

REPRESENTING YOURSELF AT A UPPAC HEARING

Utah Profession Practices Advisory Commission (UPPAC)

The following document is provided to guide educators who will represent themselves in a Utah Professional Practices Advisory Committee (UPPAC) hearing. Hearings -may not follow the outline exactly, but please use the outline as a reference to help you understand UPPAC rules and procedures in R686-100.

Procedure Hearing Outline.....	1
Additional Information to Consider.....	2
Contact Information.....	3

Procedure Hearing Outline

1. The Hearing will be recorded.
2. The Hearing Officer will: (1) introduce himself and introduce all parties and participants -- or ask them to introduce themselves; (2) see that only appropriate people are in the room; (3) outline Hearing procedures; (4) ask if anyone has questions.
3. EXPLANATION OF PREVIOUS DISCIPLINARY ACTION
[If this is a reinstatement Hearing, Hearing Officer will either explain the history of the case or ask the UPPAC Investigator/Prosecutor to explain the history of the case from the case file.]
4. OPENING STATEMENTS
 - a. Complainant (UPPAC)
 - b. Respondent (Educator)
5. COMPLAINANT’S WITNESSES
 - a. Direct examination. UPPAC questions its own witnesses.
 - b. Respondent cross examination (Educator asks clarifying questions, may ask “leading questions,” seeks information from UPPAC’s witnesses)
 - c. Panel members may ask questions of each witness.
 - d. Follow-up questions from any party.
6. RESPONDENT’S WITNESSES

- a. Respondent presents witnesses, if any.
- b. Direct examination of witnesses by Respondent.
- c. UPPAC cross examination of witnesses.
- d. Panel members ask questions of each of Respondent's witnesses.
- e. Follow-up questions, as necessary.
- f. Respondent may be his only witness or one of his witnesses. In this case, if Respondent represents himself, he provides a narrative of actions he has taken since the suspension to complete the conditions of a probation, remediate his misconduct and/or correct the previous problems. This could include: explaining his psychological counseling, talking about a personal plan to avoid problems in the future, explaining his current psychological support system, providing any apology or restitution, if applicable. The respondent should not re-argue the case. If Respondent has documentation to present to the Panel Members, he does so at this time. Helpful documentation may include a record of his counseling, a psychological or psycho-sexual evaluation, a copy of an apology letter written to a victim, if appropriate. Helpful documentation does **not** include general letters of recommendation or support.

7. CLOSING STATEMENTS

Hearing Officer will ask Respondent (first) and UPPAC (next) for a summary of the party's position or request. UPPAC may or may not recommend specific licensing action or reinstatement. Hearing Officer may give educator an opportunity to respond to UPPAC recommendation.

8. Hearing Officer concludes hearing, thanking both parties. Parties leave and UPPAC panel members and Hearing Officer discuss the case and proposed recommendation. Written recommendation will follow within 20 days.

Additional Information to Consider

All UPPAC hearings will take place at the Utah State Office of Education. You will receive notification of the time, room, Hearing Officer, and Panel Members approximately one month before your hearing. As you prepare for the hearing, the following information and directions are essential to understand and follow. Following these procedures carefully will allow you to present your case as effectively as possible. As a party in a Utah State Office of Education administrative hearing, please do the following:

1. Prepare and bring six copies of any information or documentation that you would like to provide to the UPPAC hearing panel members and Hearing Officer and expect to introduce the documents as evidence.
2. If preparing for reinstatement hearing: Send by mail or fax, at least 10 days in advance of the hearing, all documents that you intend to introduce as evidence in the hearing to support your request for reinstatement. Send materials to the attention of the applicable Investigator and Attorney for Complainant for the Utah State Office of Education.
3. Notify the applicable Investigator and Attorney for Complainant by mail or fax, at least 10 days in advance of the hearing, the names of witness(es) that you intend to have testify on your behalf at the hearing. If you plan to present witness(es), prepare questions to ask your witness(es) to establish the foundation of your case.

Please do not come to the hearing unprepared. If you have further questions, please contact the State Office of Education UPPAC staff:

Contact Information

Benjamin Rasmussen
UPPAC Director
801-538-7835
801-538-7768 (fax)
benjamin.rasmussen@schools.utah.gov

Nicole Ferguson
Investigator/Prosecutor
801-538-7583
801-538-7768 (fax)
nicole.ferguson@schools.utah.gov

Steve Oler
Investigator/Prosecutor
801-538-7818
801-538-7768 (fax)
stephen.oler@schools.utah.gov