



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 (TSPC) became an autonomous body. The Commission was created as a body of educators given the responsibilities of establishing, upholding, and enforcing educator professional standards. 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 250 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 school, and the 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, religious, class and language backgrounds;
- Demonstrates respectful and welcoming verbal and non-verbal interaction skills.

What is the Responsibility of the Superintendent?

OAR 584-020-0041(3)

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), ORS 342.177(3), and ORS 342.183(1)

By law, the Commission must permanently revoke or deny a license to educators who are convicted of crimes listed in ORS 342.143. In other cases, the Commission may revoke, suspend, issue a public reprimand, issue a reproof, 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. A public record of sanctioned educators is maintained on the TSPC Website and is updated regularly. 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.

How Can Educators Conduct Their Professional Responsibilities Ethically?

Think about your interaction with students.

- Do you maintain professional physical and emotional boundaries with students?
- Do you create a safe and productive learning environment for all students regardless of race, gender identity, or sexual orientation?
- Do you avoid flirtatious interactions with students?
- Do you avoid discussions of intimate details of your personal life with your students?
- Do you conduct transparent electronic communications with students which comply with your district's policies?
- Do you avoid talking to a student alone behind closed doors?
- Do you avoid transporting students in your personal vehicle?
- Do you inform your supervisor and refer to a counselor any student who may have a romantic attachment to you?
- Do you avoid giving gifts to 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 laws and district policies regarding suspected educator sexual conduct? ORS 339.370(11)
- 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?

From the TSPC Case Files

Profiles of TSPC investigations & the resulting Commission sanctions

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, including materials depicting nude females who may have been juveniles. Employment history indicated the educator was previously reprimanded by the employing school district for similar activities in the past.

Sanction: Revocation

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

Applicant admitted to falsifying documents to make it appear a required licensure examination had been taken and passed. The falsified documents were used to wrongfully obtain a college degree and TSPC licensure.

Sanction: Suspension of licensure for 90 days and 2 years probation; reinstatement required successfully meeting all TSPC licensure requirements

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 multiple high school students under the age of 18. Educator pled guilty to the crime of Sexual Abuse in the Second Degree 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 a substitute teacher suspected as under the influence because he smelled of alcohol. Educator submitted to two blood alcohol tests which showed positive results for alcohol.

Sanction: Public reprimand and 2 years probation

Honoring appropriate adult boundaries with students in conduct and conversation OAR 584-020-0035(1)(c)(D)

Educator exchanged text messages with students which were personal in nature. Educator exchanged hand-written notes with students, gave gifts to students, and engaged in other peer-like behavior with students.

Sanction: Suspension of licensure for 30 days and 2 years probation (with special conditions requiring educator to complete training on the topic of Professional Educator Boundaries)

Unreasonable physical force against students, fellow employees, or visitors, except as permitted by law.

OAR 584-020-0040(4)(d)

Educator grabbed a student by the shoulders and violently shook the student in an attempt to correct student behavior. Educator was criminally convicted of Physical Harassment, a Class B Misdemeanor.

Sanction: Suspension of licensure for 90 days and 3 years probation