## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

## OF THE STATE OF OREGON

3	In the Matter of the	)	STIPULATION OF FACTS AND
4	Educator License of	)	FINAL ORDER OF
5	MELCHOR GAMEZ	)	SUSPENSION AND PROBATION
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8 On December 16, 2019, the Teacher Standards and Practices Commission
9 (Commission) received a misconduct report from the Willamette Educational School
10 District (WESD), indicating possible professional misconduct on the part of licensed
11 educator, Melchor Gamez, (Gamez).

After review of the matters alleged, Gamez and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts, the imposition of a three (3) month suspension, and a three (3) year period of probation.

16 This Order sets forth the facts upon which the parties have agreed and the 17 sanction to be imposed. Gamez stipulates that there are sufficient facts contained in the 18 Commission's files and records to support the findings of fact and conclusions of law set 19 forth below. In entering into this stipulation, Gamez waives the right to a hearing to 20 contest the findings of fact, conclusions of law and order set forth below.

21 By signing below, Gamez acknowledges, understands, stipulates, and agrees to 22 the following: (i) he has been fully advised of his rights to notice and a hearing to contest 23 the findings of fact, conclusions of law, and order set forth below, and fully and finally 24 waives all such rights and any rights to appeal or otherwise challenge this Stipulation of 25 Facts and Final Order of Suspension and Probation (Stipulation and Final Order); (ii) 26 this Stipulation and Final Order is a public document and disclosed to the public upon 27 request by the Commission; (iii) this Stipulation and Final Order is contingent upon and 28 subject to approval and adoption by the Commission. If the Commission does not approve and adopt this Stipulation and Final Order, then neither Gamez nor the 29 30 Commission are bound by the terms herein; (iv) he has fully read this Stipulation and 31 Final Order, and understands it completely; (v) he voluntarily, without any force or 32 duress, enters into this Stipulation and Final Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that no promise or representation has 33 34 been made to induce him to sign this Stipulation and Final Order; and (vii) he has 35 consulted with an attorney regarding this Stipulation and Final Order and has been fully

1	advise	d with regard to his rights thereto, or waives any and all rights to consult with an
2	attorn	ey prior to entering into this Stipulation and Final Order and issuance and entry of
3	the Sti	pulated Final Order below.
4		STIPULATION OF FACTS
5	1.	The Commission has licensed Gamez since August 7, 2015. Gamez previously
6		held a Preliminary Teaching License, with an endorsement in World Language –
7		Spanish (PK-12), valid from April 26, 2017, through January 6, 2021. During all
8		relevant times, Gamez was employed by the Willamette Educational School
9		District (WESD).
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11	2.	On December 16, 2019, TSPC received a School District Misconduct Report from
12		WESD. The report stated that WESD had been contacted by the Lane ESD with
13		information that Gamez allegedly engaged in unwanted touching and attention of
14		a female Lane ESD employee.
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16	3.	Investigation determined that on October 2, 2019, while attending a national
17		conference in Miami Florida representing WESD, Gamez touched the tattoo on
18		the arm of Lane ESD employee, JW, with his finger. Gamez did this in front of
19		multiple witnesses in a hotel lounge and made a comment about the texture of
20		JW's skin around the area where he touched being different from skin that was
21		not tattooed. Later the same evening, it was reported that Gamez encouraged JW
22		to play "dead finger" with Gamez because he felt the game simulated the texture
23		of tattooed skin. These interactions and the physical touching made JW
24		uncomfortable. When JW returned to Oregon, she reported the incident to her
25		supervisors at Lane ESD, and WESD began an investigation. WESD investigation
26		substantiated the allegations, and Gamez resigned in lieu of termination.
27 28	4	On March 30, 2021, Gamez was interviewed by Commission investigative staff
29	4.	regarding this incident in the presence of Gamez's attorney, Caleb Mammen.
30		During the interview, Gamez admitted to touching JW's tattoo. Gamez reported
31		that he had asked and received permission before he did so. Gamez reported that
32		the entire incident was mischaracterized, and he stated that he meant nothing
33		sexual by his interactions with JW while in Miami. Gamez reported that one of
34		the witnesses to this incident wanted him fired so they could take his position at
35		WESD. Gamez reported that the allegations against him were "nonsense." A
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1	review of Commission disciplinary records confirms this is Gamez's second
2	offense of this nature. Commission records indicate that Gamez was issued a
3	Public Reprimand for allegations involving greeting a colleague with a hug in
4	June 2019.
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6	IT IS SO STIPULATED:		
7	<u>Melchor Gamez</u> Jand Permanent Jand Permanent 2/14/2023		
8	Melchor Gamez Date		
9 10	In & Denome 3/14/2023		
11	Trent Danowski, Deputy Director Date Teacher Standards and Practices Commission		
12	Teacher Standards and Practices Commission		
13			
14	CONCLUSION OF LAW		
15	The conduct described above constitutes gross neglect of duty in violation of ORS		
16	342.175(1)(b); OAR 584-020-0010(5) (Use professional judgment), OAR 584-020-		
17	0025(2)(e) (Using district lawful and reasonable rules and regulations).		
18			
1 <del>9</del>	The Commission's authority to impose discipline in this matter is based upon		
20	ORS 342.175.		
21	ORDER		
22	The Commission adopts and incorporates herein the above findings of fact and		
22 23	The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a suspension of Gamez's Oregon		
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23 24 25	conclusions of law, and based thereon, imposes a suspension of Gamez's Oregon educator license for a period of three (3) months. Additionally, the commission imposes a term of Probation for not less than three (3) years with a required Sexual Harassment Training to be completed within the first six (6) months of Probation.		
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