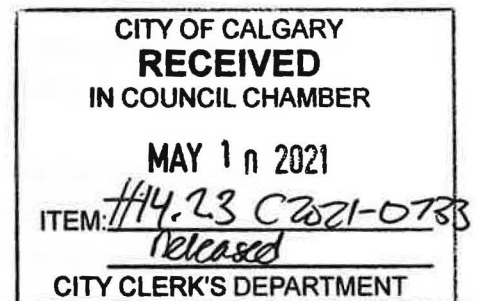


Investigation 201105
Report to City Council



Meryl Whittaker
Integrity Commissioner
City of Calgary
April 9, 2021

Description of Event

On November 5, 2020 at 1:41 a.m. the following was posted to the Twitter account of Councillor Evan Woolley (@EWoolleyWard8):

Chu is one of the most ignorant morons on Council. Every developer that donates to him is a target that I will push.

At 12:20 p.m. November 5, 2020, the following was posted to Councillor Sean Chu's Twitter account (@seanchucalgary) in response to Councillor Woolley's earlier tweet:

I believe Calgarians deserve better from their elected officials. If Cllr. Woolley chooses to apologize, I will consider the matter closed.

Attached to the tweet was a statement on Councillor Chu's letterhead dated November 5, 2020 stating the following:

In regards to the Tweet sent out by my colleague last night, I will be sending the following comment to the Ethics Commissioner, as this is against the Respectful Workplace policy that governs all Councillors and their staff.

If Cllr Woolley has an issue with my stance on the question of defunding the police, then he could have reached out to me to have a discussion. We can disagree on an issue but mean spirited comments do nothing to build bridges or increase the level of discourse needed in such emotionally charged debates. I believe Calgarians deserve better from their elected officials.

I consider this matter dealt with and will await the Ethics Commissioners (*sic*) response, and given the important Council issues at hand, I will focus my energy on those.

As well, if Cllr Woolley chooses to apologize I will also consider this matter closed.

At 2:23 p.m. on November 5, 2020, the following was posted to Councillor Woolley's Twitter account:

Last night I called out one of my #yyccc colleagues on Twitter. I have been a City Councillor for 2 terms and I am angry about some of the behaviour I've witnessed over that time.

I think it is time to call it out.

During a discussion about supervised consumption sites in Calgary, Councillor Chu said that addiction is a “choice”. This is deeply insulting to the thousands of Calgarians who have lost a loved one during the opioid crisis.

My brother died of an overdose and I wish I had called the Councillor more forcefully at that time.

Councillor Chu also called Ireland’s decision to allow same-sex marriage a “social revolution” and compared it to cycle tracks. The lack of respect to members of Calgary’s LGBTQ community was both appalling and unforgivable.

I grew up with 2 moms and I wish I had called the Councillor out more forcefully at the time.

One of the most pressing issues of our time and one that, as a father of a young child keeps me up at night, is climate change. Councillor Chu has repeatedly called climate change into question.

Again...I wish I had spoken out.

So I will not apologize and I promise to speak out more forcefully in the future.

The world is changing. Calgary needs to change with it in order to thrive in the future. I love Calgary. It has been my home for my entire life. I have worked hard to do the best for my city and for my constituents. I have not always succeeded.

But I can’t sit idly by and ignore the actions and words that hurt and insult large numbers of Calgarians.

In a world that’s more divided than ever, I truly believe we must call out distortion, misinformation, ignorance, and hate.

Complaints and Response

On November 5, 11, and 16th 2020, and on January 14, 2021, four separate complaints about Councillor Woolley’s tweets were received by the Office of the Integrity Commissioner. All were received in writing and all were received within the timelines allowed in the procedures set out in the *Code of Conduct for Elected Officials, Bylaw 26M2018 (the “Code”)*.

The complaints fall into two categories:

1. Complaints that the name-calling in the first sentence of the first tweet was inappropriate.
2. Complaints that the targeting of developers in the second sentence of the first tweet was inappropriate.

Pursuant to the procedures set out in the *Code*, all verbatim complaints were provided to Councillor Woolley and he was afforded the opportunity to respond in writing. Pursuant to s. 79 of the *Code*, Councillor Woolley was also given the opportunity to try to have the matter resolved informally between himself and Councillor Chu by a referral to the Ethics Advisor, but Councillor Woolley declined.

With respect to the first concern about the “ignorant moron” tweet, Councillor Woolley provided the following response:

I do not believe this tweet goes against the respectful workplace policy as I believe my comments to be true and a part of defending the constituents that I represent. On many occasions over the years I believe Councillor Chu has made many comments of an ignorant and moronic nature which are clearly defined in the Merriam- Webster Dictionary. Councillor Chu’s own tweets and public comments support this:

- During a discussion about supervised consumption sites in Calgary, Councillor Chu said that addiction is a "choice". This is deeply insulting to the thousands of Calgarians who have lost a loved one during the opioid crisis. He said this knowing my brother had died of an overdose and I wish I had called the Councillor more forcefully at the time.
- Councillor Chu also called Ireland's decision to allow same-sex marriage a "social revolution" and compared it to cycle tracks. The lack of respect to members of Calgary's LGBTQ community was both appalling and unforgivable. I grew up with 2 moms and I wish I had called the Councillor out more forcefully at the time.
- One of the most pressing issues of our time and one that, as a father of a young child keeps me up at night, is climate change. Councillor Chu has repeatedly called climate change into question. Again... I wish I had spoken out.

I have worked hard to do the best for my city and for my constituents. I have not always succeeded. But I can't sit idly by and ignore the actions and words that both hurt and insult large numbers of Calgarians. In a world that's more divided than ever, I truly believe we must call out distortion, stupidity, misinformation, ignorance, and hate.

I consider this matter closed. If a report to Council would provide me an opportunity to further define my statements and identify more examples I would be happy to do so in a public setting, though I am not sure Councillor Chu would find this very valuable.

With respect to the second concern around the comment that "every developer that donates to him is a target that I will push", Councillor Woolley's response was as follows:

People who donate to councillors voicing (*sic*) their support for the positions and actions of that member of council. My statement is one that is common during elections and that is no different than my previous response to you.

Code of Conduct for Elected Officials: Applicable Sections and Interpretation

The issue to be determined is whether Councillor Woolley's tweets on November 5, 2020 breached the *Code*. The sections of the *Code* most relevant to this matter are as follows:

- s. 19 A Member must communicate with members of the public, one another, and with City employees and Members' staff respectfully, without abuse, bullying or intimidation.
- s. 20 A Member must comply with the Respectful Workplace Policy (HR-LR-001).
- s. 11 A Member must respect and comply with the law and avoid conduct that, in the eyes of reasonable Calgarian, undermines, or has the potential to undermine public confidence in City governance.

In reviewing these provisions, the most relevant to this matter is s.19 which specifically addresses communications by Members of Council. A tweet by a Councillor about another Councillor is a communication with members of the public and therefore the communication must be done respectfully, without abuse, bullying or intimidation. These terms are not defined in the *Code* but the following are the definitions in the Merriam Webster Dictionary:

Respectful (adjective): marked by or showing respect or deference.

Respect (transitive verb): to consider worthy of high regard: esteem; to refrain from interfering with

Abuse (noun) language that condemns or vilifies usually unjustly, intemperately, and angrily.

Bullying (noun) abuse and mistreatment of someone vulnerable by someone stronger, more powerful, etc.: the actions of behaviour of a bully.

Bully (noun) a blustering, browbeating person *especially*: one who is habitually cruel, insulting, or threatening to others who are weaker, smaller, or in some way vulnerable.

Intimidate: to make timid or fearful: frighten *especially*: to compel or deter by or as if by threats.

Under the City of Calgary's *Respectful Workplace Policy*, the following provisions with respect to disrespectful behaviour are relevant:

s. 2.5.1 Inappropriate workplace behaviour is a single or repeated action that is objectionable or unwelcome, and negatively affects an individual or the workplace. Inappropriate workplace behaviour may create a poisoned work environment.

s. 2.5.2 There are three types of inappropriate workplace behaviour addressed in this policy. They are:

1. Harassment;
2. Disrespectful Behaviour; and
3. Discrimination.

s.2.5.5 Disrespectful Behaviour is:

- a) Objectionable or unwelcome conduct with moderate impact, which may or may not have intent to cause harm and has a negative effect on the work environment or individual(s);
- b) Any uncivil behaviour; and/or
- c) Any inappropriate workplace behaviour that does not meet the definition of Harassment.

s. 3.1 (b) Workplace means a place where an employee is, or may be, conducting work on behalf of the City, including work-related social gatherings.

With respect to the "ignorant moron" comment, Councillor Woolley's position is that Councillor Chu has made statements on various issues that are "of an ignorant and moronic nature which are clearly defined in the Merriam- Webster Dictionary".

“Ignorant” is defined in the Merriam Webster Dictionary as:

destitute of knowledge or education, *also*: lacking knowledge or comprehension of the thing specified; resulting from or showing lack of knowledge or intelligence; unaware, uninformed.

“Moron” is defined in the Merriam Webster Dictionary as:

a foolish or stupid person; *dated, now offensive, see usage paragraph below*: a person affected with mild intellectual disability.

Usage of Moron: The terms *idiot, imbecile, moron*, and their derivatives were formerly used as technical descriptors in medical, educational, and regulatory contexts. These uses were broadly rejected by the close of the 20th century and are now considered offensive.

Councillor Woolley is taking the position that he is justified in his comments because, in his view, he is simply making a factual statement based on his view of Councillor Chu’s public comments on various issues. But the issue here is not whether or not Councillor Chu’s alleged public comments are knowledgeable or informed. It is not my role as Integrity Commissioner to decide whether the views expressed by Councillor Chu are meritorious or to weigh in on political commentary. It is my role as Integrity Commissioner to make a determination on the manner in which Councillor Woolley reacted.

Councillor Woolley certainly has the right to disagree with Councillor Chu’s views on any issue and he has the right to express those views. But his right of expression is limited by the *Code*.

Under s. 19, his expression must be respectful. Name calling is not respectful. Councillor Woolley has very clearly illustrated by his tweet that he does not consider Councillor Chu worthy of high regard. Further, he relies on the definition of moron to justify his statement, but the dictionary definition itself states that it is no longer a technical descriptor and it is offensive.

While I can appreciate that Councillor Woolley may have strongly held views on Councillor Chu’s political commentary, the level of discourse on these issues should be focused on the issues themselves, not on the person. By resorting to name-calling, Councillor Woolley has lowered the level of discourse to an inappropriate and disrespectful level.

Under s. 20, Councillor Woolley must comply with the City’s *Respectful Workplace Policy* and under that policy, disrespect is an inappropriate workplace behaviour. Can a tweet constitute a “workplace” behaviour? In this instance, it does. Councillor Woolley’s twitter handle for this account is @EWoolleyWard8. He uses this account in his professional capacity as a member of

Council. It is therefore part of his workplace. And s. 4.1.2 of the *Respectful Workplace* Policy specifically states that the policy applies to “online environments”. The behaviour is disrespectful under s. 20 because it is an objectionable or unwelcome conduct of moderate impact that has had a negative effect on Councillor Chu, and it is uncivil. Further, such disrespectful behaviour undermines public confidence in City governance.

With respect to Councillor Woolley’s “target” comment, Councillor Woolley takes the position that this comment is “one that is common during elections”. He has provided no further explanation. He has not elaborated on who commonly makes this kind of comment. Is it common for a Councillor in one ward to target voters in other wards? And where a Councillor is not running for re-election, such as Councillor Woolley, is it common for them to target voters in other wards? And what does he mean by a “target” and what would he do to “push” them? Councillor Woolley provides no explanation. Turning once again to the Merriam Webster Dictionary, a target is defined as follows:

Target: something or someone fired at or marked for attack; a goal to be achieved; an object of ridicule or criticism; something or someone to be affected by an action or development.

It is possible that Councillor Woolley simply intended that he would reach out to Councillor Chu’s supporters to have a fulsome, respectful discussion about the issues in an attempt to affect their vote and achieve a goal of reducing Councillor Chu’s support. But it is also possible that he intended that he would reach out to them with the intent of marking them for attack, making them an object of ridicule or criticism, and disrespecting them and Councillor Chu on a personal level.

On balance, the level of discourse in the tweet points to the latter rather than the former. Given that he has already displayed disrespect for Councillor Chu in the first sentence of the tweet, it is reasonable to interpret the second sentence of the tweet as an intention to target private citizens with a similar level of disrespect. While there is no evidence that he has actually disrespected them, the tweet displays an intention that has the potential to undermine public confidence in City governance.

Further, under s.19, communications with the public must be made without intimidation. But Councillor Woolley has singled out an identifiable group of citizens on the basis of their support of another Councillor, using aggressive language. He could have simply said that he would campaign against Councillor Chu. Instead, he chose to use the aggressive words “target” and “push” in relation to Councillor Chu’s supporters. Therefore, it cannot be said that Councillor Woolley’s statement was without intimidation.

Findings

With respect to Councillor Woolley's name-calling tweet of November 5, 2020, I find that it was not respectful contrary to s.19 of the *Code*; it breached the *Respectful Workplace Policy* by being disrespectful contrary to s. 20 of the *Code*; and it undermined, or had the potential to undermine public confidence in City governance in the eyes of a reasonable Calgarian, contrary to s. 11 of the *Code*.

With respect to Councillor Woolley's targeting tweet of November 5, 2020, I find that it undermined or had the potential to undermine public confidence in City governance in the eyes of a reasonable Calgarian, contrary to s. 11 of the *Code*, and it was not without intimidation, contrary to s. 19 of the *Code*.

Recommendation:

Possible sanctions are outlined in s. 92 of the *Code*. I recommend that Councillor Woolley be requested to issue a letter of apology to Councillor Chu and to the public and that the letter be published.