On June 10th 2020 at 5:30, the Appeals Panel met to hear Nicole Ballard’s appeal of the June 5th Grievance Board decision which found a violation of the AS Election Code and imposed the sanction of disqualification to serve as AS Vice President for Governmental Affairs.

The hearing sought to establish if the AS Election Board correctly followed the relevant process and procedures in their grievance hearing, and if their decision was supported by the record.

After evaluation of the statements and documents submitted to the Panel, and careful deliberation, the Appeals Panel makes the following findings of fact:

1. The election was characterized by confusion, miscommunication, unclear policy and procedure, improper proceedings, and poor follow-up on the part of staff.
2. Shred the Contract did not violate the Election Code by endorsing candidates without a meeting, since no candidates were invited or present at the meeting.
3. Nicole Ballard did not violate the Election Code by sharing an endorsement from Shred the Contract on social media.
4. The Board finds that Nicole Ballard did not receive proper notice of the grievance.
5. The Board finds that Nicole Ballard did not have the opportunity to strike a member of the Grievance Board.
6. The Grievance Board did not follow appropriate procedures and processes in their hearings.

The Panel overturns the Grievance Board’s decision and re-instates Nicole Ballard to the role of AS Vice President of Governmental Affairs.

Following the hearing, and prior to deliberations, conflict of interest concerns were raised about 2 members of the Panel, which we address here in the interests of full disclosure.

Following the election, Panel member Selome Zerai reposted a video made by Abdul-Malik Ford on her social media, with the comment, “My 5eva President.” She described the context of that comment as referring to Ford’s 3 year presidency of the Black Student Union, and as an attempt to comfort him following his loss. She also noted that panel members congratulated Nate Jo, the successful candidate. Since the elections were over, the comments did not constitute an endorsement, nor are they sufficient to create a conflict of interest. Selome Zerai participated in the deliberations and was a party to the final decision.

During the hearing, Panel member Trever Mullins questioned Abdul-Malik Ford, and in his question said, “Yeah, first Malik, I wanted to say how much I recognize all of the work that you do for this institution and I’ve kind of— I’ve been with you, I’ve known you since my freshman year and we’ve both been freshman I think at this institution, and so seeing some of the things that you’ve done as well, and I definitely hear what you’re saying, um, my question…” (47:46) These comments could be construed by a reasonable person to reveal a bias in favor of the grievant. Trever Mullin described the context of that comment in this way: “Looking back on my, very much in the moment, comment and thinking of any potential motivation I had to make that comment, I may be able to say that perhaps I wanted to show the support and the care that is deserved to all students right now but especially our black students on this campus with the current events happening in the nation and the necessity for all university officials to recognize their anti-Blackness and show genuine care and support to Black students. . . . I honestly do not know why in the moment I expressed that vague acquaintanceship of a student leader viewing one another and recognizing the work they do, when I have had the same relationship with the other 3 parties as well.” Trever Mullins participated in the deliberations and was a party to the final decision.

The Panel expresses its appreciation to both parties for their participation in this process.

This decision is the final decision in the matter, and there are no further appeals.

On behalf of the Board,

Emily Gerhardt, Chair

Board Members: Selome Zerai, Trever Mullins, Adah Barenburg, Yesugen Battsengel, Noelani Defiesta