



gross unfitness. Specifically, Brazil had demonstrated a pattern of unprofessional behavior.

3. The Commission's investigation revealed a pattern of behavior during the 2013 – 2014 school year, including harassment and unprofessionalism:

- a. On August 13, 2013, Brazil attended a "Team Leader" meeting. As part of a discussion regarding dress code policy, Brazil made inappropriate comments in the presence of other team member staff related to overweight employees, stretch pants and "camel toes".
- b. On multiple occasions Brazil used his District email to send unprofessional communications to other staff members. These emails contained inappropriate language, sexual innuendos, and offensive information about students that appeared to condone bullying and harassment between students.
- c. On or about March 12, 2014, Brazil commented in the presence of two female colleagues that another teacher was receiving special treatment as a teacher on special assignment (TOSA). When Brazil made these inferences, Brazil made obscene hand gestures that mimicked giving a "blow job" or fellatio.
- d. With students in the classroom, Brazil used district equipment and internet connection to visit "Men's Fitness" articles that had no professional value to the classroom or Brazil's teaching. The district searched Brazil's computer usage and located approximately 20 inappropriate webpages visited by Brazil while students were in the classroom. These included related articles, photographs, and material in violation of district policy. The web pages included sexually graphic images that could have been exposed to students. The titles of these web pages included:

- Are You Normal in the Bedroom?
- Number of Sexual Partners
- Frequency of Orgasm
- Penis Size
- Does Married Sex Suck?
- How Many Guys Watch Porn?
- How often do you masturbate?

- 1 • Premature Ejaculation and Lasting Longer in Bed
- 2 • Does Your Partner Like Your Penis?
- 3 • What's Your Favorite Sexual Position?

## 4

### 5 CONCLUSIONS OF LAW

6 James David Brazil engaged in unprofessional conduct as described above. This  
7 conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); OAR 584-020-  
8 0040(4)(n) as it incorporates OAR 584-020-0010(1) (*Recognize the worth and dignity of*  
9 *all persons and respect for each individual*), OAR 584-020-0010(5) (*Use professional*  
10 *judgment*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and*  
11 *regulations*), OAR 584-020-0025(2)(b) (*Using and maintaining district property,*  
12 *equipment, and materials appropriately*), OAR 584-020-0030(2)(b) (*Skill in*  
13 *communicating with administrators, students, staff, parents, and other patrons*); and OAR  
14 584-020-0040(4)(l) (*Sexual harassment*).

15  
16 The Commission's authority to impose discipline in this matter is based upon ORS  
17 342.175.

### 18 FINAL ORDER

19 The Commission hereby issues a Public Reprimand upon James David Brazil's  
20 Educator licensure, and places Brazil on probation for a period of four (4) years from the  
21 date of this order. This probation period is subject to the following terms and conditions:

- 22 1. Brazil shall comply with the Standards for Competent and Ethical  
23 Performance of Oregon Educators under Oregon Administrative Rules  
24 Chapter 584, Division 020.

25 Violation of any term or condition of probation shall constitute an independent basis  
26 for the Commission to revoke Cruz' teaching license or otherwise impose discipline, after  
27 first providing Cruz with notice and opportunity for hearing.

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29 ////  
30 ////  
31 ////

1 IT IS SO ORDERED THIS 21<sup>st</sup> day of October, 2015.

2 TEACHER STANDARDS AND PRACTICES COMMISSION



3 By: \_\_\_\_\_  
4 Victoria Chamberlain, Executive Director  
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6 NOTICE OF APPEAL OR RIGHTS  
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8 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW  
9 MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM  
10 THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE  
11 PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.