

Office of the President

TO MEMBERS OF THE COMMITTEE ON FINANCE:

DISCUSSION ITEM

For Meeting of March 19, 2014

**UPDATE REGARDING IMPLEMENTATION OF THE ROBINSON/EDLEY REPORT
ON RESPONSE TO PROTEST ON UNIVERSITY OF CALIFORNIA CAMPUSES**

EXECUTIVE SUMMARY

Over the past 12-plus months UC campuses, working with the Office of the President, have implemented or are in the process of implementing the recommendations of the Robinson/Edley Report. Their efforts are documented in the Robinson/Edley 12-Month Implementation Report which incorporates all of the campuses' 12-month summary reports, the Chancellors' certifications and the centrally addressed recommendations. The final implementation report fulfills Recommendation 48:

Require a final report and certification from each Chancellor one year following the President's acceptance of this Report's recommendations confirming that all recommendations so accepted have been implemented.

The report also discusses the overall management approach, how the recommendations were addressed at the central level and how the campuses have implemented or are in the process of implementing all 49 recommendations. President Napolitano has accepted the final report.

This item provides highlights of the implementation process in the final report.

BACKGROUND

Overview

At the May 2012 Regents meeting, the Regents were provided an overview of work being done by General Counsel Robinson and Dean Christopher Edley Jr., of Berkeley Law with regard to development of the Robinson/Edley Report. In September 2012, the final version of the report, entitled "Response to Protests on UC Campuses" (Robinson/Edley Report), was presented to then-President Yudof.

The Robinson/Edley Report "was premised on the belief that free expression, robust discourse, and vigorous debate over ideas and principles are essential to the mission of our University. The goal of the Report [was] to identify practices that facilitate such expression and encourage lawful

protest activity—while also protecting the health and safety of our students, faculty, staff, police, and the general public when protesters choose to engage in civil disobedience or possibly violate laws and regulations” (Robinson/Edley Report, page 1).

Based on extensive evaluation of best practices, discussion with campuses within the system and across the nation, and legal research on issues like use of force, First Amendment rights, and the role of administrators in protest situations, the report made 49 recommendations. Over the past year, all ten campuses have instituted practices, created new programs, undergone training and built new strategies to implement the recommendations and build confidence and capability to reduce the likelihood that serious clashes between protestors and the police and administration will occur.

It is important to note that several of the practices identified in the Robinson/Edley Report were already standard operating procedure on the campuses. Indeed, all UC campuses have long employed many of these recommended practices to positive effect in responding to protests – the vast majority of which are handled peacefully, every day, across the UC system.

With this implementation report, and the collaborative way that the implementation strategies have been developed on each campus, the University expects to see continued growth of cooperation and communication related to campus protest among all stakeholders on campus, and also a heightened understanding on the part of protestors that will require them to take more responsibility for their activities. Campuses have increased opportunities for discussions related to civil disobedience, and it is up to the students and other campus constituents to avail themselves of these opportunities to be educated about protest-related rules and consider the impact that acts of civil disobedience can have on others in the campus community.

In order to implement the recommendations, the Office of the President initiated the Civil Disobedience Initiative (CDI), a multi-level, collaborative approach to build communication, consistency and cooperation with campuses across the system. This implementation report provides a summary of the progress that the CDI has made toward fulfilling the goals of the Robinson/Edley Report. It describes implementation strategies at both the system and campus levels, and provides an overview of how recommendations were ultimately carried out. As will be addressed in this report, during the implementation process, some of the original recommendations were revised in order to better meet the goals of the Robinson/Edley Report and to accommodate different needs and challenges among the UC campuses.

Each campus has addressed or is in the process of addressing every one of the 49 recommendations. They submitted their strategies for implementing the recommendations, which were then reviewed by the CDI Working Group to ensure the strategy met the spirit and intent of the report. This work took a major effort and focus on the part of the campus points of contact, each of whom was selected by their Chancellor, to reach out to the campus community and develop and review implementation strategies.

The CDI has provided the University of California with a valuable opportunity to engage with important issues affecting the safety and well-being of campus communities. As will be demonstrated in this report, this hard work has increased opportunities for communication and

understanding among the campus community—administrators, faculty, staff, police, and students—and created a template for working through other systemwide issues in this arena, should they arise.

Implementation Strategy for the Civil Disobedience Initiative

The CDI encompasses work done on the campus level, the systemwide level, and through collaboration between the campuses and the Office of the President. To coordinate campus-level work, each Chancellor named a campus point of contact to coordinate implementation of the Robinson/Edley recommendations on the campus and communicate progress and concerns to the Office of the President.

At the system level, the Office of the President has been active in facilitating discussion among campuses, police chiefs, and a variety of experts in civil disobedience, First Amendment issues and leadership in crisis, as well as implementing recommendations that were best coordinated centrally due to their applicability throughout the system. To support this work, an implementation team was created at the Office of the President, comprising a project director and project lead, assisted by the Chief Justice Earl Warren Institute on Law and Social Policy at Berkeley Law, to track progress and verify the submissions. A higher level Advisory Group and Steering Committee provided guidance and verified that the recommendations have been fully addressed.

CIVIL DISOBEDIENCE INITIATIVE PROCESS OVERVIEW

The work of the University of California over the past 12 months has focused on moving the organization forward.

	PROCESS	OUTCOMES
<i>Policies, Procedures and Guidelines Recommendations</i>	<ul style="list-style-type: none">• Review for the consistency of civil disobedience policies• Review ease of access to related policies by stakeholders	<ul style="list-style-type: none">• Coordinate effort• Best practices identified• Consistent application of civil disobedience best practices
<i>Organization and Structure</i>	<ul style="list-style-type: none">• Review management crisis response structure and communication processes	<ul style="list-style-type: none">• Enhance ability for effective crisis management
<i>Communications and Training</i>	<ul style="list-style-type: none">• Review the ongoing training for any gaps• Review existing mechanisms for relationship building	<ul style="list-style-type: none">• Align training resources with need• Build systemwide consistency in training• Strengthen relationship building opportunities

Target Areas and Accomplishments

Civil Disobedience and Free Speech

Many of the Robinson/Edley Report recommendations focused on creating a systemwide approach to supporting First Amendment activities as a historical and necessary part of the campus experience while balancing the need to maintain safety and security in the face of civil disobedience or disruptive behavior, and finding ways to implement this approach on each campus. For example, each campus has adopted or is adopting language in policies or other documents that underscores free speech and recognizes the historical significance of civil disobedience, but that also affirms the University's responsibility to promote safety and uphold the law. Additionally, substantial work has been done to increase opportunities for dialogue and communication throughout the campus community, so that demonstrators may gain more understanding of emerging issues and be less likely to resort to protest as the first action in issue resolution.

Relationship-Building throughout the Campus Community

Every campus has continued to make concerted efforts to have strong relationships among campus stakeholders. Some campuses have created or better publicized existing office hours where students can bring issues to the attention of administrators and seek redress. Since the publication of the Robinson/Edley Report, many campuses have held town halls and other events so that grievances related to issues affecting the campus community and likely to trigger protest can be aired, as a way to give voice to students and others and to ensure the issues and possible solutions are heard. In fact, some of the issues, like the tuition increases of recent years, were the impetus for student support of Proposition 30, a 2012 tax measure that led to a freeze in tuition. Students registered 50,000 voters in the process of advocating for the ballot measure. Programs have also been developed to allow for more interaction and understanding between students and police. The intent of this work is to encourage dialogue, respect processes, and include campus communities in productive discussions.

Role Definition and Coordination among Event Responders

To address the recommendations relating to protest response and management, each campus has created a guiding document for its event response team. For example, each campus has procedures in place for communicating with demonstrators and demonstration leaders before, during and after protests, and ensuring that demonstrators are aware of relevant policies and alternative means of communicating their opinions. Each campus' protest response plan also includes steps for communicating with the entire campus community about major developments or any safety concerns. Beyond meeting the relevant recommendations, campuses have latitude in determining how best to coordinate campus response to protests and demonstrations.

Hiring and Training

Various trainings that reflect the priorities and spirit of the Robinson/Edley Report have been developed for administrators and police. These include more in-depth police training in crowd management and control techniques, low-profile arrest techniques, as well as interagency training with local law enforcement and among UC police departments. Police hiring and promotions on all campuses now require community involvement.

Documenting and Review

Several of the recommendations focused on creating an objective record of major events and helping campuses to use each event as an opportunity to reflect and improve upon their event response process. In order to create an objective record of events, each campus has established a process for videotaping major events. Some campuses have also created volunteer observer programs. A new post-event documentation and review process has been established systemwide.

Summary

As the Robinson/Edley Report stated in the closing paragraph of its executive summary, “To be sure, no single report can resolve all the issues the University faces regarding protest and civil disobedience. Successfully laying the groundwork for safe and accountable protest activity will take the commitment and effort of all members of the University community. This Report is just the starting point— an attempt to assist the University in moving forward to celebrate the diversity of opinion and culture on our campuses, to do so with respect and civility, and to build on the illustrious history of public involvement and free speech that is the DNA of the University of California” (Robinson/Edley Report, page 3).

The implementation of the Robinson/Edley Report recommendations, as adopted by the CDI Steering Committee and implemented by the ten campuses and the UC Office of the President, furthers the achievement of three important goals:

- To preserve and protect First Amendment rights,
- To promote the peaceful convergence of myriad ideologies and points of view, and
- To ensure the rights of all on the campuses to create and acquire knowledge in a safe and secure environment.

The process has been a substantial effort, and the UC system is better for it.