

# Utah's former higher ed boss was accused of sexual misconduct. A two-year Tribune legal battle now reveals why.

**Dave Woolstenhulme resigned after initial findings concluded it was “more likely than not” he inappropriately touched a woman, a newly released document shows. He denies wrongdoing.**



(Trent Nelson | The Salt Lake Tribune) David Woolstenhulme, Utah's former commissioner of higher education, speaks at a news conference in this photo from Thursday, March 12, 2020. At the time of his abrupt resignation in fall 2023, he was under investigation for alleged sexual misconduct. The Salt Lake Tribune obtained a copy of the draft report detailing the allegations.

The woman told investigators she had known [Dave Woolstenhulme](#) for a long time and that they often greeted each other with a hug. But during a public event, she recalled, Utah's then-top higher education boss seemed different, maybe drunk — and their typical hug shifted into touching that made her uncomfortable.

She had walked up to Woolstenhulme to say “hello” at the event hosted by [Utah State University](#). When they hugged, she said, he stayed in his chair and continued holding her as other people stood

nearby. His hand moved from her shoulder to her lower back before he stopped and rested it on her butt — “longer than anything she would have perceived as accidental,” according to investigators.

And then, she said, Woolstenhulme “tapped” her butt several times.

These details about [the sexual misconduct allegation Woolstenhulme faced](#) before he abruptly resigned as the state’s higher education commissioner in September 2023 come from an investigative document recently released to The Salt Lake Tribune after [a nearly two-year legal fight](#) for its disclosure.

In a major decision, a judge in May ruled in The Tribune’s favor, granting access to the findings. The newspaper’s attorney, Mike Judd, called it “a win for all Utahns that value transparency and public oversight.”

The report was released by [the Utah Board of Higher Education](#) late last week.

The court battle revealed that the board gave Woolstenhulme a copy of the initial findings in August 2023. Days after he reviewed the document, court filings confirm, [he stepped down from his post](#).

That was on Sept. 11, 2023, three days before he needed to let investigators know whether he wanted any other evidence to be considered before they finalized their findings. He never did. And so the file stayed marked as “draft.”

The Utah Board of Higher Education [tried to use that to deny access to the findings](#) that outside investigators — paid for by state taxpayer funds — made.

The report The Tribune has now obtained shows they determined it was “more likely than not” that Woolstenhulme inappropriately touched the woman “in a sexualized manner.” A direct witness corroborated her allegation, according to the document, and several others at USU also submitted reports saying they either saw or heard about the interaction. A handful more said they noticed the commissioner seemed intoxicated at the event, the report states.

[Woolstenhulme has denied](#) any wrongdoing.

The Utah Board of Higher Education [accepted his resignation](#) on Sept. 13, 2023, in a hastily called meeting that was announced 29 minutes before it started. With that, it preemptively agreed with Woolstenhulme to also kill the investigation before it could be formally completed, according to court documents filed by the board.



(Leah Hogsten | The Salt Lake Tribune) Dave Woolstenhulme, middle, is seen in this photo at the Utah Capitol on Monday, June 5, 2023.

The board has pointed to a largely unpublicized policy that says it “may dismiss” a complaint involving someone who is no longer an employee. And because the report regarding Woolstenhulme was never officially finished, the board argued that under Utah law the “draft” findings didn’t have to be released.

Bradley Blackham, an attorney representing the Utah Board of Higher Education, disclosed during a court hearing in May that before Woolstenhulme stepped down, he “reached out and asked, ‘What would happen if I resign?’”

That’s why they agreed on the resolution, Blackham said.

In a comment last week, the board maintained that it was against releasing the document, calling it a “preliminary, incomplete” report.

“While we are complying with the ruling to release the report,” the board’s statement said, “we remain confident that our process was consistent with federal regulations, including Title IX, and reflects our commitment to a fair, thorough and respectful approach to handling complaints.”

The Tribune has argued the public has a right to know what the commissioner was accused of, how the board responded and why the investigation was shut down.



“The public needs to know there is a policy that if you resign the investigation will be closed,” said Judd, the attorney representing the newspaper, during the court hearing. “Who knows when and how often that has been done before this?”

## What the report says

The report concludes that the alleged conduct by Woolstenhulme was “sufficiently severe” as to constitute sexual harassment, nonconsensual sexual conduct and fondling under both [the Utah System of Higher Education](#)’s policy definitions and Utah State University’s.

It also says there was a clear “power dynamic” at play because of Woolstenhulme’s rank, which contributed to the woman, who worked at the university, feeling “a loss of power” in the situation.

An additional concern, investigators noted, was that the commissioner “had a high likelihood of continued interaction with members of USU’s community” and “known potential to influence leadership decisions” at the school, which made the woman vulnerable and scared to report.

The allegations were originally reported in March 2023. The report doesn’t state when exactly the USU event occurred or specify what it was, but it noted it had enough people in attendance to be considered a “publicly-viewed setting” for the alleged harassment.

The first person to file a complaint about Woolstenhulme’s alleged “unwelcome touching” was a co-worker whom the woman had confided in, according to the investigation. He was [a mandatory reporter](#), meaning he was required to notify the school of her allegations.



(Rick Egan|The Salt Lake Tribune) Utah State University on Thursday, Aug. 1, 2024.

Because Woolstenhulme was commissioner — making him an employee of the overarching statewide Utah System of Higher Education and not USU — the outside firm [Husch Blackwell](#) was hired to

conduct an independent review; the agency has investigated several misconduct cases at Utah's universities and colleges, [including one involving USU's former football coach](#).

The seven-page draft report that the firm compiled about Woolstenhulme was provided to The Tribune with redactions to protect the name and identity of the woman who experienced the alleged harassment, as well as the witnesses who spoke to investigators.

The Utah Board of Higher Education had contended that releasing the draft report might scare away others from coming forward with similar complaints.

A spokesperson for the board said: "Our top priority is to always protect the privacy of the courageous individuals who step forward, especially when it is deeply personal, such as in cases of sexual misconduct."

The judge ruled that redactions would sufficiently safeguard those involved in this case from being publicly identifiable.

The Tribune has previously spoken with two women who had concerns over how Woolstenhulme treated them; both said they were afraid to speak for fear of retribution but supported the news organization pushing for records in the case.

During the court hearing in May, the attorney for the Utah Board of Higher Education also confirmed there were allegedly "two victims." The exact number hadn't been provided before; the report, though, largely focuses on the encounter at the event.

The Tribune previously received and reported last year on a document from USU that [confirmed for the first time that Woolstenhulme had been under investigation](#) for sexual misconduct when he stepped down, but it didn't include any details about the allegations, only listing that multiple "employees" were affected.

## The woman's account

Investigators started with the co-worker's report. But as they looked into it — speaking to him, the woman and several witnesses — more people came forward to share additional concerns, the document indicates.

The woman told investigators she initially didn't want to do anything about the alleged misconduct. The document states that was only the case "until she learned" — at which point the next paragraph is redacted. It's not clear what led her to feel differently about moving forward with a formal complaint.

When she first arrived at the event, she told investigators, a few people told her that Woolstenhulme had been "drunk and handsy" at an earlier party.

She later saw Woolstenhulme across the room and left her seat to greet him. That's when, she said, he touched and patted her butt "in a manner that confirmed for her it was intentional," according to the report. She said it made her feel uncomfortable. The commissioner appeared "visibly intoxicated," she told investigators.

The woman said she could see a colleague several rows away who appeared to have witnessed the alleged touching. Shortly after, she walked over to talk to her.

That colleague told investigators that she saw the commissioner's hand go up and down the woman's body, "down her leg, past her buttocks and back up to her back, and that he repeated that at least one

other time while the two of them were talking.”

The colleague remembered asking the woman afterward, “What the hell was that?” The woman, according to the colleague, responded that she had long been friends with Woolstenhulme but never experienced anything like that with him before.

After the event, the woman also confided in the co-worker who ultimately reported it. He said the woman told him she was “feeling intimidated and disappointed” following the encounter.

He also said he personally witnessed Woolstenhulme at a bar at another point the same day of the event engaging “in flirtatious behavior toward women.”

The co-worker recounted that his wife also seemed to attract the gaze of Woolstenhulme, who allegedly looked her “up and down.” The co-worker said he and his wife found it strange enough that they spoke together about it afterward.

The accounts of Woolstenhulme’s alleged behavior from several individuals, the investigators said, were “consistent” and gave “credibility about whether the physical conduct occurred.” They concluded that it “occurred for purposes of gratification” and “definitely” without the woman’s consent.

The report mentions that other witnesses also came forward, but it doesn’t detail their perspectives.

## **Woolstenhulme’s response**

Like the Utah Board of Higher Education, Woolstenhulme feels the report shouldn’t have been released because it was a draft — and because he never provided investigators a formal response to the findings.

“The report was an un-finalized draft to which I never responded, nor were my witnesses interviewed because of my resignation,” Woolstenhulme told The Tribune in a phone call last week, reading a statement he had prepared.

But the commissioner had communicated with investigators once in writing on May 26, 2023, and then in an interview on July 28, 2023, the document notes.

The report says that Woolstenhulme told investigators he “lacks any memory” of seeing the woman at the event, but concluded, based on her position at USU, that it was likely she attended.

He also said he couldn’t remember if he gave the woman a hug that day specifically, but that “she has given me and my wife hugs many times over the years at various events.”

He continued in his written statement that is included in the investigative report: “I am very cautious to only give ‘friendly’ side hugs. I vigorously disagree with the potential for misconduct of any type.”



(Francisco Kjolseth | The Salt Lake Tribune) Dave Woolstenhulme, then Utah's technical college leader, gathers with other education leaders following the announcement of a partnership with IT companies and education to create a pathway program to fill workforce needs in the state's tech industry in 2017.

Woolstenhulme told The Tribune the alleged incident occurred in spring 2022, nearly a year before it was reported. The redacted report released to The Tribune doesn't specify a date.

He told investigators he attended the USU event not in his official capacity as commissioner. He had previously worked at USU — and after President Noelle [Cockett announced in September 2022 that she would be stepping down](#), he applied to lead the school.

He was [not among the finalists for that position](#), later filled by Elizabeth “Betsy” Cantwell and [now vacant again since her departure](#).

Woolstenhulme also said he was never intoxicated that day, “stating he had a couple of beers at most.” That did not affect his memory, he added.

“While confirming he lacked memory of interacting” with the woman, investigators wrote, “he said it was possible he put his hand on her shoulder and could have moved down her back but would never have put his hand on her buttocks in any way. He also said he would not have put his hand on her legs at all, as these are actions in which he would never engage.”

Woolstenhulme told The Tribune last week that he served the Utah System of Higher Education “with honesty and respect.”

“I fully cooperated with the investigation and strongly denied and still deny unfounded allegations,” he said. “My resignation was based on personal matters and a lack of confidence in the system.”

Investigators say, based on the information Woolstenhulme provided in his statement and interview, the commissioner provided “vigorous disagreement” with the potential for misconduct — but not “an outright denial that he engaged in the physical conduct.”

They said that left the woman’s statements about what happened “to some extent unchallenged.” That contributed to their conclusion that it was “more likely than not” the alleged conduct occurred.

Woolstenhulme said in his comments last week he disagrees with how the investigation was conducted and he resigned, in part, due to that after seeing the initial findings.

According to court filings, those findings were never provided to other parties in the case. That appears to violate USHE policy, which states that complainants and witnesses must be treated equitably to respondents. In a statement Tuesday, USHE spokesperson Trisha Dugovic said the alleged victim in this case didn’t receive a copy because she was “not a formal party to the case.”

“A person alleging sexual misconduct may choose whether or not to participate in a Title IX case and, in this case, the USU employee offered to share information but did not wish to participate as a formal party by filing a formal complaint of initiating a grievance,” the statement read.

The copy Woolstenhulme received also appears to have been unredacted, despite a part of USHE policy that states the identity of alleged victims must be kept private.

Court filings didn’t specify whether it was redacted, but Dugovic said in a statement Tuesday that USHE policy also provides that a person accused “shall be afforded a full opportunity to respond to the allegations.”

“A redacted report would not allow for that,” the statement read.

The former commissioner additionally sent an email to USU alumni and donors on June 24 — ahead of the document’s release — that was signed by him and his wife, Karen. A copy of that email was shared with The Tribune.

In that message, the couple said they “wanted to reach out to share some context about a situation that may appear in The Salt Lake Tribune regarding a false sexual misconduct allegation.”

Addressing “friends and family,” Woolstenhulme added: “While I can’t control what others may choose to believe or say, I want those who know me to understand that I stand by my record, my values and the truth.

Woolstenhulme noted the accusation was reported while he was a candidate to lead USU. Because of that, he questioned the timing of it and “the legitimacy of the individual” who alleged the misconduct (though she didn’t file the original complaint).

“As it was, this person and a small group of people did not want me to be president of USU,” he believes.

Woolstenhulme continued by noting that he saw the draft report of the findings, but it was “not finalized with my response or a response from the eight people, including my son, who spent the entire day with me. Despite this, the draft report is now being circulated as if it were conclusive.”

It was Woolstenhulme’s choice, though, not to move forward and provide any additional response to the findings. He acknowledged that in the email.



“I resigned from my position as commissioner of higher education before the investigator interviewed my witnesses because I lost confidence in how the situation was being handled at many levels,” he wrote. “Karen and I also decided we needed more time for us; a stressful, time-consuming position was not a good fit.”

When he [left his post in September 2023](#), he had said he planned “to pursue other opportunities that have become available.” [His LinkedIn page](#) says he is now a self-employed educational consultant.

In his role as commissioner, Woolstenhulme held the highest ranking position in higher education in the state. His 2022 salary was \$389,000, according to [Utah’s government salary transparency website](#).

He oversaw hundreds of thousands of students and employees across eight public colleges and universities and eight technical colleges. He held the position for four years, starting in 2019 as the interim commissioner before formally taking over the post a year later.

Before that, he led Utah’s technical colleges from 2016 to 2018.

The investigative report on Woolstenhulme ends with a section labeled “other reports of sex-based mistreatment.”

There, investigators noted that “contained within the series of reporting forms” submitted to USU, there were two additional but secondhand complaints from April 2023 about the commissioner. One alleged sexual harassment and named an alleged victim. The other named another person who was “aware of another incident in which Mr. Woolstenhulme may have engaged in sexual misconduct or bullying.”

The report says investigators interviewed four witnesses, including the people who reportedly had knowledge of the issues. But each person said they did not know about further misconduct by Woolstenhulme. Those were dismissed.

## What does it mean if the document is a draft?

A Tribune reporter had originally requested the investigative findings nearly two years ago, on Aug. 30, 2023.

The Utah Board of Higher Education declined to provide any documents at the time. The newspaper challenged that at [the Utah State Records Committee](#) and won a decision there in March 2024, [with the committee ruling that public interest favored disclosure](#).

Trying to keep the report secret, the board appealed that in district court and [filed a lawsuit against the reporter](#). The findings, the board said in that filing, were the “product of an incomplete grievance process” that shouldn’t be released.

In the lawsuit, the board detailed the process it follows when complaints are made: It hires an outside investigator, who writes a draft investigative report. Before a final report is issued, everyone involved must be given the draft findings and have an opportunity to submit any additional evidence.

Then, when a final report is issued, there’s supposed to be a closed-door hearing where a three-member committee makes a final decision on whether any policies were violated and whether to order sanctions.

In Woolstenhulme’s case, that didn’t play out because of his resignation — and the board agreeing to end the investigation.

“This is far from the final word as to whether there was misconduct found here,” argued Blackham, the board’s attorney, before a judge in May. “We’ve got a half-baked pie.”

The top of the document is labeled, “DRAFT INVESTIGATION REPORT,” he added, and drafts are typically supposed to be protected under state records law, he said.

Third District Judge Robert Faust, though, disagreed and said during the May hearing that he “didn’t pick up on any of that when I read it,” referring to a copy of the report provided to him that he said didn’t clearly appear to be a draft.

Judd, the Tribune’s attorney, added Woolstenhulme had the chance to further respond and didn’t.



Michael Judd

He also argued that sharing the document with Woolstenhulme meant it stopped becoming a draft. The board’s own policy says findings should only be shared at “the conclusion of the investigation.”

Without releasing the document, Judd said, the public had no other way to learn of the information and no opportunity to hold the board accountable for its response.

## A judge's ruling

In recent years, there has been [significant tension over Utah's public records laws](#).

The state Legislature has pushed [to tighten restrictions, specifically with the calendars of public officials](#). That came after a lengthy legal battle led by KSL and [The Tribune](#) after the news organizations requested a log of [the daily activities of Sean Reyes, Utah's previous attorney general](#).

State lawmakers also [disbanded the Utah State Records Committee this year](#), citing disappointment with cases where the committee has granted access to records. That included the [The Tribune's win in the Woolstenhulme case](#).

In that decision, the committee noted that there are [a handful of provisions under state law where draft reports are supposed to be released](#), including when they are relied on to make a decision — such as the board calling a meeting to accept Woolstenhulme's resignation.

The committee also had the power to decide in a “balancing test” if public interest outweighed the government's interest in keeping the records private, which they said applied to the report.

Now, though, a single government records officer — [appointed by the governor](#) — will be responsible for deciding disputes over public records access in the state.

In his ruling, Faust followed the records committee in applying that “balancing test” to determine the records should be provided.

[Judge's order on Tribune case](#) by [Courtney](#) on Scribd

“The court having received and reviewed the requested information finds that in light of the facts of this case, that this is the only record and no ‘official’ report called ‘final’ exists, applying the appropriate balancing test under GRAMA, the draft report should be released,” he wrote in his decision, referring by acronym to Utah's Government Records Access and Management Act.

The ruling is a important win for transparency, said Judd.

“The public should, of course, have access to records documenting an investigation into allegations of misconduct by a prominent government official,” he said. “... That remains true even if access strikes the individual or institution being investigated as an uncomfortable and unwanted intrusion.”

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