Services and Activities Fee Budget Committee

CONVENED BY: Vice President of Student Services or his/her designee.

PURPOSE: The committee proposes program priorities, evaluates existing programs, proposes budget levels and adjusts budget requests to conform to the yearly allocation and makes recommendations to the Vice President of Student Services, for the approval from the Board of Trustees.

MEMBERSHIP: Chair, ASOC Vice President for Finance,
Associate Dean for Student Leadership and Success
ASOC Executive Council,
Three (3) Students At-large (appointed by the ASOC VP for Finance and Operations),
Consultant, Business Services Representative,

TASKS: Upon receiving the yearly allocation from the Vice President of Student Services, the committee will:

Establish a recommended funding level to conform to the allocation for the year.
Hold hearings to receive additional input from interested parties; and deliberate.
Notify proposed budget to program advisors.
Hold appeal hearings for program advisors; and deliberate.
Notify budget to programs who appealed.
Forward proposed budget to VP of Student Services for review.
Request proposed budget to be approved by the Board of Trustees.
Submit approved budget to Business Services.

FREQUENCY: As needed throughout the school year, as per the ASOC Vice President for Finance & Operations.

LINKAGES: Associate Dean for Student Leadership and Success
S&A fee funded Program Advisors
Business Services
Board of Trustees
OC President

DOCUMENT: ASOC Services and Activities Fee Financial Codes
Revised Codes of Washington State (RCW 28B.15.041)
## Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>2</td>
</tr>
<tr>
<td>Article I. Purpose</td>
<td>2</td>
</tr>
<tr>
<td>Article II. Definitions</td>
<td>3</td>
</tr>
<tr>
<td>Article III. Fund Management</td>
<td>4</td>
</tr>
<tr>
<td>Article IV. Student Programs</td>
<td>6</td>
</tr>
<tr>
<td>Article V. Chartered Student Organizations</td>
<td>6</td>
</tr>
<tr>
<td>Article VI. Clubs</td>
<td>7</td>
</tr>
<tr>
<td>Article VII. Budget</td>
<td>7</td>
</tr>
<tr>
<td>Article VIII. Services and Activities Fee General Fund</td>
<td>10</td>
</tr>
<tr>
<td>Article IX. Expenditure Procedures</td>
<td>10</td>
</tr>
<tr>
<td>Article X. Contracts</td>
<td>11</td>
</tr>
<tr>
<td>Article XI. Code Limitations</td>
<td>11</td>
</tr>
<tr>
<td>Article XII. Amendment Procedures</td>
<td>11</td>
</tr>
<tr>
<td>Appendix A. Killian Memo</td>
<td></td>
</tr>
</tbody>
</table>
INTRODUCTION

There are hereby created special accounts to be called Student Services and Activities-Accounts, into which shall be placed Services and Activities Fees and revenues received by Olympic College in connection with the ordinary and usual student programs.

The Revised Code of Washington (RCW) 28B.15.041 provides that the term “service and activities fees” as used in this chapter is defined to mean fees, other than tuition fees, charged to all students registering at the state’s community colleges, regional universities, The Evergreen State College and state universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the states community colleges, the Evergreen State College, the regional universities or the state universities for the express purpose of funding student activities and programs of their particular institution. Student activity fees, student use fees, student building use fees, special student fees, or other similar fees charged to all students, or to all students, as the case may be, registering at the state’s colleges or universities and pledged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300 as now or hereafter amended, shall be included within and deemed to be services and activities fees.”

The Student Services and Activities Accounts shall be used exclusively to account for the resources and functions associated with the various student programs and activities provided by the college. Separate accounts shall be kept for each student program and activity.

All service and activity funds collected and expended in conjunction with the student programs and activities are subject to the applicable policies, regulations and procedures of the Board of Trustees, the State Board for Community College Education, the Budget and Accounting Act, Chapter RCW 4388, and the ASOC Constitution and By-Laws.

This Financial Code has been approved by the College President, and endorsed by the Board of Trustees for the governance of public funds allotted by the Board of Trustees to the Associated Students of Olympic College. The Vice President for Student Services is responsible to the President of Olympic College for the administration of this Financial Code.

ARTICLE I- PURPOSE

The purpose of this Financial Code is to carry out the provisions indicated in the introduction. It is provided as a means of facilitating an appropriate sharing of responsibilities and decision-making opportunities among the officially recognized student government organization and college administrators who are accountable for effective administration of student programs and activities.

ARTICLE II- DEFINITIONS
ASOC:
Associated Students of Olympic College

ASOC Executive Council:
Comprised of the ASOC President, ASOC Executive Vice-President, ASOC Vice-President for Student Affairs, ASOC Vice-President Shelton, ASOC Vice-President Poulsbo, and the ASOC Vice President for Finance and Operations.

Board:
Olympic College Board of Trustees

ASOC General Fund (1B00):
Account containing the remaining unencumbered cash balance of the student activities fees.

Clubs:
A student organization that is recognized, on an annual basis, by the ASOC. Clubs consist of volunteer student members and advisors.

College:
Olympic College

Associate Dean for Student Leadership and Success:
The person whose responsibilities include the ASOC Budget Committee Advisor, knowledge of all Services and Activities fee accounts, and monitoring.

Budget Analyst:
Officer of the college whose responsibilities include the management and knowledge of all college accounts and assistance with college budget development.

Fiscal year:
Time period from July 1 through June 30.

Legal Advisor:
Assistant Attorney General appointed to serve Community College District 3.

RCW:
Revised Codes of Washington (State of)

Services and Activities Fees (S&A):
“Services and activities fees” are defined, in part as: “fees, other than tuition fees, charged to all students registering at the state’s community colleges, regional universities, The Evergreen State College, and state universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state’s community colleges, The Evergreen State College, the regional universities, or the state universities for the express purpose of funding student activities and programs of their particular institution.”

State Board:
State Board for Community & Technical Colleges (SBCTC) of Washington State.
Student Programs:
S&A fees are for the purpose of supporting student activities and programs. The State Board for Community and Technical Colleges sets an annual maximum Service and Activities fee. Students must propose budgetary recommendations to the college administration and governing board. The State Board for Community and Technical Colleges has the authority to determine what constitutes bona fide student activities. It its ordinary and usual meaning, “student activities” refers to any college co-curricular or extracurricular activity participated in by students in the furtherance of their education. Pursuant to RCW 28B.10.825, the Board of Trustees of the College may allocate funds to an institutional loan fund for needy students.

ARTICLE III- FUND MANAGEMENT

Section 1: Objectives

The Associated Students of Olympic College manage and expend Services and Activity Fees to promote by legal means the general welfare and morale of the students as a whole. The activities supported by these expenditures provide a meaningful variety of educational, cultural, recreational and social learning experiences. Services and Activities Fee expenditures which are devoted to the expression of political or economic philosophies shall allow for the presentation of a broad spectrum of ideas.

Section 2: Use of Funds

Funds in Services and Activities Fee accounts are to be used as provided by law, rule or regulation of the Board of Trustees for the express purpose of funding student programs of the college.

When authorized and approved in a manner consistent with this Financial Code, Services and Activities Fee revenue may be used for, but should not be limited to:

A. Social events, seminars, workshops, retreats, and conferences; student government organizations; professional consulting events; clubs and societies; musical dramatic, and artistic presentations of an extracurricular nature; student publications and other mass media activities; tutorial services; child care centers; intramural and intercollegiate sports.

B. Equipment, supplies, and materials required for the operation of student programs and activities. Funds may purchase gift certificates and other goods to give away as prizes at events, as long as the gifts are distributed to attendees via a random drawing/selection of awardees.

C. Travel and per diem for students and professional staff members participating in student programs and activities. This does not include family members of students or staff members, non-OC students and non-participating faculty and staff.

D. Dues for institutional membership in recognized student government or activities organizations are allowed provided that the legality of such expenditures is first established by the Vice President for Student Services in consultation with the legal advisor of the college.

E. Salaries and compensation to OC students or positions that are engaged in student activities and programs – as opposed to normal maintenance and operation functions of the college.

F. With the expressed approval of the State Board, Olympic College Board of Trustees and when required, with approval of the appropriate legislative body, Services and Activities Fee revenue may be used to acquire real property and fund capital projects and may be used as matching funds for such purposes.
G. Lobbying. Use of S&A fees for lobbying by student government is now expressly authorized by statute. S&A fees may be used for lobbying by a student government or its equivalent that may engage in lobbying. (RCW 28B.15.610)

Section 3: Limitations
A. Those in charge of a student program or activity may determine how funds are spent, provided the expenditure is not an improper expenditure of public funds or contrary to sound financial practice as outlined by the policies and requirements of college, state and federal laws.
B. Salaries of professional employees in teaching, administrative or clerical positions not directly related to the student programs’ operations.
C. Services and activities fees shall not be used to fund programs, personnel, facilities, equipment and maintenance covered within the State Board Allocation.
D. Services and Activities Fees cannot be applied to religious worship, exercise, or instruction. The college may consider requests for Service and Activities funding by recognized student groups with a religious orientation. It is possible for religiously oriented groups to receive funds for secular (non-religious) purposes on the same basis they are made available to other clubs.
E. Campaign contributions. Under no circumstances may public funds be used as a gift or campaign contribution to any elected official or officer or employee of a public agency.
F. International travel though the ASOC Executive Council may review requests to for such travel and approve it on a case-by-case basis.

Section 4: Recording and Reporting Responsibility:
It shall be the responsibility of the colleges Business Services Office to maintain proper recording of financial transactions of the Service and Activities funds and to provide periodic reports to the Associate Dean for Student Leadership and Success, program managers, and advisors.

Section 5: Deposits and Expenditures:
Funds collected or revenues produced by or through Olympic College student programs, activities or fee collection, shall be deposited with the Olympic College Cashier’s Office. The official records of funds for the ASOC with its subsidiary units are maintained by Business Services. Business Services disburses funds from any account in accordance to the processes and procedures established by the Washington Office of Financial Management (OFM.)

The procedures for the collection of all revenues and expenditures of all resources shall be in compliance with the policy, regulations and rules under which the Vice President of Student Services or his/her designee manages the various funds.

ARTICLE IV-STUDENT PROGRAMS

Section 1: Recognition as a Services and Activities fee funded Student Program
Any student program or activity, the basic aim of which is to promote the objective of this Financial Code, may apply for and be recognized as a student program or chartered student organization. The ASOC Budget...
Committee recommends recognition of programs to the Vice President of Student Services, and ultimately approved by the Board of Trustees. The ASOC Executive Council recognizes chartered student organizations.

The membership of a Services and Activities fee funded program or chartered student organization must be composed of students currently enrolled at the college.

Student programs or activities recognized by the ASOC shall be considered an extension of the ASOC and advisors and club members will be expected to conduct their programs or activities in accordance with this Financial Code, the ASOC Constitution and By-Laws, and the Code of Student Rights and Responsibilities, and the responsibilities of a state employee.

Section 2: Definition of a Services and Activities fee funded chartered student organizations

Chartered student organization: any student organization charted or otherwise recognized under the provisions of the Student Code of Olympic College may qualify for subsidy, except when its purpose is in violation of State and Federal laws.

A. Student sponsored activities: any educational, cultural, recreational or social program sponsored or recognized by the ASOC may qualify for subsidy unless found to be in conflict with the provisions of this Financial Code, Washington State Constitution, or the Revised Codes of Washington.

B. College sponsored programs: programs of the college having extracurricular aspects which may be of benefit to the entire student body.

ARTICLE V - CHARTERED STUDENT ORGANIZATIONS

Section 1: Purpose and Membership

Chartered student organizations may be organized to promote any legal purpose, whether they are educational, cultural, recreational, or social. Among the purposes of any chartered student organization is that of providing service to its members and/or the college.

Membership in chartered student organizations must be open to all students, except in cases in which there exists reasonable justification for exemptions directly related to the purpose of the organization.

The fact that a chartered student organization provides a service to its members or the college in general may be justification for providing the organization with a financial subsidy.

Section 2: Services and Activity Fee Funded Programs

Chartered student organizations wishing to apply for program status must do so in accordance with the provisions of Article IV, Section 1 of this Financial Code.

Fundraising projects sponsored by chartered student organizations and services and activity fee funded programs must follow the fundraising procedures for fund management outlined in Article III are subject to the approval of:

A. The organization membership, and

B. The Associate Dean for Student Leadership and Success or her/his designee, and
C. The Director of Business Services or her/his designee.

Section 3: Conversion to Services and Activity Fee Funded Program

It shall be the responsibility of the members of chartered student organizations to determine whether they desire the organization to be chartered under the ASOC Executive Council or recognized as a fee funded program. The members of a chartered student organization shall at any time have the option of changing its status for the forthcoming year.

ARTICLE VI- CLUBS

Any activity, the aim of which is to promote a special interest, occupation, or field of study, is a club. Clubs approved by the ASOC may determine how to spend the funds, as long as the expenditure is legal and within the policies and requirements of the College, State and Federal laws.

ARTICLE VII- BUDGET

Section 1: Source of Funds

ASOC funds are, but not limited to, received from:

1. Services and Activities Fees paid at registration,
2. Revenues from activities sponsored by the ASOC,
3. Contributions and charges for services,
4. Investment income,
5. Donations.

Section 2: Revenue Estimates

During the first ten business days of March of each year, or as soon as possible thereafter, in consultation with the Director of Business Services, the Vice President for Student Services will estimate the amount of income from Services and Activities Fees available for allocation for the succeeding year.

Section 3: Yearly Budget Allocation

The yearly budget allocation is established by the Vice President for Student Services following consultation with the ASOC Budget Committee, the Associate Dean for Student Leadership and Success, and the Director of Business Services.

Services and Activities fee funded programs shall not exceed their annual program allocation. If program anticipate exceeding their annual allocation, they must notify the ASOC Vice President for Finance via e-mail answering the following questions:

A. How and why this negative balance occurred?
B. What did you do to respond to the negative balance?
C. Why should the ASOC Budget Committee consider recommending an addendum to the budget from the Vice President for Student Services?
At the conclusion of the fiscal year, any negative balances will lapse back into the General Fund (1B00) with the exception of those programs that receive a percentage of S & A fees.

**Section 4: Budget Amendments**

The ASOC Budget Committee may initiate amendments to the established yearly budget allocation. Budget amendments are accomplished by:

A. Developing a rationale for amendment requests,
B. Providing a detailed proposed budget amendment,
C. Approval by the Vice President for Student Services.
D. Approval by the College President. Prior to approval, the College President shall review the proposed amendment with the Vice President for Student Services to determine whether the amendment is of sufficient impact to require Board action. This decision will rest with the Vice President for Student Services.

**Section 5: General Fund Account**

The Vice President for Student Services or his/her designee may recommend a reserve be established that shall not exceed twenty (20) percent of the total yearly budget be retained in the General Fund Account. Funds may be released from the General Fund Account to a designated account by:

A. Developing a rationale for the amendment requests.
B. Providing a detailed proposed budget amendment to the ASOC Budget Committee.
C. Approval of the ASOC Budget Committee.
D. Authorization of the Vice President for Student Services or his/her designee to release the funds.

Upon dissolution of any Services and Activities fee funded program or chartered student organization, all funds held in trust for that organization shall revert to the General Fund (1B00), with the exception of revenue generated by the student organization. Revenue generated by the organization shall roll over fiscal year to fiscal year, and remain in the respected account. If the club is not chartered for three years, all funds in the account shall revert to the General Fund (1B00).

**Section 6: ASOC Budget Committee**

The ASOC Budget Committee shall be composed of the ASOC Executive Council, three (3) students at-large (one from each campus), Business Services representative, and the Associate Dean for Student Leadership and Success.

The ASOC Vice President for Finance shall serve as Chair of the ASOC Budget Committee. The ASOC Executive Vice President shall serve as the recorder. The Associate Dean for Student Leadership and Success shall serve as advisor to the committee, and the Director of Business Services or her/his designee shall serve as a consultant to the committee and Associate Dean for Student Leadership and Success, as needed.

The ASOC Budget Committee is a recommending body only. The initial responsibilities for proposing program priorities, evaluating existing programs, proposing budget levels, and adjusting budget requests to the yearly allocation shall reside with the ASOC Budget Committee. The ASOC Budget Committee shall provide an
opportunity for all college viewpoints to be heard during its consideration of the funding of student programs and activities, notify advisors of their right to appeal, and subsequently hear appeals. The ASOC Budget Committee shall submit their budget recommendations to the Vice President for Student Services. The Vice President for Student Services and the ASOC Vice President for Finance shall present it for approval to the College President and the Board of Trustees.

The ASOC Budget Committee shall meet in regularly called sessions in accordance with the calendar (see Section 7). Formal motions shall be duly recorded. Written notification of meetings shall be circulated to members of the committee by the committee recorder at least two (2) days prior to the meetings.

Section 7: Calendar

To facilitate the handling of budget requests in preparation of the budget, every effort will be made to adhere to the following dates. The ASOC Vice President for Finance is strongly encouraged to follow this calendar:

- Last week of January: ASOC Budget Committee Orientation
- Second week of February: Requests due to ASOC Vice President for Finance
- Third week of February: ASOC Vice President for Finance and Operations releases requests to the Budget Committee
- Last week of February: Hearings to be scheduled the entire week
- First two business days of March: Committee Deliberations
- First week of March: Notify Programs of Committee Decisions
- Second week of March: Hold Appeal hearings and deliberations
- First week of April: Present Budget Committee Recommendations to the Vice President of Student Services
- Third week of April: Submit Recommendation to Executive Assistant to the President
- Third Tuesday of April: Board of Trustees- Recommendation Information Item for ASOC Budget
- Third Tuesday of May: Board of Trustees- Recommendation Action Item for ASOC Budget
- Wednesday after May BOT Meeting: Submit Board Approved budget to Business Services for input into the college financial system as well as notify student programs who received support for the upcoming year.

Section 8: Budget Approval

Before adoption of the budget, the Vice President for Student Services shall address areas of difference with the ASOC Budget Committee. If differences are not resolved, the ASOC Budget Committee will seek approval for their recommendations from the President of Olympic College. Should differences on the proposed budget remain, the Board of Trustees shall address areas of difference between the ASOC Budget Committee, Vice President for Student Services and the President of Olympic College. The Chair of the ASOC Budget Committee shall be given the opportunity to reasonably address the Board of Trustees concerning such differences.

Final adoption of the budget will rest with the Board of Trustees.

ARTICLE VIII- SERVICES AND ACTIVITIES FEE GENERAL FUNDS

Section 1: General Fund Release Procedures
Funds released from the Services and Activities Fee General Fund Account (1B00) are intended for one-time purchases, but not strictly limited to, capital purchases (furniture, equipment, etc.), acquisition of real property, and support of extraordinary, unbudgeted and one-time projects.

Procedures for release of funds from the Services and Activities Fee General Fund (1B00) require the submission and approval of a budget amendment request as outlined in Article VII, Section 4.

Section 2: Expenditure Procedures

The procedures set forth in this Financial Code shall be followed in the expenditure of funds from the Services and Activities Fee General Fund (1B00) and shall be reflected in a budget established for these funds and their expenditure shall be consistent with Article IX of the Financial Code.

ARTICLE IX- EXPENDITURE PROCEDURES

The procedures set forth in this Financial Code shall be followed in the expenditure of funds from all Services and Activities Fee accounts. These procedures are designed to account for funds and to authorize expenditures within the accounts.

Procedures for the acquisition or relinquishment of goods and services shall be in compliance with the policies, regulations, and rules under which the Vice President for Student Services manages the acquisition, inventory, and disposal of property.

Expenditures and encumbrances shall be made from a budget (or budgets) only when officially approved and adopted in a manner consistent with Article VII, Section 8. Article VII, Section 4 shall govern budget amendments.

A. *Purchase Requests:* Requests for purchases to be made from funds in clubs, programs, activities and athletic accounts shall be initiated by an individual with the appropriate signatory authority. The request shall be processed through the advisor or appropriate director and forwarded to Associate Dean for Student Leadership and Success, and/or the Dean of Student Development and/or the Vice President for Student Services for approval. Approved requests are then forwarded to the Business Services department for processing.

B. *Reimbursement.* Since no expenditure can be made without approval prior to purchase, reimbursement for use of personal funds expended should rarely be expected. However, proper planning should make usage of personal funds unnecessary.

C. *Advance Payment.* It may be necessary to request funds in advance of the services to be performed. Permission must be obtained from the Associate Dean for Student Leadership and Success or the Dean of Student Development and/or the Vice President for Student Services through the appropriate advisor or director. Advances of funds are to be strictly controlled and are not intended to take place of the regular process for procuring services.

D. *Travel Reporting Expenses:* The advisor or coach is responsible for proper disbursement of funds when advance payment has been made. Unexpended funds are to be remitted to the Cashier’s Office on the first business day immediately upon return of the group or team.

E. *Travel.* State funds may be used for travel expenses only when the proper travel authorization form has been submitted in advance through the appropriate advisor, director, Athletic Advisor, Associate Dean
for Student Leadership and Success or the Vice President for Student Services and approval has been

ARTICLE X- CONTRACTS

Section 1: Responsibility

Prior approval for contractual agreements pertaining to chartered student organizations, student sponsored
programs and activities must be obtained from the Associate Dean for Student Leadership and Success or the
Dean of Student Development and/or the Vice President for Administrative Services. The responsibility for
finalized contractual agreements rests with the Director of Purchasing Services or her/his designee.

Section 2: Invalid Contracts

Written contracts pertaining to chartered student organizations, student sponsored programs and activities made
without prior approval and not finalized by the Director of Purchasing Services or her/his designee, are invalid.

Responsibility for payment of invalid contracts rests with the director or advisor and members of the contracting
group and may not be paid from public funds.

ARTICLE XI- CODE LIMITATIONS

Any of the articles, sections and parts of this Financial Code shall be decreed inoperable and void if the article,
section, or part is contrary to the state statutes or district rules and regulations. Inoperable and voided articles,
sections, or parts may be changed to bring this Financial Code in compliance with state statutes or district rules
and regulations.

ARTICLE XII- AMENDMENT PROCEDURES

Proposed amendments to the Financial Code may be submitted for consideration by the ASOC Budget
Committee. Amendments approved by the Committee, with support from the Vice President for Student
Services shall be returned to the Dean of Student Development for insertion into the Financial Code.
Appendix A

Guidelines for Permissible Use of Services and Activity Fees

These Guidelines are the most recent update to a document that has long circulated among student services administrators, known as the “Killian Outline.” As far as we can tell, it was first compiled by a college administrator named John Killian in 1980 and has been periodically updated through the efforts of the Council for Unions and Student Programs (CUSP) with the assistance of the Education Division of the Attorney General’s Office. The basic legal principles governing the appropriate use of S & A fees have changed little since 1980. However, practical applications of these principles have changed as student programs have become more sophisticated and broader in scope. We have attempted to capture the most recent issues that have generated some legal analysis, and in one case, a significant statutory change. 1

I. Basic Principles governing the Use of S&A Fees. For any purported use of S & A fees, we must ask whether it is for a student activity within the scope of the authority of the S & A fee statute and whether the use might violate any constitutional principles.

- **Statutory Authority.** S & A fees are for the purpose of supporting student activities and programs. 2 Students must propose budgetary recommendations to the college or university administration and governing board. The boards of trustees of the state’s colleges and universities have the express and exclusive authority to determine what constitutes bona fide student activities. 3 In its ordinary and usual meaning, “student activities” refers to any college co-curricular or extracurricular activity participated in by students in the furtherance of their education. 4

- **Constitutional Prohibition on Gifts.** The state constitution prohibits the gifting of public money or property. 5 The State Supreme Court has defined a gift as “a transfer of property without consideration and with a donative intent.” 6

- **Student authority:** Students have no statutory control over S&A fees; that authority resides with the board of trustees. Pursuant to statute, students propose expenditures through the S&A budget process, serve as the majority of the S&A budget committee, and make recommendations to the board of trustees. Students are expected to have a “strong voice” in recommending budgets for S&A fees. 7

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1 Updated by Dr. Mari Krueger, Pierce College and Dave Stolier, Sr. Assistant Attorney General. (February 8, 2010)
2 RCW 28B.15.041. “Services and activities fees” are defined as: “fees, other than tuition fees, charged to all students registering at the state's community colleges, regional universities, The Evergreen State College, and state universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's community colleges, The Evergreen State College, the regional universities, or the state universities for the express purpose of funding student activities and programs of their particular institution.”
3 RCW 28B.15.045. “The boards of trustees and the boards of regents of the respective institutions of higher education shall adopt guidelines governing the establishment and funding of programs supported by services and activities fees.”
4 House Journal, 42nd Leg., 1st Ex. Sess., at 1537 (Wash. 1971). In response to a question concerning the meaning and scope of “student activities and programs,” Representative King said: “[i]t would include such things as their athletic programs (if they want to), their intercollegiate debate, their school dances -- all the things that students do as a part of their activity programs. In addition to that, I would believe that this amendment would cover the things necessary for the activities.” Id.
5 Const. art. VIII, § 5.
7 RCW 28B.15.045.
II. Examples of Impermissible Uses of S&A Fees.

The following are examples of S&A fee expenditures that have been judged impermissible because they involve “gifting” or because they are not “student activities”:

- Free meals and/or lodging for anyone without consideration and with a donative intent.
- Gifts of appreciation or concern for anyone (farewell gifts, flowers for bereavement, etc.) unless in return for participation or as an award for which one has competed and won.
- Food or refreshments purchased by a student group without the board’s approval.\(^8\)
- Tips or gratuities for services rendered by anyone unless authorized by OFM.
- Meals, lodging, coffee hours, receptions, or teas for a guest entertainer, lecturer, etc., unless required by the contract made for their services.
- Salaries of professional employees in teaching, administrative or clerical positions not directly related to the student programs’ operations.
- Complimentary tickets or admissions as a gift or for public relations purposes.\(^9\)
- Career Day – An event at which high school students (typically juniors or seniors) are invited to spend a day on campus with their high school counselors to learn about the educational offerings of the college as those offering relate to various careers, and which involves service of refreshments to the high school students and their counselors.\(^10\)
- Orientation for prospective students under the same theory as above.
- Programs, personnel, facilities, equipment and maintenance that are considered basic services provided by the college or supported by existing contracts.

III. Examples of Permissible Uses of S&A Fees.

The following have been determined to be appropriate uses of S&A fees, provided that they are approved as bona fide student activities by the board of trustees and meet any other requirements noted:

- Traditional and time-honored activities such as student government, clubs, student governmental or programming organizations’ activities or events, health and wellness programs, retreats, conferences, musical, dramatic, artistic, debate, and forensic presentations of an extra-curricular nature, student publications and other mass media initiatives,
- S&A fees may be used for the expenses associated with these activities, including meals and lodging during group travel. These costs may be paid as a return for participation.
- Trophies, certificates or engraved plaques, sweaters, warm-up jackets, chenille letters, rain clothes, monogrammed dress jackets or attire, etc. Such items may be provided to students who have served or are serving as members of athletic teams, student leadership teams, cheer leaders, outstanding scholars, outstanding participants in drama, debate, student government, and others who have earned them, provided that they are a result of participation, are personal in nature, and are of nominal value.

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\(^8\) AS officers and employees of the college in “travel status” or engaged in an official “working” meeting or activity approved by the board constitute an exception to this rule. Thus, funds may be used for “working” official student officer sessions or retreats which are an approved student activity. However, the cost of meals cannot be paid for employees (nonstudents) for such a meeting unless the employee is in travel status as defined by the OFM regulations.

\(^9\) The exception to this rule is that free admission may be granted to a news media person who is attending the function in his news reporting capacity, or to persons performing their assigned duties, since the granting of admission in these instances is in return for participation (and therefore supported by consideration).

\(^10\) Because this event actually involves non-students, it is not properly a student activity and therefore should not be funded by S and A fees. The institution most certainly has the authority to provide the orientation, but refreshments such as food and drink may not be funded from public funds. It likely constitutes impermissible promotional hosting. See State ex rel. O’Connell v. Port of Seattle, 65 Wn2d 801 (1965).
• Support for college employees in student programs operations. ¹¹ S&A fees may be used only to the extent that the employees are engaged in student activities and programs—as opposed to normal maintenance and operation functions of the college.
• Premiums for liability and casualty insurance coverage for the college for actions taken by students serving in official capacities or participating in such activities and programs.
• Meals for reception or award ceremony attendees who are part of the program.
• Meals and refreshments (coffee, cookies, etc.) at approved student programs as incidental thereof. Examples include: graduation ceremonies, vocational certificate awards programs, scholarship convocations or receptions, student activity or club meetings¹², student awards, student work sessions, new student orientations, honor society initiations, scholarship donors receptions, etc.
• Costs associated with child care centers for the children of students.
• Dues for institutional memberships in officially recognized student leadership, governmental or programming organizations.
• Special tutorial or co-curriculum programs provided it is not to sustain a critical operation of the college
• A legal aid program which provides services to individual students¹³, provided that the program is not used to institute legal action against the college or university.
• Furniture and equipment for informal or non-instructional student spaces as approved by the associated student association or student governmental organization.
• Partial subsidization of a student food bank operation, provided that the food bank benefits only students.
• Scholarships. RCW 28B.10.825 expressly provides for a limited amount of S&A fees to be used for an institutional student loan fund for needy students. RCW 28B.10.703 and 704 specify particular non-S&A sources for scholarships for athletic and curriculum-related activities. Thus, there must be some alternative source of statutory authority for any additional use of S&A fees for scholarships. We believe that there may be certain circumstances where a scholarship could be funded with S&A monies. Sufficient statutory authority may reside in the broad-based delegation to the board to allocate S&A money for appropriate student activities, provided that the program is properly brought forward through the S&A student committee and board of trustees processes. Second, in order to satisfy the requirement that S&A fees go to students rather than prospective students, a recipient would have to be enrolled in the institution before he or she receives any money. Third, the surest way to avoid gift of public funds problems would be to ensure that either the scholarship is based in whole or in part on need or the award is supported by some sort of consideration, such as employment, participation or contribution to an athletic or extracurricular performance program.

IV. Use of S&A fees on student political clubs and activities.

¹¹ Note: Stipends and other supplemental payments to college or university employees are not appropriate where there is already a contractual agreement.
¹² Food and beverages may be provided at an “open house” hosted by a student club aimed at promoting awareness of that club’s activities on campus, provided that the club provides the college students who attend that open house with written or oral information about the club’s function and mission.
¹³ Note: The associated student body must use the services of the Attorney General's Office.
Recognition and Allocation. S&A fees may be used to fund officially recognized student political clubs or organizations. Allocation of funds to student political groups must be neutral with respect to the viewpoint of the groups.

Use of Funds. S&A fees may be used to support political speakers, travel expenses and other relevant club activities as deemed reasonable by the institution.

Lobbying. Use of S&A fees for lobbying by student government is now expressly authorized by statute. This is a significant change in the law. In the 2009 legislative session, RCW 28B.15.610, pertaining to voluntary student fees, was amended to provide in pertinent part, “Notwithstanding RCW 42.17.190 (2) and (3), voluntary student fees imposed under this section and services and activities fees may be used for lobbying by a student government association or its equivalent and may also be used to support a statewide or national student organization or its equivalent that may engage in lobbying.” (emphasis added).

Use of S&A fees for lobbying activities by students other than by or through the student government association, is still governed by the constraints on public agencies and reporting requirements in RCW 42.17.190.

Campaign contributions. Under no circumstances may public funds be used as a gift or campaign contribution to any elected official or officer or employee of a public agency. Nor may any public employee authorize the use of any facilities of a public agency (employees, stationary, postage, machines, etc.) to be used for the purpose of assisting a campaign for election or for the promotion or opposition to any ballot proposition. RCW 42.17.130; RCW 42.52.180 (state Ethics Act).

V. Fundraised projects

- In the case of fundraising projects that have used S&A funds as “seed money”, all revenues are then commingled with state funds and are under college and state spending restrictions of public funds.
- Funds raised without the use of state property or money are private funds and may be used without restriction. Any such funds raised, in order to retain their private character, must not be commingled with other public funds.
- Privately raised funds may retain their private character even if state facilities are used where (a) fair market value is paid for rental of state facilities; or (b) fundraising activities occur in public areas consistent with the institution’s facilities use policy for all users.
- In the case of fundraising projects that have not used S&A funds as “seed money”, all revenues should be held in a separate college “trust” account.

14 See Board of Regents of the University of Wisconsin System v. Southworth, 528 U.S. 217, 233, 120 S.Ct. 1356 (2000) (“The University may determine that its mission is well served if students have the means to engage in dynamic discussions of philosophical, religious, scientific, social, and political subjects in their extracurricular campus life outside the lecture hall. If the University reaches this conclusion, it is entitled to impose a mandatory fee to sustain an open dialogue to these ends.”).
16 “Lobbying” means to attempt to influence the passage or defeat of any state legislation. “Legislation” means matters pending or proposed in either house or matters that may be the subject of action. “Attempt to influence” includes legislative staff as well as legislators.
17 Orchestrated grassroots lobbying or other indirect forms of lobbying, i.e., mailing campaigns; mobilizing non-state employees to action; rallying public support; organizing rallies in Olympia; and creating citizen action groups, are not permitted with public funds. For example, S&A funds may not be used for flyers or advertisements endorsing a political candidate, such as “Vote for so-and-so for U.S. Senate.” Similarly, S&A funds may not be used for yard signs endorsing a political candidate. However, S&A funds may be used for a student newspaper even if it includes endorsements and express opinions on political candidates via editorials. This is permissible due to the historical and traditional role of newspapers.
We hereby agree to the terms of this Services and Activities Fee Financial Code set forth by the Associated Students of Olympic College.

__________________________________  __________________________
Ryan Brown                        Date
President                         
Associated Students of Olympic College

__________________________________  __________________________
David Mitchell                    Date
President                         
Olympic College

__________________________________  __________________________
Bryan Davis                       Date
Vice President for Finance and Operations
Associated Students of Olympic College

__________________________________  __________________________
Daniel Chacon                     Date
Vice President for Student Services
Olympic College

Recommended by
Bryan Davis, ASOC Vice President of Finance and Operations
Submitted to ASOC Executive Council  Fall Quarter, 2010
Approved by ASOC Executive Council  December, 2010
Submitted to Vice President of Student Services  Fall Quarter, 2010
Submitted to President for review  Winter Quarter, 2011
Approved by the President  January, 2011
Submitted to Board of Trustees  January 25, 2011
Approved by the Board of Trustees  Not Required – Information Item only
Revised