

To the Elections Appeals Board:

I, Nora Harren, would like to appeal the decision made by the Elections Board on June 4th, 2020 to disqualify the results of the election of the AS Executive Board elections 2020 for the position of the AS Vice President of Sustainability and ask to be reinstated to the AS Executive Board. I appeal on the counts that my grievance is not official as per the AS Elections Code, that there are no grounds for this grievance to be valid in the first place as no parts of the code have been clearly broken, and on the counts that the procedures followed in the grievance process were illegitimately done thus the disqualification is illegitimate.

I encourage you to read this entire document thoroughly including the statements from Shred the Contract, the AS Elections Coordinator, members of the AS Elections Board and students listed at the bottom.

This hearing is focused on determining if the AS Elections Board followed **the relevant process and procedure**, and made a decision supported by the facts in the case. **The AS Elections Code shall guide** the Appeals Panel in their final decision.

1. According to Section VI d of the AS Elections Code: “ 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 grievance filed against me was submitted to Annie Byers on 5/12/2020 at **6:57PM, after 5:00PM**, which means it is **not an official grievance**, it should never have been heard. Disqualifying me would be done on the grounds of no legitimate or official grievance at all. See the email the below email for evidence of this.



Annie Byers
Tue 6/9/2020 9:13 AM
To: Nora Harren
Cc: Eric Alexander



Hi,

That was sent to me on Tuesday, May 12th, 2020 at 6:57 pm.



Annie Byers | [She Her Hers](#)
AS Executive Board Program Coordinator | [Associated Students](#)
Western Washington University
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Annie.Byers@wwu.edu | [360-650-3460](tel:360-650-3460)

[Learn more about the AS Executive Board](#) and the [Student Senate!](#)

...



Nora Harren
Tue 6/9/2020 9:10 AM
To: Annie Byers
Cc: Eric Alexander



Hi Annie,

What date and time did Malik file his grievance against me with you?

Thanks,

Nora

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...

2) In the grievance filed against me, I am being charged with posting Shred the Contracts Endorsement on my Instagram story. I did share the endorsement on my Instagram story, I never made a permanent post (though doing so is not a violation of the AS Elections Code). As you can see below, I shared the endorsement on my story on May 5th at 8:59PM. Instagram stories are only up for 24 hours so the latest it could have been discovered would be May 6th at 8:59PM. As per the Elections Code, grievances need to be filed within **one school day of the time of discovery, the latest a grievance could be filed against me for this is May 7th**. My grievance was filed **six days** after the last possible moment to discover my Instagram story, thus, on this count as well, this grievance is not official or legitimate per it being sent after 5:00PM on 5/12/2020. The latest date a legitimate or official grievance could have been filed against me would be May 7th. Ford filed his grievance against me on May 12th. As per the elections code section cited below, the grievance should **not have been accepted**.

“ 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]”



Voting to affirm the disqualification of me from my position would be on the grounds of **no** legitimately filed grievance, or official grievance, it would be done so on the grounds of a grievance that, according to the code, should never have been accepted. This should never have been heard in the first place. The grievance against me is not official in any way as per the AS Elections Code. A candidate cannot be disqualified from their position based on zero grounds or no official grievance.

Additionally, Ford presented no evidence of my post to the AS Elections Board, and on no evidence, they still found it valid to remove me. I feel this is unbelievably inappropriate.

3) 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 that was heard by the Elections Board, 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]”

4) 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.”

5) 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 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 resources to know what was filed. Below are the only correspondences I had with the AS Elections Board Chair. I was never notified a grievance was filed against me. I only saw the grievance **after** the hearing for the grievance (though the committee never saw the one filed against me specifically in any official way).



Nathalie Wagler

Sun 5/31/2020 8:40 PM



To: Abdul-Malik Ford; Nate Jo; Nicole Ballard; Nora Harren; Ina LaGrandeur +5 others

Cc: Leti Romo; Eric Alexander

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



Nathalie Wagler

Fri 5/29/2020 1:40 PM



To: Francis Neff; Kelli Youngs; Olivia Moore; Breaker Chittenden +6 others

Cc: Eric Alexander; Leti Romo

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

waglem@wwu.edu

6) (See section 22, a statement from a member of the AS Elections Board for more information on this and other sections of this appeal) Substantively, there are no sections of the code which have been clearly violated. Folks on the Elections Board expressed frustration regarding how Shred the Contract engaged in the endorsement process (**though they still endorsed legally as by the elections code**). How Shred the Contract engaged in endorsements was out of the control of all candidates. It is unreasonable to hold candidates accountable for the actions of Shred the Contract, though I stand firmly that Shred the Contract engaged in the elections process in accordance with the AS Elections Code. No candidate had in any way communicated with Shred the Contract about their endorsements until the endorsements were final and had been posted, no candidate had any involvement in the process of Shred the Contract's endorsements. See the statement from Shred the Contract below for more on this.

There is no place in the AS Elections Code that requires clubs to hold a meeting to endorse a candidate.

Statement from the code:

“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.”

The keyword is they “**may**” host hold an endorsement event, they are **not** required to.

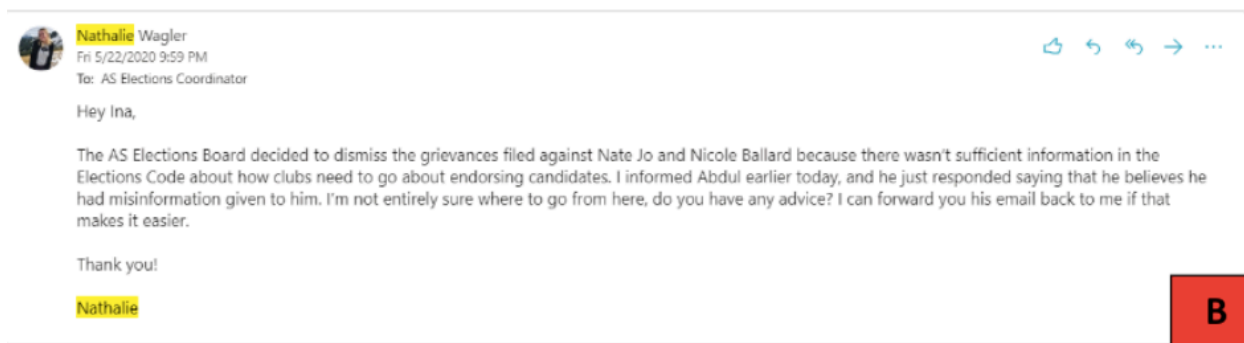
The charge of the Elections Board and of this body is to hear grievances and decide them based on sections of the code that have been broken, I stand firmly that there is no violation to the elections code on the basis of Shred the Contract’s Endorsement.

None of the candidates were asked to come to a club meeting. 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 attended candidate forums with our opponents. 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 story. I did not seek out the endorsement. 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 did not win that election which proves that candidates can still win without receiving an endorsement from Shred the Contract. It is inappropriate to hold candidates to rules that are not written in the election code or stated in the mandatory candidate meeting. It is inappropriate to establish 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 AS Elections Advisory Committee meetings.

The original decision of the elections board was to dismiss the grievance because no breakage of the elections code was found. The original decision of the AS Elections Board, according to the charge and charter of the AS Elections Board. In rehearing the grievance, the Elections Board strayed from their allotted power and should refer back to their original decision to dismiss.

Section of the charge and charter that establishes this: “Decisions made by the AS Election Board are considered final with the exception of candidate disqualification.”

This email was sent on 5/22/2020 from the AS Elections Board Chair. The hearing which resulted in a new ruling happened on 6/4/2020, despite that the first ruling is final per the charge and charter.



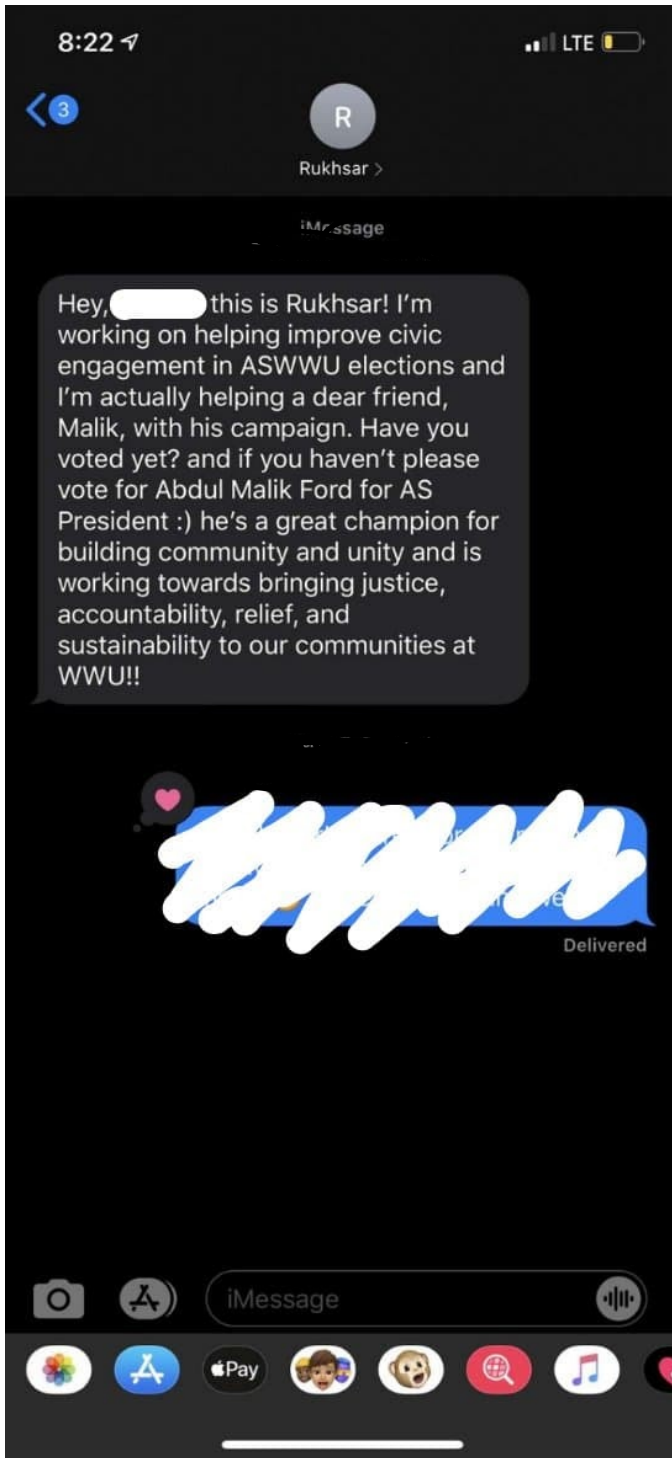
7) The candidates in the meeting, Nora and Nicole, were not given the opportunity to strike a biased member from the Elections Board as was their right.

a. Section VI e of the AS Elections 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."

8) 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.



9) The Elections Board Chair and the Elections Board made the decision to dismiss the grievances finding no grounds for a hearing because there is no breaking of the elections 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.”

The screenshot shows an Outlook web interface with a search for 'nathalie'. The search results are displayed in a list on the left, with the top result being an email from Nathalie Wagler titled 'Grievance Hearing' dated Sat 5/30. The main content area shows an email from Ina LaGrandeur, AS Elections Coordinator at Western Washington University, dated Fri 5/22/2020 9:59 PM. The email text reads: '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!' Below this is a reply from Nathalie Wagler: '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'.

10) 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.



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.



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.

11) 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 and 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 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**.

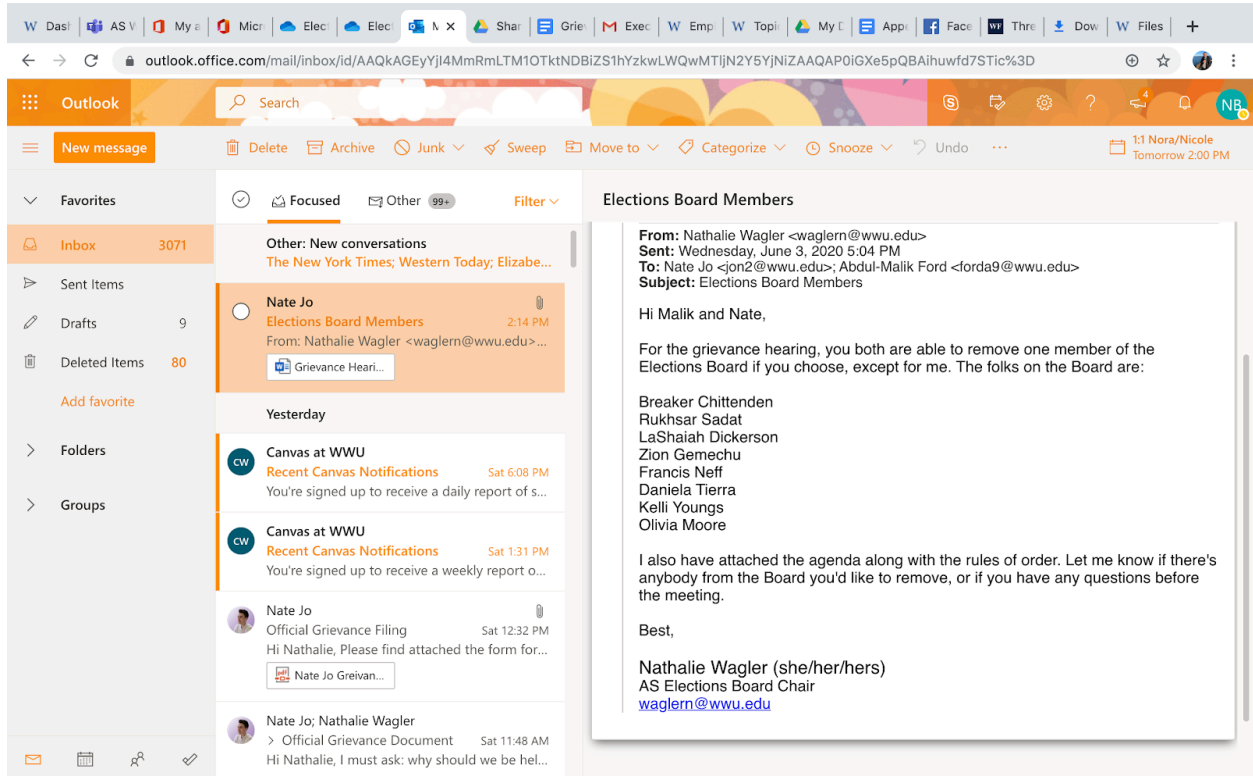
b. According to the Washington State Open Public Meetings Act states:

“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.

12) 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 AS Elections Board charge and charter as only 4 students in addition to the chair should have been present.



13) I was denied the opportunity to defend my case in the Elections Board hearing as the Elections Board Chair failed to ensure adequate opportunity to respond to the cases/questions addressed to me. The grievances should have been heard separately to ensure each of us had the opportunity to respond, they should have been voted on individually, and we should have been granted the opportunity to strike a biased member from the Elections Board. I was denied each of these rights.

14) My grievance, as written by Ford, was not seen by the Elections Board in the grievance hearing. The grievance written against me, was separate from the grievances filed against Ballard and Jo. The grievance against myself was not officially heard. There were three grievances, yet we were all heard under one umbrella during the grievance hearing. This should not have been possible. The individual language for my grievance was never seen, I never deliberated the grievance between Ford and I.

15) Ford and Wagler told Nicole they think she should appeal the case. This puts into question how legitimate Ford feels his grievances were / how legitimate the process for hearing the grievances was. This also puts into question and how legitimate Wagler feels about the grievances and the process.

If Ford and Wagler felt the outcome of the grievance hearing / the process followed was fair, why would they reach out to Ballard and encourage her to appeal?



16) Validating this grievance and invalidating the votes of a student body, which holds no grounds in any violation of the AS Elections Code, is setting the precedent that the popular vote of students holds little value to this body or in the Associated Students and that those votes, thus those voices, can be ignored. It additionally sets the precedent

and that democratic processes are easily void in this institution, despite procedural errors. That is a legacy that folks on this board will carry forward. To invalidate the vote of the student body, it needs to be shown that without a shadow of a doubt that there are grounds for disqualification, this is not possible based on the facts of this situation.

17) 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 themselves.

18) **Statement from Shred the Contract:**

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

democratic institutions are held accountable and transparent.

In solidarity,

Shred the Contract

19) Appeal from Ina LaGrandeur, Elections Coordinator:

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.

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 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

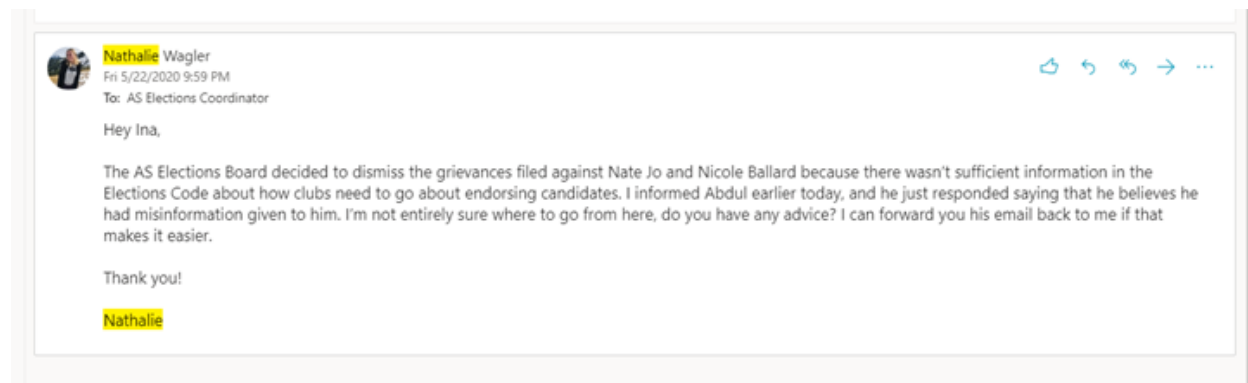
The filing of grievance board members Rukhsar Sadat, LaShaiah Dickerson, and Zion Gemechu did not occur until after candidate Abul-Malik Ford had filed his grievance and the election was over. The addition of these grievance board members to this meeting was not ethical as they were not added in prior 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

20) Statement from Henry Pollet:

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

21) **To Annie Beyers from Daniela Tierra, a member of the AS Elections Board:**

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

22) **Statement from Breaker Chittenden**

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.

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 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

23) To disqualify candidates from an election and invalidate the vote of a student body, it needs to be proven without a shadow of a doubt that a violation of the AS Elections Code or that a grievance is official and legitimate. Disqualification is the most severe of options that the AS Elections Board can consider and it is inappropriate/illegitimate that disqualification would occur on little to no grounds, in the light of a procedural process that was illegitimately and unjustly conducted. The disqualification of myself, Nicole Ballard and Nate Jo are unjust, illegitimate and procedurally unofficial.