

OPINION OF THE
University of Kentucky
Student Government Supreme Court

IN. RE. DEFINITION OF FRESHMEN PER FRESHMEN SENATOR ELECTIONS

MR. CHIEF JUSTICE LAUGHLIN WRITING FOR THE COURT

The issue in this case is the proper scope of the language in Article VI, Section 1, Subsection C of the 2012 SGA Election Legislation, which states in part “Freshman Senators shall be elected by and from the Freshman class.” Mr. Karl Hempel, a candidate in the 2012 Freshmen Elections, has asked the Court for an advisory opinion on the definition of a “Freshman.” In the 2012 Freshmen Elections, any student with above 30 credit hours, including credit hours earned while in high school, was barred from voting in the Freshmen Elections.

Mr. Hempel also discussed an unusual paradox with the election legislation, under Article I, Section 3, Subsection D, which discusses who may run to be a Freshmen Senator. Subsection D states that a candidate must be a “Freshman at the University of Kentucky in credit hours” and that “any college credit earned during high school enrollment shall not be considered.” This creates a discrepancy with Article VI, Section 1, Subsection C, whereby one could theoretically run for office but not be able to vote for him or herself or any other candidate running. As Mr. Hempel argued and the Court agreed, this can surely not be the case.

It is the opinion of the Court that the language of Article VI, Section 1, Subsection C is intentionally vague, and that “Freshmen” must be as expansive a term as possible. The University of Kentucky has no fewer than six current definitions of Freshmen for scholarship and housing purposes, though these definitions can change from year to year. While tying the definition of “Freshmen” for election purposes with the University’s own definition may be tempting, the Court is uneasy that the definition can change with time and incidentally enfranchise or disenfranchise students in the Freshmen Elections.

Given the above considerations, the Court is of the opinion that the terms of Article I, Section 3, Subsection D, discussing who may run for office, ought to define the scope of Freshmen in Article VI, Section 1, Subsection C. This would entitle any student to vote in Freshmen Elections who has not attained more than 30 credit hours, with the exception of credit hours earned while in high school. The high school credit hour exception should apply to all credits earned before high school graduation, including Advance Placement credits, International Baccalaureate credits, and credits earned from taking college level courses while in high school, such as the Gatton Program for high school students in Bowling Green at Western Kentucky University.

The Court is aware that this may pose difficulties for the University’s Information Technology Department in administering the election. However, the Court strongly encourages that the SGA

and the University take what actions are necessary to provide *all students with under 30 college-granted credit hours* has the opportunity to vote in Freshmen Elections. This interpretation will ensure that all students typically thought of as Freshmen, those new to campus and just beginning their collegiate career, will have a say on campus.

MDM. JUSTICE SMITH TOOK NO PART IN THE COURT'S OPINION

KIRK A. LAUGHLIN, CHIEF JUSTICE