

Representing yourself in any legal proceeding can be overwhelming. If you have an upcoming expedited hearing with UPPAC, this guide is meant to help you understand what to expect at your hearing so you can properly prepare.

If you have more questions after reading this guide, feel free to contact us. However, remember that UPPAC staff cannot give you legal advice, and this guide is not a substitute for advice from a qualified attorney. Also note that this guide is written in non-legal language. If you want to read the precise language of UPPAC's administrative rules, you can find them online here: <https://schools.utah.gov/administrativerules>.

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Why has my case been scheduled for an expedited hearing?

If you received a letter informing you that your case has been set for an expedited hearing, it means one of two things:

- UPPAC received notification that you have been arrested, cited, or charged with a minor crime; or
- UPPAC received notification that you allegedly committed a minor violation of the educator standards, and UPPAC determined that your case is likely to result in only minor discipline.

Do I have to participate in an expedited hearing?

No. The expedited hearing process is voluntary. If UPPAC schedules your case for an expedited hearing, but you don't want to participate in an expedited hearing, contact us to opt out of the process, and we will cancel the hearing.

Before you decide to opt out, there are a few things you should consider. If you opt out of the expedited hearing process, UPPAC will open an investigation. Through the expedited hearing process, your case will likely resolve in approximately 2-4 months. By contrast, the investigation process usually takes at least 6 months, sometimes as long as a year. An expedited hearing can be a good way to resolve minor cases quickly by avoiding an in-depth, lengthy investigation. Also consider that an expedited hearing for non-criminal misconduct does not result in a flag being placed on your CACTUS account. If an investigation is opened, UPPAC is required to place a flag on your CACTUS account until your case is completely resolved.

What do I need to do before my hearing?

At least a week before your expedited hearing, you need to email the following documents to uppac@schools.utah.gov:

- Your written statement about what happened

(Continued)

- A copy of the police report, if your case involves a criminal charge
- A copy of the court docket, if your case involves a criminal charge
- Any other documents you think are relevant and want UPPAC to consider

What will my hearing be like?

Expedited hearings are informal and take place in a conference room. The following people will be present:

- The UPPAC executive secretary or designee
- Three UPPAC members
- A UPPAC attorney
- You, the educator
- Your attorney or other representative, if you have one
- An administrator from your school or district

The executive secretary will conduct the hearing. Because these hearings are informal, and because circumstances of cases vary widely, there is no set order to the hearing. Usually, the UPPAC attorney will ask you to describe what happened from your perspective, and he or she will ask you follow-up questions to get more detail. You will be given a full opportunity to give your side of the story. The executive secretary and UPPAC members may ask you some questions as well. Your attorney, if you have one, may ask you questions or provide more information to us. We will also hear from an administrator from your school or district, who will tell us what happened from their perspective. The administrator may provide investigation notes, witness statements, employment history, or other information and documents. UPPAC will also read your written statement and any other documents that are available. The goal is to get all sides of the story.

Expedited hearings are recorded, and depending on the nature of your case, any testimony or other evidence at an expedited hearing might be used for other purposes, including a subsequent hearing if there is one.

What happens after the hearing?

At the end of the expedited hearing, everyone is excused except for the hearing panel, which consists of the executive secretary and three UPPAC members. The panel will then deliberate. The executive secretary participates in the deliberations but does not vote. The three UPPAC members will make a decision, which will be one of the following:

- Close the case with no further action
- Close the case upon completion of specified training or other requirements
- Issue a letter of education
- Issue a letter of warning
- Open an investigation

After the expedited hearing panel has deliberated and made a decision, the executive secretary will prepare a hearing report reflecting the panel's findings and decision. However, the panel's decision is not final. Instead, the full UPPAC commission will review the hearing report and discuss the case at the next UPPAC meeting. After discussion, UPPAC will vote. UPPAC's decision may adopt the hearing panel's recommendation, or it can be something different.

Because UPPAC is an advisory body, UPPAC's decision still is not a final action; it is a recommendation to the Utah State Board of Education. After UPPAC makes its decision, your case will be forwarded to the Board for a final decision and action. It will probably take about two months after your expedited hearing to get a final decision from the Board.

If you have further questions, please contact the State Board of Education UPPAC staff:

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