**ASI Elections Committee Meeting Minutes for May 29th, 2012**

1. **Call to Order**: Chair Weisbecker calls meeting to order at **2:06pm.**

**\*indicates members present at the start of the meeting**

1. **Roll Call**

Members Present Absent Members Guests

\*Mark Weisbecker Marguerite Hinrichs Ian Crueldad

\*Riddhi Sood Robert Lopez

\*Kayla Wilson Latoya Lea

\*Silvia Solorio Maron Abbay

\*Stan Hebert Rachel Alvarez

Heather Harbeck

Erik Olivar

Zamil Alzamil

Derek Volk

Jerry Chang

Garrick Sangil

Seetha Ream-Rao

Erik Pinlac

III. **Action Item-** Approval of the Agenda

**Motion: (Sood) to amend the agenda.**

**Amendment I: to move the New Business before the Old Business.**

**Amendment Carries.**

**Motion Carries as Amended.**

IV. **Public Comment**

Public Comment is intended as a time for any member of the public to address the committee on any issues affecting ASI and/or the California State University, East Bay.

**No Public Comment.**

**New Business**

V. **Action Item-** Grievance hearing.

Robert Lopez using Blackboard to Campaign.

Chair **Weisbecker** states that Lopez allegedly sent an email to members of his class as campaigning. Chair **Weisbecker** shares the copy of the email to sixty-two members of Lopez’s Finance 4310 class for review by the committee. We will open the hearing and go over the complaints, statements, evidence and witnesses, and other supporting evidence.

The respondent will then present evidence witnesses statements and other supporting evidence, and then complaints and rebuttals.

The committee will then be able to question the parties and witnesses to the complaint and he committee will recess into a closed session to consider the complaint and announce its decision in an open session. The complainant’s opening statement states that “This is a violation of Article 11 section G part 9 because it’s an extension of academic construction”. Chair **Weisbecker** yields the floor to Robert Lopez to give his response to the allegation.

Robert **Lopez** states that during the time of academic construction means that during class time, campaigning or disrupting class processes does not include after hours; email and messages as well. In Article 11 section G part nine, it does not discrete or direct mention of use of the email system as a method that is in violation of the campaigning protocols.

Chair **Weisbecker** states that the grievance comes from Seetha Ream-Rao.

**Hebert** addresses Lopez and states that the committee wants to know if something occurred. In other words, did you use Blackboard to send emails out to students?

Robert **Lopez** states that it is clear that the messages were sent separately through Horizon email system inside of Blackboard. Blackboard includes the additional internal system that includes a messaging server inside of it, and as you can see, this message was generated through the Horizon as the email server.

**Hebert** asks Lopez if he used Blackboard to access the email addresses of classmates in order to generate the message.

Robert **Lopez** states that he received the email addresses through Blackboard, but he did not send the emails through the Blackboard messaging server to conduct the email. The email was done through Horizon.

Seetha **Ream-Rao** states that the class is titled in the subject line of the email; therefore, she is confused about the format of the email.

Robert **Lopez** states that it is a reference point as to how the class would recognize that he is in the class.

**Hebert** states that one of the purposes of trying to reduce the campaigning to those areas outside of classrooms to make sure that it’s fair to all candidates involved and that you do not have proprietary access to students within the classroom that other students may not have. Blackboard affords that same kind of proprietary access. Even though you are right that it does not specify Blackboard; that the learning management system and other types of classroom related systems that only classmates would have access to, should not be the place for campaigns.

Robert **Lopez** states that the information provided to him about the elections codes through the PowerPoint presentation were vague because it did not specifically say that Blackboard could not be used as an email system or use the Blackboard system to access the Horizon email system.

Blackboard is an extension of academics, but if you use it for internal messages, those are messages that are automatically received and appeal when you log in to your Horizon email. In my view, Horizon is more personal than academic.

Chair **Weisbecker** states that the committee will go into a closed session to deliberate.

**Motion: (Wilson) to issue a reprimand to Robert Lopez for the use of Blackboard as a classroom for campaigning.**

**Hebert and Solorio Abstain.**

**Motion Carries.**

Chair **Weisbecker** brings the committee and a guests back to an open session and announces that the committee has determined the case as a violation. A reprimand will be issued to Robert Lopez. **3:15-24:01**

VI. **Action Item-** Grievance hearing.

Robert Lopez and Ian Crueldad having campaign material near a laptop (a suspected

polling booth).

Chair **Weisbecker** presents the picture that was forwarded of a laptop in front of Robert Lopez and Ian Crueldad next to campaign materials. This is a grievance and a violation of the committee code. I have told all of the candidates that this is specifically not allowed. We are asking to count this as a strike or warning towards both of them.

Seetha **Ream-Rao** presents her opening statement and states that Lopez and Crueldad were both seen and heard telling people to vote for them using the laptops they provided while campaigning.

Ian **Crueldad** states that they had the posters present to assure people that they were using the table. When people started to vote, the posters were taken down in order not violate any rule. The laptops were present, but were not on yet, and no one was there. It was in the early morning and people had not started to vote yet. I made sure to take the posters off when people started coming out from class and by then, all the posters were gone.

Robert **Lopez** states that **Weisbecker** knew of the issue as they had discussed the use of laptops and posters. Before anyone voted, we removed the material after **Weisbecker’s** request. In addition to that, we did not stand or sit near the table; we were a couple of feet away when we told people to vote for us.

Ian **Crueladad** states that he did tell people that it was a voting booth, but weren’t going to start using the laptops until they were on.

Robert **Lopez** has the committee zoom into the picture to show that the screen of the laptop was black, not presenting the website page or voting material; it was a laptop that was not powered on. To that regard, it was not a voting facility yet. There is no way to vote on a computer that is not powered on.

Seetha **Ream-Rao** states that because of the side that that the picture presents the laptop, there is no way to determine if it was on or off.

When the sun hits the laptop, it is hard to tell if it is on or off.

Ian **Crueldad** states that in the picture, his backpack was in still in front of the booth because it was early in the morning and people were not walking past the booth yet. The backpack would not have been there later in the day when people started coming to the booth.

Robert **Lopez** states that this was an early morning incident and they had spoken to Weisbecker about the posters and laptops. The picture shows that at the time, the laptops were not powered on and there was no screen presenting the voting material. No one was voting or present at the time an there was no one behind the table. They also purchased a candy in the early morning and the table was loaded with the candy in the morning. By noon, the candy was almost gone. The Soberfest event was also taking place in the noon time and it brought a large amount of people to the area, so there would have been many people surrounding the booth and the car that was taped off next to our booth.

Chair **Weisbecker** asks Seetha **Ream-Rao** if she saw anyone go to the booth and vote while the posters were up.

Seetha **Ream-Rao** states that she was not the one who took the picture and that she submitted the picture because the people on her slate had asked her to do it for them.

**Wilson** asks Ian **Crueldad** he specifically said their booth was a polling station. Ian **Crueldad** states that he did not state that it was a polling station; he told people they can vote there.

Chair **Weisbecker** states that there was permission to set up laptops to encourage people to vote provided that they keep a distance to keep the voting secret and that there were no campaign materials on the table while people were voting.

Chair **Weisbecker** brings the committee to a closed session to deliberate.

**Motion: (Sood) that the complainant party has failed to produce sufficient evidence to warrant a remedy or sanction.**

**Hebert Abstains.**

**Motion Carries.**

Chair **Weisbecker** brings the committee and back to an open session and announces that the committee has determined that there is not enough sufficient evidence to support the allegations of campaigning around a polling station. However, we want to stress the importance that campaigning does not happen near polling stations. **24:03**-**42:54**

VII. **Action Item-** Grievance hearing

Campaigning with t-shirts during classroom instruction by “Students against Politics”

Chair **Weisbecker** yields the floor to Seetha **Ream-Rao** to give her opening statement.

Seetha **Ream-Rao** states that she will have someone else give the opening statement since she did not take the picture of evidence.

Jerry **Chang** states that he has supporting evidence and states that he took the picture in a class from 4pm-5pm on a Thursday. I have the original picture from my camera and SD card with the date and time.

Heather **Harbeck** states that she wants to emphasis from the Elections committee to spend its time, energy and focus on getting the students involved instead of policing each other. I believe that is the Elections Committee’s job. Campaigning means to stand for office; therefore, technically I am campaigning right now, in front of you because I am still standing for an office. The picture illustrates that he took the picture of the girl wearing the campaigning shirt this during class instruction, but how can we prove if the girl is actually enrolled in this class? How can we prove that this is a student enrolled and actually in class right now? Jerry Chang can prove that he is in the class, but we cannot look up her schedule to prove if she is enrolled in that class. We cannot prove that this was taken during academic instruction. I see no unfair advantage or harm. We all had access to create t-shirts, to give them out, and to have people wear them. That was accessibility to everybody. Lastly, “Students Against Politics” was subject to a crime and two of our t-shirts were stolen from our table. I cannot with confidence stand in front of you and say that one of our candidates gave her that t-shirt and told her to wear that. I also cannot stand here and say that it is a stolen t-shirt because they all look the same. By having t-shirts stolen, it leaves an open door, and there is no way to prove that it is not a stolen t-shirt that she is wearing in the picture.

Seetha **Ream-Rao** gives no rebuttal.

Heather **Harbeck** gives her rebuttal and states that the female student’s class schedule has been looked up. It shows that she is on the basketball team; therefore she is not allowed to take classes during the time the picture was taken. She is not enrolled. This picture was taken in the gym above the basketball court. Also, I would like the committee to discuss their decision in an open discussion. I prefer to not go into closed discussion. I am very interested in thought process of the committee to get a better understanding.

**Hebert** asks who the person is in the picture.

Jerry **Chang** states that she is a student who has identified herself as a supporter of student politics, and also a basketball player.

**Hebert** asks Jerry Chang if he had asked the female to take a picture of her. Jerry **Chang** states that he did not ask to take her picture.

Jerry **Chang** states that he is not actually enrolled in the class. My class was from 4pm-5pm and then 6pm-7pm depending on the day. I was rushing to my class, and when got to the RAW I saw the female wearing the shirt and I was surprised when I saw it. I took a picture at that time.

**Hebert** states that it concerns him that candidates are now taking pictures of others. Students should have an expectation of privacy.

Jerry **Chang** states that he was not enrolled in that class and he did not want to disrupt academic construction which is why he was at the door when he took the picture.

**Hebert** states that if it’s a class and you need to take a picture; you can ask the instructor for consent.

**Wilson** states that it’s hard to tell when a class is session at the RAW.

Heather **Harbeck** states that the schedule was just looked up, and there is no class at that time. There is no listed class on MyCSUEB, in the gym, at that time.

The committee comes to a mutual decision to stay in open discussion for deliberations.

Chair **Weisbecker** states that it’s hard to tell whether or not class is in session or not and the burden of proof is on the complainant to show us if there was something going on that makes it conflict with the rules of campaigning.

**Wilson** states that it’s really hard to prove that there was a class going on at that time or if she was just working out in the gym.

**Sood** states that she cannot tell if she is just a student that is a wearing a t-shirt that was given to her.

**Solorio** states that what she’s seen from that student is that she is always wearing casual basketball apparel; therefore we cannot tell whether or not she is supporting the campaign or wearing the shirt just to wear it.

**Motion: (Sood) to rule that the complaining party has failed to produce sufficient evidence to warrant a remedy or sanction.**

**Hebert Abstains.**

**Motion Carries. 42:55-58:28**

**Old Business**

VIII. **Action Item** – Discussion and approval of marketing budget.

Chair **Weisbecker** states that a marketing budget has been approved for the committee. The budget consists of $4,000 to go towards marketing and the elections. The committee has to decide how we want to spend this money and what we want to spend it on. We need to talk about the money left over as well. The committee discusses ideas and proposals and states the following as things as things that are important:

* Polling stations
* Polling stations will be in four different locations on campus
* Shifts for the people working polling stations

Chair **Weisbecker** states the following as what has been spent so far:

* $884.01 on materials for signs
* $1,000.00 in labor
* $450.29 for food at events
* An estimation of $500.00 for polling stations between today and tomorrow

Chair **Weisbecker** states that this would bring a total of $3000, which would leave the committee with $1,000.00 left over. We need to take into account that all of the signs will need to be taken down.

**Sood** suggests having less people take down the signs to create more time for the whole process.

Chair **Weisbecker** states that the committee needs to approve of the budget they have already spent, and approve of where they are going to spend the money left over.

The committee comes to an agreement to spend $500.00 for the removal of signs and $500.00 for announcing the results.

**Motion: (Sood) approve the budget as discussed.**

**Motion Carries. 59:12-1:24:35**

IX. **Discussion Item** – Discussion of plan for announcing results.

The committee discusses having a ceremony for announcing the results and providing food for the people who come to support. The committee comes to an agreement to not have the announcing results published in the Pioneer newspaper.

Chair **Weisbecker** states that he likes the idea of having the results on live streaming for the Broadcast department. The results will be announced on June 6th. This would only work if there is no runoff election which means in order for a candidate to get office, they would have to get 50% of the vote plus one person.

**Sood** states that if this were to happen, the committee would have to get more people to work the polling booths.

Chair **Weisbecker** states that the committee can take money from the “announcing results” budget if more polling stations are needed. The University President will also have to certify the results. We won’t be able to announce the results until he signs off on it. The plan is to announce the results through Pioneer T.V. The committee discusses their concern with people coming to the announcing ceremony only for the food. **Sood** suggests having the food after the ceremony or a little after the start of the ceremony. **1:24:39-1:29:09**

X. **Roundtable Remarks**

**Sood:** Good job everyone.

**Wilson:** I think this was a very good meeting and a lot of things were covered.

**Weisbecker:** I’d like to thank everyone for being here. It’s the first meeting that we’ve all been here. I welcome Silvia to our first official meeting. I think this will go well. We just have to make sure the polling gets up.

XI. **Adjournment**

**Motion: () to adjourn meeting at 3:35pm.**

Minute Reviewed By:

**Elections Committee Chair\_\_\_\_\_\_\_**

**Name: Mark Weisbecker**

**06-08-12**

Date: