



The Associated Students of New Mexico State University

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

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asnmsu.nmsu.edu

Office of the Attorney General

Official Opinion

TO: Jay Choate, *GSC Vice President*

FROM: Devon Harrison, *ASNMSU Attorney General*

DATE: May 8th, 2025

TITLE: “Clarification over ASNMSU Inspection of Public Record Requests process”

Subject:

“I am formally requesting an official opinion from the Attorney General's Office regarding the scope of IPRA requests within the ASNMSU.

- 1). Does the New Mexico Inspection of Public Records Act apply to the ASNMSU?
- 2). If the ASNMSU is covered by the NM IPRA, what is the procedure for making an IPRA request?
- 3). Would an ASNMSU fee-paying member be able to make an IPRA request for all "Affiliation Disclosure Forms" or any other similar documents?”

Applicable Bylaw:

ASNMSU F24-SCR-1:

[F24-SCR-1 Document](#)



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ASNMSU Bylaws:

3-8-8. ASNMSU ATTORNEY GENERAL

The duties and responsibilities of the ASNMSU Attorney General are as follows:

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E. Act as the official custodian and trustee for ASNMSU of the current and past versions of the ASNMSU Law Book and other related materials from other university and college student governments, all bills enacted into bylaw, all resolutions and memorials passed by the ASNMSU Senate, and all other ASNMSU public records which in the opinion of the ASNMSU Attorney General, are of legal or historical value to ASNMSU and which are transferred to the ASNMSU Attorney General from any ASNMSU office or any other source. As the official custodian the ASNMSU Attorney General shall:

1. Receive and respond to requests to inspect records; and
2. Arrange proper and reasonable inspection opportunities; and
3. Provide facilities for making copies of records or furnish copies of records to the requestor.

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3-10. INSPECTION OF PUBLIC RECORDS

The ASNMSU shall ensure that any public entity is able to request information or records from the Association itself in accordance with the following procedures:

A. The ASNMSU shall post in a conspicuous location at its administrative office and on its website a notice that sets forth:

1. The right of any person to inspect the Association's records and the Association's responsibility to make public records available for inspection; and
2. The procedures for requesting inspection of public records; and
3. The procedures for requesting copies of public records.

B. The ASNMSU shall respond to requests in accordance with the following procedures:



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1. If a request to inspect records is made orally, the custodian should respond to the request, but the procedures for handling requests do not apply; and

2. If the request is written, the custodian should determine whether the Association has possession or responsibility for the records requested; and

3. If the Association does not have custody or responsibility for the records, the custodian must forward the request to the proper custodian, if known:

a. The custodian shall also notify the requester that the records are not in the custody and control of the custodian, state where the records are located, and provide contact information for the proper custodian, if known.

C. If the ASNMSU has the documents requested, it shall provide documents in accordance with the following procedures:

1. Determine if the requestor is asking for a record that is exempt to public inspection; and

a. Exempt documents shall include:

i. Letters of reference concerning employment, licensing, or permits; and

ii. Letters or memorandums which are matters of opinion in personnel files or students' cumulative files; and

iii. Public records containing the identity of or identifying information related to an applicant or nominee for the position of president of a public institution of higher education; and

b. If the request contains one of the aforementioned documents, that document requested will be denied; however, other document requests withstanding document requests shall proceed.

2. Separate records containing exempt and nonexempt information (including redacting exempt information contained in an otherwise public record), if the records or parts of the records are exempt; and

3. Provide copies of public records in electronic format if requested and available in electronic format; and

4. If inspection is not allowed within three (3) business days, explain to the requester, in writing, when the records will be available for inspection or when the public body will respond to the request; and



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5. Allow inspection or otherwise respond to the request within fifteen (15) calendar days from the date the custodian received the request; and

6. If the request is deemed excessively burdensome or broad the custodian must:

a. Notify the requester in writing that additional time is needed to respond; and

b. Provide such notification within fifteen (15) calendar days after the custodian receives the inspection request.

D. If the ASNMSU denies the public record request, the custodian must:

1. Deliver a written explanation to the requester no later than fifteen (15) calendar days after receiving the request. The written explanation must:

a. Describe the records sought; and

b. Include the names and titles of each person responsible for denying the request; and

c. Describe the reasons for the denial.

Opinion Rendered:

According to the ASNMSU Supreme Court Ruling for case one (1), F24-SCR-1 - on September 30th, 2024 – **only ASNMSU Governing Documents are applicable to ASNMSU** as seen when the NMSU Student Employee Handbook requirements were not held to the Senate; so, the IRPA is not applicable as it is not listed as a governing document. Instead, chapter 3 section 10 of our bylaws is the primary source for requesting public records. Yet, as New Mexico legislation, the IPRA would be looked to and referenced by the ASNMSU Attorney General to provide clarifications to any unclear or conflicting provisions within 3-10.

As stated in 3-10, the procedure for making an ASNMSU Inspection of Public Records Request is as follows:

B. The ASNMSU shall respond to requests in accordance with the following procedures:

1. If a request to inspect records is made orally, the custodian should respond to the request, but the procedures for handling requests do not apply; and

2. If the request is written, the custodian should determine whether the Association has possession or responsibility for the records requested; and



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3. If the Association does not have custody or responsibility for the records, the custodian must forward the request to the proper custodian, if known:

a. The custodian shall also notify the requester that the records are not in the custody and control of the custodian, state where the records are located, and provide contact information for the proper custodian, if known.

The ASNMSU bylaws further state in 3-10-A this must be explained on the ASNMSU website, which it is (<https://asnmsu.nmsu.edu/government/attorney-general-office.html>), and there are further sections clarifying what records are exempted from public inspections (3-10-C) as well as the denial process for an inspection of public records request (3-10-D). Essentially, the process of requesting public records is to reach out to the ASNMSU Archival custodian which is a role fulfilled by the Attorney General (the Department of Justice deals with IPRA requests) and they may assist from there.

So, to answer your final question; Yes, ASNMSU fee-paying members may make ASNMSU-versions of IPRA request to the Attorney General's Office, which will include forms such as the 'Affiliation of Disclosure Form' that all ASNMSU employees, members, and associated members sign upon their hiring.

Should you have any questions or require further clarification, please do not hesitate to reach out.

Best,

Devon L. Harrison - he / him / his

ASNMSU Attorney General

Email: asnmsuag@nmsu.edu

Ruben Morales - he / him / his

ASNMSU Deputy Attorney General

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