

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

2 OF THE STATE OF OREGON

3 In The Matter of the  
4 Administrative License of  
5 DENNIS MICHAEL SZAL

Case No.  
STIPULATION OF FACTS AND PUBLIC  
REPRIMAND

6 In February 2002, the Teacher Standards and Practices (Commission) received  
7 information alleging that Dennis Michael Szal may have violated professional standards.

8 Following an investigation, the Commission issued a Notice of Opportunity for hearing  
9 on January 23, 2004 to Mr. Szal. Mr. Szal requested a hearing through his attorney, Kelly R.  
10 Beckley. After a review of the matters alleged, Mr. Szal and the Commission have agreed that  
11 their respective interests, together with the public interest, are best served by a stipulation to  
12 certain facts and issuance of a public reprimand followed by a period of probation.

13 In entering into this stipulation, Mr. Szal waives his right to a hearing and understands  
14 that the Commission will issue a public reprimand. This stipulation and proposed order are  
15 contingent on approval by the full Commission. If the Commission does not approve the  
16 stipulation and proposed order, it is understood that the waiver of rights by Mr. Szal is therefore  
17 revoked. It is further understood that the statements contained in this stipulation may not be used  
18 by either the Commission or Mr. Szal if the Commission fails to approve the stipulation and  
19 proposed order.

20 **STIPULATION OF FACTS**

21 Mr. Szal and the Commission stipulate as follows:

- 22 1. Mr. Szal currently holds a Standard Administrative License that is valid until  
23 November 20, 2006. Mr. Szal has held an Oregon license since 1997. He was also licensed and

1 employed as a teacher in Wyoming from 1979 to 1985 and as an administrator in Wyoming from  
2 approximately 1989 through 1995.

3 2. Mr. Szal has not been previously disciplined by the Commission or by a licensing  
4 agency in another state.

5 3. Mr. Szal has been employed as principal at the Mazama High School in the  
6 Klamath Falls City School District from July 1997 to the present.

7 4. From September 1997 to June 2000, Michelle Elzner was employed as a French  
8 language teacher at Mazama High School under Mr. Szal's supervision. Ms. Elzner transferred  
9 to another high school within the district beginning in the 2000-2001 school year.

10 5. Late in the afternoon of January 30, 2002, Mr. Szal and two male staff members  
11 from Mazama High School were together at the Waldo's Mongolian Grill, a tavern and  
12 restaurant in Klamath Falls. Ms. Elzner was also at the restaurant with a teacher at Mazama  
13 High School. All of these persons were off-duty at the time. Mr. Szal, Ms. Elzner and other  
14 persons present had consumed alcoholic beverages.

15 6. As Ms. Elzner was preparing to leave, she hugged one of the persons present. Mr.  
16 Szal made a comment to Ms. Elzner. Ms. Elzner then noticed the imprint of a can of chewing  
17 tobacco in Mr. Szal's right shirt pocket. She poked the can with her finger and stated "What is  
18 that?" In response, Mr. Szal touched or poked Ms. Elzner in the chest area and stated, "Title  
19 Nine baby, what's good for you is good for me." There is a dispute in the evidence as to whether  
20 Mr. Szal touched Ms. Elzner on her right breast or above her right breast. This interchange  
21 occurred in the presence of the school personnel and other persons in the restaurant.

22 7. Mr. Szal's action caused embarrassment and humiliation to Ms. Elzner.

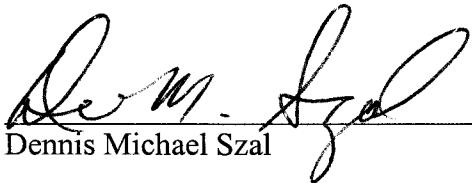
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1 8. Following the incident, a criminal complaint was filed against Mr. Szal in the  
2 Klamath County Circuit Court. Thereafter, Mr. Szal and Ms. Elzner entered into a civil  
3 compromise agreement. The terms of the agreement were that Mr. Szal pay \$1,000 to Ms.  
4 Elzner, issue a written apology to Ms. Elzner and participate in sexual harassment and gender  
5 training. In exchange, Ms. Elzner agreed to withdraw her complaint to the Commission,  
6 acknowledge satisfaction for her injury to the court and release any other claims she may have  
7 against Mr. Szal. Based on the civil compromise agreement, the court proceeding against Mr.  
8 Szal was dismissed. Mr. Szal and Ms. Elzner have complied with all provisions of the civil  
9 compromise agreement, and Ms. Elzner has withdrawn her complaint to the Commission.


10 9. On March 29, 2002, Klamath Falls City School District Superintendent, Ray  
11 Crawford, placed a letter in Mr. Szal's file that reprimanded him for exercise of poor judgment  
12 towards Ms. Elzner.

13 10. On March 3, 2004, Mr. Crawford sent a letter to the Commission in support of  
14 Mr. Szal, urging the Commission not to suspend or revoke Mr. Szal's Administrative License.

15 11. Mr. Szal's action became known in the school community and caused some  
16 notoriety in the community.

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18   
19 Dennis Michael Szal

  
Date

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22 Victoria Chamberlain, Executive Director  
Teacher Standards and Practices Commission

  
Date

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1 **CONCLUSION OF LAW**

2 Mr. Szal's action constitutes a substantial deviation from professional standards and gross  
3 neglect of duty in violation of OAR 584-020-0040(4)(o) as that rule incorporates the requirement  
4 for an administrator to use professional judgment under OAR 584-020-0010.

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6 **DISCUSSION AND ORDER**

7 There is a factual dispute concerning where Mr. Szal touched Ms. Elzner. Regardless of  
8 whether he touched her on or somewhere above the breast, his action was clearly inappropriate  
9 and requires a sanction.

10 In imposing a sanction, the Commission considers the following relevant factors:

11 The incident occurred off-duty and away from the school campus. Mr. Szal's action was a one-  
12 time incident and the Commission has no evidence that Mr. Szal has engaged in similar acts in  
13 the past. Mr. Szal has expressed remorse for his action, has issued a written apology to Ms.  
14 Elzner and has paid \$1,000 to Ms. Elzner as a civil compromise. Ms. Elzner has withdrawn her  
15 complaint to the Commission, although this fact, standing alone, is not a basis for the  
16 Commission to dismiss the proceeding. Mr. Szal received a reprimand in his personnel file. His  
17 superintendent has written a letter of support to the Commission and has requested that the  
18 Commission not suspend or revoke Mr. Szal's license. Mr. Szal has participated in sexual  
19 harassment training.

20 Based on all these factors, the Commission issues a public reprimand to Dennis Michael  
21 Szal, and this order shall serve as the public reprimand. The Commission also places Mr. Szal  
22 on probation for a period of one year from the date of this order. Conditions of probation are that

1 Mr. Szal comply with all Standards for Competent and Ethical Performance of Oregon Educators  
2 under OAR 584 Division 020.

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IT IS SO ORDERED this 29<sup>th</sup> day of July, 2004.

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TEACHER STANDARDS AND PRACTICES COMMISSION

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By: Victoria Chamberlain  
Victoria Chamberlain, Executive Director

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