



**Response to the UC Davis Academic Senate's
Executive Council Request for an Action Plan**

January 18, 2013

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Executive Summary: *Draft Action Plan*

The attached was prepared in response to the UC Davis Academic Senate's Executive Council request for a detailed action plan and continuing updates.

This report marks the third detailed response submitted to the Academic Senate and it continues to document progress on a number of important fronts.

Recent achievements include:

- Adoption of the UC Davis Emergency Operations plan and the Event & Crisis Management Team guide that outlines roles and responsibilities in the event of an emergency for specific campus positions and offices.
- Ongoing training in emergency service response and planning protocols for campus administrators and participating faculty and student representatives.
- Creation and implementation of a highly successful “secure facilities” program that operates seven days a week and utilizes students under the auspices of the Aggie Host program, to perform security checks of campus buildings to ensure that they are locked and secure at night.
- A record number of student participants in the campus police academy (more than 40) and the success of the newly formed UC Davis Police Volunteers in Police Service Cadet Program.
- Office of Student Judicial Affairs staff participation in a UCOP-sponsored training in restorative justice, and the designation within Student Judicial Affairs of a campus restorative justice facilitator. Restorative justice involves repairing the harm caused or revealed by criminal behavior through a process that includes all stakeholders.
- Launch of a nationwide search for a campus ombuds to provide confidential and independent conflict resolution services to faculty and staff.
- Creation within the Center for Student Involvement (CSI) of a Student Expression and Activity Coordinator, specifically to assist students in engagement, dialogue, assistance with student conflicts and protest activity.
- Planning within the campus engagement team – formed to interact with demonstration leaders and administration officials – of a tabletop exercise to test readiness and protocols.
- Assignment of two police community representatives to interact with students and faculty on a daily basis and the training and assignment of more than 20 campus officers in bike patrol techniques to ensure improved police visibility and contact with the public.
- Ongoing vitality and participation of the Campus Community Council in advising campus administration on a broad range of topics and issues.

- Creation, by the chancellor, of the Post-Incident Reform Committee to evaluate ongoing progress related to the recommendations made in the wake of the November 18th event. The chancellor has requested a final report by June 30, 2013.
- A nationally known expert on police review commissions is currently being scheduled for another campus visit in late January to further discuss potential police review models, and for additional visits later in the spring to meet with the campus community and receive feedback.
- The UC Davis Police Department strives to provide law enforcement to the campus community with due regard to the racial and cultural diversity on campus. It is the policy and practice of the department to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group because of race, ethnicity or nationality, religion, gender, sexual orientation or disability. With the department's desire to be as transparent as possible, a program has been established to collect data relating to vehicle stop statistics that will be posted on the department website. The data collected will be limited to gender, race, age, and whether a citation or a warning was issued. Data acquired in the course of vehicle stops will only be used for statistical purposes and will not contain the identity of any persons stopped by UC Davis police.
- The police chief has been working closely with representatives of the American Civil Liberties Union to review informational materials that police will use to advise demonstrators of their rights.
- An updated Principles of Community on-line orientation for faculty and staff is complete and will be available starting Feb. 1, 2013. Principles of Community on-line orientation for incoming freshmen and transfer students is in development, with an expected fall 2013 delivery.

In spring, a number of forums and workshops will be scheduled. Several will be focused on the possible creation of a police oversight commission or body and will be designed to elicit campus input and reaction to this concept. Still others will solicit input on how the campus community can be strengthened, and another initiative will explore how to improve the campus community's ability to engage in difficult and challenging conversations.

Section I:

Academic Senate Recommendations

In April 2012, the UC Davis Academic Senate's Executive Council Special Committee on the November 18 Incident issued a "Special Committee Report." The Executive Council endorsed seven recommendations contained in the special committee's report, most of which were based on or used as a point of departure from the Reynoso-Kroll report. On May 2, 2012, the UC Davis Academic Senate's Executive Council endorsed a number of recommendations in response to the events of Nov. 18, 2011, and requested that Chancellor Linda P.B. Katehi provide a detailed written action plan by June 1, 2012, and follow-up progress reports by Oct. 1, 2012, and Jan. 18, 2013.

This report is intended to comply with the January 18 deadline.

As has been previously noted, UC Davis established a campus team to synthesize, review, analyze and implement the action plan.

These efforts incorporate additional aspects of the UC system's final report prepared by UC Berkeley Law Dean Edley and UC General Counsel Robinson, "Response to Protests on UC Campuses" (currently in draft form), which addresses systemwide issues associated with policing and civil disobedience. Recommendations from the UC Davis Graduate Student Association are being addressed as well.

Campus administration has directed that each of the recommendations from the UC Davis Academic Senate and the Reynoso-Kroll report be divided into four specific categories for the purposes of analysis, organization and implementation. These include:

- Administrative Leadership and Decision Making
- Protest Policies and Engagement
- Community Engagement
- Police Operations

I.1 Academic Senate Recommendation AS-1: Benchmarks and Metrics

The Academic Senate recommended that quarterly reports be submitted to an oversight committee constituted by the Executive Council. These reports are intended to chart progress in responding to each recommendation.

UC Davis Action:

Regular reports documenting progress on recommendations have been filed with the Academic Senate on schedule.

Category: Administrative Leadership and Decision Making

Academic Senate Benchmark: Initial reports filed.

I.2 Academic Senate Recommendation AS-2: Freedom of Expression Group

The committee endorsed a Reynoso-Kroll report recommendation calling for the campus to develop a broadly accepted agreement on rules and policies that regulate campus protests and instances of civil disobedience (Reynoso, 26). The committee specifically called for the “formal constitution of a Freedom of Expression Group”.

UC Davis and Academic Senate Action:

AS-2: The UC Davis Academic Senate proposed convening this group and has done so. Campus administration fully concurred with this decision. The group has been actively engaged in review of, and developing proposed revisions to, existing campus policies concerning free speech and response to conduct that exceeds free speech protections. Representatives of the campus administration have provided the group with related policies at the other UC campuses as well as a sampling of comparable universities throughout the country and have, at the request of the group, met with the group to provide further background on existing interpretations of the policy and past practices. The group will issue its report to the Executive Committee of the Academic Senate for review.

Category: Protest Policies and Engagement

Academic Senate Benchmark: The initial report is due to the Academic Senate on Jan. 31, 2013.

I.3 Academic Senate Recommendation AS-3: Decision Making

The senate recommended a specific definition of “consultation” that recognizes the need for dissenting opinions to be offered without fear of retaliation and to be heard without prejudgment. In particular, the senate described meaningful consultation as requiring that decision makers “reserve judgment, consider all options, and state clearly the reasons for their ultimate decisions.”

UC Davis Action:

AS-3: In addition to National Incident Management System/Standardized Emergency Management Systems (NIMS/SEMS) level training that requires broad participation and active consideration of input, options and decision making, the campus is now sponsoring a series of three pilot workshops called “Crucial Conversations” to increase the administration’s and campus’s capacity for supporting preventive, proactive and cooperative problem solving. The workshops are being scheduled for the spring.

Category: Administrative Leadership and Decision Making.

Academic Senate benchmark: Initial work complete and ongoing training is in progress. The next tabletop exercise on emergency response training is scheduled for Jan. 17, 2013.

I.4 Academic Senate Recommendation AS-4: Leadership

In reference to the “Leadership Team” described in the Reynoso-Kroll report that evaluated administration responses to protest activity during the week of Nov. 14, 2011, the senate agreed with the following Kroll finding: “The creation of the Leadership Team, an inter-disciplinary team to address developing campus issues and potential crises, was an excellent idea, but the Leadership Team must include a clearly defined structure and set of operating rules.” (Kroll Report, page 127).

The senate recommends that such a team include representatives from administration, Academic Senate, Academic Federation, staff and students, and that these representatives should be selected by their respective groups.

UC Davis Action:

AS-4: In response, the Davis Campus Emergency Operations Plan has been updated to ensure full compliance with the National Incident Management System/Standardized Emergency Management System (NIMS/SEMS), as well as standardized procedures for planning, managing, communicating and collaborating to manage any size event or incident.

In addition, the campus Event and Crisis Management Team (ECMT) has been created with a broad-based membership and specific designation of roles to comply with this recommendation.

Category: Administrative Leadership and Decision Making and Police Operations

Academic Senate benchmark: Complete.

I.5 Academic Senate (AS) Recommendation AS-5: Communication

The senate committee endorsed the creation of a set of procedural guidelines to provide a framework for ensuring that all parties possess a common understanding of commands and other communications.

UC Davis Action:

AS-5: The National Incident Management System/Standardized Emergency Management System (NIMS/SEMS) provides a common and uniform vernacular and decision-making process for all situations. It enables campus administrators to respond more efficiently and effectively. NIMS/SEMS training has been completed and a schedule for periodic practice exercises has been established.

Category: Administrative Leadership and Decision Making

Academic Senate benchmark: Completed. Practice is ongoing.

I.6 Academic Senate (AS) Recommendation AS-6: Police and Emergency Management Board

The senate recommended the following:

- Creation of a police and emergency management review board specific to the Davis campus.
- Whenever possible and appropriate, alternatives to police force should be used, such as Student Judicial Affairs.
- Establishment of a clear structure that defines and delineates the limits of civilian and police authority.

UC Davis Action:

AS-6: The campus secured a nationally recognized expert on police accountability. The expert is scheduled to return to campus in late January and will hold public forums in the spring to gather input on the formation of a police and emergency management review board.

In addition, the Office of Student Judicial Affairs (SJA) has sent staff to a workshop hosted by UCOP on “Restorative Justice.” A staff member within Student Judicial Affairs has also now been designated the “Campus Restorative Justice Facilitator.”

Category: Administrative Leadership and Decision Making

Academic Senate benchmark: Campus discussion of a police review board will take place in the spring. An updated Emergency Operations Plan and Event & Crisis Management Team Guide characterized by an emphasis on transparency, effectiveness and accessibility consistent with (NIMS/SEMS) were adopted on Oct. 28, 2012.

I.7 Academic Senate (AS) Recommendation AS-7: Organizational and Administrative Structures

The senate committee noted its perception of campus unrest as occurring within a wider context. It also called upon the administration to initiate a healing process and to establish patterns of behavior consistent with the campus’s Principles of Community (<http://occr.ucdavis.edu/poc/>). The committee recommended that the administration engage in a form of open dialogue with the campus community consistent with its aforementioned principle of consultation. It also noted that the Academic Senate and Academic Federation faculty have a key role to play in providing guidance and alternative perspectives in the healing process.

UC Davis Action:

AS-7: Campus administration has formed the Campus Community Council to develop an action plan for deliberation and discussion. The Council has held several meetings to discuss pertinent campus issues.

The campus is currently planning a number of “Strengthening Campus Community” forums for the spring designed to elicit feedback on specific policy changes and other related issues. The goal of these forums is to enhance community and further the campus healing process.

Student organizations participate in the annual Principles of Community Awareness events.

Category: Community Engagement

Academic Senate benchmark: Campus Community Council is formed and active. Forums are scheduled for the spring.

Section II

Summary of Reynoso Report Recommendations

Expectations: Implement recommendations through a consultative process with campus community stakeholders. Develop interim actions until all stakeholder groups are consulted. Pursue recommendations vigorously and evaluate as to effectiveness and intended objective.

II.1 Reynoso Recommendation A-1: Agreement on policies regulating protests and civil disobedience

The Reynoso Task Force recommends that the campus develop a broadly accepted agreement on rules and policies that regulate campus protests and instances of civil disobedience. This broadly accepted agreement should be grounded in our campus culture and regularly communicated to students. These rules and policies should be subject to regular review and:

- Be consistent with free speech doctrine;
- Recognize importance of debate to institutional function and identity;
- Respect rights and interests of non-protesting students, faculty and staff;
- Respect needs of the university to operate without undue interference;
- Recognize that purpose of protest is to inform and persuade, not to coerce;
- Define "non-violent" vs. "active resistance" and "violent" protests and clarify use of force;
- Communicate legal basis for university's response; and
- Identify consequences for breaches of rules and policies.

UC Davis Action:

A-1: As previously noted, the Academic Senate assumed initial leadership on this item and formed a "Freedom of Expression" Committee which has met and will submit a report to the Academic Senate's Executive Committee.

Category: Protest Policies and Engagement

II.2 Reynoso Recommendation A-2: Improve communication between leadership and campus

The Reynoso Task Force recommends that the campus Leadership Team engage in (1) proactive communication and consultation with the Academic Senate, Academic Federation, Staff Assembly, Graduate Student Association, Associated Students of UC Davis and student governments of professional schools to build relationships and identify issues early; (2) invest in prevention through engagement in community dialogue and community building; and (3) develop a structure for campus constituents to raise issues (such as holding regular office hours).

UC Davis Action:

A-2: A Campus Community Council has been formed with broad student, academic, staff, emeriti, alumni, community and administrative representation. The Council now operates as a key venue for communication between leadership and campus constituencies on strategic issues facing the campus and the campus community.

Category: Administrative Leadership and Decision Making

II.3 Reynoso Recommendation A-3: Develop standardized policies for managing campus events and incidents

The Reynoso Task Force recommends that campus leadership develop procedures and protocols compliant with the National Incident Management System/Standardized Emergency Management System (NIMS/SEMS) in order to achieve standardized procedures for planning, managing, communicating and collaborating to manage a large scale event or incident.

- Delineate engagement of administrative procedures vs. law enforcement; define thresholds for activation and leadership roles in an Incident Command System; rehearse emergency preparedness; familiarize Leadership Team with NIMS/SEMS.
- Designate senior administration official to manage all matters related to such incidents, including protocols and procedures for collecting and validating information.
- Establish procedures that delineate policy decision making from tactical implementation and train both administrators and police.

UC Davis Action:

A-3: The Davis Campus Emergency Operations Plan and Event & Management Team Guide has been updated and adopted (Oct. 28, 2012) to ensure full compliance with the National Incident Management System/Standardized Emergency Management System (NIMS/SEMS) and standardized procedures for planning, managing, communicating, and collaborating to manage any size event or incident.

In addition, on Jan. 30, 2013, campus police will host an activity organized by the federal Department of Homeland Security to practice protocols outlined in NIMS/SEMS training. All police supervisors and select members of the administration and campus community will participate. All police supervisors have now received advanced small group leadership training and a number of supervisors have attended critical incident training for management. All sworn personnel have also now attended a use of force workshop in the use of what is known as the CDT system, or Compliance, Direction and Take Down. This training includes the “soft hands” technique that addresses well-being and subject safety, a system that relies on a more effective use of force than previous methods. The UC Davis Police Department has also completed its final draft of police policy that includes a new “use of force” policy. This policy has been shared with many campus community members, including the Academic Senate and the ACLU.

Category: Administrative Leadership and Decision Making

II.4 Reynoso Recommendation A-4: Heal the campus and apply Principles of Community in a practical fashion

The Reynoso Task Force recommends that the Leadership Team devote itself to a healing process for the university community, including steps to operationalize the Principles of Community, and that the administration consider restorative justice – repairing the harm caused

or revealed by criminal behavior through a process that includes all stakeholders – among other tools to address behavior that negatively impacts the campus climate.

UC Davis Action:

- ***A-4:*** *Under the guidance of the Office of Campus Community Relations, campus leaders will carefully review the Principles of Community and develop concrete steps to make certain that these principles are the foundation for all future actions. As has been previously noted, an updated Principles of Community on-line orientation for faculty and staff is complete and available starting Feb. 1, 2013. Principles of Community on-line orientation for incoming freshman and transfer students is in development with expected delivery in fall 2013.*

In addition, the campus will also hold a number of “Strengthening Campus Community” forums in spring 2013 designed to elicit feedback on specific policy changes and other related issues. The goal of these forums is to enhance community and further the campus healing process.

Category: Community Engagement

II.5 Reynoso Recommendation B-1: Chancellor should employ outside assistance to review police department protocols and procedures

The Reynoso Task Force recommends that the chancellor employ outside assistance to review UC Davis Police Department protocols and procedures. Once the review is completed, specialized training should occur with all members of the Police Department to assure compliance with modern and contemporary practices for a campus-based police department.

UC Davis Action:

B-1: *Campus secured the assistance of the state Commission on Police Officer Standards and Training (POST) to conduct a top-to-bottom review of the UC Davis Police Department. This will include a review of all training and personnel background files for compliance and recommendations for improvement. When complete, these reviews will be made public.*

The review of training and background files, including specific detail as to how they relate to process, has been completed. The Police Department failed the initial audit. However, the errors have been corrected and signed off on by POST. The Police Department is now in compliance. The Police Department reorganized its structure, which was also reviewed by POST. POST has approved UC Davis Police supervisors to attend a three-day, POST-certified, team-building workshop that provides specialized consultant services to assist the management team of a local agency with problem solving, developing organizational goals and objectives, and team building.

Category: Police Operations

II.6 Reynoso Recommendation B-2: Police Chief should evaluate role of students in police functions

The Reynoso Task Force recommends that the police chief evaluate the appropriate role of student involvement in police functions, such as increasing the size and utilization of the Aggie Hosts. The focus should be on fostering a deeper sense of community.

UC Davis Action:

B-2: In response to this recommendation, more than 20 student positions were created – with the elimination of two officer positions – to fund a new student-run facility security program through the Aggie Host unit. These students work on campus seven nights a week, ensuring that campus facilities are properly locked and secured. The program has been in operation since June 2012 and has proven to be highly effective. Student participation in the Police Citizens Academy is at an all-time high, with more than 40 students taking part. The Aggie Host program currently employs more than 90 students.

At the direction of Provost and Executive Vice Chancellor Ralph J. Hexter, the police chief has asked the coordinator of the Volunteers in Police Service (VIPS) program to seek increased student involvement, with notable and promising results, by working directly with the Office of Student Affairs and other student groups on campus. There are now 14 student volunteers in this program. In addition, the police chief created a volunteer cadet program that focuses on providing UC Davis students who are interested in a career in law enforcement a pre-police academy experience. This program is open only to UC Davis seniors who are in good academic standing and expect to graduate no later than June 2013. At the end of the volunteer cadet program, three students will receive a sponsorship to a local regional academy and one of the three students will be hired as a UC Davis Police Department recruit. Upon successful completion of the police academy, the individual will be reclassified to the position of UC Davis Police Officer. The concept is simply to build relationships within the community and, whenever possible, to hire from within the community. This program has been so well received that class attendance reached capacity with a total of 21 UC Davis senior students attending. This program was marketed successfully by the outreach officers and will be managed by the same unit.

Category: Police Operations

II.7 Reynoso Recommendation B-3: UC Davis Police Department should strive to be a model of policing

The Reynoso Task Force recommends that the UC Davis Police Department should strive to be a model of policing for a university campus and ensure best practices are followed.

UC Davis Action:

B-3: UC Davis will strive to become a model for campus law enforcement and regain its position as a respected and trusted member of the community.

Recent progress toward achievement of this goal includes: numerous changes in community policing policy and practices including, for example, the assignment of two community relations positions and the ongoing training and deployment of more bicycle officers, the

police chief and students regularly schedule meetings, and officers are equipped with new body wear cameras.

Category: Police Operations

Timeline: Ongoing with annual assessment.

II.8 Reynoso Recommendation C-1: Adopt UC campus-specific policies regarding the UC Police Departments

The Reynoso Task Force recommends that the University of California study, evaluate and adopt policies involving the training, organization and the operation of UC Police Departments to ensure that they reflect the distinct needs of a university community and utilize best practices and policing adapted to the characteristics of university communities.

UC Davis Action:

C-1: Systemwide changes are still pending UC Office of the President review.

Category: Police Operations

Timeline: Pending.

Summary: Awaiting system review.

II.9 Reynoso Recommendation C-2: Create a systemwide inter-agency support system

The Reynoso Task Force recommends that the University of California adopt a systemwide policy for inter-agency support that requires responding agencies to respect the local campus's rules and procedures, including specifically those for the use of force.

UC Davis Action:

C-2: Systemwide changes are still pending UC Office of the President review.

Category: Police Operations

Timeline: Pending.

Summary: Awaiting system review.

II.10 Reynoso Recommendation C-3: UCOP should review Police Officers Bill of Rights

The Reynoso Task Force recommends that the UC Office of the President should review provisions of the Police Officers Bill of Rights that appear to limit independent public review of police conduct and make appropriate recommendations to the Legislature.

UC Davis Action:

C-3: *Systemwide changes are still pending UC Office of the President review.*

Category: Police Operations

Timeline: Pending.

Summary: Awaiting system review.

II.11 Reynoso Recommendation D-1: All members of the campus community adhere to the Principles of Community

D-1: Please refer to response A-4.

Category: Community Engagement

Timeline: TBD.

Section III

Kroll Report Recommendations

The Kroll report has identified recommendations for both the UC Davis administration and for systemwide policing throughout the University of California. On the civilian side, improved institutional decision-making processes and a coherent culture are critical. On the law enforcement side, the report also calls for systemwide improvements to police practices and procedures.

III.1 Kroll Recommendation 8.1: UC Davis Leadership Team

Establish a clearly defined structure and set of operating rules for the Leadership Team.

1. Develop a statement of membership and designate chair to guide meetings.
2. Schedule and communicate meeting times; identify if meetings are mandatory or can be attended by substitute.
3. Summarize decisions at conclusion and ensure decision makers have opportunity to state opinion.
4. Create “listserv” for team-wide communications.
5. Provide Leadership Team with tailored training in California Standardized Emergency Management, especially relating to public protest.
6. Review legal options including administrative violations and criminal violations.
7. (UC should) provide policy guidance on what is acceptable protest behavior and what is not.

UC Davis Action:

Kroll Recommendation 8.1: Recommendations 1 – 6 have been met. The remaining recommendation (7) pertains to the UC system and not exclusively to UC Davis. The UC system is still considering policy adoption.

Category: Police Operations and Administrative Leadership and Decision Making

III.2 Kroll Recommendation 8.2: Systemwide Policing at the University of California

1. Institute policing changes systemwide, and not just at UC Davis.
2. Transition from 10 police departments to a unified, standardized police force.
3. Create position of chief safety administrator with functional authority over 10 police chiefs and authority to audit core functions.
4. Create, implement, review and establish standardized “public safety” policies.
5. Develop an annual statewide training plan on critical policing issues/skills for the UC campus police.
6. UC policing apparatus should strive to be leader in constitutional policing of public protest.

UC Davis Action:

This set of recommendations applies to the UC system, which is still considering a myriad of potential policy changes to police operations as outlined in the Robinson/Edley report.

Category: Police Operations

III.3 Kroll Recommendation 8.3: Additional Recommendations for UC Policing

Conduct a review or gap analysis of UC system's approach to policing.

1. Provide standardized training involving 21st century crowd management strategies and develop supervisory and executive level crowd management training.
2. Provide Incident Command System training for Student Activities, Public Information, EH&S, Care and Shelter, Food Services, Financial, Office of Technology, Risk Management, Human Resources and Emergency Management personnel.
3. Ensure campus emergency personnel comply with state-mandated standards for Incident Command SEMS, especially for documentation.
4. Conduct and evaluate periodic Emergency Operations Center exercises with sworn and civilian personnel according to SEMS and NIMS standards.
5. Train all UC police officers in alternative force applications (passive arrest team tactics); include command approval authority for use of specialized munitions and OC (Oleoresin Capsicum, or pepper spray) dispersal methods.
6. Review UC Davis protocols for use of force reporting and investigation; include supervisory review of force reports with command and executive review; include threshold triggers to identify employees prone to multiple use of force applications and training and/or remediation.
7. Monitor UC progress in meeting above-stated objectives and report progress to the public regularly.

UC Davis Action:

Kroll Recommendation 8.3:

1. ***UC Davis Police have reviewed internal processes and procedures, and have participated in NIMS/SEMS trainings and documentation protocols.***
4. ***UC Davis protocols for use of force reporting and investigation are complete, including a three-year review of "use of force" statistics for both the Davis and Sacramento campuses.***

The remainder of the recommendations apply to UC systemwide reform efforts and will be considered in the context of the Robinson/Edley report.

Category: Police Operations