April 24, 2018

In re: Diversity Affairs Council Manifesto

ALTERNATE JUSTICE CAI joined by Chief Justice Henzer, Associate Justice Kirley, Associate Justice Tam, and Associate Justice Sicorsky.

Constitutional Council received an interpretation request to determine whether or not a member of the Diversity Affairs Council violated Article II Section 6 of the DAC Constitution by informally distributing via the DAC GroupMe a document titled “DAC Manifesto.” Article II Section 6.5 of the DAC Constitution specifically states that “any student may present the DAC with a policy recommendation for consideration and discussion of the General Body after consulting the Chair at least one week prior to the meeting.” The DAC member in question, however, sent the DAC Manifesto without warning and days before the meeting, conforming to neither of the conditions described in the DAC Constitution.

The Council has unanimously ruled that such an action still does not violate the DAC Constitution. The wording in Article II Section 6 of the DAC Constitution makes clear that its purpose is to detail what a student can do, not what he or she cannot do. Whether or not the DAC member’s actions warrant internal repercussions is certainly a question the DAC ought to consider, but it is not one that pertains to Constitutional Council or the Constitution. Nowhere in the DAC Constitution is it explicitly prohibited to distribute a document, via the DAC GroupMe or otherwise. As such, the Council has determined that the DAC member who distributed the document, though she did not abide by the the course of action encouraged by the DAC Constitution, still did not violate the DAC Constitution.

There was no dissent.

Associate Justice Aguilar-Rosenthal recused herself from both the deliberation process and the vote due to a conflict of interest.