CLIENT ALERT: Massachusetts Superior Court Vacates Arbitrator's Decision to Reinstate Arlington Public School Teacher

On March 8, 2010, the Massachusetts Superior Court vacated an arbitration award that had reinstated a teacher at the Arlington, Massachusetts middle school. In so ruling, the Court found that the arbitrator had wrongly excluded evidence and failed to utilize the proper standard of review of the termination. The Superior Court then remanded the case back to a new arbitrator to determine whether the teacher's conduct was "unbecoming" and thus warranted termination pursuant to state law.

Arlington terminated a technology teacher at its middle school in August 2007. The superintendent made the decision to terminate the teacher based on evidence that the teacher authored inappropriate sexual emails to the middle school's principal, and that the teacher altered an email with the intent to represent the superintendent as its author. This conduct violated Arlington's internet usage policy, which reserved the right to monitor emails, and prohibited, among other things, impersonating another when sending/receiving messages, and revealing personal information.

Arlington also claimed that the teacher's conduct was unbecoming. Teachers in the Massachusetts public schools are prohibited from engaging in unbecoming conduct pursuant to Mass. Gen. Laws. ch. 71 § 42 ("Section 42"). The teacher sought reinstatement via arbitration, as mandated by Section 42. Hearing testimony over 27 days, arbitrator Richard Boulanger ruled in the teacher's favor and ordered his reinstatement. The arbitrator's decision focused not on whether the conduct was unbecoming, but rather on whether the school violated its own internal policy prohibiting investigating anonymous complaints.

Arlington appealed the decision to Superior Court arguing that the arbitrator exceeded his authority. Judge Freemont-Smith agreed, noting that "the arbitrator made no findings in regard to the uncontested facts regarding the only issue properly submitted to him for arbitration," namely, whether the teacher's conduct was unbecoming pursuant to Section 42. As such, the Court vacated the arbitration award and ordered a rehearing before a new arbitrator.

This decision reminds both public and private sector employers of the importance of maintaining unambiguous, comprehensive policies that provide wide latitude for disciplinary action. Although the judge ultimately overruled the arbitrator's decision, the town's written prohibition on investigating anonymous complaints led to prolonged, costly litigation. The ruling also reinforces the primacy of the Massachusetts statute concerning teachers' performance and reminds arbitrators and the parties of the importance of focusing on the conduct of the individual when examining termination decisions.

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