



## The 21<sup>st</sup> Navajo Nation Council

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**FOR IMMEDIATE RELEASE**

### Education Committee votes “Yea,” Government Services Committee votes “Nay” on legislation to address Diné College crisis

**WINDOW ROCK, Ariz.** – In an effort to address the Diné College crisis, where students have been served with temporary restraining orders and one student arrest, Honorable Leonard Tsosie took the initiative to sponsor what he called emergency legislation. Tsosie’s legislation went before the Education and Government Services Committees today, and is expected to be added to the Navajo Nation Council’s Special Session agenda tomorrow.

Mr. Tsosie said his legislation, which amends Title 10 of the Navajo Nation Code, is a tool to help address the situation at Diné College, which corresponds with the Navajo Supreme Court’s Oct. 27 decision in *Ferlin Clark vs. Diné College*. He also said the legislation responds to Navajo Nation President Joe Shirley’s inaction to appoint new Diné College Board of Regents; the legislation calls for the president to appoint new replacements within a ten day period.

On Nov. 12, Mr. Tsosie issued directives at a joint-committee meeting of the Education, Government Services and Judiciary Committees in an effort to alleviate the chaos between two factions at Diné College. Even with the directives, chaos escalated to higher levels, as staff and students were served with temporary restraining orders filed by the interim college president and appointed board of regents the same day the committee directives were issued. The actions of the interim college president and appointed board of regents resulted in Mr. Tsosie’s legislation.

“An emergency exists and it warrants an emergency legislation,” Tsosie said at the Education Committee meeting. “Students are being arrested and served with restraining orders. There are fears among staff and students, as well as the authority of the interim college president. I am concerned how the interim college president and appointed board of regents think they are untouchable.”

Honorable Andy Ayze, chair for the Education Committee and ad hoc member to the board of regents, agreed with Mr. Tsosie’s proposal.

“Whatever emergency legislation is drafted needs to happen,” said Ayze. “This is for the best interest of students at Diné College. I think every effort from this legislation needs support.”

To strengthen the legislation, the Education Committee offered three amendments, which would allow the Education Committee to recommend the appointment of board of regents to the Government Services Committee for confirmation. According to the amendments, committee action would take effect only if the president fails to act on appointment replacements within the ten day time period. The committee unanimously passed the legislation, with the three amendments.

At the Government Services Committee, Mr. Tsosie reiterated the intent of the legislation. He also said courtesy copies were provided to executive officials in the Office of the President, including Michelle Dotson, Clinton Jim and Patrick Sandoval, of his effort to curb the situation at the college.

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After hearing Mr. Tsosie’s presentation, some members of the GSC, including members of other committees expressed concern of the legislation.

“I would like to know from the GSC members how they are going to address the situation with the chief justice determining the authority of the GSC, when it removed the board of regents on April 26,” asked Hope MacDonald Lone Tree, a member of the Public Safety Committee. “I want to know if that will be addressed because if the chief justice did that to one committee, he can do so to another. We should address that situation and find out if the GSC is going to address that particular situation regarding Diné College.”

MacDonald Lone Tree added that Mr. Tsosie’s legislation would amend Navajo Nation laws only to accommodate the Navajo Supreme Court’s decision.

On Oct. 27, the Navajo Supreme Court ruled that the removal of the three board of regents by the GSC was illegal on grounds that employees and officials of the Navajo Nation “shall not interfere with or interrupt the day-to-day activities of the Board of Regents,” pursuant to Title 10 §2003.

Honorable Danny Simpson, a member of the GSC, who sponsored the legislation to remove the three board of regents on April 26, said Tsosie’s legislation does not fix the situation at Diné College.

“This legislation does not fix anything,” Simpson said. “If the Council approves the amendments, it goes back to the same law that is in place. The only difference is that after ten days it goes back to the proper committee. How do we address the crisis at Diné College? I thought that was our intent.”

In response, Mr. Tsosie said the GSC’s April 26 decision to remove the three board of regents did not consider Title 10 §2003 of the Navajo Nation Code, but his legislation does through amendments.

“This legislation addresses the enabling act by amending it, which allows for the removal of the appointments,” Tsosie explained. “This legislation recognizes presidential appointment and if the president fails to act in ten days, he forfeits, and then the Education Committee will recommend to this body names for confirmation.”

“If the removal of regents affects quorum, then the GSC will have to make immediate appointments,” added Tsosie. “And then so, there will be eight regents. This legislation does not touch the ad hoc positions of the delegate, superintendent and student body president of the Diné College Board of Regents.”

Honorable Raymond Maxx, vice chair for the Education Committee, added, “This legislation is a legislative fix to the Supreme Court decision. If we debate and argue, what is going to happen to the school? We need to support and get going with this.”

In a close vote, the GSC voted against the legislation, 4-3. Mr. Tsosie’s legislation, however, moves on and could be added to the Council’s Special Session agenda.

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