

1 7/8/96 letter from Mr. Giere to Dr. Hoggan.
2 8/30/96 final plan of assistance.
3 5/29/97 statement from Janet Bowler.
4 Undated notes of Mr. Giere concerning agenda for 6/11/96 meeting.
5 2/18/99 transcribed telephone message from Nancy Hungerford to Susan Nisbet.

6 Mr. Giere called the following persons as witnesses: Ann Samuelson, parent; Nancy
7 Hungerford, Attorney at Law; Len Carpenter, former Superintendent of Astoria School District;
8 and Steven Giere. Mr. Giere submitted a letter dated May 30, 1996, from Howard and Ann
9 Lamley which was received into evidence without objection.

10 The panel prepared a proposed order. The Commission has considered Mr. Giere's
11 written exception to the proposed order and oral argument by Ms. Brown. The Commission
12 adopts the proposed order except as modified herein.

13 EVIDENTIARY RULING

14 The panel sustained an objection to exhibits concerning a stipulated final order of the
15 Board of Psychologist Examiners that imposed a public reprimand against Dr. Maxine Hoggan.
16 The findings and legal conclusions of the Board of Psychologist Examiners are not relevant to
17 the issues in this case and the charges against Mr. Giere under the Commission's rules.

18 FINDINGS OF FACT

- 19 1. Mr. Giere has been a licensed educator since 1974. He obtained an
20 Administrative License in 1988, and he became Principal of Astoria High School in 1994.
- 21 2. Janet Bowler has been a teacher of foreign languages at Astoria High School
22 since about 1976, and Mr. Giere was her supervisor during the 1995-96 school year.

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1 3. In the winter and spring of 1996, several parents filed complaints against
2 Mrs. Bowler. Mr. Giere suspected the complaints were due to Mrs. Bowler's problems in
3 communicating and resolving conflicts with parents. The Commission need not consider the
4 validity of the parents' complaints about Mrs. Bowler.

5 4. On about May 30, parents filed a formal complaint about Mrs. Bowler's treatment
6 of their daughter. Mr. Giere scheduled a meeting on June 11 with the parents and Mrs. Bowler
7 to discuss the parents' concerns.

8 5. On May 31, Mr. Giere telephoned Maxine Hoggan, a clinical psychologist with a
9 private practice in Tillamook, Oregon, and retained Dr. Hoggan to attend the meeting and to
10 observe the interactions between Mrs. Bowler and the parents. On May 31, Mr. Giere wrote a
11 letter confirming his request for Dr. Hoggan's "services as clinical psychologist in a personnel
12 matter with a teacher at our school." His letter further stated:

13 I would like you to observe the interpersonal dynamics exhibited by both
14 parties as they attempt to resolves issues. I would be particularly
15 interested in your observing Mrs. Bowler's behavior in the meeting for
16 any indications or symptoms of human relational dysfunctionality that
17 might be problematic to effective conflict management or resolution.
 Following the meeting, I would like you to prepare a report on this for
 me based on your observations. Your report will provide me with
 information that will be helpful in making subsequent decisions of a
 personnel nature with respect to Mrs. Bowler.

18 6. One or two days before the June 11 meeting, Mr. Giere met with Mrs. Bowler and
19 Augustus Fennerty, the faculty representative for the Astoria Educational Association. The
20 purpose of the meeting was to prepare for the June 11 meeting with the parents. Mr. Giere did
21 not disclose to Mrs. Bowler that Dr. Hoggan had been invited to the June 11 meeting. Mrs.
22 Bowler suggested she begin the meeting with the parents by informing them that their daughter
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1 had earned an "A" in the class because Mrs. Bowler believed this might address many of the
2 parents' concerns. Mr. Giere did not object to this suggestion.

3 7. The June 11 meeting was held at the high school with Mr. Giere, Mrs. Bowler,
4 Mr. Fennerty, the parents and Dr. Hoggan. Mr. Giere facilitated the meeting. He introduced
5 Dr. Hoggan as his personal representative and stated Dr. Hoggan's purpose at the meeting was to
6 observe and advise him on conflict resolution procedures at the high school. Mr. Giere did not
7 disclose at the meeting his intention to use Dr. Hoggan's observations as a psychologist to assist
8 in his evaluation of Mrs. Bowler and his development of a plan of assistance.

9 8. When Mrs. Bowler learned that Mr. Giere had retained Dr. Hoggan to prepare a
10 psychological report to be used in Bowler's evaluation, she filed a grievance with the school
11 district and complaints to the Psychologist Board of Examiners and the Commission.

12 9. Following the meeting, Mr. Giere wrote a letter to Dr. Hoggan stating his
13 intention to use Dr. Hoggan's report as a basis for a plan of assistance Mr. Giere would write.

14 10. Dr. Hoggan prepared her report on June 24. On August 30, Mr. Giere prepared a
15 written plan of assistance which relied heavily on the observations contained in Dr. Hoggan's
16 written report.

17 11. Mr. Giere testified at the hearing he initially did not plan to use Dr. Hoggan's
18 findings and report for purposes of evaluation or preparation of a plan of assistance. He
19 maintained that his decision to develop a plan of assistance relying on Dr. Hoggan's report did
20 not come about until after he attended the meeting and observed Mrs. Bowler's shortcomings in
21 dealing with the parents.

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1 This order should not be construed as disapproval of the use of outside consultants in
2 evaluation. That practice is specifically permitted under Oregon law. ORS 342.850(2)(c). But
3 there is a fundamental difference between this case and, for example, inviting a professional
4 musician to observe a music teacher's performance at a school concert. In this case, Mr. Giere
5 retained a clinical psychologist to evaluate a teacher for "symptoms of human relational
6 dysfunctionality" without the teacher's knowledge or consent during a private meeting with a
7 student's parents.

8 The Commission concludes that Mrs. Bowler's participation in the meeting could reasonably
9 have been affected if she had been fully informed of the psychologist's role. Had occurred,
10 Mrs. Bowler would likely have sought advice concerning her rights, including whether Mr. Giere
11 had a sufficient basis for seeking a psychological evaluation. If Mr. Giere did have a legal basis to
12 require Mrs. Bowler to undergo a psychological evaluation, the evaluation would likely have been
13 conducted under different protocols, including evaluation in a private clinical setting and safeguards
14 concerning confidentiality and the scope of the examination. Regardless of whether Mr. Giere
15 could have forced Mrs. Bowler to attend the meeting with Dr. Hoggan and the parents, it is likely
16 that her participation would have been different in character and extent if she had known the
17 meeting's true purpose.

18 Based on the foregoing, the panel concludes Mr. Giere violated professional standards
19 and should be issued a public reprimand.

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1 **PROPOSED ORDER**

2 The Commission issues a public reprimand to Steven Giere and this order shall serve as
3 the public reprimand.

4 DATED this 22nd day of November 1999.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

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8 By: David V. Myton, Executive Director

9 **NOTICE: Mr. Giere is entitled to judicial review of this order. Judicial review may be**
10 **obtained by filing a petition for review within 60 days of service of this order. Judicial**
11 **review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.**