



Channel Islands

CALIFORNIA STATE UNIVERSITY

ASSOCIATED STUDENTS INC.

## **Hemedes-McClean Appeal Response – May 4, 2017**

---

Stephen Hemedes and Roland McClean, running on a ticket for Student Government President and Vice President, respectively responded to charges of Election Code violations in Elections Council Hearings held on April 13, 2017 and April 17, 2017. The outcome of those charges and others considered in the Hearings are outlined in a separate summary document which can be reviewed here: <http://asi.csuci.edu/election-council-hearing-findings-april-19-2017.pdf> . The Election Code provides for an appeal to the ASI Executive Director, so Mr. Hemedes and Mr. McClean appealed this decision to Ms. Cindy Derrico. This document outlines Ms. Derrico's response to Mr. Hemedes and Mr. McClean's request for appeal.

### **Appeal Finding on Complaint #1: Campaigning prior to March 27, 2017**

It should be acknowledged in the review of this complaint and the evidence described in the hearing and received by the Election Council was not provided to the respondents. However, the Election Council did receive from the Complainant, and further discussed, alternate perspectives on whether the accessibility of this social media account even without any postings constituted a violation of the Election Code. Ultimately, the account was viewable to a number of students and what was viewable contained a statement from the campaign team and their photo.

**Conclusion: The finding of responsibility by the Election Council on Complaint #1 is upheld with the consequence of a written warning.**

### **Appeal Finding on Complaint #5**

Although it has been demonstrated that the image painted in the CI Recreation Center is not officially the CI spirit logo, its presence in the gym is recognizable in our community as such a similar replica of the official spirit logo that its presence in your campaign materials can reasonably be considered a violation of the spirit and the letter of the Election Code which prohibits the use of official campus and ASI logos.

**Conclusion: The finding of responsibility by the Election Council on Complaint #5 is upheld with the consequence of a written warning.**

### **Appeal Finding on Complaint #7**

In review of the hearing transcripts it appears evident that while those who knew of the specific evidence interpreted the denials of Hemedes and McClean in the Hearings to be dishonest, Mr. Hemedes' and Mr. McClean's denials were in general response to the question of whether or not they had begun campaigning early and was not in specific response to the early opening of a social media account. This claim is supported by the fact that the Hemedes-McClean team did not receive specific information about the social media allegation prior to the initial hearing. So although the statement made by Mr. Hemedes was perceived by the Election Council to be false, the threshold stated in the Election Code for a responsible finding requires that the evidence demonstrate that the statements were *deliberately* false. The evidence presented does not, in my opinion, sufficiently demonstrate that the statements were *deliberately* false.

**Conclusion: The finding of responsibility by the Election Council on Complaint #7 is vacated due to insufficient evidence. Thus, the associated response of removal from the election has also been vacated.**