

STATE OF NEW JERSEY COMMISSIONER OF EDUCATION

IN THE MATTER OF THE ARBITRATION
OF THE TENURE CHARGES

DOE DOCKET NO. 382-12/24

between

BAYONNE BOARD OF EDUCATION,

Petitioner,

-and-

LAWRENCE SANGI,

Respondent

OPINION

AND

AWARD

BEFORE:

Michael J. Pecklers, Esq., Arbitrator

DATE(S) OF HEARING:

January 29, 2025; February 25-26, 2025

DATE OF AWARD:

April 16, 2025

APPEARANCES:

For the Petitioner:

Edward J. Florio, Esq., FLORIO, KENNY, RAVAL, L.L.P.

Christopher K. Harriott, Esq.

Emily Boodoo, Esq.,

Marian Thompson-Bass, Guidance Counselor (February 25, 2025 only)

Y.V., Student

For the Respondent:

Ethan M. Felder, Esq., OXFELD COHEN, P.C.

Lawrence Sangi, Respondent

Kristen Scarpelli, Instructor

Tiffany Aballo, Instructor

(February 26, 2025 only)

I. BACKGROUND OF THE CASE

Lawrence Sangi ("Mr. Sangi" or "Respondent") has been employed by the Bayonne Board of Education ("the Board" or "Petitioner") since 2007, thereafter achieving tenure as an instructor, pursuant to *N.J.S.A. 18A:28-5*. At all times that should be considered relevant for the purposes of this proceeding, Mr. Sangi was assigned as a Teacher of US History at Bayonne High School. On November 19, 2024, the Board met in closed Executive Session to consider tenure charges of CONDUCT UNBECOMING AND OTHER JUST CAUSE filed against Mr. Sangi pursuant to *N.J.S.A. 18A:6-17.3* on October 15, 2024.

At that time, the Charges, the Statement of Position submitted by Mr. Sangi, and the Statement of Evidence presented were considered. The Board then unanimously determined by a 6-0 vote that there was probable cause to credit the evidence in support of the Charges and that the Charges if credited, were sufficient to warrant the dismissal of Mr. Sangi's employment with the District. See November 21, 2024 CERTIFICATION OF TENURE CHARGES by Board Secretary Castles at Board Exhibit 1. Previously, on March 20, 2023 following a call from the parent of Student Y.V., then-Principal Richard Baccarella placed Mr. Sangi on immediate administrative leave after meeting with him and his Association president. This was memorialized in a letter from Superintendent Niesz to Mr. Sangi that same date. On November 22, 2024, Board Counsel Edward J. Florio, Esq., of FLORIO, KENNY, RAVAL, L.L.P. forwarded the tenure charges to Kevin Dehmer, Acting Commissioner New Jersey Department of

Education pursuant to *N.J.S.A.* 18A:6-1, requesting that a hearing on such charges be scheduled expeditiously.

On December 16, 2024, Respondent through Ethan M. Felder, Esq. of OXFELD COHEN, P.C. filed an ANSWER TO TENURE CHARGES, with Jennifer Simons, DOE Director of Controversies and Disputes. On December 20, 2024, Director Simons acknowledged receipt of the certified tenure charges; advised that the tenure charges had been reviewed and deemed sufficient, if true to warrant dismissal or reduction in salary; and notified counsel of their referral to me as Arbitrator, pursuant to *N.J.S.A.* 18A:6-16.

In a December 30, 2024 letter to counsel, I notified them of my appointment, offering potential dates for a conference call and hearings. In the event that interrogatories were to be propounded, reference was also made to the fact that they should be limited to 25, with no subparts. Respective discovery obligations were also detailed. The conference call went forward as scheduled on January 8, 2024, when I initially disclosed that I had worked with Mr. Florio in the Hoboken Law Department in 1989, when I was special labor counsel. I further acknowledged that I do a significant amount of business with Mr. Felder's firm, OXFELD COHEN, P.C. Counsel indicated that they had no issues with these disclosures.

The record in the matter was opened on January 29, 2025, with opening arguments accepted via conference call. Hearings were then convened at the

Board Offices in Bayonne, New Jersey on February 25-26, 2025, which proceeded in an orderly manner. At hearing, counsel were provided with a full opportunity to introduce relevant and admissible documentary evidence; to participate in oral argument; and to undertake the direct and cross-examination of sequestered witnesses who testified under oath. Mr. Sangi was present in the hearing room at all times. A verbatim transcription of the proceedings was provided by MAGNUM LEGAL SERVICES. Post-hearing briefs were timely filed on March 31, 2025, with the record declared closed. This AWARD is issued consistent with the time period detailed in the DOE extension request approval of March 6, 2025.

II. FRAMING OF THE ISSUE

Has the Bayonne Board of Education established the subject tenure charges of Conduct Unbecoming and Other Just Cause, by a preponderance of the credible evidence? If so, what shall be the appropriate penalty?

III. POSITIONS OF THE PARTIES

The Bayonne Board of Education

The Bayonne Board of Education bears the burden of establishing by a preponderance of the evidence that Sangi violated Board of Education Policy 3217 against touching a person in an offensive way, and that such violation established just and sufficient cause for his termination. Under the preponder-

ace of the evidence standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true, i.e. "more likely than not." Here the BBOE believes that the credible facts before the Arbitrator — specifically, the unrebutted testimony of the student, Y.V. — are sufficient to sustain the charges that Sangi engaged in conduct unbecoming of a teaching staff member and that his conduct constitutes other just cause warranting Sangi's permanent dismissal from employment.

The Board submits that the quantity and quality of the evidence against Sangi overwhelmingly supports the BBOE's arguments that the alleged incidents occurred, and that the student victim Y.V. was telling the truth when she reported the incident to school officials and when she testified at the tenure hearing on February 25, 2025. Moreover, the Board submits that given Sangi's prior suspension for a similar incident involving a female student years prior to the allegation at hand, his claim that this was the first time something like this happened is simply not credible.

Bayonne Board of Education Policy 3217 clearly states that "a teaching staff member who touches a pupil in an offensive way even though no physical harm is intended will be subject to discipline by this Board and may be dismissed. *N.J.S.A. 18A:6-1; 18A:37-1* (adopted July 28, 1997)." Here, the testimony of Y.V. supports a finding that such policy was violated by Sangi and that he engaged in conduct unbecoming a public-school teacher. During that testimony, Y.V. described in great detail: (1) when the events occurred; (2) the

setting of the events; (3) how the incidents occurred; (4) the length of time in which the events occurred; (5) the mannerisms of Sangi during these incidents; (6) the way she felt when the events occurred; (7) how she reacted when those incidents occurred; (8) who she told about the incidents; (9) when she reported the incidents; (10) why she didn't report the incidents right away; and (11) her experience in Sangi's class prior to these incidents.

More specifically, here, Y.V. reported the incidents to Bayonne school officials because she was uncomfortable with Sangi's behavior. See TI10:14-25; TI11:1-13. Y.V. further testified that the first incident occurred on October 27, 2022 and that it happened in Sangi's classroom. TI14:2-9. Y.V. testified that on that date, she was doing an assignment in class and that Sangi would usually go around and talk to the students and "make sure everybody is understanding things." TI14:13-17. She testified that Sangi came to her desk, pulled up a chair next to her and put his hand on her right upper inner thigh as he was talking to her about her work. TI14:19-25. Y.V. further testified that Sangi left his hand in one place on her thigh for around thirty seconds and did not move his hand around. TI16:7-16. She testified that she did not tell Sangi that he could place his hand on her right upper or inner thigh. TI17:24-25; TI18:1-5. Further, the student victim testified that she felt "weirded-out and uneasy" when Sangi touched her because a "grown man was touching me in my inner thigh." TI18:22-25; TI19:1-3.

As it pertains to the second alleged incident, Y.V. testified that the second incident occurred after Christmas break in January of 2023. TI19:8-25. She

testified that the incident occurred shortly after she entered into Sangi's classroom at the start of the period. Y.V. testified that she had walked up to Sangi and there was a chalkboard behind her with chalk on it and when she turned around, her friend notified her that she had chalk on her clothes. TI20:10-20. She testified that at that point she turned around to Sangi and told him that she had chalk on her clothes and he proceeded to wipe her butt area to wipe the chalk off. TI20:10-20.

Y.V. also testified that the chalk was on her hoodie, specifically on the hood of her sweatshirt, yet Sangi touched her "butt." TI20:21-25; TI21:1-9. She further testified that Sangi had his hand on her butt for around three seconds, and that he was brushing or "caressing" it while saying "it's everywhere." TI22:3-18. Y.V. also testified that she did not tell Sangi it was okay to touch her, nor did he ask if it was okay for him to brush the chalk off of her. TI22:24-25; TI23:1-5. She testified that she felt "weirded-out" when this second incident occurred. TI22:6-8.

As it pertains to the third incident, Y.V. testified that she recalled that in the classroom, there was discussion about Amy Winehouse and he was playing jazz music when Sangi said something along the lines of "when you guys are older, if you become strippers, I'll give you money." TI23:9-23. She also testified that she believed these comments were directed at her two female classmates "D" and "L" but it could have been to everyone. TI24:2-4.

Sangi's cross-examination was focused entirely on the fact that no other

student witnessed these events and that Y.V. did not report them contemporaneously with their occurrence. However, given Y.V.'s testimony as to where these incidents occurred, the fact that no one else witnessed them does not cast doubt on whether or not they occurred. With respect to the first incident, Y.V. testified that Sangi was sitting immediately adjacent to her, with his hands underneath the table. TI43:5-23. As such, his conduct would not be visible to anyone else sitting at the table. Likewise, with respect to the second incident, Y.V. testified that the unwanted touching by Sangi occurred during the chaos and commotion of students entering the classroom and that Sangi was seated at his desk behind her where other students would not be able to observe his actions. TI45:12-23; TI48:23-48:16.

It is critical to note Sangi did not deny the allegations, rather, he testified that he could not recall such incidents occurring. TI56:16; TI67:2-5. He did not have a specific recollection of either incident. TI64:17-19. In fact, when asked about the second incident, and whether he touched Y.V.'s backside while wiping chalk off her clothing, Sangi responded "[c]an't say it did not occur, but I just have no recollection." TI65:5-10. The entirety of his defense was centered around the fact that he is passionate about history and is engaged in many community activities, such as Boy Scouts. At no point did he address the specific allegations against him, nor could he offer any explanation as to why Y.V. would make such allegations. TI67:19-68:3. Moreover, the "character witnesses" offered by Sangi added no relevant testimony on the matter. In fact, neither witness seemed to be

fully aware of the specific allegations or the fact that Sangi had been disciplined for similar behavior in the past. While Sangi's counsel, in opening statements suggested that Sangi had previously been falsely accused of improper touching, and was once again being falsely accused, Sangi admitted to such prior conduct during his testimony. TI66:17-67:3.

A charge of unbecoming conduct by a tenured public school teacher member requires only evidence of inappropriate conduct by teaching professionals, which focuses on the "morale, efficiency, and public perception" of an entity, and how those concerns are harmed by allowing teachers to behave inappropriately while holding public employment. *Bound Brook Bd. Of Education. v. Ciripompa*, 228 NJ 4 (2017). Additionally, a school board is not required to prove a severe and pervasive effect for every harassment-based offense that buttresses a charge of unbecoming conduct by a tenured public-school teacher and the school district will not be hamstrung by failing to establish a claim beyond unbecoming conduct. *Id.* Ultimately, the touchstone of unbecoming conduct authorizing dismissal of a tenured school employee lies in the "fitness to discharge the duties and functions of one's office or position." *In re Young*, 202 N.J. 50 (2010).

In New Jersey, there is no shortage of case law that clarifies which actions constitute conduct unbecoming a public-school teacher. For instance, in *Matter of Tenure Hearing of Harrell*, 93 N.J.A.R.2d (EDU) 387 (N.J. Adm. April 22, 1993) a Paterson School district physical education teacher's use of "corporal punish-

ment,” unjustified physical contact with students, use of profane and inappropriate language, and falling asleep during duty were all acts that warranted the teachers termination. *Id.* Another example would be the Jersey City school district teacher in *Matter of Tenure Hearing of Mantone*, 93 N.J.A.R.2d (EDU) 322 (N.J. Admin, Mar. 17 1993), who wrote love letters to female students over a period of a few months and was found to have engaged in unbecoming conduct which warranted dismissal. Also, in the school district of Orange, a teacher’s use of profanity, derogatory remarks about women, sexual references, sleeping in class, and racial and ethnic slurs constituted unbecoming conduct which warranted the teacher’s removal from the position. *Matter of Tenure Hearing of Sheridan*, 92 N.J.A.R.2d (EDU) (N.J. Admin. Feb. 6, 1992, *aff’d* (N.J. Admin, June 3, 1992).

Another relevant instance of unbecoming conduct can be found in *Matter of Tenure Hearing of Cooke*, 92 N.J.A.R.2d (EDU) 220 (N.J. Admin. Aug, 30, 1991) wherein an East Rutherford school district teacher, who was also a seventeen-year veteran teacher, engaged in a series of incidents of sexual contact and improper touching of junior high school students. One important note regarding the student victim, M.M., who was at the center of these allegations, is that she was never disappointed with any grades she received from the teacher, nor did she ever have a problem with him prior to the incidents alleged. *Id.* The inappropriate touching of these female students was found to constitute conduct unbecoming of a teaching staff member warranting dismissal. *Id.*

Additionally, the school, district of Waterford Township brought tenure charges against a physical education teacher in *Matter of Tenure Hearing of Borrelli*, 91 N.J.A.R.2d (EDU) 77 (N.J. Admin. Oct. 25, 1991). In that case, the evidence was sufficient to find that the tenured teacher was guilty of conduct unbecoming of a teacher and improper sexual contact towards students for inappropriately touching female students and exposing his genitals during class, which ultimately warranted dismissal. *Id.*

As such, it is without dispute that inappropriately touching a student and/or making derogatory remarks about women, as was alleged herein, are among the many actions that constitute unbecoming conduct of a teaching staff member. Accordingly, in as much as Y.V.'s testimony was credible and unrebutted, the Bayonne Board of Education submits that it has met its burden to establish by a preponderance of the evidence, that Sangi engaged in conduct unbecoming a public-school teacher; that his tenure protection should be revoked; and that he should be terminated from his duties.

Respondent Laurence Sangi

The within matter comes before the Arbitrator pursuant to tenure charges against Lawrence Sangi (hereinafter "Sangi") certified on November 21, 2024. The Bayonne Board of Education (hereinafter "the Board") claims that it maintains just cause to terminate Sangi due to alleged misconduct. Sangi denies the charges and asserts that no just cause exists to terminate his employment.

On January 20, 2025, the Board provided the Arbitrator with its initial list of potential witnesses as follows: John Niesz, Superintendent of Schools, Richard Baccarella, former Bayonne High School Principal, Ms. Jeannette Abreu – Parent, YV, Marleen Chariavalloti – counselor, Kenneth Kopacz – Assistant Superintendent of Schools, Thomas Fogu – Assistant Superintendent of Schools, Daniel Castles – Board Secretary, and Gary Maita – former Board Secretary. On February 25 & 26, 2025, a tenure hearing was held before Arbitrator Michael J. Pecklers. Significantly, at the tenure hearing, only Y.V. testified on behalf of the Board. Tiffany Abellio and Kristen Scarpelli testified on behalf of Sangi, who also testified.

Y.V. testified she is 18 years old and currently in the 12th grade at Bayonne High School. On March 20, 2023, Y.V. filled out an Incident Report Form in the principal's office alleging two incidents occurred. Y.V. alleged the first incident "occurred around November, late October". TI13:23-24. Y.V. alleged Sangi approached her desk to discuss an assignment and proceeded to touch her right inner thigh for "around like thirty seconds or a little more." TI14:23-24; TI16:15-16. When asked what Sangi was talking to her about during the alleged incident Y.V. testified "I don't remember." TI16:24. Further, Y.V. testified "I don't remember if there [were] people sitting with me." TI14:19-20.

On cross-examination, Y.V. offered conflicting testimony on this very point. When asked "[d]o you remember like in the full classroom if there were any students at your table?" Y.V. testified "I remember two." TI30:8-11. On re-direct

examination, when asked whether “Sangi sat down next to any of the other students at the table before he sat down next to you?” Y.V. testified “I don’t remember.” TI42:16-19. Y.V. testified none of the students seated at her table at any point in time during the alleged incident or the entire classroom period said anything to her about what had allegedly occurred for a period of around 30 seconds. TI30:18-21. Y.V. testified she never said anything to the effect of “what are you doing?” or “how dare you?” or “this is weird” despite allegedly feeling “weirded-out.” TI35:12-24. Y.V. described Sangi as a “laid back”, “talkative”, and “interactive” teacher. TI36:13-16; 19.

Y.V. alleged a second incident occurred “around Christmas break or after Christmas break.” TI19:9-10. When presented with her Incident Report form, Y.V. changed her testimony now alleging the incident happened in “January of 2023.” TI19:23-24. Y.V. alleged at the start of the class period she was located in the “back of the classroom where the blackboard was.” TI21:14-15. At a certain point, Y.V. testified her friend “D was behind me and I walked up to Mr. Sangi and there was a blackboard behind me with chalk on it.” TI20:11-13. On re-direct examination, Y.V. offered the following conflicting account: “[s]o when we walked in the room and I was in front of her, and she was behind me. And then when I walked up to Mr. Sangi near the board, she was next to me and when I turned to him to talk to him, she was behind me. Then I turned to her because I was showing him my sweater and she was in front of me.” TI44:10-16. Y.V. testified her friend allegedly exclaimed “[o]h my God, you got chalk everywhere.” Then

[Y.V.] turned around to Mr. Sangi and said “[o]h my gosh, there’s chalk” to which Sangi responded “[o]h my God it’s everywhere.” TI20:17-20; TI22:17-28. When asked where the chalk was located, Y.V. alleged “[m]y friend told me it was on my hoodie, but I couldn’t see because it was behind me.” TI38:4-7. On cross-examination, Y.V. alleged her friend now named “J” was located five feet away and “couldn’t see the incident that took place.” TI38:4-7. Y.V. alleged none of the twenty students in the classroom saw the incident. TI39:6-8. Y.V. further alleged none of the students in the classroom reacted during the alleged incident. TI47:20. Y.V. alleged Sangi “brushed” her backside for “a couple seconds. Like three seconds.” TI21:25; TI22:2, 9. Y.V. also alleged Sangi made statements about “strippers” to “two students named D and L, but it could have been to everyone.” TL23:11; TL24:2-4.

Sangi testified he has been employed as a social studies teacher at Bayonne High School for 18 years since 2007. Sangi obtained a Bachelor’s in American History, his teacher certification from Saint Peter’s College, a Master’s degree in Education & Leadership, and a Master’s degree in American History from Pace University. Sangi is certified to teach K through 12, Social Studies. Sangi testified remembering Y.V. as “quiet, but she did fine.” TL54:3-4. Sangi testified he never touched Y.V. TL55:7-14. Sangi described the entire matter as “unnerving.” TI55:18. Sangi testified his wife has suffered anxiety and depression arising from the tenure charges and has had to seek professional mental health treatment. Sangi testified he was never interviewed by any school official

investigating the allegations nor by the Department of Children and Families, Institutional Abuse Investigation Unit ("IAIU").

Regarding the IAIU investigation of the alleged incidents Sangi testified "nothing came of it." TI55:25. Sangi testified Y.V. "never" appeared uncomfortable during the eight months Sangi was her teacher. TI59:10-12. Sangi has been involved in the Scouts for forty-nine years. In that time, Sangi testified there has never been any allegation lodged against him of improperly touching a child. Sangi's former Cub Scouts now teach at Bayonne High School. Sangi's family has deep roots in the Bayonne public schools. Sangi testified "[t]his past year marks ninety-five years that somebody in my immediate family has been working with the Board of Education, and most of that time here at Bayonne High School. My father started in 1929, retired in '74-ish." For Sangi, he "can't go anywhere and not teach." TI62:20-21. Sangi has been removed from the classroom for two years and has not received a salary for 120 days.

Kristen Scarpelli (hereinafter "Scarpelli") has been an English teacher at Bayonne High School for the last twenty-six years. Scarpelli described Sangi as "upstanding" and a "role model" in relation to his Scout involvements. TII6:16-17. Scarpelli worked with Sangi at night school with a lot of students with "not only behavioral issues, but emotional issues, and Mr. Sangi was always someone that they could go to if they were having an issue or a problem." TII8:17-20. Scarpelli testified Sangi has always put himself forward as a professional. Scarpelli expounded on that point testifying Sangi always "displayed empathy and

compassion for the students in the night school." TII9:10-11.

Tiffany Aballo (hereinafter "Aballo") has been employed as a math teacher at Bayonne High School for the last twenty-three years. As a colleague, Aballo described Sangi as a self-less professional. Aballo elaborated on that point testifying "[h]e's everybody's best friend, like confidante. Like I said, he'll, you know, he wants his teachers to be happy." TII18:11-13. Further, Aballo described how "the students love him. They absolutely love him, his personality, his knowledge of history." TII21:3-7. Regarding Sangi's devotion to colleagues Aballo described how "every June [Sangi] would have teachers come for a luncheon, that wasn't a school sponsored event. He wanted to bring us altogether to commemorate the year, and say let's get ready for summer." TII21:3-7. According to Aballo, the students at the high school would be well-served by Sangi back in the classroom.

The Board has failed to establish just cause to terminate Sangi's employment. The evidence adduced at the hearing did not meet the Board's burden to establish it had just cause to terminate Sangi's employment. We begin the analysis with the presumption of innocence twinned with Sangi's lengthy eighteen-year tenure of employment. The facts elicited at the hearing demonstrate the Board has failed to meet its burden to prove the allegations by a preponderance of the evidence.

First and foremost, the allegations were never corroborated by *any* of the

following critical parties to this matter: 1) a parent 2) a single school official – notably the principal 3) another student in the classroom during either of the alleged incidents 4) a therapist or guidance counselor or 5) the Department of Children and Families, Institutional Abuse Investigation Unit investigation (hereinafter “IAIU”). Importantly, Y.V.’s parent was on the Board’s initial list of potential witnesses and did not testify. Moreover, Y.V. was accompanied by the school guidance counselor at the hearing who, also, did not testify. Further, over half a dozen Board officials were scheduled to testify and elected not to.

Significantly, the matter was referred to IAIU, which did not act on the allegations following an investigation. In fact, the IAIU investigation never materialized; the agency closed its case at the screening, or preliminary review phase. Therefore, this legal question has already been resolved in the most favorable fashion for Sangi. The absence of official action by the governmental body charged with exposing and prosecuting exactly the harm alleged carries heavy weight. In sum, the Board’s entire case rested on a self-serving recitation of an Incident Report form submitted months after both incidents allegedly occurred.

Second, the evidence adduced at the hearing enveloped the allegations with inconsistency and incredibility. Regarding the first alleged incident, on direct examination, Y.V. testified she did not remember whether there were any other students sitting at the table with her during the alleged incident. On cross-examination, she provided conflicting testimony stating there were in fact two

students sitting at the table. This blatant and glaring inconsistency in Y.V.'s testimony is significant. In addition, Y.V. testified she did not say anything during the thirty-second alleged incident because she was "in shock." Yet Y.V. neither 1) said stop; 2) reported the alleged incident to *anyone* for five months – not a parent, or any other person of responsibility nor 3) provided a contemporaneous account of the alleged incident to a fellow student who could corroborate it at the hearing.

The lack of all three of these important elements casts serious doubt on the credibility of Y.V.'s testimony. Moreover, given the gravity of the allegation, it is significant Y.V. testified she did not remember the content of the assignment/classroom instruction Sangi was discussing with her during the alleged incident. Further, no report of the first alleged incident was made for *five months* – by anyone -- during which time Y.V. was a student in Sangi's classroom. Significantly, Y.V.'s parents, after being made aware of the second alleged incident in January 2023, failed to alert *anyone* at the school to Sangi's alleged misconduct in the classroom at *any* point in time prior to his removal two months later. None of this makes sense when held up to scrutiny.

Third, Y.V. offered a conflicting and implausible account of the second alleged incident. Y.V. testified at a certain point in time in January 2023 she was alerted by a friend she had chalk on her hoodie. She then turned to Sangi seemingly inviting him to get the chalk off her. Notably, Y.V. testified her friend who had alerted her of the chalk on her hoodie was standing five feet away from

her, but somehow somehow did not witness Sangi allegedly touch her backside. Given the proximity and the fact that both were in front of a classroom full of twenty students Y.V.'s testimony that none of the students witnessed the alleged incident nor reacted in any way is simply not credible. Moreover, given this was a second alleged incident, the fact that Y.V. waited months before reporting it to anyone at the school casts serious doubt on her credibility. Further, according to Y.V.'s testimony, Y.V.'s parents were made aware of the second alleged incident in January 2023 but also chose not to alert anyone at the school when their daughter remained in Sangi classroom for two months casts further doubt on the credibility of Y.V.'s testimony and the underlying allegations.

Fourth, the inaction of Y.V.'s parents is serious and significant. Neither parent testified at the hearing. Neither parent alerted the principal at any point. Neither parent complained to Sangi. Neither parent initiated litigation nor filed a police report. Neither parent alerted the parent teacher association. Fifth, the character evidence adduced by Aballo and Scarpelli undermines the nature of the allegations. Both teachers portrayed a devoted and selfless professional who has gone above and beyond to always nurture student self-esteem and growth over the course of eighteen years. This is in keeping with the public service orientation the Sangi family has exuded in service to the people of Bayonne. Bayonne rises with the likes of Lawrence Sangi acting as an exemplar of erudition, empathy, and genuine passion for learning and student success. It is past time for Sangi to return to his beloved homeroom to provide that enriching

historical instruction he is so beautifully known for.

Taken all together, the Board has failed to meet its burden of showing the preponderance of the evidence establishes the allegations. In conclusion, for all the foregoing reasons, because the Board has failed to establish the charges by a preponderance of the evidence, the Arbitrator must reinstate Mr. Sangi with full back pay.

IV. STATEMENT OF THE CASE

At the outset of this discussion, notice is taken that the tenure laws of the State of New Jersey were originally enacted and designed to establish a "competent and efficient school system," and to protect teaching and other staff from dismissal for "unfounded, flimsy or political reasons." *See generally Viemeister v. Prospect Park Board of Education*, 5 N.J. Super. 215, 218 (App. Div. 1949); *Spiewak v. Rutherford Board of Education*, 90 N.J. 63 (1982). The statutory status of a tenured individual should accordingly not be lightly removed. *See, In re Tenure Hearing of Claudia Ashe-Gilkes, City of East Orange School District*, 2009 WL 246266 (January 12, 2009), *adopted* by the Commissioner of Education (May 28, 2009). Petitioner's STATEMENT OF CHARGES in this case includes the following:

Charge 1: Conduct Unbecoming a Teaching Staff Member

In or about November 2022, Sangi inappropriately touched a female student, I.D. # 945525, in his class while discussing her class work. More specifically, Sangi, while seated next to the student, placed his hand on the student's thigh. (See attached

Bayonne High School Incident Report Form, dated March 20, 2023).

In or about January 2023, Sangi inappropriately touched the same female student on her buttocks. More specifically, Sangi was advised by the student that she had blackboard chalk on her sweatshirt and proceeded to wipe the chalk onto the student's buttocks. (See attached Bayonne High School Incident Report Form dated March 20, 2023).

On numerous occasions during the 2022-2023 school year, Sangi made inappropriate remarks in class regarding 'strippers' and the appearance of female students in his class. (See attached Bayonne High School Incident Report Form dated March 20, 2023).

Charge 2: Other Just Cause

The above-described conduct constitutes other just cause warranting Sangi's permanent dismissal from employment.

N.J.S.A. 18A:6-10 provides that a tenured teacher may not be dismissed or reduced in compensation "except for inefficiency, incapacity, unbecoming conduct, or other just cause..." As the moving party in this disciplinary matter, the Board assumes and has accepted the prefatory burden of making a *prima facie* showing that it has satisfied or established the sufficiency of the unbecoming conduct and other just cause tenure charges by a preponderance of the credible evidence. See *Cumberland Farms, Inc. v. Moffett*, 218 N.J. Super. 331, 341 (App. Div. 1987); *In re Tenure Hearing of Grossman*, 127 N.J. Super. 13, 23 (App. Div. 1974 cert. denied 65 N.J. 292 (1974)); *In re Phillips*, 117 N.J. 567, 575 (1990); *In re Polk*, 90 N.J. 550 (1982); *Atkinson v. Parsekian*, 37 N.J. 143 (1962); *In re Tenure Hearing of Ziznewski*, A-0083-10T1, 2012 WL 1231874 (New Jersey Sup. Ct. App. Div. April 13, 2012) (unreported); see also *State v.*

Lewis, 67 N.J. 47 (1975) (defining *preponderance* as the “[g]reater weight of the credible evidence in the case.”); *Bornstein v. Metropolitan Bottling Co.*, 26 N.J. 263, 275 (1958); *Spagnuolo v. Bonnet*, 16 N.J. 546, 554-555 (1954).

Should that be accomplished, the burden of production will shift to Respondent to proffer and prove his affirmative or exculpatory defenses. The evidence needed to meet a board's burden is not to be taken frivolously and must be viewed on a case-by-case basis. *In the Matter of Ziznewski, School District of Township of Edison, Middlesex County*, OAL Docket No. EDU 4727-08 (May 5, 2010). After a comprehensive analysis of the evidence of record, with full consideration afforded the respective positions of the parties and case citation, I find that Petitioner has satisfied its obligations under the law, requiring that the tenure charges be **SUSTAINED**, with Mr. Sangi dismissed from his employment with the Bayonne Board of Education.

The material facts of the case are both disputed and undisputed, with Respondent's trial strategy to generally leave Petitioner to its proofs while discounting the same, and focusing upon mitigation. The former requires that credibility determinations be made. At page 33, n. 4 of my Award in *Indian River Medical Center and International Brotherhood of Teamsters, Local 769*, FMCS Case No. 11-51617-3 (Pecklers, 2011), I cited with approval the award of Arbitrator Berquist in *Abbott Northwestern Hospital*, 94 LA 621, 630-631 (Berquist, 1990). In assessing a witness's credibility, the *Berquist* analysis takes into consideration the following factors:

- (1) their interest or lack of interest in the outcome of the case;
- (2) their relationship to the parties;
- (3) their ability and opportunity to know, remember and relate the facts;
- (4) their manner and appearance;
- (5) their age and experience;
- (6) their frankness and sincerity or lack thereof;
- (7) the reasonableness or unreasonableness of their testimony in light of all the other evidence in the case;
- (8) any impeachment of their testimony;
- (9) any other factors that bear on believability and weight.

When the competing testimony is viewed against this prism, it is abundantly clear that of student Y.V. must be credited, as it was straight forward, credible and fully consistent with the statement provided to the Board officials on March 20, 2023. After giving background information and identifying her written statement at Board Exhibit 2, Ms. V turned to the particulars of her allegations. She recalled that the first incident occurred around late October of 2022 in Mr. Sangi's US History classroom.

According to Ms. V, when they were doing an assignment, Mr. Sangi would usually go around and talk to the students, to make sure that everybody was understanding things. On this day, he came to her desk and pulled up the chair that was next to her. Mr. Sangi then placed his hand on her right upper, inner thigh, while talking to her about her work. Ms. V urged that Mr. Sangi left his

hand in one place, keeping it there for about thirty seconds. A denial followed that Ms. V told Mr. Sangi it was okay to put his hand on her or that he had asked her if he could. This made her feel “weirded-out because a grown man was touching her in her upper thigh,” she allowed. TI13:21-25; TI14:10-25; TI16:1-25; TI17:13-14; TI18: 1-7, 24-25; TI19:1-3.

After having her recollection refreshed by reference to her statement at Board Exhibit 2, Ms. V testified that the second incident took place in January 2023. During that event, she went into class at the start of the period with her friend “D” behind her and walked up to Mr. Sangi. There was a blackboard behind her and her friend told her that there was chalk on her hoodie and everywhere. Ms. V testified that she then turned to Mr. Sangi and said, “oh my gosh, there’s chalk everywhere.” Respondent who was sitting down, then brushed her butt area to get the chalk off, with his hand remaining for about three seconds. A similar denial as with the first incident followed, that Ms. V had not asked Mr. Sangi to brush the chalk off, or told him that it was okay to touch her. The behavior made Ms. V feel “weirded-out,” she offered. TI19:20-25; TI20:10-22; TI21:16-25; TI22:7-13, 21-25; TI23:1-8.

As to the third allegation, Ms. V explained that the class was talking about Amy Winehouse, and Mr. Sangi was playing jazz music that he sometimes put on. He then said something along the lines of “when you guys are older if you become strippers, I’ll give you money.” The witness said she believed that the comment was directed to students “D” and “L,” but stated that it could have been

the entire class. It had nothing to do with US History. TI23:17-25; TI24:9-10. With regard to the line in her Statement “and I don’t think he’ll stop being weird,” Ms. V maintained that she was aware there had been a case in 2012, with a similar incident and that students around the school always talked about that. At the conclusion of direct examination, an opinion was expressed that Mr. Sangi had not really learned from the first time. TI25:21-25; TI26:1-5; TI27:8-19.

Mr. Sangi testified in his own defense, and initially provided background information related to his teaching experience and Ms. V’s background as a student. He denied that he put his hand on Ms. V’s upper right thigh; that he would ever do so for thirty seconds; or that he had touched her butt. Mr. Sangi likewise denied that Y.V. at any point in time seemed uncomfortable in his class; told him that he had made her feel uncomfortable; or was informed by a parent that he made their daughter feel uncomfortable. TI54:1-25; TI55:1-25; TI59:6-17.

The initial determination that a TEACHNJ arbitrator must make is whether a respondent’s proven conduct amounts to unbecoming conduct and that question must be answered in the affirmative herein. The term *unbecoming conduct* by a teacher or other public employee is not defined in the statutes or regulations, and has been described as an “elastic phrase.” In *Karins v. City of Atlantic City*, 152 N.J. 532, 551 (Coleman, 1997), the Supreme Court of New Jersey addressed the issue with respect to a police officer. The guidance provided is equally applicable in the instant case, with Justice Coleman opining that:

New Jersey Courts have applied the standard of ‘conduct

unbecoming' in numerous cases involving the discipline of police officers. For instance, in *In re Emmons*, 63 N.J. Super. 136, 164 A.2d 184 (1964), the Appellate Division confronted the issue whether [88717] an off-duty police officer's refusal to cooperate and to submit to a sobriety test following an automobile accident constituted 'conduct unbecoming an officer.' *Id.* at 140, 164 A.2d 184. The court observed that '[t]he phrase is a classic one,' that has been defined as 'any conduct which adversely affects the morale or efficiency of the bureau ... [or] which has a tendency to destroy public respect for municipal employees and confidence in the operation of municipal services.' *Ibid.* (quoting *In re Zeber*, 398 Pa. 35, 156 A.2d 821, 825 (1959)).

Conduct unbecoming a teacher has been found to include a broad range of behavior that impacts a teacher's ability to perform his duties or otherwise renders him unfit to have the responsibility to care for children. Parenthetically, the Board has provided persuasive authority in this regard. *See generally Bound Brook Board of Education v. Ciripompa*, 228 N.J. 4 (2017); *In re Young*, 202 N.J. 50 (2010); *I/M/O Tenure Hearing of Harrell*, 93 N.J.A.R.2d (EDU) 387 (N.J. Adm. Apr. 22 1993); *I/M/O Tenure Hearing of Mantone*, 93 N.J.A.R.2d (EDU) 322 (N.J. Adm. March 17, 1993); *I/M/O Tenure Hearing of Sheriden*, 92 N.J.A.R. 2d (EDU) 257 (N.J. Adm. Feb. 6, 1992) *aff'd* (N.J. Adm. June 3, 1992); *I/M/O Tenure Hearing of Cooke*, 92 N.J.A.R.2d (EDU) 220 (N.J. Adm. Aug. 30, 1991); *I/M/O Tenure Hearing of Borrelli*, 91 N.J.A.R.2d (EDU) 77 (N.J. Adm. Oct. 25, 1991).

The behavior also need not be predicated upon the violation of any particular rule or regulation, but may be based merely upon a violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct. *See, Karins*

supra, 155 N.J. at 555 [quoting *Hartman v. Police Department of Ridgewood*, 258 N.J. Super 32, 40 (App. Div. 1992)]. It may include “[a]ny conduct which adversely affects the morale or efficiency of the [department].” *Id.* at 554. [citation omitted]. It is also well settled that New Jersey teachers are subject to higher standards of behavior than individuals in other employment, because of the influence they exercise over students. See generally, *In the Matter of the Tenure Hearing of Ernest Tordo*, 1974 S.L.D. 97, 98-99; see also *I/M/O Tenure Hearing of Theresa Lucareli, Board of Education of the Borough of Brielle*, Monmouth County, OAL Docket No. EDU 10413-95 (1997); *I/M/O the Certificate of Cheryl A. Sloan*, *supra*, OAL Docket No. EDE 5595-11 2012 N.J. Agency Lexis 288 (2012) [citing *State Board of Examiners v. Charlton*, 96 N.J.A.R. 2d (EDE) 18, 21].

I fully credit the Petitioner’s position that the quantity and quality of the evidence against Mr. Sangi overwhelmingly supports the Board’s argument that the alleged incidents occurred, and that the student victim Y.V. was telling the truth when she reported the incidents to school officials and testified on February 25, 2025. The foregoing considerations establish Petitioner’s *prima facie* showing and are sufficient to shift the burden of production to Mr. Sangi. Respondent’s counsel has mounted an able and emphatic effort to parry the tenure charges, but the Board’s proofs are too dispositive to overcome. Reference is understandably made to the fact that the only individual who testified on the Board’s case-in-chief was Y.V., when its Witness List contained numerous other witnesses.

The Board's task, however, is not to present a perfect case, but rather to establish the allegations by a preponderance of the credible evidence. It has more than done that. Admittedly, there are some evidentiary gaps in the record. However, the documentary evidence which constitutes a business record exception to the hearsay rule permits me to procedurally piece together what took place here.

This stands for the collective proposition that from the point Principal Baccarella received a March 20, 2023 call from Y.V.'s mother advising that her child's therapist had instructed her to call the school to report faculty inappropriate behavior at approximately 9:15 a.m., the Board acted with dispatch. At approximately 9:30 a.m., the incident was reported to Central Administration, with a decision made that Mr. Sangi would be placed on immediate administrative leave. Then and as previously referenced, at approximately 12:30 p.m. Mr. Baccarella met with Mr. Sangi and Mr. Woods, his BTA Association president. Respondent was also given a letter detailing these events, and surrendered his lap top, room key and ID.

The record further establishes that at approximately 10:15 a.m., Principal Baccarella contacted the New Jersey Department of Children and Families ("DCF") via telephone, to report the alleged abuse, pursuant to *N.J.S.A. 9:6-8.10*. An INCIDENT REPORT was also completed at that time, and reflects that the report was received by Agent Emory, who advised that the Agency would not be investigating at this time. At approximately 12:00 p.m., the SVU of the Bayonne

Police Department was also called to report Y.V.'s allegations, which was received by Detective Medrano. That same date, Superintendent Niesz sent an additional letter to Mr. Sangi. This advised him that an investigation was currently being conducted by the Bayonne Police Department and the Division of Child Protection and Permanency regarding inappropriate and unbecoming conduct, in which it was alleged he had engaged. The correspondence went on confirm that during the period of his administrative leave, Mr. Sangi was not to have contact with any students or be present on school district premises.

Respondent has amplified the fact that the DCF IAIU investigation never materialized, with the Agency closing its case at the initial screening or preliminary review. As a result, it is urged that this legal question has already been resolved in a manner most favorable to Mr. Sangi. However, even if a finding had been made that the allegations were not established or unfounded (which it was not), the New Jersey Supreme Court has determined that does not preclude a district from filing tenure charges against the individual. See *In re Young*, 202 N.J. 50, 68-69 (2010).

Respondent has attempted to undercut the testimony of Ms. V by maintaining that she provided inconsistent testimony and that the allegations were uncorroborated. As an initial matter, there is no requirement that the allegations be corroborated, as her testimony was found to be credible and dispositive. From my perspective, it would also not be unusual that the student did not recall the exact number of students who were at her table when Mr. Sangi

sat down, or what he said to her about the assignment when he had his hand on her upper right thigh. TI14:19-25; TI16:21-24; TI30:14-16.

Moreover, Ms. V provided un rebutted testimony that she was “kind of in shock,” and “did not know what to do.” And given that Mr. Sangi’s hand was below the table, there would be no opportunity for other students to witness the incident. It is likewise of no moment that no students saw Mr. Sangi brush chalk off of Ms. V’s butt, in the commotion of classes changing, with Respondent sitting at his desk. TI49:1-17.

Ms. V also clarified on re-direct that when she walked into the classroom her friend was behind her. Then when she walked up to Mr. Sangi near the board, she was next to Y.V. And when Y.V. turned to Mr. Sangi to talk with him, she was behind her. Ms. V then turned to J as she was showing Mr. Sangi her sweater and at that point, she was in front of her and unable to see Respondent’s actions. TI43:3-22; TI44-45. And while Respondent has taken issue with the fact that Y.V. did not contemporaneously report Mr. Sangi’s actions, the record confirms that she reported the events to her therapist and her parents in January 2023. See TI39:13-23; March 21, 2023 MEMORANDUM by Principal Baccarella to Superintendent Niesz.

The vast majority of Mr. Sangi’s defense centered around the fact that he is a devoted and selfless professional, with credible testimony as to his character presented by two of his Bayonne High School colleagues. See TI15-27. The

record also demonstrates that Mr. Sangi has devoted over forty-nine years to the Boy Scouts, with some of his former Cub Scouts now working with him at Bayonne High School. His family also has deep roots in the Bayonne community.

Having determined that the Board has established the allegations in the tenure charges by a preponderance of the credible evidence, my task becomes to assess the appropriate penalty. This requires that I take into account the totality of the foregoing circumstances; the nature of the complained of acts; the Respondent's past record; the impact of my decision upon Mr. Sangi and his family; the effect of such conduct on the maintenance of discipline and the proper administration of the school system; and the likelihood of such behavior recurring. *See In re Fulcomer*, 93 N.J. Super. 404, 421 (App. Div. 1967).

As the Petitioner has emphasized, the Bayonne Board of Education Policy 3217 clearly states that "a teaching staff member who touches a pupil in an offensive way even though no physical harm is intended will be subject to discipline by this Board and may be dismissed. *N.J.S.A. 18A:6.1; 18A:37.1*" Given the totality of the circumstances coupled with the gravity of the established charges viewed in light of the case law, the incidents herein constitute *cardinal* violations for which dismissal is the only appropriate action.

Even were this not the case, however, it is particularly disturbing that Mr. Sangi was previously accused of similar behavior. In that respect, the record indicates that in 2012, Respondent was suspended for several months due to an

Investigation being conducted by DYFS and the Hudson County Prosecutor into a report that he had given a female student a “soft slap” on her buttocks following her throwing a pencil across the room. Mr. Sangi was later returned to class after being required to undergo a “remediation session” on his own time. See September 17, 2012 CORRESPONDENCE from then-Assistant Superintendent of Schools Roger C. Craig, Mr. Sangi did not deny that the incident, which he described as a “flick,” took place during his cross-examination, as the Board has underlined. See TI65:9-25; TI66:12-18. I made a bench ruling at our initial conference call, that while the 2012 incident could not be entertained as propensity evidence to establish the subject charges, it was relevant to the penalty phase. As such, it severely militates against any suggestion that a penalty less than dismissal would be appropriate.

V. CONCLUSION

The Bayonne Board of Education has established the subject tenure charges of Conduct Unbecoming and Other Just Cause by a preponderance of the credible evidence. The appropriate penalty therefore is dismissal from employment and forfeiture of tenure.

AWARD

THE INSTANT TENURE CHARGES
SEEKING THE DISMISSAL OF THE
RESPONDENT LAWRENCE SANGI
FROM HIS POSITION WITH THE
BAYONNE BOARD OF EDUCATION
WITH LOSS OF TENURE ARE
SUSTAINED. THIS CONSTITUTES
THE ENTIRE AWARD IN THIS
MATTER.

Dated: April 16, 2025
NORTH BERGEN, N.J.



MICHAEL J. PECKLERS, ESQ., ARBITRATOR

STATE OF NEW JERSEY
SS:
COUNTY OF HUDSON

ON THIS 16TH DAY OF APRIL 2025, BEFORE ME PERSONALLY CAME AND
APPEARED **MICHAEL J. PECKLERS, ESQ.**, TO BE KNOWN TO ME AND THE
INDIVIDUAL DESCRIBED HEREIN AND WHO EXECUTED THE FOREGOING
INSTRUMENT, AND HE DULY ACKNOWLEDGED TO ME THAT HE
EXECUTED THE SAME.



NOTARY PUBLIC

