

Standard Operating Procedure

UPPAC Attorney Investigations
Utah State Board of Education – December 2024

Prepared	Peer Reviewed (for content)	Supervisor Reviewed (for content and conventions)	<i>Section Specific: Proofed</i> (for conventions)	Approved by Management (Director Level)
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Purpose

The purpose of this standard operating procedure is to ensure that UPPAC attorneys/investigators have a consistent procedure to follow when conducting investigations and writing investigative reports consistent with the UPPAC statutes and Board Rules R277-210, 211, 215, and 217.

Overview

After UPPAC opens an investigation, a UPPAC attorney/investigator collects documentation and conducts interviews. Findings are summarized in an objective and independent investigative report. Investigative reports also include the educator's licensing information; relevant educator standards and disciplinary presumptions; aggravating and mitigating factors; and a list of investigative actions.

The UPPAC Executive Secretary approves each investigative report. UPPAC attorneys present the reports to UPPAC. UPPAC discusses the findings and makes a recommendation as to what action, if any, the Board should impose on the educator's license.

Prerequisites

Deadlines and Dates

Investigative reports are presented monthly at UPPAC meetings. UPPAC meetings are held during the week after Board meeting. Board meeting is typically the first Thursday of each month besides July. Investigative reports are due to the UPPAC Executive Secretary for approval two days prior to each UPPAC meeting unless otherwise specified.

Materials and Documents

Please see the attached documents:

[Investigative Report Template](#)

[Subpoena Template](#)

[GRAMA Request Template](#)

[An Educator's Guide to UPPAC](#)

[Sample Email to Educator from UPPAC Attorney when Investigation is Opened](#)

Personnel and Responsible Parties

UPPAC attorneys/investigators should comply with this procedure with the approval of the UPPAC Executive Secretary and the assistance of the UPPAC Administrative Assistant.

Procedure

Opening of Investigation

1. UPPAC reviews allegations of misconduct at UPPAC meetings and determines whether an investigation will be opened.
2. The UPPAC Administrative Assistant assigns a case number to each investigation.
3. UPPAC attorneys/investigators determine which UPPAC attorney/investigator is assigned to each investigation.
4. After the UPPAC Executive Secretary notifies the educator that an investigation has been opened, the UPPAC attorney/investigator should contact the educator by email or phone. This contact should include:
 - a. An introduction of the assigned UPPAC attorney/investigator.
 - b. A brief description of the allegations against the educator.
 - c. Confirmation of the educator's current employment.
 - d. An explanation that the educator's CACTUS account is flagged during the investigation period.
 - e. An estimated timeline for the investigation
 - f. A copy of the Educator's Guide to UPPAC.

Investigation Process

1. Older cases should be investigated before newer cases, unless there are extenuating circumstances.
2. The UPPAC attorney/investigator should review any documentation submitted by the LEA or complainant.
3. The UPPAC attorney/investigator should determine what other documentation is needed and request it.
 - a. This request is typically made to the LEA HR Director via email, or to the person who submitted the Notification of Alleged Educator Misconduct.
 - b. If necessary, send a subpoena for needed documentation.
4. If the matter was reported to law enforcement or DCFS, send a GRAMA request to the involved agency requesting the report.

5. In CACTUS, check the "UPPAC/Background" tab to see if the educator has prior discipline from USBE.
 - a. If so, use the date of the prior discipline (listed in CACTUS under "UPPAC/Background") to find the disciplinary letter and prior investigative report.
6. Contact any witnesses and arrange interviews about the current alleged misconduct.
 - a. These interviews are typically done by telephone or virtually. They can be done in person or via email when appropriate.
 - b. Witness contact information can sometimes be found in the Notification of Alleged Educator Misconduct. If the witness is a school employee, contact information may be found online or in CACTUS. If the witness is a parent, contact information may be obtained from the LEA HR Department.
 - c. If a minor witness needs to be interviewed, contact the minor's parent to obtain permission and facilitate the interview.
7. If appropriate, interview the school principal to get input on the allegations and on the educator.
8. If appropriate, contact the LEA HR director to get input on the allegations and to determine if the educator has prior discipline.
9. If interviews produce evidence of additional violations, investigate these as well and include findings in the investigative report.
10. If an investigation involves criminal charges, follow the case on Xchange to get information about charges, pleas, and sentences. Include the case resolution and sentence in the investigative report.
11. Contact the educator (or the educator's attorney if applicable) to schedule an interview.
 - a. Educator interviews are typically held via Zoom.
 - b. During the interview, allow the educator to respond to all allegations and to tell UPPAC anything the educator wants UPPAC to know.
 - c. The educator may submit additional documentation or witnesses for the UPPAC attorney/investigator to interview.
 - d. If an educator is convicted of a crime for which revocation is mandatory per Utah Code 53E-6-604(5)(b), the educator does not need to be interviewed.

Writing of the Investigative Report

1. Use the Investigative Report Template to write the investigative report.
2. Go to CACTUS to find the educator's licensing background information.
3. Objectively summarize the investigative findings, including responses from the educator.
4. Include a summary of any prior discipline from USBE or LEA discipline for misconduct.
5. In the Presumptions section, the investigator explains to UPPAC what the options are for discipline. The investigator does not make a

- recommendation in the report. Include the Utah Educator Standards that have potentially been violated from R277-217 and any relevant disciplinary presumptions from R277-215.
- a. Include aggravating and mitigating factors from R277-215.
 - b. Include circumstances warranting deviation from the presumptions listed in R277-215, if applicable.
6. In the Summary of Investigative Actions section, list the documents relied upon and the names and titles of people interviewed.
 7. Submit the report to the UPPAC Executive Secretary for approval at least two days prior to the UPPAC meeting. The UPPAC Executive Secretary will add the report to a UPPAC meeting agenda.
 8. Once the report is approved, send a PDF copy to the UPPAC Administrative Assistant. The UPPAC Administrative Assistant will put the report in a shared Google folder for UPPAC to review prior to the UPPAC meeting.

Presentation of Report to UPPAC

1. At the UPPAC meeting, give a brief (five-minute or less) summary of the investigative findings.
2. Tell UPPAC the applicable presumptions.
3. Be prepared to answer any questions UPPAC might have about the investigation.

See UPPAC Attorney/Investigator Actions after UPPAC Recommendation SOP for steps to take following UPPAC's recommendation.