

## **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 created under the authority of Public Act 120 (1990) of the State of Michigan. The function of the Committee is to comply with Act 120 and consider grievances by persons against sworn officers or the Police Department, as well as against officers employed by the University under Public Act 330 (1968) of the State of Michigan.

Concerning such grievances, the Committee may make recommendations to the Executive Director, Division of Public Safety and Security, including recommendations for disciplinary measures against a police officer who was found responsible for misconduct in office.

The Committee may also, at its discretion or in response to a request by the University President, Executive Director, or Chief of Police, examine and assess Department policies and procedures. The Committee may work with the Chief of Police to improve policies and procedures and may make recommendations for improvements to the Executive Director of the Division of Public Safety and Security.

The University President, the Executive Director of DPSS, or the Chief of Police may also request that a special review be conducted by the Committee on a particular topic, system, or question.

### **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.

3. 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 University of Michigan Central Student Government will field nominations from the student body and

administer an election within the student body among nominees for each of the two seats, to be held at six-month intervals.

### **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 is 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 semiannual report made by the Police Chief regarding grievances submitted to the Police 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**

1. Grievances about a police officer or the Police Department may be submitted to the Committee by calling (734) 647-7292, emailing [pdoversight@umich.edu](mailto:pdoversight@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. Grievances submitted to the Department shall be reported within five business days to the Committee by the 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 Police Chief:
  - i. 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.

- ii. At any time, the Committee may request, and the 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.
- iii. Upon completion of the investigation or review, the Police Chief shall make a 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 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:

- i. The Committee may conduct its own hearing of any grievance submitted to it. In conducting such a hearing, the Committee may question any employee reasonably 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.
- ii. If the Police Chief objects to the hearing, the Police Chief may register that objection to the Committee. If, after receiving the Committee's response, the Police Chief continues to object, the Police Chief may appeal to the Executive Director, Division of Public Safety and Security. If the Executive Director supports the appeal, the matter shall be referred to the President for a decision.

3. Committee Action. Upon completion of the investigation of a grievance, the Committee may:

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

- ii. Report its findings and recommendations – including any recommendations for disciplinary measures against any officer of the Police Department – to the Executive Director, Division of Public Safety and Security of the University. No portion of any such report that contains confidential information provided to the Committee shall be made public unless required by law. The Executive Director shall review the report and advise the Committee of the disposition of the matter.

### C. Review of Department Policy and Procedure

1. The Chief, except to the extent provided by applicable privacy exemptions, will provide to the Committee upon request, access to any Police Department policy and procedure document for Committee review and assessment.
2. When the Committee initiates a policy review, upon the request of the University or on its own initiative, the Committee, consistent with its independent oversight role, may provide recommendations to the Chief.
3. The Chief will be provided an opportunity to address Committee questions as well as to engage with Committee members on developing and implementing any policy changes.
4. Upon reviewing the Committee's recommendations, the Police Chief shall report to the Committee the actions that the Department intends to take in response to the recommendations. This initial report will be given to the Committee within 30 days, with the option to extend the timeline an additional 30 days if circumstances require.
5. After any policy modifications pursuant to the Committee's recommendations have been implemented, the Police Chief will issue a final report of actions taken or not taken. The report shall include the findings, conclusions, and the reasoning applied. The report may be oral and/or in writing, or in writing upon request of the Committee. The Committee may; 1), accept the report as final or 2), ask the Police Chief to consider additional input and revise the report. If the Committee and Police Chief do not come to a consensus, the Committee can request to elevate the recommendation to the Executive Director of the Division of Public Safety and Security for further consideration.
6. At any time in the process, the Committee may request, and the Police Chief shall provide, an interim report on the progress of a response to

recommendations submitted to her or him. The report may be oral and/or in writing.

#### D. Special Reviews

1. The Executive Director of DPSS or the President may request the Committee to review a particular topic, system, or question that exceeds the scope of a policy review.
2. A request for a review will be communicated to the Committee and Chief in writing and will describe the goals and scope of the Review.
3. As necessary to meet the requirements of the Review, the Chief will provide broad access to relevant information and materials.
  - i. On request of the Committee, the Department shall, except to the extent provided for by federal or state law, a collective bargaining agreement, or legally recognized privilege, or to the extent it poses a threat to the safety of the public or a police officer, provide the Committee with all relevant information and materials the Committee requests.
  - ii. If the Department believes that some requested information or materials, though relevant, should not be produced under this subsection, they shall describe the information and materials withheld and state with particularity why they should not be produced.
  - iii. A Department decision to withhold materials requested by the Committee may be appealed to the Executive Director of DPSS.
  - iv. If the Executive Director of DPSS denies the appeal, the Committee may request a review by the President or designee for a final decision.
4. The Committee may request authorization to conduct a Special Review. Such requests shall be submitted in writing to the Executive Director of DPSS and shall include a statement of facts and circumstances reasonably establishing the necessity of, and scope for, the requested Special Review.
  - i. If the Executive Director of DPSS denies the request for a Special Review, the Committee will be notified in writing. The Committee may submit an appeal of the denial to the President or designee.

- iii. The President or designee will issue a final decision, which will be communicated to the Committee in writing.

5. If the Executive Director of DPSS (or upon appeal, the President) approves the request for a Special Review, the Committee may proceed with the Special Review.

- ii. Upon completion of the special review, the Committee will issue its written recommendations to the Police Chief.

- iii. The protocols established for Policy Reviews in Section C3-C6 above will be followed.

#### E. Public Engagement

In the interests of transparency and accountability, the Committee may choose to release public reports related to individual grievances, reviews, or special reviews.

To the extent that the Committee makes public statements, such statements will be done in compliance with applicable laws, regulations, and policies as well as with respect to the privacy interests of individuals involved in a grievance, such as the officers, complainants, victims, witnesses, or others involved.

For the purpose of meeting this obligation, the Committee will share public communications in advance with the Executive Director of the Division of Public Safety and Security. The Executive Director or designee should respond within 30 days to notify the Committee if the report can be publicly released without edits, with the option to extend to 60 days if circumstances require. If the Committee and the Executive Director disagree about whether particular information complies with applicable laws, regulations, policies, and privacy concerns, the Committee and the Executive Director will elevate the issue to the Vice President and General Counsel. The Vice President and General Counsel will advise the President on any related legal issues and the final disclosure determination will be made by the President. The President should make every effort to respond within 30 to 60 days of receiving the report from the Executive Director.

#### **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 Director, Division of Public Safety and Security or the President. If the Committee proposes changes to the procedures, the Executive Director, Division of Public Safety and Security 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 April 17, 2013.

Wording updates approved by the Committee, without dissent, on April 15, 2020; approved by Office of General Counsel May 5, 2020.

Amendments approved by the Committee and DPSS leadership May 2021 with OGC review. Amendments reviewed and approved by the President without modification in July 2021.

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Rules of the University Senate for definition of faculty membership:

THE UNIVERSITY OF MICHIGAN

RULES OF THE UNIVERSITY SENATE ASSEMBLY AND THE SENATE ADVISORY

COMMITTEE ON UNIVERSITY AFFAIRS (Last revised January 2009)

ARTICLE 1. THE UNIVERSITY SENATE

Section 1. Membership (Revised December 2008)

The University Senate shall consist of all members of the professorial staff, the executive officers of the University, the dean of each school or college, such members of the research and library staff as may be designated in accordance with standards



and procedures approved by the Senate Assembly, and such other major officers as may be designated by the Board of Regents from time to time.

Research personnel who hold Primary Research rank (Assistant Research Scientist, Associate Research Scientist, Research Scientist, Senior Associate Research Scientist, Senior Research Scientist, Distinguished Senior Research Scientist) and have a fulltime appointment as a regular staff member shall be designated as members of the University Senate.

Librarians of any rank who have full-time appointments as regular staff members shall be designated as members of the University Senate.

Visiting, Adjunct or Clinical Professors, acting or interim appointees to executive or Dean positions are not entitled to Senate membership in the absence of a regular professorial appointment. Directors of centers or institutes who do not hold professorial rank are not entitled to Senate membership unless they qualify under the preceding three paragraphs.

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[1] See Rules of the University Senate for definition of faculty membership