November 5th, 2007
In re: the Campus Enrichment Fund
Constitutional Council Majority Opinion
Chief Justice Zaia

Chief Justice Zaia:

When the 2007-2008 Student Union General Budget was proposed in the Spring 2007 semester, it included a fund called the “Campus Enrichment Fund,” formerly the Executive Projects Fund, within the Student Union Operating Account. The General Budget was proposed by Student Union Treasurer Marius Johnson and was subsequently passed by both the Treasury and the Senate. Although the purpose of the Campus Enrichment Fund was neither examined nor contested during the approval of the budget, during the Fall 2007 semester the Campus Enrichment Fund became the center of legislative debate. While hearing an appeal from the American Institute of Aeronautics and Astronautics, Treasury Representatives inquired if they could allocate money from the Campus Enrichment Fund for this particular initiative. Not long afterwards, Senators also expressed interest in allocating money from the Campus Enrichment Fund to support the Burning Kumquat, a proposal for a student-run Organic farm. These issues raised the question: “Who exactly has access to the Campus Enrichment Fund?”

The powers of the Student Union Senate are defined in the Constitution of the Student Union in Article IV, Section 2, a, 2: “have the power to enact any legislation concerning matters of policy affecting students and their welfare under this Constitution.” The powers of Treasury, on the other hand, are that Treasury Representatives “have the power to enact legislation concerning Student Union monies and resources.” (Art. IV, Section 3, a, 2) Constitutional Council interprets the distinction between Senate’s power over “matters of policy” and Treasury’s power over “Student Union monies” as one explicitly giving Treasury jurisdiction over money matters but denying Senate this authority. Senate does not have the power to allocate any Student Union money from any Student Union account. Should Senate want the ability to allocate funds, the Constitution must be amended to grant Senate that power. Constitutional Council understands that Senate would benefit from the ability to add financial backing to resolutions; Senate may recommend in resolutions that money be added to the resolution but may not attach a specific amount of money or a source fund from which the money would come. This ensures that Senate remains concerned with policy, not financial allocations.

Treasury does have the Constitutional ability to allocate Student Union monies but this does not currently extend to the Campus Enrichment Fund. The initial contention brought to Constitutional Council was that the Campus Enrichment Fund is an undefined account and, therefore, available for Treasury’s use. The Campus Enrichment Fund, however, is not an undefined account. According to Student Union Treasurer Marius Johnson, the Campus Enrichment Fund developed directly from the former Executive Projects Fund. In determining the 2007-2008 General Budget, Johnson changed the name of the fund and increased the amount of money in the fund but did not explicitly change the nature of the fund. All funds in the Student Union Operating account are currently under the
jurisdiction of the Student Union Executives. The Campus Enrichment Fund has remained in the Student Union Operating Account and thus remains under the jurisdiction of the Student Union Executives. The question of whether Treasury can use this fund as an undefined account is essentially moot as this account is assigned to the Executives.

The General Budget reigns supreme in determining Treasury’s access to Student Union monies. While it is true that Treasury does have a broad power over Student Union monies (Art. IV, Section 3, a, 2), this broad power is restricted by the General Budget. Treasury Representatives have “the power to approve any budget . . . proposed by the Treasurer” (Article IV, Section 3, a, 3) and, by doing so, agree to have access to only the funds that are explicitly allocated to them. Currently, Treasury is only explicitly given access to the Allocation Boards account, which consists of the Appeals and Speakers fund and Category I and II Student Group Operating funds. This does not, however, preclude the possibility of creating new funds or moving existing funds (such as moving the Campus Enrichment Fund out of Operating and into Allocations, for instance) and defining them explicitly as funds available for the Treasury’s use. This would require a new General Budget. In this way, the General Budget remains a check upon both the Treasury’s and the Executives’ powers over Student Union funds.

In summary, the Campus Enrichment Fund remains under the jurisdiction of the Executive Branch and only Executive members may allocate from it. Senate may not allocate from any account under the current Constitution but may attach to resolutions recommendations that the Student Union Executives that an initiative be given financial backing. Treasury only has authority over the accounts which are explicitly allocated to it in the General Budget.

*There was no dissent in this case.*