

Sept. 13, 2012

Dear President Yudof:

Attached is the final version of our Report entitled *Response to Protests on UC Campuses*.

You charged us with conducting a survey of current practices for responding to protest activity within our system and throughout the nation, and with identifying best practices for adoption within the University of California. In conducting this survey, we spent hundreds of hours analyzing current policies and literature on speech, demonstrations and use of force by police; interviewing scores of stakeholders within our system and experts from around the country; and holding town hall meetings at the Berkeley, Davis, and Irvine campuses. Based on the information we collected, we released a draft Report on May 4, 2012, with 50 proposed recommendations spanning nine different subject areas.

Following a highly publicized release of the Report and a well attended news conference that included detailed discussion of exactly how to submit comments, we made the draft Report available to the public on the University of California's website, and encouraged campus stakeholders and the public to submit comments and criticism. To facilitate public comment, we used a Web page that allowed anyone with access to a computer and an Internet connection to send us their views. We also accepted comments by letter and email. Our public comment period was extended and lasted five weeks.

We received a total of 84 different Web submissions, emails or letters concerning the Report. As many of these submissions discussed multiple issues, they collectively contained hundreds of comments concerning specific recommendations or passages in the Report. The comments came from a diverse assortment of stakeholders, including students, staff, individual UC police officers, all UC Police Chiefs, top administrators from most of our campuses, faculty, alumni, outside experts and members of the general public. Some comments were submitted on behalf of groups, such as student organizations or administrators from a particular campus. We closely reviewed every comment we received.

The comments touched on many different aspects of our draft Report. Our recommendations concerning the roles of administrators and police, policies on civil disobedience and First Amendment rights, mutual aid and post-event review drew a particularly large number of comments. As a general matter, many campus administrators and police commented that the recommendations should be revised to give them more flexibility in responding to the varied challenges posed by protests. Some students and faculty commented that the recommendations should further limit the ability of the police to use force.

We have made revisions throughout the Report that incorporate or respond to many suggestions made during the public comment period. Key changes include (but certainly are not limited to) the following:

- We added a paragraph to the executive summary acknowledging that most protests are handled successfully by campuses across our system, and that many of our recommended best practices already have been adopted by some campuses. This discussion can be found at page 1 of the final Report.
- We added a Preliminary Statement on Scope to emphasize further that the focus of our Report is on protests involving civil disobedience, and on protesters who are acting in good faith to raise issues of

concern, not merely trying to cause disruption or damage. This discussion can be found at page 4 of the final Report.

- We further emphasized the need to identify funding sources for implementation of our recommendations. This discussion can be found at page 15 of the final Report.
- We added a new recommendation that you discuss with the Regents increasing opportunities for students and other campus constituencies to address concerns directly with the Regents at times other than during the public comment period at formal meetings. This discussion can be found at page 23 of the final Report.
- We clarified our recommendations surrounding decision-making during protests. We recommend that an administrator must be on site during protest situations when use of force by the police is contemplated, but we clarify that the administrator on site need not be the Chancellor or the Chancellor's designee, as long as the administrator on site is in real-time communication with the Chancellor or the Chancellor's designee. We recommend that, absent exigent circumstances, the Chancellor or the Chancellor's designee be required to authorize any force by the police immediately prior to its use. This discussion can be found at pages 36 and 39—40 of the final Report.
- We now recommend that, absent exigent circumstances, police should give warnings before using force options that pose health risks to individuals with particular medical conditions (such as pepper spray for pregnant women or those with asthma). The warning should clearly state that individuals with those medical conditions could be at risk of harm, and police should then allow people sufficient time to leave following the warnings. This discussion can be found at page 80 of the final Report.

To avoid redundancy, we also consolidated a few of our recommendations. Except as noted above, the substance of our recommendations remains unchanged. As a result of this consolidation, however, we now offer 49 recommendations instead of 50.

It is our sincere hope that the recommendations presented in this Report will help the University improve its responses to protest situations, and minimize the possibility of discord, violence or use of force at future protests. We appreciate the opportunity to work on this important effort. On the whole, we found the experience to be a heartening one. Although this project was borne out of controversy and turmoil, our interviews and meetings with stakeholders throughout this University confirmed that there is a genuine and earnest desire in all quarters to work collaboratively, to promote and protect First Amendment rights, to encourage peaceful protest, and to avoid the sort of turmoil we observed in November 2011.

Very truly yours,

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