. The SSFC has two primary outlets for providing funding for student activities: ASM Grants and the General Student Services Fund (GSSF). ASM Grants provide for specific on-campus events, travel opportunities for student development and operations grants for basic overhead costs for running a student organization. The GSSF funds “specific and identifiable direct services” provided by registered student organizations (RSO) that are “aimed at reaching all university students.” To be eligible for GSSF funding, a RSO must demonstrate that they meet 19 specific criteria relating to direct services and accountability. If *any* group, regardless of viewpoint or affiliation, fails to demonstrate that they meet any one criterion, the SSFC is not permitted to grant eligibility for GSSF funding. However, groups who fail to meet GSSF requirements are still eligible for ASM Grants.

Below is a copy of the letter sent to UW CFACT leaders explaining SSFC’s rationale for not granting GSSF eligibility:

James Hill  
800 Langdon St (Memorial Union)  
Madison, WI 53703

Friday, September 26, 2008

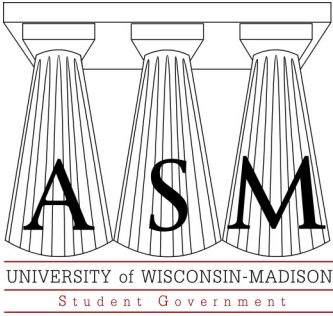
Re: Eligibility Denial

Dear James:

On September 22<sup>nd</sup>, 2008, the Student Services Finance Committee (SSFC) denied eligibility status for Collegians for a Constructive Tomorrow (CFACT). SSFC is required by law to grant eligibility based upon criteria provided in the ASM Bylaws Subsection 2.032(3). The following is a summary of reasons for denial, as is required by the Chair of SSFC per ASM Bylaws.

SSFC denied CFACT eligibility by a vote of zero in favor, three against, and one abstention. As required by the ASM Bylaws a vote in the negative on any of the eligibility criteria obligates a committee member to vote “nay” or abstain on the group’s eligibility.

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Three representatives voted that CFACT did not fulfill eligibility criterion 2.032(3)(c)5-3, which states:

The direct service(s) provided must be the primary focus of the group.

The representatives voting in the negative on this criterion stated that the group indicated that their primary focus was their campaigns and that the campaigns were not direct services.

Two representative also voted that CFACT did not fulfill eligibility criterion 2.032(3)(c)4-2, which states:

If the group received funding in the previous year, the group must have submitted a mid-year and end-of-the-year report on time, unless granted an exemption by SSFC.

The representatives voting in the negative on this criterion stated that a completed end-of-the-year report was not submitted on time.

Two representatives voted that CFACT did not fulfill eligibility criterion 2.032(3)(c)3-3, which states:

The group must have completed the eligibility application.

The representatives voting in the negative on this criterion stated that CFACT did not complete the end-of-the-year report portion of the application.

Two representative also voted that CFACT did not fulfill eligibility criterion 2.032(3)(c)5-1, which states:

The group must provide to the students of the university a specific and identifiable direct service, as defined by ASM bylaw 2.032(3)(c)2c

One of the representatives voting in the negative on this criterion stated that the program they described as their direct service was not accessible to students without participating in the group.

One of the representatives voting in the negative on this criterion stated that the program they described as their direct service was a series of events.

To receive copies of the written evaluations, please contact SSFC Secretary Carl Fergus ([cfergus@wisc.edu](mailto:cfergus@wisc.edu)) and file an open records request.

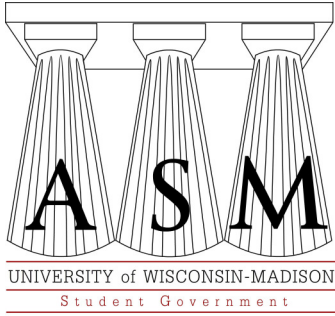
CFACT may file a complaint with the Student Judiciary if they believe that there has been a violation of either view-point neutrality (VPN) or due process as guaranteed within the ASM bylaws. As per ASM Bylaws 5.06 the complaint must be filed in with the Chief Justice Shaun Hernandez ([svhernandez@wisc.edu](mailto:svhernandez@wisc.edu)) within 5 school days of this notice of an adverse ruling. Groups may file a complaint on the ASM website, under Student Judiciary:  
<http://www.asm.wisc.edu/cms/content/view/19/45/>

If you have any questions or concerns, please feel free to contact me.

Sincerely,

Kurt Gosselin  
Chair, Student Services Finance Committee

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CFACT appealed this decision in the ASM Student Judiciary, which upheld the decision of the SSFC. The Student Judiciary found that CFACT “has failed to establish any violation of viewpoint neutrality and due process [by the SSFC], or [that SSFC has] violated any other ASM bylaw.”

CFACT then appealed this decision to UW-Madison Chancellor Carolyn A. Martin who subsequently determined that “There is no circumstance under which CFACT can obtain eligibility through this Chancellor appeal. The appellate process before the Student Judiciary identified and approved a legitimate basis for the denial of CFACT’s eligibility application, unrelated to its claims of viewpoint neutrality violations. As a result, there is no basis for me to address the remainder of CFACT’s appeal regarding viewpoint neutrality and equal protection. SSFC’s decision to deny eligibility to CFACT remains intact and this appeal is dismissed.”

As we have demonstrated, the denial of CFACT’s eligibility was not a decision based in the realm of ideology nor was it an attempt to hinder the constitutionally-guaranteed freedom of speech of a registered student organization. Furthermore, CFACT is still eligible for SUF funding – and has already been granted a substantial ASM Operations Grant for next fiscal year. Thus, allegations of liberally-biased funding are unwarranted and inaccurate.

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