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UNIVERSITY OF CALIFORNIA

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

October 1, 2012
(REVISED)

Draft Action Plan:
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Executive Summary: *Draft Action Plan*

The UC Davis Academic Senate's Executive Council report of May 2, 2012, requested that the campus administration submit a detailed action plan by June 1, 2012, in response to the recommendations of the Executive Council Special Committee on the November 18th Incident. The council also asked the administration to issue a follow-up report by Oct. 1, 2012. With the submission of this report, the administration has honored both requests.

This updated plan reflects accomplishments to date. Progress has been particularly noteworthy and robust in two categories: Police Operations and Administrative Leadership and Decision Making. Progress in other areas will accelerate with resumption of the academic year. The Executive Council's recommendations, and the administration's response, have been guided by recommendations contained in the Reynoso Task Force Report and Kroll Report (to be referenced as the Reynoso-Kroll report in this document). In addition, campus work teams have been monitoring and examining formal recommendations received from other sources, including those contained in the final report prepared by UC Berkeley law Dean Christopher Edley and UC General Counsel Charles Robinson, "Response to Protests on UC Campuses," released on Sept. 13, 2012, and the UC Davis Graduate Student Association.

As was mentioned in the initial action plan, responses to some recommendations require input from the broader campus community. Those recommendations will receive greater attention and focus now that the campus community has re-convened for the fall. It would not have been constructive nor consistent with academic tradition to press forward absent input, reflection and response from faculty and students. Consequently, a number of meetings, forums and discussions will be scheduled in the fall and next spring to enable interested parties to learn more about specific recommendations and to provide necessary input and reaction. The administration remains open to comment and criticism and will invite the participation of the entire campus community in these processes.

In the initial report to the Academic Senate, a number of actions were detailed that had already been undertaken. This report reflects additional actions that have been taken since the submission of the initial June 1, 2012, report. This report is then, cumulative, and reflects the span of activities, programmatic decisions, etc., that have been made to date.

Significant actions include:

- Creation and posting of an on-line matrix that enables viewers to track the origin of a recommendation, where that recommendation currently resides, who or what office is responsible for acting on the recommendation and the current status of the recommendation. http://demonstrationreviews.ucdavis.edu/combined-report-recommendations/index.html

- All members of the Council of Vice Chancellors (COVC) and the Event and Crisis Management Team (40 individuals in all) have completed the Federal Emergency Management Agency's Introduction to the Incident Command System, ICS-100, for Higher Education.

- The campus Event and Crisis Management Team participated in a tabletop exercise designed to review a scenario of a demonstration on campus, review the plans/impact of the demonstration with the team and have the team work through strategic guidance to develop a staff response to/or support of the demonstration. The team used a standard National Incident Management System and Standardized Emergency Management System (NIMS/SEMS) structure for the exercise.

- All UC Davis police officers completed a use of force training in September 2012: half of the officer completed the training on Sept. 21 and the other half completed the training on Sept. 26. Officers were taught an innovative approach to control and restraint called the CDT System – which stands for Compliance, Direction and Take Down.

  CDT is a "soft-handed" control/restraint system that is easy to learn, maintain and apply. The key to the CDT System is that it addresses personal well-being and subject safety while decreasing the liability factors of all concerned. By covering these three major aspects, CDT allows for safer control and less risk of potential liability factors. That alone makes it different than any other soft-handed system available today for the proper use of force.

- The Davis Campus Emergency Operations Plan has been updated to conform to NIMS/SIMS and includes standardized procedures for planning, managing, communicating and collaborating on event or incident management.

- The UC Davis Police Department, with the assistance of a risk management consultant, LEXIPOL, is in the process of updating its policies to be consistent with all federal and state laws and best practices.

  All policies will be shared online once the review is complete.

  - Three updated policies placed online in February 2012 included:
    - Use of force
    - Hate-based incidents
    - Authorized weapons and tools

- The Police Department and UC Davis students have developed an information card to distribute during demonstrations and protests prior to direct interaction with police, offering advice on what students should do and expect during such incidents. Student participation helped ensure that the information on the card was presented in the clearest possible manner.

- All Police Department operations plans now identify the difference between passive and active resistance and are specific as to the appropriate use of force in each category.

- All operations plans are required to be completed and reviewed by the provost or other designated campus executive prior to the Police Department implementing any plan.

- Free speech policies have been collected and reviewed from the Davis campus, as well as the nine other UC campuses and 24 other large public universities. In addition, more than 20 law review articles and other legal resources addressing free speech on university campuses have been compiled to provide references for review bodies.

Still other changes include:

- Regular postings on-line of documents related to the recommendations to ensure transparency, openness and availability of information to interested parties.

- A large number of changes in police procedures, policy and orientation to the campus community.

- Ongoing training and education for administrative leadership in incident response or event management and public safety protocol.

- Education in decision making, group facilitation, inclusiveness and designation of specific individuals with specific responsibilities in responding to a campus incident or event.

- Evolution of a campus perspective toward peaceful demonstrations that views such activities as normal campus events consistent with the exchange of viewpoints in an intellectual and academic environment that requires dialogue and relationship building.

- A welcome proposal from the Academic Senate to exercise leadership around campus discussions of free speech and free speech issues.

As we begin the fall quarter, we look forward to entering into a range of discussions with the Academic Senate and the student body that will provide additional insights and perspectives on engaging in productive campus dialogs on issues of importance to the campus community, including protest and demonstration activity conducted in a safe, collegial environment.

Section I:
Academic Senate Recommendations

In April 2012, the UC Davis Academic Senate's Executive Council Special Committee on the November 18th 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 November 18, 2011, and requested that Chancellor Katehi provide a detailed written action plan by June 1, 2012, and a progress report by Oct. 1, 2012.

This report is in response to that request for an action plan and is an update to the plan submitted to the UC Davis Academic Senate on June 1, 2012.

As previously noted, UC Davis has established a campus team to review, synthesize and analyze the formal recommendations it has received in response to the events of November 18, and to implement the action plan in response to the recommendations. The campus administration has played a lead role in the overall strategic direction of analysis and assignment of work related to recommendations submitted to date. The campus administration is also actively considering emerging policy directives, fostering the open circulation of such potential directives for public comment and input, and will guide implementation of adopted policies and directives.

These efforts will also now incorporate additional aspects of the UC system's final report prepared by Dean Edley and General Counsel Robinson, titled "Response to Protests on UC Campuses," which addresses systemwide issues associated with campus policing and civil disobedience. UC President Mark Yudof announced on Sept. 13, 2012, that he was calling on administrators throughout the UC system to undertake active consideration of the report's 49 recommendations. He also pointed out that some of the recommendations may be adapted for systemwide use, while others may be modified to fit individual campus cultures and still others may be deemed to be unworkable.

Recommendations from the UC Davis Graduate Student Association will be addressed as well.

The campus administration has divided all the recommendations from the UC Davis Academic Senate and the Reynoso-Kroll report 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*

To enhance accountability and responsiveness, the Academic Senate called for the establishment of benchmarks and metrics to measure progress on the administration's response to its recommendations and those from the Reynoso-Kroll report. The senate recommended that quarterly reports be submitted to an oversight committee constituted by the Executive Council that describes progress in meeting the goals of each recommendation.

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UC Davis Proposed Action

AS-1: The proposed action plan will include benchmarks and metrics to assess progress in response to each recommendation requiring campus action. The administration shares the interest of the senate in assuring appropriate accountability for implementing the recommendations consistent with the University of California principles of shared governance. (See Regents Standing Order 105.2).

The need to infuse the plan with sufficient opportunities for feedback, collaboration and input from various campus communities necessitates creation of a fall schedule for outreach with specified dates and times for individual hearings, forums and committee meetings.

This schedule will be complete by September 1. Additional metrics including work progress reports and times for completion will be in place by September 15. This should enable and facilitate the monitoring efforts of the Academic Senate's special committee.

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Category: Administrative Leadership and Decision Making

Academic Senate Benchmark: Benchmarks and metrics shall be established to measure progress on the administration's response to its recommendations and those from the Reynoso-Kroll reports. The senate also recommended submission of quarterly reports describing progress in meeting goals of each recommendation.

Action status: Benchmarks and metrics for assessing the administration's progress in responding to the Academic Senate's recommendations and those from the Reynoso-Kroll reports can be found in this report as well as online at http://demonstrationreviews.ucdavis.edu/combined-report-recommendations/index.html.

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

The special 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" to:

- Address the need for new policies and procedures that clearly define the appropriate time, place and manner of freedom of expression on campus.

- Create and implement guidelines that enable appropriate parties to recognize civil disobedience and student protest as specific categories of action, with reference to a Reynoso-Kroll report recommendation that university policy guidance distinguish between protest activity that becomes "serious enough to warrant police response and the application of the criminal law, instead of administrative sanctions and referral to internal campus enforcement mechanisms." (Kroll, 128).

- Address the need for student responsibility, by making clear to students the guidelines for protest activity protected by the First Amendment and the consequences when these guidelines are violated.

- "The group should be attentive to the needs that pertain to the special nature of a campus community. Freedom of expression in a campus community should go far beyond the protections of the First Amendment."

The Senate Executive Council approved this recommendation and plans to form that committee through senate action. In parallel to the Executive Council's decision, the campus administration, in response to a recommendation in the Reynoso-Kroll report, proposed the creation of a task force with broad representation of the various campus constituencies, including representatives of the following:

- UC Davis faculty members with expertise in specific policy areas.

- UC Davis staff members with experience addressing past campus protest activity and knowledge about the needs of campus constituencies.

- UC Davis undergraduate, graduate and professional students.

- External subject-matter experts as needed.

with the charge to:

- Collect and evaluate existing systemwide and campus policies and procedures concerning freedom of expression; time, place and manner regulations; protocols for response to protest activity, including legal bases for such response; and available remedies for conduct found in violation of university policies or the law.

- Collect and evaluate best practices from other universities.

- Develop recommendations for revised and/or new campus policies concerning the recommendations of the task force in a manner that is clearly articulated, regularly communicated, readily understood, easily accessible and capable of being consistently practiced.

- Provide robust opportunities for input from the campus community.

Initially, the administration proposed that the Academic Senate Executive Committee and the campus administration work together to create one task force/committee that represents a broad constituency and is charged with providing guidance for the adaptation of new campus policies and practices.

In the interim, the Academic Senate has offered to exercise leadership over this activity and has proposed the formation of a Freedom of Expression Group to independently undertake duties associated with clarifying and evaluating campus policies and procedures, identify best practices and solicit input from the campus community. The administration welcomed this proposal and asked that students be included and represented on the group, and that work proceed on a defined timeline to ensure completion of the task prior to the start of the spring quarter. The group will then develop recommendations and forward them to the administration for consideration.

Proposed Action

AS-2: The UC Davis Academic Senate formed a Freedom of Expression Special Committee to conduct an independent, scholarly review of freedom of expression at UC Davis. The review will likely include a review of existing policies, legal precedents, community discussions, etc. Creation of the Academic Senate Special Committee supersedes an earlier suggestion of an administration task force on the same subject.

The Senate's special committee is charged with generating a report by December 1, 2012 that outlines observations and recommendations for consideration by the Davis Division of the Academic Senate and by the campus administrative leadership. The Executive Council of the Academic Senate may vote to extend the term of this Special Committee.

Based upon the recommendations of the Senate's Special Committee, the campus administration will determine the need for development and implementation of new policies and/or procedures that define the appropriate time, place, and manner of freedom of expression on campus. These procedures could also include educating UC Davis students on the disciplinary consequences associated with violating the campus' free speech policies.

Category: Protest Policies and Engagement

Academic Senate Benchmark: This group should be established by fall 2012. Recommendations should be submitted to campus administration by Jan. 31, 2013.

Action status: Ongoing. In support of the planned efforts of the Senate's Freedom of Expression Group, the campus administration has collected and reviewed free speech policies and guidelines from the Davis campus, as well as the nine other UC campuses and 24 other large public universities. In addition, more than 20 law review articles and other legal resources addressing free speech on university campuses have been compiled to provide references for review bodies.

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."

Category: Administrative Leadership and Decision Making

Academic Senate Benchmark: These concerns should be addressed immediately.

Action status: Completed and ongoing. The Campus Community Council, established on April 6, 2011, will serve as the foundation for this effort. The council will hold a series of meetings throughout the fall and spring quarters to enhance and reinforce the campus's commitment to consultation as an active practice.

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.

Category: Administrative Leadership and Decision Making and Police Operations

Timeline: July 30, 2012

Summary: The Davis Campus Emergency Operations Plan is being updated with procedures and protocols to clearly delineate:

- Thresholds for activating the Emergency Operations Center (EOC) and leadership roles
- The role of the Event and Crisis Management Team
- Coordination and communication between field operations and policymakers

In addition, efforts are underway to increase familiarly with NIMS/SEMS procedures and protocols. For example:

- The campus emergency manager has provided an overview of NIMS/SEMS to policymakers.
- Campus leadership has already participated in one tabletop exercise and will participate in additional tabletops as well as a full-scale emergency exercise annually. The first tabletop exercise for campus leadership was successfully conducted on Sept. 14, 2012.

Response to Kroll Recommendation 8-1: UC Davis has developed and implemented an integrated, multi-level emergency management team with clear delineation of roles and responsibilities; arranged for executive-level police training; identified senior administrators to be present at major events or incidents where direct police involvement is contemplated; and begun a systematic weekly review by a policy-level team of emerging (potentially crisis) issues.

Category: Leadership and Administrative Decision Making and Police Operations

Timeline: Completed and ongoing.

Summary: Refer to A-3 for details on emergency management plans. In addition, the campus has initiated the following:

Systematic Policy Guidance: Under the direction of the provost and executive vice chancellor, a team of policy-level senior administrators – supported by other key university functions including Campus Counsel, Student Affairs and University Communications – meets weekly to discuss campus-level policies for issue and crisis management, assess their applicability to current issues and events and, after significant incidents, debrief to identify areas for improvement.

Incident Management: Leadership presence. Protocols have been established to ensure that designated campus officials – principally the provost and executive vice chancellor and the vice chancellor of student affairs or specific designees – are present at any events that have reached a point where direct police involvement might be contemplated.

Executive Education on Policing: Campus leaders are receiving executive-level training from the state Commission on Peace Officer Standards and Training (POST), specifically oriented to the challenges facing policy-level university administrators.

> *The chancellor is charged with the responsibility for the operation and administration of the campus, including campus safety and ensuring an environment conducive to achieving the university's mission. (Regents Standing Order 100.6) The administration's response to imminent potential crises requires the ability to be nimble and act on short notice, circumstances that are not always conducive to broad consultation with representatives of all campus constituencies before relevant decisions can be made in a timely manner. However, such broad consultation and input on these issues will be obtained in less urgent circumstances through the creation of the Freedom of Expression Group and Campus Community Council, described above, as well as existing forums.*

Category: Administrative Leadership and Decision Making

Academic Senate benchmark: This group should be established by fall 2012.

Action status: Completed and ongoing.

Formation of the Campus Community Council was announced on April 6, 2011. The Council has held meetings in May and in June, 2012.

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 Proposed Action*
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> *AS-5: The National Incident Management System/Standardized Emergency Management System (NIMS/SEMS) is designed to provide a common vernacular and decision-making process for all situations. It will enable campus administrators to respond more efficiently and effectively. NIMS/SEMS training is planned for the summer and a schedule for periodic practice exercises will be established.*

Update of AS-5 Actions:

- By Sept. 14, 2012, all members of the Council of Vice Chancellors (COVC) and the Event and Crisis Management Team (40 individuals in all) had completed the Federal Emergency Management Agency's Introduction to the Incident Command System, ICS-100, for Higher Education.

- On June 24, 2012, the COVC and the Event and Crisis Management Team members (40 individuals) completed a course in Event Management Training.

- Over the course of the summer of 2012, the campus's emergency manager provided a series of training modules designed to acquaint COVC and the Event and Crisis Management Team members with NIMS/SIMS vernacular and decision-making processes. These modules are on-going.

- The campus Event and Crisis Management Team participated in a tabletop exercise on Sept. 14, 2012. Twenty-five members of the Event and Crisis Management team participated. The exercise was designed to review a scenario of a demonstration on campus, review the plans/impact of the demonstration with the team and have the teamwork through strategic guidance to develop a staff response to/or support of the demonstration. Standard NIMS/SEMS structure was used for the exercise.

- A guide for the Event and Crisis Management team has been adopted that provides a framework for reviewing campuswide issues and documenting the decision-making process and decisions related to the response, and to ensure procedural guidelines are in place for a decision-making process and appropriate and effective communication to the campus community.

Category: Administrative Leadership and Decision Making

Action Status: Significant progress and ongoing training

Academic Senate Benchmark: Procedural guidelines for checking comprehension of the NIMS/SEMS structure, its decision making process, and communication processes under this model should be established by fall 2012. Complete.

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 Proposed Action

AS-6: The campus has secured a nationally recognized expert on police accountability and will schedule forums in the fall with campus groups to discuss what best practices exist for oversight of police departments and how best to review police actions, including the merits of a review board.

The review and revision of campus policies addressing free expression and consequences for engaging in conduct in violation of these policies will address the appropriate role of police and administrative responses to campus protest activity.

Category: Administrative Leadership and Decision Making

Academic Senate Benchmark: A review board should be established by fall 2012. An updated Emergency Plan (characterized by transparency, effectiveness and accessibility consistent with NIMS/SEMS) should be established as soon as possible.

Action Status: Ongoing. The UC Davis Police Department has contracted with a nationally recognized expert in the areas of accountability and police oversight to engage members of the campus community in a discussion of establishing a police commission or police auditor position. An on-campus meeting has been scheduled for Oct. 11, 2012. Additionally, the Office of Student Affairs is reviewing the campus' Student Judicial Affairs processes to determine if and how those processes can effectively be used as an appropriate and viable alternative to police intervention.

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 Proposed Action

AS-7: Campus administration has charged a Campus Community Council to develop an action plan for deliberation and discussion. The campus will hold a number of forums designed to elicit feedback on specific policy changes and other related issues throughout the fall. Forums and groups will be organized to promote dialogue and the search for common ground.

Category: Community Engagement

Academic Senate Benchmark: Open forums for dialogue and real communication and consultation with evidence of attendance and impact by fall 2012.

Action Status: Ongoing.

- The campus will schedule fall, winter and spring quarter campus community forums, developed in collaboration with the newly formed Campus Community Council.

- The Office of Campus Community Relations (OCCR), in collaboration with the UC Davis Police Department, has organized a Campus Community Orientation Program for newly hired UC Davis Police officers. The first program was provided on August 27.

- Associated Students of the University of California, Davis (ASUCD) and other student organizations will be encouraged to initiate, sponsor or collaborate on an annual event that is supportive of the UC Davis Principles of Community.

- Faculty and staff constituent groups will be encouraged to initiate, sponsor or collaborate with others annually on a campus community event or activity supportive of the UC Davis Principles of Community.

- The online Principles of Community Training Module for faculty and staff will be updated on a regular basis, and all employees will be strongly encouraged to complete the training by the end of 2012-13 academic year.

- A new online Principles of Community Orientation Module will be developed for students. And all new students (freshmen and transfers) will be encouraged to complete the online Principles of Community Module during their first enrolled quarter at UC Davis.

- All new student leaders will be required to complete the new online Principles of Community Modules for students as a part of their orientation for student leadership positions and responsibilities.

- The campus will develop a marketing and communications plan to inform the community about the UC Systemwide Hate and Bias Incident Reporting System.

- The Office of Student Affairs is exploring the use of the Restorative Justice Program as a tool to address differences among members of the campus community.

- The campus will develop educational materials (i.e. policies, resources, and informational brochures) and programmatic activities related to the issues of free speech and freedom of expression at UC Davis.

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 the 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 Proposed Action

A-1: Collaborate with the senate Executive Council to charge a campus task force to review and revise campus policies concerning protest activity, social justice and civil disobedience, consistent with campus culture and free-speech doctrine, and make recommendations as to their implementation. See AS-2 above.

Category: Protest Policies and Engagement

Timeline: Feb. 1, 2013

Summary: Members of the proposed task force will include representatives of the following:

- UC Davis faculty members with expertise in specific policy areas.
- UC Davis staff members with experience addressing past campus protest activity and knowledge about the needs of campus constituencies.
- UC Davis undergraduate, graduate and professional students.
- External subject-matter experts as needed.

Its charge:

- Collect and evaluate existing systemwide and campus policies and procedures concerning freedom of expression; time, place and manner regulations; protocols for response to protest activity, including legal bases for such response; and available remedies for conduct found in violation of university policies or the law.

- Collect and evaluate best practices from other universities.

- Develop recommendations for revised and/or new campus policies concerning the recommendations of the task force in a manner that is clearly articulated, regularly communicated, readily understood, easily accessible and capable of being consistently practiced.

- Provide robust opportunities for input from the campus community.

Category: Protest Policies and Engagement

Academic Senate Benchmark: This group should be established by fall 2012. Recommendations should be submitted to campus administration by Jan. 31, 2013.

Action status: Ongoing. In support of the planned efforts of the senate's Freedom of Expression Group, the campus administration has collected and reviewed free speech policies and guidelines from the Davis campus, as well as the nine other UC campuses and 24 other large public universities. In addition, more than 30 law review articles and other legal resources addressing free speech on university campuses have been compiled to provide references for review bodies.

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 Proposed Action

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

Summary: The council, along with the Office of Campus Community Relations, intends to proactively engage in community dialogue and community building. Steps under consideration include:

- Increasing the number of inclusive campus community programming activities, such as the Campus Community Book Project and Dialogues on Diversity professional development, and extending such initiatives to staff and students.

- Establishing a race and gender institute with a mission of encouraging faculty to engage in research at the intersections of race, gender, ethnicity and such public policy issues as access to affordable education, health care, diversity, economic development/disparities, internationalization of higher education and other related issues.

- Leverage faculty expertise to sponsor campus lectures or forums on current topics of importance, including free speech, freedom of expression and civil disobedience.

- Hold annual meetings between the chancellor and/or provost and administrative advisory committees — such as the Status of Women at Davis, the Staff Affirmative Action and Diversity Committee, the Disability Issues Advisory Committee, and the Campus Council on Community and Diversity.

- Encourage the administrative advisory committees to hold campus forums on topical issues, and engage in year-round efforts to help foster dialogue, discussion and recommendations for action in real time.

Category: Administrative Leadership and Decision Making

Action status: Completed and ongoing. The Campus Community Council, established on April 6, 2011, will serve as the foundation for this effort. The council will hold a series of meetings throughout the fall and spring quarters to enhance and reinforce the campus's commitment to consultation as an active practice.

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 making and decision making from tactical implementation, and train both administrators and police.

Summary: The Davis Campus Emergency Operations Plan is being updated with procedures and protocols to clearly delineate:

- Thresholds for activating the Emergency Operations Center (EOC) and leadership roles;
- The role of the Campus Emergency and Crisis Management Team;
- Coordination and communication between field operations and policymakers.

Category: Administrative Leadership and Decision Making

Timeline: July 30, 2012

Action Status: Complete and ongoing.

- By Sept. 14, 2012, all members of the Council of Vice Chancellors (COVC) and the Event and Crisis Management Team (40 individuals in all) had completed the Federal Emergency Management Agency's Introduction to the Incident Command System, ICS-100, for Higher Education.

- On June 24, 2012, the COVC and the Event and Crisis Management Team members (40 individuals) completed a course in Event Management Training.

- Over the course of the summer of 2012, the campus emergency manager provided a series of training modules designed to acquaint COVC and the Event and Crisis Management Team members with NIMS/SIMS vernacular and decision-making processes. These modules are on-going.

- The campus Event and Crisis Management Team participated in a tabletop exercise on Sept. 14, 2012. Twenty-five members of the Event and Crisis Management team participated. The exercise was designed to review a scenario of a demonstration on campus, review the plans/impact of the demonstration with the team and have the teamwork through strategic guidance to develop a staff response to/or support of the demonstration. Standard NIMS/SEMS structure was used for the exercise.

- A guide for the Event and Crisis Management team has been adopted that provides a framework for reviewing campuswide issues and documenting the decision-making process and decisions related to the response, and to ensure procedural guidelines are in place for a decision-making process and appropriate and effective communication to the campus community.

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 Proposed 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.

Category: Community Engagement

Timeline: TBD

Action status: Ongoing

- The campus will schedule fall, winter and spring quarter campus community forums, developed in collaboration with the newly formed Campus Community Council.

- The Office of Campus Community Relations (OCCR), in collaboration with the UC Davis Police Department, has organized a Campus Community Orientation Program for newly hired UC Davis Police officers. The first program was provided on August 27, 2012.

- Associated Students of the University of California, Davis (ASUCD) and other student organizations will be encouraged to initiate, sponsor or collaborate on an annual event that is supportive of the UC Davis Principles of Community.

- Faculty and staff constituent groups will be encouraged to initiate, sponsor or collaborate with others annually on a campus community event or activity supportive of the UC Davis Principles of Community.

- The online Principles of Community Training Module for faculty and staff will be updated on a regular basis and all employees will be strongly encouraged to complete the training by the end of 2012-13 academic year.

- A new online Principles of Community Orientation Module will be developed for students. And all new students (freshmen and transfers) will be encouraged to complete the online Principles of Community Module during their first enrolled quarter at UC Davis.

- All new student leaders will be required to complete the new online Principles of Community Modules for students as a part of their orientation for student leadership positions and responsibilities.

- The campus will develop a marketing and communications plan to inform the community about the UC Systemwide Hate and Bias Incident Reporting System.

- The campus will develop educational materials (i.e. policies, resources, and informational brochures) and programmatic activities related to the issues of free speech and freedom of expression at UC Davis.

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 Proposed Action

B-1: *We have 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.*

Category: Police Operations

Timeline: Initial meeting took place in May 2012

Action status: Ongoing.

The UC Davis Police Department, with the assistance of a risk management consultant, LEXIPOL, is in the process of updating its policies to be consistent with all federal and state laws and best practices (process began May 14, 2012).

All policies will be shared online once the review is complete. Three updated policies placed online in February 2012 included:

- Use of force
- Hate-based incidents
- Authorized weapons and tools

The Police Department will establish its first crowd management policy consistent with guidelines of the California Commission on Peace Officer Standards and Training (POST).

A daily training system will be designed to routinely educate Police Department staff on policy and keep all employees current.

All operations plans, effective March 2012, are required to be completed and reviewed by the provost or other designated campus executive prior to the Police Department implementing any plan.

The Police Department has invested in a new software program, "IAPro," which is designed to ensure the most efficient and effective handling of citizen complaints, administrative investigations, use-of-force reporting and other types of incidents, while providing the means to analyze and identify areas of concern. IAPro assists public safety agencies in identifying potential problems early on, so that proactive action can be taken. Installed and implemented effective Sept. 18, 2012.

As of Jan. 9, 2012, all sworn and civilian Police Department supervisors have completed a 40-hour small group leadership course.

Incident Command System (ICS) training:

- All Police Department supervisors have completed ICS training, as of January 2012; ongoing, refresher training will continue.
- We have requested and received assistance from the U.S. Department of Homeland Security and the California Emergency Management Agency to provide refresher ICS training to all Police Department supervisors, to be completed by September/October 2012.
- All Police Department employees will have completed ICS training by Dec. 1, 2012.
- This will lead to a tabletop exercise on campus in February 2013. Other campus partners will be invited to attend. This tabletop exercise will then lead to a full-scale exercise in 2014 and, again, all campus partners will be invited to attend.

Use of force training:

- All UC Davis police officers completed a use of force training in September: half of the officers completed the training on Sept. 21 and the other half completed the training on Sept. 26. Officers will be taught an innovative approach to control and restraint called the CDT System – which stands for Compliance, Direction and Take Down.
- CDT is a "soft handed" control/restraint system that is easy to learn, maintain and apply. The key to the CDT System is that it addresses personal well-being and subject safety while decreasing the liability factors of all concerned. By covering these three major aspects, it allows for safer control and less risk of potential liability factors. That alone makes it different than any other soft-handed system available today for the proper use of force.
- The CDT System is viewed as minimal justifiable force and is based on a proven theory that less is better.

Police Department management met with representatives from the Museum of Tolerance to discuss campus community matters. (Jan. 18, 2012)

Review by the California Commission on Peace Officer Standards and Training (POST).

- Chief of police met with POST executives to discuss its review of UC Davis Police Department. (April 24, 2012)
- POST presentation to Police chief and campus executives. Topic covered how to provide oversight and what to expect when having responsibility for a police department. (May 11, 2012)
- POST conducted a compliance audit of all police department training and background files. (June 8-12, 2012) Background files found to be out of compliance will be corrected no later than Sept. 20, 2012.
- POST in July 2012 aproved the Police Department's participation in a three-day, team-building workshop in December 2012. The Team Building Workshop (TBW) Program provides specialized consultant services to assist a local agency's management team with program solving, developing organizational goals and objectives, and team building.

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 Proposed Action

B-2: Review of the Aggie Host Security Service continues. As such, the chief will begin a pilot program that will increase the size of student involvement on campus and in the police community. This pilot program will potentially divert officer funding to a nighttime facility security patrol that will only utilize students. This will require the hiring of additional students for the Aggie Host program, which currently employs approximately 80 students.

At the direction of the provost and executive vice chancellor, the police chief also will direct the coordinator of the Volunteers in Police Service (VIPS) program to seek increased student involvement by working directly with the Office of Student Affairs and other student groups on campus.

Category: Police Operations

Timeline: Ongoing with annual assessment.

Action status: Ongoing.

Funding originally designated for two police officer positions has been redirected to help support a student facility security program (June 1, 2012). Students now patrol campus seven nights a week to help ensure that campus facilities are secure. The Police Department is in the process of adding 20 new student positions.

Our nationally recognized Volunteers in Police Service program (VIPS) will launch a new volunteer cadet program in January 2013 to help prepare UC Davis students interested in a career in law enforcement. Marketing for this program will begin in fall 2012 .

- o The Police Department will select 15 to 20 students to serve as volunteer cadets. This rigorous program is similar to a pre-police academy. To be a cadet, an applicant must be a UC Davis student, a senior in good standing and graduate on or before June 2013. At the completion of their service, three of the cadets will receive a sponsorship to attend the Police Academy. The Police Department will then hire one of those cadets as a police recruit and, upon successful completion of the academy, reclassify the recruit as a police officer.
- o This program seeks to expand the diversity of the Police Department's hiring pool, seek community partnership and encourage campus community members to apply to be UC Davis Police officers.
- o The VIPS program will also be seeking to grow its student volunteer patrol program. This group provides support to patrol officers in the field and improve safety on campus.

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 Proposed 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.*

Category: Police Operations

Timeline: Ongoing with annual assessment.

Summary: By accomplishing the aforementioned goals, and under the direction of the provost and executive vice chancellor, the police chief will evaluate the success of the strategic plan on an ongoing basis, while continuing to foster community involvement. Formalized department policy that is regularly reviewed and updated utilizing POST and consultant LEXIPOL guidelines will ensure best practices are implemented and followed. The department will actively seek formal input from community stakeholders and use that feedback to drive continuous improvement.

Category: Police Operations

Timeline: Initial meeting took place in May 2012. Efforts ongoing.

Action status: Ongoing. Because these accomplishments correspond to and overlap with Reynoso Recommendation B-1, please refer to the response to B-1, above.

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 Proposed Action

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

Category: Police Operations

Timeline: Ongoing.

Action status: UC President Mark Yudof announced on Sept. 13, 2012, that he was calling on administrators throughout the UC system to undertake active consideration of the 49 recommendations in the report prepared by Dean Edley and General Counsel Robinson, titled, "Response to Protests on UC Campuses." The report addresses systemwide issues associated with campus policing and civil disobedience. UC President Mark Yudof announced on Sept. 13, 2012, that he was calling on administrators throughout the UC system to undertake active consideration of the report's 49 recommendations. He also pointed out that some of the recommendations may be adapted for systemwide use, while others may be modified to fit individual campus cultures and still others may be deemed to be unworkable. UC Davis is actively considering these recommendations at the present time.

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 Proposed Action

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

Category: Police Operations

Timeline: Pending

Action status: See response to C-1, above.

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 Proposed Action

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

Category: Police Operations

Action status: Complete. The UC systemwide report by Dean Edley andGeneral Counsel Robinson, "Response to Protests on UC Campuses," did not contain a recommendation on the Police Officers Bill of Rights. This does not, however, preclude the system from at some point in the future engaging on this issue.

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

D-1: Please refer to response AS-7.

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 Proposed Action

Kroll Recommendation 8.1:
In addition to the reforms spelled out in the previous sections of this action plan, the Davis Campus Emergency Operations Plan is also being updated 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.

Category: Police Operations and Administrative Leadership and Decision Making

Timeline: TBD

Action status: Completed and ongoing.

- The Davis Campus Emergency Operations Plan has been updated to conform to NIMS/SIMS and includes standardized procedures for planning, managing, communicating and collaborating on event or incident management.

- A statement of membership and designation of chair are complete.

- Meeting times are clearly scheduled. Attendance by primary or alternate members is mandatory.

- Minutes are kept of each meeting and circulated among members.

- A "listserv" for team-wide recommendations has been created and instructions issued on how to use it.

- Legal options, including administrative violations and criminal violations have been scheduled for review by the group.

- The systemwide report, "Response to Protests on UC Campuses," examined the role of protest behavior on campuses and proposed a number of ways to engage protests and protest behaviors.

- By Sept. 14, 2012, all members of the Council of Vice Chancellors (COVC) and the Event and Crisis Management Team (40 individuals in all) had completed the Federal Emergency Management Agency's Introduction to the Incident Command System, ICS-100, for Higher Education.

- On June 24, 2012, the COVC and the Event and Crisis Management Team members (40 individuals) completed a course in Event Management Training.

- Over the course of the summer of 2012, the campus emergency manager provided a series of training modules designed to acquaint COVC and the Event and Crisis Management Team members with NIMS/SIMS vernacular and decision-making processes. These modules are on-going.

- The campus Event and Crisis Management Team participated in a tabletop exercise on Sept. 14, 2012. Twenty-five members of the Event and Crisis Management team participated. The exercise was designed to review a scenario of a demonstration on campus, review the plans/impact of the demonstration with the team and have the teamwork through strategic guidance to develop a staff response to/or support of the demonstration. Standard NIMS/SEMS structure was used for the exercise.

- A guide for the Event and Crisis Management team has been adopted that provides a framework for reviewing campuswide issues and documenting the decision-making process as well as decisions related to the response as well as to ensure procedural guidelines are in place for a decision-making process and ensuring appropriate and effective communication to the campus community.

Category: Administrative Leadership and Decision Making

Action Status: Significant progress and ongoing training

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 Proposed Action*
>
> *Kroll Recommendation 8.2:*
>
> *1. 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. (All UC Davis police officers completed the "soft hands" Compliance, Direction and Take Down (CDT) training in September.)*
>
> *2. 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. (LEXIPOL provides a standard for policy and means for ensuring all staff are trained on policy daily, IA PRO provides the early warning system and CDT provides the other tool for use of force.)*
>
> *UC Davis is undergoing a complete review and change of the Police Department policy manual. This includes the review of use of force guidelines to ensure consistency with federal and state law and general best practices. This will be accomplished through the use of POST guidelines and other outside experts.*
>
> *As an example, the UC Davis Police Department crowd management policy will be modeled after the recently updated POST guidelines on crowd management. The UC Davis Police Department now requires command approval before the use of chemical agents during a protest or crowd management event. This is formalized through the completed operations plan prior to any event that now requires the provost's approval.*
>
> *The UC Davis Police Department is currently undergoing a complete training compliance audit that will include a training needs assessment. This assessment will be consistent with new policy and the department's soon-to-be completed strategic plan that will help to identify the needs of the community and the professional needs of the police organization.*

Category: Police Operations

Action status:

Summary: Completed

All policies will be shared online once the review is complete. Three updated policies placed online in February 2012 address:

- Use of force
- Hate-based incidents
- Authorized weapons and tools

- The Police Department will establish its first crowd management policy consistent with POST guidelines (POST is the California Commission on Peace Officer Standards and Training.)
  - POST guidelines are available now for public view.

- The Police Department and UC Davis students have developed an information card to distribute during demonstrations and protests prior to direct interaction with police, offering advice on what students should do and expect during such incidents (project completed March 1, 2012.)

- Student participation helped ensure that the information on the card was presented in the clearest possible manner.

- All Police Department operations plans, effective March 2012, now identify the difference between passive and active resistance and are specific as to the appropriate use of force in each category. These plans also include guidelines for police use of chemical weapons, including when police can deploy chemical weapons and when officers need prior authorization to deploy such weapons.

- All operations plans, effective March 2012, also are required to be completed and reviewed by the provost or other designated campus executive prior to the Police Department implementing any plan.

- The Police Department has invested in a new software program, "IAPro," which is designed to ensure the most efficient and effective handling of citizen complaints, administrative investigations, use-of-force reporting and other types of incidents, while providing the means to analyze and identify areas of concern. This program has been implemented.

- All UC Davis police officers completed a use of force training in September 2012: half of the officer completed the training on Sept. 21 and the other half completed the training on Sept. 26. Officers were taught an innovative approach to control and restraint called the CDT System – which stands for Compliance, Direction and Take Down.

  CDT is a "soft-handed" control/restraint system that is easy to learn, maintain and apply. The key to the CDT System is that it addresses personal well-being and subject safety while decreasing the liability factors of all concerned. By covering these three major aspects, CDT allows for safer control and less risk of potential liability factors. That alone makes it different than any other soft-handed system available today for the proper use of force.

- The CDT System is viewed as minimal justifiable force and is based on a proven theory that less is better.

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.

1. Ensure campus emergency personnel comply with state-mandated standards for Incident Command SEMS, especially for documentation.

2. Conduct and evaluate periodic Emergency Operations Center exercises with sworn and civilian personnel according to SEMS and NIMS standards.

3. 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.

4. 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.

5. Monitor UC progress in meeting above-stated objectives and report progress to the public regularly.

UC Davis Proposed Action

Kroll Recommendation 8.3:
UC Davis Police are reviewing internal processes and procedures, and will participate in NIMS/SEMS trainings. Progress will be reported out to the public on a quarterly basis.

Category: Police Operations

Action status: Complete. See item 8.2.