

Judicial Committee Decision

Case: Alexis Lohse against President Megan Dayton

Date: March 18, 2025

I. Introduction

This decision concerns the complaint filed by Alexis Lohse against President Megan Dayton on September 30, 2024.

The complaint alleges that the President impeded Vice President Angela Halseth's lawful duty to Minnesota Association of Professional Employees during a job interview for the Field Director position. Lohse alleges that Dayton's presence in the interview room during the hiring process for the MAPE Field Director position constituted an undue influence on the selection process. Lohse contends that this presence, combined with Dayton's authority as union president, created an imbalance of power that undermined the fairness of the hiring process.

President Dayton responds that her presence in the interview room was not an intentional effort to interfere but rather a necessity due to water damage in the MAPE offices, which left the building with limited workspace. The respondent argues that the facts of the complaint do not rise to the level of a basis for complaint under Article VII, Section 2.9 of Minnesota Association of Professional Employee's bylaws: "Deliberately interfering with any official of MAPE or of a Local or Region in the discharge of the official's lawful duty."

Furthermore, the respondent offered a counterclaim that Lohse's complaint against President Dayton was part of a larger pattern of malicious behavior, which included the filing of multiple judicial complaints—since withdrawn—that did not meet the standards outlined in MAPE's bylaws. The respondent alleges these filings were not genuine attempts to address misconduct but were instead politically motivated actions intended to undermine Dayton during a re-election campaign. Additionally, the respondent alleges that Lohse distributed a flier at Delegate Assembly that improperly referenced the open judicial complaint and used MAPE's logo without authorization.

The Judicial Committee has reviewed the complaint, the evidence presented, and relevant bylaws. Our decision considers the substantive merits of the complaint and the counterclaims.

II. Findings of Fact

After reviewing testimony, documents, and other relevant materials, the Committee establishes the following timeline and key facts:

A. Background & Timeline of Events

The complaint arose from concerns about the hiring process for the MAPE Field Director position and the potential influence of leadership on personnel decisions. During the interview process, President Dayton was physically present in the interview room, a decision later acknowledged as a lapse in judgment by Vice President Halseth. Lohse, a candidate for the position, argued that Dayton's presence created a power imbalance that could have discouraged open discussion or influenced the selection process, particularly given Dayton's authority over those conducting the interview. Others present on the hiring committee included Chief of Staff Todd Maki, Operations Director Suzanne Al-Kayali, and Political Affairs Director Devin Bruce. The additional presence of the union president in a hiring setting raised concerns about whether the process was truly impartial and fair.

After Lohse spoke about her experience at a subsequent Board of Directors meeting, Vice President Halseth publicly stated that Dayton's presence in the room was inappropriate, and the matter became a subject of Board concern. Both President Dayton and Vice President Halseth offered apologies to the Board and promised to contact Lohse.

Dissatisfied with the response, Lohse later filed the judicial complaint, arguing that Dayton's actions violated the principles of fairness and neutrality required in MAPE's hiring procedures.

President Dayton responded that the complaint was filed maliciously, alleging that it was part of a pattern of several judicial complaints filed against her by Lohse and others during her re-election campaign. As evidence of maliciousness, Dayton accused Lohse of involvement in distributing a flier at the Delegate Assembly, which referenced the judicial complaint against Dayton. Dayton argued that the flier used MAPE's logo without authorization. Dayton contended that publicizing internal union matters in this way misrepresented the situation, potentially exposed MAPE to legal risks, and contributed to a climate of hostility within the organization.

- **April 2024** – Field Director Mike Asmus resigns from MAPE management.
- **April 26, 2024, Board Meeting** – At the April meeting of the Board of Directors, Chief of Staff Todd Maki requests a waiver of MAPE's 30-day job posting requirement policy. The Board approves a 2-week posting.
- **May 3, 2024** – Field Director position is posted.
- **May 17, 2024, Board Meeting** – No updates on Field Director search.

- **May 23, 2024** – Listing is reposted.
- **May 29, 2024** – Application window is closed.
- **July 2024, MAPE Office Floods** – A burst water line on the third-floor break room floods the MAPE building, including President Dayton's second floor office. President Dayton begins working from Conference Room A on the third floor during cleanup and construction.
- **August 1, 2024, Interview** – First Round Field Director Interview with Alexis Lohse held in Conference Room A. President Dayton does not excuse herself from the room.
- **August 16, 2024, Board Meeting** – Lohse speaks during member comment at August meeting of the Board of Directors, describing President Dayton's presence in the room during the interview. Vice President Halseth tells the Board she will reach out to Lohse.
- **September 20, 2024, Board Meeting** – President Dayton issues an apology at the September meeting of the Board of Directors. Vice President Halseth also makes a statement to the Board regarding the incident.
- **September 30, 2024** – Lohse files complaints against President Dayton and Vice President Halseth.
- **October 20, 2024, Delegate Assembly** – Lohse allegedly distributes a flier with a QR code linking to her complaints at Delegate Assembly.

B. Key Issues Raised in the Complaint

Lohse's complaint centered on President Dayton's presence during her interview for the Field Director position, which she argued created a power imbalance and raised concerns about the integrity of the hiring process.

Lohse contended that President Dayton was the only person present in the interview room who was not a member of the hiring committee during that round of interviews, and while the President claimed she had nowhere else to work due to water damage at MAPE headquarters, Lohse found this explanation disingenuous given the size of the office and the time of day the interview began, 4:45pm. She asserted that President Dayton's presence, regardless of intent, undermined the fairness of the hiring process and may have influenced the committee's decision.

Beyond the hiring process itself, Lohse also raised concerns about how the situation was handled after the fact. She testified that after speaking at a Board of Directors meeting on August 16, 2024, several Board members encouraged her to file the judicial complaint based on their own concerns regarding Dayton's actions.

Lohse further alleged that President Dayton later called her on the phone under the pretense of discussing unrelated union matters but then shifted the conversation to the

hiring process, offering an apology and suggesting Lohse participate in revising hiring policies. While Lohse initially saw this as a positive step, she later questioned whether this personal outreach was an attempt to defuse the situation and discourage her from pursuing formal accountability.

Finally, Lohse contended that MAPE leadership took steps that prioritized expediency over transparency in the hiring process. She noted that the Board had voted to waive the standard 30-day posting requirement, shortening the hiring timeline in a way that she argued was unnecessary and contributed to a perception that the process was predetermined. She cited inconsistencies in how the hiring procedures were applied and suggested that these procedural irregularities further eroded confidence in the fairness of the selection process.

C. Key Issues Raised in the Response

President Dayton's response focused on disputing the claim that her presence in the interview room constituted deliberate interference and challenging the assertion that hiring-related activities fall under the category of lawful duties as defined in MAPE's bylaws. Dayton, through her representative, John Ferrara, argued that her presence in the interview room was a logistical necessity rather than an attempt to influence the hiring process. They cited significant water damage at MAPE's headquarters, which had rendered several offices unusable, leaving her with limited workspace. Ferrara acknowledged that remaining in the room was a lapse in judgment, but she maintained that it was not an intentional effort to interfere with the hiring process, a distinction that Ferrara emphasized was critical under Article 13, Section 2.9 of the bylaws.

The respondent also argued that hiring-related decisions are not considered lawful duties under MAPE's bylaws, but rather *regular* duties—administrative responsibilities that are defined by policy rather than legal or constitutional requirements. Lawful duties require explicit authority from law, regulation, or governing bylaws, whereas hiring and firing decisions fall under the discretionary authority of leadership but are not mandated by law. Since the judicial process is reserved for violations of lawful duties, Ferrara contended that even if her actions were inappropriate, they did not meet the criteria for a judicial complaint.

Furthermore, Ferrara pointed to President Dayton's multiple apologies, both in private and at the Board of Directors meeting, as evidence that she had taken accountability for her lapse in judgment. Ferrara argued that while Lohse's frustration with the hiring process was understandable, the judicial complaint process was not the appropriate venue for addressing dissatisfaction with hiring decisions. Instead, the respondent maintained that concerns about hiring procedures should be resolved through policy discussions and process improvements, rather than disciplinary measures against individual officers.

Ferrera made a counterclaim against Lohse, asserting that Lohse's complaint was not filed in good faith and was potentially motivated by personal or political animus rather than by a genuine concern over misconduct. The counterclaim suggested that Lohse's filing was part of a pattern of behavior intended to undermine President Dayton's authority or leadership standing within the union, especially in the context of recent internal political dynamics and the MAPE officer elections. Ferrara referenced prior conflicts and grievances that had raised and later withdrawn, implying that Lohse's complaint was strategically timed and targeted to create reputational harm rather than to remedy a clear violation of duty.

Evidence concerned a flier distributed during MAPE's Delegate Assembly, which Ferrara argued misused MAPE's branding and gave the false impression of official union endorsement. Ferrara contended that the flier, distributed in support of a slate of candidates critical of Dayton's leadership, improperly incorporated MAPE's logo and visual identity, blurring the line between internal campaign advocacy and sanctioned union communication.

Another counterclaim also raised alleged that Lohse had breached confidentiality during the investigation process of the original complaint. Ferrara contended that Lohse shared sensitive details about the ongoing judicial proceedings with individuals outside of the Judicial Committee, including with members who were not parties to the case.

III. Decision and Reasoning

After deliberation, the Committee has reached the following determinations:

A. Findings on the Merits

While Lohse's concerns were clearly held in earnest and raised valid questions about leadership judgment and process, the specific incident cited — the presence of President Megan Dayton during an interview process — did not, on its own, constitute a clear violation of lawful duty under the principles of lawful duty outlined in Minnesota Statutes chapter 317A

The Judicial Committee agrees with the respondent's argument that participation in hiring decisions, while an important and regular function of leadership within the union, does not rise to the level of a "lawful duty." As such, any lapses in judgment or procedural errors related to hiring do not constitute a violation that would meet the basis of complaint under Article XIII.

Furthermore, although the committee recognized that President Dayton later acknowledged the lapse in judgment, there was insufficient evidence to demonstrate that her presence at the interview had a materially coercive or inappropriate effect.

The Committee finds that there was insufficient evidence presented at the hearing to determine whether Lohse personally distributed the fliers in raised in President Dayton's counterclaim. Without clear documentation or corroborating testimony, we cannot make a finding on this claim. The claims, which included concerns about potential breaches of confidentiality and the distribution of an internal flier perceived as retaliatory or inflammatory, lacked sufficient documentation or substantiating testimony to support a finding of wrongdoing.

The Committee notes that the MAPE bylaws do not currently articulate a clear standard or procedure for maintaining confidentiality in the context of judicial complaints, leaving room for varied interpretations and expectations. However, we note that it is the right of the respondent, not the complainant, to determine whether a hearing is open or closed (Article XIII, Section 7.12). While the committee took seriously the possibility that internal communications may have contributed to a breakdown in trust or professionalism, it ultimately found that the actions in question did not meet the threshold for disciplinary action under MAPE's bylaws.

B. Final Decision

After a thorough review of the evidence and testimony presented, the Committee has unanimously determined that the complaint does not meet the preponderance of evidence threshold for misconduct under MAPE's bylaws. The allegations lack sufficient supporting evidence to warrant disciplinary action. As such, we find that the complaint must be dismissed on the merits.

Regarding the question of whether the complaint was filed in bad faith or with malicious intent, the Committee unanimously determined that the respondent did not provide a preponderance of evidence for their counterclaims. We find that they must also be dismissed on the merits.

IV. Conclusion

The Judicial Committee concludes that while the complaints and counterclaims raised valid or even serious concerns, none met the evidentiary thresholds required for a finding of misconduct. All are therefore dismissed on their merits.

Signed,

Zac Echola
Judicial Committee Chair