

1 2. Mr. Holling was employed by the Greater Albany School District beginning
2 February 22, 1977, until June of 2005 when he retired.

3 3. A District-owned computer with Internet access was present in Mr. Holling's
4 classroom for his use in connection with his assigned responsibilities. The District has an
5 acceptable use policy. The District's policy prohibits the use or attempted use of equipment for
6 Internet access of sexually explicit materials.

7 4. District records indicate that Mr. Holling used his classroom computer from April 1,
8 2005 to May 2, 2005, to access sexually explicit materials through the District's Internet
9 connection in violation of District policy regarding Internet use.

10 IT IS SO STIPULATED:

11 Thomas Warner Holling
12 Thomas Warner Holling

Date July 6, 2005

13 Victoria Chamberlain
14 Victoria Chamberlain, Executive Director
15 Teacher Standards and Practices Commission

Date 7-25-05

16 **ULTIMATE FINDING OF FACT**

17 Thomas Warner Holling used the computer equipment owned by his employer, Greater
18 Albany Public School District, located on school premises, to access sexually explicit materials.
19 Mr. Holling was fully aware that accessing such materials at the workplace using a District
20 owned computer was inappropriate and in violation of District policy.

21 **CONCLUSION OF LAW**

22 Thomas Warner Holling's inappropriate use of a District computer constitutes Gross
23 Neglect of Duty in violation of OAR 584-020-0040(4)(q). The Commission's authority to impose
24 discipline in this matter is based upon ORS 342.175.

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2 **ORDER**

3 Thomas Warner Holling's Standard Teaching License is suspended for a period of ninety
4 (90) days effective August 5, 2005. At the end of this suspension period,
5 Mr. Holling's Standard Teaching License will be reinstated upon:

- 6 1. Submission of a complete application and fees pursuant to OAR 584-050-0015(3);
7 and
8 2. Submission of documentation that he has undergone an evaluation by a
9 psychotherapist or medical professional acceptable to the Commission, and the evaluator
10 submits a written report to the Commission attesting (a) Mr. Holling is fit to work with children
11 and teenagers, and (b) there is a high probability he will not use school district equipment to
12 access sexually explicit materials or engage in similar inappropriate behavior. Any costs
13 associated with the assessment or treatment will be the responsibility of Mr. Holling.

14 Upon the reinstatement of licensure, Mr. Holling shall be placed on probation by the
15 Commission for a period of four (4) years, subject to the following terms and conditions:

- 16 1. Mr. Holling shall substantially comply with any treatment or counseling as
17 recommended by the individual who completed the evaluation described above.
18 Mr. Holling shall authorize and sign any consent forms as necessary for the treatment provider
19 or counselor to furnish records to or discuss Mr. Holling's treatment with the Commission.
20 2. Mr. Holling shall comply with all Standards for Competent and Ethical Performance of
21 Oregon Educators under Oregon Administrative Rules, Chapter 584, Division 020.
22 3. Mr. Holling shall provide information as requested by the Commission to verify that he
23 has complied with the conditions of probation, including a statement from a future employing
24 district that he has complied with the Standards for Competent and Ethical Performance of
25 Oregon Educators.

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

4 IT IS SO ORDERED this 9 day of August, 2005.

5 TEACHER STANDARDS AND PRACTICES COMMISSION

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7 By Victoria Chamberlain
8 Victoria Chamberlain, Executive Director

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10 Approved as to form:

11 Margaret S. Olney
12 Margaret S. Olney, OSB#88135
13 Attorney for Thomas Warner Holling
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