1-23-1978

Caveat, January 23, 1978

CAVEAT

Vol. XIII, No. 18 Golden Gate University School of Law January 23, 1978

SPECIAL REPORT: FINDINGS OF THE FINANCIAL AID COMMITTEE: PART 2

II. FULL AND TIMELY NOTICE TO STUDENTS OF FINANCIAL AID POLICIES AND PRACTICES

A. Accessible Written Policies and Accurate Forms

One of the most common, and most easily avoidable, complaints of students is the lack of accurate, complete or timely information from the Financial Aid Office. This complaint has been recognized by Congress in their recent enactment of provisions governing student consumer information in financial aid programs. Section 131(b) of the Education Amendments of 1976 (Pub.L. 94-482) added a new section 493A to the Higher Education Act of 1965, as amended, dealing with institutional and financial assistance information for students. 20 U.S.C.A. §1088b-1 (West Supp. 1977). The new statute sets forth a list of topics on which a school receiving certain assistance funds must furnish information to students. These topics include:

1. Financial assistance programs available;
2. The method by which such assistance is distributed among students;
3. How to apply for assistance, including forms;
4. The requirements for accurately preparing such an application;
5. The standards employed in making awards of financial assistance;
6. The rights and responsibilities of students receiving financial assistance;
7. The cost of attending the institution, including tuition, fees, books, supplies, typical student living expenses, and any additional charges;
8. The refund policy of the institution;
9. The academic program, including curriculum, degree programs, physical facilities, faculty, and student retention rates; and
10. The names of those persons providing the foregoing information, how to contact these persons and the location of the offices of these persons.

All of these topics are essential kinds of information that students at Golden Gate should have. Students who are unaware of their rights and responsibilities are likely to create problems both for themselves and for the Financial Aid Office. The information for students should be in writing, to minimize the possibility of confusion, and it should be kept up to date. <u>All policies of the Golden Gate University Financial Aid Office should be in writing and accessible to students.</u>

Forms should be kept up to date. The current employer work-study contract contains the following paragraph in its cover letter:

> During the period of this contract, students are NEVER allowed to work more than fifteen (15) hours during any week. If a card is received indicating more than 15 hours worked during a week, the card will be returned immediately to the agency.

This is clearly wrong, because the limit is 19 hours per week. But it is absurd to send an erroneous cover letter which causes more confusion. All changes in policy should be followed by revision of the appropriate forms.

B. Student Expenses Information

Students should be informed in advance how much the school will allow for certain expenditures, i.e., rent, food, books, etc. Since the Financial Aid Office adheres to limits on each of these items, the student should know in advance what those limits are. As mentioned before, the award letters should indicate the amount and kind of other resources relied upon, the item-by-item calculation of student expenses allowed by the school, and the amount of the work-study award, minus tax deductions and costs incidental to employment, that will be applied against the student's need. With this type of information, the student will be able to plan his or her budget and obligations more accurately.

C. Eligibility and Selection Standards and Procedures

The manner of determining eligibility, and the manner of selecting work-study recipients from those eligible should be explained to students. This information should also be in writing. If the Financial Aid Office determines at mid-semester that there are more work-study funds remaining than expected, the procedure for allocating the remaining funds should be explained to students. Students should know whether there is a waiting list, whether funds are allotted on a first-come-first-served basis, whether it depends upon student perseverence, or whether there is some other procedure. The Financial Aid Office should also consider putting notices in the school paper when it is determined that excess funds remain so that students with unmet need can promptly make application and begin work.

D. Students who find their own work-study jobs

Because some, possibly many, students will inevitably find work-study jobs on their own, a procedure or information should be provided for them. The current system is set up primarily for those who find jobs through the Financial Aid Office's work-study listings. Because there is currently no kind of procedure or information available to students who find jobs on their own, both the student and the potential employer are often confused and embarrassed in their attempts to discern the applicable procedures and accurately carry them out. A one-page information sheet could readily be assembled by the Financial Aid Office providing the requirements and procedures for a student seeking employment on his or her own. By providing this information, the Financial Aid Office would be helping those students who

ABA Moot Court

The ABA is currently sponsoring the 1978 Spring National Appellate Advocacy Competition. The problem centers around the availability of federal injunctive relief against state court prosecutions violative of defendant's First Amendment rights.

Regional competitions will be held during the last week of February and first week of April. No written briefs are required at the competition level; entrants will be scored on oral advocacy only. Written briefs will, however, be required at the national competition.

GGU may enter up to two teams of two or three persons each. An entry form and fee must be sumbitted by the end of January. Therefore, GGU must immediately determine whether to enter a team. Interested persons may review the transcript of the problem and the rules of the competition which are on reserve in the library in a Moot Court folder.

Persons who wish to compete must notify the Moot Court Board not later than Saturday, January 28, 1978. Specify name, address, telephone number. The information may be left in the Moot Court Mail Box, Faculty Center East or may be telephoned to Steve Alexander, 621-1309 any time after 7 PM.

do not find work-study jobs through the school listings, and also reducing the work done by Financial Aid Office personnel in explaining to students and potential employers these policies on a case-by-case basis.

Other schools have questionnaires that go out to potential work-study employers which are sent back with a proposal of hiring. These include Hastings and Boalt, and undoubtedly others as well. Law students are particularly likely to find work-study jobs on their own, because their interests may be more specialized.

E. Award Period

The award letter should also set out the time frame within which the work-study award may be earned. If the fall semester work-study award may not be earned past a certain date, the award letter should say so, indicating as well whether the student will then forfeit that part of the award not earned by that date.

F. Grievance Procedure

Students should be informed of who to contact to appeal a decision of the Financial Aid Office. While it is evident to many of us that such an appeal should be directed to Mr. Teitscheid, the Vice President for Finance and Administration, it nowhere appears in writing in student financial aid materials. Such vital information should not be neglected. A grievance procedure is one of the "Elements of Good Institutional Management" set out by the Office of Education for financial aid operations. Obviously, the failure to inform students that such an avenue exists effectively negates the fact that we do have an informal grievance procedure. Particularly among first-year students and transfer students who are unfamiliar with the hierarchy of Golden Gate or the informality of many of the operations here, there is little understanding of how to appeal a decision of the Financial Aid Office or even whether such an appeal is possible.

III. STUDENT LIVING EXPENSES BUDGET CALCULATIONS

A. Independent Students

The independent student's cost of education should be calculated on a twelve-month budget, as suggested in the comment to 45 C.F.R. §175.20 at 41 Fed. Reg. 36880. Commenters on the proposed regulation, which restricted summer costs to $400 or 40% of earnings, felt that independent students would be hard-pressed to keep their living expenses below $400 for a three-month time period. The Office of Education responded:

> In the case of an independent student whose need is analyzed on the basis of a twelve-month budget, the costs the student incurs during a summer vacation period are included in the computation of his need, and therefore should not be deducted from the amount he earns for that period.
> 41 Fed. Reg. 36880 (September 1, 1976).

The San Francisco Regional Office of Education confirmed that schools do possess the option to budget independent students on a twelve-month basis. The twelve-month budget simply allows the school to use the student's living expenses for twelve months rather than nine months to compute the cost of education. This is certainly a more realistic way of addressing the independent student's need. It is absurd to expect an independent student to need $350 per month to live on during the academic year, but suddenly need only $133 per month to live on during the summer. The adoption of the twelve-month budget would bring badly needed equity to the financial aid system at Golden Gate. By using a nine-month budget for independent students, the Financial Aid Office is overlooking the actual unmet need of the student.

B. Method of Calculating Expenses

Golden Gate determines the student expenses by having the student estimate his or her anticipated costs for the next academic year on an item-by-item basis. These items are tuition and fees, books and supplies, rent and utilities, food, transportation, clothing, cleaning & laundry, recreation, medical and dental expenses, child care, alimony, and other (which must be explained). The Financial Aid Office apparently has a list of upper limits for each of these items. If the student's estimate of the cost of one item, rent, for example, is lower than the Financial Aid Office's upper limit, then the student's lower estimate is used as the rent budget. But if the student's rent estimate is higher than that set by the Office, then this lower figure is used to set the budget on this item. As it is done for rent, so it is apparently done for food, clothing, medic[al] bills, etc. This system creates the anomalous situation whe[re] by students with identical total expenses end up with different allowed budgets due to variations in how they itemized their expenses. This makes no sense. If a student wishes to spend $30 over the limit on rent and compensate by spending $30 under the limit on food, the student should be permitted to do so, without the school subtracting the $30 over the rent limit from the total student expense budget. What this really means is that the student whose estimates most nearly match the limits of the Financial Aid Office gets more money than the students whose estimates vary. This is clearly inequitable. The Financial Aid Office could save itself time, and students unnecessary problems, by looking simply to the total to determine the student's expenses. If the total of all the student's estimated expenses (excluding books, fees, and tuition which vary widely with courseload) are within a reasonable range, they should simply be approved without further calculation. If they are above a reasonable total limit, the total should be adjusted, and the student should be notified that this has been done and that extraordinary expenses may be documented if the student chooses to do so.

One of the possible reasons for cutting on an item by item basis is simply to trim down the total "calculated cost of education" or "calculated need" of the student to fit into limited financial aid resources. Students have frequently made up for the gap between the "calculated need" and their real need by working at odd jobs, or part-time jobs in addition to work-study. Of course, students rarely report such jobs, for doing so would only cause their financial aid to be cut on a dollar-for-dollar basis. Thus, they would be stuck once again, worrying how to explain to the landlord that they could only pay part of the rent because that was all that the Financial Aid Office would allow. However, even this unofficial way of earning funds to make up for the insufficiency of financial aid resources and the undercalculation of expenses is no real sol[u]tion. It puts students in the dreadful double bind of eithe[r] violating their agreement to notify the Financial Aid Office of additional income or risking running out of money in mid-semester--possibly forcing them to withdraw. In addition, the proposed changes in the work-study regulations call for more investigative efforts on the part of the Financial Aid Office in determining when students are receiving unreported outside income. See 42 Fed. Reg. 49916 (September 28, 1977), proposed regulation 45 C.F.R. §175.15(g). These proposed changes are not intended to force students to withdraw from school for lack of funds; they are merely intended to assure that federal work-study monies are used to meet student need and will not be used once a student's need is exceeded by $200. However, when the student's need is miscalculated by the school at a lower amount than the actual cost of education, the student is left with few alternatives.

The student budget should reflect realistic amounts. The total of all items estimated should be used as an index of reasonableness, not each individual item. It is not only inaccurate to determine student expenses by the current method; it is also an unwarranted and unnecessary intrusion for the Financial Aid Office to say a student is spending too much on one item when the overall total is reasonable.

This total budget concept is used at the other law schools contacted. The lesser amount of either the total expenses estimated by the student or the total "reasonable" expenses of a student (as calculated by the school; see below) is used to provide a student budget figure for the cost of education.

C. Accuracy of Student Estimates

To ensure that students are able to estimate their expenses as accurately as possible, the Financial Aid Office should consider writing up brief descriptions of the types of expenses includ[ed] in each of the categories. All of us construct our personal budgets somewhat differently, so it is often difficult to estimate the cost of cleaning supplies for instance, when you don't know that that includes soap, shampoo, household cleaners, sponges, brooms, etc. Many students don't realize that the item for food includes occasional restaurant lunches or dinners when it is inconvenient to go home. Without such basic information and guidance in how to estimate a budget a year in advance, a student can make gross miscalculations and consequent-

(continued on back page)

announcements

SBA MEETING

3:30 Tuesday, January 24, 1978. Room undecided.
Agenda:
- Affirmative Action Meeting
- Finances Report
- Texts for the Library
- SBA elections
- FSC Committee Reports

DEADLINE FOR FALL CREDIT, NO CREDIT OPTION

Friday, February 10.

ABSOLUTE LAST DAY TO REGISTER

Friday, January 27.

LIBRARY NEWS

Law Library Landmark: Records, briefs and oral arguments for major Supreme Court cases are now available in the law library. The 90 volume set, LANDMARK BRIEFS AND ARGUMENTS OF THE SUPREME COURT is shelved in the Federal Section and provides documentation of the legal actions that proceed a Supreme Court opinion. Presently, coverage is through 1976. The publisher plans to issue updating volumes after each term of the Court.

"Goodbar" Murder: You might be interested to know that we just received Fosburgh, Lacey, Closing Time: The True Story of the "Goodbar" Murder. It will be on the shelves shortly.

SPEAKER ON LABOR LAW REFORM

Barbara Rhine of the Law School faculty is sponsoring Jim Baker, Field Representative of Region VI, AFL-CIO, to speak on the subject of labor law reform at noon, Wednesday, January 25 in Room 209. He will be showing a film, "Reform at Last" and addressing himself to the comprehensive labor law reform bill now pending before the US Senate. All interested persons are urged to attend.

PIZZA FEST

The Gay Students Coalition will sponsor a pizza-fest Saturday, January 28 at 7:00PM. The location is a private residence at 34 Walter, S.F. (between Duboce and 14th Noe and Church). Pizza will be purchased from a nearby take-out pizzeria. Guests should bring their own beverage. Gay and non-gay students, staff, and faculty, as well as friends and lovers, are all invited.

LONG LIVE KMPX

We would like to alert the Caveat community to an upcoming FCC decision which could seriously effect citizens' rights in broadcasting. SF's unique Big Band station KMPX FM (107) is in jeopardy. CBS, which wants KEAR's spot on the dial, has set up a complicated transfer application which would cause KMPX to cease broadcasting. CBS wants KEAR's spot because KEAR has 80,000 watts in comparison to CBS's present strength of 4,000 watts. KEAR would take over KMPX's spot on the dial causing KMPX to be bounced off the air.

THE KMPX Listeners' Guild filed a Petition to Deny Assignment of License. Its subsequent filings have kept the station on the air for over a year after the transfer was originally to take place. The upcoming FCC decision would either grant a public hearing or grant the application. In the case of granting the application, the KMPX Listeners' Guild would go to the Court of Appeals to ask that the FCC be compelled to grant a hearing. The court has done so in similar unique format cases, whose holdings the FCC is attempting to evade.

Either procedure, the public hearing or presenting the case to the Court of Appeals, will cost at least $50,000. As a consequence, various fundraising events are planned. The latest effort is a benefit show at the Palms Cafe in SF, Monday, February 20. The show will feature Terry Garthwaite, Pamela Polland, Golden Age Jazz Band and many others. Contributions are welcome for the newsletter, as well as for the fund for the possible hearing or court proceedings.

A work-study position is available via Golden Gate's contract with the Women's History Research Center (WHRC), a tax exempt foundation. For inquiries concerning the position and the SAVE KMPX Campaign, please write or call: WHRC, 2325 Oak Street, Berkeley, CA 94708, or 548-1770. Volunteers are needed for legal research and publicity.

PRACTICAL PROGRAM TO ACHIEVE ECONOMIC JUSTICE FOR HOMEMAKERS

Babson College is sponsoring the Edward L. Bernays Foundation Award for a practical program to achieve economic justice for the homemaker. The purpose of the award is to arouse public opinion to a recognition of the injustices to homemakers, as fas as legal and economic positions are concerned, and to make recommendations for changes to remove the injustice now prevailing.

Three thousand dollars will be presented to the entrant who in the opinion of the jury of award submits the best acceptable program of 5000 words or less.

All entries must be postmarked by October 2, 1978. For more information on this competition , see the bulletin board near the elevator near the Dean's Office.

on bread & water

Leopold Schepp Foundation: For anyone under 40 years of age who can afford to go to NY for a personal interview. Amount varies. Deadline is anytime between June 1 and January 15 for the next academic year.

Special Scholarship Program in Law for American Indians: For Native Americans who have been active in Indian affairs. Amount varies but covers living expenses only. Deadline is July 1st.

(continued from page 2)

ly will receive financial aid inappropriate to his or her actual need.

D. Amount of Allowed Student Expenses

Judging from the limits on individual items, it appears that the allowed student budget at Golden Gate is unrealistically low. It should be adjusted to real 1977 cost of living figures. The allowed student budget should be calculated from the typical Bay Area cost of living statistics computed by the Bureau of Labor Statistics together with special expenses as documented and explained by individual students. Attached as Appendix C are the calculations used for the student expenses budget at Hastings College of the Law. These figures were obtained from the Bureau of Labor Statistics and adjusted slightly for a student population. It should be noted, however, that the medical expenses in the Hastings budget are controlled by their health insurance plan, which is considerably cheaper than Golden Gate's. The Office of Education personnel in the San Francisco Regional Office mentioned that four to five thousand dollars was a reasonable yearly budget for living expenses. This is consistent with the figures for both Hastings and Boalt. Because Hastings' student budget calculations were so carefully computed, and also appear to closely parallel the expenses of Golden Gate students, we recommend that the Hastings' monthly student expense levels be used at Golden Gate.

E. Inflation

To remain realistic, student expense figures should reflect inflation. Golden Gate's item per item limits on expenditures do not appear to have increased commensurate with the cost of living. With a one to two percent vacancy rate in rental housing in most of the Bay Area, it is a landlord's market -- rents are high. It is amazing that students find housing at all, much less housing below the $170 limit for rent and utilities.

Therefore, the allowed student budget should be adjusted every year for inflation. Because the attached Hastings student budget is for this academic year, it must be adjusted for inflation for use in academic year 1978-79.

E. Expenses not Allowed in Student Estimates of Expenses

Currently certain items are not allowed in the student budget. These include any expenses for automobiles, payments on consumer loans, and undoubtedly other things. In keeping with the total budget concept outlined above, we feel that students should be allowed to pay for gas, car insurance, bridge tolls, continue to make payments on loans and other currently disallowed items, so long as the student's total expenses do not exceed the maximum cost-per-month calculated from the Bureau of Labor Statistics cost-of-living figures. In many cases, students need cars to get to and from school and work. Consumer loans must be paid whether or not the student is allowed the amount in the list of expenses. It makes little sense to refuse to include a necessary and unavoidable expense when calculating a student's budget. Indeed, the federal regulations seem to imply that student expense calculations should reflect real costs:

> In determining whether a student is in need as described in paragraph (a)(4) of this section, the institution shall take into account the student's actual cost of education at such institution as described in §175.11 and his expected family contribution as determined pursuant to §175.12.
> 45 C.F.R. §175.9(d)(1) (1976) (Emphasis added)

Section 175.11 merely defines the cost of education as tuition, fees, and amounts "reasonably incurred" for living expenses.

The San Francisco Regional Office of Education representative stated that the expenses a school allows or denies are the school's option. Some schools include car expenses and/or loan expenses; some do not. Since it is clearly a local option, we believe that these expenses should be allowed as part of the student budget.

Students have reported to this committee that Financial Aid Office personnel have responded to their complaints by telling students to sell their cars, quit jobs that require extra commuting, and find cheaper housing, among other things. If there is insufficient money available to meet a student's need the Financial Aid Office should simply recognize the unmet need, rather than trying to disguise the lack of funds with inaccurate and unrealistically low student expense budgets.

The students in the School of Law are adults, many of whom are returning to school after working for years. It is inappropri for the Financial Aid Office to be telling students to radicall alter their lifestyles -- often in ways that are simply not possible -- just to fit the Financial Aid Office's undersized yardstick.

CONCLUSION

We hope that the foregoing recommendations are useful, and especially hope that they will be implemented. The above list is by no means exhaustive; we anticipate submitting additional recommendations on these areas and other Financial Aid programs and procedures in the future. The Law School Student Financial Aid Committee expects that this kind of documentation of student concerns and framing of constructive policy recommendations will aid the Financial Aid Office in determining those policies and procedures that can best serve the purpose of enabling students to meet the costs of their education.

SOUTH OF MARKET GOURMET

by David Cooper

THE COFFEE CUP

Back in the early '70's when the US and the People's Republic of China were first establishing contact, a member of the People's Republic Ping Pong Team was asked by a US reporter what he thought of American food. The paddleteer responded: "The problem with eating American food is that half an hour later you're hungry for power." (In reality this has little to do with my review but I've been dying to write this somewhere for years.) I'll pretty much guarantee that after lunch at the Coffee Cup at 55 2nd Street you won't be hungry for a long while.

The Coffee Cup is the innocuous name for an Asian food cafeteria which is one of the busiest places in the south of Market area during lunch. This is one place I hesitate to review because it's crowded enough already. It's hours are 10 AM to 3 PM, Monday to Saturday, so you night students will either have to suffer or drop around on Saturday. I'd recommend people to try and get there before 12 noon or after 1:00 since the noon rush is real heavy.

Most dishes cost $1.75 (nothing extra for tea, Oolong or Pekoe which you serve yourself). All the $1.75 dishes are cooked fresh for each order and take only a few minutes to arrive at your table. (You take a number, your tea and chopsticks or silverware after paying and then wait for your order to be brought to you.) The dishes are served over rice or noodles, but I prefer the rice since the noodles are a touch greasy. These include Pot Choi & Beef (meat and vegetables), Oyster Sauce Beef, and Mushroom Chicken which are all excellent. The Chop Suey and Chow Mein are better than most, but I'm not fond of these two dishes anywhere.

One of my favorite foods there is Beef, Shrimp or Pork Won Ton ($1.60). Essentially these are huge broth dishes brimming with vegetables, Won Ton, pieces of chicken and thin noodles. The "correct" way of eating this is to simultaneously hold an Asian soup spoon in your left hand and chopsticks in your right, using the sticks for the hard stuff and the spoon for the broth. This way, while you feel like a total glutton you can also feel confident that you're not breaking etiquette.

Many people are tempted to order the Coffee Cup hot plate food which is sitting right out there in front of you. Resist this temptation even it it is easier to say "I'll take that brown stuff". Order from the menu board even if you don't know what you're asking for. It will consistently be better than the hot plate food. Positively avoid the beef stew unless you have nothing better to do during Civil Procedure than pick your teeth.

One more thing, I've never had their Roast Duck Won Ton which is their most expensive item at $2.25. It seems to be always sold out by the time I get there.