Legal Opinion (S) (55-011)

Subject: Freezing of Chabad on Campus A&S Account

Date: October 29th, 2014

Senator Ryan Miller requested a legal opinion on October 28th, 2014. Senator Miller asked whether or not the freezing of the A&S Account of the Organization of Chabad on Campus was fair?

Statute 304.4.1 states the following: The Attorney General shall be responsible for the clarification and enforcement of all Student Government Regulations and Laws...

Furthermore,

Statute 304.4.2.2 states the following: Provide written legal opinions for the purpose of clarifying and enforcement of statutes or any other legal documents of Student Government. Such opinions must be requested to the Office of the Attorney General in writing.

Furthermore,

Statute 304.4.2.3 states the following: Enforce and clarify all Student Government laws, rules, policies and procedures and protect the legal interests of the entity of Student Government.

Furthermore,

Statute 801.10 states the following: Any A&S account may be frozen for an indefinite time by the Student Senate, after consultation with the ASMB Director, by a 3/4ths vote at a regular meeting.

Furthermore,

Merriam Webster defines “indefinite” as: “lasting for an unknown or unstated length of time.”

Therefore, it is the opinion of the Attorney General that as long as the Student Senate consulted with the ASMB Director prior to the freezing of the account and the Senate gave a ¾ vote in favor of the freeze at a regular meeting, the freeze meet all legal requirements. Being that statute 801.10 states the Senate may freeze an account for an indefinite amount of time, it is the opinion of the Attorney General that the Senate may instead place specific time frames of freezing an account rather than placing an indefinite timeframe on the account. The question of fairness is subjective in nature and will not be addressed seeing as it does not inquire to the legality of the matter.
CC:

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Student Body President Jean Cocco
Student Body Vice President Rhondel Whyte
Senate President Andy Rodriguez
Senate President Pro-Tempore Abdool Aziz
Chief Justice Sammy Hamed
Senior Justice Daniel Shapiro
SGATO Director Gary Manka