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OPINION

Who's protecting students? Not Portland schools as Whitehurst case shows: Editorial

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Yearbook images of PPS teacher, counselor, school administrator and coach Mitch Whitehurst. (Image captured by Teresa Mahoney/Staff)

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By The Oregonian Editorial Board, Editorial.oped@oregonian.com

Every aspect of Portland Public Schools' protection of a longtime educator repeatedly accused of sexual misconduct is outrageous. For years, the district's top lawyers, human resources officials and principals turned their backs on girls who came to them

reporting appalling details of how Mitchell Whitehurst propositioned them or sexually sized them up.

Instead, he kept teaching, leaving complaints behind as he transferred from school to school, as The Oregonian/OregonLive's Bethany Barnes documented through extensive interviews and public records. It took Whitehurst's harassment of a male co-worker - and a criminal conviction - for Portland Public Schools to finally part ways with Whitehurst, who retired in March 2015.

Unfortunately, the reasons for outrage continue. Despite a clear directive from the school board last year to analyze what went wrong, district staff admitted in April they had done almost zero soul-searching. They've made little progress on implementing the few ideas that they do have to improve. And finally, the district administration still believes the inaction in Whitehurst's case was a failure of processes, as opposed to a failure of people. As Interim Superintendent Yousef Awwad told Barnes, the district "should have connected the dots" about Whitehurst.

This isn't a matter of just connecting the dots. This is a matter in which high-ranking administrators - some of whom still work for the district - made bad decision after bad decision in dismissing student complaints of sex abuse and harassment that followed Whitehurst. Instead of siding with students, who were distressed by Whitehurst's leering and shocked by his predatory comments, they sided with the educator.

New school board chair Julia Brim-Edwards said Friday that the board plans to hire an outside investigator to conduct a thorough review of what happened and recommendations for the future. Good. The ease with which district officials were able to brush aside complaints, keep information out of personnel files and protect a problem teacher demands reforms in its systems and its contract with teachers.

But the investigation should also clearly lay out exactly who made these unconscionable decisions and why. It is difficult to believe that mere incompetence could explain how many times the district ignored glaring red flags about its longtime educator. It is critical to know whether someone was shielding Whitehurst and, if so, whether that person is still at the district. Unfortunately, none of those most closely

tied to the case - former general counsels Maureen Sloane and Jollee Patterson, former human resources director Sean Murray and senior legal counsel Stephanie Harper - are providing the answers that they owe the public.

Sloane, who retired in 2009, hung up when contacted by The Oregonian/OregonLive Editorial Board rather than explain why she apparently didn't interview Rose Soto, a Marshall High School student who reported in 2001 that Whitehurst repeatedly came on to her and encouraged her to meet him outside of school. Sloane also hasn't explained why it appears she did nothing in 2008 after a former student named Caprice, alarmed that Whitehurst was still working in schools, reported he'd sought oral sex from her and a friend years earlier.

But there are plenty of questions for Patterson, who now works for Miller Nash Graham & Dunn. And for Murray, who heads human resources for Prosper Portland, a city agency. Both were alerted in 2012 to Caprice's case, after the former student saw Whitehurst teaching gym at Faubion K-8 and recounted her story to the school principal. In reviewing Caprice's allegations, a district human resources lawyer uncovered Soto's 2001 case and recommended to Patterson and Murray that the district "take some action." Whitehurst, however, remained on staff.

Then there's their handling of a 2013 case in which Faubion eighth-grade girls started boycotting Whitehurst's gym class. In interviews, the girls gave the district firsthand accounts of Whitehurst's ogling and inappropriate comments. Some tried to escape his attention by wearing shoes unsuitable for gym so they could sit out class, or by tying their jackets around their waists. Several told their parents or a teacher.

But the district made the baffling decision to write off their accounts as "rumors," a decision no one has claimed as their own.

Harper, who joined the district in 2013 and inherited responsibility for explaining the district's Faubion investigation, has refused to say who made that determination. She also fought Barnes' efforts for five months to access the public records in Whitehurst's case. She lost, however, after the Multnomah County District Attorney ruled there was "clear and convincing evidence" that release of the records in the "extraordinary case" was in the public interest.

Patterson declined to comment about Whitehurst, citing attorney-client privilege and other confidentiality issues -- despite an email from the district authorizing her to speak with media. But she said misconduct cases involving staff are handled and investigated by the human resources department. Never mind that as the top attorney, she would have ample authority to intervene if need be. Harper's responses have also been limited. Murray has not returned messages for comment.

These current and former public servants could readily answer these critical questions about how the district handles matters of student safety. Instead, they've chosen silence - an unsurprising choice to all those students, from different schools and over a period of years, who came seeking protection from a threatening teacher.

- *The Oregonian/OregonLive Editorial Board*

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