

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

3
4 In the Matter of the) DEFAULT ORDER OF
5 Educator License of) REVOCATION OF
6 ERIC J. ZITTEL) LICENSURE
7

8 On August 21, 2023, the Teacher Standards and Practices Commission
9 (Commission) issued a Notice of Opportunity for Hearing to Eric J. Zittel (Zittel) in
10 which the Commission charged him with Gross Neglect of Duty and/or Gross Unfitness.
11 The Notice was sent via U.S. First-Class Mail and U.S. Certified Mail Receipt 9589 0710
12 52270 0844 8650 15 to the address on file with the Commission. The Notice designated
13 the Commission file as the record for purposes of proving a prima facie case. The return
14 receipt for the Notice sent Certified Mail was returned signed to the Commission on
15 August 28, 2023. The regular First-Class mail was not returned to the Commission, and
16 assumed delivered. The Notice of Opportunity of Hearing, dated August 21, 2023, and
17 signed by Anthony Rosilez, Executive Director, stated:

18 “IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY
19 PERIOD, YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED
20 UNLESS YOUR FAILURE TO REQUEST A HEARING WAS BEYOND YOUR
21 REASONABLE CONTROL. IF YOU DO NOT REQUEST A HEARING,
22 WITHDRAW YOUR REQUEST FOR HEARING, OR IF YOU FAIL TO APPEAR
23 AT A HEARING, OR NOTIFY THE COMMISSION THAT YOU WILL NOT
24 APPEAR AT HEARING, THE COMMISSION WILL ADOPT AN ORDER OF
25 DEFAULT WHICH MAY INCLUDE THE REVOCATION OR SUSPENSION OF
26 YOUR LICENSE OR OTHER DISCIPLINE.”
27

28 Zittel did not request a hearing. The Commission, therefore, finds Zittel to be in default
29 and enters the following findings of fact, conclusions of law, and final order, based on
30 the files and records of the Commission concerning this matter.
31

32 **FINDINGS OF FACT**

- 33 1. The Commission has licensed Zittel since July 17, 2017. Zittel holds a Preliminary
34 Teaching License, with an endorsement in Music (PK-12), valid from October 14,
35 2020, through February 8, 2024. During all relevant times, Zittel was employed
36 by the Lebanon Community School District (LCSD).

- 1 2. On November 29, 2022, the Commission received information from the Oregon
2 Department of Human Services (DHS) reporting that Zittel was alleged to be in
3 an inappropriate relationship, which was reported to be sexual in nature, with a
4 female student. On December 2, 2022, the Commission received a misconduct
5 report from the LCSD indicating Zittel may have committed acts which constitute
6 gross neglect of duty and/or gross unfitness. Specifically, the district reported
7 Zittel engaged in inappropriate conversations with a female student, some of
8 which were suggestive or sexual in nature, and Zittel was briefly a friend of the
9 student's Snapchat account, which contained a nude photo of the student.
- 10 3. Investigation found that during the during 2021-22 school year at Lebanon High
11 School, Zittel had a seventeen (17) year old female student enrolled in one of his
12 classes in the second semester. Zittel and the student engaged in conversations
13 that were school related or otherwise innocuous. During the 2022-23 school year,
14 this student was assigned to Zittel as a teacher's aide.
- 15 4. Investigation found that at the beginning of the 2022-23 school year, the student
16 began spending time in Zittel's classroom as a student assistant. As the school
17 year progressed, the student increasingly spent more time in Zittel's classroom,
18 sometimes alone, when Zittel and the student engaged in conversations that were
19 more personal and included discussions of sexual histories, jokes and banter that
20 were sexual in nature, and Zittel telling the student she was sexy.
- 21 5. During Zittel's Commission interview on April 18, 2023, Zittel admitted to
22 becoming emotionally involved with the student. Zittel admitted having been
23 advised by several staff members to set boundaries with the student, which Zittel
24 admitted he did not do. Zittel admitted to telling the student that they both knew
25 what was happening and that if the student remained interested, Zittel could
26 pursue things after the student graduated.
- 27 6. On November 28, 2022, the LCSD placed Zittel on administrative leave. On
28 December 1, 2022, Zittel was asked to participate in a district interview. At that
29 time, Zittel submitted his resignation to the district.

30 31 **CONCLUSIONS OF LAW**

32 Eric J. Zittel's conduct as described in sections four (4) and five (5) above,

1 constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-
2 0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*) and
3 OAR 584-020-0040(4)(o) as it incorporates, OAR 584-020-0035(1)(c)(A) (*Not*
4 *demonstrating or expressing professionally inappropriate interest in a student's*
5 *personal life*); OAR 584-020-0035(1)(c)(D) (*Honoring appropriate adult boundaries*
6 *with students in conduct and conversations at all times*); OAR 584-020-0040(4)(f)
7 (*Any sexual conduct with a student*).

8 Eric J. Zittel's conduct as described in sections four (4) and five (5) above,
9 constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 584-020-0040(3)(c)
10 and (d) as defined by OAR 584-020-0040 (5) (*Gross unfitness is any conduct which*
11 *renders an educator unqualified to perform his or her professional responsibilities*);
12 OAR 584-020-0040(4)(f) (*Any sexual conduct with a student*) as defined by OAR 584-
13 020-0005(5); and OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-
14 0035(1)(c)(D) (*Honoring appropriate adult boundaries with students in conduct and*
15 *conversations at all times*).

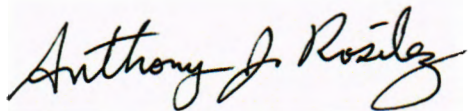
16 The Commission's authority to impose discipline in this matter is based upon
17 ORS 342.175.

18 **FINAL ORDER**

19 The Commission hereby revokes Eric J. Zittel's Oregon Educator license.

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21 IT IS SO ORDERED THIS 27 day of September, 2023.

22
23 TEACHER STANDARDS AND PRACTICES COMMISSION

24 By: 
25 Dr. Anthony Rosilez, Executive Director
26
27

28 **NOTICE OF APPEAL OR RIGHTS**

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30 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY
31 BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE
32 SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF
33 ORS 183.482 TO THE OREGON COURT OF APPEALS.