

Bad Teacher:

Where is the line for discipline based upon off-premises misconduct?

Presented by
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30th ANNIVERSARY
1984-2014



Standards for Firing

- ▶ O.R.C. 3319.16: "Good and just cause"
- ▶ Amended in 2009 to remove "gross inefficiency," "immorality," and "willful and persistent violations of board regulation."
- ▶ Good and just cause probably still requires a "fairly serious matter."



What is a "Fairly Serious Matter"

- ▶ Vulgar and sexual jokes told to children.
- ▶ Inappropriate sexual relations with a student.
- ▶ Serious criminal convictions.
- ▶ Insubordination.
- ▶ Alcohol/drug related issues.
- ▶ Public indecency and voyeurism.
- ▶ Unacceptable corporal punishment.



What is *not* a “Fairly Serious Matter”

- ▶ Private act with no impact on the community or the teacher’s professional duties.
- ▶ Affair with a fellow employee and some resulting unwanted sexual advances.
- ▶ Private viewing of pornography at home on a school-owned laptop.
- ▶ Throwing a ball at a student during basketball practice.



What Should You Consider when Terminating?

- ▶ The entire teaching record.
- ▶ The effect on the students and/or community.
- ▶ Violations of CBA provisions, school codes, codes of ethics, and laws.



Why Does it Matter if the Bad Acts Take Place off of School Property?

- ▶ When a teacher is off of school property or at home, it becomes more difficult to show that the actions were publicly hostile.
- ▶ With Social Media and news sources constantly searching for new stories, out-of-school teacher misconduct has become a hot topic issue.
- ▶ Off-duty speech heightens an employee’s First Amendment protection.


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Social Media Postings

- ▶ Eighty percent of teachers use social media websites)
- ▶ Among high school teachers surveyed:
 - 21% have invited students to connect with them through social media
 - 19% have integrated social media into their classrooms.
- ▶ As new teachers enter the workforce, they have grown up using and posting on social media - becomes second nature to post pictures and status updates


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Commonly Used Social Media Platforms




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Social Media Misconduct is not Always Obvious

- ▶ A 2007 Columbus Dispatch Report found the following by searching Myspace for "Ohio" and "Teacher":
 - A 25-year-old teacher from northeastern Ohio said she's "an aggressive freak in bed," "sexy" and "an outstanding kisser."
 - A 31-year-old teacher from a private school in Franklin County offered that, during the past month, she had been married, gotten drunk, smoked cigarettes, taken drugs and gone skinny-dipping.


Social Media Misconduct Examples
Melissa Cairns - "The Duct Tape Teacher"

- ▶ Posted Photo to Facebook of kids with duct tape over their mouths 
- ▶ Commented, "Finally found a way to get them to be quiet!!!"
- ▶ Had received discipline in the past for Myspace postings at a former position
- ▶ Told an assistant principal she "wanted to kill" her students while the picture was on social media


Melissa Cairns - "The Duct Tape Teacher"

- ▶ **Result**
 - Fired for cause based on report of Referee.
 - Basis: FERPA; R.C. 3319.321; R.C. 2919.22 (endangering children) and violation of numerous Board Policies
 - Conduct was "unprofessional, inappropriate, outrageous, flagrant, and clearly lacked sound judgment"
- ▶ **Why a possible FERPA violation?**
 - Ms. Cairns' post revealed the location of certain children at a certain time and place without permission
 - Major concern is that somebody with ill motive could find out where a child is (estranged parent, etc.)


Melissa Cairns - "The Duct Tape Teacher"

- ▶ **Additional Aggravating Factors**
 - Testimony from a student in the picture who was upset that he was in the picture
 - Testimony from a guardian of one of the students who testified that the picture made the student's grades and attitude worse
 - Testimony from a school psychologist explaining the deleterious effects the picture could have in the future
 - Ms. Cairns had a downward trend in her teaching record



David Spondike - Race Rant

- ▶ Children publicly urinated near his yard on Halloween.
- ▶ Posted to Facebook: "I don't mind if you come to my neighborhood from the ghetto to trick-or-treat. But when you whip out your teeny d***s and p**s on the telephone pole in front of my yard and a bunch of preschoolers and toddlers, you can take your n****r-a** back where it came from. I don't have anything against anyone of any color, but n****rs, stay out!"
- ▶ Claimed someone else made the post



David Spondike

- ▶ Result:
 - Fired for Cause based on report of Referee.
- ▶ Authority: R.C. 3319, Board Policies, including the social media policy; Professional Code of Conduct
- ▶ First Amendment Concerns



First Amendment - Two Step Inquiry

- ▶ Employee must establish that the speech was constitutionally protected
 - Employee's interest outweighs state's interest in providing efficient public services
 - Addresses a matter of public concern
- ▶ Employee must show that speech was a motivating factor in decision to discipline


Duke v. Hamill – The Confederate Cop

- ▶ After the 2012 presidential election, campus police officer posted a picture of the confederate flag on Facebook with the caption, “It’s time for the second revolution.”
- ▶ The police department demoted him.
- ▶ He claimed the First Amendment protected his speech.


Duke v. Hamill – The Confederate Cop

- ▶ The Court ruled the demotion was appropriate.
- ▶ A genuine potential for harm to a police department’s reputation justifies taking action before the harm is realized.
- ▶ Plaintiff is an illustration of the gamble in posting on social media.
- ▶ Absence of a policy does not foreclose action by the department.
- ▶ His action threatened the department’s ability to provide efficient services.


First Amendment – Free Exercise of Religion

- ▶ **Freshwater v. Mount Vernon**
- ▶ Teacher kept a bible on his desk
- ▶ School asked teacher to remove the bible due to concern about a possible violation of the establishment clause
- ▶ Teacher refused
- ▶ As an act of knowing disobedience, he brought in more religious items and displayed them in the classroom
- ▶ He refused to remove the new items when asked



First Amendment - Free Exercise of Religion

- ▶ Teachers have a right to freely express religion
- ▶ Schools may curtail that expression with legitimate justification
- ▶ Fear of an establishment clause violation is not a legitimate justification
- ▶ The Ohio Supreme Court ruled he could keep his bible on his desk



First Amendment - Free Exercise of Religion

- ▶ But he still lost his job. Why?
- ▶ His insubordination in refusing to remove the new religious items was not an expression of religion, it was willful disobedience.
- ▶ The Court ruled that his willful disobedience was not protected by the first amendment and amounted to good and just cause for termination



Criminal Activity - Sex with Students

- ▶ Shelley Dufresne and Rachel Respass
 - Allegedly had a threesome with a male student and videotaped it.
 - Currently both are on administrative leave
- ▶ Julie Hautzenroeder
 - Accused of providing drugs and alcohol to two minors and accused of having sex with them
 - Resigned when allegations started
- ▶ Ohio Schools could have fired these teachers for cause under Ohio law.



Suzanne Van Schaik- Growing Marijuana

- ▶ Husband had attempted to grow marijuana in multiple areas of the basement
- ▶ Settled on growing in a room that housed the furnace, hot water heater, fuse box, and some family heirlooms
- ▶ Husband smoked it in the house
- ▶ Teacher alleged she was unaware of his activities
- ▶ Teacher was trained to recognize marijuana signs and symptoms



Suzanne Van Schaik- Growing Marijuana

- ▶ Referee recommended termination for cause, finding Teacher knew about and condoned the marijuana growth
- ▶ Teacher lost her ability to be a proper role model for students and to enforce the District's anti-drug policies
- ▶ Marijuana growth is a serious matter that warranted termination
- ▶ The drug bust resulted in negative publicity for the District



A Night out on the Town

- ▶ Likely not a fairly serious matter without more
- ▶ Examples:
 - Hungover at work (disrupting classroom activities and affecting work performance)
 - DUI/OMVI (becomes hostile to the community)





Kitchen v. Bd. of Educ. Of Fairfield City

- ▶ Administrator was noticeably intoxicated at a high school football game at which he was on-duty
- ▶ Left game early to continue drinking
- ▶ Stopped for OVI while highly intoxicated and driving erratically
- ▶ At school the following week, she made false statements about the nature of her arrest
- ▶ There was a flood of media attention



Kitchen v. Bd. of Educ. Of Fairfield City

- ▶ Referee did not recommend termination
- ▶ But, the Board terminated Kitchen based on the Referee's findings of fact
- ▶ Board's decision upheld by the Court of Appeals
- ▶ Administrator's actions were public in nature and would negatively impact her professional duties to teach about drug and alcohol education.
- ▶ OVI and subsequent attempt to minimize or conceal the circumstances was hostile to the school and to her duties as an administrator



Best Practices for Off-Duty Termination

- ▶ Have social media and other policies that warn of discipline.
- ▶ Document all instances of misconduct – both in and out of the classroom.
- ▶ Document incidents of disruption – both in and out of the classroom.
- ▶ Document all negative publicity harming your school's reputation.



Best Practices for Off-Duty Termination

- ▶ Follow the statute – An employee’s first argument can always be that the school ignored the legal process.
- ▶ Consider the entire teaching record in meting out discipline.



Best Practices for Off-Duty Termination

- ▶ Consider violations of all possible codes of conduct: statutes, professional codes, CBA provisions and District policies are all important .
- ▶ Consider how the misconduct will affect the learning environment – include testimony from professionals, parents, and students.
- ▶ Consider all programs or lessons where teacher will lose credibility (D.A.R.E., etc.).



Examples of Social Media Policies

- ▶ Dayton Public Schools
 - No friending of students (other than relatives)
 - No messaging through non-district-approved media
 - Recommends limited sharing settings
 - Photos of students are expressly prohibited
 - Unacceptable use includes: profanity, obscenity, harassment, and bullying


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Examples of a Privacy Policy

▶ Akron Public Schools

Board Administrative Guidelines 3210- Professional Staff Conduct/ Responsibility:

Conduct:

An employee is expected to be knowledgeable of Board Policies and Regulations related to the carrying out of his/her job. Furthermore, an employee is expected to be considerate of all fellow employees, both professional and non-professional, as well as students, parents, and the citizens who use school facilities.

Any conduct which discredits the education profession or the reputation of the Akron Board of Education within the community may be considered conduct unbecoming an employee. Examples of such conduct may include:

(D) Failing to maintain confidentiality in discussing individual students.

(2) Board Policy 3213-Student Supervision and Welfare:

Since most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning...behavior...


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Questions?



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Based Upon Off-Premises Misconduct?***

November 10, 2014

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OSBA CAPITAL CONFERENCE

- I. A Refresher on terminating a teacher's employment for cause.
 - A. R.C. 3319.16 provides a standard procedure for terminating a teacher's contract.
 1. Written notice signed by the treasurer indicating the intent to consider termination. The notice must include the full specification of the grounds for termination.
 2. Teacher may file a demand for hearing within ten days of receipt of the written notice.
 3. Hearing to be held within 30 days of receipt of the written demand and Teacher must have 20 days' notice.
 - a. The Referee/Board will hear evidence and testimony and make a decision about what the facts are in the case. If the hearing is held before a Referee, the Board must accept the Referee's *findings of fact* unless they are against the greater weight of the evidence. The referee's decision as to *whether there is good and just cause* to terminate does not bind Board unless it would be contrary to law to ignore the recommendation.
 - b. A teacher may appeal the Board's decision to the Court of Common Pleas.
 - B. R.C. 3319.16: The contract of any teacher employed by the board of education of any city, exempted village, local, county, or joint vocational school district may not be terminated except for good and just cause.
 - C. The Statue was amended in 2009 removing "gross inefficiency," "immorality," and "willful and persistent violations of board regulation."
 - D. What does "good and just cause" really mean? Probably still "a fairly serious matter." See, e.g., Stalder v. St. Bernard-Elmwood Place City Sch. Dist., 1st Dist. Hamilton No. C-090632, 2010-Ohio-2363, ¶18.
 - E. What constitutes a fairly serious matter?
 1. **Telling vulgar and sexually explicit jokes to students.** Oleske v. Hilliard City Sch. Dist. Bd. of Educ., 146 Ohio App. 3d 57, 764 N.E.2d 1110 (10th Dist. 2001).
 2. **Sexual Relations with Students.** Strohm v. Reynoldsburg City Sch. Dist. Bd. Of Educ., 10th Dist. Franklin, No. 97APE07-972, 1998 Ohio App. LEXIS 1375 (10th Dist. 1998).

3. **Actions of a teacher could have caused serious harm.** Brownfield v. Warren Local School Dist. Bd. of Edn., Washington App. No. 89 CA 26, 1990 Ohio App. LEXIS 3878 (Aug. 28, 1990), (science teacher required a student to touch the end of a paper clip placed into a 110 volt electrical outlet.); Ricchetti v. Cleveland City School Dist. Bd. of Edn., 1994 Ohio App. LEXIS 807 (detained a fifteen year old against his will and sped down the street to avoid police capture).
 4. **Insubordination** consisting of a willful disobedience of, or refusal to obey, a reasonable and valid rule, regulation, or order issued by a school board or by an administrative superior. Freshwater v. Mount Vernon City Sch. Dist. Bd. of Educ., 2013-Ohio-5000, ¶ 83, 137 Ohio St. 3d 469, 487, 1 N.E.3d 335, 351 (teacher brought in religious materials to annoy school and refused to remove them when asked).
 5. **Drunk while at a high school football game and then getting an OVI and failing to tell a supervisor about it.** Kitchen v. Bd. of Educ., 12th Dist. Butler, 2007-Ohio-2846.
 6. **Public Indecency and Voyeurism.** Elsass v. St. Marys City Sch. Dist. Bd. of Educ., 3d Dist. Auglaize No. 2-10-30, 2011-Ohio-1870 (teacher was caught masturbating in his car while watching volleyball students).
 7. **Unacceptable use of corporal punishment.** Lanzo v. Campbell City Sch. Dist. Bd. of Educ., 7th Dist. Mahoning No. 09 MA 154, 2010-Ohio-4779 (teacher grabbed student's face to make him watch a video and had done similar things to other students).
- F. What does *not* constitute a fairly serious matter
1. The action must be publicly hostile to the community and not a private at that has no impact on the teacher's professional duties.
 2. An affair with a fellow school employee and some unwanted advances and contact. Bertolini v. Whitehall City Sch. Dist. Bd. of Educ., 139 Ohio App. 3d 595 (10th Dist 2000).
 3. Private viewing of pornography on a school computer. Winland v. Strasburg-Franklin Local Sch. Dist. Bd. of Educ., 5th Dist. Tuscarawas No. 12 AP 10 0058, 2013-Ohio-4670.
 4. Throwing a ball at a student during basketball practice with the intent to knock a ball out of the student's hand. Stalder v. St. Bernard-Elmwood Place City Sch. Dist., 1st Dist. Hamilton No. C0090632, 2010-Ohio-2363.

- G. What factors will be considered?
1. “A Board of education must consider a teacher’s employment record prior to imposing a particular sanction.” Stalder v. St. Bernard-Elmwood Place City Sch. Dist., 1st Dist. Hamilton No. C0090632, 2010-Ohio-2363.
 2. The effect on the community. The actions cannot be purely private.
 3. Violations of any and all applicable rules and codes of conduct:
 - A. Collective Bargaining rules;
 - B. Professional Codes of Ethics;
 - C. School or district policies; and
 - D. The law, both civil and criminal.

II. Why does it matter if the teacher is out of school?

- A. Makes it more difficult to prove that the actions are publicly hostile to the community.
- B. It is a hot topic for news media.
- C. The First amendment gives heightened protection. Duke v. Hamil, 997 F. Supp. 2d 1291, 1303 (N.D. Ga. 2014).

III. Social Media

- A. A University of Phoenix survey found that 80% of teachers use social media websites¹.
 1. Among high school Among high school teachers surveyed:
 - a. 21% have invited students to connect with them through social media
 - b. 19% have integrated social media into their classrooms;
 2. There are so many different social media sites, it is nearly impossible to keep track of all of your employees on all of these sites

¹ “K-12 Teachers Uncertain About How to Connect with Students and Parents via Social Media, Reveals University of Phoenix Survey,” January 14, 2014, <http://www.phoenix.edu/news/releases/2014/01/new-survey-shows-teachers-uncertain-on-social-media.html>

B. Facebook Postings

1. Melissa Cairns – The Duct Tape Teacher

- a. Melissa Cairns posted a photo to Facebook of several 7th grade students with duct tape over their mouths with the caption, “Finally found a way to get them to be quiet!!!”
- b. A concerned parent notified the district.
- c. While the picture was still on social media, Ms. Cairns had a meeting with the Assistant Principal in which she stated she “wanted to kill her students.”
- d. At a previous position within the District, Ms. Cairns resigned following a minor scandal involving her MySpace postings.
- e. A Referee recommended termination² based on:
 - i. Ms. Cairns previous experience with social media;
 - ii. Violations of privacy under FERPA and R.C. 3319.321;
 - iii. Violations of numerous board policies concerning professionalism and the release of private information.
 - iv. And, ultimately, because her conduct was, “unprofessional, inappropriate, outrageous, flagrant, and clearly lacked sound judgment.”
- f. Potential FERPA and R.C. 3319.321 Violations
 - i. FERPA is a federal law regulating student information
 - ii. R.C. 3319.321 is an Ohio law regarding student information.
 - iii. A FERPA violation can result in the loss of federal funding.
 - iv. Ms. Cairns revealed the location of children without regard for their safety.
 - iv. There is a serious concern that somebody with ill-will could see the postings and do harm to a child.
- g. The Referee was also persuaded by a few additional factors.
 - i. Testimony from a student in the photo who testified that he was upset about being in the photo.

² In the Termination Proceedings of Melissa Cairns. Report and Recommendation of the Referee:
http://www.ohio.com/polopoly_fs/1.399847.1369241125!/menu/standard/file/Referee's%20report.pdf

- ii. Testimony from the parent of a student who testified that the student's grades and attitude have changed since the incident.
 - iii. Testimony by the School Psychologist who testified that the photo could resurface at any time and harm the children in the future.
 - iv. Testimony concerning Ms. Cairn's downward trend in performance as a teacher
 - h. No appeal
2. David Spondike
- a. Children publicly urinated near his yard on Halloween.
 - b. Posted to Facebook: "I don't mind if you come to my neighborhood from the ghetto to trick-or-treat. But when you whip out your teeny d***s and p**s on the telephone pole in front of my yard and a bunch of preschoolers and toddlers, you can take your n****r-a** back where it came from. I don't have anything against anyone of any color, but n****rs, stay out!"
 - c. The post immediately went "viral" and was disseminated to parents, school employees, and news outlets.
 - d. Publicly stated that a young mixed race individual posted the note to his account
 - e. Had prior history of outbursts and had received anger management counseling
 - f. A Referee recommended termination³ based on:
 - i. His comments were causing a disruption to the school environment.
 - ii. Board removed Teacher from school for his personal safety.
 - iii. Violation of two Board policies
 - iv. Violation of the Licensure Code of Conduct – The Code states that, "Conduct unbecoming includes failure to adhere to the Licensure Code of Conduct, specifically using technology to intentionally post improper or inappropriate material that could reasonable be accessed by the school community."
 - g. School psychologist testified as to how the teacher's actions affected the school community

³ In the Termination Proceedings of David Spondike. Referee's Report and Recommendation;
http://www.ohio.com/polopoly_fs/1.496346.1402932665!/menu/standard/file/SPONDIKE%20RULING.pdf

- h. Executive Director of Secondary Education testified that the Facebook posting affects the credibility of the school.
 - i. Mr. Spondike is currently appealing his decision.
- D. Concerns with firings based on social media misconduct
 - 1. A teacher does not relinquish First Amendment Rights because she is a teacher.
 - 2. Two-part test to determine if speech is protected:
 - a. Employee must establish that the speech is constitutionally protected by looking at two factors:
 - i. A balancing of the employee's interest in the speech and the state's interest in restricting the speech; and
 - iii. Whether or not the speech addresses a matter of public concern.
 - b. Employee must show that speech was a motivating factor in the termination decision.
 - 3. Duke v. Hamil, 997 F. Supp. 2d 1291, 1303 (N.D. Ga. 2014)
 - a. Facts: The day after the 2012 presidential election, a campus police officer posted a picture of the confederate flag to his Facebook profile with the caption "It's time for the second revolution."
 - i. He made the post available to close friends and family and removed it after an hour.
 - ii. The department had no social media policy.
 - iii. The police department did not suffer an actual loss of reputation.
 - b. Holding: The court ruled that his demotion was appropriate under the circumstances
 - i. The police department was justified in taking action because there was a genuine potential for harm to the department's reputation. An employer does not have to wait for disruptive and destructive events to unfold before taking action. Connick v. Myers, 461 U.S. 138, 151 (1983).
 - ii. There was also a concern that his post could divide the department and the community based on the use of the confederate flag around the election.
 - iii. The school's lack of a social media policy "did not foreclose a response to speech that compromised the Department's interests."

- iv. “This illustrates the very gamble individuals take in posting content on the Internet and the frequent lack of control one has over its further dissemination.”
4. What about religious expression?
- a. Freshwater v. Mount Vernon City Sch. Dist. Bd. of Educ., 2013-Ohio-5000, ¶ 83, 137 Ohio St. 3d 469, 487, 1 N.E.3d 335, 351
 - i. Facts: A teacher kept a Bible on his desk and the school asked him to remove the bible from the visible part of his desk.
 - The school expressed concern about a potential Establishment Clause violation (i.e. that somebody would allege the school was promoting religion)
 - Mr. Freshwater refused to remove the bible and brought in more religious items in order to annoy the district. The school asked him to remove those items and he again refused.
 - ii. Law: Teachers have a right to express religion freely.
 - If a school wishes to prohibit the religious expression, it must do so with legitimate justification.
 - Justification is legitimate when grounded in reality, and not just “fear of an Establishment Clause violation.”
 - iii. Ruling: The Court ruled that the School’s fear of an establishment clause violation was an insufficient justification to restrict Mr. Freshwater’s freedom of expression.
 - Allowing a teacher to keep a bible shows “accommodation, not endorsement.”
 - iv. Ultimately, the Court ruled that the District properly terminated Mr. Freshwater, finding he was insubordinate by bringing in new religious materials not as an exercise in religion, but an exercise of “willful disobedience.” Thus, the First Amendment no longer protected his actions.

IV. Criminal Acts

A. Shelley Dufresne and Rachel Respass

1. Teachers in Louisiana

2. Allegedly had a threesome with a student and filmed it.
3. Both are on paid administrative leave.
4. They could both be fired for cause under Ohio law.

B. Julie Hautzenroeder

1. Accused of providing drugs to two minors. Found guilty of having sex with one student and acquitted for having sex with another.
2. Resigned when the allegations arose
3. The School could have fired her for cause under Ohio law.

C. Suzanne Van Schaik

1. Husband grew marijuana in the basement of their home, purportedly for medicinal purposes
2. Teacher claimed she was unaware because the marijuana grew behind a locked door
3. Referee recommended termination and she was fired for cause under R.C. 3319.16
 - a. Referee found the teacher knew or should have known about the marijuana growing operation
 - b. Growing marijuana is a serious matter that warranted termination
 - c. The drug bust at her house resulted in negative publicity for the District and negatively impacted her ability to be a role model.

V. Drunk Teachers

A. Act of getting drunk, without more, is likely insufficient to constitute a fairly serious matter

B. Kitchen v. Fairfield City Schools

1. School administrator was visibly intoxicated at a high school football game. The school considered her on-duty while at a school sponsored event.
2. Left the game at halftime to consume more alcohol.
3. Charged with OVI after it took two police officers to get her to pull over.

4. Blew over three times the legal limit.
5. Went to school the following week and did not report the incident to the principal.
6. When confronted by the principal, she attempted to minimize or conceal the circumstances of the arrest and the amount of alcohol she consumed that night.
7. A referee decided that she should not be terminated even though he found all of the above to be true.
8. The board decided against the Referee and terminated Ms. Kitchen.
9. The Court of Appeals upheld the Board's decision because Ms. Kitchen's actions were public and hostile to the community.
 - a. This OVI was not an isolated incident because Ms. Kitchen also attempted to conceal the details of her arrest in conversations with the district.
 - b. Further, Ms. Kitchen was involved in drug and alcohol education and her public actions significantly affected her ability to perform her duties as a role model for drug and alcohol abuse.

VI. Best Practices for Teacher Termination

- A. Have policies that make it clear that behavior on social media and off-duty can have employment ramifications
- B. Document all incidents of misconduct – both in and out of the classroom
- C. Document all incidents of classroom disruption due to off-duty activities
- D. Document all incidents of disruption to the learning environment (press around the school etc.)
- E. Document all bad publicity
- F. Follow the Revised Code to ensure that all teachers receive due process
- G. Ask the teacher if any allegations of off-site misconduct are true. Dishonesty will be frowned upon by the Referee (Spondike, Kitchen)
- H. Consider the entire teaching record. Paint a picture with performance (Cairns)
- I. Consider violations of all possible codes of conduct

1. CBA provisions
 2. District Policies
 3. Laws
 4. Professional Codes
- J. Procure testimony from students, parents, and professionals on how misconduct will affect the learning environment
- K. Consider and procure testimony on all required programs or lessons where the teacher will lose credibility due to the off-duty misconduct
- VII. Questions?