

**SUPREME COURT FOR THE ASSOCIATED STUDENTS OF COLORADO STATE
UNIVERSITY**

September 14, 2021

**CLARIFICATION ON THE RESPONSIBILITY OF ASCSU ADVISORS AND FINANCIAL
OFFICERS IN APPROVING FUNDING REQUESTS**

CHIEF JUSTICE ERIN FREEMAN is recused from ASCSU Supreme Court Case No. 5101.

DEPUTY CHIEF JUSTICE GEMMA BUHAENKO delivered the opinion of the Court.

THE ASSOCIATE EXECUTIVE DIRECTOR FOR ENGAGEMENT & TALENT MANAGEMENT, PAMELA NORRIS requested an opinion regarding the Request for Financial Document Form submitted for 10,000 student subscriptions to the Headspace Application and Senate Bill 5024: Approval of BSOF Funding for Headspace.

The following questions were submitted for clarification:

1. Does ASCSU’s Fiscal Management processes support the Executive Branch executing a purchase that failed to be supported by the Legislative Branch?
2. As an ASCSU Advisor, and Fiscal Officer, shall [PAMELA NORRIS] approve a funding request that is voted down by one branch, and simultaneously supported by another branch through submission of an RFD?

ASCSU guidance that [PAMELA NORRIS] currently [follows] regarding fiscal management within the organization: **ASCSU Constitution, Article IX Fiscal Management, Section 902 Regulation**, (c) states: “All unbudgeted funds from the ASCSU Fee, from either the initial budgeting, roll-over funds, or any other source of unbudgeted revenue, shall be immediately transferred to the Senate Discretionary Fund by the Director of Finance and the Controller. **ASCSU Constitution, Article IX Fiscal Management Section 905**, BSOF Powers (b) The Board for Student Organization Funding may approve allocations, not to exceed \$14,000 for any one eligible organization. (i) If a specific request exceeds \$14,000, it must be ratified by the Senate through a Bill following the Board’s recommendation. (ii) Funding requests presented to Senate must be accompanied by an itemized budget. (iii) Any request brought forth in the form of a Bill to ratify Board for student funding allocations must be approved by the Senate in a viewpoint neutral manner. (c) Any decision made by the Board for Student Organization Funding may be appealed to the Senate in the form of a Bill in compliance with Senate Bylaws. (i) Appeals may be made only in the event that rules of procedure were not followed. The Board for Student Organization Funding shall be bound to implement Senate’s decision.

The ASCSU Supreme Court has determined the following:

1. The ASCSU's Fiscal Management processes do not support the Executive Branch executing a purchase that failed to be supported by the Legislative Branch.
 - a. Specifically, Article IX Section 902(a) which states:

“Funds may be transferred between ASCSU departments by the President, only with the approval of Senate in the form of a Supplemental Funding Bill that shall be written and presented by the President and/or their designee.”
 - b. And 902(b) which additionally states:

“No branch of ASCSU may commit to distribute funds unless proper funding is available at the time of commitment.”
 - c. It is of the Court's opinion that these two clauses specifically prohibit the Executive Branch executing a purchase that failed to garner support from the Legislative Branch. The Court believes that when the Senate approves the Executive Budget, it is contingent on those departments retaining those funds for their own programing.

3. The Court believes that if Senate approval is necessary to acquire funding for any specific project, and the Senate rejects the proposal for funding, then support from the Executive Branch is irrelevant without proper funding, and therefore the Fiscal Officer shall not approve the request.
 - a. The Court interprets Article IX, Section 901(c) of the Constitution as meaning any amount of funding that has not previously been approved by the Senate through the Executive's budget, cannot be pulled together through a multitude of departments. If the Executive Branch's departments retain funds at the end of the fiscal year, the Constitution specifically mandates that those funds must be transferred to the Senate Discretionary Fund.

In a vote of 6-0-0, the Supreme Court has determined that ASCSU's Fiscal Management processes do not support the Executive Branch executing a purchase that failed to be supported by the Legislative Branch.