

1 3. Beginning in 1999, District-owned computers with email access were present in all
2 Neah-Kah-Nie Jr/Senior High School classrooms for educator use in connection with assigned
3 responsibilities.

4 4. The District has a clearly defined, acceptable policy that has been in force since
5 January 8, 1996. The District's acceptable use agreement declares that information in email
6 messages is not private to the individual sending or receiving the correspondence; that the
7 District is a public entity and all correspondence is done on public property and on public
8 equipment; and that all correspondence should meet the standards of the District and the
9 School Board

10 5. Ms. Gienger used her classroom computer to send and receive inappropriate email
11 messages to other staff members in the building using the District's email service. A student
12 intercepted and read an inappropriate email as a result of her activities.

13 6. Ms. Gienger admits that she should not have used the District computer for sending
14 or receiving inappropriate email messages and has expressed remorse for doing so.

15 7. Ms. Gienger has never denied her actions with the School District or TSPC. She has
16 accepted responsibility and acknowledges her mistake. The District has disciplined Ms.
17 Gienger for her inappropriate use of District equipment.

18 **ULTIMATE FINDING OF FACT**

19 Elizabeth Gienger used the computer equipment owned by her employer, Neah-Kah-Nie
20 School District, located on school premises, to send and receive inappropriate email messages.
21 Ms. Gienger was fully aware that sending and receiving inappropriate email messages using
22 District owned computer equipment was inappropriate and in violation of District policy.

23 **CONCLUSION OF LAW**

24 Elizabeth Gienger's activities constitute gross neglect of duty in violation of OAR 584-
25 020-0040(4)(a) and OAR 584-020-0010(5).

26 This stipulation is contingent upon approval and adoption of the Order by the
27 Commission. If the Commission does not adopt this Order, neither Ms. Gienger nor the

1 Commission are bound by these Stipulations and Ms. Gienger retains all rights to a hearing on
2 the allegations.

3 IT IS SO STIPULATED:

4 Elizabeth Codding Gienger
5 Elizabeth Codding Gienger
6

6/10/01
Date

7 David V. Myton
8 David V. Myton Executive Director
9 Teacher Standards and Practices Commission
10

6/7/01
Date

11 **ORDER**

12 The Commission imposes a Public Reprimand on Ms. Gienger. This Stipulation of
13 Facts, Order of Reprimand and Probation constitutes the reprimand. Furthermore, the
14 Commission imposes a one (1) year probation upon Ms. Gienger subject to the condition that
15 Ms. Gienger comply with all Standards for Competent and Ethical Performance under Chapter
16 OAR 584, Division 020.

17 Violation of the terms of this probation may constitute an independent basis for the
18 Commission to impose discipline, up to and including revocation of Ms. Gienger's teaching
19 license subject Ms. Gienger's right to a hearing on the issue of whether she violated probation.

20 Dated this 11th day of July 2001

21 TEACHER STANDARDS AND PRACTICES COMMISSION

22
23 By: David V. Myton
24 David V. Myton, Executive Director

25 APPROVED AS TO FORM

27
28 Monica A. Smith
29 Monica A. Smith OSB# 82400
30 Attorney for Elizabeth Codding Gienger