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In the Matter of the Tenure Hearing between

JS Case No. 4527

**SCHOOL DISTRICT OF THE TOWNSHIP OF
PISCATAWAY, MIDDLESEX COUNTY,**

Agency No.
144-6/18

Petitioner,

and

**OPINION
AND AWARD**

VINCENT SERPICO,

Respondent,

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Before JOHN E. SANDS, Impartial Arbitrator

OPINION

This matter came before me for arbitration pursuant to P.L. 2012 Chapter 26 of Title 18A N.J.S.A. It involves a May, 2018 Tenure Charge certified by the Board of Education on June 14, 2018 that seeks to remove Respondent Vincent Serpico from his position as a tenured teacher. It reads:

Background Facts

1. Respondent Vincent Serpico, was employed by the Piscataway Township School District (“the District”) as a mathematics teacher as of January 5, 2004, originally assigned to Quibbletown Middle School. At the time of his hire, Respondent was certified both as a mathematics teacher and a special education teacher.

2. Respondent was reassigned to Piscataway High School for the 2009-2010 school year as a special education mathematics teacher, has remained continuously employed in that assignment to the present, and has attained statutory tenure in the District.

3. From the outset of Respondent's assignment to the High School, he has complained regularly about being transferred from the Middle School, otherwise expressed dissatisfaction with and resentment of this reassignment, and threatened to quit his employment with the District if he were not transferred back to the Middle School.

4. Over the course of Respondent's career in the District, he has been counseled, admonished and disciplined from time to time for disrespectful and demeaning statements to students.

5. For example, Respondent's Summary Evaluation for school year 2008-2009, his last year at Quibbletown Middle School, noted that his sarcasm was often perceived by parents and students as demeaning and hurtful.

6. Respondent's Summary Evaluation for school year 2009-2010, his first year at Piscataway High School, again noted his sarcasm in addressing students, and stated in pertinent part that he "used language that disrespected the students in his class and addressed them in a way that was demeaning and unprofessional. Students in this class have already experienced failure in this content area. Having a teacher who states and implies that they are 'stupid' will not help their self-esteem or create a teaching/learning environment that fosters growth and mutual respect." Other deficits in Respondent's performance also were noted, including lack of student progress on benchmark exams, and not actively participating in professional development and departmental meetings. As a result, Respondent was placed on the District's "comprehensive mode" of evaluation for school year 2010-2011, and the Board of Education voted at its June 10, 2010 meeting to withhold his increment for school year 2010-2011.

7. Respondent's inappropriate behavior continued during the 2010-2011 school year. Assistant Director of Special Education Colleen Canto sent Respondent a letter, on February 24, 2011, admonishing him for calling students "idiots," removing a student from his classroom while she was

sitting at her desk, and telling that student to “shut up” when she entered the classroom laughing.

8. Although Respondent showed some signs of improvement during school year 2010-2011, his Summary Evaluation noted that “there have still been incidents that have been reported to administration regarding conflicts between Mr. Serpico and students in his class.” It was recommended that he remain on “comprehensive mode” for school year 2011-2012.

9. Respondent’s classroom behavior and treatment of students thereafter remained tolerable until the following events occurred that give rise to this Tenure Charge.

Tenure Charge for Conduct Unbecoming

10. On May 8, 2018, Respondent, who is Caucasian, was in his classroom engaging in a heated argument with M.D., a male African-American student. In the midst of that argument, Respondent yelled at his students, some of whom also were African-American, demanding to know why he always had to hear “Nigger” (which he repeated several times) and “F-You.”

11. A female African-American student, S.R., told Respondent that she was upset at his use of the term “Nigger” and asked to leave the room.

12. When M.D. told a fellow student that he believed S.R. was going to report the incident, Respondent angrily accosted M.D. at his desk in a physically aggressive manner, cursing at M.D., screaming that nothing was going to happen to Respondent, that no one cared what Respondent did, that Respondent was tired of working at the High School and similar statements. Portions of Respondent’s uncontrolled outburst were captured on video by students in the classroom, which have spread throughout the school community.

13. Respondent’s outburst was so loud that it created a significant disruption in and around his classroom.

14. In an investigative interview later that day, Respondent claimed that he was upset with M.D. for laughing about a recent altercation at another special education program in the District, which Respondent did not find humorous.

15. In the course of discussing the matter with M.D., Respondent claimed he also was upset at having to overhear students' music with offensive lyrics, and shouted at the class his frustration with having to hear "Nigger, Nigger, Nigger," "pants down," and "F-You" all the time.

16. Respondent admitted that when he overheard M.D. tell a fellow student that S.R. was probably going to report him, he became angry and, in the interview itself, also became visibly angry about many things he is tired of at the High School.

17. Piscataway High School is a highly diverse community where staff and students are expected to refrain from statements and behaviors that others would reasonably find to be racially, ethnically or culturally intimidating, threatening or demeaning.

18. Even assuming for argument's sake that Respondent's use of the word "Nigger" may have been appropriate in an academic discussion of the cultural implications of rap music, or in an appropriately-worded personal appeal to refrain from playing music with racial slurs that he found offensive, Respondent knew or should have known that repeatedly shouting the word "Nigger" in an angry tirade, directed to his students outside the bounds of any acceptable context, would reasonably be perceived as alarming, offensive, intimidating and unprofessional.

19. Respondent's statements to his students about not caring if he were reported and that nothing would happen to him, thus using his classroom as a soapbox to air his employment grievances, were also highly inappropriate and certain to diminish his effectiveness as a teacher and role model for his students.

20. Respondent's angry outburst and physical aggression toward M.D. was entirely unacceptable behavior on the part any adult staff member at the High School and cannot be tolerated.

21. It would appear that Respondent's course of conduct reflects his ongoing resentment at his High School assignment. However, dissatisfaction with one's lawfully assigned job duties is no excuse for the sort of alarming, intimidating and unprofessional conduct exhibited on this occasion, especially since Respondent had been warned repeatedly in the past about lack of respect for his students.

Conclusion

22. In summary, Respondent on this occasion engaged in conduct unbecoming a teaching staff member by: a) angrily and repeatedly shouting a racially explosive epithet in his students' presence out of any acceptable context, under circumstances where he knew or should have known that students would find it offensive and intimidating; b) employing his classroom as a forum to air personal grievances about his treatment by the High School Administration; and c) engaging in physical aggression toward a student in full view of his class, causing a substantial disruption in and about the classroom.

23. These most recent behaviors on Respondent's part have so undermined his effectiveness as a teacher, especially of students with special needs, that, in view of his prior admonitions and discipline for disrespecting students, I have concluded that he is unsalvageable as a teaching staff member in this District and can no longer support his continued employment.

24. For these reasons, I feel duty bound to file the within Tenure Charge.

In accordance with my statutory arbitral authority, I conducted a hearing in Piscataway, NJ on September 7, 2018. Both parties appeared by counsel and had full opportunity to adduce evidence, to cross examine witnesses,

and to make argument in support of their respective positions. The record before me comprises five Petitioner Exhibits, two Respondent Exhibits, five Stipulations of Fact, and a 240-page transcript¹ of seven witnesses' testimony at the September 7th hearing. Each party has submitted a post-hearing brief, and neither has raised any objection to the fairness or timeliness of this proceeding.

On the entire record so produced, including my assessments of witnesses' credibility and the probative value of evidence, I find the following relevant facts. Respondent is Vincent Serpico, a tenured teacher whom the District has employed since 2004. He is triple-certified to teach mathematics, special education, and elementary education.

Serpico initially taught mathematics at the Quibbletown Middle School. Following a change of State rules that required special education teachers to be content-area certified, for the 2009-10 school year the District reassigned Serpico to Piscataway High School as a special education mathematics teacher. He has remained in that assignment ever since.

¹I note that the transcript's Index contains several errors. With respect to direct examination of the District's witnesses, it refers to Petitioner's attorney, Mr. Rubin, as "Mr. Sands." With respect to Respondent's direct examination, it calls his attorney, Ms. Oxfeld Kanef, "Mr. Sands;" and with respect to his cross examination, it calls Mr. Rubin, "Ms. Oxfeld Kanef." In fact "Mr. Sands" is the arbitrator, and I did not examine any witnesses for any party.

Serpico has been unhappy in that assignment and has unsuccessfully sought reassignment back to teaching middle school mathematics. Because dual-certified special education/mathematics teachers are prized assets in high demand, the District has denied those requests notwithstanding Serpico's repeated expressions of dissatisfaction. As a result, Serpico was frustrated and resentful in his job. Serpico testified why he preferred teaching a middle school population:

I think the middle school is just easier for me to get my information across. I think that the material – I am not concerned if they don't know it, but they will know it when we teach it to them in middle school. I think the high school, for the population that I am working with right now, lacks a lot of the basic skills. And I'd rather be in the middle school[. If the kids don't really know the information, we could teach it to them. [Transcript, p. 167.]

The event that gave rise to this Tenure Charge occurred in a second period special education geometry class on May 8, 2018. Prior to that class, Serpico had been in a boys' bathroom where a student whom he did not know was playing music on a boom box with "offensive lyrics and cursing" that Serpico "didn't really enjoy."

Serpico went across the hall to his classroom for his class, which comprised nine resourced students, seven of whom he had taught the year before. One of the new students was SR, who had arrived later in that year. Another

student, whom Serpico had had the year before, was MD, who Serpico testified always presented behavioral problems:

There was always something, whether it was he didn't have a pencil, didn't have his homework, got up out of his seat to go text on the phone because he had – plugged in on the side. So you know, it was always something. I don't want to say every single day, but I would like to say pretty much everyday, because we don't have class everyday. . . . [Transcript 192-93.]

According to Serpico, MD came in and started talking and laughing about a fight in which a student who had been in the class knocked another teacher to the floor. Serpico told MD he didn't find it funny. Serpico's testimony continued:

A. Then I have a student with earbuds in, when clearly it states – I have rules and it says don't come in with your earbuds, no texting, no Facetiming, etc., etc., etc., and it wasn't the first time and it wasn't the second time, it was numerous times. And I got upset.

* * *

Q. And so when you say you got upset, what did you do?

A. I walked back to my desk, I asked him to remove the earbuds again. And I just got upset, and I said, you know, I come out of the bathroom – *I go in the bathroom I hear nigger, nigger, nigger, fuck you, suck my dick, this is all I hear all day.* And it is not only that class, it is predominantly all classes that I have every single day, including my assessments of witnesses' credibility home room.

Q. I just want to know what you said.

A. *That's what I said.*

[Transcript 195-96; emphasis added.]

SR got upset by Serpico's words and asked to leave the class to go to The Haven, a counseling area at the high school. Serpico asked if she would like to talk to him outside the class, and she said no. According to Serpico, she told him he couldn't say the words he did, and Serpico explained that he hadn't directed them toward anyone but had just repeated what he had heard. Serpico gave her a pass so that she could leave.

Serpico turned his attention back to the room. MD was speaking to another student, LJ, ten or twelve feet away and laughing that SR was going to report Serpico and get him suspended or fired. MD repeated that two or three times, and Serpico literally blew up and, in his own reported words, "went ballistic,"² actions captured on students' cell phones and posted online. Here's the exchange on his direct examination:

Q. So after MD said she is going to get him suspended or fired, at least twice if not three times, what happened next?

A. That's when you saw I approached him on the video.

Q. And is it fair to say that you were yelling at him?

A. Yeah. Yes.

Q. And is it fair to say that you got into his face?

²Transcript, p. 31.

A. Yes.

Q. So why did you do that?

A. I was upset. Everything was going through my head of all the years I wanted to put in for a transfer, all the years I was denied, all the years that I put grades in, they switched them. It was just constant stuff going through my head. It wasn't that instant, instance. It was just everything at once.

* * *

Q. Sitting here, having reviewed the video, how do you feel about it looking back at it now?

A. It looks worse – that's not me. I look foolish. They got the best of me, that's all I could say. That's not my behavior. I am sorry I even did that. It was just bad judgment.

[Transcript, pp. 198-200.]

The videos, in evidence as Petitioner Exhibit 5, go way beyond that description. The first, 18 seconds long, begins with Serpico first asking MD, "Something funny?" Then Serpico comes close to MD, leans in less than three feet away, and in a loud, angry voice, asks him, "Report me for what? Report me for what? Report me for what? I'm asking you again." On the second video, one minute long, Serpico continues his angry screed to MD, saying things like "There are no rules for any kids." "I'm annoyed because you don't listen." "I've been here so long because I'm smart. I only say stuff that nothing's going to happen [about] because nothing gets fixed." On the third video, also one minute long, Serpico keeps yelling in MD's face so close that MD has to get up from his seat

and move back. Serpico continues, “I have nothing to worry about in this place ever again because nobody cares.” Serpico jabs his finger about a foot away from MD’s face so close that MD says he’s scared. On the fourth video, 49 seconds long, Serpico continues to vent his personal frustration, saying “I need to be in an environment that kids want to learn instead of embarrassing yourself in front of other people.” And, repeatedly, “I don’t care.” And finally, on the fifth video, 46 seconds long, Serpico says “I’m tired of this shit that you pull every day.” And “I have nothing to worry about because nobody cares.” These videos went viral in the school district community, and Superintendent of Schools Theresa Rafferty received complaints about Serpico’s meltdown from a number of parents.

At the close of Serpico’s direct testimony, his attorney gave him an opportunity to express remorse and an intention to improve by asking, “Given that the incident happened, why do you think you should keep your employment with the Piscataway School District?” Serpico simply blew that opportunity by replying,

My goal at Piscataway was to retire from Piscataway. My goal was to hopefully get transferred back to the middle school, to enjoy coming to work, to enjoy driving to work, to enjoy leaving and saying, you know what, I got some kids hanging out with me after school. I will stay. I don’t feel that. I just feel – I don’t enjoy the drive anymore. I don’t enjoy driving to work. I don’t enjoy the environment. I figured if I go back to the middle school and the change of environment would help me, help me stay here in

Piscataway, would help me give the kids the knowledge that I was given, whether it was from teaching or personal experience.

But I don't enjoy the drive anymore. I enjoy teaching middle school kids. I enjoy not having to ask the simple stuff of where is your pencil, where is your paper, where is your homework. It is just repetitional everyday that I am tired of. I am just tired of saying the same stuff everyday, numerous times everyday for X amount of years. . . .

* * *

I already said I made the mistake. . . . But you know, I don't think I should lose my position over it. I would like to be transferred, but that was the whole goal.

I didn't want to be in the special ed environment anymore. I felt that it was . . . giving me more anxiety than what I needed. I just felt that . . . if I went to more general class or general math class, it would give me less anxiety.

[Transcript, pp. 207-08.]

There was a great deal of testimony concerning Serpico's past record of evaluations, negative comments concerning his interactions with students, his psychotherapy for anxiety, and his use of toothpicks to control inappropriate verbal outbursts. He also testified that he responded to a District goal of reducing referrals to discipline by five percent by stopping referring misbehaving students for discipline but just recording the incidents in the Genesis computer program. Serpico acknowledged that the District had provided professional development activities to accomplish that goal by using classroom management skills so as to reduce occasions of bad behavior or, when they did happen, to de-escalate them so

that disciplinary referrals would be unnecessary.³ I will not recite those facts in detail here because Serpico never challenged or grieved any of the negative items in his record; he never followed up on his therapist's recommendation of anxiety medication to address his situation; he never reported his anxiety problem to the District, and he never requested an accommodation. The record on those issues is accordingly established although Serpico has suffered no discipline or negative evaluations since 2011.

On these facts Petitioner argues (a) that tenured teachers must act in a professional manner and serve the welfare of the students in their care; (b) that the use of racial and ethnic slurs is unbecoming conduct deserving of termination; (c) that Serpico's repeated use of the word, "nigger," had no place in a special education math class and is cause in itself for dismissal; (d) that Serpico's claim he was merely expressing frustration at vulgar rap lyrics he had overheard is no defense; (e) that Serpico's violent outburst at MD later that period further establishes his unfitness to remain as a classroom teacher; (f) that Serpico squandered his chance to express remorse and promise better behavior in the future by reiterating his hatred for his current assignment and resentment at not

³Notwithstanding that acknowledgment, Serpico testified that he had written fewer referrals "because it was less of a target on me. . . . I just wanted to be switched to the middle school, so I kept myself out of harm's way."

being transferred back to the middle school; (g) that Serpico's prior disciplinary record placed him on notice of conduct that would be considered unacceptable, including his actions on May 8th, and (h) that Petitioner has met its burden of demonstrating Serpico's guilt of conduct unbecoming a teaching staff member and that his employment must be terminated.

Respondent, on the other hand, contends (a) that, aside from negative comments in his 2008-09 and 2009-10 evaluations that he denies, a withheld salary increment for the 2010-11 school year based on allegations that he had used "sarcasm" in his classroom and called students "stupid" and "idiots," and a February 2011 memorandum admonishing him for telling a student to "shut up," Serpico has had no other discipline or negative evaluations; (b) that Serpico does not deny that he engaged in the behavior charged, acknowledges that his behavior was inappropriate, and is remorseful about it; (c) that progressive discipline should be applied because of Serpico's long history of positive service with the District; (d) that Serpico's case is distinguishable from those of teachers who denied accusations, were untruthful in their testimony, and expressed no remorse for their actions; (e) that Serpico's actions with respect to MD were an attempt to control the classroom after his repeated talking and laughing about an incident in which a student injured a teacher; (f) that, in view of Serpico's acknowledgment of the

severity of his actions and their inappropriateness, it is clear he would not again engage in such behavior if given discipline less severe than termination; (g) that, under these circumstances, there was no just cause to terminate Serpico's employment; (h) that, because Serpico is receiving counseling and will soon be on anxiety medication, he will not commit a similar act in the future; (I) that the testimony of SR and MD was contradictory and should not be considered in full; (j) that Serpico's numerous transfer requests were ignored by the District and created an issue with the Superintendent, who has a clear and apparent bias against Serpico; (k) that a temporary suspension is therefore the most proper punishment Serpico should receive under the circumstances of this case, which distinguish it from those of *Parezo* and *Hendrickson*, neither of whom admitted any wrongdoing, and (l) that I should accordingly impose a penalty less than termination in this case.

In its reply brief, the District addresses Respondent's contentions that had not been anticipated in its first brief, arguing (a) that progressive discipline is inappropriate where, as here, Serpico did not have an unblemished past record and did in fact suffer progressive discipline that he neither grieved or challenged; his half-hearted expression of regret rang false in view of his minimizing his wrongdoing, deflecting responsibility onto others, and he accused the

Superintendent of bias against him; (b) that grievant's claim that all will be well once he is on medication is unavailing in absence of medical evidence establishing a causal connection between his anxiety condition and his misconduct at issue; (c) that Serpico's attempt to blame his misconduct on the District's refusal to transfer him back to the middle school is a red herring that evidences his refusal to accept personal responsibility for his inexcusable behavior on May 8th, and (d) I should accordingly find him guilty of the Tenure Charge and sustain termination of his employment.

On the entire record before me, I must find Petitioner has met its burden of proving Respondent guilty of conduct unbecoming a teaching staff member and of establishing just cause for terminating his employment. I reach that conclusion for the following reasons.

First, the parties do not dispute what happened on May 8th. Serpico vented his personal frustration at having once again had to hear offensive rap lyrics by using the same offensive words, "nigger, nigger, nigger," "fuck you," and "suck my dick" in his special education math class. Just as the lyrics' n-word had upset Serpico, an adult responsible for the education and welfare of his students, his repeating it so upset one of them, SR, a 16-year-old cognitively-impaired and emotionally-disturbed African-American female, that she had to leave the class to

seek a counselor's assistance. If that hadn't been enough, Serpico compounded his misconduct by going "ballistic" in response to student MD's amused reaction. Not only does Serpico not dispute either of these events; five different video clips that went viral in the school community confirm them.

Second, Serpico's initial outburst –saying the words "nigger, nigger, nigger," "fuck you," and "suck my dick" to his class– was not just inappropriate; it served no legitimate pedagogical purpose. This was a special education geometry class, not an American literature class reading *The Adventures of Huckleberry Finn* or a social studies class considering the cultural impact of rap music lyrics. Those words –fraught as they are with racial and societal opprobrium– have nothing at all to do with mathematics and, with only a few legitimate exceptions, have no place in a classroom. Serpico's use of them on May 8th to express his personal frustration was beyond inappropriate; it was a self-indulgent excrescence.

Third, Serpico's enraged interaction with MD compounded that offense. The videos show Serpico in MD's face, shouting and intimidating him, and spewing negative comments about MD and this special education class. Not only was it inappropriate, self-indulgent, and bereft of pedagogical purpose; it was actually destructive of pedagogical purpose. Instead of modeling appropriate behavior for MD –a student whose disability includes distraction, struggling to

exercise judgment, and difficulty staying on and carrying out tasks– to emulate, Serpico exercised no judgment, blew up, and lost sight of his primary educational task. Moreover, Serpico’s rant included negative statements about his special education population and the District’s commitment to the program:

- “. . . [N]othing’s going to happen because nothing gets fixed.”
- “I have nothing to worry about in this place ever again because nobody cares.”
- “I need to be in an environment that kids want to learn instead of embarrassing yourself in front of other people.”
- “I don’t care.”
- “I’m tired of this shit that you pull every day.”
- “I have nothing to worry about because nobody cares.”

These examples are consistent with the attitude reflected by Serpico’s testimony quoted above at page 7 that his special education students are beyond instruction:

I think the high school, for the population that I am working with right now, lacks a lot of the basic skills. And I’d rather be in the middle school[. I]f the kids don’t really know the information, we could teach it to them.

Of course the special education population “lacks a lot of the basic skills.” But special education teachers are trained and expected to appreciate and address those students’ special needs effectively. Serpico utterly failed to use his training to meet that requirement. Serpico’s rant is destructive of what special education students need to hear. And District parents are appropriately concerned that a

teacher of their children would so misbehave and that the District would tolerate such misconduct.

Fourth, it was only after the District preferred this Tenure Charge that Serpico first appreciated the severity of his behavior. Responding to a question about his having voluntarily come to his supervisor's office on May 8th to report that day's incident, Serpico testified,

A. I voluntarily told them what happened with MD. But it wasn't – I told them that . . . I got upset. I didn't get into detail, because *I didn't really think it was – it was a big deal at the time, but now obviously I do.*

* * *

Q. Did you think your behavior was appropriate?

A. No, not at all. I already said I was inappropriate. I said I shouldn't have done it, and obviously we're here. [Transcript, pp. 206-07; emphasis added.]

Clearly what's at issue here is *not* no big deal. It is, as Serpico now appreciates, a big deal; and we are, indeed, "here." And we are "here" not because the Superintendent of Schools was biased against Serpico or because the District's lack of support for his disciplinary referrals caused his outburst. We are "here" because of Serpico's own gross misconduct on May 8th.

Fifth, the record before me contains no convincing expression of remorse or purpose to improve. The closest Serpico came to that appears on pages 199-200:

Q. Sitting here, having reviewed the video, how do you feel about it looking back at it now?

A. It looks worse – that’s not me. I look foolish. They got the best of me, that’s all I could say. That’s not my behavior. I am sorry I even did that. It was just bad judgment.

Aside from that the record is replete with Serpico’s expressions of his contempt for the special education population in his classes because they can’t learn, his resentment of the District’s denials of his annual transfer requests, his intention to continue those efforts to get back to teaching middle school students who can learn, and his bewilderment why the District would not want him to be happy in his work. What appears clear is that, if Serpico were to return to employment as a special education math teacher at the high school, he will continue to seethe with resentment and “mail it in” with respect to teaching his special education students.

Sixth, in reaching this conclusion, I reject as unsupported by the record Serpico’s arguments that the District’s investigation was flawed, that the testimony of SR and MD was inconsistent, that the progressive discipline element of just cause requires a lesser penalty than termination, and that Superintendent Rafferty’s decision to prefer this Tenure Charge was motivated by personal bias against him. In the first place, the District’s investigation was entirely appropriate. Serpico’s supervisors interviewed all potential witnesses and heard Serpico’s

version of what happened. That investigation required no participation by Rafferty, who appropriately delegated that process to those of her reports responsible for Serpico's service. In addition, there are no relevant disputed facts that additional investigation or Rafferty's participation would have disclosed. Moreover, no inconsistency between the testimony of SR and MD had anything to do with the relevant facts of Serpico's misconduct. He did what he did; it so upset SR that she had to leave the class for counseling, and it had a negative impact on MD and the class. Fourth, Serpico suffered disciplinary loss of an annual increment for related misconduct seven years earlier, which meets the requirement of progressive discipline. And last, Serpico has adduced no evidence of bias on Rafferty's part save his suspicion that she resented his repeated transfer requests. In fact legitimate business considerations motivated her denials of those requests—State rules required a dual-certified teacher like Serpico for his position at the high school—and Serpico himself never followed up on Rafferty's invitation to come speak her about his unhappiness in that assignment. In the final analysis, Serpico's own egregious misconduct on May 8th, not any considerations of bias or personal resentment, impelled Rafferty's judgment to prefer this Tenure Charge and seek termination of his employment.

Finally, the record before me provides no basis to believe that Serpico can continue effective service as a teacher in the District. I see no reason to expect that his fulminating resentment and frustration will abate, that therapy and anxiety medication will make him any happier teaching special education math at the high school, or that, if reinstated to employment, future such misconduct could not recur.

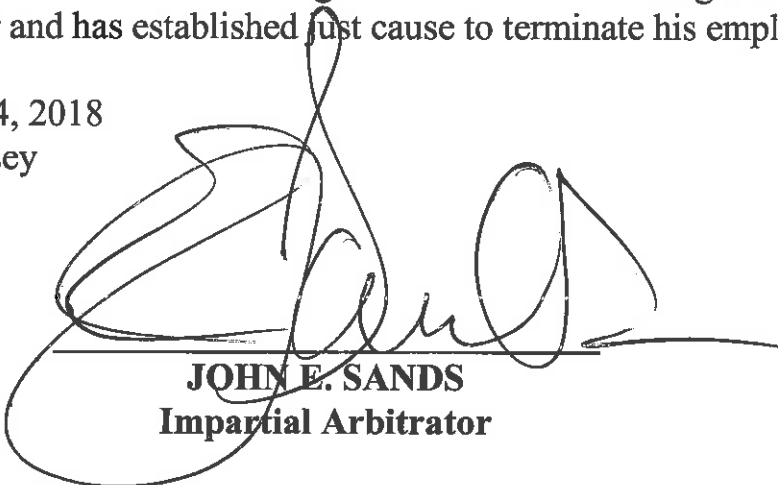
I accordingly find that the District has fully met its burdens of proving Respondent Vincent Serpico's guilt of the Tenure Charge of conduct unbecoming a teaching staff members and establishing just cause for its decision to terminate his employment.

By reason of the foregoing, I issue the following

AWARD

Petitioner, the School District of the Township of Piscataway, Middlesex County, has borne its burden of proving Respondent Vincent Serpico's guilt of the Tenure Charge of conduct unbecoming a teaching staff member and has established just cause to terminate his employment.

Dated: November 4, 2018
Roseland, New Jersey



JOHN E. SANDS
Impartial Arbitrator

ACKNOWLEDGMENT

STATE OF NEW JERSEY)

>ss.:

COUNTY OF ESSEX)

On November 4, 2018, JOHN E. SANDS, whom I know, came before me and acknowledged that he had executed the foregoing as and for his Opinion and Award in the above-captioned matter.

A handwritten signature in black ink, appearing to read 'Hilda M. Cortes-Rivera', written over a horizontal line. The signature is stylized and cursive.

Hilda M. Cortes-Rivera
A Notary Public of New Jersey
My Commission expires October 10, 2023