

**INVESTIGATION REPORT REGARDING
JOEL TAUB'S CONDUCT AT 2/14/22 BOARD MEETING**

To: The Board of Education and Dr. Charles Johns

From: Justin Petrarca and Darcee Williams

Date: June 24, 2022

I. Introduction

Following a Board of Education Meeting on 2/14/22, complaints were received against Board Member Joel Taub regarding his conduct at the meeting. Himes, Petrarca and Fester ("HPF") was appointed as the external complaint manager and conducted an investigation pursuant to the Board's Uniform Grievance Policy. Mr. Taub has been a member of the Board since 2007. His current term expires in 2023.

The following individuals submitted written complaints about Mr. Taub: (1) Gia Diakakis; (2) Dan Vosnos; (3) Dave Wasserman; (4) Jennifer Preston; (5) Ellen Olshansky; (6) Mario Ressay; (7) Charles Stiltner; (8) Mel Jacobsen; (9) Jeff Malkan; (10) Beth Oyarzun; (11) Glenn Farkas; (12) Mary Clare Noteman; and (13) Tammy O'Donnell. These individuals were contacted by letter and given the opportunity to meet with HPF to discuss their complaint. Only Dan Vosnos, Jennifer Preston, Glenn Farkas and Mary Clare Noteman (collectively "Complainants") requested to meet with HPF and were therefore interviewed as part of the investigation.

II. Relevant Board Policies and Illinois Association of School Boards Code of Conduct

A. School Board Legal Status Authority – 1020

Policy 1020 provides that Board members have no authority over school affairs as individuals and sets forth the powers and duties of the Board.

B. Organization of the Board of Education – 2010

Policy 2010 sets forth the Oath of Office for Board members which includes affirming that a Board member shall encourage and respect the free expression of opinion.

C. Meetings of the Board of Education - 2030

Policy 2030 sets forth how public comment will be allowed during meetings and provides that "Unless otherwise specified by legal requirements or specific Board actions all meetings of the Board shall be conducted under procedures established by the Board. In the event the Board reaches an impasse in establishing a procedure (or procedures), Robert's Rules of Order shall govern."

D. Conflict of Interest, School Board Members – 2050

Policy 2050 sets forth the code of ethics for board members which includes among other things, respecting free expression.

E. Uniform Grievance Policy ("UGP") - 2070

The UGP is used to process a variety of types of complaints including complaints of bullying. In cases of complaints in which the Respondent is a Board member, an external complaint manager/investigator may be designated.

F. Harassment – Employees – 6440

Policy 6440 provides that, “No person, including a district employee or agent, or student, shall harass or intimidate another employee, student, or another person based upon a person’s sex, color, race, religion, creed, ancestry, national origin, physical or mental disability, sexual or gender orientation, other legally protected group status or, pertaining to students, based upon their class standing, activities, or affiliations.”

G. Illinois Association of School Board’s Code of Conduct

The Illinois Association of School Board’s (“IASB”) Code of Conduct for Members of School Boards sets forth the standards and principles for members of a board.

III. School Code Provisions on Removal of Board Member

Article 3 of the School Code vests with the Regional Superintendent of Schools, the authority to remove a school board member for willful failure to perform his official duties. 105 ILCS 5/3-15.5.

IV. 2/14/22 Board Meeting Agenda

The Agenda for the 2/14/22 meeting stated that masks were required for all individuals. The agenda provides in relevant part:

This meeting will be held in person and will be available via Zoom webinar. Public comment will be in-person only.

The wearing of masks is required for all attendees. The visitor capacity for the Board Room is 30. Additional visitors will be seated in the adjoining Professional Development Room (equipped with a live stream of the meeting) and rotated into the Board Room if they desire to make a public comment.

Public Comment Procedures: Individuals that would like to address the Board of Education during the “Recognition of Community Visitors” portion of the meeting must indicate their intention by signing up upon arrival to the meeting, prior to the start of the public comment period. Individuals will be called to the podium in the order that they signed in and provided two (2) minutes to address the Board.

V. 2/14/22 Board Meeting

The course of events leading to the complaints involve an individual named Mark Weyermuller, who, according to media reports, resides in Wilmette. Mr. Weyermuller attended the 2/14/22 Board meeting and can be seen in the video of the 2/14/22 meeting sitting in the audience wearing

a facemask but not over his nose. When it was his turn for public comment, he approached the podium, then took off his facemask. He was asked to put his mask on. He responded to the request by stating that he had a medical exemption for wearing the mask. Thereafter, the following exchange ensued in relevant part:

Weyermuller: “I have a mask. I can wear the mask on my head if you want (putting the mask on the top of his head), I mean it’s just...”

Taub: “You can wear your mask on your (expletive) balls. If you don’t wear the (expletive) mask, you get the (expletive) out of here!”

Board President Doughty: “Enough. Enough. We’re going to take a recess for five minutes.”

Taub: “Get him the (expletive) out of the room if he can’t put his (expletive) mask on!”

Following the foregoing exchange, a break was taken. Following the break, Mr. Weyermuller gave his public comment with his mask on covering his nose.

The CDC’s Mask Order and guidance at the time of the meeting provided for disability exemptions. The Order provided in part that, “certain people with disabilities who, because of their disability, cannot wear a mask, or cannot safely wear a mask, are exempted from CDC’s mask-wearing requirement.” For example, “A person with a disability who cannot wear a mask because it would cause the person to be unable to breathe or have respiratory distress if a mask were worn over the mouth and nose ... [and] [a] person with a severe sensory disability or a severe mental health disability who would pose an imminent threat of harm to themselves or others if required to wear a mask...” were exempt from the CDC’s Mask Order.

Notably, at the meeting approximately 35 individuals participated in public comment. Besides Mr. Weyermuller, two other speakers were not wearing their mask properly by having it cover their nose when they made public comment, including individuals believed to be Ms. Preston and Mr. Farkas, both of whom filed a complaint in this matter. A police officer was present in the room during public comment.

VI. Written Apology

Mr. Taub apologized for his conduct at the 2/14/22 Board meeting by posting the following on his personal Facebook page on 2/17/22, and by sending his written apology to news outlets:

I apologize for the language I used at our recent board meeting. My duty is to serve our community with professionalism, and I regret letting my frustration get the best of me at this stage of the global pandemic. I remain deeply committed to the education of our students and will refocus my energy on that integral responsibility.

The Board of Education issued the following statement which was posted on the District’s website under the Board of Education tab:

February 18, 2022

At the regular meeting of the Board of Education on February 14, 2022, during the public participation segment of the meeting, a Board member interacted with a member of the public in ways that are inconsistent with our District's mission and values. The Board member's behavior was profane, unprofessional, and disrespectful.

The words and actions displayed by the Board member violated the member's Oath of Office, several Board policies, and the Code of Conduct to which Board members are held through our institutional membership in the Illinois Association of School Boards. Perhaps most troubling, the conduct did not display the language and decorum we try to model for our students during public discourse.

We disavow such language and behavior and shall not tolerate them at any level. We appreciate everyone's ongoing support, while we focus on the students, staff, and community our schools serve.

VII. Summary of Complainant's Allegations

A. Glenn Farkas Allegations

Mr. Farkas submitted a written complaint on 2/21/22 alleging Mr. Taub has engaged in repeated bullying for years. He further alleged that, "...with his recent violent outbursts, he is a potential physical threat to students, parents and citizens and growing financial liability to the taxpayers." It is his position that the Board's statements following Mr. Rockrohr's and Ms. Fagel's resignations are hyperbole if Mr. Taub is not removed from his position.

Mr. Farkas was present at the 2/14/22 meeting in the overflow room and has typically attended board meetings in person. Mr. Farkas participated in public comment at the meeting.

Mr. Farkas believes that Mr. Taub has a bad temper and has displayed that temper in the past. For example, in January 2018, during public comment following a discussion on the transgender policy, Mr. Farkas urged the Board to wait on adopting the policy to allow for more community input and to meet with community members. Then Board member, Sonia Kim, expressed an interest in hearing from the community about the policy. However, Mr. Taub "started shouting" and stopped the discussion. In the Fall of 2020, the Board was discussing ways to bring students back given COVID and Mr. Taub was argumentative with his fellow Board members. As a third example of Mr. Taub's temper, Mr. Farkas explained that during early voting in April 2021 he had a heated exchange with Mr. Taub when he ran into him at a public location and Mr. Taub used expletives towards him.

Mr. Farkas acknowledged that there was a mask mandate in place at the meeting and that he was wearing a mask. During his public comment, he stated that he pulled his mask away from his face when he spoke and Board President Doughty asked Mr. Farkas to put his mask on.

Mr. Farkas met Mr. Weyermuller 10-11 years ago and has not seen him since. Mr. Farkas had no knowledge about Mr. Weyermuller's alleged medical exemption or whether the lanyard Mr. Weyermuller was wearing at the meeting had something to do with the exemption.

Mr. Farkas encouraged others to file a complaint in relation to Mr. Taub's conduct. He did not meet with anyone to discuss the complaint but did speak with others on the phone, posted on social media and texted about next steps to communicate "this is not acceptable."

Mr. Farkas characterized Mr. Taub's apology as "half assed." He wants Mr. Taub off the Board because he is "unhinged, unstable and unprofessional." He also expressed concern that Mr. Taub is a physical threat and may get into an altercation.

Mr. Farkas stated that things Mr. Taub does on his private time affect his ability to lead the school as it relates to political propaganda. For example, on Mr. Taub's public Facebook page, at one point, he posted comments to the effect of, "wearing a facemask below your nose is like wearing a condom on your balls." Regarding Mr. Taub's conduct, Mr. Farkas stated, "It's very unprofessional and unbecoming of someone in a leadership position and someone who can hire and fire personnel."

B. Jennifer Preston Allegations

Mrs. Preston alleges that Mr. Taub is an embarrassment, should be "disqualified" from further service, is a physical threat to students, parents and citizens, and he is a growing financial liability to the taxpayers. "He does not represent and advocate in the best interest of our community..." Mrs. Preston seeks Mr. Taub's immediate dismissal in accordance with past employee matters involving Mr. Rockrohr and Ms. Fagel. Mrs. Preston requested the Board vote to remove Mr. Taub during public comment at a subsequent meeting.

Mr. and Mrs. Preston attended the 2/14/22 Board meeting in person with their two children because their daughter intended to address the Board during public comment and advocate for removal of the mask mandate. There were other students at the meeting as well. Mr. and Mrs. Preston and their children wore masks at the meeting. Mrs. Preston alleged that when she attended other meetings and made a public comment, she removed her mask when speaking without any repercussions. Mrs. Preston regularly attends Board meetings and she has spoken at six this year. At a different meeting, a Board member made a negative comment about not getting vaccinated which was offensive to the Prestons. Mrs. Preston describes herself as "a staunch advocate for families and kids and proponent of getting groups to meetings."

Mrs. Preston met Mr. Weyermuller one time before the 2/14/22 meeting at a District 34 protest. She did not know he would be at the 2/14/22 meeting or that he was going to speak. Mrs. Preston observed Mr. Weyermuller approach the podium during public comment and take off his mask. Mrs. Preston explained that when Mr. Weyermuller stated that he could put his mask on his head, Mr. Taub stood up, got aggressive and used an expletive five times within a period of 30 seconds. She was concerned Mr. Taub would have stormed at Mr. Weyermuller if the table had not been in his way. She stated that the police officer in the room did nothing.

Further, Mrs. Preston alleged that Mr. Taub traveled extensively during COVID and posted photos of himself regularly on Facebook not wearing a mask. He also posted a vulgar comment about not wearing a mask correctly.

Mrs. Preston explained that Mr. Taub's conduct at the 2/14/22 meeting was not an isolated incident. Mrs. Preston alleged that Mr. Taub constantly uses aggressive language and an aggressive tone with parents. She also believes he is a physical threat in the way he got out of his chair when angry and threatened to storm at parents. Mrs. Preston was concerned that Mr. Taub was never asked to leave the room.

She was asked to be on Fox and Friends and participated in an interview about Mr. Taub's conduct. She is concerned that there are "people like this on the Board who have far too much power and when they act like this, and we can't get rid of them. It's a national disgrace and laughingstock."

Mrs. Preston contacted the Regional Superintendent of Education ("ROE") about this matter and was told there was nothing the ROE could do. She has encouraged a lot of people to file grievances regarding Mr. Taub.

Mrs. Preston felt that it is not fair for taxpayers to have to pay for this investigation and it is her position that Mr. Taub should be suspended during the investigation and should not have any voting rights.

C. Dan Vosnos Allegations

Mr. Vosnos alleges he is embarrassed by Mr. Taub's conduct. He referred to the Board's recent handling of the Rockrohr and Fagel matters involving bullying and harassment. He indicated his hope that Mr. Taub would resign, and if he does not, that the Board vote to remove him from the Board.

Mr. Vosnos was not present at the 2/14/22 Board meeting but watched it remotely. He is a former District athletic director and is familiar with how boards run. Mr. Vosnos did not know Mr. Taub and did not know who he was at the time of the Board meeting, nor did he know Mr. Weyermuller.

He was embarrassed by Mr. Taub's use of profanity. It is his understanding that Board members are supposed to remain quiet during public comment while they actively listen. For example, if a speaker said, "you're a jerk," during public comment, Mr. Taub would have to listen and not respond.

He was concerned by the way Mr. Taub interrupted the speaker, the use of profanity and that Mr. Taub stood up in a threatening manner. His conduct was unprofessional and embarrassing. He believed that if a staff member had done that, the staff member would have been removed immediately. "A Board member should be accountable the same way as an employee."

Mr. Vosnos reached out to the ROE and was advised that there is nothing they can do to remove a Board member unless the Board member fails to fulfill his duties. He encouraged the Board to go on the record and take a vote to remove Mr. Taub from the Board. He also said that there is precedence for doing so as two administrators resigned, or were forced to resign, over things they said. The District is on record as having zero tolerance. Mr. Taub should also face repercussions. Mr. Vosnos stated that If Mr. Taub is not removed, the District is saying, "we support this behavior."

D. Mary Clare Noteman Allegations

Ms. Noteman emailed both the Superintendent and Board of Education demanding an apology regarding Mr. Taub's behavior. It is Ms. Noteman's position that everyone has to be heard and that Mr. Taub should not have spoken to Mr. Weyermuller as he did. Neither parents nor teachers would be permitted to speak to others that way. Board members have a level of control and speak their mind, but parents don't have the same right. If someone had said something inappropriate to the Board, that person would be asked to leave.

Community members have shared social media posts with her of pictures where Mr. Taub is not wearing a mask while in public places. She believes his conduct is hypocritical.

Ms. Noteman did not attend the 2/14/22 meeting in person but she did watch the video of the meeting. She attends Board meetings in person once a month. She alleged that she has spoken a couple of times at public comment, that she took her mask off when she did, that no one said anything and that she observed others taking off their mask during public comment as well. Ms. Noteman does not know and had never previously met Mr. Weyermuller.

Ms. Noteman wants Mr. Taub to resign his position as a Board member. If he does not, she wants the Board to ask him to step down.

VIII. Summary of Mr. Taub's Response to the Allegations

Mr. Taub did not know Mr. Weyermuller prior to the 2/14/22 Board meeting. At the 2/14/22 meeting, there were numerous speakers during public comment. Everyone speaking during public comment (except Mr. Weyermuller) wore their masks though some people did not wear their masks correctly. For example, one parent did not have her mask over her nose though Mr. Taub did not comment on it at the meeting.

One week before the Board meeting, Mr. Taub asked Board President Doughty and Dr. Johns about police presence at the upcoming Board meeting and whether the mask mandate would be enforced and was told "yes." However, there was no plan on how to address uncooperative individuals.

It was Mr. Taub's belief that Mr. Weyermuller had been masked throughout the meeting up until he was at the podium for public comment. Mr. Taub believed that had Mr. Weyermuller informed the Board of the need for a medical accommodation in relation to wearing a mask in advance, he could have been accommodated in another way other than removal of his mask during public comment. For example, arrangements could have been made for Mr. Weyermuller to give his public comment from another location in the building without a mask.

Mr. Taub acknowledged that his comments to Mr. Weyermuller were inappropriate, and he was apologetic. He indicated that if his knee had not gone out that week, he would have simply left the meeting when Mr. Weyermuller removed his mask. However, he was unable to do so because he had gotten a ride to the meeting from a fellow Board member because of his knee issue.

Mr. Taub also explained that he wears his mask in all locations where he is required to wear a mask.

Mr. Taub takes the pandemic very seriously and exercises caution due to his own medical conditions and in order to protect his family members. Following the meeting and the related media coverage, Mr. Taub and his family members received threats and anti-Semitic messages.

IX. Findings

It is undisputed that Mr. Taub is a long-time elected Board member. He used expletives during the 2/14/22 Board meeting directed at a speaker who removed his mask during public comment. There was a mask mandate in place for the meeting, which requirement was published to the public in advance of the meeting. Additionally, Mr. Taub had been assured that the mask mandate at the meeting would be enforced. Mr. Weyermuller wore a mask over his mouth while in the audience

at the meeting. During public comment he alleged that he had a medical issue exempting him from mask usage, which exemption was ultimately honored by the Board. Mr. Weyermuller wore his mask during his public comment following the break after the exchange between Mr. Weyermuller and Mr. Taub.

Mr. Taub acknowledged that he used profane language at the 2/14/22 meeting and that his conduct was unprofessional. Mr. Taub issued a written apology on his personal Facebook page. The Board likewise acknowledged that Mr. Taub's behavior at the meeting was profane, unprofessional, and disrespectful and it disavowed the conduct.

We find that based on the evidence obtained during the investigation, Mr. Taub eroded the climate and civility expected at Board meetings by losing his temper and using expletives directed toward a member of the public. Further, we find that Mr. Taub's conduct may have been viewed as creating an intimidating or offensive environment at the Board meeting. By his conduct, Mr. Taub violated the spirit and intent of:

- (1) the Board's Organization of the Board of Education policy (2010) which includes the Board Member Oath of Office;
- (2) the Board's Meetings of the Board of Education policy (2030);
- (3) the Board's Conflict of Interest, School Board Members policy (2050); and
- (4) the IASB's Code of Conduct for Members of School Boards.

We find that there is no evidence to support violations of the School Board Legal Status Authority policy (1020) as Mr. Taub did not violate his powers or duties as an elected official as set forth in the policy. Nor did Mr. Taub violate the Board's Harassment – Employees policy (6440) as the policy is applicable to employees and Mr. Taub is not an employee.

Because Mr. Taub has already apologized for his conduct at the 2/14/22 Board meeting, the Board has admonished Mr. Taub for his conduct and the Board has disavowed the conduct, legally the Board has no authority to remove Mr. Taub from his position as an elected Board member for violating his official duties (105 ILCS 5/3-15.5). Therefore, no further action is warranted.