Order SO 2425-18 **2 October 2024**

FOLLOWING INTERNAL REVIEW ON BEHALF
OF THE COMMITTEE ON THE CONSTITUTION

Hunter Brooke, *Judicial Council President*
Anna Teerlinck, *Club Coordination Council President*
Thomas Musgrave, *Student Union Parliamentarian*
Emily McDougall, *Student Union Board Executive Director*
Dawson Kiser, *Student Body President*
Maeve Miller, *Student Body Vice President*
Allison O'Connor, *Chief of Staff*
Molly Swartz, *Junior Class Council President*
Aleah Applin, *Sophomore Class Council President*
Harry Waterbury, *Hall Presidents Council Co-Chair*
Lauren Kane, *Hall Presidents Council Co-Chair*
Lindsey Lark, *McGlinn Hall Senator*
Matthew Wich, *Duncan Hall Senator*
Zach Taylor, *Fisher Hall Senator*

AN ORDER TO ADJUST STUDENT UNION FISCAL POLICY TO ACCOUNT FOR INFLATION, ENSURE SUSTAINABLE FINANCES, AND PROMOTE ENGAGING AND RENEWED ELECTIONS

Whereas, the purpose of the Senate, according to Article III, §1(a) of the Constitution, is to "formulate and advance the position of the undergraduate student body on all issues concerning campus life.";

Whereas, Art. III, §3(d) of the Constitution states, "The Senate shall establish the fiscal policies of the Student Union and supervise the proper implementation of these policies.";

Whereas, Student Union fiscal policy has remained largely ossified for the past two decades and has failed to account for monetary inflation;

Whereas, the stagnant state of Student Union fiscal policy, maintained amidst a backdrop of two decades of moderate but unceasing inflation without commensurate adjustment, has resulted in a Student Union increasingly more limited in scope and ability;

Whereas, the funds which comprise the Student Union's annual budget are derived from three distinct sources: first, revenue generated from sales of The Shirt; second, returns generated by the Student Union Endowment; and, third, revenue generated from the Student Activity Fee;

Whereas, the Student Union Endowment was created in 2007 with the purpose of supplementing the Student Union budget enough so that the Student Activity Fee would not need to be increased, but unfortunately, inflation has risen at a higher rate than its returns;

Whereas, according to financial information from the 2024-2025 fiscal year, 12.9% of funds to be allocated were generated from the Student Union Endowment; 13% of funds were from proceeds generated by sales of The Shirt; and 74.1% of funds—a vast majority—were derived from the Student Activity Fee;

Whereas, as per Art. XVI, §2(a) of the Constitution, "Mandatory student activity fees, as fixed by the University and the Student Senate, shall be collected by the Notre Dame Accounting department and held in a University account;"

Whereas, the Student Activity Fee is distinct and separate from tuition and other fees;

Whereas, according to the Office of Student Accounts, the Student Activity Fee is currently fixed at $95 per year, a charge spread across the academic year as two separate charges of $47.50 per semester;[1]

Whereas, according to publicly accessible information, the size of the Notre Dame undergraduate student body is currently 8,874 students;[2]

Whereas, considering the current undergraduate student population and current Student Activity Fee, the Student Activity Fee presently generates an estimated $843,030 in revenue;[3]

Whereas, SS0506-07,[4] passed on October 12, 2005 (2005-2006 Senate term), definitively adjusted the Student Activity Fee by $15, from $80 to $95;[5]

Whereas, as demonstrated by several primary historical sources, the Student Activity Fee has remained unchanged after it was fixed at $95 for the 2006-2007 academic year;[6]

Whereas, this stagnant and immutable state of Student Union fiscal policy has meant, by definition, that the real-world dollar value of the annual operating budget of the Student Union has been in decline over the past two decades;

Whereas, the Student Activity Fee adjustment outlined in SS0506-07 established a February 2024 inflation-adjusted Student Activity Fee of $148.00, per the Consumer Price Index;[7]

Whereas, if the Student Activity Fee had been set to automatically adjust with rates of inflation, it would currently stand at $148 and would generate revenues of $1,313,352;

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[1] As per *"Undergraduate Programs"*, published by the Office of Student Accounts.
[2] As per *"Notre Dame at a Glance"*, published by The University of Notre Dame as of March 16, 2024.
[3] This number is produced by way of simple multiplication: $95 * 8,874.
[4] Although SS0506-07 is labeled as SS0506-08, it is referred to in the Student Union Archives and in the relevant meeting minutes as SS0506-07. It shall therefore be referred to as SS0506-07 in this document.
[5] As per the October 12, 2004 Student Senate Minutes, SS0506-08 was passed by a vote of 22 in favor, and 5 opposed.
[6] This fact has been conclusively proven by official Notre Dame fees and tuition costs for the 2005-2006, 2006-2007, 2007-2008, 2008-2009, 2009-2010, 2010-2011, 2011-2012, and 2012-2013 academic terms. For these primary sources, see the Addendum.
[7] These calculations were made according to public-access Consumer Price Index information regarding USD monetary inflation between October, 2005, and February, 2024.

Whereas, using simplified calculations to derive general budgetary insights,[8] it may be fairly stated that, in terms of real-world value and purchasing power, the Student Union budget is now only 68.65% of what it was in 2006, and has accordingly decreased in real-world value by 31.35%;

Whereas, in considering this legislation, Student Union finances were benchmarked against available data from an exhaustive list of peer institutions (to determine how those institutions have administered their relevant fiscal policies) including Baylor University, Boston College, University of Chicago, Columbia University, Creighton University, Duke University, Emory University, Georgetown University, Marquette University, Northwestern University, University of Pennsylvania, University of Portland, Princeton University, Rice University, Stanford University, University of Virginia, Vanderbilt University, and Villanova University;[9]

Whereas, when taken together, the Student Activity Fees (or equivalent) established by our peer institutions average to $354.23, an amount $259.23 higher than the Notre Dame Student Activity Fee, and a 272.874% increase over Notre Dame;[10]

Whereas, of all peer institutions, only one school (Marquette University) has a Student Activity Fee (of $80) lower than Notre Dame, while all fifteen others have established higher fees;

Whereas, revenues from The Shirt Project proceeds and Student Union Endowment returns provided an additional $249,055.11 in revenue for the 2024-2025 fiscal year – around $28 per undergraduate student;

Whereas, accounting for the Notre Dame Student Union's total revenue per capita, the Student Activity Fees (or equivalent) established by our peer institutions provide an average of $231.23 more than we are provided, which is a 187.992% increase over Notre Dame;[11]

Whereas, the previous calculation does not account for alternative revenue drivers at other universities beyond their Student Activity Fees (or equivalent), making the previous estimate incredibly conservative;

Whereas, in considering this legislation, Student Union finances were further benchmarked against available data from North American higher education institutions administered by the

[8] This calculation is simplified and general because, while it accounts for changes in the undergraduate student population, it considers only the Student Activity Fee, and does not account for proceeds generated from sales of The Shirt, or from returns generated by the Student Union Endowment.

[9] These Universities (and their respective Student Governments) were all examined throughout the benchmarking process, but the authors were unable to gather conclusive and authoritative campaign finance regulation information from Columbia University and Emory University.

[10] See Figure 1 of the Addendum.

[11] See Figure 2 of the Addendum.

Congregation of the Holy Cross (to determine how those institutions have administered their relevant fiscal policies) including The University of Portland[12] and Stonehill College;

Whereas, the University of Portland Student Activity Fee has been established at $300.00 per year,[13] an amount $205 higher than the Notre Dame Student Activity Fee, and a 215.79% increase over Notre Dame's Student Activity Fee;

Whereas, the Stonehill College Student Activity Fee has been established at $200 per year,[14] an amount $105 higher than the Notre Dame Student Activity Fee, and a 110.53% increase over Notre Dame;

Whereas, the student activity fees established by these Congregation of the Holy Cross (C.S.C) Universities are both considerably higher than that established by Notre Dame;

Whereas, the Notre Dame Student Activity Fee has not been adjusted to account for inflation; falls far behind the Student Activity Fees (or equivalent) set by our peer institutions; and lags considerably behind other C.S.C. universities;

Whereas, the stagnant Student Activity Fee has decreased the real-world value of the annual Student Union budget;

Whereas, as per historical information provided by the Executive Board of the Club Coordination Council,[15] the amount of money requested by clubs consistently exceeds the pool of funds available to the Club Coordination Council to allocate;

Whereas, across the past five years, an average of 150 clubs have requested funds through the Club Coordination Council each year;

Whereas, the five-year average of the difference between the intended expenditures of requesting clubs and the Club Coordination Council's total annual funding pool is $1,346,683.33;

Whereas, the disparity between the Club Coordination Council's pool of available funds and total club funding requests has tended to increase each year, even reaching as high as $1,522,615.40 in unmet club requests during the 2021 fiscal year;

Whereas, unfulfilled requests for financial support results in great consternation among club leaders, many of whom routinely express the difficulty of hosting club events without sufficient funds;

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[12] Because the University of Portland is a Notre Dame Peer-Institution and also a higher educational institution administered by the Congregation of Holy Cross, it was counted twice.

[13] As per "*Cost of Attendance*," published by in General Announcements, Rice University.

[14] As per "*Undergraduate Tuition and Fees*," published in Financial Aid. Stonehill College.

[15] Information regarding the Club Coordination Council and club finances was kindly provided by Anna Teerlinck, the 2024-2025 Club Coordination Council President, and Henrique Dell 'Orfanello Raposo, the 2024-2025 Club Coordination Council Controller.

Whereas, 92.8% of all money granted through the Club Coordination Council's Contingency and Collaboration funds in the 2023-2024 term was allocated for the express purpose of assuaging unforeseeably high costs created by external factors like inflation;

Whereas, underfunding limits club capabilities in ways beyond event programming, as limited funding forces some clubs to enforce a cap on the number of members in light of the expenses associated with large clubs;

Whereas, the Club Coordination Council's funding policies are inherently designed to calculate allocations reflective of the current economic environment, meaning that calculated allocation maximums have increased to accommodate rising club expenditures;

Whereas, the intended allocations furnished by the Club Coordination Council have increased without corresponding increases in allocatable funds, thus resulting in larger cuts to club budgets, more unmet club requests, and more barriers to club activity;

Whereas, budget adjustments to account for inflated prices would allow the Club Coordination Council to meet a higher fraction of club requests, and by extension, would empower and embetter the undergraduate clubs of Notre Dame;

Whereas, according to the Finance Director of the Student Union Board,[16] the organization struggles more and more to provide valuable programming that enhances the Student Body due to increasing costs, stagnant budgets, and the tight allocation within the Student Union;

Whereas, according to the Student Union Board,[17] artist contract prices continue to significantly increase every year while programming budgets remain stagnant;

Whereas, these pronounced entertainment cost increases, borne without proportionate budgetary adjustments, have made it significantly more difficult to book concerts and live acts;

Whereas, the Student Union Board has further been forced to increase concert ticket prices from the standard $5.00 to $18.00 during the 2022-2023 term (a 260% increase), and $12.00 during the 2023-2024 term (a 140% increase) to cover fundamental and basic concert expenses;

Whereas, a conservative adjustment to the Student Activity Fee to align with inflation would produce a significantly meaningful increase in the Student Union annual operating budget, and the status of club funding at Notre Dame;

Whereas, to align with Notre Dame's peer institutions, the Student Activity Fee should be set at $350;

[16] Per the 2023-2024 Finance Director, Mackenna Broyles.

[17] Information regarding the financial state of the Student Union Board and campus programming was kindly provided by Makenna Broyles, the 2023-2024 Finance Director of the Student Union Board, and the 2024-2025 Student Union Board Executive team.

Whereas, to keep pace with inflation, the Student activity fee would be set at $148.00; but, in the spirit of rendering conservative values—and more than half those of peer institutions—a prudent estimate appears to be $140.00;

Whereas, such an adjustment to the Student Activity Fee to align would increase the annual operating budget of each Student Union organization by 37.96%;

Whereas, according to the Director of Financial Aid, the University "will continue to meet full demonstrated financial need" in light of an increase to the Student Activity Fee;

Whereas, adjusting the Student Activity Fee to $140 would better reflect the rate of inflation and better align with the Student Activity Fees issued by Notre Dame's peer institutions and other Universities administered by the Congregation of the Holy Cross;

Whereas, after reviewing a copy of the Constitution dated to 2004,[18] the Judicial Council has determined that campaign finance limits have not been increased in at least 20 years, and has strong reason to suspect that these limits have remained fixed for at least 26 years;[19]

Whereas, when adjusted for inflation, the campaign finance limits known to have existed in 2004 would now have a real-world value of $326.83 for the Student Body Presidential election, $32.68 for all First Year Class Council elections, $122.56 for all other Class Council elections, and $81.71 for all Hall elections;[20]

Whereas, according to this data, in terms of real-world value and purchasing power, election regulations are currently capped at only 61.19% of their 2004 value and have accordingly decreased in real-world value by 38.81%;

Whereas, increased campaign spending allows candidates/tickets to increase engagement and outreach to the Notre Dame student body, increasing visibility and encouraging others to get involved in the Student Union;

Whereas, during the 2024 Hall Election Cycle, the Judicial Council encountered repeated instances in which candidates breached financial regulations by accidentally spending above their applicable campaign finance limits, thus resulting in several election allegations and allegations of unethical conduct filed with the Student Union Ethics Commission;

Whereas, the Judicial Council has determined that steady increases in the number of campaign finance violations are almost certainly the result of steadily increasing consumer prices conflicting with stagnant campaign finance spending limits;

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[18] Specifically, September 22, 2004. This is the earliest digitized version of the Constitution accessible to the Judicial Council. It contains campaign finance limits identical to those currently in effect.

[19] The Judicial Council has been unable to find any evidence of adjustments made to campaign finance limits during the 2004-2005 term; the 2003-2004 term; the 2002-2003 term; the 2001-2002 term; the 2000-2001 term; and the 1998-1999 term.

[20] These calculations were made according to public-access Consumer Price Index information regarding USD monetary inflation between September, 2004, and February, 2024.

Whereas, the Judicial Council has therefore concluded that an increase in campaign finance limits is in order, and would be broadly beneficial to increasing election engagement and turnout, and decreasing instances of electoral misconduct;

Whereas, excluding elections without campaign finance regulations (including those administered by the University of Virginia UBE),[21] the fiscal limits imposed by our peer institutions average to $332.14 for Student Body Presidential elections, $150 for Class Council elections, and $121.43 for Senatorial/Hall Elections;[22]

Whereas, on average, our peer institutions have established Student Body Presidential campaign limits $132.14 greater; Class Council campaign limits at $75 greater; and Senate campaign limits at $71.43 greater than those set at Notre Dame;

Whereas, the conservative September 2004 inflation-adjusted campaign spending limits ($326.83 for the Student Body Presidential election, $122.56 for all other Class Council elections, and $81.71 for all Hall elections) align reasonably well with peer institution campaign finance limits: the difference between Student Body Presidential election values is a mere $5.31; only $39.31 between Class Council values; and only $41.36 between senate election values;

Whereas, to match our peer institutions and properly adjust for inflation, the Judicial Council recommends a conservative increase to $300 for Student Body Presidential elections; $115 for Class Council and Off-Campus elections; and $75 for Senatorial/Hall Elections;

Whereas, as per Art. XV, §1(h)(2) of the Constitution, "A campaign limit is set for all elections. All outside contributions count toward the limit. All donations shall be assessed towards the limit at their fair market value with the sole exception of an individual's labor which shall not be assessed against the limit. The Judicial Council shall make available funds to reimburse the candidates/tickets for expenses incurred for the purpose of campaigning. These expenses must have been presented to the Election Committee. Reimbursements shall not exceed the campaign spending limit, and the Judicial Council President shall approve these reimbursements.";

Whereas, as per Art. XVI, §5(a)(1) of the Constitution, "The Judicial Council, exclusively for purposes of indiscriminately reimbursing student campaigns pursuant to Article XV, Section 1(h)(1), is exempt from this rule and may use their funds to complete the reimbursement to the candidate.";

Whereas, in practice, these constitutional regulations mean that the Judicial Council is responsible for reimbursing all legitimate candidate election expenditures;

[21] While the information regarding these elections is valuable and should be considered, a lack of campaign finance spending limit equates to an effective limit of infinity, therefore rendering the results produced by any calculations massively lopsided and largely useless.

[22] See Figure 3 in the Addendum.

Whereas, these facts have therefore given the Judicial Council a constitutional funding mandate—much like the constitutional Club Coordination Council club-funding mandate; but, unlike the Club Coordination Council, the Judicial Council does not have a separate fund to ensure candidate expenditures are fully covered, but instead issues reimbursements from its administrative budget;

Whereas, the lack of a distinct election reimbursement fund has meant, in practice, that the Judicial Council has been unable to cover all campaign and administrative expenditures, and often is forced to run a budgetary deficit simply for the sake of complying with the reimbursement mandate outlined in the Constitution;

Whereas, when balancing the adjusted numbers from the 2021-2022, 2022-2023, and 2023-2024 election cycles, the Judicial Council has spent an average of $3,967.91, and has estimated average maximum expenditures to total $13,398.33;

Whereas, although the Judicial Council understands that a maximal election reimbursement is unlikely and improbable, the Judicial Council believes that planning for the reimbursement of three-fourths of the maximum estimated election reimbursement would be fiscally responsible;

Whereas, three-fourths of the average maximum number is roughly $10,000;

Whereas, this value equals an approximate 0.7% of the annual operating budget proposed in SO2425-18;

Whereas, the aforementioned adjustment to campaign finance limits will be impossible without the establishment of a separate election reimbursement fund;

Whereas, such alterations to the Fiscal Policy of the Student Union will undoubtedly empower Student Union Organizations, benefit the Notre Dame Student Body, increase engagement and turnout in elections, and generally improve the fiscal health and sustainability of the Student Union; therefore, be it

Ordered by the Student Senate of the University of Notre Dame du Lac,

That The Constitution of The Undergraduate Student Body is hereby amended as follows:

I. Article XV, Section 1(h)(2)(A) is hereby amended to read as follows:
(A) A campaign limit is set for all Student Body Presidential and Vice-Presidential candidates' tickets at $300.00.

II. Article XV, Section 1(h)(2)(C) is hereby amended to read as follows:
(C) A campaign limit is set for all Class Officer candidates at $115.00.

III. Article XV, Section 1(h)(2)(D) is hereby amended to read as follows:

(D) A campaign limit is set for all Senator, Hall President and Hall Vice-President(s) candidates at $75.00.

IV. Article XV, Section 1(h)(2)(E) is hereby amended to read as follows:

(E) A campaign limit is set for all Off-Campus candidates at $115.00.

and be it further

Ordered by the Student Senate of the University of Notre Dame du Lac,

That, pursuant to Article XVI, Section 2(a) of the Constitution, beginning in the 2025-2026 academic year, the Student Activities Fee shall be adjusted by forty-five dollars, from $95 per year to $140 per year; and be it further

Ordered by the Student Senate of the University of Notre Dame du Lac,

That The Constitution of The Undergraduate Student Body is hereby amended as follows:

V. Article XVI, Section 3(c) is hereby inserted as follows and all subsections and references thereafter and thereof are renumbered accordingly:

(c) 0.7% of the funds available for FMB allocation shall be allotted to the line item "Election Reimbursement" as the minimum amount reserved to reimburse election expenses with final review by the Judicial Council. Should this fund run a surplus at the end of the Student Union fiscal year, any remaining funds shall be allocated to the Student Union endowment. Should this fund run a deficit, additional funds shall be subtracted from the pool of funds available for allocation in the next fiscal year until any deficit is eliminated.

VI. Article XVI, Section 3(d) is hereby amended to read as follows:

(d) The remaining 58.3% of available funds shall be distributed among the following Student Union organizations:

And that the Elections Reimbursement Fund is hereby created pursuant to Article XVI, Section 3(c), as amended in this order.

It is so ordered.

Dawson Kiser
Student Body President

Thomas Musgrave, Student Union Parliamentarian
SO 2425-18, 16 October 2024
20 Affirmative; 12 Negative; 2 Abstain