

The Judicial Council
Of the Student Government Association
Of Western Kentucky University

Opinion 2015FA-002

In Re Censure Procedure

December 3rd, 2015

Chief Justice Kelsey Luttrell delivered the opinion of the Council. Associate Justices Hayden Skinner-Fine, Amarah Reed, Amber Daniels, Allie Payne, and Brandon Mudd join.

Per section 4.5.6, The Judicial Council shall “establish general procedural rules and ethical considerations for Judicial Council.” Under this power, the Judicial Council has decided to modify existing procedure for a censure.

After a request by ten students has been made to the Judicial Council or a majority of the Judicial Council has voted to investigate a possible censure, the Judicial Council will inform the student he or she is under investigation. After a period of seven days (7), the Judicial Council will convene and vote to determine whether probable cause exists to move forward with a hearing, or to conclude the investigation without bringing charges for a censure.

Had the Judicial Council had the option to investigate the student, and then decide whether or not to have the hearing, we would not have initiated the hearing. However, based on previous procedures and the bylaws, the Judicial Council was not given this opportunity. Given the facts presented during the hearing and from our research during the investigation the Judicial Council has unanimously decided not to censure John Winstead as he has not engaged in any activities that are not protected by his first amendment right to a freedom of speech.

It is so ordered.

Chief Justice Kelsey Luttrell.