

1 completely; (v) he voluntarily, without any force or duress, enters into this Stipulation and Final
2 Order and consents to issuance and entry of the Stipulated Final Order below; (vi) he states that
3 no promises or representation has been made to induce him to sign this Stipulation and Final
4 Order; and (vii) he has consulted with an attorney regarding this Stipulation and Final Order
5 and has been fully advised with regard to his rights thereto, or waives any and all rights to
6 consult with an attorney prior to entering into this Stipulation and Final Order and issuance and
7 entry of the Stipulated Final Order below.

8 This Order sets forth the facts upon which the parties have agreed and the sanction to be
9 imposed. Whitehurst stipulates that there are sufficient facts contained in the Commission's
10 files and records to support the findings of fact and conclusions of law set forth below. In
11 entering into this stipulation, Whitehurst waives the right to a hearing to contest the findings of
12 fact, conclusions of law and order set forth below.

13 **STIPULATION OF FACTS**

- 14 1. The Commission has licensed Whitehurst since January 19, 1982. Whitehurst holds a
15 Standard Teaching License with an endorsement in Standard Physical Education (018),
16 valid February 5, 2014, through February 4, 2019. During all relevant times, Whitehurst
17 was employed by the Portland Public School District.
- 18 2. On November 21, 2014, the Commission learned that Whitehurst had been placed on
19 administrative leave while the subject of both a school district and a law enforcement
20 investigation regarding Whitehurst physically harassing another teacher. On December
21 22, 2014, Whitehurst plead guilty to one count of Harassment, a class B misdemeanor.
22 An investigation determined that Whitehurst's conduct leading up to the conviction
23 included Whitehurst striking another teacher on the buttocks with a rolled up bunch of
24 papers or other object.
- 25 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:

8 Mitchell A. Whitehurst
9 Mitchell A. Whitehurst

12-8-2015
Date

10 Victoria Chamberlain
11 Victoria Chamberlain, Executive Director
12 Teacher Standards and Practices Commission

12-18-15
Date

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)(o) 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 guilty 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*).

1 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)(o) 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 26th day of January, 2016.

20 TEACHER STANDARDS AND PRACTICES COMMISSION

21

22 By: 
23 Victoria Chamberlain, 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 18th day of February, 2016.

By: Patty Sheldon
Patty Sheldon
Investigative Assistant

Certificate of Mailing – Mitchell A. Whitehurst

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