



The Associated Students of New Mexico State University

MSC 7110, P.O. Box 30001 | Las Cruces, NM 88003

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Office of the Attorney General

Official Opinion

TO: *Kassandra Vasquez, NMSU Business College Council, President*

FROM: *Ruben Morales Jr., ASNMSU Deputy Attorney General*

DATE: April 10th, 2025

TITLE: “Eligibility of Graduate Students for Officer Positions in the College of Business Council”

Subject:

A question has been raised regarding whether graduate students pursuing a Master of Business Administration (MBA) degree in the College of Business at New Mexico State University (NMSU) are eligible to run for officer positions within the College of Business Council, or if such positions are exclusively reserved for undergraduate students.

The request in question, verbatim, reads,

“Can graduate students who are pursuing an MBA in the College of Business be eligible to run for an officer position in the Business Council? Or just undergraduate students?”

Background:



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Observations from Relevant Policies and Guidelines:

1. Student Organization Officer Eligibility:

The NMSU Student Organization Handbook requires that recognized student organizations maintain a membership roster with at least two enrolled NMSU students serving as officers (specifically President and Treasurer). However, the Handbook does not explicitly differentiate between undergraduate and graduate students regarding eligibility for these roles.

2. Graduate Student Participation:

The Graduate Student Council (GSC) Constitution specifies that its officers must be full-time graduate students, indicating that graduate students are eligible to hold officer positions within councils that represent graduate interests.

3. College Council Bylaws:

A review of the College Council Bylaws of NMSU does not provide explicit directives regarding the eligibility of graduate versus undergraduate students for officer positions within individual college councils.

Examination of the Business Council Bylaws:

An analysis of the Business Council bylaws reveals that the eligibility criteria for officers are explicitly defined in Article IV, Section 3:

"Officers of the Council must be undergraduate students majoring or minoring in the College, members of ASNMSU, and in good standing with the University."

This language establishes a clear requirement that only undergraduate students are eligible for officer positions within the College of Business Council.

Applicable Bylaw:

NMSU Policy:

[NMSU Student Organization Handbook](#)

"Responsibilities of Recognized Student Organizations"

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3. Maintain a membership roster of at least 2 enrolled NMSU students serving in the officer positions of President and Treasurer.

4. Maintain a currently employed NMSU faculty or staff member to serve as the primary advisor to the student organization. Graduate students and individuals who are not employed by NMSU may serve as secondary advisors. Non-NMSU employees who wish



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to serve in official secondary advisor capacity must have a recognized affiliation to the national or external organization which the student organization represents, and show a form of support from that national or external entity to serve in the advising role. All advisors are required to complete an annual training as part of the recognition process.”

College Council Bylaws:

[Graduate Student Council \(Bylaws\)](#)

[The-Business-Council-by-laws_\(1\).docx](#) (found on Crimson Connection):

“Article IV – Officers, Advisor, and Elections

SECTION 1. The Officers of the Council shall be President, Vice-President, Secretary, Treasurer, and Director of Activities.

SECTION 3. Officers of the Council must be undergraduate students majoring or minoring in the College, members of ASNMSU, and in good standing with the University.

SECTION 5. The Council shall hold general elections on the last meeting in April of each year, or upon the vacancy of an unexpired term.”

Opinion Rendered:



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It is the opinion of the Attorney General's Office that the language of Article IV, Section 3, of the College of Businesses' Council, is unequivocal. It mandates that officer candidates of the Council must be undergraduate students. Graduate students, including those enrolled in the MBA program, do not satisfy this requirement as they are categorically designated as graduate students.

Furthermore, while graduate students may participate in various capacities within the College or contribute to the Council as non-voting members, the explicit bylaw restriction excludes them from being eligible for officer positions. This provision is intended to ensure that the leadership of the Business Council is drawn from a population that best represents the primary student body of the College of Business as defined by the bylaws.

In addition, should there be a desire to extend eligibility for officer positions to include graduate students, such a change would necessitate a formal amendment to the Business Council bylaws. Any amendment should be undertaken through the proper channels, ensuring that the process is transparent and incorporates broad input from the Council membership.

Conclusion:

Based on a constitutional interpretation of the current Business Council bylaws, specifically Article IV, Section 3, officer positions are reserved exclusively for undergraduate students. Consequently, graduate students — including those pursuing an MBA — are not eligible to run for officer roles within the Council. This opinion is intended to provide a clear understanding of the eligibility requirements and does not preclude the possibility of future bylaw amendments to address evolving needs.

If any additional clarification is needed on this matter, please feel free to contact the AG office.

Respectfully submitted,

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