



Date: December 4, 2017

To: ASI Board of Directors

From: Jeovany Aguilar, Chief Justice

Cc: Judicial Review Committee Members
Intef W. Weser, A.S.I. Executive Director

Re: JRC Opinion regarding the grievance filed by plaintiff Kenya Pineda, ASI Charter College of Education representative, against defendant David Zitser, ASI President

"Based on the hearing conducted by the Judicial Review Committee on November 30, 2017, regarding the grievance filed by plaintiff Kenya Pineda, ASI Charter College of Education representative, against defendant David Zitser, ASI President, it is the majority opinion of the Judicial Review Committee that there was a breach of Policy 022 Section 7, specifically, the following part of that section: "No A.S.I. member shall engage in practices which contribute to a workplace or learning environment that is hostile, intimidating, or offensive." It is the opinion of the Judicial Review Committee that the aforementioned section was violated by the defendant when they engaged in a conversation regarding their belief that the plaintiff's performance was lacking with another ASI member in a public area. The Judicial Review Committee believes the defendant does have the right to discuss the performance of ASI members, due to the supervisory nature of their position; however, such discussions should be conducted with discretion, to protect the privacy of ASI members. The Judicial Review Committee holds that the defendant's failure to respect the privacy of the plaintiff caused them to perceive the environment in ASI as either hostile, intimidating, or offensive.

Given the opinion of the Judicial Review Committee, the committee has set forth some recommendations aimed at resolving the issues highlighted at the grievance hearing. First, the Judicial Review Committee recommends the defendant write a letter expressing their acknowledgment that conducting a conversation regarding the performance of an ASI member in a public setting was improper. The letter should also include a pledge to conduct any further conversations regarding ASI member performance discretely and in private, to preserve the privacy of ASI members. The Judicial Review Committee also recommends that this letter is read at the first Board of Directors meeting of the Spring 2018 Semester. Second, the Judicial Review Committee recommends that the defendant is placed on probation until they complete a mandatory training. This mandatory training should be completed

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30 days after the start of the Spring 2018 Semester at the latest. The nature of this training will be to develop the defendant's ability to avoid improper behavior when acting in a supervisory role. The Judicial Review Committee tasks Intef W. Weser, the ASI Executive Director, and the ASI Executive Committee with facilitating and enforcing the committee's recommendations.



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