

Board of Directors Meeting Minutes of May 27, 2020

- I. CALL TO ORDER at **4:39 PM**

- II. ROLL CALL
Present: Bronte Kuehnis, Daisy Maxon, Kabir Dhillon, Melissa Baron, Siddharth Valecha, Riley Miller, Euridice Sanchez-Martinez (excused), Yajaira Ortega-Huerta, Lynn Vu, Omer Shakoor, Antoinette Milano, Brittney Golez, Tyler Engquist, Daisy Padilla, Erik Pinlac, Mark Almeida, Darrell Bailey, Marguerite Hinrichs, Michael Lee.

Late: Erik Pinlac, Mark Almeida, Steve Spencer, Marguerite Hinrichs, Michael Lee, Andrew Yunker.

Absent: Patricia Regalado, Martin Castillo.

- III. ACTION ITEM - **Approval of the Agenda**
Motion to approve the agenda of May 27, 2020 by **K. Dhillon**, second by **M. Baron**, motion **CARRIED**.

- IV. ACTION ITEM - **Approval of the Minutes of May 20, 2020**
Motion to approve the minutes of May 20, 2020 by **Y. Ortega-Huerta**, second by **S. Valecha**, motion **CARRIED**.

- V. PUBLIC COMMENT – **Public Comment is intended as a time for any member of the public to address the board on any issues affecting ASI and/or the California State University, East Bay.**
Tameem Tukakhil states that he has been following this case since post elections and it has gone too far. I have sat through two elections committee meetings, one meeting was not fully prepared to hold a meeting until the following week. If we are going to follow rules, we should abide by those rules given the fact that runs offs do not exist in the election code or bylaws. People have started to say that run offs are traditional, while trying to find this information that I cannot seem to find. The election runoffs seem like a joke to me given the fact that it was not reversed to the first election results. I hope the board of directors comes to an accurate decision.



E. Sanchez-Martinez states she will be speaking about both items today. Good afternoon board of directors, today I want to speak about democracy, ethics, and student representation. Here is my view about the 50% + 1 rule, I have known about this rule since the President candidate meeting. I also know that in the past students have done run offs if they did not receive a majority of votes. In a three-way race, it is very difficult but not impossible to reach 50% plus 1. This year, we had two members from ASI running for President, which were Dessiree Cuevas and myself. This made us split between votes, which allowed Mahdi to reach a higher percentage of votes in the first round, but he did not reach the majority. In the runoff elections, we can see that the majority of Dessiree's voters voted for me. I believe that asking for a recall of runoff votes is selfish and undemocratic. This was the last chance to vote between myself or Mahdi and the answer was crystal clear. Someone who values democracy, values the vote of the majority and does not demand for these votes to be invalid for personal gain. If one thinks about it, the majority of students, voted against having Mahdi as President in both elections. The second time was more obvious due to winning the majority vote. In the first round, more people voted for Dessiree or me than they did for Mahdi. In validating these votes, it's ripping the majority away and giving students a President, they do not want. Now I do believe this rule should be clarified in the election code, but I believe the reason it was not there was because of common sense. Just like it is common sense to not invade student privacy since it is inappropriate and unacceptable. Moving forward to ethics, after doing research, I discovered that other ASI elections at other CSU's have a code of ethics. In which, they discuss invasion of privacy, bribery, and other rules that might conflict with integrity during elections. I highly encourage the board to create a code of ethics for next year, in order to ensure that it will not be as chaotic as this year's elections. I cannot stress this enough, ASI should not be lenient when it comes to criminal activity in obtain illegal evidence from another opponent during the election. Khayree Wells reported the information he found to Mahdi and was fired for the information he leaked. Khayree put himself at risk to get fired in order to obtain illegal information for another candidate that he supported. If AT&T and prime communication recognizes this as an inappropriate behavior, so should the board. I feel as if I am a broken record repeating this endlessly, ASI should never tolerate awful student conduct of a candidate. Protecting students or representing the majority should be ASI's priority. Remember integrity and remember the future. I have already given all of my evidence to the elections committee and board. It is very difficult when this situation has to deal with me and my privacy. It is not helpful that I have to speak about it during public comment, therefore, I will not be going into depth with the evidence. As well as, not showing social media all of the evidence, only to the



board and the elections committee. The majority voted against Mahdi and I believe that it provided more clarity. In the future, we need to write these things on paper in order for them to not be misunderstood.

Mahdi Fugfugosh states if he can ask a question to the chair?

B. Kuehnis states yes.

Mahdi Fugfugosh states I was wondering what would happen if the board of directors upholds both or none of these appeals? What would be the scenarios?

B. Kuehnis states that the board of directors has two choices. They can either appeal the decision or uphold it. If they uphold the decision it would mean that they will agree with the decision made by the elections committee by that appeal. If they overturn it, that will mean they disagree with the process or decision made by the elections committee on that appeal. In which, another investigation will be done to start the process all over again.

Mahdi Fugfugosh states if he can ask a follow up question for more clarification.

B. Kuehnis states yes.

Mahdi Fugfugosh states what would happen if the board of directors wants to overturn the appeal? The board of directors' term ends this month, would the incoming board of directors make the decision?

B. Kuehnis states that if it is appealed, then another investigation will start. Considering that the board of directors' term will end, it will go towards the next board of directors who have been elected. If they are unable to meet quorum, then it will go towards the executive committee, who will sit in the board of director meetings until the positions have been filled.

Mahdi Fugfugosh states that he would like to thank Bronte for the clarifications. I would like to ask the board of directors to form a conclusion, in order to end this situation soon and not prolong it. First and foremost, in my appeal, I am stating that multiple election code rules or policies were not followed, ignored, or broken. The runoffs were not supposed to happen and were stated incorrect, due to only occurring if there was a tie. Past practice and traditions should only take effect when something is unclear or not stated. In this case the runoffs were untrue since the runoffs state that it only happens when it is a tie. On top of runoffs happening, both elections votes were moved. I, as well as, majority candidates were not aware of this process. When the votes were removed, it was not followed with the policy listed in the elections code. The election committee did not sit and oversee this process nor did the President of the university. The 50% plus 1 will should not have happened if the votes were not removed. However, we cannot foresee the future, but the election committee advisors could go back to see if any candidate reached 50%. This will allow for more clarification to see if rules were followed. All I am stating in my appeal is



that multiple violations like posting on social media, counting votes, and the process was not being followed. Meanwhile, enlisting a rule that should have not been considered. Now with the appeal against me, I am here to talk with the board of directors to give any information that is needed. What has been said about me, has not been done by me, or asked by me. What hurts me the most is that a person that had nothing to do with this, got effect financially. This person did not get affect by the elections committee decision, but by a person who publicly stated this. I am not sure if the board of directors can do anything about this since what is done is done. All I am asking from the board of directors is to look at the rules and see if the rules are followed. If the board of directors' view that rules have not been followed, I am asking you to uphold these rules. At the end of the day, this process is for students and to serve students. In the last meeting, we stated why is everything being done in close session when it involves multiple students and positions? I understand that privacy must be protected, however, at the end of the day, me being accused, threaten, or investigated I am willing to discuss the topic. I want to see the process be done fairly and in light for everyone to see and hear. If that cannot be done, then we must move on. At the end of the day, in my appeal I want rules followed that have not been followed. In the election code it is not stated in multiple areas regarding who can vote, runoffs occurring, and votes being removed. If the board of directors needs me, I can provide any additional information by any form of contact. Thank you.

23:52

VI. UNFINISHED ITEMS:

A. DISCUSSION ITEM: **Letter of Appeal |CLOSED|**

The Board of Directors will continue to discuss a letter from Pamela Sanchez to appeal a decision of the Elections Committee.

B. Kuehnis states that we will now be going into session at 4:57 PM. We will be placing everyone from the public in a waiting room. Once we come out of close session, I will give a statement on what was said during close session.

25:32

B. DISCUSSION ITEM: **Letter of Appeal |CLOSED|**

The Board of Directors will continue to discuss a letter from Mahdi Fugfugosh to appeal a decision of the Elections Committee.

B. Kuehnis states that close session is now closed at 6:28 PM. We only have two members of the public here. I will now give a brief discussion on what was said during close session. In discussion item A, we discussed both outcomes of either



overturning the appeal or upholding the decisions of the elections committee. We also discussed the process and language that was used by the elections committee and viewed the whole situation. We then discussed item B, we talked about the significance of runoff elections, how runoffs are represented by ASI, and the understanding of runoffs among candidates. The board of directors has decided to continue with the next meeting to conclude the final decision.

27:26

VII. NEW BUSINESS ITEMS:
No new business items.

27:28

VIII. SPECIAL REPORTS:
No special reports

27:30

IX. ROUND TABLE REMARKS
No roundtable remarks.

27:36

X. ADJOURNMENT at **6:30 PM**

Minutes Reviewed by:
Chair of the Board
Name: Kabir Dhillon

Minutes approved on:
9-26-2020
Date:

