

Request for second appeal

The statement signed by the candidates and turned in to the EDC regarding the knowledge and understanding of the rules states the following-

§ 405 Results of Second Appeal

The Faculty Review Board may either sustain or overrule the ruling. If the Board chooses to overrule the ruling, it may either reverse the ruling or send the grievance.

Jordan/Garrett appeals on the following grounds:

- 1) Evidence not available at a previous hearing which, had it been available, would in all reasonable likelihood have produced different finding;
- 2) There is a substantial procedural irregularity in one of the hearings of the Elections and Disputes Commission; and
- 3) There was bias with the Elections and Disputes Commission resulting in a violation of the standards of fairness used in hearings.

New Evidence

Paige Davis

Mr. Guerin provided evidence that was not in his initial grievance regarding Ms. Davis. I have a statement of testimony from Ms. Davis that is contrary to the EDC's findings. The EDC statement in the appeal quoted Jordan as saying "not one person except for the person who mistakenly added thinking it was our campaign." They misinterpret my words to uphold their findings. Mr. Davis clicked on the wrong picture, thinking it was our campaign not because of an interpretation, but because she literally clicked the wrong picture. It was an honest mistake.

Even if the EDC were to not uphold this argument, it still does not prove our "primary purpose" and the conversation following the uploading of the picture further proves that the pictures primary purpose was not to campaign.

Tags

Mr. Guerin did not point out that the screenshot of Mr. Jordan's Facebook was not tagged. The fact that the only tags were on Mr. Garrett's Facebook further proves that this was because of Mr. Garrett's privacy settings.

Procedural Irregularity

Reasonable Doubt

Legaldictionary.com defines "beyond a reasonable doubt" as "...no other logical explanation can be derived from the facts except that the defendant committed the crime, thereby overcoming the presumption that a person is innocent until proven guilty". This definition is consistent with Dictionary.com, Lectlaw, Yourdictionary.com, Mariam-Webster, and Oxford. This is a collection of both legal and traditional sources.

Election Code 8.9 states, “All defendants are innocent until proven guilty beyond a reasonable doubt.” In the EDC’s holding, five Commissioners voted guilty, two voted not guilty, and one abstained. The two members who voted not guilty show there was a reasonable doubt in the Commission.

The word “majority” does not appear in the Election Code. Without the Election Code specifically enumerating that a majority of the EDC sanctions candidates, “beyond a reasonable doubt” should be interpreted to its common, accepted meaning.

EDC’s Reasoning

In the arguments given as testimony to the EDC, I gave 6 reasons as to why the EDC should find this case in our favor. When the EDC emailed the results to all the parties involved, the commission only gave reasons for 3 of the arguments thus furthering the case that there is reasonable doubt within the EDC.

The EDC provided response to the arguments about “tags”, “color, font, and feel”, “timing” while ignoring the rest of the testimony and evidence provided. If the EDC’s decision was “beyond a reasonable doubt” they would have been able to provide argumentation against ALL the positions of the defendants.

Bias

Weight of Testimony

The EDC weighed Mr. Guerin’s testimony in higher regard than Mr. Garrett’s. A picture that highlights my running mate’s impeachment may do a lot of things but it does not however increase our likelihood of being elected, in fact it does the opposite. We believe that this shows a certain level of bias because not only did the EDC ignore this argument, but this definition is the reason for the grievance and never addressed by the EDC.

The EDC’s findings were not based in what Mr. Garrett and I’s primary purpose was, they based the decision on the interpretation of Mr. Guerin and a “hypothetical neutral observer.” Mr. Garrett and I can also provide evidence that a hypothetical neutral observer would read the photo as a statement about Mr. Garrett’s impeachment. Why is the “hypothetical neutral observer”, or really, the interpretations of Mr. Guerin’s friends, held at a higher standard of reliability, especially when Mr. Guerin is in support of the Williams/Foster campaign?

EDC’s Relation with Mr. Garrett

Mr. Garrett provided an explanation of the reasoning behind the tags to state that it was a “statement about the treatment he and I have received from SG”. This provides a reasonable explanation of the tags placement. Mr. Garrett has filed many grievances with the EDC and emails containing discussion about the grievances show bias against Mr. Garrett that call his question in to character

I believe that the Jordan/Garrett campaign can argue for a second appeal based on all three grounds. I would like an immediate appeal by hearing to the EDC's decision regarding my candidacy for President of the Student body.

§ 405 Results of Second Appeal states-

The Faculty Review Board may either sustain or overrule the ruling. If the Board chooses to overrule the ruling, it may either reverse the ruling or send the grievance or dispute back to the Elections and Disputes Commission for a re-trial under fairer conditions.

It is my belief that the EDC's holdings were not grounded in Mr. Garrett and I's primary purpose in posting the photo and furthermore their holdings were not beyond a reasonable doubt. I ask that this board reverse the EDC's ruling because if the case is sent back to the EDC we believe that their bias will produce the same result.

Respectfully submitted,

/Michael Jordan/

Michael Jordan

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