**The Judicial Council**

**Of the Student Government Association**

**Of Western Kentucky University**

Opinion 2013FA – 003

In re International Senate Seat Constitutional Amendment

August 29, 2013

Associate Justice Justin McDole delivered the opinion of the Council. Associate Justices Jackie Stewart, Julia Payne and Kara Raley join.

An Amendment to the SGA Constitution was presented to the Judicial Council on August, 25th, 2013. The Amendment reads:

3.6 The Senate shall be composed of the following:

3.6.1 Three (3) senior class senators.

3.6.2 Three (3) junior class senators.

3.6.3 Three (3) sophomore class senators.

3.6.4 Three (3) freshman class senators.

3.6.5 Two (2) graduate student senators.

3.6.6. One (1) international student senator.

3.6.7 One (1) Gatton Academy student senator.

3.6.8 One (1) senator from each academic college elected by students within the respective college for a total of six (6) senators.

3.6.9 Fourteen (14) at-large senators.

3.6.10 The president or a delegated representative of each chartered regional affiliate.

Section 4.5.9 of the SGA Constitution states that the Judicial Council shall “[r]eview all Constitutional amendments before the Senate’s vote.” Under this authority, the Judicial Council has ruled that the Constitutional amendment to guarantee a seat in the Student Senate for International Students is unconstitutional.

We believe, as do the authors of this Amendment, that International Students are underrepresented in the Senate. However, we must abide by the Constitution of the Student Government Association and the rules of Western Kentucky University. Section 1.5 of the SGA Constitution states that “[t]he Student Government Association shall abide by Western Kentucky University’s Non-Discrimination Clause,” which states that no student should be discriminated against on the basis of “race, sex, religion, national origin, or a disability.” Discriminate, as defined by Webster, means “to make a difference in treatment or favor on a basis other than individual merit.” This proposed Amendment does just that. The SGA, as a branch of Western Kentucky University and the Commonwealth of Kentucky cannot use “race, sex, religion, national origin, or a disability” as a factor of classification.

We believe that International Students should be included more in the SGA process but this Amendment is not the way to do it. All the classifications outlined in the SGA Constitution reference the academic status of the Senator. To transition from this system to one relying on “race, sex, national origin, or a disability” is a slippery slope that we agree is not allowable under our Constitution and the rules of Western Kentucky University.

*It is so ordered.*

Chief Justice Seth Church took no part in this decision.