

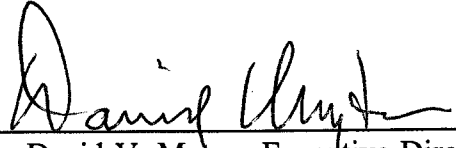
BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
OF THE STATE OF OREGON

In the Matter of the Teaching License of)
MARTIN ERVIN HARPOLE) FINAL ORDER
)

By resolution dated November 21, 1997, the Teacher Standards and Practices Commission adopts the attached proposed order issuing a Public Reprimand and placing Martin Ervin Harpole on Probation for a period of four years.

DATED this 2nd day of December, 1997.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: 
David V. Myton, Executive Director

NOTICE: YOU ARE ENTITLED TO A JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO THE OREGON COURT OF APPEALS.

- 1 3. 6/9/83 memorandum from Martin Harpole to TSPC.
- 2 4. 9/1/83 memorandum from Richard S. Jones.
- 3 5. 7/13/84 order setting aside conviction.
- 4 6. 9/19/96 police report.
- 5 7. 10/9/96 uniform citation and complaint.
- 6 7a. 10/9/96 uniform citation and complaint.
- 7 8. 10/15/96 letter from Harpole to David Voves.
- 8 9. 10/17/96 letter from David Voves to Judge Donahue.
- 9 10. 7/28/97 report from Dr. Farrenkopf.
- 10 11. 8/20/97 report from Dr. Nielsen.
- 11 12. Corvallis Municipal Code Sections.
- 12 13. Section from Oregon Revised Statutes defining public
indecentcy.
- 13 14. Portions of deposition of Mr. Harpole taken 5/20/97.
- 14 15. Brief resume of Dr. Nielsen.
- 15 17. Video taped filmed 6/9/97.
- 16 18. Map of Corvallis area.
- 17 19. Map of Corvallis area.
- 18 The panel received without objection the following exhibits
19 that were submitted by Mr Harpole:
20 T-1 Personnel file
21 T-2 Scherr Curriculum Vitae
22 T-3 Scherr Evaluation
23 T-4 Farrenkopf Vitae
24 T-5 Farrenkopf Evaluation
25 T-6 Photographs
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1 present time. Harpole has been a satisfactory teacher, and there
2 is no evidence that Harpole has engaged in inappropriate
3 behavior, including sexually inappropriate behavior, in the
4 classroom or at his school site.

5 3. Donald Wildfang, Mr. Harpole's supervising principal,
6 testified that the school district supported Harpole and intended
7 to continue employing Harpole as a classroom teacher if the
8 Commission does not revoke or suspend Harpole's teaching license.

9 4. On September 19, 1996, Harpole masturbated in his car while
10 parked during daylight hours in an apartment complex parking lot in
11 Corvallis, Oregon.

12 5. As a result of this behavior, Harpole was charged with
13 violation of Sexual Conduct, under the City of Corvallis
14 Municipal Code.

15 6. Harpole entered a plea of guilty to the charge of
16 Sexual Conduct in Corvallis Municipal Court on October 9, 1996.
17 The court ordered that the case would be dismissed after one year
18 if Harpole did not engage in criminal conduct during that period.

19 7. Harpole underwent separate psychological evaluations by
20 Stephen Scherr, Ph.D. and Gary E. Nielsen, Ph.D. Harpole also
21 underwent physiological arousal testing by Toni Farrenkopf, Ph.D.
22 Doctors Scherr, Nielsen and Farrenkopf prepared written reports
23 that were received into evidence by the Commission panel.

24 8. Dr. Nielsen and Dr. Scherr testified that Mr. Harpole
25 suffers from depression and that Mr. Harpole has a psychological
26 condition that resulted in sexually inappropriate conduct. Both

1 Dr. Scherr and Dr. Nielsen testified that Harpole is an
2 appropriate candidate for treatment, and with appropriate
3 treatment, there is a good prognosis he will not repeat sexually
4 inappropriate behavior.

5 9. Dr. Nielsen and Dr. Scherr testified that in their
6 professional opinions Mr. Harpole does not present a danger to
7 students.

8 10. Based on the school evaluations and the testimony of
9 Dr. Nielsen, Dr. Scherr, and Mr. Wildfang, the Commission panel
10 concludes that Mr. Harpole has not and does not present a risk to his
11 students; the Commission panel further finds that with appropriate
12 treatment, Mr. Harpole is unlikely to repeat sexually inappropriate
13 behavior.

14 CONCLUSIONS OF LAW

15 Mr. Harpole's conduct constitutes gross neglect of duty in
16 violation of OAR 584-20-040(4).

17 DISCUSSION

18 Certain behavior is clearly inappropriate and violates
19 professional standards, even when the behavior occurs outside the
20 school setting. Mr. Harpole's behavior falls within this
21 category. The Commission panel considers Mr. Harpole's behavior
22 to be serious; the Commission should not hesitate to revoke Mr.
23 Harpole's teaching license if he engages in similar behavior in
24 the future. Nonetheless, the panel finds mitigating
25 circumstances, including Harpole's satisfactory teaching
26 performance, the evidence that Harpole does not pose a sexual

1 risk to the public or to students, and the evidence that Harpole
2 has a good chance of not repeating this type of conduct if he
3 cooperates and successfully completes treatment. Accordingly,
4 the Commission panel proposes an order that will allow Mr.
5 Harpole to retain his Oregon teaching license.

6 **PROPOSED ORDER**

7 Based on the above findings and conclusion, the Commission
8 imposes a public reprimand, and this order shall serve as the
9 public reprimand. The Commission further places Martin Ervin
10 Harpole on probation to the Commission for a period of four
11 years. Harpole's probation shall be subject to the following
12 conditions:

13 1. Harpole, at his own initiative and at his own expense,
14 shall promptly obtain treatment from a treatment provider to
15 address his depression and his sexually inappropriate conduct.

16 2. Harpole shall successfully complete his treatment
17 program as determined by his treatment provider. Harpole's
18 treatment may include group therapy, one-to-one psychotherapy or
19 such other treatment as determined appropriate by his treatment
20 provider. Following satisfactory completion of treatment, the
21 treatment provider shall submit a written report to the Executive
22 Director stating: (1) Harpole has undergone and successfully
23 completed treatment as needed, including treatment for a sexual
24 disorder; (2) in the professional opinion of the treatment
25 provider, there is a high probability that Harpole will not
26 engage in sexually inappropriate or sexually illegal acts,

1 including acts of exhibitionism or public indecency; and (3) in
2 the professional opinion of the treatment provider, Harpole does
3 not present a risk to students or the public. Harpole shall give
4 consent for the treatment provider to provide copies of records
5 of Harpole's treatment to the Executive Director and to a
6 professional evaluator designated by the Executive Director.
7 Harpole shall further consent that the Executive Director and
8 evaluator may speak with the treatment provider concerning
9 Harpole's compliance and progress in the treatment program.

10 3. When the Executive Director receives information from
11 Harpole's treatment provider that Harpole has successfully completed
12 treatment, the Executive Director shall designate a psychologist or
13 other qualified professional to conduct an independent evaluation of
14 the treatment provider's report; the evaluator shall report his
15 findings in writing to the Executive Director and to Mr. Harpole. Mr.
16 Harpole shall pay the cost of the evaluation.

17 4. The Executive Director shall determine whether
18 Mr. Harpole has successfully completed treatment no later than
19 Mr. Harpole's completion of his probation period or his
20 application for renewal of his teaching license, whichever should
21 occur first.

22 5. During the term of his probation, Harpole shall obey
23 all laws and shall comply with all Standards for the Competent
24 and Ethical Performance of Educators under OAR 584, Division 20.

25 If the Executive Director determines at any time that Mr.
26 Harpole has not complied with the terms of this order, he may

1 give notice of intent to revoke Mr. Harpole's teaching license on
2 the ground that he has violated the terms of his probation. In
3 such event, Mr. Harpole shall be entitled to a hearing, solely on
4 the issue of whether or not he has complied with the terms of his
5 probation. Alternatively, the Executive Director may deny,
6 subject to Mr. Harpole's right to request a hearing, Mr.
7 Harpole's application for renewal of his teaching license on the
8 ground that Mr. Harpole has not demonstrated good moral character
9 as required by ORS 342.143.

10 DATED this 2nd day of ~~November~~ ^{December} 1997.

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12
13 By: David V. Myton
14 David V. Myton
15 Executive Director, Teacher and
16 Standards Practice Commission
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