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

In the Matter of the)
Educator License of)
MICHAEL J. WHALEN) STIPULATION OF FACTS AND
FINAL ORDER OF PUBLIC
REPRIMAND AND PROBATION

On September 24, 2020, the Teacher Standards and Practices Commission (Commission) received a misconduct report from the Klamath County School District indicating possible professional misconduct on the part of licensed educator, Michael J. Whalen (Whalen).

After review of the matters alleged, Whalen 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 a three (3) year period of probation.

This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. In entering into this stipulation, Whalen waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below.

By signing below, Whalen 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 and Probation (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 Whalen 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.

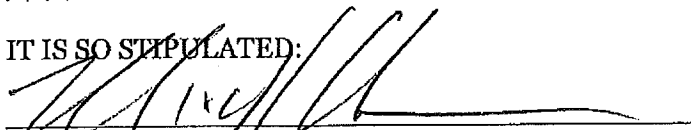
1 **STIPULATION OF FACTS**

- 2 1. The Commission has licensed Whalen since August 7, 1998. Whalen currently
3 holds a Professional Teaching License, with an endorsement in Advanced
4 Mathematics (PK-12), valid from December 16, 2019, through January 19, 2025.
5 During all relevant times Whalen was employed by the Klamath County School
6 District.
- 7 2. On September 24, 2020, the Commission received a report from the Klamath
8 County School District (KCS D) indicating Whalen had engaged in conduct that
9 may be considered gross neglect of duty and/or gross unfitness. Specifically the
10 report alleged Whalen misused school district computer equipment and his
11 school district email account during work hours to communicate non-school
12 related business, some of which was provocative in nature, to persons not
13 associated with the district
- 14 3. Investigation determined that on September 3, 2020, the district began
15 investigating Whalen after receiving a screenshot showing an inappropriate
16 message allegedly sent from Whalen to a colleague during an online Zoom
17 meeting. Whalen said he was previously sent the message by a colleague and then
18 forwarded the message, which was intended to be a joke, to another colleague.
19 Whalen apologized to the colleague that day. Further district investigation found
20 that since 2011, there were numerous non-school related emails sent by Whalen
21 during work hours, some of which were sent during scheduled teaching time. In
22 Whalen's KCS D and TSPC interviews, Whalen admitted to using district
23 resources to send non-school, non-student related emails, some of which were
24 inappropriate for district email, on numerous occasions. The KCS D suspended
25 Whalen for two (2) days and gave him a letter of reprimand.

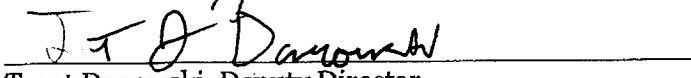
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28 IT IS SO STIPULATED:

29 
30 Michael J. Whalen

21 MAY 2021
Date

31 
32 Trent Danowski, Deputy Director
33 Teacher Standards and Practices Commission
34

05/24/2021
Date

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CONCLUSION OF LAW

The conduct described above constitutes gross neglect of duty in violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (*Use professional judgment*), OAR 584-020-0025(2)(b) (*Using and maintaining district property, equipment, and materials appropriately*), OAR 584-020-0025(2)(e) (*Using district lawful and reasonable rules and regulations*), OAR 584-020-0030(2)(b) (*Skill in communicating with administrators, students, staff parents, and other patrons*); OAR 584-020-0040(4)(a) (*Substantial unauthorized use of: school name or financial credit school materials and equipment for personal business; or school personnel to provide personal services unrelated to school business*); and OAR 584-020-0040(4)(b) (*Substantial unauthorized use of employment time or school resources for private purposes*).

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 on Michael J. Whalen’s Oregon educator license.

Furthermore, the Commission imposes a period of three (3) years of probation upon Whalen’s licensure to commence from the date this order is signed by the Commission and subject to the following condition:

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

Issued and dated this 22 day of June 2021.

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

By  _____

Dr. Anthony Rosilez, Executive Director