

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GREGORY YOUNG : ORDER OF REVOCATION
_____ : DOCKET NO: 1011-223

At its meeting of November 1, 2011, the State Board of Examiners (Board) reviewed a decision forwarded by the Acting Commissioner of Education that had dismissed Gregory Young from his tenured guidance counselor position with the School District of South Plainfield (South Plainfield) for charges of unbecoming conduct, insubordination and other just cause. *In the Matter of the Tenure Hearing of Greg Young*, Docket No. 431-10 (Acting Commissioner's Decision, October 15, 2010). Young currently holds a Teacher of Elementary School certificate, issued in June 1970, a Student Personnel Services certificate, issued in February 1977, a Supervisor certificate, issued in June 1979 and Principal and School Administrator Certificates of Eligibility, both issued in September 2007.

This case originated in August 2009 when South Plainfield certified tenure charges against Young alleging unbecoming conduct, insubordination and other just cause. The district alleged that, from the 2003-04 school year through the 2008-09 school year when it brought tenure charges against him, Young engaged in a pattern of behavior where he used profane, sexually explicit or inappropriate language in interactions with co-workers, made unwelcome flirtatious overtures toward female co-workers and repeatedly used obscene language to criticize colleagues and the administration. The district also alleged Young was insubordinate because his conduct continued despite repeated warnings and reprimands. The case was transmitted to the Office of Administrative Law (OAL), and Administrative Law Judge (ALJ) Ellen Bass conducted a hearing over several days in December 2009 and March, April, May and June 2010. The record closed on July 23, 2010 and ALJ Bass issued an Initial Decision on September 3,

2010. *In the Matter of the Tenure Hearing of Greg Young*, OAL Docket No. EDU 9771-09 (Initial Decision, September 3, 2010).

In that decision, ALJ Bass found that, during a fire drill in February 2004, Young had made an inappropriate comment to a female colleague, Dana Bender Hauk, about her breasts and that the comment was made in a busy hallway with elementary students present. *Id.* at 6. The ALJ further found that Young's testimony that he merely made a comment about the weather which Hauk misunderstood "strained credulity." *Id.* at 5. In addition, ALJ Bass found that Young asked Hauk to ask the administration to remove from his personnel file a memo that was critical of his behavior in the fire drill incident. *Id.* at 6-8. When Hauk would not agree, her professional relationship with Young deteriorated and he criticized her publicly at a faculty meeting. *Id.* at 8.

ALJ Bass also found that Young repeatedly used obscene and vulgar language to describe colleagues and administrators. *Id.* at 9-12. The ALJ found that Young's denials "lacked credibility" and that he was "less than honest when he urged that obscenities are not a part of his vocabulary." *Id.* at 12. In another incident, ALJ Bass determined that Young had asked a female colleague for a hug and a kiss and although she declined, he continued to initiate discussions of a personal nature and invite her out for drinks even though she was married. *Id.* at 12-14. These interactions made her feel so uncomfortable that she complained to the administration, which suspended Young and retained an independent consultant to conduct an Affirmative Action investigation. *Id.* at 14. At the end of the investigation, the Superintendent sent Young a letter of reprimand and warned him that any recurrence of that type of behavior would result in "the most severe disciplinary action, up to and including termination." *Id.* at 15. The ALJ noted that Young's troublesome behavior continued. *Ibid.* In April 2009 another teacher, Alicia Vurchio,

complained about Young's continuing comments to her, which were either inappropriate or laden with sexual innuendo. *Id.* at 15-16. These comments, including one about her physical appearance, were made in the presence of students or where other staff members could hear and made Vurchio uncomfortable. *Id.* at 15-17. ALJ Bass found that, although the administration tried over the years to resolve the individual complaints against Young by separating him from the staff member he had offended, since his offensive behavior had occurred at every school level in the district, there were no other work locations where he could be assigned. *Id.* at 18. The ALJ found that Young's conduct "continued despite several warnings and reprimands and after three Affirmative Action investigations had substantiated concerns about his interactions with co-workers." *Ibid.* After reviewing all the testimony, ALJ Bass concluded that South Plainfield had "met its burden of proof relative to each of the charges it has filed against Young." *Ibid.* The ALJ also determined that the administration had engaged in repeated efforts to help Young achieve success and modify his conduct. *Id.* at 21. The ALJ concluded that "despite these interventions, Young's conduct has continued unabated, and I CONCLUDE that the Board has proven that Young is guilty of a pattern of improper interactions with co-workers; conduct which has continued after repeated warnings that his behavior is not consistent with the professionalism expected of a teaching staff member." *Ibid.* ALJ Bass determined that, based on the record, "it cannot be said that Young's behavior is an aberration, nor can it be said that it is likely that his behavior will change." *Id.* at 22. Accordingly, the ALJ recommended that Young be dismissed from his tenured position. *Ibid.*

In a decision dated October 15, 2010, the Acting Commissioner of Education (Commissioner) concurred with "the ALJ's findings and her conclusion that [South Plainfield] has proven its charges against respondent by a preponderance of the credible evidence and that -

based on the totality of the record here - termination of his employment is warranted.” (Acting Commissioner’s Decision, slip op. at 1). The Commissioner deferred, in particular, to the ALJ’s credibility determinations and determined that a “reasoned review of the entire record before her provides no basis whatsoever for any alteration of the ALJ’s determinations.” *Id.* at 2. The Commissioner also agreed with the ALJ that Young’s pattern of conduct “persisted over a prolonged period of time, and – despite repeated warnings, reprimands, admonitions and opportunities for improvement afforded him – respondent has remained unwilling or unable to conform his conduct to that which must reasonably be expected from a professional teaching staff member.” *Id.* at 3. Accordingly, the Commissioner ordered Young’s removal from his tenured guidance counselor position in South Plainfield and transmitted the matter to the Board for appropriate action regarding Young’s certificates. *Id.* at 4.

Thereafter, on December 16, 2011, the Board issued Young an Order to Show Cause as to why his certificates should not be revoked. The Order was predicated on the charges of unbecoming conduct, insubordination and other just cause that had been proven in the tenure hearing.

The Board sent Young the Order to Show Cause by regular and certified mail on December 22, 2011. The Order provided that Young’s Answer was due within 30 days. Both the certified mail and regular mail copies were returned as “Not Deliverable as Addressed.” After finally securing a new address for Young, the Board sent him the Order to Show Cause by regular and certified mail on March 9, 2012. The Order provided that Young’s Answer was due within 30 days. Young filed an Answer on April 4, 2012. In his Answer, Young stated that he began his education career in the Clark school district and worked there for 13 years as a teacher. (Answer, 3). He stated that his observations and evaluations there were exemplary. (Answer, 3).

Young added that he left Clark in 1983 for financial considerations and went into real estate; he resumed his education career in September 2000 as a guidance counselor in South Plainfield. (Answer, 5, 6). Young recounted that he had many positive evaluations in South Plainfield prior to the certification of the tenure charges and added that his evaluations and witness testimony at his hearing acknowledged his ability to work well with students and colleagues. (Answer, 7-11). Young also claimed that he had a chemical dependency on Oxycontin during the events in question and was also taking prescription medication for depression. (Answer, 13). He admitted that, although his performance with students was never affected, his behavior toward several teachers and one administrator was adversely affected by the medication. (Answer, 13). Young also stated that he never pressured Dana Bender Hauk to have the “fire drill” memo removed from his file. (Answer, 15-20). He claimed that he did not recall making many of the negative remarks aimed at his colleague and the Assistant Superintendent of Schools because of his increasing addiction. (Answer, 21). Young did acknowledge that many of the negative comments he made during private conversations were “uncomplimentary and would never have been made by me” if his “social filter” had not been not compromised by his drug addiction. (Answer, 21). Young noted that he had not worked since his dismissal from South Plainfield and did not intend to seek employment in any educational capacity. (Answer, 24). He wanted the Board to consider that he had been successfully treated for his chemical dependency on Oxycontin and that he was “now prescribed medication that has little effect on my personality.” (Answer, 25). Young emphasized that “there were never any statements made that I was anything but professional and very competent in all of my dealings with my students both as a Clark School District teacher and as a South Plainfield Guidance Counselor.” (Answer, 27).

Young asked the Board not to revoke his certificates as they represented “so many years of hard work.” (Answer, 28).

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 12, 2012, the Board sent Young a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Young was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder as well as arguments with regard to the appropriate sanction in the event that the Board determined to take action against his certificates. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if Young’s offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Young was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. The certified mail receipt was signed and returned and the regular mail copy was not returned. Young submitted another copy of his Answer as well as a letter from his treating psychologist which stated that Young was being treated for severe depression, including consultation with a psychiatrist for psychoactive medication. In his response, Young also requested to appear before the Board.

In his testimony before the Board, Young said he was humbled and embarrassed by his actions. He stated that he was told by his then attorney not to take responsibility for his actions at the tenure hearing. Young noted that he had not brought up the fact that he was suffering from clinical depression and had an arthritic spine which led him to abuse Oxycontin. Young said that the drugs removed his social filter and led him to make inappropriate comments. He said that the punishment of not being able to work with students was more than he could bear and stated that

he had asked his doctor to remove his pain medication. He said he no longer has a personality affected by drugs and is taking steps to insure that those incidents never happen again. He said that he is in therapy and will be for the rest of his life. Young noted that he had made a huge mistake and that his actions have caused him complete and utter humiliation and left him with an enormous legal bill, prompting him to file for bankruptcy.

Young's attorney, Stephen Hunter, Esq., also spoke on Young's behalf. He told the Board that Young was an outstanding educator for 13 years in Clark and a successful guidance counselor in South Plainfield and that the tenure charges did not reflect any problems with students in Young's 23 years as an educator.

The threshold issue before the Board in this matter, therefore, is whether Young's conduct and his subsequent loss of tenure constitute conduct unbecoming a certificate holder. At its meeting of July 26, 2012, the Board considered the allegations in the Order to Show Cause as well as Young's Answer and his testimony. The Board determined that no material facts related to Young's offense were in dispute since he did not deny that he had lost his tenured position as a result of the tenure proceedings brought against him. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9-17.7(h)*. It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The Board must now determine whether Young's conduct as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C. 6A:9-17.5*. The Board finds that it does.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause.

N.J.A.C. 6A:9-17.5. “Teachers ... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment.” *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. As the ALJ noted and the Commissioner agreed, South Plainfield sustained its charges of unbecoming conduct, insubordination and other just cause against Young. The record was replete with instances which demonstrate that Young’s behavior deviated from the conduct expected of teaching staff members. Moreover, despite repeated attempts by the district to give him another chance, Young squandered those opportunities by persisting in engaging in an inappropriate manner. He so alienated colleagues at every turn, that there was no place left for the district to transfer him where he could avoid creating further upset. There can be no dispute that Young’s conduct, in its totality, amply demonstrates his unfitness to continue to be a certificate holder.

Furthermore, notwithstanding Young’s contentions of rehabilitation, this is not the proper context for such considerations. The purpose of this proceeding is “to permit the individual certificate holder to demonstrate circumstances or facts to counter the charges set forth in the Order to Show Cause, not to afford an opportunity to show rehabilitation.” *See In the Matter of the Revocation of the Teaching Certificate of Gloria Jackson by the State Board of Examiners*, 96 *N.J.A.R.* 2D (EDE) 1, 16 *aff’d*, App. Div. Dkt. No. A-1246-96T5 (September 9, 1997) citing *In the Matter of the Revocation of the Teaching Certificate of James Noll*, State Bd. of Examiners decision (February 7, 1990). Thus, the fact that Young has successfully battled his dependency on Oxycontin, while a step in the right direction, has no bearing on the decision the Board of Examiners must make with regard to his certification.

Accordingly, on July 26, 2012, the Board voted to revoke Gregory Young's Principal and School Administrator Certificates of Eligibility and his Supervisor, Teacher of Elementary School and Student Personnel Services certificates. On this 21st day of September 2012 the Board voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Young's certificates be effective immediately. It is further ORDERED that Young return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, South Plainfield, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to *N.J.S.A.* 18A:6-38.4.