

Teacher misconduct cases



Abstract

Where do we draw the line between acceptable and unacceptable behavior for a teacher? District policies on conduct have been notoriously vague so as to give the district the necessary leeway to judge a broad range of potential behaviors that may fall under the umbrella of misconduct. Unfortunately, what we find with this is that line is so undefined that good teachers may believe they are conducting themselves appropriately only to find that their private conduct off school grounds can land them in hot water and cause them to lose their jobs or teaching licenses. To further complicate matters, school districts may have different definitions of moral behavior based on the personal experiences of those who are applying the law. I will illustrate in my paper how society has changed over the years about what it views as immoral and what it views as acceptable. Some of the conduct that I will be discussing in my research paper will cover activities that, had the teachers carried them out in a different time, would not have been regarded as breaches of moral code and that the attitudes toward their behavior are purely the result of social constructs that are subject to change as society changes.

What constitutes as “ bad behavior” may, in certain, cases may be colored by the perceptions of society. What we considered appropriate in the past, such as whipping the hands of small children with a ruler in the classroom, would be regarded as abuse today, and the teacher could possibly be brought up on criminal charges for such an offense. Dan Coleman writes in his article, Rules for Teachers in 1872 & 1915, that teachers were not permitted to leave their homes between the hours of 8: 00 pm and 6: 00 am,

and could not engage in any social activities other than those sponsored by the school or the local church. Male teachers had restrictions on how often they could court a woman and female teachers were not even allowed to be courted by a man, or even to be married (Coleman). Rules were so restrictive that it was not uncommon to lose teachers in the middle of the school year. According to an article “ One Room Schools,” published by the Clark Library in Michigan, one district had employed ninety-nine new teachers in their one-room school house over a period of eighty-six years (Boles).

Teacher conduct can indeed be very harmful to the children they’re charged with teaching, and there is something to be said about expecting that teachers will conduct themselves appropriately in public, where students or parents may be watching. But throughout our history as a nation, we have held our teachers to a higher standard of morality and, as evidenced in the article above, high turnover rates and reluctance to enter the teaching profession may be the result. Our society has recognized this flaw and has taken steps to ease off of prying into the most private aspects of our teachers’ personal lives and shift focus from what or who our teachers are as individuals, to how they perform as teachers and how they conduct themselves in the classroom and, to a lesser extent, in public.

Morrison v. State Board of Education

Marc S. Morrison was, in early 1960’s, a typical American man with a wife and a job. Mr. Morrison carried a General Secondary Life Diploma and a Life Diploma to Teach Exceptional Children in the state of California and he was employed as a teacher in the Lowell Joint School District in Whittier,

California. According to an article written by J. Tobriner for the Stanford Law School Library, Mr. Morrison maintained his employment with no record of complaints or misconduct in the classroom and only a minor incident which regarded his conduct outside of the school. His record reflected that he was a near perfect employee until he was asked to resign in 1963 over a brief romantic encounter with another man.

During his employment at the Lowell Joint School District, Mr. Morrison had befriended a fellow teacher, Fred Schneringer, who was also married at the time. In response to a period of financial stress that Mr. Schneringer experienced in 1963, Mr. Morrison offered his council and support to his friend. This resulted in an emotional closeness between the two men that ultimately led them down a more romantic path in their long-time friendship. The two men engaged in what was described by Arthur S. Leonard in his book, *Sexuality and the Law: An Encyclopedia of Major Legal Cases*, as being pseudo-sexual in nature, likely limited to cuddling or even self-gratification in one another's company. There was no evidence or testimony to support that actual homosexual acts had been performed (Leonard). Bear in mind that in the State of California in the 1960's, homosexual activities were legitimately illegal, and regarded as immoral on a social level. If a teacher engaged in illegal or immoral activity, the school board would be justified in looking into the case and potentially revoking the teaching certification on the grounds of criminal activity or immoral behavior, but Mr. Morrison was never arrested for homosexuality, and he carried out his actions in a private setting with what he believed was a trusted partner.

Legal or illegal, Mr. Morrison was ultimately forced to resign from his teaching position when Mr. Schneringer reported the incident one year after the fact to Mr. Morrison's supervisor. Over a year and a half after his resignation (two and a half years after the incident), the Lowell Joint School District had received notification that the incident had occurred with a former teacher, and they sought to revoke Mr. Morrison's life diplomas for his immoral and "willful" homosexual acts. (Tobriner)

Mr. Morrison took the school district to court of the matter and the Supreme court of California ultimately ruled that the Lowell Joint School District's policies specified that the conduct worthy of revoking certification was limited to immoral acts which render the teacher unfit to teach. Mr. Morrison did not repeat his homosexual behaviors, did not engage in criminal homosexual acts, and his personal sexual leanings -which he did not further act upon- did not render him unfit to teach. For that reason, the school board's order to revoke Mr. Morrison's diplomas and certifications was vacated and Mr. Morrison retained his diplomas (Tobriner).

Pettit v. State Board of Education

In another court case in California, Elizabeth K. Pettit was an elementary school teacher in Los Angeles from 1957 until her arrest in 1967, which resulted in her pleading guilty to misdemeanor charges in connection to an act of indecency. According to an article in the Stanford Law Library, in 1967, Pettit and her husband had applied to a private swingers club in Los Angeles, California for the purpose of engaging in sexual acts with different partners.

The club involved a formal application and approval process for the purpose of protecting club members from the public eye (Burke).

On December 2, 1967, the Pettits attended a gathering held at the private residence of one of the members of the swingers club. Also in attendance that evening was a Los Angeles police detective, Sergeant Berk, who had gained admittance to the club under false pretenses and was conducting a sting operation to catch and arrest party goers who were engaged in acts of indecency. Sergeant Berk witnessed Mrs. Pettit performing oral sex on three different men other than her husband, in the full view of many spectators. She was arrested and charged with three counts of criminal oral copulation, but pleaded guilty to a lesser, misdemeanor offense of public indecency and was fined and placed on probation (Burke).

Mrs. Pettit was dismissed from her teaching position and stripped of her teaching certifications. She sued the school board to have her certifications reinstated, arguing that the precedent set with the Morrison case, as mentioned above, provided precedent that sexual conduct, when engaged privately, should be disregarded when determining the fitness of an individual to teach children. The courts did not see the Pettit case as being similar enough to the Morrison case to warrant its consideration because it was ruled that Mrs. Pettit did not necessarily maintain a totally private sexual life as Mr. Morrison did, and she did engage in sexual activities that were illegal in the state of California. Additionally, Robert Willet writes in his 1973 law review, *Unfitness to Teach: Credential Revocation and Dismissal for Sexual Conduct*, that it was revealed in the trial proceedings that Mrs. Pettit and her husband had participated in two televised interviews in which they

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donned masks and spoke frankly about their non-traditional sexual lives. In spite of their efforts to disguise themselves, Mrs. Pettit was recognized by a fellow teacher and the school officials were notified. Mrs. Pettit was judged to have engaged in illicit sexual activity and immoral behavior and this rightly gave cause to the school board to revoke her teaching certification (Willett).

In today's social climate, it may seem irrational to intrude on the private sexual affairs of a teacher, especially when those affairs were intended to be kept private. The Pettit and Morrison cases display uninvited and unwelcome intrusions into the most private aspect of a person's life. Mr. Morrison and Mrs. Pettit took care to conceal their "immoral acts" from the public view, and were victims of conservative social values being applied in obtuse ways to their careers as teachers. American values have since changed, and while many may view these cases as being gross breaches of privacy, in the midcentury American era in which they occurred, these teachers did indeed violate the ethics code established by their school systems.

Attitudes over social morality change over time and I could see that very plainly when I challenged myself to find modern cases of teachers getting fired for their private sexual affairs. I found a handful of cases where teachers had the unfortunate experience of being terminated when their private sex tapes were sent to parents or posted on the internet against their wishes, but overwhelmingly, I found that my search results were dominated by instances of sexual discrimination in Catholic and Christian private schools. One instance that stood out was a case reported by the Montana Standard in which a Catholic middle school teacher who is a lesbian, was fired from her position in Butte, Montana because she had become pregnant

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(Montana Standard). After teaching at the school for 10 years and having a satisfactory performance record, Ms. Shaela Evenson received notice that she was being terminated after she had announced the happy news of her pregnancy on Facebook. In posting her news, she revealed to parents and students that she had become pregnant out of wedlock and would be an unmarried mother. This is not in keeping with the morality standards outlined by the Central Catholic School District in Montana, and as such, Ms. Evenson was marked as a teacher who has engaged in conduct unfitting for an educator for this particular school system.

There are so many instances of blatant teacher misconduct where children are placed in danger or influenced negatively by an educator. With all of these bad teachers in the school system, can we really afford to alienate good teachers whose primary offenses are being different and engaging in counter-culture behaviors in their own private time, away from the school and the children? By and large, our culture is moving away from dictating the private lives of our teachers, as we can see a clear progression from the policies teachers were held to in the 1800's, when the minutia of their personal lives was scrutinized, through a period of time when teachers tested the boundaries of the moral clauses of their contracts and fought for ground in the pursuit of freedom to maintain the private life of their choosing. I believe the hard-earned ground these teachers fought for the 1960's is providing the foundation for teachers today to be allowed to live their lives as they see fit. The social change that has taken place will help citizens maintain a barrier and have respect not to pry into a teacher's personal life. This will especially come into play when teachers have the

unfortunate experience of having embarrassing media publically posted without their consent. We cannot support an environment that demonizes teachers and allows people to launch witch-hunts to ferret out any teachers who, behind the privacy of closed doors, enjoy their lives on their own personal time.

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