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In the Matter of the Arbitration :  
 - Between - : Opinion and Award

THE STATE OPERATED SCHOOL DISTRICT :  
 OF THE CITY OF PATERSON :

"Complainant" or "District" :

v. :

RICHARD VINCENTI :

"Respondent" or "Vincenti" :

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a tenure proceeding in accordance  
 with NJSA 18A:16-2

**APPEARANCES**

For the Complainant

Joanne Butler, Esq., Attorney  
 Lisa Tellak, Esq., General Counsel  
 Carol Smetzler, Esq., Assistant General Counsel

For the Respondent

Nancy Oxfeld, Esq., Attorney  
 Gene Harvell, Vice-President, Paterson Education Association  
 Richard Vincenti, Respondent  
 Dawn Vincenti, Respondent's Spouse

**BEFORE: HOWARD C. EDELMAN, ESQ., ARBITRATOR**

## BACKGROUND

On or about October 31, 2013, the District filed tenure charges against Richard Vincenti, a tenured Science teacher in the Paterson Public Schools. The charges were properly certified to the Commissioner of Education in accordance with appropriate regulations. I was assigned arbitrator to hear and decide the charges. Hearings were held before me on March 10, 27, 2014; April 14 and 24, 2014. Thereafter, the parties submitted briefs. I received them on or about June 1, 2014, whereupon I closed the record. This Opinion and Award follows.

## THE CHARGES

The charges read, in relevant part, as follows:

### **CHARGE ONE**

#### **CONDUCT UNBECOMING A TEACHING STAFF MEMBER**

Respondent Vincenti has engaged in a pattern of inappropriate behaviors. Examples include, but are not limited to:

COUNT ONE - During the 2012-2013 school year, Respondent frequently brought bags of groceries into Silk City Academy (hereinafter SCA), and stored them in an old refrigerator located in another teacher's classroom. Respondent would then enter the classroom to retrieve food at any time he chose, interrupting the other teacher's instructional time.

COUNT TWO - During the 2012-2013 school year, Respondent routinely appeared at the office door of SCA Principal Sebastian Calabria at 7:00 in the morning silently watching Mr. Calabria.

The foregoing constitutes conduct unbecoming a teaching staff member and warrants dismissal of Richard Vincenti from his tenured employment.

**CHARGE TWO**

**CONDUCT UNBECOMING A TEACHING STAFF MEMBER**

Respondent Vincenti has frequently failed and/or refused to arrive and/or remain at his assigned post, thus leaving students unsupervised.

COUNT ONE - Beginning in or around November 2012, Respondent frequently left the SCA building during the school day, leaving students unsupervised.

COUNT TWO - Beginning in or around November 2012, Respondent frequently arrived late to class, leaving students unsupervised.

The foregoing constitutes conduct unbecoming a teaching staff member and warrants dismissal of Richard Vincenti from his tenured employment.

**CHARGE 3**

**CONDUCT UNBECOMING A TEACHING STAFF MEMBER**

Respondent frequently was verbally and physically threatening to staff members. Examples include, but are not limited to:

COUNT ONE - Beginning in or around November 2012, Respondent regularly criticized, ridiculed, berated and bullied teaching staff members at weekly staff meetings if Respondent believed the teaching staff members were doing more than that required by their collective bargaining agreement.

COUNT TWO - During the 2013-2014 school year, during a staff meeting, Respondent made disparaging remarks toward a teaching staff member and, when the teaching staff member responded that she knew he was talking about her, Respondent became verbally aggressive with the teaching staff member.

COUNT THREE - During the 2012-2013 school year, Respondent frequently confronted fellow teaching staff members in the hallways about actions which he perceived exceeded that required by the collective bargaining agreement.

COUNT FOUR - On or about January 9, 2013, Respondent entered Room 201 at SCA and interrupted the instruction being provided by another teacher. Respondent asked the three students to step into the hallway. Respondent then slammed the classroom door and commenced screaming at the teacher. Respondent's statements included: "Under no circumstances will you take any commands or authority but Dr. Calabria. Not the secretary, not \_\_\_\_\_ (a staff member), not anyone but Dr. Calabria."

The foregoing constitutes conduct unbecoming a teaching staff member and warrants dismissal of Richard Vincenti from his tenured employment.

**CHARGE FOUR  
CONDUCT UNBECOMING A TEACHING STAFF MEMBER**

Respondent frequently confronted fellow teaching staff members causing them to feel threatened, uneasy and afraid. Examples include, but are not limited to:

COUNT ONE - Beginning in or around November 2012, Respondent regularly criticized, ridiculed, berated and bullied teaching staff members at weekly staff meetings if he

believed the teaching staff members were doing more than required by their collective bargaining agreement. The teaching staff members became afraid and apprehensive about attending these meetings.

COUNT TWO - During the 2012-2013 school year, during a staff meeting, Respondent made disparaging remarks toward a teaching staff member and. when the teaching staff member responded that she knew he was talking about her, Respondent became verbally aggressive with the teaching staff member. As a result, another teaching staff member suffered a panic attack and had to leave the meeting.

COUNT THREE - During the 2012-2013 school year, Respondent frequently confronted fellow teaching staff members in the hallways about actions which he perceived exceeded that required by the collective bargaining agreement. These informal meetings caused teaching staff members to feel threatened, becoming afraid to walk in the corridors for fear of encountering Respondent.

COUNT FOUR - On or about January 9, 2013, Respondent entered Room 201 at SCA and interrupted the instruction being provided by another teacher. Respondent asked the three students to step into the hallway. Respondent then slammed the classroom door and commenced screaming at the teacher. Respondent's statements included: "Under no circumstances will you take any commands or authority but Dr. Calabria. Not he secretary, not \_\_\_\_\_ (a staff member), not anyone but Dr. Calabria." This outburst caused the teaching staff member to become nervous and physically shake from fear.

The foregoing constitutes conduct unbecoming a teaching staff member and warrants dismissal of Richard Vincenti from his tenured employment.

**CHARGE FIVE**  
**CONDUCT UNBECOMING A TEACHING STAFF MEMBER**

During the 2012-13 school year, on and after December 18, 2012, Respondent engaged in a series of inappropriate and threatening behaviors toward and about a school secretary. Examples include, but are not limited to:

COUNT ONE - On or about December 18, 2012, during a discussion with SCA secretary Joann Carnemolla, Respondent became angry, loud and hostile when Ms. Carnemolla advised Respondent that he was incorrect in his recitation of the requirements for using the Sub-finder system.

COUNT TWO - After leaving the building to obtain the support for his interpretation of the Sub-finder procedures, Respondent returned and angrily tried to prove his point to Ms. Carnemolla and Principal Calabria.

COUNT THREE - After he returned to the SCA building to obtain the support for his interpretation of the Sub-finder procedures, Respondent received a parking ticket for using a restricted parking area.

COUNT FOUR - Following his return from Winter Recess, Respondent frequently verbally complained to Ms. Carnemolla and others that Ms. Carnemolla caused him to receive the parking ticket.

COUNT FIVE - Ms. Carnemolla directed Respondent to cease talking to and about her regarding the parking ticket, in reply to which Respondent threatened: "You are the Titanic and I am your iceberg."

COUNT SIX - Respondent's demonstrated anger toward Ms. Carnemolla was evident by the volume with which he spoke and the intensity with which Respondent described his anger

towards Ms. Carnemolla. This anger caused Ms. Carnemolla, Mr. Calabria, and several SCA staff members, to become afraid for Ms. Carnemolla's safety.

The foregoing constitutes conduct unbecoming a teaching staff member and warrants dismissal of Richard Vincenti from his tenured employment.

**CHARGE SIX  
CONDUCT UNBECOMING A TEACHING STAFF MEMBER**

During the 2012-2013 school year, in or about January 2013, Respondent engaged in a series of inappropriate, offensive and demeaning communications with students. Examples include, but are not limited to:

COUNT ONE - Respondent told Student N. to not let Student R. and Student S. "distract him because N. and S. do not have an education."

COUNT TWO - Respondent bragged to students about how rich he is.

COUNT THREE - When Student R. stated that Respondent was not rich, Respondent replied "Fuck you R., kiss my ass in Macy's window."

COUNT FOUR - When Student K. entered Respondent's classroom, Respondent stated: "knock on my fucking door before you come in my fucking class."

COUNT FIVE - When Student K. asked to whom Respondent was speaking, Respondent stated: "I'm fucking talking to you."

COUNT SIX - Respondent told Student S. that she was "not going to be shit in life."

The foregoing constitutes conduct unbecoming a teaching staff member and warrants dismissal of Richard Vincenti from his tenured employment.

**CHARGE SEVEN  
INCAPACITY**

Respondent has engaged in a pattern of behavior which evidences that he is incapable of performing the responsibilities of a teaching staff member. Examples include, but are not limited to:

COUNT ONE - During the 2012-2013 school year, Respondent antagonized fellow teaching staff members as they walked in hallways, because Respondent believed they were too close with building administrators.

COUNT TWO - During the 2012-2013 school year, and during the school day, Respondent frequently ranted about confirming who had assassinated President Kennedy.

COUNT THREE - Respondent frequently engaged in detailed discussions about his horseshoe invention, and that the design of horseshoes is illegal in the United States.

COUNT FOUR - Respondent irrationally, and constantly, blamed secretary Joann Carnemolla for his \$50.00 parking ticket.

COUNT FIVE - Respondent took, and frequently showed to other staff members, photographs of parked ticket.

The foregoing demonstrates Richard Vincenti's incapacity to teach and therefore warrants his dismissal from tenured employment.

**CHARGE EIGHT  
CONDUCT UNBECOMING A TEACHING STAFF MEMBER,  
INCAPACITY AND OTHER JUST CAUSE**

Even if all of the foregoing individually does not constitute unbecoming conduct and incapacity, all of the foregoing charges considered as a whole demonstrate a pattern of inappropriate behavior which cannot

continue in a public school setting and constitute conduct unbecoming a teaching staff member and/or an incapacity precluding Respondent from performing the functions of a teaching staff member and/or other just cause for termination.

#### POSITIONS OF THE PARTIES<sup>1</sup>

The Complainant asserts that it has proven the charges preferred. As to Charge One, it contends that Vincenti often put groceries into or removed them from a refrigerator in a classroom shared by two other teachers. He did so during instructional time, it insists. The students, many of whom had ADHD,<sup>2</sup> were distracted by this interruption, the District argues; yet, despite being asked to stop, he continued to do so, it alleges. Hence, it reasons, he is culpable of this charge.

As to Charge Two, the District relies on the testimony of Principal Sebastian Calabria. He recounts learning that students were in Vincenti's classroom, but Respondent was not. Nor did Vincenti reply to announcements over the public address system,

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<sup>1</sup>To expedite these findings, I have summarized the parties' positions.

<sup>2</sup>Attention Deficit Hyperactivity Disorder.

Calabria remembers. Consequently, the District insists, he is culpable of this charge, as well.

Charges Three and Four have also been substantiated, in the District's view. It suggests that Silk City Academy ("Silk"), where Respondent worked, is a small student centered facility where all staff go "the extra mile" to support pupils. However, it argues, at faculty meetings Vincenti harangued staff and interrupted presentations in an effort to bully teachers into refusing to volunteer for any assignments or otherwise reach out to students. According to a number of witnesses, Vincenti became agitated, red in the face and pounded the table in an effort to intimidate staff. Even his co-Union representative asked him to calm down, the District asserts. In at least one instance, Claimant suggests Respondent directed his ire towards fellow teacher Jacqueline Perrone, causing her to suffer a panic attack. Another teacher, Jacqueline Perrone, responded similarly to Vincenti's irate behavior, the District submits. Letters were also received by teachers complaining of Vincenti's aggressive and inappropriate behavior, it notes.

Charge Five, the District maintains, has been substantiated by the testimony of School Secretary Joann Carnemolla. When told the process for securing a substitute teacher, Vincenti became enraged and red faced, she recalls. For days thereafter<sup>3</sup> Vincenti bitterly and loudly complained about Carnemolla, the District maintains, including falsely claiming she caused him to get a parking ticket. While acknowledging she too became loud, Carnemolla insists Vincenti yelled at her, "You are the Titanic and I am your iceberg." She rightly perceived this remark as a threat, she remembers. Given her testimony, which was supported, at least in part by Principal Calabria, the District concludes that Vincenti is culpable of all the counts contained in Charge Five.

In support of Charge Six the Department relies on written statements submitted by students as well complaints made by them to Assistant Principal Delane Harrison. Moreover, it cites the testimony of student N.C. that Vincenti:

- said "Fuck" in his class on more than one occasion;
- used other curse words;

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<sup>3</sup> The Christmas vacation intervened.

- belittled students by indicating they are failures.

Also, citing Harrison's testimony, the District contends that Vincenti confronted a female student in an angry manner, causing her to cry. The evidence detailed above demonstrates that Charge Six has been proven, in Claimant's view.

Charge Seven reveals Respondent is incapable of performing his duties, according to the District. It suggests teachers are fearful of his tirades. Moreover, it alleges, he has refused to undergo a psychiatric examination which could establish whether he is fit to teach.

Given this record, Claimant concludes it has established, by a preponderance of the evidence, that it has just cause to discharge Respondent. Seven witnesses testified in this proceeding, all of whom were credible, it urges. Also, it suggests, while any one of the charges might not be sufficient to sustain Vincenti's discharge, taken together they demonstrate a pattern of abusive behavior towards students and teachers which has no place in the school system.

In addition, Claimant rejects Respondent's anticipated claim he was not notified his actions

could result in his termination. This is so, it stresses, because "specific warning does not negate the severity of the offense." Brief, p. 89. Also, it insists, as a teacher Vincenti did not have to be informed his behavior was unacceptable for he knew it was.

Finally, Claimant asks me to direct Respondent to submit an affidavit detailing any income received while working during the entire period of his suspension. This is necessary, it avers, because under relevant case law his income may be an offset if I do not order his dismissal.

For the foregoing reasons, Claimant concludes it has demonstrated that Vincenti is culpable of the charges and that he should not be reinstated. Accordingly, it asks me to issue an order to this effect.

Respondent asserts the District has not met its burden of establishing his culpability of the charges. He suggests that hearsay evidence and allegations not founded on the charges must be accorded no weight. With these factors in mind, Respondent addresses the individual charges.

As to Charge One, Respondent insists he took items from the refrigerator in Room B-1 on only one occasion when class was in session. This is a de minimis event, he maintains, and warrants no discipline.

Respondent contends there is insufficient evidence to support Charge Two. No record exists to demonstrate if and when he left his classroom unattended, counsel argues. The only evidence on this matter is that at times Calabria would have to call upon other teachers to man his class during his absence. The absence of any proof in this context warrants dismissal of the charge, in his view.

With respect to his alleged bullying tactics at faculty meetings (Charges Three and Four), it is undisputed Vincenti raised concerns about adhering to the teacher contract at faculty meetings. These concerns are appropriately addressed at meetings and legally protected, counsel urges.

While acknowledging that several witnesses claimed to have observed him becoming agitated at these times, he was never apprised he must tone down his reactions or rhetoric, Respondent argues.

Instead, he asserts, he was simply told to control himself to avoid having a heart attack.

That a teacher may have left a faculty meeting in distress because of Vincenti's behavior does not rise to actionable misconduct, according to counsel. Nor could the District detail the date and time of this incident, she notes. Nor is there any evidence that he accosted and berated teachers in the hallways about working conditions at Silk, she suggests. Consequently, she asks that Charges Three and Four be dismissed in their entirety.

Concerning Charge Five, Vincenti acknowledges he spoke loudly when discussing the use of the substitute system with Carnemolla. She, too, became irate, he notes. In this context, he cites Perrone's testimony that the two were "equal participants" in this dispute. Also, he suggests, Calabria did not reprimand him for his behavior. As such, counsel concludes, since Carnemolla was not disciplined for her actions, Vincenti should also be exonerated. Similarly, Respondent argues there is insufficient evidence to establish his culpability of Counts Four and Six of Charge Five. Thus, he asks that these allegations be dismissed as well.

As to Count Five ("You are the Titanic and I am your iceberg"), Vincenti acknowledges making this remark to Carnemolla. However, he maintains, the comment cannot be construed as a threat, especially since Calabria made no effort to intervene when he heard it. Thus, Respondent concludes, all of Charge Five must be dismissed.

As to interaction with students (Charge Six), counsel insists that little direct evidence was offered to substantiate these allegations. She also suggests that the one student who testified, N.C., did not recall many of the statements attributed to him in this Charge. Thus, counsel contends, this Charge has also not been proven.

No witness offered testimony concerning the counts contained in Charge Seven, Respondent maintains, except that Joseph Higgins acknowledges being shown photographs of cars allegedly parked illegally. This act does not constitute a sustaining charge, he argues.

In sum, counsel asserts that the charges preferred against Vincenti are either vague or totally unproven. While acknowledging he may have forcefully expressed his opinion at faculty meeting(s), doing so

constitutes protected speech, she submits. Accordingly, counsel seeks an Award upholding Vincenti's claim and directing he be made whole for lost wages and benefits

#### DISCUSSION AND FINDINGS

Several introductory comments are appropriate. The District correctly noted that hearsay evidence is admissible in administrative proceedings. However, its admissibility does not mean that, standing alone, it is sufficient to prove an allegation, especially when an employee's job is at stake.

I understand that co-workers may be unwilling to testify against the Respondent. Whether deserved or not, he had a reputation of intemperate, intimidating behavior. However, there is no evidence he engaged in any physical confrontation with staff or students. Even the "Titanic" remark<sup>4</sup> cannot be construed as a physical threat, I find.

Respondent has a fundamental due process right to face his accusers at trial. His counsel may cross examine witnesses in an effort to discredit their accusations. Indeed, to the extent that anonymous

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<sup>4</sup>See discussion below.

letters form the sole basis of a charge, they have no probative value here.

On the other hand, that Vincenti may not have been apprised of the consequences of his actions does not require the dismissal of a charge. Employees, generally, and teachers, specifically, know how to interact with co-workers and others. Common sense dictates what is abusive behavior and what is not. Thus, while lack of notice regarding possible termination if misconduct persists might impact the penalty to be imposed, it does not render otherwise improper behavior benign.

With these principles in mind, I turn to the charges before me. Charge One, Count One has been proven, I find. Perrone and Amato observed Vincent enter Room B-1 to store or retrieve items from the refrigerator when class was in session. The former credibly recalled she asked Vincenti not to do so and put a sign on the door to this effect. Yet, he ignored the sign and her request, the record reveals. Accordingly, I find him culpable of this allegation.

There is no evidence in the record to sustain Charge One, Count Two. It is dismissed.

Charge Two alleges that Vincenti was often not in his classroom when students were present. While there is inferential evidence to support this allegation; i.e., security reported to Calabria Vincenti left students unsupervised, there is no direct evidence this is so. No one testified he/she saw students alone when Vincenti was supposed to be teaching. No record exists as to when and for how long Vincenti was away from his room. Thus, I find, the District has failed to prove this allegation.

Charges Three and Four are similar. After reviewing the record, I find Respondent culpable of Counts One and Two in each charge and not culpable of Counts Three and Four.

As to Vincenti's culpability, a number of witnesses testified to his improper behavior. While it is inevitable that their accounts would not be identical, their recall was similar. Perrone, Amato and Calabria indicated Vincenti would become loud and intemperate. He turned red and banged the table. He often interrupted while others were speaking. While Harrison recalled Vincenti's tone as merely "stern," even co-Union delegate Bonora told him to "calm down."

A teacher, Union delegate or not, has the right to contend that proposed faculty actions violate the Collective Bargaining Agreement. He/she has a right to air these concerns at a faculty meeting. However, Vincenti does not have the right to be disruptive and to turn the focus of the meeting to his misbehavior, rather than to the topics at hand.

Counsel argued that Vincenti was not informed his actions at a faculty meeting could lead to the preference of charges. She noted that Calabria merely indicated to Vincenti that his actions could cause a heart attack.

It is true Calabria might well have been more direct in his approach to Vincenti. He tried to persuade Vincenti to act better. He did not warn Vincenti of the consequences of his actions. However, as suggested above, Respondent had to know that loud, intemperate behavior was unacceptable. He certainly had to know he should not pound the table. Thus, despite Calabria's lack of warning in this context, I find Respondent culpable of Charges Three and Four, Counts One and Two.

As to the remaining counts in these charges, there is no direct evidence of Respondent's

culpability. Unsigned letters or second and third hand reports regarding the misconduct alleged are insufficient to demonstrate he committed the infractions charged. Accordingly, these counts are dismissed.

Charge Five involves Vincenti's interaction with school secretary Joann Carnemolla. They disagreed on two issues: proper utilization of the substitute system and who was responsible for Vincenti getting a parking ticket.

I have reviewed the record and the counts contained in Charge Five. It is clear to me that Vincenti initiated the confrontation. While it is legitimate for him to disagree with her as to how substitutes may be called, it was he who first became angry and intemperate.<sup>5</sup> I also find that Vincenti became obsessed about the parking ticket. He accosted Higgins in the hallway and, contrary to counsel's assertions, he attempted (incorrectly) to blame the secretary for having received it.

Similarly, his comment "You are the Titanic and I am your iceberg" was "over the top." While I am sure

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<sup>5</sup> That Vincenti was incorrect in how the system worked at Silk is irrelevant. He still had the right to disagree with Carnemolla.

he did not mean to threaten Carnemolla with physical harm, he certainly intended to convey the message that he would cause trouble for her in the future. He should not have done so.

This is not to say that Carnemolla was a "shrinking violet" during their confrontation. Far from it. She "gave as good as she got," I am convinced. However, as indicated above, it was Vincenti who first became irate, the record reveals. While there was no direct physical threat, I find Vincenti culpable of Charge Five, Counts One through Six.

Charge Six is the most serious of the allegations leveled against Respondent for it involves his interaction with students. Clearly, a core function of a teacher is to treat pupils with respect. While sarcasm is not necessarily improper, it must not be used in a way which demeans students. Cursing is improper though a rare outburst of this kind may not justify severe punishment.

Only student N.S. testified at this proceeding. Harrison indicated he spoke to Calabria about complaints from three students. I find N.C.'s testimony credible. He acknowledged having some

difficulty with Vincenti but indicated that they had "worked things out." Thus, I find no reason why N.C. would fabricate what he saw or heard.

N.C. recalled Vincenti saying "Fuck" more than once. He recalled Respondent cursing at students and saying something about "an ass in Macy's window." He also remembered Vincenti making smart remarks about kids being failures if they did not do their work.

N.C.'s testimony demonstrates Respondent is culpable of Charge Six, but to a minimal degree. Hearsay statements from students R., S., and K. are not sufficient to demonstrate Respondent made the remarks attributed to him in counts One, Four, Five and Six. Nor is there any evidence with respect to Count Two. However, I find, he is culpable of Count Three and of generally offering demeaning comments. In all other respects, however, Charge Six must be dismissed.

Charge Seven recounts prior charges. As noted above, Vincenti is culpable of Count Four and in one instance (Higgins), Count Five. He is not culpable of the remaining charges.

Charge Eight is a summary allegation. It need not be addressed here.

I have found Vincenti culpable of Charge One, Count One; Charge Three, Counts One and Two; Charge Four, Counts One and Two; Charge Five, Counts One through Six; Charge Six, Count Three; and Charge Seven, Counts Four and Five. Accordingly, I turn to the issue of an appropriate penalty for these infractions.

The District argued vigorously that Respondent should be dismissed. It contended he exhibited a pattern of highly unacceptable behavior on numerous occasions. It also noted he had been previously suspended without pay for 120 days as a result of tenure charges preferred against him.

While I find that a significant penalty is warranted, dismissal is not. Stated boldly and simply, Respondent is a "hothead." He flies off the handle frequently. Clearly, these are less than admirable traits.

However, he poses no threat to the school community, insofar as this record reveals. No concerns have been raised about his competence. Were he able to control his temper, he could well be a productive and desired member of the Paterson staff.

It is true Respondent served a 120 day suspension as a result of prior tenure charges. However, this occurred some thirteen years ago and therefore is not close enough in time to warrant upholding his termination now.

On the other hand, a minimal penalty is also not justified, I am convinced. Respondent has engaged in abusive, angry, demeaning behavior on a number of occasions. He needs a very strong reminder he cannot continue to act this way in the future.

Given these factors, I find that Respondent must be suspended without pay for one-half the 2014-15 school year.<sup>6</sup> He must also undergo a psychiatric examination, should the District require it, prior to his return to duty on February 1, 2015. Failure to do so or a report indicating he is unable to perform his duties shall result in his dismissal from service. Therefore, and for the foregoing reasons, the charges preferred against Richard Vincenti are decided in accordance with my findings herein. It is so ordered.

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<sup>6</sup>He shall not be reimbursed for the 120 days he was suspended without pay. Nor shall he be required to reimburse the District for the time he was returned to the payroll or for outside earnings during his suspension.

AWARD

1. Respondent Richard Vincenti is culpable of Charge One, Count One; Charge Three, Counts One and Two; Charge Four, Counts One and Two; Charge Five, Counts One through Six; Charge Six, Count Three; and Charge Seven, Counts Four and Five of the charges preferred against him on or about October 31, 2013.
2. Richard Vincenti is not culpable of the remaining charges preferred against him on or about October 31, 2013.
3. The appropriate penalty for Richard Vincenti's culpability as indicated in (1) above is a suspension without pay for the first half of the 2014-15 school year.
4. As a condition of his reinstatement on or about February 1, 2015, Richard Vincenti shall, at the District's request, undergo a psychiatric examination which results in a finding that he is fit for duty.

