

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 STATE OF OREGON

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| 3 | In the Matter of the Teaching |) | |
| | License of |) | |
| 4 | |) | |
| | WARREN MEREDITH WEISETH, JR. |) | STIPULATION, SURRENDER OF |
| 5 | |) | LICENSE AND ORDER |
| 6 | |) | |

7 On September 25, 1997, the Teacher Standards and Practices
8 Commission (Commission) issued a Notice of Opportunity for
9 Hearing to Warren Meredith Weiseth, Jr. Thereafter Mr. Weiseth
10 requested a hearing through his attorney, Paul Gamson. The
11 Commission and Mr. Weiseth have now reviewed the issues connected
12 with this proceeding and have determined that their respective
13 interests and the public interest are best served by a
14 stipulation to certain facts and a surrender of Mr. Weiseth's
15 Oregon teaching license. Mr. Weiseth understands in entering
16 this stipulation that the Commission will accept the surrender of
17 his teaching license and will revoke the teaching license.

18 STIPULATED FACTS

19 Mr. Weiseth and the Commission stipulate that there is
20 substantial evidence in the record for the Commission to make the
21 following findings of facts, and the Commission finds as follows:

- 22 1. Mr. Weiseth holds a standard Oregon teaching license.
- 23 2. Mr. Weiseth was employed as a teacher at Thurston High
- 24 School in the Springfield School District from August 27, 1973 to
- 25 December, 1996 when he resigned his position with the district.

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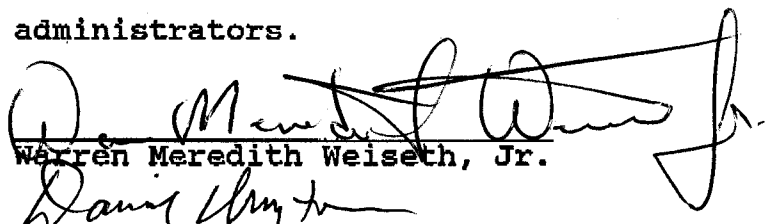
1 3. During the period from 1994 to 1996, Mr. Weiseth on
2 several occasions made inappropriate statements, told off-color
3 jokes and used profanity in the presence of female students and
4 female members of the Thurston High School Volleyball team.

5 4. During the period from 1994 to 1996, Mr. Weiseth on
6 several occasions made sexually suggestive remarks and wrote
7 sexually suggestive notes to female students. Weiseth also
8 engaged in sexually suggestive banter with female students,
9 received sexually suggestive notes from female students and did
10 not discourage the students from writing such notes.

11 5. In 1994, Mr. Weiseth learned that volunteer assistant
12 volleyball coach Fred Mondou had become sexually involved with a
13 minor female member of the High School volleyball team and, as a
14 result, the student became pregnant. Mr. Weiseth did not report
15 this matter to the police or to the Oregon Office of Services to
16 Children and Families (SCF). Weiseth also allowed Mondou to
17 continue his work with the Volleyball Team. During this time,
18 the student's parents had allowed Mr. Mondou to live with the
19 student in the parents' home. Mr. Mondou and the student were
20 subsequently married. Other members of the school district
21 faculty and administration were also aware of these facts and did
22 not make a report to the police or to SCF.

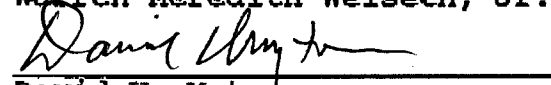
23 6. During the 1995-1996 school year, Mr. Weiseth became
24 aware that Rick Miller, a volunteer assistant volleyball coach,
25 had begun a social relationship with a minor female member of the
26 volleyball team. Mr. Weiseth suspected that there could be a

1 sexual relationship between Mr. Miller and the student. This
 2 suspicion was evidenced by the following: Mr. Weiseth questioned
 3 Mr. Miller and the student about whether they were having a
 4 sexual relationship; Mr. Weiseth spoke with the student's mother
 5 to ask whether there was a sexual relationship between the
 6 student and Mr. Miller; Mr. Weiseth asked his father, who is a
 7 physician, about whether the student's reported vaginal infection
 8 could be the result of having sexual intercourse with Mr. Miller;
 9 and Mr. Weiseth told Mr. Miller that he would either need to
 10 "cool it" in regard to his relationship with the student or to
 11 quit working with the team as a volunteer coach. Mr. Weiseth did
 12 not report his suspicions to the police, SCF or to district
 13 administrators.

14 

15 Warren Meredith Weiseth, Jr.

Date 6/19/98

16 

17 David V. Myton
 18 Executive Director
 19 Teacher Standards and
 20 Practice Commission

Date 7/15/98

21 This Stipulation and order are subject to approval by the
 22 Commission. If the Commission does not approve the stipulation,
 23 the matter will be returned to the Commission for a hearing and
 24 neither the Commission nor Mr. Weiseth shall be bound by any
 25 statements in the stipulation.

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CONCLUSION OF LAW

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The conduct described in paragraphs 3, 4, 5 and 6 constitutes gross neglect of duty in violation of OAR 584-020-0040(4).

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DISCUSSION

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Mr. Weiseth has acknowledged that he told off-colored jokes, engaged in profanity and allowed sexually suggestive remarks to be made in his interactions with female students.

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Mr. Weiseth believes that he acted reasonably concerning assistant coaches Mondou and Miller. Mr. Weiseth argues that Mr. Mondou subsequently married the high school student with whom he had a relationship and that under the circumstances neither the police nor SCF would be likely to have responded to a report. Mr. Weiseth also argues that other school officials probably also knew about Mr. Mondou's relationship with the student and did not make a report. ORS 419B.010 imposes a duty on school employees to make a report to SCF or to a law enforcement agency when the employee has reasonable cause to believe that abuse has occurred. Abuse includes sexual contact between an adult and a minor under the age of 18 years. The obligation to report is not conditioned on whether SCF or the police are likely to investigate or take action; the obligation is also not excused by the fact that other officials may also have had an obligation and failed to make a report. Thus, although there were extenuating circumstances, the Commission concludes that Mr. Weiseth violated professional standards in not reporting Mr. Mondou's actions and that Mr.

1 Weiseth failed to exercise professional judgment in allowing Mr.
2 Mondou to continue having contact with the team as a volunteer
3 coach.

4 The Commission also concludes that Mr. Weiseth had
5 reasonable cause to report the relationship between Mr. Miller
6 and the female member of the volleyball team to district
7 officials and to SCF. Although Mr. Weiseth did take certain
8 steps to determine the nature of the relationship, the Commission
9 concludes that Mr. Weiseth should also have informed district
10 officials of his suspicions, especially in light of the fact that
11 an issue concerning an inappropriate relationship between an
12 assistant coach and a student had surfaced in the preceding year.
13

14 Under ORS 342.175(3), any person whose license has been
15 revoked may apply to the Commission for reinstatement after one
16 year from the date of the revocation, and the Commission
17 acknowledges Mr. Weiseth's right to apply for reinstatement after
18 one year. If Mr. Weiseth applies for reinstatement at a future
19 date, the decision would lie within the discretion of the
20 Commissioners who would consider the matter at that time.
21 Without limiting the discretion of future Commissioners, the
22 Commission would, at a minimum, expect Mr. Weiseth to present
23 evidence that he had engaged in counseling, taken classes or
24 participated in other corrective activities concerning the areas
25 of sexual harassment and appropriate relationships with students.
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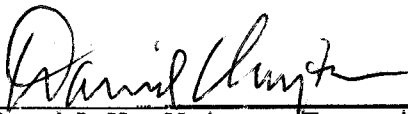
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ORDER


The Commission accepts the voluntary surrender of the Oregon teaching license of Warren Meredith Weiseth, Jr. and revokes the license as provided under OAR 584-50-027(2).

DATED this 14th day of July, 1998.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
David V. Myton, Executive Director

APPROVED AS TO FORM:


Paul Gamson, of Attorneys
for Warren Weiseth, Jr.