

# BEE Utah Alliance

Believe. Empower. Educate.

## Collaboration Charter



utah department of  
**human services**  
SERVICES FOR PEOPLE WITH DISABILITIES

**DL** DISABILITY  
LAW CENTER



Utah Chiefs of  
Police Association

**UCASA**  
Utah Coalition Against Sexual Assault

utah department of  
**human services**  
AGING AND ADULT SERVICES

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## Vision

Utah will be a state whose population is aware of the prevalence and risk of sexual assault, domestic violence, and personal care/provider abuse against people with disabilities. Individuals who provide services to people with disabilities and/or survivors of violent crimes will receive comprehensive training on empowering and supporting survivors with disabilities. Service providers will work together and implement best-practices to support survivors with disabilities.

## Mission

Improve Utah's state-level awareness, training, and service response for people with disabilities who experience sexual assault, domestic violence, and/or personal care/provider abuse by:

- Creating population specific training materials
- Improving awareness and best-practices among stakeholders
- Asset mapping
- Maintaining a no-cost legal clinic
- Enhancing and developing policies and protocols.

## Values

- Believe
  - We understand that so many survivors experience fear and barriers when disclosing experiences of violence. We know that the initial response a survivor receives after disclosing may impact how the survivor feels, seeks resources, and is empowered after the disclosure. Because of this, we will believe each disclosure that we hear about or personally encounter.
- Education
  - Providers in the disability services, domestic violence, and sexual violence fields are often specialized in their line of work. Many are not well versed on the intersectionality of violence and disabilities. We aspire to assist those that are serving in each of the listed fields, as well as those working in other fields who interact with people with disabilities and/or survivors of violence, in gaining awareness and understanding of violence against people with disabilities. Increasing knowledge of service providers may increase disclosure rates by survivors and survivors' likelihood to access resources.
  
- Multidisciplinary collaboration

- We believe that stakeholders can accomplish more when they work together. When providers operate in silos, it creates challenges for survivors/victims to access needed services and wrap-around care. Multidisciplinary collaboration allows silos to come together to better help those who need our services and helps stakeholders to achieve their individual missions and visions while also fulfilling a mutual vision.
- Self-determination and Empowerment
  - People who have experienced violence or abuse have often had the power and control of their own lives taken. We will work with survivors/victims to help them feel that the power and control of their lives back in their own hands. We will trust that those we work with are the experts of their lives and not push our thoughts/opinions on the individual. While respecting the choices of survivors/victims, we will offer support, information, referrals, and so forth.
- Support
  - Survivors/victims with disabilities will need assistance after disclosing abuse. We will be there to help survivors/victims learn about and access resources, safety plan, etc. while also fostering self-determination and empowerment. We recognize that collaboration requires support of partnering organizations. Each partner will work with one another to provide assistance and support as much as possible.
- Training
  - Many service-providers do not know how to work with survivors/victims with disabilities if they are not trained how to do so. Training providers on how to identify if an survivor/victim they are working with has a disability, signs/symptoms to look for that a person with a disability may have experienced violence or abuse, and best-practices to implement with survivors/victims with disabilities.
- Trauma informed response
  - Sexual assault, domestic violence, and personal care/provider abuse are traumatizing events. All people working with people and/or survivors/victims should recognize the prevalence of trauma, especially among people with disabilities since they are at an increased risk of experiencing traumatic events, and respond to these individuals in a way to avoid re-traumatization.

## Definitions

The BEE Utah Collaboration has aligned its definitions with those of Utah statute. While mirroring the laws in defining domestic violence, sexual violence, and caretaker abuse encompasses many types of violence by a variety of perpetrators, we believe that it will result in a more streamlined response to violence against people with disabilities.

**Domestic Violence:** Domestic violence is considered any act which results in physical harm, threat of violence or physical harm, attempted violence or physical harm, emotional or psychological harm, or financial exploitation by one cohabitant or dating partner against another.

§77-36-1(4)

**Cohabitant:** A cohabitant is an emancipated person, 16 years of age or older, who:

- Is or was a spouse of the other party
- Is or was living as if a spouse of the other party
- Is related by blood or marriage to the other party as the person's parent, grandparent, sibling, or any other person related by blood or marriage to the second degree
- Has one or more children in common with the other party
- Is the biological parent of the other party's unborn child
- Lives or has lived with the other party
- Is or was in a consensual sexual relationship with the other party

§37B-7-102(2)

**Dating Partner:** A dating partner is an emancipated person or someone over the age of 18 who is or has previously been in a dating relationship with another party. This means that the parties have been engaged in a social relationship that is or was romantic or intimate in nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy.

§7B-7-402(2)

**Sexual Assault:** Sexual assault is considered an act of sexual intercourse, rape, attempted rape, object rape, attempted object rape, sodomy, attempted sodomy, forcible sodomy, attempted forcible sodomy, forcible sexual abuse, attempted forcible sexual abuse, sexual battery, or simple sexual abuse without the consent of the victim. There is no consent in the following circumstances:

- The victim verbally or through actions expresses a lack of consent
- The perpetrator overcomes the victim by applying physical force or violence
- The perpetrator overcomes the victim by surprising her/him
- The perpetrator coerces the victim by threatening her/him
- The victim is unconscious, unaware that the act is happening, or is physically unable to resist

- The perpetrator knows that the victims has a mental illness or disability that makes the victims unable to evaluate, resist, and/or fully understand the consequences of the act, or evaluate the relationship between the perpetrator and victim.
- The perpetrator knows that the victim submits or participates because the victim incorrectly believes that the perpetrator is her/his spouse
- The perpetrator impaired the victim unknowingly with a substance
- The perpetrator is a health professional or religious counselor who committed the act under a guise pertaining to his/her profession
- The perpetrator intentionally touches the anus, buttocks, breasts, or any part of the genitals of another person through or under clothing.
- Any other unwanted sexual behavior not listed above.

§76-5-406

**Caretaker Abuse:** Any circumstances in which a caretaker knowingly or intentionally places another in fear of harm, causes physical injury, emotional or psychological abuse, harm to health or death if done intentionally/knowingly, recklessly, or with criminal negligence. A sexual offense and deprivation of life sustaining, medical, or mental health treatment are also considered caretaker abuse.

§76-5-111(2)

**Caretaker:** Caretaker means a person or public institution that is entrusted with or assumes the responsibility to provide a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care, resource management, or other necessities for pecuniary gain, by contract, or as a result of friendship, or who is otherwise in a position of trust and confidence with a vulnerable adult, including a relative, a household member, an attorney-in-fact, a neighbor, a person who is employed or who provides volunteer work, a court-appointed or voluntary guardian, or a person who contracts or is under court order to provide care.

§62A-3-301(7)

## Contributions and Commitments

Organizations that serve crime victims or people with disabilities at the state-level were chosen for the BEE Utah Alliance to provide expert advice and assistance.

Collaboration partners consist of the Disability Law Center, Utah Coalition Against Sexual Assault, Utah Commission on Criminal and Juvenile Justice, Office on Domestic

and Sexual Violence, the Utah Chiefs of Police Association, the Utah Division of Aging and Adult Services, and the Utah Division of Services for People with Disabilities.

## **Contributions**

**Utah Division of Services for People with Disabilities:** The Utah Division of Services for People with Disabilities (the Division) has been promoting opportunities and providing supports for people with disabilities to lead self-determined lives since 1979. The Division continues to do this by operating four Medicaid 1915(c) Waivers, and providing short-term and on-going services, including home and community-based services, for more than 5,500 Utahns with disabilities.

**Disability Law Center:** The Disability Law Center (DLC) was established in 1978 as the governor designated Protection and Advocacy agency to protect the rights of people with disabilities in Utah. The DLC is the only statewide disability agency that provides self-advocacy assistance, legal representation, disability rights education, and public policy advocacy for Utah's 300,000 citizens with disabilities. The DLC has also participated in previous efforts along the Wasatch Front to educate and train community members, service providers, law enforcement, and other relevant organizations on identifying and serving victims with disabilities.

**Utah Division of Aging, Adult Protective Services:** The Division of Aging and Adult Services (DAAS) was created as Utah's State Unit on Aging in accordance with the Older Americans Act (OAA). By Utah statute (62A-3-104), DAAS was granted the legal authority to establish and monitor programs serving the needs of Utah's seniors. The Division of Aging has the administrative authority for Adult Protective Services (APS), a program to protect vulnerable adults from abuse, neglect and exploitation. APS investigates cases of abuse, neglect, and exploitation of vulnerable adults. APS staff assist victims and work to prevent further abuse, neglect, and exploitation. Staff is located in a statewide system of offices and work in cooperation with local law enforcement to investigate cases involving seniors and disabled adults. Trained staff across the state work with local law enforcement and community partners to educate and assist victims, including those with disabilities, to access appropriate resources within the community.

**Utah Coalition Against Sexual Assault:** The Utah Coalition Against Sexual Assault (UCASA) engages individuals and organizations in local and statewide collaborations to strengthen the effectiveness of sexual violence education, prevention and response in Utah and provides training for and certifies rape counselors. UCASA provides training and technical assistance which focuses on programs that address the needs of marginalized populations to improve the capacity of organizations to provide culturally specific services to sexual assault survivors. UCASA works with community members, service providers, state agencies, and legislators to develop and promote policies and practices that protect the rights of victims and increase offender accountability. In addition, UCASA actively participates in sexual assault response teams (SARTs) throughout the state to provide leadership and assistance to these



multi-disciplinary teams. UCASA's Sexual Assault Nurse Examiner (SANE) Coordinator facilitates bi-annual regional SANE training for nurses, provides technical assistance and consultation, and HIV prophylaxis and treatment protocols for victims of rape and sexual assault. UCASA promotes a public health approach to the primary prevention of rape and sexual assault that works on the individual, community, and societal levels to decrease risk factors and increase protective factors for sexual violence perpetration and victimization.

**Utah Chiefs of Police Association:** The purpose of the Utah Chiefs of Police Association (UCOPA) is to further professional advancement of law enforcement, ensure and maintain greater protection of life and property, to promote a close bond of friendship and understanding among chiefs of police in Utah, to promote policy, to provide a medium of information exchange between police chiefs, and to advocate. The UCOPA routinely assembles chief officers from all over the state to discuss ways and means to better law enforcement and to collect or exchange ideas and experience in law enforcement through networking.

### **Commitments**

As a collaboration, we commit to:

- Provide expert opinion and guidance.
- Review, provide feedback, and approve created materials.

As organizations, we commit to:

- Abide by the signed MOU agreement.
- Prioritize and regularly attend collaboration meetings.
- Proactively participate in all phases of the project including development and implementation of the: collaboration charter, memo of focus, needs assessment plan, needs assessment report, and strategic plan.
- Refer cases of abuse/victimization that fit program criteria to DSPD's Victim Advocate.

### **The Utah Division of Services for People with Disabilities commits to:**

- Act as the project leader for the collaboration, including:
  - Providing administrative oversight
  - Coordination between partner organizations
  - Conducting regular partner meetings
  - Hiring program staff
  - Obtaining and developing outreach materials
  - Coordinating training efforts
  - Ensuring the project progresses.

**The Disability Law Center commits to:**

- Provide legal support to the collaboration.
- Create and oversee a no-cost legal clinic offered regularly for victims with disabilities.
- Assist DSPD in referring victims to appropriate services in their area, if needs would be better served through other organizations known to the DLC.

**The Utah Division of Adult Protective Services commits to:**

- Adult Protective Services shall investigate allegations of sexual assault of disabled adults that meet the intake criteria.
- Adult Protective Services will work with DSPD to address the protective needs of the vulnerable adult.
- Provide consultation regarding Adult Protective Services aspects when needed or requested.
- Assist DSPD in training community partners.

**The Utah Coalition Against Sexual Assault commits to:**

- Assist DSPD in coordinating who would respond to sexual assaults and provide technical assistance.
- UCASA will facilitate participation of DSPD in Sexual Assault Response Teams (SARTs) statewide.
- Will provide state-mandated Sexual Assault Counselor Training to DSPD staff in accordance with the Utah Confidential Communications Act.
- Assist DSPD in referring victims to appropriate victim services in their area, if needs would be better served through other organizations known to UCASA.
- Facilitate the participation of DSPD in statewide sexual assault prevention planning activities.

**The Utah Chiefs of Police Association commits to:**

- Assist DSPD to recruit and schedule police groups to receive training.
- Provide consultation regarding law enforcement aspects when needed or requested.

## Communication

**Email.** Our collaboration identified email as the preferred method of communication. Emails will be utilized for day-to-day communication, coordination, sharing important information from partner meetings with those who were not able to attend, and so forth.

**Text.** Our collaboration identified text as the preferred method of communication requiring an immediate response or in an emergency. An emergency would include short notice that a partner is unable to attend a collaboration meeting, a collaboration meeting has been cancelled at the last minute, etc.

**Phone.** Phone calls may be utilized for the same purposes as emails and texts.

## Decision-making Process

**Majority Decision-Making.** The BEE Utah Alliance will use a majority decision-making model for determinations and choices that could impact the direction of the work. The Grant Manager and partners will determine the appropriate times to use this model.

Majority decision-making consists of:

- A sharing of all partners' thoughts and perspectives regarding the issues, questions, and concerns pertaining to a decision. A full effort to address all concerns will be made.
- A decision that is made in the best interest of the collaboration and the work. We recognize that not all partners will agree with all the details of a decision or that individuals will change their own ideas and perspectives. We recognize that in some cases, all partners may not agree on what decision is best for the collaboration and the work. While we will make a complete effort to fully address all concerns and come to a consensus, ultimately, decisions will be made in favor of the majority of the partners.

**Rationale.** Making decisions as a collaboration can raise opposing views and challenging questions that may be difficult to address. We value the perspectives of each organization and partner and encourage these challenges and views in order to explore all implications and complications that may be associated with decisions that are made by the collaboration. Through discussions and addressing concerns, we believe that we will better understand one another's viewpoints and create better solutions. We understand that through these efforts, most partners will be able to come to a consensus on decisions; however, in some contexts, a consensus may not be reached. When all perspectives and concerns have been addressed to the fullest extent and a consensus can not be reached, the decision of the majority will be accepted. We

commit to ensuring that each decision aligns with our vision, mission, and values to allow those partners who were part of the minority decision to respect and carry out the majority decision. Decisions may be revisited at anytime if there are problems.

**Method.** The BEE Utah Alliance will initiate an informal poll when making decisions. When asked about his/her stance on a decision, each partner will indicate with a positive indication if he/she supports the decision. If the partner does not agree with the decision, he/she will vocalize his/her concern. The group will then address the concern and modify the decision or gain the support of the concerned partner before continuing with the poll. If the decision is modified to address the concern, there will be a new poll initiated. This will be an iterative process. If all concerns are addressed but the majority does not think that a decision should be modified, or multiple modifications are proposed, the decision will be selected that has the majority support.

The BEE Utah Alliance understands that not all partners/organizations will be in attendance at all meetings, but does not believe it to be in the best interest of the Collaboration and the work to delay all decisions until meetings when all partners/organizations are present. As such, decisions will be made when the majority of the Collaboration feels that a decision needs to be made. In these cases, a majority in favor of a decision will be considered the majority of partners/organizations that are present at the meeting.

When decisions are made without all partners/organizations, the Grant Manager will email all partners following the partner meeting to summarize the decision that was made. If a partner disagrees or has concerns regarding the decision, he/she may indicate so in an email, or during the following partner meeting. Any concerns will be discussed in the following partner meeting, and may result in the modification or change of a decision, if needed. As previously stated, any decision, including those made by a partner who was not present, may be revisited and initiated by any partner at any time.

## Conflict Resolution Process

The BEE Utah Alliance believes that conflict can arise because people are unique and hold different perspectives, and because some issues are complicated and complex. We believe that when conflict is acknowledged and handled respectfully, it can lead to a better understanding of ourselves, other perspectives, and innovative ideas.

The BEE Utah Alliance understands that we are a diverse group of organizations and individuals with different roles, experiences, and perspectives. We commit to engaging in difficult conversations to benefit the growth and work of the collaboration while also seeking to understand and respect each other's roles and opinions.

We understand that at times, there may arise a conflict between organizations, such as differences in priorities, political differences, and tensions between organizations. If a partner representative identifies a potential or existing conflict, he/she will address the issue in a collaboration meeting for discussion. The collaboration will discuss the matter and determine the appropriate response to ensure that the collaboration's work may continue smoothly.

## Confidentiality and Mandatory Reporting

Utah is a mandatory reporting state. Utah code §62A-3-305(1) states that "Any person who has reason to believe that any vulnerable adult has been the subject of abuse, neglect, or exploitation shall immediately notify Adult Protective Services intake or the nearest law enforcement agency. When the initial report is made to law enforcement, law enforcement shall immediately notify Adult Protective Services intake. Adult Protective Services and law enforcement shall coordinate, as appropriate, their efforts to provide protection to the vulnerable adult."

The law defines abuse as:

knowingly or intentionally: attempting to cause harm, causing harm, or placing another in fear of harm; unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult; emotional or psychological abuse; a sexual offense...; or deprivation of life sustaining treatment, or medical or mental health treatment[...]

### §62A-3-301(2)

A vulnerable adult is considered:

an adult who has a mental or physical impairment which substantially affects that person's ability to provide personal protection; provide necessities such as food, shelter, clothing, or mental or other health care; obtain services necessary for health, safety, or welfare; carry out the activities of daily living; manage the adult's own financial resources; or comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

### §62A-3-301(29)

As such, if a partner in this collaboration receives any disclosure of suspected abuse of a vulnerable adult, that partner will immediately report the abuse to Adult Protective services either by phone or online. However, prior to making the report, the partner will inform the survivor/victim that the disclosure will require a report to be made. The partner will do everything he/she can to empower the survivor/victim throughout the process of reporting by explaining the reporting process, giving the survivor/victim the

option to help make the report, and so forth. The reporting partner will also notify the Grant Manager of the mandatory report in a timely manner.

Potential exceptions may arise in a legal context according to Rules 1.6, 1.14, and 1.18 of the Rules of Professional Conduct and other applicable rules. Partners acting in a legal capacity will follow the Utah Rules of Professional Conduct in regard to confidentiality and disclosure.

## Partner Meetings

**Day/Time and Location.** Partner meetings will be held every Tuesday from 9:00 am to 11:00 am at the Utah Multi-Agency State Office Building (195 N 1950 W, Salt Lake City, Utah, 84116) unless need arises for meetings to be held at another day/time and/or location. All partners have indicated that this is a location at which weekly meetings could be attended.

**Starting/Ending Times.** All efforts will be made to begin meetings promptly at 9:00 am and conclude promptly at 11:00 am; however, if less than five of the seven partners is in attendance, we will wait up to ten minutes, until 9:10 am, to begin. Meetings that commence late may continue up to ten minutes after the scheduled time, until 11:10 am. Partners who are aware that they will be more than ten minutes late will text the Grant Manager as soon as they are aware that they will be late.

**Conference Calls/Videos.** It is preferred that the collaboration meet each week, in-person, without cancellation. While this is the case, we acknowledge that face-to-face meetings with each partner in attendance may not be possible every week. As such, if a partner is unable to meet in-person, but could conference call/video in, he/she will do so. Partners will prioritize meeting in-person to minimize the number of partners calling in.

**Cancellations.** The collaboration will do its best to ensure that meetings are held each week; however, we do recognize that meeting each week may not always be possible. Meetings will be cancelled if the majority of partners are unable to attend a meeting in-person or call in.

If a partner is unable to attend a meeting, he/she will inform the Grant Manager as soon as possible, but no later than 4:00 PM on Monday. If the majority of partners are unable to attend the meeting entirely, the Grant Manager will notify the collaboration as soon as possible via email. If it is established that the meeting will be cancelled on Monday, the Grant Manager will email each partner no later than 5:00 PM on Monday.

All efforts will be made to reschedule a meeting that is cancelled for the same week. A Google Form will be sent to each partner as soon as possible, but no later than 10:30 AM on Tuesday of the cancelled meeting to determine if it is possible to reschedule the meeting for that week. If it is not feasible to reschedule, the collaboration will not meet until the following Tuesday.

**Agendas.** Meeting agendas will be created by the Grant Manager. The Grant Manager will save agendas to the collaboration's Google Folder by 4:30 PM on Thursday. Each partner will review the agenda and make any suggested agenda changes, using "Suggesting Mode," or additions to the agenda, using "Editing Mode," on the agenda saved in the Google Folder no later than Monday at 3:00 PM. The Grant Manager will review the edited agenda and the final agenda will be set by 4:30 PM on Monday.

**Minutes.** Minutes of each meeting will also be recorded by the designated partner for that meeting. The minutes for each meeting will be located in the Google Folder by 5:30 PM on Tuesday.

## Involving Leadership

All partner agency representatives of the BEE Utah Alliance have the authority to make decisions on behalf of their agency pertaining to the planning phase of the work. As such, during this phase, it will be the responsibility of each representative to communicate with their agency's leadership about the progress of the work. The frequency and mode of communication between the representative and leadership may vary by agency based on the needs and preferences of those involved.

The Grant Manager will create quarterly newsletters of the progress that was made during the three months addressed in the newsletter. The Grant Manager will distribute this newsletter to partner representatives. The representatives will share the newsletter with their agency's leadership as a more formal means to update leadership on the work.

During strategic planning and the implementation phase, each representative must gain approval from their leadership to engage in work that extends beyond the original program proposal. In these instances, partner representatives will individually work with their leadership to determine if plan proposed by the BEE Utah Alliance may be implemented. The Collaboration may invite leadership to attend partner meetings to engage in discussions and decision making as the Grant Manager, partner representatives, and/or agency leaderships see fit.

## Work Plan

The following work plan will guide our work during the three years of this grant. The work plan will be reviewed and adjusted, as needed.

### **January 2019**

Hire Grant Manager

### **February 2019**

New Grantee Orientation

### **February to April 2019**

Develop Collaboration Charter

### **April 2019**

Develop Memo of Focus

### **April to June 2019**

Develop Needs Assessment Plan

### **June to October 2019**

Conduct Needs Assessment

### **October to December 2019**

Develop Needs Assessment Report

### **December 2019 to February 2020**

Develop Strategic Plan

### **February 2020 to 2021/2022**

Implementation