UNIVERSITY OF MICHIGAN

Changing the Procedures of the DPS Oversight Committee

Kathleen Donohoe <kdonohoe@umich.edu> Mon, Mar 25, 2013 at 10:43 AM
To: "Masson, David" <dmasson@umich.edu>

Dave,

I staff the DPS Oversight Committee, chaired by Professor Rich Friedman. In light of the new Division of Public Safety and Security (DPSS), and UM Police functions no longer being under the purview of the EVPCFO, the Committee's name and procedures need to be changed.

The committee's current Procedures require that any changes to procedures "must be reviewed by the Office of General Counsel and approved by the Executive Vice President and Chief Financial Officer or the President."

The committee met on March 19 and plan on proposing the following changes to the document "Procedures of the U-M DPS Oversight Committee:"

1) Name change - Police Department Oversight Committee
2) Procedures- Committee reports and recommendations will be sent to the Executive Director, DPSS

Joe Piersante attended part of the March 19 meeting and these changes were discussed with him. He was in agreement.

The last time the Committee changed the procedures was Feb. 4, 2010, to establish the election process for the two faculty representatives. You reviewed those changes before they went to the EVP/CFO for approval.
Rich Friedman is finalizing the draft set of procedures. Should it be sent to you for review? And then what entity should approve the changes?

I'm happy to discuss over the phone if you have time..... I want to make sure that we are meeting the expectation of an "Oversight" function.

Thank you,
Kathleen

UNIVERSITY OF MICHIGAN

proposed amendments

Richard Friedman <rdfrdman@umich.edu> Mon, Mar 25, 2013 at 4:30 PM
To: David Masson <dmasson@umich.edu>, Kathleen Donohoe <kdonohoe@umich.edu>

Dear Dave and Kathleen,

I might as well send this to both of you myself, because I want to include an explanation.

Attached is the set of amendments to our procedures that our committee has approved. These are meant to take into account the recent reorganization, and do nothing more. They do the following:

1. Change references to the Department of Public Safety, so that it is now referred to as the Police Department.

2. Change the reference to the name of the Committee, to take into account the change of the name of the Department.

3. Change references to the Executive Director of the Department, so that they now refer to the Police Chief.

4. Change references to the Chief Financial Officer and Executive Vice President, so that they now refer to the Executive Director of the new Division. This is the only substantive change – it means that the Executive Director takes the place of the CFO.

I understand, Dave, that you intend to pass these on to the President, which is fine. But for what it is worth, so far as I am concerned they can also be approved by the CFO; as the rules stand until they are amended, he has the power to approve amendments.

I assume these amendments will not controversial, and I hope they can be approved in short order. But if you have any questions, Dave, please ask.

Thanks!

Rich

Procedures, March 2013 proposed amendments, redlined.pdf
42K

Procedures for the University of Michigan Police Department ~~of Public Safety~~ Oversight Committee

I. Purpose

The University of Michigan Police Department ~~of Public Safety~~ Oversight Committee ["Committee"] is an oversight committee for the University of Michigan Police Department ~~of Public Safety~~ created under the authority of Act 120 of the Public Acts of 1990 of the State of Michigan. The function of the Committee is to comply with Act 120 and consider grievances by persons against police officers or the Police Department ~~of Public Safety~~. The Committee may prepare and make recommendations concerning such grievances to the Executive ~~Vice President~~Director, Division of Public Safety and ~~Chief Financial Officer~~Security ["the Executive Director"], including recommendations for disciplinary measures against a police officer who was found responsible for misconduct in office.

II. Membership

Members of the Committee shall be elected and will include two members of the faculty, two members of the staff and two students.

A. Faculty:

1. All employees on the Ann Arbor campus who are not registered students at the University of Michigan and who have any phrase containing any of the words "professor", "scientist", "lecturer", "instructor", "librarian", "archivist" or "curator" in any of their titles at any percentage are deemed to be faculty for the purposes of these procedures.

2. These "faculty" are divided into two categories:

a. Those who are members of the University Senate,[1] and

b. Those who are not.

1. There will be one elected representative from each category:

a. The Senate Advisory Committee on University Affairs (SACUA) will develop a slate of at least two candidates, who are members of the University Senate and who are employed on the Ann Arbor campus, for one of these faculty positions. The Secretary of the Senate will organize an electronic ballot with the aid of the SACUA and University Human Resources offices every other year. Members of the University Senate will vote for one representative from a slate of at least two. The Senate member with the highest vote will then be appointed to the Committee for a term of two years. Vacancies during a term will be filled from the nominating slate in the order of votes.

b. The University Human Resources office will organize an election every other year for

one representative for the active faculty who are not members of the University Senate. The slate will be developed by nominations at large and will contain at least two names. Members of this faculty category will vote for one representative from a slate of at least two candidates via an electronic ballot. The faculty member with the highest vote will then be appointed to the Committee for a term of two years. Vacancies during a term will be filled from the nominating slate in the order of votes.

B. Staff:

University Human Resources will organize the elections for the two staff member representatives. Staff members are employees on the Ann Arbor campus. One staff representative will be nominated and elected by staff members represented by a collective bargaining agreement. The other staff representative will be nominated and elected by all other staff members. These elections will be held on alternating years via electronic ballot. The two staff members with the highest number of votes will then be appointed to the Committee for terms of two years. Vacancies during a term will be filled from the respective ballot in order of the number of votes received.

C. Students:

Two students will serve one year terms on the Committee. The Michigan Student Assembly Campus Governance Committee will nominate two students. These nominations must then be confirmed by a majority vote of the Assembly, comprised of all elected MSA student representatives and executives.[2]

III. Meetings

The Committee shall meet when in receipt of a grievance filed directly with the Committee. Business may not be conducted unless a quorum of the members are present. A quorum shall be one more than half of the current membership.

The Committee also shall meet two times a year to receive and discuss the semi-annual report made by the ~~Executive Director of the Department of Public Safety~~Police Chief regarding grievances submitted to the Department.

IV. Confidentiality

All grievances and reports made to the Committee pursuant to these procedures shall be treated confidentially by the Committee. Information about a grievance will not be released by committee members, except as specified in these procedures, or as required by law. The Committee as a whole may release written statements to advise the public of the procedural status of an ongoing investigation.

V. Procedures

A. Grievances

Grievances about a police officer or the Police Department ~~of Public Safety and Security~~ may be submitted to the Committee by calling (734) 647-7292, emailing dpsosite@umich.edu, or filing a grievance at the office of Staff HR Services, 2005 Wolverine Tower, 3003 S. State St., Ann Arbor, Michigan 48109. Grievances should be presented in writing using the Committee's standard grievance form. Grievances may also be submitted directly to the Police Department ~~of Public Safety~~. Grievances submitted to the Department shall be reported within five business days to the Committee by the ~~Executive Director of the Department of Public Safety. The Executive Director~~Police Chief. The Police Chief will meet with the Committee on a semi-annual basis to provide a summarized report of all grievances received by the Department during the previous six-month period.

B. Consideration of Grievances

1. Referral to the ~~Executive Director of the Department of Public Safety~~Police Chief:

a. The Committee may refer a grievance to the ~~Executive Director of the Department of Public Safety~~Police Chief, who shall conduct an investigation or review, in accordance with University policies and procedures. The Committee may supplement the referral with any specific suggestions, recommendations, or concerns it has with regard to the issues to be investigated or reviewed.

b. At any time, the Committee may request, and the ~~Executive Director~~Police Chief shall provide, an interim report on the progress of an investigation/review of a grievance submitted to her or him. The report may be oral and/or in writing.

c. Upon completion of the investigation or review, the ~~Executive Director~~Police Chief shall report to the Committee. The report shall include a summary of: the steps followed, the findings and conclusion, any actions taken, and an explanation for any unreasonable delays. The report may be oral and/or in writing. The Committee may accept the report as final, or it may ask the ~~Executive Director~~Police Chief to investigate further and submit another report, or it may choose to conduct additional investigation on its own.

2. Consideration by the Committee:

a. The Committee may conduct its own hearing of any grievance submitted to it. In conducting such a hearing, the Committee may question any employee believed to have any information relevant to the grievance, and such employee will meet with the Committee in a timely fashion, on terms that are consistent with the University's policies, procedures and labor agreements.

b. If the ~~Executive Director of the Department of Public Safety~~Police Chief objects to the hearing, the ~~Director~~Police Chief may register that objection to the Committee. If, after receiving the Committee's response, the ~~Executive Director~~Police Chief continues to object, the ~~Executive Director~~Police Chief may appeal to the Executive ~~Vice President and Chief Financial Officer~~Director. If the Executive ~~Vice President~~Director supports the appeal, the matter shall be

referred to the President for a decision.

C. Committee Action

Upon completion of the investigation of a grievance, the Committee may:

1. Determine that no further action is warranted, and notify all affected persons of that decision.

2. Report its findings and recommendations – including any recommendations for disciplinary measures against any officer of the Police Department ~~of Public Safety~~ – to the Executive ~~Vice President and Chief Financial Officer of the University~~Director. No portion of any such report that contains confidential information provided to the Committee shall be made public unless required by law. The ~~Vice President and Chief Financial Officer~~Executive Director shall review the report and advise the Committee of the disposition of the matter.

VI. Administrative Support

University Human Resources will provide administrative support to the Committee, including receipt of grievances submitted to the Committee, logistical and communications support for the nomination and election processes for faculty and staff representatives, and any other needs identified by the Committee.

VII. Approval of Procedures

These procedures must be reviewed by the Office of the General Counsel and approved by the Executive ~~Vice President and Chief Financial Officer~~Director or the President. If the Committee proposes changes to the procedures, the Executive ~~Vice President and Chief Financial Officer~~Director may approve them; however, only the President may reject them.

Approved by the Committee, without dissent, on March 1, 1996; approved by the Executive Vice President and Chief Financial Officer, with modifications, May 3, 1996; modifications accepted by the Police Grievance Committee, without dissent, May 3, 1996. Modified by the Committee, without dissent, September 12, 1996.

Approved by the Committee, without dissent, on February 4, 2010; approved by the Executive Vice President and Chief Financial Officer on February 4, 2010.

Amendments approved by the Committee, without dissent, on March 19, 2013; approved by the President on _____, 2013.