

2024 ASI ELECTION COMPLAINT COMMITTEE DECISION

By JOSE M. BALLESTEROS, chair

Members Present:

JOSE M. BALLESTEROS, Vice President for Student Affairs designee (chair)
STEPHEN JONES, Faculty Senate designee
CHASE BOWKER, student representative
ROSA COLIN VASQUEZ, student representative

Members Absent:

HERMAN MELNYK, student representative
THOMAS NOSLER, student representative

May 21, 2024

Kalyankar, Akhil vs Sandhu, Henna Batool

I. Statement of the complaint

Akhil Kalyankar brought charges against Henna Batool Sandhu stating that the ASI Election Code was violated due to Sandhu campaigning prior to the campaign period. Specifically, the following policy:

Article IV: Candidacy Requirements

C. Candidate Workshops

4. Candidates will only be posted as eligible to campaign when the workshop is completed and all other requirements are met. No campaigning of any kind will be permitted prior to posting of eligibility, and the onset of official campaign period.

II. Summary of the testimonial and documentary evidence received at hearing in support of the complaint

Kalyankar presented the Committee with testimony stating that Sandhu had updated their Instagram account to read “Vote Henna Batool for Director of Engineering and Computer Science” on March 22nd at 12:35am. Kalyankar shared that the campaign period officially began at 7am on March 22, 2024 and that the account was viewed by some of his friends as it came up on their Instagram feed.

A screenshot of the Instagram profile with a 12:35 time stamp was entered as evidence. The screenshot showed “vote_henna” at the top with a profile picture and “Henna Batool Sandhu” and “Vote Henna Batool for Director of Engineering and Computer Science” below. The screenshot showed that the account was set to private at the time the screenshot was taken and there was a Friday, March 22, 2024 at 12:35 AM time stamp.

III. Summary of the testimonial and documentary evidence received at the hearing in opposition or rebuttal to complaint

Sandhu presented the Committee with testimony where they admitted to updating their Instagram account before the beginning of the campaign period but did not make it public. They indicated that they used an Instagram account that was previously used to sell clothing and they had updated it in preparation for their campaign. Sandhu indicated that no new followers were added and no

campaigning was done prior to the beginning of the campaign period. They stated they were following the recommendations given during the election preparation workshops to prepare material in advance of the campaign period. Sandhu stated that Kalyankar had no evidence that new followers were added to their account before the beginning of the campaign period.

Sandhu submitted evidence that included a screenshot of their Instagram account from March 22nd at 12:09am that showed the account under the name of “vote_henna” was private. The account shows 0 posts and has a profile picture with the name of “Henna Batool Sandhu” and “Vote Henna Batool for Director of Engineering and Computer Science”. A second screenshot from an unknown date shows that the account was made private 31 weeks ago and previously showed information about a depop.com account, a website to sell used clothing and images from the account show pictures of clothing. A screenshot from an unknown date shows recent activity from the account: a post count of 7, 68 followers and following 163 accounts.

IV. Summary of witness testimony

- a. Kalyankar had Kaylah Yellaraddy testify as a witness. Yellaraddy shared their knowledge about social media and that an Instagram account can show up as recommended in someone’s feed, even when the account has not posted.
- b. Sandhu did not present witnesses.
- c. The committee called ASI Election Officer Tyler Gardner for a Point of Information that could assist with the complaint. Tyler shared that the names of candidates were posted on the ASI website on Thursday, March 18. This timeline indicates that the names of the candidates are posted on the website before the official start of the campaigning period.

V. Statement of the remedy requested

Disqualification under Article X. Remedies for Complaints, Section D

VI. Statement of the burden of proof the complaining party or parties was required to meet

Clear and convincing proof is required for the Committee to award the remedy of disqualifying a candidate. Clear and convincing evidence is defined as that which “leaves no substantial doubt as to the veracity of the claim.”

Due to the request for disqualification, the following is relevant:

Article X. Remedies for Complaints in the ASI Election Code

D. Disqualify an independent candidate or members of a Presidential Ticket from taking office if a very serious violation of this Election Code or other very serious misconduct by that candidate is proven by clear and convincing evidence compiled in the hearing record.

VII. Conclusion as to whether the complaining party met the applicable burden of proof

The Committee found the evidence presented by Akhil Kalyankar did not meet the burden of clear and convincing proof because he was unable to provide a preponderance of evidence that a Henna Batool Sandhu had campaigned prior to the beginning of the campaign period.

VIII. Summary and reasoning supporting the Committee’s conclusion

The Committee found that the burden of proof was not met by the complainant. A vote of 3-1 by the committee found that Henna Batool Sandhu did not campaign before the beginning of the

campaign period.

IX. Statement of the relief

The Committee ruled that the complaining party has failed to produce evidence warranting a remedy or sanction. The committee recommends that the Election Code is updated to include language about social media usage for campaigning purposes. Election training protocol should also include guidance on how candidates can use social media and when they can begin posting information about their campaign.