



To: Commissioner David Woolstenhulme
From: President Astrid Tuminez
Date: June 3, 2020
RE: UVU Responses to Campus Safety Questions

Dear Commissioner Woolstenhulm,

Please review the following responses to your questions regarding campus safety at Utah Valley University. I have consulted with our Vice President of Student Affairs, Vice President of Finance and Administration, Police Chief, Dean of Students, and Director of Office for Equal Opportunity, Affirmative Action and Title IX to ensure all perspectives were addressed.

Thank you for your help, and please do not hesitate to reach out with any questions or concerns.

1. Procedure and policy for processing complaints from student victims to ensure the privacy and rights of victims.

- Utah Valley University is committed to ensuring the privacy and rights of all students involved in reports and complaints filed with the University. As it relates to privacy, student victims of sexual misconduct or protected class discrimination, harassment, and retaliation, experience broad protection under UVU's current policies. UVU students have the option of reporting their concerns anonymously to receive support and seek informal resolutions. Where campus safety is not at risk, UVU policy enables flexibility to complainants by allowing them to decide their preferred course of action. Specifically, UVU policy allows complainants to make anonymous reports which permits UVU to investigate matters informally and take appropriate steps to eliminate the reported misconduct, prevent its recurrence, and/or address its effects. UVU policy also provides a mechanism for retracting anonymity to engage in a more formal proceeding if desired. Most importantly, any information gathered through investigations are confidential and not shared unless there is a direct need to know to appropriately address imminent safety concerns. The UVU's Office of Equal Opportunity/Title IX maintains a collaborative relationship with the UVU Police Department ("UVUPD") and the Student Conduct office, where information is exchanged as appropriate for campus safety while adhering to the expectations set-forth to preserve the confidentiality of such sensitive information. Lastly, complainants, respondents, witnesses, and any other participants in the conduct process are prohibited from recording interviews, hearings, and other meetings before, during, and after the disciplinary process. Regarding the protection of student rights, UVU policy explicitly grants students the right to be free from discrimination and sexual discrimination, including sexual misconduct, such as sexual harassment, sexual violence, sexual assault, relationship violence, and stalking. In responding to reports of alleged violations of these rights, UVU will provide prompt, fair, and impartial investigations and disciplinary processes. During these processes, both

complainant and respondent are provided equitable rights and opportunities, including notice and an opportunity to be heard.

2. How is sensitive evidence of crime being protected from in-department and out of department dissemination beyond that which is reasonably necessary to investigate and prosecute the crimes alleged. How long is evidence held and what is the policy for returning or destroying the evidence to victim at the conclusion of the case?
 - Evidence is stored in a secure police database only accessible by UVUPD personnel. Sensitive evidence, such as photos of dead bodies, photos where private areas are shown, and similar records can be locked out to all officers except the investigating officer, the victim advocate, and supervisors. This is done on a case-by-case basis due to the sensitivity of the photos, videos, documents, or nature of the case. Additionally, city or county prosecutors are typically granted access to such information once the case is passed to them. Each time a record is accessed there is a digital log showing who accessed it and the date and time of the access. The length of time evidence is kept is determined by state statute. Homicide, rape, and other serious felonies are held longer than misdemeanors offenses. The holding time starts after adjudication through the courts. Some holding periods are four years, some are 10 years, and some evidence cannot ever be destroyed pursuant to statute. Evidence audits are done frequently to purge evidence in which the time period has expired. Permission from the county or city prosecutor is required to purge any evidence. A prosecuting attorney may also request evidence to be released.
3. What measures are taken to discipline law enforcement officers who violate policy and procedures that would violate victim's privacy including reporting violations to Utah agencies that have oversight over law enforcement officers?
 - Officers who share protected government records not only violate policy and procedure, but also violate state law. Any officer who violates state law must be reported to Utah's Police Officer Standards and Training Investigating Division. Typically, offending officers are terminated prior to referring the matter to the certification board. State investigators review the matter and make recommendations regarding de-certification to the board. The board then decides if and how long the person is de-certified. The seriousness of the violation also depends on what is disclosed, who it is disclosed to, and the purpose of the disclosure. If it is deemed to be a policy violation and not a violation of state law, disciplinary action may be taken by the University.
4. What training has been given to campus law enforcement officers regarding best practices and procedures for handling victims reporting crimes—especially crimes involving sexual violence, criminal stalking and dating violence? Has law enforcement been given adequate training by professionals outside of the department?
 - Officers are trained in a variety of areas, including sexual violence, criminal stalking, and dating violence, using overlapping methods. First, officers are trained at the time of hire at UVU. Second, officers receive a thorough policy training, which also covers state law requirements. These policies and state codes are available on a phone app that all

officers are required to have. Officers must personally acknowledge that they understand the policy and state requirements. Third, officers are required annually to enroll in an online third-party training program that reviews multiple subjects including race relations, sexual misconduct, and other relevant matters. Officers also have access to other online resource material and guides that they can retrieve on their phones. UVUPD also provides resource pamphlets designed to educate victims on resources and victims' rights. Lastly, UVUPD victim advocates also provide updates and training as needed.

5. Does the campus provide victim advocate resources for students? How is this information regarding availability of victim advocate resources being delivered to students?
 - UVU provides victim advocates at its Student Health Services office and at the UVUPD's office. UVU police officers and dispatch personnel advertise the availability of a victim advocate when initially contacted by a victim. UVUPD's victim advocate started in September 2019 through a newly funded VOCA grant. The advocate who currently fills the role, has extensive experience and networks obtained from working with Utah County law enforcement over the past two decades. The information regarding the availability of the victim advocate is also shared with students by multiple collaborative internal UVU sources, which include the UVUPD, UVU's Office of Equal Opportunity/Title IX, Student Conduct office, Ombudsman office, and Student Health Services. UVU has a strong relationship built with other victim advocates from area law enforcement agencies within Utah County who are also aware that UVU offers this resource to students and refers student victims in their area to us for additional resources.
6. Are victims made aware of their right to obtain victim advocate support and how to access those resources? Are victims made aware of the availability of obtaining personal protective orders, including stalking, dating violence and sexual violence injunctions? Are they provided the forms or directions on how to access these self-help protections?
 - Victims are informed about available resources and support at various steps along the process. Available resources are outlined at the time of the police officer's first contact with the victim or when the victim initially reaches out to UVU's Equal Opportunity/Title IX office. From there, the victim advocate and the police officers work together to assist the victim in accessing and using resources. Victim advocates help victims through the entire process, including how to obtain protective orders, how to access and complete necessary legal forms, and how to navigate court appearances. These victim advocates are even available to attend court hearings as a support person if requested. UVU's victim advocates have worked closely with UVU's Equal Opportunity/Title IX office on many cases involving domestic violence, sexual assault, and stalking and are frequently referred to students as a helpful resource for understanding and navigating criminal processes in which they may be currently involved or considering.
7. After the most recent incident regarding alleged mishandling of evidence by law enforcement, how do you establish the confidence and trust of students in campus law enforcement and

administration that their complaints will be handled seriously and with sensitivity so victims will feel comfortable in coming forward to report abuse and acts of violence inflicted on students?

- UVU strives to establish this confidence and trust with its students by first sharing and living its values of exceptional care, exceptional accountability, and exceptional results. UVU staff strives to professionally and compassionately address all complaints that come to UVUPD, UVU's Equal Opportunity/Title IX office, or any other location on campus. Specifically, complaints and concerns are taken seriously, and victims are treated in a timely manner with dignity and respect. Student safety and wellbeing are immediately addressed in a variety of ways, and students can elect what resources they prefer to seek. Such support services include class support, crisis counseling through a designated victim navigator, or a victim advocate who assists with the courts and any off-campus criminal proceedings.