

New Jersey Commissioner of Education
Final Decision

James Mosser,

Petitioner,

v.

Board of Education of the Township of Union,
Union County,

Respondent.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), the OAL hearing transcripts, the exceptions filed by petitioner James Mosser and respondent Board of Education of the Township of Union (Board) pursuant to *N.J.A.C. 1:1-18.4*, and the Board's reply to petitioner's exceptions, have been reviewed and considered.

This matter concerns multiple harassment, intimidation, or bullying (HIB) allegations made against petitioner, a tenured teacher employed by the Board. In April 2019, petitioner appealed the Board's determinations that he committed HIB. Following contested proceedings at the OAL, in December 2021, the Commissioner remanded the matter to the Board for a hearing upon concluding that the Board did not comply with the Anti-Bullying Bill of Rights Act (Act), *N.J.S.A. 18A:37-13 to -32*, when conducting its HIB investigations (HIB 16 and HIB 17). In October 2022, the new Board hearing took place, and the Board again upheld the HIB determinations. Subsequently, petitioner filed the instant petition of appeal.

Following a contested hearing at the OAL, the Administrative Law Judge (ALJ) rendered findings of fact, credibility determinations, and legal conclusions in a seventy-two-page Initial Decision. Regarding HIB 16, the ALJ concluded that the Board's determination that petitioner committed an act of HIB toward student G.R. was arbitrary, capricious, and unreasonable because petitioner's conduct—exclusion of G.R. from a theatre "master class"—was not reasonably perceived as being motivated by any actual or perceived characteristic. Regarding HIB 17, which encompassed allegations from multiple students primarily concerning inappropriate and insulting comments made by petitioner on unknown dates, the ALJ found that the Board's determinations that petitioner committed acts of HIB toward students A.C., N.R., N.V., A.P., and E.L. were arbitrary, capricious, and unreasonable because they did not satisfy the statutory criteria. In addition, the ALJ affirmed the Board's determinations that petitioner committed acts of HIB toward students E.C., L.S., B.F., K.H., T.T., and M.M.

Both parties filed exceptions disputing the ALJ's findings of fact, conclusions of law, and credibility determinations. In his exceptions, petitioner argues that the Commissioner should adopt the ALJ's conclusions regarding HIB 16, and regarding HIB 17 with respect to students A.C., N.R., N.V., A.P., and E.L. However, petitioner argues that the Commissioner should reject the ALJ's conclusions regarding HIB 17 with respect to students E.C., L.S., B.F., K.H., T.T., and M.M. In its exceptions, the Board argues that the Commissioner should reject the ALJ's conclusions regarding HIB 16, and regarding HIB 17 with respect to students A.C., N.R., N.V., A.P., and E.L. The Board also argues that the Commissioner should uphold the Board's HIB findings in totality as to students T.T. and M.M.

Upon careful review of the record and hearing transcripts, the Commissioner holds that it was arbitrary, capricious, and unreasonable for the Board to have concluded that petitioner committed acts of HIB as alleged in HIB 16 and HIB 17 because the evidence in the record fails to support the conclusion that petitioner's conduct—even assuming it occurred as alleged by each student¹—substantially disrupted or interfered with the orderly operation of the school or the rights of other students as is required by *N.J.S.A. 18A:37-14*.

The Act defines HIB as:

[A]ny gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L. 2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- b. has the effect of insulting or demeaning any student or group of students; or
- c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

[*N.J.S.A. 18A:37-14* (emphasis added).]

¹ Petitioner denies that he committed any acts of HIB. Although he was interviewed by an administrator, David Shaw, during the HIB 16 investigation, no evidence of that interview was presented to the Board for review in connection with its final HIB determination, and none is contained in the record. Petitioner was never interviewed during the HIB 17 investigation.

In sum, a finding of HIB requires three elements under the Act. First, the conduct must be reasonably perceived as being motivated by any actual or perceived characteristic expressly identified in the statute, or by any other distinguishing characteristic. Second, the conduct must substantially disrupt or interfere with the orderly operation of the school or the rights of other students. Third, one of the three conditions set forth in subsections (a), (b), and (c) must be satisfied. *Wehbeh v. Bd. of Educ. of the Twp. of Verona, Essex Cnty.*, Commissioner Decision No. 51-20 at 5 (Feb. 4, 2020). If one of the three statutory elements are not satisfied, then the conduct does not constitute HIB as specifically defined under the Act.

With respect to HIB 16, the ALJ correctly found that G.R.'s exclusion from the master class was not reasonably perceived as being motivated by any actual or perceived characteristic. Additionally, the record is devoid of evidence to establish that the conduct substantially disrupted or interfered with the orderly operation of the school or the rights of other students. While the Board asserts in their exceptions that the HIB 16 allegations also encompassed insulting comments made by petitioner about G.R. to her classmates, the fact remains that the HIB 16 investigation did not conclude that any of the alleged conduct by petitioner substantially disrupted or interfered with the orderly operation of the school or the rights of other students. No mention of that statutory requirement is made in the HIB 16 investigation report.

When asked during direct examination, Jill Hall, the anti-bullying specialist who conducted the HIB investigation, testified that her conclusion that "the incident meets the criteria for HIB" meant that the incident had substantially disrupted or interfered with the orderly operation of the school and the rights of other students. Transcript of October 30, 2024, p. 62. However, neither Hall nor any other witness offered testimony explaining how or when the substantial

disruption or interference occurred. For these reasons, the Board's conclusion in HIB 16 that petitioner committed an act or acts of HIB is arbitrary, capricious, and unreasonable because the statutory criteria were not satisfied.

As for HIB 17, the Commissioner agrees with the ALJ that the Board's HIB determinations with respect to students A.C., N.R., N.V., A.P., and E.L. were arbitrary, capricious, and unreasonable because they did not satisfy the statutory criteria. However, the Commissioner disagrees with the ALJ that the Board's HIB determinations with respect to students E.C., L.S., B.F., K.H., T.T., and M.M. should be affirmed. The record contains insufficient evidence to establish that any of petitioner's conduct substantially disrupted or interfered with the orderly operation of the school or the rights of other students.

While the first page of the HIB 17 investigation report indicates via an "X" that the "incident" substantially disrupted or interfered with the orderly operation of the school or the rights of other students, the body of the report—which contains allegations from eleven different students regarding multiple incidents²—fails to explain how or when the substantial disruption or interference occurred, and fails to identify what specific conduct by petitioner caused the substantial disruption or interference. The HIB 17 investigation report authored by Hall concludes by stating, "These incidents meet the criteria for HIB as defined in the Anti-Bullying Bill of Rights specific to James Mosser and Jennifer Williams."³ It is impossible to determine from

² The Board did not make HIB findings pertaining to students M.A.D., C.B., and R.R., who were also interviewed during the HIB 17 investigation.

³ According to Hall's testimony, HIB 17 encompassed allegations that petitioner as well as a paraprofessional, a school counselor, and a choreographer, committed acts of HIB. Transcript of October 30, 2024, pp. 93-94.

the report whether petitioner's conduct caused a substantial disruption or interference, or whether Ms. Williams's conduct caused a substantial disruption or interference.

Furthermore, witness testimony during the OAL hearing failed to provide a sufficient basis upon which to conclude that petitioner's conduct as alleged in HIB 17 substantially disrupted or interfered with the orderly operation of the school or the rights of other students. Although Hall testified generally that the alleged conduct in HIB 17 constituted HIB under the Act, she never explained how or when the conduct resulted in a substantial disruption or interference. With respect to student E.C., Hall was asked during direct examination whether inappropriate comments made by petitioner to E.C. substantially disrupted the orderly operation of the school and the rights of other students; she replied "yes" without further explanation. Transcript of October 30, 2024, pp. 168-170.

Stating generally that the statutory criteria are met without explaining how they are met in relation to the alleged conduct is insufficient to sustain a finding of HIB. Moreover, here, it is significant that the HIB 17 investigation was not initiated because of student or parent HIB complaints. Instead, Hall testified that the school principal directed her to commence the investigation and to interview a specific group of students. To the extent that the ALJ found or suggested that a substantial disruption or interference occurred with respect to petitioner's alleged conduct toward E.C., L.S., B.F., K.H., T.T., and M.M., the Commissioner rejects those findings as unsupported by the record.

For these reasons, the Board's conclusion in HIB 17 that petitioner committed acts of HIB is arbitrary, capricious, and unreasonable because the statutory criteria were not satisfied. Because the record contains insufficient evidence to establish that any of the alleged conduct by

petitioner substantially disrupted or interfered with the orderly operation of the school or the rights of other students, it is not necessary to determine whether each individual HIB allegation satisfied the remaining statutory requirements.

Turning to the Board's exceptions, the Commissioner disagrees with the Board's first exception asserting that the ALJ applied the incorrect standard of review. On the contrary, the ALJ properly analyzed whether petitioner established that the Board's HIB determinations were arbitrary, capricious, or unreasonable. *Kopera v. Bd. of Educ. of W. Orange*, 60 N.J. Super. 288, 294 (App. Div. 1960).

The Commissioner also disagrees with the Board's second exception asserting that the ALJ's credibility determination as to Hall should be modified. "The agency head may not reject or modify any findings of fact as to 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." N.J.S.A. 52:14B-10(c). The ALJ found that Hall was not completely credible because some of her testimony regarding the protected categories or distinguishing characteristics at issue in HIB 17 conflicted with the HIB 17 investigation report. Upon careful review of the record and hearing transcripts, the Commissioner finds no basis to reject or modify the ALJ's credibility determination as to Hall. *Cavalieri v. Bd. of Trs. of Pub. Empl. Ret. Sys.*, 368 N.J. Super. 527, 534 (App Div. 2004).

Regarding the Board's third, fourth, fifth, sixth, seventh, eighth, and ninth exceptions as to individual HIB allegations that should be upheld, the Commissioner rejects them given the Commissioner's determination that none of the allegations meet the statutory criteria for HIB

because the record lacks sufficient evidence to establish that the alleged conduct substantially disrupted or interfered with the orderly operation of the school or the rights of other students as is required by *N.J.S.A. 18A:37-14*.

In summary, the Commissioner concludes that the Board's determinations that petitioner committed acts of HIB are arbitrary, capricious, and unreasonable because the record lacks sufficient evidence to support the conclusion that petitioner's conduct substantially disrupted or interfered with the orderly operation of the school or the rights of other students.⁴

Accordingly, the Initial Decision is adopted in part and rejected in part, and the petition of appeal is hereby granted. Any records concerning the HIB 16 and HIB 17 investigations as they pertain to petitioner shall be removed from his personnel file.

IT IS SO ORDERED.⁵


COMMISSIONER OF EDUCATION

Date of Decision: October 3, 2025

Date of Mailing: October 6, 2025

⁴ The Commissioner does not condone the use of inappropriate, insulting, or demeaning language by teachers toward students. Moreover, the Commissioner does not minimize the negative impact that such language can have on students. Under the Act, not all inappropriate and unprofessional conduct constitutes HIB. While it certainly may violate other Board policies not at issue here, the Commissioner makes no findings in that regard because this matter is limited to the HIB allegations only.

⁵ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A. 18A:6-9.1*. Under *N.J.Ct.R. 2:4-1(b)*, a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. EDU 01119-23

AGENCY DKT. NO. 8-1/23

JAMES MOSSER,

Petitioner,

v.

CITY OF UNION BOARD OF EDUCATION,

UNION COUNTY,

Respondent.

Paul W. Tyschenko, Esq. for petitioner (Caruso, Smith, Picini P.C. attorneys)

Christopher Buggy, Esq. for respondent (Florio, Perrucci, Steinhard & Capelli, LLC)

Record Closed: July 11, 2025

Dated: July 25, 2025

BEFORE: **KIMBERLY A. MOSS**, ALJ:

James Mosser (Mosser or Petitioner) had previously filed a petition appealing harassment, intimidation and bullying (HIB) determination against him under Docket No. EDU 09011-19. In that matter petitioner filed a motion for summary decision at the Office of Administrative Law (OAL) which was granted. In its Final Decision the Commissioner of Education remanded the matter on procedural deficiencies and directed the Union Board of Education (Board) to conduct further proceedings as well as clearly inform Mosser as to any discipline that was imposed on him, prior to providing a

new Board hearing. At the new hearing, the Board sustained HIB charges against Mosser. Mosser appealed the decision. The matter was filed at the OAL on February 7, 2023. Petitioner filed a motion for summary decisions on October 10, 2023. Respondent filed opposition to the motion for summary decision and a cross motion for summary decision. Petitioner filed opposition to the cross motion on January 8, 2024. These motions were denied. The Hearings were held on October 30, 2024, December 23, 2024, January 17, 2024, February 7, 2024, February 24, 2025, March 7, 2025, March 19, 2025, April 11, 2025, April 21, 2025 and May 23, 2025. Closing briefs were submitted by the parties on July 11, 2025, at which time I closed the record.

TESTIMONY

Jill Hall

Jill Hall is a Student Assistance Counselor (SAC) at Union High School (Union). The SAC services include mental health services. Prior to being a SAC, Hall was a teacher for approximately nineteen years. She has been an anti-bullying specialist (ABS) since 2012. She became a SAC at Union High School in February 2017. Prior to that she was SAC at Kawameeh Middle School. Lucille Williams was the bullying coordinator at Union. Hall is a licensed professional counselor.

All school counselors are trained in the anti-bullying bill of rights (ABR) and how to conduct an anti-bullying investigation. The anti-bullying training shows how to differentiate between conflict and bullying. The investigation must be completed in ten school days. Investigations are to find facts, reports are done according to the timelines. The investigator asks the witness what they saw with their own eyes or what they heard with their own ears. The standard to determine if a harassment, intimidation or bullying (HIB) incident occurred is more likely than not.

The Board adopted an anti-bullying policy in 2012. This policy was in effect at the time of the incidents. The policy defines harassment, intimidation or bullying as:

Any gesture, any written, verbal or physical act or any electronic communication, whether it be a single incident or a series of incidents that is reasonably perceived as being motivated either by any actual or

perceived characteristics such as : race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school sponsored function, or a school bus or off school grounds in accordance with the law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- A. A reasonable person should know, under the circumstances will have the effect of physically or emotionally harming a student or damaging the student's property or placing the student in reasonable fear of physical or emotional harm to his or her person or damage to his or her property or
- B. Has the effect of insulting or demeaning any student or group of students or
- C. Creates a hostile educational environment for the students by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

If an action meets the definition of HIB, the policy is that it is a HIB. In 2012 Hall became involved in HIB investigations. This was the year that the ABR began in New Jersey. Hall was trained in ABR and HIB policy. The HIB timeline included proceedings, documentation, and notification. When one becomes aware of an HIB it must be reported to Administration within two days. The investigation report of the HIB is due in ten days. Notification is made by the administration.

The teachers, staff and custodians have a duty to report actions that can be HIB violations. The report is made to the principal or vice principal to commence an investigation. A student can report an HIB incident.

When HIB investigations begin, the parties are notified. The HIB investigation must be thorough and complete. If the investigation is not complete in ten days, it will be closed and reopened at a later date. The complainant is spoken to first and gives a statement about what occurred and asked if there were any witnesses. A statement from a complainant or witness is taken. The statements by the complainants were not written, audio or video statements.

Once a report is complete, it is given to the principal and the District anti bullying coordinator (ABC). Also, Hall does not see it again unless there is an appeal when the report is complete. If there is an appeal, the Board hears the appeal and could send it back for further investigation or concur with the report.

Hall has done 150-200 HIB investigations. All but three or four students were against student. There is a template for the HIB reports. It reflects the investigation and the conclusion.

G.R. was a student in Mosser's advanced theatre class. Her parents were concerned that G.R. was being excluded from events that other students in the class attended. Mosser made comments about her and excluded her from the master class. She was insulted and demeaned which interfered with her education and created a hostile educational environment. The distinguishing characteristic is being excluded from her classmates in the master class.

G.R. had dropped out of the production of Godspell that Mosser was directing. Mosser made comments that she would not be cast again because she dropped out. The issue of G.R. was brought up in January 2018. There was a meeting with Mosser, Hall and G.R.'s parents to navigate G.R., being frustrated by comments Mosser made about her in class. Mosser stated that there were criteria for advanced theatre class. G.R.'s parents believed Mosser retaliated against G.R. because she dropped out of the prior production. G.R.'s parents requested an HIB investigation. The HIB investigation, HIB 16, began May 11, 2018. Hall spoke to G.R. about being excluded from master class and concerns about her grades. Hall did not speak to Mosser.

In master class, an outside person comes to provide additional instruction. Previously all the students in advance theatre placement were selected for master class. At this time only the students in the Peter Pan production were selected for master class. G.R. was not in the Peter Pan production. G.R. was excluded from master class twice during the school year. She felt like she was being targeted.

David Shaw, an administrator in the District, interviewed Mosser. Hall did not interview Mosser because they are in the same collective bargaining unit, so her interviewing him would be inappropriate. Hall found that the incident met the criteria for HIB violation. Hall had previously counseled G.R., which Hall did not believe this was relevant to the HIB complaint. Two to three students corroborated G.R.'s statement.

Hall does not know if there was a policy that master class was open to all students. She does not know if it was a policy of Mosser to exclude students from Master Class. G.R. not getting the part in Peter Pan is not part of the HIB.

There was a subsequent HIB allegation against Mosser and three other members of staff, HIB 17. Thirteen students were interviewed. The distinguishing characteristics are sexual orientation and gender in the HIB 17 report. Hall contacted four parents directly and left a message for three other parents. Hall had been given a sticky note with the names of the students involved. The concern was comments made by Mosser which could be considered HIB violations. Principal Lowery was made aware of the allegations and asked Hall to conduct an investigation.

Hall met with the students. Hall contacted the New Jersey Division of Child Protection and Permanency (DCPP) because one student, B.F. stated that Mosser had slapped him on the butt in the previous school year and called B.F. cute. Hall contacted DCPP about another incident where alcohol was served to minors and Mosser was present or served the alcohol to the minors.

Hall interviewed students E.C., L.S., A.C., B.F., N.R. K.H., T.T., E.L., A.P. M.M. and N.V. whose names she had been given. Hall interviewed the students at Union in her office. E.C. was interviewed on June 1, 2018. E.C. was a student at Union. According to E.C. Mosser said to him, "All you need to date you is to be retarded." This made E.C. feel uncomfortable. E.C. believed that Mosser was talking about E.C.'s girlfriend N.B. Mosser used E.C.'s phone to call another student J.C. and said, "Shut up J. or I will beat your ass." Mosser asked E.C. to take a what percent gay are you quiz. Mosser said this in front of other students. Hall believed E.C. was being truthful.

L.S. was interviewed by Hall on June 1, 2018. She stated that Mosser yelled a lot as it got closer to production time. Mosser would say "You guys are retarded." Mosser would call the students dumb. Mosser called L.S a slut and made negative comments about her academics. Mosser pushed her off of the stage and called her lazy. L.S. played Lisel in the Sound of Music. Mosser would call her sleazel and diseasel. L.S. felt uncomfortable. Mosser had some of the students as friends on social media. Mosser would use the word retarded toward students and tell them, "You suck." He told L.S. that she was dumb. Mosser told L.S. that he was surprised that her grades were good. L.S. found Mosser's comments hurtful. L.S. stated that Mosser pushed her off the stage in the auditorium. The incident was not reported at the time. L.S. stated that it was normal to be pushed off the stage. No other student saw Mosser push L.S. off the stage. Hall does not know if there were cameras in the auditorium.

Hall interviewed M.M. on June 1, 2018. M.M. stated that in March 2017, he was going to take a driving test. He contacted Mosser and said that he would be late. Mosser told him to "get here." Mosser told the other students that he would not be doing another big production due to M.M. Mosser repeatedly called the class retarded and called a student a talentless bitch. Mosser told M.M. that he looked homeless. Mosser called M.M. a fucking idiot.

Hall interviewed A.P. on June 1, 2018. A.P. was uncomfortable with a text that Mosser sent to R.R. She heard Mosser ask E.C., "Are you retarded." A.P. is a friend of G.R. She is uncomfortable with Mosser giving students rides home. She saw a text Mosser sent to R.R. where Mosser expressed affection for R.R.

Hall interviewed E.L. on June 1, 2018. E.L. dated R.R. at that time. She believed Mosser treated her differently. She heard Mosser repeatedly call students retarded and stupid. He called a student a bitch, E.L. was aware that Mosser used E.C.'s phone to text K.H. She was upset that the teachers in the High School were talking about what was going on in the theatre department. Mosser put fear in the students, they could not talk about what was going on in the theatre department. Mosser invited R.R. to dinner.

Hall spoke to B.F. on June 4, 2018. B.F. told her that Mosser had hit him on the butt and told him that he was cute. B.F. wanted to leave the production after that occurred, but Mosser told him if he left the production, B.F. would not get his community service hours. B.F. heard Mosser call a L.S. sleazel and diseasel. B.F. was not involved much in the theatre class during the 2017-2018 school year. Hall called DCPD and Security Officer Sagansty because of the B.F. stating that Mosser hit him on the butt and called him cute.

E.C. was again interviewed by Hall on June 5, 2018. E.C. spoke about being at an after party where beer was purchased and put in front of him. E.C. stated that Mosser told him it was an acquired taste. Mosser put his hand on E.C.'s leg. E.C. moved Mosser's hand. Mosser sat on E.C.'s lap twice, E.C. told Mosser he was leaving, and he would not leave with Mosser. Previously Mosser would lean into E.C.

Hall interviewed N.R. on June 5, 2018. N.R. said Mosser would use the word retarded when referring to students. Mosser asked a student if he was gay. He then asked the student in front of the class if he was sure that he was not gay. Mosser told N.R. to quit as stage manager but when she did Mosser was upset. N.R. was not comfortable with the environment and removed herself from the environment. She told her father about the situation. N.R.'s father wanted to address it, but she did not.

Hall interviewed K.H. on June 5, 2018. Mosser told her she was lazy and didn't do anything. He called the students "rude, insubordinate, stupid little people." He called a student an untalented bitch. He made a comment about someone being on the top, which made K.H. feel weird. K.H.'s father was a security officer at the school and her mother was on the board of education.

Hall interviewed T.T. on June 8, 2018, who is African American. Mosser humiliated her about her hair in front of the class. He also told her "Are you too retarded to walk downstairs." T.T. believed that the stairs were unsafe. T.T. heard Mosser ask E.C. to take a how gay are your quiz. Mosser made E.C. question his sexuality. T.T. heard Mosser use the word retarded in class or rehearsals.

Hall interviewed A.C. on June 7, 2018. A.C. heard Mosser use the word retarded. He told her a monkey could do the work better than she could. He told her to shut her mouth. A.C. typed a letter which A.C.'s mother gave to Hall. In the letter, A.C. wrote about her experience with the performing arts and how her hopes were dashed. A.C. stated that Mosser said, "look at what the monkey could do" to her. She cried and went to the lady's room. A.C. was angry and emotional. She was angry that nothing had changed and that the experience was different than she expected in a negative way. A.C. was cast as a statue in a production of Mary Poppins.

Hall interviewed N.V. on June 8, 2018. N.V. stated that Mosser was harsh and intense and called him retarded. He accused people of being gay or lesbian. He heard Mosser call someone a slut.

Hall interviewed R.R. on June 14, 2018. R.R. was a magnet school student. R.R. stated that he received a text from Mosser which he felt was an expression of affection from Mosser and romantic interest, but R.R. did not feel the same way. R.R. accepted rides to and from rehearsals from Mosser. R.R. had been at Mosser's residence to work on film editing.

Hall spoke to C.B. who was also a magnet school student. C.B is openly gay and was not affected by comments about being gay.

Hall prepared an HIB report from notes and interviews. The investigation was opened on May 30, 2018.

E.C. was uncomfortable by Mosser's comments from being told to take the "Are you gay quiz" and being told someone would have to be retarded to date him. The distinguishing characteristics are sexual orientation and mental, physical or sensory disability. This substantially interfered with school and was insulting and demeaning.

L.S. was called a slut, told she was retarded, and Mosser used profanity toward her. The distinguishing characteristic is gender, it was insulting and demeaning and took place on school grounds.

A.C. was called retarded and told a monkey could do the work better than her. The distinguishing characteristics are mental, physical or sensory disability and gender. The comments were demeaning and insulting and occurred at the school.

N.R. heard Mosser call student retarded and hearing students asked if they were gay. The distinguishing characteristic is mental, physical or sensory disability and sexual orientation. The comments were insulting and demeaning and occurred on school property.

B.F. was slapped on the butt and told that he was cute. He also heard a student being called sleazel and diseasel. The distinguishing characteristics are gender and sexual orientation. This occurred at school.

K.H. also heard Mosser call students retarded, stupid and untalented bitch. Mosser's comment about being on the top fit distinguishing characteristics of physical, mental and sensory disability, gender and sexual orientation. The comments were demeaning and insulting.

T.T. being asked if she retarded fits distinguishing characteristics of mental, physical or sensory disability. Mosser's hair comments come under the distinguishing characteristic of race.

N.V. heard Mosser call students retarded and slut. The distinguishing characteristic is physical, mental or sensory disability and gender.

M.M. being told that he was retarded and looked homeless, fits the distinguishing characteristics of mental, physical or sensory disability and physical appearance. The comments were demeaning and insulting.

A.P. hearing Mosser use of the word retarded fit the distinguishing characteristic of mental, physical or sensory disability.

E.L. hearing Mosser call students retarded and stupid fits distinguishing characteristic of mental, physical or sensory disability.

Principal Lowery wrote a report on the incidents which is consistent with her notes and report.

Hall's HIB report was sent to the Principal, the Director of Counseling and the District ABC. A HIB report goes to the central office to determine if they agree or disagree with the disposition.

After Hall's interviews with the students, she spoke to her supervisor Nicole Ahern, the District ABC about what would happen with Mosser's interview. There was a meeting between Hall, Ahern and Superintendent Tatum regarding whether the HIB report can be concluded if Mosser was not interviewed. They contacted the County Superintendent's Office and spoke to Maria Mendez who advised that the investigation could be closed without speaking to Mosser. Hall sent the HIB report to the Board. The conclusions in Hall's HIB report were made in collaboration with the Superintendent of Schools. The Superintendent was consulted because Mosser was a member of the same collective bargaining unit as Hall. After speaking with Maria Mendez, they were told to conclude and close the case.

Character witnesses are not required to be interviewed in a HIB investigation. The accused is not required to be interviewed in an HIB investigation, but it is best practice for the accused to be interviewed.

The incident of L.S. being pushed from the stage by Mosser and Mosser hitting B.F. on the butt were referred to DCPD. Both claims were not established.

There is no appropriate incident where a teacher can call a student retarded, slut, idiot or say that they look like they are homeless.

Hall has known Mosser for ten years. They are work colleagues. He is a talented theatre director.

The only written complaint provided was in the form of an essay which was written one year prior to the investigation for an English assignment by A.C. who has since graduated.

Hall does not know if the Board had her HIB notes at the June 19, 2022 meeting. There was no way of the Board knowing the allegations that were in her notes that she did not put into the HIB report.

Hall believes that she was at the July 2022 Board meeting where the HIB was on the agenda. She was asked to attend and asked about the HIB investigation. This occurred in a room outside of the library with members of the Board, the Assistant Superintendent and the Superintendent. She discussed HIB procedures and answered questions.

At the October 2022 meeting, the Board received a copy of her report. She believes that the report had redactions. Hall did not see the report of the person who questioned Mosser. She does not recall if anyone was present at the Board meeting that investigated Mosser's side of the allegations. David Shaw was tasked to interview Mosser regarding HIB 16. Hall sent Shaw a copy of her report. She did not receive a copy of Shaw's part of the investigation.

At the October 2022 meeting Hall was asked if witnesses had given written or audio statements and she stated that it was not the procedure. Hall does not recall being asked to do additional investigation from the end of her initial investigation until the July 2022 meeting.

Once Hall completes an HIB investigation, the documents are kept by Ahern. They are sent to the Superintendent and then to the Board, who agrees or disagrees with the finding. In the HIB investigation regarding HIB 16, Hall does not recall if any other student had contact with Mosser over one year before the HIB investigation. Hall asked G.R. how she felt about the situation. G.R. did not attend the master class. Hall

relied on the complainant to identify witnesses. If a witness was named, she would have spoken to the witness.

As an ABS, Hall tries to confirm allegations to the best of her ability. She does not recall training on how to verify the accuracy of a complaint. She gathers all the information that is available, listens to what she is told, looks at the HIB criteria and then makes a determination.

Hall spoke to students who were named by G.R. as part of HIB investigation 16. She spoke to a total of twelve students. She asked them if other students were present during the incidents. She spoke to the students who were mentioned as being present. She was aware that some students had bad experiences with Mosser but did not address that in the HIB report.

In HIB 17, T.T. stated that Mosser asked E.C. to take a what percentage gay are you quiz, E.C. mentioned the incident, but it is not in Hall's notes. A student other than T.T. acknowledged hearing the comment.

Hall knew that A.C. was experiencing emotional distress. She did not know that A.C. had been referred to by Dr. Stilwell due to emotional outbursts. Hall does not believe A.C.'s mental health concerns affected her creditably. Hall was not aware that A.C. was on the swimming team and was telling the swim coach that she was at rehearsals and at the same time she was telling Mosser that she was at swimming practice. Hall was not aware that A.C.'s mother spoke with Mosser so that A.C. could have better roles. This could affect A.C.'s creditability.

Hall was G.R.'s counselor prior to G.R.'s complaint against Mosser. The Board was unaware of this. G.R. was excluded from the master class because she had not been part of the cast of Peter Pan. She was in another production and chose to leave Godspell. This was not in her report and the Board was not aware of it. Hall was aware that G.R. did not turn in an assignment in the meeting with G.R., Mosser, and Rigo but this was not in her report. She was aware that G.R. auditioned for Peter Pan but does not know if G.R. knew the words to the songs.

Prior to investigation of G.R.'s complaint there was a meeting between Mosser, G.R., Hall and G.R.'s mother. At that time Hall believed that Mosser's conduct met the HIB criteria, but G.R.'s parent requested that a HIB not be filed. In the meeting, G.R.'s exclusion from master class and missed assignments came up. Based on what was said at the meeting, Hall believes that there was a possible HIB incidence. G.R. stated that she believed that she was excluded from master class because she did not fulfil her Godspell obligations. Hall does not recall speaking to the Board about G.R.'s complaint.

Hall received an incident report regarding HIB investigation 17. When there is a complaint, the principal or designee seeks an ABS and asks the ABS to begin an investigation. All the interested parties are made aware of the investigation. Hall does not typically receive a six-page incident report. She was not present when principal Lowery interviewed the students. She does not believe that the allegations that the students made to Lowery are identical to what the students told her.

In Lowery's report, L.S. states that Mosser makes gay jokes often and that the Mosser brainwashes boys to believe that they are gay. L.S. also stated that Mosser said that he had feelings for R.R. and that the boys felt uncomfortable around Mosser. Hall does not recall L.S. mentioning that to her. Hall is surprised that L.S. did not mention this to her, however it does not affect L.S.'s creditability. Hall asked L.S. broad-based questions. Hall does not recall speaking to L.S. regarding any incident that occurred in Chatham. She does not recall if she spoke to L.S. about N.V. stating that Mosser sat on E.C.'s lap.

Hall discussed events that occurred at Arminio's Pizza in Chatham with E.C., who stated that alcohol was purchased, a beer was put in front of him, and Mosser sat in his lap. All of which made E.C. feel uncomfortable. E.C. said Mosser grabbed him. E.C. did not say Mosser grabbed his penis. This was not in the HIB report because it was reported to DCPD. E.C. stated that Mosser got upset, went outside and started crying. E.C. told Hall that Mosser was touchy/feely. These statements were not in the HIB report because it falls under DCPD because of impropriety between a teacher and a student.

Hall had a counseling relationship with four of the students she questioned, including G.R., E.C., A.P. and E.L. Hall counselling some of the students that she interviewed was not relevant to the investigation.

B.F. did not tell Hall that Mosser picked up E.C. and would call him out of class. She does not recall B.F. telling her that Mosser follows B.F. on snap chat. Hall does not recall E.C. stating that Mosser called M.M. a bitch. In Lowery's report E.C. does not say that Moser called the students lazy or stupid. This does not affect E.C.'s creditability. It was Hall's determination that Mosser called the students lazy and stupid.

Hall did not see the report of Apex Investigations until August 2024. What the report says E.C. told the investigator is different from what E.C. told her. Hall does not doubt what E.C. told her. E.C. received a scholarship for working with the crew. He stated it made him feel sad for what had gone on. E.C. told Hall that everything he told her happened, but he felt bad that people were getting in trouble because of what he said. E.C. also told Hall that Mosser sat on his lap twice.

Hall was deposed on May 21, 2024, regarding civil litigation filed by Mosser. She received the Apex Investigations report at that time.

L.S.'s allegation that she was pushed off the stage was not witnessed by anyone Hall interviewed. It could be a hot topic in the school if L.S. was pushed off the stage. Hall believes that L.S. believes that she was pushed off the stage, but Hall cannot say with confidence that L.S. was pushed off the stage.

Several students felt that other students suffered from Stockholm Syndrome. Hall did not believe that. When Hall spoke to the students at the magnet school a counselor was present. Hall knows that David Shaw was deposed in civil litigation but does not know what he stated. Shaw did not forward his conclusions of his interview with Mosser to Hall. She does not recall receiving anything from Shaw regarding the investigation. Hall's understanding was that when she sent in the report it would be concluded by Shaw.

Both HIB 16 and HIB17 met the HIB criteria. In her deposition, Hall was asked if Mosser did all the said things that the students he did. Hall answered that Mosser did not do all the things alleged but there were things that he did that fit the HIB criteria.

There was a school board meeting outside of the library. There was the HIB hearing on July 22, 2022, and an appeal on October 11, 2022. At the appeal the Board was not given written statements from the students, because there were no written statements from the students.

Ms. Santana, a member of the Board, asked why she was given twenty pages of documents and why Hall was present at the meeting. Santana was flustered by the number of pages in the report. Santana asked if Mosser was interviewed and Mosser said no. Dr. Francis, another member of the Board, asked Hall a question to which she responded. Hall stated that it was not up to her to make the determination. She provides information and it is up to the Board to determine if it meets the HIB criteria or not.

Hall does not recall when people arrived at the Board of Education meeting for Mosser's appeal. According to the minutes Yocasta Brens-Watson arrived late at the meeting. Hall does not know if Brens-Watson was filled in on what she missed. She does not remember Lowery being discussed at the meeting. She does not remember an email from Lowery one year after the investigation. It is unusual for a principal to be involved in an investigation one year after it closes. Mosser asked to be reinstated at the appeal meeting. He stated at the meeting that there was always a supervisor that could see into his class. Hall was not present when the Board vote was taken. The Superintendent, members of the Board, the Board attorney and the Board secretary were present at the executive session, this is listed in the minutes of the meeting. Dr. Scott Taylor was the Superintendent.

The minutes of the Board meeting reflect when Board members enter and leave the meeting. Board member Santana arrived late for the meeting regarding Mosser's appeal. After Mosser and his attorney left, the Board was in executive session from

6:55 to 7:10pm. Hall was present at the executive session after Mosser, and his attorney left. Hall does not recall if she handed out her notes to the Board.

Lowery was placed on administrative leave. Hall believes that this occurred at the end of the 2018 school year. Hall did not have communication with Lowery after he was placed on administrative leave. Hall would not have been told if Mosser's supervisor, Rago, was put on administrative leave.

Hall is a licensed professional counselor. Her training as a counselor has helped her while doing HIB investigations. At the time of HIB investigations 16 and 17, written statements from the witnesses were not required. As of now, written statements from the witnesses are best practice. Hall looks for consistent statements and corroboration in a HIB investigation. A HIB investigation can be inconclusive. Audio video recording is not required by the anti-bullying bill of rights (ABR). Hall determined the emotional impact on the students. Although she knows some of the students did not get roles that they wanted, she believes that they were truthful.

In HIB investigation 16, C.E. and M.M. corroborated that Mosser stated that he was glad that G.R. quit and that the girl who got the part was much better than G.R. Mosser denied making the comments.

If a student- victim does not want to go ahead with an HIB investigation, the investigation is closed. Maria Mendez works in the County Superintendent's Office. She is the go-to person if there is a HIB question. If a principal becomes aware of HIB allegations, an investigation must begin.

Hall believes that L.S. perceived that she was pushed off the stage by Mosser, but Hall also believes that there is a fifty-fifty chance that it happened because there was no corroboration. This was reported to DCPD. Hall did not investigate any events that occurred at Arminto Pizza. A.C. submitted an essay to Hall that she had written the previous year. A.C. has emotional health issues and did not get a role she wanted in a play. A teacher cannot insult a student who did not get a role the student wanted. It is

possible that Rago was not in earshot of the conversations between Mosser and the students.

Currently students involved in HIB investigations are encouraged to provide a statement. Within the last few years taking a written statement has become the best practice. When Hall takes information from students, she takes it as the students' truth, then sees if there is corroboration. She did not speak to adults for these investigations and did not look at social media. There were allegations against three other teachers.

Mark Rusin

Mark Rusin is a private investigator. He owns Apex Investigations. He does civil and criminal investigations. He has been a private investigator for ten years. Previously he was a DEA special agent. He ran a DEA taskforce.

Rusin interviewed E.C. on July 16, 2018, who was eighteen at the time. Rusin says that he asked open-ended questions of E.C. It was a phone interview. Rusin asked about the Grease after-party at Arminio's Pizza in Chatham. E.C. said that Mosser briefly sat on his lap but nothing inappropriate occurred. E.C. said that Mosser was a decent guy and a mentor. E.C. did not say that Mosser put his hand on his leg, or that Mosser sat on his lap twice, and that someone pulled him away from Mosser, all of which are in Hall's report.

Rusin also spoke to Valery Desamours, on August 18, 2018, who was also at the after party for Grease. Desamours stated that Mosser walked around and socialized with the students. Mosser tried to sit with the students, but it was a tight fit and Mosser ended up on E.C.'s lap. She told Mosser that it looked inappropriate. She did not believe that Mosser's actions were deliberate. She did not say that Mosser went outside or cursed out E.C.

Rusin also interviewed Patricia Fallon on August 5, 2018. Fallon was at the Grease after-party but did not see anything inappropriate. Rusin also asked Fallon about L.S. Fallon did not witness L.S. being pushed or falling off the stage. She never

heard that L.S. fell off or was pushed off the stage. Fallon never heard Mosser call the students names.

Rusin interviewed L.S.'s father on September 24, 2018. He would not allow Rusin to speak to his daughter. L.S.'s father stated that his daughter told him that she was doing stage crew and Mosser pushed her off the stage. L.S.'s father said that his daughter did not tell him that Mosser used profanity with the students.

Rusin interviewed Jennifer Williams on July 31, 2018. She did not witness L.S. being pushed off the stage. If L.S. was pushed off the stage, other students would talk about it. She was also at the Grease after-party. She did not observe anything inappropriate.

He also interviewed Leslie Laurino on August 23, 2018. She was present at the Grease after-party. She saw Mosser sitting on E.C.'s lap. Both laughed and Mosser got up and left. No one seemed uncomfortable. Laurino was ordered to be interviewed by institutional abuse regarding B.F. B.F. said that Mosser smacked his butt.

Rusin does not remember speaking to anyone else. If he spoke to anyone else their name would be in the report. He was given background information about the incident and a list of people to interview. He was contacted by the law firm with the information. He typically gets an email about a job.

Rusin knew that there was a Grease after party and Mosser sat on E.C.'s lap, which could be inappropriate. The focus of his investigation was the after party and L.S. being pushed off the stage. Rusin has not done an antibullying investigation. Rusin is not familiar with the District or the Union antibullying policy. He has not seen the report for HIB 16 or HIB 17.

E.C. was the first person that Rusin interviewed. The interview was done by phone. He does not have any notes of the call. He does his report as he is doing the interview. Rusin spoke to Mosser prior to the interviews. They spoke more than once.

Most of the interviews he did in this matter were done by phone except for Williams whose interview was in person. There is an audio recording of Rusin's interview with E.C. Rusin told E.C. that he had previously spoken to Williams and Desamours to get E.C. comfortable, but he had not spoken to them. He told E.C. what other people said had happened then asked E.C. if that is what happened. In the audio Rusin is leading E.C. to answer in a specific way. He testified that he asked E.C. open-ended questions but he did not. Rusin does not recall recording the conversation with E.C. Rusin did not record any of the other interviews. He did not ask E.C. about anything except the after party.

Rusin only asked L.S.'s father about the allegation that L.S. was pushed off the stage by Mosser. He did not speak to B.F. He did not speak to E.L.

Williams was the choreographer for Union. Rusin believes that Williams and Mosser are friends. Rusin assumed that Mosser and Laurino had a friendly relationship.

Nicole Ahern

Nicole Ahern has been employed by the Board since 1990. She has been the District Supervisor of Counseling since the 2011-2012 school year. She has a master's degree in counseling. Ahern does not recall training in how to conduct an interview. She has training in how to conduct an investigation. She is familiar with the anti-bullying statute and its requirements. Ahern is also the District ABC.

In a HIB investigation, the reports come to her and the Superintendent. She keeps the data. She has two meetings yearly with all of the ABS's, keeps information regarding school safety teams, corresponds with the Board, works with the Superintendent and oversees HIB. Ahern has yearly HIB training and takes additional HIB training offered by the State.

Ahern receives the completed HIB investigations along with the Superintendent. She makes sure that before the work session Board meeting and Board meeting that everything that is sent to her is listed.

Ahern became the ABC prior to the 2017-2018 school year. Counselors do academic advising but there is also a social and emotional component. Ahern supervises all of the ABS's, all of whom are counselors.

Ahern is Hall's supervisor. She was Hall's supervisor in 2018. In January 2018 there was a complaint brought against Mosser by a student and parent. Ahern was not part of the investigation. She spoke to Hall about it but does not recall what was discussed. There was a second set of complaints against Mosser. She cannot recall the details but knows that they involved more than one student. Both complaints were considered as founded. Ahern spoke to Hall at the end of the investigations about the investigation windows.

Ahern was not present when the HIB was presented to the Board. If the Board approves the HIB recommendation, she is not notified. If there is an appeal of the Board decision, she is notified that there is an appeal and once the appeal is conducted, the Board secretary tells her the outcome of the appeal. Ahern was informed that Mosser filed an appeal. As an ABC she appears at approximately one Board meeting per year. She was present at a meeting regarding Mosser on June 11, 2019.

Central Office advises who is to come to the Board meeting. She does not know why Hall was at the October 2022 Board meeting. Ahern is familiar with the HIB16 report and HIB17 report. They are the typical reports that were used in 2018.

Ahern's involvement in Mosser's HIB investigations is not more typical than her involvement in other HIB. Ahern recalls speaking to Hall about concerns regarding HIB 16. She does not recall what the concern was, but it may have been about investigating a teacher.

In Hall's May 24, 2024, deposition, she stated that she was concerned about investigating a fellow teacher and Ahern told her, "you were given a directive." Ahern testified that if Hall was given a directive from her administrator, that she must follow the

directive. At the time of HIB 16, Hall's administrator was Corey Lowery. Ahern does not recall speaking to Lowery regarding Mosser.

At the time of HIB 16, the procedure was a principal receives an HIB complaint and directs an ABS to investigate. Ahern may have spoken to Mosser's supervisor, Ron Rago, about a situation leading up to HIB 16 as a parent's concern. This was related to a class.

Ahern received copies of Hall's HIB 16 and HIB 17 reports. She reviewed both and was satisfied with the reports. Ahern, Tatum, Bennaquista and Hall met at the conclusion of the HIB 17 interviews as to what to do next as the ten days were over. The County Supervisor's office was contacted. They spoke to Maria Mendez at the County Supervisors office who told them that the case can be closed. The County Supervisor office was contacted because the Superintendent, Tatum needed further advice.

Union Academy for the Performing Arts is a magnet school. Ahern accompanied Hall there when Hall interviewed several students. Ahern was not part of the interviews; she was in another area of the counseling office. She does not recall discussing these interviews with Hall.

When Hall was asked to resubmit the HIB 16 and 17 reports to the Board in 2022, Ahern does not know if Hall made any changes to the reports before she resubmitted it. Ahern did not interview Mosser. She did not arrange for anyone to interview Mosser. On May 11, 2021, Hall signed a certification stating that Ahern arranged for the interview with Mosser. This is incorrect. The Assistant Supervisor assigned an administrator to interview Mosser. She does not recall being asked to arrange for Mosser to be interviewed.

David Shaw interviewed Mosser because he was a building supervisor but did not supervise the building where Mosser worked. Shaw was not an administrator over Mosser. An Assistant Superintendent can assign an administrator to conduct a staff interview.

Ahern knows that Lowry initiated HIB17. She does not know how Lowery received the complaint. It is typical for principals to interview students prior to beginning a HIB investigation. Principals are initially involved at the onset of a HIB investigation. The principal receives information, does initial fact findings, parental notification, directs the ABS and receives the outcome. The principal's fact finding is prior to the HIB investigation. The HIB investigation is more in depth than the principal's fact findings.

Lowery opened HIB 17 and referred it to Hall as far as Ahern knew. Opening a case means that it should be investigated for potential HIB. Ahern has not seen Lowery's report regarding HIB 17.

HIB 16 and 17 investigations were conducted in accord with the District policies. Ahern does not recall speaking to Hall regarding the lack of social media availability mentioned in HIB 17. If social media was available, it should have been included in the report. However, if social media is documented in a witness statement, it is not troubling. If the ABS did not ask to see social media, that would be troubling.

Ahern did not speak to Hall about the allegation that Mosser pushed L.S. off the stage. Ahern does not know if that area has cameras. Ahern does not recall an incident where it is alleged that Mosser slapped a student on the butt.

The HIB 16 investigation was brought to her attention in her role as a supervisor. Shaw was supposed to question Mosser. Ahern believes that she emailed Shaw to make sure he submitted the report of his interview with Mosser to Central Office. She learned later that Shaw's report was not submitted to Central Office. Ahern never spoke to Shaw about the content of his report. She does not know if Shaw produced a report and if he did, why it was not submitted. Ahern does not think that Shaw's report was presented to the Board. Ahern did not receive a copy of Shaw's notes.

The purpose of an HIB investigation is to take students' statements as reported. If events were seen by adults, an administrator should have interviewed the adults. Ahern does not know if this occurred in this matter. Ahern knew Mosser from work and

from Mosser frequenting a restaurant that her husband owned. She considered Mosser a friend.

An ABS takes all the information and writes a report about what was said. It is not up to the ABS to prove or disprove allegations. An ABS must use what is in front of them to make a determination. If there are inconsistent statements they will be listed in the conclusion of the report. Ahern does not receive the investigators' notes.

Ahern was not an ABS and had not conducted an investigation for the Board. Copies of reports were given to the Board prior to Board meeting. Now Board members get the reports a few days before the meeting.

Ahern has not previously seen the minutes of the October 2022 Board meeting. She does not discuss Board meetings or executive sessions with her co-workers. She does not discuss HIB investigations with her co-workers.

ABS's job is to provide information from the students, ABS do not make a determination. HIB investigations can have multiple offenders and multiple victims. HIB reports are redacted before they are given to the Board. The redaction is done by the Board secretary.

Ahearn is not sure if Hall told her that she counseled some of the students. The fact that Hall counseled some of the students might have been relevant. Ahern does not know if any additional investigation was carried out once the matter was remanded. Ahern and Lowery were colleagues. They would speak to each other depending on what was going on. Hall was a SAC as well as an ABS. A SAC does not necessarily have a caseload. It is a different position from a school counselor.

Ahern meets with the ABS's at least twice a year. She also meets with the other County ABCs. Ahern supervises Hall as a SAC and ABS. Hall is hard working and knowledgeable in the field of counseling and substance. She connects well with the students.

The ABR includes mandating policy, reporting, notification, resources, training, school self-assessment as well as other components. Staff members are required to report all acts of HIB. If an administrator receives a complaint of HIB and does not respond to it, the administrator may be subject to discipline. HIB16 report form is a template. The form lists the nature of the HIB, protected category, effect of HIB incident, mode of HIB incident and conclusion.

When a HIB investigation is conducted, there is no set number of people that the ABS must speak to. The ABS do not have to speak to every possible witness. corroborating evidence is a form of accuracy. The HIB 16 report meets the criteria for HIB.

Lowery spoke to the students before May 29, 2018. The HIB investigation began on May 30, 2018. A DCPD form is used by staff to document something reported to DCPD.

Maria Mendez works in the County Supervisor's office. Mendez was called because Mosser was not interviewed for HIB17. Mendez said close out the investigation without speaking to Mosser.

Ahern knows that messages disappear from Snapchat. The HIB 17 report is organized by student. Ahern agrees with the conclusion of HIB investigation 17 report. Lack of intelligence is a distinguishing characteristic. Calling a student lazy or dumb meets the HIB criteria. There is no context for calling a student retarded. Calling a student retarded fits the HIB criteria. In May 2018, Lowery was the principal of Union. Ahern does not recall speaking to Lowery regarding HIB 17. Lowery took policy and rules seriously. Ahern did not have a social relationship with Lowery.

Ahern did not attend the October 2022 Board meeting. Ahern does not think that there was a conflict because Hall counseled some of the students and did the investigation. Students can be more open with a counselor that they have a relationship with.

The ABS decides who gets interviewed in HIB investigations. The ABS could consult with the principal if there is a list. All witnesses should be interviewed. There is a problem if the only witnesses spoken to are those identified by the complainant.

Ahern believes the HIB investigation reports but feels that Mosser did not get due process because in one instance he was not interviewed and in the other the report of his interview was not given to the Board. She does not know if Lowery was obligated to produce a report.

Mendez was an HIB resource for superintendents. The HIB investigation reports indicate certain areas where statements were corroborated. The Board should have been made aware of a possible conflict of interest since Hall counseled some of the students.

Dr. Gerald Benaquista

Dr. Gerald Benaquista has a master's degree in educational leadership and special education. He has a PHD in educational law. He began working in Union as a special education teacher in 2000. He became a vice principal. Benaquista became the Director of HR. In January 2018 he was the Assistant Superintendent of Schools for Union Township. He has been the Superintendent of Schools in Union Township since December 2023.

As the Director of HR, Benaquista spoke to staff about documentation. And how to gather information. He has had HIB training over the course of his time in Union. The Union HIB policy is reviewed yearly. The Board's attorneys train the superintendents on different matters including HIB. He has no HIB certifications. Ahern provides HIB training for the ABS's. The County Superintendent is a resource for Superintendents.

When HIB matters are reported now a District 338 form or parent 338 form is done. When there is an HIB complaint, the principal decides whether to investigate the complaint. When the investigation goes forward, the parents are noticed. When the investigation report gets to the Superintendent, the Superintendent recommends that it be reported to the Board. It is reported to the Board at a Board meeting and the Board

decides whether to affirm the recommendation or not at the following meeting. Form 338 was not in use in 2018. Prior to the change in the District HIB policy, when the principal was made aware of a HIB complaint, the principal must initiate a HIB investigation. Benaquista does not know if the principal has help when determining whether a HIB complaint should be investigated.

When a staff member is involved in a HIB complaint, the administrator of the building that the staff member works in does not interview the staff member. Benaquista does not recall if he was the person that assigned Shaw to interview Mosser for HIB 16. Lowery could not assign a person to interview Mosser. When the Mosser investigation was complete, the reports would have gone to Tatum, who was the Superintendent at that time.

A principal speaking to students about a HIB complaint before assigning it to be investigated is not unusual. Benaquista does not recall speaking to Lowery about Mosser. He does not recall if there were any other HIB complaints against a teacher in 2018 at the school where Mosser worked. There were two ABS at Union High School in 2018, Hall and Lucille Williams. Lucille Williams's daughter, Jennifer Williams was a subject of the HIB investigation. Benaquista does not recall seeing the report of Lowery regarding Mosser. He does not recall if he received any pre-HIB investigation reports from Lowery.

If a student told Lowery something different than the student told the ABS, it could be different, but the message could be the same, or the message could be different because of how the report is documented. Lowery's report is his determination that there should be a HIB investigation. He does not believe that Lowery's report went to the ABS. He believes that there should have been a district investigation into this matter after the DCPD and IAIU investigation were completed.

Benaquista did not recall if he was involved in the HIB investigations of Mosser. He did not know that Hall had a previously counseling relationship with some of the students. He does not believe that this is a conflict because a student may be more comfortable speaking with their in-school counselor. He does not believe that it is

relevant that the Board knows if the ABS has a counseling relationship with some of the students.

Benaquista stated that he knows Shaw. Shaw did not directly report to him in 2018. He does not know if Shaw wrote a report regarding his interview with Mosser. He does know that Shaw interviewed Mosser for one of the HIB investigations. He expected Shaw to share the contents of his interview with Hall or whoever did the final report. The Superintendent only gets the final report.

The HIB 17 investigation was done while Mosser was on leave, therefore Mosser was not interviewed. He does not know who spoke to other members of staff during the investigation. Benaquista cannot recall if he received any reports about other adults that were interviewed in HIB 17 investigation. He does not recall seeing the HIB reports at the time of the investigations.

Benaquista would have hoped that the students showed Hall any social media that they referenced, however if Hall quoted what the student said, she is referencing it. Investigation of social media is getting more evidence but if it is unavailable look at the context. If the ABS do not ask to look at the social media that a student references, the investigation can still be fair.

The Superintendent refers to the HIB report to the Board to be reported and in the next Board meeting to be affirmed. The ABS document statements determines if the HIB criteria is met. It is not anyone's role to determine credibility. The ABS determines if the evidence meets the HIB criteria. In an investigation, the statements are taken as if they are true. Part of the investigation is taking statements and evidence and making a determination. The investigation determines if the HIB is confirmed.

Benaquista did not see a recording of L.S. being pushed off a stage. He did not hear L.S. say that she had been pushed off the stage. He cannot recall if he specifically heard that a student had been hit on the butt by Mosser. Benaquista was interviewed as part of the IAIU exit interview. He was taken aback by what he was told.

Benaquista does not know if any adult staff were interviewed for the HIB 17 report. He does not recall meeting Hall, Tatum and Ahern. Maria Mendez works at the County Superintendent's office in the instruction program area. She was called for questions regarding HIB matters.

Benaquista was at the Board meeting discussing Mosser's appeal in October 2022. He believes that the HIB reports are accurate. He did not see deficiencies in the reports. Hall was present at the meeting. When there is a HIB appeal, it is normal for the ABS to be present at the board meeting. He cannot recall if Shaw's report was presented to the Board. Hall gave an overview of the investigation. The Board members asked questions for clarity. He does not know when the Board receives the appeal documents.

The Superintendent makes a recommendation to the Board. There are monthly HIB resolutions before the Board. There was no additional investigation into these matters after they were remanded. Benaquista is not sure if the policy is to take a statement from the alleged offender.

Benaquista knew Mosser from when he was an administrator at the school where Mosser worked. Mosser puts on great theatrical performances. Benaquista knew Lowery when they were both administrators. Lowery was a talented administrator.

In HIB investigation 17, E.C. did not reference social media, L.S. mentioned more than social media, A.C. complaints were not attributed to social media, the HIB investigation began on May 30, 2018. Lowery sent an email containing his report to Tatum on May 29, 2018.

According to Lowery's report, on May 23, 2018, detectives came to speak with him regarding allegations against Mosser. Lowery spoke to the students and wrote a report of this initial investigation. If DCPD or IAIU is doing an investigation, the school does not investigate at the same time. Carla Sousa was the IAIU investigator. She called Benaquista regarding the IALA investigation. They spoke for forty minutes. She provided details of her investigation. E.C. did not cooperate with her investigation. The

investigation found that the allegations were not established. Sousa's investigation was not part of the HIB investigation. Hall is one of the best HIB investigators in the District.

In 2018, it was mandatory that if a principal received an HIB complaint and there would be an HIB investigation. It was not mandatory that the principal write a pre-HIB report. Benaquista is not sure if the Board was told that Shaw was a part of HIB 16 or if the Board asked about Shaw. He does not recall Hall discussing corroboration with the Board.

Not all the statements in the HIB report are marked as corroborated.

Dr. Scott Taylor

Dr. Scott Taylor began as the Superintendent of Union in July 2021. He was previously the Superintendent of Highland Park. The role of ABS is to investigate HIB claims, meet with people who could have information about the allegations. Generally, the ABS will determine who will be interviewed. The ABS is not responsible for verifying accuracy. He does not believe it is anyone's responsibility to determine accuracy. The ABS should, to the best of her ability to verify that the incident occurred.

Taylor has not seen HIB 16 or 17 reports prior to this hearing. The reports appear sufficient to him. He does not believe that it was necessary to speak to Mosser for these investigations. When Taylor meets with the subject of an investigation, the subject always defends himself.

Taylor may have an issue with the fact that the only witnesses that were interviewed were people named by the complainant but there are times when you cannot get other witnesses. It is not necessary for all the students who were present to be interviewed.

Taylor never saw Lowery's report. He has seen similar reports. The principal has the discretion in consultation with the Superintendent to write a report on a HIB matter. Taylor does not know why Hall did not speak to Mosser. He was not aware that a

teacher could not interview another teacher in an HIB investigation. Taylor knows Shaw but does not know what role Shaw played in these investigations. He has not seen Shaw's report.

Taylor attended the Board meeting of the appeal of Mosser. There were notes at the meeting, but Taylor does not recall what the notes were. He does not recall if Hall told the Board that she counselled some of the students. He did not see the HIB reports at that time. The lack of dates in the report does not strike him as a problem. If he was the Superintendent at the time of the investigation, he would not have questioned Hall. He did not have to approve the HIB report before the July 2022 meeting. He does not know if an additional investigation occurred. Taylor does not believe that he was asked any questions at the meeting. He does not know when the Board members received the materials for the meeting.

Taylor did not speak much at the Board meeting. He was at the meeting to make sure the procedures were followed. He never discussed the investigation with Hall. The HIB reports suggest verbal abuse occurred in 2018. Taylor does not require students to sign written statements in investigations. In an investigation, Taylor looks for multiple people saying the same thing. It is not a problem only interviewing witnesses listed by the complainant. It is not necessary that social media posts be included in the report. If an investigator does not ask to see social media that is referenced in the investigation, it could be a problem.

There was no re-investigation of these matters from 2021 to October 2022. He did not review the District paperwork on Mosser prior to July 2022. The Superintendent either approves the ABS recommendation or returns it for further review.

Maria Mendez is the Executive County Superintendent for Union County. Superintendents often consult with the County Superintendent. Taylor was the Superintendent of Union from July 2021 to August 2023. He is familiar with ABR. He has seen other districts' anti-bullying policies. Every district must have an anti-bullying policy. If a bullying incident is reported the ABS investigates. The ABS writes a report which goes to the Superintendent, who determines if the report should be affirmed. If

the Superintendent affirms the report, it is presented to the Board and then the Board votes to affirm or reject it. The Board's decision can be appealed.

Taylor was not copied on July 26, 2022, letter to Mosser. He does not recall seeing that letter. Taylor tried to distance himself from the matter of the Mosser, although he kept track of the status of the case. He does not recall seeing the October 17, 2022, letter from Mosser's attorney

Taylor does not know of a formal restriction for an ABS not to interview a teacher in her collective bargaining unit. Not having social media attached to the HIB report is not a big deal since there was enough to corroborate verbal abuse.

Katherine Lewis

Katherine Lewis (Lewis) worked at Burnett Middle School in Union in 2012-2013. She directed middle school theatre shows. She is presently a theatre teacher at Linden High School. She met Mosser in March 2013. They both wanted a seamless transition from the students in the middle school theatre program to high school theatre program. She and Mosser cast shows together. Her personal friendship with Mosser began in the Summer of 2018. Lewis thought something was strange about the allegations. She contacted Mosser in the summer of 2018 and volunteered to be his union representative.

A group of five to six people would cast the high school productions. Mosser would make the final decision on casting if it was a close call. Lewis never heard Mosser use harassing, intimidating, bullying or vulgar language to the students. She never heard Mosser curse at a student. She never heard Mosser call anyone retarded in her presence. She believes that she would have heard if Mosser had called a student retarded, stupid, idiot or slut. Many of the students in Mosser's productions had been in her productions in middle school or in her social studies class in middle school.

Lewis is familiar with G.R. Lewis was on the production team for Godspell and Peter Pan at high school. She did not hear Mosser say that the girl who took G.R.'s place in Godspell was better than G.R. G.R. dropped out of the Godspell to do

community theatre. G.R. was replaced by a ninth grade student, who was incredible. The other students stated that the replacement was better than G.R. but Mosser did not say it. That ninth grader is currently in the off-Broadway production of Little Shop of Horrors. Lewis never saw Mosser mistreat G.R.

There were always two adults present at crew activity or rehearsals. During master class there was always someone in the theatre industry who spoke to the students. Sometimes only advanced theatre students or students in a particular play would be allowed in the master class. The rules for master class were set forth in writing by Mosser. No one could audition unless they signed that they understood the rules.

Lewis knows E.C. She never heard Mosser call E.C. retarded or ask him to take a what percent gay are you quiz. No one from the district spoke to her about the allegations against Mosser. Lewis knows L.S., who was in her class for three years. In L.S.'s freshman year she was cast in a play where Lewis played her mother. Lewis never heard Mosser call L.S. a slut. L.S. and Lewis shared a lot backstage but L.S. did not speak to her about Mosser. The high school stage is between three to five feet.

Lewis was on the crew for Peter Pan. IAIU contacted Lewis to find out if Mosser pushed L.S. off the stage. There is a camera in the audition room. No one told her that Mosser pushed L.S. off the stage.

Lewis knows A.C., who was in her social studies class. Lewis never heard Mosser use derogatory language towards A.C. A.C. made a Facebook rant. Another student printed it and gave it to Mosser. A.C. got parts in productions. A.C. tried out for Footloose but had a melt down and left. A.C. displayed concerning behaviors. She has talent but self-sabotages.

Lewis knows B.F. from middle school. She did not see Mosser slap B.F. on the butt. Lewis knows T.T. She never heard Mosser humiliate T.T. regarding her hair. Mosser would speak about hair regarding whether a character would wear her hair a certain way. Lewis had built the stairs for production. Jennifer Williams ran the

rehearsal for the dance number. The stairs were not painted. T.T. was consistently getting to her spot late and having trouble with the steps. Williams went up and down the stairs to show T.T. that there was nothing wrong with the stairs. Lewis asked T.T. what was wrong and T.T. responded that the stairs were not finished. Lewis asked T.T. if she was okay. T.T. said that she was fine.

Lewis taught N.V. in middle school and N.V. had been in some of Lewis middle school productions. Lewis never heard Mosser call L.V. gay, retarded or slut. N.V. never told her that Mosser said these things to him. N.V. told Lewis that he was gay.

Lewis knows M.M. She never heard Mosser discuss M.M.'s clothes. In March 2017 there was a tech rehearsal. Attendance at rehearsals is mandatory. M.M. spoke to Mosser about getting his driver's license. Mosser told him to make sure it did not coincide with the rehearsal. M.M. was taken out of a musical number in the production because he missed the tech rehearsal.

Lewis also knows E.L. She never heard Mosser call E.L. stupid. Mosser is not an abusive person. He is the best teacher. Both of her daughters have worked with Mosser. She has no concerns about leaving her children with Mosser.

Lewis knows K.H. She recalled that on a snowy day Mosser, Lewis and some of the other teachers went in to build and paint sets. Some of the students came in to help. The students were not required to come in to help. Mosser did not tell the students that if they did not come in on the snow day that they were lazy. Some of the students that came in to help called the students who did not come in to help lazy. Lewis never witnessed sexually charged comments from Mosser.

Mosser's productions were well received. The caliber of talent in the students was high. Many former students have careers in theatre.

In the 2013-2014 school year, Lewis sat in on auditions for Union High School Performing Arts Company (UHSPAC). The auditions are done in week one of the production. There is a director, Mosser, music director, choreographer and others that

take part in the audition process. In 2014-2015, Lewis was part of the production of one show in the fall and part of the crew in the spring show. In 2015-2016, Lewis helped cast the fall and spring shows. In 2016-2017 Lewis helped cast Cinderella and was a production assistant. At this time, Lewis was in the process of getting her master's degree in performing arts. She had to work on production design element and have it reviewed.

In 2017-2018, Lewis was the Crew Head for Godspell production and the Production Manager for Peter Pan production. While in the process of getting her master's degree, Lewis would call Mosser and discuss theatre. Lewis and Mosser worked closely on productions. Their friendship did not begin until 2018. She and Mosser are still friends to this day. She has spoken to Mosser about this matter. Their first conversation about the case was when she offered to be his union representative. She spoke to Mosser when he found out that there were two HIB reports against him. She did not speak to Mosser about her testimony but did tell him that she was testifying at the hearing. She was sent the HIB reports prior to her testimony. She had not seen any of the documents in this case before she was sent the HIB reports from Mosser's attorney. Lewis has not done any HIB investigations.

Lewis was interviewed by IAIU regarding L.S. and general crew practices. She was asked if Mosser told the students that they were not good enough. She stated that Mosser never told that to the students. Mosser was very professional. He wanted the students to know what it was like in the real world. The tech rehearsals were twelve hours where there were two hours off. Mosser had a good relationship with the students. If Lewis is in one area of the auditorium, she would not hear what was said in another area of the auditorium. The students may have thought that Mosser made the casting decision. Lewis spoke to the students after the 2017-2018 school year. None of them told her about the Mosser accusations.

James Mosser

Mosser began working for the Union County Board of Education as a theatre teacher in January 2008. He has a BFA in musical theatre performance and a master's degree in educational leadership. He also has a supervisor's certification. He teaches at

Union High School. He teaches four general theatre classes, an advanced theatre class and one show choir class. There are two advanced theatre shows, one in the fall and one in the spring. In the 2017-2018 school year, Mosser was named teacher of the year. Several of his theatre students have gone on to careers in theatre and television.

After school he ran the Union High School Performing Arts Company (UHSPAC). UHSPAC puts on shows. Once Mosser took over, UHSPAC was entered for Rising Stars awards and won several. The success of UHSPAC was not typical before Mosser. After Mosser took over, most of the UHSPAC performances were sold out. Mosser worked at the UHSPAC from 3:00p.m. to 9:00 p.m. If there were rehearsals, he would work at UHSPAC every day. There was always a staff member with Mosser. During the weekends parents also helped with building sets.

A supervisor was present when there was a tech rehearsal. Rago was his supervisor. Rago had an office in Mosser's classroom. Typically, the door to Rago's office was open and faced the class. Rago was not at rehearsals on a typical basis. Mosser's teaching reviews were on the high end. He never received a less than acceptable performance review. No adults had any concerns about his demeanor.

In the 2016-2017 school year, Mosser, Laura Muller and Lisa Abate were considered the music department at Union. At some point Muller and Abate did not work on the productions. Some of the students took leadership roles to help with the productions. Other students saw that as favoritism. Mosser provided the students with a contract outlining their participation and a student handbook. On the first day of theatre rehearsals the staff and the students read the handbook and discussed what was expected of everyone. Students and parents could ask questions. The parent and the student had to sign the contract before the student could audition. G.R. and her mother signed the contracts. The contracts generally required the students to show up and behave. The shows have extensive rehearsal processes and the contract and handbook outlines where the students should be. None of the students were confused about the contract or the handbook. Mosser stated that the students could not be excused during the last two weeks of tech rehearsals and must tell him if they have a conflict. The students are required to schedule their other activities around the

rehearsals. No exemptions are made. There is an attendance sign-in sheet for attendance at rehearsals. If one of the students has a conflict, they must provide written notice to Mosser by the end of the first week of rehearsals.

In the fall of 2017, G.R. was cast in Godspell. G.R. at that time decided to audition for a show outside of school, High School Musical. G.R. was cast in High School Musical and accepted that role. G.R. wrote Mosser regarding conflicts with both productions. She would have to miss many days of rehearsal for Godspell due to her being cast in the other show. G.R. had a featured role in Godspell. Mosser told G.R. that she would have to choose which role she was going to play. G.R. chose to do the outside of school project, High School Musical. She wanted to do something outside of the academic theatre.

In spring 2018 UHSPAC did a production of Peter Pan. G.R. tried out for the production. She did not know the words to the song and did not finish the dance. The contract and the handbook were related to after school and extracurricular activities. Mosser also had a class guide for his classes. The class guide included a performance policy, assignments, working on the fall and spring shows, writing a paper in the spring and fall and developing a binder. The students had to sign the class guide.

Prior to 2017-2018, G.R. had taken classes with Mosser. She had taken general musical theatre with Mosser. Musical theatre classes were electives. Every teacher must have a written form for the students stating the expectations for the students and what grading was based on.

In master class, Mosser would bring in guest speakers including musicians, Broadway talent, writers and actors. The guest speakers had to be approved by the principal and Rago. There were six master classes during 2017-2018. Mosser set the conditions for the master classes. There was no policy regarding who attends master class.

The cast of Peter Pan advocated for the NBC Rise America Grant, they made a video and submitted it and won the grant. The casting decisions for the shows were

made by a team of eight people. The students audition then leave. The casting team created lists of who could do what part. They next had callbacks. The team would discuss the callbacks and agree on the cast list. The roles in the productions were very competitive. If a student wants a role the audition must be as close to polished as possible. The auditions were the same for all the students. Rehearsals were thirty hours a week.

Mosser met with G.R.'s mother in approximately 2015-2016. As a freshman G.R. auditioned for a production called Union Goes to Hollywood. G.R. received a call back. There was a Disney medley in the show that had five or six snippets from Disney musicals in the show. G.R. did not sing at the call back. It was decided that alumni from UHSPAC would do the Disney medley. After the call back at approximately 10:30 p.m. G.R.'s mother banged on the door demanding to speak to Mosser because G.R. did not sing at the call back. The next morning, G.R.'s mother sent Mosser an email saying that she had said inappropriate things. G.R.'s mother told Mosser that if he did not start casting G.R. that she would make his life miserable. Mosser received many emails from G.R.'s mother.

In the spring of G.R.'s freshman year, she was cast in a major role in Mary Poppins. Mosser does not try to cast the same people all of the time. After G.R. was not in the master class, G.R.'s mother became aggressive. She contacted Mosser directly and there was a meeting between Mosser, G.R.'s mother and Hall. Hall was a therapist for G.R. The meeting lasted twenty to thirty minutes.

G.R. was replaced in Godspell by K.S., who had an incredible stage presence. The students were saying that K.S. was better than G.R. G.R. said Mosser should give her dance lessons. There was a company class to learn the dance but G.R. did not attend. Mosser denies saying that K.S. was better in the Godspell role than G.R. He denies saying "If she (G.R.) thinks that she will be cast in Peter Pan she should think again." The cast of Peter Pan went to the Paper Mill Playhouse because the production was nominated for best musical.

Mosser became aware of HIB investigation 17 in June 2019. He never called any students retarded. He knows E.C. who was in the company of Godspell and Peter Pan. E.C. took on the role of carpenter for productions and built a lot of sets for both shows. E. C. was romantically involved with a fellow cast member. Mosser never asked E.C. to take a what percent gay are you quiz.

UHSPAC used Facebook groups to communicate with each other. UHSPAC has social media accounts with Facebook and Instagram. There is also a departmental Snapchat. He has never deleted or hid social media. Mosser and E.C. had discussions about E.C.'s personal life. E.C. was looking for stability. He found it in theatre. E.C. wanted to be a musical theatre major but was getting pressure from his family to do something more practical.

Prior to being informed about HIB investigation 17 Mosser had no indication that E.C. had a problem with him. E.C. tried out for a production of Grease that Mosser directed. That was not affiliated with UHSPAC.

Mosser stated that he never called L.S. a slut, he never stated, "You guys are retarded" or used F-bombs at or about students. He never said L.S. was dumb. He did not call her sleazel and diseasel. He was not surprised that L.S. grades were good, and he did not push L.S. off stage. He never pushed any student off a stage. There are two cameras in the auditorium. Which were operable. He did not have access to delete anything off the cameras.

Mosser last saw A.C. in the 2016-2017 school year. A.C. did theatre in middle school, where Mosser first remembers seeing her. A.C. had a middle school audition where she had a breakdown during the rehearsal and ran out of the back of the theatre crying.

In A.C.'s first audition as a freshman, she had many conflicts, which he approved. She then showed Mosser her swim schedule and missed additional days. He spoke to the swimming instructor, who told him that A.C. was missing swimming

classes because she was in the play. They compared schedules and realized that A.C. was missing rehearsals and swim practice to be with her boyfriend.

A.C. would go to adults and express what upset her. He never called A.C. retarded. He never used the word monkey in a conversation with her. A.C. was on the crew for the Sophisticated Ladies show. She missed performances of the show. Mosser told her she had to decide.

A.C. was in the crew for a production of Grand Night for Signing. She was to build and paint sets. She wanted to be the lighting operator. A.C. had the role of the statue of the queen of England in the production of Mary Poppins. A.C. auditioned for Footloose. She had three call backs. A.C. went to the guidance office. She was upset that the call backs were not for the roles that she wanted. When it was A.C.'s turn to sing, she became overwhelmed and ran out of the room and did not come back. A.C. went to the school psychologist Jaime Stillwell after this. A.C.'s family was not comfortable with her speaking to the psychologist.

In the summer A.C.'s mother tried to win Mosser's favor. After A.C. stormed out, her mother contacted Lowery for a meeting. Mosser, Lowery and A.C.'s mother met, and all agreed that A.C. not be involved in the theatre department. A.C. was also taken out of his classes.

S.N. participated in two shows. Three years before 2017-2018. She posted on social media that she was not needed in the show and other people were getting the roles that she wanted. Another student printed out S.N.'s social media post and gave it to Mosser. He pulled S.N. aside and asked her what was happening and asked her if she had an issue with him.

N.R. was a student stage manager assigned to the choreographer during the Peter Pan production. She was dating E.C. She would spend the dinner break with E.C. and often came back late or barely on time. N.R. was supposed to make sure that the props and scenery were where they were supposed to be. Every day the rehearsals were fifteen minutes late because N.R. had not set up the props. N.R. posted a snap

chat in Portuguese about the choreographer for Peter Pan. Students showed Mosser the post. Mosser asked the choreographer if something had occurred. He then spoke to N.R. regarding the post. He asked N.R. if she was not comfortable with the position to speak to him. The next day N.R. resigned as the stage manager. Mosser never asked N.R. if she and her boyfriend were still together. He never asked any student were they gay.

Mosser did not tell B.F. that he was cute and did not smack B.F. on the butt. Mosser did not use the words sleazel and diseasel. He did not tell B.F. that he would not get community service credit if he left the program. B.F. is friends with M.M., A.P., T.T. and K.H., B.F. was a crew member for the Cinderella production. His job was to push a house onto the stage. B.F. came to a rehearsal inebriated and pushed the house on to the stage at the wrong time nearly running two students over. B.F. was upset when Mosser called him out about the incident. B.F. was not in the theatre department during the 2017-2018 school year.

K.H.'s mother was a member of the school Board. She was a member of the school board when Mosser's matter came before the Board. Her father was a security guard at Union. Mosser did not require the students to come in on snow days. He did not call students lazy for not coming in on snow days. K.H. was in every show. Mosser did not tell K.H. that she was an untalented bitch. He did not use sexually charged comments. K.H. posted on social media "Remember the time we killed UHSPAC." This was after the HIB allegations against Mosser.

Mosser stated that he may have commented on T.T.'s hair in relation to the character that she was playing. He does not recall asking T.T. if she was retarded. T.T. and E.C. are friends. Mosser denies that he said you guys are retarded, accused students of being gay or lesbian. He did not pressure students to stay late. N.V. was dating C.B. N.V. was in the Grease production that Mosser directed, which was not related to the school. He talked about what was going on with his life.

M.M. was friends with all of the complainants in HIB 17. He was very close to B.F. Mosser did not tell M.M. that he looked homeless. M.M. sent Mosser an email

saying that he wanted to take his driver's exam during the tech rehearsals in the spring of 2017. Mosser told him no, that would violate his contract. M.M. went to the driving exam. M.M. was pulled out of one of the musical numbers. M.M. was in the Godspell and Peter Pan productions. M.M.'s mother sent Mosser an email stating that he was inflexible, and M.M. would not be participating.

A.P. was involved with C.E. She became pregnant. A.P. had a supporting role in Cinderella in Spring 2017. Mosser never gives students rides home.

E.L. was a featured soloist in Godspell and played the role of Peter Pan. E.L. was having challenges with the role of Peter Pan. Her body tensed whenever she was lifted off of the stage. She started to shut down after she was not nominated for an award as lead actress.

Mosser was not questioned by the police.

All the complainants in HIB17 were friends. Mosser never used the word retarded or retard with or in front of any students. Mosser never invited students to go eat with him. C.B. was a student who did shows with Mosser. R.R. was in the fall production of Godspell as Judas and the spring production of Peter Pan as Captain Hook. R.R. was heavily involved in video aspects. R.R. shot and edited the Rise America video which won a grant. R.R. did all the promotional packages for UHSPAC. Mosser did not send a text message to R.R. expressing affection. He never expressed romantic interest in R.R. He did not give R.R. rides to and from rehearsals. R.R. did the video editing in the classroom. R.R. has never been to Mosser's home. He is not sure if he contacted R.R. regarding information about an internship.

The 2018 Grease production was not affiliated with Union Board of Education. It was done by the Chatham Players. Some of the staff from Union were involved in the production but on their own time. Mosser participated personally only. There was a Grease after party. Mosser never provided beer or sat on anyone's lap. He did not touch a cast member's penis.

G.R. and A.C.'s mothers constantly complained. They wanted their children in certain roles for opportunities. Mosser was trying to build a network for the students. The culture at Union is to appease the parents.

Mosser did not see the HIB reports until the first OAL hearing. He did not have the Lowery report at the October 2022 appeal. Mosser has been on Administrative Leave since spring 2018. Mosser came to the school for rehearsals and was told to go to the principal's office. Lowery informed Mosser that he was on Administrative Leave. Mosser went to the Board office the next day, but they refused to meet with him. All his electronic access at the school was terminated. He never received anything in writing about the leave.

Mosser was never contacted by Hall. He met Shaw, who took notes. He does not know what happened to Shaw's notes. Shaw's name did not come up at the appeal. When Mosser met with Hall and G.R.'s mother, he had documentation, which was not reflected in HIB 16 report or provided to the Board at either meeting. Mosser believes that his side of the situation was not presented to the Board. The October 2022 appeal was approximately forty-five minutes long. There were questions before he was allowed to present his case. Mosser had a good reputation for running a high performing and detail-oriented department.

Mosser is familiar with ABR. He never saw the District anti-bullying policy, but he was aware of HIB as a concept. He was never an ABC. Mosser knew that Ahearn was an ABC and Lucille Williams was an ABS. Mosser never did an HIB investigation. Mosser has seen a HIB report. He knows that an ABS questions both sides, witnesses and makes recommendations.

UHSPAC is classified as a club but does not operate as a club for stipend purposes. When he began at Union, on his first day of work, he was working to cast the spring musical. He was also director of UHSPAC at the time. He had several positions at UHSPAC, spring musical director, fall musical director, and swing choir among others. Casting was done by the team. Casting sessions went on for hours.

Officer Ardito was the head of security. He had retired from the police force and worked security for the Board. Mosser was present when the security cameras were installed. The footage from the cameras could be seen in the security office and the principal's office. At the October 2022 Board meeting none of the complainants were present. He does not know the purpose of an incident report.

Mosser has worked on professional productions in New York as an accompanist, wardrobe tech, lighting designer, stagehand, production manager and assistant production manager. He has also done professional productions in New Jersey. Mosser moved to New York in 2005. He worked in New York until 2008.

Mosser believes that the students are young adults and should be treated as adults but given some leeway and grace. He teaches students the right way to do things. All students are subject to the same protection under the ABR. It is never appropriate for a teacher to call a student retarded or a slut.

UHSPAC was a part of Union High School. When a student missed a rehearsal, it was difficult. If a student was cast in a UHSPAC production and cast in a community theatre production at the same time, Mosser would tell the student that he had to make a decision, and the decision would have consequences. G.R.'s mother contacted him frequently. G.R.'s mother spoke to Mosser about a problem G.R. had not told Mosser about. Mosser has not been the subject of any discipline as a result of these allegations.

M.M

M.M. went to Union from 2014-2018. UHSPAC did musicals. M.M. was in UHSPAC for three years. He was also on the football team from his freshman year to his junior year. In the spring of his junior year, he was in the UHSPAC production of Cinderella. In the Fall of his senior year, he was in the UHSPAC production of Godspell. He took musical theatre in his junior year and advanced musical theatre in his senior year.

The HIB 17 investigation began after the spring 2018 production. Mosser's treatment of the students was crazy. He yelled at the students and called them retarded and stupid. M.M. spoke to Hall regarding HIB 17. He felt that it was a chance to be listened to regarding the treatment of the students that had been going on for years. There was a meeting where Lowery, Hall, vice president Bossard, Ostie and another vice principal were present when he spoke about Mosser.

M.M.'s most prominent interaction with Moser occurred on March 27, 2017. He went to get his driver's license that day. It was his only conflict. The test was at 11:00 a.m. He believed that he would be back in time for the rehearsal. He received a message from Mosser between 3:00 and 3:30 p.m. to return to the school. When M.M. arrived at the auditorium, he had been replaced by someone else. Although they could not have conflicts during Tech Week, M.M. thought he was an exception because he had let Mosser know in advance on the conflict sheet about the driver's license appointment. Mosser yelled at him saying that it was unacceptable for people doing stupid things like getting a driver's license. Mosser said that he would not do another show like this, and they could thank M.M. This made M.M. feel horrible.

M.M. has since gone to therapy. He was diagnosed with generalized anxiety and depression when he was sixteen. Being in UHSPAC was his biggest stressor because of how he would be treated by Mosser if he messed up. When he messed up, it would be horrible. M.M. went home crying because he was made to feel bad because he chose to get his driver's license. M.M. needed his driver's license to help his family. M.M. did not receive therapy until he went to college. His family could not afford the co-pay and did not understand his mental health problems. He developed coping skills, meditated, did breathe work, journaled and spoke to his pastor.

M.M. did agree to go to practice and rehearsals on time and he did show up late. M.M. on another occasion had a root canal and was told to go to rehearsal. Mosser made a comment about missing rehearsal to get a root canal. Mosser said something about M.M.'s mother, which made him feel bad. He was intimidated by Mosser. On one occasion, Mosser asked another student to get a 1 by 3. After five minutes, Mosser said to the student "Are you a fucking retard, my grandmother can find one faster than

you.” Mosser told M.M. that he looked homeless in the musical theatre room. M.M. was fourteen or fifteen. The comment made him feel insecure. M.M. had self-confidence issues. M.M. does not remember any adults being present when this occurred. There were times when Mosser would say something offensive and say that it was a joke. M.M. was not usually in the room with Mosser alone.

In high school M.M. was 6’2 and weighed 200-215 pounds. He was always the largest person on the stage. He never wanted to lay hands on anyone. He felt small. M.M. never saw the HIB 17 report prior to testifying. Upon reviewing the report about what he said, M.M. says that it is accurate and true. Although he does not now recall Mosser calling him a fucking idiot, his best guess is that it occurred at a rehearsal. Mosser would heckle students and tell them that their performance was bad. It was uncomfortable. In class other adults were rarely around. When Rago was present he was usually in his office with the door closed.

M.M. does not remember whether he gave a written statement or if his statement was recorded. M.M. stands by what he told Hall. There were many instances where Mosser called students retarded. M.M. has tried to push those memories back. He never reported the incidents with Mosser to other adults. M.M. believed that the adults that were present were okay with what Mosser was doing. M.M. stated that he stayed in UHSPAC because his family did not have the resources to get him into a theatrical school. He stayed to learn how to act, sing, dance and build things.

Mosser followed all of the students on snapchat. At his meeting with Hall M.M. showed her the snapchat log. He showed Lowery a snap chat with romp lingerie which Mosser sent M.M. saying that it would fit M.M. Lowery became angry. M.M. never saw the Lowery report. When M.M. spoke to Hall, Lowery was present but stepped out. He does not remember meeting Hall one on one. M.M. told Lowery that Mosser used profanity. M.M. did not see snapchat messages between Mosser and R.R. M.M. assumed that anything he told Lowery would be passed on to Hall.

M.M. did not drop out of the Mary Poppins production; he had a torn meniscus. M.M. did not see Mosser push L.S. from the stage, but L.S. told him that Mosser pushed her from the stage.

Mosser called M.M. carcass and dark ass. M.M. does not remember coming to a rehearsal under the influence of marijuana. He did not use marijuana often. M.M. was not in the Peter Pan production because he had five bulging discs. Rago was rarely in the classroom. M.M. does not remember Abate in the classroom except during choir.

A.C.

A.C. went to Union from 2014-2018. She met Mosser when she was in the fourth grade, when she was in a production of Joseph and the Amazing Technicolor Dreamcoat. Mosser was her teacher for musical theatre and advanced musical theatre at Union. UHSPAC was the drama department of Union. Mosser was the director of UHSPAC. A.C. was in UHSPAC in her freshman and sophomore year of high school. A.C. told Hall about her experiences with UHSPAC.

During her freshman year, A.C. was on the stage crew and the swimming team. Mosser told her that a monkey could do what she did. She has swimming practice and rehearsals at the same time. She was kicked out of the stage crew. A.C. felt horrible. Mosser called her a monkey again when she had make-up on, A.C. ran into the bathroom and cried. She is a big crier.

A.C. was kicked out of the production of Great Night for Union. She was on the stage crew for Sophisticated Ladies but was kicked out because she could not dedicate the hours to the production. She was told to leave the theatre. The theatre department treated children like adults. The word retarded was used often.

A.C. spoke to Hall in the spring of her junior year. In the spring of 2017, A.C. wrote a letter because she was at her wit's end. This was the school year before she spoke to Hall. She gave the letter to Hall. The letter is an outline of her time with UHSPAC. A.C. told her guidance counselor DeGeorge about what she was going through, but she did not get much help. A.C.'s mother spoke to Lowery during either

her sophomore year or junior year. A.C. went to Lowery's office and told him that she wanted to kill herself. She was sent for a psychological evaluation. After high school, A.C. saw mental health professionals. A.C. wanted to be a performer. She wanted to impress Mosser and the teachers. She tried out for auditions and tried out for the USA trial swim team. The USA swim team is different from the Union swim team.

A.C. did not get the roles in her freshman year. She had a featured role in sophomore year. In Mary Poppins she was in the ensemble and was cast as a rock. A.C. later recalled that she was a statue, not a rock. Mary Poppins was the last production that A.C. was in. A.C. did not hear statements from the students that they were out to get Mosser. She does not recall speaking to Lowery regarding Mosser.

A.C. trying to block out the events that occurred when she was in UHSPAC has not clouded her recollection. A.C. does not remember auditioning for Fame in middle school. A.C. auditioned for Footloose at UHSPAC. She received a call back for the role of a mother. She did not go to the call back. She did not have an incident with Mosser during the Footloose audition. She never met with a school psychologist at Union. She does not know Dr. Stillwell. A.C. took dance lessons in the summer before she auditioned for Footloose.

A.C. does not know how she came to be questioned by Hall. A.C.'s mental health issues began while she was at Union. She was not under doctor's care or taking medication while she was at Union. She had bad anxiety while she was at Union and after. There was only one week where the swim practice and rehearsals would overlap. A.C. does not recall a meeting between her swim coach, Mosser, and herself. She was kicked out of a production because of her commitment to the USA swim team.

A.C. recalled that Mosser called her retarded in the fall of her freshman year. Other people were present when this occurred. No one said anything to her after Mosser called her a monkey. A.C. was present when Mosser told S.N. to shut her mouth. The letter that A.C. wrote was not part of a class assignment.

A.C. being in UHSPAC was voluntary. She loved the program, which is why she kept coming back. A.C. does not believe that she moved up the ranks at UHSPAC. A.C. spoke to her guidance counselor, DeGeorge, about what was happening at UHSPAC. DeGeorge listened to A.C. but took no action. A.C. does not know if Hall and DeGeorge spoke, but she did tell Hall that she spoke to DeGeorge.

FINDINGS OF FACT

In light of the contradictory testimony presented by respondent's witnesses and appellant, the resolution of this matter requires that I make credibility determinations with regard to the critical facts. The choice of accepting or rejecting the witness's testimony or credibility rests with the finder of facts. Freud v. Davis, 64 N.J. Super. 242, 246 (App. Div. 1960). In addition, for testimony to be believed, it must not only come from the mouth of a credible witness, but it also has to be credible in itself. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 60 N.J. 546 (1974); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality, internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). A fact finder "is free to weigh the evidence and to reject the testimony of a witness even though not contradicted when it is contrary to circumstances given in evidence or contains inherent improbabilities or contradictions which alone or in connection with other circumstances in evidence excite suspicion as to its truth." In re Perrone, 5 N.J. 514, 521-522 (1950); see D'Amato by McPherson v. D'Amato, 305 N.J. Super. 109, 115 (App. Div. 1997).

Having had an opportunity to observe the demeanor of the witnesses, I did not find Hall to be completely credible because she testified that for E.C., A.C., N.R., N.V., M.M. and A.P., the protected category or distinguishing characteristic was mental, physical or sensory disability but in the HIB 17 report which was given to the Board, she did not check that as a protected class. She also testified that race was a distinguishing characteristic for T.T. but did not check off race as a distinguishing characteristic on HIB 17 which was presented to the Board. I did not find Rusin to be completely credible because he testified that when he questioned E.C., he

asked open-ended questions, but upon listening to the recorded interview, it was clear that he asked E.C. leading questions. In addition, he told E.C. that he had previously spoken to Williams and Desamours, which he had not. I found Ahern, Benaquista and Taylor to be credible. Their testimony was truthful and consistent. I found Lewis to have a bias in favor of Mosser. She worked on UHSPAC productions to get her master's degree. She volunteered to be Mosser's union representative in these matters and she and Mosser are friends. I did not find Mosser to be completely credible. He testified that he never sat on E.C.'s lap at the Grease after party but E.C., Desamoures and Laurino told Rusin a private investigator retained by Mosser that Mosser had in fact sat on E.C.'s lap.

Having reviewed the motions in support of and in opposition to, **I FIND** the following **FACTS**:

Mosser began working for Union as a theatre teacher in January 2008. He has a bachelor's degree in fine arts and a master's degree in educational leadership. He taught four musical theatre classes, an advanced musical theatre class and one choir class at Union. After school he ran UHSPAC. Once Mosser took over UHPAC, it won several Rising Star awards.

Rago was Mosser's supervisor. Rago's office was inside Mosser's classroom. During the 2016-2017 school year Mosser, Laura Muller and Lisa Abate were in the music department at Union. Lowery was the principal at this time.

Mosser gave the students a contract outlining their participation in a production and a student handbook. On the first day of rehearsals the staff and students read the handbook together. The student and parent had to sign the contract before the student could audition. The contracts required the students to show up and behave. The students could not be excused during the last two weeks of tech rehearsals. The students must tell Mosser if they have a conflict.

Mosser had master classes. He would bring in musicians, actors, writers and Broadway talent to speak to the students. The speakers had to be approved by the

Lowery and Rago. During the 2017-2018 school year, there were six master classes. There was no policy regarding who can attend master class. There was a master class for the students that were involved in the Peter Pan production. G.R. was not allowed to attend this master class because she was not in the Peter Pan production. The casting decisions for the productions were made by a group of eight people. There were auditions and callbacks.

Hall is one of the ABS's at Union. She is a licensed counselor. An ABS meets with complainant and others who may have information regarding the HIB complaint. The ABS is not responsible for determining accuracy, but the ABS should be able to verify that the incident occurred. As an ABS is given an HIB complaint and investigates.

Benaquista was the Assistant Principal of Schools in Union in 2018. He has been the Superintendent of Schools in Union since December 2023. Taylor was the Superintendent of Union from July 2021 to December 2023.

On May 23, 2018, a detective from the Union Police Department came to Lowery regarding a tip about inappropriate behavior between Mosser and students. Lowery spoke to L.S., B.F., E.C., E.L., A.P., M.M. and N.V. as well as Teacher's Assistant, Leslie Laurino, Guidance Counselor, Valerie Desamours and Board Secretary, Jennifer Williams. Lowery wrote a report regarding his interviews. Hall never saw Lowery's report until 2024. Benaquista did not see Lower's report. Taylor never saw Lowery's report. Lowery's report was not presented to the Board. Principals are involved at the onset of HIB investigations. The principal does the initial fact finding, parental notification and assigns an ABS to investigate.

Lowery designated Hall to investigate HIB 16 and HIB 17 on May 30, 2018. Hall testified that once she receives the HIB investigations, the complainant is spoken to first and gives a statement as to what occurred and the names of any witnesses. In HIB 16 and HIB 17 there were no written video, or audio statements by the complainants or witnesses. The report must be completed within ten days. Hall spoke to the complainants and people that the complainants stated were witnesses. She did not interview anyone that was not the complainants or people the complainants said

witnessed the incidents. Hall had done between 150-200 HIB investigations. All but three or four students were against student.

Lewis met Mosser when she worked at Burnett Middle School. She directed middle school theatre shows. She met Mosser in 2013. They wanted to give students in the middle school theatre program a seamless transition to the Union program. She was one of the people that took part in the audition process for theatre shows at UHSPAC. Lewis was in the process of getting her master's degree in performing arts. She had to work on production design element and have it reviewed to get her master's degree. In 2017-2018, Lewis was the Crew Head for Godspell production and the Production Manager for Peter Pan production. This was a requirement for her master's degree. Lewis's personal friendship with Mosser began in the summer of 2018. She had heard about the HIB allegations against Mosser and volunteered to be his union representative. Lewis knew many of the students in HIB 17. They had either been in middle school productions, or she had taught them in middle school.

Distinguishing characteristics for an HIB are race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic. These are identical to the protected categories listed on Union's HIB reports.

HIB 16

G.R. was a student in Mosser's advanced musical theatre class. G.R. was cast in Godspell in the fall of 2017. At that time, she also had a role in a community production that occurred at the same time. She chose to do the production at the community theatre. There was a master class that G.R. was not allowed to attend. It was for the cast of Peter Pan. G.R. was not in the cast of Peter Pan because she did not know the words to the song and did not complete the dance. G.R. believes that she was retaliated against by Mosser because she did community theatre production instead of Godspell.

In January 2018, there was a meeting between Hall, Mosser and G.R.'s parents. HIB 16 states that Mosser said the person who replaced G.R. was better than G.R. HIB report 16 states that these statements were corroborated. Hall testified that C.E. and

M.M. corroborated statements. Lewis testified that it was students that stated G.R.'s replacement in Godspell was better than G.R. Hall testified that the distinguishing characteristic in this matter was G.R. being excluded from master class. In the HIB 16 report Hall lists the protected category as other distinguishing characteristics.

Hall did not interview Mosser regarding HIB 16 because they were in the same collective bargaining unit. Mosser was interviewed by David Shaw, an administrator in another building. Hall never saw Shaw's report. Shaw's report was not shown to the Board at either the hearing or the appeal of Mosser in 2022. Hall completed HIB 16 on May 25, 2018.

HIB 17

HIB 17 had eleven complainants as follows:

E.C.

Hall met with E.C. on June 1, 2018, and June 5, 2018. E.C. stated Mosser told E.C. "All you need to date you is to be retarded. T.T. was present when Mosser asked E.C. to take a what percent gay are you quiz. This made E.C. feel uncomfortable. E.C. stated that Mosser sat on his lap twice and put his hand on E.C.'s leg at an after party for the community theatre production of Grease. Lowery's report states that E.C. told Lowery that at the after party that Mosser sat on his lap and grabbed E.C.'s penis.

E.C. was interviewed by Rusin. Rusin is a private investigator employed by petitioner. Rusin asked E.C. leading questions about the Grease after party. E.C. stated that Mosser briefly sat on his lap and nothing inappropriate occurred.

Rusin also spoke to Deramours, Fallon and Laurano about what occurred at the Grease after party. Desamours said that Mosser tried to sit with the students, and it was a tight fit, Mosser ended up on E.C.'s lap. Desamours told Mosser it looked inappropriate. She did not believe Mosser's actions were deliberate. Fallon was also at the after party and did not witness any inappropriate behavior. Laurano told Rusin that she saw Mosser sitting on E.C.'s lap and E.C. and Mosser laughed, then Mosser got up and left. The incident at the Grease after party was not included in HIB 17.

Hall testified that Mosser's conduct, excluding the events of the Grease after party, which fell under DCPD, constituted a HIB violation. Hall testified that the protected class (distinguishing characteristic) for E.C. were sexual orientation because Mosser asked him to take a how gay are you quiz and mental physical or sensory disability because of the comment that someone would have to be retarded to date him. She testified that Mosser's conduct substantially interfered with school and was insulting and demeaning and occurred on school property. E.C. did not testify. Lewis never heard Mosser call E.C. retarded or ask him to take a how gay are you quiz. Mosser denied all E.C.'s allegations.

L.S.

Hall interviewed L.S. on June 1, 2018. L.S. stated that Mosser called the students retarded and dumb. L.S. stated that Mosser called her a slut and sleazel and diseasel. This made her feel uncomfortable. L.S. stated that Mosser pushed her off a stage. No one else witnessed Mosser push L.S. off stage. There were two operable cameras in the auditorium at that time. There was an IAIU investigation which did not establish abuse. Hall believed that there was a fifty percent chance that Mosser pushed L.S. off the stage.

L.S. spoke to Lowery regarding Mosser. She told Lowery that Mosser called her a slut and sleazel and diseasel. She told Lowery that Mosser pushed her into the orchestra pit and made a lot of gay jokes.

Lewis had taught L.S for three years. She never heard Mosser call L.S. a slut. L.S. did not speak to Lewis about Mosser. Mosser denied pushing L.S. of the stage or calling her slut, sleazel or diseasel.

Hall testified that the protected category (distinguishing characteristic) was gender or gender expression because Mosser called her slut, sleazel and diseasel and physical, mental or sensory disability because Mosser called the students retarded. The comments were insulting and demeaning and took place on school grounds. L.S. did not testify.

A.C.

A.C. was a part of the stage crew during her freshman year. She was also on the swim team and USA swim team. She was kicked out of rehearsal by Mosser because of conflicting commitments with swimming. She felt horrible. She was kicked out of other productions because of her swimming conflicts.

A.C. testified that Mosser said that a monkey could do what she did and look at what the monkey could do. She ran to the bathroom and cried. She testified that Mosser used the word retarded often. She spoke to the guidance counselor about the issues with Mosser, but nothing was done. At one-point A.C. went to Lowery's office and told him that she wanted to kill herself. She was taken for a psychological evaluation.

Over the summer A.C. took dance classes. Mosser and Lewis testified that A.C. tried out for Footloose and after three call backs, she became overwhelmed and stormed out of the room and did not return. A.C. testified that she did not go to call backs. Mosser also testified that A.C. was seen by the school psychologist, Dr Stilwell. A.C. testified that she never saw Dr Stilwell.

A.C.'s did not return to UHSPAC after the Footloose audition. A.C. wrote a six-page document while a junior at Union about her feelings regarding what occurred at UHSPAC. A.C.'s mental health troubles began while she was at Union. She did not have mental health counseling in high school. She was not taking medication when she was in high school. She had and still has bad anxiety. A.C. testified that she tried to block out things that occurred when she was in UHSPAC. She does not recall a meeting between Mosser, her swim coach, and herself. A.C. testified that she is a crier.

Hall stated the protected class (distinguishing characteristic) was mental, physical or sensory disability because Mosser used the word retarded and gender or gender expression because Mosser called her a slut. A.C. did not testify that Mosser called her a slut. The comments were insulting and demeaning and occurred on school grounds.

N.R.

Hall interviewed N.R. on June 5, 2018. N.R. stated that Mosser referred to students as retarded and asked a student if he was gay in front of the class. Hall testified that the protected class (distinguishing characteristic) was mental, physical or sensory disability because Mosser called the students retarded and sexual orientation because Mosser asked a student if he was gay in front of the class. The comments were demeaning and occurred at school. N.R. did not testify. Mosser denies N.R.'s allegations.

B.F.

Hall interviewed B.F., on June 4, 2028. B.F. stated that Mosser hit him on the butt and told him that he was cute. There was an IAIU investigation which did not establish abuse. Lewis did not see this and Mosser denied that it happened. In addition, he heard Mosser use the term sleazel and diseasel regarding L.S. B.F. stated that he wanted to leave the production, but Mosser said that B.F. would not get community service credit. Mosser denied this. Mosser testified that B.F. was a crew member for a production of Cinderella. B.F. came to a rehearsal inebriated and pushed a house onto the stage almost running over two people. B.F. was upset when Mosser called him out over the incident. B.F. was interviewed by Lowery. He told Lowery that Mosser picks up E.C. from his home and gives him rides. He also stated that Mosser makes sexual jokes.

Hall stated that the protected class (distinguishing characteristic) was sexual orientation because Mosser hit B.F. on the butt and told him that he was cute and gender because B.F. heard Mosser call L.S. sleazel and diseasel. The incident occurred at school. B.F. did not testify.

K.H.

Hall interviewed K.H. on June 5, 2018. K.H. stated that Mosser repeatedly used the term retarded. He also used the phrase untalented bitch. He frequently used sexually charged comments. He would say, "Oh you're the top." There is a song "You're the Top" by Cole Porter. Mosser denied these allegations.

Hall testified that the protected class (distinguishing characteristic) was sexual orientation/ gender because Mosser used the phrase “You’re the top” as well as Mosser saying that K.H. was an untalented bitch, physical, mental and sensory disability because Mosser used the word retarded and other distinguishing characteristic because Mosser called the students rude little people. The comments were demeaning and insulting. K.H. did not testify.

T.T.

Hall spoke to T.T. on June 8, 2018. T.T. is African American. T.T. stated that Mosser humiliated her about her hair. T.T. stated that Mosser used the word retarded and asked E.C. to take a how gay are you quiz. Mosser made her feel retarded by using the word retarded. During production T.T. felt that the stairs were unsafe. Mosser asked her if she was too retarded to walk down the stairs. Mosser testified that he may have commented on T.T.’s hair in relation to a character that she was playing. Lewis testified that the stairs were for production and were not painted. The choreographer showed T.T. that the stairs were safe. Lewis asked T.T. if she was alright and T.T. stated that she was fine. Lewis never saw Mosser humiliate T.T.

Hall stated that the protected classes (distinguishing characteristic) are race and physical appearance because of Mosser’s comments regarding her hair, gender because T.T. heard Mosser call another student gay or a slut and mental, physical or physical disability because Mosser called her retarded. T.T. did not testify

N.V.

Hall interviewed N.V. on June 8, 2018. When N.V. and another student could not find something, Mosser said “What are you retarded.” Mosser often accuses students of being gay to other students. N.V. heard Mosser call a student a slut. Mosser was harsh and intense.

N.V. was interviewed by Lowery. N.V. told Lowery that Mosser often makes gay jokes, called a student whose name was Jason, Gayson. Mosser tells the boys in class that they are gay. N.V. did not tell this to Hall.

Hall stated that the protected class (distinguishing characteristic) was mental, physical or sensory disability because Mosser called N.V. retarded, and gender because N.V. heard Mosser call another student a slut. N.V. did not testify. Mosser denies N.V.'s allegations.

M.M.

M.M. went to Union from 2014-2018. He was in UHSPAC for three years. He took musical theatre class in his junior year and advanced musical theatre in his senior year. M.M. arrived late for a tech rehearsal because he was getting his driver's license. He advised Mosser of the conflict. When he arrived at the rehearsal, he had been replaced in the dance by another student. Mosser said he would not do another show like this, and they could all thank M.M. This made M.M. feel horrible. M.M. went home crying. He needed his driver's license to help his family. Mosser stated that he told M.M. that going to get his driver's license would violate the contract M.M. signed.

M.M. was diagnosed with generalized anxiety and depression at sixteen. Being in UHSPAC was a big stressor because of how he was treated by Mosser. M.M. now goes to therapy. He could not afford therapy when he was at Union. M.M. was intimidated by Mosser. Even though when he was at Union M.M. was 6'2 and weighed 200-215, he felt small.

Mosser asked a student to get one by three. After five minutes, Mosser said to the student are you fucking retarded, my grandmother can find one faster than you. Mosser told M.M. he looked homeless on an occasion where there were no other adults present. This made him feel insecure. There were many instances where Mosser called students retarded.

M.M. did not give a written statement. He remembers being interviewed by Hall, Lowery and three vice principals at the same time. M.M. in the interview stated that Mosser followed the students on snapchat. M.M. showed Lowery a Snapchat photo Mosser sent him of romp lingerie saying it would fit M.M.

Mosser called M.M. carcass and darkass. M.M. does not remember coming to rehearsals under the influence of marijuana. Rago was rarely in the classroom.

Hall listed the protected class (distinguishing characteristic) as physical appearance because Mosser said that he looked homeless, and mental, physical or sensory disability because Mosser used the word retarded. The comments of Mosser were demeaning and insulting.

A.P.

Hall interviewed A.P. on June 1, 2018. She heard Mosser say that E.C. was retarded. She saw a text that Mosser sent to R.R. where Mosser expressed affection for R.R. which made her uncomfortable. Hall had a counseling relationship with A.P. A.P. told Lowery that Mosser made people feel worthless, was verbally abusive and saying that they were retarded.

Hall listed the protected category (distinguishing characteristic) as mental, physical and sensory disability because A.P. heard Mosser call E.C. retarded. A.P. did not testify. Mosser denies A.P.'s allegations.

E.L.

Hall interviewed E.L. on June 1, 2018. E.L. said that Mosser repeatedly called students retarded or stupid. Mosser treated her differently when she began dating R.R. Mosser instilled fear in the students. Hall had a counseling relationship with E.L. Hall testified that the protected category (distinguishing characteristic) was physical, mental and sensory disability because Mosser called the students retarded. E.L. did not testify

C.B.

Hall interviewed C.B. on June 14, 2018. C.B. stated that comments made about his sexual orientation did not make him feel uncomfortable because he was openly gay. Hall testified that this did not meet the criteria for HIB

R.R.

Hall interviewed R.R. on June 14, 2018. R.R. stated that Mosser sent him messages expressing romantic affection. R.R. responded that he did not feel the same way. Mosser denies ever sending the text. He stated that he accepted rides from Mosser and had been to Mosser's home for film editing. Hall testified that this did not meet the criteria of HIB.

Lewis testified that Mosser was not an abusive person. She never heard Mosser call a student a slut or retarded. She never witnessed Mosser use sexually charged comments. Mosser and Lewis worked closely on productions. If someone is speaking in one area of the auditorium, someone in another area of the auditorium would not hear what the person said.

Mosser denied ever calling any student retarded, slut, idiot sleazel and diseasel. Mosser denied making sexually charged comments. Mosser denies asking E.C. to take a how gay are you test.

Although some of the complainants interviewed mentioned social media exchanges between Moser and the complainants, Hall did not look at any of the social media and no social media was included in HIB 16 report or HIB 17 report. Hall did not look at any of the social media postings which Ahearn finds troubling.

HIB 17 report has eleven complainants. The HIB report form lists the following categories as protected categories (distinguishing characteristics): race, color, religion, ancestry, origin, gender, sexual orientation, gender identity & expression, mental, physical or sensory disability and other distinguishing characteristics. In her testimony Hall stated that mental, physical and sensory disability was a protected category (distinguishing characteristic) for E.C.,A.C.,N.R.,N.V.,M.M.,A.P., and E.L. Hall testified that mental, physical and sensory disability were the only protected category (distinguishing characteristic) for A.P. and E.L. HIB 17 report did not check mental, physical or sensory disability or race as a protected category listed the report. HIB 17

report checked gender, sexual orientation and other distinguishing characteristics as the protected classes for the complainants in HIB 17.

HIB 17 lists most of HIB as verbal, physical and electronic communication. Hall testified that she did not look at the social media the complainants told her about and none of the social media posts were submitted to the Board with HIB 17.

Ahearn believes that she emailed Shaw about turning in his report on his interview of Mosser. Ahearn never saw Shaw's report and does not know if he produced a report. Benaquista does not recall if he assigned Shaw to interview Mosser.

Hall prepared HIB 16 and HIB 17 reports from her interviews and notes. Once she completed the reports, they were sent to Ahern and the director of counseling. No adults were interviewed for HIB 17. Hall, Ahearn and Tatum met to discuss whether the HIB 17 investigation could be concluded without interviewing Mosser. They contacted Maria Mendez. Maria Mendez is the Executive County Superintendent for Union County. Mendez is called when there are questions regarding HIBs.

Ahern was the ABC. In HIB investigations reports come to her and the Superintendent. Ahearn keeps the data. She has two meetings per year with the ABSs and oversees HIB. Ahearn is Hall's supervisor. Ahearn recalls speaking to Hall regarding HIB 16 but does not recall the reason for the conversation. Ahearn did not arrange for Mosser to be interviewed.

The Board affirmed the HIB findings in a meeting in June 2019. Mosser had filed a petition for relief that was transmitted to the Office of Administrative Law. In September 2021, Mosser's motion for Summary Decision was granted. The Department of Education remanded the matter to the Board. No additional investigation was carried out. There was a HIB hearing before the Board in July 2022, and an appeal was filed by Mosser. The appeal was heard by the Board in October 2022.

In 2018, the procedure for a HIB investigation was that the principal receives a HIB complaint and directs the ABS to investigate. Ahearn received HIB 16 and HIB 17

reports and was satisfied with both. When the matter was remanded to the Board, from the Department of Education, Hall resubmitted HIB 16 and HIB 17 reports. Hall did not make any changes to the reports before submitting them. The Superintendent refers to the HIB report to the Board to be reported and in the next Board meeting to be affirmed. The purpose of an HIB investigation is to take statements from students as reported. If the events were seen by an adult, the ABS should interview the adults.

Ahearn did not see the minutes of the October 2022 Board meeting. HIB reports are redacted before they are given to the Board. Ahearn did not attend the October 22, 2018, Board meeting. Mosser did not get interviewed during the HIB 17 investigation and the report of his interview with Shaw for HIB 16 investigation was not given to the Board.

Hall, Benaquista and Taylor were present at the October 2022 Board meeting for Mosser's appeal. Mosser was present as well. There were no written statements by the complainants presented to the Board. A Board member, Santana, was flustered by the number of pages in the reports. The Board was informed that Mosser was not interviewed for either HIB report. Board members Yocasta Brens-Watson and Santana arrived late to the meeting. Mosser asked to be reinstated at the meeting. After Mosser and his attorney left, the Board went into executive session. The executive session lasted from 6:55 p.m. to 7:10 p.m. Hall was present at the executive session but left before the Board vote was taken. None of the complainants were at the October 2022 Board meeting.

LEGAL ANALYSIS

N.J.S.A.18A:37-14 defines Harassment, Bullying and Intimidation as:

Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3),

that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- b. has the effect of insulting or demeaning any student or group of students; or
- c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

HIB 16

In this matter, Hall testified that the protected category (distinguishing characteristic) was that G.R. had not been allowed to participate in the master class. This particular master class was for students that were in the production of Peter Pan. G.R. was not in that production. There was not a mandatory criterion for which students attended which master classes.

I **CONCLUDE** that the decision of the Board affirming HIB 16 was arbitrary capricious and unreasonable because being excluded from the master class is not a distinguishing characteristic.

HIB 17

In HIB 17 report the following are listed as protected categories (distinguishing characteristics): race, color, religion, ancestry, origin, gender, sexual orientation, gender identity & expression, mental, physical or sensory disability and other distinguishing characteristics. Each is preceded by a box to mark to note which the distinguishing characteristic was found in the HIB report. Hall did not check mental, physical or sensory disability or race as a protected category (distinguishing characteristic) in the HIB 17 report. However, Hall testified that mental, physical and sensory disabilities, sexual orientation, gender identity and expression were protected categories for E.C., L.S., A.C., N.R., K.H., T.T., N.V., M.M., A.P. and E.L. For A.P and E.L. mental, physical or sensory disability were the only distinguishing characteristics. Hall also testified that race was a protected category (distinguishing characteristic) for T.T. HIB 17, which was

submitted to the Board, did not list mental, physical or sensory disability or race as a protected category (distinguishing characteristic).

There was no testimony and nothing in the HIB report that showed that anyone other than M.M. had a mental, physical or sensory disability.

I **CONCLUDE** that the Board's decision affirming HIB 17 in regard to A.P. and E.L. is arbitrary, capricious and unreasonable because the report that the Board relied on did not state that physical, mental or sensibility was a protected category in HIB 17, but Hall testified that it was the only protected category for A.P. and E.L.

E.C.

There was no testimony that E.C. had a physical, mental or sensory disability. T.T. stated that she heard Mosser asking E.C. to take a what percent gay are you quiz. E.C. told Hall this occurred. Mosser told E.C. that a girl had to be retarded to date him. E.C. was made uncomfortable and offended by Mosser's comments.

E.C. gave contradictory statements to Hall, Lowey and Rusin regarding the Grease after party. He told Hall that Mosser sat on his lap twice and put his hand on E.C.'s leg at the Grease afterparty. E.C. told Lowery at the after party Mosser sat on his lap and grabbed his penis. He told Rusin that Mosser briefly sat on his lap and nothing inappropriate occurred. The events at the Grease after party are not part of the HIB complaint or report.

I **CONCLUDE** the finding of HIB regarding E.C. was not arbitrary, capricious and unreasonable because the distinguishing characteristic is gender orientation. Mosser asked E.C. to take a what percent gay are you quiz, it took place on school property, it disrupts the orderly operations of the school, it occurred in front of another student and demeaned and insulted E.C.

L.S.

There was no corroboration in that Mosser pushed L.S. off of the stage. The only other student to mention it was M.M. who testified that he did not witness L.S. being

pushed off the stage. There was an IAIU investigation which did not establish abuse. There were cameras in the auditorium which would have recorded the incident, but no video evidence was presented at the Board meeting or the hearing. No one in the school ever mentioned that this incident occurred. Hall testified that it was a fifty-fifty chance that Mosser pushed L.S. off the stage.

Mosser called L.S. slut, sleazel and diseasel. B.F. in the interview with Hall stated that he heard Mosser call L.S. sleazel and diseasel. This made L.S. feel uncomfortable.

I **CONCLUDE** the finding of HIB regarding L.S. was not arbitrary, capricious and unreasonable because the distinguishing characteristic is gender, being called a slut, sleazel and diseasel it took place on school property, it disrupts the orderly operations of the school other students heard the comment, and demeaned and insulted L.S.

A.C.

Mosser called A.C. retarded and a monkey. A.C. testified that she attempted to block out events that occurred while she was at UHSPC. Her mental health issues began while she was at UHSPAC. She told Lowery that she was going to kill herself while she was at Union. Mosser, calling A.C. retarded, fits in the protected category of physical, mental or sensory disability. However, HIB report 17 that was submitted to the Board did not list mental, physical or sensory as a protected category for any of the complainants. A.C. did not testify that Mosser called her a slut. Mosser calling A.C. a monkey is clearly inappropriate, but it is not a distinguishing characteristic. In this matter there is no racial connotation to calling her a monkey.

I **CONCLUDE** that the finding of HIB regarding the A.C. was arbitrary, capricious and unreasonable because A.C. did not testify that Mosser called her a slut. Mosser calling her a monkey is not a distinguishing characteristic, and the distinguishing characteristic of physical, mental and sensory disability was not checked in HIB report 17 which was reviewed by the Board.

N.R.

N.R. heard Mosser call students retarded and asking a student if he was gay. N.R. felt that the question to the student was too personal. There was no testimony that N.R. had a physical, mental or sensory disability.

I **CONCLUDE** that the finding of HIB regarding N.R. was arbitrary, capricious and unreasonable because although N.R. hearing Mosser ask a student if they were gay which is a sexual orientation distinguishing characteristic, it did not disrupt the orderly operations of the school and it did not fit the categories of:

- a: a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
- b. has the effect of insulting or demeaning any student or group of students; or
- c. creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

B.F.

B.F. told Hill that Mosser hit him on the butt and said that he was cute. There was an IAIU investigation which did not establish abuse. This fits the distinguishing characteristics of gender and sexual orientation.

I **CONCLUDE** that the finding of HIB regarding the B.F. was not arbitrary, capricious and unreasonable because the distinguishing characteristic was gender and sexual orientation, this occurred at school in the hallway, it interferes with the orderly operation of the school and creates a hostile educational environment because B.F. wanted to leave the production but Mosser said if he left the production, B.F. would not receive community service credits.

K.H. heard Mosser call other students retarded, rude little people and untalented bitches. She did not tell Hall that Mosser made those comments about her specifically.

K.H. told Hall that Mosser saying “you’re the top” which is a song from a play made her feel uncomfortable due to the sexual innuendo.

I **CONCLUDE** that the finding of HIB regarding K.H. was not arbitrary, capricious and unreasonable because the “you’re the top” comment K.H. interpreted as sexual innuendo. The distinguishing characteristic is gender. It happened at school it disrupted the orderly operation of the school and caused K.H. to feel weird. It had the effect of insulting or demeaning K.H.

T.T. stated that Mosser talked about her hair in front of the UHSPAC. T.T. is African American. T.T. heard Mosser ask E.C. to take a what percent gay are you quiz. T.T. also testified that Mosser called her retarded. There was no evidence that T.T. had a mental, physical or sensory disability.

I **CONCLUDE** that the finding of HIB regarding the T.T. was not arbitrary, capricious and unreasonable because the Mosser made statements about her hair was about her physical appearance. Statements were made in front of the entire production which interfered with the ordinary operation of the school and caused T.T. to feel humiliated and insulted.

N.V. heard Mosser call other students a slut, retarded and accused of being gay. He felt that they were harsh and went over the line. This along with being pressured to stay late upset N.V. There is no evidence that N.V. has a mental, physical or sensory disability. There is a distinguishing characteristic of gender when Mosser called another student a slut. This occurred on school grounds. There was no evidence that the statement disrupted the orderly operation of the school, however the statement was demeaning to a student.

I **CONCLUDE** that the finding of HIB regarding the N.V. was arbitrary, capricious and unreasonable because there is no indication that the statement of Mosser calling a student a slut disrupted the orderly operation of the school.

M.M. testified that Mosser said that he looked like he was homeless, which took place at the school and made M.M. feel insecure. M.M. was diagnosed with generalized anxiety and depression while he was at Union. M.M. is African American and was called dark ass by Mosser. However, race was not one of the protected categories that Hall checked off on HIB 17 which was presented to the Board.

I **CONCLUDE** Mosser telling M.M. that he looked homeless fit the category of HIB. The distinguishing category was physical appearance which is included in other distinguishing characteristic. M.M. felt unsure by the comment which is demeaning and insulting. This occurred in the school and disrupted the orderly operation of the school.

I **CONCLUDE** that there were no HIB findings by Hall for R.R. and C.B.

ORDER

I **CONCLUDE** that the HIB investigation 16 did not meet the HIB criteria. Accordingly, it is **ORDERED** that the Board **RESCIND** its decision.

It is further **ORDERED** that the Board's HIB investigation 17 findings of E.C., L.S., B.F., K.H., T.T. and M.M. be and is hereby **UPHELD**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER**

OF THE DEPARTMENT OF EDUCATION. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500. A copy of any exceptions must be sent to the judge and to the other parties.

July 25, 2025



DATE

KIMBERLY A. MOSS, ALJ

Date Received at Agency:

July 25, 2025

Date Mailed to Parties:

July 25, 2025

ljb

WITNESSES

For Petitioner

Jill Hall
Mark Rusin
Nicole Ahearn
Dr. Gerald Benaquista
Dr. Scott Taylor
Katherine Lewis

For Respondent

A.C.
M.M.

EXHIBITS

For Petitioner

- P-1 Not in Evidence
- P-2 Not in Evidence
- P-3 Handwritten Notes of Jill Hall
- P-4 HIB Letters Dated June 25, 2018, to August 2, 2018
- P-5 Jill Hall email chain regarding HIB investigation May 31, 2018- April 29- 2019
- P-6 Musical Theatre Class Guidelines and Expectations
- P-7 Union High School Spring 2018-2019 Theatre Department Handbook
- P-8 Jill Hall Email Chain dated April 9, 2018 to May 25, 2018
- P-9 Petition for Relief dated January 9, 2023
- P-10 Not in Evidence
- P-11 Handwritten Notes of the HIB Timeline
- P-12 Email Chain regarding Master Class and New Hires dated January 1, 2018- December 6, 2018
- P-13 Union High School Master Class Excusal Form and Class Roster Dated April 23, 2018
- P-14 Godspell Audition Application

- P-15 Union High School Performing Arts Company Policies and Attendance Agreement Dated September 19, 2017
- P-16 HIB investigation Report Dated May 25, 2018
- P-17 Township of Union Public Schools Anti-Bullying Program Submission Forms Dated May 30, 2018
- P-18 HIB Investigation Report 17 Addendum
- P-19 Not in Evidence
- P-20 Not in Evidence
- P-21 Union High School Performing Arts Company Fall 2017-2018 Theatre Handbook
- P-22 Class Guide
- P-23 Guest Speaker Form

For Respondent

- R-1 HIB Report 16
- R-2 HIB Report 17
- R-3 Jill Hall Notes
- R-4 Former Board Policy 5131.1
- R-5 Former Board Policy 3517 Surveillance
- R-6 Anti-Bullying Submission Form -HIB 16
- R-7 Anti-Bullying Submission Form- HIB
- R-8 Mosser Acknowledgement Form
- R-9 Letter to Mosser Hib Results dated June 20, 2019
- R-10 Email from S. Paterno to Jull Hall Dated May 31, 2018
- R-11 HIB 16 Notification Letter
- R-12 HIB 17 Notification Letter
- R-13 Emails with G.R.'s Mother
- R-14 Union High School Class Roster
- R-15 G.R. Resume
- R-16 New Jersey Records Retention Schedule
- R-17 SSDS Forms for HIB 17
- R-18 SSDS Forms for HIB 16
- R-19 Minutes of June 11, 2019, Board Meeting
- R-20 Minutes of October 11, 2022, Board Meeting

- R-21 Minutes of the October 11, 2022, HIB Hearing
- R-22 Letter to P. Tyshchenko Regarding HIB Results Dated July 26, 2022
- R-23 Letter to P. Tyshchenko Regarding HIB Results Dated October 17, 2022
- R-24 IAIU Notification Forms
- R-25 G.R.'s Mother Emails
- R-26 Email Chain regarding meeting with Mosser Dated May 23, 2018
- R-27 Email from Lowery Regarding Union Police Department Investigation Dated May 25, 2018
- R-28 Email from Lowery Regarding Union Police Department Investigation Dated May 29, 2018
- R-29 Emails from Mother of A.C.
- R-30 Emails regarding IAIU investigation Dated June 7, 2018
- R-31 Email from Hall Regarding HIB investigation Date June 11, 2018
- R-32 Email from Hall Regarding HIB investigation 17 Dated June 12, 2018
- R-33 Email from Union County Prosecutor's Office Dated July 19, 2018
- R-34 Emails Regarding IAIU investigation Dated August 20, 2018
- R-35 Email String Regarding Morris County Prosecutor's Office Investigation Dated March 18, 2019
- R-36 Email Regarding HIB Hearing Dated June 18, 2019
- R-37 January 9, 2023, Petition
- R-38 Board's Answer to the Petition
- R-39 Mosser Law Division Complaint
- R-40 April 18, 2019, Petition
- R-41 August 30, 2019, Amended Petition
- R-42 Commissioner of Education Decision December 2, 2021
- R-43 Request for a HIB Hearing Dated September 20, 2022
- R-44 Email String with P Tyschchenko Dated October 5, 2022
- R-45 Board Policy 5512
- P-46 IAIU Letter Re: L.S. Dated October 31, 2018
- R-47 IAIU Letter Re: B.F. Dated February 7, 2019
- R-48 IAIU Letter Re: L. S. Dated October 31, 2018
- R-49 IAIU Letter RE B.F. Dated February 7, 2019
- R-50 Audio Tape of E.C. and Ruskin

R-51 Notes of Bennaquista from Exit interview with DCP