1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION 2 OF THE STATE OF OREGON 3 In the Matter of the) STIPULATION OF FACTS AND FINAL 4 Educator License of) ORDER OF SURRENDER AND 5 6 MITCHELL A. WHITEHURST) REVOCATION OF LICENSURE 7 8 9 On or about November 21, 2014, the Teacher Standards and Practices Commission 10 (Commission) learned that licensed educator, Mitchell A. Whitehurst (Whitehurst), had 11 committed acts of unprofessional conduct. Specifically, Whitehurst had physically harassed 12 another teacher and was under investigation by law enforcement for the same. On August 10, 13 2015, additional information was learned during the course investigating the November 21, 2014 14 complaint. This new information resulted in a new, additional investigation into the conduct of Whitehurst that occurred on or about the school year of 1983-84. Both investigations will be 15 16 addressed in this Stipulation and Final Order. 17 After review of the matters alleged, Whitehurst and the Commission agree that their 18 respective interests, together with the public interest, are best served by a stipulation to certain 19 facts and the surrender and permanent revocation of Whitehurst's Oregon educator License. 20 By signing below, Whitehurst acknowledges, understands, stipulates, and agrees to the 21 following: (i) he has been fully advised of his rights to notice and a hearing to contest the 22 findings of fact, conclusions of law, and order set forth below, and fully and finally waives all 23 such rights and any rights to appeal or otherwise challenge this Stipulation of Facts and Final 24 Order of Surrender and Permanent Revocation of Licensure (Stipulation and Final Order); (ii) 25 this Stipulation and Final Order is a public document and disclosed to the public upon request 26 by the Commission; (iii) this Stipulation and Final Order is contingent upon and subject to 27 approval and adoption by the Commission. If the Commission does not approve and adopt this 28 Stipulation and Final Order, then neither Whitehurst nor the Commission are bound by the 29 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 promises 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.

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

STIPULATION OF FACTS

- 1. The Commission has licensed Whitehurst since January 19, 1982. Whitehurst holds a Standard Teaching License with an endorsement in Standard Physical Education (018), valid February 5, 2014, through February 4, 2019. During all relevant times, Whitehurst was employed by the Portland Public School District.
- 2. On November 21, 2014, the Commission learned that Whitehurst had been placed on administrative leave while the subject of both a school district and a law enforcement investigation regarding Whitehurst physically harassing another teacher. On December 22, 2014, Whitehurst plead guilty to one count of Harassment, a class B misdemeanor. An investigation determined that Whitehurst's conduct leading up to the conviction included Whitehurst striking another teacher on the buttocks with a rolled up bunch of papers or other object.
- 3. On April 1, 2015, Whitehurst retired from the Portland Public Schools District.

1 4. While investigating the November 14, 2014, reported incident, investigators discovered 2 possible additional professional misconduct on the part of Whitehurst during the school 3 year of 1983-84, with 18 year old female students AG and CP, including sexual conduct 4 as defined in ORS 339.370(9) and OAR 584-020-0005(5). Whitehurst denies any such 5 professional misconduct occurred. 6 7 IT IS SO STIPULATED: 12 - 8 - 2015 Date 12-18-15 8 9 10 11 oria Chamberlain, Executive Director 12 Teacher Standards and Practices Commission 13 **CONCLUSION OF LAW** 14 Mitchell A. Whitehurst engaged in unprofessional conduct as described in section two 15 (2) above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.175(1)(b); 16 OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(1) (Recognize the worth and 17 dignity of all persons and respect for each individual), OAR 584-020-0010(5) (Use 18 professional judgment); OAR 584-020-0040(4)(0) as it incorporates OAR 584-020-0035(3)(a) 19 (Maintain the dignity of the profession by respecting and obeying the law, exemplifying 20 personal integrity and honesty); and OAR 584-020-0040(4)(d) (Unreasonable physical force 21 against students, fellow employees, or visitors to the school, except as permitted under ORS 22 339.250). This conduct also constitutes gross unfitness in violation of ORS 342.175(1)(c); OAR 23 584-020-0040(5)(c) (Conviction of violating any federal, state, or local law. A conviction 24 includes any final judgment of conviction by a court whether as the result of quilty plea, no 25 contest plea or any other means), and OAR 584-020-0040(5)(e) (Admission of or engaging in 26 acts constituting criminal conduct, even in the absence of a conviction).

7	Mitchell A. Whitehurst engaged in unprofessional conduct as described in section four
2	(4) above. This conduct constitutes Gross Neglect of Duty in violation of ORS 342.143(2); ORS
3	342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-0010(5) (Use
4	professional judgment); OAR 584-020-0040(4)(0) as is incorporates OAR 584-020-
5	0035(1)(b)(Refrain from exploiting professional relationships with any student for personal
6	gain, or in support of persons or issues), OAR 584-020-0035(1)(c)(A)(Not demonstrating or
7	expressing professionally inappropriate interest in a student's personal life), OAR 584-020-
8	0035(1)(c)(D)(Honoring appropriate adult boundaries with students in conduct and
9	conversation at all times); and OAR 584-020-0040(4)(f) (Any sexual conduct with a student).
10	The Commission may rely on the definitions of sexual conduct in ORS 339.370(9) and OAR 584
11	020-0005(5). Whitehurst's conduct establishes that he does not possess good moral character
12	or mental and physical fitness as required to hold a license under ORS 342.143(2).
13	
14	The Commission's authority to impose discipline in this matter is based upon ORS
15	342.175.
16	ORDER
17	The Commission adopts the above Stipulation of Facts, accepts the licensure surrender
18	and permanently revokes the educator license of Mitchell A. Whitehurst.
19	IT IS SO ORDERED this 26 day of January, 20 6.
20	TEACHER STANDARDS AND PRACTICES COMMISSION
21	- Miran Mamberlain
22 23	By: Wictoria Chamberlam, Executive Director

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I served the foregoing Stipulation of Facts and Final Order of Surrender and Revocation of Licensure, certified by me as such, by mailing U.S. First Class Mail and U.S. Certified Mail — Return Receipt Requested, addressed to:

> Mitchell A. Whitehurst 4940 NE 38th Ave Portland, OR 97211-8123

DATED this ______ /8 1/h day of February, 2016.

By: Satty Sheldon
Patty Sheldon

Investigative Assistant