

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

In the Matter of the	)	STIPULATION OF FACTS,
Teaching License of	)	ORDER OF SUSPENSION
Robert Lynn Klem	)	AND PROBATION

On December 18, 2001, the Teacher Standards and Practices Commission (Commission) received a report from David J. Davis, Superintendent, Klamath County Schools indicating that the District reprimanded Robert Lynn Klem (Klem) for requiring a middle school student to stand outside for almost all of a class period without a coat as discipline.

On or about May 16, 2002, the Commission received a second report from Superintendent David J. Davis alleging that Robert Klem (Klem) misused his school computer to access nude photographs over the internet.

Mr. Klem fully cooperated with the Commission's investigation. After review of the matters alleged, Mr. Klem and the Commission agree that their respective interests, together with the public interest, are best served by a stipulation to certain facts and the imposition of a ninety (90) day suspension, followed by a period of probation of two (2) years. This Order sets forth the facts upon which the parties have agreed and the sanction to be imposed. Mr. Klem stipulates that there are sufficient facts contained in the Commission's files and records to support the findings of facts and conclusion of law set forth below. In entering into this stipulation, Mr. Klem waives the right to a hearing to contest the finding of fact, conclusion of law and order set forth below.

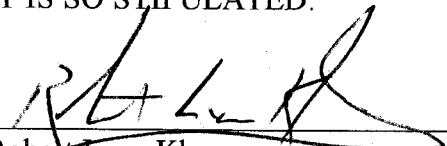
## STIPULATION OF FACTS

1. Mr. Klem holds a Basic Teaching License valid from July 12, 2000 to June 30, 2003.
2. Mr. Klem was employed by Klamath County School District for 21 years as an art teacher in a middle school.
3. A District-owned computer with Internet access was present in Mr. Klem's classroom for his use in connection with his assigned responsibilities. The District has a clearly defined, acceptable use policy. The District operates monitoring software to detect misuse by any user of the network equipment regarding sexually explicit or pornography Websites. The District's policy prohibits the use or attempted use of equipment for Internet access sexually explicit materials.
4. Mr. Klem used his classroom computer to view approximately 40 vintage antique photographs of nude women on the E-Bay "risque photographs" Website. Mr. Klem did so using the District's Internet connection.
5. Mr. Klem admits that he should not have used the District computer for viewing nude photographs due to the appearance that viewing this subject matter would violate District policy and could be viewed as inappropriate personal use of a District computer.
6. Mr. Klem was disciplined by the District in December, 2001 for sending a student for a time-out outside of his modular classroom during the winter months. The District concluded that Klem's actions constituted inappropriate corporal punishment of the student.


This stipulation is contingent upon approval and adoption of the Order by the Commission. If the Commission does not adopt this Order, neither Mr. Klem nor the

Commission are bound by these Stipulations and Mr. Klem retains all rights to a hearing on the allegations.

IT IS SO STIPULATED:

  
Robert Lynn Klem

02/03/03  
Date

  
Victoria Chamberlain, Executive Director  
Teacher Standards and Practices Commission

2-25-03  
Date

#### ULTIMATE FINDING OF FACT

Robert Klem used the computer equipment owned by his employer, Klamath County School District, located on school premises, to access suggestive photographs of nude women. Mr. Klem was fully aware that accessing such materials at the workplace with a District owned computer was inappropriate and could be viewed as a violation of District Policy. Mr. Klem also on one occasion caused a student to have a time-out for disciplinary purposes by standing outside during the winter months in violation of the District policy against corporal punishment.

#### CONCLUSION OF LAW

Robert Klem's use of a district computer constitutes Gross Neglect of Duty in violation of OAR 584-020-0040(4)(q). Mr. Klem violated standards regarding Professional Judgment (OAR 584-020-0010(5)) by requiring a middle school student to stand outside on December 5, 2001 as discipline. The Commission's authority to impose discipline in this matter is based upon ORS 342.175.

## ORDER

The Oregon Basic Teaching License of Robert Klem is suspended for a period of ninety (90) days beginning on March 7, 2003. At the end of this suspension period, Mr. Klem's teaching license will be reinstated upon submission of a complete application pursuant to OAR 584-050-0015(3) and verification by Mr. Klem that he has undergone an evaluation by a psychotherapist or medical professional acceptable to the Commission, and the evaluator submits a written report to the Commission attesting (1) Mr. Klem is fit to work with children and teenagers, and (2) there is a high probability he will not use school district equipment to access sexually inappropriate materials or engage in similar inappropriate behavior. Any costs associated with the assessment or treatment will be the responsibility of Mr. Klem.

Upon the reinstatement of his teaching license, Mr. Klem shall be placed on probation by the Commission for a period of two (2) years subject to the following conditions:

1. Mr. Klem shall substantially comply with any treatment or counseling as recommended by the individual who completed the evaluation described above. Mr. Klem shall authorize and sign any consent forms as necessary for the treatment provider or counselor to furnish records to or discuss Mr. Klem's treatment with the Commission.
2. Mr. Klem shall comply with all Standards for Competent and Ethical Performance under OAR Chapter 584, Division 020.
3. Mr. Klem shall provide information as requested by the Commission to verify that he has complied with the conditions of probation, including a statement from a future employing district that he has complied with the Standards for Competent and Ethical Performance under Chapter OAR 584, Division 020.
4. Violation of the terms of this probation may constitute an independent basis for the

4. Violation of the terms of this probation may constitute an independent basis for the Commission to impose discipline, up to and including revocation of Mr. Klem's teaching license subject to Mr. Klem's right to a hearing on the issue of whether he violated probation.

Dated this 7<sup>th</sup> day of March, 2003.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: Victoria Chamberlain  
Victoria Chamberlain, Executive Director