

## PROBABLE CAUSE CASE STUDY

**Position Held: Superintendent**

**Employment Status: Terminated**

**Complaint Origin: Local Board**

**Complaint:**

The educator engaged in inappropriate communications on his system-issued smart phone.

***Findings of Fact:***

The educator admits having used a school system issued smart phone to access the internet and the personal advertisements of a sexual nature on a classified advertisements website. The educator responded to the ads and provided his phone number.

***Standard, Rules or Laws in Complaint:***

*PSC Rule 505-6-.01 (3) (e)* -The educator was entrusted with public funds and property and failed to honor that trust with a high level of honesty, accuracy, and responsibility by using public or school-related funds; using school property without the approval of the local board of education/governing board.

*PSC Rule 505-6-.01 (3) (U)* - The educator failed to demonstrate conduct that follows generally recognized professional standards by exhibiting conduct that impaired the certificate holder's ability to function professionally in his or her employment position.

**Investigative Findings:**

- Every morning a member of the IT staff checks the system's electronic equipment and networks to make sure that the system is working and to correct problems.
- On 2/18/09, during the routine morning sweep of the system's equipment by the school system Technology Analyst, inappropriate emails were discovered. The emails were sent via the educator's system issued smart phone.
- The analyst found several back and forth emails that had the educator's email address. The emails occurred during the early morning hours on or about 2/18/09. The subject matter was personal advertisements of a sexual nature listed on a

classified advertisements website. The exchanges included ads that appeared to be from both males and females soliciting sexual activity.

- The emails violated the BOE internet use policy.
- The educator was staying in a hotel on 2/17&18/09 due to an early morning meeting at a RESA on 2/18/09, but the educator did not attend the meeting at the RESA. The educator emailed the RESA director at approximately 8:30am from his personal email account and told her that he was ill and would not be at the meeting.
- The educator notified that school system that he was sick and would not be coming to the BOE office later in the day on 2/18/09. He did not mention that he did not attend the RESA meeting.
- The analyst reported what he discovered to an assistant superintendent. He was later called to the BOE attorney's office where he discussed the emails with the BOE attorney and BOE chair.
- The educator had two laptop computers and a smart phone that were issued to him by the system.

One was a stationary laptop that remained on the educator's desk at the BOE and the other was a portable laptop that the educator used offsite.

- The educator's email account on the laptop computers was not routed through the BOE system; the laptops' email was routed through the educator's personal email account. Only the smart phone went through the system's network.
- The interim superintendent went to the educator's residence to collect the system's property.

The educator stated that his wife had thrown his portable laptop in a swimming pool after he told her what happened regarding his activity on the smart phone and subsequent termination.

- There was no inappropriate activity on the educator's laptop at the BOE. The system was not able to recover any information from the laptop that was thrown into the swimming pool.
- The BOE terminated the educator on 2/20/09, once the emails and the contents were brought to their attention.

- The educator stated that he had several alcoholic beverages during the evening and had left his prescribed medications at his residence. The combination of alcoholic beverages and not taking his medications contributed to his lapse in judgment.
- The educator concedes that he did access the internet on his smart phone and go to the personal ads on classified advertisements website. He stated that he does not recall the exchanges that he made with the various personal ads. He does recall that he provided his phone number to some of the responders.
- The educator provided a copy of his resume and letters of recommendation.

**Evidence in the Case File supporting the Findings of Fact:**

1. Copies of the emails with the educator's school system email address on the exchanges.
2. Educator's admission that he used his system issued smart phone to establish communication with the personal ads.
3. Copy of email that educator sent to RESA Director stating that he was ill and would not be attending the RESA meeting that he was scheduled to attend.
4. Statements from all parties involved.