



The Associated Students of New Mexico State University

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Office of the Attorney General

Official Opinion

TO: Ala Alhalholy, *ASNMSU President*

FROM: Devon Harrison, *ASNMSU Attorney General*

DATE: August 5th, 2024

Subject:

Clarification on the Appointment Process for the Chief of Staff in the Event of a Vacancy.

Applicable Bylaw:

ASNMSU Bylaws:

3-8-6. TEMPORARY APPOINTMENT OF EXECUTIVES

- A. Should an ASNMSU Executive Director position or the ASNMSU Comptroller position become vacant during the term, the ASNMSU President shall, with the consent of the ASNMSU Hiring Committee, hire someone to fill the position for the remainder of the term, provided that the replacement fulfills the qualifications for the position; and
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- C. Should the Office of the ASNMSU Chief of Staff become vacant during the term, the ASNMSU President shall hire a replacement for the remainder of the term, provided that the replacement fulfills the qualifications for the position.

Opinion Rendered:



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While ASNMSU Bylaw Section 3-8-6, Subsection C, addresses the procedure for appointing a new Chief of Staff when the position becomes vacant, the phrasing could be clearer. This section is under "Temporary Appointment of Executives" and uses the term "hire" rather than "appoint."

Given the context of the section title, the term "appoint" should take precedence over "hire" in this case. The requirement that the replacement must meet the qualifications implies a selection process. Therefore, while you should ensure that the appointee meets the qualifications, you do not need to involve the ASNMSU Executive Hiring Committee for this position – unlike Section 3-8-6, Subsection A. Instead, you may conduct a brief evaluation, such as an interview, to confirm the candidate's qualifications; however, if you are already aware of the candidate's qualifications through their resume or personal knowledge, you may proceed with the appointment directly.

Thank you for your attention to this matter.

Devon L. Harrison - he / him / his

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