

# P.K. Yonge Developmental Research School University of Florida Policy for Mandatory Reporting of Misconduct

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Developmental Research School  
at the University of Florida

The University of Florida recognizes its responsibilities to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to certificated administrators and/or certificated professional staff members, matters of misconduct, including conviction of certain crimes enumerated by law and/or conduct which is unbecoming to the teaching profession, will be reported by the UF Lab School Director to the Florida Department of Education.

## Reporting Professional Misconduct

P.K. Yonge faculty are required to report to the UF Lab School Director alleged misconduct by P.K. Yonge employees which affects the health, safety, or welfare of a student. If the alleged misconduct to be reported is regarding the UF Lab School Director, the P.K. Yonge employee shall report the alleged misconduct to UF Human Resources (392-1072). Failure to report such alleged misconduct shall result in appropriate disciplinary action, including written reprimand, suspension without pay, termination and discipline/sanctions on an educator's certificate. (F.S. 1012.796(1)(d)).

University of Florida Human Resources shall investigate any allegation of misconduct by P.K. Yonge employees which affects the health, safety, or welfare of a student, and the UF Lab School Director shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796 and 1001.51(12)(b).

At the discretion of the UF Lab School Director, P.K. Yonge faculty alleged to have committed such misconduct shall either be placed on administrative leave or be reassigned to a position not requiring direct contact with students pending the outcome of a misconduct investigation.

## Filing a Complaint with the Department of Education

If it is alleged that an instructional staff member or administrator has committed a violation as provided in F.S. 1012.795, and defined by rule of the State Board of Education, the UF Lab School Director shall file with the Department of Education a legally sufficient complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the UF Lab School Director. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The UF Lab School Director shall include all known information relating to the complaint with the filing of the complaint. This reporting requirement does not limit or restrict the power and duty of the Department of Education to investigate complaints, regardless of whether the UF Lab School Director fails to file a complaint or files an untimely complaint. (F.S. 1012.796(1)(e)).

## Report of Resignation or Termination

If the UF Lab School Director determines that misconduct by an instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education affects the health, safety, or welfare of a student and the misconduct warrants termination, the P.K. Yonge faculty member may resign or be terminated and the UF Lab School Director must report the

misconduct to the Department of Education in the format prescribed by the Department. The Department shall maintain each report of misconduct as a public record in the instructional personnel's certification files (F.S. 1012.796(1)(d)).

## **Requirement of Disclosure of Employee Misconduct**

The University may not enter into a confidentiality agreement with any P.K. Yonge faculty or administrator employee regarding the termination or dismissal of the P.K. Yonge faculty or school administrators, or with P.K. Yonge faculty or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide faculty or administrative personnel with employment references or discuss the employee's performance with prospective employers in another educational setting, without disclosing the employee's misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced (F.S. 1001.42(6)).

## **Liability Protection**

Any person, official, or institution participating in good faith in any act authorized or required by law, or reporting in good faith any instance of child abuse, abandonment or neglect to the Florida Department of Children and Family Services or to any law enforcement agency shall be immune from any civil or criminal liability which might otherwise result by reason of such action. (F.S. 39.203)

An employer who discloses information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the current or former employee is immune from civil liability for such disclosure or its consequences unless it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under F.S. Chapter 760. (F.S. 768.095)

## **Posting Requirements**

Pursuant to F.S. 1006.061(2), this policy shall be posted in a prominent place at the school site and on the school's internet website, so that the policy and procedures for reporting alleged misconduct by P.K. Yonge faculty or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on P.K. Yonge faculty or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other P.K. Yonge faculty or school administrators is effectively communicated to all.

F.S. 39.203, 768.095, 1001.42(6) , 1001.42(7)(b), 1001.51(12)(b), 1006.061(2)  
F.S. 1012.796, 1012.796(5), 1012.796(d), 1012.796(e)  
ss. 9, 33, ch. 2008-108, L.O.F.