



Student Judiciary

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Jennifer Belknap, ex re/ The Crossing, Petitioner

v.

ASM Finance Committee, Respondent.

JUDGMENT

Cite As: 2004 ASM SJ 15

♦
Nathaniel Romano
Chief Justice

♦
Grant Collins
Vice-Chief Justice

♦
Shelton Roulhac
Chair, Student Elections
Commission

♦
Timothy Leonard
Vice-Chair, Student
Election Commission

♦
Nicholas Fox
Associate Justice

♦
Yin-Chin Wang
Associate Justice

♦

Before Romano, CJ, Fox, and Leonard, S.JJ.

JUSTICE FOX announced the Judgment and delivered the Opinion of the Court.

CHIEF JUSTICE ROMANO filed a concurring opinion.

Ms. Sara Hillegas for Petitioner.

Ms. Barbara Kiernoziak for Respondent.

NICHOLAS J. FOX, Student Justice. Petitioner Ms. Jennifer Belknap, on behalf of the Registered Student Organization (RSO) The Crossing, alleges that the ASM Finance Committee, chaired by Ms. Barbara Kiernoziak (Respondent), erroneously applied their established criteria when considering whether or not to fund Petitioner's travel grant request to Costa Rica at the Committee's meeting on 9 November 2004. Petitioner claims that the Committee failed to take into consideration the benefits to students of campus who were not participating in the trip. Petitioner also argues that the Committee was inconsistent in its funding of other groups compared to the RSO in question. Respondent claims after a cost-benefit analysis, the RSO's benefits to the campus community were insufficient compared to other organizations to grant funding.

The Court acknowledges that the Finance Committee, just like the Student Services Finance Committee, has a limited budget, and it is the job of those committees not to rubberstamp budgets but to scrutinize them, since the demand for funds exceeds the supply (see *MCSC v. Otten*, 2004 ASM SJ 8). Moreover, the Finance Committee has specific guidelines for the distribution of travel grant funds, "ASM recognizes that travel to conference, trainings, competitions and other off-campus events helps train student leaders and enriches the resources available to Student Organizations. Consequently, the Travel Grant Fund shall be used for travel that directly aids Student Organizations in achieving their goals" (*ASM Policies and Procedures: Part E(1.1)*).

Travel funds must "directly [aid]" an RSO in achieving its goals, and this is further expounded by other, more specific provisions. Firstly, "The purpose of the travel [must be] clearly described and [must be] central to the purpose of the RSO" (*ASM Policies and Procedures: Part E (4.4)(f)*). The Court finds that the Finance Committee justifiably applied these criteria to the Petitioner's RSO. The travel, while beneficial to the organization, is not central to the organization's mission.

Secondly, "the travel [must] substantially benefit students other than the traveler" (*ASM Policies and Procedures: Part E (4.4)(h)*). Educational outreach to the campus—to inform the campus community about different cultures and ecological systems—does not necessarily depend on travel to those cultures and ecological systems; the travel is merely supplemental and aides in that educational outreach. Other campus and community members could be brought in by the organization to give lectures and inform the campus community about these cultures and ecological systems. The Finance Committee deemed, relevant to other travel grant requests, that the travel for Petitioner's RSO did not substantially benefit students of this campus as much as other travel events did.

The Court finds that the Finance Committee's guidelines are acceptable for the distribution of travel grant funding, and that the Finance Committee applied these guidelines in a viewpoint neutral manner. The funds requested were not central to the organization's existence, nor was the benefit generated by this travel substantial to the student body (i.e. the benefit could be attained without travel).

Orders of the Court.

1. The Court finds that the Finance Committee correctly and reasonably applied its criteria for funding in a viewpoint neutral manner and enters judgment for the Respondent.

2. This case is DISMISSED.

By the Court, **IT IS SO ORDERED.**

Nathaniel Romano, CJ

Nicholas J. Fox, SJ

Timothy Leonard, SJ

NATHANIEL V. ROMANO, Chief Justice (*concurring*). I join the Court's opinion in this matter today, but I write separately to emphasize an idea that I believe is central to the analysis. As the Court notes, the Finance Committee does not have unlimited funds to support all travel by Registered Student Organizations (RSOs). The Committee has adopted a rule that is viewpoint-neutral and is, I believe the only method by which travel grant applications can be fairly measured while remaining true to the dictates of viewpoint neutrality.

The Finance Committee rule is that travel will not be funded unless it is necessary for the continued existence of the RSO. As the Court notes, this requires that funding be "central" to the organization's continued existence, *ante* at 1, though merely being "central" cannot guarantee funding. Instead, as Chair Kiernoziak represented to us at the hearing, the travel must be a *sine qua non*, something without which the organization will cease to exist. The perfect example of this was travel for the Tai-Chi group; without travel for group leaders to progress to higher levels, the group would reach the end of its days, for none could continue to progress and the group would cease to function. Petitioner has shown nothing to indicate that the Crossing will cease to exist if the Finance Committee does not fund its Quest to Costa Rica program. Indeed, JUSTICE LEONARD specifically asked petitioner if this was the case at the hearing; they responded that the only potential loss was of this specific trip, not the RSO as a whole.

We need to remember that the ultimate goal of funding student groups is not to give each and every collection of students all of the tools needed to thrive, but, rather, to ensure the continuation of a plurality of voices on the campus. There are nearly 40,000 students spread into literally hundreds of academic programs across this campus. All of them are seeking a university education. Education at Wisconsin does not encompass simply the prescribed academic curriculum for whatever program you enroll in; education is broader than that. Education is a search for truth and meaning, and knowledge. Any literate individual could read a few books, write a few essays, complete a few exercises and honestly have *learned* something. What sets a university education apart is the vast extra-curricular options available to feed the mind and nourish the person.

Funding for groups seeks to keep this extra-curricular environment there. We favor keeping as many groups in the campus marketplace of ideas as possible. This is why the Finance Committee will step in – they disburse funds needed to keep a voice from falling silent. RSOs seeking funding must prove not that their voice is an instrumental part of the chorus of ideas, for viewpoint neutrality protections already presume that. RSOs seeking funding must show that they will fall silent without such funding and that our campus symphony of ideas will lose an essential note of harmony.

Ultimately, it is the Finance Committee to judge that, provided that they do not abuse their discretion. It is not the Committee's place to judge the worth of the instruments; they just make sure that the music continues to play.

As Chair Kiernoziak stated during the hearing, it is the Committee that the ASM Constitution and By-laws have vested with responsibility for weighing the needs of various groups and the campus as a whole. In the instant case, no evidence has been raised to show that the Committee distorted the process or abused their discretion. They concluded that denying this grant would not silence The Crossing; nothing in the record persuades me that this decision was made in an improper manner, or that it was patently unreasonable with the facts before the Committee.

Accordingly, I concur with the Court that judgment should be for the Respondent.

Nathaniel V. Romano, CJ

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