

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

In the Matter of the)	STIPULATION OF FACTS AND
Educator License of)	FINAL ORDER OF
DONALD R. HERNEISEN)	PUBLIC REPRIMAND AND
)	PROBATION

On June 10, 2019, the Teacher Standards and Practices Commission (Commission) received a misconduct report from the Hood River County School District (HRCSD), indicating possible professional misconduct on the part of licensed educator, Donald R. Herneisen, (Herneisen).

After review of the matters alleged, Herneisen and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a Public Reprimand and Probation.

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

By signing below, Herneisen 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 Public Reprimand (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 Herneisen nor the Commission are bound by the terms herein; (iv) he has fully read this Stipulation and Final Order, and understands it completely; (v) he voluntarily, without any force or 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 been made to induce him to sign this Stipulation and Final Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised with regard to his rights thereto, or waives any and all rights to consult with an

attorney prior to entering into this Stipulation and Final Order and issuance and entry of the Stipulated Final Order below.

STIPULATION OF FACTS

1. The Commission has licensed Herneisen since November 12, 2003. Herneisen currently holds a Professional Teaching License, with endorsements in Business: Generalist (PK-12) and Social Studies (PK-12), valid from July 17, 2018 through July 17, 2023. During all relevant times, Herneisen was employed by the Hood River County School District (HRCSD).
2. On June 10, 2019, the Commission received a School District Misconduct Report from the superintendent of the HRCSD. The report alleges that Herneisen engaged in sexual contact with a woman, who was not his wife, in the press box of the stadium at Hood River Valley High School on May 1, 2019. The report further alleges that Herneisen attempted to cover up this act by accessing and sending an email from his wife's school email account, whom was another employee of the district. The email Herneisen sent from his wife's account was sent to the Athletic Director advising staff that she had been with Herneisen in the press box on May 1, 2019.
3. An investigation conducted by HRCSD determined the following:
 - On May 1, 2019, several high school lacrosse players reported to their coaches that around 7PM while practicing at the Hood River Valley High School Football field they observed Herneisen and another unknown female engage in sexual activity in the press box above the stadium.
 - Several players interviewed by the HRCSD reported witnessing sexual activity in the press box between Herneisen and the woman.
 - The sexual activity witnessed by the players was described as oral sex and sexual intercourse.
 - On May 2, 2019, the HRCSD Athletic Director received several reports from staff and students about Herneisen engaging in sexual contact with a woman in the press box the night before. The incident in question occurred while

Herneisen was working as a volunteer, assisting in clean up after a middle school track meet. This incident did not take place during working hours or as part of Herneisen's employment.

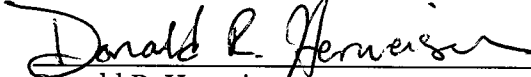
- On May 2, 2019, the HRCSD initiated an investigation into this matter, and interviewed Herneisen.
- Herneisen reported during this interview that he had been in the press box the night before putting equipment away with his wife, IH.
- On May 3, 2019, the HRCSD Athletic Director received an email from Herneisen's wife, IH, another HRCSD employee, from her HRCSD email account.
- The email sent from IH's HRCSD account told the Athletic Director that she had been with Herneisen in the press box on the night of May 1, 2019, helping him put equipment away.
- HRCSD interviewed the lacrosse players who had witnessed the incident, and they reported that they had seen a woman of Hispanic descent arrive at the stadium and walk up the bleachers to the press box to meet Herneisen.
- The witnesses report that the woman left the press box several minutes later and met Herneisen in the parking lot by his truck.
- HRCSD recorded video confirm the witnesses' testimony and revealed that the woman on video is of Hispanic descent.
- Herneisen's wife is of Caucasian descent, not Hispanic.
- Several of the witnessing lacrosse players interviewed by HRCSD stated that they were "positive" Herneisen and the woman were having sex. Others stated, "they were definitely having sex."
- Several of the witnessing lacrosse players interviewed also reported seeing Herneisen and the woman's heads "bouncing" up and down and reported seeing the woman sitting on top of Herneisen and kissing him.
- On May 10, 2019, HRCSD staff interviewed IH, and she denied sending an email to the Athletic Director.
- IH reported that Herneisen had accessed her email account from his cell phone and sent the message from her account without her knowledge or consent.

- IH reported that Herneisen then deleted the message and other evidence that her account had been accessed by him on his cell phone.
 - HRCSD Technology staff confirmed Herneisen accessed IH's account and deleted messages.
 - IH also reported that she had not been in the press box with Herneisen on May 1, 2019.
 - On May 10, 2019, Herneisen again met with HRCSD staff and admitted he had been in the press box with a female who was not his wife.
 - Herneisen reported he had met the female on Snapchat.
 - Herneisen reported that he had not engaged in any physical or sexual activity with the woman in the press box.
 - Herneisen reported the woman met him at the school because the two of them were going to drive somewhere together to get dinner or drinks.
 - Herneisen also admitted to accessing IH's email account and sending and deleting messages from it.
 - Herneisen reported that he had done this because he was afraid his wife, IH, would find out he was being unfaithful.
 - The female who was with Herneisen in the press box was later identified as KG.
 - On May 10, 2019 KG was interviewed by HRCSD investigative staff, and KG admitted to meeting you in the press box on May 1, 2019.
 - KG stated that no sexual activity occurred between her and Herneisen in the press box.
 - KG stated that while talking to Herneisen, she had been bored, and had tossed her hair around and spun around on a chair, which could have given off the appearance to observers that she was engaged in sexual contact with Herneisen.
 - Herneisen was placed on leave on May 10, 2019.
 - On May 22, 2019, Herneisen submitted his resignation in lieu of termination.
4. Herneisen interviewed with Commission investigative staff on November 4, 2020. Herneisen confirmed that the information contained in the HRCSD investigation was accurate. Herneisen reported that he did not have sex with KG

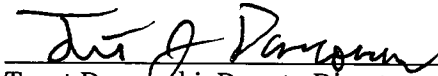
in the press box but acknowledged that KG did give him a hug and kiss on the lips. Herneisen stated that KG met him there to talk while he was putting equipment away, and then the two planned to go to dinner. Herneisen denied ever engaging in sexual activity with KG in the press box or anywhere else on school grounds. Herneisen reported that he was seeking a sexual relationship with KG and stated that his marriage was failing. Herneisen reported to the Commission that this incident was a culmination of three years of “bad decisions” due to being unhappy in his marriage and reaching the “burnout” stage of his teaching career. Herneisen reported that he did access, send, and delete messages from IH’s HRCSD email account and had done so to hide his infidelity from his wife.

In the wake of this incident, Herneisen did seek professional therapy, and has since been employed by two different school districts in Oregon. Letters of support/job review have been submitted by officials from both school districts. Herneisen reported that he and IH are now happily married, and he has accepted a job as an online educator for the Scio School District as part of the Willamette Connections Academy. Herneisen reported that he hopes the Commission allows him to keep his license as he has hopes of one day returning to an in-person teaching position.

IT IS SO STIPULATED:


Donald R. Herneisen

12/28/2021
Date


Trent Danowski, Deputy Director
Teacher Standards and Practices Commission

01/05/2022
Date

CONCLUSION OF LAW

The conduct described above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0010(5) (*Use professional judgment*), and OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*).

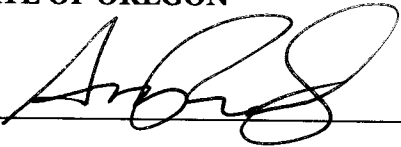
The Commission’s authority to impose discipline in this matter is based upon ORS 342.175.

ORDER

The Commission adopts and incorporates herein the above findings of fact and conclusions of law, and based thereon, imposes a Public Reprimand and a four (4) year period of probation.

Issued and dated this 7 day of February, 2022.

**TEACHER STANDARDS AND PRACTICES COMMISSION
STATE OF OREGON**

By  _____

Dr. Anthony Rosilez, Executive Director