

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALEXANDER *et al.*,

Plaintiff,

-against-

SUTTON *et al.*,

**DECLARATION OF TONI
GANTZ IN SUPPORT OF
DEFENDANTS’ OPPOSITION
TO PLAINTIFFS’ MOTION
FOR A PRELIMINARY
INJUNCTION**

Defendants. 24 CV 2224 (DG) (JRC)

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Toni Gantz, under penalty of perjury, declares pursuant to 28 U.S.C. § 1746, as follows:

1. I serve as an Executive Deputy Counsel in the Office of the General Counsel for the New York City Department of Education (“DOE”). I have served as Executive Deputy Counsel since 2019.

2. I submit this declaration in support of the DOE Defendants’ opposition to Plaintiffs’ Motion for a Preliminary Injunction.

3. The statements in this declaration are based on my personal knowledge, and information provided to me by DOE employees, and as contained in the books and records of DOE.

4. Community Education Councils (“CECs”) often create, administer, and maintain their own social media accounts, such as on Facebook, Instagram, or X (formerly known as Twitter). See, for example:

- a. CEC 31 Facebook account: <https://www.facebook.com/p/Community-Education-Council-31-100069249188091>

- b. CEC 25 Facebook account: <https://www.facebook.com/cecd25/>
 - c. CEC 21 X account: https://twitter.com/cec_d21?lang=en
 - d. CEC 20 X account: <https://twitter.com/cecdistrict20?lang=en>
 - e. CEC 14 Instagram account: <https://www.instagram.com/cecd14/>
 - f. CEC 13 Instagram account: https://www.instagram.com/cec_dist.13_bklyn/?hl=en
 - g. CEC 6 Instagram account: <https://www.instagram.com/cecd6nyc/>
 - h. CEC 2 X account: <https://twitter.com/CECDistrict2>
 - i. CEC 1 Facebook account: <https://www.facebook.com/CECD1/>
5. DOE does not host, oversee, or exercise control over CEC social media accounts.
 6. Pursuant to Education Law § 2590-h(19) and Chancellor’s Regulation D-210, Citywide and Community Education Council Code of Conduct and Complaint Procedures – Anti-Discrimination and Anti-Harassment Policy (“Chancellor’s Regulation D-210”), the Chancellor has delegated the authority to issue determinations on complaints filed under Chancellor’s Regulation D-210 to Deputy Chancellor of Family and Community Engagement and External Affairs Kenita D. Lloyd (“Deputy Chancellor Lloyd”).
 7. On or about April 17, 2024, Deputy Chancellor Lloyd issued a determination finding that there was a reasonable basis to believe that CEC 14 President Tajh Sutton engaged in conduct in violation of Chancellor’s Regulation D-210, “based on Respondent’s dissemination of materials containing harassing and discriminatory content in connection with a walkout that took place on November 9, 2023.” A true and correct copy of this determination is attached hereto as Exhibit 1. The determination ordered Ms. Sutton to “cease engaging in conduct that subjects any person or entity to discrimination or harassment on the bases set forth in Chancellor’s Regulation D-210(II)(A), which include religion, creed, ethnicity, and national origin, as prohibited by

Chancellor’s Regulation D-210(II)(B).” Consistent with Education Law § 2590-1 and Chancellor’s Regulation D-210(IV)(E), Ms. Sutton was provided with an opportunity to engage in a conciliation, *see* Exhibit 1, which is a meeting with the Chancellor or his designee at which the subject of the order may respond to the determination.

8. In response to complaints relating to CEC 14 meetings, including allegations that the exclusively remote nature of the meetings violated New York’s Open Meetings Law, the Chancellor issued orders to CEC 14 and Ms. Sutton to address these concerns, including an order issued to Ms. Sutton dated April 16, 2024 (issued on April 17, 2024, hereafter the “April 17 Order”). A true and correct copy of the April 17 Order is attached hereto as Exhibit 2.

9. The April 17 Order addressed the fact that CEC 14 meetings between November 2023 and January 2024 generated numerous complaints about the exclusion and removal of participants, which raised concerns about whether the meetings had been truly open to the public and whether, under the direction of Ms. Sutton, CEC 14 was only selectively representing the parent community. *See* Exhibit 2.

10. The April 17 Order directed Ms. Sutton to appear for conciliation, *see id.*, which occurred on May 6, 2024.

11. On April 17, 2024, Deputy Chancellor Lloyd issued a determination of a complaint filed under Chancellor’s Regulation D-210 against Maud Maron, a member of the CEC for Community School District 2 (“CEC 2”), which concerned Ms. Maron’s statements as quoted in a *New York Post* article, published February 24, 2024 (the “NY Post Article”).¹ A true and correct copy of this determination is attached hereto as Exhibit 3.

¹ Jon Levine and Anita Bohle, “NYC’s Stuyvesant HS newspaper accuses Israel of ‘genocide’ while whitewashing Hamas’ massacre,” *The New York Post*, Feb. 24, 2024 (available at: <https://nypost.com/2024/02/24/usnews/nycs-stuyvesant-hs-newspaper-accuses-israel-of-genocide-whitewashes-hamas-massacre/>) (last accessed May 1, 2024).

12. Ms. Maron's statement was made in response to an opinion piece concerning the Israel-Hamas war that was authored anonymously by a student of Stuyvesant High School, and published in the Stuyvesant student newspaper, *The Spectator*. Ms. Maron stated: "The byline should read coward instead of anonymous. If you are going to repeat revolting Hamas propaganda and transcribe your ignorance and Jew hatred, put your name to it." See NY Post Article, available at: <https://nypost.com/2024/02/24/us-news/nycs-stuyvesant-hs-newspaper-accuses-israel-of-genocide-whitewashes-hamas-massacre>) (last accessed May 1, 2024).

13. The determination found there was a reasonable basis to conclude that Ms. Maron engaged in conduct that constitutes a violation of Chancellor's Regulation D-210, and Ms. Maron was ordered to "cease engaging in conduct involving derogatory or offensive comments about any New York City Public School student, and conduct that serves to harass, intimidate, or threaten, including but not limited to frequent verbal abuse and unnecessary aggressive speech that serves to intimidate and cause others to have concern for their personal safety, which is prohibited by Chancellor's Regulation D-210(II)(C & D)." See Exhibit 1. The determination further advised Ms. Maron that she had an opportunity to engage in a conciliation. *Id.*


14. On or about April 18, 2024, Ms. Maron requested clarification as to the conduct at issue in the determination, and on the same day, FACE replied that the decision concerned Ms. Maron's comments in the NY Post Article. A true and correct copy of the April 18, 2024 email exchange between FACE and Ms. Maron is attached hereto as Exhibit 4.

15. Ms. Maron subsequently agreed to participate in a conciliation, which has been scheduled for May 13, 2024.

16. To date, Ms. Maron remains a member of CEC 2.

17. On or about May 3, 2024, Deputy Chancellor Lloyd issued a determination of a complaint filed under Chancellor’s Regulation D-210 against Deborah Alexander, a former member of the CEC for Community School District 30 (“CEC 30”) and current member of the Citywide Council for High Schools. A true and correct copy of this determination is attached hereto as Exhibit 5. That determination found that there was a reasonable basis to conclude that Ms. Alexander did not engage in conduct that violated Chancellor’s Regulation D-210.

May 8, 2024



Toni Gantz