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June 3, 2022

Dear President Chiera,

This past Spring of 2022, we ran a slate against the current leadership of AFT Local 1796 at William Paterson University. This was the first full election between two slates that we have had in our local since 2005. We believe that elections are a vital part of member involvement and that fair and proper elections are a cornerstone of Union democracy.

This letter is to document the series of legal violations and unfair practices that we encountered during the election. We have consulted with a lawyer (Louie Nikolaidis, Esq.) and verified that these are grounds for contesting the results of the election under the LMRDA. However, the health of our local is of the utmost importance and we believe that overturning the results and running another election would be ill-timed given the potential for more layoffs at William Paterson, and upcoming NJ state contract negotiations. The purpose of this letter is to detail the illegal practices that undermined the democratic processes and our ability to communicate with the membership. We expect these to be addressed so that members of our local can trust that future elections are fair and transparent.

***Distribution of Materials:***

Members must have all the necessary information to make an informed decision during an election. From the very beginning of the campaign, we were prohibited from communicating with members of our local. We were informed by the Elections Committee Chair that we would not be able to email members using the method our local usually uses to communicate with members (through our wpunj.edu email addresses). CNJSCL communicated to both slates on 4/4/22 that there would be no use of our local's distribution list as that list is made up of university email addresses, even though our New Jersey AFT Contract specifically allows for the use of university email for "internal union matters involving the governance or business of the UNION" (Article X Section C).

The other slate, however, continued to communicate campaign material to members using the official university email membership list. This is in violation of the LMRDA that all candidates must have equal opportunity to campaign. Here are two documented examples:

- An email was sent on 4/21/22 by the incumbents from [AFT-Office@wpunj.edu](mailto:AFT-Office@wpunj.edu) to adjuncts' wpunj.edu addresses to respond directly to the election debate content.
- An email was sent on 4/21/22 by the incumbents from [AFT-Office@wpunj.edu](mailto:AFT-Office@wpunj.edu) to all members' wpunj.edu to attack a member of our slate.

We were allowed to view (not copy) a membership list on 4/5/22, but the list only included names and not classifications or contact information. Not only did we not have a way to communicate with all members, but we also did not know how many of each classification there were in our local. Throughout the campaign, it was clear that the incumbent slate had a membership list with contact information. They used members' personal cell phone numbers to make campaign calls, as documented by adjunct and staff members who received such calls. On the morning of 4/25/22 all Union members (with the exception of members of our slate) received a text message on their cell phones from an anonymous

phone number encouraging them to support the incumbent slate. Christensen (the presidential candidate for our slate) immediately emailed the Elections Committee Chair to point out that the incumbent slate clearly had access to information our slate did not. She was then sent a list of Union members with contact information (4pm on 4/25/22). Voting ran from 4/19/22-4/29/22.

Without access to member contact information, nor a way to email members directly, our slate was left with only one option for getting our message out to all members: a physical mailing. The AFT 1796 Administrative Assistant was busy during the week of April 4 and out of the office the week of April 11, so we had to coordinate with CNJSCL for our mailing. They printed the mailing labels, and we went to their office on the morning of 4/13/22 to stamp and label 650 flyers. We were assured when we left that they would be taken to USPS that same day. Unfortunately, they were not all mailed that day. We have examples of flyers postmarked 4/27/22 and 5/11/22 (the voting period ran 4/19-4/29). According to federal USPS policy, all mail is postmarked within 24 hours of receipt at a USPS office and thus should have been postmarked 4/14/22 at the latest. We are disappointed that our only means of reaching members was sabotaged by CNJSCL.

### ***Use of Union Resources:***

Throughout the campaign, the incumbent slate used their official AFT email addresses, matching the official web address of our local (<https://www.aft-local-1796.org/>), to campaign to members. Not only is this a violation of the LMRDA, but it also sends the message that the Union is officially endorsing one slate over the other. For example:

- Email was sent on 4/25 from [Gazzillol@aft-local-1796.org](mailto:Gazzillol@aft-local-1796.org) to an unknown list of members with Slate 1's opening statement from the election debate.
- Emails with audio messages to vote for the incumbent slate were sent on 4/24 from [vicariv@aft-local-1796.org](mailto:vicariv@aft-local-1796.org) to adjuncts.

Our slate was never provided with equal means to distribute our material. While the definition of "electioneering" is subjective, emails sent from the official AFT email account during the campaign increased in number during the election period and included messages highlighting awards received by members of the incumbent slate.

Official Union membership meetings were also used for campaigning. Meetings with adjuncts have not been held for two years, but during April the incumbents held two virtual meetings. The meetings which occurred on 4/11/22 included campaigning, in conjunction with an endorsement of the incumbent slate from elected officials from AFT Local 2222. The first 45 minutes of the General Membership Meeting on 4/19/22 were used to respond, point by point, to our slate's debate content. We were not provided equal time to respond.

### ***Responsibilities of the Elections Committee:***

The duties of the Elections Committee were not clear to the committee throughout the campaign, even though the responsibilities of the committee are outlined in the LMRDA. For example, Christensen emailed the EC to ask what they would do to ensure that there would be no electioneering in the 4/19/22 Membership Meeting and was told it was not the committee's responsibility to do so when it is in fact the committee's job.

The most egregious violation of the LMRDA is the Election Committee's failure to check the accuracy of the ballot distribution list. CNJSCL updates each local with a membership list in February, and it is the

committee's job to ensure that only those who are members for 30 days before the election receive ballots. Christensen alerted the Elections Committee Chair to potential inaccuracies on 4/15/22 (after seeing mailing labels) and the reply from the Elections Chair explained that the list provided by CNJSCL in February would be used for ballots. When voting opened on 4/19 Christensen heard from at least one non-member who received a ballot. She was finally able to check the copy of the membership list she received from the Elections Committee on 4/25/22 (a file titled "WPUNJ 2022 Eligible voting members w phone") and noted a few inaccuracies. She communicated these concerns with the Elections Committee Chair on 4/25/22. She received the reply from the Elections Chair that "I did not open these or analyze them, I simply passed them along." and "Nobody on the EC was tasked with vetting the list" when LMRDA states *"Your responsibility as an election official is to insure that only members in good standing are permitted to vote. Since voter eligibility is one of the most common reasons that elections are challenged, preparing an accurate voter eligibility list is critical."*

Fair and transparent elections are the foundation of a democratic Union. We are disappointed that there were so many violations committed by the incumbent slate during this election, especially considering the LMRDA rules for Officer Elections that the AFT mandates are very clear. Throughout the campaign, we consulted with our own lawyers and lawyers at AFT National to ensure that we were following the prescribed law. We expect the same due diligence from our state and local unions. We want a plan of action outlined by CNJSCL, AFT NJ, and AFT National, with clear accountability measures built-in, that our local will agree to follow during our next election. We are willing to assist in any way we can to ensure that the next election is one our members can count on.

In Solidarity,

The Inclusion Slate

CC: Council of NJ State and Local Colleges  
Executive Board, AFT 1796