

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
HAYWARD VEREEN : ORDER OF REVOCATION
_____ : DOCKET NO: 643-12/01

At its meeting of December 6, 2001, the State Board of Examiners reviewed information received from the Division of Criminal Justice indicating that on September 14, 2001, Hayward Vereen pled guilty to criminal sexual contact in the 4th degree. Vereen was sentenced to two years' probation, fined, directed to have no contact with the victim and to pay for her therapy, submit to random urine monitoring, a TASC evaluation and to complete a sex offender counseling/treatment program. Vereen is currently the holder of Teacher of Elementary School and Teacher of Social Studies certificates. Upon review of the above information, at that December 6th meeting, the State Board of Examiners voted to issue Vereen an Order to Show Cause.

The Board sent Vereen the Order to Show Cause by regular and certified mail on June 19, 2002. The Order provided that an Answer must be filed within 20 days. On July 3, 2002, his attorney filed an Answer on Vereen's behalf. In that Answer, Vereen stated that he had been a certified teacher for 15 years and that the offense to which he pled guilty did not involve school, school students or the teaching profession. He added that other than this conviction he had never been involved with the criminal justice system. (Answer, ¶¶ 1-5.)

Thereafter, pursuant to N.J.A.C. 6:11-3.6(a)1, on July 29, 2002, the Board of Examiners sent Vereen a hearing notice by regular and certified mail. The notice explained that since it appeared no material facts were in dispute, Vereen 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. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if his offense warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. On November 4, 2002, Vereen submitted his reply. On November 11, 2002 he submitted some additional letters of reference.

In his response, Vereen offered his version of the circumstances surrounding his guilty plea to criminal sexual contact. He told the Board of Examiners that on December 31, 2000, he had attended a New Year's Eve party where he ran into an old friend. After the party he returned to his friend's room where they engaged in sexual activity which culminated in sexual intercourse. Vereen stated that at all times he believed the encounter was consensual. He stated that he was therefore shocked when his friend filed charges against him arising from his behavior that night. Vereen added that he agreed to plead guilty after his attorney assured him that his guilty plea was to the lowest degree of criminal offense and would have no impact on his teaching job as it would not result in the automatic forfeiture of his teaching certificates. (Hearing Response, pp. 1-2). Vereen added that had he known of the ultimate impact of his guilty plea on his teaching career, he would have never agreed to the plea bargain.

The threshold issue before the State Board of Examiners in this matter, therefore, is to determine whether Vereen's guilty plea to criminal sexual contact constitutes conduct unbecoming a certificate holder. At its meeting of December 12, 2002, the State Board of Examiners reviewed the charges and papers Vereen filed in response to the Order to Show Cause. After review of Vereen's submissions, the Board of Examiners determined that no material facts related to his offense were in dispute since Vereen admitted that he had pled guilty to the offenses charged and had been sentenced accordingly. Thus, the Board of Examiners determined that summary decision was appropriate in this matter and that Vereen, indeed, had engaged in conduct unbecoming a certificate holder. N.J.A.C. 6:11-3.6(a)1.

The State Board of Examiners must now determine whether Vereen's offense as set forth in the Order to Show Cause, provides just cause to act against his certificates pursuant to N.J.A.C. 6:11-3.6(a)1. We find that it does.

The State Board of Examiners 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. 6:11-3.4. “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. Vereen’s act of criminal sexual contact is inexcusable for any individual, teacher or not. While Vereen may have been an exceptional teacher in the classroom, his guilty plea indicates that he has not demonstrated like behavior outside that arena.

Additionally, Vereen’s offense would be disqualifying pursuant to N.J.S.A. 18A:6-7.1. As such, it provides a sufficient basis for the Board of Examiners to revoke or suspend his certificates. See N.J.A.C. 6:11-3.4 (for purposes of revocation or suspension, “other just cause” shall include offenses within the disqualification statute.)

Vereen argues that he should retain his certificate since the incident occurred off school grounds. It is well established that the State Board of Examiners has the right to revoke a certificate where the teacher was involved in criminal activities, even if the activities were unrelated to the classroom. See Cox v. State Board of Examiners, (App. Div. Docket No. A-3527-81T3) (November 18, 1983); State Board of Examiners v. Krupp, 3 N.J.A.R. 285 (1981).

Moreover, the Commissioner has long held that teachers serve as role models for their students. Therefore, a teacher’s whole life is subject to scrutiny, not just his actions within the schoolhouse doors:

[R]espondent’s argument that, because the occurrence happened in the evening away from school premises, both the Board and the Commissioner have no authority to act, is without merit. Individuals who must comport themselves as models for young minds to emulate choose the teaching profession. This heavy responsibility does not begin at 8:00 a.m. and conclude at 4:00 p.m., Monday through Friday, only when school is in session. Being a teacher requires, *inter alia*, a consistently intense dedication to civility and respect for people as human beings. The Commissioner has, on past occasions, determined tenure charges arising from incidents which happened in the evening both on and off school property. See, In the Matter of the Tenure Hearing of Thomas Appleby, School District of Vineland, Cumberland

County, 1965 S.L.D. 159, aff'd State Board of Education 1970 S.L.D. 448; In the Matter of the Tenure Hearing of John H. Stokes, School District of the City of Rahway, Union County, 1971 S.L.D. 623.

In the Matter of the Tenure Hearing of Robert H, Beam, 1973 S.L.D. 157, 163. Vereen therefore cannot exclude his “out-of-school” behavior from this tribunal’s examination.

Furthermore, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. Redcay v. State Board of Education, 130 N.J.L. 369, 371 (S. Ct. 1943), aff'd. 131 N.J.L. 326 (E & A 1944). In this instance, Vereen’s pled guilty to a crime involving criminal sexual contact. Whatever the circumstances surrounding the plea, Vereen’s behavior, as recognized under the law, is not compatible with a teacher’s role model status.

Accordingly, it is therefore ORDERED that Hayward Vereen’s Teacher of Elementary School and Teacher of Social Studies certificates be revoked on this 12th day of December, 2002. It is further ORDERED that Vereen return his certificates to the Secretary of the State Board of Examiners, Office of Licensure and Credentials, PO Box 500, Trenton, NJ 08625-0500 within 15 days of receipt of this decision.

Joan E. Brady, Secretary
State Board of Examiners

Date of Mailing: May 1, 2003

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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