

Constitutional Council
Associated Students of Stanford University
Stanford Anscombe Society v. Graduate Student Council

Petition for Rehearing

The Stanford Anscombe Society (“Anscombe”) petitions the Constitutional Council for a rehearing of the case of *Stanford Anscombe Society v. Graduate Student Council*, as decided on May 17, 2014, because the Council’s opinion violates the Rules of Order of the Constitutional Council. The Council has violated its Rules of Order by relying on facts that were not in the record and are erroneous.

I. The Council has the power to order a rehearing in cases involving a violation of the Rules of Order.

Rehearings are necessary to give effect to the Rules of Order. Although the Council’s Rules of Order do not have an express provision concerning rehearing, a procedure for rehearing can be implied from the mere existence of the Rules. Rehearings permit the parties to contest violations of the Rules of Order. Without rehearings, the Rules are not enforceable and may be violated at will.

Further, the Rules of Order contemplate that the Council may revise its opinion based on a rehearing. The Rules make multiple references to the “Council’s *final* opinion” (emphasis added), which makes sense only if multiple opinions may be issued in a case.¹ That is especially true here, because an opinion issued in violation of the Rules cannot be a final opinion.

A rehearing is particularly appropriate here because the violation concerns reliance on facts not in the record and because students must have an opportunity to respond to evidence introduced against them. The Rules state that “[a]ll material on which members of the Council base decisions must have been entered in the official case record”² and that “any evidence” must be submitted “24 hours before the meeting at which the Council considers that evidence.”³ Because the Council based its decision on evidence that was not in the record, it may issue an opinion relying on that evidence only if it holds a rehearing. Moreover, as discussed below, the Council relied on facts that are plainly incorrect and a rehearing will provide the Council an opportunity to correct the error.

Independent of the Rules of Order, plaintiffs have a constitutional right to a rehearing. The ASSU Constitution guarantees members of the Association the right “to petition the Association for a

¹ Constitutional Council Rules of Order, 1.1.4; 1.1.5 (“General”).

² Constitutional Council Rules of Order, 2.5.4 (“Evidence”).

³ Constitutional Council Rules of Order, 2.5.1 (“Evidence”).

redress of grievances.”⁴ This right gives parties the right to petition the Council concerning violations of its own Rules of Order.

II. A rehearing is warranted because the Council has violated its Rules of Order by relying on facts that were not in the record and are erroneous.

The opinion of the Council asserts “[t]here is simply not enough money for the GSC to distribute” and “[g]iven the limits of the available funds, the GSC is given the constitutional authority to decide what events it funds.”⁵ Setting aside the fact that Anscombe’s complaint involved the revocation of funds *already granted*, and not funding in the first instance, the Council’s decision rests on evidence that was not in the record and is, in fact, wrong.

Because there is no evidence in the record supporting the Council’s assertion of limited funds, the Council’s decision violates the Rules of Order. The Rules state that “[a]ll material on which members of the Council base decisions must have been entered in the official case record.”⁶ The Rules also require that “any evidence” must be submitted “24 hours before the meeting at which the Council considers that evidence.”⁷ There is no evidence in the record concerning limited GSC funding. And no evidence concerning that issue was submitted at least 24 hours before the April 30 hearing. If the Council wishes to decide the case on these grounds, then evidence concerning limited funds must be introduced into the record and a new hearing must be held where the parties have an opportunity to contest this evidence and its relevance.

While the Council’s opinion asserts that the GSC has limited funds, the opposite is true: the GSC has more money than it can spend. For the past several years, the GSC has been unable to spend all the money it collects. The Graduate Buffer Fund, which holds unspent GSC funds, has grown at a rate of \$47,739.52 a year for the last five years.⁸ For fiscal year 2013, the Buffer Fund grew by more than \$90,000.⁹ And as of May 6, 2014, the Graduate Buffer Fund contained \$539,827.58.¹⁰ The assertion that the GSC was justified in revoking funding from Anscombe because of “limited funds” is flatly contradicted by the evidence.

⁴ ASSU Constitution, Article 1, Section 3.2.

⁵ *Stanford Anscombe Society v. Graduate Student Council*, ASSU Constitutional Council Opinion (May 17, 2014).

⁶ Constitutional Council Rules of Order, 2.5.4 (“Evidence”).

⁷ Constitutional Council Rules of Order, 2.5.1 (“Evidence”).

⁸ Bill to enact a 50K Off-Campus Graduate Student Caltrain Program with funds from the Graduate Buffer Fund, GSC-2014-19 (passed on May 14, 2014).

⁹ Bill to enact a 50K Off-Campus Graduate Student Caltrain Program with funds from the Graduate Buffer Fund, GSC-2014-19 (passed on May 14, 2014).

¹⁰ Bill to enact a 50K Off-Campus Graduate Student Caltrain Program with funds from the Graduate Buffer Fund, GSC-2014-19 (passed on May 14, 2014).

Finally, Anscombe did not argue that the GSC must fund every event sponsored by a student group. The GSC may, consistent with the freedom of speech, use viewpoint neutral rules--rules unrelated to the viewpoint expressed at the event--to determine funding. Such viewpoint neutral rules include limiting funding based on estimated attendance at the event or capping per-student spending on line-items like food or alcohol. Additionally, the GSC may (and does) cap funding for student groups based on the number of members in the group, as well as many other funding rules. Anscombe argued only that the GSC cannot constitutionally deny or revoke funding based on the views expressed at an event--that an event expressing views unpopular with GSC voting members be treated the same as any other event.

Thus, Anscombe respectfully requests that this Council hold a new hearing in *Stanford Anscombe Society v. Graduate Student Council* to correct this violation of the Council's Rules of Order and of the ASSU Constitution.

Respectfully submitted,

Stanford Anscombe Society