2014

Procedures for the University of Michigan Police Department Oversight Committee

I. Purpose

The University of Michigan Police Department Oversight Committee ["Committee"] is an oversight committee for the University of Michigan Police Department ("the Department"). It is created as prescribed by Act 120 of the Public Acts of 1990 of the State of Michigan. That statute provides that, as a condition of giving full police powers to the Department, the University must establish a "public safety department oversight committee." The statute further provides:

> The committee shall receive and address grievances by persons against the public safety officers or the public safety department of the institution. The committee may recommend to the institution that disciplinary measures be taken by the institution against a public safety officer who is 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 persons affiliated with the University of Michigan (the University) on the Ann Arbor campus who are not registered students at the University 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 members for the purposes of these Procedures, provided that emeriti will be considered to be faculty for purposes of nominating and serving but not for purposes of voting.

2. Two faculty members shall be members of the Committee. All faculty members as defined in paragraph 1 are eligible to serve on the Committee. The University Human Resources Department (UHR) will organize an election, to be conducted by electronic ballot in February in every year. Any faculty member as defined in paragraph 1 and any group of faculty members may nominate a faculty member for a seat on the Committee. A faculty member may nominate himself or herself. The Senate Advisory Committee on University Affairs ("SACUA") will ensure that there are at least two qualified candidates for the seat. All members of the faculty as defined in paragraph 1 are eligible to vote in the election. The candidate with the highest vote will be deemed elected to the Committee for a term of two years, beginning on the first of May following the election.

[**Transitional rule:** In 2016, an election shall be held for two faculty seats. The candidate receiving the most votes shall be elected for a two-year term and the candidate receiving the second-most votes will be elected for a one-year term.]

B. Staff

University Human Resources will organize the elections for the two staff member representatives. Staff members are 1. All persons who are employees of the University on the Ann Arbor campus and who are not faculty members and not employees of the Department are deemed to be staff members for purposes of these Procedures.

2. For purposes of these Procedures, staff members who are represented by a collective bargaining agreement are referred to as represented staff members, and other staff members are referred to as non-represented staff members. The Committee will include one represented staff member, to be elected in odd-numbered years by represented staff members, and one non-represented staff member, to be elected in even-numbered years by non-represented staff members. Any represented staff member or group of represented staff members may nominate an eligible candidate for the seat for represented staff members, and any non-represented staff member or group of non-represented staff members may nominate an eligible candidate for the seat for non-represented staff members; a staff member may nominate himself or herself. UHR will organize the elections, to be conducted by electronic ballot in March of the designated year. UHR shall use its best efforts to ensure that in each case at least two eligible candidates are nominated for each position. In each case, the candidate with the highest number of votes will be deemed elected to the Committee for a term of two years, beginning on the first of May following the election.

C. Students

Two students will serve one-year terms on the Committee. One will be elected in November, the term to begin on the first of January, and the other will be elected in March, the term to begin on the first of May. Any student or group of students may nominate an eligible student for these positions. The Central Student Government ("CSG") shall use its best efforts to ensure that there are at least two eligible candidates for each position and shall organize the election. To be eligible, a candidate must be able to serve on the Committee for the entire one-year term.

Any registered student – undergraduate, graduate, or professional – on the Ann Arbor campus shall be deemed to be a student for purposes of this provision, eligible both to vote for and to serve as a student member of the Committee.

D. Vacancies

If a vacancy occurs in any faculty or staff position with more than four months left in the term, then a member shall be elected for the remainder of the term pursuant to the ordinary procedures prescribed for that position. The election shall be held as soon as it can be organized, and the new member shall take the position as soon as the results of the election are determined. If a vacancy occurs in a student seat, then the candidate who received the next highest number of

votes in the last election shall be deemed elected for the remainder of the term, and if no such candidate is available then CSG shall designate a student to serve the remainder of the term.

III. Chair of the Committee

As soon as possible after May 15 of each year, the members of the Committee shall elect a Chair from among their number, to serve until the election of a successor in the following year. UHR shall assist in conducting the election, which may be done electronically. Members of the Committee shall make nominations; no second is necessary, and a member of the Committee may nominate himself or herself. Three votes will suffice to elect a Chair, if only one candidate receives three votes. If two candidates each receive three votes, or if three candidates each receive two votes, or if two candidates each receive two votes and no other receives as many, then subsequent ballots will be conducted until a Chair is elected, but with only those candidates remaining eligible. If in any round one candidate receives two votes and no other candidate receives as many, then a subsequent ballot will be conducted, with the only eligible candidates being the candidate who received two votes and all but one, randomly selected, of the candidates who received one vote. If in any round no candidate receives as many as two votes, then a subsequent ballot will be conducted, with the only eligible candidates being all but one, randomly selected, of the candidates who received one vote.

The Chair shall chair the meetings of the Committee and ensure that the Committee fulfills its functions in accordance with Act 120 and these Procedures.

IV. Meetings

elected MSA student representatives and executives.[2] The Committee shall meet at least twice a year to receive and discuss the report of the Police Chief prescribed in Part V.A of these Procedures. The Committee shall meet in addition whenever necessary to fulfill its duties. Business may not be conducted unless a quorum of the members is present. A quorum shall be one more than half of the current membership. The Committee may as it deems appropriate conduct business by electronic or other means.

To the extent permitted by law, meetings of the Committee shall be conducted in private, with the only persons present being members, staff, and persons invited by the Committee to enable it to perform its function.

V. Grievance Procedures

A. Filing of Grievances

Grievances (which may also be referred to as complaints) about the Department or its officers or other agents may be submitted to the Committee by any appropriate means. The Committee's website, which shall be linked to the Department's website, shall indicate a telephone number, an e-mail address, and a postal address through which grievances may be filed. The Committee shall create a standard grievance form, and access to it shall be provided on the Committee's website. Grievances need not be submitted using this form.

Grievances may also be submitted to the Department. Within five business days of the receipt of such a grievance, the Police Chief shall forward it to the Committee. The Police Chief will meet with the Committee semi-annually to provide a report of all grievances received by the Department since the previous such report.

[**Note:** As of November 14, 2014, the telephone number to use in filing a grievance is (734) 647-7292; the email address is **pdoversight@umich.edu**; and the postal address is Police Department Oversight Committee, c/o UHR, 2005 Wolverine Tower, 3003 S. State St., Ann Arbor, Michigan 48109.]

B. Consideration of Grievances

1. Referral to the Police Chief

a. The Committee may refer a grievance to the 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 Police Chief shall provide in reasonable time, an interim report on the progress of an investigation or review of a grievance submitted to her or him. If the Committee requests, this report shall be in writing.

c. Upon completion of the investigation or review, the Police Chief shall report to the Committee. If the Committee requests, this report shall be in writing. The report shall include a summary of the steps followed, the findings and conclusion, and any actions taken, and an explanation for any extensive delays. The Committee may accept the report as final or take such other steps as it deems appropriate, including asking the Police Chief to investigate further and submit another report or conducting additional investigation on its own.

2. Consideration by the Committee

a. The Committee may conduct its own hearing of any grievance submitted to it directly or through the Department. In conducting such a hearing, the Committee may question any employee or student believed to have any information relevant to the grievance. Such person 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 Police Chief objects to any request for information made by the Committee, the Police Chief may register that objection with the Committee. The Committee will respond promptly to the objection. If, after receiving the Committee's response, the Police Chief continues to object, he or she may appeal to the Executive Director, Division of Public Safety and Security ("the Executive Director"). If the Executive Director supports the appeal, the matter shall be referred to the President for a decision. The appeal shall be maintained only upon a clear demonstration that the Committee's receipt of the information in question will not assist it to serve its statutory responsibility.

3. Confidentiality Concerning Pending Matters

All grievances, reports, and other materials submitted to the Committee pursuant to these Procedures shall be treated confidentially by the Committee pending determination of the matter 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 or the Chair may advise the public or interested parties of the procedural status of an ongoing investigation.

C. Committee Reports

Upon completion of the investigation of a grievance, the Committee 2. Report shall report its findings and recommendations to the Executive Director and the Police Chief. The Committee shall provide the grievant with a copy of the report, provided that for good cause it may in its discretion withhold any portion of the report. The Committee shall also provide a copy of part or all of the report to such other members of the University community as it deems appropriate, provided that it shall take care to protect the confidentiality of information. If the Committee believes that the public interest will be served by public release of part or all of the report, it may, to the extent permitted by law, make such a release, provided that, unless required by law, it shall not release any part of a report that contains confidential information provided to the Committee, unless it has received the consent of the person who provided such information to it. The report may, without limitation, include recommendations for (a) disciplinary measures against any officer or employee of the Department, (b) changes in policies or procedures of the Department, and (c) changes in policies or procedures of other units of the University that will assist the Department to perform its duties better. The Executive Director shall review the report and advise the Committee of the disposition of the matter.

VI. Administrative Support

University Human UHR will provide administrative support to the Committee, including receipt of grievances submitted to the Committee, recording of actions taken or conclusions reached at Committee meetings, logistical and communications support for the nomination and election processes for faculty and staff representatives, and any other needs identified by the Committee.

On request, the University shall furnish counsel to the Committee, provided that no attorney shall be assigned to advise the Committee with respect to that matter if that attorney or a direct or indirect supervisor of such attorney has expressed an opinion, whether formal or informal, on that matter that may be at variance with the interests of the Committee. Whether or not an attorney designated to advise the Committee is a member of the staff of the Office of General Counsel, such attorney shall not report to the General Counsel concerning advice given to the Committee and shall advise the Committee on the basis that the Committee, rather than the Board of Regents, is the attorney's client; the attorney shall treat the Committee for this purpose as completely independent of the University.

VII. Amendment of Procedures

The Committee may propose an amendment to these Procedures by submitting it to the Executive Director. If the Executive Director approves the proposed amendment, it shall go into effect. If the Executive Director does not approve the proposed amendment within sixty days, it will be referred to the President. The proposed amendment will become effective sixty days after such referral unless within that time the President disapproves it, informing the Committee in writing of his or her reasons for disapproval.

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.

ApprovedAmendments 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 April 17, 2013.

Amendments approved by the Committee, without dissent, June 30, 2014; approved by the Executive Director, November 10, 2014.