

**COMMONWEALTH OF PENNSYLVANIA
PROFESSIONAL STANDARDS AND PRACTICES COMMISSION**

**DEPARTMENT OF EDUCATION,
Petitioner,**

v.

**JEFFREY A. KRANTZ,
Respondent.**

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DOCKET NO. DI-08-59

MEMORANDUM AND ORDER

This matter is before the Professional Standards and Practices Commission (“Commission”) upon the Respondent’s Exceptions to the Hearing Officer’s Proposed Report and Order. The Hearing Officer issued his Proposed Report on January 22, 2010, finding that the Respondent had unsolicited and unwanted physical contact with a 15 year old boy who attended a retreat at which the Respondent served as one of the chaperones. The Hearing Officer found that the Respondent’s conduct constituted immorality and recommended that the Commission direct the Department to issue a Public Reprimand to the Respondent¹.

PROCEDURAL HISTORY

The Department of Education (“Department”) initiated disciplinary proceedings against the Respondent on December 30, 2008, with the filing of Notice of Charges with the Commission. In its Notice of Charges, the Department charged the Respondent with immorality, negligence and

intemperance, alleging that the Respondent, while serving as a chaperone for a youth service retreat in July, 2007, engaged in unprofessional conduct with a fifteen year male student ("A.C."). The alleged misconduct included giving unsolicited hugs to A.C., squeezing his thigh and patting him on the buttocks while hugging him. As a result of the alleged misconduct, the Respondent's employer, Seton-LaSalle High School, suspended him from his employment in August, 2007. Respondent subsequently resigned from his teaching position at the High School in October, 2007. Furthermore, the Respondent was criminally charged with indecent assault and corruption of minors. The Respondent ultimately pled guilty to the charges of Disorderly Conduct and harassment.

On January 26, 2009, the Respondent filed his Answer, denying the allegations and requesting a hearing and thereafter, the Commission appointed a hearing officer on March 12, 2009. The hearing was conducted on July 9, 2009 and the hearing officer issued her Proposed Report on January 22, 2010, finding the Respondent guilty of immorality² and recommending that he be issued a Public Reprimand.

The Respondent and the Department filed timely Exceptions to the hearing officer's Proposed Report and the Commission entertained oral argument on the Exceptions at its May 10, 2010, meeting.

RESPONDENT'S EXCEPTIONS

¹ The Respondent holds an Instructional II certificate in the area of Biology.

The Respondent objects to the hearing officer's conclusion that he was guilty of immorality in light of the fact that she found no sexual motive or overtones to his conduct. Moreover, he contends that her finding was based almost exclusively on the fact that he violated the *Code of Pastoral Conduct* --- a publication of the Catholic Diocese and asserts that the use of external standards to adjudge educator conduct should be impermissible. Alternatively, the Respondent argues that should the Commission uphold the hearing officer's finding of immorality, the appropriate discipline is a private reprimand, not a public reprimand as recommended by the hearing officer.

The Respondent does not dispute, however, the hearing officer's findings of fact, which we adopt herein. Thus, it is undisputed that on the way back to the retreat center from a service trip, the Respondent was driving a van with several students including A.C. At one point, he reached across the front seat and squeezed A.C.'s upper thigh. Respondent's unsolicited contact caused A.C. discomfort, which was observed by other student in the van. At some time after the incident in the van, the Respondent found himself alone with A.C. in Respondent's room for a brief period of time. During that time, the Respondent again initiated unsolicited physical contact with A.C. by hugging him and spanking his buttocks approximately six to eight times with both of his hands. As a result of these interactions with the Respondent, A.C. was uncomfortable and scared.

2 The hearing officer found that the Department did not meet its burden of establishing that the Respondent's conduct constituted intemperance or negligence.

The contact initiated by Respondent was in contravention to the Respondent's training as a volunteer and the *Code of Pastoral Conduct*, which specifically warns that physical contact with youth can be easily misconstrued and directs all physical contact to be in public. The Respondent knew that his conduct in his room when hugging A.C. was in contravention to this policy and his training and yet he persevered because he felt a "chemistry" with A.C.

While the Respondent is correct that the hearing officer discussed his misconduct in light of the standards set forth in the *Pastoral Code*, the standards relied upon are certainly not unique to a church setting. Indeed, recognizing the vulnerability of youth and restricting one's physical contact to an appropriate context and to a public setting is a universal expectation of all educators in Pennsylvania. The fact that the Respondent's awareness of the appropriate student-adult boundary was heightened by his training at the parish level merely underscores his intentional thwarting of the inappropriateness of his conduct and his capricious disregard for its impact on A.C.

Accordingly, the Commission agrees with the hearing officer's conclusion that Respondent's conduct offends the morals of the Commonwealth and is a bad example to the youth whose ideals a professional educator or charter school staff member has a duty to foster and elevate, thereby constituting immorality as defined by the Commission. 22 Pa. Code §237.3. Further, the Commission affirms the hearing officer's analysis of the appropriate level of discipline in this matter and, as explained more fully below, will direct the Department to issue a Public Reprimand to the Respondent.

DEPARTMENT'S EXCEPTIONS

The Department first contends that the hearing officer erred in declining to find that the Respondent's conduct was sexually motivated. Specifically, the Department requests the Commission to infer such intent from the totality of the evidence, including some examples of Respondent's prevarications and his guilty plea to criminal charges. While the Commission agrees that the Respondent's explanations for his conduct is somewhat feeble, the Department did not proffer sufficient evidence to support a conclusion that he was motivated by a desire to "engineer" sexual contact with A.C.

The Department next argues that the hearing officer erred in not finding that the Respondent's conduct constituted negligence³ and intemperance⁴. The Commission agrees with the hearing officer's analysis addressing these categories of misconduct and thus believes that Respondent's conduct does not meet the definition of negligence and intemperance.

Finally, in contrast to the Respondent who believes that the recommended discipline to be too draconian, the Department urges the Commission to impose a more severe sanction. The Commission again agrees, however, with the hearing officer's assessment of a public reprimand as the commensurate sanction for the misconduct established in this case. Accordingly, we enter the following:

³ Negligence, as defined by the Commission, is a continuing or persistent action or omission in violation of a duty. 22 Pa. Code §237.8(a).

⁴ Intemperance is a loss of self-control or self-restraint, which may result from excessive conduct. 22 Pa. Code §237.5.

ORDER

AND NOW, this __10th__ day of June, 2010, upon consideration of the Exceptions of Respondent Jeffrey A. Krantz and the Department of Education to the Hearing Officer's Proposed Report, it is hereby ORDERED that the Exceptions be DENIED and the Proposed Report is AFFIRMED and ACCEPTED in accordance with the foregoing Memorandum. The Department is directed to issue a PUBLIC REPRIMAND to the Respondent.

PROFESSIONAL STANDARDS AND
PRACTICES COMMISSION

BY: _____
Gilbert R. Griffiths
Chairperson

ATTEST: _____
Carolyn Angelo
Executive Director

Date Mailed: