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Date: June 1, 2012

To: Linda Michalowski
Vice Chancellor, Student Services and Special Programs

From: Jonathan Lee
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Subject: Funding for SSCCC Senators for External Advocacy
Legal Opinion 12-05

Questions

1. If the Student Senate for California Community Colleges (SSCCC) engages in advocacy outside of its shared governance function, may that external advocacy be funded with Chancellor's Office funds?
2. Can the Chancellor's Office support the attendance at SSCCC meetings of SSCCC Council members who hold the positions created by recent amendments to the SSCCC Constitution?

Conclusion

1. No. The Board of Governors recognizes the SSCCC as the representative body for students in the shared governance process. The funding for the SSCCC is directly tied to this function. Any advocacy conducted by the SSCCC outside of shared governance may not be funded with Chancellor's Office funds.
2. Yes. Meetings of the SSCCC are related to the shared governance function of the SSCCC. Therefore the Chancellor's Office funds can be used for this purpose.

Background

During the April 27 thru April 29, 2012 general assembly, the SSCCC adopted a constitutional amendment to establish two categories of regional senators with distinct duties. Two senators from each region are to be elected as Governance and Policy Senators and one from each region is to be elected as an External Affairs Senator. Duties of the External Affairs Senator are defined as "primarily responsible for advocacy efforts outside of the structures of participatory governance in the higher education systems of California." The amendment also splits the vice president position with a Vice President of Governance and Policy, and a Vice President of External Affairs. The Vice President of External Affairs has duties defined as "responsible for the administrative coordination of all external advocacy efforts of the council."

Historically, a significant portion of the SSCCC's activities are supported through state funding from the Chancellor's Office. The recent constitutional amendments made by the SSCCC have raised questions as to whether that state funding can be used for "strategic advocacy" expenses, including travel.

Analysis

1. If the Student Senate for California Community Colleges (SSCCC) engages in advocacy outside of its shared governance function, may that advocacy be funded with Chancellor's Office funds?

The SSCCC was "established in conjunction with local associated student organizations so that the community college students of California may have a formal and effective means for participating in the formation of state policies that have or may have a significant impact on students." (Cal. Code Regs., tit. 5, § 50002, subd. (a); see also Procedures and Standing Orders of the Board of Governors (Standing Order) 333(a).) The Board of Governors recognizes the SSCCC as "the representative of community college students in the Consultation Process and before the Board of Governors and Chancellor's Office." (Standing Order 333(b).)

The SSCCC receives its funding from the Chancellor's Office based on this recognition by the Board of Governors as the student representative body in the shared governance process. The recent constitutional amendments passed by the SSCCC to expand its strategic advocacy role fall outside of the boundaries of shared governance. As a result, this expanded role may not be funded with Chancellor's Office funds. Any activity which the SSCCC wishes to engage in that does not fall within the boundaries of shared governance may not be funded with Chancellor's Office funds.

2. Can the Chancellor's Office support the attendance at senate meetings of the positions created by recent amendments to the SSCCC Constitution?

The amendments to the SSCCC Constitution created positions in the SSCCC that are primarily concerned with external advocacy. As stated above, that advocacy takes place outside the boundaries of shared governance and may not be funded with Chancellor's Office funds. While the newly created positions are concerned primarily with external advocacy, however, the SSCCC members in those positions are equal members of the SSCCC Council and share the Council's leadership responsibility for all activities of the SSCCC, including those in the realm of shared governance. Attendance at SSCCC meetings is a basic aspect of shared governance. In addition, those members may also take part, as a secondary focus, in shared governance activities which can be funded by the Chancellor's Office. The Chancellor's Office can support the attendance at senate meetings of any member of the SSCCC, regardless of title, since that attendance is directly related to SSCCC's shared governance function.