

Questions Regarding Campus Safety for USHE

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

It is the procedure of the Weber State Police Department to respect the fundamental privacy rights of individuals while processing criminal and civil complaints. These procedures are governed by University policy, local ordinances and State and Federal Law. The Department provides relevant and current training to officers as guidance for the application of current law, state law and federal law.

All University employees are subject to the Family Educational Rights and Privacy Act (FERPA), which generally prohibits release of student information except under limited circumstances.

The university's policies describe how complaints of violation of university policy from student victims will be processed in consideration of the privacy and rights of victims. The university's Discrimination, Harassment, and Sexual Misconduct policy provides that though most employees on campus have a requirement to report to the AA/EO/Title IX Coordinator instances of sexual harassment, including instances of sexual assault, domestic violence, dating violence, and stalking, the Counseling & Psychological Services Center, the Women's Center, the Student Health Center, and the WSU Police department do not have such reporting responsibilities. This allows those areas to maintain confidentiality to the greatest extent permitted by the laws applicable to those areas. This helps those areas be able to encourage reporting in order to provide needed services to those individuals.

Complaints that go to the AA/EO/Title IX Coordinator are treated with great discretion in order to protect the privacy of those involved. A victim advocate is provided to assist complainants, who will help the complainant review the individual's rights and confidentiality before the individual discloses further information. AA/EO/Title IX Coordinator will respect confidentiality or anonymity requests to the extent possible, unless there is deemed to be a need to disclose in order to comply with the request of the complainant to move forward with a complaint and provide due process to the person accused of violating the policy, or if the decision is made based on an evaluation of safety factors that disclosure is necessary in order to protect the need of the institution to provide a safe and nondiscriminatory environment for all members of the community. Except in emergency situations where it is not possible to do so, no steps are taken without the involvement of the complainant and safety planning in coordination with the victim advocate.

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?

Under Weber State Police Department rules:

- A. All evidence is stored in a secure area with access restricted to authorized persons only, with an electronic log being kept of those who enter. A recording needed as evidence is copied to a thumb drive and booked into evidence in accordance with our established evidence procedures. Any and all actions taken, with respect to retention of media, is to be appropriately documented.
- B. Sensitive evidence of crime, including downloaded media, is handled with the utmost respect to the privacy of all individuals involved. The Weber State Police Department also ensures the evidentiary integrity is maintained at all times. Evidence, including media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping are also used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- C. Evidence is held until a case is completely adjudicated. At which point a request is sent to either the city or county attorney's office, depending on jurisdiction, to request either the option to destroy or return it.

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?

Reviews are conducted to determine whether law enforcement officers have violated policy and procedures and what disciplinary action is appropriate. There are various methods of resolution that exist to discipline law enforcement officers who violate policy and procedures. During the pendency of any such investigation, the supervisor of the involved member will take prompt and reasonable steps to mitigate or eliminate any continuing violation. All violations will be fully documented and promptly and thoroughly investigated.

For violations that do not amount to criminal conduct, the Chief of Police will assign a supervisor to investigate the complaint that will have full authority to investigate all aspects of the complaint. This includes access to records and the cooperation of any member involved. No

influence will be used to suppress any complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include, but not be limited to, details of specific incident, frequency and dates of occurrences and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation and that a disciplinary process, up to and including termination, may result if retaliation occurs. The complainant and/or victim will be notified in writing of the disposition of the investigation and the action taken to remedy or address the circumstances giving rise to the complaint.

Sanctions may include, but are not limited to, the following (they appear in the order they would normally be administered; however, it is not required that a specific sanction precede another. The seriousness of the action for which the discipline is being imposed will be taken in account in choosing which sanction is best for that specific case.): Oral reprimand, written reprimand, suspension without pay, dismissal. Where appropriate, the University may provide an opportunity for counseling or training to aid the staff employee to become competent and qualified in his/her position and/or to correct the deficiency or problem which is the reason for the warning. Generally, such training is within the scope of normal job training and the University is not expected to train the staff employee to perform basic skills expected of every other staff employee in that classification without special training. It is primarily the staff employee's responsibility to fit the job.

Sanctions may be imposed upon staff employees only for one or more of the grounds described in the discipline policy where the supervisor determines that such sanctions will tend to induce a beneficial change in conduct, deter future violations, promote respect for the commitment to the observance of applicable regulations or promote the efficient and economical administration of University affairs. Sanctions ordinarily should be limited to measures that are deemed likely to achieve the purposes set out above, should not be disproportionately severe in relation to the grounds for their imposition and should be calculated to give due consideration to any special circumstances that may tend to reduce the seriousness of the staff employee's sanctionable actions or omissions.

Staff employees being formally disciplined by imposition of sanctions must be advised by their supervisor of their right to use the available avenues of review and redress, including University grievance appeals systems and or the institutional office of equal opportunity.

If the violation amounts to criminal conduct, an outside agency will be asked to come in to investigate the matter. Such matters will also be referred to Utah Police Officer Standards and Training (POST).

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?

The Police Department provides its officers with yearly training in regards to the best practices and procedures for handling victims reporting crimes. This is dictated by policy, state law and federal law and includes a minimum of 40 hours of training a year. These trainings include trauma informed investigation training, Lethality Assessment Procedures (LAP), sexual assault investigation training, Clery training, and daily training bulletins. The majority of these trainings are provided by trained professionals outside of the department. Weber State Police Department officers sit on the Weber/Morgan County Domestic Violence Coalition and Weber County Sexual Assault Response Team.

5. Does the campus provide victim advocate resources for students? How is this information regarding availability of victim advocate resources being delivered to students?

Victim advocacy is provided through the Safe@Weber Advocacy Services program, coordinated by the Women's Center. Both students and employees can utilize confidential advocacy services. Both the full-time Advocate as well as the Women's Center Director are certified through UCASA's 40 hour advocacy training and nationally certified through the National Advocate Credentialing Program by the National Organization for Victim Assistance (NOVA). Advocacy Services focus on assistance with reporting to Title IX coordinators and law enforcement agencies, support with interim measures, referrals to community services, and safety planning.

Information about Advocacy Services is available to students through the Campus Safety module in New Student Orientation, the online Safe@Weber training (sent to all incoming/transfer students, student-athletes, residence hall students and student leaders), through the Safe@Weber website, and through marketing materials distributed by the Women's Center (emails, social media posts, lawn signs, posters, tabling, displays in bathrooms, etc.). In addition, all salaried employees receive mandatory training that includes descriptions of the survivor advocacy services available through the Safe@Weber website.

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?

When a victim reports to either Title IX coordinators or Weber State Police Department, the victim is given the contact information of Safe@Weber Advocates. If possible, the Safe@Weber Advocate can be present in those first initial reports and interviews for support and safety planning. All victims are provided written information about their rights and options to pursue civil protective orders (domestic/dating violence, sexual violence and stalking injunctions). Safe@Weber Advocates are professionally trained in the protective order process and can help with every step -- from accessing and submitting the forms, seeking support from local community organizations like Your Community Connection (YCC), to connections to legal representation through Utah Legal Services, and courtroom support during the civil hearings.

In cases of interpersonal violence, Weber State Police Department conducts the Lethality Assessment Program (LAP), as an official LAP partner with the Utah Domestic Violence Coalition. Victims are then directly connected to both Safe@Weber Advocates and community advocates from YCC.

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.

During the reporting process, both AA/EO/Title IX Coordinator and Weber State Police Department assure the complainants that their desire about what happens next is very important and will be seriously considered, especially when a complainant might want to make an informal report and the university feels as though more action is necessary. They also review anti-retaliation policies, as well as appeal procedures so that complainants are aware of all of their options and rights under university policy and/or state law.

Safe@Weber Advocates work closely with both AA/EO/Title IX Coordinator and Weber State Police Department, and are fluent in explaining reporting procedures, policy and relevant law. Attending and presenting trainings together, participating in community teams such as the Weber County Sexual Assault Response Team and the Weber/Morgan County Domestic Violence Coalition, and an MOU regarding communication continues to strengthen these partnerships. Our ability to vouch for our trust in these trauma-informed reporting procedures and integrity is a result of these partnerships, and we're able to communicate that with students who might have doubts about the reporting processes. We offer them our physical presence during reporting/interviews, and debrief with them afterwards. Additionally, we offer to have

another support person there, such as a trusted friend or family member. The Women's Center provides regular workshops on bystander intervention, consent and healthy relationships, and we're able to outline the reporting process in those trainings as well. In all of our communications, we strive for a survivor-centered and trauma-informed language. During all of our conversations, we center empowered based safety planning.