



UNIVERSITY OF
GEORGIA
Student Government Association

SUPREME COURT OF THE UNIVERSITY OF GEORGIA

Statement 34-01

Authored: November 2, 2021
Delivered by: Chief Justice Owen Ozaki

Syllabus

The Chair of the Senate Committee on Student Experience brought to the attention of the Supreme Court a vague, undefined word in the Constitution as well as the Statutes of the Student Government Association of the University of Georgia. This vague word of “enrolled” is found in Article V, Section 3, Paragraph B, Subsection iii of the Constitution and Chapter 701.1 of the Statutes, and leads the Court to offer the interpretation of what the term “enrolled” is defined as in terms of ability for a Senator to represent a college. It is the decision of the Supreme Court of the University of Georgia that the term “enrolled” only pertains to Senators pursuing a major course of study in the college they are representing.

On October 27, 2021, Senator Khushi Mehta, the Chair of the Senate Committee on Student Experience, brought to the attention of the Supreme Court of the University of Georgia a vague, undefined word within the Constitution as it related to open appointed Senate seats. The vague word in question is found in Article V, Section 3, Paragraph B, Subsection iii of the Constitution, particularly the term “enrolled” as it relates to a Senator being able to be elected by and represent a college. This term is also found in Chapter 701.1 of the Statutes as it pertains to Senators being “enrolled” in the “school or college in which they stand for election.” The term “enrolled” is seen as vague and not fully encapsulating of what the term was intended to mean. The intention, the Court sees, is clearly laid out in the preceding subsection: Article V, Section 3, Paragraph B, Subsection ii. The issue at hand is whether or not students pursuing only a minor or certificate qualifies as both “full-time students by their degree or program of study” (Article V, Section 3, Paragraph B, Subsection ii) as well as “enrolled” (Article V, Section 3, Paragraph B, Subsection iii).

The Court unanimously agrees that this is a vague, undefined word of the Constitution and offers the following interpretation and decision:

The term enrolled, as seen by the Supreme Court, only pertains to students pursuing a substantial course of study in the college they represent, as defined by Article V, Section 3, Paragraph B, Subsection ii. This subsection states that Senators “shall be registered as full-time students as defined by their degree or program of study...;” a minor or certificate is not reflected in a student’s degree nor their program of study leading to that degree, and thus it is the ruling of the Court that minors and certificates do not qualify as “enrolled” as required under Article V, Section 3, Paragraph B, Subsection iii.

While the Court understands the academic pursuits of Senators are subject to change, a decision by this Court that minors and certificates qualify as “enrolled” would be establishing a troublesome precedent as, going forward, Senators could frivolously add minors simply to gain a Senate seat in a less competitive college where they do not have vested interest in the population they represent. It is worth noting that if a Senator is elected to a college and then changes majors, they may be able to continue serving as a Senator of that college they no longer have a major in pending Supreme Court review pursuant to Article V, Section 3, Paragraph B, Subsection V.

The Supreme Court of the University of Georgia advises the Senate of the Student Government Association that the term “enrolled” under Article V, Section 3, Paragraph B, Subsection iii of the Constitution only applies to major courses of study articulated in Article V, Section 3, Paragraph B, Subsection ii. The Constitution is supreme over the Statutes, thus this ruling applies to Chapter 701.1 of the Statutes as well were “enrolled” pertains only to major courses of study. We recommend clarifying this point through the appropriate Constitutional amendment remedy.

It is so ordered.