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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**NATHAN APODACA; and  
STUDENTS FOR LIFE AT  
CALIFORNIA STATE  
UNIVERSITY-SAN MARCOS,**

Plaintiffs,

v.

**SILAS ABREGO, JANE W.  
CARNEY, ADAM DAY,  
REBECCA D. EISEN, DOUGLAS  
FAIGIN, DEBRA S. FARAR, JEAN  
P. FIRSTENBERG, LILLIAN  
KIMBELL, THELMA  
MELÉNDEZ DE SANTA ANA,  
HUGO N. MORALES, JOHN  
NILON, J. LAWRENCE NORTON,  
JORGE REYES SALINAS,  
LATEEFAH SIMON, STEVEN  
STEPANEK, PETER J. TAYLOR,  
and, MAGGIE WHITE, each  
individually and each in his or her  
official capacity as a member of the  
California State University Board of  
Trustees; **TIMOTHY P. WHITE,**  
Chancellor of California State**

Case No. '17CV1014 L NLS  
**DEMAND FOR JURY TRIAL**

**VERIFIED COMPLAINT FOR  
INJUNCTIVE AND  
DECLARATORY RELIEF,  
MONETARY DAMAGES, AND  
ATTORNEYS' FEES AND COSTS**

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University, in his official and individual capacities; **KAREN S. HAYNES**, President of California State University-San Marcos, in her official and individual capacities; **LORENA CHECA**, Vice President of Student Affairs of California State University-San Marcos, in her official and individual capacities; **KIM CLARK**, Associate Vice President for Student Auxiliary Services and Executive Director of Associated Students, Inc. at California State University-San Marcos, in her official and individual capacities; **LOUIS ADAMSEL, CHRIS LEE, YOMIRA ZAMORA, ANNA RAPADA, NOAH HENWOOD, MATTHEW RICHARD, MEGHAN APARRI, JENNA HERNANDEZ, SAVANA DOUDAR, LONDON MAYS-HUMPHREY, KEVIN PALOMINO, ALEX VEGA, ALEJANDRO LOPEZ, JOSHUA FORONDA**, and **KIMBERLY ANDERSON**, each individually and each in his or her official capacity as a member of the Board of Directors of Associated Students, Inc.,

Defendants.

1 Plaintiffs Nathan Apodaca and Students for Life at California State  
2 University-San Marcos, by and through counsel, and for their Verified Complaint  
3 against the Defendants, hereby state as follows:

4 **INTRODUCTION**

5 1. The cornerstone of higher education is the ability of students to participate  
6 in the “marketplace of ideas” on campus. In the context of facilitating funding of  
7 student advocacy from mandatory student activity fees the First Amendment dictates  
8 that the university can collect such a mandatory student activity fee only if they  
9 proactively ensure that those funds are allocated in a viewpoint-neutral manner,  
10 bridling the discretion of those who allocate the funds. In violation of these  
11 principles, California State University-San Marcos (“University” or “CSU-SM”)  
12 unconstitutionally compels Mr. Apodaca and the other students members of Plaintiff  
13 Students for Life at CSU-SM to subsidize speech that they disagree with through its  
14 assessment of a mandatory Student Activity Fee through a policy which grants  
15 Associated Students, Inc. (“ASI”) unbridled discretion in allocating these funds for  
16 student advocacy, allowing it to favor popular views and to exclude unpopular  
17 views.

18 2. ASI has exercised this unbridled discretion to allocate the Student Activity  
19 Fees in a viewpoint discriminatory manner. ASI favors the viewpoints of two student  
20 community centers, the Gender Equity Center and the LGBTQA Pride Center, by  
21 allocating more than \$296,000 to them, which is more than 53% of the Student  
22 Activity Fees allocated to fund student advocacy, and by creating special rules to  
23 favor only them – including allowing the two centers to use Student Activity Fees to  
24 bring in speakers to advocate for certain viewpoints. ASI also allocates Student  
25 Activity Fees to sponsor the Arts & Lectures Series to bring speakers to campus to  
26 advocate for certain viewpoints. However, ASI denied Students for Life at CSU-  
27 SM’s request for funding because ASI limits all other student-run organizations to  
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1 \$500 per semester and they are not allowed to use the fees to pay speakers to  
2 advocate for their own viewpoints.

3 3. As a student at CSU-SM, Mr. Apodaca and other members of Students for  
4 Life at CSU-SM are required to subsidize the speech of the Gender Equity Center  
5 and the LGBTQA Pride Center through payment of the mandatory Student Activity  
6 Fee. Mr. Apodaca disagrees with their viewpoints which include advocating for  
7 abortion and sexually promiscuous behavior.

8 4. When Plaintiff Students for Life at CSU-SM applied for funding to host a  
9 nationally recognized columnist and speaker, Professor Mike Adams, to speak about  
10 the issue of abortion, ASI denied the request. Yet, ASI provides funding through  
11 Student Activity Fees to the Gender Equity Center and the LGBTQA Pride Center,  
12 allowing them to pay for numerous speakers to speak on campus over the last two  
13 semesters, reflecting their own views on a variety of topics that conflict with those  
14 of Mr. Apodaca, including abortion and human sexuality.

15 5. Defendants have violated Plaintiffs' constitutional rights and caused them  
16 irreparable injury by forcing Mr. Apodaca and the members of Students for Life at  
17 CSU-SM to subsidize speech with which they disagree without affording them the  
18 opportunity to respond by bringing in their own speakers; by favoring the views of  
19 the Gender Equity Center and the LGBTQA Pride Center by giving those centers far  
20 more funding than other student-run organizations and permitting only those centers  
21 to pay costs to bring in speakers; by granting the Gender Equity Center and the  
22 LGBTQA Pride Center unbridled discretion to co-sponsor the advocacy of other  
23 student organizations; by denying Students for Life at CSU-SM funding for its event  
24 with Professor Adams; and by allocating Student Activity Fees without objective  
25 criteria or standards to ensure against viewpoint discrimination.

26 6. This action is based on the denial of Plaintiffs' fundamental rights to free  
27 speech and equal protection of the laws under the United States Constitution. The  
28 policies and actions detailed below are challenged on their face and as applied to



1 Plaintiffs. Defendants' policies and actions have deprived and will continue to  
2 deprive Plaintiffs of their paramount rights and guarantees under the United States  
3 Constitution. Each and every act of Defendants alleged herein was committed by  
4 Defendants, each and every one of them, under the color of state law and authority.

5 **Jurisdiction and Venue**

6 7. This civil rights action raises federal questions under the United States  
7 Constitution, particularly the First and Fourteenth Amendments, and the Civil Rights  
8 Act of 1871, 42 U.S.C. § 1983.

9 8. This Court has original jurisdiction over these federal claims pursuant to  
10 28 U.S.C. §§ 1331 and 1343.

11 9. This Court has authority to award the requested damages pursuant to 28  
12 U.S.C. § 1343; the requested declaratory relief pursuant to 28 U.S.C. §§ 2201–02;  
13 the requested injunctive relief pursuant to 28 U.S.C. § 1343 and Fed. R. Civ. P. 65;  
14 and costs and attorneys' fees under 42 U.S.C. § 1988.

15 10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because all  
16 of the Defendants reside in this district and/or all of the acts described in this  
17 Complaint occurred in this district.

18 **Plaintiffs**

19 11. Plaintiff Nathan Apodaca is the President of Students for Life at CSU-SM  
20 and a full-time student at the University.

21 12. Mr. Apodaca pays the mandatory Student Activity Fees at the University  
22 and has paid this fee every semester in which he has been enrolled.

23 13. Mandatory Student Activity Fees paid by Mr. Apodaca have been and will  
24 be allocated to student groups for causes to which he objects, including advocacy  
25 for the right to abortion and against his own pro-life views.

26 14. Mr. Apodaca is entitled to the viewpoint-neutral distribution of the  
27 mandatory Student Activity Fees he has been and will be required to pay or to the  
28 repayment of fees he has paid and to be exempt from paying such fees in the future.

1 15. Plaintiff Students for Life at California State University-San Marcos is an  
2 unincorporated expressive student organization comprised of CSU-SM students.

3 16. Students for Life at CSU-SM is recognized as an official student  
4 organization at the University. It is a student-led, non-partisan, pro-life expressive  
5 student organization.

6 17. Every student member of Students for Life at CSU-SM pays mandatory  
7 Student Activity Fees at the University.

8 18. Students for Life at CSU-SM and each of its members is entitled to  
9 viewpoint-neutral access to and allocation of mandatory Student Activity Fees  
10 collected by the University or to the repayment of the fees they have paid and to be  
11 exempt from paying such fees in the future.

12 19. Part of Students for Life at CSU-SM's mission is to be an expressive  
13 student organization at the University and to protect its members' constitutional  
14 rights on campus.

15 20. If Students for Life at CSU-SM succeeds in this lawsuit, it will be able to  
16 obtain viewpoint-neutral access to the mandatory Student Activity Fee funding, and  
17 its members will not be compelled to pay for others' expression in a system that  
18 permits viewpoint discriminatory allocation of those funds to views they oppose.

19 21. Students for Life at CSU-SM brings this suit on behalf of itself as a  
20 registered student organization at the University and on behalf of its individual  
21 student members, all of whom are compelled to pay mandatory student fees for the  
22 expression of viewpoints they oppose and are denied viewpoint-neutral access to the  
23 University's organizational funding mechanism through a system that permits  
24 discrimination against them because of the viewpoint of their speech activities and  
25 which actually does advantage others' opposing views over their own.

26 **Defendants**

27 22. Defendants Silas Abrego, Jane W. Carney, Adam Day, Rebecca D. Eisen,  
28 Douglas Faigin, Debra S. Farar, Jean P. Firstenberg, Lillian Kimbell, Thelma

1 Meléndez de Santa Ana, Hugo N. Morales, John Nilon, J. Lawrence Norton, Jorge  
2 Reyes Salinas, Lateefah Simon, Steven Stepanek, Peter J. Taylor, and Maggie White  
3 are, and were at all times relevant to this Complaint, voting members of the  
4 California State University Board of Trustees (herein collectively, the “Board  
5 Defendants”), a public university organized and existing under the laws of  
6 California.

7 23. The Board Defendants are responsible for, among other things, the  
8 adoption and authorization of policies that govern students at the University,  
9 including the Student Activity Fee Policy and related procedures challenged herein  
10 (hereinafter all of Defendants’ policies and regulations governing student activity  
11 fees will be collectively referred to as the “Student Activity Fee Policy”), and their  
12 application to Plaintiffs.

13 24. The Board Defendants are responsible for enactment, amendment, and  
14 repeal of Board of Trustees’ policies that govern the collection and allocation of  
15 mandatory Student Activity Fees at the University, including the Student Activity  
16 Fee Policy.

17 25. The Board Defendants have acquiesced in, sanctioned, and supported the  
18 actions of all Defendants complained of herein, including the enforcement of the  
19 Student Activity Fee Policy and related procedures regarding allocation of  
20 mandatory Student Activity Fees to recognized student organizations.

21 26. The Board Defendants participate in the assessment and allocation of  
22 Student Activity Fees by granting the University the authority to assess and allocate  
23 the amount of mandatory Student Activity Fees that the University will collect each  
24 year, including for distribution to student organizations.

25 27. Each Board Defendant is sued in his or her official and individual  
26 capacities.

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1 28. Defendant Timothy P. White is, and was at all times relevant to this  
2 Complaint, the Chancellor of California State University, a public university  
3 organized and existing under the laws of the State of California.

4 29. Defendant White is responsible for the establishment, oversight and  
5 adjustment of mandatory Student Activity Fees imposed pursuant to the Student  
6 Activity Fee Policy and related procedures challenged herein and their application  
7 to Students for Life at CSU-SM in denying its application for funding.

8 30. As Chancellor, Defendant White is responsible for reviewing the annual  
9 report prepared by the University which sets forth the allocation of the mandatory  
10 Student Activity Fees assessed on the University's students, including Mr. Apodaca  
11 and the other student members of CSU-SM.

12 31. Defendant White has enforced the Student Activity Fee Policy in a  
13 viewpoint-discriminatory manner by establishing the policy which authorizes the  
14 University to require its students, including Mr. Apodaca and the members of  
15 Students for Life at CSU-SM, to pay mandatory Student Activity Fees and grants  
16 unbridled discretion to discriminate in the allocation of Student Activity Fees by  
17 favoring the viewpoints of the Gender Equity Center and the LGBTQA Pride Center,  
18 and disfavoring the views of Students for Life at CSU-SM.

19 32. Defendant White is sued in his official and individual capacities.

20 33. Defendant Karen S. Haynes is, and was at all times relevant to this  
21 Complaint, the President of California State University-San Marcos, a public  
22 university organized and existing under the laws of the State of California.

23 34. Defendant Haynes is responsible for the oversight and enforcement of  
24 mandatory Student Activity Fees imposed pursuant to the Student Activity Fee  
25 Policy and related procedures challenged herein and their application to Students for  
26 Life at CSU-SM in denying its application for funding.

27 35. As president of the University, Defendant Haynes is responsible for  
28 reviewing and approving the annual budget prepared by Associated Students, Inc.

1 which sets forth ASI's proposed allocation of the mandatory Student Activity Fees  
2 assessed on the University's students, including Mr. Apodaca and the other student  
3 members of CSU-SM.

4 36. As president of the University, Defendant Haynes has the authority to  
5 review, approve, or reject the funding decisions of the ASI Defendants.

6 37. Defendant Haynes has enforced the Student Activity Fee Policy in a  
7 viewpoint-discriminatory manner because she has approved ASI's viewpoint  
8 discriminatory allocation of Student Activity Fees which favors the views of, *inter*  
9 *alia*, the Gender Equity Center and the LGBTQA Pride Center, and disfavors the  
10 views of Students for Life at CSU-SM, and she has not instructed Defendants Checa,  
11 Clark, or the ASI Defendants to change or alter these policies and related procedures  
12 to restrict the discretion of University officials in the allocation of Student Activity  
13 Fees.

14 38. Defendant Haynes is sued in her official and individual capacities.

15 39. Defendant Lorena Checa is, and was at all times relevant to this Complaint,  
16 Vice President of Student Affairs of California State University-San Marcos, a  
17 public university organized and existing under the laws of the State of California.

18 40. Defendant Checa is responsible for administration and oversight of  
19 policies for the University, including the Student Activity Fee Policy and related  
20 procedures challenged herein which require all students, including Mr. Apodaca and  
21 all other members of Students for Life at CSU-SM, to pay Student Activity Fees as  
22 a condition of enrollment.

23 41. Defendant Checa is responsible for the enforcement of University policies,  
24 including the Student Activity Fee Policy and related procedures challenged herein  
25 that were applied to Students for Life at CSU-SM in denying its application for  
26 funding and required the members of Students for Life at CSU-SM, including Mr.  
27 Apodaca, to pay mandatory Student Activity Fees pursuant to a policy that grants  
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1 unbridled discretion to discriminate in the allocation of funds based on the viewpoint  
2 of student speech.

3 42. Defendant Checa is responsible for employing, evaluating, and dismissing  
4 the ASI Executive Director. As the Chief Administrative Officer of ASI, the ASI  
5 Executive Director reports directly to Defendant Checa and is responsible for  
6 overseeing the operations of and enforcing the policies of ASI.

7 43. Defendant Checa has enforced the Student Activity Fee Policy in a  
8 viewpoint discriminatory manner because she has failed to stop University officials,  
9 including the other defendants, from allocating Student Activity Fee funding in a  
10 viewpoint-discriminatory manner, including denying funding to Students for Life at  
11 CSU-SM.

12 44. Defendant Checa possesses the authority to change and enforce the Student  
13 Activity Fee Policy and procedures challenged herein.

14 45. Defendant Checa possesses the authority to instruct ASI to change the  
15 Student Activity Fee Policy and related procedures challenged herein.

16 46. Defendant Checa is sued in her official and individual capacities.

17 47. Defendant Kim Clark is, and was at all times relevant to this Complaint,  
18 Associate Vice President for Student Auxiliary Services and Executive Director of  
19 Associated Students, Inc. at California State University-San Marcos, a public  
20 university organized and existing under the laws of the State of California.

21 48. Defendant Clark is responsible for administration and policymaking for  
22 the University, including the Student Activity Fee Policy and related procedures  
23 challenged herein which require all students, including Mr. Apodaca and all other  
24 members of Students for Life at CSU-SM, to pay Student Activity Fees as a  
25 condition of enrollment.

26 49. Defendant Clark is responsible for the enforcement of University policies,  
27 including the Student Activity Fee Policy and related procedures challenged herein  
28 that were applied to Students for Life at CSU-SM in denying its application for

1 Student Activity Fee funding and that required Mr. Apodaca to pay mandatory  
2 Student Activity Fees pursuant to a policy that grants unbridled discretion to  
3 discriminate in the allocation of funds based on the viewpoint of student speech.

4 50. Defendant Clark, under the direction of Defendants Haynes and Checa,  
5 instructs ASI when to create, review, change, authorize, and enforce the Student  
6 Activity Fee Policy and related procedures.

7 51. Defendant Clark enforced the Student Activity Fee Policy in a viewpoint  
8 discriminatory manner because she has failed to stop University officials, including  
9 the other defendants, from allocating funds in a viewpoint-discriminatory manner,  
10 including denying funding to Students for Life at CSU-SM.

11 52. Defendant Clark applied the Student Activity Fee Policy in a viewpoint  
12 discriminatory manner because she participated in the review of the application for  
13 funding made by Students for Life at CSU-SM and denied the application based on  
14 the Student Activity Fee Policy.

15 53. Defendant Clark possesses the authority to change and enforce the Student  
16 Activity Fee Policy, and related procedures challenged herein, including those of  
17 ASI.

18 54. Defendant Clark is sued in her official and individual capacities.

19 55. Defendants Louis Adamsel, Chris Lee, Yomira Zamora, Anna Rapada,  
20 Noah Henwood, Matthew Richard, Meghan Aparri, Jenna Hernandez, Savana  
21 Doudar, London Mays-Humphrey, Kevin Palomino, Alex Vega, Alejandro Lopez,  
22 Joshua Foronda, and Kimberly Anderson are, and were at all times relevant to this  
23 Complaint, the members of the ASI Board of Directors (hereinafter the “ASI  
24 Defendants”).

25 56. The ASI Defendants have the authority assigned them by the other  
26 Defendants herein through the Student Activity Fee Policy, to create policies relating  
27 to use and allocation of mandatory Student Activity Fees, review funding  
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1 applications and make funding decisions to student groups applying for Student  
2 Activity Fee funding.

3 57. The ASI Defendants applied the Student Activity Fee Policy in a viewpoint  
4 discriminatory manner by favoring the viewpoints of the Gender Equity Center and  
5 the LGBTQA Pride Center and discriminating against the viewpoints of Students for  
6 Life at CSU-SM by denying its application for funding.

7 58. The ASI Defendants are sued in both their official and individual  
8 capacities.

9 **Factual Background**

10 **I. Defendants' Unconstitutional Student Activity Fee Funding System**

11 **A. California laws and regulations governing mandatory Student**  
12 **Activity Fees**

13 59. California State University-San Marcos is a public university organized  
14 and existing under the laws of the State of California, and it receives funding from  
15 the State of California in order to operate.

16 60. The Board Defendants govern the University through regulations and  
17 policies.

18 61. The Board Defendants derive their authority from Cal. Educ. Code § 66600  
19 *et seq.*

20 62. The University may establish a student body organization for the purpose  
21 of providing essential activities closely related to, but not normally included as part  
22 of, the regular instructional program of the university. Cal. Educ. Code § 89300.

23 63. A student body organization is considered an “auxiliary organization” of  
24 the University. Cal. Educ. Code § 89901(b).

25 64. An auxiliary organization is an independently governed corporation that is  
26 legally separate from the University. Cal. Educ. Code § 89913(c).

27 65. The governing board of a student body organization must consist primarily  
28 of students, with a representative of the University president to advise on policy and



1 to provide a liaison between the student governing board and the President of the  
2 University. 5 CCR § 42602(a).

3 66. The president of the University is responsible for ensuring that the student  
4 body organization operates in conformity with the policy of the Board Defendants  
5 and the University. 5 CCR § 42402.

6 67. If two-thirds of the student body approves by vote, the Board Defendants  
7 have the authority to establish a mandatory membership fee for the student body  
8 organization that all students are required to pay as a condition of enrollment. Cal.  
9 Educ. Code § 89300.

10 **B. The Unconstitutional Student Activity Fee Policy**

11 68. The principle underlying the expenditure of student body organization  
12 funds collected through mandatory fees is that such expenditures shall be made in  
13 programs that reflect the broadest variety of student interests and that are open to all  
14 students who wish to participate. 5 CCR § 42659.

15 69. The Board Defendants have determined that mandatory Student Activity  
16 Fees may only be used for the following specific purposes: (a) Programs of cultural  
17 and educational enrichment and community service; (b) Recreational and social  
18 activities; (c) Support of student unions; (d) Scholarships, stipends, and grants-in-  
19 aid for only currently admitted students; (e) Tutorial programs; (f) Athletic  
20 programs, both intramural and intercollegiate; (g) Student publications; (h)  
21 Assistance to recognized student organizations; (i) Student travel insurance; (j)  
22 Administration of Student Activity Fee program; (k) Student government-  
23 scholarship stipends, grants-in-aid, and reimbursements to student officers for  
24 service to student government; (l) Student employment to provide payment for  
25 services in connection with the general administration of Student Activity Fees; (m)  
26 Augmentation of counseling services, including draft information, to be performed  
27 by the campus; (n) Transportation services; (o) Child day care centers for children  
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1 of students and employees of the campus; and (p) Augmentation of campus health  
2 services. 5 CCR § 42659.

3 70. The Board Defendants have delegated broad authority and responsibility  
4 to Defendant White, as Chancellor, to take whatever actions are necessary for the  
5 establishment and oversight of campus Student Activity Fees. A true and correct  
6 copy of the Standing Orders of the Board of Trustees of the California State  
7 University is attached as Exhibit 1 to this Complaint.

8 71. Pursuant to this authority, Defendant White issued Executive Order 1102  
9 which governs the establishment and allocation of student activity fees. A true and  
10 correct copy of Executive Order 1102 is attached as Exhibit 2 to this Complaint.

11 72. But the Student Activity Fee Policy violates the First and Fourteenth  
12 Amendment rights of the University's students because it grants University  
13 administrators unbridled discretion to discriminate in the allocation of their  
14 mandatory student activity fees based on the viewpoint of student speech.

15 73. As detailed in subsequent paragraphs, Plaintiffs challenge, facially and  
16 as-applied, the Defendants' Student Activity Fee Policy because:

- 17 • The policy grants Defendants unbridled discretion to allocate mandatory  
18 Student Activity Fees in a viewpoint-discriminatory manner.
- 19 • The policy does not include necessary objective criteria, factors, or  
20 standards required to guide the Defendants in allocating mandatory  
21 Student Activity Fees to fund expressive activity in a viewpoint-neutral  
22 manner.
- 23 • The policy affords unbridled discretion to favor certain viewpoints by  
24 creating student-run "centers" like the Gender Equity Center and the  
25 LGBTQA Pride Center, funding them through Student Activity Fees, and  
26 creating different rules governing their use of student fees inapplicable to  
27 other student groups.

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- 1 • The policy does not provide for an appeals process if a student  
2 organization’s request for funding is denied.
- 3 • The Defendants apply the policy to favor the speech of the Gender Equity  
4 Center and the LGBTQA Pride Center and disfavor alternative  
5 viewpoints offered by student organizations like Students for Life at  
6 CSU-SM.
- 7 • The Defendants apply the policy to allow the Gender Equity Center, the  
8 LGBTQA Pride Center, and the Arts & Lectures Series to use mandatory  
9 Student Activity Fees to pay for speakers to speak at their events on a  
10 variety of viewpoints including abortion, human sexuality, birth control,  
11 and exploitation of women, but forbid Students for Life at CSU-SM and  
12 other student organizations from using mandatory Student Activity Fees  
13 to pay for speakers to speak on those topics from a different viewpoint.
- 14 • The Defendants applied the policy to deny Students for Life at CSU-  
15 SM’s request for reimbursement of a portion of expenses for Professor  
16 Adams to speak at their event, which was open to all CSU-SM students,  
17 and Defendants will apply the policy to deny student activity funding for  
18 Students for Life at CSU-SM to pay for speakers to present its viewpoints  
19 on topics such as abortion and human sexuality, thereby favoring the  
20 viewpoints presented by the Gender Equity Center and the LGBTQA  
21 Center whose speakers are reimbursed with student activity fees.
- 22 • The Defendants applied the policy to require Mr. Apodaca and other  
23 members of Students for Life to pay mandatory Student Activity Fees  
24 pursuant to a policy which is not viewpoint-neutral.

25 74. The Student Activity Fee Policy establishes six categories of fees. Campus  
26 mandatory fees that must be paid to enroll in or attend the university are classified  
27 as Category II fees (hereinafter referred to as “mandatory Student Activity Fees”).

28 Ex. 2 § II. B.

1 75. Associated Students, Inc. of California State University-San Marcos is a  
2 non-profit, student-run auxiliary student body organization formed pursuant to Cal.  
3 Educ. Code § 89300. A true and correct copy of the Bylaws of ASI is attached as  
4 Exhibit 3 to this Complaint.

5 76. ASI is governed by the ASI Board of Directors and Executive Officers.  
6 Ex. 3, Art. 10 § 2.

7 77. One of ASI's stated purposes is "to improve the quality of student life by  
8 promoting student intellectual, cultural, recreational, and social welfare." Ex. 3,  
9 Preamble.

10 78. Pursuant to the Student Activity Fee Policy, the University requires that  
11 every student enrolled is automatically a member of ASI and is required to pay a  
12 mandatory fee of \$75 for each semester that he or she is enrolled as a student.

13 79. ASI is completely funded through the payment of mandatory Student  
14 Activity Fees.

15 80. The total amount of mandatory Student Activity Fees collected by the  
16 University on behalf of ASI for the 2016-2017 academic year was approximately  
17 \$1.31 million. A copy of ASI's Annual Budget for 2016-2017 is attached as Exhibit  
18 4 to this Complaint.

19 81. Pursuant to the Student Activity Fee Policy, the ASI Defendants are  
20 responsible for preparing ASI's Annual Budget and presenting it to Defendant  
21 Haynes, as the President of the University. Ex. 3, Art. 14 § 2.8.

22 82. The Student Activity Fee Policy does not contain provisions requiring that  
23 the mandatory Student Activity Fees must be allocated in a viewpoint-neutral  
24 manner.

25 83. The Student Activity Fee Policy does not contain objective criteria  
26 necessary to guide decisionmakers when allocating Student Activity Fees to fund  
27 student organization speech or other expressive activities.

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1 84. Pursuant to the Student Activity Fee Policy, upon information and belief,  
2 Mr. Apodaca will pay approximately \$300 in mandatory Student Activity Fees in  
3 his four semesters at the University, and the other members of Students for Life at  
4 CSU-SM will pay approximately \$600 during their four years at the University.

5 85. Pursuant to the Student Activity Fee Policy, ASI allocates mandatory  
6 Student Activity Fees to fund expressive activities and programs through: (1) the  
7 Campus Activities Board; (2) the Gender Equity Center; (3) the LGBTQA Pride  
8 Center; (4) the Arts & Lectures Series; and (5) ALF Leadership Funding. A copy of  
9 ASI's webpage is attached as Exhibit 5 to this Complaint.

10 86. For the 2016-2017 academic year, ASI allocated \$218,860 in mandatory  
11 Student Activity Fees to the Campus Activities Board ("CAB"). Ex. 4.

12 87. The duties of the CAB include: (1) developing "programming on campus  
13 based on the focus areas and needs of the student body"; (2) developing "engaging  
14 and informative campus activities that are representative of diversity of the campus  
15 community"; and (3) ensuring that "all events contribute to engaging the campus  
16 community." Campus Activities Board Code § VIII, a copy of which is attached as  
17 Exhibit 6 to this Complaint.

18 88. The CAB also is tasked with organizing a Volunteer Committee for at-  
19 large students to assist with campus activities. Ex. 6 § VIII.

20 89. In 2005, ASI created the Women's Center to provide resources, advocate  
21 for, and express viewpoints on issues related to women. The purpose of the  
22 Women's Center was to educate students about social justice issues that affect  
23 women such as domestic violence, sexual equality, and eating disorders. A copy of  
24 The Cougar Chronicle article dated September 6, 2010 discussing the formation is  
25 attached as Exhibit 7 to the Complaint.

26 90. In 2015, ASI decided to change the purpose of the advocacy and  
27 expression of the Women's Center and renamed it the Gender Equity Center.  
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1 91. The Gender Equity Center is a student-run organization that is governed  
2 by the ASI Board of Directors.

3 92. The stated purpose of the Gender Equity Center is to “provide a space  
4 dedicated to gender equity in which students of all genders and diverse identities feel  
5 safe, valued, and respected.” Gender Equity Center Code § III, a copy of which is  
6 attached as Exhibit 8 to the Complaint.

7 93. The Gender Equity Center accomplishes its purpose “through  
8 programming, education, and advocacy.” Ex. 8 § III.

9 94. The duties and responsibilities of the Gender Equity Center include: (1)  
10 provide a safe and welcoming space for all students, staff, and faculty; (2) conduct  
11 educational programming and events focused on meeting the needs of students of all  
12 genders and diverse identities; (3) increase awareness about issues that primarily  
13 affect women, gender nonconforming, and transgender students on campus; and (4)  
14 pursue gender equity through dialogue, support, programming, education, and  
15 advocacy. Ex. 8 § VIII.

16 95. For the 2016-2017 academic year, ASI allocated \$147,919 in mandatory  
17 Student Activity Fees to the Gender Equity Center. It is funded solely through  
18 Student Activity Fees. Ex. 4.

19 96. The Gender Equity Center regularly engages in and promotes speech that  
20 advocates a pro-abortion viewpoint, and Plaintiffs disagree with this viewpoint. For  
21 example, last semester, the Gender Equity Center hosted a pro-abortion lecture by  
22 CSU-SM Women’s Studies professor Cecili Chadwick entitled “A Feminist History  
23 of Reproductive Rights.”

24 97. Upon information and belief, the Gender Equity Center has not held any  
25 event or brought any speaker to campus that expressed or advocated for a pro-life  
26 viewpoint.

27 98. The Gender Equity Center hosts several annual events. Love Your Body  
28 Day is an annual “feminist celebration to raise awareness about health issues,

1 challenge harmful and offensive advertisements and media, and promote positive  
2 body image.” A copy of Gender Equity Center’s Events webpage is attached as  
3 Exhibit 9 to this Complaint.

4 99. Women’s Herstory Month is an annual campus-wide celebration with over  
5 a dozen events that is intended to recognize the struggles and celebrate the  
6 achievements of women in the U.S. Ex. 9.

7 100. The Gender Equity Center also hosts other miscellaneous events  
8 throughout the year. Some of the events this year include the Safe Zone Training  
9 Workshop, ABC’s of LGBTQ: Queer Women, and the Pleasure Party. Ex. 9.

10 101. For the Pleasure Party, students were invited to “[c]ome and learn more  
11 about how to increase your pleasure! We will go over different ways to increase your  
12 pleasure, whether it’s for yourself, for your partner, or both!” A picture of the  
13 Pleasure Party advertisement is attached as Exhibit 10 to the Complaint.

14 102. The Gender Equity Center also provides various resources. One of these  
15 resources is LGBTQ Safe Zone which includes educational workshops and training  
16 seminars for classes, campus agencies, student organizations, and departments about  
17 topics including gender, sexuality, identity, and other topics relating to multicultural  
18 competence.

19 103. Another resource is a training entitled Mask of Marginalization in which  
20 attendees participate in a simulation activity where they can identify their roles that  
21 mirror those in society of privilege and marginalization.

22 104. The Gender Equity Center also offers “trans affirming spaces,” “gender  
23 inclusive restrooms,” and a “preferred name policy.” A copy of the Gender Equity  
24 Center’s Trans Resources webpage is attached as Exhibit 11 to the Complaint.

25 105. In 2007, ASI created the LGBTQA Pride Center to provide resources,  
26 advocate for, and express viewpoints on issues related to LGBTQA individuals.

27 106. The LGBTQA Pride Center is a student-run organization that is governed  
28 by the ASI Board of Directors.



1 107. The purpose of the LGBTQA Pride Center is to “create, sustain, and affirm  
2 an open, safe, and inclusive environment for lesbian, gay, bisexual, transgender,  
3 queer, questioning, intersex, and ally (LGBTQIA) individuals and communities at  
4 CSU San Marcos.” LGBTQA Pride Center Code § III, a copy of which is attached  
5 as Exhibit 12 to the Complaint.

6 108. The LGBTQA Pride Center “accomplishes its purpose by building  
7 community, service as a voice of advocacy fostering a positive campus climate for  
8 LGBTQIA individuals, sponsoring events and programs which reflect the diversity  
9 within LGBTQIA communities, and providing educational resources and  
10 opportunities.” Ex. 12 § III.

11 109. The duties and responsibilities of the LGBTQA Pride Center include: (1)  
12 conduct educational programming and events focused on meeting the needs of  
13 students of all genders, sexual orientations, and diverse identities; (2) increase  
14 awareness about issues impacting LGBTQIA students on campus; and (3) pursue  
15 equity for LGBTQIA individuals through dialogue, support, programming,  
16 education, and advocacy. Ex. 12 § VIII.

17 110. For the 2016-2017 academic year, ASI allocated \$148,579 in mandatory  
18 Student Activity Fees to the LGBTQA Pride Center. Ex. 4.

19 111. The LGBTQA Pride Center hosts several annual events. The Coming Out  
20 Monologues is an annual community-based theater project “celebrating the diversity  
21 of experience and identity in the coming out journey.” A copy of the LGBTQA Pride  
22 Center’s Event’s webpage is attached as Exhibit 13 to the Complaint.

23 112. Gaypril is an annual month-long celebration of the “lesbian, gay, bisexual,  
24 transgender, questioning and allied (LGBTQA+) community through a series of  
25 events that will include lectures, discussions, art collaborations and a pride festival.”  
26 Ex. 13.

27 113. The LGBTQA Pride Center also hosts miscellaneous events throughout  
28 the year, some of which include outside speakers. For example, this semester the



1 LGBTQA Pride Center hosted (1) Dr. Sayaka, a professional sexologist, for a  
2 presentation entitled “Kink 101” which was a discussion of BDSM and Kink which  
3 included prizes and participation in an interactive workshop, and interested  
4 individuals were encouraged to bring a scarf or tie if they wanted to play along; and  
5 (2) Dr. Jennifer Gunsallus, a sexuality speaker, for a presentation entitled “Spice  
6 Up Your Valentine’s Day” which was an interactive presentation designed to  
7 explore mindfulness in your sexuality and included sex quizzes, myth busting, and  
8 information on popular aphrodisiacs. The LGBTQA Pride Center used Student  
9 Activity Fees to pay speakers to participate in both of these events. Pictures of the  
10 advertisements for these events are attached as Exhibit 14 to this Complaint.

11 114. The LGBTQA Pride Center also offers “trans affirming spaces,” “gender  
12 inclusive restrooms,” and a “preferred name policy” which are the same resources  
13 provided by the GEC. Ex. 11.

14 115. The LGBTQA Pride Center regularly engages in and promotes speech that  
15 advocates for and encourages sexual activities that Plaintiffs believe are immoral  
16 and unhealthy.

17 116. Upon information and belief, the LGBTQA Pride Center has not held any  
18 event or brought any speaker to campus that expressed or advocated for the  
19 viewpoint that sex should only occur between a man and a woman in a marital  
20 relationship.

21 117. The Gender Equity Center and the LGBTQA Pride Center also publish two  
22 annual student-written magazines. The Queery, published by the LGBTQA Pride  
23 Center, focuses on artwork and articles related to and advocating for the interests of  
24 “LGBTQ, Queer, and Ally issues and identities.” The Feminist Agenda, published  
25 by the Gender Equity Center, focuses on feminist and gender issues.

26 118. The CAB, Gender Equity Center, and the LGBTQA Pride Center are all  
27 ASI entities. ASI employs a media and communications team that supports the  
28

1 activities of the ASI entities. A copy of the Media and Communications Team Code  
2 is attached as Exhibit 15 to this Complaint.

3 119. The media and communications team designs, develops, and prints  
4 promotional items and all marketing materials for all events and services for all ASI  
5 entities. Ex. 15 § VIII.

6 120. The media and communications team also coordinates with each ASI  
7 entity to construct a marketing plan for the entity's activities and programs. Ex. 15  
8 § VIII.

9 121. ASI allocates mandatory Student Activity Fees to pay for outside speakers  
10 to speak on campus through its sponsorship of the Arts & Lectures Series which is  
11 produced by the College of Humanities, Arts, Behavioral and Social Sciences. A  
12 copy of the Arts & Lectures Series webpage and Spring 2017 brochure is attached  
13 to the Complaint as Exhibit 16.

14 122. The Arts & Lectures Series is a series of events that is designed to offer  
15 "eye-opening perspectives on multiple topics, issues, and disciplines by bringing in  
16 exceptional guests who are experts in various fields creatively and intellectually."  
17 Ex. 16.

18 123. The Arts & Lectures Series includes "lectures across various fields,  
19 film/video screenings, visual art talks, dance and theatre performances, music  
20 concerts, scientific discussions, book readings and more." Ex. 16.

21 124. The Spring 2017 series included: (1) Jane Elliott in a lecture entitled "The  
22 Anatomy of Prejudice"; (2) storyteller and sociologist Kimberly Dark in a lecture  
23 entitled "Things I Learned from Fat People on the Plane"; and (3) hip hop artist and  
24 activist Nomis in a performance entitled "The Socially Just."

25 125. For the 2016-2017 academic year, ASI allocated \$38,629 in mandatory  
26 Student Activity Fees to ASI Leadership Funding ("ALF"). Ex. 4.

27

28

1 126. ALF is a program that provides funding for student organizations to hold  
2 on-campus events and for student attendance at professional conferences. A copy of  
3 the ASI Leadership Funding Policy is attached to the Complaint as Exhibit 17.

4 127. The University has more than 100 recognized student organizations.

5 128. The maximum amount that a student organization can receive is \$250 for  
6 an event that is not open to the entire campus community and \$500 for an event that  
7 is open to the entire campus community. Ex. 17.

8 129. The maximum amount that a student organization may receive in ALF  
9 funding is \$500 per semester. Ex. 17.

10 130. Allocation of ALF funds is determined by Defendant Lee, as the ASI  
11 Executive Vice President, and professional staff members who meet five times per  
12 semester to review applications. Ex. 17

13 131. The meetings to review ALF applications are not recorded.

14 132. Students are encouraged to apply early in the year because funds are  
15 awarded on a first come, first served basis. Ex. 17.

16 133. To be eligible for an ALF grant, student organizations must satisfy the  
17 following criteria: (1) must be officially recognized by the University; (2) must work  
18 with the Student Life and Leadership Coordinator to plan the event; (3) events must  
19 be held on-campus; (4) funding is available for consumable items and facility costs,  
20 which support the event such as food for attendees, paper products, and advertising  
21 specific for the event; (5) programs must not make a profit and the event must be  
22 free to attend; (6) funding is not available for individual student organization  
23 members; (7) funding is not available for door prizes, raffles, opportunity drawings,  
24 honorariums, speaker fees, donations, gifts, or give-away items; (8) only original  
25 forms and signatures are accepted; and (9) incomplete applications will be rejected.  
26 Ex. 17.

27

28

1 134. Pursuant to the ASI Leadership Funding Policy, Defendant Lee and the  
2 other members of the committee have the discretion to deny the grant application  
3 even if all of the listed criteria are satisfied.

4 135. The Student Activity Funding Policy provides no objective criteria or  
5 standards to limit the discretion of Defendant Lee and the other members of the  
6 committee in evaluating the applications that meet the threshold criteria above.

7 136. Student organizations are required to submit a completed application for  
8 ALF funding along with a program description which must be at least two  
9 paragraphs and include the following information explaining why the program  
10 should be funded: (1) the purpose of the event; (2) how the event benefits students;  
11 (3) whether the organization has put on this event in the past; and (4) if the event has  
12 been put on in the past, describe the impact and why it is important to offer this event  
13 again. Ex. 17.

14 137. An itemized budget must also be included showing the allowable expenses.  
15 Ex. 17.

16 138. After submitting the completed application, Defendant Lee and the  
17 committee evaluates the request and informs the organization by email whether the  
18 funding request was approved. Ex. 17.

19 139. Funds are provided on a reimbursement basis to individuals or for payment  
20 to a vendor after the event. Ex. 17.

21 140. Student organizations may co-sponsor an event with another student  
22 organization. The ALF contribution for co-sponsored events is up to \$1,000. Ex. 17.

23 141. The Student Activity Fee Policy does not contain any provision requiring  
24 that the mandatory Student Activity Fees must be allocated in a viewpoint-neutral  
25 manner.

26 142. The Student Activity Fee Policy does not contain objective criteria, factors,  
27 or standards necessary to guide ASI in allocating Student Activity Fees to fund  
28 expressive activity in a viewpoint-neutral manner.

1 143. Pursuant to the unbridled discretion granted to them in the Student Activity  
2 Fee Policy, the ASI Defendants apply the policy in a viewpoint-discriminatory  
3 manner by favoring the speech and expressive activities of the Gender Equity  
4 Center, the LGBTQA Pride Center, and the Arts & Lectures Series and disfavoring  
5 all other student speech.

6 144. For the 2016-2017 academic year, the ASI Defendants allocated \$296,498  
7 to the Gender Equity Center and the LGBTQA Pride Center which is more than 53%  
8 of the total mandatory Student Activity Fees allocated to student advocacy.

9 145. In contrast, the ASI Defendants allocated only \$38,629 to fund the speech  
10 and expressive activities of the more than 100 other student organizations at the  
11 University which is less than 7% of the total mandatory Student Activity Fees  
12 allocated to student advocacy. Further, the other student organizations are limited to  
13 \$500 per semester to fund their speech and expressive activities.

14 146. The ASI Defendants also favor the speech and expressive activities of the  
15 Gender Equity Center, the LGBTQA Pride Center, and the Arts & Lectures Series  
16 by allocating mandatory Student Activity Fees to them to pay speakers for their on-  
17 campus events. But, Students for Life at CSU-SM is forbidden from using  
18 mandatory Student Activity Fee funds to pay for speakers at its events.

19 147. Additionally, in creating the Gender Equity Center and the LGBTQA Pride  
20 Center as ASI Entities, the ASI Defendants further favor the speech of these entities  
21 by employing a media and communications team which creates a marketing plan  
22 and then designs, develops, and prints promotional items and all marketing materials  
23 for their events. All of this is paid for through mandatory Student Activity Fees. Yet,  
24 other student organizations, specifically Students for Life at CSU-SM, are denied  
25 this same benefit.

26 148. The Board Defendants and Defendants White, Haynes, Checa and Clark  
27 have the authority to establish the terms of the Student Activity Fee Policy and to  
28 require the ASI Defendants to abide by the policy.

1 149. Pursuant to the Student Activity Fee Policy, the ASI Defendants have  
2 discretion over the specific allocation of mandatory Student Activity Fees, and thus  
3 have control over the viewpoint of the speech and expressive activities funded by  
4 those fees.

5 150. Pursuant to the Student Activity Fee Policy, there is no appeals process if  
6 a student organization's funding application for an ALF grant is denied by ASI.

7 151. Pursuant to the Student Activity Fee Policy, there is no process to punish  
8 or remove University officials that violate viewpoint neutrality when making student  
9 activity fee funding decisions.

## 10 **II. Background on Students for Life at CSU-SM**

11 152. Students for Life at CSU-SM is a nonprofit, student-led expressive student  
12 group at the University and is a recognized student organization.

13 153. Students for Life at CSU-SM is founded upon its view that all human life  
14 from the point of conception until natural death is sacred and has inherent dignity.

15 154. Students for Life at CSU-SM also believes and advocates that sexual  
16 activity should only occur between a man and a woman in a marital relationship.

17 155. Students for Life at CSU-SM advocates for these views peacefully on  
18 campus.

19 156. Students for Life at CSU-SM engages in expression on the University's  
20 campus through a variety of means including flyers, signs, peaceful demonstrations,  
21 hosting tables with information, inviting speakers to campus, and talking with fellow  
22 students about its pro-life views.

23 157. When engaging in these expressive activities, Students for Life at CSU-  
24 SM and its members discuss political, religious, social, cultural, and moral issues,  
25 events, and ideas.

26 158. For example, in this past year, Students for Life at CSU-SM hosted the  
27 Genocide Awareness Project in September 2016 and February 2017 and it also  
28

1 hosted a debate on the topic of abortion between Seth Gruber of the Life Training  
2 Institute and Cecili Chadwick of the CSU-SM Women’s Studies department.

3 159. Students for Life at CSU-SM intends to engage in these types of expressive  
4 activities during the remainder of the 2017–2018 academic year and subsequent  
5 years thereafter. It wants to apply for grants from mandatory Student Activity Fees  
6 to offset the cost of providing these educational opportunities for the CSU-SM  
7 campus but has been and will be denied such funding because the Student Activity  
8 Fee Policy grants the ASI Defendants unbridled discretion to allocate funds based  
9 upon the viewpoint of the speech. And the ASI Defendants have utilized such  
10 discretion to favor the speech of the Gender Equity Center, the LGBTQA Pride  
11 Center, and the Arts & Lectures Series and to disfavor all other student speech  
12 reflecting competing viewpoints, including the speech of Students for Life at CSU-  
13 SM.

14 **III. Defendants’ Unconstitutional Denial of Students for Life at CSU-SM’s**  
15 **Funding Request**

16 160. As required by the ALF Policy, Students for Life at CSU-SM submitted  
17 an application for an ALF grant of \$500 to host Professor Mike Adams to deliver a  
18 speech, open to all students, entitled, “Abortion and Human Equality: A Scientific  
19 and Philosophical Defense of the Pro-Life View.”

20 161. The application indicated that the program was scheduled to be held on  
21 March 9, 2017.

22 162. The total cost of the event would be approximately \$3,000 which includes  
23 Professor Adams’ speaking fee and travel expenses.

24 163. Students for Life at CSU-SM had obtained commitments of \$2,000 from  
25 other non-university sources to assist with the expenses of the event.

26 164. After submitting the application, Mr. Apodaca received an e-mail stating  
27 that the application was denied. No explanation was provided. A copy of the e-mail  
28 is attached as Exhibit 18 to the Complaint.



1 165. Mr. Apodaca inquired about the reason for the denial. The ASI  
2 representative responded that the application was not complete because it did not  
3 include an itemized list of the expenses. Ex. 18.

4 166. Mr. Apodaca responded that the funds were needed to cover the costs of a  
5 speaker and asked whether he could resubmit the application with this information.  
6 The ASI representative informed Nathan that ALF grants are not available for  
7 speaker fees and travel expenses. Ex. 18.

8 167. Mr. Apodaca responded that he was surprised that student organizations  
9 could not receive funds for speakers because the Pride Center and the GEC both  
10 receive funding for speakers. The ASI representative provided the following  
11 response:

12 Well, the BOD, GEC, and Pride Center (and CAB-Campus Activities  
13 Board) are all departments of ASI and have their own budgets to do  
14 their own programming.

15 ALF comes from the BOD's programming funds to assist student orgs  
16 even though the student orgs technically have nothing to do with ASI  
17 since they are run and recognized by Student Life & Leadership (SLL).  
18 But, since we believe student life on campus is important, we have the  
19 funding available to help events happen as a courtesy to the student  
20 orgs. But, we (as BOD-ALF) don't coordinate the event or participate  
21 in the event, which is why we can't fund things such as speaker fees or  
22 travel expenses. The other ASI entities fully coordinate and run their  
own events and programming and thus can have speakers and/or other  
programming events.

23 Ex. 18.

24 168. Mr. Apodaca inquired whether the Gender Equity Center would be  
25 willing to co-sponsor the Students for Life at CSU-SM's event, but they declined.

26 169. Upon information and belief, the Gender Equity Center and the  
27 LGBTQA Pride Center do not have any written policies and procedures governing  
28 whether they will co-sponsor an event, and neither ASI nor any of the other



1 Defendants have placed any restriction on their discretion to determine whether to  
2 co-sponsor another student group's event. Thus, the Gender Equity Center and the  
3 LGBTQA Pride Center, as ASI departments, have unbridled discretion to  
4 discriminate in their co-sponsorship with another student group using mandatory  
5 Student Activity Fees based upon the viewpoint of the proposed speech.

6 170. As a result of ASI's denial of the grant request, Students for Life at CSU-  
7 SM canceled the event with Professor Adams because it had insufficient funds to  
8 cover the cost of the event.

9 171. Pursuant to the Student Activity Fee Policy, Students for Life at CSU-SM  
10 could not appeal the denial of funding by ASI or the Gender Equity Center.

11 172. Pursuant to the Student Activity Fee Policy, the ASI Defendants denied  
12 Students for Life at CSU-SM's request for funding for Professor Adams' speech.

13 173. Pursuant to the Student Activity Fee Policy, the ASI Defendants denied  
14 Students for Life at CSU-SM's request for funding, thereby discriminating against  
15 the viewpoint intended to be expressed by Students for Life at CSU-SM and its  
16 invited speaker.

17 174. Pursuant to the Student Activity Fee Policy, the ASI Defendants allocate  
18 mandatory Student Activity Fees to the Gender Equity Center and the LGBTQA  
19 Pride Center and allow those student-run entities to use such funds for speakers to  
20 discuss topics chosen by those centers and reflecting the viewpoints for which the  
21 centers choose to advocate, including advocating for abortion and sexually  
22 promiscuous behavior.

23 175. Students for Life at CSU-SM plans to apply for Student Activity Fee  
24 funding through an ALF grant immediately for its upcoming events on campus  
25 which will promote a different viewpoint on abortion and sexual behavior.

26 176. Students for Life at CSU-SM is currently working on plans to bring at  
27 least two speakers to campus in the fall of 2017 and wants to apply for funding  
28 through an ALF grant for those events.

1 177. For example, Students for Life at CSU-SM intends to bring pro-life  
2 speakers Scott Klusendorf, President of Life Training Institute, and Professor Mike  
3 Adams to campus to speak in the fall of 2017, and it intends to apply for an ALF  
4 grant to defray the costs of hosting these speakers.

5 178. Pursuant to the Student Activity Fee Policy, Defendants will deny Students  
6 for Life at CSU-SM's request for an ALF grant to bring Scott Klusendorf and  
7 Professor Adams to speak on campus because they will not pay for speaker fees or  
8 their travel expenses.

9 179. Students for Life at CSU-SM also intends to host an event on campus  
10 entitled "Real Sex Week" which will include activities and provide information  
11 related to the myths of safe sex and abortion, education about the risk of STDs, and  
12 education about the health risks of common forms of birth control. Students for Life  
13 at CSU-SM's viewpoints on issues such as sex, human sexuality, birth control, and  
14 abortion will differ from the viewpoints advocated by the Gender Equity Center and  
15 the LGBTQA Pride Center.

16 180. Pursuant to the Student Activity Fee Policy, Defendants possess unbridled  
17 discretion in allocating mandatory Student Activity Fees and in evaluating Students  
18 for Life at CSU-SM's future applications for an ALF grant and Defendants possess  
19 the authority to deny the applications based upon the viewpoint of Students for Life  
20 at CSU-SM's speech.

21 **Allegations of Law**

22 181. All of the acts of Defendants, their officers, agents, employees, and  
23 servants, were executed and are continuing to be executed by Defendants under the  
24 color and pretense of the policies, statutes, ordinances, regulations, customs, and  
25 usages of the State of California.

26 182. The ASI Defendants act under color of state law when carrying out their  
27 duties and functions delegated to them by the other Defendants pursuant to the  
28

1 Student Activity Fee Policy with respect to allocating mandatory Student Activity  
2 Fees.

3 183. Defendants are not engaging in government speech or their own speech in  
4 their allocation of mandatory Student Activity Fees.

5 184. Defendants knew or should have known that by forcing Mr. Apodaca and  
6 the other members of Students for Life at CSU-SM to pay into a viewpoint  
7 discriminatory Student Activity Fee system and by denying Students for Life at  
8 CSU-SM's application for an ALF grant due to the viewpoint of its guest speaker's  
9 expression, Defendants violated Plaintiffs' constitutional rights.

10 185. The Student Activity Fee Policy which Defendants applied to violate  
11 Plaintiffs' constitutional rights remains in full force and effect.

12 186. Plaintiffs are suffering irreparable harm from the Student Activity Fee  
13 Policy and conduct of Defendants, which cannot be fully compensated by an award  
14 of money damages.

15 187. Plaintiffs have no adequate or speedy remedy at law to correct or redress  
16 the deprivation of their rights by Defendants.

17 188. Defendants' actions and policies, as set forth above, do not serve any  
18 legitimate or compelling state interest.

19 189. Defendants have deprived, and continue to deprive, Plaintiffs of their  
20 clearly established rights under the United States Constitution, as set forth in the  
21 causes of action below.

22 190. Unless the conduct of Defendants is enjoined, Plaintiffs will continue to  
23 suffer irreparable injury.

24 191. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to  
25 appropriate relief invalidating Defendants' Student Activity Fee Policy, along with  
26 the related practices and procedures.

27

28

1 **First Cause of Action**

2 **Violation of Plaintiffs' First Amendment Right to Freedom of Speech**

3 **Compelled Speech and Viewpoint Discrimination**

4 192. Plaintiffs repeat and reallege each of the allegations contained in  
5 paragraphs 1–191 of this Complaint.

6 193. The First Amendment's Freedom of Speech Clause prohibits the  
7 government from compelling citizens to express or support a message not of their  
8 own choosing.

9 194. The First Amendment's Freedom of Speech Clause prohibits public  
10 universities from collecting a mandatory Student Activity Fee that is used to fund  
11 student organization speech, if that mandatory Student Activity Fee is not allocated  
12 in a viewpoint-neutral manner.

13 195. The First Amendment's Freedom of Speech Clause prohibits viewpoint  
14 discrimination in a public forum created for student speech.

15 196. When a public university collects mandatory Student Activity Fees and  
16 allows registered student organizations to apply for Student Activity Fee funding, or  
17 otherwise makes funds available to student groups to foster a diversity of viewpoints,  
18 it creates a public forum for student speech and expression.

19 197. The government is not speaking when it allows registered student  
20 organizations promoting a multiplicity of views to apply for funding, whether  
21 through Student Activity Fees or otherwise. Instead, it creates a public forum for  
22 student speech and expression.

23 198. The funds that a public university collects through a mandatory Student  
24 Activity Fee and uses to fund student organizations do not constitute government  
25 funds.

26 199. The government's ability to restrict speech in a public forum is limited.

27 200. A public university may not apply viewpoint-based standards in allocating  
28 student organization funding, including through mandatory Student Activity Fees.

1       201. The Defendants have created a public forum for student speech through its  
2 Student Activity Fee Policy.

3       202. Through the Student Activity Fee Policy, the Defendants compel Plaintiff  
4 Nathan Apodaca, the other members of Plaintiff Students for Life at CSU-SM, and  
5 all University students to pay a mandatory Student Activity Fee that is used in part  
6 to fund student organization speech on campus pursuant to a policy which is not  
7 viewpoint-neutral.

8       203. Defendants' policies governing the allocation of mandatory Student  
9 Activity Fees, including the Student Activity Fee Policy, confer unbridled discretion  
10 on Defendants or other government officials charged with allocating those funds to  
11 suppress and/or discriminate against disfavored speech based on viewpoint.

12       204. The lack of objective criteria, factors, or standards for determining who  
13 may access a student organization funding forum gives government officials  
14 unbridled discretion to exclude or prohibit speech based on its viewpoint in violation  
15 of the First Amendment.

16       205. The lack of a process to remove officials who violate viewpoint neutrality  
17 when deciding student organization funding requests indicates that the government  
18 has unbridled discretion to govern the speech forum.

19       206. The lack of advanced notice for meetings, public meetings, and recording  
20 of meetings of government officials charged with allocating student organization  
21 funding indicates that the government has unbridled discretion to govern the speech  
22 forum.

23       207. The lack of an appeals process in a student organization funding forum  
24 indicates that the government has unbridled discretion to govern the speech forum.

25       208. Defendants' policies governing the allocation of funds, including the  
26 Student Activity Fee Policy, confer unbridled discretion on Defendants or other  
27 government officials charged with allocating those funds to suppress and/or  
28 discriminate against disfavored speech because of its viewpoint.

1 209. Defendants' policies governing the allocation of funds, including the  
2 Student Activity Fee Policy, grant Defendants unbridled discretion to promote or  
3 create student organizations that advocate for Defendants' favored viewpoints, such  
4 as the Gender Equity Center and the LGBTQA Pride Center, and to favor those  
5 viewpoints over the viewpoints of all other student organizations.

6 210. Defendants' policies governing the allocation of funds, including the  
7 Student Activity Fee Policy, grant Defendants unbridled discretion to allow the  
8 Gender Equity Center and the LGBTQA Pride Center to favor certain viewpoints  
9 over others by co-sponsoring the events of certain student organizations but  
10 declining to co-sponsor events of other disfavored student organizations.

11 211. Defendants' policies governing the allocation of funds, including the  
12 Student Activity Fee Policy, do not provide a process through which Defendants or  
13 other government officials may remove an ASI Defendant for violating the  
14 constitutional prohibition against viewpoint discrimination.

15 212. Defendants' policies governing the allocation of funds, including the  
16 Student Activity Fee Policy, do not provide that ALF grant meetings be announced  
17 in advance to the public, be open to the public, or be recorded.

18 213. Defendants' policies governing the allocation of funds, including the  
19 Student Activity Fee Policy, do not provide student organizations with the ability to  
20 appeal student organization funding decisions by the ASI Defendants.

21 214. The ASI Defendants have exercised the unbridled discretion granted by  
22 the remaining Defendants through the challenged policies to deny Plaintiff Students  
23 for Life at CSU-SM the opportunity to receive mandatory Student Activity Fees for  
24 speakers, but they still force students, including Plaintiff Apodaca and members of  
25 Plaintiff Students for Life at CSU-SM, to support other speakers reflecting the views  
26 of the Gender Equity Center, the LGBTQA Pride Center, the Arts & Lectures Series,  
27 and other student organizations through the mandatory Student Activity Fee.

28

1       215. The ASI Defendants have exercised the unbridled discretion granted by  
2 the remaining Defendants through the challenged policies to deny Plaintiff Students  
3 for Life at CSU-SM the opportunity to receive mandatory Student Activity Fees in  
4 the same manner as the Gender Equity Center and the LGBTQA Pride Center, but  
5 they still force students, including Plaintiff Apodaca and members of Plaintiff  
6 Students for Life at CSU-SM, to support the speech of the Gender Equity Center and  
7 the LGBTQA Pride Center through the mandatory Student Activity Fee.

8       216. Defendants' Student Activity Fee Policy compels Plaintiff Apodaca and  
9 the student members of Plaintiff Students for Life at CSU-SM to fund and support  
10 speech and viewpoints with which they disagree and which they find offensive and  
11 objectionable.

12       217. Pursuant to the Student Activity Fee Policy, Defendants engaged in  
13 content- and viewpoint-based discrimination by favoring the expressive activities of  
14 the Gender Equity Center and the LGBTQA Pride Center, but not providing Plaintiff  
15 Students for Life at CSU-SM the same treatment.

16       218. Defendants applied the Student Activity Fee Policy, and procedures,  
17 practices, and customs to Plaintiff Students for Life at CSU-SM in a discriminatory  
18 manner by (1) allocating more than \$296,000 to the Gender Equity Center and the  
19 LGBTQA Pride Center to fund their advocacy but limiting Plaintiff Students for Life  
20 at CSU-SM to \$500 per semester; (2) granting the student-operated Gender Equity  
21 Center and the LGBTQA Pride Center special benefits, such as use of the media and  
22 communications team, that are not available to Students for Life at CSU-SM; and  
23 (3) allowing the Gender Equity Center, the LGBTQA Pride Center, and the Arts &  
24 Lectures Series to use mandatory Student Activity Fees to pay for speakers but  
25 denying funding to Students for Life at CSU-SM to pay for speakers.

26       219. Defendants' Student Activity Fee Policy permits viewpoint discrimination  
27 in the allocation of Student Activity Fees because it grants unbridled discretion to  
28 University administrators and the ASI Defendants.



1 220. Defendants have no legitimate interest to support by favoring the speech  
2 of the Gender Equity Center, the LGBTQA Pride Center, and the Arts & Lectures  
3 Series and disfavoring the speech of Plaintiff Students for Life at CSU-SM.

4 221. Accordingly, Defendants' Student Activity Fee Policy and their  
5 enforcement of those policies against Plaintiffs, violates Plaintiffs' right to freedom  
6 of speech guaranteed by the First Amendment.

7 222. Because of Defendants' actions, Plaintiffs have suffered, and continue to  
8 suffer, economic injury and irreparable harm. They are entitled to an award of  
9 monetary damages and equitable relief.

10 223. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a  
11 declaration that Defendants violated their First Amendment right to freedom of  
12 speech and an injunction against Defendants' policy and actions. Additionally,  
13 Plaintiffs are entitled to damages in an amount to be determined by the evidence and  
14 this Court and the reasonable costs of this lawsuit, including their reasonable  
15 attorneys' fees.

16 **Second Cause of Action**

17 **Violation of Plaintiffs' Fourteenth Amendment**

18 **Right to Equal Protection of the Law**

19 224. Plaintiffs repeat and reallege each of the allegations contained in  
20 paragraphs 1–191 of this Complaint.

21 225. The Fourteenth Amendment to the United States Constitution guarantees  
22 Plaintiffs the equal protection of the laws, which prohibits Defendants from treating  
23 Plaintiffs differently than similarly situated students and student organizations.

24 226. The government may not treat someone disparately as compared to  
25 similarly situated persons when such disparate treatment burdens a fundamental  
26 right, targets a suspect class, or has no rational basis.

27 227. Plaintiff Nathan Apodaca and the other student members of Students for  
28 Life at CSU-SM are similarly situated to all other students at the University because



1 they pay Student Activity Fees as a condition of enrollment at the University.

2 228. Pursuant to the Student Activity Fee Policy, Defendants treated Plaintiff  
3 Nathan Apodaca and the other student members of Students for Life at CSU-SM  
4 disparately than other students because Defendants have used Plaintiffs' fees to fund  
5 the speech of students that agree with the viewpoints advocated for by the Gender  
6 Equity Center and the LGBTQA Pride Center but have denied funding to advocate  
7 for Plaintiffs' viewpoints on those same topics.

8 229. Defendants' Students Activity Fee Policy and related practices violate  
9 Plaintiff Nathan Apodaca and the other student members of Students for Life at  
10 CSU-SM's fundamental right to freedom of speech.

11 230. Plaintiff Students for Life at CSU-SM is similarly situated to the Gender  
12 Equity Center and the LGBTQA Pride Center at the University because they are all  
13 student-led organizations that engage in expressive activity on campus to advocate  
14 for their own viewpoints.

15 231. Pursuant to the Student Activity Fee Policy, Defendants granted  
16 mandatory Student Activity Fee funding to the Gender Equity Center and the  
17 LGBTQA Pride Center, but denied the same to Plaintiff Students for Life at CSU-  
18 SM.

19 232. Pursuant to the Student Activity Fee Policy, Defendants granted  
20 mandatory Student Activity Fee funding to the Gender Equity Center and the  
21 LGBTQA Pride Center to bring in speakers for events advocating viewpoints on  
22 political, ideological, and social issues, but denied the same funding to Plaintiff  
23 Students for Life at CSU-SM for its speech by Professor Adams, which also would  
24 have focused on political, ideological, and social issues, but from a different  
25 viewpoint.

26 233. Pursuant to the Student Activity Fee Policy, Defendants treated Plaintiff  
27 Students for Life at CSU-SM disparately when compared to the Gender Equity  
28

1 Center and the LGBTQA Pride Center by denying Plaintiff Student Activity Fee  
2 funding.

3 234. Defendants' Student Activity Fee Policy and related practices violate  
4 Plaintiff Students for Life at CSU-SM's fundamental right to freedom of speech.

5 235. When government regulations, like Defendants' mandatory Student  
6 Activity Fee funding policy and practices challenged herein, infringe on  
7 fundamental rights, discriminatory intent is presumed.

8 236. Defendants' mandatory Student Activity Fee funding policy and practices  
9 have also been applied to discriminate intentionally against Plaintiffs' rights to  
10 freedom of speech.

11 237. Defendants lack a rational or compelling state interest for such disparate  
12 treatment of Plaintiffs.

13 238. Defendants' Student Activity Fee Policy and their practices are not  
14 narrowly tailored as applied to Plaintiffs because Plaintiffs' speech does not  
15 implicate any of the compelling or even legitimate interests Defendants might have.

16 239. Defendants have applied the Student Activity Fee Policy and their  
17 procedures, practices, and customs to Plaintiff Students for Life at CSU-SM in a  
18 discriminatory and unequal manner, allowing the Gender Equity Center and the  
19 LGBTQA Pride Center to receive preferred treatment, including preferred funding  
20 allocations, and authorization to use those funds to pay speakers to advocate for their  
21 views, while providing only the opportunity for far less funding for Plaintiff and  
22 subjecting it to restrictions on using those funds to bring in its own speakers in  
23 violation of Plaintiff's right to equal protection of the laws under the Fourteenth  
24 Amendment.

25 240. Because of Defendants' actions pursuant to the Student Activity Fee  
26 Policy, Plaintiffs have suffered, and continue to suffer, economic injury and  
27 irreparable harm. Plaintiffs are entitled to an award of monetary damages and  
28 equitable relief.

1 241. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to a  
2 declaration that Defendants violated their Fourteenth Amendment right to equal  
3 protection of law and an injunction against Defendants' Student Activity Fee Policy  
4 and actions. Additionally, Plaintiffs are entitled to damages in an amount to be  
5 determined by the evidence and this Court and the reasonable costs of this lawsuit,  
6 including their reasonable attorneys' fees.

7 **Prayer For Relief**

8 Wherefore, Plaintiffs respectfully request that this Court enter judgment against  
9 Defendants and provide Plaintiffs with the following relief:

- 10 (A) A declaratory judgment that Defendants' Student Activity Fee Policy,  
11 facially and as-applied, violates Plaintiffs' rights under the First and  
12 Fourteenth Amendments;
- 13 (B) A declaratory judgment that Defendants' denial of Student Activity  
14 Fee funding to Plaintiff Students for Life at CSU-SM violated  
15 Plaintiff's rights under the First and Fourteenth Amendments;
- 16 (C) A preliminary and permanent injunction prohibiting Defendants, their  
17 agents, officials, servants, employees, and any other persons acting on  
18 their behalf from enforcing the Student Activity Fee Policy challenged  
19 in this complaint;
- 20 (D) Actual compensatory damages in the amount of \$500.00 for infringing  
21 Plaintiff Students for Life at CSU-SM's exercise of its First and  
22 Fourteenth Amendment rights;
- 23 (E) Actual compensatory damages in the amount of mandatory Student  
24 Activity Fees paid by each of Plaintiff Students for Life at CSU-SM's  
25 student members, including Plaintiff Apodaca, that was collected  
26 pursuant to a viewpoint-discriminatory policy that infringed Plaintiffs'  
27 First Amendment rights;
- 28

- 1 (F) Nominal damages for the violation of Plaintiffs' First and Fourteenth
- 2 Amendment rights;
- 3 (G) Plaintiffs' reasonable attorneys' fees, costs, and other costs and
- 4 disbursements in this action pursuant to 42 U.S.C. § 1988; and
- 5 (H) All other further relief to which Plaintiffs may be entitled.

6  
7 Respectfully submitted this 17th day of May 2017.

8  
9 By: s/ Daniel R. Watkins

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*\*Pro Hac Vice Applications Forthcoming*

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*Attorneys for Plaintiffs*

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**DEMAND FOR TRIAL BY JURY**

Plaintiffs demand trial by jury of all matters so triable herein.

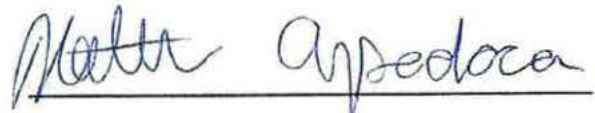
By: s/ Daniel R. Watkins  
DANIEL R. WATKINS  
*Attorney for Plaintiffs*

**VERIFICATION OF COMPLAINT**

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I, Nathan Apodaca, President of Students for Life at California State University-San Marcos, and a citizen of the United States and a resident of the State of California, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Verified Complaint and the factual allegations therein, and the facts as alleged are true and correct.

Executed this 11 day of May, 2017, at Escondido, California.



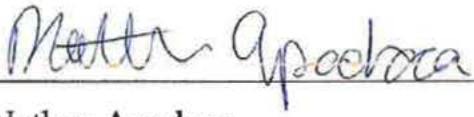
Nathan Apodaca, President  
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**VERIFICATION OF COMPLAINT**

I, Nathan Apodaca, a citizen of the United States and a resident of the State of California, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Verified Complaint and the factual allegations therein, and the facts as alleged are true and correct.

Executed this 11 day of May, 2017, at Escondido, California.

  
\_\_\_\_\_

Nathan Apodaca



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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**NATHAN APODACA; and  
STUDENTS FOR LIFE AT  
CALIFORNIA STATE  
UNIVERSITY-SAN MARCOS,**

Plaintiffs,

v.

**SILAS ABREGO, JANE W.  
CARNEY, ADAM DAY,  
REBECCA D. EISEN, DOUGLAS  
FAIGIN, DEBRA S. FARAR, JEAN  
P. FIRSTENBERG, LILLIAN  
KIMBELL, THELMA  
MELÉNDEZ DE SANTA ANA,  
HUGO N. MORALES, JOHN  
NILON, J. LAWRENCE NORTON,  
JORGE REYES SALINAS,  
LATEEFAH SIMON, STEVEN  
STEPANEK, PETER J. TAYLOR,  
and, MAGGIE WHITE, each  
individually and each in his or her  
official capacity as a member of the  
California State University Board of  
Trustees; **TIMOTHY P. WHITE,**  
Chancellor of California State**

Case No. '17CV1014 L NLS  
**DEMAND FOR JURY TRIAL**

**VERIFIED COMPLAINT FOR  
INJUNCTIVE AND  
DECLARATORY RELIEF,  
MONETARY DAMAGES, AND  
ATTORNEYS' FEES AND COSTS**

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University, in his official and individual capacities; **KAREN S. HAYNES**, President of California State University-San Marcos, in her official and individual capacities; **LORENA CHECA**, Vice President of Student Affairs of California State University-San Marcos, in her official and individual capacities; **KIM CLARK**, Associate Vice President for Student Auxiliary Services and Executive Director of Associated Students, Inc. at California State University-San Marcos, in her official and individual capacities; **LOUIS ADAMSEL, CHRIS LEE, YOMIRA ZAMORA, ANNA RAPADA, NOAH HENWOOD, MATTHEW RICHARD, MEGHAN APARRI, JENNA HERNANDEZ, SAVANA DOUDAR, LONDON MAYS-HUMPHREY, KEVIN PALOMINO, ALEX VEGA, ALEJANDRO LOPEZ, JOSHUA FORONDA**, and **KIMBERLY ANDERSON**, each individually and each in his or her official capacity as a member of the Board of Directors of Associated Students, Inc.,

Defendants.

Attorneys of record for all Plaintiffs

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*\*Pro Hac Vice Applications  
Forthcoming*

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# **EXHIBIT 1**

## **STANDING ORDERS OF THE BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY**

### **I. PURPOSE**

The Standing Orders delegate authority from the Board of Trustees to the Chancellor and others within the California State University.

### **II. DELEGATION TO THE CHANCELLOR**

The Chancellor is the chief executive officer of the California State University and has authority and responsibility to take whatever actions are necessary, consistent with Trustee policy and applicable law, for the appropriate functioning of the institution, which includes:

- a. Establishment and oversight of all academic programs
- b. Issuance of degrees
- c. Operation of educational opportunity programs
- d. Resolution of claims, settlement of litigation and discharge from accountability
- e. Establishment of policies and procedures for acquisition or sale of services, facilities, materials, goods, supplies, and equipment with the authority to sign agreements
- f. Development and oversight of the budget, including the capital outlay program
- g. Application, receipt and oversight of grants and loans
- h. Deposit, control, investment, and expenditure of funds
- i. Establishment and oversight of campus fees; establishment, adjustment and oversight of systemwide fees
- j. Oversight of construction, and authority to sign all construction documents
- k. Purchase, sale and exchange of any interest in or use of real property
- l. Approval of minor changes to campus master plans
- m. Appointment of personnel, development and enforcement of personnel programs and discipline and termination of personnel
- n. Appointments to various boards and committees

- o. Development of a legislative program
- p. Acceptance of gifts
- q. Permission to use the name of the CSU
- r. Performance of all acts necessary to qualify for and receive benefits from the federal government
- s. Oversight of the systemwide advancement program

This list is not inclusive, and is not intended to limit the necessary actions of the Chancellor as the chief executive officer of the institution. The Chancellor may delegate his or her authority to others within the California State University. The Chancellor may issue executive orders as are necessary or convenient to the performance of his or her office.

The Chancellor shall regularly report to the Board of Trustees concerning the performance of his or her functions.

### **III. DELEGATION TO THE GENERAL COUNSEL**

The General Counsel is the chief legal officer of the California State University and has full authority and responsibility for the legal affairs of the institution, which includes:

- a. Advice to and representation of the California State University, the Trustees, Chancellor, Presidents, and other officers and employees of the California State University in all legal matters of the institution or that may result from their service to, or employment by, the California State University.
- b. Retention of outside counsel to represent the California State University, who are accountable to the General Counsel for their professional work.
- c. Acceptance of service of process for the California State University, the Trustees, Chancellor and Presidents, for any matter arising out of their service to, or employment by, the California State University.
- d. In consultation with the Chancellor and/or appropriate campus Presidents, settlement, termination or other resolution of all claims and litigation, and signing all documents relating to such action(s) on



behalf of the California State University, the Trustees, Chancellor, Presidents, and those officers or employees of the California State University for whom the Office of General Counsel also provides representation.

- e. As Secretary of the Board, is the custodian of the official seal, which appears below and may be used, at the discretion of the Chancellor, for any official purpose:



This list is not inclusive, and is not intended to limit the necessary actions of the General Counsel as the chief legal officer of the institution. The General Counsel may delegate his or her authority to other members of his or her legal staff.

The General Counsel shall regularly report to the Board of Trustees concerning the status of litigation of institutional significance and other matters of legal import.

#### **IV. DELEGATION TO THE TREASURER**

The Treasurer of the Board is responsible for the fiscal affairs of the California State University, which include:

- a. Implementation of a system of internal controls that plan, organize and direct the performance of actions to protect the California State University's assets, ensure records are accurate, promote operational efficiency, and encourage adherence to policies.

- b. Management of the programs that incur external debt on behalf of the University to ensure projects are financially sound, strategic and essential to the mission of the university to preserve the full faith and credit of the institution.
- c. Placement of investments to obtain the best possible return commensurate with the degree of risk that the University is willing to assume in obtaining that return.

This list is not inclusive, and is not intended to limit the necessary actions of the Treasurer as the chief fiscal officer. The Treasurer may delegate his or her authority to other members of his or her staff.

The Treasurer shall regularly report to the Board of Trustees concerning the performance of these functions.

## **V. DELEGATION TO THE UNIVERSITY AUDITOR**

The University Auditor is responsible for implementing the Board of Trustees' audit program and represents the California State University in all audits conducted by external agencies.

The University Auditor shall regularly report to the Trustees' Committee on Audit concerning the performance of his or her functions.

## **VI. DELEGATION TO THE PRESIDENTS**

The Presidents of the California State University campuses are the chief executive officers for their campuses and have authority and responsibility, with appropriate consultation, to take whatever actions are necessary, consistent with Trustee and Chancellor's policy, and applicable law, for the appropriate functioning of each of their campuses, which includes:

- a. Development of curricular and instructional plans
- b. Academic, administrative and staff appointments
- c. Supervision, discipline and termination of employees
- d. Oversight of business and financial affairs

- e. Oversight of student affairs
- f. Oversight and adjustment of campus fees in accord with applicable policy
- g. Oversight of the campus advancement function, including alumni affairs and community relations
- h. Oversight of and responsibility for campus auxiliary organizations
- i. Use of campus buildings and grounds

This list is not inclusive, and is not intended to limit the necessary actions of the Presidents as the chief executive officers of their campuses. The Presidents may delegate their authority to other officials on their campuses.

The Presidents report to the Chancellor and shall keep him or her regularly informed as to the activities on their campuses.

## **VII. THE ACADEMIC SENATE**

The constitution of the Academic Senate of the California State University has been ratified by the faculties and approved by the Board of Trustees. The Academic Senate is therefore constituted and functions in accord with the provisions of that constitution. Amendments to the Academic Senate constitution become effective when ratified in accord with the requirements of that constitution and approved by the Board of Trustees.

## **VIII. AMENDMENTS**

These Standing Orders may be amended at any regular meeting of the Board of Trustees. Notice and a draft of the proposed amendment is required at the last regular meeting prior to the meeting at which action is taken. This advance notice requirement may be waived by a majority vote for matters that are not controversial and require no further discussion.

# **EXHIBIT 2**

THE CALIFORNIA STATE UNIVERSITY  
OFFICE OF THE CHANCELLOR



BAKERSFIELD

July 22, 2015

CHANNEL ISLANDS

**MEMORANDUM**

CHICO

**TO:** CSU Presidents

DOMINGUEZ HILLS

**FROM:** Timothy P. White  
Chancellor

EAST BAY

FRESNO

**SUBJECT:** California State University Student Fee Policy  
Executive Order 1102

FULLERTON

HUMBOLDT

Attached is a copy of Executive Order 1102 relating to California State University Student Fee Policy. The executive order updates the California State University Board of Trustees policies that comprise the CSU Student Fee Policy, incorporates a new voluntary Student Involvement and Representation Fee, provides clarification and new requirements for student success fees, incorporates the statutory requirements of the Working Families Student Fee Transparency and Accountability Act, addresses reallocation of future Campus Mandatory Fees, and identifies Cal State Online as subject to fee policy. The referenced items make up the overall strategic framework and guidelines for administration of CSU fees.

LONG BEACH

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

An index of CSU fees is available at: [calstate.edu/budget/student-fees/fee-policy](http://calstate.edu/budget/student-fees/fee-policy). The website also contains further details on fees. Subsequent modifications required for administration of this fee policy will be made via the website.

NORTHRIDGE

POMONA

In accordance with policy of the California State University, the campus president has the responsibility for implementing executive orders where applicable and for maintaining the campus repository and index for all executive orders.

SACRAMENTO

SAN BERNARDINO

If you have questions regarding this executive order, please call the Budget Office at (562) 951-4560.

SAN DIEGO

SAN FRANCISCO

SAN JOSÉ

TPW/jdw

SAN LUIS OBISPO

**Attachments**

SAN MARCOS

- c: CSU Office of the Chancellor Leadership
- Vice Presidents of Academic Affairs
- Vice Presidents of Business and Finance
- Vice Presidents of Student Affairs

SONOMA

STANISLAUS

**THE CALIFORNIA STATE UNIVERSITY**  
**Office of the Chancellor**  
**401 Golden Shore**  
**Long Beach, California 90802-4210**  
**(562) 951-4560**

**Executive Order:** 1102  
**Effective Date:** July 22, 2015  
**Supersedes:** Executive Order 1054  
**Title:** California State University Student Fee Policy

This executive order is issued pursuant to Education Code Sections 89035, 66028, 89711, 89712 and Board of Trustees Standing Orders, Chapter II, subsection i.

**Changes to California State University Fee Policy**

This executive order updates the California State University Board of Trustees policies that comprise the CSU Student Fee Policy, incorporates a new voluntary Student Involvement and Representation Fee, provides clarification and new requirements for student success fees, incorporates the statutory requirements of the Working Families Student Fee Transparency and Accountability Act, addresses reallocation of future Campus Mandatory Fees, and identifies Cal State Online as subject to fee policy.

*Student Involvement and Representation Fee (SIRF)*

At the January 2015 Board of Trustees meeting, the Trustees voted to establish a new voluntary systemwide fee, the Student Involvement and Representation Fee, in an effort to expand opportunities for student involvement and representation on issues of importance. As the first voluntary systemwide fee, a new Category VI was created. Fee assessment commences in the fall of 2015. This fee will be managed by the California State Student Association.

*Student Success Fees*

At the January 2015 Board of Trustees meeting, the Trustees voted to make specific amendments to fee policy to incorporate clarification and new requirements for student success fees (Category II). These changes followed the formation of a working group to study the role, process, and enactment of category II campus-based mandatory student success fees, including their notification, accountability, and outcome reporting processes. The working group and subsequent fee policy changes were incorporated in response to Senate Bill 860, Education Code Section 89712, which required the chancellor to conduct a review of student success fees during fiscal year 2014-2015 and make recommendations to the trustees on changes to the fee policy.

Working Families Student Fee Transparency and Accountability Act

In September 2012, the governor signed into law the “Working Families Student Fee Transparency and Accountability Act,” Education Code Section 66028, which enacts specific requirements for increasing or establishing new mandatory systemwide fees (Category I). In March 2013, the Board adopted a list of factors for consideration when reviewing fee increases, which also have been included in the update.

Reallocation of Specified Future Campus Mandatory Fees

In September 2012 the governor also signed into law provisions for reallocation of campus mandatory fees (Category II). Education Code Section 89711 requires that any fee established by a majority vote of the student body after the effective date of this legislation must be brought back before the student body before it can be reallocated, unless the vote that established the fee authorized an alternative or automatic reallocation mechanism. Category II fees that do not fall under the purview of this law are exempt.

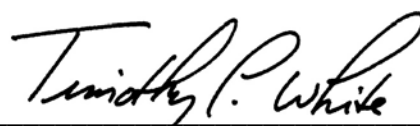
Cal State Online

At the January 2013 Board of Trustees meeting, the Trustees voted to make specific amendments to fee policy to incorporate Cal State Online into the nomenclature of Category V Fees, which are fines, fees and deposits paid to self-support programs.

Bureau of State Audit Report on California State University’s Extended Education

To effectively monitor and ensure that the campuses set self-support fees in accordance with state law and fee policy, responsibilities for the campus chief financial officer and president regarding development and consideration of revenue and expenditure statements before making a determination on self-support extended education program fees were added. These requirements previously applied only to Category II and III fees, but have been expanded to Category V extended education fees. Consultation requirements between the president and extended education dean also were included. Additionally, annual reporting on Category V extended education fees was clarified.

Reference documents supplemental to this update of CSU Student Fee Policy, including an index of fees, historical documents, and State Education Code information are available at: [calstate.edu/budget/student-fees/fee-policy](http://calstate.edu/budget/student-fees/fee-policy).



\_\_\_\_\_  
Timothy P. White, Chancellor

Dated: July 22, 2015



**THE CALIFORNIA STATE UNIVERSITY STUDENT FEE POLICY**  
(*Fee Administration*)**I. Fee Policy Statement**

The CSU makes every effort to keep student costs to a minimum. Fees listed in published schedules or student accounts may need to be increased when public funding is inadequate. Therefore, CSU must reserve the right, even after fees are initially charged or initial fee payments are made, to increase or modify any listed fees. All listed fees, other than mandatory systemwide fees, are subject to change without notice, until the date when instruction for a particular semester or quarter has begun. All CSU listed fees should be regarded as **estimates** that are subject to change upon approval by the Board of Trustees, the Chancellor, or the Presidents, as appropriate. Changes in mandatory systemwide fees will be made in accordance with the requirements of the Working Families Student Fee Transparency and Accountability Act (Sections 66028 - 66028.6 of the Education Code).

**II. Fee Category Definitions**

- A. Category I – Systemwide mandatory tuition and other fees that must be paid to apply to, enroll in, or attend the university, or to pay the full cost of instruction required of some students by statute.
- B. Category II – Campus mandatory fees that must be paid to enroll in or attend the university.
- C. Category III – Fees associated with state-supported courses. Specifically for materials and services used in concert with the basic foundation of an academic course offering.
- D. Category IV – Fees, other than Category II or III fees, paid to receive materials, services, or for the use of facilities provided by the university; and fees or deposits to reimburse the university for additional costs resulting from dishonored payments, late submissions, or misuse of property or as a security or guaranty.
- E. Category V – Fees paid to self-support programs such as extended education, Cal State Online extended education offerings, parking and housing including materials and services fees, user fees, fines, and deposits. Self-support programs are defined as those not receiving state general fund appropriations; instead, fees are collected to pay the full cost of a program. Costs of self-support instructional programs include support and development of the academic quality of the university.
- F. Category VI – Systemwide voluntary fees.

### III. Authority

- A. The Board of Trustees provides policy guidance for all matters pertaining to student fees and has authority for the establishment of Category I and VI fees, and oversight and adjustment of Category I fees, pursuant to the Working Families Student Fee Transparency and Accountability Act (commencing with Section 66028 of the Education Code).
- B. The chancellor is delegated authority for the establishment, oversight and adjustment of Category II, Category III, and Category V Cal State Online fees extended education offerings. The chancellor also is delegated authority for the oversight and inflationary adjustment of the Category VI Student Involvement and Representation Fee. The allowance for inflationary adjustments shall not be considered automatic on an annual basis, but rather allowable should the chancellor deem it necessary following consultation with the California State Student Association (CSSA). The chancellor is not delegated authority for Category I fees, although the chancellor may approve individual campus tuition fee rates that do not exceed the maximum fee rates established by the Board of Trustees.
- C. The president is delegated authority for the establishment, oversight and adjustment of Category IV and Category V fees (with the exception of Cal State Online fees extended education offerings), and for the oversight and adjustment of Category II and III fees. The president is not delegated authority to establish Category I, or Category II fees, or to adjust Category I fees. The president does have limited authority to establish or adjust Category III fees only within a range established by the chancellor as shown below in Section VI.C.6 of this fee policy.

### IV. Responsibility

- A. The president is responsible for assuring that appropriate and meaningful consultation occurs prior to adjusting any campus-based fee and before requesting that the chancellor establish a new Category II or Category III fee.
  - 1. The president shall establish a Campus Fee Advisory Committee comprised of student, faculty, staff, and administrative representatives to provide advice to the president. Membership of the Campus Fee Advisory Committee shall be established in consultation with the campus student body association and the campus faculty senate and shall include the president of the campus student body association and the chair of the campus faculty senate or their designees. The president shall appoint the chair of the Campus Fee Advisory Committee.
  - 2. The president shall appoint members to the Campus Fee Advisory Committee, excluding the student representatives who shall be appointed by the campus student body association. Faculty members shall be appointed consistent with normal campus

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- processes for selecting faculty members to serve on similar committees.
3. Students appointed by the campus student body association shall constitute a majority of the voting members of the Campus Fee Advisory Committee.
  4. A statement of revenues and expenditures including a minimum of two years of projected revenue and expenditures and one year of actual costs for the fee revenue supported activity shall be developed by the campus chief financial officer and considered by the president prior to establishing or adjusting any Category II or III fee.
  5. The president shall consult with the Campus Fee Advisory Committee before adjusting or requesting that the chancellor establish any Category II or III fees (subject to his/her approval in writing).
  6. The Campus Fee Advisory Committee shall consider proposals for the establishment and adjustment of Category II or III fees, and shall then make a recommendation to the president.
- B. Appropriate and meaningful consultation with campus constituencies regarding Category II fees and the use of fee revenue is critical to assure that the delegated authority is exercised in a manner that is consistent with policies adopted by the board.
1. Appropriate and meaningful consultation includes consultation with bodies such as the campus faculty senate, the campus student body association and other constituencies affected by any proposed increase in an existing fee or establishment of a new fee.
  2. The policy presumes that a student fee referendum will be conducted before adjusting or establishing Category II fees. The president may waive the referendum requirement (unless it is required by education code or Student Success Fee policy Section VI.B) if he/she determines that a referendum is not the best mechanism to achieve appropriate and meaningful consultation.
  3. If a referendum is not conducted prior to adjusting Category II fees or requesting the chancellor to establish a new Category II fee, the president must demonstrate to the fee advisory committee the reasons why the alternative consultation methods selected will be more effective in complying with this policy.
- C. An advisory student referendum is expected in order to measure student support prior to adjusting a Category II fee or requesting the chancellor to establish a new Category II fee but is subject to the exception described in Section IV.B.2. The referendum may be conducted by the campus or the student body association. For referenda conducted by the campus, the following shall apply:
1. The president in consultation with the student body association and the faculty senate shall develop guidelines applicable to the student fee referendum process designed to

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- assure that the referendum is open, fair, and objective.
2. The campus shall fund costs associated with the referendum.
  3. The fee advisory committee shall issue a voter pamphlet providing objective analysis of the proposed fee action and statements solicited by the committee for and against the proposed fee action.
  4. The fee advisory committee shall determine the specific statements that shall be included in the pamphlet.
  5. Copies of the voter pamphlet and ballot and information regarding the dates, times, and polling locations shall be available to students and published in the campus newspaper and in other public locations around campus at least thirty days prior to the referendum.
  6. The results of a referendum shall be considered favorable when a majority of students voting approve the fee action.
  7. The results of the referendum shall be advisory to the fee advisory committee and the president, unless the Education Code or Student Success Fee policy (Section VI.B) requires that the referendum pass.
- D. If it is determined that a referendum is not the best mechanism for appropriate and meaningful consultation, and is not required by the Education Code or Student Success Fee policy (Section VI.B), an alternative consultation process may be utilized. The following shall apply:
1. The president, upon deciding that a referendum will not allow for the best measure of student opinion, shall inform the fee advisory committee of his/her intent to begin alternative consultation.
  2. Alternative consultation strategies shall be developed with input from the student body association and the fee advisory committee to ensure that the process is transparent and meaningful, and shall solicit the input of a representative sample of the student body.
  3. A representative sample should include students in leadership positions as well as students who are not involved in campus leadership. Efforts should be made to include students from many aspects of campus life regardless of the type of fee.
  4. Any written material regarding the new fee, or fee increase should follow the same guidelines as the referendum voter pamphlet (Section IV.C above) to provide objective analysis of the fee or fee increase.
  5. Results of the alternative consultation process should be summarized and put in writing and used as additional advisory material to be taken into consideration by the fee advisory committee and the president.

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6. If a Category II fee for a capital project (e.g., university union building or health services building) must be raised to meet minimum debt service revenue bond requirements that were not required when the fee was established, the president can make that adjustment without a full alternative consultation process, but must present the debt service requirements and revenue projections to the fee advisory committee prior to making the adjustment.
- E. Unless established prior to January 1, 2013, Category II fees established through an affirmative vote of the majority of the student body voting on the fee, but not specifically authorized by statute, shall not be reallocated to alternative purpose(s) without an affirmative vote of a majority of the members of either the student body or Campus Fee Advisory Committee voting on the reallocation. Category II fees established on or after January 1, 2013 through an affirmative vote of the majority of the student body voting on the fee, but not specifically authorized by statute, may be reallocated without an affirmative vote of a majority of the members of either the student body or Campus Fee Advisory Committee voting on the fee if the vote that established the fee authorized an alternative or automatic reallocation mechanism for that fee.
- F. The president shall consider revenue and expenditure statements reviewed and approved by the campus chief financial officer prior to making determinations on Category V extended education fees.
  1. Prior to making a determination on Category V extended education fees, the president shall consult with the dean of extended education, including consideration of revenue and expenditure plans developed by the dean or designee and in consultation with the campus chief financial officer.
  2. The president shall notify the Campus Fee Advisory Committee of his or her decision.
- G. The chancellor shall consult with the CSSA prior to any Category VI Student Involvement and Representation Fee adjustments. Any decision to adjust the fee shall be reported to the Board of Trustees prior to its scheduled adjustment.

**V. Accountability**

- A. The campus president shall provide to the fee advisory committee a report of all fees in Categories II, III, IV and V. New fees, fee increases, total revenue and unexpended balances should be included.
- B. Each campus shall report annually to the chancellor, for the most recently completed fiscal year, a complete inventory of all fees in categories II, III, IV and V, including current year fee rates, the total revenue collected in the past year for each fee, and the remaining balance for each fee. This reporting requirement includes a separate detailed

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report on Category V extended education fees. The Category II fee report shall be presented to the board by the chancellor to allow the board to consider the level and range of campus mandatory fees charged to students.

- C. The CSSA shall prepare an annual report for the chancellor that includes information on how revenue from the Category VI Student Involvement and Representation Fee has been used to provide additional funding support for the development of student policy recommendations; participation in system, state, and national governance; involvement in leadership development activities; and, program support through student and professional staff administration. The annual report shall be provided by October 1.

## **VI. Additional Policy Regarding Specific Fees**

### **A. Graduate Business Professional Fee (Category I)**

#### **1. Applicability**

- a. The Graduate Business Professional Fee shall be charged on a per-unit basis for all required courses in state-supported professional master of business degree programs that are subject to accreditation by the Association to Advance Collegiate Schools of Business International (AACSB International) and that are authorized by the trustees or chancellor to assess such fees.
- b. The Graduate Business Professional Fee shall apply to required courses in the following degree programs: Master of Business Administration (M.B.A.); and Master of Science (M.S.) programs in Accountancy, Business Administration, Health Care Management, Business and Technology, Information Systems, and Taxation.
- c. Students in conditionally classified admission status in graduate professional programs shall be charged the Graduate Business Professional Fee on a per-unit basis for each prerequisite course taken in fulfillment of graduation requirements for these fee-authorized programs.

#### **2. Assessment of Fee**

This fee shall be in addition to the systemwide tuition fees, applicable non-resident tuition, and any campus-based fees.

#### **3. Fee Waivers**

Employee fee waivers and other fee waivers are authorized by statute. The terms of authorized employee fee waivers are subject to change and are agreed upon as outlined in collective bargaining contracts. Please consult current Human Resources Technical Memoranda.

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4. Establishing Fees in Applicable Programs

Upon request of a campus president, the chancellor is authorized to approve the assessment of a Graduate Business Professional Fee upon students enrolled in state-supported professional master's degrees in business that are subject to accreditation by the Association to Advance Collegiate Schools of Business International and that are not included in the original roster of fee-authorized programs.

5. Fee Revenue

In accordance with Education Code Section 89721(1), revenue collected from all higher education fees shall be deposited in a local trust unless otherwise specified.

6. Provision for Financial Aid

Presidents are directed to set aside a minimum of 25 percent and not more than 33 percent of the Graduate Business Professional Fee revenue for need-based financial aid, with such funds to be used first to meet the demonstrated financial need of students in affected campus professional graduate degree programs in business; and that any part of the revenue that is not awarded to professional business master's degree program students be made available to meet demonstrated financial need of any other undergraduate or graduate students on the campus.

7. Modification of Existing Fees

For each adjustment made by trustee action to the tuition fee for graduate students, an equal adjustment will be made to the Graduate Business Professional Fee.

B. Student Success Fees (Category II)

1. A binding student vote shall be taken on implementation of any proposed new student success fee. All students who are eligible to vote in student government elections shall be eligible to vote on such student success fee proposals. A rigorous consultation process shall be undertaken to inform and educate students on the uses, impact and cost of any proposed student success fee prior to the binding student vote.
2. In the process of establishing new student success fees, and before the student vote occurs, it must be made clear to the students that if a portion of that fee is intended to support ongoing and/or long-term obligations, that portion of the fee will remain in place until the obligations are satisfied regardless of any subsequent vote to rescind the fee.
3. All student success fees enacted prior to January 28, 2015 shall remain unchanged, including any previously established increments. However, a campus that considers a net new addition to an existing student success fee shall proceed as described in paragraphs VI.B 1 and 2 above.



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4. Any campus proposing a new student success fee or an increase not already scheduled to an existing student success fee will consult with the chancellor and must receive approval on the process that will be followed to obtain approval for the fee before proceeding.
5. Student success fee proposals may not be brought before the student body more frequently than once per academic year.
6. If the proposed student success fee is accepted by a simple majority of the students voting, imposition of the fee shall still be contingent on approval by the campus president and chancellor. If the proposed student success fee is for direct instructional purposes that historically were covered by tuition and state funding, then the chancellor shall consult with the chair of the Board of Trustees before final approval is granted.
7. Student success fees enacted after January 28, 2015 shall be in force for at least six years. Student success fees may be rescinded at any time after six years with another binding student vote wherein a simple majority of those students voting vote to rescind the fee. The campus decision to have a vote shall be made by the recognized student government. Rescission vote proposals may not be brought before the student body more frequently than once per academic year.
8. If a vote to rescind passes, the chancellor, in consultation with the chair of the Board of Trustees and the president, shall ensure that no ongoing contractual or other obligation/liability exists which will remain unsatisfied if the student success fee is rescinded. If any such obligations exist, that portion of the student success fee funding the obligations shall remain in effect and the obligations shall continue to be funded by the student success fee until the obligations are satisfied. No new contractual or other obligation which would be supported by the rescinded student success fee may be entered into following a vote to rescind the fee. In the process of reconsidering a student success fee, and before the student vote occurs, it must be made clear to the students that if a portion of that fee is intended to support ongoing obligations, that portion of the fee will remain in place until such time as the obligations are satisfied.
9. Student success fees enacted prior to January 28, 2015 may also be rescinded by a binding student vote under the same procedures described above for rescinding a fee, but no such student vote may be held until after January 1, 2021. If a vote to rescind passes, the chancellor, in consultation with the chair of the Board of Trustees and the president, shall ensure there are no ongoing, contractual or other obligations which will remain unsatisfied if the student success fee is rescinded. If any such obligations exist, that portion of the student success fee funding the obligations shall remain in effect and the obligations shall continue to be funded by the student success fee until the obligations are satisfied. No new contractual or other obligations which would be



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supported by the rescinded student success fee may be entered into following a vote to rescind the fee.

10. Each campus shall be required to have a transparent, online accountability protocol that clarifies the decision process and allocation of student success fees, with annual reporting to the chancellor and public by October 15 each year. All campuses shall be held to this standard for any existing and new student success fees imposed in the future.

C. Miscellaneous Course Fees (Category III)

1. Miscellaneous course fees are defined as fees collected for materials, services or use of facilities used in concert with the basic complement of supplies needed for state-supported instruction. Miscellaneous course fees can only be charged for the actual cost of providing exceptional instructional materials, services or use of an off-campus facility. Students must have the option of attaining the materials or services required through alternative means; however, in cases where such alternative means are unavailable, students cannot opt out of utilizing the required material or service and must pay the miscellaneous course fee.
2. The following rules apply when determining if miscellaneous course fees can be charged for exceptional materials or services in the classroom:
  - a. Miscellaneous course fees can only be charged for the actual cost of the material, service or use of facility being provided.
  - b. A miscellaneous course fee **cannot** be charged for the basic complement of classroom supplies and materials required for instruction. These include but are not limited to: chalk, erasers, paper clips, pointers, classroom instructional equipment such as projectors (slide, overhead, computer, etc.) and associated supplies (bulbs, transparencies, software, etc.), or any other supplies deemed necessary to equip the instructional space for courses.
  - c. A miscellaneous course fee **cannot** be charged for the basic complement of laboratory supplies and instructional equipment necessary for classroom lab requirements identified in the course description. These include but are not limited to equipment, test tubes, work stations, computers or any supplies necessary to equip laboratory space to complement classroom course instruction.
  - d. Administrative charges and inflationary factors **cannot** be added to miscellaneous course fees. Only the actual cost of the material, service or use of a facility can be charged.
  - e. A miscellaneous course fee **cannot** be charged to fund the basic cost of instruction. Instructional costs are funded through marginal cost dollars, tuition fee revenue, and permanent base budget allocations.

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3. Requests to establish fees above the approved ranges and requests to increase existing fees to an amount above the approved ranges must be forwarded to the chancellor's office for approval. If the requested fee or fee adjustment meets the policy guidelines, a coded memorandum shall be issued to authorize the campus to charge the fee.
4. Campuses must review all current miscellaneous course fees to ensure each one meets the requirements of the above described rules. If existing course fees exceed the approved ranges, campuses should review recent revenue and expenditure plans for that fee to ensure that the fee level is appropriate and make adjustments as necessary. All fees, including those that surpass the approved ranges that were previously approved by executive order prior to issuance of Executive Order 1034 in 2008 are grandfathered into this policy as long as they meet the policy guidelines above. Fees that do not meet the guidelines must be revised or eliminated.
5. CSU student fees are authorized, deposited, and refunded in accordance with applicable CSU policy, provisions of the law, and revenue bond indentures which may be outstanding.
6. Approved Fee Ranges:

<b>\$0-\$150</b>	Fees that supplement the basic complement of classroom and laboratory instruction by providing materials and services that would otherwise be unavailable to students, and which allow students to meet the educational objectives of a given course.
<b>\$0-\$3,000</b>	Fees for courses that require field trips or travel off-campus in order to meet the educational objectives of a given course.

**D. Student Involvement and Representation Fee (Category VI)**

1. Collection of the fee shall occur twice annually in the fall and spring academic terms, starting with the fall 2015 term.
2. Each time the fee is assessed, students shall be provided a clear and unambiguous means to decline the payment of the fee.

**VII. References**

Additional CSU student fee policy references including fee related laws and policies such as "Quality and Affordability: Policies for Pricing, Strategies for Paying" and "List of Factors for Future Considerations of Fee Changes," index of fees, definition of terms, and frequently asked questions can be found online at [calstate.edu/budget/student-fees/fee-policy](http://calstate.edu/budget/student-fees/fee-policy).

# **EXHIBIT 3**



**ASSOCIATED STUDENTS, INC.  
CALIFORNIA STATE UNIVERSITY SAN MARCOS**

**BYLAWS**

**Approved 1/20/17 by ASI Board of Directors**

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## FOREWORD

The Articles of Incorporation, Bylaws, Codes of Governance, Corporate Policies, and the California Nonprofit Public Benefit Corporation Law shall be the official governing documents of Associated Students, Incorporated of California State University San Marcos. All other regulating documents of the corporation shall be subordinate to said official governing documents. The stated order of the official governing documents shall be the order of precedence of said official governing documents, and when in conflict, the preceding official document shall supersede the subordinate document. The Bylaws shall further define and support said Articles of Incorporation and shall be just as binding as any part of the Articles of Incorporation. The Codes of Governance and Corporate Policies shall further define and support said Bylaws and shall be just as binding as any part of the Bylaws. Documents aforementioned shall be congruent to any orders as stated by the CSU at all times.

**PREAMBLE**

We, the students of California State University San Marcos, in order to provide: (1) governmental administration and leadership development within the framework of student self-government, (2) essential activities closely related to, but not normally included as part of the regular instructional programs of the California State University San Marcos campus, (3) effective operation and to eliminate the undue difficulty which would otherwise arise under the standard governmental budgetary, purchasing, and other fiscal controls, (4) fiscal means and the management procedures that allow the campus to carry on activities providing those instructional and service aids not normally furnished by the state budget, and in addition, to do all other actions permitted of a student body organization and as a campus auxiliary organization pursuant to California Education Code sections 89300 et seq. and 89900 et seq. and Title 5 of the California Code of Regulations, commencing at 42400, and to have and exercise all rights and powers conferred on nonprofit public benefit corporations under the laws of California, the ASI Articles of Incorporation and the California Nonprofit Public Benefit Corporation Law; and finally to improve the quality of student life by promoting student intellectual, cultural, recreational, and social welfare, do hereby ordain and establish these governing documents.

**ARTICLE 1**

**NAME AND COLORS**

**SECTION 1: NAME**

The official and legal name of this corporation shall be Associated Students, Inc. of California State University San Marcos, hereinafter to be referred to as ASI or Corporation. Documents or publications communicating information about programs or services of the Corporation shall use this name or "ASI" on the cover in a readable size. Use of AS is discouraged.

**SECTION 2: COLORS**

The official colors of ASI shall be Blue and White.

**ARTICLE 2**

**CORPORATE LOGO**

**SECTION 1: ASI CORPORATE LOGO**

The ASI corporate logo shall be the symbol shown below:



**SECTION 2: USE**

The ASI Corporate Logo shall be used for all corporate official documents, certificates, and awards to symbolize the final approval and representation of the Corporation.

**SECTION 3: MODIFICATION**

Any modifications shall be approved by the ASI Board of Directors by a majority vote.

**ARTICLE 3**

**NONPARTISAN ACTIVITIES**

**SECTION 1: NONPARTISAN ACTIVITIES**

Associated Students, Inc. of California State University San Marcos is organized for charitable purposes within the meaning of sections 501(c) (3) of the Internal Revenue Code. No substantial part of the activities of this Corporation shall consist of carrying on propaganda, or otherwise attempting to intervene in any political campaign, including the publishing or distribution of statements on behalf of any candidate for public office.

**ARTICLE 4**

**PRINCIPAL PLACE OF BUSINESS**

**SECTION 1: PRINCIPAL PLACE OF BUSINESS**

The principal place for the transaction of business of this Corporation shall be:

California State University San Marcos  
333 South Twin Oaks Valley Road  
San Marcos, California, 92096-0001

Any change of location shall be approved by a majority vote of the ASI Board of Directors.

**ARTICLE 5**

**VISION STATEMENT**

**SECTION 1: VISION STATEMENT**

The vision statement of Associated Students, Inc. shall be:

ASI strives to provide representation, to offer an inclusive environment, and to promote campus pride for all students.



**ARTICLE 6**

**MISSION STATEMENT**

**SECTION 1: MISSION STATEMENT**

The mission statement of Associated Students, Inc. shall be:  
ASI serves, engages, and empowers students.

**ARTICLE 7**

**CORE VALUES**

**SECTION 1: CORE VALUES**

The core values of Associated Students, Inc. shall be:

- |            |  |
|------------|--|
| Advocacy   | ASI actively investigates issues and represents the student voice in the governance of the campus, community, and state. |
| Solidarity | ASI is committed to promoting a unified community and establishing an inclusive and supportive environment.              |
| Integrity  | ASI stays true to its commitments, maintains transparency in its actions, and upholds its accountability to students.    |

**ARTICLE 8**

**MEMBERSHIP**

**SECTION 1: ACTIVE MEMBERSHIP**

Active membership in ASI shall be granted to all students at California State University San Marcos in any regular, limited, or special session of the University.

**SECTION 2: ACTIVE MEMBERSHIP RIGHTS**

Active members shall have the right to vote in ASI elections, hold office in the Corporation, be employed by the Corporation, and participate in all activities sponsored in whole or part by ASI. Active members may also petition the ASI Board of Directors and appear before the ASI Board of Directors.

**SECTION 3: CONDITIONS**

- 3.1 The types of membership shall be limited to active membership.
- 3.2 This Corporation shall not restrict membership on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, and veteran status.
- 3.3 Membership in the Corporation is granted on a basis of individual eligibility criteria.
- 3.4 Membership in the Corporation is nontransferable.

**ARTICLE 9**

**OFFICER AND BOARD OF DIRECTORS ELIGIBILITY**

**SECTION 1: ELIGIBILITY REQUIREMENTS**

Students must meet the following requirements in order to be eligible for elected offices, appointed offices, and the ASI Board of Directors:

- 1.1 Shall be an active member of the Corporation.
- 1.2 Shall be a matriculated student of California State University San Marcos.
- 1.3 Undergraduate students must maintain at least six (6) units per semester while running for office and must earn at least six (6) units per semester while holding office. Graduate and credential students must maintain three (3) units per semester while running for office and must earn at least three (3) units per semester while holding office.
- 1.4 Undergraduate candidates running for office must have been enrolled at CSUSM and have completed at least one semester prior to the election, earning a minimum of six (6) units. Graduate and credential candidates for office must be currently enrolled on campus in a minimum of three (3) units to be eligible.
- 1.5 All student representatives, candidates, and incumbents for office must be enrolled and in good standing at CSUSM, maintain a minimum 2.5 grade point average (GPA) each term, and not be on any academic, disciplinary, or administrative probation. Candidates for office must have earned a 2.5 GPA for the semester prior to elections. Additionally,

- candidates elected to office must earn a 2.5 GPA for the semester during which elections occur and must continue to meet all requirements noted in this section while holding office.
- 1.6 Undergraduate students are allowed to earn a maximum of 150 semester units or 125 percent of the units required for their declared baccalaureate degree(s), whichever is greater. Graduate and credential students are allowed to earn a maximum of 50 semester units or 167 percent of the units required for their declared graduate degree(s) or credential, whichever is greater. Students holding more than this number of units will no longer be eligible for office.
- 1.7 Coursework for which a grade of "Incomplete", "F", or "W" is recorded shall not count toward the minimum semester unit load.

#### **SECTION 2: VERIFICATION**

Any student elected or appointed to office and/or the ASI Board of Directors will have their eligibility verified before officially taking office. Academic and disciplinary eligibility shall be verified each semester.

#### **SECTION 3: SIGNATURE FORMS**

Any students elected or appointed to an office are required to sign and abide by the Expectations and Responsibilities Agreement, Conflict of Interest Agreement and other forms as deemed necessary by the Executive Director. The Executive Director shall have official responsibility for these documents and ASI shall maintain on file a current copy of each student's signed agreements.

#### **SECTION 4: COLLEGE REPRESENTATION**

Candidates for college-specific seats must have a declared major appropriate to that college as defined by the University. In the event that a college representative of the ASI Board of Directors changes their major outside of the representing college, they shall no longer serve their term as a member of the ASI Board of Directors and shall resign. The Student Representative-at-Large positions may be filled by any active member pending eligibility requirements as stated in Article 9, Section 1.

#### **SECTION 5: INELIGIBILITY TO SERVE**

In the event that the Internal Operations Committee, with the approval of the ASI Board of Directors, determines that a member of the ASI Board of Directors is in violation of these Bylaws which results in the Board Member's resignation or removal from the ASI Board of Directors, that member shall be ineligible for appointment or election for any other office for the remainder of the office term. This shall be further defined in Article 22, Section 8 of these Bylaws.

### **ARTICLE 10**

### **GOVERNANCE**

#### **SECTION 1: CORPORATE GOVERNANCE**

ASI has the right to self-government, pursuant to the California Education Code, Section 89300, 89301, and 89302, and subject to the regulations of the State of California, the Trustees of the California State University and University Policies.

#### **SECTION 2: POWERS AND AUTHORITIES**

The corporate powers, business, and affairs of the Corporation shall be exercised, controlled, and conducted by the ASI Board of Directors and ASI Executive Officers (ASI President, ASI Executive Vice President, and ASI Vice President of Student and University Affairs).

#### **SECTION 3: DUTIES AND RESPONSIBILITIES**

All duties and responsibilities of the ASI Board of Directors (Representatives, Special Officers, and Executive Officers) shall be delineated in the Codes of Governance.

**ARTICLE 11****BOARD OF DIRECTORS****SECTION 1: COMPOSITION**

The ASI Board of Directors shall be composed of the voting members hereinafter to be called Executive Officers, Chair & Chief of Staff, Special Officers, and Representatives. ASI Board of Directors composition shall be further defined in the Codes of Governance.

**SECTION 2: SELECTION**

The ASI Board of Directors shall be elected by a vote of the active members of the Corporation in the General Election to be held a week prior to spring break, each spring term, excluding any Special Officers, unless otherwise stipulated in these Bylaws. All Executive Officers, the Chair & Chief of Staff, and each Student Representative –at- Large shall be elected at large. All College Representatives shall be elected by their respective college constituency. Standing Invitees shall be appointed by designator (i.e., Alumni Association appointing a representative). Special Officers shall be appointed by the ASI President and not elected in accordance to these Bylaws in Article 13, Section 2. Additional regulations and processes may apply pending the Elections Committee and policy.

**SECTION 3: COLLEGE APPORTIONMENT**

Amount of College Representative seats on the ASI Board of Directors for each college shall be determined by the size of each college and formulated by the ASI Board of Directors and shall be reviewed annually. In the event that the University officially establishes a new college that college shall receive one (1) seat on the ASI Board of Directors by default and as student population increases within that college, reapportionment of that college shall comply with the same process aforementioned in this section.

**SECTION 4: TERMS OF OFFICE**

Elected Executive Officers may serve no more than two terms in the same position. Elected members of the ASI Board of Directors terms shall be the length of one (1) year and shall officially be active after the Oath of Office. The Oath of Office shall be further defined in Article 20 of these Bylaws.

**SECTION 5: RETREAT**

All voting members of the ASI Board of Directors are required to attend mandatory retreats, planned and directed by the ASI President. ASI staff attendance will be at the ASI President's discretion, with the exception of the All-ASI Development Retreat. The dates shall be determined by the past ASI President prior to elections. Dates are subject to change by a unanimous vote by the affected ASI Board of Directors. A Board member who fails to attend any retreat will be subject to Article 22, Section 8 of these Bylaws. Notification will be executed within five (5) business days by the ASI President. The retreats are as follows:

**5.1 ASI Board of Directors Transition Process and Training**

Following the election of the new ASI Board of Directors, a mandatory transitional process and training will be held at least two (2) weeks prior to the transition of formal authority. All incumbent Board members and Board member-elects shall meet during this transition time to further their knowledge of ASI and their respective positions. Each officer-elect, representative-elect, incumbent officer and incumbent representative shall attend the last ASI Board of Director's meeting of the spring semester. The Oath of Office shall be administered at this ASI Board of Director's meeting. Official Authority of the Members-elect of the ASI Board of Directors shall commence with outgoing officers relieved of their duties after the oath.

**5.2 All-ASI Development Retreat**

A mandatory retreat will be held during the week prior to the start of the fall semester. Mandatory attendees shall include all members of the ASI Board of Directors as well as other student and staff employees of ASI. Specific dates of this retreat shall be determined prior to the ASI General Election and included in election materials



5.3 ASI Board of Directors Mid-Year Development Retreat

A mandatory retreat will be held within the first two weeks of the beginning of the spring semester, either before or after the start of the semester. Mandatory attendees shall include all members of the ASI Board of Directors.

**SECTION 6: VACANCY**

Any vacancy in an elected or appointed position on the ASI Board of Directors shall be filled by special election or appointment, abiding by the following conditions and regulations:

- 6.1 Any person appointed or elected shall meet the qualifications as stated in Article 9, Eligibility, and any other qualifications as stated in these Bylaws for the vacant position.
- 6.2 Any person appointed or elected to fill a vacancy shall hold the position for the unexpired term of their predecessor and shall be subject to the power of removal or recall.
- 6.3 The ASI President shall announce vacancies and publicly solicit applications in such avenues as the student newspaper and any other campus media in compliance with the California Code of Regulations, Title 5. The ASI President shall determine the application period, which shall be a minimum of two (2) weeks, in addition to the frequency and method of advertisement. Once this has been established, the ASI President shall report the process to fill vacancy to the ASI Board of Directors.
- 6.4 Applications shall be screened and interviews shall be conducted using criteria appropriate for fulfilling the requirements of the vacant position.
- 6.5 In the event of a vacancy of the ASI President, succession will be given to the ASI Executive Vice President. The vacant Executive Vice President office will be filled in accordance with Section 6 of these Bylaws.
- 6.6 In the event both the President and Executive Vice President offices are vacant, a special election shall be conducted. The ASI Board of Directors shall appoint an interim President until the special election has concluded.
- 6.7 The resigning member shall not be eligible for reapplication for a different ASI Board of Director position for that academic year, unless the individual is assuming the role of an Executive Officer position. This does not include employment in other ASI entities.

**SECTION 7: REMUNERATION**

Representatives and Executive Officers of the ASI Board of Directors shall receive remuneration during their term of office. The amount, requirements, criteria, and eligibility shall be recommended by the ASI Internal Operations Committee to the ASI Board of Directors for final approval by the President of the University.

**ARTICLE 12**

**ASI EXECUTIVE OFFICERS**

**SECTION 1: COMPOSITION**

The Executive Officers of this Corporation shall be the ASI President, ASI Executive Vice President, and ASI Vice President of Student and University Affairs.

**SECTION 2: EXECUTIVE REMUNERATION**

The Executive Officers shall receive an executive remuneration during their term of office. The amount, requirements, criteria, and eligibility shall be determined by the ASI President with the approval by the ASI Internal Operations Committee to the ASI Board of Directors for final approval by the University President.

**SECTION 3: AUTHORITY MANAGEMENT**

The authority and duties of the Executive Officers may be amended by the ASI Board of Directors. Duties of the ASI Executive Officers shall be delineated in the ASI Codes of Governance.

**SECTION 4: RETREAT**

Executive Officers shall attend Executive retreat(s) in addition to the ASI Board of Directors

retreats, planned and directed by the ASI President. ASI Staff, Employee, and Special Officer(s) attendance will be at the ASI President's discretion. An Executive Officer who fails to attend any retreat will be subject to Article 22, Section 8 of these Bylaws. Notification will be executed within five (5) business days by the ASI President. The retreats are as follows:

- 4.1 Executive Officer Development Retreat  
At their discretion, the ASI President shall plan and direct the retreat before the first day of the fall semester.
- 4.2 Executive Officer Mid-Year Development Retreat  
At their discretion, the ASI President shall plan and direct the retreat before the first day of the spring semester.

## **ARTICLE 13**

## **SPECIAL OFFICERS**

### **SECTION 1: COMPOSITION**

The ASI Special Officer(s) shall be the Veterans Student Representative, and any other special officer position the ASI President deems necessary with the approval of the ASI Board of Directors.

### **SECTION 2: SPECIAL OFFICER SELECTION**

Any special officer shall be appointed by the ASI President in a selection process at the ASI President's discretion. An affirmative vote of two-thirds (2/3) of the members of the ASI Board of Directors at a regular or special meeting shall ratify the appointment.

### **SECTION 3: SPECIAL OFFICER REMUNERATION**

Special Officers shall receive remuneration during their appointed term. The amount, requirements, criteria, and eligibility shall be determined by the ASI President with approval by the ASI Internal Operations Committee to the ASI Board of Directors for final approval by the University President.

### **SECTION 4: AUTHORITY MANAGEMENT**

The authority and duties of the Special Officers may be amended by the ASI Board of Directors. Duties of the ASI Special Officers shall be delineated in the ASI Codes of Governance.

## **ARTICLE 14**

## **POWERS OF THE ASI BOARD OF DIRECTORS**

### **SECTION 1: POWERS**

The ASI Board of Directors shall be empowered to determine goals, policies, and governing practices of the Corporation.

### **SECTION 2: GOVERNANCE AUTHORITY**

The ASI Board of Directors shall be empowered to the following rights:

- 2.1 Govern the operation of the Corporation and approve policies and procedures consistent with the Articles of Incorporation, these Bylaws, the laws of the State of California, the policies of the Trustees and the Chancellor of the California State University, and the policies of California State University San Marcos, and that carry out the intent of these Bylaws with specific rules, policies, procedures, and position descriptions. The ASI Board of Directors has the authority to amend the Articles of Incorporation, Bylaws, and Codes of Governance to reflect current laws and practices set forth in the above stated governing bodies.
- 2.2 Adopt codes that carry out the intent of these Bylaws with specific rules, policies, procedures, and position descriptions.
- 2.3 Pass Resolutions by a majority vote of the voting membership.
- 2.4 Incur indebtedness and set a schedule of charges for the conduct of business. Terms and the amounts shall be entered in the meeting minutes of the ASI Board of Directors.
- 2.5 Appoint and remove agents (i.e., Attorney) and determine their duties as may be deemed necessary.

- 2.6 Keep records of minutes noting all the acts and proceedings of the Corporation.
- 2.7 Override or adopt Executive Orders established by the ASI President. Executive Orders shall be delineated in the ASI Codes of Governance.
- 2.8 Prepare, amend, and present the Annual Budget of the Corporation to the President of the University.
- 2.9 Provide an ASI Election Code by which the General Election and any Special Election are to be called and conducted.
- 2.10 Conduct other acts as may be authorized and directed by law.
- 2.11 Hear reports from all officers of the Corporation, advisors of the Corporation, and any other agent or employee that they deem necessary.

## **ARTICLE 15**

## **POWERS OF THE OFFICERS**

### **SECTION 1: POWERS**

The ASI Executive Officers shall be empowered to administer and execute the policies, procedures, these Bylaws, ASI Codes of Governance, and any direction set forth by the ASI Board of Directors. All ASI Executive Officers are voting members of the ASI Board of Directors and ASI Executive Committee.

### **SECTION 2: GOVERNANCE AUTHORITY**

The ASI Executive Officers shall have individual powers and authority in order to maintain the daily operations of the Corporation on behalf of the ASI Board of Directors.

### **SECTION 3: POWERS OF ASI PRESIDENT**

The ASI President shall:

- 3.1 Serve as the Chief Executive Officer (CEO).
- 3.2 Provide direction to and supervision of the members of the ASI Board of Directors.
- 3.3 Serve as the official spokesperson of and liaison to the University and campus community.
- 3.4 Ensure that actions and decisions of the ASI Board of Directors are in accordance with the ASI Articles of Incorporation, these Bylaws, ASI Codes of Governance, Policies, and Resolutions.
- 3.5 Serve on ASI, University, and state-wide committees as specified in the ASI Codes of Governance.
- 3.6 Serve as a strategic leader in advancing ASI goals, actions, strategic priorities, and initiatives, in collaboration with ASI professional staff and the ASI Board of Directors.
- 3.7 Perform other duties as specified in the ASI Codes of Governance.

### **SECTION 4: POWERS OF ASI EXECUTIVE VICE PRESIDENT**

The ASI Executive Vice President shall:

- 4.1 Serve as the Chief Financial Officer (CFO).
- 4.2 Assume the duties and responsibilities of the ASI President in his/her absence.
- 4.3 Ensure the fiscal integrity of the corporation in collaboration with the ASI Finance Board, ASI Board of Directors, and ASI Executive Director or his/her designee.
- 4.4 Ensure the operational integrity of the corporation in collaboration with the ASI President, ASI Rules Committee, ASI Board of Directors, and ASI Executive Director or his/her designee.
- 4.5 Serve on ASI and University committees as specified in the ASI Codes of Governance.
- 4.6 Serve as a strategic leader in advancing ASI goals, actions, strategic priorities, and initiatives, in collaboration with ASI professional staff and the ASI Board of Directors.
- 4.7 Perform other duties as specified in the ASI Codes of Governance.

### **SECTION 5: POWERS OF ASI VICE PRESIDENT OF STUDENT AND UNIVERSITY AFFAIRS**

The ASI Vice President of Student and University Affairs shall:

- 5.1 Serve as the official delegate to the California State Student Association (CSSA).
- 5.2 Ensure that the ASI Student Advocacy Committee and ASI Board of Directors are informed of relevant issues, policies, and legislation which impact CSU students.



- 5.3 Oversee the research, development, and consideration of resolutions by the ASI Student Advocacy Committee and ASI Board of Directors.
- 5.4 Coordinate student participation in legislative advocacy, voter education and registration, and actions that serve the needs of CSU students.
- 5.5 Serve on ASI, University, and state-wide committees as specified in the ASI Codes of Governance.
- 5.6 Serve as a strategic leader in advancing ASI goals, actions, strategic priorities, and initiatives, in collaboration with ASI professional staff and the ASI Board of Directors.

## **ARTICLE 16**

## **ASI EMPLOYEES AND FACILITIES**

### **SECTION 1: BASIS**

The Officers of the ASI Board of Directors shall be assisted in their duties and responsibilities by employees, including an Executive Director. Specific ASI entities and programs may be established based on the needs of the Corporation to fulfill the Mission, Vision, and Values of the Corporation.

### **SECTION 2: PROVISIONS**

Employees need not be Active Members of the Corporation. Salaries, working conditions, and benefits shall be set in accordance with applicable provisions set by law.

### **SECTION 3: EXECUTIVE DIRECTOR**

The Executive Director shall serve as the Chief Administrative Officer, and reports directly to the CSUSM Vice President of Student Affairs. The Vice President of Student Affairs has the authority to employ, evaluate, and dismiss the ASI Executive Director, in consultation with the ASI Board of Directors.

## **ARTICLE 17**

## **MEETINGS**

### **SECTION 1: MEETINGS OF THE ASI BOARD OF DIRECTORS**

- 1.1 Meetings of the ASI Board of Directors are subject to and comply with the Gloria Romero Open Meetings Act of 2000 set out in the Education Code Section 89305 et seq.
- 1.2 All meetings of the ASI Board of Directors shall be open and public, and all persons shall be permitted to attend meetings. The Board may hold closed sessions in any meeting to consider those matters that may be lawfully considered in such session pursuant to Section 89307 of the Gloria Romero Open Meetings Act of 2000.
- 1.3 Written notice of all regular meetings of the ASI Board of Directors shall be posted at least seventy-two (72) hours prior to the commencement of the meeting. An agenda containing a brief description of each item of business to be transacted or discussed, including closed session items.

### **SECTION 2: MEETINGS OF THE ASI EXECUTIVE COMMITTEE**

- 2.1 Meetings of the ASI Executive Committee are subject to and comply with the Gloria Romero Open Meetings Act of 2000 set out in the Education Code Section 89305 et seq.
- 2.2 All meetings of the ASI Executive Committee shall be open and public, and all persons shall be permitted to attend meetings. The Committee may hold closed sessions in any meeting to consider those matters that may be lawfully considered in such session pursuant to Section 89307 of the Gloria Romero Open Meetings Act of 2000.
- 2.3 Written notice of all regular meetings of the ASI Executive Committee shall be posted at least seventy-two (72) hours prior to the commencement of the meeting. An agenda containing a brief description of each item of business to be transacted or discussed, including closed session items.
- 2.4 The ASI Executive Committee shall act on Associated Students, Inc. matters and fulfill the official powers of the ASI Board of Directors during summer sessions and winter intercession.
- 2.5 All actions of the ASI Executive Committee are reflected in meeting minutes.

**SECTION 3: SPECIAL MEETINGS**

- 3.1 Special meetings of the ASI Board of Directors or ASI Committees may be called at the discretion of the ASI President, Committee Chairperson, or by a majority of the legislative body.
- 3.2 The call and notice of a special meeting shall be delivered at least twenty-four (24) hours prior to any such meeting and shall specify the time, place, and the matters of business to be conducted. No other business shall be conducted at these meetings.

**SECTION 4: AGENDAS AND MINUTES**

- 4.1 Agendas and minutes for the ASI Board of Directors and ASI Executive Committee shall be kept via hardcopy and electronically.
- 4.2 Agendas and minutes for all other ASI Committees shall be kept electronically.

**SECTION 5: QUORUM**

A majority of the members of the ASI Board of Directors in office or Committee members shall constitute a Quorum (50% + 1) for the transaction of business.

**SECTION 6: VOTING**

Members of the ASI Board of Directors shall have one (1) vote each. Members of ASI Committees shall have one (1) vote each. The Chairperson of the ASI Board of Directors or Committee shall vote only in the case to make or break a tie.

**SECTION 7: USE OF PROXIES**

There shall be no proxies accepted in the ASI Board of Directors or ASI Committees.

**ARTICLE 18 PARLIAMENTARY AUTHORITY**

**SECTION 1: PARLIAMENTARY AUTHORITY**

All meetings of this corporation shall be conducted under the latest edition of *Robert's Rules of Order, Revised*, consistent with these Bylaws, and as permitted by applicable provisions of the California Education and Corporations Code.

**SECTION 2: PARLIAMENTARIAN**

The ASI President, in consultation with the ASI Executive Director, shall appoint the Parliamentarian of the Corporation.

**ARTICLE 19 COMMITTEES**

**SECTION 1: COMMITTEE ESTABLISHMENT**

During the term of office, the ASI President shall, with the approval of the ASI Board of Directors by a majority vote, have the authority to establish new Standing and Ad -Hoc Committees necessary to assist the ASI Board of Directors in the governance of the Corporation. The creation of a new Standing or Ad-Hoc Committee requires the approval of a respective ASI Code of Governance delineating the roles and responsibilities of the committee. The ASI President may appoint a short-term work group or task force to assist the Corporation in accomplishing a specific goal or task; this type of appointment does not require the creation and approval of an ASI Code of Governance.

**SECTION 2: COMMITTEE MEMBERSHIP AND SELECTION**

Members of the committees of this corporation shall be as follows:

2.1 Chairperson:

The ASI Codes of Governance shall specify the Chair of each committee.

2.2 Voting Members:

The ASI Executive Vice President shall appoint members of each committee. Appointments to the ASI Elections Committee require ratification by the ASI Board of Directors.

2.3 Advisors and Standing Invitees:



Each committee will have at least one ASI professional staff advisor, with the exception of the ASI Personnel Committee. Standing Invitees may also be included in committee membership based on recommendation from the Committee Chair, ASI Executive Vice President, or ASI Executive Director.

### **SECTION 3: STANDING COMMITTEES**

- 3.1 Standing Committees shall include, but are not limited to the following: ASI Student Advocacy Committee, ASI Executive Committee, and ASI Internal Operations Committee.
- 3.2 Ad-Hoc Committees shall include, but are not limited to the following: ASI Awards Committee, ASI Elections Committee, and ASI Personnel Committee.
- 3.3 Except as provided in these Bylaws, Standing Committees shall be advisory to the ASI Board of Directors and subject to the direction of the ASI Board of Directors.
- 3.4 The roles and responsibilities of Standing and Ad-Hoc Committees shall be delineated in the ASI Codes of Governance.

### **SECTION 4: COMMITTEE AUTHORITY**

All ASI Committees may be delegated the authority to act on behalf of the ASI Board of Directors as charged in the ASI Codes of Governance. ASI Committees are not authorized to do the following:

- 4.1 Approval of any action for which the laws of the State of California requires approval of the members.
- 4.2 Filling of vacancies on the ASI Board of Directors or any Committee
- 4.3 Amendment or the repeal of any Resolution approved by the ASI Board of Directors.
- 4.4 Amendment or repeal of these Bylaws or the adoption of new Bylaws.
- 4.5 Appointment of committees of the ASI Board of Directors or the members thereof.
- 4.6 Expenditure of corporate funds to support a nominee for any position to be elected by the members of this Corporation.
- 4.7 Approval of any self-dealing transaction.

### **SECTION 5: COMMITTEE DUTIES AND RESPONSIBILITIES**

The duties and responsibilities of the Committees shall be delineated in the ASI Codes of Governance.

## **ARTICLE 20**

## **OATH OF OFFICE**

### **SECTION 1: APPLICANTS**

The Oath of Office of the Corporation shall be affirmed by all new Associated Students, Inc. elected and appointed officials. The Oath of Office shall be a swearing to defend the actions of the Corporation, support its governing documents, and execute the duties of the office.

### **SECTION 2: OATH OF OFFICE**

I, (full name), as duly elected (officer/representative) of Associated Students, Incorporated of California State University San Marcos, do swear that I will faithfully fulfill the duties of this office as provided by the established Bylaws. I will strive to establish representative government, maintain academic freedom, and defend student rights. I will work toward the strengthening of the cooperation between the ASI Board of Directors and the University administration. I will strive to enhance my leadership qualities and academic success. With these thoughts in mind, I shall work toward the betterment of ASI and California State University San Marcos; I so affirm.

### **SECTION 3: OATH OF OFFICE ADMINISTRATION**

The Oath shall be administered to the succeeding ASI President by the outgoing ASI President or University Vice President of Student Affairs or designee. After the incoming ASI President is sworn in, they shall then administer the Oath of Office to the newly elected members of the ASI Board of Directors. Special Officers will be sworn in following the affirmative vote by the ASI Board of Directors on the presidential appointment(s).

**ARTICLE 21 RATIFICATION AND AMENDMENT OF BYLAWS**

**SECTION 1: BOARD RATIFICATION**

These Bylaws shall be initially ratified by the affirmative vote of two-thirds (2/3) of the ASI Board of Directors during a regular meeting.

**SECTION 2: AMENDMENT OF BYLAWS BY ASI BOARD OF DIRECTORS**

The ASI Board of Directors may amend these Bylaws to remove inconsistencies and ambiguities, achieve consistency with applicable laws or policies, correct obsolete terms, and for other nonsubstantive purposes which do not abridge the rights of the active members. Amendments to these Bylaws such as those outlined above require an affirmative vote of two-thirds (2/3) of the ASI Board of Directors during a regular meeting. Where required by these Bylaws or by California Corporation Code, or where the action would materially and adversely affect the rights of members as to voting or transfer, these Bylaws may be amended or repealed only upon approval by the active members of the Corporation.

**SECTION 3: AMENDMENT BY ACTIVE MEMBERS**

A petition shall contain a statement of purpose and be signed by not less than ten percent (10%) of the active members of the Corporation. The petition must contain a printed name, signature, and student identification number of each petitioner. The petition will be accepted upon the certification of active status of the petitioners by impartial University personnel. The ASI Board of Directors shall, within a reasonable time of thirty to sixty (30 – 60) days, convene and call for an election for the purposes of considering the proposed amendment specified by the petition. Amendments to these Bylaws shall be ratified by the affirmative vote of a majority (50% + 1) of those votes cast in an election open to the membership of the Corporation.

**SECTION 3: REFERENDUM**

The referendum process enables the ASI Board of Directors to submit legislation affecting the Corporation to the membership for ratification. A majority vote of the ASI Board of Directors is required to place a referendum item on the ballot.

**SECTION 4: CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION LAW**

In order to adjust these Bylaws to ensure conformance with any future changes in the California Nonprofit Public Benefit Corporation Law, the ASI Board of Directors may amend, repeal, or substitute appropriate sections of these Bylaws. Such amendments, repeals, or substitutions may be adopted following an affirmative vote of two-thirds (2/3) of the members of the ASI Board of Directors at a regular or special meeting where a quorum exists and notification has been provided in accordance with these Bylaws.

**ARTICLE 22 RECALL AND REMOVAL OF THE ASI BOARD OF DIRECTORS**

**SECTION 1: RECALL**

Active members of the Corporation may seek to recall a member of the ASI Board of Directors by submitting a petition signed by ten percent (10%) of members eligible to cast votes for that particular office. The petition shall be submitted to the Chair of the ASI Elections Committee. If the Chairperson of the ASI Elections Committee is the member cited in the petition, the petition shall be submitted to the ASI Executive Director and the Chairperson must vacate their position as Chair.

**SECTION 2: RECALL PETITION CONTENTS**

A recall petition shall contain a statement of reason(s) for consideration of removal. The petition must contain a printed name, signature, and student identification number of each petitioner. The petition will be accepted upon the certification of active status of the petitioners by impartial University personnel.

**SECTION 3: RECALL ELECTION**

A recall election shall be held not less than fifteen (15) or more than forty- five (45) calendar days after the filing of the petition. Should the period fall within thirty (30) days of the last day of the semester, then the vote shall take place the following semester, following reaffirmation of the recall by the ASI Board of Directors.

**SECTION 4: NOTIFICATION**

Notice of any recall must be announced to the active members of the Corporation at least twice prior to the recall election.

**SECTION 5: BALLOTS**

Ballots for a recall election shall list each name separately.

**SECTION 6: VOTES**

A two-thirds (2/3) majority of affirmative votes shall be required to remove a member of the ASI Board of Directors.

**SECTION 7: VACANCY**

In the event an ASI Board of Directors member is removed from office through a recall election, Article 11, Section 6 of these Bylaws shall be followed to fill the vacancy.

**SECTION 8: REMOVAL BY BOARD OF DIRECTORS**

The ASI Board of Directors shall have the authority to remove a voting member for cause provided that:

- 8.1 The cause is specified in these Bylaws and was in effect at the beginning of the voting member's term of office.
- 8.2 The cause is related to the eligibility requirements of the voting member to continue in office, breach of duties and responsibilities outlined in these Bylaws or the ASI Codes of Governance, breach of any fiduciary duty, or failure to comply with any agreed policies (i.e. attendance policy). Members removed for failure to meet eligibility requirements in Article 9, Section 1 will be removed administratively and will not be subject to the removal process outlined in Section 8.3.
- 8.3 The action is done in good faith and in a fair and reasonable manner and conducted in accordance with the following practice:
  - 8.3.1 The allegations against a voting member of the ASI Board of Directors must be initiated in writing by any member of the ASI Board of Directors to the ASI President and/or ASI Executive Director.
  - 8.3.2 The accused voting member shall receive written notice of the special hearing of the ASI Internal Operations Committee at least seven (7) business days prior to the date set for the hearing. The notice of the hearing shall include an outline of the allegations against the voting member excluding the name of the initiator.
  - 8.3.3 The special hearing of the ASI Internal Operations Committee shall be conducted in open session and is subject to and must comply with the Gloria Romero Open Meetings Act of 2000 set out in the Education Code Section 89305 et seq.
  - 8.3.4 The findings and any recommendations of the ASI Internal Operations Committee shall be presented in writing to the ASI Board of Directors for approval with a copy to the accused member.
  - 8.3.5 The ASI Board of Directors may remove a member as provided in these Bylaws with the approval of two-thirds (2/3) of the ASI Board of Directors at a regular or special meeting.
  - 8.3.6 The accused member may present their case before the ASI Board of Directors, either orally or in written form.
  - 8.3.7 The decision by the ASI Board of Directors to remove a member is final.

**ARTICLE 23**

**AUDIT**

**SECTION 1: AUDIT**

An audit of the official books of the Corporation shall take place annually within the requirements of the California State University system and California State University San Marcos. The audit

will be conducted by an independent agency at the end of each fiscal year. Additional audits may be approved by a two-thirds vote of the ASI Board of Directors.

**ARTICLE 24 MISCELLANEOUS PROVISIONS**

**SECTION 1: DEFINITIONS**

The following statements clarify the expression of terms utilized throughout these Bylaws.

- 1.1 Fiscal Year: The fiscal year of the Corporation shall begin on the first day of July and shall terminate on the last day of June of the following year.
- 1.2 Regularly Enrolled: Any student pursuing a course of study at California State University San Marcos and who satisfies California State University and California State University San Marcos academic requirements.
- 1.3 General Election: The election of all Executive Officers and Representatives held annually in the spring semester.

**SECTION 2: MEMBER DIVIDENDS**

The Corporation shall not contemplate the distribution of gain, profits, or dividends to the members thereof.

**SECTION 3: CORPORATE REQUIREMENTS**

The Corporation, in all respects, shall conform to the requirements of the California State University system and California State University San Marcos.

**SECTION 4: CORPORATE AFFILIATIONS**

This Corporation shall not affiliate with any organization that participates in such discriminatory practices, or knowingly conducts business with any establishment that participates in such discriminatory practices.

**SECTION 5: OTHER OPERATING REQUIREMENTS**

All operating requirements outlined in these Bylaws, the ASI Articles of Incorporation, ASI Codes of Governance, or other instruments of the laws of the State of California shall not be in conflict.

**ARTICLE 25 AUTHORITY OF CAMPUS PRESIDENT**

**SECTION 1: OVERSIGHT BY THE UNIVERSITY PRESIDENT**

The President of California State University San Marcos ("University") is responsible for the educational effectiveness, academic excellence, and general welfare of the University. As a student body organization and an auxiliary organization at the University, ASI recognizes it is an integral part of the University and is subject to the supervision of the University President. ASI agrees to conduct its operation in accordance with guidelines and policies established by the CSU Board of Trustees and the University President.

# **EXHIBIT 4**



Description	OPERATIONS		STUDENT SERVICES								TOTAL	
	2121	2101	2110	2108	2116	2104	2107	2102	2103	2111		2118
	University Cost Recovery	Operations	General Student Programming	Media and Marketing	Gender Equity Center	LGBTQ Pride Center	Campus Activities Board	BOD	President	Executive Vice President		VP Student & University Affairs
Salaries: Prof Staff not incl ED		106,921		43,623	51,380	51,380	51,380	44,652				349,336
Salary: Executive Director		101,928										101,928
Benefits: Executive Dir 49%		49,945										49,945
UARSC benefits: staff = 40%		42,768		17,449	20,552	20,552	20,552	17,861				139,735
UARSC education benefit		9,600										9,600
Salaries-Student Assistants		17,230		19,735	36,231	36,231	34,000		13,050	12,150	11,250	179,877
UARSC benefit SA 4%		689		789	1,449	1,449	1,360		522	486	450	7,195
UARSC Admin charge 8%		13,409		6,528	8,769	8,769	8,583	5,001	1,086	1,011	936	54,091
Professional Development		4,500										4,500
Travel		7,500						8,500	4,000	1,000	7,150	28,150
Student Activities		500	16,000	18,154	23,310	23,310	101,485	28,989	1,000	38,629	4,520	255,897
Office Equip/computers&copiers		900	300	1,200	6,228	6,888	1,500	1,200	300	300	300	19,116
Telecommunications/Phones		6,000										6,000
Auditing Expense		19,500										19,500
Accounting,including ICR&SB8	131,923											131,923
Postage/Mail		500										500
Office Supplies		7,774										7,774
Insurance-CSURMA		9,803										9,803
Utilities/Custodial												0
Membership Dues AOA/NACA		1,380										1,380
Tax and License		750										750
<b>REQUESTED EXPENSES</b>	<b>131,923</b>	<b>401,597</b>	<b>16,300</b>	<b>107,479</b>	<b>147,919</b>	<b>148,579</b>	<b>218,860</b>	<b>106,203</b>	<b>19,958</b>	<b>53,576</b>	<b>24,606</b>	<b>1,377,000</b>

BOD Total 204,342

Projected Revenue	1,316,400
Transfer from Reserves	60,600
Projected Expenses	1,377,000
Remainder	0

Total Student Services Budget	843,480	61%
Total Operations Budget	533,520	39%
<b>TOTAL</b>	<b>1,377,000</b>	

# **EXHIBIT 5**

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## Associated Students, Inc.



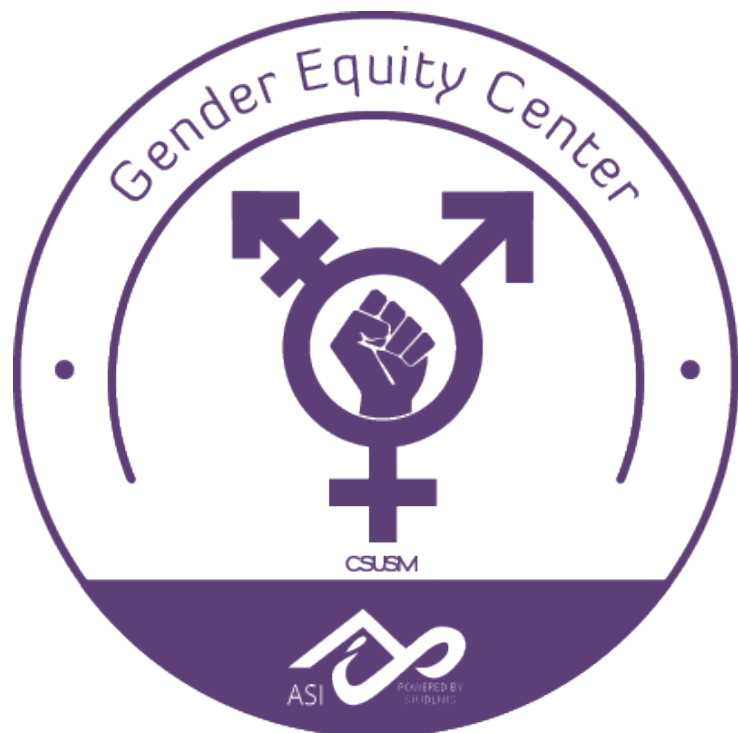
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Established in 1991, **Associated Students, Inc. (ASI)** is a non-profit, student-run auxiliary of California State University San Marcos.

**ASI's mission** is concise yet impactful: **To serve, engage, and empower students**. ASI is comprised of four student-focused entities, each with a unique statement of purpose in service of the mission. The efforts, initiatives, and programs of these entities are supported by the ASI corporate office and the ASI design team.

Click below to learn more about our ASI Entities!





Get Involved!

333 S. Twin Oaks Valley Dr. USU3700

San Marcos, CA 92096

T: (760) 750-4990

F: (760) 750-3149

**Main Office Hours:**

Monday–Friday: 8:30am–5:00pm

[□ Contact Us](#)

# **EXHIBIT 6**

**ASSOCIATED STUDENTS, INC.**

**CODES OF GOVERNANCE**

**CODE 401**

**CAMPUS ACTIVITIES BOARD CODE**

**NEW/REVISED**

**PROCEDURE:** February 20, 2015

**EFFECTIVE**

**DATE:** February 9, 2006

**I. NAME**

This document shall be called the Campus Activities Board Code.

**II. AUTHORITY**

This department shall be established by the authority given in Article 14 of the Bylaws of Associated Students, Incorporated of California State University San Marcos.

**III. PURPOSE**

The purpose of this code is to define the role of the Campus Activities Board.

**IV. DATE OF EFFECTIVENESS**

This code shall be effective immediately upon the signature authority of this document by the ASI President, subject to the approval of the Board of Directors.

Date of effectiveness: February 9, 2006

**V. AMENDMENTS**

This code may be amended by a majority vote by the Rules Committee with the approval of the Board of Directors by a simple majority vote.

Date of Amendment: February 20, 2015

**VI. EMPLOYEES**

The Campus Activities Board and shall consist of the following professional staff and student employees, which may change depending on the ASI budget and organizational necessity. Job descriptions are available from the Assistant Director of Programming, and copies are provided to University Auxiliary & Research Services Corporation (UARSC) Human Resources department.

A. Assistant Director of Programming (professional staff position)

B. Programming Coordinator (student position)

C. Programming Specialists (student position)

**VII. MEETINGS**

The department may have staff meetings as deemed necessary by the Assistant Director of Programming.

**VIII. DUTIES AND RESPONSIBILITIES**

All duties and responsibilities may be subject to change as deemed necessary by the Assistant Director of Programming, in consultation with the Executive Director. Changes which significantly alter the scope of duties and responsibilities of the Campus Activities Board require amendment of this code through the process noted in Section V. Duties and responsibilities shall include:

- A. Shall develop programming on campus based on the focus areas and needs of the student body.
- B. Shall develop engaging and informative campus activities that are representative of diversity of the campus community.
- C. Shall review budget organized by the Assistant Director of Programming to be submitted to the Finance Board for the consideration of the following year's budget.
- D. Shall ensure that all events contribute to engaging the campus community.
- E. Shall abide by all ASI Resolutions, Policies, and Procedures when operating on behalf of the Corporation.
- F. Shall organize a Volunteer Committee for at-large students to assist with the campus activities.

# **EXHIBIT 7**

# Social Justice Centers

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[csusmchronicle.com/340/features/social-justice-centers/](http://csusmchronicle.com/340/features/social-justice-centers/)

September 6, 2010

Filed under [Features](#)

By Roxanne Eusebio

Here at Cal State San Marcos, there are three social justice centers that are open to all students. These centers are places on campus where students can come together, hangout, do homework, and meet new people.

Cross Cultural Center:

Director: Sara Sheikh

Location: Commons 207

Hours: Monday to Thursday, 9 a.m. to 5 p.m.; Friday 9 a.m. to 12 p.m.

About: The Cross Cultural Center, also known as C3 is the longest running Social Justice Center on campus. For about seven years C3 has been focusing on exploring and expressing identity, cultural history and heritage, social justice, and advocacy for rights. The center is committed to educating and spreading awareness about social justice and multicultural issues, and creating a community of socially conscious people. C3 is not only a place to just hang out; it holds programs such as Multicultural Trivia which is an interactive way to discover and learn three different cultures every month. On the first day of school, C3 received about 200 visits. Open house for C3 is on Sept. 8 from 11 a.m. to 2 p.m.

"If I had to describe C3 in four words it would be: embrace, educate, empower, and explore" –Sara Sheikh

Women's Center:

Director: Lea Burgess-Carland

Location: FCB 5-102 (by parking services)

Hours: Monday to Thursday 9 am to 5 pm; Friday 10 am to 12 pm

About: The Women's Center educates students about social justice issues that affect women such as domestic violence, sexual equality, and eating disorders. The center is about empowerment and support for all students, especially women's needs. The Women's Center opened up in 2005, and since then it has been growing. Some events held throughout the year by the Women's Center are Love Your Body Day, and Take Back the Night. Along with events, the Women's Center publishes a newsletter about feminist social justice issues called "The Rag." Open house for the Women's Center is Sept. 9 from 11 a.m. to 3 p.m.

"The one thing I want people to take from the Women's Center is that we are all about love"

-Jenilee Remigio (Communications Coordinator)

LGBTQ Pride Center:

Director: Robert Aiello-Hauser

Location: Commons 201



Hours: Monday to Tuesday 8 a.m. to 5 p.m.; Wednesday to Thursday 8 a.m. to 8 p.m.; Friday 10 a.m. to 5 p.m.; Sunday 11 a.m. to 3 p.m.

About: The youngest of the three centers, the LGBTQ Pride Center has been around for three years. It is a safe, inclusive, and affirming space for LGBTQ individuals and allies. The Pride Center provides information regarding campus and community news and events of interest, as well as providing outreach to LGBTQ individuals. Some upcoming events provided by the Pride Center are the Gender Bender Ball and Coming Out Monologues. The center also provides a newsletter that provides information about current LGBTQ social justice issues called, "The Query." Open house for the Pride Center is Sept 7 from 9 a.m. to 4 p.m.

"As the new Director of the Center, I am working hard to create an inclusive space that is a focal point for the entire CSUSM community"

-Robert Aiello- Hauser

# **EXHIBIT 8**

**ASSOCIATED STUDENTS, INC.**

**CODES OF GOVERNANCE**

**CODE 402**

**GENDER EQUITY CENTER CODE**

**NEW/REVISED**

**PROCEDURE:** September 27, 2013

**EFFECTIVE**

**DATE:**

- I. NAME**  
This document shall be called the Gender Equity Center Code.
- II. AUTHORITY**  
This Center shall be established by the authority given in Article 14 of the Bylaws of Associated Students, Incorporated of California State University San Marcos.
- III. PURPOSE**  
The purpose of this center is to provide a space dedicated to gender equity in which students of all genders and diverse identities feel safe, valued, and respected. The center empowers CSUSM students through programming, education, and advocacy. The Gender Equity Center and LGBTQA Pride Center collectively comprise the ASI Community Centers. This code is to define the role of the Gender Equity Center.
- IV. DATE OF EFFECTIVENESS**  
This code shall be effective immediately upon the signature authority of this document by the ASI President, subject to the approval of the Board of Directors.  
Date of effectiveness:
- V. AMENDMENTS**  
This code may be amended by a majority vote by the Rules Committee with the approval of the Board of Directors by a two-thirds majority vote. Date of Amendment: September 27, 2013.
- VI. EMPLOYEES**  
The Gender Equity Center shall consist of the following professional staff and student employees and may change dependent on the ASI Budget and organizational necessity. Job descriptions are available from the Director of the ASI Community Centers, and copies are provided to University Auxiliary and Research Services Corporation (UARSC).

  - A. Director, ASI Community Centers (professional staff position)
  - B. Coordinator, ASI Community Centers (professional staff position)
  - C. Lead Peer Educators (student position)
  - D. Peer Educators (student position)

**VII. MEETINGS**

The Center may have staff meetings as deemed necessary by the Coordinator of the ASI Community Centers.

**VIII. DUTIES AND RESPONSIBILITIES**

All duties and responsibilities may be subject to change as deemed necessary by the Director of the ASI Community Centers, in consultation with the ASI Executive Director. Changes which significantly alter the scope of duties and responsibilities of the Center require amendment of this code through the process noted in Section V.

Duties and responsibilities of the Gender Equity Center shall include:

- A. Provide a safe and welcoming space for all students, staff, and faculty.
- B. Conduct educational programming and events focused on meeting the needs of students of all genders and diverse identities.
- C. Provide up-to-date information and referrals for students.
- D. Keep the center open for at least –50 hours per week during the fall and spring semesters.
- E. Ensure that all programming and events are spread out over the course of days and times.
- F. Abide by all ASI operating policies and procedures, ASI Bylaws and Codes of Governances (as applicable), and the mission of ASI to serve, engage, and empower students.
- G. Improve collaboration and relationships among student organizations, campus partners, and community groups.
- H. Increase awareness about issues that primarily affect women, gender nonconforming, and transgender students on campus.
- I. Pursue gender equity through dialogue, support, programming, education, and advocacy
- J. Provide resources for students' professional and personal success.
- K. Serve as a liaison for students to existing campus and community services.
- L. Provide resources to faculty and staff of Cal State University San Marcos.

# **EXHIBIT 9**

// **Associated Students, Inc (/asi)**

Enter your search term



(<https://www.csusm.edu>)

**Associated Students, Inc (/asi)**

<p><u>About</u> (<a href="/asi/about/index.html">/asi/about/index.html</a>)</p>	+
<p><u>Get Involved</u> (<a href="/asi/departments/index.html">/asi/departments/index.html</a>)</p>	-
<p><u>Front Desk Reception</u> (<a href="/asi/departments/directory_reception.html">/asi/departments/directory_reception.html</a>)</p>	
<p><u>Board of Directors</u> (<a href="/asi/departments/bod/index.html">/asi/departments/bod/index.html</a>)</p>	+
<p><u>Campus Activities Board</u> (<a href="/asi/departments/cab/index.html">/asi/departments/cab/index.html</a>)</p>	+
<p><u>Gender Equity Center</u> (<a href="/asi/departments/gec/index.html">/asi/departments/gec/index.html</a>)</p>	-
<p><u>GEC Staff</u> (<a href="/asi/departments/gec/directory.html">/asi/departments/gec/directory.html</a>)</p>	
<p><u>GEC Events</u> (<a href="/asi/departments/gec/events.html">/asi/departments/gec/events.html</a>)</p>	
<p><u>GEC Resources</u> (<a href="/asi/departments/gec/resources.html">/asi/departments/gec/resources.html</a>)</p>	
<p><u>LGBTQA Pride Center</u> (<a href="/asi/departments/pc/index.html">/asi/departments/pc/index.html</a>)</p>	+

Design Team

[\(/asi/departments/design/index.html\)](/asi/departments/design/index.html)

Events

[\(/asi/events/index.html\)](/asi/events/index.html)

+

Publications

[\(/asi/publications/index.html\)](/asi/publications/index.html)

Social Media

[\(/asi/social media/index.html\)](/asi/social media/index.html)

Gallery

[\(/asi/gallery/index.html\)](/asi/gallery/index.html)

Crash

[\(/asi/crash/index.html\)](/asi/crash/index.html)



[🏠 \(../index.html\)](#) // [Get Involved \(../index.html\)](#) // [Gender Equity Center \(index.html\)](#)  
// [GEC Events](#)

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# GEC Events

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Tue Feb 28th 6:00am - 7:30am

### Seinfeld Music Guy

Acclaimed musician, Jonathan Wolff, gives a concert talk with insider

Arts 111



Tue Feb 28th 2:00pm - 3:00pm

### Grad School Preparation

ASI and CSUSM Graduate Studies present our very own Dr. Marisol Clark

Gender Equity Center (USU 3200)

Grad-School-Prep GEC



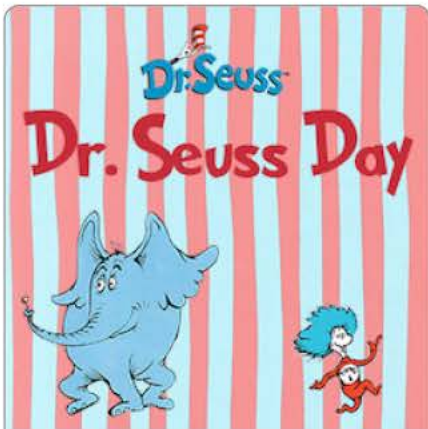
Wed Mar 1st 6:00pm - 8:00pm

### Just Yell Fire: The Million Girl Revolution

Just Yell Fire is an interactive sexual assault prevention program that

USU Ballroom

BOD Just-Yell-Fire



Thu Mar 2nd 5:30pm - 7:30pm

### Dr. Seuss Day

Celebrate Dr. Seuss' birthday with activities and a read-along at the CSUSM Bookstore

Dr.-Seuss-Day Dr.-Seuss

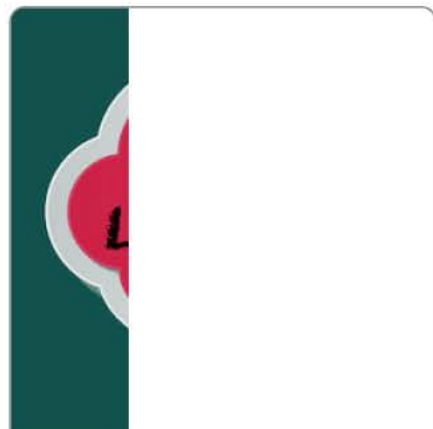
GEC



Mon Mar 6th 11:30am - Fri 10th 10:00pm

### Geek Week: A Celebration of Science

A celebration of science! Monday: CSM Student



Wed Mar 8th 12:00pm - 1:00pm

### ABC's of LGBTQ: Queer Women

Celebrate the many diverse identities of the



Thu M

### Free Night

Movie annou Media

Edwa

Free-M



Fri Ma 10:00

### Cou

Join us GEEK Includ

USU B



CSUSMGeekWeek BOD  
SCIENCE Geekweek  
TukwutLife

USU 3100

ABC's-of-the-LGBTQ  
LGBTQA-Pride-Center

Fri Mar 17th 11:00am - 2:00pm

### Safe Zone Training Workshop

Register at:  
[bit.ly/ASISafeZone](http://bit.ly/ASISafeZone)  
SafeZone Training

USU 2310

Safe-Zone-Training  
LGBTQA-Pride-Center



Thu Apr 6th

### Free Movie Night

Movies and Times to be announced on Social Media!

Edwards Cinema

Free-Movie-Night CAB



Tue Apr 18th 11:00am - 2:00pm

### Safe Zone Training Workshop

Register at:  
[bit.ly/ASISafeZone](http://bit.ly/ASISafeZone)  
SafeZone Training

USU 2310

Safe-Zone-Training  
LGBTQA-Pride-Center

Wed / 1:00p

### ABC LGB Peo

Celebr diverse LGBTQ

USU 3

ABC's-c  
LGBTQ

calendar by To

## Annual Events





A feminist celebration to raise awareness about health issues, challenge harmful and offensive advertisements and media, and promote positive body image. Learn, dance, eat, and strut down the runway in this proclamation for self-love!

---



Since 1985, March has been designated by Congress and the President of the United States as Women's History Month. This proclamation is intended to recognize the struggles and celebrate the achievements of women in the United States. The Library of Congress states that, "...women have struggled throughout our history to gain rights not simply for themselves but for many other under represented and disenfranchised groups in America."

Many campuses, including CSUSM, have begun celebrating Women's Herstory Month with their communities. The concept of *herstory* has been coined as a way to look at history through the experiences of women.

At CSUSM Women's Herstory Month is a campus-wide celebration with over a dozen events that are made possible by the contributions of campus partners.

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The Gender Equity Center Recognition is an annual celebration for graduating students who have contributed to the promotion of feminism and gender equity at CSUSM. The recognition is open to any student whose curricular and/or co-curricular involvement is aligned with the work of the Gender Equity Center. Registration for the Gender Equity Center Recognition opens after spring break.

---

[Contact Us](#)

# **EXHIBIT 10**

ASI  
USU 3200


Exterior  
Exterior

*There will be giveaways!*

# Pleasure Party


Come and learn more about how to increase your pleasure! We will go over different ways to increase your pleasure, whether it's for yourself, for your partner, or both!


*February 16<sup>th</sup> • 7:00PM • Gender Equity Center (USU 3200)*


 Individuals with disabilities who would like to attend this event, please contact [asi@csusm.edu](mailto:asi@csusm.edu) regarding any special accommodation needs.



 //ASI GEC

 @asi.gec

 @ASI\_CSUSM

 [bit.ly/asi-gec](http://bit.ly/asi-gec)



Exterior  
Exterior



# **EXHIBIT 11**



# Trans Resources

## Trans at CSUSM

The ASI Gender Equity Center and ASI LGBTQA Pride Center are committed to providing support and resources to students identifying on the spectrum of trans identities.

### Trans Affirming Spaces

We strive to make our community centers safe and brave spaces for students to build a community that embraces all of their identities. Visit the centers to pick up a pronoun button, attend an event, or meet great people! Nervous about visiting the center, make an appointment to meet somewhere else on campus by sending an e-mail to Abrahán Monzón, Assistant Director of ASI Community Center at [amonzon@csusm.edu](mailto:amonzon@csusm.edu).

### Gender Inclusive Restrooms

There are currently six labeled gender inclusive restrooms on campus, the restrooms are located in the University Student Union, Science Hall 1, Craven Hall, and Kellogg Library. You can find the locations of all gender inclusive restrooms using the interactive campus guide under "Restrooms": <https://www.csusm.edu/guide/>

### Preferred Name Policy

Transgender or gender non-conforming students may have their first name changed to their preferred name in the University's student records system. Students who have enrolled at CSUSM under their legal name may change their first name to a preferred first name that better reflects the identity of the student (CSUSM does not allow the use of "nicknames" on student records).

To register a preferred name at the University, students should complete and submit the [Preferred Name Change Request Form](#) or complete a request online by logging on

to MyCSUSM and accessing their Student Center. It can take up to two business days after approval for the preferred name to be reflected in the various third party platforms utilized by the campus community and in communications (email and/or postal). Once the preferred name has been registered, a new CSUSM ID card can be issued.

Offices are only able to look up student records by student ID or legal name. It is recommended you bring your student ID card with you when requesting assistance from any department on campus. Staff members are able to search for your record via student ID #. Your preferred name will be displayed.

More information can be found on the University Registrar's

website: <http://www.csusm.edu/enroll/policies/preferrednamechangeprocedure.html>

## Title IX

Trans and gender nonconforming students are protected under Title IX, a federal law that prohibits discrimination based on sex in educational programs. The Gender Equity Center and LGBTQA Pride Center is available if you would need support accessing Title IX resources.

[□ Contact Us](#)

# **EXHIBIT 12**

**ASSOCIATED STUDENTS, INC.**

**CODES OF GOVERNANCE**

**CODE 403** **LGBTQA PRIDE CENTER CODE**

**NEW/REVISED  
PROCEDURE:** September 27, 2013  
  
**EFFECTIVE  
DATE:**

**I. NAME**

This document shall be called the LGBTQA Pride Center Code.

**II. AUTHORITY**

This center shall be established by the authority given in Article 14 of the Bylaws of Associated Students, Incorporated of California State University San Marcos.

**III. PURPOSE**

The purpose of this center is to create, sustain, and affirm an open, safe, and inclusive environment for lesbian, gay, bisexual, transgender, queer, questioning, intersex, and ally (LGBTQIA) individuals and communities at CSU San Marcos. The LGBTQA Pride Center accomplishes its purpose by building community, serving as a voice of advocacy fostering a positive campus climate for LGBTQIA individuals, sponsoring events and programs which reflect the diversity within LGBTQIA communities, and providing educational resources and opportunities. This code is to define the role of the LGBTQA Pride Center.

**IV. DATE OF EFFECTIVENESS**

This code shall be effective immediately upon the signature authority of this document by the ASI President, subject to the approval of the Board of Directors.  
Date of effectiveness:

**V. AMENDMENTS**

This code may be amended by a majority vote by the Rules Committee with the approval of the Board of Directors by a two-thirds majority vote. Date of Amendment: September 27, 2013

**VI. EMPLOYEES**

The LGBTQA Pride Center shall consist of the following professional staff and student employees and may change dependent on the ASI Budget and organizational necessity. Job descriptions are available from the Director of the ASI Community Centers, and copies are provided to University Auxiliary and Research Services Corporation (UARSC).

- A. Director, ASI Community Centers (professional staff position)
- B. Coordinator, ASI Community Centers (professional staff position)



- C. Lead Peer Educators (student position)
- D. Peer Educators (student position)

**VII. MEETINGS**

The center may have staff meetings as deemed necessary by the Coordinator of the ASI Community Centers.

**VIII. DUTIES AND RESPONSIBILITIES**

All duties and responsibilities may be subject to change as deemed necessary by the Director of the ASI Community Centers, in consultation with the ASI Executive Director. Changes which significantly alter the scope of duties and responsibilities of the LGBTQA Pride Center require amendment of this code through the process noted in Section V.

Duties and responsibilities of the LGBTQA Pride Center shall include:

- A. Provide a safe and welcoming space for all students, staff, and faculty.
- B. Conduct educational programming and events focused on meeting the needs of students of all genders, sexual orientations, and diverse identities.
- C. Provide up-to-date information and referrals for students.
- D. Keep the center open for at least 50 hours per week during the fall and spring semesters.
- E. Ensure that all programming and events are spread out over the course of days and times.
- F. Abide by ASI operating policies and procedures, ASI Bylaws and Codes of Governance (as applicable), and the mission of ASI to serve, engage, and empower students.
- G. Improve collaboration and relationships among student organizations, campus partners, and community groups.
- H. Increase awareness about issues impacting LGBTQIA students on campus.
- I. Pursue equity for LGBTQIA individuals through dialogue, support, programming, education, and advocacy.
- J. Provide resources for students' personal and professional success.
- K. Serve as a liaison for students to existing campus and community services.
- L. Provide resources to faculty and staff of Cal State University San Marcos.

# **EXHIBIT 13**



// **Associated Students, Inc (/asi)**

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<https://www.csusm.edu> **Associated Students, Inc (/asi)**

<u>About</u> <a href="/asi/about/index.html">(/asi/about/index.html)</a>	+
<u>Get Involved</u> <a href="/asi/departments/index.html">(/asi/departments/index.html)</a>	-
<u>Front Desk Reception</u> <a href="/asi/departments/directory_reception.html">(/asi/departments/directory_reception.html)</a>	
<u>Board of Directors</u> <a href="/asi/departments/bod/index.html">(/asi/departments/bod/index.html)</a>	+
<u>Campus Activities Board</u> <a href="/asi/departments/cab/index.html">(/asi/departments/cab/index.html)</a>	+
<u>Gender Equity Center</u> <a href="/asi/departments/gec/index.html">(/asi/departments/gec/index.html)</a>	+
<u>LGBTQA Pride Center</u> <a href="/asi/departments/pc/index.html">(/asi/departments/pc/index.html)</a>	-
<u>Pride Center Staff</u> <a href="/asi/departments/pc/directory.html">(/asi/departments/pc/directory.html)</a>	
<u>PC Events</u> <a href="/asi/departments/pc/events.html">(/asi/departments/pc/events.html)</a>	
<u>PC Resources</u> <a href="/asi/departments/pc/resources.html">(/asi/departments/pc/resources.html)</a>	

<a href="#"><u>Design Team</u></a> (/asi/departments/design/index.html)	
<a href="#"><u>Events</u></a> (/asi/events/index.html)	<b>+</b>
<a href="#"><u>Publications</u></a> (/asi/publications/index.html)	
<a href="#"><u>Social Media</u></a> (/asi/social media/index.html)	
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[🏠](#) [\(../index.html\)](#) // [Get Involved \(../index.html\)](#) // [LGBTQA Pride Center \(index.html\)](#)  
// [PC Events](#)

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## PC Events



Tue Feb 28th 6:00am - 7:30am

## Seinfeld Music Guy

Acclaimed musician, Jonathan Wolff, gives a concert talk with insider

Arts 111



Tue Feb 28th 2:00pm - 3:00pm

## Grad School Preparation

ASI and CSUSM Graduate Studies present our very own Dr. Marisol Clark

Gender Equity Center (USU 3200)

[Grad-School-Prep](#) [GEC](#)



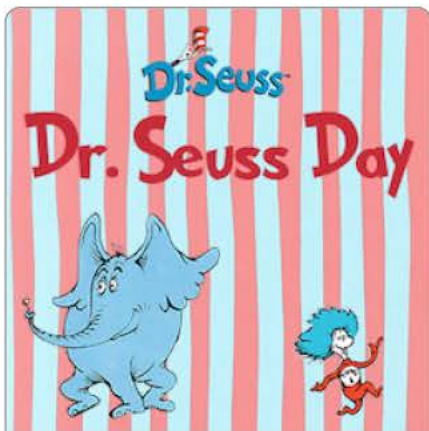
Wed Mar 1st 6:00pm - 8:00pm

## Just Yell Fire: The Million Girl Revolution

Just Yell Fire is an interactive sexual assault prevention program that

USU Ballroom

[BOD](#) [Just-Yell-Fire](#)



Thu Mar 2nd 5:30pm - 7:30pm

## Dr. Seuss Day

Celebrate Dr. Seuss' birthday with activities and a read-along at the CSUSM Bookstore

[Dr.-Seuss-Day](#) [Dr.-Seuss](#)

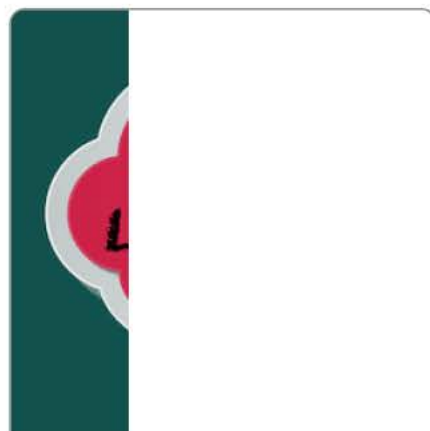
[GEC](#)



Mon Mar 6th 11:30am - Fri 10th 10:00pm

## Geek Week: A Celebration of Science

A celebration of science! Monday: CSM Student



Wed Mar 8th 12:00pm - 1:00pm

## ABC's of LGBTQ: Queer Women

Celebrate the many diverse identities of the



Thu M

## Free Night

Movie annou Media

Edwa

[Free-M](#)



Fri Ma 10:00

## Cou

Join us GEEK Includ

USU B





CSUSMGeekWeek BOD  
SCIENCE Geekweek  
TukwutLife

USU 3100

ABC's-of-the-LGBTQ  
LGBTQA-Pride-Center

Fri Mar 17th 11:00am - 2:00pm

### Safe Zone Training Workshop

Register at:  
[bit.ly/ASISafeZone](http://bit.ly/ASISafeZone)  
SafeZone Training

USU 2310

Safe-Zone-Training  
LGBTQA-Pride-Center



Thu Apr 6th

### Free Movie Night

Movies and Times to be announced on Social Media!

Edwards Cinema

Free-Movie-Night CAB



Tue Apr 18th 11:00am - 2:00pm

### Safe Zone Training Workshop

Register at:  
[bit.ly/ASISafeZone](http://bit.ly/ASISafeZone)  
SafeZone Training

USU 2310

Safe-Zone-Training  
LGBTQA-Pride-Center

Wed / 1:00p

ABC LGB Peo

Celebr diverse LGBTC

USU 3

ABC's-c  
LGBTQ

calendar by To

## Annual Events



The Coming Out Monologues is a community-based theatre project celebrating the diversity of experience and identity in the coming out journey. The performance, open to all students, paints a vibrant and touching visual of the diversity of experiences in the LGBTQ community. Any student who wants to share a coming out story can sign up to participate, for more information on participating, visit the LGBTQA Pride Center.

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Throughout the month of April, CSUSM will celebrate the lesbian, gay, bisexual, transgender, questioning and allied (LGBTQA+) community through a series of events that will include lectures, discussions, art collaborations and a pride festival.

Lesbian, Gay, Bisexual and Transgender Pride Month (LGBT Pride Month) is currently celebrated each year in the month of June to honor the 1969 Stonewall riots in Manhattan. The Stonewall riots were a tipping point for the Gay Liberation Movement in the United States. The purpose of the commemorative month is to recognize the impact that lesbian, gay, bisexual and transgender individuals have had on history locally, nationally, and internationally. At CSUSM we celebrate LGBTQA Pride Month in April to catch all the fun before the end of the semester.

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The Rainbow Recognition is an annual celebration for graduating students who have contributed to or been a part of the LGBTQA Community. The recognition is open to any student whose curricular and/or co-curricular involvement is aligned with the work of the LGBTQA Pride Center. Registration for the Rainbow Recognition opens after spring break.

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[Contact Us](#)



# **EXHIBIT 14**



*Are you looking to invigorate your **sex life**? The Pride Center presents Kink 101 with professional sexologist, Dr. Sayaka.*

*Discuss BDSM and Kink in a safe space, **enter to win exciting prizes**, and participate in an interactive workshop!*

***Bring a scarf or tie if you want to play along!***

calendar by Tockify



The ASI Beat is the official blog of Associated Students, Inc. at Cal State San Marcos. The articles are student-written and aim to provide an inside look into the events and services of ASI.

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## The Truth Behind Me

February 16, 2017

Written by: Hiba Farhat, Campus Activities Board Programming Specialist



Ever since I moved to America in 2013, I had been under the perception that people of color weren't as represented as I had expected. After transferring to CSUSM, hope was revived in me. Exciting things have been happening on our campus including the opening of the Black Student Center; and with this "The Truth Behind Me" was born.

“The Truth behind Me,” is a celebration of Afrikan Heritage through art. The performances will vary from spoken word, to photography, to a fashion show, and much more. What we would like students to leave with is a sense of meaningful understanding of where certain key elements come from, a good example is a dashiki. This is not just a cool new clothing trend however. The design was based on a 19th century, Ethiopian, noblewoman’s tunic. I am almost sure that a huge chunk of us didn't know that. We also hope that students can come together and just viiiiiibbbbbbeeeeeee with one another.

This collaboration between ASI, the Black Student Union and the Black Student Center proves just how progressive CSUSM is. With this, I hope that everyone will be able to take time to come enjoy our show and see all the beautiful growth that is happening on our campus!

See you tonight!

---

## Spice Up Your Valentine's Day!

February 8, 2017

Written by: Sun Quanjun, LGBTQA Pride Center Peer Educator



All the lovebirds in the world, they all try to do something meaningful and special on Valentine’s Day with their partners. Candles, chocolates, flowers, stuffed animals, a romantic dinner—the all-too-familiar dance that turns a special day into a special evening. *Spice up Your*

Valentine's Day is the refresher you need as you prepare for your Valentine's Day. Spicing up your romantic life can seem difficult. Try something new? Make a new purchase? Not sure where to start? You need a professional **sexpert** who can teach you one thing or two.

Dr. Jennifer Gunsaulus is a sociologist, educator, and a sexuality speaker. Dr. Jenn's interactive presentation will help you **explore mindfulness in your sexuality** and will have sex quizzes, myth busting, and an opportunity for Q&A.

*Spice up Your Valentine's Day* will be great whether you have a Valentine's Day date, you are looking for one, or you are happily single. Dr. Jenn will help you build skills that will be useful to you next week or next year! If that wasn't enough for you, we will have some fun activities by the H.O.P.E. and Wellness Center, a photo booth, and Valentine's cards! Also, our refreshments table will be stocked with **information on popular aphrodisiacs!**

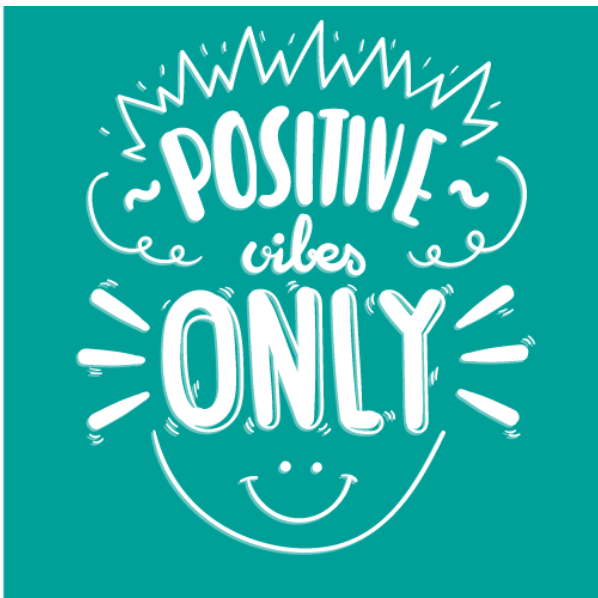
So, will we see you there?

---

## Tips for a New Semester!

February 1, 2017

Written by: Alex Munoz, Front Desk Assistant



# **EXHIBIT 15**

**ASSOCIATED STUDENTS, INC.**

**CODES OF GOVERNANCE**

**CODE 404**

**MEDIA & COMMUNICATIONS TEAM CODE**

**NEW/REVISED**

**PROCEDURE:** June 20, 2016

**EFFECTIVE**

**DATE:** June 20, 2016

- I. NAME**  
This document shall be called the Media & Communications Team Code.
- II. AUTHORITY**  
This department shall be established by the authority given in Article 17 of these Bylaws of Associated Students, Incorporated of California State University San Marcos.
- III. PURPOSE**  
The purpose of this code is to define the role and responsibilities of the Media & Communications Team.
- IV. DATE OF EFFECTIVENESS**  
This code shall be effective immediately upon the signature authority of this document by the ASI President, subject to the approval of the ASI Board of Directors.  
Date of effectiveness: June 20, 2016
- V. AMENDMENTS**  
This code may be amended by a majority vote by Internal Operations Committee with approval by the ASI Board of Directors. Date of Amendment: June 20, 2016
- VI. EMPLOYEES**  
The Media and Communications Team shall consist of the following professional staff and student employees, which may change depending on the ASI budget and organizational necessity.

  - Media and Communications Coordinator (professional staff position)
  - Design & Media Team Lead (student position)
  - Design and Media Assistant(s) (student position)
  - Web and Social Media Assistant(s) (student position)
  - Marketing & Outreach Assistant(s) (student position)
- VII. MEETINGS**  
The department may have staff meetings as deemed necessary by the Media and Communications Coordinator.



**VIII. DUTIES AND RESPONSIBILITIES**

All duties and responsibilities may be subject to change as deemed necessary by the Media and Communications Coordinator, in consultation with the Executive Director. Changes which significantly alter the scope of duties and responsibilities of the Media & Communications Team require amendment of this code through the process noted in Section V. Duties and responsibilities shall include:

- Design, develop, and print promotional items and all marketing materials for all events and services for all entities of ASI.
- Responsible for all media, branding, and public relations efforts of the ASI Corporation.
- Develop and maintain methods for documenting and sharing the ASI Story across various media channels.
- Construct and maintain a strategic marketing plan for the Corporation. Ensure that all marketing aspects of the Corporation are aligned and uniform among all entities.
- Coordinate with the ASI programming entities to construct a marketing plan for various ASI activities and programs. Note: Each entity will be responsible for the implementation of the agreed upon plan with the Media & Communications Team available for support.

# **EXHIBIT 16**



## Arts & Lectures



The College of Humanities, Arts, Behavioral and Social Sciences produces the Arts and Lectures Series, a wide-range of curriculum-linked events.

Each year, Arts & Lectures engages the support and advice of CSUSM faculty, staff, students and the community in developing a series of events including lectures across various fields, film/video screenings, visual art talks, dance and theatre performances, music concerts, scientific discussions, book readings and more.

The series has become an integral part of campus life and offers eye-opening perspectives on multiple topics, issues, and disciplines by bringing in exceptional guests who are experts in various fields creatively and intellectually. The program not only supplements and complements curricular needs but it also enriches cultural life on the campus and within the community.

For more information regarding upcoming events, [visit our event calendar](#), "like" us on [facebook](#), find us on [instagram](#)

### aRts LECTURES

[Spring 2017 Brochure](#)

[Event tickets!](#)

[Fall 2016 Brochure](#)

[Spring 2016 Brochure](#)

[Fall 2015 Brochure](#)

Contact Us



(CSUSM\_artsandlectures) and [twitter](#) (CSUSM\_AandL) or

contact **Gina Jones, Arts & Lectures Coordinator** @

**760-750-8272**.

Please contact the Arts and Lectures Coordinator at the above number to ask about group rates!

[Contact Us](#)

CONNECT WITH US @

# aRts & LECTURES



/csusmartsandlectures



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@csusm\_AandL



[www.csusm.edu/al](http://www.csusm.edu/al)

CSUSM

133  
Spring 2017

Arts & Lectures is delighted to present to you the

## SPRING 2017 LINEUP

This season brings fantastic speakers along with exciting musical, theatrical and dance performances you won't want to miss.

All events are made possible by CSUSM faculty, staff and students as well as community members whose input helps bring exceptional guests to campus to present diverse perspectives that enrich campus life and expand learning opportunities for CSUSM students.

...  
*With support from  
Instructionally Related  
Activities funding,  
CSUSM student tickets  
are free.*

Please bring the following with you to each event:

# PRE PURCHASED TICKET

~ and ~

**CSUSM ID** [ only if applicable ]



# THINGS I LEARNED FROM FAT PEOPLE ON THE PLANE

## FEATURING KIMBERLY DARK

February 21, 2017  
6:00 PM, Arts 111

### TICKET PRICES:

CSUSM Students: FREE

Community: \$10

Faculty/Staff/Alumni: \$5

[www.kimberlydark.com](http://www.kimberlydark.com)



@kimberlydark



Kimberly Dark

Storyteller and Sociologist Kimberly Dark humorously explores fat stigma, body privilege and living in a world that hates fat. Come learn how we can all move toward greater equity and more positive community while we aim to create a campus environment where every body is worthy of respect.



# THE SOCIALLY JUST

February 22, 2017, 6:00 PM,  
USU Ballroom

The Socially Just is a content driven experience that exists to entertain and educate its audience on social issues that plague our cultures both locally and globally. Come enjoy an evening of hip-hop & spoken word from CSUSM alumnus and local artist & activist, Nomis (Not For Sale Artist In Residence) and together we will address social issues across the spectrum head on, with a special emphasis on human trafficking.

### TICKET PRICES:

CSUSM Students: FREE

Community: \$10

Faculty/Staff/Alumni: \$5



@NomisHipHop



NomisHipHop

[NomisHipHop.com](http://NomisHipHop.com)



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Exhibit 16



# SEINFELD MUSIC GUY

FEATURING JONATHAN WOLFF

Acclaimed musician Jonathan Wolff created the music for 75 primetime network series and is best known for his iconic *Seinfeld* theme. A masterful pianist (think *Will & Grace*), Jonathan Wolff gives a Concert Talk that is both entertaining and informative, with insider Hollywood stories, Q&A and commentary about favorite *Seinfeld* scenes. Hear how a young artist from Kentucky became a Hollywood legend and composer for some of TV's hottest shows!

 @seinfeldmusic  Seinfeld Music Guy

February 28, 2017  
6:00PM, Arts 111

**TICKET PRICES:**  
CSUSM Students: FREE  
Community: \$10  
Faculty/Staff/Alumni: \$5

The event is a co-sponsorship with Associated Students Inc. and the USU Activities Board.

# CÉSAR'S PEACEFUL REVOLUTION

March 28, 2017  
7:00PM, Arts

**TICKET PRICES:**  
CSUSM Students: FREE  
Community: \$10  
Faculty/Staff/Alumni: \$5

César's Peaceful Revolution, this one-man play by Fernando Vega examines the life, struggles and legacy of activist César Chavez. This show focuses on Chavez's struggle to keep his movement non-violent and is based on public speeches and interviews. Vega will perform characters that inspired Chavez and his movement, including St. Francis, Dr. Martin Luther King Jr. and Gandhi. The show explores intersections of race and cultural identity as well as the spirituality that informed César Chavez's struggle for justice.



"My stories are real.. and they're spectacular!"

- Jonathan Wolff



# DR. LYDIA VILLA-KOMAROFF

## FROM THE MEXICAN REVOLUTION TO BIOLOGICAL REVOLUTIONS: MY LIFE IN SCIENCE

March 30, 2017  
6:00 PM, USU Ballroom

Dr. Lydia Villa-Komaroff is a molecular biologist, an executive and a diversity advocate. She is the third Mexican-American woman in the U.S. to get a doctorate in science and was a key member of the team that showed for the first time that bacteria could be induced to produce insulin.

Villa-Komaroff is one of six women scientists featured in the PBS series *Discovering Women*, one of 11 women scientists profiled on the White House Office of Science and Technology website and her work is the subject of a one-hour segment entitled *DNA Detective*.

She is a founding member of the Society for the Advancement of Chicanos/Hispanics and Native Americans in Science (SACNAS), which received the National Science Board's Public Service Award for contributions (2002) and the national Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring (2004).



**TICKET PRICES:**  
CSUSM Students: FREE  
Community: \$12  
Faculty/Staff/Alumni: \$6

### EVENT SPONSORS:

- California Institute of Regenerative Medicine
- Office of Diversity, Educational Equity, and Inclusion & Ombuds
- Office for Training, Research, & Education in the Sciences
- San Marcos Foundation

# Calendar of Events • Spring 2017 •



## FEBRUARY

S	M	T	W	T	F	S
		21 THINGS I LEARNED THE SOCIALLY FROM FAT PEOPLE ON JUST THE PLANE @ 6:00 PM	22 THE PLANE @ 6:00 PM			
		28 SEINFELD MUSIC GUY @ 6:00 PM				

## MARCH

S	M	T	W	T	F	S
		28 CÉSAR'S PEACEFUL REVOLUTION @ 7:00 PM		30 DR. LYDIA VILLA-KOMAROFF @ 6:00 PM		

## APRIL

S	M	T	W	T	F	S
		5 JIMMY WAYNE @ 7:00 PM	12 JANE ELLIOTT @ 6:00 PM		14 FROM AFRICA TO BRAZIL @ 6:30 PM	
						138

# A JOURNEY TO REMEMBER:

## SONGS AND STORIES OF HOPE AND PERSEVERANCE WITH JIMMY WAYNE

April 5, 2017

7:00 PM, USU Ballroom

Jimmy Wayne is a former foster kid turned country music singer/songwriter whose songs, story and walk halfway across America in 2010 highlight his mission to raise awareness for kids in foster care. His song, "Do You Believe Me Now," was #1 on the Hot Country Songs chart and earned BMI's prestigious Million-Air Award for receiving one million radio spins in America.

Jimmy is the author of *Walk to Beautiful*, his (three time) *New York Times* best-selling memoir and the author of *Paper Angels*, a novel and made-for-TV movie. Jimmy Wayne is the youngest recipient to receive the Salvation Army's William Booth award and in June of 2016 President George H. W. Bush presented Jimmy with the prestigious Points of Light Award.

Jimmy lives in Nashville, Tennessee and works tirelessly on behalf of at-risk foster youth by performing, writing books, keynote speaking and through his organization Project Meet Me Half Way.

### TICKET PRICES:

CSUSM Students: FREE

Community: \$12

Faculty/Staff/Alumni: \$6

### Premier Sponsors:

**T. Denny Sanford**

James Konrath via the  
Accredited Foundation

Production support provided by the  
Xceptional Music Company

This performance is in celebration of Ace Scholar Services  
10th anniversary. CSUSM leads the nation in turning  
around the lives of foster youth – one degree at a time.

[www.jimmywayne.com](http://www.jimmywayne.com)



JimmyWayneOfficial



@JimmyWayne



Exh



# THE ANATOMY OF PREJUDICE

FEATURING JANE ELLIOTT

April 12, 2017, 6:00 PM, USU Ballroom

TICKET PRICES: Community: \$10  
CSUSM Students: FREE Faculty/Staff/Alumni: \$5

Jane Elliott, the adaptor of the *Blue Eyes/Brown Eyes* exercise in teaching about the anatomy of prejudice and the subject of the Peabody Award-winning film, *The Eye of the Storm*, introduces and discusses that film and explores with the audience the problems of racism, sexism, ageism, homophobia and ethnocentrism and the responsibility shared by all of us for illuminating them in and eliminating them from ourselves and our environment.



Jane's book, *A Collar in My Pocket* is available on Amazon.com.

[www.janeelliott.com](http://www.janeelliott.com)

# FROM AFRICA TO BRAZIL

A CELEBRATION OF ROOTS & CULTURE

April 14, 2017,  
6:30 PM, Arts 111

TICKET PRICES:  
CSUSM Students: FREE  
Community: \$16  
Faculty/Staff/Alumni: \$8



Marcos Mariano Silva and Bahia Magia Dance Co. showcase the exuberant cultural traditions and vibrancy of Brazil in this spectacular repertory based on Bahian folkloric dances of African origin including: Dance of the Orixas, Capoeira, Samba, and Maculele (warrior dances from Brazil's sugarcane plantations). This theatrical vision closes with a heart-pumping Batucada Ensemble highlighting the African influenced percussive musical genre that was popularized during Brazil's Carnival.

[www.dance805.com](http://www.dance805.com)



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Exhibit 16

Sponsorships and ticket sales are critical to the continued success of Arts & Lectures. Your support can help us fulfill our role as a leader of arts and educational outreach on campus and within the community.

With special thanks to our sponsors for helping to make this Arts & Lectures series possible:

*Premier Sponsors:*

**T. Denny Sanford**

James Konrath via the Accredited Foundation

*Sponsors:*

Associated Students, Inc.

The California Institute for Regenerative Medicine

Office of Diversity, Educational Equity & Inclusion & Ombuds

Office for Training, Research & Education in the Sciences

San Marcos Foundation

Steve & Laura Wagner

University Student Union Activities Board

The Xceptional Music Company

To donate or for more information, please visit [www.csusm.edu/al/sponsor](http://www.csusm.edu/al/sponsor)



Tickets go on sale  
**January 23rd!**

...

AVAILABLE ONLINE ONLY AT  
**csusm.edu/al**

Individuals with disabilities, who would like to attend these events, please contact the Arts & Lectures Coordinator at 760.750.8272 regarding any special accomodation needs.

...

It is requested that individuals requiring auxiliary aids such as sign language interpreters and alternative format materials notify the event sponsor at least seven working days in advance. Every reasonable effort will be made to provide reasonable accommodations in an effective and timely manner.



...

**For more information about the Arts and Lectures program  
please call 760.750.8272 or visit [csusm.edu/al](http://csusm.edu/al)**

CSUSM is located at 333 S. Twin Oaks Valley Road, San Marcos, CA



# **EXHIBIT 17**



**ASSOCIATED STUDENTS, INC.**

**STANDARD OPERATIONS POLICY & PROCEDURE MANUAL**

<b>POLICY:</b>	<b>ASI LEADERSHIP FUNDING</b>
<b>EFFECTIVE DATE:</b>	<b>February 5, 2016</b>
<b>APPROVAL DATE:</b>	<b>February 5, 2016</b>

**PURPOSE**

To establish written policies and procedures for ALF Leadership Funding (ALF).

**POLICY AND PROCEDURES**

- A) ASI provides leadership funding for student organizations' on-campus events and for student attendance at professional conferences.
- B) Funding amount for ALF is determined during the ASI master budget allocation process in the spring for the subsequent fiscal year.
- C) ALF funds are managed by and contained within the budget of the Executive Vice President.
- D) ALF applications (Attachment A and Attachment B) are located on the ASI website: [www.csusm.edu\asi](http://www.csusm.edu\asi).
- E) Allocation of ALF funds is determined by the ASI Executive Vice President and professional staff member(s) who meet approximately five times per semester to review applications.
  - 1) Funding is granted based on eligibility per the ALF Guidelines and Instructions for student organizations or for student attendance at professional conferences.
  - 2) After a decision is made, the applicant receives an email noting the decision for funding.
- F) Funding is distributed on a reimbursement basis with original itemized receipts for student organizations and with proof of attendance for conferences.
- G) Funding for ALF ceases upon depletion of the funds for the fiscal year.



**Associated Students, Inc.  
Leadership Funding  
On-Campus Events Application and Guidelines  
2015-2016**

**ASI Mission Statement**

*The mission of Associated Students, Inc. is to serve, engage and empower students*

**ASI Leadership Funding**

ASI provides leadership funding for student organizations' events and student attendance at professional conferences. Allocation of these funds is determined by the ASI Executive Vice President and professional staff members. The individuals meet to review all eligible applications approximately five times a semester. Please see application due dates listed on page two. Funding is granted based on eligibility per the ALF Guidelines and Instructions.

After a decision is made, the applicant will receive an email noting the decision for funding. These funds are to be used only on a reimbursement basis to individuals or for payment to vendor after the event.

ASI has allocated \$35,190.20 to ALF for the 2015/2016 academic year. Funds are awarded on a first come, first served basis. All students are encouraged to request funding early in the year.

**TO BE ELIGIBLE FOR ALF ON-CAMPUS EVENTS FUNDING:**

1. Student Organization must be officially recognized by CSUSM through Student Life & Leadership (SLL).
2. Student event coordinator **MUST** work with their SLL Coordinator to plan the event.
3. Events must be held on-campus.
4. If the event is not open to the entire campus community, the maximum ALF amount is **\$250**. This includes graduation ceremonies.
5. If the event is open to the campus community, the maximum ALF amount is **\$500**.
6. Funding is available for consumable items and facility costs, which support the event such as food for attendees, paper products, and advertising specific for the event.
7. Programs must **not** make a profit. Event must be free to attend.
8. ASI Leadership Funding (ALF) up to \$500 per student organization per semester.
9. Student organizations may co-sponsor an event with another student organization. ALF contribution for co-sponsored events up to \$1,000.
10. Funding is **not** available for individual student organization members.
11. Funding is **not** available for door prizes, raffles, or opportunity drawings. It also is **not available** for honorariums, speaker fees, donations, gifts, or give-away items.
12. Only original forms and signatures are accepted.
13. Incomplete applications will be rejected.

**If you have any questions, contact Ashley at USU 3700A Phone: (760)750-4989**

Revised: 122215



**Associated Students, Inc.  
Leadership Funding Guidelines  
On-Campus Events Application and Guidelines  
2015-2016**

<p><b>Due Dates for ALF Applications:</b> Applications must be submitted to USU 3700 no later than 12:00 noon on:</p>
<b>Friday, July 10, 2015 at Noon</b>
<b>Friday, August 7, 2015 at Noon</b>
<b>Friday – September 4, 2015 at Noon</b>
<b>Friday – October 2, 2015 at Noon</b>
<b>Friday – November 6, 2015 at Noon</b>
<b>Friday – December 4, 2015 at Noon</b>
<b>Friday – February 5, 2016 at Noon</b>
<b>Friday – March 4, 2016 at Noon</b>
<b>Friday – April 1, 2016 at Noon</b>
<b>Friday- May 6, 2016 at Noon</b>

**DIRECTIONS:**

**Please Attach the Following to Completed Application:**

1. Program Description- In your own words, in a typed statement, please describe the event. Include information such as: What is the purpose of the event? How does the event benefit students? Has your organization put on this event in the past? If so, describe its impact and why you feel it is important to offer this event again. Duplicated event statements will not be accepted. Minimum two paragraph description is required.
2. Itemized Budget- Please include an itemized budget of event allowable expenses. Fill in your itemized budget on the attached application form. Include as much detail as possible.
3. Return completed forms to USU 3700A by due date prior to event.
4. If funding is granted, you MUST provide ASI with original, itemized receipts within ten (10) business days after your event. ASI cannot make a reimbursement without these documents.





## ALF On-Campus Events Student Organization Application 2015/2016

### Contact Information

*Print Clearly*

Sponsoring Organization: \_\_\_\_\_

President: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Student Org Event Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Faculty/Staff Advisor: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### Event Information

Title: \_\_\_\_\_ Date of event: \_\_\_\_\_

Time: \_\_\_\_\_ Location: \_\_\_\_\_ Expected Attendance: \_\_\_\_\_

Total Estimated Cost of event: \$ \_\_\_\_\_

Other source(s) of funding: Circle all that apply

CAB    LGBTQA Pride Center    Gender Equity Center    ASI BOD    USUAB

Co-Curricular Funding    Other: \_\_\_\_\_

Total co-sponsorship amount from other source(s) of funding: \$ \_\_\_\_\_

Total ALF funds requested: \$ \_\_\_\_\_

### **Total Event Estimated Itemized Budget**

Explanation of Expense	Cost
<b>Total ALF funds requested</b>	

<b>President's Signature</b>	<b>Date</b>	<b>Faculty/Staff Advisor Signature</b>	<b>Date</b>
------------------------------	-------------	--	-------------

**ASI Use Only:**

\_\_\_\_\_ \$ \_\_\_\_\_

*Government Affairs Coordinator or Designee*      *Amount Approved*      *ASI Executive Vice President or Designee*

If you have any questions, contact Ashley at USU 3700A Phone: (760)750-4989

Revised: 122215



**Associated Students, Inc.  
Leadership Funding  
Conference Application and Guidelines  
2015-2016**

**ASI Mission Statement**

*The mission of Associated Students, Inc. is to serve, engage, and empower students*

**ASI Leadership Funding**

ASI provides leadership funding for student organizations' events and student attendance at professional conferences. Allocation of these funds is determined by the ASI Executive Vice President and professional staff members. The individuals meet to review all eligible applications approximately five times a semester. (Please see dates listed below). Funding is granted based on eligibility per the ALF Guidelines and Instructions.

After a decision is made, the applicant will receive an email noting the decision for funding. Funding for student conference attendance is paid after the confirmed attendance at the conference. All recipients of funding are required to submit proof of attendance and a written statement to the office of the Government Affairs Coordinator in 3700A in order to receive their awarded funds.

ASI has allocated \$35,190.20 for the conferences held between July 1, 2015 and May 27, 2016. The money is awarded on a first come, first served basis. All students are encouraged to request funding early in the year. We will not fund any conferences after May 27, 2016 and all proof of attendance must be presented no later than June 10, 2016.

<b>Due Dates for ALF Applications:</b> Applications must be submitted to USU 3700 no later than 12:00 noon on:
<b>Friday, July 10, 2015 at Noon</b>
<b>Friday, August 7, 2015 at Noon</b>
<b>Friday – September 4, 2015 at Noon</b>
<b>Friday – October 2, 2015 at Noon</b>
<b>Friday – November 6, 2015 at Noon</b>
<b>Friday – December 4, 2015 at Noon</b>
<b>Friday – February 5, 2016 at Noon</b>
<b>Friday – March 4, 2016 at Noon</b>
<b>Friday – April 1, 2016 at Noon</b>
<b>Friday- May 6, 2016 at Noon</b>

**Applications must be submitted by the due date PRIOR to the conference you are planning to attend**



Associated Students, Inc.  
Leadership Funding  
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**ALF Conference Guidelines**

- Funding is paid as follows:
  - ❖ One day in-state conference within 400 miles from campus: \$100.00 award
  - ❖ Two days or more conference within 400 miles from campus: \$250.00 award
  - ❖ One day conference outside of 400 miles from campus: \$200.00 award
  - ❖ Two days or more conference outside of 400 miles from campus: \$425.00 award
- No more than three students attending the same conference may obtain ALF funds.
- Any conferences held outside the United States will NOT be funded
- Funding will only be granted to an individual to attend a conference once per semester.
- Funds will be distributed upon return with submitted proof of attendance and written statement regarding the conference.
- You can only receive funding for a conference once, i.e. if you attended a conference in the 2014/2015 year and you received ASI Leadership Funding , you cannot get funded for the same conference during the 2015/2016 year
- Funding for cases of club sports teams and other student recreation sports will only be funded if the individual or team is participating in a national title championship.
- Incomplete applications will be rejected.

**Instructions for application:**

1. Fill out all forms in this packet.
2. Attach a copy of the advertised conference, which must include title, subject, location and dates. Conference subject must fit the mission statement of ASI.
3. Each student must submit a personalized application and statement. Complete an original typed statement with the following content included: explain why you should be awarded funding, what you hope to gain from attending the conference, and the goals and objectives of the conference. Please give specific examples of how this conference will benefit you professionally or personally. **Each statement must be a minimum of a full one page, double spaced.** Only original applications are accepted; photocopies or attachments to emails are not accepted.
4. Return completed packet to USU 3700A by due date. **APPLY EARLY.**
5. In order to receive your awarded funds, proof of attendance **MUST** be provided along with a written statement about the conference. Describe how the conference was beneficial to your personal and/or professional development. Please submit photos of the conference if you took any. Your photos and write ups may be used on the ASI website for promotional material.





**Associated Students, Inc.  
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2015-2016**

## Application Form

Today's Date								
Your name				Student ID #				
Address			City	State		ZIP		
Campus Email				Phone				
First day attending Conference:	At:	am/pm	Last day attending Conference:	At:	am/pm			
Name of Conference								
Complete address of Conference								
<p><b>• Circle One:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>❖ One day conference within 400 miles from campus: \$100.00</p> <p>❖ Two days or more conference within 400 miles from campus: \$250.00</p> </td> <td style="width: 50%; vertical-align: top;"> <p>❖ One day conference outside of 400 miles from campus: \$200.00</p> <p>❖ Two days or more \ conference outside of 400 miles from campus: \$425.00</p> </td> </tr> </table>							<p>❖ One day conference within 400 miles from campus: \$100.00</p> <p>❖ Two days or more conference within 400 miles from campus: \$250.00</p>	<p>❖ One day conference outside of 400 miles from campus: \$200.00</p> <p>❖ Two days or more \ conference outside of 400 miles from campus: \$425.00</p>
<p>❖ One day conference within 400 miles from campus: \$100.00</p> <p>❖ Two days or more conference within 400 miles from campus: \$250.00</p>	<p>❖ One day conference outside of 400 miles from campus: \$200.00</p> <p>❖ Two days or more \ conference outside of 400 miles from campus: \$425.00</p>							
<p>I hereby certify that I am a currently enrolled student at California State University San Marcos. I agree that within ten (10) business days of my return from the conference, I will submit it to USU 3700 proof of my attendance at the conference and a statement.</p>								
Your Signature								
Print your name					Date			

### FOR ASI USE ONLY

Amount Approved			
ASI Executive Vice President			Date
Government Affairs Coordinator			Date



**Associated Students, Inc.  
Leadership Funding  
Conference Application and Guidelines  
2015-2016**

**RELEASE OF LIABILITY, PROMISE NOT TO SUE,  
ASSUMPTION OF RISK AND AGREEMENT TO PAY CLAIMS**

Activity: \_\_\_\_\_

Activity Date(s) and Time(s): \_\_\_\_\_

Activity Location(s): \_\_\_\_\_

In consideration for being allowed to participate in this Activity, on behalf of myself and my next of kin, heirs and representatives, I **release from all liability and promise not to sue** the State of California, the Trustees of The California State University, California State University San Marcos, Associated Students Inc., University Auxiliary & Research Services Corporation (UARSC), and their employees, officers, directors, volunteers and agents (collectively "University") from any and all claims, **including claims of the University's negligence**, resulting in any physical or psychological injury (including paralysis and death), illness, damages, or economic or emotional loss I may suffer because of my participation in this Activity, including conference to, from and during the Activity.

I am voluntarily participating in this Activity. I am aware of the risks associated with traveling to/from and participating in this Activity, which include but are not limited to physical or psychological injury, pain, suffering, illness, disfigurement, temporary or permanent disability (including paralysis), economic or emotional loss, and/or death. I understand that these injuries or outcomes may arise from my own or other's actions, inaction, or negligence; conditions related to conference; or the condition of the Activity location(s). **Nonetheless, I assume all related risks, both known or unknown to me, of my participation in this Activity, including conference to, from and during the Activity.**

I agree to **hold** the University, Associated Students Inc. and UARSC **harmless** from any and all claims, including attorney's fees or damage to my personal property that may occur as a result of my participation in this Activity, including conference to, from and during the Activity. If the University, Associated Students Inc. or UARSC incur any of these types of expenses, I agree to reimburse the University, Associated Students Inc. or UARSC. If I need medical treatment, I agree to be financially responsible for any costs incurred as a result of such treatment. I am aware and understand that I should carry my own health insurance.

I am 18 years or older. **I understand the legal consequences of signing this document, including (a) releasing the University, Associated Students Inc. and UARSC from all liability, (b) promising not to sue the University, Associated Students Inc. or UARSC, (c) and assuming all risks of participating in this Activity, including conference to, from and during the Activity.**

I understand that this document is written to be as broad and inclusive as legally permitted by the State of California. I agree that if any portion is held invalid or unenforceable, I will continue to be bound by the remaining terms.

I have read this document, and I am signing it freely. No other representations concerning the legal effect of this document have been made to me.

Participant Signature: \_\_\_\_\_ Participant Name (print): \_\_\_\_\_ Date: \_\_\_\_\_

Emergency Contact (print): \_\_\_\_\_ Phone: \_\_\_\_\_

***If Participant is under 18 years of age:***

I am the parent or legal guardian of the Participant. **I understand the legal consequences of signing this document, including (a) releasing the University, Associated Students Inc. and UARSC from all liability on my and the Participant's behalf, (b) promising not to sue on my and the Participant's behalf, (c) and assuming all risks of the Participant's participation in this Activity, including conference to, from and during the Activity.** I allow Participant to participate in this Activity. I understand that I am responsible for the obligations and acts of Participant as described in this document. I agree to be bound by the terms of this document.

I have read this document, and I am signing it freely. No other representations concerning the legal effect of this document have been made to me.

\_\_\_\_\_  
Signature of Minor Participant's Parent/Guardian

\_\_\_\_\_  
Name of Minor Participant's Parent/Guardian (print)

\_\_\_\_\_  
Date





Associated Students, Inc.
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STUDENT CONDUCT AGREEMENT

Event/Activity: \_\_\_\_\_

Event Date: \_\_\_\_\_

Student Name: \_\_\_\_\_ Student ID: \_\_\_\_\_

In consideration for my participation in the event/activity identified above, I or my parent or legal guardian on my behalf (student under 18 years of age), hereby agree to the following conditions:

General Notice

I acknowledge that as a student of Cal State San Marcos, I am representing the organization sponsoring my participation in the above event/activity and the student body of my campus and the California State University (CSU) system. As a responsible individual of the CSU community, I understand that I am expected to conduct myself in a manner consistent with the rules and regulations of my campus, the hosting organization, the CSU, and all applicable state and federal laws. I also understand that any violation of these rules, regulations or laws may result in my expulsion from the event/activity and further disciplinary action by Cal State San Marcos.

If I am expelled from the event/activity, Cal State San Marcos shall not be held responsible for any financial loss I may incur, including but not limited to those incurred as a result of paid registration fees, conference expenses, legal expenses, personal damages, or other expenses related to my participation in this event/activity and my violation of this Student Conduct Agreement.

By signing this form, I further agree that I will not participate in the following activities:

- Use, possession, or distribution of alcohol while at this event/activity and/or use, possession of alcohol by any underage individual.
Use, possession, or distribution of any illegal or illicit drug.
Sexual assault or indecent exposure. Sexual assault is defined as the implied use or threatened use of force to engage in any sexual activity against another person's will.
Behavior which threatens the emotional or physical well-being and/or safety of participants including but not limited to any form of fighting.
Unauthorized use of any fire safety equipment, including the activation of alarms or extinguishers without immediate cause.
Possession of any weapons, dangerous or explosive devices or chemicals.

Process

Alleged violations will be reviewed by the appropriate CSUSM faculty/staff supervisor for determination of the need for disciplinary action upon return to campus.

By signing below, I acknowledge that I have read, understood, and agree to abide by these student conduct guidelines.

Signature of Student Participant / Date

Printed Name

Signature of Parent/Guardian If Student Is Under 18 Years of Age / Date

Printed Name



**Associated Students, Inc.  
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**ONLY COMPLETE THIS PAGE IF YOU WILL BE TRAVELING BY AIRPLANE**

**RELEASE AND HOLD-HARMLESS STATEMENT**

I, \_\_\_\_\_, am a student at California State University San Marcos, one of the campuses of the California State University (CSU).

I am/will be participating in a CSU-affiliated program which requires air travel. (CSU-affiliated program includes any program offered by, or pursuant to a program of, the California State University, any campus of the California State University, any student body organization, or any organization affiliated with any such organization or with any combination thereof.) My participation in this program is voluntary.

I have been informed, and I know, that 1) air travel involves risks which can result in damage to property, injury to persons, and death; and 2) the CSU assumes no liability for damage, injury, or death occurring on such travel. With this knowledge and information, I agree to participate in the program, and the air travel, at my own risk.

I release and hold harmless the state of California, the California State University, California State University San Marcos, and each and every officer, employee and agent of each of them, from any and all claims and causes of action that I may have against any of these institutions or persons, by reason of any accident, illness, injury, death, or other consequences resulting directly or indirectly from or in any manner arising out of, or in connection with, my being a passenger on an airplane pursuant to my participation in the CSU-affiliated program.

This release and hold-harmless shall also be binding on my heirs, assigns, successors, and all other persons who may claim through me.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

# **EXHIBIT 18**

From: "Ashley Fennell" <[afennell@csusm.edu](mailto:afennell@csusm.edu)>  
Date: Feb 9, 2017 10:34 AM  
Subject: RE: ASI Leadership Funding  
To: "Nathan Apodaca" <[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)>  
Cc:

Hi Nathan,

Well, the BOD, GEC, and Pride Center (and CAB-Campus Activities Board) are all departments of ASI and have their own budgets to do their own programming.

ALF comes from the BOD's programming funds to assist student orgs even though the student orgs technically have nothing to do with ASI since they are run and recognized by Student Life & Leadership (SLL). But, since we believe student life on campus is important, we have the funding available to help events happen as a courtesy to the student orgs. But, we (as BOD-ALF) don't coordinate the event or participate in the event, which is why we can't fund things such as speaker fees or travel expenses. The other ASI entities fully coordinate and run their own events and programming and thus can have speakers and/or other programming events.

If you have any other questions, feel free to stop on in.

-Ashley

**From:** Nathan Apodaca [mailto:[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)]  
**Sent:** Thursday, February 09, 2017 7:30 AM  
**To:** Ashley Fennell <[afennell@csusm.edu](mailto:afennell@csusm.edu)>  
**Subject:** RE: ASI Leadership Funding

Yes, we are working with the College Republicans and the Leadership Institute to fundraise for the event.



The reason I asked is a lot of us have been confused as to why student orgs can't receive funding for speakers from ASI, but the LGBT and GEC do receive funding for speakers, such as the "Kink 101" seminar next week. Am I missing something?

Thanks,  
Nathan

On Feb 8, 2017 4:50 PM, "Ashley Fennell" <[afennell@csusm.edu](mailto:afennell@csusm.edu)> wrote:

Yes, they are a part of ASI! Unfortunately though, I have no idea if they might want to co-sponsor since I don't directly work for them on a day to day basis. But, you can definitely reach out!

Have you tried to connect with other student orgs or entities? So sorry, I have no idea who might have funding available.

-Ashley

**From:** Nathan Apodaca [mailto:[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)]  
**Sent:** Wednesday, February 08, 2017 4:41 PM  
**To:** Ashley Fennell <[afennell@csusm.edu](mailto:afennell@csusm.edu)>  
**Subject:** RE: ASI Leadership Funding

Do you think the Gender Equity Center might want to help sponsor the talk by Dr. Adams?

On Feb 8, 2017 4:40 PM, "Nathan Apodaca" <[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)> wrote:

I could ask. They receive funding from ASI, right? If you don't mind me asking.

On Feb 8, 2017 4:29 PM, "Ashley Fennell" <[afennell@csusm.edu](mailto:afennell@csusm.edu)> wrote:

Hi Nathan!

They might be able to fund a speaker if they are a co-sponsor for an event. But, they don't have ALF-type applications and what not specific to their centers. So you can reach out and see if they are interested in a co-sponsorship! But, they might have their spring funds already tied to their existing events.

-Ashley

**From:** Nathan Apodaca [mailto:[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)]

**Sent:** Wednesday, February 08, 2017 4:26 PM

**To:** Ashley Fennell <[afennell@csusm.edu](mailto:afennell@csusm.edu)>

**Subject:** RE: ASI Leadership Funding

Hey Ashley, I had another question: Are the LGBT and Gender Equity Center able to provide speaker funding? I saw that they are hosting several speakers over the next couple weeks, to discuss different topics.

Thanks,  
Nathan Apodaca

On Feb 6, 2017 1:56 PM, "Ashley Fennell" <[afennell@csusm.edu](mailto:afennell@csusm.edu)> wrote:

Hmmm... have you tried to connect with any departments/advisors or any other student orgs? If the speaker gave you an invoice you could get a check created to pay them out of your student org account. Travel expenses might need to be reimbursed, unless a campus department would be willing to co-sponsor and pay (possibly).

I can't think of anywhere else that you could apply for funds how we do. So sorry!

-Ashley

**From:** Nathan Apodaca [mailto:[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)]

**Sent:** Monday, February 06, 2017 1:50 PM

**To:** Ashley Fennell <[afennell@csusm.edu](mailto:afennell@csusm.edu)>

**Subject:** RE: ASI Leadership Funding

Ok, thank you. Is there a place we can go to help get funding for a speaker?

On Feb 6, 2017 1:45 PM, "Ashley Fennell" <[afennell@csusm.edu](mailto:afennell@csusm.edu)> wrote:

Unfortunately, we are unable to pay for speaker fees or travel expenses. We fund the on-campus costs such as any ECS charges, flyer printing, food, etc. See our guidelines below.

TO BE ELIGIBLE FOR ALF ON-CAMPUS EVENTS FUNDING:

1. Student Organization must be officially recognized by CSUSM through Student Life & Leadership

(SLL).

2. Student event coordinator MUST work with their SLL Coordinator to plan the event.

3. Events must be held on-campus.

4. If the event is not open to the entire campus community, the maximum ALF amount is \$250. This

includes graduation ceremonies.

5. If the event is open to the campus community, the maximum ALF amount is \$500.

6. Funding is available for consumable items and facility costs, which support the event such as food for

attendees, paper products, and advertising specific for the event.

7. Programs must not make a profit. Event must be free to attend.

8. ASI Leadership Funding (ALF) up to \$500 per student organization per semester.

9. Student organizations may co-sponsor an event with another student organization. ALF contribution

for co-sponsored events up to \$1,000.

10. Funding is not available for individual student organization members.

11. Funding is not available for door prizes, raffles, or opportunity drawings. It also is not available for

honorariums, speaker fees, donations, gifts, or give-away items.

12. Only original forms and signatures are accepted.

13. Incomplete applications will be rejected.

-Ashley

**From:** Nathan Apodaca [mailto:[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)]

**Sent:** Monday, February 06, 2017 1:41 PM

**To:** Ashley Fennell <[afennell@csusm.edu](mailto:afennell@csusm.edu)>

**Subject:** RE: ASI Leadership Funding

Well, we need it to cover our speaker's travel expenses. Can I resubmit it with that?

On Feb 6, 2017 1:38 PM, "Ashley Fennell" <[afennell@csusm.edu](mailto:afennell@csusm.edu)> wrote:

Okay so it looks like it was denied because there was no itemized budget. Per the directions:

*2. Itemized Budget- Please include an itemized budget of event allowable expenses. Fill in your itemized budget on the attached application form. Include as much detail as possible.*

So the "event expenses" and "logistics" you wrote were not itemized (i.e. what are the event expenses and what are the logistics charges).

-Ashley

**From:** Nathan Apodaca [mailto:[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)]

**Sent:** Monday, February 06, 2017 1:34 PM

**To:** Ashley Fennell <[afennell@csusm.edu](mailto:afennell@csusm.edu)>

**Subject:** RE: ASI Leadership Funding

The Students for Life club. We were putting on an event for March 9th

On Feb 6, 2017 1:33 PM, "Ashley Fennell" <[afennell@csusm.edu](mailto:afennell@csusm.edu)> wrote:

Hi Nathan!

Sorry, which org were you from?

-Ashley

**From:** Nathan Apodaca [mailto:[apoda013@cougars.csusm.edu](mailto:apoda013@cougars.csusm.edu)]

**Sent:** Monday, February 06, 2017 1:15 PM

**To:** Ashley Fennell <[afennell@csusm.edu](mailto:afennell@csusm.edu)>

**Subject:** Re: ASI Leadership Funding

What was the problem with the application?

On Feb 6, 2017 1:05 PM, "Ashley Fennell" <[afennell@csusm.edu](mailto:afennell@csusm.edu)> wrote:

*Sent on behalf of Aaron Herrscher, ASI Executive Vice President*

Hello,

Unfortunately, ASI is unable to approve your ALF application at this time. We look forward to the opportunity to serve you again in the future.

If you have any questions, please let me know.

Best,

Ashley

*Ashley Fennell, M.Ed.*

ASI Government Affairs Coordinator

California State University San Marcos

University Student Union Ste. 3700



Phone: [\(760\) 750-4989](tel:(760)750-4989)



CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Apodaca, Nathan; and Students for Life at California State University-San Marcos
(b) County of Residence of First Listed Plaintiff San Diego
(c) Attorneys (Firm Name, Address, and Telephone Number) See attached

DEFENDANTS
Abrego,Silas; et al. (see attached)
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED
Attorneys (If Known) '17CV1014 L NLS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
PERSONAL INJURY
REAL PROPERTY
TORTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
PROPERTY RIGHTS
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Civil Rights Act of 1871, 42 U.S.C. 1983
Brief description of cause:
Civil Rights- First and Fourteenth Amendments

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 05/17/2017 SIGNATURE OF ATTORNEY OF RECORD s/ Daniel R. Watkins

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG JUDGE