


UNIVERSITY OF WYOMING

Office of General Counsel
Dept. 3434 • 1000 E. University Avenue • Laramie, WY 82071
(307) 766-4997 • fax (307) 766-2993

October 6, 2015

To: Dick McGinity, UW President
Fm: Rick Miller, VP and General Counsel 
Re: Allegation of Violation of UW Regulation 1-5 – University Store (bookstore), September 28, 2015

Following is my report to you regarding an incident at the University Store on September 26, 2015, involving six students and two chaperones from St. Stephens Indian School.

On the morning of Saturday, September 26, 2015, six students and two chaperones were contacted by a UW Police Department (UWPD) police officer at the University Store in the Wyoming Union on the UW Main Campus in Laramie. On the afternoon of Tuesday, September 29, 2015, a UW employee was contacted by a relative of one the six students who indicated her belief that the interaction with store employees and the UW police officer was motivated by racial profiling. In accordance with UW regulations, on the evening of September 29, 2015, that employee reported that allegation to UW's Equal Opportunity Report and Response (EORR) Unit.

On the morning of September 30, 2015, EORR began an investigation into the allegation. The investigation began several hours prior to the communication from the Principal of the St. Stephens Indian School to the Office of the UW President expressing concern regarding this matter.

EORR reports to my office. I reviewed their investigation materials as well as the police report that was prepared in the normal course of business regarding this matter. The EORR investigation concluded that there was no violation of University Regulation 1-5 which prohibits discrimination based upon race. I concur.

Description of events

On Saturday, September 26, 2015, a group of six students from St. Stephens Indian School, and two chaperones who are employees of the school, attended Campus Pass at UW. Campus Pass is a visitation program designed to introduce prospective students to UW. All six students wore white T-shirts with red lettering on the front. They entered the store that Saturday morning. Each was carrying store merchandise bags that they had been given as part of Campus Pass which contained a free T-shirt that all Campus Pass participants had been provided.

That morning, a patron went to the Customer Service Counter and informed three store employees that she suspected two males wearing white shirts with red lettering might be attempting to steal a shirt. One employee left to locate the two individuals that were described. The patron indicated that one of two persons started to place a brown shirt in a store bag. The patron believed that one of the persons had noticed the patron observing them. The patron stated aloud "that guy is stealing the shirt" or words to that effect. The patron believed the two persons may have heard the statement as they left the display of shirts where they had been standing. In accordance with store policy, a store employee called the UW police.

A store employee contacted four males standing near each other who were wearing T-shirts with red lettering. The shirts were distinctive in that Saturday, September 26, was a home UW football game and the store was crowded with patrons many of whom were wearing UW's school colors, brown and gold. The store employee asked to look and the store bags of the four males and for receipts of items that were purchased from the store. No items purchased from the store were in the bags, nor were there items from the store in the bags that had not been purchased.

The same store employee and another store employee identified two more males in the rear of the store also wearing white T-shirts with red lettering on the front. The store employee asked to look inside the store bags of these two males and for receipts for items that were purchased from the store. No items purchased from the store were in the bags nor were there items from the store in the bags that had not been purchased.

One of the two males was holding a T-shirt from the store that had not been purchased.

Those males in T-shirts with the red lettering who desired to make purchases did so. As the transactions were being completed, a UW police officer arrived. She had been advised that two males wearing white T-shirts were suspected of shoplifting, but observed six males in white T-shirts preparing to leave the store. She asked that the six males stay in the store until she could determine the status of the matter that was the basis for the report.

To avoid calling attention of other patrons to the contact between the officer and the six males, the officer and the six males, joined by the two chaperones from the school, moved to a conference room at the back of the store. The officer asked for identification and determined that four of the six males were juveniles. To conform with state law, UW's practice is to contact a parent or guardian of any juvenile with whom the UW police make contact. That occurred and took some time to accomplish. The officer did not search any of the bags the students had. No citations were issued and the students and chaperones departed.

Analysis

One of the chaperones did express concern that the actions of the store personnel could be construed as motivated by racial profiling. However, the patron who reported the behavior made no reference to race. Rather, the identity of the males was described based upon their wearing white T-shirts with red lettering. There is no evidence that store personnel or the UW police officer made any statements regarding race during the course of this matter.

Store personnel received a report from a patron and acted in accordance with policies and practices. Store personnel are instructed to call police when shoplifting is suspected, and that was done. Store personnel do sometimes ask patrons carrying bags to confirm that the patron has a receipt for all the material in the bag. It is a request to the patron to look, not a search by force.

In this matter, the motivation of the store employee for requesting to see items in the store bag was based on a report by a patron describing conduct of two males who were wearing white T-shirts with red lettering. In a very short period of time, it was determined that six males wearing white T-shirts were in the crowded store.

The UW police officer had very limited information upon arrival at the store. Upon arriving, she noted six males with white T-shirts and determined to understand the situation. Conducting the discussion with eight people in a conference room instead of at the entrance to a busy store on game day seems to be a reasonable choice.

When it was determined that no citation for any offense would be issued, there is an understandable expectation that the persons involved would simply be able to leave. However, when juveniles are contacted, UW police always make an effort to contact a parent or guardian. That takes time, and it is understandable that the persons involved found that to be frustrating. The UW police officer concluded her discussion by expressing hope that the students would come to UW to continue their education.

The time between the report by the patron to store personnel and the arrival of the UW police officer was a matter of minutes. The time between the arrival of the officer and the departure of the students and the chaperones was longer, but that was in large part due to the need to contact parents or guardians of juveniles. The officer's handling the matter was in accordance with normal practices and procedures.

There exists no evidence of racial profiling or discrimination.