

UNIT: Instructional

A4: YES

PRIORS: YES/NO

ORANGE COUNTY PUBLIC SCHOOLS
INTERNAL REPORTING FORM

Case # 09²⁵ 2813 Manager Mendez Area West

Status _____ Date Open 11/11/2008 DM Date Closed 1-16-09

Last Name Fichter First Jennifer Initial _____

SSN # _____ Personnel # 62693

Consecutive Date _____ Contract Type _____

Supv and/or Complainant Robinswood

Location Name Teacher # _____

Phone# _____ Fax # _____

Offense Code <u>09</u>	Date of Incident _____	Findings _____
Alleged Offense <u>Inappropriate Behavior- Texting 8th grader</u>		
Reported to: Law Enf. _____	DCF _____	
Directive _____	Reprimand _____	
Suspension _____	#days _____	
ROD _____	RTW _____	PIP _____
Send to PPS per Manager _____	Yes/No _____	Date _____
FCAT _____	Reported to Lee Baldwin _____	
Term Date _____	97 Days _____	120 days _____
Resign in lieu of _____	Resign Date <u>1-13-09</u>	Last Chance Agr. _____

Comments: Employee resigned during investigation

Copy: _____ Date: _____

User: FRANKI
Program: ZHZR_EMPL_DA

Orange County Public Schools

Page: 1
Date: 11/13/2008
Time: 14:58:13

Employee ID: 62693

Jennifer Fichter

Cost Ctr: 1109210001 - ROBNSWD M.11.GENERAL
Org Unit: 50007913 - ROBINSWOOD MIDDLE
Position: 50206202 - LANGUAGE ARTS

Employee Grp: Active employee Annual Salary: 37,000.00
Empl Sub Grp: Instructional Contract Type: A1 - Annual

Start Date	End Date	DOE Number	Certificate Type
07/01/2007	06/30/2010	0001038210	26-

Sick Leave
Quota: 127.50000
Deduction:

Vacation
No Record

Birth Date: 12/08/1984
Cons Service: 08/13/2007

Ethnic: White, Non-Hispanic
Gender: Female

Address Type: Permanent residence
710 Myrtle Cove Ct
Apt 104
Orlando FL 32825-3116

Phone: (352)283-1544

Address Type: Emergency address
none
none FL 32801
In care of: Ryan Kelly

Phone: (813)784-6710

**ROBINSWOOD
Middle School**

and so on...

FACULTY



MS FICHTER



AREA WEST – SYLVIA MENDEZ

January 13, 2009 Board Meeting

INSTRUCTIONAL EMPLOYEE

Jennifer Fichter – Resignation

White/Female

Age: 24

See attached documentation



Dear Harrison Peters,

I would like to inform you that I am resigning from my position as Language Arts Teacher at Robinswood Middle School. My last day will be Friday, December 19, 2008.

Thank you for the professional and personal development you have assisted me with over the last year. I have enjoyed working for the school and appreciate the support provided me during my time there.

If I can be of any help during this transition, please let me know.

Sincerely,

Jennifer Fichter

CASE SUMMARY

INVESTIGATIVE SUMMARY
Sylvia Mendez – Sr. Manager, Employee Relations

Date: November 22, 2008

Complaint Against: Jennifer Fichter

Position: Teacher

Tenure: 08/13/2007

Department/School: Robinswood Middle School

Responding Supervisor/s: Harrison Peters

Allegation: Violation of Code of Ethics

Details of Investigation: Employee Relations received notice that a teacher reported that Ms. Fichter was text messaging an eighth grade male student. The reporting teacher said Ms. Fichter had stated she felt as if an 8th grade student was her boyfriend. The student was her former student. Students and the reporting teacher submitted statements. The statements indicated:

- 1) Ms. Fichter stated that the student made her "melt"
- 2) Ms. Fichter had an inappropriate dream about the student,
- 3) Ms. Fichter text messaged the student and his friend,
- 4) Ms. Fichter texted a student a message that said that she "was going to smash" the student. (Smash means have sexual intercourse)
- 5) Ms. Fichter had asked a student if he wanted to be her baby,
- 6) Ms. Fichter labled student text messages with teacher names to avoid questions,
- 7) Ms. Fichter allowed students to stay in her class when they were suppose to be in another class,
- 8) Ms. Fichter allowed students to each lunch in her classroom without Administrative authorization,
- 9) Ms. Fichter had stated to another teacher that boys were her favorite in her classroom,
- 10) Ms. Fichter advised a teacher that she was concerned that OCPS would be able to access the text messages on one particular student's phone.

Ms. Fichter was placed on relief of duty and advised that she was not to discuss reasons for her absence with students or with other Orange County School employees. A statement was subsequently received from a teacher whom Ms. Fichter allegedly contacted after to being placed on Relief of Duty. The statement indicated that Ms. Fichter had contacted the teacher and stated she believed she was being investigated for having sexual intercourse with the student. It was noted that Ms. Fichter stated she had not sent one of the text messages and that the text message may have been taken out of context. Ms. Fichter stated that she believed the issue had been brought about by a rumor started by the girlfriend of the male student in question. Ms. Fichter stated she believed that the male student wanted to make her jealous by bringing the girlfriend to her classroom. Ms. Fichter stated to the teacher that she had held a meeting with some students prior to the issue being reported to tell the students to stop the rumors. The male student had allegedly stated he would fix it, The statement also states Ms. Fichter had previously provided a ride in her personal car to one of the male students to whom she was text messaging.

A predetermination meeting was held with the employee. At the meeting Ms. Fichter asserted :

- 1) It was not in writing anywhere that she could not text message students and was unaware this was inappropriate;
- 2) She did not recall whether or not she had a conversation with a fellow teacher regarding "feelings" for this student.
- 3) Any individual could have text messaged from her phone as she leaves her phone out in the classroom.
- 4) She did not "recall" if she had spoken with her colleague regarding the student or her feelings.
- 5) She did not "recall" how many times, if any, she had text messaged the students or why she had text messaged them.
- 6) She did not recall calling a fellow teacher over the week-end after being placed on duty and being told not to contact OCPS employees.
- 7) Her sister had not sent a text message to her students on her behalf as her sister lived out of town.

Ms. Fichter subsequently admitted her sister had sent a text message and asserted :

- 1) Her sister had retrieved student numbers from her cell phone and had of her own volition, sent a text message to students stating they should not speak to OCPS staff if inquiries were made.

- 2) She did not authorize her sister to retrieve the student information from her cell phone
- 3) She was not sure how the student's phone numbers had initially gotten into her phone.

Ms. Fichter was unable to explain how the teacher with whom she denied contacting over the week-end knew about her sister's text message to students. She subsequently acknowledged speaking with the teacher and stated that she did not recall whether or not she had contacted the teacher, or the teacher had contacted her.

Ms. Fitcher was asked again about her alleged feelings for the student in question. Ms. Fichter stated she has feelings for all her students as she cares about all of them. She denied ever stating that she wanted to "smash" this student and stated it may have been taken out of context. She was unable to explain in what context she may have said this. She stated she could not "recall" if she had discussed her feelings for this particular student with her co-worker as she often discusses her students with co-workers. Ms. Fitcher subsequently denied discussing this student with a co-worker.

Ms. Fichter acknowledged she had provided a ride to one of the male students to an appointment without permission from her Administrator. She asserted that there was nothing in writing that said this was inappropriate.

Ms. Fichter asserted that she believed the girlfriend of one of the male student's whom she was text messaging started the issue. She would not provide a basis for her assertion. Ms. Fitcher stated she had held a meeting during lunch the Tuesday prior to the Wednesday when the issue was reported. She held this meeting to advise the students that the rumor needed to be stopped. She asserted she did not tell her Administrator or her concern because she did not have time.

Ms. Fichter admitted that she allowed students to stay in her room while they were supposed to be in another classroom. She maintained that she had verbal approval from the teacher. She further admitted that she engaged in conversations with the students regarding their individual social relationships during lunch. She admitted to allowing students to meet in her classroom for lunch.

Subsequent conversations with the student's in question confirmed that a text message had been issued over the week-end (prior to the PDM). The text message was from Ms. Ftchter who stated that she was sending the message on Ms. Fichter's behalf. It was reported that the message said that the students were not to talk as they did not know anything.

A conversation with each of the two male students confirmed that Ms. Fitcher had stated to them individually that she knew that she should not be having feelings for a child and had a one point stated to them that the tenting had to stop. According to both students the text messaging however continued. Each student denied sexual intercourse. The students acknowledged they had initiated the text messaging. Both students confirmed that Ms. Fichter had asked them to stop the rumors as it could result in her being fired. One student confirmed he had told Ms. Fichter, he would "fix it". He went on to say that he did not believe his girlfriend had started the rumor. When asked why Ms. Fichter would say this he stated Fichter did not like the female student.

Documents Reviewed: Statements; Code of Ethics, Superintendent's Documents

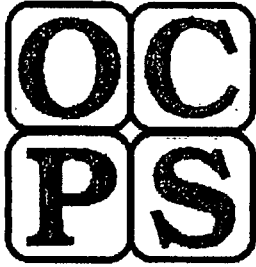
Prior ER Complaints: NA

Findings: Confirmed

Determination/Outcome: Employee Resigned prior to final recommendation



CORRESPONDENCE



MEMORANDUM

FROM: Sylvia Mendez *SM*
Senior Manager
Employee Relations

SUBJECT: **Relief of Duty**
Jennifer Fichter
SSN:
PN: 62693

DATE: November 14, 2008

Jennifer Fichter, a Teacher at Robinswood Middle School, has been placed on relief of duty with full pay and benefits as of November 14, 2008. Payment for other supplements is to be stopped as of November 14, 2008.

Jennifer Fichter will remain in this status until further notice.

Payroll will submit his relief of duty checks to our department, and we will in turn contact Jennifer Fichter.

c: Letty Lohman, Employment Services
Linda Prince, Insurance
Tonya Strickland, Payroll
OESPA/CTA
Employee Relations

ROD



Orange County Public Schools

445 West Amelia Street Orlando, FL 32801-1129 Phone 407.317.3200 www.ocps.net

November 14, 2008

HAND DELIVERY

Jennifer Fichter
Robinswood Middle School

Dear Ms. Fichter:

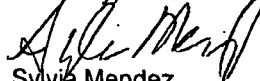
Under certain circumstances, it may become necessary for the district to investigate complaints or allegations of misconduct. While in the process of determining the facts of the case, it may also be appropriate to remove an employee from his or her work location for a period of time. This status is referred to as Relief of Duty. Relief of Duty status is not considered to be disciplinary in nature.

At this time, it will be necessary to relieve you of duty for an unknown period of time effective 11/14/2008. Be advised that this status could exceed ten duty days if the inquiry process is not completed within that time frame. While on Relief of Duty with pay, you will receive pay and benefits, excluding supplemental pay. If you are on direct deposit, your check will continue to be deposited into your account. Your payment stub will be mailed to the address on the system.

There are several important conditions associated with Relief of Duty status. Since you are being paid during this time, you are to remain available during working hours. You are to not be employed elsewhere during your Orange County Public Schools duty hours. You are to not be on school board property unless authorized by your supervisor or myself. You are not to discuss reasons related to your Relief of Duty status with students or other Orange County Public Schools employees. Your Relief of Duty status will continue until this office notifies you otherwise. During the investigation, you have certain contractual rights, including the right to have representation in meetings.

I understand that you may have questions regarding your Relief of Duty status. If so, you may call me at (407) 317-3239.

Sincerely,


Sylvia Mendez
Senior Manager
Employee Relations


My signature indicates receipt of this notice

11/14/08
Date

cc: Harrison Peters, Assistant Principal

Dear Harrison Peters,

I would like to inform you that I am resigning from my position as Language Arts Teacher at Robinswood Middle School. My last day will be Friday, December 19, 2008.

Thank you for the professional and personal development you have assisted me with over the last year. I have enjoyed working for the school and appreciate the support provided me during my time there.

If I can be of any help during this transition, please let me know.

Sincerely,

Jennifer Fichter



Orange County Public Schools

445 West Amelia Street Orlando, FL 32801-1129 Phone 407.317.3200 www.ocps.net

January 6, 2009

VIA FIRST CLASS MAIL

Jennifer Fichter
710 Myrtle Cove Ct. Apt: 104
Orlando, FL 32825-3116

Dear Ms. Fichter;

This letter shall serve to acknowledge the Superintendent's receipt and acceptance of the notice of resignation received via email, on December 12, 2008. The resignation noted an effective date of December 19, 2008. Your employment with OCPS terminated on December 19, 2008. The School Board is expected to ratify the Superintendent's acceptance at its next board meeting scheduled for January 13, 2009.

Should you have any questions please contact me at 407-317-3239.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sylvia Mendez', written over a faint, dotted grid background.

Sylvia Mendez
Senior Manager
Employee Relations

C: Employment Services

WITNESS STATEMENTS

November 17, 2008

Ms. Fichter contacted me on Saturday 11/15/08 in the mid-afternoon. She sent a text message from a local number that I did not recognize. She stated that this was "Jenny"...Ms. Fichter and here is my new number if you have been trying to contact me. This number is permanent. I was on the phone with my husband when I received the text, so I called her about 30 minutes later.

When we first got on the phone, it felt awkward..I asked how she was doing and let her know I hoped she was alright. At the time, I knew very little about what was going on and the rumor from students (on Friday) was that she had been let go, due to an inappropriate text message to one of her favorite students – I also taught him and knew that he favored her as a teacher and she him, as a student. On Friday, I did not believe any of the rumors and would not discuss or listen to any child attempting to discuss the matter.

She shared with me that there was, in fact a text message that she did not send. She also said that the message was possibly taken out of context, because it was very vague, in nature. She also shared that she was being investigated for possible sexual intercourse with L..... This part of the conversation shocked me a great deal!!! I asked what would make anyone even believe she could ever do something like that. She said she did not know. She felt that all of this was in retaliation by someone angry at her. She stated that a young girl that had dated named, might have done this to her. I asked her why, and she said that the girl was angry that she (Ms. Fichter) had told not to date I I asked what was wrong with the girl, aside from the fact that students in middle school should not be dating. She stated that she told him the girl was not good for him. She also shared that once he brought the girl by the classroom and she made it clear that she did not want the girl to be there. She stated that she asked another student, to talk to the girl and tell her to leave. She stated that had possibly been trying to make her jealous by bringing the girl to the classroom. She did not elaborate on why he would do this. She only shared that there was constant tension between them.

About the girl she also shared that she had a meeting with the group of students on this past Tuesday. To those that were involved she wanted them to make it clear that if I was the one who began forwarding the text message, that they need to tell that "Bitch" to stop. She made it clear to them that they needed to help stop the rumors because it could cost her, her job! She also pulled aside, privately after the meeting to make it more clearly to him. He told her he would "fix it".

At this point I felt really sad for her and especially for I asked her why she felt the need to get involved with whom he likes. She said she loves him. He is her favorite – her baby. She also said that she is not embarrassed to say that to anyone. She even shared that earlier in the school year she had his class changed to advanced Language Arts, through Ms. Chair.

She mentioned to me that she had spoken to Mrs. Faith Ashley and Ms. Amanda Johnson about talking to the kids about their rights and that she wanted them to tell the students that they did not have to

talk to anyone. She also shared that her sister had taken upon herself to text the students and let them know they did not have to say anything. I told her it did not seem very wise to have any contact with any students at this point and she made it clear that her sister sent the messages of her own free will.

She said that the students , , had not stated anything and that she knew I would not do anything to hurt her. She said on last week that she had been taken into Mr. Peter's office to sit down and that two of the student statements had been sitting out in plain view. She said that the students only stated that they had been skipping in her classroom. She also said that they also shared how they received her text message in the first place. Apparently friend picked up her cell phone in August and text himself from her phone so that he could have the number.

I asked her about an incident with her and the same young man, I On this day, she stopped by my room after school and asked to use my computer so that she could MapQuest an address. I asked where she was going and she told me she had to take him to see his parole officer. I asked her why was a relative not taking him, and she said it was a long story...she would tell me about it later. She was clearly in a hurry. I pushed that she should check with the Deputy or someone to try and take him. She said that she spoke to his uncle and that it was alright..she and then left. I immediately called Amanda Johnson (I knew she and Ms. Fichter are friends)...I asked that Amanda call her and try to talk to her. We both discussed ALL the reasons why it was not a good idea. Ms. Johnson said that she had already tried to talk to her and that Ms. Fichter would not listen. Fortunately, nothing happened on this day, however we talked to her about using better judgment in the future..

Rhonda M. Townsend-Abraham

To Whom It May Concern:

11-14-08

I have been informed of some information that I believe may be inappropriate student/teacher behavior. I do not remember exact dates but I will list them when I can.

Within the Past Two Months:

Ms. Fichter has revealed to me that she has feelings for _____

Ms. Fichter stated, " (her Boyfriend) no longer needs me and _____ does. _____ thinks I am cheating on him, but I am not" Well do you like _____? Well yeah. I don't think the boys should come back to your class. Did you tell them to stop coming? _____ just makes me melt into a puddle, with those eyes and when he tells me he doesn't want to go I just don't make a big deal and I give in. He is going to get in trouble and they are going to find out he was in your room. (_____ was suspended a week later for unexcused absences).

"I was arguing with _____ today and it feels like we are in a relationship because he was mad at me and I was upset with him then we went our separate ways. He is just so full of himself these days.

"I had a dream last night about _____ Never mind maybe I shouldn't say. What was it? Oh my Goodness it was a goood dream. Gross! Keep that crap to yourself. Ok when your butt goes to jail. Laughs Laughs. I know, I know!

Students were texting Jennifer Fichter:

She leaves her phone on her desk and does not care if students look at her phone.

_____ picked up her phone and was looking through it and I told him to put it down and she said I don't care.

Jennifer showed me her phone and it was a message that stated what time does the period end? But at the bottom the name said Mrs. Abe. So I asked about it and she said I put teacher names for students so nobody could question. I later addressed this and said if you have to cover this up by going out of your way to use teacher names you know its wrong. She said solemnly, I know.

Jennifer called me and said Boys are stupid! Yeah they are, but what happened? _____ is upset with me because he thinks I am cheating and _____ won't talk to me. What is wrong with _____? Well, he asked me to take them to the movies and I said no because I live too far on the Eastside of town, so he replied F-U. So I said F-U back. What??!! Yeah and then he didn't respond so I wrote it out FUCK you if you are not going to talk to me over something so petty. So I asked if she would have taken them if she lived on this side of town and she said probably then I let her know that you can't do that because it crosses the line.

On 11/12/08 after a faculty meeting Fichter and I were walking through the hallway and was having a dialogue with her Team Leader (Lisa Brown) about a Parent Teacher Conference. She told L. Brown that I do not have a problem with this student in my class so please tell the mom. She goes further and says well I never have problems with boys in my class you know they are my favorites. L. Brown informed her that she should not say things like that and that we may not think anything of it, but you never know who might. Jennifer said well I am only talking to you, so L. Brown replied but you never know who may have overheard you. Yeah I know.

Around 5 O'clock after school I received a text from Jennifer and she said that she was in trouble, needed a lawyer, and that she won't be coming back. She called me a few minutes later stating that she is not worried if they find I phone but it is phone that she is most concerned about. I did not ask any questions. I merely asked if she was ok?

These are the events that have led me to believe the actions between Jennifer Fichter, and s are not having an appropriate Student/ Teacher Relationship.

Thanks, A. Johnson

J. Fichter statements in Red

A. Johnson statements in Black



Orange County Public Schools

445 West Amelia Street • Orlando, FL 32801-1129 • Phone 407.317.3200 • www.ocps.net

November 12, 2008

HAND DELIVERY

Jennifer Fichter
Robinswood Middle School

Dear Ms. Fichter:

Please be advised that a matter has come to the district's attention regarding alleged misconduct on your part. I have scheduled a meeting with you for Monday, November 17, 2008 at 1:00 p.m. to discuss this concern. The meeting will be held in the Office of Employee Relations, which is located at 445 W. Amelia St., in Orlando. You are directed to attend. Since discipline could result, you are entitled to have representation.

Should you have any questions, please contact me at 317-3239 between the hours of 7:30 a.m. and 4:30 p.m.

Sincerely,

Sylvia Mendez
Senior Manager
Employee Relations

My signature only indicates receipt of this document

c: Harrison Peters, Principal

11/12/08
Date

RECEIVED
NOV 13 2008

EMPLOYEE RELATIONS

To whom it may concern:

On Wednesday, November 12, during a conversation with Ms. Johnson and Ms. Fitcher, Ms. Fitcher stated that she does not normally have a discipline problem with boys. I did not take it seriously, I thought she was joking.

Ms. Brown

A handwritten signature in black ink, appearing to be 'Ms. Brown', written in a cursive style. The signature is located below the typed name 'Ms. Brown'.

RECEIVED
NOV 14 2008

EMPLOYEE RELATIONS

WITNESS STATEMENT *(Black Pen Only)*

I chose to make a statement.

I chose not to make a statement.

Name (print): _____

Date: _____

Place: _____

Time: 10:43

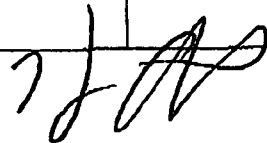
Grade: 8th

I had go Ms. Fiether's number because one day i was playing with her phone and i dailed my number on her phone. Then i ~~crased~~ crased it. Then i did it again i told her i had her number she said she didn't care.

RECEIVED
NOV 14 2008

List of Witnesses:

EMPLOYEE RELATIONS



Administrator Signature

WITNESS STATEMENT (Black Pen. Only)

I chose to make a statement.

I chose not to make a statement.

Name (print):

Date: 11-12-08

Place:

Time:

Grade: 8th

Ms. Fichter use to text me about how she's feeling and she needed to stop because he is a child and that she shouldn't be feeling him the she is. She used to say she'll smash him. But she used to text off my phone when I didn't have a phone. She had texted me did I want to be her baby? I said "no" then she asked me why don't you want to be her baby. when I told her she need to tell they way she felt she said she will. One day she texted me that all the stuff she text. She said all said she was just playing and she told me in person. She texted my phone over so time to talked to

List of Witnesses:



Administrator Signature

WITNESS STATEMENT (Black Pen Only)

I chose to make a statement.

I chose not to make a statement.

Name (print):

Date: 11-12-08

Place:

Time:

Grade: 8

It all started when _____ got her number which I don't know how. So we start texting from but she's a very cool teacher so me and _____ texting in the thinking it wasn't no biggy. So at one point she asks _____ to stop texting her so I said "ohad you abt go to tell me twice" so I thought all this texting stuff was over with but I guess them two were texting each other. I stop texting her from my phone but _____ use to let me use his phone. so I used it to text her honestly, never knew it was going to get to this point so I stop and she did. ~~to~~ tell me she's not supposed to be feeling like this for a little kid.

List of Witnesses:

Subject Witness Signature


Administrator Signature

WITNESS STATEMENT *(Black Pen Only)*

I chose to make a statement.

I chose not to make a statement.

Name (print):

Date:

Place:

Time:

Grade:

I got her number from _____ I text
her first which i think was saying "tell
come to my house after school"

List of Witnesses:

RECEIVED
NOV 14 2008

EMPLOYEE RELATIONS



Administrator Signature

WITNESS STATEMENT (Black Pen Only)

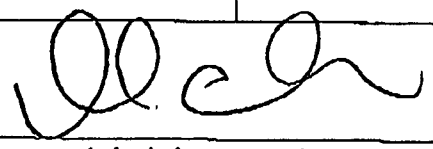
I chose to make a statement.

I chose not to make a statement.

Name (print): _____

Date: 11, 5, 08 Place: 3rd Period ^{to be} instruct Time: _____ Grade: 6th

On the second ~~day~~ of school when we had got our avid classes changed and we went to her class and we were talking and she told us to shut the H up and she always wright fake passes so that the 8th graders can come to her class and the 8th graders come in there. And she had cursed at us again one day when we were walking out the door.



Administrator Signature

WITNESS STATEMENT (Black Pen Only)

I chose to make a statement.

I chose not to make a statement.

Name (print): _____

Date: 11-5-08

Place: D925

Time: _____

Grade: 6th

03:11 in class 3rd period our teacher sh3
told us sh3 told us to shut the double
lock up then sh3 let 8th graders slip in
her class but when they go back to class sh3
is giving them 1/3 passes to go back to there
classes



Administrator Signature

WITNESS STATEMENT *(Black Pen Only)*

I chose to make a statement.

I chose not to make a statement.

Name (print): _____

Date: _____

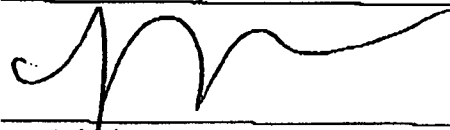
Place: _____

Time: _____

Grade: 6

Every time we go in the
we see some 8th graders in
here class room and she let
them eat candy cube at use
and she tell use to get out
if we don't want to be in
here so we ~~just~~ get out
and we don't do nothing
in here class room she said
this class is for here 8th graders

List of Witnesses:



Administrator Signature

WITNESS STATEMENT *(Black Pen Only)*

I chose to make a statement.

I chose not to make a statement.

Name (print): _____

Date: 11/3/08

Place: _____

Time: _____

Grade: 8

me and other students were allowed to stay in another class when we was not suppose to be in there. but when we were in there it wasn't any other class it was PE and Health and sometimes lunch. we didn't think of it as skipping because the health teacher never where we was and because we don't do nothing but watch TV in there we don't go in her class anymore and we haven't in a while because she told us we need to go to class and get our work done the only time we be in there is during lunch and now we started to go to lunch so pretty much we don't go in her class anymore well at least I know I don't because I don't want to get in trouble and I don't want to get her in trouble. The ~~teacher~~ teacher that was letting some in her class was Ms. Fitch

RECEIVED
NOV 14 2008

List of Witnesses:

EMPLOYEE RELATIONS



Administrator Signature

WITNESS STATEMENT (Black Pen Only)

I chose to make a statement.

I chose not to make a statement.

Name (print): _____

Date: 11/13/08

Place: _____

Time: _____

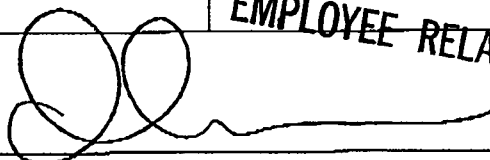
Grade: 8

There were a couple of times when I was in Ms. Fichter's class. But she sent a note (pass) to Ms. Mason stating that I was in there. Ms. Mason got upset and said that we need to start coming to class, because our grades weren't looking to good. So we started going to class. I will admit there were a couple of times that I skipped some classes in Ms. Fichter's class that were not authorized (without sending a note to my assigned teacher that period.) But Ms. Fichter said that I (we) need to stop and start going to class. So ~~from~~ then on we had to go to class. So ~~on~~ the only time we have been in there is lunch.

List of Witnesses:

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NOV 14 2008

EMPLOYEE RELATIONS



Administrator Signature

Subject Witness Signature

WITNESS STATEMENT (Black Pen Only)

I chose to make a statement.

I chose not to make a statement.

Name (print): _____

Date: 11/17/08

Place: _____

Time: _____

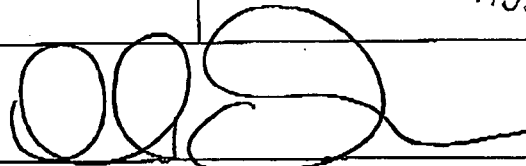
Grade: _____

Well every time I didn't want to go to one of my classes I would ask Mrs. Pitter (could I say) and her class some time she would say yes. And some time she'll say no. And when she says ~~but~~ yes I would say for the whole ~~per~~ period when she says no I just go STRB to class. And when we stay ~~at~~ all I did was go on the computer.

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NOV 14 2008

List of Witnesses:

EMPLOYEE RELATIONS



Administrator Signature

WITNESS STATEMENT *(Black Pen Only)*

I chose to make a statement.

I chose not to make a statement.

Name (print)

Date:

Place:

Name:

Grade:

I ~~was~~ went there during lunch. And, I always had permission. I didn't really talk in their. Mostly I stayed on the computer.

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NOV 14 2008

List of Witnesses:

EMPLOYEE RELATIONS

Subject/Witness Signature

Administrator Signature

WITNESS STATEMENT (Black Pen Only)

I chose to make a statement.

I chose not to make a statement.

Name (print) _____

Date: 12-12-08

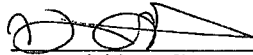
Place: _____

Time: _____

Grade: _____

She called my cell phone asking me about my parents and they were not available at the moment. She called another and i told her where i live and she called my house phone and talked to my mother and said she wanted to have a meeting at McDonalds. My sister, Mom, Dad attended the meeting she asks me did Ms. Fichter touch me in an inappropriate way. I said "No". She called my cell phone from a 321-663-4020

List of Witnesses:



Administrator Signature

**MISCELLANEOUS
DOCUMENTS**

Mendez, Dora S.

From: Moes, Brian F
Sent: Tuesday, January 06, 2009 11:43 AM
To: Mendez, Dora S.
Subject: RE: J. Fitcher

Her attorney sent via email an unsigned resignation letter the signed original is to be mailed. I regard this as a resignation as you may move forward with filling the position. I will follow up with the attorney as to the signed copy.

From: Mendez, Dora S.
Sent: Monday, January 05, 2009 11:59 AM
To: Moes, Brian F
Cc: Blackmore, Leigh A.
Subject: J. Fitcher

Hi Brian,
Have we received a resignation for this individual. Mr. Peters, the Principal, is inquiring as he would like to move forward to fill the position asap. Thanks

Senior Manager
Employee Relations
407-317-3239 (Phone)
407- 317-3271(Fax)



MEMORANDUM

FROM: Sylvia Mendez *SM*
Senior Manager
Employee Relations

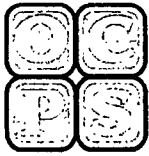
SUBJECT: **Relief of Duty without pay**
Jennifer Fichter
SSN:
PN: 62693

DATE: December 8, 2008

Jennifer Fichter, a Teacher from Robinswood Middle School, was placed on relief of duty with full pay and benefits effective November 14, 2008. Jennifer Fichter has been removed from relief of duty and placed on relief of duty without pay effective December 8, 2008.

c: Letty Lohman, Employment Services
Tonya Strickland, Payroll
Linda Prince, Insurance
«OESPA/CTA»
Employee Relations

RTW



Orange County Public Schools

445 West Amelia Street Orlando, FL 32801-1129 Phone 407.317.3200 www.ocps.net

December 8, 2008

LEGAL SERVICES

407-317-3200 Ext 2954

brian.moes@ocps.net

Joseph Egan, Jr., Esq.
Egan, Lev & Siwica
231 East Colonial Drive
PO Box 2231
Orlando, FL 32802-2231

Re: Jennifer Fitcher

Dear Joe:

This follows our conversation of today and serves to advise that we have suspended the investigation into alleged misconduct on behalf of Ms. Fitcher. This will also serve to acknowledge and grant Ms. Fitcher's request to be placed on relief of duty without pay while she contemplates her continued employment with the District. If she is inclined to resign her employment, resignation must be made within the week and an effective date on or before January 16, 2009, so that the District can make necessary arrangements for Ms. Fitcher's replacement.

Please let me know Ms. Fitcher's intentions by the close of next week.

Cordially

Brian F. Moes
Assistant General Counsel

BFM/sef

c: Leigh Ann Blackmore
Director, Employee Relations



Orange County Classroom Teachers Association

1020 Webster Avenue • Orlando, Florida 32804
Phone (407) 298-0756 Ext 210 FAX (407) 290-8799

To: Sylvia Mendez, Senior Manager, Employee Relations
From: Robin Bouey, UniServ Director
Re: Request for Records
Date: 11/18/08

On behalf of Orange County Classroom Teachers Association I request all records supporting the decision to investigate **Jennifer Fichter** for alleged misconduct. This request includes the production of all records obtained or used in course of the investigation, *as well as all records used during the course of deliberations leading up to the decision to recommend discipline for this individual.*

So there is not any misunderstanding, this request is also intended to produce records and witness accounts showing that our client did not engage in misconduct as well as records and witness accounts related to any misconduct. This request is also intended to obtain accounts of persons who were talked to about this matter or who provided witness statements.

In addition, please provide us with the names of all persons talked with about the allegations against our client, including but not limited to, persons providing information used to support the proposed disciplinary action.

In the event you withhold or redact any of the information requested, please do not delay the production of information you intend to provide us. Also, please state in writing the reasons for withholding or redacting any of the requested information.

This information is needed to permit CTA and legal representation to carry out its role as bargaining representative and to determine the merits of the proposed discipline.

Please provide all of the requested information *at the PDM* so that the employee maybe prepared to explain his/her perception of the matter, name other witnesses or provide additional information.

Robin Bouey
UniServ Director
Orange Service Unit
1020 Webster Ave.
Orlando, FL 32804
Phone: 407-298-0756, ext. 209
Fax: 407-290-8799
robin.bouey@floridaea.org

*Issued
11-19-08*

ORANGE COUNTY PUBLIC SCHOOLS

REQUEST FOR LEAVE OF ABSENCE

1st Leave Request Request for Leave Extension

I am applying for leave with pay to be effective on the following dates:
 From 11/13/08 through 11/13/08
(first day of absence) (last day of absence)

Date 11/12/08

Total number of hours absent 7.5

I am applying for leave of absence without pay to be effective on the following dates:
 From _____ through _____
(first day of absence) (last day of absence)

Total number of hours absent _____

I am applying for donated sick leave from
 who is my spouse child parent sibling. (Name) _____
(Social Security #) _____
 From _____ through _____
(first day of absence) (last day of absence)

Total number of hours absent _____

(Please refer to the Policy Manual for a definition of leaves)

SHORT-TERM LEAVE	
Annual.....	<input type="checkbox"/>
Sick Leave with Pay.....	<input type="checkbox"/>
Personal Leave with Pay.....	<input checked="" type="checkbox"/>
Personal Leave without Pay.....	<input type="checkbox"/>
Professional'.....	<input type="checkbox"/>
Temporary Duty Elsewhere'.....	<input type="checkbox"/>
Reimbursable by another agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Military' (17 days or less).....	<input type="checkbox"/>
Jury Duty.....	<input type="checkbox"/>
Other (specify below).....	<input type="checkbox"/>

LONG TERM LEAVE OVER TEN DAYS	
Illness Without Pay'.....	<input type="checkbox"/>
Maternity.....	<input type="checkbox"/>
Military'.....	<input type="checkbox"/>
Personal (Without Pay)'.....	<input type="checkbox"/>
Professional'.....	<input type="checkbox"/>
Other (specify below)'.....	<input type="checkbox"/>

I am applying under the Family and Medical Leave Act' Yes No

Illness/Injury in Line of Duty.....
 Workers' Compensation Leave.....
 Have you ever applied before for Workers' Compensation? Yes No

Please contact the Insurance office at 407-317-3245 to arrange payment of your health insurance premium if you are taking a leave without pay. Otherwise, your coverage will lapse and upon returning to work you must meet the eligibility requirements including the three month waiting period and pre-existing condition requirements.

1. Leave taken to renew or extend a certificate.
2. Please indicate if another agency will reimburse the Orange County Public Schools for the cost of a substitute teacher where needed.
3. A copy of your orders or an official statement showing dates of attendance must accompany this request.
4. A doctor's statement regarding the need for this leave must accompany this request.
5. Instructional employee must maintain a valid certificate while on a long-term leave.
6. If requesting employment while on leave, a copy of a letter to the superintendent requesting approval to be employed while on leave must accompany this request.

EXPLANATION (every long-term leave request must include a brief explanation)

NOTE: If for any reason you do not take a long-term leave once it has been approved, please have your principal or supervisor notify Personnel **IN WRITING**.

Name Jennifer Fichter
(Please Print)
 Personnel No. 62693
 Home Address 710 Myrtle Cove Ct. 104
 City..State..Zip Orlando, FL 32825
 Telephone Number 407-497-7562
 Work Location Name Robinswood Middle School
 Position _____

Substitute Requested Yes No
 Signature of Employee _____ Date 11/12/08

Signature of Donating Family Member _____ Date _____

I Approve the Above Substitute Authorization Yes No
 Yes No

Signature of Principal/Supervisor _____ Date 11-12-08

I approve the above Yes No

Signature of Area Superintendent _____ Date _____

Approved to work while on leave Yes No

Superintendent _____ Date _____

Check One:
 Instructional Employee
 Classified Employee
 Administrative/Technical Employee

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NOV 13 2008

10/5/04

Falsification of this document is grounds for discipline up to and including dismissal.

EMPLOYEE RELATIONS

Participant Handouts

(Guidelines & Common Sense)

- Code of Ethics for the Education Profession in Florida mandates you to value the worth and dignity of individuals, to place your primary concern for the development of each student's potential, and to strive to achieve and sustain the highest degree of ethical conduct.
- Principles of Professional Conduct for the Education Profession in Florida obligate you to perform to standards of behavior dealing with STUDENTS, the PUBLIC, and the PROFESSION.

• In addition to the more obvious actions (e.g. child abuse/molestation), you can also be charged with a crime of moral turpitude or gross immorality if you shoplift, drink on school grounds, have multiple arrests for DUI, possess or sell drugs with or without student involvement, make comments of a sexual nature to students, fondle or touch students in an inappropriate manner, commit food stamp or public assistance fraud, commit assault, misuse school funds, or submit fraudulent transcripts. These are just a few examples.

- As you can see, you are held to a high moral standard in your role of educating children. You are held accountable for your private life as well as your public life.
- Keep in mind that relatively few educators ever commit violations.
- It is best to arm yourself with knowledge so that you do not advertently or inadvertently violate any standards and become one of the statistics.
- Many problems educators have encountered could have been avoided if they used some common sense and rational judgment.

HOW TO USE COMMON SENSE & PROFESSIONAL JUDGMENT TO AVOID LEGAL COMPLICATIONS IN TEACHING

A. Interaction with Students

1. Maintain a professional barrier between you and students. You are the adult, the teacher, and the professional; act like the expert not like another one of the "kids."
2. Keep the classroom door open when talking with students.
3. Refer students to the appropriate resource person for counseling and/or discussions about personal matters.
4. Do NOT flirt with students.
5. Do NOT discuss your personal life or personal matters with students. Do NOT discuss your husband, wife, girlfriend, boyfriend, or dates with students.
6. When transporting students, coordinate transportation ahead of time, and use school or mass transportation if possible. If necessary, call a taxi for the student. If you must transport a student in your vehicle, ask a co-worker to accompany you.
7. Avoid leaving your students unsupervised; have an alternate plan of action.
8. Keep hands and other parts of your body to yourself.
9. Use verbal praise and reinforcement.
10. Know your school and district policies and state laws governing corporal punishment. Establish and follow a consistent behavior plan. Treat each student with respect. Know the student's rights.
11. Chaperon only school-sponsored functions. Do NOT socialize with students. If you chaperon a field-trip, put in writing what your responsibilities will be. Do NOT drink alcoholic beverages in front of students. Do NOT take children home with you.
12. Do NOT make telephone calls or write notes of a personal nature to students.
13. Do not harass students; respect their differences. What you intend as humor may, in fact, be cultural bias or harassment.

B. Record Keeping and Accounting Procedures

1. Know the laws, school board policies, and school rules and follow them. Know your rights.
2. Know your school and district policies and state laws regarding collecting money, purchasing materials and equipment, and follow them. Work in pairs when collecting large amounts of money.
3. Establish a policy regarding your grading system consistent with school and district policies, where applicable. Give a written explanation of it to students and parents at the beginning of the year or when they begin your class or unit of instruction.
4. Establish a policy regarding your behavioral management system. Give a written explanation of it to students and parents at the beginning of the year or when they begin your class unit of instruction.

C. Reputation in the Community

1. Keep your co-workers and supervisors informed; work and communicate as a team; plan and teach together.
2. Communicate with parents and document your communication.
3. Dress and act appropriately and professionally. You are a role model in the community as well as in the school; be a good example for students.
4. Use common sense and good judgment. Ask yourself how someone else could perceive your comments or actions. Ask yourself if your comments or actions could be taken out of context and/or misinterpreted.
5. Avoid putting yourself in a position where you have to defend, explain, or justify your behavior or actions. Avoid putting yourself in a position where it's your word against another person's word.
6. Maintain a professional reputation in the community. When you "party," be discreet.

Trainer Notes

Slide 47

How to Use Common Sense

- A. Interaction with Students**
- Maintain a professional barrier
 - Keep the classroom door open
 - Refer students to the appropriate resource person
 - Do NOT flirt with students
 - Do NOT discuss your personal life
 - Coordinate transportation ahead of time

Trainer Notes:

Common Sense – (10 minutes)

Display the “How to Use Common Sense” transparencies

Begin with “A. Interaction with Students”

At this point in the training, the trainer needs to bring in his/her experience(s). Short anecdotes and reflections on situations demonstrating many of the common sense issues or concerns listed.

Continue with the other transparencies addressing common sense following the same procedure of highlighting many by reading and citing experiences.

End the common sense discussion with the transparency, “**Many problems educators have encountered could have been avoided if they used some common sense and rational judgment.**”

Slide 48

Common Sense
Interaction with Students continued

- Avoid leaving your students alone
- Keep your hands and body to yourself
- Know policies and laws governing corporal punishment
- Chaperon only school sponsored events
- Do NOT telephone students or write them (notes of a personal nature)
- Do not harass students

Trainer Notes:

Trainer must say loud and clear: Do Not have sex with or date your students!!!

Slide 49

How to Use Common Sense

- B. Record Keeping and Accounting Procedures**
- Know laws, policies, and school rules
 - Know your rights
 - Know policies about money and finances
 - Establish a grading system
 - Establish behavioral management rules

Trainer Notes:

Slide 50

How to Use Common Sense

C. Reputation in the Community

- Keep your co-workers and supervisors informed
- Communicate with parents and document your communication
- Dress and act appropriately
- Use common sense and good judgment
- Avoid indefensible behaviors and actions
- Maintain a professional reputation

Trainer Notes:

Slide 51

Many problems educators have encountered could have been avoided if they used some common sense and rational judgment.

Trainer Notes:

Close with Situation Scenarios. The purpose of the scenarios is to place the participants into situations that require a judgment call based on what was learned

during the training. The scenarios place the participants into situation that could happen and requires them to answer the question, "What would you say/do?"

Procedure:

1. Trainer divides the participants into groups of four or five.
2. Participants need to turn to the workbook page that corresponds to Situation Scenarios.
3. Participants take turns leading the discussion on a scenario. Discussion needs to be brief.
4. The group discusses if the situation violates a code of ethics principle or is a cause for concern. The participants will need to use the code pamphlet to determine if a principle has been violated (legal responsibility) or if the situation provides a cause for concern (common sense situation calling for judgment).
5. Participants identify in the workbook each of the scenarios as violating a principle or cause for concern to be used for future reference.



Personnel Access Log

Personnel # 62693

Date

Name of Individual/Company that reviewed the file

4.16.14

Kathi Belich WFTV-Channel 9

"

Carson Chambers- ABC Action News, Tampa

4.17.14

Lorena- WESTH News assignment editor