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

In the Matter of the STIPULATION OF FACTS
Administrative License of PUBLIC REPRIMAND AND
GARY R. HOLMBERG ORDER OF PROBATION

On or about June 10, 1996, the Teacher Standards and Practices Commission received information from the Allen P. C. B Clipping Service indicating that Gary Holmberg, Superintendent of North Marion School District, was charged with sexual harassment of a female employee of the district. An investigation was initiated following an out-of-court settlement of the complaint against the district. Based upon the report, the Commission concluded that there was sufficient evidence of violation of Standards for Competent and Ethical Performance of Oregon Educators to warrant a hearing and notified Mr. Holmberg of the findings and an opportunity for hearing on the allegations. Mr. Holmberg and the Commission have determined that the interests of both parties are best served by a stipulation to the facts with the understanding that the Commission shall adopt an Order of Public Reprimand and Probation. In entering into this stipulation Mr. Holmberg waives his right to a hearing. Holmberg does not admit that he violated any professional standards. However, he agrees and stipulates that substantial evidence, as that term is used under ORS 183.482(8), exists in the record to support the following Findings of Fact by the Commission:

FINDINGS OF FACT

- 1. Gary R. Holmberg holds an Oregon Standard Administrative License endorsed for superintendent and valid from November 22, 1995 to January 25, 2001.
- 2. Holmberg was employed as superintendent of North Marion School District in Aurora, Oregon from July 1993 until his resignation from the position in July 1996.
- 3. While employed as Superintendent of North Marion School District, Holmberg violated OAR 584-20-040(4)(1) by making comments to three female staff of the district, Judith Gascho, Lori Wells and Sandra McLaren) which created an offensive work environment because of their personal and sexual nature.

PAGE 1-PROPOSED STIPULATION AND ORDER-GARY R. HOLMBERG

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contingent upon approval of the full Commission at the Commission's next meeting. If the Commission does not approve this Stipulation, the matter will be returned for hearing and neither Holmberg nor the Commission shall be bound by any matters in this stipulation. The parties acknowledge that upon execution of the Stipulation the Commission will enter into an Order issuing a Public Reprimand to Gary R. Holmberg, and placing him on Probation. Conditions for the period of probation are set forth in the Order below.

This Stipulation and the proposed Order of Public Reprimand and Probation are

IT IS SO STIPULATED:

Ty R. Holmberg Date

Teacher Standards and Practices Commission

7/23/98

Date

ULTIMATE FINDINGS OF FACT AND CONCLUSION OF LAW

Gary R. Holmberg violated Oregon Standards for Competent and Ethical Performance of Oregon Educators by inappropriate comments to female staff which created an offensive work environment in violation of OAR 584-020-0040(4)(I).

ORDER

The Commission imposes a Public Reprimand on Gary R. Holmberg, and this Order shall constitute the Reprimand and imposes a period of probation on the Standard Administrative License endorsed for superintendent from the date of this stipulation to January 25, 2001. The probationary status is subject to the following conditions:

- 1) Gary R. Holmberg shall conduct himself as a law abiding citizen.
- 2) Holmberg shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under OAR 584, Division 20.
- 3) Holmberg shall report to the Executive Director of the Commission any employment in public or private schools for children and youth preprimary through grade 12 in Oregon or any other state or jurisdiction within 30 days of beginning such employment.

PAGE 2--PROPOSED STIPULATION AND ORDER--GARY R. HOLMBERG

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Holmberg shall make available to the Executive Director of the Commission performance evaluations of employment in schools during the period of probation as a 2 condition for termination of the probation. Violation of any of the terms of probation 3 4 shall constitute an independent basis for Commission to review Holmberg's fitness to serve as an educator and may constitute grounds to impose other discipline after first 5 6 providing Holmberg with notice and an opportunity of hearing. 7 Dated this 2th day of Lept 8 9 10 11 . TEACHER STANDARDS AND PRACTICES COMMISSION

David V. Myton, Executive Director

DVM/cs

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PAGE 3--PROPOSED STIPULATION AND ORDER--GARY R. HOLMBERG