

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

In the matter of the )  
Teaching License of: ) STIPULATION OF FACTS AND  
 ) AND ORDER OF REVOCATION  
JOSEPH SHERWOOD WIGGINS. )  
 )

On February 23, 2004, the Superintendent of the Junction City School District sent a report to the Teacher Standards and Practices Commission (Commission) stating that Joseph Sherwood Wiggins was the subject of formal complaints filed with the district due to inappropriate touching of students by Mr. Wiggins and that Mr. Wiggins may have committed acts of gross neglect of duty.

Following a preliminary investigation, the Commission issued a Notice of Opportunity for Hearing (Notice) on August 18, 2004. On August 27, 2004, Mr. Wiggins requested a hearing.

After review of the matters alleged, Mr. Wiggins and the Commission agree that their respective interests together with the public interest, are best served by a stipulation to certain facts, surrender and revocation of Mr. Wiggins's teaching license, and imposition of conditions upon Mr. Wiggins's reapplication for a teaching license.

This Stipulation of Facts and Order sets forth the facts upon which the parties have agreed, and orders revocation of Mr. Wiggins's teaching license. Mr. Wiggins stipulates that there are sufficient facts contained in the Commission's files and records to support the findings of fact and conclusions of law set forth below. In entering into this Stipulation, Mr. Wiggins waives the right to a hearing to contest the findings of fact, conclusions of law and order set forth below. Mr. Wiggins understands that the

Commission will revoke his teaching license. In signing this Stipulation, Mr. Wiggins also acknowledges that he has read and understands the terms of this Stipulation and Order and understands that this Order constitutes the final resolution of the proceeding for the violations alleged in the Notice including any right to appeal therefrom.

This Stipulated Order is contingent upon approval and adoption by the full Commission. If the Commission does not adopt this Order, neither Mr. Wiggins nor the Commission are bound by any stipulations or other matters contained herein, and Mr. Wiggins shall retain all rights to a hearing to contest the allegations in the Notice.

#### STIPULATION OF FACTS

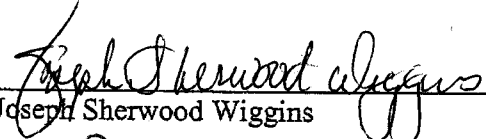
Mr. Wiggins and the Commission stipulate to the following facts:

1. Mr. Wiggins holds a Standard Teaching License with an endorsement in Standard Music.
2. During the 2003 – 2004 school year, Mr. Wiggins engaged in sexual touching of SK, a 16-year-old female student, when he patted her on the buttock area, touched her neck and ears and massaged her neck. SK had been a student of Mr. Wiggins's since the sixth grade and was upset by Mr. Wiggins's actions.
3. On June 23, 2004, as a result of his conduct toward SK, Mr. Wiggins was convicted of harassment in Lane County Circuit Court.
4. During the 2003 – 2004 school year, Mr. Wiggins engaged in sexual touching of WK, a 13-year-old female student when he put his arms around WK tightly, massaged her neck, placed his hand on her bra strap and played with it.
5. On June 23, 2004, as a result of his conduct toward WK, Mr. Wiggins was convicted of harassment in Lane County Circuit Court.


6. During the 2003 – 2004 school year, Mr. Wiggins engaged in sexual touching of LW, a 14-year-old female student when he placed his hand on her breast.

7. On June 23, 2004, as a result of his conduct toward LW, Mr. Wiggins was convicted of harassment in Lane County Circuit Court.

IT IS SO STIPULATED:

  
Joseph Sherwood Wiggins

11-12-05  
Date

  
Victoria Chamberlain, Executive Director  
Teacher Standards and Practices Commission

1-30-04  
Date

#### CONCLUSIONS OF LAW

1. "Sexual Conduct" includes "the intentional touching of the breast or sexual or other intimate parts of a student" and "verbal or physical conduct of a sexual nature when directed toward a student or when such conduct has the effect of unreasonably interfering with a student's educational performance or creates an intimidating, hostile or offensive educational environment." OAR 584-020-0005(a) & (d). Mr. Wiggins's actions toward SK, WK and LW constitute sexual conduct in violation of OAR 584-020-0005(a) & (d).
2. A gross neglect of duty is any "serious and material inattention to or breach of professional responsibilities" including "any sexual conduct with a student." OAR 584-020-0040(4)(f). Mr. Wiggins's sexual conduct toward SK, WK and LW constitutes a gross neglect of duty in violation of OAR 584-020-0040(4)(f).
3. "Gross unfitness" is "any conduct which renders an educator unqualified to perform his or her professional duties" and includes conviction of violating any state law.

OAR 584-020-0040(5)(c). Mr. Wiggins's convictions for harassment in Lane County Circuit Court constitute gross unfitness as an educator in violation of OAR 584-020-0040(5)(c).

4. The Commission may revoke the license of a teacher who has demonstrated gross neglect of duty and gross unfitness. ORS 342.175; OAR 584-050-0027.

#### DISCUSSION

Mr. Wiggins's conduct was an abuse of his role as a teacher. His conduct towards these students was alarming and has had the effect of creating an intimidating, hostile or offensive educational environment.

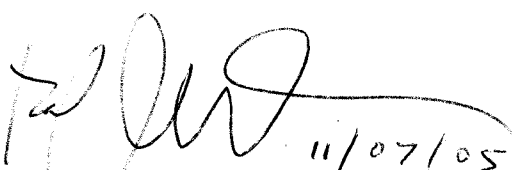
#### ORDER

The Commission orders the revocation of the teaching license of Joseph Sherwood Wiggins.

IT IS SO ORDERED this 30 day of January, 2006

By:   
Victoria Chamberlain, Executive Director

Approved as to form:

 11/07/05  
Ralph Wiser  
Attorney for Joseph Sherwood Wiggins