

BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the)
Educator License of)
MITCHELL A. WHITEHURST)

On or about November 21, 2014, the Teacher Standards and Practices Commission (Commission) learned that licensed educator, Mitchell A. Whitehurst (Whitehurst), had committed acts of unprofessional conduct. Specifically, Whitehurst had physically harassed another teacher and was under investigation by law enforcement for the same. On August 10, 2015, additional information was learned during the course investigating the November 21, 2014 complaint. This new information resulted in a new, additional investigation into the conduct of Whitehurst that occurred on or about the school year of 1983-84. Both investigations will be addressed in this Stipulation and Final Order.

After review of the matters alleged, Whitehurst and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the surrender and permanent revocation of Whitehurst's Oregon educator License.

By signing below, Whitehurst acknowledges, understands, stipulates, and agrees to the following: (i) he has been fully advised of his rights to notice and a hearing to contest the findings of fact, conclusions of law, and order set forth below, and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final Order of Surrender and Permanent Revocation of Licensure (Stipulation and Final Order); (ii) this Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Whitehurst nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it

1 completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final
2 Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that
3 no promises or representation has been made to induce him to sign this Stipulation and Final
4 Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order
5 and has been fully advised with regard to his rights thereto, or waives any and all rights to
6 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
7 entry of the Stipulated Final Order below.

8 This Order sets forth the facts upon which the parties have agreed and the sanction to be
9 imposed. Whitehurst stipulates that there are sufficient facts contained in the Commission's
10 files and records to support the findings of fact and conclusions of law set forth below. In
11 entering into this stipulation, Whitehurst waives the right to a hearing to contest the findings of
12 fact, conclusions of law and order set forth below.

13 **STIPULATION OF FACTS**

- 14 1. The Commission has licensed Whitehurst since January 19, 1982. Whitehurst holds a
15 Standard Teaching License with an endorsement in Standard Physical Education (018),
16 valid February 5, 2014, through February 4, 2019. During all relevant times, Whitehurst
17 was employed by the Portland Public School District.
- 18 2. On November 21, 2014, the Commission learned that Whitehurst had been placed on
19 administrative leave while the subject of both a school district and a law enforcement
20 investigation regarding Whitehurst physically harassing another teacher. On December
21 22, 2014, Whitehurst plead guilty to one count of Harassment, a class B misdemeanor.
22 An investigation determined that Whitehurst's conduct leading up to the conviction
23 included Whitehurst striking another teacher on the buttocks with a rolled up bunch of
24 papers or other object.
- 25 3. On April 1, 2015, Whitehurst retired from the Portland Public Schools District.

4. While investigating the November 14, 2014, reported incident, investigators discovered possible additional professional misconduct on the part of Whitehurst during the school year of 1983-84, with 18 year old female students AG and CP , including sexual conduct as defined in ORS 339.370(9) and OAR 584-020-0005(5). Whitehurst denies any such professional misconduct occurred.

IT IS SO STIPULATED:

Mitchell A. Whitehurst
Mitchell A. Whitehurst

12 - 8 - 2015
Date

Victoria Chamberlain
Victoria Chamberlain, Executive Director
Teacher Standards and Practices Commission

12-18-15
Date

CONCLUSION OF LAW

Mitchell A. Whitehurst engaged in unprofessional conduct as described in section two (2) above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of all persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional judgment*); OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a) (*Maintain the dignity of the profession by respecting and obeying the law, exemplifying personal integrity and honesty*); and OAR 584-020-0040(4)(d) (*Unreasonable physical force against students, fellow employees, or visitors to the school, except as permitted under ORS 339.250*). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(5)(c) (*Conviction of violating any federal, state, or local law. A conviction includes any final judgment of conviction by a court whether as the result of guilty plea, no contest plea or any other means*), and OAR 584-020-0040(5)(e) (*Admission of or engaging in acts constituting criminal conduct, even in the absence of a conviction*).

1 Mitchell A. Whitehurst engaged in unprofessional conduct as described in section four
2 (4) above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.143(2); ORS
3 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use*
4 *professional judgment*); OAR 584-020-0040(4)(o) as is incorporates OAR 584-020-
5 0035(1)(b)(*Refrain from exploiting professional relationships with any student for personal*
6 *gain, or in support of persons or issues*), OAR 584-020-0035(1)(c)(A)(*Not demonstrating or*
7 *expressing professionally inappropriate interest in a student's personal life*), OAR 584-020-
8 0035(1)(c)(D)(*Honoring appropriate adult boundaries with students in conduct and*
9 *conversation at all times*); and OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*).
10 The Commission may rely on the definitions of sexual conduct in ORS 339.370(9) and OAR 584-
11 020-0005(5). Whitehurst's conduct establishes that he does not possess good moral character
12 or mental and physical fitness as required to hold a license under ORS 342.143(2).

13
14 The Commission's authority to impose discipline in this matter is based upon ORS
15 342.175.

16 **ORDER**

17 The Commission adopts the above Stipulation of Facts, accepts the licensure surrender
18 and permanently revokes the educator license of Mitchell A. Whitehurst.

19 IT IS SO ORDERED this 26th day of January, 2016.

20 TEACHER STANDARDS AND PRACTICES COMMISSION

21
22 By: 
23 Victoria Chamberlain, Executive Director