1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION OF THE STATE OF OREGON In the Matter of the 3 Teaching License of: STIPULATION OF FACTS,) PUBLIC REPRIMAND, AND MICHAEL GORDON) ORDER OF PROBATION 5 6 The Teacher Standards and Practices Commission (the 7 "Commission") has considered whether to revoke, suspend or otherwise impose discipline on Michael Gordon ("Gordon") under 8 9 ORS 342.177 based upon certain conduct that occurred during his 10 teaching tenure. The Commission and Gordon have now reviewed the matters alleged and have agreed that their respective interests, 11 12 together with the public interest, are best served by entering into an Order consisting of a Public Reprimand and three years' 13 Probation based upon the following Stipulation of Facts. 14 15 entering into this Stipulation, Gordon waives his right to a hearing. This agreement sets forth the facts upon which the 16 parties have agreed and the Commission's Order of Reprimand and 17 18 Probation. FINDINGS OF FACT 19 20 Gordon agrees and stipulates that evidence in the record exists to support the following Findings of Fact by the Commission: 21 22 Gordon was first employed by the Prospect School District as a social studies teacher for the 1981-82 school year. 23 During this tenure, Gordon has also coached various sports as a 24 head coach and assistant coach. He holds a standard license with 25 an endorsement in social studies. 26

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- During the period of 1991-1996, Gordon engaged in a
- 2 history of inappropriate physical contact with his students as
- 3 illustrated by the following conduct:
- a. Picking up female students in a "wrestling" move
- 5 by placing his hands around their necks and between their legs
- 6 and lifting them up over his head;
- 7 b. "Cracking" a female student's backs and
- 8 c. Touching female students in ways that later caused
- 9 them concern.
- 10 3. During the period 1991-1996, Gordon engaged in a
- 11 pattern of inappropriate verbal comments to his students that the
- 12 students found to be offensive such as asking a female student
- 13 during class, "what are the three fastest ways of communication
- 14 in the old west, " and then responding, "telegraph, telephone or
- 15 tell a woman."
- 4. An anonymous complaint to the police about Gordon's
- 17 conduct during the summer of 1996 resulted in Gordon's arrest on
- 18 September 3, 1996. On September 6, 1996, Gordon was charged with
- 19 thirteen counts of Sexual Abuse in the Third Degree and
- 20 Harassment based on his conduct with various students.
- 5. Gordon was terminated from his employment with the
- 22 Prospect School District on November 20, 1996.
- 6. On February 7, 1997, Gordon was acquitted of all
- 24 criminal charges.
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Gordon grieved his termination. On November 24, 1997, 1 7. 2 an Arbitrator ruled that although the District did not have just cause under the collective bargaining agreement to terminate 3 Gordon, the District did have just cause to suspend Gordon for 4 5 thirty calendar days. 6 On February 2, 1998, Gordon was reinstated to his 7 teaching position in the Prospect School District. Gordon acknowledges that many interactions with 9. 8 9 students caused offense, and he has agreed not to engage in 10 similar conduct in the future. 11 Gordon enters into this Stipulation of Facts with the knowledge that TSPC will adopt an Order of Public Reprimand and 12 place him on three (3) years' Probation. This Stipulation is 13 contingent upon the approval and adoption of the Order by the 14 15 If the Commission does not adopt this Order, neither 16 Gordon nor the Commission are bound by these stipulations and he 17 retains all rights to a hearing on the allegations. 18 IT IS SO STIPULATED: 19 20 7-15-98
Date
7/16/98 21 22 23 Executive Secretary Teacher Standards and Practices Commission 24 25 ///

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1 CONCLUSIONS OF LAW 2 The conduct described in paragraphs 3 and 4 of the Findings 3 of Fact constitutes gross neglect of duty as that term is defined under ORS 342.175(1) and OAR 584-20-040. 4 5 OPINION 6 In imposing this discipline, instead of a more severe sanction, the Commission takes into account the following 7 8 factors: Much of the misconduct occurred more than five years 9 ago; Gordon has agreed not to engage in similar conduct in his interaction with students in the future; and Gordon has already 10 11 incurred a 30 day suspension without pay from his employment in 12 the arbitration proceeding. Gordon will be placed on probation 13 for three years, and the Commission will be in a position to 14 impose other sanctions, including revocation if Gordon again 15 engages in inappropriate behavior towards students. 16 ORDER 17 The Commission issues a Public Reprimand to Gordon and this 18 Order constitutes the Reprimand for his inappropriate conduct 19 with students. The Commission shall place Gordon on Probation 20 for three (3) years from the date of this Order. While on 21 probation, Gordon shall:

22 1. Conduct himself as a law abiding citizen and notify
23 TSPC within 30 (thirty) days if he is arrested or
24 charged with any crime;
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1	2. Document to TSPC within six months of the date of thi	S
2	Order that he has attended a course or workshop on	
3	sexual harassment; and	
4	3. Abide by all Commission requirements, including but n	ot
5	limited to, those articulated in OAR 584, Division 20	
6	Violation of any terms of probation shall constitute a basis fo	r
7	the Commission to revoke Gordon's license, after first providin	g
8	to Gordon notice and an opportunity for hearing.	
9	DATED this day of July 1998.	
10	TEACHER STANDARDS AND PRACTICES COMMISSION	
11		
12	By: David V. Myton, Executive Director	
13	Approved as to Form:	
14	Approved as to Form:	
15	Hank Hoz lon 7-16-98	
16	Hank Kaplan Date Attorney for Gordon	
17	Accorney for Gordon	
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