

Prepared Response to the Integrity Commissioner's Report – Shelley Laskin 2021-12-08

Since it was known that materials were distributed in May I have done my own learning – I attended a series that switched between ground level and bird's eye views of events in the Middle East, and flipped from one perspective to another in a gentle and thoughtful manner in a concerted effort to provide both the Palestinian and Jewish narratives. It is possible to call out antisemitism and support the human rights of Palestinian peoples. It is possible to call out Islamophobic and support the human rights of Jews.

Any hate is unacceptable, whether it be anti-Jewish or anti-Palestinian. No one should feel that their identity is erased. We must protect the human rights of all in the TDSB.

But it is clear now – in this very public [Integrity Commissioner's Report](#), that there is a lack of understanding on what constitutes antisemitism. In fact, this will be of no surprise to staff but for some time I have felt this board has not done enough to combat the rising instances of hate in our schools.

I need to be clear - I do not support the [Integrity Commissioner's](#) finding that my colleague Trustee Alexandra Lulka committed a breach of our [Trustee Code of Conduct](#) based on a third-party investigator. In fact, I reject the very notion that my colleague Alexandra Lulka should be censured for calling out antisemitism when, in fact, some materials were found to be antisemitic. But before I get to the reasons why this isn't a Code of Conduct complaint, I too, will provide context.

When the staff member responsible for distributing the materials in question consulted with the Board's [Human Rights Office](#) in May before the article appeared in the Toronto Sun, he was told that it "does not appear that" the material in his mailout was antisemitic but the HRO needed to conduct a more detailed account (p. 10). Then in June, after more detailed investigation, the HRO said that some materials were antisemitic. That certainly sent mixed messages.

It appears to the community that a staff member was returned to his position without any consequences whatsoever for his perceived misstep (this may not entirely true but this is what the staff member claims) and now a Trustee is subject to our Code of Conduct and investigated under the direction of a third-party – our Integrity Commissioner - in a very public process. Further, the Integrity Commissioner followed the advice of a third-party investigator – a lawyer who has very publicly tweeted views that jeopardize her perceived fairness – that noted, she also found some of the materials to be antisemitic and that cannot be glossed over.

There is now the presumption by the Jewish Community that a Trustee, enraged by possible antisemitism, is being silenced.

In investigating the complaints against Trustee Lulka with respect to the Code, the Human Rights Office concluded that support of Palestinians does not constitute support of terrorist's groups (p. 23). Then how can it logically conclude that calling out antisemitism constitutes Islamophobia? That mentioning suicide bombing was Islamophobic?

Where is the evidence that Alexandra is not in support of Palestinian human rights?

The Integrity Commissioner's Report alleges that Trustee Lulka was only allowed to condemn the antisemitic portions of the materials if she did so while also "appropriately characterizing other materials as important, positive pro-Palestinian discourse." (p.45)

The Integrity Commissioner's finding of discrimination seems to hinge completely on assuming that people cannot be relied on to understand that "some" clearly means "not all", and that Trustee Lulka should have explicitly stated that some materials in the packet were reasonable. But there was explicit acknowledgement that some of the materials were antisemitic, even by the HRO's rather loose standards. Should every complainant of racism and discrimination be code brecches if they do not also catalogue real or imagined 'positives' associated with the wrongs they are condemning?

Not everything has two sides. The events of Charlottesville taught us that.

Now to why we are here. Did Trustee Lulka breach our Code of Conduct.

To find Trustee Lulka breached the Code conflicts with our duty as Trustees under the [Education Act](#).

169.1.1

(e) monitor and evaluate the effectiveness of policies developed by the board under clause

(d) in achieving the board's goals and the efficiency of the implementation of those policies... and that individual Board members, have a duty to

218.1

(c) consult with parents, students and supporters of the board on the board's multi-year plan under clause 169.1 (1) (f);

(d) bring concerns of parents, students and supporters of the board to the attention of the board... that Trustees have perhaps the most significant role of all the partners referred to in the "Purpose" section of the Act:

0.1(3) All partners in the education sector, including the Minister, the Ministry and the boards, have a role to play in enhancing student achievement and well-being, closing gaps in student achievement and maintaining confidence in the province's publicly funded education systems... that all of these duties require a considerable degree of transparent and timely communication with the general public, especially on issues that could cause a reduction in public confidence.

We are being asked to find a colleague breached the Code of Conduct for:

- accurately describing material being distributed within TDSB as hateful (in this case antisemitic, but it could be any other type of hate)
- calling for the Board to instruct staff to investigate how such a lapse resulting in the violation of a foundational Board policy came about, in order that the procedures can be corrected (169.1.1 e)
- communicating with the public that a controversy being widely publicized in the media and circulating among both the public and staff is being addressed (0.1c)

Remember that no presentation of any position can be complete, and that everyone (especially those entrusted with setting complex public policies) at times will communicate in ways that can be misunderstood, particularly when the issue at hand is contentious.

Stating that "some" of the distributed materials are problematic implicitly means that other materials are not problematic. Finding someone breached the Code for not making this inherent distinction explicit (which is what I take is the Integrity Commissioner's reasoning), will open every conscientious Trustee to Code violations, probably several times a year.

What is acceptable or not acceptable for Trustee communication? Trustee Alexandra Lulka's intent was not malicious, nor were her tweets persistent or harassing. She heard that antisemitic information was circulated to teachers and she demanded an investigation. That is one of her roles as a Trustee. She did not demand that someone be fired or reported to the college of teachers or castigated by the Board. That would be a Code violation.

Will this Board or any Board be able to define the exact words that a Trustee can use when communicating?

Ironically, some of the results from the allegations against Code of Conduct breaches in the Integrity Commissioner's Report have been positive: material that was antisemitic was identified. And the staff seems to be finally taking action in consulting specialists and trying to present a balanced set of resources honouring the dual narratives that exist within our TDSB community.

Again, as it bears repeating – one may have anti-Israeli sentiment; one may have pro-Palestinian sentiment. But hate is unacceptable. No one should feel that their identity is erased. Our students and staff deserve to be in a public school system where all human rights are protected.

According to the Integrity Commissioner her report deals only with the breaking of the Code of Conflict.

But the entanglement of the conflict in Gaza and the issue of whether or not some materials were antisemitic are interwoven with the issue of the Code which deals with Trustee communication.

Those highly emotional issues are obscuring the examination of the Code of Conduct - which was not breached and does not deserve censure.

That said, we all have an absolute moral imperative to call out hate in all forms. It is our collective responsibility to do so, and that is what our colleague Trustee Alexandra Lulka did.

(Please note due to time constraints these remarks were not given in their entirety as written.)