

# Official Appeal For Nicole Ballard

Hello,

I would like to officially appeal the grievance board's decision to remove me, Nicole Ballard, from the role of Vice President for Governmental Affairs on the Associated Students Executive Board of Directors. For a multitude of reasons, the grievance process was unfair and led to an extremely unjustified disqualification. There is absolutely no language in the elections code that was broken by any of the candidates disqualified from the election.

I encourage everyone to read this statement in its entirety to fully understand how invalid this entire process has been.

## Procedural Appeal:

This appeal is based on the violation of numerous procedures that occurred during the grievance process of the Elections Board, deeming the process null and void. In addition to our individual appeals, as a group, we, Nicole Ballard, Nora Harren, and Nate Jo, uniformly question the legality and fairness of procedures followed during this grievance process. This document holds grounds for dismissal of the Elections Board hearing and dismissal of the initial grievances filed by candidate Abdul-Malik Ford as is the precedent set by the original findings of the Elections Board. This appeals board can refer to the original finding of the Elections Board which is that this grievance is not valid as per the AS Elections Code.

1. Grievances are to be submitted "within one school day of the time of discovery of the alleged violation" and the grievance filed against Ballard, Jo, and Harren was filed 5 and 6 days after. In Ford's grievance he states that: "on Tuesday, May 5, I brought the endorsement to Ina Langrandeur's attention", which proves that the date of discovery was 5/5/20, a grievance needed to be filed by 5/6/2020 to be official per the section of the code cited below. Shred The Contract released their endorsement on 5/5/20 and Ford filed his grievance for Nicole and Nate on 5/11/20 and filed his against Nora on 5/12/202. Thus, this grievance was not heard in accordance with the AS Elections Code and is void.
  - a. Section VI d of the AS Elections Code states: "**Official grievances must be filed between 8 a.m. and 5 p.m. within one school day of the time of discovery of the alleged violation** and must cite the specific section of the Election Code and/or filing packet allegedly violated. Grievances filed that do not meet these requirements will not be accepted. Official grievances will be accepted only until 5:00pm on the Tuesday following the close of the elections [05/12/2020]"
2. The election code also states that grievance hearings must be heard "within 4 school days of the grievance being forwarded to the Board" and the hearings were 20 days after the Election Board Chair was forwarded the grievance.
  - a. Section VI e states: "**The Election Board will hold a grievance hearing within 4 school days of the grievance being forwarded to the Board.** The Election Board may take any action deemed appropriate and necessary to ensure fair elections. All actions by the Election Board are final and may not be appealed, with the exception of disqualification."
3. Candidates were never given official notice that a grievance was filed against them, they did not receive the grievance language prior to the Elections Board hearing (they received the original copies of the grievances filed only on Monday, June 8th and Tuesday, June 9th), thus they were denied the

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opportunity to prepare a response to what has been held against them in the Elections Board hearing given these facts. Going into the grievance hearing, they had no information as to the contents of the hearing.

4. The candidates in the meeting, Ballard and Harren, were not given the opportunity to strike a biased member from the Elections Board as was their right. Section VI E of the Election Code states: “Each party to the grievance shall have the option of confidentially disqualifying one member of the Election Board from a grievance hearing, with the exception of the Election Board Chair.”
5. According to the Charge and Charter of the Elections Board: “No Election Board member shall be a candidate, or involved with a candidate’s campaign,”

At least two people on the Elections Board have clear ties to Mr.Ford’s campaign and should not have sat on that board.

Below is proof that Rukshar Sadat was working for Malik’s campaign and should not have been appointed to the AS Elections Board.



Below is proof that LaShaiah Dickerson endorsed Malik in his campaign and should not have been appointed to the AS Elections Board.

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6. The Elections Board Chair and the Elections Board made the decision to dismiss the grievances finding no grounds for a hearing because there was no violation of the election code. According to the code, all decisions made by the Elections Board are final, however, the Elections Board Chair chose to overlook this and held a meeting for the grievance after coming out with the original decision, which is final. This decision should stand.
  - a. Section VI e of the Elections Code states: “Decisions made by the AS Election Board are considered final with the exception of candidate disqualification.”

## Grievances

Hi **Nathalie**,

Yes, if you could send his email to me that would be helpful. I can definitely help you draft an email in response to him. He could have been misinformed, as I received some more vague questions about endorsements and how they work from him.

Thanks!



**Ina LaGrandeur** | she/her/hers  
AS Elections Coordinator | [REP](#)  
Western Washington University  
516 High Street, Bellingham WA 98225  
[as.elections@wwu.edu](mailto:as.elections@wwu.edu) | [360-650-6131](tel:360-650-6131)

...



**Nathalie** Wagler

Fri 5/22/2020 9:59 PM

To: AS Elections Coordinator

Hey Ina,

The AS Elections Board decided to dismiss the grievances filed against Nate Jo and Nicole Ballard because there wasn't sufficient information in the Elections Code about how clubs need to go about endorsing candidates. I informed Abdul earlier today, and he just responded saying that he believes he had misinformation given to him. I'm not entirely sure where to go from here, do you have any advice? I can forward you his email back to me if that makes it easier.

Thank you!

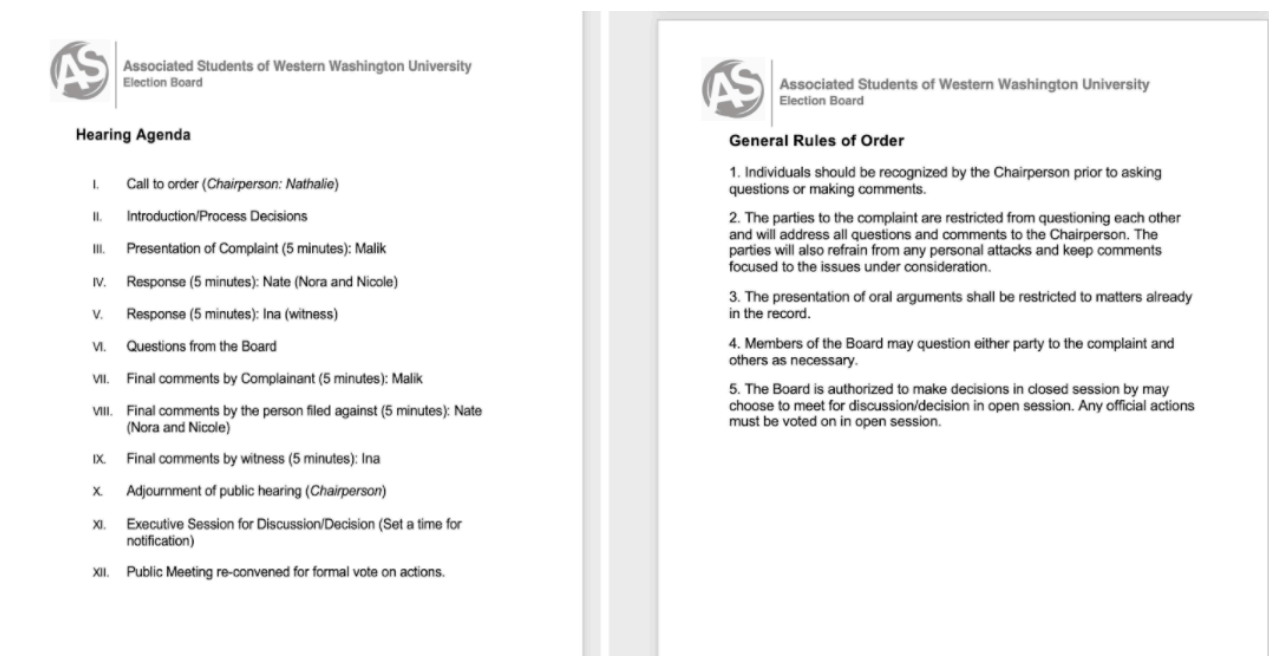
**Nathalie**



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7. The Associated Students is subject to the Washington State Open Public Meetings Act
  - a. RCW 42.30.200
    - i. “The multimember student board which is the governing body of the recognized student association at a given campus of a public institution of higher education is hereby declared to be subject to the provisions of the open public meetings act as contained in this chapter, as now or hereafter amended.”
    - ii. The constitution of the Associated Students states that the AS is subject to the Washington State Open Public Meetings Act: “All meetings shall adhere to the Open Public Meeting Act of Washington State with notice to the public at least twenty-four hours in advance.”
8. The General Rules of Order, as sent out by the AS Elections Board Chair states “any official actions **must** be voted on in open session” - the action to disqualify was voted on in private session.

Additionally, the agenda, as sent out by the Elections Board Chair states that the committee would reconvene in public session for an official vote. They did not. The vote made in private session is not valid as per the hearing agenda, general rules of order and Washington State Open Public Meetings Act.



9. According to the AS Elections Board General Rules of Order and Washington State law official actions must take place publicly. There is no record or official minutes of the Elections Board hearing, thus, there is no way to objectively know what happened in the executive session of that meeting. There is no proof of voting record, the votes in that meeting were deleted except for Breaker Chittenden (see below). Minutes or a recording, according to the Washington State Open Public Meetings Act are required in public sessions. There are no records of the action of disqualification occurring in any official or legal capacity.
  - a. RCW 42.30.060 of the Washington State Open Public Meetings Act states, “No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action

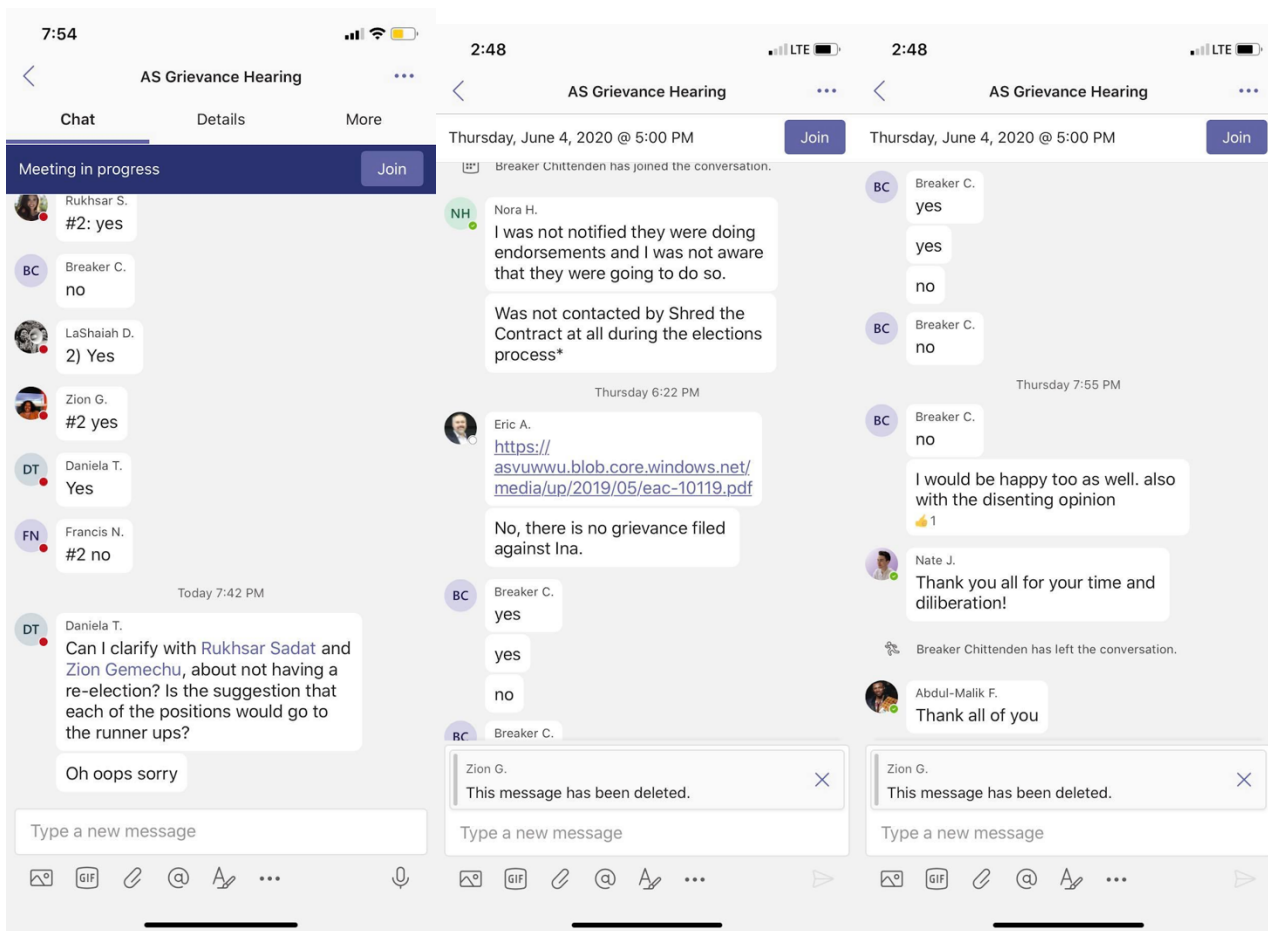
# Official Appeal For Nicole Ballard

taken at meetings failing to comply with the provisions of this subsection shall be null and void.” The Elections Board adopted an order in private sessions to disqualify the results of the Nicole Ballard, Nora Harren, and Nate Jo, this, being done in private is a violation of this act, which AS committees are subject to and thus, is **null and void**.

b. According to the Washington State Open Public Meetings Act states:

“No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be **null and void**, and shall be considered an "action" under this chapter.”

There is no official record of the votes of the Elections Board during their private session and the deleted evidence of their votes in the Teams meeting chat constitutes a secret vote. There is no proof that any official action was even taken.



10. There were more than 4 students on the committee that heard our grievance which is against the charge and charter of the AS Elections Board.
- a. Section VII of the charge and charter stated: “Of the twelve (12) students at-large, four (4) will be selected.” There were 7 students, including the chair, that were present at the meeting. The email below shows that there 8 students, not including the chair, that were put onto the board. This is blatantly against the AS Elections Board charge and charter as only 4 students in addition to the chair should have been present.

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## Elections Board Members

**From:** Nathalie Wagler <waglern@wwu.edu>  
**Sent:** Wednesday, June 3, 2020 5:04 PM  
**To:** Nate Jo <jon2@wwu.edu>; Abdul-Malik Ford <forda9@wwu.edu>  
**Subject:** Elections Board Members

Hi Malik and Nate,

For the grievance hearing, you both are able to remove one member of the Elections Board if you choose, except for me. The folks on the Board are:

Breaker Chittenden  
Rukhsar Sadat  
LaShaiah Dickerson  
Zion Gemechu  
Francis Neff  
Daniela Tierra  
Kelli Youngs  
Olivia Moore

I also have attached the agenda along with the rules of order. Let me know if there's anybody from the Board you'd like to remove, or if you have any questions before the meeting.

Best,

Nathalie Wagler (she/her/hers)  
AS Elections Board Chair  
[waglern@wwu.edu](mailto:waglern@wwu.edu)

## [AS Elections Board Charter](#)

### Personal Appeal:

1. The grievances against Ballard, Jo, and Harren were filed after the deadline to file grievances.

Section VI d states: "Official grievances must be filed between 8 a.m. and 5 p.m. within one school day of the time of discovery of the alleged violation and must cite the specific section of the Election Code and/or filing packet allegedly violated. Grievances filed that do not meet these requirements will not be accepted. Official grievances will be accepted only until 5:00pm on the Tuesday following the close of the elections [05/12/2020]"

Abdul-Malik Ford did not file his grievance until after the election was already over. The STC endorsement was made on 5/5/20 and Ford's grievance was filed 6 days later on 5/11/20 which is 6 days after the grievance occurred. In the grievance hearing, Ford said that he discovered the endorsement on 5/5/20 and stated in his grievance that: "On Tuesday, May 5, I brought the endorsement to Ina LanGrandeur's attention". Which means that Ford did discover the grievance on 5/5/20 and violated election code by filing his grievance outside of the dates specified in the election code. The code states that a grievance must be filed within 1 day of the incident occurring. This grievance was invalid and should not have even been heard by the committee. The code states that "official grievances must be filed between 8 a.m. and 5 p.m. within one school day of the time of discovery of the alleged violation". Since the grievance was filed 6 days after the endorsement happened, the committee hearing the grievance was a clear violation of the election code.

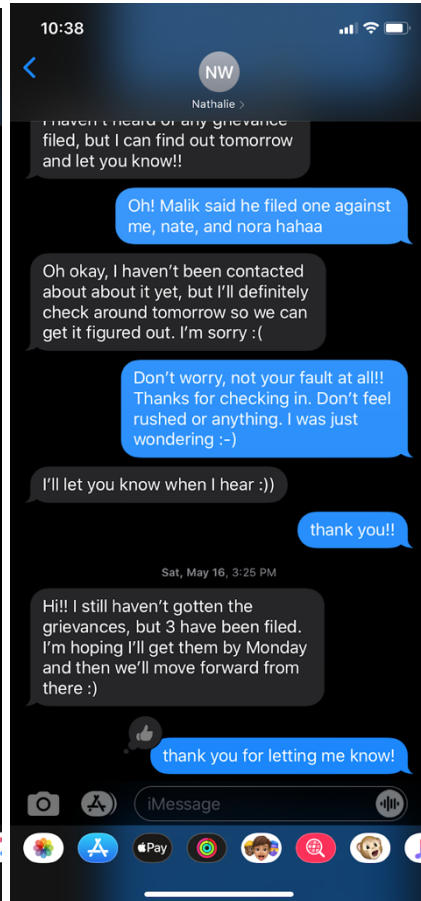
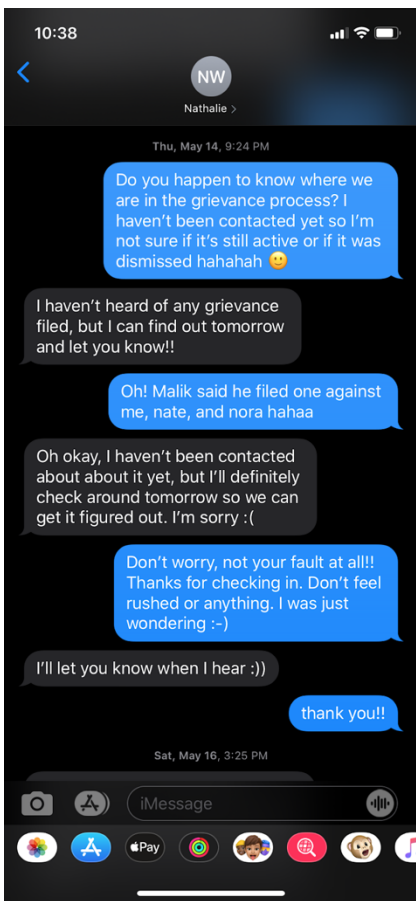
2. The grievance board did not fall within the timeline stated in the election code.

Section VI e states: "The Election Board will hold a grievance hearing within 4 school days of the grievance being forwarded to the Board. Each party to the grievance shall have the option of confidentially disqualifying one member of the Election Board from a grievance hearing, with the exception of the Election Board Chair. The Election Board may take any action deemed appropriate

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and necessary to ensure fair elections. All actions by the Election Board are final and may not be appealed, with the exception of disqualification.”

Not only was the grievance not filed in accordance with the timeline stated in code, but the grievance process occurred outside the set timeline as well. The election ended on 5/8/20. The grievance was filed on 5/11/20. I contacted Wagler, the Elections Board Chair (see below) on 5/14/20 to ask about where we were in the grievance process. I was notified that Wagler did not know of any grievances yet and on 5/16/20, I was notified that there were three grievances filed. Then, on 5/22/20, an email was sent by Wagler (see below) stating that the “AS Elections Board decided to dismiss the grievances filed against Nate Jo and Nicole Ballard because there wasn’t sufficient information in the Elections Code about how clubs need to go about endorsing candidates”. The election code says that “all actions by the Election Board are final and may not be appealed, with the exception of disqualification”, **which means that the election board's original ruling should have stood and the grievance should have been dismissed.** We were not notified about a grievance hearing until 5/29/20 which is 18 after the initial filing of the grievance. Since the election code says that “The Election Board will hold a grievance hearing within 4 school days of the grievance being forwarded to the Board”, there is a violation of the code as the meeting was not held until 6/4/20 which is 18 days, not 4 days, after the grievance was filed. **If candidates are expected to be held to the election code, I expect that the grievance process and elections board are also following the code.**



# Official Appeal For Nicole Ballard


✓ Categorize ▾ ...

Grievances


Hi **Nathalie**,

Yes, if you could send his email to me that would be helpful. I can definitely help you draft an email in response to him. He could have been misinformed, as I received some more vague questions about endorsements and how they work from him.

Thanks!

 **Ina LaGrandeur** | she/her/hers  
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...

 **Nathalie** Wagler  
Fri 5/22/2020 9:59 PM  
To: AS Elections Coordinator

Hey Ina,

The AS Elections Board decided to dismiss the grievances filed against Nate Jo and Nicole Ballard because there wasn't sufficient information in the Elections Code about how clubs need to go about endorsing candidates. I informed Abdul earlier today, and he just responded saying that he believes he had misinformation given to him. I'm not entirely sure where to go from here, do you have any advice? I can forward you his email back to me if that makes it easier.

Thank you!

**Nathalie**

3. It does not state anywhere in the election code that clubs have to hold meetings to endorse candidates.

Section IV e states: "AS clubs and Hall Councils may officially endorse candidates or measures of their choice starting on the first day following the Mandatory Election Meeting [04/20/2020]. AS clubs and Hall Councils may not organize events, spend money or use any AS or residence hall resources for or on behalf of a candidate, **but may sponsor events** where all candidates for a particular position are invited to participate at least three (3) days in advance. AS Clubs and Hall Councils may organize events on behalf of measures following the Mandatory Election Meeting [04/20/2020] but may not spend funds in support of measures.

(1) Candidates have the responsibility to ensure that all candidates for a particular position are invited to participate at least three (3) days in advance to a AS club or residence hall meeting. If all candidates are not properly invited to a meeting and a candidate still chooses to attend, then they may have a grievance filed against them."

The code states that clubs "**MAY sponsor events**" but nowhere in the code does it say that clubs have to sponsor events. None of the candidates were asked to come to a club meeting. Students did their own research and Shred the Contract held an online vote which none of the candidates were notified of. We all attended the candidate forum and shared our platforms for students to get to know us as candidates. We all shared our platforms publicly AND none of us were invited to any meetings. This means that there was an even playing field for all the candidates. Since no one attended a meeting, I had just as much opportunity to be endorsed as my competition. I also first heard of my endorsement when STC posted their official endorsements on their Instagram. I did not seek out the endorsement and I do not think that the endorsement was unfair. In the 2019 special election for AS VP for Business and Operations, STC did not host a meeting to endorse Michael Protska. They had an online vote, the same as what happened in this situation, and no grievance was filed. Michael also



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did not win that election which proves that candidates can still win without receiving an endorsement. The bulk of this grievance is saying that the endorsement gave me an advantage over my competitors, which should be questioned since in past elections, candidates who have been endorsed by STC have lost. It is not fair to hold us to rules that are not written in the election code or stated in the mandatory candidate meeting. It is unfair to say that we broke the election code when there is no definitive language that states meetings have to be held in order to receive an endorsement. If folks thought that there needed to be changes made to the elections code, those changes could have been suggested at any point in the year or they could have applied/sat in on the AS Elections Advisory Committee meetings.

4. I won by over 604 votes.

In the election, I received 604 (see below) points more than the candidate in second place. Over 75% of students that voted for VP for Governmental Affairs voted me into office. Even **if** Shred the Contracts endorsement influenced students to vote for me, it would not have changed the election results. I also do not think that it is fair to assume that STC endorsement influenced voters that were not already going to vote for me. The code that each committee member signs before they are on the committee states that “as a representative of the Associated Students of Western Washington University, **you represent the interests of the Associated Students and therefore, those of the entire student body at Western Washington University**”. The actions of the committee members being able to overturn the votes of over 726 students does not “represent the interests of the Associated Students” and therefore should be voided. I have spent 3 years in the AS and engaging in advocacy work and gaining the skills/knowledge necessary for this role. I stand by my platform and I am proud of the election that I ran. To say that I only won by 604 votes because of one single endorsement, invalidates my past work, advocacy, passion, and countless unpaid hours that I donated to the AS.

AS VICE PRESIDENT  
FOR GOVERNMENTAL  
AFFAIRS

Nicole Ballard

HIDE VOTES

## Round 1

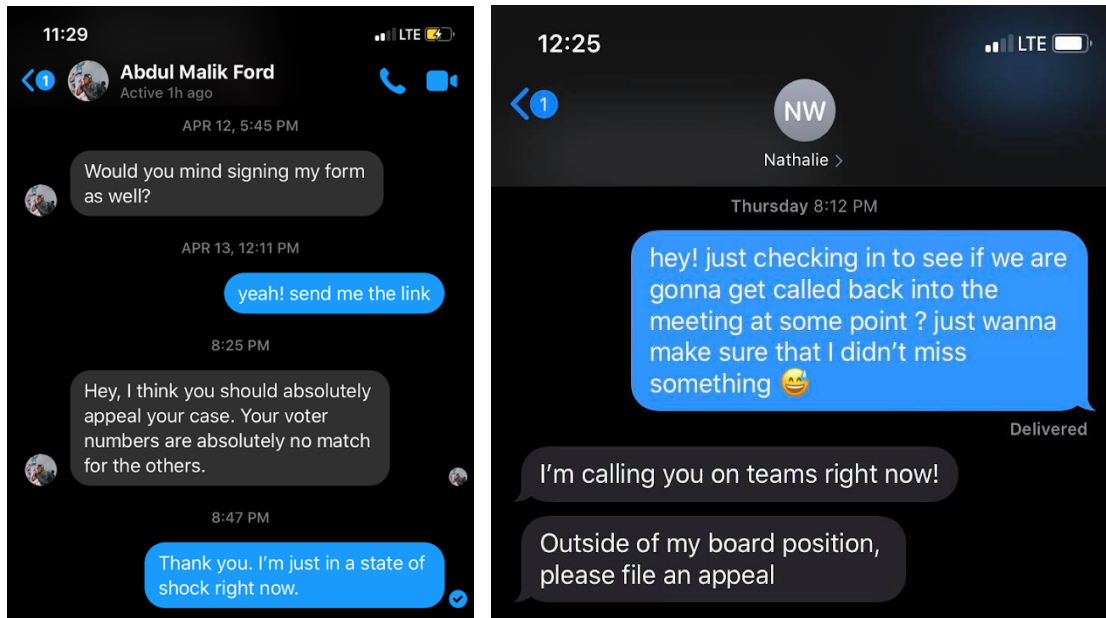
Madi Miller - 122

Seth Stevens - 110

Nicole Ballard - 726

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5. Ford and Wagler said that I should appeal which shows that they both see the process was unfair.



Ford, the person who filed the grievance against me, advocated that I submit an appeal. From this text, it is implied that the endorsement would not have made a difference in my election because I won by such a huge margin. If he is telling me to appeal, this means that he saw me being disqualified as an unjust action. If the person who filed the grievance against me does not think that I should be removed from the board, I see no reason that I should be. Wagler, the Election Board Chair, also texted me after the hearing to encourage me to file an appeal. This shows that two people who were a part of this grievance process see that the results were unjust. Therefore, I do not think that disqualifying me from the election was “appropriate and necessary” as stated in the AS Election Code.

6. The grievance process was unfair

The only information I received about the grievance process was when I sought out information or when Wagler scheduled a meeting. I never received official confirmation of what the grievance filed against me was about or what evidence Ford had against me. The emails below are the only information that I received about the grievance process. Jo, Harren, and I were also lumped together in a single party. In the text I received from Wagler (see below), she states that there were three separate grievances filed. Despite this, we were expected to speak as a group and were not given space to express our individual experiences. As you can see in the email sent by Wagler (see below), the agenda shows that response was given by “Nate (Nora and Nicole)”. Also, an email was sent to Jo to strike someone from the Grievance Board, but I was never informed of this opportunity. The email below shows that Wagler gave the opportunity to strike a committee member to only Jo and Ford but never to Harren or me. During the actual meeting itself, the committee members would often address questions to all three candidates with grievances filed against them but would only let one of us speak on it. I felt like I did not get to adequately tell my truth because I was kept in the dark about information and processes and I barely got to speak at my own hearing. I think that the appeals should have been heard separately so that each candidate could address questions and so that the committee could understand the whole situation. The Election Board Chair should have sent out

# Official Appeal For Nicole Ballard

details about the grievance including what I was being accused of. If Jo had not contacted Ford after the election to thank him for his campaign, I never would have been informed that there was a grievance filed against me at all. I only reached out to Wagler after Jo had informed me that Ford had likely filed a grievance against Jo, Harren, and I. I still have not been given an official notice of the grievance filed against me, I was unable to strike one member from the committee because I was never contacted about it, and I was not adequately able to share my side because I was not given the chance to speak. I believe that the grievance process was undoubtedly unfair and unjust.

## Elections Board Members

**From:** Nathalie Wagler <waglern@wwu.edu>  
**Sent:** Wednesday, June 3, 2020 5:04 PM  
**To:** Nate Jo <jon2@wwu.edu>; Abdul-Malik Ford <forda9@wwu.edu>  
**Subject:** Elections Board Members

Hi Malik and Nate,

For the grievance hearing, you both are able to remove one member of the Elections Board if you choose, except for me. The folks on the Board are:

Breaker Chittenden  
Rukhsar Sadat  
LaShaiah Dickerson  
Zion Gemechu  
Francis Neff  
Daniela Tierra  
Kelli Youngs  
Olivia Moore

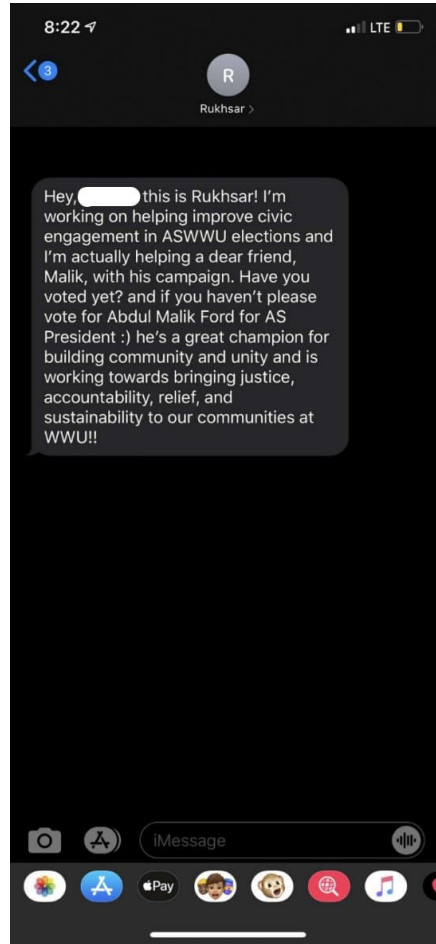
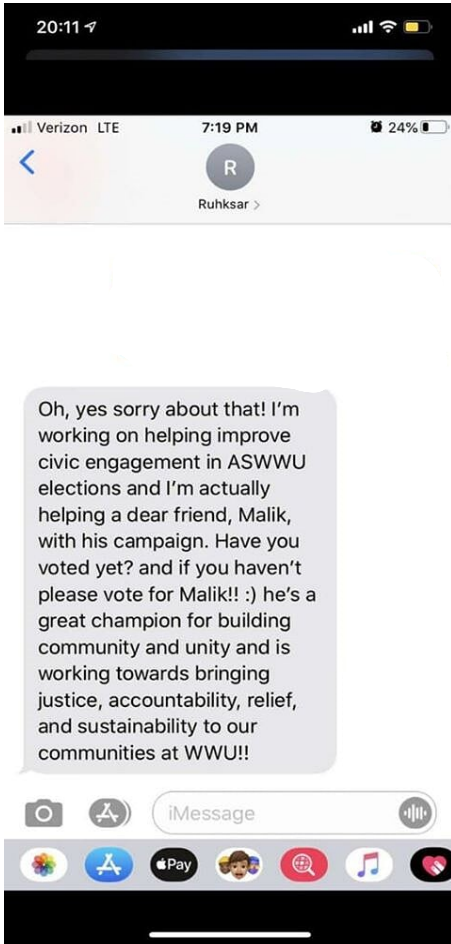
I also have attached the agenda along with the rules of order. Let me know if there's anybody from the Board you'd like to remove, or if you have any questions before the meeting.

Best,

Nathalie Wagler (she/her/hers)  
AS Elections Board Chair  
[waglern@wwu.edu](mailto:waglern@wwu.edu)

Also, the Grievance Board had three additional members added the day that Ford lost the election and filed his grievance. Rukhsar Sadat, LaShaiah Dickerson, and Zion Gemechu, were not appointed to the committee until after candidate Ford had filed his grievance and the election was over. All other committee members had been appointed before the grievance had been filed. I find the timeline for the addition of these members to be problematic since most of them openly supported Malik's campaign, as seen in the images below. It is also concerning that the idea for giving the positions to the runner ups was brought forth by Sadat (a known campaign member of Ford), proven by the image below, which would give the President's seat to Ford.

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# Official Appeal For Nicole Ballard

10:53






 **Rukhsar Sadat**  
May 6 · 🌐

Thank you to the generous help & advocacy by [Selome Zerai](#) & [Abdul Malik Ford](#). This resolution was passed by the ASWWU Student Senate yesterday (after a long debate) and the ASWWU Executive Board today. I'm so happy & grateful that we were able to partake in this line of work, and to initiate a movement towards equity & justice for our Muslim students on campus! Love you both so much [#DreamTeam4ever](#) 💕

 **Associated Students of Western Washington University**  
May 6 · 🌐

Tonight, the ASWWU adopted the below-captioned resolution regarding support for students observing the holy month of Ramadan. For resolutions in an alternative format, email [as.communications@wwu.edu](mailto:as.communications@wwu.edu).



 Write a comment...  



 **Photo saved**  

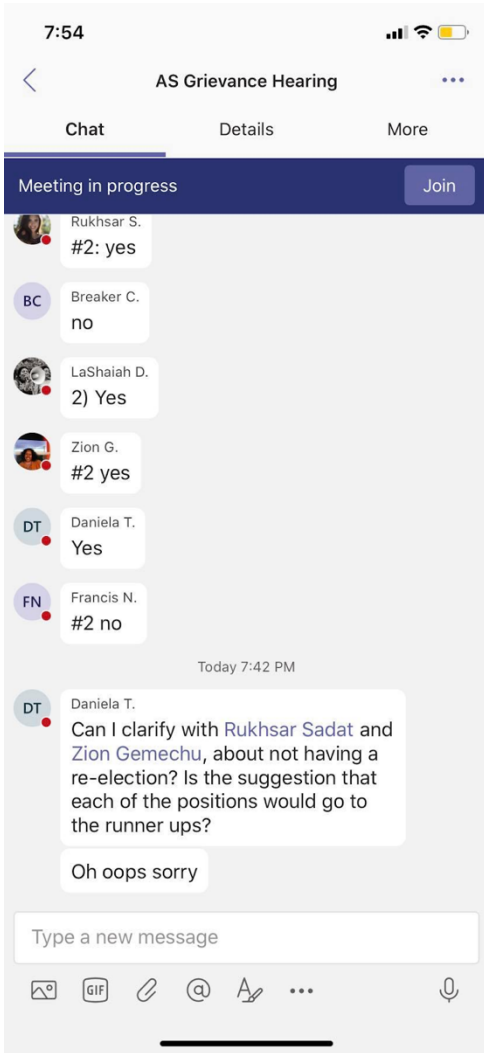


**LaShaiah Dickerson**  
April 29 · 🌐

  Rukhsar Sadat and 6 others

 Share

# Official Appeal For Nicole Ballard



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This screenshot shows an Outlook email interface with a search for "nathalie wagler". The left sidebar shows folders like Favorites, Inbox (3064), Sent Items, Drafts (9), Deleted Items (80), and Groups. The main pane displays search results for "nathalie wagler". The top results include:

- Nathalie Wagler** (Fri 5/29/2020 1:40 PM): Meeting Tomorrow. Hi all, You should have just received ...
- Nathalie Wagler** (Sun 5/31): Updated Grievance Hearing ... Hi all, We are currently in the proces...
- Nathalie Wagler** (Fri 5/29): Grievance Hearing. Hi all, After further discussion, we've...

The right pane shows the selected email from Nathalie Wagler, dated Fri 5/29/2020 1:40 PM. The subject is "Grievance Hearing". The recipients are Francis Neff, Kelli Youngs, Olivia Moore, Breaker Chittenden + 6 others, and Eric Alexander; Leti Roma. The body text reads:

Hi all,

After further discussion, we've decided it would be most fair to hold a grievance hearing on the topic of club endorsements. The AS Elections Code isn't clear on this issue, and we'd like to discuss changing the language in the AS Elections Code so the rules are clear for future elections.

Here's a [Doodle Poll link](#) for our meeting, please mark all the times you are available by tomorrow evening (5/30). As soon as everyone fills it out, I'll send an email with the meeting time and Teams link.

Let me know if you have any questions!

Best,

**Nathalie Wagler** (she/her/hers)  
AS Elections Board Chair  
waglern@wwu.edu

This screenshot shows an Outlook email interface with a search for "Nathalie". The left sidebar shows folders like Favorites, Inbox (3064), Sent Items, Drafts (9), Deleted Items (80), and Groups. The main pane displays search results for "Nathalie". The top results include:

- Nathalie Wagler** (Wed 5:16 PM): Meeting Tomorrow. Hi all, You should have just received ...
- Nathalie Wagler** (Sun 5/31): Updated Grievance Hearing ... Hi all, We are currently in the proces...
- Nathalie Wagler** (Fri 5/29): Grievance Hearing. Hi all, After further discussion, we've...

The right pane shows the selected email from Nathalie Wagler, dated Sun 5/31/2020 8:40 PM. The subject is "Updated Grievance Hearing Meeting". The recipients are Abdul-Malik Ford; Nate Jo; Nicole Ballard; Nora Harren; Ina LaGrandeur + 5 others, and Leti Roma; Eric Alexander. The body text reads:

Hi all,

We are currently in the process of adding some new members to the Elections Board, so we will be postponing our grievance hearing until those new folks are confirmed. We are now looking at meeting times on Thursday and Friday, as the new members will be confirmed on Wednesday. Here's a new [Doodle Poll](#) for you to fill out, if you could fill it out by Tuesday evening that would be great.

Also, I apologize if my last email was misleading. To clarify, this meeting will be both a formal grievance hearing, and a time for us to discuss language in the Elections Code. Thank you all for your flexibility with this process! Please let me know if you have any questions.

Best,

**Nathalie Wagler** (she/her/hers)  
AS Elections Board Chair  
waglern@wwu.edu

# Official Appeal For Nicole Ballard



Associated Students of Western Washington University  
Election Board

## Hearing Agenda

- I. Call to order (*Chairperson: Nathalie*)
- II. Introduction/Process Decisions
- III. Presentation of Complaint (5 minutes): Malik
- IV. Response (5 minutes): Nate (Nora and Nicole)
- V. Response (5 minutes): Ina (witness)
- VI. Questions from the Board
- VII. Final comments by Complainant (5 minutes): Malik
- VIII. Final comments by the person filed against (5 minutes): Nate (Nora and Nicole)
- IX. Final comments by witness (5 minutes): Ina
- X. Adjournment of public hearing (*Chairperson*)
- XI. Executive Session for Discussion/Decision (Set a time for notification)
- XII. Public Meeting re-convened for formal vote on actions.



Associated Students of Western Washington University  
Election Board

## General Rules of Order

1. Individuals should be recognized by the Chairperson prior to asking questions or making comments.
2. The parties to the complaint are restricted from questioning each other and will address all questions and comments to the Chairperson. The parties will also refrain from any personal attacks and keep comments focused to the issues under consideration.
3. The presentation of oral arguments shall be restricted to matters already in the record.
4. Members of the Board may question either party to the complaint and others as necessary.
5. The Board is authorized to make decisions in closed session by may choose to meet for discussion/decision in open session. Any official actions must be voted on in open session.

I want to note that **dismissing the procedures cited in the AS Elections Code and the Charge and Charter of the AS Elections Board is dismissing the procedures and policies that the AS Executive Board approved this year during Executive Board meetings where they saw the AS Elections Code and the Charge and Charters of AS Elections Board. Doing so sends the message and sets the precedent that the work of the AS Executive Board is easily overlooked / holds little value to the AS Executive Board.**

This process was absolutely unjust and inappropriate. The decision made by the Elections Board completely disregarded our democratic processes that validates the Associated Students. Having 4 students (some of which had connections to Fords campaign) overturn the votes of over a thousand students, with absolutely no evidence, sets a very problematic precedent for the future of the AS. This grievance should never have gone to hearing. If the committee were unbiased, the committee should have dismiss the grievance against me. I ask the Appeals Panel to critically think about this question: what specific language in the election code did I break?

I ask that the Appeals Panel revoke the Election Boards decision to disqualify me, Nicole Ballard, Nate Jo, and Nora Harren from the 2020-2021 Executive Board.

## **Breaker Chittenden's, A Elections Board member, Statement:**

TO: The ASWWU Elections Appeals Panel

From: Breaker Chittenden, Member of the ASWWU Elections Board 2019-20

Subject: Recommendation that the charges against Nate Jo, Nicole Ballard, and Nora Harren be dismissed on the grounds that no explicit violation of the election code was found by the Elections Board and that deliberation on the grievance was rushed by members who voted for disqualification.



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Full transparency, I with one other member of the Board wrote most of the dissenting opinion.

During the deliberation period of the hearing the Board spent over an hour discussing the question “was there a direct violation of the election code?”. In the end of that discussion four members voted in agreement that there had been a direct violation, with two voting against, myself being one of them, and one member abstaining. After this vote was done the advisor, the chair, and myself asked the majority to clearly cite which sentence of the code had been violated, this question was asked multiple times using different words. The majority was not able to provide a straight answer, they would cite one part of the code or another, but when that was refuted, they would respond by saying it is more of the intentions behind the actions of the candidates that constituted a violation of the code, not an actual explicit violation of the code. When I heard this argument, I immediately questioned it because to the best of my understanding, the Board can only find a violation if the code explicitly states that that action is against the rules. The majority then responded with the opinion that the job of the board is to ensure the fairness and justness of the election even if what happened was not an explicit violation of the code.

After the hearing and debate I did not feel that the majority had given proper explanation to how the candidates had violated the code, it is for this reason that I decided to specifically bring the point up in the dissenting opinion. In my own words

To refer to the majority’s opinion, nowhere in their opinion makes it clear what part of Section IV, § E of the AS Elections Code was violated. Nowhere in their statement do they directly cite a sentence of the code that was broken or violated. In fact, they barely refer to it, other than to say,

“Section IV, § E, of the AS Elections Code was violated by the above candidates. Specifically, sharing unapproved endorsements on social media with the intention of knowing that endorsements in elections have direct influence and impact on members of the student body.” (from the majority’s opinion)

After both sides finished writing their opinions, the Board came back together to give our final approval. I had imagined that the point of this final meeting would be for members of the majority and the dissenting to come back together read their respective opinions and to give approval or more revisions. I was surprised when a member of the majority asked us to amend our opinion because it misrepresented their opinion. When I asked what was wrong with the dissent, they once again explained that they had found an implicit violation and not an explicit violation and that the section (I have provided above in red) in the dissent did not acknowledge that. I responded by explaining the dissent feels that the board can not take action unless it was an explicit violation, also that the dissenting opinion is the opinion of the dissent and the majority has no control over it. Nonetheless, the member still insisted that we amend our opinion to properly acknowledge their opinion. The dissent did finally agree by adding this sentence

The majority decision made it clear that the violations do not correlate to specific election code wording, but is a ruling made based on the ambiguous context of the grievance- an unjust election which could have swayed the results in favor of the candidates who committed violations against the AS Elections Code.

The majority agreed to this interpretation of their opinion, which I feel makes clear that their decision was not based off an actual violation of some portion of the election code, but simply on the fact that the code was ambiguous and because the code was ambiguous they felt they could decide it was a violation if they wanted to.

My second ground for dismissal is simply the fact that deliberation was rushed by some of the members that voted for disqualification. On at least two accounts, members of the majority claimed that we needed to finish and vote because we were way over time. Deliberation started, if my memory does not fail me, at about 6:10 pm and ended around 8:30pm. Before the candidates were dismissed the chair or the advisor (I cannot remember which) told the candidates that we would probably call them back at around 6:30pm to release our decision, twenty minutes from when deliberation started. Why the chair or advisor gave such an unrealistic time window for deliberation? I do not know, but I do know that members of the

# Official Appeal For Nicole Ballard

majority held onto that appointed time and wanted us to rush because we had surpassed the time we had provided to the candidates. To me that seems like a mishandling of the grievance, we were debating disqualifying three candidates from a campus wide election, to me two and a half hours seems like nothing to debate such a huge decision. Debate was rushed and I am concerned that that made some members feel like they were forced into a decision.

Respectfully submitted,  
Breaker Chittenden

## Shred The Contracts Appeal:

Eric and Annie,

We, as Shred the Contract, are making an appeal regarding the removal of Nicole Ballard, Nate Jo, and Nora Harrington from the Associated Student Board.

First,

we wanted to say that removal of these three students from the board is an unprecedented action that has never happened before in Western's history. We can say with full confidence that all three of these individuals have nothing but the highest level of integrity, and their removal from the board sets a dangerous precedent at WWU.

Second,

we would like to clarify the process Shred the Contract used to endorse the candidates that we did. After discussion as a group, we decided to use a google form for members of the club to vote on who to endorse. We chose not to hold a meeting for candidates to speak simply because we had been very busy that week preparing for an upcoming action. *At no point did any of these candidates reach out to us for an endorsement. The first time any of the candidates heard of the endorsement is when we posted it to the Shred the Contract Instagram.*

Third,

we are concerned with the appeal process. Our understanding of it is that a grievance must be filed within one day of the election, which this grievance was not. We are also concerned because at no point has anyone informed Shred the Contract or any of these candidates what specific elections code was broken. Shred the Contract held no official event for any candidate and did not reach out to any candidate, which means that section IV, e, (1) was not broken. Shred the Contract read the elections code thoroughly before making our endorsements. In addition to this, two of our club members served on the AS elections committee in 2019, meaning that we are well-versed in the AS elections code. We do not see anywhere in the elections code any section that we, or any of these candidates, broke.

To remove candidates from the board without any democratic accountability of the students is a dangerous action that undermines the institution of the Associated Students. This process has not been transparent, and we are concerned that those who voted for these candidates are having their voices silenced during this process. We would also like to point out that we, as well as multiple other clubs, did this exact same endorsement process last year, and no grievances were filed against any clubs.

We urge you to consider the consequences of removing these individuals from the board. We have the highest confidence that the appeals committee will see that no elections code has been broken, and that it is the duty of the Associated Students to see that our

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democratic institutions are held accountable and transparent.

In  
solidarity,  
Shred  
the Contract

## **Daniela Tierra's, an Election Board member, Appeal:**

Hi Annie,

Sorry for sending you another email so soon! I sent you an email the other day and I was wondering if there's anyway for me to file a grievance against how the most recent hearing was handled by the AS Elections Board, as one of the members on the Elections Board?

I'm concerned about our own violations of our charge and charter (Section VII), which did not provide candidates Nicole Ballard or Nora Harren with the opportunity to strike a member of the Elections Board. This is a huge oversight which could have drastically impacted the results of the hearing, and is not just or equitable. As well as violations with Section 3/VI/ d and e, where it's stated that a hearing must take place within 4 days of the initial grievance being filed, as well as the disparity between when the grievance occurred and when the candidate filed the grievance.

I will even file the grievance against myself as the committee agreed with/quickly bypassed the section asking if the grievance had been filed in a timely manner. I care about making sure the AS has a fair, equitable, and just elections and I feel deeply uneasy about the Elections Committee making such serious decisions while also violating Elections Code ourselves.

Best,  
Daniela

## **Ina Lagrandeur's Appeal:**

### **Appeal for the 6/4 Grievance Board Decision Regarding the Disqualification of candidates Nicole Ballard, Nora Harren and Nate Jo**

I, Ina LaGrandeur, am writing to formally appeal the 6/4 grievance board decision regarding the disqualification of candidates Nicole Ballard, Nora Harren and Nate Jo.

#### Election Code Violations

1. Section VI d states: "Official grievances must be filed between 8 a.m. and 5 p.m. within one school day of the time of discovery of the alleged violation and must cite the specific section of the Election Code and/or filing packet allegedly violated. Grievances filed that do not meet these requirements will not be accepted. Official grievances will be accepted only until 5:00pm on the Tuesday following the close of the elections [05/12/2020]"

The untimely filing of the grievance by candidate Abdul-Malik Ford after the loss the 2020 AS Spring elections was not ethical and should have been dismissed according to this section of the code. According to candidate Ford, the social media instance of Shred the Contract endorsing candidates occurred on 5/5. A grievance was not filed until 5/11. This is a clear violation of the election code. The grievance should have been dismissed as a result.

# Official Appeal For Nicole Ballard

2. Section VI e states: “The Election Board will hold a grievance hearing within 4 school days of the grievance being forwarded to the Board. Each party to the grievance shall have the option of confidentially disqualifying one member of the Election Board from a grievance hearing, with the exception of the Election Board Chair. The Election Board may take any action deemed appropriate and necessary to ensure fair elections. All actions by the Election Board are final and may not be appealed, with the exception of disqualification.”

Per this section of the code “all actions by the Election Board are final.” On 5/22 Nathalie Wagler informed me that the Elections board made the decision to dismiss the grievance. Please reference the screenshot of this correspondence in the Appendix section of this appeal. The initial dismissal of the grievance should have been final, and this additional hearing should not be considered.

Furthermore, this grievance hearing was held 18 days after the filing of the grievance by candidate Abdul-Malik Ford. The decision to hold a meeting this late is not ethical and does not adhere to the AS elections code. This is a clear violation of the election code.

## Ethics of this Decision

It is important to note that Nicole Ballard won by 604 votes compared to the next candidate. The Shred the Contract endorsement did not have an overall influence on her win. The decision to disqualify this candidate was not “appropriate nor necessary” per the elections code, and thus the disqualification of this candidate should be dismissed. (Section VI e) The students clearly voted for Nicole to hold this position and the decision to disqualify this candidate is not listening to the voices of our student body. The votes of our students should not be silenced.

The Vice President for Sustainability candidate Nora Harren was ranked both #1 and #2 in the elections results. The decision to disqualify this candidate was not “appropriate nor necessary” per the elections code, and thus the disqualification of this candidate should be dismissed. (Section VI e) The students clearly voted for Nora to hold this position and per the decision to have ranked-choice voting on our campus she is both the winner and runner-up winner for this position. The choice to disqualify this candidate is not appropriate and silences the votes that our student body fairly casted during the AS Spring 2020 elections. Furthermore, there is no documented evidence that candidate Harren shared the Shred the Contract endorsements on her own social media platforms. These allegations cannot be proven and should have been dismissed and not taken into consideration for the AS Elections Board decisions. The choice to disqualify this candidate was not ethical as these allegations were taken into decision.

It is also vital to note that none of the candidates in question asked for this endorsement or requested it. They were not acting to silence the voices of any of their other candidates in this capacity. The question regarding the ethics of this endorsement should be directed at Shred the Contract and not Nicole Ballard, Nora Harren or Nate Jo. The elections code calls for the “appropriate and necessary” action to be made by the Election Board. (Section VI e) The decision to disqualify candidates was not necessary, especially since there was no intent by them to.

Ultimately, this grievance was initially dismissed due to the interpretation of the elections code by the AS Election Board chair Nathalie Wagler. This interpretation should be honored, and the grievance should have been dismissed. The interpretation of the AS Elections Coordinator should not be considered when it comes to grievances, as the point of having the Election Board chair is to have a

# Official Appeal For Nicole Ballard

second opinion on the code interpretation and create a separation of duties. Bringing in the AS Elections Coordinator to this meeting was not ethical and blurred the lines of these duties. Additionally, the Election Board chair was not given the space to share their interpretation of the elections code during the secondary grievance hearing. This viewpoint should have been shared for the sake of separation of duties and information. This grievance hearing was not ethical and should not be regarded when looking at the qualifications of these candidates.

## Ethics of Grievance Board Members

The filing of grievance board members Rukhsar Sadat, LaShaiah Dickerson, and Zion Gemechu did not occur until after candidate Abul-Malik Ford had filed his grievance and the election was over. The addition of these grievance board members to this meeting was not ethical as they were not added in prior to Ford filing the grievance and their votes should not have counted. Only members that had filed to be on the board during prior to Ford filing a grievance should have their votes considered. It is an ethical concern that there was an interest in applying to be a member on this board after the elections were over and a grievance had been filed by candidate Ford. The decision to listen to these votes and include them in the Elections Board decision is not just to the candidates who had a grievance filed against them.

Additionally, these grievance board members were the ones to suggest the disqualification of the candidates and were the only board members to vote “yes” and support this decision. I find this information to be a huge ethical concern that was not in favor of candidates Nicole Ballard, Nora Harren and Nate Jo.

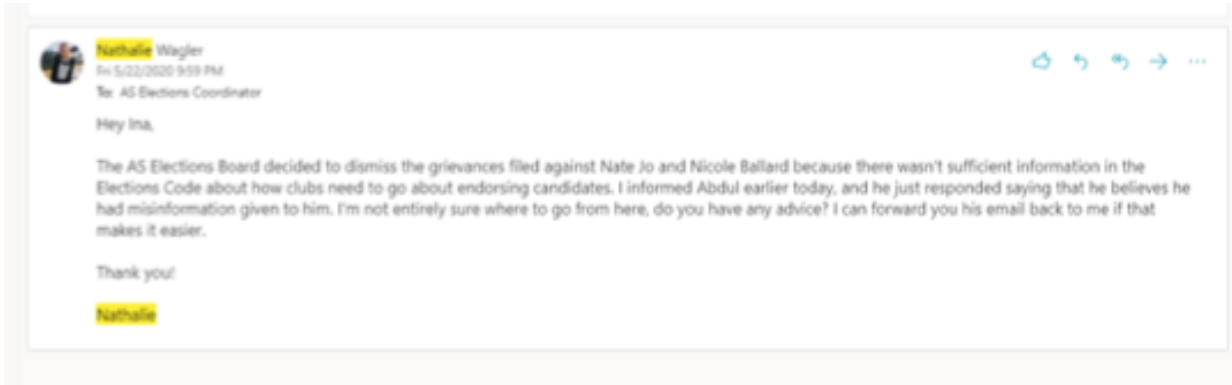
It is also important to note that Rukhsar Sadat had publicly endorse candidate Abdul-Malik Ford on social media and sat with him on the AS Student Senate. There is a conflict of interest with this Elections Board member’s vote and this vote towards the grievance board should be dismissed. Additionally, questions directed towards the candidates from Sadat during the meeting were irrelevant and not just towards the candidates in question. There appeared to be a decision already formed on behalf of Sadat, which is not fair to candidates Nicole Ballard, Nora Harren and Nate Jo.

## Final Statement

The decision to disqualify candidates Nicole Ballard, Nora Harren and Nate Jo was not ethical. These students were voted in by the student body, and the board should not silence the numerous votes cast by students in the 2020 AS Spring election. I am requesting that this disqualification of the candidates be dismissed.

## Appendix

# Official Appeal For Nicole Ballard



## Henry Pollets Appeal:

Members of the AS Elections Appeals Panel,

Even if the AS Elections Appeals Panel decides that the substance of the grievance before it has merit, which it shouldn't, there is significant issue with the path that the grievance took to arrive before this body. I urge you to overturn the most recent decision of the Elections Board based on the improper process (a standard that the majority position on the Elections Board hold as the core of its argument) and the complete lack of cause underlying the original complaint. The Charge and Charter of the elections Board is clear, "decisions made by the AS Election Board are considered final with the exception of candidate disqualification." And in that case the only body the Charter allows to review that decision is the AS Elections Appeals Panel, not itself. Once the Election Board made the initial decision not to disqualify a candidate for a specific grievance that body had no authority to reconsider that vote. To do so would take a vote from the AS Board of Directors to amend the their Charter or would be an explicit violation of their C&C.

On 5/22/2020 the Elections Board Chair reported the only decision that that body had authority to make, that it would take no action. The "reconsideration" the board made on 6/4/2020 was out of order and violates Robert's Rules of Order, which would only allow the motion at the same session as the original vote, the maker in that situation must have voted on the side that won the previous vote (This is impossible to tell due to voting records being deleted and a lack of minutes for the meetings so no makers of motions have been recorded and, with one exception, no votes have been recorded), the Election Board's own charter, and AS Bylaws.

If the vote were actually on a motion to rescind, repeal, or annul, the previous decision the higher standards such a motion requires would have killed the motion. Robert's Rules requires, for this kind of vote, a 2/3rds vote (which was not met) or a majority of the full body voting to repeal the decision, as the vote was only 4-3 in favor of the repeal with members abstaining or not voting (not surpassing 50% of the total body eligible to vote) this motion fails either of the standards. A motion to rescind a previous decision also violates the Charge and Charter of this committee in the same way a vote to reconsider would. The official Grievance Decision puts it even more plainly, "the decision of the AS Elections Board is final, with the exception of appealing to the AS Elections Appeal Panel." The AS Elections Board has no authority to reverse an earlier decision.

Seeing as there are no public minutes from any of the meetings of the Election Board to give further insight as to why the Board would completely ignore its own Charter, Rules of Order, and the AS Election Code: I urge the chair to dismiss the grievance and the second, improper, vote by the Elections Board as being out of order.

Respectfully,  
Henry Pollet

Director of Legislative Affairs, ASWWU 2018-2019

Director, AS Representation and Engagement Programs 2016-2017

# **Official Appeal For Nicole Ballard**

Vice President of Federal Affairs, Washington Student Association, 2016-2017