

Effective 7/1/2015

53A-6-306 UPPAC duties and procedures.

- (1) The board may direct UPPAC to review a complaint about an educator and recommend that the board:
 - (a) dismiss the complaint; or
 - (b) investigate the complaint in accordance with this section.
- (2)
 - (a) The board may direct UPPAC to:
 - (i) in accordance with this section, investigate a complaint's allegation or decision; or
 - (ii) hold a hearing.
 - (b) UPPAC may initiate a hearing as part of an investigation.
 - (c) Upon completion of an investigation or hearing, UPPAC shall:
 - (i) provide findings to the board; and
 - (ii) make a recommendation for board action.
 - (d) UPPAC may not make a recommendation described in Subsection (2)(c)(ii) to adversely affect an educator's license unless UPPAC gives the educator an opportunity for a hearing.
- (3)
 - (a) The board may:
 - (i) select an independent investigator to conduct a UPPAC investigation with UPPAC oversight; or
 - (ii) authorize UPPAC to select and oversee an independent investigator to conduct an investigation.
 - (b) In conducting an investigation, UPPAC or an independent investigator shall conduct the investigation independent of and separate from a related criminal investigation.
 - (c) In conducting an investigation, UPPAC or an independent investigator may:
 - (i) in accordance with Section 53A-6-603 administer oaths and issue subpoenas; or
 - (ii) receive evidence related to an alleged offense, including sealed or expunged records released to the board under Section 77-40-109.
 - (d) If UPPAC finds that reasonable cause exists during an investigation, UPPAC may recommend that the board initiate a background check on an educator as described in Section 53A-15-1504.
 - (e) UPPAC has a rebuttable presumption that an educator committed a sexual offense against a minor child if the educator voluntarily surrendered a license or certificate or allowed a license or certificate to lapse in the face of a charge of having committed a sexual offense against a minor child.
- (4) The board may direct UPPAC to:
 - (a) recommend to the board procedures for:
 - (i) receiving and processing complaints;
 - (ii) investigating a complaint's allegation or decision;
 - (iii) conducting hearings; or
 - (iv) reporting findings and making recommendations to the board for board action;
 - (b) recommend to the board or a professional organization of educators:
 - (i) standards of professional performance, competence, and ethical conduct for educators; or
 - (ii) suggestions for improvement of the education profession; or
 - (c) fulfill other duties the board finds appropriate.
- (5) UPPAC may not participate as a party in a dispute relating to negotiations between:
 - (a) a school district and the school district's educators; or
 - (b) a charter school and the charter school's educators.

(6) The board shall make rules establishing UPPAC duties and procedures.

Repealed and Re-enacted by Chapter 311, 2015 General Session

Amended by Chapter 311, 2015 General Session, (Coordination Clause)

Amended by Chapter 389, 2015 General Session