



MEMORANDUM

TO:

Housing & Residential Education

FROM:

Housing and Residential Education

DATE: March 11, 2022

SUBJECT: Final Written Warning Notice

I am writing to inform you that you are not meeting the expectations of your position (see University *Rule 5-111A*). Specifically, you failed to follow policy and procedures for mandatory reporting. This is counter to training you have received and to the established protocols within the department.

On January 14, 2022, an HRE student reported information about suicidal ideation and dating violence to the HRE staff. Information was reported up to you, including information that a male student had “shoved” his girlfriend. You did not report the information to the University’s Office of Equal Opportunity and Affirmative Action as required by federal law, University policy, and HRE policy. You also did not report the information to the University’s Behavioral Intervention Team, which is charged with helping students in crisis. Additionally, you did not identify this case as requiring a “welfare” check, which was your responsibility when serving as Area Duty on-call. This would have elevated the urgency of the case and included police participation. Mandatory reporting was discussed with all HRE staff in the onboard training in July 2021. You participated in training about domestic violence in December 2021 and mandatory reporting training during an in-person training with OEO in January 2022. You also have access to the HRE Emergency Procedures Manual to consult at any time. These trainings and resources should have alerted you to the necessity of treating this situation with particular care, including raising these issues to others outside of HRE.

Supporting students and their safety is our top priority, and I know your job has been particularly challenging with the additional Covid-related responsibilities, staffing shortages, and the tight labor market. However, because domestic violence and suicidal ideation can have such serious consequences, we must all remain especially vigilant whenever either concern is raised. It is my expectation that you will take swift action to bring these issues to the attention of the OEO/AA, to the BIT, and to the police when there is any suggestion of an imminent threat. I expect you to always treat reports of suicidal ideation as a matter of student welfare and to respond accordingly. It is also my expectation that you pass on these same expectations to your reports. And, I expect



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I am writing to inform you that you are not meeting the expectations of your position (see University *Rule 5-111A*). Specifically, you failed to follow policy and procedures for mandatory reporting. This is counter to training you have received and to the established protocols within the department.

On January 14, 2022, an HRE student reported information about suicidal ideation and dating violence to the HRE staff. The information reported in Advocate, which you reviewed and assigned for follow-up on Tuesday, January 18, 2022, indicated a physical altercation between two students in a dating relationship, as well as potential suicidal ideation by one of those students. You did not report the information to the University's Office of Equal Opportunity and Affirmative Action as required by federal law, University policy, and HRE policy. You also did not report the information to the University's Behavioral Intervention Team, which is charged with helping students in crisis. Additionally, you treated the case as a matter of student "wellness," rather than an issue of "welfare," which would have elevated the sense of urgency and included police participation. We discussed mandatory reporting with all HRE staff in the onboard training in July 2021. You participated in trainings about domestic violence and mandatory reporting during online OEO trainings you completed in January 2021, as well as during an in-person training with OEO in January 2022. You also participated in training about domestic violence that was given in December 2021. This training should have alerted you to the necessity of treating this situation with particular care, including raising these issues to others outside of HRE.

Supporting students and their safety is our top priority, and I know your job has been particularly challenging with the additional Covid-related responsibilities, staffing shortages, and the tight labor market. However, because intimate partner violence and suicidal ideation can have such serious consequences, we must all remain especially vigilant whenever either or both of these issues are raised. It is my expectation that you will take swift action to bring these issues to the attention of the OEO/AA, to the BIT, and to the police when there is any suggestion of an imminent threat. It is my expectation that you pass on these same expectations to those reporting

to you. I expect you to always treat reports of suicidal ideation as a matter of student welfare and to respond accordingly. And, I expect you to carefully manage cases that involve issues of domestic violence and suicidal ideation to be sure they are handled appropriately.

It will be your responsibility to schedule a follow-up meeting with me to discuss your progress no later than April 15, 2022. I encourage you to contact me whenever you feel you need information, assistance, or support in meeting the expectations outlined above.

I know that this final written warning is a significant disciplinary action but it is necessary to reflect the seriousness of the conduct in this case. Your improvement must be immediate and sustained. As I'm sure you know, any similar lapse in judgment going forward would result in further disciplinary action, up to and including the termination of your employment. I have confidence that you will learn from this mistake and will not make any similar mistakes going forward.

You have the right to appeal this action in accordance with the provisions of University *Policy 5-203*. Time parameters for filing an appeal are stringent. You may review the policy at www.regulations.utah.edu/humanResources/5-203.html and/or contact _____, Appeals Coordinator, at _____@utah.edu or _____ for procedural guidelines and questions. If you desire, you may prepare a written response to the memorandum to include in your personnel file. Please be aware that a written response does not initiate the appeal process.

If you have a condition that may qualify under the Family Medical Leave Act (FMLA), contact the Absence Management Team at _____ or AbsenceManagement@utah.edu. If you believe that you may qualify for accommodation under the Americans with Disabilities Act (ADA), please contact _____, ADA Coordinator, at _____. If you believe that you have been subjected to illegal discrimination, contact a representative in the Office of Equal Opportunity/Affirmative Action at _____ concerning your rights and obligations. State and federal labor law notifications can be found at <https://www.hr.utah.edu/serviceTeams/employee-notices.php> and/or in University Human Resources offices. The University offers an Employee Assistance Program. For more information on what is available to you, please visit <http://uuhsc.utah.edu/eap/> or contact the program for a confidential consultation at _____. If you have any other questions, you may contact your Human Resources Associate Director, _____ at _____.

Employee Signature- Denotes Receipt of Copy Only

Supervisor/Manager Signature

03/14/2022
Date

3/14/22
Date

cc: HR Associate Director –
Department of Employee Relations
Employee File

March 18, 2022

PERSONAL AND CONFIDENTIAL

University of Utah

Dear _____:

Thank you for your leadership during these challenging times in HRE accentuated by the recent departure of former Executive Director _____, additional and evolving responsibilities due to the Covid-19 pandemic, and the difficulty hiring and retaining qualified staff in HRE. I appreciate your dedication and hard work. I also appreciate your care and attention to the recent tragedy within the HRE community. As we have discussed, that tragedy highlighted some areas of improvement for you, others within HRE, as well as HRE processes and procedures. I am issuing this letter to you to make sure you have clarity around my expectation for your performance and improvement.

Our review of the recent tragedy demonstrated gaps in staff members' understanding of how to identify and respond to issues of interpersonal violence and suicidal ideation. Although the staff were provided with multiple trainings in the months prior to that tragedy conducted by HRE leadership, by the OEO/AA, and by the Utah Domestic Violence Coalition, I believe that HRE's written training materials designed to accompany these in-person trainings, including the Emergency Procedure Manual, need to be clearer and more specific about the procedures for responding to these types of issues. Areas of deficiency include the following:

- The formatting and text of the Emergency Procedures Manual fails to emphasize the most high-risk concepts within HRE.
- The manual does not sufficiently emphasize the Behavioral Intervention Team (BIT), which is the University's interdisciplinary team charged with timely analysis for crisis situations and intervening with students in crisis. The BIT refers situations involving potential threats to campus to the Threat Assessment Team (TAT) for a threat analysis.
- The manual lacks clear direction to quickly bring to the attention of BIT all students who express suicidal ideation. And, it lacks clarity about who within the HRE structure is charged with taking such matters to the BIT.

- The manual lacks clarity about what behaviors may constitute interpersonal violence. It lacks clear direction to quickly bring to the attention of BIT all students who may be involved in an encounter of interpersonal violence. And it lacks clarity about who within the HRE structure is charged with taking such matters to the BIT.
- The manual lacks sufficient emphasis on the Office of Equal Opportunity and Affirmative Action (OEO/AA), which is charged with investigating and responding to all allegations of discrimination and sexual misconduct, including interpersonal violence. The manual also fails to highlight the OEO/AA as a resource for victims of discrimination and sexual violence.
- The manual lacks clear direction to quickly bring to the attention of OEO/AA all students who may be involved in an encounter of interpersonal violence. It lacks clarity about who within the HRE structure is primarily charged with taking such matters to the OEO/AA (although all staff are mandatory reporters with reporting responsibility by law).
- The manual lacks clarity about the distinction between a student “wellness” check and a student “welfare” check and the need to involve U Police in all welfare checks. It lacks clarity about who within the HRE structure bears the responsibility for properly classifying a wellness/welfare issue and assuring appropriate follow through.
- The manual does not contain a specific section on missing students. Although sections of the manual touch upon the issue of missing students, the manual needs to provide clear direction on how to address an allegation of a missing student that is consistent with industry standards and aligns with University policy. The manual is unclear about when and why to check a student’s card swipes, who has responsibility/authority to pull card swipes, and how that information is shared within and outside of HRE.

Our review of the recent tragedy highlighted a few additional concerns with HRE’s resources and processes. Those include:

- There is a lack of reconciliation between StarRez and People Soft for storing resident contact information – and updating the information when reported by students (rather than only including it in the narrative of an Advocate report). This led to misidentification of students, a failure to identify that one student was “missing,” and attempts to contact the wrong student.
- There was inadequate documentation in Advocate by the staff involved in the most recent tragedy. This suggests a need for clearer guidance on documentation in written training materials and in-person trainings, as well as processes for holding staff accountable to this expectation.
- As noted above, in addition to improving the Emergency Procedures Manual content about missing students and checking student card swipes, this process should be evaluated to ensure that HRE’s processes are consistent with industry standards and align with University policy, that responsibilities are clear, that concerns are identified early and accurately, and that information is shared appropriately.

- The format of in-person trainings should make clear to participants which concepts and information are most critical to retain.

As a leader in HRE, I expect you to make sure that HRE team members have the appropriate resources and training necessary to do their jobs, address crisis situations, and support student safety. It is my request and expectation that you will work with _____ in his new role as executive director to update HRE training materials and to assure that all HRE staff are immediately and regularly trained on these important issues.

I expect you, in partnership with _____ to report back to me by April 15 with a plan for addressing these deficiencies, including developing a reasonable timeline, identifying any resources needed, and ensuring updates and changes are reviewed and approved by the Office of General Counsel and the Vice President for Student Affairs.

You are an important member of HRE, and I value your contributions to the department. I am committed to doing everything I can to help you and the HRE staff to address deficiencies and to help you succeed in providing excellent service to the University, its employees, and students. I look forward to working with you to achieve this result.

Sincerely,

Student Affairs
University of Utah