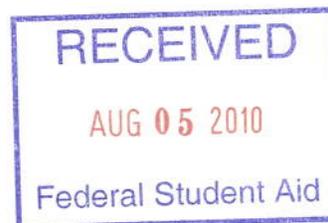


Robert W. Payne
Associate General Counsel

July 30, 2010



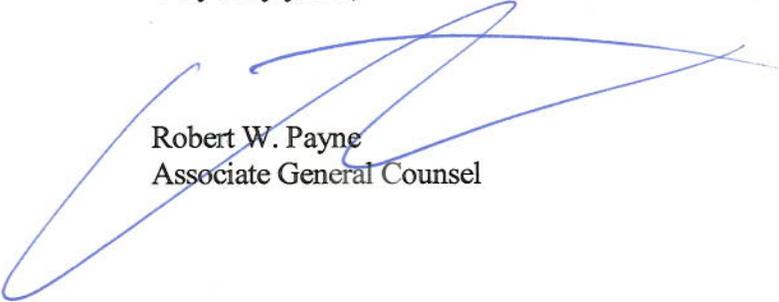
Fran Susman
U.S. Department of Education
Federal Student Aid, School Participation Team-Denver
1244 Speer Boulevard, Suite 201
Denver, CO 80204

Re: University of Utah Response to Preliminary Program Review Report

Dear Ms. Susman:

University of Utah President Michael Young has requested that I forward to you the enclosed response to the Department of Education's ("DOE's) Preliminary Program Review Report. The DOE's Preliminary Program Review Report (the "Report") was received in President Young's office on July 1, 2010. Per the cover letter from Mr. Harry Shriver, the University's response to the Report is due to you on the thirtieth day after our receipt of the report, which is tomorrow. I am sending this response to you by electronic mail today so that you have it in your office by tomorrow. The hard copy of this report will be sent to you by U.S. Mail on Monday, August 2, 2010. If you have any questions about this report, do not hesitate to give me a call.

Very truly yours,



Robert W. Payne
Associate General Counsel

Enclosures

cc: Michael K. Young, President
Scott Folsom, Chief of Police
Lori McDonald, Associate Dean of Students
Barbara Remsburg, Director of Housing and Residential Education

Memorandum

To: Fran Susman
U.S. Department of Education
Federal Student Aid
School Participation Team-Denver

From: University of Utah

Date: July 30, 2010

Re: University of Utah Response to Preliminary Program Review Report



The University of Utah (“University”) appreciates this opportunity to respond to the Department of Education’s Preliminary Program Review Report (the “Report”). The University responds to each of the findings in the Report as follows:

Finding 1: Lack of Adequate Policy Statements

Prior to the August 25, 2009 visit by the Department of Education, the University conducted a thorough review of its annual security report and its policies and procedures to assess the University’s Clery Act compliance. In its review, the University determined that its annual security report lacked certain policy statements and program descriptions required by Clery. To remedy these deficiencies, the University committed to take the following actions:

- 1) To draft and implement an interim policy concerning sexual assault prevention and response. University Interim Rule R5-210: Sexual Assault Prevention and Response was put into effect by the University’s President on October 1, 2009 and approved by the University’s Senate on November 2, 2009. A copy of R5-210 is attached as “Exhibit A.” The University is currently revising R5-210 which will be presented to the University’s Senate for adoption as a new policy by no later than June 30, 2011.
- 2) To draft and implement policies covering the following Clery issues: a) reporting of criminal actions and other emergencies on campus; b) security of and access to campus facilities; c) campus law enforcement; d) monitoring and recording of criminal activities at off-campus properties owned by student organizations; e) enforcement of underage drinking laws and drug laws; and f) emergency response and evacuation procedures. Since the DOE’s visit in August of 2009, the University has been working with various campus constituencies to draft a new policy and procedure to address campus security. The current drafts of the Campus Security Policy and Procedure are attached as “Exhibit B.” The University will begin the approval process for the Campus Security Policy and

Procedure in the Fall of 2010 with the goal of implementing the policy during the 2010/2011 academic year.

- 3) To describe certain University programs in future Security Reports including: a) programs available to the campus community about campus security procedures and practices; b) programs available to inform the campus community about the prevention of crime; and, c) drug and alcohol education programs. The University's October 1, 2009 Security Report contained the necessary program descriptions. A copy of the 2009 Security Report is attached as "Exhibit C."

The University's Police Department is currently working with its information technology professionals to update the University's on-line October 1, 2009 Security Report. These updates will be completed by no later than Friday, August 3, 2010. The updated Security Report will include the correct link to the Utah Department of Corrections Sex Offender Registry. The correct link is <http://corrections.utah.gov/services/sonar.html>.

Finding 2: Failure to Properly Classify Crimes

The University acknowledges that certain incidents referenced in the report were improperly classified as thefts, rather than burglaries. The University has modified its 2007 Campus Crime Statistics and submitted corrections to the DOE for changes on the DOE Web site database. By no later than Friday, August 3, 2010, the University's on-line October 1, 2009 Security Report will be updated to include the revised statistics.

Finding 3: Failure to Properly Disclose Crime Statistics

The University acknowledges and agrees with the DOE findings concerning the University's failure to accurately report certain crime statistics for the 2007 calendar year. The University has modified its 2007 Campus Crime Statistics and submitted corrections to the DOE for changes on the DOE Web site database. By no later than Friday, August 3, 2010, the University's on-line October 1, 2009 Security Report will be updated to include the revised statistics.

Finding 4: Failure to Correctly Report Statistics including All Reportable Crimes Occurring in Non-Campus Buildings or Property

The University acknowledges that its 2007 annual Security Report did not include statistics for certain non-campus sites that should have been included in the report. The University has obtained statistics of reportable crimes at its Downtown Salt Lake City location for the calendar years 2006, 2007 and 2008, and is currently working with the law enforcement authorities in Bountiful, Murray, Park City, Sandy and St. George to obtain information relating to the University's locations in those jurisdictions for the relevant years. When the University has obtain statistical information for all of these off-campus locations, the University will update its 2007 Campus Crime Statistics on the

annual Security Report available to students and staff and submit corrections to the DOE for changes on the DOE Web site database.

Finding 5: Lack of Proper Notice of Availability of Security Report

The University acknowledges that its e-mail notification of the 2007 annual Security Report did not include a brief description of the report and did not inform students and employees that the University would make the report available in paper copy on request. The University has revised its e-mail notification. The language for the e-mail notification of the annual Security Report for 2010 is as follows:

To: All University of Utah Faculty, Staff, and Students
From: University of Utah Department of Public Safety
Subject: Annual Campus Security and Fire Safety Report

The University of Utah Annual Security and Fire Safety Report for 2010 is now available online. This report includes statistics for the previous three years concerning fires in on-campus student housing facilities and concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the University of Utah, and on public property within, or immediately adjacent to and accessible from the campus. The report also includes institutional policies and other materials concerning campus security and fire safety, including policies concerning student sexual assault. You can obtain a copy of the report at

<http://web.utah.edu/safetyreport>

If you have questions or would like a printed copy of the report, please contact the University of Utah Department of Public Safety, 1735 East South Campus Drive, Salt Lake City, Utah 84112, (801) 585-2677.

Distribution of this message was approved by Arnold B. Combe, Vice President for Administrative Services, University of Utah Phone (801) 581-6404, 201 S. Presidents Circle, Room 209, Salt Lake City, UT 84112

Since the DOE visit in August 2009, the University has worked with the Human Resources Department and with Student Affairs to provide notice to prospective employees and prospective students about the availability of the annual Security Report. The actions taken to provide this notice are as follows:

- 1) The Human Resources Department has revised its career opportunities webpage to include information about the annual Security Report. The statement for prospective employees may be found at the following website link: <http://www.hr.utah.edu/careers/university-security-clery-act.php>.
- 2) Information about campus security is available to prospective students at the Student Affairs website for student recruitment and high school services. In the FAQ section or the website, prospective students can click on a “Campus Security” link that takes them directly to UUPD’s website containing information about the annual Security Report. The Student Affairs website can be found at the following link: <http://web.utah.edu/newstudents/faq.htm>. The student recruitment website is currently being revised and will include a statement about the annual Security Report similar to the statement found at the Human Resources website. In addition, the student recruitment webpage will include an FAQ link entitled “Annual Security Report” which will take prospective students directly to the annual Security Report.
- 3) An Undergraduate Studies Bulletin is distributed to all new undergraduate students at orientation. This bulletin now includes a statement on campus safety which identifies the annual Campus Security Report and directs students to the UUPD website where they can obtain a copy of the report. A copy of the relevant page of the bulletin is attached as “Exhibit D”.
- 4) The Graduate School website currently includes a link to the UUPD website where the annual Security Report can be found. The Graduate School website is located at: <http://www.gradschool.utah.edu/students/index.php>. The Graduate School is revising its website. The revisions will include a statement about the annual Security Report similar to the statement found at the Human Resources website and a link to the annual Security Report.

EXHIBIT A

Regulations Library

The University of Utah

Rule: 5-210 Rev: 0
Date: October 1, 2009

University Rule R5-210: Sexual Assault Prevention and Response

I. Purpose, Scope and Effective dates

To Comply with the Federal Clery Act (20 U.S.C. § 1092(f)) which requires the University to educate current and prospective students about campus resources and processes available to student victims of sexual assault.

This Rule takes effect October 1, 2009, and will automatically expire on June 30, 2011.

II. Definitions

(Reserved)

III. Rule

- A. Campus Education Regarding Sexual Assaults: The University educates the student community about sexual assaults and date rape through mandatory freshman orientations each semester. The University Police Department offers sexual assault education and information programs to University students and employees upon request. Literature on date rape education, risk reduction, and University response, as well as educational programs about the same, are available through the University's Office of Housing and Residential Education.
- B. Reporting Sexual Assault
 1. The first priority of a person who has been subject to sexual assault should be to get to a place of safety and then to obtain necessary medical treatment. The University Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the University's Police Department, the Office of Equal Opportunity and Affirmative Action ("OEO/AA"), the Dean of Students and/or to a Housing and Residential Education representative. Individuals are encouraged to file a police report. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will
 - a. ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
 - b. provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and

- c. assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.
 2. Students may request any campus authority to assist them in notifying law enforcement authorities about a sexual assault. If so requested, the campus authorities shall provide such assistance.
 3. When a sexual assault victim contacts the Police Department, the OEO/AA Office and the Office of the Dean of Students will also be notified. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and through a University disciplinary process (for students, faculty or staff), or only the latter. Victims may choose not to proceed as a complainant in the disciplinary process. A University representative from the Police Department or the Office of the Dean of Students will guide the victim through the available options and support the victim in his or her decision.
- C. Counseling Options: Various counseling options are available from the University through the University Counseling Center, the Women's Resource Center and Employee Assistance. Support services are also available outside the University from the Rape Crisis Center and from other sources. The offices of the Dean of Students, the University Counseling Center, the Women's Resources Center and Employee Assistance can provide referrals to other non-University counseling options.
- D. Disciplinary Proceedings:
 1. University disciplinary proceedings for students accused of committing sexual assault, as well as special guidelines for cases involving sexual misconduct, are detailed in the Code of Student Rights and Responsibilities ("Student Code"), Regulations Library, Policy 6-400, Section III.
 2. University disciplinary proceedings for faculty employees accused of committing sexual assault are detailed in the University's Academic Senate Policy, Consolidated Hearing Committee for Faculty Disputes ("Senate Policy"), Regulations Library, Policy 6-002, Section 10.
 3. University disciplinary proceedings for staff employees accused of committing sexual assault are detailed in the University's Discrimination and Sexual Harassment Complaint Procedures ("Harassment Complaint Procedures"), Regulations Library, Procedure 5-210.
 4. The Student Code, the Senate Policy, and the Harassment Complaint Procedures provide, in part, that the accused and the victim will each be allowed to choose one person to advise them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing.
 5. Students and employees found responsible for sexual assault could be criminally prosecuted in the state courts and may be terminated from employment or suspended or expelled from the University for the first offense.
- E. Academic and Living Situations: Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available.

IV. Policies, Procedures, Guidelines, forms and other related resources

A. Policies

Policy 5-107: Sexual Harassment and Consensual Relationships

Policy 5-111: Corrective Action and Termination Policy for Staff Employees

Policy 5-210: Discrimination and Harassment Complaint Policy

Policy 6-002: Section 10: Academic Senate, Consolidated Hearing Committee for Faculty Disputes

Policy 6-400: Code of Student Rights and Responsibilities

- B. Procedures
- C. Guidelines
- D. Forms
- E. Other related resources

V. Contacts:

Policy Officer: Chief of Police (801) 581-7619

Policy Owner: Vice President Administrative Services (801) 581-6404

VI. History:

Current version: Revision 0

Put into effect October 1, 2009 by University President Michael K. Young as an Interim Rule (pursant to University Policy 1-001). The Interim Rule was required as a result of an audit by the U.S. Department of Education which revealed that the University was out of compliance with federal law.

Reviewed by the Academic Senate Executive Committee: October 19, 2009

Reviewed and finally approved by the Academic Senate: November 2, 2009, as amended to include an automatic expiration date of June 30, 2011.

Legislative History

EXHIBIT B

Policy 1-011: Campus Security

I. Purpose & Scope:

The purpose of the Campus Security Policy is to provide a safe and secure environment for students, faculty, staff and campus visitors while complying with federal laws regarding security on campus.

II. Definitions:

- A. "Professional Counselor" means a person whose official responsibilities include providing mental health counseling to members of the University's community and who is functioning within the scope of his or her license or certification.
- B. "Sexual offense" means any sexual act directed against another person either forcibly and/or against the person's will (e.g, rape, sodomy, object rape, date rape, forcible sexual abuse, fondling); or non forcibly where the individual does not have the capacity to consent (statutory rape and incest).

III. Policy:

A. Reporting Criminal Actions and Other Emergencies Occurring on Campus

1. Reporting Crimes and Emergencies.

- a. Students and others who become aware of criminal actions or other emergencies anywhere on campus should report these to the University of Utah Police Department ("UUPD"). The process for reporting crimes and emergencies is set forth in Procedure 1-011A. Incidents reported to the police department will be investigated for the purpose of reducing crime, improving safety, making disciplinary referrals, and imposing criminal sanctions as appropriate. Additionally, incidents reported to the police will be included in the statistical report contained in the Campus Security Report prepared annually by the University.
- b. Criminal actions may also be reported to the individuals or offices listed below. Reports made to these persons or offices and not also made to the police will be included in the statistical report in the Campus Security Report, but generally will not be investigated by the police:

| | |
|-------------------------------------|---------------------------------------|
| Dean of Students Office | 801-581-8061 270 Union |
| Department of Human Resources | 801-581-2169 420 Wakara Way Suite 105 |
| Housing & Residential Education | 801-587-2002 82 Benchmark Plaza |
| University Student Apartments | 801-585-5690 1945 Sunnyside Ave. |
| Student Affairs, School of Medicine | 801-587-3657 30 N. 1900 E. #1C101 |

- 2. Timely Warnings. The University may provide timely warnings to the campus community when certain crimes are reported to Campus Security Authorities (as defined by federal law) and are determined by the chief of police (or the chief's designee) to represent a threat to students and employees. Anyone with information warranting a timely warning should report the circumstances to the

University police at (801) 585-2677. The University may issue these warnings via postings on campus, through the Campus Alert system, through local news media, or in other ways. The individual or office responsible for issuing the warning will vary depending on how the warning is issued.

3. Reporting Crimes on a Voluntary, Confidential Basis. Individuals who witness or are the victim of crime, but who wish to remain anonymous, may report the crime to the University Police on a confidential basis. To do so, individuals should specifically request that they remain anonymous. The report ensures that the occurrence of the crime will be included in the University's annual report, assists the police in determining if there is a pattern of crime with regard to a particular location, method, or suspect, and enables the police, in appropriate circumstances, to alert the campus community to potential dangers. Filing an anonymous report may limit the ability of the police department to provide specific assistance or to investigate or solve a crime.
4. Preparing the Annual Disclosure of Crime Statistics and Annual Report. In order to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, the University of Utah Police Department prepares an annual report that includes a disclosure of crime statistics. The full text of this report can be found on the web at <http://web.utah.edu/safetyreport>. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and our alternate sites, the Dean of Students Office and Housing & Residential Education. Campus crime, arrest and referral statistics include those reported to the University Police, "Campus Security Authorities" as defined by federal law, and local law enforcement agencies. Each year, email notification is sent to all enrolled students, staff and faculty providing the website address for the annual report. In addition, paper copies of the report may be obtained at the University Department of Public Safety, 1735 East South Campus Drive, Salt Lake City, Utah, or by calling (801) 585-2677. Prospective students and employees may also obtain copies from the Internet or the Department of Public Safety.

B. Security of and Access to Campus Facilities

1. As is addressed in Procedure 1-011A, the University of Utah manages building access according to the building type and purpose and considers security in maintenance of campus facilities. Residence Halls are locked twenty-four hours per day.

C. Campus Law Enforcement

1. Enforcement Authority of Police and Security. University of Utah Police Officers are fully trained and certified Utah peace officers, and have the same arrest, detention, and police authority as any other police officer in Utah. Additionally, University police officers have the authority to enforce University of Utah regulations. See Utah Code Ann. § 53B-3-105. University Security personnel have no enforcement or arrest authority.

2. Relationship of University Police and Other Law Enforcement Agencies. UUPD works closely with other Salt Lake City and County law enforcement agencies as well as state and federal authorities. UUPD maintains a written mutual aid agreement between all municipal agencies and the Salt Lake County Sheriff's Office. The University Police Department has primary jurisdiction on the University of Utah Campus, at University Student Apartments, and at University-owned offices in Research Park. UUPD shares responsibility with the Salt Lake Police for portions of Research Park not owned by the University, roadways adjoining campus, and the athletic complex on Guardsman Way. Off-campus offices, clinics, and remote campus sites receive police services from the local jurisdictions in which the sites are located.
3. Incidents involving student misconduct which are investigated by UUPD may be referred to the Dean of Students Office for disciplinary action.
4. The University encourages accurate and prompt reporting of all crimes to the University Police Department and other appropriate police agencies.
5. Professional Counselors. Professional Counselors, when acting as Professional Counselors, are not required to report crimes disclosed to them for inclusion in the annual disclosure of crime statistics. However, as described in Procedure 1-011A, Professional Counselors are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of how to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

D. Monitoring and Recording of Criminal Activity at Off-Campus Locations of Officially Recognized Student Organizations

1. Criminal activity at recognized fraternity and sorority residences is monitored and recorded by the Salt Lake City Police Department, not the University Police Department. Additionally, Salt Lake City Ordinance 21A.36.150 requires either the University or fraternities and sororities fund a two-officer roving patrol on Friday and Saturday nights. The patrol is to monitor fraternity and sorority compliance with "all applicable city and county ordinances, state laws, and college or university regulations." The officers on the roving patrol send a report on the patrol to the Assistant Dean of Students.
2. Ordinance 21A.36.150 also requires the University to have specific rules governing fraternities and sororities. Among other things, these rules prohibit consumption of alcohol on fraternity or sorority property by individuals under age 21, require fraternities and sororities to provide alternative nonalcoholic beverages, and require fraternities and sororities to hire uniformed officers for certain large gatherings. The rules are contained in University Rule 6-402A [Currently Being Drafted] in the University's Regulations Library.
3. Student Affairs at the University maintains contact with recognized fraternity and sorority organizations through the Assistant Dean of Students. Student Affairs and the University Police also maintain a working relationship with the Salt Lake City Police Department. Additionally, the University hosts a Neighborhood Relations Committee to discuss concerns related to fraternities and sororities. This cooperative, team approach addresses situations as they arise as well as potential future concerns.

4. No provisions beyond normal local law enforcement efforts are made to monitor any other off-campus locations of student organizations officially recognized by the University.

E. Alcoholic Beverages and Illegal Drugs

1. Students. Under University policy, students are subject to discipline for use, possession, or distribution of alcoholic beverages of any type on University premises except as permitted by law and University regulations. Students are also subject to discipline for use, possession, or distribution of any narcotic or other controlled substance on University premises, at University activities, or on premises over which the University has supervisory responsibility pursuant to state statute or local ordinance, except as permitted by law and University regulations. *See* Policy 6-400, Student Code.
2. Employees. Under University policy, the University is a drug-free workplace. It is a violation of the University's Drug-Free Workplace policy for "employees to engage in the unlawful manufacture, distribution, dispensation, possession, and/or use of a controlled substance or alcohol at university workplace, or while engaged in university business off campus." Employees are subject to discipline for violating this policy. *See* Policy 5-113, Drug-Free Workplace.
3. Enforcement of Laws. The University police enforce state underage drinking laws and federal and state drug laws.

F. Emergency Response and Evacuation

1. Confirmation and Notice of Significant Emergency or Dangerous Situation
 - a. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the University will notify the campus community using the procedures described in P1-011A. P1-011A describes the process the University will use to confirm such a significant emergency or dangerous situation, determine the appropriate segment or segments of the campus community to receive a notification, determine the content of the notification, and initiate the notification system. P1-011A also lists titles of persons or organizations responsible for carrying out this process as well as procedures for disseminating emergency information to the larger community.
 - b. The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
2. Testing of Procedures. The University will maintain procedures, contained in P1-011A, to annually test the University's emergency response and evacuation procedures.

G. Missing Student Notification

1. Scope. This section applies only to students residing in on-campus student

housing facilities.

2. Reporting a Missing Student. Students, employees, and other individuals should report a student has been missing for twenty-four hours to the University police (801-585-2677) or to Housing & Residential Education (801-587-2000). Any missing student report not made to the University police must be referred immediately to the University police.
3. Emergency Contact. Students who reside in on-campus student housing facilities have the option of identifying a contact person or persons whom the University shall notify within twenty-four hours of a determination that the student is missing, if the student has been determined missing by the University police. Students residing in on-campus student housing may register this information as directed in Procedure 1-011A. This contact information will be registered confidentially and will be accessible only to authorized campus officials. The information may not be disclosed outside the University except to law enforcement personnel in furtherance of a missing person investigation.
4. Students Under 18. If a student is under 18 years of age and is not emancipated, in addition to notifying any contact person designated by the student, the University is required by law to notify a custodial parent or guardian within twenty-four hours of the determination that the student is missing.

H. Fire Safety Policies

1. Those residing in Housing & Residential Education and University Student Apartments properties shall abide by restrictions and guidance contained in the applicable handbooks and contracts concerning electrical appliances, smoking, and open flames.
2. Procedure 1-011A describes fire safety education and training provided to students and employees in the University's on-campus student housing facilities, as well as the procedures these students and employees should follow in case of a fire.

IV. Rules, Procedures, Guidelines, Forms, and other related resources:

- A. Procedure 1-011A: Campus Security

V. References:

- A. Federal, State, and Local State Laws
 - a. Federal Clery Act, 20 U.S.C. § 1092(f), 34 C.F.R. § 668.46
 - b. Fire Safety Requirements, 20 U.S.C. § 1092(i), 34 C.F.R. § 668.49
 - c. Missing Student Notification Requirements, 20 U.S.C. § 1092(j), 34 C.F.R. § 668.46(h)
 - d. Criminal Provisions Regarding Sexual Offenses, Utah Code Ann. § 76-5-401 to

- e. Salt Lake City Ordinance 21A.36.150: Fraternities and Sororities

B. Relevant University Regulations

- a. Policy 3-113: Insurance Inspections
- b. Policy 3-210: Plant Operations/Maintenance
- c. Policy 3-234: Key Policy
- d. Policy 3-300: Environmental Health and Safety
- e. Policy 4-005: Use and Security of Property
- f. Policy 5-107: Sexual Harassment and Consensual Relationships
- g. Policy 5-111: Corrective Action and Termination Policy for Staff Employees
- h. Policy 5-113: Drug-Free Workplace
- i. Policy 5-210: Discrimination and Harassment Complaint Policy
- j. Policy 6-002, Section 10: Academic Senate, Consolidated Hearing Committee for Faculty Disputes
- k. Policy 6-316, Code of Faculty Rights and Responsibilities
- l. Policy 6-400: Code of Student Rights and Responsibilities
- m. Rule 6-402A [Currently Being Drafted]

VI. Contacts:

Policy Officer: Chief of Police, (801) 581-7619

Policy Owner: Vice President of Administrative Services, (801) 581-6406

VII. History:

Procedure P1-011A: Campus Security

I. Purpose & Scope:

The purpose of the Campus Security Procedure is to provide a safe and secure environment for students, faculty, staff and campus visitors while complying with federal laws regarding security on campus.

II. Definitions:

III. Procedure:

A. Reporting a Crime or Emergency

1. To report a crime, individuals may call the University of Utah Police at 801-585-2677. To report emergencies, individuals may call 911 (dial 9-911 from campus phones). Individuals may also use any emergency phone, located in many parking lots and public areas on campus, to report an emergency or a crime, and may also report crimes and emergencies in person at the Department of Public Safety, 1735 East South Campus Drive, Salt Lake City, Utah 84112.

B. Security of and Access to Campus Facilities

1. Use, Access, and Security of Facilities.
 - a. University Policy 4-005 addresses the use and security of University property. The policy provides that administrative, college, and departmental offices of the university generally are open to the public from 8:00 a.m. to 5:00 p.m., Monday through Friday, and that certain offices and departments are open at other times to meet particular needs. The majority of buildings at the University are secured when not open to the public. The Department of Public Safety is responsible for locking and unlocking building entrance doors at specified times each day. *See* Policy 3-234. The Department remotely locks some buildings, while others are physically locked by the security staff. Random foot patrols of buildings on campus are made by security personnel and police officers. Under Policy 4-005, the Security Officer will investigate night use of all buildings to ascertain whether persons in the buildings are so authorized.
 - b. The University maintains some academic and research facilities for 24-hour access by students and staff. Policy 4-005 provides that it is the responsibility of all personnel using buildings after regular hours to see that lights are turned off in the rooms they are vacating and that office doors and outside doors are secured.

2. Residential Living Areas. The University takes steps to ensure the safety of residential living areas, including locking entrances to residence halls on a twenty-four-hour basis and nightly rounds by residence hall staff members. Access to residence halls is by University ID card, and only students living in a specific building have access to the building. Doors are locked twenty-four hours a day at Officers Circle historical housing, and residents have a separate key for entrance.
3. Restricted Areas. Some buildings on campus have restricted-access areas. Normally these areas are closed to the public because of the nature of the research performed or because of valuable documents stored therein. Only authorized students and staff are allowed in these areas.
4. Security in the Maintenance of Campus Facilities.
 - a. The Vice President for Administration is responsible for providing the resources necessary for maintaining a safe and secure campus environment. Units assigned direct responsibility include Public Safety, Plant Operations, Risk and Insurance Management and Environmental Health and Safety. These units work together to conduct annual campus risk surveys to identify safety and security vulnerabilities and to implement corrective actions. These units also provide opportunities for the campus community to report problems and concerns directly, such as 24 hour telephones and online reporting forms.
 - b. The following policies and websites contain additional information:
 - a. Inspections:
<http://www.regulations.utah.edu/administration/3-113.html>
 - b. Key Policy:
<http://www.regulations.utah.edu/administration/3-234.html>
 - c. Maintaining Outside illumination:
<http://www.ehs.utah.edu/OutsideIllumination.html>
 - d. Reporting:
<http://www.ehs.utah.edu/EmergencyInfo/index.html>

C. Professional Counselors

1. As stated in Policy 1-011, Professional Counselors are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of how to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. The Dean of Students Office will send periodic reminders to the directors of the appropriate entities on campus to remind counselors of this.

D. Emergency Response and Evacuation

1. Campus Alert System. The University of Utah maintains a notification system, known as the “Campus Alert” system. The Campus Alert system utilizes the University homepage (<http://www.utah.edu>), an Emergency Information and Alerts website (<http://alert.utah.edu>), electronic bulletin boards on campus (known as UBNs), and phone, email, and text messaging alerts to provide students, employees, and others with information about unforeseen events and emergencies on campus. Examples of events and emergencies for which the Campus Alert system may be utilized include snow closures, building closures, significant traffic interruptions, severe power outages, gas leaks, and threats such as bombs or gunmen. Students and employees automatically receive email alerts from the Campus Alert system, and are unable to “opt-out” of email alerts. Students and employees may also sign up to receive alerts via landline telephone, cellular telephone, both landline and cellular telephone, and text messaging. For more information or to sign up for campus alerts, visit <http://www.campusalert.utah.edu>.
2. Significant Emergency or Dangerous Situation. In the event of a significant emergency or dangerous situation on campus involving an immediate threat to the health or safety of students or employees, “first responders,” in consultation with the first responders’ on-duty supervisor and the designated University administrator, will confirm the existence of the emergency or situation. “First responders” will come from the University Police Department, the University’s Department of Environmental Health & Safety, or University Plant Operations. In consultation with first responders as needed, the supervisor and designated administrator will determine the appropriate segment or segments of the campus community to receive a notification and will determine the content of the notification. The designated University administrator will initiate the Campus Alert system.
 - a. First responders, the first responders’ on-duty supervisor, and the designated University administrator are responsible for carrying out these actions.
 - b. This process may differ slightly for emergencies or situations occurring at the University hospital. Hospital staff members, hospital security, or University police confirm the existence of a significant emergency or dangerous situation. The hospital’s public information officer determines the appropriate segment for notification, determines the content of the notification, and initiates the notification. Notification may be via pagers, cellular

phones, overhead public announcement system, the Campus Alert System, or other methods.

3. **Disseminating Information to the Larger Community.** The University may disseminate emergency information to the larger community in a variety of ways. Some non-University organizations located in close proximity to the University receive notifications sent via the Campus Alert system. Additionally, information received by University police dispatch may be shared with Salt Lake City emergency services dispatch. The University may also place information about emergencies on the Internet at <http://www.utah.edu> or <http://www.alert.utah.edu>. University communications may disseminate information to various news media outlets.
4. **Testing Emergency Response and Evacuation Procedures.** On at least an annual basis, the University will test the emergency response and evacuation procedures contained in Policy 1-011 and Procedure 1-011A. The University will publicize its emergency response and evacuation procedures in conjunction with this test, and will document, for each test, a description of the exercise, the date and time of the exercise, and whether the exercise was announced or unannounced.

E. Registering Contact Information for Missing Student Notification

1. As provided in Policy 1-011, students who reside in on-campus student housing facilities have the option of identifying a contact person or persons whom the University shall notify within twenty-four hours of a determination by UUPD that the student is missing. Students residing in University Student Apartment (“USA”) properties may register an emergency contact on their housing applications and, upon moving in, on an emergency card provided by USA. Students residing in Housing & Residential Education (“HRE”) properties may register an emergency contact on their housing applications. To learn more about registering an emergency contact, students residing in USA properties should call 801-581-8667, and students residing in HRE properties should call 801-587-2000.

F. Fire Safety

1. Each summer, Resident Advisors are trained on fire prevention and emergency preparedness. RA’s then discuss the need to evacuate when the fire alarm sounds with students living on their floor during the first floor meeting. RA’s must cover when to evacuate – every time the alarm sounds, where to evacuate – each building has a unique meeting place, who to check in with – a roster is kept with all resident names and room numbers

2. When the fire alarm sounds all students, guests and staff are expected to evacuate to designated meeting points outside each student housing building. Resident Advisors take role call to account for residents for that building and report that information to the fire department should there be an actual fire. Once responding emergency crews provide an all clear, building reentry is permitted.

IV. Policies, Rules, Guidelines, Forms, and other related resources:

- A. Policy 1-011: Campus Security

V. References:

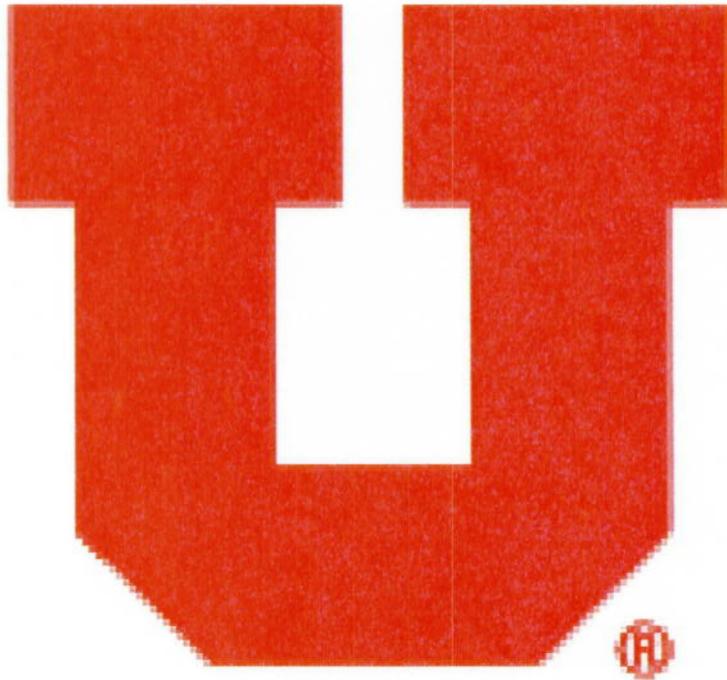
- A. Policy 3-113: Insurance Inspections
- B. Policy 3-210: Plant Operations/Maintenance
- C. Policy 3-234: Key Policy
- D. Policy 4-005: Use and Security of Property

VI. Contacts:

VII. History:

EXHIBIT C

UNIVERSITY OF UTAH



CAMPUS SECURITY REPORT 2009

Prepared to comply with the Jeanne Clery Disclosure of Campus Security Policy and
Campus Crime Statistics Act (20 U.S.C. § 1092(f), 34 C.F.R. § 668.46)

Welcome to the University of Utah!

The Department of Public Safety staff is here to help make your time on campus pleasant. We endeavor to do all that is possible to build an environment that promotes a feeling of safety and security.



The University campus covers over 1,800 acres and supports over 29,000 students, 13,000 staff and faculty, and thousands of visitors to our three major hospitals, football stadium, sports arena, and marvelous cultural venues.

Whether your business here is as an undergraduate student, patron of the arts, faculty member, staff member, hospital patient, conference visitor, athletics fan, or for any other reason, we are working hard to make the campus a place in which you can comfortably live, work, learn or recreate.

Our police officers patrol the campus 24 hours a day, 7 days a week. They provide any police related services needed on campus. Our officers are fully certified Utah state police officers. The police department is backed by a security staff of over 50 people. The job of the officers and security staff is to assure the physical safety of University buildings and occupants. They do so by monitoring and responding to alarms, controlling access to university facilities, high-visibility patrol of work spaces and parking areas, and after dark escorts to those who request it. If you need help because your car won't start, or you've locked your keys in the car, we can help with that, too.

Calls for police or security service are answered by our dispatch office, which is always staffed and ready to respond to requests for help or service. Immediate police or security response is available by calling the main dispatch number, (801) 585-COPS (2677).

We offer a variety of programs and information to help the University community deal with public safety issues. If you would like a presentation on any safety or security related topic, please call Sgt. Arb Nordgran at (801) 585-1166.

The University of Utah Campus Security Report provides current crime statistics and other public safety related information. Please take a moment to review the rest of this report for information on some of the safety programs offered by the University and tips on staying safe. Please enjoy your campus experience, and call on us if we may be of service.

Scott Folsom
Chief of Police

TABLE OF CONTENTS

| | |
|---|-----------|
| GENERAL INFORMATION | 4 |
| PHONE NUMBERS | 5 |
| STAYING SAFE AND HEALTHY AT THE U..... | 7 |
| Tips for Staying Safe | 7 |
| Campus Resources: Counseling Services..... | 7 |
| ANNUAL SECURITY REPORT FOR 2009: CAMPUS SECURITY POLICIES AND PROGRAMS... 8 | |
| Safety on Campus | 8 |
| Reporting Criminal Actions and Emergencies Occurring on Campus... 10 | |
| Emergency Response and Evacuation..... | 11 |
| Security of and Access to Campus Facilities..... | 11 |
| Campus Law Enforcement..... | 12 |
| Off-campus Student Organizations | 12 |
| Alcohol and Drugs on Campus | 12 |
| Sexual Assault | 13 |
| ANNUAL SECURITY REPORT FOR 2009: STATISTICS OF SECURITY ACT OFFENSES..... 16 | |
| Appendix: Map of Emergency Phones | 18 |

GENERAL INFORMATION

Emergencies:

Campus Phones: Dial 9-9-1-1

Other Phones: Dial 9-1-1

University of Utah Police Department

1795 E. South Campus Drive

Salt Lake City, UT 84112

<http://www.uupd.utah.edu>

(801) 585-COPS (2677)

Campus Alerts

The University of Utah maintains a campus alert system capable of providing students and employees information about unforeseen events and emergencies on campus such as snow closures, building closures, significant traffic interruptions, severe power outages, gas leaks, and threats such as bombs or gunman. Students and employees can sign up to receive alerts via phone, email, or text messaging. For more information or to sign up for campus alerts, visit <http://www.campusalert.utah.edu>.

Regulations Library

The University of Utah Regulations Library includes the text of University policies and links to University Rules, Procedures, Guidelines, Forms, and other information. Individuals can access the Regulations Library at <http://www.regulations.utah.edu>.

PHONE NUMBERS

| Law Enforcement | |
|--|---------------------------------|
| Emergencies | Campus: 9-9-1-1 Other: 9-1-1 |
| University of Utah Police http://www.dps.utah.edu | (801) 585-2677 |
| University of Utah Public Safety Escort http://www.dps.utah.edu | (801) 585-2677 |
| Salt Lake City Police Department http://www.slcpd.com/ | (801) 799-3000 |
| Salt Lake County Sheriff http://www.slsheiff.org/ | (801) 743-7000 |

| Health Services | |
|---|----------------------------|
| Poison Control http://uuhsc.utah.edu/poison/ | (800)-222-1222 |
| University of Utah Hospital http://healthcare.utah.edu/hospital/ | (801) 585-2031 |
| University of Utah Emergency Room http://healthcare.utah.edu/emergency/ | (801) 581-2291 |
| University of Utah Hospital Security http://uuhsc.utah.edu/safety/ | (801) 581-2294 or -2295 |
| Primary Children's Medical Center http://intermountainhealthcare.org/hospitals/primarychildrens | (801) 588-2000 |
| Primary Children's Emergency Room http://intermountainhealthcare.org/hospitals/primarychildrens | (801) 588-2233 |
| Primary Children's Medical Center Security http://intermountainhealthcare.org/hospitals/primarychildrens | (801) 662-1020 |
| Student Health Center http://www.studenthealth.utah.edu/ | (801) 581-6826 |

| Various University Numbers | |
|--|----------------|
| Dean of Students Office http://www.sa.utah.edu/dos | (801) 581-7066 |
| Women's Resource Center http://www.sa.utah.edu/women/ | (801) 581-8030 |
| University Counseling Center http://www.sa.utah.edu/counsel/ | (801) 581-6826 |
| Housing & Residential Education http://www.housing.utah.edu/ | (801) 587-2002 |
| University Student Apartments http://www.apartments.utah.edu/ | (801) 581-8667 |

| | |
|--|----------------|
| Commuter Services http://www.parking.utah.edu/ | (801) 581-6415 |
| ASUU (student government)/Student Ombudsman http://www.asuu.utah.edu/ | (801) 581-2788 |
| Student Affairs http://www.sa.utah.edu/ | (801) 581-7793 |
| Student Advocate | (801) 581-8613 |

| Other Services and Hotlines | |
|--|---|
| Rape Sexual Assault Hotline http://raperecoverycenter.com/ | (888) 421-1100 |
| Salt Lake Rape Recovery Center http://raperecoverycenter.com/ | (801) 467-7273 |
| Domestic Violence Hotline http://www.hsdcs.utah.gov/domestic_violence.htm | (800) 897-5465 (8:30 a.m. to 9:00 p.m.) |
| Valley Mental Health & Crisis Hotline http://www.valleymentalhealth.org/ | (801) 261-1442 |
| Utah Transit Authority (UTA) http://www.rideuta.com/ | (801) 743-3882 |
| Legal Aid Society http://www.legalaidsocietyofsaltlake.org/ | (801) 328-8849 |
| Utah Legal Services http://www.utahlegalservices.org/ | (801) 328-8891 or (800) 662- 4245 |
| Crime Victim Reparations http://www.crimevictim.utah.gov/ | (801) 238-2360 |

STAYING SAFE AND HEALTHY AT THE U

The University of Utah seeks to provide a safe and healthy experience for students, employees, and others who make use of campus facilities. While the University makes efforts to keep campus safe, individuals should take steps to ensure their own and others' safety.

Tips for Staying Safe

- Develop a relationship with neighbors that will encourage checking on one another often.
- Report suspicious persons or activities to University Police.
- Lock up wallets, purses, jewelry, and other valuables.
- Report safety hazards, unsafe lighting, and defective equipment.
- Be aware of your surroundings, know where you are, know where you are going and what to expect.
- Avoid walking alone and let people know where you are going.
- Plan your walking trips in advance and choose a safe, well-lighted and populated route.
- Remember, most crime is committed in response to opportunity, so the best prevention is to eliminate opportunities.
- Keep your residence doors locked at all times on and off campus.
- Limit or restrict access to your living area.

Campus Resources: Counseling Services

The University Counseling Center is available to students, faculty and staff of the University of Utah. The Center is located in Room 426 of the Student Services Building and can be reached at (801) 581-6826. All services are confidential. The counseling is based upon a reasonable fee schedule, and the first session is free. Counseling services can assist individuals with career planning, study skills, anxiety or depression, relationship issues, family issues, test anxiety, relaxation, stress management skills and any other personal concerns. The Center's hours are Monday through Friday, 8:00 am to 5:00 pm.

The Center for Student Wellness ((801) 581-7776) and the Student Health Advisory Committee (at the Student Health Center, (801) 581-6431) have established annual and ongoing programs to assist students in a variety of areas. Additionally, student athletes can contact "SAM" (Student Athlete Mentors, (801) 581-7776), a group of student athletes who provide information, education, referrals and support to fellow team members with personal or team issues.

ANNUAL SECURITY REPORT FOR 2009: CAMPUS SECURITY POLICIES AND PROGRAMS

Safety on Campus

The University of Utah takes seriously the safety and security of campus. The University of Utah Police Department (“UUPD”) and other departments on campus provide various programs and trainings to facilitate the safety of students and employees. Several of these programs are listed below.

Rape Aggression Defense (RAD). Rape Aggression Defense is a six-week, practical self-defense course incorporating physical training and classroom education. The course, intended for women twelve years of age and older, is taught three to four times a year by certified RAD instructors at UUPD. For more information or schedules, [visit the “Crime Prevention” portion of the Department of Public Safety webpage \(www.dps.utah.edu\)](#) or contact Sergeant Arb Nordgran at (801) 585-1166.

After Dark Escort. After dark, or in any uncomfortable situation, University security personnel or police officers will come to your campus location and walk or drive you to your residence hall, car, shuttle, bus or TRAX stop. For this service, call (801) 585-2677.

Emergency Phones (E-Phone or Blue Light phone). Over 150 emergency phones are strategically placed on campus in campus walkways, parking lots, parking structures, some elevators, and other locations. These phones provide direct emergency access to campus police dispatchers to report an emergency or to get immediate help. A map of phone locations is provided at the end of this Security Report.

Campus Alert System. The University employs a campus alert system used to inform students and employees about emergencies on campus. Students and employees can sign up to receive alerts via phone, email, or text messaging. For more information or to sign up for campus alerts, visit <http://www.campusalert.utah.edu>.

“Dealing with Disruptive People” Presentations. Prepared and presented by UUPD in conjunction with University Human Resources and the Dean of Students office, this presentation focuses on identifying disruptive, threatening, or violent behaviors and taking appropriate actions when encountering individuals with these behaviors. It is provided on request.

Student Parent Orientation. These orientation sessions are sponsored by University Student Affairs. At the sessions, UUPD presents information about crime statistics, self-defense, RAD, the After Dark Escort, E-Phones on campus, and other programs. Additionally, UUPD shares information on how students can keep themselves and their property safe. UUPD presents at these orientations approximately sixteen times a year.

Campus Staff and Faculty Safety Meetings. UUPD typically gives ten to fifteen presentations each year to various departments on campus. These presentations address topics ranging from specific crime-related issues to safety tips, crime prevention, and safety awareness. UUPD will provide these presentations on request of any department on campus.

Plazafest in the Union Building and Plaza Areas. This campus event is held annually at the beginning of fall semester. As part of Plazafest, UUPD provides a booth staffed with police officers and security personnel who provide information to students about the University police department, the After Dark Escort program, personal safety and crime prevention tips, the RAD program, crime statistics, policies for skateboard use, and other similar information.

Preview Day. This all-day event is held on a Saturday in Spring Semester for newly admitted first-year students and their parents. The event provides workshops for students and their parents to gather information about the University. As part of the event, UUPD personnel discuss the Department, crime statistics, crime prevention, safety tips, safety programs, and questions asked by students and parents. Additionally, UUPD maintains a booth at the event to provide information and answer questions.

University Student Apartments (USA) Block Party. UUPD participates in this family event, held annually on a Saturday in the West Village Bowl. The event also includes representatives from the University's Department of Environmental Health and Safety, Student Health Services, and the Salt Lake City Police and Fire Departments. UUPD provides security personnel and police officers to:

- Teach bicycle safety skills. UUPD sets up a bicycle course through which children pedal their bicycles. Additionally, UUPD personnel and officers check and help fit the children's bicycles and helmets.
- Provide crime prevention and safety tips.
- Provide information about the neighborhood watch program.
- Provide information about campus safety, skateboard policies and the RAD program.
- Provide information about the escort program.
- Provide safety tips for Halloween.

Presentations for International Students. This presentation, provided by UUPD, discusses safety, crime prevention, domestic violence, and other social issues. The presentation answers questions and discusses differences in laws and policing between the United States and other countries. The presentation is given on request of the International Center.

Health and Wellness Fair. The campus Health and Wellness Fair is held each October in the Olpin Union Building. At the fair, UUPD maintains a booth to provide information about the Department, campus safety, RAD, crime prevention and other services the department offers.

Early Childhood Education Center and Village Day Care Centers. UUPD's "Officer Friendly" talks to kids about Halloween safety, bike safety and stranger-danger.

Greek Summit. This presentation is given by UUPD to fraternity and sorority members about campus safety, drugs and alcohol, RAD, crime statistics and services provided by UUPD.

Active Shooter Video and Presentation. Students and employees can [view a video, available at the "Staying Safe on Campus" portion of the Department of Public Safety's website \(www.dps.utah.edu\)](#), entitled "Shots Fired on Campus." The video provides information on how to respond to an active shooter on campus and steps students and employees can take to prevent such a situation. Additionally, on request, UUPD will show the video and facilitate a discussion on appropriate safety precautions, having a survivor mindset, and maintaining awareness of one's surroundings.

The Utah Experience. This program welcomes athletes to the University football program. The program features short presentations on a wide variety of topics designed to assure a successful experience for athletes on the football team. One portion of the program is presented by UUPD, and discusses appropriate behavior toward and treatment of women, the affect of drugs and alcohol on judgment, and sexual assault prevention.

Good Choices. This training is presented by Housing & Residential Education. The program focuses on the choices students make that enhance or impact their safety and their collegiate experience.

Presentations on any campus related safety, security or law enforcement topic can be arranged by contacting Sergeant Arb Nordgran of UUPD at (801) 585-1166.

Reporting Criminal Actions and Emergencies Occurring on Campus

The University of Utah does not have an official policy about procedures and facilities for students and others to report criminal actions and emergencies occurring on campus, including the University's response to these reports (such as by providing timely warnings to the campus community). The University is currently developing such a policy.

Individuals should report crimes and emergencies occurring on campus to the University of Utah Police Department by phone at (801) 585-COPS (2677) or in person at 1795 E. South Campus Drive. The University Police will, as appropriate, investigate and respond to reports. Individuals can report crimes on a voluntary, confidential basis for inclusion in the annual crime statistics, though confidential reporting may hinder further investigation by the University Police.

The University maintains a campus alert system capable of providing information about unforeseen events and emergencies on campus to students and employees via phone,

email, and text messaging. Students can sign up to receive alerts at <http://www.campusalert.utah.edu>.

The University Police Department compiles crime statistics for the yearly annual disclosure. The Department does this in accordance with the requirements of federal law in the Clery Act and corresponding regulation (20 U.S.C. § 1092(f), 34 C.F.R. § 668.46).

Emergency Response and Evacuation

The University of Utah does not have an official policy regarding emergency response and evacuation procedures for dangerous situations involving an immediate threat to the health or safety of students or employees on campus. The University is currently developing such a policy. The University is also currently revising its Emergency Operations Plan.

While there is no official policy, the University does have, as discussed previously, a campus alert system used to provide such warnings. For more information, or to sign up for campus alerts, visit <http://www.campusalert.utah.edu>.

Security of and Access to Campus Facilities

The University of Utah does not have an official policy about security of and access to campus facilities. The University is currently developing such a policy.

The University takes steps to ensure the safety of residential living areas, including locking entrances to residence halls on a 24-hour basis and nightly rounds by residence hall staff members. Access to residence halls is by University ID card, and only students living in a specific building have access to the building. Doors are locked 24-hours a day at Officers Circle historical housing, and residents have a separate key for entrance.

The University of Utah maintains some academic and research facilities for 24-hour access by students and staff. The majority of buildings are secured when not open to the public. The Department of Public Safety remotely locks some buildings, while others are physically locked by the security staff. Random foot patrols of any building on campus are made by security personnel and police officers.

Some buildings on campus have restricted-access areas. Normally these areas are closed to the public because of the nature of the research performed or because of valuable documents stored therein. Only authorized students and staff are allowed in these areas. On campus generally, members of the campus community survey campus each year for areas in need of enhanced lighting and trimming of shrubs and trees.

Campus Law Enforcement

The University of Utah does not have an official policy about campus law enforcement, including the authority of the University of Utah Police and the relationship between the University Police and other law enforcement agencies. The University is currently developing such a policy.

University of Utah police officers have the same authority as city police officers. This includes the authority to arrest individuals violating applicable laws and ordinances. Additionally, University police officers have the authority to enforce University of Utah regulations. *See* Utah Code Ann. § 53B-3-105. The University Police Department has jurisdiction over the campus of the University of Utah. The University Police may also perform law enforcement duties in areas immediately surrounding campus. Additionally, the University Police Department maintains a mutual aid agreement with Salt Lake City to assist off campus, and to be assisted on campus, when necessary.

Both the University of Utah and the University Police encourage the accurate and prompt reporting of all crimes to either the University Police or to another appropriate police agency.

Off-campus Student Organizations

The University of Utah does not have an official policy for monitoring and recording, by local police agencies, of criminal activity by students at off-campus locations of officially recognized student organizations. The University is currently developing such a policy.

The University's Student Code of Rights and Responsibilities provides that students may be subject to sanctions for behavioral misconduct "on premises over which the University has supervisory responsibility pursuant to state statute or local ordinance." University of Utah Policy 6-400. A Salt Lake City ordinance "regulate[s] the establishment and operation of fraternities and sororities in residential areas of the city." Salt Lake City Ordinance 21A.36.150. The ordinance's stated purpose is to "ensure [fraternities' and sororities'] compatibility with the character of existing residential neighborhoods adjacent to a university and to preserve the peacefulness and privacy of residents." *Id.* The ordinance requires roving police patrols of fraternities and sororities on weekend nights. These patrols are "responsible for monitoring compliance by . . . fraternities and sororities with all applicable city and county ordinances, state laws, and college or university regulations." *Id.* The Salt Lake Police Department sends reports from this patrol to the University's Assistant Dean of Students.

Alcohol and Drugs on Campus

University of Utah policies prohibit the possession, use, and sale of alcoholic beverages on University premises except when expressly permitted by law and University regulations. The University also prohibits the use, possession, or distribution of any controlled substances on University premises. Violations of these policies may result in sanctions. *See*

University of Utah Policies 5-113 and 6-400. These do not specifically address enforcement of underage drinking laws or enforcement of federal and state drug laws. The University is currently developing a comprehensive policy on drugs and alcohol.

The University provides a variety of drug- and alcohol-abuse education programs, resources, and substance-free events. Alcohol- and drug-abuse education programs include *Prime for Life* drug and alcohol education courses, *Under the Influence*, *Alcohol.Edu*, *Marijuana 101*, and alcohol and drug assessments through the University Counseling Center. Alcohol- and drug- abuse resources include the Center for Student Wellness, the Student Advisory Health Committee, and Student Athlete Mentors. Events include the Crimson Nights late-night program, Residence Hall Association programs, Associated Students of the University of Utah programs and events, and the Alternative Fall and Spring Break programs.

Individuals can find information about a variety of programs and events online at http://www.wellness.utah.edu/wellness_as_prevention.htm and <http://www.wellness.utah.edu/pdf/BiennialReview06-08.pdf>.

Sexual Assault

Sexual Assault Prevention and Response

On October 1, 2009, the University adopted Interim Rule R5-120: Sexual Assault Prevention and Response. The text of the Rule follows.

- A. **Campus Education Regarding Sexual Assaults:** The University educates the student community about sexual assaults and date rape through mandatory freshman orientations each semester. The University Police Department offers sexual assault education and information programs to University students and employees upon request. Literature on date rape education, risk reduction, and University response, as well as educational programs about the same, is available through the University's Office of Housing and Residential Education.
- B. **Reporting Sexual Assault**
 1. The first priority of a person who has been subject to sexual assault should be to get to a place of safety and then to obtain necessary medical treatment. The University Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the University's Police Department, the Office of Equal Opportunity and Affirmative Action ("OEO/AA"), the Dean of Students and/or to a Housing and Residential Education representative. Individuals are encouraged to file a police report. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
 - provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
 - assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.
2. Students may request any campus authority to assist them in notifying law enforcement authorities about a sexual assault. If so requested, the campus authorities shall provide such assistance.
 3. When a sexual assault victim contacts the Police Department, the OEO/AA Office and the Office of the Dean of Students will also be notified. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and through a University disciplinary process (for students, faculty or staff), or only the latter. Victims may choose not to proceed as a complainant in the disciplinary process. A University representative from the Police Department or the Office of the Dean of Students will guide the victim through the available options and support the victim in his or her decision.
- C. Counseling Options: Various counseling options are available from the University through the University Counseling Center, the Women's Resource Center and Employee Assistance. Support services are also available outside the University from the Rape Crisis Center and from other sources. The offices of the Dean of Students, the University Counseling Center, the Women's Resources Center and Employee Assistance can provide referrals to other non-University counseling options.
- D. Disciplinary Proceedings:
1. University disciplinary proceedings for students accused of committing sexual assault, as well as special guidelines for cases involving sexual misconduct, are detailed in the Code of Student Rights and Responsibilities ("*Student Code*"), Regulations Library, Policy 6-400, Section III.
 2. University disciplinary proceedings for faculty employees accused of committing sexual assault are detailed in the University's Academic Senate Policy, Consolidated Hearing Committee for Faculty Disputes ("*Senate Policy*"), Regulations Library, Policy 6-002, Section 10.

3. University disciplinary proceedings for staff employees accused of committing sexual assault are detailed in the University's Discrimination and Sexual Harassment Complaint Procedures ("*Harassment Complaint Procedures*"), Regulations Library, Procedure 5-210.
 4. The *Student Code*, the *Senate Policy*, and the *Harassment Complaint Procedures* provide, in part, that the accused and the victim will each be allowed to choose one person to advise them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing.
 5. Students and employees found responsible for sexual assault could be criminally prosecuted in the state courts and may be terminated from employment or suspended or expelled from the University for the first offense.
- E. Academic and Living Situations: Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available.

Notice Regarding Sex Offenders

Additionally, in accordance with the "Campus Sex Crimes Prevention Act" (amends 42 United States Code 14071), the Utah Sex Offender Registration Act (U.C.A. 77-27-21.5) requires notice to be given to institutions of higher education of persons required by the act to register who are affiliated with the institution. The Utah Department of Corrections Sex Offender Registration Program Office will inform the University of Utah Police Department of registered sex offenders who are affiliated with the University of Utah. This information will be available at the University of Utah Police Department, 1735 E. South Campus Drive, Salt Lake City, Utah, (801) 585-2677 (COPS).

Individual wishing to learn additional information about registered sex offenders may go to the Utah Department of Corrections Sex Offender Registry web site at <http://corrections.utah.gov/asp-bin/sonar.asp>.

ANNUAL SECURITY REPORT FOR 2009: STATISTICS OF SECURITY ACT OFFENSES

| Offense | Year | On Campus Property | Residential Facilities* | Non Campus Properties | Public Property |
|--|------|--------------------|-------------------------|-----------------------|-----------------|
| Murder/Non-Negligent Manslaughter | 2006 | 0 | 0 | 0 | 0 |
| | 2007 | 0 | 0 | 1 | 0 |
| | 2008 | 0 | 0 | 0 | 0 |
| Negligent Manslaughter | 2006 | 0 | 0 | 0 | 0 |
| | 2007 | 0 | 0 | 0 | 0 |
| | 2008 | 0 | 0 | 0 | 0 |
| Sex Offenses, Forcible | 2006 | 1 | 1 | 1 | 1 |
| | 2007 | 2 | 1 | 1 | 1 |
| | 2008 | 5 | 1 | 1 | 2 |
| Sex Offenses, Non-Forcible | 2006 | 0 | 0 | 0 | 0 |
| | 2007 | 0 | 0 | 0 | 0 |
| | 2008 | 0 | 0 | 0 | 0 |
| Robbery | 2006 | 0 | 0 | 0 | 0 |
| | 2007 | 0 | 0 | 1 | 0 |
| | 2008 | 0 | 0 | 0 | 2 |
| Aggravated Assault | 2006 | 0 | 0 | 0 | 1 |
| | 2007 | 1 | 1 | 0 | 5 |
| | 2008 | 2 | 1 | 0 | 4 |
| Burglary | 2006 | 3 | 1 | 1 | 0 |
| | 2007 | 24 | 23 | 7 | 0 |
| | 2008 | 25 | 13 | 3 | 0 |
| Motor Vehicle Theft | 2006 | 0 | 0 | 0 | 32 |
| | 2007 | 0 | 0 | 0 | 18 |
| | 2008 | 0 | 0 | 0 | 14 |
| Arson | 2006 | 4 | 3 | 0 | 1 |
| | 2007 | 0 | 0 | 0 | 0 |
| | 2008 | 1 | 0 | 0 | 0 |
| Liquor Law Arrests | 2006 | 14 | 11 | 0 | 195 |
| | 2007 | 13 | 10 | 2 | 22 |
| | 2008 | 13 | 4 | 0 | 24 |
| Liquor Law Violations Referred for Disciplinary Action | 2006 | 210 | 208 | 0 | 0 |
| | 2007 | 168 | 168 | 0 | 0 |
| | 2008 | 176 | 176 | 2 | 0 |
| Drug Law Arrests | 2006 | 6 | 5 | 1 | 8 |
| | 2007 | 6 | 4 | 0 | 5 |
| | 2008 | 13 | 2 | 1 | 25 |
| Drug Law Violations Referred for Disciplinary Action | 2006 | 23 | 21 | 0 | 0 |
| | 2007 | 23 | 22 | 0 | 0 |

| | | | | | |
|--|------|----|----|---|---|
| | 2008 | 24 | 24 | 0 | 0 |
| Illegal Weapons Possession Arrests | 2006 | 0 | 0 | 0 | 0 |
| | 2007 | 0 | 0 | 0 | 0 |
| | 2008 | 1 | 0 | 0 | 0 |
| Illegal Weapons Possession Violations Referred for Disciplinary Action | 2006 | 0 | 0 | 0 | 0 |
| | 2007 | 1 | 1 | 0 | 0 |
| | 2008 | 0 | 0 | 0 | 0 |

*The numbers for "Residential Facilities" are a subset of the "On Campus Property". Residential Facilities include University Student Apartments and Housing & Residential Education.

Hate Crimes: There were no reported hate crimes for the years 2006, 2007, or 2008.

Property Classification Definitions (34 C.F.R. § 668.46(a))

Campus: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

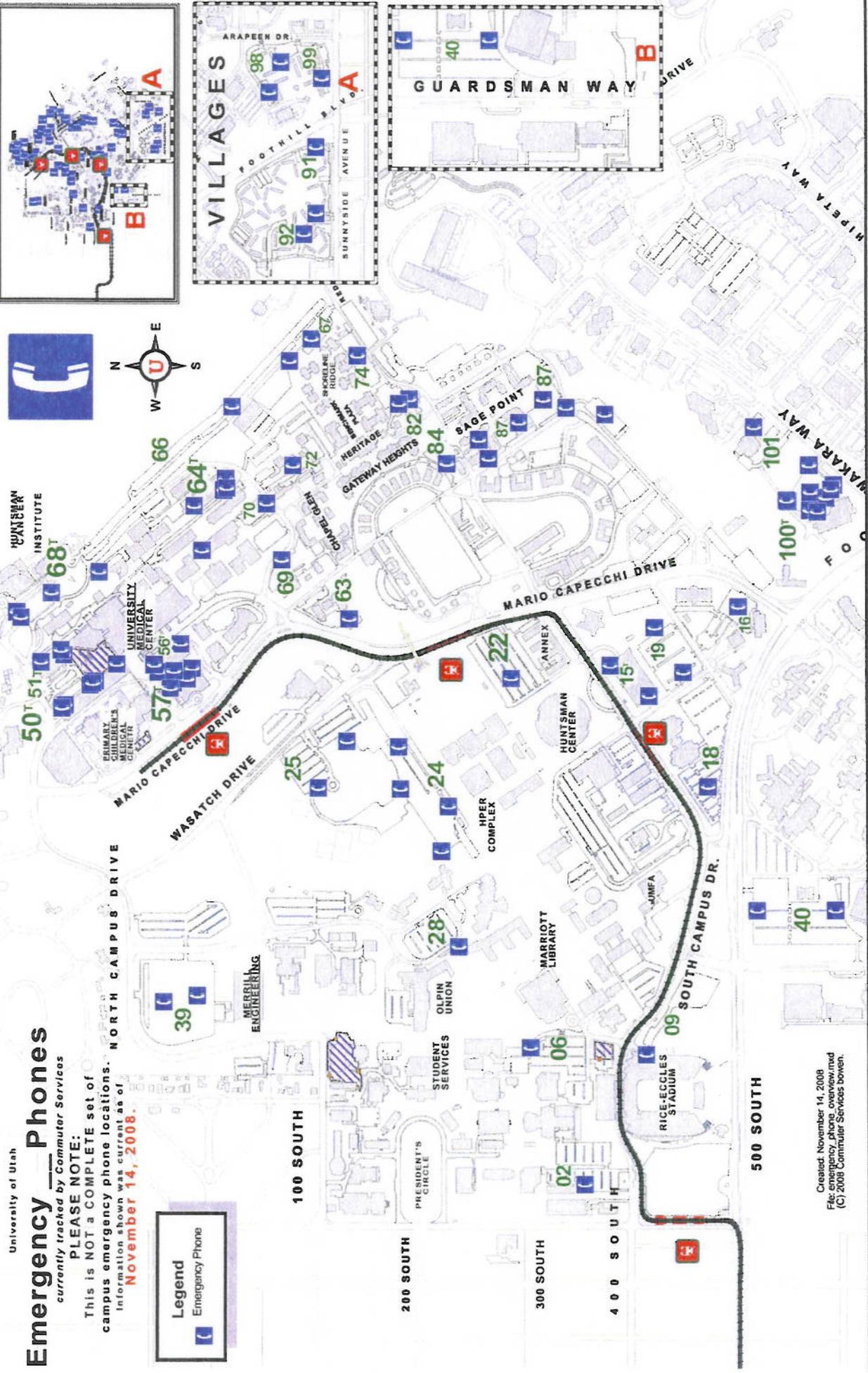
(2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Noncampus building or property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Appendix: Map of Emergency Phones



University of Utah
Emergency Phones
 currently tracked by Commuter Services
 PLEASE NOTE:
 This is NOT a COMPLETE set of
 campus emergency phone locations.
 Information shown was current as of
November 14, 2008.

Legend
 Emergency Phone

Created: November 14, 2008
 File: emergency_phones_campus.mxd
 (C) 2008 Commuter Services bower.

EXHIBIT D

Campus Safety

The University of Utah seeks to provide a safe and healthy experience for students, employees, and others who make use of campus facilities. While the University makes efforts to keep campus safe, individuals should take steps to ensure their own and others' safety.

Emergencies

Campus Phones: Dial 9-9-1-1
Other Phones: Dial 9-1-1
University of Utah Police Department
1795 E. South Campus Drive
Salt Lake City, UT 84112
<http://www.uupd.utah.edu>
(801) 585-2677

Campus Crime Report

The University of Utah Campus Security Report is available annually and includes tips for staying safe on campus, resources for dealing with safety issues, and statistics of offenses recorded on campus. It can be accessed and downloaded from <http://www.uupd.utah.edu>.

Campus Alerts

The University of Utah maintains a campus alert system capable of providing students and employees information about unforeseen events and emergencies on campus such as snow closures, building closures, significant traffic interruptions, severe power outages, gas leaks, and threats such as bombs or gunmen. Students and employees can sign up to receive alerts via phone, email, or text messaging. For more information or to sign up for campus alerts, visit <http://www.campusalert.utah.edu>.

Regulations Library

The University of Utah Regulations Library includes the text of University policies and links to University Rules, Procedures, Guidelines, Forms, and other information. Individuals can access the Regulations Library at <http://www.regulations.utah.edu>.

Family Education Rights and Privacy Act (FERPA)

Student records are governed by the Family Educational Rights and Privacy Act (FERPA). Under the terms of FERPA, the University of Utah may release Directory information to those requesting it unless the student specifically requests otherwise.

To prohibit the release of directory information students can access the online "Campus Information System" and click on change release authorization OR provide written notification to the Office of the Registrar (Student Services Building Room 250N).

NOTE: Ten working days are required to implement once the form is received by the Registration Division.

Directory Information includes

- Student's name, address, or telephone number
- Student ID number
- Class standing
- Field of study
- Participation in officially recognized activities or sports
- Weight and height of members of athletic teams
- Dates of attendance
- Degrees and awards received
- Most recent previous educational agency or institution attended
- Email address
- Enrollment status
- Photograph

The information listed above is considered public information; however, the university does not release lists of students or name-and-address labels to businesses or agencies outside the university. Likewise, the university does not release information regarding applicants to outside agencies.

Please see the Office of the Registrar website for more information on the Family Educational Rights and Privacy Act (FERPA) which can be found at:

<http://www.sa.utah.edu/regist/handbook/ferpa.htm>

Veteran Services

The University of Utah greatly appreciates and honors those who have served in our nation's military. It is our mission to assist those who have made this sacrifice to successfully integrate into campus life. We welcome our brave veterans' invaluable experience and knowledge into our diverse campus community. Our office can be found at Window 10 in the Student Services Building.

Hours: Monday – Friday (closed holidays)
8:00am – 5:00pm

Phone: 801-581-6945

Fax: 801-585-7860

Website: <http://www.sa.utah.edu/regist/veterans/index.htm>

