

IN THE MATTER OF THE TENURE :
HEARING OF WAYNE SLAUGHTER, : COMMISSIONER OF EDUCATION
SCHOOL DISTRICT OF THE : DECISION
CITY OF BRIDGETON, :
CUMBERLAND COUNTY. :
_____ :

SYNOPSIS

The Board certified tenure charges of unbecoming conduct, inefficiency and incapacity against respondent teacher. The Board alleged respondent made inappropriate comments to students, demonstrated a lack of capacity to serve students properly and, despite warnings, demonstrated that he was unfit to teach. Respondent holds certificates in the areas of Industrial Arts and Special Education.

The ALJ found that respondent did make inappropriate comments arising to sexual harassment against student M.C., did demonstrate a lack of capacity to serve students properly by reason of his inappropriate actions and remarks, and was unfit to continue to engage in the teaching profession due to inappropriate past actions with female students. The ALJ ordered respondent removed from his teaching position.

The Commissioner concurred with the ALJ and ordered respondent removed from his teaching position as of the date of this decision. The Commissioner referred the matter to the State Board of Examiners for appropriate action as that body deems necessary.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

July 8, 2002

OAL DKT. NO. EDU 6140-01
AGENCY DKT. NO. 326-8/01

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The record and Initial Decision in this matter have been reviewed. The parties filed no exceptions.

Upon review of the record, the Commissioner adopts the findings and conclusion in the Initial Decision that Respondent Wayne Slaughter engaged in conduct unbecoming a teaching staff member, demonstrated a lack of capacity to properly serve students and that he is unfit to engage in teaching by virtue of his sexual harassment of students.

In this regard, the Administrative Law Judge’s (ALJ) credibility determinations are entitled to the Commissioner’s deference. “The reason for this rule is that the administrative law judge, as a finder of fact, has the greatest opportunity to observe the demeanor of the involved witnesses, and, consequently, is better qualified to judge their credibility. *In the Matter of the Tenure Hearing of Tyler*, 236 N.J. Super. 478, 485 (App. Div.), *certif. denied*, 121 N.J. 615 (1990).” *In the Matter of the Tenure Hearing of Frank Roberts*, 96 N.J.A.R. 2d (EDU) 549, at 550. The Appellate Division recently affirmed this principle, underscoring that “[u]nder existing law, the [reviewing agency] must recognize and give due weight to the ALJ’s unique position and ability to make demeanor based judgments.” *Whasun Lee v. Board of Education of the Township of Holmdel*, Docket No. A-5978-98T2 (App. Div. 2000), slip op. at 14. The Court also noted *then* pending legislation providing that “the agency head may not reject or modify any findings of fact

on the issues of credibility of lay witness testimony unless it is first determined from a review of the record that the findings are arbitrary, capricious or unreasonable or are not supported by sufficient, competent and credible evidence in the record.” (Ibid. citing A. 1484, 209th Leg., §10(b) (2000), later enacted as *P.L.* 2001, *c.* 5 and now codified at *N.J.S.A.* 52:14B-10(c))

In the present action, the ALJ determined that the testimony of the pupils, staff of the district and other witnesses was credible, and that of Respondent Slaughter and his proffered character witnesses was not. Based on the foregoing principles, the Commissioner adopts the ALJ’s determination that respondent sexually harassed students. Likewise, the Commissioner agrees that such conduct constitutes conduct unbecoming a teaching staff member, and demonstrates incapacity and unfitness to engage in teaching students.

Finally, the Commissioner agrees with the ALJ that the appropriate penalty in this case, wherein the Board demonstrated that respondent engaged in egregious conduct involving sexual harassment of young female students on multiple occasions, is removal of respondent from his teaching position. Accordingly, respondent is removed from his position as of the date of this decision and this matter shall be transmitted to the State Board of Examiners, pursuant to *N.J.A.C.* 6:11-3.6, for action, as that body deems appropriate, against respondent’s certificate.

IT IS SO ORDERED*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 8, 2002

Date of Mailing: July 8, 2002

* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.* within 30 days of filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.