



Unanimous Opinion By Councilor Carmichael and Councilor Jones

**JUDICIAL COUNCIL OF THE ASSOCIATED
STUDENTS OF OREGON STATE UNIVERSITY**

Carissa O'Donnell, ASOSU President

Narmeen Rashid, ASOSU Senator

CASE TO THE ASOSU JUDICIAL COUNCIL
(No. 24.034.c)

[May 14, 2024]

On May 13, 2024, ASOSU President Carissa O'Donnell and ASOSU Senator Narmeen Rashid jointly filed a request for injunction to Senate Resolution 83.09. They believe proper procedure was not followed by the ASOSU Senate, which violated Article I §G(c) of the ASOSU Constitution.

Title VI §E(2) of the Judicial Council Policies allow the Council to issue orders of injunction if it “believes an action taken by a member of the ASOSU is either harmful or illegal.” The Council holds that the ASOSU Constitution was violated, and that this Resolution going into effect would be harmful since it was not passed under proper procedure.

The Council hereby grants a temporary injunction order (TIO) on Senate Resolution 83.09, effective 11:20 am on May 14, 2024. Senate Resolution 83.09 shall not go into effect until all provisions of the Constitution are followed (which require the Senate to adhere to the Oregon Public Meetings Law), and until the President signs the Resolution (or 7 days after the Resolution’s passage). This injunction shall immediately and automatically be lifted when the aforementioned conditions are met.

The Council finds that provisions of the Oregon Public Meetings Law (OPML) were not adhered to prior to the Senate’s meeting on May 8, 2024, which violates Article I §G(c) of the ASOSU Constitution. According to the Oregon Attorney General’s Public Records and Meetings

Manual¹,

Background materials concerning agenda matters given to governing body members in advance of a public hearing [are] public records, subject to disclosure unless exempt. (38 Op Atty Gen 1761 (1978), 1978 WL 29465) [D-1].

Moreover, according to §1 of ORS 192.640²,

The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

The Council holds that these provisions were not complied with prior to the Senate's meeting on May 8, 2024.

Therefore, the Council compels the chair of the Senate to place Senate Resolution 83.09 back on the May 15th meeting agenda and ensure that these provisions are complied with prior to and throughout the meeting.

¹ https://www.doj.state.or.us/wp-content/uploads/2019/07/public_records_and_meetings_manual.pdf

² https://oregon.public.law/statutes/ors_192.640