



# 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:** Elida Miller, *ASNMSU Vice President*

**FROM:** Devon Harrison, *ASNMSU Attorney General*

**DATE:** December 5<sup>th</sup>, 2024

**TITLE:** Eligibility of Non-Student Organizations for Reimbursement through ASNMSU Senate for Travel Expenses

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**Subject:**

Can a non-student organization – such as the grant-funded program in the School of Social Work called Peer Support – receive reimbursements through the ASNMSU Senate according to the ASNMSU Bylaws?

**Applicable Bylaw:**

**ASNMSU Bylaws:**

**1-3-3. POWERS AND DUTIES**

The Senate of the ASNMSU shall have the authority to pass all legislation necessary and consequent to any provision of this Constitution. No money shall be drawn from the treasury except as a consequence of appropriations made through the bylaws. The Senate of the ASNMSU may levy such fees as may be necessary to support the ASNMSU upon the consent of the ASNMSU. ...

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## 7-2-6. APPROVAL REQUIRED FOR WITHDRAWAL

No funds shall be withdrawn from any account funded by ASNMSU except by the passage of an ASNMSU Senate appropriation bill or by a memorandum understanding signed by the executive of the account, the ASNMSU Comptroller, the ASNMSU President, and the ASNMSU Advisors...

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## 7-3-1. DEFINITIONS

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G. "Traveling Expenses" means covered expenses relating to conference, research, competition, and community service travel.

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## NMSU Policy:

### 2.44 - Associated Students of New Mexico State University ("ASNMSU")

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#### PART 3: ASNMSU FUNDS

The following applies to clarify the permissible uses of ASNMSU funds.

A. **Purpose of ASNMSU Endowment:** The ASNMSU Endowment was established to provide stable funding for chartered student organizations. (*See <https://studentlife.nmsu.edu/crimson-connection/>*) The income earned from this endowment may be allocated to chartered organizations to provide consistent funding, independent of the financial condition of the ASNMSU.

B. **Deposits:** ...

C. ...

D. **Withdrawals:** Subject to Section E. below, the ASNMSU senate, by a simple majority, may withdraw funds from the ASNMSU Account to allocate funds to chartered student organizations and to NMSU course participants to assist with related expenses (e.g. competitions representing NMSU) for the benefit of students. This shall be done through the normal appropriations process.

E. **Transfers:** ...



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### Opinion Rendered:

The Attorney General's Department recognizes the confusion surrounding this issue due to the vagueness of certain provisions in the ASNMSU Bylaws, particularly in sections 1-3-3, 7-2-6, and 7-3-1, as they relate to the eligibility of non-student organizations for reimbursements.

Sections 1-3-3 and 7-2-6 establish procedural requirements for the withdrawal of funds from ASNMSU accounts, which must be done through an appropriation bill or a memorandum signed by the relevant executives (ASNMSU Comptroller, ASNMSU President, and ASNMSU Advisors). However, the bylaws do not explicitly restrict who may request or receive reimbursement, aside from the general procedural requirements. Therefore, there are no specific limitations prohibiting non-student organizations from receiving reimbursements, provided they follow the proper process.

Further clarification comes from NMSU Policy 2.44, specifically Section 3, Subsection D, which permits the ASNMSU Senate to allocate funds to chartered student organizations and NMSU course participants for related expenses, such as those for conferences or competitions. While this provision focuses on student organizations, it does not preclude the Senate from providing reimbursements to non-student organizations, like Peer Support, provided the individuals attending the event are NMSU course participants.

This interpretation is further supported by ASNMSU Bylaw 7-3-1, which defines the type of reimbursement in question—travel expenses for conferences or competitions—as eligible for Senate funding.

Therefore, it is the opinion of the Attorney General's Department that grant-funded non-student organizations, such as Peer Support, are eligible to receive reimbursements through the ASNMSU Senate for travel expenses, provided the individuals traveling are NMSU course participants and the appropriate procedures are followed.

Please feel free to contact my office if you need further clarification on this matter.

Best regards,

**Devon L. Harrison - he / him / his**

*ASNMSU Attorney General*

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