

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF  
THE CERTIFICATES OF : EDUCATION  
JACQUELINE HOLMES- : STATE BOARD OF EDUCATION  
WILLIAMS  
DECISION  
\_\_\_\_\_ : AGENCY DOCKET NO. 472-04/98-164

At its meeting of September 24, 1998, the State Board of Examiners voted to suspend the certificates of Jacqueline Holmes-Williams based upon proven tenure charges which established that she had engaged in conduct unbecoming a certificate holder. The suspension was to be in effect from September 24, 1998 through September 1, 1999. At its meeting of November 5, 1998, the Board considered Holmes-Williams' Motion for Reconsideration of the penalty imposed. Holmes-Williams asked the Board to consider imposing a shorter suspension, one that would end in April 1999, so that she might enter the employment pool for September 1999. Holmes-Williams currently holds Teacher of Elementary School and Teacher of Nursery School certificates.

This case originated on August 14, 1992 when the New Jersey Department of Corrections (DOC) certified tenure charges against respondent, Jacqueline Holmes-Williams. Holmes-Williams was a teacher at Riverfront State Prison. The DOC charged her with unbecoming conduct for engaging in an improper relationship with an inmate. The DOC asserted that such a relationship compromised the security of the institution and violated established procedures and guidelines. Previously, on July 16, 1992, the Communications Workers of America (CWA), had filed an unfair labor charge with the Public Employment Relations Commission (PERC) on Holmes-Williams' behalf. That complaint charged that the DOC's tenure charges were brought in retaliation for Holmes-

Williams' activities as a shop steward and union activist and were based on anti-union animus.

Both cases were transmitted to the Office of Administrative Law (OAL) where they were consolidated. On February 25, 1993 and March 5, 1993, respectively, the Chairman of PERC and the Commissioner of Education signed a Joint Order establishing a three step process for review of the Initial Decision. After a testimonial hearing, PERC would review the labor issues to determine whether Holmes-Williams engaged in protected activity under the New Jersey Employer-Employee Relations Act and whether that activity was the motivating factor for the tenure charges. Secondly, the Commissioner of Education would issue a final decision on the tenure charges and finally, the matter would be returned to PERC for consideration of relief under its jurisdiction.<sup>1</sup>

Administrative Law Judge (ALJ) Mary Ann Burgess heard testimony on several days in April and May 1993. After receiving post-hearing submissions, the ALJ issued an Initial Decision on December 29, 1993.

In that decision ALJ Burgess found that Riverfront State Prison maintained the same policy as all DOC institutions, prohibiting undue familiarity between employees and inmates or parolees. (Initial Decision, slip op. at 48). Included in that prohibition was a ban against correspondence between inmates and employees. The ALJ found that Holmes-Williams was fully familiar with all Departmental policies and materials regarding relations with inmates. Holmes-Williams had also undergone an intensive two-

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<sup>1</sup> The ALJ ultimately found that although Holmes-Williams had engaged in protected labor activities in carrying out her union responsibilities, her employer had not certified tenure charges against her for that reason. PERC agreed with the ALJ and on April 29, 1998 issued its decision dismissing the unfair labor

month orientation period and had received the additional ongoing training given to all teachers. (Initial Decision, slip op. at 49).

After considering all the testimony, ALJ Burgess found that the investigation into Holmes-Williams' behavior was conducted independently and in an even-handed manner. (Initial Decision, slip op. at 57). The ALJ found that Holmes-Williams had engaged in a relationship with an inmate, contrary to DOC policy. This relationship was romantic in nature and included the exchange of correspondence and gifts. Moreover, it was conducted in a surreptitious manner and had the potential to compromise the security of Riverfront State Prison. Thus she concluded that: "[t]he State Department of Corrections has, therefore, established by a preponderance of credible evidence that Ms. Holmes-Williams was guilty of conduct unbecoming a public employee. N.J.A.C. 4A: 2-2.3(A)6." (Initial Decision, slip op. at 60).

In considering the appropriate penalty, the ALJ emphasized that teachers in correctional institutions are subject to unique security regulations. One of the most important of those is the prohibition of undue familiarity between staff and inmates. ALJ Burgess concluded that the violation of that regulation created the potential for a security breach and therefore warranted the termination of Holmes-Williams' tenured employment. (Initial Decision, slip op. at 60-61).

In a decision dated June 13, 1994, the Commissioner of Education affirmed the ALJ's Initial Decision. The Commissioner found that the decision was fully supported by the evidence in the record and that Holmes-Williams' exceptions had not raised any issues that warranted a rejection of the ALJ's credibility determinations.

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practices complaint filed by the CWA in this matter. Thus, this decision will focus only on the tenure aspects of the case.

(Commissioner's Decision, slip op at 81). Accordingly, the Commissioner affirmed Holmes-Williams' removal from her tenured employment with the DOC and transmitted the matter to the State Board of Examiners pursuant to N.J.A.C. 6:11-3.6(a) for appropriate action regarding Holmes-Williams' certificates.

On March 30, 1995, the State Board of Examiners issued an Order to Show Cause to Holmes-Williams as to why her certificates should not be suspended or revoked. The Order was predicated on the charges of unbecoming conduct that had been proven in the tenure hearing. The Order was mailed to Holmes-Williams by regular and certified mail on May 22, 1995. The certified mail copy was returned unclaimed and the regular mail copy was not returned.

Thereafter, at its meeting of September 24, 1995, the Board of Examiners considered Holmes-Williams' case. Since there was no responsive pleading in the record, the Board deemed the charges in the Order to Show Cause admitted. The Board found that Holmes-Williams' conduct had endangered the security of Riverfront State Prison and cast doubt on her ability to supervise properly those public school pupils who might be entrusted to her care in the future. Accordingly, the Board voted to revoke Holmes-Williams' certificates.

The Order of Revocation was mailed to Holmes-Williams by regular and certified mail on October 16, 1995. The regular mail was not returned, but the certified mail copy was returned unclaimed.

In September 1997, Holmes-Williams applied for a duplicate copy of the revoked Teacher of Elementary School certificate. On October 17, 1997, Board Secretary Ida Graham notified Holmes-Williams that her request could not be processed as the Board

of Examiners had revoked her certificates on September 15, 1995. Graham forwarded a copy of the Order of Revocation to Holmes-Williams.

On February 19, 1998, Holmes-Williams sent the Board of Examiners a certification alleging that she had never received either the Order to Show Cause or the Order of Revocation because the Board of Examiners had mailed them to an incorrect address. At its meeting of April 2, 1998, the Board voted to vacate both the Order to Show Cause and the Order of Revocation because of the insufficient service. At that same meeting, the Board voted to issue a new Order to Show Cause to Holmes-Williams based upon the Commissioner's decision in the tenure case. This Order was served on Holmes-Williams and her attorney.

On May 18, 1998, Holmes-Williams filed an Answer to the Order to Show Cause. In her Answer, Holmes-Williams admitted that the tenure charges had been brought and sustained against her. She reiterated that she had never received a copy of either the original Order to Show Cause or the Order of Revocation and had, in fact, worked in the Camden City School District for almost three years. (Answer, paras. 4-6). She also added that "the conduct the ALJ found I committed was wrong and improper and I accept his (*sic*) decision." (Answer, para. 12).

On June 22, 1998, the Board sent Holmes-Williams and her attorney a Hearing Notice. That Notice asserted that there were no material facts in dispute and that the Board of Examiners would hear the matter directly based upon Holmes-Williams' written submissions. Holmes-Williams submitted her response, through her attorney, on August 10, 1998.

In that response, Holmes Williams argued that her actions in exchanging correspondence with an adult prisoner, while a proper predicate for tenure charges, did not warrant the revocation of her certificates. She also asserted that the Board's long delay in issuing the Order to Show Cause was prejudicial.

After thoroughly reviewing all of the documents in the record, including Holmes-Williams' submissions, on September 24, 1998, the Board of Examiners voted to suspend her certificates. The Board disagreed that it unduly delayed in informing Holmes-Williams of the initial revocation since it had properly mailed notification to an address provided by her former employer, the DOC. It did, however, agree with her contention that revocation was not warranted here. The Board recognized that Holmes-Williams' conduct was unique to her place of employment and that it was unlikely to be replicated in a traditional public school setting. Thus, the Board of Examiners concluded that her conduct should not preclude her from teaching forever. It therefore imposed a one-year suspension of Holmes-Williams' certificates.

Holmes-Williams then filed a Motion for Reconsideration asking the Board of Examiners to consider imposing a shorter suspension period. The Board reviewed her motion at its meeting of November 5, 1998. Holmes-Williams contends that if her suspension does not expire until September 1999, she will be precluded from working during the 1999-00 academic year. After considering her Motion and recognizing that local districts do begin the hiring process for the following academic year the preceding April, the State Board of Examiners voted to change the term of Holmes-Williams' suspension. Therefore, on this 5<sup>th</sup> day of November 1998 the State Board of Examiners

hereby ORDERS that the Teacher of Nursery School and Teacher of Elementary School certificates of Jacqueline Holmes-Williams shall be suspended only until April 1, 1999.

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Secretary  
State Board of Examiners

Date of Mailing: December 3, 1998

Appeals may be made to the State Board of Education pursuant to the provisions of N.J.S.A. 18A:6-28.

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