



**ASSOCIATED STUDENTS, INC.
CAL STATE SAN MARCOS**

MEMORANDUM

Date: February 13, 2020
To: Students of California State University San Marcos
From: Kenneth Tran, President & CEO
Re: Statement on Apodaca Lawsuit Settlement

In 2017, Students for Life, a recognized student organization at Cal State San Marcos, filed a lawsuit against the California State University (CSU) system, the California State University San Marcos (CSUSM), and the Associated Students, Inc. of CSUSM (ASI), collectively the Defendants for this case, drawing into question the procedures used by ASI to make student fees available for various student organization events.

The lawsuit claimed that ASI had unfairly denied Students for Life funding for a speaker the student organization wanted to bring to CSUSM. This claim was made even though ASI does not provide funding for speakers to any recognized student organization. The ASI Leadership Fund (ALF) policy clearly states that “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.”

In its ruling, the Court determined that ASI did not engage in any discriminatory activity against Students for Life when it rejected the request for speaker fees. However, the Court did find ambiguity in ASI’s governing regulations and rules regarding ASI Leadership Funding. As a result, ASI has made changes to its rules and regulations regarding ASI Leadership Funding and ASI Bylaws that confirm in writing its ASI Viewpoint Neutrality Policy.

The lawsuit also challenged the use of student fees that were used to fund the operations of the Gender Equity Center and the LGBTQA Pride Center. The University established centers like these to support historically disadvantaged groups and connect our students to resources. The Gender Equity Center and LGBTQA Pride Center were entities funded by ASI after student referendums approved their creation. As of this year, the campus will begin providing the funding for LGBTQA Pride Center and the Gender Equity Center which will now fully operate under the University’s Student Life department with the other three Student Life Centers. We at ASI wholeheartedly believe and support the purpose and the mission of all of the Centers to support our students and their success.

As outlined in the ruling, the Court found no evidence that the University or ASI intentionally engaged in viewpoint discrimination or any other form of discrimination against Students for Life. The funding request made by Students for Life was denied not only because it requested speaker fees (which are not available to any student organization), but also because it did not follow the correct procedure for making that request.

Following the ruling of the Court, The California State University (CSU) agreed to pay \$3,000 to Students for Life, ASI agreed to pay Apodaca \$300 as a refund of his Student Association Fees. Because Plaintiffs achieved some relief in the case the law permitted them to recover their attorneys’ fees. In this case CSU agreed to pay \$240,000 to Alliance Defending Freedom, as attorneys’ fees for representing the Plaintiffs.

Overall the process was a collaborative effort, by both sides, to reaffirm our commitment to viewpoint neutrality at our very diverse institution.

Kenneth Tran, President
Associated Students, Inc. of CSUSM

CC: Dr. Ellen Neufeldt, President of California State University San Marcos
Jaelyn Freeman, Chair & Chief of Staff of Associated Students, Inc. of CSUSM
Mariana Rosales, Executive Vice President of Associated Students, Inc. of CSUSM
Michelle Tran, Vice President of Student & University Affairs of Associated Students, Inc. of CSUSM