**The Judicial Council**

**Of the Student Government Association**

**Of Western Kentucky University**

Opinion 2013FA – 004

In re Navitas/ESLI Senate Seat Constitutional Amendment

September 5, 2013

Chief Justice Seth Church 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 September 4th, 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) Navitas or English as a Second Language 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 Navitas/ESLI Students is constitutionally allowable.

On August 29th, 2013, the Judicial Council struck down an Amendment that would have created a seat for International Students. In the opinion that followed that decision (2013FA-003) the Judicial Council states that the Amendment was not allowable because it relied on national origin, which violated Western Kentucky University’s Non-Discrimination Clause, which states that no student can be discriminated against because of their “race, sex, religion, national origin, or a disability.” The Judicial Council goes further to say that “All the classifications outlined in the SGA Constitution reference the academic status of the Senator” and transferring away from that scheme is a “slippery slope” that cannot be allowed.

The Amendment approved here is different because it relies on an academic status rather than “race, sex, religion, national origin, or a disability.” Navitas and ESLI students are enrolled in a separate program before they are admitted to WKU and begin seeking a degree. According to the 2012-2013 WKU Undergraduate Catalog:

“The ESLI University Language Center on the WKU campus prepares students in academic English for entrance into WKU. The ESLI program is an intensive language program with 25 hours of instruction each week in reading, writing, listening, speaking, grammar, and vocabulary. ”

“Navitas at WKU offers pathway programs that include one year of credit-bearing academic courses to prepare international students for university studies in the United States.”

As such, they are not issued an academic year or an academic college and are precluded from running in our Senate elections under the academic year and academic college seats. This class of student is truly limited in the ways they can become involved in SGA and this Amendment is a good start at ensuring that the Student Government Association represents all students.

*It is so ordered.*

Chief Justice Seth Church

Associate Justice Justin McDole took no part in this decision.