



The Ethical Educator & Professional Practices

Teacher Standards & Practices Commission

250 Division St NE

Salem OR 97301

Responsibilities of TSPC:

In 1973, the Teacher Standards and Practices Commission became an autonomous body. It was created amid demands across the nation that educators police their own ranks. As a result, one of the statutory responsibilities of TSPC is to maintain professional Standards of Competent and Ethical Performance of Oregon Educators. These Standards can be found in Oregon Administrative Rules, Chapter 584, Division 020. Approximately 200 discipline cases are investigated by the Commission each year.

What is a Competent and Ethical Educator?

The competent educator demonstrates:

- Knowledge and use of curriculum and instruction to meet the needs of all students;
- Ability to provide a climate for students that is conducive to learning and respects the rights of all persons without discrimination;
- An understanding of students and ability to establish and maintain good rapport and assist the growth of students;
- Ability to work effectively with students, staff, parents and community.

The ethical educator demonstrates:

- A willingness to accept the requirements of membership in the education profession;
- A willingness to consider the needs of the students, the district and profession.

What is a Culturally Competent Educator?

The competent educator demonstrates:

- Capacity to promote equity of student access and outcomes;
- Advocacy for social justice;
- Awareness of laws and policies affecting learners;
- Creates a respectful and collaborative environment;
- Ability to navigate conflicts around race, ethnicity, religion, class, and language in a safe and productive manner;
- Ability to work collaboratively with students, staff, and parents from diverse racial, ethnic, religion, class and language background;
- Demonstrates respectful and welcoming verbal and non-verbal interaction skills.

What is the Responsibility of the Superintendent?

OAR 584-020-0041(2)

The district's chief administrator must report to TSPC within 30 days when, after appropriate investigation, the chief administrator **reasonably** believes that an educator has violated standards by committing acts of gross neglect of duty or gross unfitness.

What is Gross Neglect of Duty?

OAR 584-020-0040(4)

Gross neglect of duty is any serious and material inattention to or breach of professional responsibilities. Some examples of Gross Neglect of Duty are: unreasonable physical force against students or fellow employees; sexual conduct with a student; appearing on duty or at any district-sponsored activity while under the influence of alcohol or any controlled substance; knowing falsification of any document or knowing misrepresentation directly related to licensure, employment or professional duties; knowing and unauthorized use of school computer equipment to receive, store, produce or send sexually explicit materials; knowing and willful failure of a chief administrator to report a violation of Commission standards; etc. See OAR 584-020-0040(4) for additional examples of Gross Neglect of Duty.

What is Gross Unfitness?

OAR 584-020-0040(5)

Gross unfitness is any conduct which renders an educator unqualified to perform his or her professional responsibilities. Conduct constituting gross unfitness may include conduct occurring outside of school hours and off school premises when such conduct bears a demonstrable relationship to the educator's ability to fulfill professional responsibilities effectively. Some examples of Gross Unfitness are: fraud or misrepresentation; conviction of violating any federal, state, or local law; violation of a term of probation imposed by a court; admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction; etc. See OAR 584-020-0040(5) for additional examples of Gross Unfitness.

What Happens When TSPC Receives a Complaint?

ORS 342.176

- TSPC conducts an investigation to determine whether or not the allegation(s) is factual.
- The educator is notified of the complaint and encouraged to respond to the allegation(s).
- The Commission considers the Preliminary Investigation report and determines whether or not there is sufficient cause or evidence to charge the educator with a violation of TSPC Standards.
- The Commission may dismiss the complaint for lack of sufficient cause; **or**
- Enter into a settlement agreement with the educator (Order of discipline); **or**
- TSPC may inform the educator of charges and of an opportunity for hearing.

What Happens When the Educator Requests a Hearing?

ORS 342.177(1)

The Commission is represented by legal counsel from the Attorney General's Office. The educator may be represented by an attorney. Hearings are conducted by an Administrative Law Judge. Based on evidence presented at the hearing, the Administrative Law Judge makes a recommendation to the Commission regarding whether the educator has engaged in unprofessional conduct. The Administrative Law Judge submits a Proposed Order to the full Commission. The Proposed Order is advisory to the Commission which is voted on in public session.

What Sanctions May the Commission Impose?

ORS 342.175(2) and ORS 342.177(3)

By law, the Commission **must** permanently revoke or deny a license to educators who are convicted of crimes listed in ORS 342.143 (sex-related crimes including prostitution). In other cases, the Commission may revoke, suspend, issue a public reprimand, or place an educator on probation depending on the facts and circumstances of the case.

What are the Factors for Imposing Disciplinary Sanctions?

OAR 584-020-0045

- If the misconduct or violation is an isolated occurrence, part of a continuing pattern, or one of a series of incidents.
- The likelihood of a recurrence of the misconduct or violation.
- The educator's past performance.
- The extent, severity, and imminence of any danger to students, other educators or the public.
- If the misconduct was open and notorious or had negative effects on the public image of the school.
- The educator's state of mind at the time of the misconduct and afterwards.
- The danger that students will imitate the educator's behavior or use it as a model.
- The age and level of maturity of the students served by the educator.
- Any extenuating circumstances or other factors bearing on the appropriate nature of a disciplinary sanction.

What Happens When an Order is Adopted by TSPC?

ORS 342.203

The educator, the educator's school district and the complainant are notified. The Commission maintains records of all disciplined educators. Annually, the list of sanctioned educators is posted on the TSPC Website. When an Order is adopted, it is reported to the National Association of State Directors of Teacher Education and Certification (NASDTEC) which maintains a national list of disciplined educators.

What Can Educators Do To Avoid Complaints Being Filed With TSPC?

Think about your interaction with students.

- Do you fail to maintain professional physical and emotional boundaries with students?
- Do you flirt with students?
- Do you discuss your personal life with your students?
- Do you telephone students or send emails of a personal nature?
- Do you close your classroom door if you are talking to a student alone?
- Do you transport students in your personal vehicle?
- Do you fail to inform your supervisor and refer to a counselor any student who may have a romantic attachment to you?
- Do you buy gifts for students?

Think about your knowledge of state law, school policies and procedures.

- Do you know the laws, district policies, school rules and your rights?
- Do you know the Oregon child abuse reporting law ORS 419B.010?
- Do you know the policies in your school regarding the proper handling of money and finances?
- Do you have clear behavioral management rules?
- Do you know about corporal punishment laws ORS 339.250 and district policies?
- Do you know about confidentiality requirements?
- Do you know your district's Acceptable Use Policy regarding technology, including computers, e-mail and internet access.

Think about your reputation in the community.

- Do you maintain a professional reputation in the community and school district?
- Do you communicate with parents and document that communication?
- Do you engage in behavior in the community that students may use as a positive model?

"If I could take back those five minutes..."

From TSPC case files

Use of school computer equipment to receive, store product or send sexually explicit materials OAR 584-020-0040(4)(q)
Educator used classroom computer to access sexually explicit materials on the Internet. Educator downloaded sexually explicit materials, copied materials on school equipment and distributed to other staff.

Sanction: 90 days suspension, special conditions for reinstatement and 2 years probation upon reinstatement

Knowing misrepresentation directly related to licensure OAR 584-020-0040(4)(c)

On TSPC Application for renewal of licensure Educator failed to report a criminal conviction (Assault IV).

Sanction: Application denied/right to apply suspended for 128 days, reinstatement requires anger management evaluation, 2 years probation (requiring treatment/counseling if referred by evaluator)

Any sexual conduct with a student OAR 584-020-0040(4)(f) and OAR 584-020-0040(5)(c)

Educator engaged in sexual behavior with a high school student in the Educator's home. Educator pled guilty to the crime of Official Misconduct and was convicted.

Sanction: Revocation

Appearing on duty or at any district-sponsored activity while under the influence of alcohol OAR 584-020-0040(4)(g)

Educator serving as athletic director attends sports events after consuming alcoholic beverages on two separate occasions. Educator required to enroll in an alcohol treatment program as a part of settlement agreement with TSPC.

Sanction: Public reprimand and 4 years probation (with special conditions requiring educator to continue alcohol treatment plan and submit progress reports every 6 months to Executive Director)

Conviction of violation of any federal, state, or local law OAR 584-020-0040(5)(c)

Educator convicted of Driving Under the Influence of Intoxicants. Educator required by court order to complete alcohol treatment program.

Sanction: Public reprimand and 4 years probation (with special conditions requiring educator to abstain from consumption of alcohol, submit progress reports every 6 months to Executive Director and continue alcohol treatment plan)

Failed to refrain from exploiting professional relationships with any student for personal gain, or in support of persons or issues. OAR 584-020-0035(1)(b)

Educator exploited her professional relationship with a student to promote her own religious issues. Educator repeatedly communicated with a student suffering from an illness that religious faith would be the source of healing for her condition.

Sanction: 6 months suspension, special conditions for reinstatement and four years probation upon reinstatement.