

Dear Secretary-Treasurer Loretta Johnson,

Thank you for your letter of June 18, instructing the LA College Faculty Guild, AFT1521, to “await the results of this investigation before proceeding to re-run the election for the presidency of the West LA College Chapter of Local 1521,” and emphasizing that “elections for union offices are presumed valid until demonstrated otherwise after a full and fair investigation” from the Article IV of the AFT Constitution citing Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA).

This email is an addition to the original protest, and clarifies the manner in which the Guild, AFT1521, is violating AFT national’s constitution, Article II, Section 11 requiring democracy as well as procedures for a democratic election as outlined in LMRDA Title IV, section 5.

The local egregiously, arrogantly and, without cause or proof, overturned the democratic will of the West LA Chapter members. This is an unprecedented historical event, as an election has never been overturned before in our local, AFT1521. It is also an anti-democratic self-violation of the LMRDA, AFT national constitution, and the AFT1521 bylaws and E-board procedures.

The AFT1521 election committee chair’s unconstitutional and retroactive declaration of vacancy of the West Chapter President, a week after I had begun serving in that position commencing June 1 per the bylaws. Chair Iris Zelaya and President Joanne Waddell took steps

1. to retroactively vacate the position on Tuesday, June 9 (Waddell’s letter dated June 8, 2020, distributed by Stapleton to all West Faculty)
2. the illegal appointment of Ken Taira as an "interim chapter president" on June 8
3. the unlawful and unconstitutional E-board vote on Tuesday, June 16, 2020, to invalidate the West runoff election that was AAA certified on May 27, 2020.

The Elections Committee violated its own rules, and shrouded their processes in secrecy and confusion. They did not follow the timeline established in the election code to warn candidates of any protest or violations. The date of the elections protest is unclear: Election Chair Iris Zelaya refers to a May 28 protest in her Elections report, while President Waddell’s June 8 letter refers to a June 3 protest. In either case, no warning or notification of protest was provided to me within the 5-day timeline. Even in the Elections Committee report of June 16, distributed on June 15, no reference was made to who made the protest and, more importantly, how it **changed the election outcome**.

The elections chair made false and slanderous claims of purported violations against me, Grace Chee, that are inconsistent with previous rulings on what constitutes election violations by other candidates. The purported violations referred to emails sent in April 2020 during the general election, which falls prior to the run-off election period (May 2020), and are therefore irrelevant. The emails were merely communications on academic senate and school business or social matters. No investigation took place. No warnings were given. Regardless, the email descriptions in the Elections Committee Report show no evidence of violations. Protests against my opponents Tim and Ken were omitted. On April 17, 2020, 2:30 PM, the Election Committee Chair Iris Zelaya ruled, “Using the faculty-all email is allowed as long as it does not include any campaigning verbiage.” On April 20th, 2020, 3:50 PM she further clarified “If he [opponent Ken Taira] posts “Elect Ken” on his Blog that’s fine, but if he adds “Elect Ken” on his email to all faculty then that is a violation.” During the June 16 Eboard meeting, Iris Zelaya also accused my emails as "silent campaigning." Silence is a way of communicating that there is no evidence or proof. The elections chair applies one standard to Tim and Ken, and another to me. Numerous other misapplications of rules occurred throughout the elections, depending on the relationship of the committee to the candidates, showing favoritism for and bias against candidates.

The Elections Chair Iris Zelaya is intent on limiting my free speech and other union rights. Free speech during the elections pertains to my emails regarding Academic Senate or academic freedom, as well as the right to congregate socially or discuss senate matters with our constituents. She is also intent on obstructing free speech regarding union matters, as stated in an email dated June 11, 2020. While she does not use the word warning, she nevertheless attempted to intimidate me against the use of all West faculty emails. The election period concluded on May 20, certified on May 27, 2020, so she had no authority to issue such warnings. <https://www.dol.gov/olms/regs/compliance/members.htm>

The Guild's Elections Committee bears the burden of proof to establish beyond a reasonable doubt that egregious violations changed the outcome of the election before a local union can recommend overturning an election, which was not provided on June 16. E-board delegates were not properly noticed. President Waddell's call for the E-board special June meeting was also shrouded in secrecy, delegate voter suppression, intimidation and confusion. The motion (and vote) itself was historically unprecedented, and without constitutional authority. E-board members were asked to "trust the Election Committee." The following is not an exhaustive list of problems regarding this E-board meeting and motion, but shows a great deal of bias against me, and favor my opponents:

1. I was denied a vote at the June 16 E-board, where I should have had a vote as either the elected West Chapter President (May 27 run-off) or an elected Eboard delegate (April 28 general election).
2. The June E-board meeting was not properly noticed, purposely or negligently. It was announced as canceled at the previous May E-board meeting. In fact, select E-board delegates received invitations, while others received renewed cancellation notices as late as June 13.
3. West faculty was notified of the June E-board meeting via the "interim" through campus email, and only the night before on June 15, 7:01 PM.
4. Without proper motion notification (officially the Sunday night deadline), President Waddell procedurally violated the 2/3 majority vote needed to change the motion from "accept the Elections Committee report" to "invalidate and make a call for an additional run-off election."
5. E-board delegates were confused about the Waddell-amended last minute motion made without approval. 9 E-board delegates abstained from the vote, while 15 of them were absent or did not vote.
6. Waddell employed a tedious roll call vote on simple procedural motions which took ~8-10 minutes, not normally practiced, in order to intimidate and exhaust new E-board delegates. The E-board vote started past 5 PM, an hour past when the meeting normally finishes.
7. President Waddell, as presiding chair, usually does not vote, except to break a tie, but she unilaterally allowed herself to vote.
8. Election committee members were never approved by E-board. Therefore the committee membership were secretly constituted. Some members were not listed on the Guild website.
9. Approximately 70 West faculty attended E-board, despite the fact that initially the meeting was capped at 100 initially and attendees were blocked. A number of faculty from West wanted to speak but their hands in zoom were lowered and after a few times, they felt intimidated. By the end, 17 people were allowed to speak for overturning an election, while only 6 were allowed to speak against.
10. and any other issues you may find relevant

The problems during and post election are not mistakes or omissions but deliberately planned and executed. Democracy demands that the proper election results be carried out. A new election would be an inadequate remedy, because of the issues created to invalidate the prior and proper election. This has potentially created a bias for my opponent. The Executive Board motion of June 16, 2020, illegally and unconstitutionally attempts to nullify the May run-off election, per our Guild bylaws and even election codes, as well as LMRDA standards.

Within your scope as the Secretary-Treasurer of the AFT, I urge you to ensure the protection and preservation of a free, fair, and open democratic process to elect our leaders, and restore democracy to the West LA College Chapter. Please take action immediately and order any decisions/recommendations made by the elections committee chair and E-board as null and void. Thank you.

Timeline

Election #1 (General) April 30, 2020: **50 (Grace Chee)** vs. 32 (Tim) vs. 27 (Ken) (Grace wins by 18 votes, which is only 6 shy of a 50% +1 majority required to avoid a runoff)

Election #2 (Runoff) May 27, 2020: **77 (Grace Chee)** vs. 67 (Tim) (Grace Wins, this time by 10 votes, certified by the American Arbitration Association (AAA) Case No: **01 20 0000 4794**)

May 27, 2020: AAA certified results, posted on the Guild website

May 28, 2020: West Chapter President Olga announced Grace Chee as the West Chapter President and included the AAA election certification via email

May 29, 2020, Friday: Olga announced her last day of work

June 1, 2020 Monday: Grace Chee started her term in accordance with the bylaws

June 4, 2020? AAA Certification of runoff election removed from the Guild webpage

June 5, 2020 Friday night: election committee chair Iris Zelaya emailed Grace that the committee declared, without authority or mention of any protest, the West Chapter President vacant and the appointment of Ken Taira as interim

June 8, 2020 3:44 PM Ken Taira declares himself to the West Faculty, "Interim Faculty Guild Chapter President."

June 9, 2020 12:53 PM Buck Stapleton sent a June 8 letter from President Waddell, to all West Faculty informing us of a June 3 protest (the first mention of a protest concerning the run-off), the vacancy of the chapter president position, the appointment of Ken Taira, and the Election Committee recommendation "requiring another run-off election to be conducted"

June 11, 2020 7:37 PM Election Chair Iris intimidated me to refrain from all faculty emails, again overstepping her authority as the appointed chair, as the election was over on May 20, and campaign rules are no longer active.

June 15, 2020 7:01 PM Taira sends out Eboard agenda for the June 16 E-board meeting with the Election Committee Report

June 16, 2020, 2 PM E-board meeting vote to accept the Elections Committee report and invalidate the West run-off election 27 for, 15 against, 9 abstained, 15 quiet, silent or missing (allowing a simple majority, rather than a 2/3 vote to overturn an election without a full investigation nor with proper notification)

June 18, 2020 AFT national issued a letter to announce a preliminary investigation and halt the third election, pending investigation results. The previous run-off election is "presumed valid until demonstrated otherwise."

In labor solidarity and in support of democracy,
Grace Chee
the Duly Elected West Chapter President,
LA College Faculty Guild AFT1521
West-LACCD District Academic Senator
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"Unions, by and large, are democratic organizations with freely chosen leaders and policies determined by the membership. They concern themselves with individual dignity not only in their aims but in their method." ~**Robert Kennedy**~