

# Prohibiting the Aiding and Abetting of Sexual Abuse Policy

Adopted: July 18, 2022

Revised:

## Background

Under Section 8546 of the Every Student Succeeds Act (“ESSA”) (20 U.S.C. § 7926), every state, state educational agency (“SEA”), and/or local educational agency (“LEA”) that receives ESSA funds must have in place laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any SEA or LEA, from assisting a school employee, contractor, or agent in obtaining a new job (apart from the routine transmission of administrative and personnel files) if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent has engaged in sexual misconduct regarding a student or minor in violation of the law. Under the law, an SEA, LEA, or individual acting on behalf of one of those entities would not be prohibited from following routine procedures regarding the transmission of administrative or personnel files but would be prohibited from doing more than that to help the employee obtain new employment.

## Purpose

To inform all employees of the Career Academy of Utah (the “School”) of the prohibition on aiding and abetting sexual abuse through assisting a school employee, contractor, or agent in obtaining a new job if such individual has engaged in sexual misconduct regarding a student or minor in violation of the law.

## Policy

An employee, contractor, or agent of the School is prohibited from assisting another school employee, contractor, or agent in obtaining a new job if the School employee, contractor, or agent knows or has probable cause to believe that such other school employee, contractor, or agent has engaged in sexual misconduct regarding a minor or student in violation of the law.

For purposes of this policy, “assisting” includes, but is not limited to, providing employment references or recommendations for a new job. However, “assisting” does not include the routine transmission of administrative and personnel files.

## Exception

In accordance with Section 8546 of ESSA, the prohibition above does not apply if the information giving rise to probable cause:

- (1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and
- (B) has been properly reported to any other authorities as required by Federal,

State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and (2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; (B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or (C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

All employees, contractors, or agents of the School who have questions regarding this policy or their responsibilities under this policy shall contact the Executive Director.