Legal Opinion (S) (55-015)

Subject: ASRC Elected Positions

Date: December 10th, 2014

Senator Christopher Johnson requested a legal opinion on December 9th, 2014. Senator Johnson asked can ASRC Alternates hold the Vice-Chair or Chair of ASRC?

Statute 601.2 states the following: The duties of ASRC shall be as follows:

601.2.1 To make recommendations to the Student Government Senate for the annual allocation of the Activity and Service Fee monies, hereafter A&S monies.
601.2.2 To make recommendations according to the Mission Statement for the A&S monies.
601.2.3 To make recommendations for the budget review policy, provisions, and guidelines.
601.2.4 To provide the Student Government Senate, at the conclusion of the allocation process, those standards and guidelines used by the committee for making allocations. These supplemental standards will be sent to the Senate in order to have the proviso updated so that the Senate Committee on Appropriations and Audits will apply the same standards during the Interim Funding process which were used during the normal budget review. To ensure fairness and consistency in the allocation process during the entire year, the Senate Committee on Appropriations and Audits will adhere to the same standards as ASRC.

Furthermore,

Statute 601.3 states the following: Amounts recommended for the allocation shall be supported by documentation as to any, including reasons for adjustments to the budget requests or denial of funding.

Furthermore,

Statute 601.4 states the following: ASRC shall be composed of the following positions:

601.4.1 The Student Body President or his/her designee.
601.4.2 The Senate President or his/her designee.
601.4.3 Six (6) primary Senators and two (2) alternate Senators.
   601.4.3.1 The primary Senators and alternate Senators shall be elected within the Senate.
   601.4.3.2 The primary Senators and alternate Senators shall be removed from ASRC by a majority vote of the Senate upon recommendation from any member of ASRC.
   601.4.3.3 The primary Senators and the alternate Senators will be responsible for attending all ASRC meetings.
   601.4.3.4 The alternate Senators shall have the same speaking rights as the elected Senators and shall vote in the absence of the primary Senators and in the election of the
Chair and Vice-Chair of the committee.
601.4.5 The Student Government Chief Financial Officer
601.4.6 The Director of ASMB or his or her designee from within ASMB (ex officio non-voting).
601.4.7 The Student Government Fiscal Coordinator or Fiscal Assistant (ex officio non-voting).
601.4.8 A member of the Student Government Advising, Training and Operations (ex officio non-voting).

Therefore, it is the opinion of the Attorney General that there is no rule explicitly stating Alternate ASRC Senators may not serve as the Chair or Vice-Chair of ASRC. In addition, Statute 601.4.3.4 gives the right to vote in the election of the Chair and Vice-Chair to Alternate ASRC Senators, so to say they cannot run for the election positions when they can vote in them is a fallacy.

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CC:
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Senate President Andy Rodriguez
Senate President Pro-Tempore Abdool Aziz
Chief Justice Sammy Hamed
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