February 7, 2019  
In re: **Block Funding Petition**  

Constitutional Council received a case from the Budget Committee Chair on February 5, 2019 concerning the role of the Vice President of Finance in the acquisition of block funding. The question was whether the Vice President of Finance (VP Finance) possesses the power to prevent a block funding petition from moving to the Election Commissioner if they deem the block funding request to be in violation of Student Union’s policies outlined in ‘How Things Work,’ a document containing various rules and procedures for student groups acquiring SU funding. The document was created by the SU President and the VP Finance.

The question concerns powers of the VP Finance, a member of SU’s Executive branch. The SU Constitution states that we shall:

> Decide all cases in which an officer of the Legislative or the Executive branches of the Student Union is involved, and cases between Student Union registered groups and/or councils.¹

As the question concerns the Executive branch, we thus concluded that The Council has jurisdiction over the case.

Upon review of relevant evidence within the Constitution and Statutes, The Council has determined that the VP Finance has the discretion to intervene in the submission of a block funding petition according to the powers of the VP Finance as stated in the Constitution:

> Possess the power to set procedures for allocation, funding, and disbursement of Student Union funds.²

Block funding, as defined by the Constitution, is funding provided by the Student Union:

> The constituency of the Student Union shall have the power to initiate the allocation of funds to any student initiative or Student Union student group, provided that fifteen percent (15%) of the constituents sign a petition calling for an election on the allocation, which shall be submitted in writing to the Election Commissioner for approval no less than ten (10) days before the spring election.³

By this reasoning, the VP Finance has the full power to set the **procedure** for the acquisition of block funding, as stated in Article V §4(g). The VP Finance has done so through the ‘How Things Work’ document. The document’s section on block funding states:

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¹ Constitution Article VI §1(a)(5).  
² Constitution Article V §4(g).  
³ Constitution Article X §4(a).
A block funding budget must be passed by a two-thirds vote of the voting undergraduate student body in the spring SU election. To have your group placed on the ballot, you will need to write a proposed budget on SU Finance, go over the budget with the Vice President of Finance, and collect a petition with electronic signatures from 15% of the undergraduate student body. The budget will be shown on the petition. The group will have to go through the budget with the Vice President of Finance to ensure that it is in accordance with SU policy. The process occurs early in the spring semester.

The document indicates that the VP Finance may object to a budget if it is not in accordance with SU policy. The group’s meeting with the VP Finance is cited to take place before collection of the electronic signatures from 15% of the undergraduate student body, a sequence that is confirmed by an image put out by SU on their Facebook page:

![Figure 1](image-url)

**Figure 1.** The above image was posted on SU’s official Facebook page to clarify the block funding process. The process concerning this case is shown on the left side of the image (Old Process).

Thus, ‘How Stuff Works’ grants the VP Finance the ability to reject a budget if they determine it to conflict with SU policy.

While the policies in ‘How Stuff Works’ create additional steps not found in the Constitution and Statutes for groups to acquire block funding (as pointed out in the dissenting opinion), there is no section in the Constitution or Statutes that specifies that the creation of additional processes cannot be established or that the Constitution delineates the sole requirements for block funding.

Moreover, the Constitution’s clause explicitly granting the VP Finance rulemaking power over SU funding further demonstrates the constitutionality of the block funding section in ‘How Stuff

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Works,’ so long as there is no conflict between the rules established in the Constitution and the additional rules created by the VP Finance. In this case, there is no conflict; the requirements stated in ‘How Stuff Works’ and those stated in the Constitution and Statutes can each be obeyed to the fullest extent without coming into conflict with a clause from the other.⁵

Returning to the case in question, the VP Finance may take action on a proposed block funding budget so long as their manner and reasons for doing so do not conflict with the rules outlined in the ‘How Stuff Works’ document.

The Council voted 3-2, Chief Justice Broitman dissenting.

⁵ A full examination of what the Constitution and Statutes say on block funding in relation to the VP Finance can be found in the dissenting opinion.
In this case, The Council was tasked with determining whether the VP Finance could prevent a block funding petition from moving to the Election Commissioner based on a prospective violation of the Conflict of Interest Policy within “How Things Work.” Upon review of the relevant facts and evidence, I find that the VP Finance lacks authority to prevent a block funding petition from advancing at this stage.

It is important to look at the authority of the VP Finance generally and relating to block funding. The VP Finance has wide authority to create the rules for handling Student Union funds:

The Vice President of Finance of Student Union shall: Possess the power to set procedures for allocation, funding, and disbursement of Student Union funds.6

Further, The Statutes specify the role of the VP Finance relating to block funding:

The Vice President of Finance shall have the power to exempt a fund from any and all established procedures for the allocation, funding, or dispersal of Student Union funds if such procedures are in direct conflict with the stated mission of the fund.7

A fund must meet monthly with the Vice President of Finance to discuss the fund’s spending.8

Nowhere else in the Constitution and Statutes is the VP Finance mentioned in conjunction with block funding.

Next, it is necessary to look at the procedure for submitting a block funding petition. According to the Constitution, there are three requirements for the proper submission of a block funding petition: (1) Funds may be requested for “any student initiative or Student Union student group;” (2) Fifteen percent (15%) of constituents must sign the petition “calling for an election on the allocation;” (3) The petition must be “submitted in writing to the Election Commissioner” at least ten days before the spring election.9

The Statutes provide additional requirements for the proper submission of block funding petitions. Namely, such petitions must “include a mission statement detailing the purpose of the funding request and either: (1) A budget proposal providing an outline of the planned expenses of the fund, or (2) The process by which the fund shall determine the use of its requested funding.”10 Additionally, this mission must appear on the ballot and “Fraternities and sororities are ineligible to receive block funding.”11

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6 Constitution Article V §4(g).
7 Statutes Article XII §2(a)(5).
8 Statutes Article XII §2(a)(7).
9 Constitution Article X §4(a). “The constituency of the Student Union shall have the power to initiate the allocation of funds to any student initiative or Student Union student group, provided that fifteen percent (15%) of the constituents sign a petition calling for an election on the allocation, which shall be submitted in writing to the Election Commissioner for approval no less than ten (10) days before the spring election.”
10 Statutes Article XII §2(a)(7).
11 Statutes Article XI §1(b-c).
Taken together, there are clear requirements for submitting a block funding petition, and the Election Commissioner is the only actor named in the Constitution possessing the power to determine the admissibility of block funding positions. The Election Commissioner has the authority to permit or deny a petition upon review of the Constitutional and Statutory requirements. Given that the VP Finance has a clearly delineated role regarding block funded groups elsewhere in the Constitution and Statutes, and not in the petition submission process, it seems clear that the VP Finance may not block a petition from being released for signatures.

The Council was also provided with other information in Student Union’s “How Things Work,” and I was troubled by the statements regarding block funding:

A block funding budget must be passed by a two-thirds vote of the voting undergraduate student body in the spring SU election. To have your group placed on the ballot, you will need to write a proposed budget on SU Finance, go over the budget with the Vice President of Finance, and collect a petition with electronic signatures from 15% of the undergraduate student body. The budget will be shown on the petition. The group will have to go through the budget with the Vice President of Finance to ensure that it is in accordance with SU policy. The process occurs early in the spring semester.

As written and enacted, this policy adds requirements to the Constitutionally mandated baseline for submitting a block funding petition. While I would have no trouble with the VP Finance assisting the proper submission of a budget, their capacity must remain neutral within the petition submission process. However, giving the VP Finance wide authority based on Constitution Article V §4(g) is dangerous and can lead to arbitrary abuse of power by the majority’s reasoning. Allowing the VP Finance to prevent block funding petitions from proceeding in the petition stage creates a further obstacle to accessing block funding.

The majority opinion makes a significant leap in granting the VP Finance extra authority regarding block funding. While it is correct that there is latitude in creating the rules, one must pay attention to the silences within the Student Union governing documents. Assuming that those who created the Constitution and Statutes were intentional in setting out processes and procedures, it seems inappropriate to allow the VP Finance to have a role filtering block funding petitions when their role is clearly delineated elsewhere regarding block funding. When there are no clear rules for an allocation procedure or process within the Constitution or Statutes, I would support the discretion of the VP Finance for creating and enforcing rules, as is their duty. However, when the Constitution and Statutes provide guidelines and specify a role for the VP Finance in certain parts of the process, but not others, this warrants different consideration.

Finally, the majority provides excessive deference to the VP Finance and rules within “How Things Work.” I stress that all SU actions must follow from and be in accordance with the

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12 While I do not believe that the VP Finance has the authority to prevent a block funding petition from going forward, there are several other checks in the system that can prevent an abuse of funds or violation of Student Union ethics. If there was true concern over the ethical merit of the block funding petition (e.g. the funding would allow the recipient of funding to profit), the Election Commissioner is within their right to decide whether a “student initiative” or “Student Union student group” is eligible for block funding.


14 In conversation, involved SU officers echoed the sentiment that block funding can serve as a mechanism for non-SU oriented groups or initiatives. The policy as-practiced seems antithetical to that notion considering the extra obstacles faced that are beyond the requirements set forth in the Constitution and Statutes.
Constitution. Even if “How Things Work” is drafted by the SU President and VP Finance, it is inappropriate to provide them blind deference in the face of, what I see to be, clear delineation in the Constitution and Statutes. Because of these clearly delineated roles, I believe that the Election Commissioner has the sole authority to allow or prevent block funding petitions from being released given that they satisfy Constitutional and Statutory requirements. The VP Finance lacks this power, and thus:

I respectfully dissent.