

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
GUY DIPPOLITO : AMENDED ORDER OF SUSPENSION
_____ : DOCKET NO: 1516-117

At its meeting of September 17, 2015, the State Board of Examiners (Board) reviewed information received from the Robbinsville Police Department and the Robbinsville Municipal Court regarding Guy Dippolito. In May 2015, Dippolito was convicted of Unnecessary and Unusual Noise Prohibited, a municipal ordinance, after being charged with Bias Intimidation and Harassment. According to the police report on the incident, Dippolito had sent a harassing email to several administrators in Robbinsville. The email attacked one administrator based on her sexual orientation, made comments about other administrators getting cancer and referenced one administrator's religion. In an interview with police about the incident, Dippolito admitted to sending the email. The police report also noted that Dippolito had been previously warned by police on February 15, 2013 to stop sending harassing emails to school administrators or criminal charges would be issued against him. Dippolito currently holds a Teacher of French Certificate of Eligibility, issued in February 2000, a Teacher of English as a Second Language Certificate of Eligibility, issued in March 2005, a Teacher of French certificate, issued in February 2007, a Teacher of English as a Second Language certificate, issued in January 2009 and a Teacher of Psychology certificate, issued in April 2011. Upon review of the above information, the Board voted at its meeting of October 30, 2015 to issue Dippolito an Order to Show Cause as to why his certificates should not be revoked.

The Board sent Dippolito the Order to Show Cause by regular and certified mail on December 17, 2015. The Order provided that Dippolito must file an Answer within 30 days. Dippolito filed an Answer on January 22, 2016.

In his Answer, Dippolito denied being "convicted" of the municipal offense but stated that his attorney had negotiated a plea to a violation of that ordinance with the consent of the four administrators to whom Dippolito had sent the email. (Answer, ¶¶ 4, 5). Dippolito acknowledged that the email was

“demeaning and cruel.” (Answer, ¶ 5). Dippolito also emphasized that the administrators to whom he sent the email withdrew their allegations of intimidation and harassment because they understood that his email was a product of personal difficulties he had been having. (Answer, ¶ 8). He stated that he was fully capable of performing all of the duties of a teacher now and in the future. (Answer, ¶ 9). In the remainder of his Answer, Dippolito highlighted the many accomplishments he had during his teaching career including receiving a Fulbright Teaching Grant, being nominated as Teacher of the Year, being named World Language Department Coordinator, taking students on many field trips, coaching both the boys’ and girls’ tennis teams to the sectionals. (Answer, ¶¶ 11-12). Dippolito expressed remorse for the email, stating that he regretted “every day sending the email at issue.” (Answer, ¶ 13). He noted that the email was sent two weeks before the one-year anniversary of his mother’s death. (Answer, ¶ 13). He asked the Board to consider all of his positive accomplishments and noted that suspension or revocation of his teaching certificates would have a devastating effect on his teaching career. (Answer, ¶¶ 14, 16).

Thereafter, pursuant to *N.J.A.C. 6A:9B-4.6(e)*, on February 1, 2016, the Board sent Dippolito a hearing notice by regular and certified mail. The notice explained that it appeared that no material facts were in dispute. Thus, Dippolito was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder, as well as arguments with regard to the appropriate sanction in the event that the Board found just cause to take action against his certificates. It also explained that, upon review of the charges against him and the legal arguments tendered in his defense, the Board would determine if his disqualifying offense warranted action against his certificates. Thereupon, the Board would also determine the appropriate sanction, if any. Dippolito was also offered the opportunity to appear before the Board to provide testimony on the sanction issue. Dippolito responded on March 2, 2016.

In that response, Dippolito argued that revocation or even suspension of his certificates was too harsh a penalty and was not supported by previous Board decisions. (Hearing Response, pp. 1-4). He noted that he was never “convicted” of any offense but pled guilty with the full cooperation and agreement of the Robbinsville administrators who received the email. (Hearing Response, pp. 5-6).

Dippolito added that those administrators also allowed him to continue to use laudatory reference letters they had written for him during a prior reduction in force in 2012. (Hearing Response, p. 7). He also referenced other letters which established that he was now fully capable of “continuing to be the exemplary educator that [I] was within the Robbinsville School District in the Moorestown School District” where he was now employed. (Hearing Response, p. 8). Dippolito argued that the offense to which he pled guilty related to a violation of a Municipal Noise Ordinance that did not require the loss of his teaching certificates. (Hearing Response, p. 9). He further opined that the Robbinsville Administrators knew his conduct in sending the email “was the product of extraordinary grief...” (Hearing Response, p. 9). He therefore asked the Board to withdraw the Order to Show Cause. (Hearing Response, p. 9). Dippolito did not request to appear before the Board.

In addition to his Hearing Response, Dippolito submitted a Supplemental Certification dated November 2016. In that Certification, Dippolito updated the Board on his accomplishments in the Moorestown School District where he had been teaching successfully and without incident since December 2015. (Supplemental Certification, ¶¶ 1-20). He also recounted his teaching methods and the innovations he had introduced to the French curriculum since joining Moorestown. (Supplemental Certification, ¶¶ 7-20). Finally, Dippolito expressed his repeated hope that the Board would take no action against his certificates so that he could continue “to be the passionate effective educator who has been successful throughout all of my years of teaching and engaging my students in the wonderful experience of learning a foreign language.” (Supplemental Certification, ¶ 25).

The threshold issue before the Board in this matter is whether Dippolito’s conduct and conviction constitute conduct unbecoming a certificate holder. At its meeting of December 9, 2016, the Board considered the allegations in the Order to Show Cause as well as Dippolito’s Answer, Hearing Response and Supplemental Certification with their attached certifications and exhibits. The Board determined that no material facts related to Dippolito’s offense were in dispute since he admitted that he had pled guilty to the offense charged and had sent the email at issue. Thus, the Board determined that summary decision was appropriate in this matter. *N.J.A.C. 6A:9B-4.6(h)*.

The Board must now determine whether Dippolito's conduct and conviction, as set forth in the Order to Show Cause, represent just cause to act against his certificates pursuant to *N.J.A.C. 6A:9B-4.4*. The Board finds that they do.

The Board may revoke or suspend the certification of any certificate holder on the basis of demonstrated inefficiency, incapacity, conduct unbecoming a teacher or other just cause. *N.J.A.C. 6A:9B-4.4*. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321. Moreover, unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. of Educ.*, 130 *N.J.L.* 369, 371 (1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). In this matter, Dippolito's action in sending a vituperative and hate-filled email to several of his former administrators is conduct that indicates a serious lapse in judgment. Moreover, it is of no moment whether his conviction was established through judicial adjudication or plea bargain as it cannot negate the conduct in which he engaged. Nonetheless, it is clear that Dippolito had a long and unblemished career prior to this incident with many outstanding evaluations and professional accolades. The fact that his former administrators allowed him to continue to use their previously-written recommendation letters speaks highly to the teacher he was. Moreover, his certifications and his other reference letters paint a portrait of a man who was and still could be a successful and valued educator. In light of all of this mitigating evidence, the Board therefore concludes that the appropriate response to Dippolito's breach is a six-month suspension of his certificates.

Accordingly, on December 9, 2016, the Board voted to suspend Guy Dippolito's Teacher of French and Teacher of English as a Second Language Certificates of Eligibility and his Teacher of French, Teacher of English as a Second Language and Teacher of Psychology certificates, for a period of six months, effective immediately. On January 19, 2017, Dippolito's suspension took effect. On this 12th day of May 2017, the Board voted to adopt this amended decision and it is therefore ORDERED that the six-month suspension of Guy Dippolito's certificates be effective as of the original suspension date of

January 19, 2017. It is further ORDERED that Dippolito return his certificates to the Secretary of the State Board of Examiners, Office of Certification and Induction, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

RRH/MZ/th

Date of Mailing:
via certified and regular mail

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-38.4.