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Resolution No. 004  
Introduction Date: 04/29/2014

Title:

## A Resolution in Support of Fall Contract with MPIRG

WHEREAS, a majority of voters in a Macalester all-campus student referendum held on April 6th and 7th, 2014 have requested affiliation with MPIRG and;

WHEREAS, Macalester College Student Body President, Kai Wilson, called for a commission to negotiate MCSG's contact with MPIRG on April 9th, 2014, which negotiated a draft contract in response to the original referendum; and

WHEREAS, the Judicial Council (JC) found that the Election Procedures Commission (EPC) failed to hold a public forum of the MPIRG referendum prior to the vote on April 6th and 7th, 2014, which constituted grounds for the JC to invalidate the entire outcome of the referendum, and;

WHEREAS, MCSG received an MOU from the MPIRG Board of Directors and Executive Director on April 28th, 2014 asking for a contract extension releasing MCSG from the contractual obligation to hold a referendum in the Spring and requested a one (1) semester contract extension, in good faith, of the past contract due to the inability to hold a fair second referendum, therefore;

*Be it resolved by the 2013-14 Macalester College Student Government Legislative Body, upon majority vote, as follows:*

That 2014-15 Macalester College Student Government Legislative Body consider the following contract in their Fall 2014 negotiations following a referendum approval of the MPIRG and MCSG relationship.

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### AGREEMENT

This agreement entered into this 1st day June, 2014, by and between Macalester College Student Government, St. Paul, Minnesota (hereinafter referred to as "MCSG") and the Minnesota Public Interest Research Group, a Minnesota non-profit corporation (hereinafter referred to as "MPIRG"),

WITNESSETH:

WHEREAS, a majority of voters in a Macalester all-campus student referendum held on April 6<sup>th</sup>, 2014 requested a renewal or renegotiation of a contract with MPIRG and;

THEREFORE, MCSG and MPIRG agree as follows:

**Section 1: Allocation**

During the academic years commencing with the date of formal validation in fall 2014, fall 2015, and fall 2016, MCSG shall pay to MPIRG an amount equal to \$12.00 for each student assessed the Macalester student activity fee, less funds for each student assessed the fee who chooses to opt-out (“opt-out” is further defined below in Section 1, Clause B) from contributing to MPIRG.

**Clause A: Timing**

MCSG shall pay MPIRG \$12.00 for every student assessed the student activities fee in two payments. The first \$6.00 payment shall be directly deposited into an account designated by MPIRG by the chair of MCSG’s Financial Affairs Committee on or before December 1st of the academic year for which the payment is being made. The second \$6.00 payment shall be made on or before May 1st of the academic year for which the payment is being made.

**Clause B: Opt-Out Procedure**

MCSG shall provide any student who does not want a portion of their student activity fee to go to MPIRG the opportunity to opt-out of MPIRG funding. This opportunity shall be provided by MPIRG to students through an all-campus email. Students will have the option of choosing whether the \$6.00 of their student activity fee that would otherwise go to MPIRG should remain in MCSG’s operating fund with the rest of the student activity fee. Students will be provided an electronic form from The Student Affair Office containing the following text:

*Name:*

*“Macalester has had a chapter of the Minnesota Public Interest Research Group (MPIRG) since 1971. MPIRG is a non-profit organization that works on issues that are determined each year by students from its chapters on (insert value) campuses across the state. MPIRG has (insert appropriate issue areas as determined by the Macalester MPIRG chapter). MPIRG is largely funded through student activity fees at its member colleges and universities.*

*This semester, \$6 of your student activity fee will be directed to MPIRG. If you would instead like this \$6 to remain in MCSG’s operating fund, which is distributed to other chartered Macalester student organizations or MCSG.*

*Do you want \$6 of the student activity fee to be allocated to MPIRG’s budget?*

*Yes/No*

No party will solicit any reason from any individual for requesting to keep all of their student activity fee in the MCSG operating fund. The request for a transfer must be

returned to MCSG by Nov. 1<sup>st</sup> in order for students to opt-out of MPIRG funding. MPIRG shall contact the Elections' Procedures Committee (EPC) and the Student Affairs Office by October 1st for the Fall semester opt-out timeline and March 1st for the Spring semester opt-out timeline. At that time MPIRG, the EPC, and the Student Affairs Office will set a timeline including a campus-wide forum, a seven day campaigning period, and a three day voting period. The Student Affairs Office will keep a record of the students opting out of the fee, to be made available to the MPIRG state-wide organization upon request.

#### **Clause C: Allocation Increase**

MCSG may choose to increase the annual amount allocated to MPIRG. MCSG may also pursue an increase in the student activity fee during the period that this agreement is in effect. MPIRG and MCSG may negotiate whether any, and if so, how much, of this increase should be directed to MPIRG. MPIRG and MCSG will place a referendum on a MCSG sponsored ballot to determine the level of support for any increase in the amount of the MPIRG fee. The text of this referendum will be decided by MCSG in consultation with MPIRG.

### **Section 2: Automatic Referendum**

MCSG will, in consultation with MPIRG, place a reference on the same ballot form as the election of the next MCSG President in the Spring of 2017 to determine the level of support for an extension or renegotiation of this agreement. Unless otherwise agreed upon by both parties, the language of the question shall read:

*"Macalester has had a chapter of the Minnesota Public Interest Research Group (MPIRG) since 1971. MPIRG is a non-profit, nonpartisan organization that works on issues that are determined each year by students from its chapters on (insert value) campuses across the state. MPIRG is largely funded through student activity fees at its member colleges and universities.*

*MCSG's contract with MPIRG expires July 1, 2017. Under the current contract, each semester MPIRG receives \$6.00 for each student assessed the student activity fee. Students who do not want any of their activity fee to go to MPIRG can redirect this \$6.00 to the MCSG operating fund, which is distributed to other chartered student organizations or MCSG."*

*Shall MCSG continue its affiliation with MPIRG by continuing to forward student activity fee monies to MPIRG each year? Yes / No"*

Upon 50 percent plus one of voting students affirmatively voting to extend or renegotiate this agreement, MCSG shall work with MPIRG to extend or renegotiate this agreement.

### **Section 3: The MCSG and MPIRG Relationship**

#### **Clause A: Update Responsibilities**

Macalester MPIRG representatives and representatives from the MPIRG state office will attend one MCSG Legislative Body meeting per semester to provide information about MPIRG's activities and to indicate where the Macalester student activity fee monies provided to MPIRG are spent. Macalester MPIRG leaders will meet with the Student Organizations' Committee Chair twice per semester for additional updates.

**Clause B: Neutrality**

MCSG does not take any position with respect to any activity of MPIRG pursuant to this agreement.

**Section 4: Contract Renegotiation Process**

Upon receiving the necessary vote in the automatic referendum (see Section 2), the MPIRG Contract Negotiation Commission must form. This commission will be responsible for the renegotiation of a new contract to be proposed to the MCSG's Legislative Body. The Commission may propose a contract to the Legislative Body if they have a simple majority approval subject to the full amendment powers of the Legislative Body.

**Clause A: Membership of Commission**

The commission must be made up of these members.

1. MCSG President
2. First Year MCSG Rep
3. Sophomore MCSG Rep
4. Junior MCSG Rep
5. Senior MCSG Rep
6. MPIRG Rep
7. MPIRG Rep
8. MPIRG Rep
9. MPIRG Rep

If these members have not met, the commission cannot submit a contract to the Legislative Body.

**Clause B: Timeline**

The MPIRG Contract Negotiation Commission must form and meet within five (5) days of the referendum results being finalized. The commission must provide the proposed contract at least two (2) weeks before the last Legislative Body meeting of the semester for a two (2) week comment period before a final vote.

**Section 5: Premature Termination**

This agreement shall terminate on July 1, 2017. This agreement will terminate prematurely if 15% of the Macalester College student body signed a petition, collected during the academic year in which the petition is being presented, calling for a referendum to terminate this agreement, and if fifty percent plus one of students voting in this referendum vote to terminate the agreement. Any students petitioning for such a referendum must not make false or misleading statements about MPIRG or its activities. The petition must include the text: "I support having MCSG hold a referendum to determine if it should terminate its agreement with MPIRG." The signatures on the petition should have the first and last name of the signee and must be a current, enrolled Macalester student. A petition for the premature termination of the contract can last for 8 weeks, or however long the bylaws stipulate. The EPC must be notified of the petition's beginning, in order to know its duration. If the required signatures are collected before Spring Break, the EPC will place a referendum on the same ballot form as the election of the next MCSG President in the next Spring to determine the level of support for an extension or renegotiation of this agreement as described in clause 3.

### MPIRG CONTRACT DISCUSSION

#### The Last Referendum

The last referendum was illegitimate for at least 4 separate reasons:

1. MCSG held the referendum with a single week's notice. MPIRG found out a few days before the rest of the student body, which was never notified formally. With only a couple of days to organize, nobody tried to oppose the referendum.
2. MCSG also failed to hold a forum on the referendum, as required by its constitution.
3. The referendum also included biased ballot language, including the line "MPIRG is a non-profit, nonpartisan organization that works on issues that are determined each year by students from its chapters on nine campuses across the state. MPIRG has worked to protect the environment, fight domestic violence, educate voters, and create more affordable housing."
4. Finally, while MCSG held elections for executive positions simultaneously, the ballot for the MPIRG referendum (that nobody knew about) was on a different link. Unsurprisingly, turnout for the referendum was over 50% less than for the MCSG elections.

When popular opposition rose to the ice rink, 39% of students voted. This time, only 9% of students voted, in large part because of the problems above. We were denied the opportunity to have a conversation.

"MPIRG had no input on the placement of the ballot or the layout of the email, and are just as unhappy about the low turnout as everyone else." - Miranda Adams '15, MPIRG Co-Chair

#### On the argument the voters have spoken

Around 775 students voted for MCSG president (1028) but not on the referendum (253). MCSG disenfranchised those voters. 4x as many students voted for MCSG president than for MPIRG.

We do not support unfairly ending support for MPIRG. We only ask for a conversation on the issue that was denied to us and the representation of some of their viewpoint in the final contract. Hundreds of disenfranchised students need reform.

### **On a process already existing**

The process undertaken by MCSG to renegotiate the contract only included MCSG members and MPIRG members. The rest of us outside of MCSG or MPIRG were left behind, even if we are otherwise civically engaged in the college.

Our proposal for a new fall election allows that voice to happen through a referendum, which because of the problems with the last referendum failed to occur, and for reasonable reforms to allow all parties a say in the construction of this contract.

### **On Fairness to MPIRG**

We don't want to just screw MPIRG over. That is why we support letting MPIRG keep its contract until we can hold a new referendum. However, we cannot screw over those people who are not privileged enough to be an MPIRG member or MCSG member. These people were screwed by the lack of a fair referendum. Our proposals help both groups.

### **An Amendment to extend the referendum campaigning period**

*Specific change:* On page 2 in the highlighted paragraph, delete "seven" and replace with "fourteen."

*Intent:* Extend the referendum campaigning period in order to accommodate student schedules and broaden depth of conversation.

### **Amendment to expand student input on MPIRG special funding mechanism**

*Specified change:* On page 3, section 2, paragraph 2, replace "2017" with "2016." On page 2, section 2, paragraph 4, replace "2017" with "2016." On page 4, paragraph immediately following section 5, replace "2017" with "2016."

*Intent:* Provide for a new referendum every two years rather than every three to allow for students to consistently have two opportunities to vote on MPIRG's special funding mechanism throughout their Macalester career.

### **Amendment to substitute opt-out MPIRG funding mechanism with an opt-in funding mechanism**

*Specific change:* On page 1, in the first paragraph under section 1," replace ", less funds for each student assessed the fee who chooses to opt-out ("opt-out" is further defined below in section 2) from contributing to MPIRG." with "who chooses to opt-in ("opt-in" is further defined below in section 2) to contributing to MPIRG. On page 1, in the paragraph directly below clause A, insert "who chooses to opt-in" after the word fee.

On page 2 in header for Clause B, replace "Opt-Out" with "Opt-in." On page 2 in first paragraph under Clause B, replace "does not want a portion of his or her student activity fee to go to MPIRG the opportunity to opt-out of MPIRG funding." with ""wants a portion of his or her student activity fee to go to MPIRG the opportunity to opt-in to MPIRG funding." In same paragraph, replace "\$6.00 of their student activity fee that would otherwise go to MPIRG should remain in

MCSG's operating fund with the rest of the student activity fee" with "\$6.00 of their student activity fee that would otherwise remain in MCSG's operating fund with the rest of the student activity fee should go to MPIRG."

In the text in the same page under the same clause describing the SOC's email, replace "This semester, \$6 of your student activity fee will be directed to MPIRG. If you would instead like this \$6 to remain in MCSG's operating fund, which is distributed to other chartered student organizations or MCSG" with "This semester, if you would like to redirect \$6 of your student activity fee to MPIRG. If you would instead like this \$6 to remain in MCSG's operating fund, which is distributed to other chartered student organizations or MCSG, please select 'No' under the following question:"

In the next paragraph, replace all instances of "opt-out" with "opt-in." Replace "opting out of" with "opting into."

On page 3, section 2, in the second paragraph describing the language of the question, replace "Under the current contract, each semester MPIRG receives \$6.00 for each student assessed the student activity fee. Students who do not want any of their activity fee to go to MPIRG can redirect this \$6.00 to the MCSG operating fund, which is distributed to other chartered student organizations or MCSG" with "Under the current contract, each semester MPIRG receives \$6.00 for each student assessed the student activity fee who choose to redirect this sum from the MCSG operating fund, which is distributed to other chartered student organizations or MCSG."

*Intent:* Change the special funding mechanism for MPIRG from an email asking students to choose to opt-out of funding that organization to an email asking students to choose to opt-in to funding that organization.

### **Amendment to eliminate misleading typos**

*Specified Change:* On page 3, section 2, paragraph 1, replace "reference" with "referendum." On page 2 in paragraph with highlighted text, delete first "not." On page 1, in the paragraph directly below clause A, insert "who chooses to opt-out" after the word fee. On page 2, under Clause B in the second paragraph describing the SOC email, add "please select Yes under the following question:"

*Intent:* Eliminate typos that obscure meaning of bill.