



OFFICE OF THE ATTORNEY GENERAL

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January 23, 1970

Green

Dr. Eugene Curtis
Dean of Students
Lower Columbia College
Longview, Washington 98632

Recognition of Student Groups
at Lower Columbia College

Dear Dr. Curtis:

I have reviewed the requirements for recognition of student groups at Lower Columbia College. For your information and consideration I believe the following comments and observations may be helpful to you.

A student group which is given official recognition is to benefit by the following:

1. Use the name of the college
2. Use the facilities of the college
3. Be eligible for ASLCC budget subsidization

First as to No. 1, it is doubtful if Lower Columbia College could prohibit a group of students from inferentially using the name of the college in conjunction with a specific group. For example, a student group of young democrats or young republicans attending Lower Columbia College could so designate themselves whether officially recognized or not. Assuming all members of the group attend the college, then the group is actually a student group of Lower Columbia College.

As to No. 2, the use of college facilities is actually a major benefit to a group of students and is something that could be denied the group unless it had official recognition.

As to No. 3, the eligibility for a portion of the budget of the Associated Students - Lower Columbia College (ASLCC), this raises some major problems. Recognition of a student group allows it to be "eligible for ASLCC budget subsidization".

As we understand the ASLCC budget, it includes the student body fee paid by all students as fixed by the board of trustees pursuant to RCW 28.85.310. Thus, this fund is actually one for the benefit of all students attending the college.

As this office has previously held, the Associated Student Body at a given college is an arm and agency of the board of

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trustees and college and, as such, fosters, conducts, and finances various programs for the benefit of the entire student body. Thus, it follows that the use of such funds by the ASB is proper under the circumstances.

However, if the phrase "eligible for ASLCC budget subsidization" means that other limited student groups recognized by the college are to be given a specified amount of these funds solely by virtue of being a recognized student group, this would constitute an unlawful expenditure of such funds.

This is true since these other recognized groups are not an arm and agency of the college administration and, thus, an outright subsidization of such groups is unauthorized.

However, this is not to say that other recognized groups would be forever barred from benefiting from such funds. It is possible for the ASB to engage the assistance of such a group to carry out or participate with the ASB to perform a function which could be done by the ASB. In such a situation the use of a portion of such funds to carry out an authorized endeavor of the ASB would be proper.

Therefore, an outright subsidy of recognized groups could not be legally justified, but, under certain circumstances, the recognized group could participate with the ASB or be authorized by the ASB to perform a given endeavor resulting in the use of such funds, which the ASB, itself, would alone be authorized to do.

Your remaining questions relate to the requirements for official recognition which are as follows:

- ①. Have on file in the Student Affairs Office:
 - a. An up-to-date copy of the Constitution and By-laws
 - b. A list of officers and members

- ②. Have an official faculty adviser

- ③. Be approved by:
 - a. Two-thirds majority of Activities Council
 - b. The Director of Student Activities
 - c. The Dean of Students

- ④. At Activity Council meetings:
 - a. A representative must be present with no more than three absences during any quarter

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"if any club does not fulfill the above requirements, the organization will be notified of inactive status placement, after which the organization has one week to appeal this status. A written request must be submitted by the club officers and advisor to the Activities Council. The request will then be voted on by Activities Council and must be approved by two-thirds of the members present.

"Any club or organization which has been inactive for one year or more must be passed upon by two-thirds vote of the entire Activities Council membership."

By way of contrast and for your information, we have set out that section IV of the AAUP "Joint Statement on Rights and Freedoms of Students" which relates to student organizations.

IV. Student Affairs

"In student affairs, certain standards must be maintained if the freedom of students is to be preserved.

"A. Freedom of Association. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They should be free to organize and join associations to promote their common interests.

"1. The membership, policies, and actions of a student organization usually will be determined by vote of only those persons who hold bona fide membership in the college or university community.

"2. Affiliation with an extramural organization should not of itself disqualify a student organization from institutional recognition.

"3. If campus advisers are required each organization should be free to choose its own adviser, and institutional recognition should not be withheld or withdrawn solely because of the inability of a student organization to secure an adviser. Campus advisers may advise organizations in the exercise of responsibility, but they should not have the authority to control the policy of such organizations.

"4. Student organizations may be required to submit a statement of purpose, criteria for membership, rules of procedures, and a current list of officers.

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They should not be required to submit a membership list as a condition of institutional recognition.

"5. Campus organizations, including those affiliated with an extramural organization, should be open to all students without respect to race, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian."

Briefly, the following comments are submitted concerning the requirements of LCC for recognition of student groups.

No. 1. It is proper to have on file the constitution and by-laws of the student group. However, a student group without such should not be penalized and perhaps a simple statement of purpose would suffice in such a case. Perhaps a general statement of purpose would be beneficial in all cases, whether a constitution or by-laws existed or not.

As to officers and members being listed, perhaps officers alone should be required since a list of members would be constantly changing. Perhaps the college may wish to limit membership in such student groups solely to college personnel, such as staff, faculty, and students, as the groups receiving recognition would be entitled to call itself _____ group of Lower Columbia College.

No. 2. The requirement for a faculty adviser should not result in failure to recognize a student group simply because it was unable to obtain such an adviser. To do so would be to discriminate against the group solely because of refusal of any faculty member to become its adviser.

No. 3. This approval by the Activities Council, Director of Student Activities, and Dean of Students should be ministerial. Approval of those groups who have complied with the specific requirements should be given and not withheld based upon other considerations, unless, for example, the purpose of the group is illegal, then, official recognition should be denied.

No. 4. Attendance at Activity Council meetings may serve many useful purposes, however, justification for non-attendance could be established on occasion and perhaps should be allowed.

With regard to automatic inactive status and subsequent removal of recognition, this may be useful by limiting recognized groups to those which are actually active and performing a function desired by a contingent of the student body.

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Also, perhaps a requirement that all groups comply with the rules and regulations of the college and also make available financial records as to income derived from campus functions would also be worthwhile requirements for continued recognition.

In the last analysis, the college may set up any set of reasonable requirements for official recognition of student groups and may make them as stringent as it so desires but the requirements must be uniform and all groups must be treated equally and, if the requirements are met, the approval must be ministerial, not arbitrary such as a denial of recognition based upon ideology except for stated illegal purposes.

For your information, enclosed are three former opinions of this office relating to student groups and their relationship to the institution. Letter to WSC of April 22, 1947; AGO 51-53 No. 484; AGO 55-57 No. 267.

Additionally, for your information, I am enclosing the "Activity Regulations of the Student Administrative Board" of the University of Oregon. That is the Student-Faculty Committee there that has been delegated full responsibilities "to develop and carry out policies relating to student organization and on-campus extracurricular activities."

Very truly yours,

FOR THE ATTORNEY GENERAL

STEVEN D. MILAM
Assistant Attorney General

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