



The Student Senate

Texas A&M University

S.B. 66-11

The Student Senate
66th Session
Texas A&M University

Introduced By: Finance Chair Rules & Regulations Chair Fernando J. Sosa, Liberal Arts
Finance Chair J. Cary Cheshire, Liberal Arts

Action Taken

PASSED

Certified By:

A handwritten signature in red ink, appearing to read "Chris Russo '12".

Christopher W. Russo
Speaker of the Senate

Duly Approved:

Reid Joseph
Student Body President

The Non-Academic Student Fee Review Amendment Act *Special Designation: Act of the Senate*

"An act amending the Non-Academic Student Fee Review Act."

Whereas(1): The language of the provisions of this bill can be shortened and simplified for future Student Government Association sessions.

Therefore

Let it be

Enacted (1): That Title V Chapter 904 Article III shall be amended, being renumbered accordingly, as follows:

CHAPTER 904 – STUDENT FEES POLICIES AND PROPOSALS

Created by S.B. 64-XX

Amended by S.B. 66-11

ARTICLE III. THE NON-ACADEMIC STUDENT FEE REVIEW ACT

SECTION I.

Short Title, Legislative Findings, Legislative Intent, and Legislative Authority

(a) **SHORT TITLE.** This Act may be referenced as the "Non-Academic Student Fee Review Act" as its formal title in official documents, or as the "NASFRA" as its short title.

(b) **LEGISLATIVE FINDINGS.** The Student Senate finds that:

(1) The student body of Texas A&M University does not have any binding authority over the rates and allocations of their non-academic fees:




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- (2) While students alone pay these non-academic student fees, their elected representatives in the Student Senate do not have any power to allocate non-academic fees or govern their use;
- (3) Non-academic student fees are similar in nature to taxes, and the failure of the student body or the Student Senate to have power to approve of the rates or allocations of non-academic student fees is tantamount to taxation without representation;
- (4) While students serve on the Student Service Fee Advisory Board, the membership of this board is partially appointed by the President of Texas A&M University, and the board's members are not accountable to the student body or the student's representatives in the Student Senate;
- (5) The current fee review process vests an equal voice to the Graduate Student Council and the Student Senate when reviewing SSFAB recommendations, even though the Student Senate also represents graduate students;
- (6) An ideal solution to these problems is to modify the academic and non-academic fee review process to allow the Student Senate to control non-academic fees that are charged to a majority of the student body, and to let the particular other student organizations (GSC, RHA, etc...) to control non-academic fees that are charged only to a particular subset of the student body;
- (c) LEGISLATIVE INTENT. The Student Senate intends this Act to promote the general welfare of the student body by remedying the deficiencies in the current non-academic student fee allocation process at Texas A&M University through the establishment of a comprehensive reform program to be executed in good faith by the Student Body President or a designated member of his or her executive cabinet by lobbying relevant student organizations, Texas A&M University and System Administrators, the Board of Regents, the Texas State Legislature, and other pertinent entities at the Student Body President's, or his or her designated cabinet member's, discretion.
- (d) LEGISLATIVE AUTHORITY. The Student Senate is authorized to promulgate this Act by Article III Section I of the Student Government Association Constitution, vesting legislative powers in the Student Senate. The Student Senate is further authorized to promulgate this Act by Article III Section III Sub-Section (a) of the Student Government Association Constitution, vesting power in the Student Senate to enact statutes necessary to promote the general welfare of the student body.

SECTION II.

Definitions

- (a) Unless otherwise indicated within the context of this Article, the following words shall be assigned the following meanings:
 - (1) "Student Government Association" shall be defined as the Texas A&M University Student Government Association established at Texas A&M University in 1947/48.
 - (2) "Student Body President" shall be defined as the Student Body President of the Student Government Association.
 - (3) "Student Senate" shall be defined as the Student Senate of the Student Government Association.
 - (4) "SGA Constitution" shall be defined as the most current version of the Student Government Association Constitution, as amended by the Student Senate.
 - (5) "SSFAB" shall be defined as the Student Service Fee Advisory Board at Texas A&M University College Station as established by the laws of the State of Texas.
 - (6) "Green Fee Advisory Board" shall be defined as the student, faculty, and staff reviewing board charged with recommending the allocation of the Environmental Services Fee.
 - (7) "Vice President for Student Affairs" shall be defined as the individual administrator at Texas A&M University College Station charged with overseeing the division of student affairs, or such an equivalent entity.
 - (8) "Fee Rate(s)" shall be defined as the amount of a student fee(s) in dollars per semester credit hour charged to any subset of the student body of Texas A&M University College station.



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- (i) ~~“Cumulative Fee Increase or Decrease” shall be defined as any increase or decrease in a student fee charged to any subset of the student body that results in an increase or decrease at least 10% greater than or less than the rate last approved by the relevant subset of the student body in a referendum, provided that the fee increase or decrease is cumulatively greater than \$5.00 per semester credit hour.~~
- (9) “Fee Allocation(s)” shall be defined as the appropriation of a student fee(s) to particular programs, services, or entities.
- (10) ~~“Specific Reviewing Student Organization” shall be defined as the recognized Texas A&M University student organization that represents the particular subset of the Student Body which pays a certain student fee.~~
- (11) “Non-Academic Student Fee” shall be defined as:
 - (i) Any fee charged to any subset of the student body which, at the determination of the Student Government Association:
 - a. Is charged only to students;
 - b. Funds, directly or indirectly, any program or service used predominately by students, rather than faculty, administrators, or staff;
 - c. Is not tuition, either designated or un-designated or a course fee thereof; and,
 - (ii) The following enumerated student fees shall be considered non-academic student fees regardless of the definition above in roman numeral (i):
 - a. The Student Success Fee, also referred to as the University Advancement Fee;
 - b. The Recreational Sports Fee;
 - c. The Student Center Facility Fee;
 - d. The Group Hospital and Medical Services Fee;
 - (iii) ~~Should the Student Success Fee, also referred to as the University Advancement Fee, be repealed, all fees deriving from it such fee shall be considered Non-Academic Student Fees.~~

SECTION III.

- (a) It shall be the official permanent policy of the Student Government Association, on behalf of the student body of Texas A&M University, that the Texas A&M University System Board of Regents, the administration of Texas A&M University, or the Texas State Legislature, whichever is pertinent to the staged policies and proposals below, should provide the students of Texas A&M University with control over non-academic student fees and power to review academic student fees according to the following staged policies and proposals listed in Sub-Sections (b-d):
- (b) STAGE ONE POLICIES AND PROPOSALS. This Sub-Section shall take effect January 15, 2013.
 - (1) SSFAB ABOLISHED. The Texas State Legislature administration of Texas A&M University should abolish the Student Service Fee Advisory Board and, instead, vest authority in the Student Government Association (through the Student Senate Finance Committee) to review all student fees which SSFAB currently reviews. Alternatively, administration should allow all nine (9) members of SSFAB to be appointed through a process established by SGA, and SSFAB shall be considered subsidiary to SGA. SSFAB shall forward their recommendations to the Student Senate for final approval, subject to amendments and to a presidential veto. SGA shall then forward that recommendation to the University’s Council for Strategic Budgeting.
 - (2) GREEN FEE ADVISORY BOARD ABOLISHED. The Texas State Legislature or the administration of Texas A&M University, whichever is applicable, should abolish the Green Fee Advisory Board and, instead, vest authority in the Student Government Association (through the Student Senate Finance Committee) to review all student fees which the Green Fee Advisory Board currently reviews.



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- (3) SUB-COUNCIL STATUS. The University should consider the Student Government Association a sub-council of the Council for Strategic Budgeting...
- (4) GENERAL FEE PRESENTATIONS. All entities requesting student fees, either academic or non-academic in nature, that are charged to a majority of the student body, should present fee requests to a Special Session or a general assembly meeting of the Student Senate only, including recommended fee rates and recommended fee allocations of fee monies to particular programs and services. These entities should be subject to a period of question and answer by the Student Senators present.
- (5) GENERAL FEE RECOMMENDATIONS. The Student Senate should be the sole entity charged with recommending approval of all academic and non-academic student fees to be charged to a majority of the student body.
 - (i) This recommendation shall expressly extend to the following five (5) fees:
 - a. The Student Success Fee, also known as the University Advancement Fee;
 - b. The Recreational Sports Fee;
 - c. The Student Center Facility Fee;
 - d. The Group Hospital and Medical Services Fee; and
 - (ii) This recommendation should include recommended fee rates and fee allocations for entities.
 - (iii) This recommendation should extend to cumulative fee rate increases and decreases up to 10% (\$5.00 minimum).
 - a. Cumulative increases or decreases in fee rates exceeding 10% (\$5.00 minimum in total) should be decided by a referendum of the student body voting in an announced referendum for the purpose.
 - (iv) This recommendation should be in the form of a statute, either codified into the Student Government Association Code or un-codified, subject to the provisions of the SGA Constitution.
- (6) ENTITY SPECIFIC FEE PRESENTATIONS. All entities requesting student fees, either academic or non-academic in nature, that are charged to a particular subset of the student body, should present fee requests to an announced meeting of the pertinent Specific Reviewing Student Organization only, including recommended fee rates and recommended fee allocations of fee monies to particular programs and services. These entities should be subject to a period of question and answer by the members of the Specific Reviewing Student Organization that are present at the announced meeting.
- (7) ENTITY SPECIFIC FEE RECOMMENDATIONS. The pertinent Specific Reviewing Student Organization should be the sole entity charged with recommending approval of all academic and non-academic student fees to be charged to the particular subset of the student body.
 - (i) The following Specific Reviewing Student Organizations should have authority over the following classifications of student fees:
 - a. The "Graduate Student Council" should consider all student fees charged only to graduate or professional students at Texas A&M University.
 - b. The "Residence Hall Association" should consider all student fees charged only to on-campus residents, excluding the Corps of Cadets dorms and the University Apartments.
 - c. The "University Apartments Council" should consider all student fees charged only to residents of the University Apartments.
 - d. The "Corps Commander" should consider all student fees charged only to residents of the Corps of Cadets dormitories.




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- e. — The applicable “College Council” should consider all student fees charged only to students within a particular college.
- f. — The “Bush School Student Government Association” should consider all student fees charged only to graduate students within the Bush School of Government.
- (ii) — The Student Body President shall determine the applicable recognized student organization for any other student fee charged only to a particular subset of the student body.
- (iii) — This recommendation should include recommended fee rates and fee allocations for entities.
- (iv) — This recommendation should extend to cumulative fee rate increases and decreases up to 10% (\$5.00 minimum).
 - a. — Cumulative increases or decreases in fee rates exceeding 10% (\$5.00 minimum in total) should be decided by a referendum of the particular subset of the student body voting in an announced referendum for the purpose.
- (v) — This recommendation should be forwarded to the Student Senate, in addition to the administration of Texas A&M University.
- (8) — ~~FINAL AUTHORITY OF TEXAS A&M ADMINISTRATION RETAINED.~~ The administration of Texas A&M University should retain final authority to approve any fee rate or allocation pursuant to existing Texas state law and pursuant to an established internal university and Board of Regents process.
- (9) — ~~RIGHTS OF THE STUDENT SENATE RETAINED.~~ Nothing in this Sub-Section should be construed as limiting the Student Senate’s power to provide for a process for approving fee rates or fee allocations in the Student Senate By-Laws, including one differing from these provisions, and is only intended to reflect student opinion to entities outside the Student Government Association.
- (c) STAGE TWO POLICIES AND PROPOSALS. This Sub-Section shall apply upon the determination of the Student Body President that Sub-Section (b) has been substantially accomplished, or on January 15, 2015, whichever occurs first. Should this Sub-Section apply before Sub-Section (b) is substantially accomplished, this Sub-Section shall control over any conflicting policy in Sub-Section (b).
 - (1) GENERAL NON-ACADEMIC FEE REVIEW POWER. The Student Senate should be vested power to approve of the rate and allocation of all non-academic student fees to be charged to a majority of the student body. The Student Senate’s review of academic student fees, described in Sub-Section (b) should remain unchanged.
 - (i) This power shall expressly extend to the following five (5) non-academic fees:
 - a. The Student Success Fee, also referred to as the University Advancement Fee;
 - b. The Recreational Sports Fee;
 - c. The Student Center Facility Fee;
 - d. The Group Hospital and Medical Services Fee; and
 - (ii) This power should extend to non-academic fee rates and non-academic fee allocations for entities.
 - (iii) This power should extend to cumulative non-academic fee rate increases and decreases up to 10% (\$5.00 minimum).
 - a. Cumulative increases or decreases in non-academic fee rates exceeding 10% (\$5.00 minimum in total) should be decided by a binding referendum of the student body voting in an announced referendum for the purpose.



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- (iv) This power should be exercised through a statute, either codified into the Student Government Association Code or un-codified, subject to the provisions of the SGA Constitution.
- (2) ~~ENTITY-SPECIFIC NON-ACADEMIC-FEE RECOMMENDATIONS.~~ The pertinent Specific Reviewing Student Organization should be vested power to approve of the rate and allocation of all non-academic student fees to be charged to the particular subset of the student body. The Specific Reviewing Student Organization's review of academic student fees, described in Sub-Section (b) should remain unchanged.
 - (i) The following Specific Reviewing Student Organizations should have authority over the following classifications of non-academic student fees:
 - a. The "Graduate Student Council" should have power over all non-academic student fees charged only to graduate or professional students at Texas A&M University.
 - b. The "Residence Hall Association" should have power over all non-academic student fees charged only to on-campus residents, excluding the Corps of Cadets dorms and the University Apartments.
 - c. The "University Apartments Council" should have power over all non-academic student fees charged only to residents of the University Apartments.
 - d. The "Corps Commander" should have power over all non-academic student fees charged only to residents of the Corps of Cadets dormitories.
 - e. The applicable "College Council" should have power over all non-academic charged only to students within a particular college.
 - f. The "Bush School Student Government Association" should have power over all non-academic student fees charged only to graduate students within the Bush School of Government.
 - (ii) The Student Body President shall determine the applicable recognized student organization for any other non-academic student fee charged only to a particular subset of the student body.
 - (iii) This power should extend to non-academic fee rates and non-academic fee allocations for entities.
 - (iv) This power should extend to cumulative non-academic fee rate increases and decreases up to 10% (\$5.00 minimum).
 - a. Cumulative increases or decreases in non-academic fee rates exceeding 10% (\$5.00 minimum in total) should be decided by a binding referendum of the particular subset of the student body voting in an announced referendum for the purpose.
 - (v) This power should be exercised through a document that is forwarded to the Student Senate, in addition to the administration of Texas A&M University.
- (3) ~~FINAL AUTHORITY OF TEXAS A&M ADMINISTRATION MODIFIED.~~ The administration of Texas A&M University's review of any recommended fee rate or allocation should be modified according to the following provision:
 - (i) The administration of Texas A&M University should be divested of any binding reviewing or approval power over non-academic student fee rate increases and allocations that are approved by the Student Senate or the Specific Reviewing Student Organization, whichever is applicable.



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- (4) RIGHTS OF THE STUDENT SENATE RETAINED. Nothing in this Sub-Section should be construed as limiting the Student Senate's power to provide for a process for approving fee rates or fee allocations in the Student Senate By-Laws, including one differing from these provisions, ~~and is only intended to reflect student opinion to entities outside the Student Government Association.~~
- (5) FEE CAPS. The Student Government Association shall advocate to the Texas Legislature, in and out of state legislative sessions, for the adoption of caps on any fees not capped at the University, which shall include the University Advancement Fee. The University Advancement Fee should be capped at the fee rate current to the Texas Legislative Session in which it is considered.
- (6) TEXAS STATE LAW GOVERNING NON-ACADEMIC STUDENT FEES. The Texas State Legislature should enshrine the policies and proposals contained in Sub-Section (b) and (c) regarding the binding authority of the Student Senate and the Specific Reviewing Student Organizations to approve any rate increases or allocations of non-academic student fees into Texas state law.
- (7) ~~RIGHTS OF THE STUDENT SENATE RETAINED. Nothing in this Sub-Section should be construed as limiting the Student Senate's power to provide for a process for approving fee rates or fee allocations in the Student Senate By-Laws, including one differing from these provisions, and is only intended to reflect student opinion to entities outside the Student Government Association.~~

SECTION IV. Execution of this Article

- (a) The Student Body President, or his or her designated member of the executive cabinet, shall faithfully execute the policies described in Section III, and shall report to the Student Senate ~~annually~~ monthly on the status of the execution of the policies contained in Section III.
- (b) The Student Body President, or his or her designated member of the executive cabinet, shall also, ~~at minimum,~~ forward the policies described in Section III annually during the month of February in writing to the President of Texas A&M University, the Speaker of the Texas A&M University Faculty Senate, the chair and members of the Council for Strategic Budgeting, the chair and members of the Tuition and Fees Advisory Council, the chair and members of the Reallocations Committee, the chair and members of the Student Services Fee Advisory Board, the chair and members of the Green Fee Advisory Board, the Finance Committee of the Student Senate, the Director for Student Activities, the Vice President for Student Affairs, the Chancellor of the Texas A&M University System, and the members of the Texas A&M University System Board of Regents.

SECTION V. Judicial Review of this Article

- (a) The Judicial Court shall have jurisdiction to hear any complaint by any student concerning the failure of the Student Body President, or his or her designated member of the executive cabinet, to comply with any provision of this Article or to execute the provisions of this Article in good faith.
- (b) ~~Statute of Limitation~~
 - (1) ~~No complaint under this Article, however, may be entertained by the Judicial Court that is directly based on any action or inaction by the Student Body President, or his or her designee, that occurred more than one hundred and eighty (180) days before the date the complaint is submitted to the Judicial Court.~~

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Enacted (2): That the Student Body President summarize the policies contained in Stage One of enactment clause one (1) of this bill (~~Title V Chapter 904 Article II Section III~~) in a written letter submitted within fourteen (14) days of passage to the President of Texas A&M University, the Speaker of the Texas A&M University Faculty Senate, ~~the President of the Texas A&M University Staff Council~~, the Chancellor of the Texas A&M University System, the members of the Texas A&M University System Board of Regents, the chair and members of the Student Fee Committee, the chair and members of the Student Service Fee Advisory Board, and the chair and members of the Green Fee Advisory Board. In this letter, the Student Body President shall also request that the President of the University respond, in writing, to the requests of Stage One of the Act.