

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

RECEIVED

APR 18 2001

3  
4 In the Matter of the ) STIPULATION OF FACTS, Teacher Standards  
5 Teaching License of ) ORDER OF SUSPENSION AND Probation Commission  
6 R. XAVIER VALDES-MENDEZ ) AND PROBATION  
7 )

8 On or about December 1, 2000, the Teacher Standards and Practices  
9 Commission (Commission) received a report from William Jones, Superintendent,  
10 Jackson County School District indicating that R. Xavier Valdes-Mendez, a licensed  
11 educator, may have violated Standards by engaging in behavior he believes constituted  
12 sexual harassment of students. The records indicate that two female students came  
13 forward on November 17, 2000, alleging that R. Xavier Valdes-Mendez made  
14 inappropriate comments to them, touched them and or violated their personal space.  
15 Both students indicated that Mr. Valdes-Mendez' behavior made them feel  
16 uncomfortable.

17 Mr. Valdes-Mendez fully cooperated with the Commission's investigation and did  
18 not contest the allegations. After review of the matters alleged, Mr. Valdes-Mendez and  
19 the Commission agree that their respective interests, together with the public interest,  
20 are best served by a stipulation to certain facts and the imposition of a sixty (60) day  
21 suspension, followed by a period of probation of one (1) year. This Order sets forth the  
22 facts upon which the parties have agreed and the sanction to be imposed. In entering  
23 into this stipulation, Mr. Valdes-Mendez waives the right to a hearing to contest the  
24 findings of fact, conclusion of law and order set forth below. Mr. Valdes-Mendez  
25 understands that the probation will be subject to specific conditions.

## STIPULATION OF FACTS

1  
2 1. TSPC has licensed Mr. Valdes-Mendez as an Oregon Educator continuously  
3 since October 21, 1975. He currently holds a Standard Oregon Teaching License with  
4 Standard Biology, Integrated Science and Basic Spanish Endorsements issued March  
5 12, 1998 valid until March 1, 2003.

6 2. Mr. Valdes-Mendez was employed by the Jackson County School District,  
7 Eagle Point High School, from August 28, 1981 until his voluntary resignation effective  
8 January 31, 2001.

9 3. Mr. Valdes-Mendez received positive evaluations during his twenty years of  
10 employment as a classroom teacher at Eagle Point High School. There were no  
11 complaints regarding his performance as a classroom teacher prior to November 17,  
12 2000.

13 4. Mr. Valdes-Mendez admits hugging and making positive remarks about the  
14 appearance of both male and female students in an effort to console or encourage  
15 them. He admits that some of these remarks may have been overly personal and may  
16 have made some student feel uncomfortable.

17 5. Mr. Valdes-Mendez admits violating the personal space of students. He  
18 acknowledges that, without intending to, he may have made some of his students  
19 uncomfortable by doing so.

20 6. Mr. Valdes-Mendez admits making inappropriate comments to female  
21 students about their menstrual cycles.

22 7. On January 11, 2001, Mr. Valdes-Mendez, by his own initiative and his own  
23 expense, spent two hours in consultation with Nancy Huppertz, Educational Equity

1 Consultant, regarding sexual harassment issues in response to the complaints filed  
2 against him on November 17, 2000.


3 8. Mr. Valdes-Mendez accepts responsibility for his behavior and acknowledges  
4 his behavior was inappropriate in that he failed to maintain appropriate professional  
5 boundaries with students.

6 This stipulation is contingent upon approval and adoption of the Order by the  
7 Commission. If the Commission does not adopt this Order, neither Mr. Valdes-Mendez  
8 nor the Commission are bound by these Stipulations and Mr. Valdes-Mendez retains all  
9 rights to a hearing on the allegations.

10 IT IS SO STIPULATED:

11   
12 R. Xavier Valdes-Mendez

4/13/01  
Date

13   
14 David V. Myton Executive Director  
15 Teacher Standards and Practices Commission

4/11/01  
Date

16 **CONCLUSION OF LAW**

17 In violating the personal space of students and hugging students Mr. Valdes-  
18 Mendez failed to demonstrate a commitment to use professional judgment in violation of  
19 OAR 584-020-0010(5). Mr. Valdes-Mendez failed to demonstrate a skill in  
20 communication with students when he made comments about the menstrual cycles of  
21 female students and made overly personal remarks about their appearance in violation  
22 of OAR 584-020-0030(2)(b).

23 **ORDER**

24 The Oregon Standard Teaching License of R. Xavier Valdes-Mendez is  
25 suspended for a period of sixty (60) days beginning on May 11, 2001. At the end of this

1 suspension period, Mr. Valdes-Mendez' Teaching License will be reinstated upon  
2 complete application and documentation that he has completed (at his own expense),  
3 an intensive education program regarding appropriate boundaries with students  
4 including gender equity education conducted by a qualified trainer approved in advance  
5 by the Commission. This intensive training shall consist of, at least, five (5) one and  
6 one-half (1 ½) hour sessions. The Commission will provide the trainer with a copy of  
7 this Order on or before May 11, 2001. The program trainer will provide the Commission  
8 with a report of successful program completion.

9 Furthermore, the Commission imposes a one (1) year probation upon Mr.  
10 Valdes-Mendez to commence upon the date of reinstatement of licensure subject to the  
11 following condition: Mr. Valdes-Mendez shall comply with all Standards for Competent  
12 and Ethical Performance under Chapter OAR 584, Division 020.

13 Violation of the terms of this probation may constitute an independent basis for  
14 the Commission to impose discipline, up to and including revocation of Mr. Valdes-  
15 Mendez' teaching license subject Mr. Valdes-Mendez' right to a hearing on the issue of  
16 whether he violated probation.

17 Dated this 11<sup>th</sup> day of May 2001

18 TEACHER STANDARDS AND PRACTICES COMMISSION

19  
20 By: David V. Myton  
21 David V. Myton, Executive Director

22 Approved as to form:  
23 Aruna Masih  
24 Aruna Masih, OSB #97324  
25 Attorney for R. Xavier Valdes-Mendez