

SUSAN DUNBAR BEY, PRESIDENT :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
SEAN BROWN, MEMBER :
CAMDEN BOARD OF EDUCATION, :
RESPONDENT, :
_____ :

DECISION

SYNOPSIS

The School Ethics Commission determined that Camden Board of Education member Sean Brown violated *N.J.S.A. 18A:12-24.1(i)* of the Code of Ethics for School Board Members when he compared Camden’s Superintendent of Schools to a terrorist on his Facebook page. After considering the nature of the charge, the Commission recommended that the Commissioner of Education impose a penalty of censure.

The Commissioner, whose jurisdiction – in the absence of an appeal – is limited to reviewing the Commission’s recommended sanction, did not adopt the Commission’s recommendation that respondent be censured, but instead elected to change the penalty to a reprimand based upon the absence of any prior violations by respondent. Accordingly, the Commissioner ordered that the above-named respondent be reprimanded as a school official found to have violated the School Ethics Act.

This synopsis is not part of the Commissioner’s decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

March 20, 2012

SEC DKT. NO. C25-11
AGENCY DKT. NO. 365-12/11

SUSAN DUNBAR BEY, PRESIDENT :
CAMDEN BOARD OF EDUCATION, :
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PETITIONER, :
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 : DECISION
SEAN BROWN, MEMBER :
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 :
RESPONDENT, :
_____ :

The record of this matter and the decision of the School Ethics Commission (Commission) have been reviewed.¹ In its decision, the Commission determined that respondent – Camden Board of Education member Sean Brown – violated *N.J.S.A.* 18A:12-24.1(i) of the Code of Ethics for School Board members when he published, on his Facebook page, certain statements comparing the Camden School District Superintendent to a terrorist. Further, the Commission determined that censure is the appropriate penalty. (Commission Decision at 8)

Initially, it must be emphasized that pursuant to *N.J.S.A.* 18A:12-29(c) and *N.J.A.C.* 6A:3-9.1, the determination of the Commission as to violation of the School Ethics Act is not reviewable by the Commissioner unless a notice of appeal is filed pursuant to P.L. 2008,c. 36 and *N.J.A.C.* 6A:4. Because respondent did not file such an appeal, this decision is restricted solely to a review of the Commission’s recommended penalty.

¹ No exceptions to or appeals of the Commission’s decision have been filed.

In recommending the penalty of censure in the instant case, the Commission recognized “respondent’s right to express his difference of opinion with the Board and the administration.” (Commission Decision at 7) However, the Commission determined that the approach utilized by respondent violated *N.J.S.A. 18A:12-24.1(i)* of the Code of Ethics for School Board Members, which provides: “I will support and protect school personnel in proper performance of their duties.”

The Commissioner concurs that comparing the Superintendent to a terrorist goes beyond the expression of differences or good faith criticism of the Superintendent’s performance. To the contrary, such a public slur by a Board member is likely to undermine the Superintendent’s effectiveness. Further, the Commissioner agrees with the Commission that “in using social media, the affirmative duties within the Code of Ethics for School Board Members may not be overlooked.” (Commission Decision at 8) This is so because while Facebook is a vehicle for people to communicate simultaneously with friends, it operates in a manner that allows wide distribution of the entries of any given Facebook user. Indeed, respondent testified before the Commission that he has approximately 1200 Facebook “friends” and that most of his Facebook comments are accessible to the public. (Commission Decision at 3)

The Commission decided upon the sanction of censure to convey a “cautionary message” of first impression that social media postings do not lie outside the purview of the Code of Ethics for School Board Members. (Commission Decision at 8) In view of the absence of prior violations by respondent, the Commissioner has elected to change the penalty to a reprimand.

Accordingly, respondent is hereby reprimanded as a school official found to have violated the School Ethics Act.

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 20, 2012

Date of Mailing: March 21, 2012