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

In the Matter of the	) !	SETTLEMENT AGREEMENT,
Administrative License of	) !	STIPULATION OF FACTS AND FINAL
RICHARD BOYD HENSEL	) (	ORDER OF SUSPENSION

On or about May 2, 2010, the Teacher Standards and Practices Commission (Commission) received a report from Kevin Davis indicating that Richard Boyd Hensel (Hensel), engaged in a sexual relationship with his wife, Renee Davis, when she was a teacher at the Athena-Weston School District during the 2003-2004 school year. On August 14, 2012, the Commission issued a Final Order Incorporating Amended Proposed Order- OAH Case No. 1102366 (August Final Order) in this matter. On August 20, 2012, the Gervais School District (District) filed a Petition for Judicial Review appealing the Commission's August Final Order.

After review of the matters alleged, Hensel, the District and the Commission agree that their respective interest, together with the public interest, are best served by a stipulation to certain facts and the imposition of a 30 day suspension of Hensel's Administrative License. In exchange for the mutual promises and other considerations described below, the parties agree to the following:

- The Commission agrees that this Stipulation of Facts and Final Order of Suspension (Stipulation and Final Order) will wholly replace the August Final Order. The Commission further agrees that Hensel's Administrative License will be renewed upon the conclusion of his 30-day suspension or January 6, 2013, whichever occurs later.
- The District agrees that it will withdraw the Petition for Review, Appellate Court No.
   A152246, upon the execution of this Stipulation and Final Order and waives any rights to appeal this Stipulation and Final Order.
- 3. Hensel agrees to the following:
  - a. He has been fully advised of his rights and agrees to waive any rights to appeal or otherwise challenge this Stipulation and Final Order and the August Final Order;

- b. This Stipulation and Final Order is a public document and disclosed to the public upon request by the Commission;
- c. He has fully read this Stipulation and Final Order, and understands it completely;
- d. 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;
- e. He states that no promise or representation has been made to induce him to sign this
   Stipulation and Final Order; and
- f. He has consulted with an attorney regarding the Stipulation and Final Order and has been fully advised with regard to his rights thereto.
- 4. The agreements by the parties to each of the foregoing provisions of this Agreement are mutually dependent, each upon the other. The consideration with respect to each individual provision includes, but is not limited to, the agreement of each party to be bound by every other term of this Agreement. The pledges contained in this Agreement are not mere recitals; they are contractual provisions.
- Each party shall bear its own legal fees and costs incurred in connection with all proceedings
  to date regarding the licensure of Hensel, including those costs incurred in Oregon Court of
  Appeals Case No. A152246.

## STIPULATION OF FACTS

- Hensel has been licensed as an administrator in Oregon since June 11, 2001. Hensel's current
  Administrator License is valid November 12, 2007 through January 6, 2013. During all
  relevant times of the complaint, Hensel was employed by the Athena-Weston School District.
- 2. On May 2, 2010, the Commission received a report from Kevin Davis indicating that Hensel, engaged in a sexual relationship with his wife, Renee Davis, when she was a teacher at the Athena-Weston School District during the 2003-2004 school year. Also, in May 2010, Mrs. Davis gave the Commission a six-page handwritten statement detailing her experience with Hensel. Mrs. Davis would not have made the statement if her husband had not asked her to

2

4

6

10

9

11

12

13 14

15

16 17

18

19 20

21

22

23

24

25

26

do so.

- 3. During the relevant events, Hensel was employed as the Superintendent of the Athena-Weston School District. As superintendent and the elementary school principal, Hensel supervised Mrs. Davis, although an administrator at the middle school was responsible for her job performance evaluation.
- 4. Mrs. Davis and Hensel engaged in a sexual relationship during the 2003-2004 school year, with some of the sexual conduct occurring on school grounds. The relationship ended when the 2003-2004 school year ended.
- 5. Neither Hensel nor Mrs. Davis told anyone about their sexual relationship. No one with the Athena-Weston School District ever reported anything about the sexual relationship between Hensel and Mrs. Davis.
- 6. Hensel did not offer Mrs. Davis a pay raise, a good job performance evaluation or a favorable job recommendation to continue their sexual relationship. He did not threaten to give her a poor job performance evaluation or an unfavorable job recommendation if she did not continue the relationship.
- 7. The Gervais School District hired Hensel as superintendent for the 2007-2008 school year. He remains superintendent of the district. The school board has given Hensel very good evaluations as superintendent.
- 8. Hensel has never been disciplined by the Commission.

IT IS SO STIPULATED:

Richard Boyd Hensel

GERVAIS SCHOOL DISTRICT

Brent LaFollette, Board Chair

12-6-13 Date

TEACHER STANDARDS AND PRACTICES COMMISSION					
By BEATH A. M	100/	< b1	12/10/12		
Victoria Chamberlain, Exe	cutive D	irector	Date		

## CONCLUSION OF LAW

Richard Boyd Hensel's conduct constitutes gross neglect of duty by exercising poor professional judgment in violation of OAR 584-020-0040(n) as it incorporates 584-020-0010(5) (Use of professional judgment).

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

## **ORDER**

The Commission adopts and incorporates the above findings of fact and conclusions of law, and based thereon, imposes a thirty (30) day suspension upon Hensel's Continuing Administrator License.

Issued and dated this \_\_\_\_\_ day of December, 2012.

TEACHER STANDARDS AND PRACTICES COMMISSION STATE OF OREGON

Victoria Chamberlain, Executive Director