

Point Pleasant Schools



2100 Panther Path
Point Pleasant, New Jersey 08742

Vincent S. Smith, Superintendent
(732) 701-1900 ext. 2412
Fax (732) 892-8403

RECEIVED 11/13/11

2011 DEC -6 P 12:46

LICENSURE & CREDENTIALS

December 2, 2011

CONFIDENTIAL COMMUNICATION

Dr. Robert Higgins, Director
State Board of Examiners
Office of Licensure and Credentials
P.O. Box 500
Trenton, New Jersey 08625-0500

Re: Andrea Giuffrida, Nontenured Teacher
Point Pleasant Board of Education

Dear Dr. Higgins:

This correspondence is submitted to the State Board of Examiners in accordance with N.J.A.C. 6A:9-17.4. In satisfaction of my obligation as chief school administrator with respect to submitting notification to the State Board of Examiners, I submit the following information.

Andrea Giuffrida, a nontenured teacher in the Point Pleasant School District, has been employed by the Point Pleasant Board of Education ("Board") since August 1, 2011. Ms. Giuffrida's recent actions resulted in her suspension with pay effective November 22, 2011 through January 20, 2012. Effective at the close of business on January 20, 2012, Ms. Giuffrida's employment will be terminated. Specifically, Ms. Giuffrida's termination was a consequence of her unbecoming conduct in the form of sexual harassment of several of her male co-workers.

The Board understands its obligation to cooperate with the State Board of Examiners in this matter. If the State Board of Examiners requires any additional information, please let me know.

Sincerely,

VINCENT S. SMITH
Superintendent of Schools

cc: Sean Hagan, President, Point Pleasant Board of Education
Personnel File

Point Pleasant Schools



2100 Panther Path
Point Pleasant, New Jersey 08742

Vincent S. Smith, Superintendent
(732) 701-1900 ext. 2412
Fax (732) 892-8403

RECEIVED 12/21/11

2011 DEC 21 P 12:22

LICENSURE & CREDENTIALS

December 19, 2011

CONFIDENTIAL COMMUNICATION

Mr. Jeffrey Lieberman, Coordinator
State Board of Examiners
Office of Licensure and Credentials
P.O. Box 500
Trenton, New Jersey 08625-0500

Re: Andrea Giuffrida, Nontenured Teacher
Point Pleasant Board of Education

Dear Mr. Liebermann:

This letter follows up on correspondence I received from Dr. Robert R. Higgins, Secretary, State Board of Examiners, dated December 12, 2011. In accordance with Dr. Higgins' direction, I enclose with this letter copies of the following documents:

1. Report of investigation by Robert Alfonse, Affirmative Action Officer for the Point Pleasant School District, dated November 17, 2011 (four pages);
2. Addendum dated November 21, 2011 (one page);
3. E-mail from David Drew to Mr. Alfonse dated November 7, 2011 (one page);
4. E-mail from Jim Foley to Mr. Alfonse dated November 15, 2011 (one page); and
5. Certified copy of the Resolution of the Point Pleasant Board of Education adopted at the meeting of the Board of Education on November 21, 2011 (one page).

I understand you have advised Viola S. Lordi, attorney for the Board of Education, that it will not be necessary to provide you with copies of Mr. Alfonse's notes taken during the investigation because Mr. Alfonse has advised me that he incorporated his notes into the Report referenced in Item Number "1" above.

Please let me know if the State Board of Examiners requires any additional information.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Vincent S. Smith', with a stylized, cursive script.

VINCENT S. SMITH
Superintendent of Schools

VSS:cbm
Enclosures

POINT PLEASANT SCHOOLS

Robert H. Alfonse
Director of Curriculum & Instruction K-12

2100 Panther Path
Point Pleasant, NJ 08742
(732) 701-1900, Ext. 2401
Fax: (732) 892-8403
Email: ralfonse@pointpleasant.k12.nj.us

November 17, 2011

PERSONAL AND CONFIDENTIAL

By Hand Delivery

Vincent S. Smith
Superintendent of Schools
Point Pleasant Board of Education

RE: Affirmative Action Investigation

This report is a summary of an investigation I undertook in my capacity as Affirmative Action Officer for the Point Pleasant School District, regarding alleged incidents of sexual harassment which occurred at Point Pleasant Borough High School.

A sequence of sexual harassment events were reported to Rita Miller, Supervisor of Pupil Personnel Services, on Tuesday, November 1, 2011 by Linda Rocco, Principal of Point Pleasant Borough High School. At that time, Ms. Miller immediately notified you in your capacity as Superintendent of Schools, of the incidents which were reported to her (Ms. Miller) and you then directed me, in my aforementioned capacity, to investigate all alleged complaints of sexual harassment.

The following interviews are a result of my investigatory interviews of several school personnel. All interviews that were conducted were confidential and staff members were reminded not to speak to anyone regarding the matter until a fair and equitable determination of the facts was reached. All staff interviewed were informed that they were protected from retaliation as a result of the interviews and were instructed to report immediately to their supervisor if there was any retaliation against them.

- On Wednesday, November 2, 2011, an interview was conducted with James Foley, SAC at Point Pleasant Borough High School, in the administrative conference room at the High School. Present as a witness and scribe at my request was Jacquelyn Moore, Assistant Principal. Mr. Foley discussed an incident which occurred at a High School Child Study Team meeting on Tuesday, October 25, 2011 at 9:00 a.m. During this meeting, Mr. Foley reported that after a conversation with Ms. Andrea Giuffrida, Learning Disabilities Teaching Consultant, Ms. Giuffrida unexpectedly put her hands on his face and kissed him on the lips in front of colleagues. Mr. Foley responded that Ms. Giuffrida's conduct was totally inappropriate and expressed to me that it was disturbing and made him feel uncomfortable.

- The second interview at 10:15 a.m. on that day was with David Drew, High School Special Education Teacher. At my request, Ms. Moore was in attendance at this interview as well. Mr. Drew stated that on Friday, October 21, 2011, during 7th period he was in the Athletic Office which is located in the same suite as Ms. Giuffrida's office. While he was getting his mail, Ms. Giuffrida waved to Mr. Drew to come into her office. As he entered Ms. Giuffrida's office, Ms. Giuffrida stated that she was having a rough day. At that time, she gave Mr. Drew a hug and kissed him on the cheek. She asked if that made him feel uncomfortable. Without giving a response, he left the office to attend his 8th period class. During the interview with me, Mr. Drew expressed that he was uncomfortable about the incident and has been trying to avoid Ms. Giuffrida or make sure that someone else was around if she was near him. Mr. Drew also reported that Ms. Giuffrida would stop to see him during cafeteria duty and make further inappropriate comments about her physical appearance which continued to make him uncomfortable. Specifically, Mr. Drew said that she stated to him in the High School cafeteria that, "she was not that bad looking for a 40 year old woman going through menopause and that her breasts were okay, right?" Mr. Drew expressed that he was shocked by these comments, did not acknowledge them and tried to act like it did not happen.
- The third interview I conducted on Wednesday, November 2, 2011 was with Patrick Brady, High School Physical Education Teacher. Ms. Moore was present for this interview. Mr. Brady reported that on Thursday, October 13, 2011, he was in the main office showing a picture of his new born baby to an office secretary, Carol Manfra. While he was doing so, Ms. Giuffrida passed behind Mr. Brady and pinched/grabbed his buttocks. He expressed that he was caught off guard, surprised and extremely uncomfortable. He reported that there were no witnesses.
- Proceeding the interviews with the three employees, described above, on Wednesday, November 2, 2011, I conducted a meeting Ms. Giuffrida. Leigh Smargiassi, President of the PPEA, and Ms. Moore were present at this meeting. At this time I informed Ms. Giuffrida of the allegations against her regarding inappropriate work place conduct. Ms. Giuffrida declined to comment on the allegations and Ms. Smargiassi mentioned that she (Ms. Giuffrida) would speak at a later date when she had legal representation. I advised Ms. Giuffrida that the investigation was confidential and as such, not to discuss the matter with anyone other than her association representative and/or personal attorney.

The next part of the investigatory interview process involved any witnesses who had knowledge of the incidents.

- On Wednesday, November 2, 2011, David Kirk, Point Pleasant School Supervisor of Athletics, reported to me that he heard Ms. Giuffrida talking in the office suite which they share. She was engaged in a conversation with Nancy Mallow, his secretary, concerning the events. In an interview on Thursday, November 3, 2011, with Nancy Mallow, Ms. Mallow shared that Ms. Giuffrida came into the office, walked over to her desk and shared notes that she had taken during her (Ms. Giuffrida's) aforementioned meeting with me on November 2, 2011. Ms. Giuffrida reviewed with Ms. Mallow each situation discussed at my meeting with her (Ms. Giuffrida), providing names and commentary while breaking the confidentiality of the investigation. Ms. Giuffrida implied that Mr. Kirk was probably to blame for all of this

and couldn't believe that the staff members would do this to her. Ms. Mallow also expressed that she was extremely uncomfortable in the office setting as Ms. Giuffrida continued to discuss the situation. Ms. Mallow told Ms. Giuffrida that she did not want to talk about this situation and to stop.

- On Thursday, November 3, 2011, letters to confirm the substance of our conversations during the meetings of November 2, 2011, were hand delivered to all who were interviewed. Another meeting was held on Thursday, November 3, with Ms. Giuffrida, Ms. Smargiassi, Ms. Moore and myself to inform Ms. Giuffrida that it had come to my attention that she spoke with at least one other member of the High School staff about this matter following our meeting on November 2. I advised Ms. Giuffrida that, notwithstanding my direction to maintain the confidentiality of the matter, she had engaged in conduct constituting insubordination, for which she may be subject to discipline. Again, she was directed not to discuss this matter with anyone other than her association representative and/or personal attorney.
- On Friday, November 4, 2011, two witnesses, Marcie Bradley, School Social Worker, and Dr. Thomas Jordan, School Psychologist, were interviewed separately regarding a Child Study Team meeting in which they were both present on October 25, 2011 where alleged inappropriate conduct occurred between Ms. Giuffrida and Mr. Foley. Both witnesses' versions of the incident were consistent with Mr. Foley's description of the incident in that they stated that Ms. Giuffrida placed her hands on Mr. Foley's face and kissed him on the lips. Both individuals reported that Mr. Foley commented that Ms. Giuffrida's conduct toward him was inappropriate.
- On Monday, November 7, 2011, Mr. Foley, Mr. Drew and Mr. Brady were briefly interviewed for a review of statements and dates.
- On Wednesday, November 09, 2011, another interview was held at the request of Leigh Smargiassi and Andrea Giuffrida which was held in my office with Rita Miller as a witness. During that time, Ms. Giuffrida expressed that she was surprised and never meant to offend anyone. She said that she really puts a lot of effort in her job and is misunderstood. She would like to apologize but knows that she can't at this moment and would have stopped her actions.
- On Monday, November 14, 2011, another interview was held in the Board of Education Conference Room with Andrea Giuffrida, with Leigh Smargiassi and Rita Miller as witnesses. At that time, I asked Ms. Giuffrida to clarify statements which were made on November 9, 2011. I asked if she had kissed Jim Foley during a meeting and she confirmed that she did. She claimed that it was a joking thing and that it ought not to be taken out of context. I also asked about the incident with Pat Brady again and her response was that she did not remember touching him as he described and if she did, it wasn't on purpose. Finally, I asked about David Drew and Ms. Giuffrida claimed that she had hugged him and might have kissed him. She regards him as a friend, she said. Overall, Ms. Giuffrida offered no specific apology except that she was sorry if she was misunderstood.

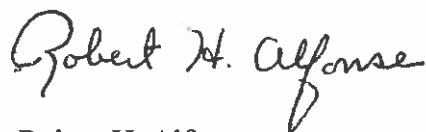
- On Tuesday, November 15, 2011, a final interview was held in the Board of Education Conference Room with Andrea Giuffrida, with Leigh Smargiassi and Rita Miller as witnesses. I asked Ms. Giuffrida to comment on a statement she made to David Drew during a cafeteria duty at the High School to the effect that "She was not that bad looking for a 40 year old woman going through menopause and that her breasts were okay, right?" Ms. Giuffrida's response was that she absolutely never made that comment.

Pursuant to Board of Education Policy 3362 – Sexual Harassment, the Affirmative Action Officer shall make a determination whether sexual harassment conduct has taken place.

In a review of the events which were investigated, I have determined that there is evidence that unwelcome sexual advances occurred. Although the consistency of details reported by Ms. Giuffrida and the complainants differ, it appears that the credibility of all Ms. Giuffrida's statements are questionable based on reports of witnesses who saw Ms. Giuffrida kiss Mr. Foley on the lips. Ms. Giuffrida also admitted to this fact. Moreover, I find Mr. Drew's and Mr. Brady's recitations of their allegations credible and Ms. Giuffrida's responses either evasive or not credible.

Based on this investigation regarding inappropriate work place conduct, my determination pursuant to Policy/Regulation 3662 is that sexual harassment has occurred. I recommend that the school district administration take reasonable and effective corrective action to address this situation.

Respectfully submitted,



Robert H. Alfonse
Director of Curriculum and Instruction, K-12

RHA/mm

Addendum

Affirmative Action Investigation

Re: Andrea Giuffrida

November 21, 2011

Prior to the Board of Education meeting on November 21, 2011 to discuss the aforementioned matter of sexual harassment, Leigh Smargiassi and Andrea Giuffrida requested a meeting with the Superintendent of Schools, Vincent S. Smith and myself (Robert Alfonse) at 2:30 p.m. on that day.

During this meeting, Ms. Giuffrida was informed by the Superintendent that the recommendation which would be made to the Board would be:

1. Suspension with pay effective November 22, 2011 through January 20, 2012; and,
2. Termination of employment by the Board effective at the close of business on January 20, 2012.

This recommendation would be for Board action as a consequence for inappropriate workplace conduct/sexual harassment toward several staff members. Ms. Giuffrida acknowledged the content of the letter sent to her dated November 17, 2011. Ms. Giuffrida requested that the allegations of sexual harassment made against her be termed/defined as inappropriate touching and that her actions did not constitute sexual harassment as per Board Policy 3362. She understood and would accept the decision of her termination but did not agree with it being sexual harassment.

RAlfonse

From: David Drew [ddrew@pointpleasant.k12.nj.us]
Sent: Monday, November 07, 2011 1:20 PM
To: Robert Alfonse
Subject: david drew

Mr. Alfonse,

The incident took place on Friday, October 21 between 12:50pm and 12:55pm. As I was checking my mail in the athletic office, she called me into her office, gave me a hug, said she was having a bad day, kissed me on the cheek, asked me if that made me feel uncomfortable, without giving a response, i left the office to attend my 8 period class.

Thanks,
Dave

Robert Alfonse

From: Jim Foley [jfoley@pointpleasant.k12.nj.us]

Sent: Tuesday, November 15, 2011 10:46 AM

To: Robert Alfonse

Good morning, just wanted to reach out to you and see if we can sit down and talk. I have know idea of what's going on with the "situation", but I feel extremely uncomfortable everyday. My office is right across the hall from hers and I am completely ignored, all day, everyday. I say " good-morning " and get no response except the office door is closed. I see the Teacher's Association President come visit her every day and at other times lots of laughing coming out of her office. I'm glad that she can have fun at work. It hasn't been much fun for me and it just feels like she has more rights than I do. I'm sorry to be a bother, and I'm sure you have a million other things that you need to be doing, it's just that I never felt like a victim until now. JF

POINT PLEASANT SCHOOLS

Steven W. Corso, CPA
School Business Administrator/Board Secretary

2100 Panther Path
Point Pleasant, NJ 08742
(732) 701-1900, Ext. 2410
Fax: (732) 295-2320

NEW BUSINESS

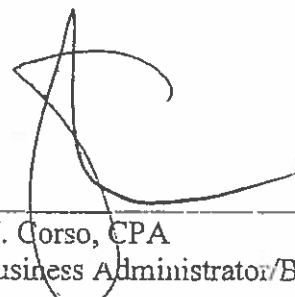
The following is a certified excerpt from the minutes of the November 21, 2011 meeting of the Point Pleasant Board of Education.

Mrs. Speroni moved, seconded by Mrs. Byington, the following resolution:

It is recommended by the Superintendent of Schools that the Point Pleasant Board of Education:

- (1) Approve the suspension with pay of Learning Disabilities Teaching Consultant Andrea Giuffrida, effective November 22, 2011 through January 20, 2012; and
- (2) Terminate the employment of Ms. Giuffrida effective at the close of business on January 20, 2012. The Superintendent and the Business Administrator/Board Secretary are hereby authorized and directed to take all necessary steps to implement this action of the Board of Education.

Ayes: 7
Nays: 0



Steven W. Corso, CPA
School Business Administrator/Board Secretary