## BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION

## OF THE STATE OF OREGON

| 3<br>4<br>5 | In the Matter of the<br>Teaching License of<br>KEVIN A. MURPHY                                     | )<br>)<br>) | STIPULATION OF FACTS<br>AND<br>ORDER OF SUSPENSION |            |  |
|-------------|--|-------------|--|------------|--|
| 6           | On August 16, 2005, the Teacher Standards and Practices Commission (Commission)                    |             |  |            |  |
| 7           | received a report from Kathryn Baker, Superintendent, Salem-Keizer Public Schools indicating       |             |  |            |  |
| 8           | that Kevin A. Murphy (Murphy) may have engaged in immorality; neglect of duty and/or in a          |             |  |            |  |
| 9           | knowing and substantial unauthorized use of employment time or school resources for private        |             |  |            |  |
| 10          | purposes.  |             |  |            |  |
| 11          | Mr. Murphy fully cooperated with the Commission's investigation. After review of the               |             |  |            |  |
| 12          | matters alleged, Mr. Murphy and the Commission agree that their respective interests, together     |             |  |            |  |
| 13          | with the public interest, are best served by a stipulation to certain facts, a six (6) month       |             |  |            |  |
| 14          | suspension of his teaching license.  |             |  |            |  |
| 15          | This Order sets forth the facts upo  | on which    | the parties have agreed and the s                  | anction to |  |
| 16          | be imposed. Mr. Murphy stipulates that t   | there are   | sufficient facts contained in the Co               | mmission's |  |
| 17          | files and records to support the findings of fact and conclusions of law set forth below. In       |             |  |            |  |
| 18          | entering into this stipulation, Mr. Murphy waives the right to a hearing to contest the finding of |             |  |            |  |
| 19          | fact, conclusion of law and order set forth  | n below.    |  |            |  |
| 20          | This stipulation is contingent upor  | n approva   | l and adoption of the Order by the                 |            |  |
| 21          | Commission. If the Commission does no  | ot adopt th | nis Order, neither Mr. Murphy nor t                | he         |  |
| 22          | Commission are bound by these stipulations, and Mr. Murphy retains all rights to a hearing on      |             |  |            |  |
| 23          | the allegations.   |             |  |            |  |
| 24          | ///  |             |  |            |  |
| 25          | 111  |             |  |            |  |
|             |  |             |  |            |  |

## STIPULATION OF FACTS

Mr. Murphy has been licensed by the Commission since January 20, 1987. Mr.
 Murphy currently holds a Standard Teaching License valid August 21, 2003, through August 20, 2008, with endorsements in Basic Health Education, Basic Reading and Standard Physical Education.

- Mr. Murphy began his employment with the Salem-Keizer Public Schools on
   September 25, 1987. The District placed Mr. Murphy on paid administrative leave May 27,
   Mr. Murphy resigned, in lieu of termination, by agreement effective September 30, 2005.
- 3. On February 3, 1997, Mr. Murphy wrote to Mike Kolb, Principal, North Salem High School, requesting that Mr. Murphy be allowed to seek "coverage" from other teachers in the building so that he could participate in the OSAA State Basketball Tournament as a paid referee. On February 6, 1997, Principal Kolb responded by memorandum directing Mr. Murphy to use personal or emergency leave time to serve as a referee for the state basketball tournament.
- 4. By email dated March 7, 2000, Principal Kolb denied a similar request from Mr. Murphy to be allowed to seek "coverage" from other staff to officiate at an OSAA Tournament. Principal Kolb wrote, "...there may be an ethical violation in this practice. You are being paid with tax dollars to teach (fulfill the contract) and while receiving pay for that responsibility you are being paid for officiating games."
- 5. Mr. Murphy left school during student contact hours on nine different occasions during March, April and May of 2005, to officiate OSAA sports events. Mr. Murphy left a student teacher or other staff member in charge of students. Mr. Murphy did not request personal leave, emergency leave or leave without pay for any of this time. Mr. Murphy was paid by OSAA for officiating at these events.

|              | 6. Mr. Murphy claimed Bereavement Leave or Family Illness on eight occasions during               |  |  |  |
|--------------|---|--|--|--|
| 2            | February, April and May of 2005, to umpire for PAC-10 women's fast pitch softball games in        |  |  |  |
| 3            | California, Arizona, and Oregon. Mr. Murphy was paid by PAC-10 for officiating at these events.   |  |  |  |
| 4            | IT IS SO STIPULATED:  |  |  |  |
| 5<br>6<br>7  | Xelin A Murphy January 11, 2006 Kevin A. Murphy Date  |  |  |  |
| 8<br>9<br>10 | Victoria Chamberlain, Executive Director Teacher Standards and Practices Commission               |  |  |  |
| 11           | CONCLUSIONS OF LAW  |  |  |  |
| 12           | Mr. Murphy's knowing and substantial unauthorized used of employment time for private             |  |  |  |
| 13           | purposes violates OAR 584-020-0040(4)(b). By claiming Bereavement Leave and Family                |  |  |  |
| 14           | Illness Leave to Umpire Women's Fast Pitch Softball games Mr. Murphy made knowing                 |  |  |  |
| 15           | misrepresentation directly related to professional duties in violation of OAR 584-020-0040(4)(c)  |  |  |  |
| 16           | and failed to maintain the dignity of the professional by exemplifying personal integrity and     |  |  |  |
| 17           | honesty in violation of OAR 584-020-0040(4)(o) as it incorporates OAR 584-020-0035(3)(a).         |  |  |  |
| 18           | On every occasion in which Mr. Murphy received payment of salary on contract and collected or     |  |  |  |
| 19           | accepted payment for services as a sports official Mr. Murphy violated OAR 584-020-0040(4)(o)     |  |  |  |
| 20           | as it incorporates OAR 584-020-0035(3)(a) by failing to maintain the dignity of the profession by |  |  |  |
| 21           | respecting and obeying the law, exemplifying personal integrity and honesty. In failing to        |  |  |  |
| 22           | adhere to the terms of a contract Mr. Murphy violated OAR 584-020-0040(4)(o) as it                |  |  |  |
| 23           | incorporates OAR 584-020-0035(2)(d) when Mr. Murphy accepted gift or gratuity (pay) that          |  |  |  |
| 24           | influenced his judgment in the performance of professional duties. This behavior constitutes      |  |  |  |
| 25           | Gross Neglect of Duty. The Commission's authority to impose discipline in this matter is based    |  |  |  |
| 26           | upon ORS 342.175.   |  |  |  |
| 27           |   |  |  |  |
| 8            |   |  |  |  |

**ORDER** The Commission adopts the above findings of fact and suspends the Standard Teaching 3 license of Kevin A. Murphy for a period of six (6) months effective on the date of the adoption of 4 this order. At the end of the suspension period Mr. Murphy may apply for reinstatement of 5 licensure by submitting a complete application pursuant to OAR 584-050-0015(3) together with 6 supporting documentation and fees. IT IS SO ORDERED this <u>30</u> day of January, 2006. 7 8 TEACHER STANDARDS AND PRACTICES COMMISSION 9 10 Victoria Chamberlain, Executive Director 11 12 13 Approved as to form: 15 Margaret S. Olney, OSB # 88135 16 17 Attorney for Kevin A. Murphy [010306]