

UNIVERSITY OF OREGON POLICE DEPARTMENT COMPLAINT RESOLUTION PROCEDURES

The University of Oregon hereby establishes a Complaint Resolution Committee (CRC) to hear complaints regarding the conduct of sworn members of the University of Oregon Police Department (UOPD) and UOPD policies.

Mission Statement

The CRC's mission is to provide recommendations to the Vice President for Finance and Administration to help ensure that complaints regarding the conduct of sworn members of the UOPD and UOPD policies are resolved in a fair, thorough, reasonable, and expeditious manner. In performing its mission, the CRC shall:

1. Have an advisory role;
2. Be representative, fair, and accountable;
3. Document its work accurately;
4. Be timely and responsive;
5. Encourage the resolution of a complaint at the earliest opportunity possible;
6. Ensure reasonable access to the complaint process for the complainant;
7. Account for the unique and culturally diverse nature of the UO community;
8. Be responsible by applying resources proportionately to the seriousness of the issues raised by the complaint; and
9. Recognize that its actions reflect on the University of Oregon.

Procedures

1.0. In General

1.1 Application of Procedures

The following procedures shall be employed by the CRC to govern the receipt of and response to complaints regarding the conduct of sworn members of the UOPD concerning the performance of their official duties and complaints about UOPD policies. Complaints about conduct of the Chief of Police (Chief) are reviewed as set forth in Section 4.

1.2 Definitions

The following are defined terms in these Procedures.

1.2.1 Aggrieved Person: Any Person, other than a member of the UOPD, directly affected by alleged Serious Misconduct of a UOPD sworn officer in the course and scope of the officer's employment or directly affected by the application of a UOPD policy.

1.2.2 Chief: The Chief of the UOPD.

- 1.2.3 Complaint: Any written, sworn complaint submitted by a Person pursuant to the guidelines.
- 1.2.4 Complainant: the Person who has submitted a Complaint.
- 1.2.5 Complaint Resolution Committee or CRC: The committee created in this document.
- 1.2.6 Serious Misconduct: Conduct by a UOPD sworn officer occurring in the course and scope of employment that materially breaches established practice, standards of professional behavior, or UOPD policies, guidelines, procedures, or directives. Serious misconduct is defined as willful or deliberate behavior by an employee that causes serious or imminent risk to the health and safety of a person, the reputation of the university or to commit misdemeanor and/or felony violations of local, state or federal law.
- 1.2.7 Person: a natural person.
- 1.2.8 Preponderance of Evidence: Preponderance of the evidence, is the standard required in most civil cases. Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true. Simply put, “it is more probable than not to have occurred.”
- 1.2.9 President: President of the University of Oregon or designee.
- 1.2.10 Professional Standards Office or PSO: The office within the UOPD that evaluates the conduct of UOPD sworn officers.
- 1.2.11 Reasonable: The determination by an ordinarily prudent and rational Person that something is adequate under the circumstances.
- 1.2.12 Subject Officer: A sworn officer of the UOPD against whom a Complaint is filed.
- 1.2.13 University of Oregon Police Department or UOPD: The law enforcement agency established pursuant to ORS 352.383.
- 1.2.14 Unlawful Policy: when the application of UOPD policy, practice, guideline, procedure, or directive violates a state or federal law.
- 1.2.15 Vice President for Finance and Administration or VPFA. The Vice President for Finance and Administration or designee.

1.3 Composition and Training of the CRC

- 1.3.1 Composition and Terms of Appointment

The CRC membership is appointed by the President and consists of:

- a. One undergraduate student and one graduate or professional student, each of whom shall be available year-round. The president of the Associated Students of the University of Oregon may submit the names of three undergraduate students and three graduate or professional students for the President's consideration. Each student member is appointed for a one-year term, which begins on June 1st and ends on May 31st. Each initial student appointee will serve until the May 31st that is more than one year but less than two years from the date of his or her appointment.
- b. Three full-time employees of the University of Oregon, each of whom shall be available year-round. United Academics of the University of Oregon, the Officers of Administration Council, and the Service Employees International Union may each submit the names of three employees for the President's consideration. One employee from each group shall be appointed. Each employee member shall be appointed for two years, which begins on June 1st and ends on May 31st. Each such initial member will serve until the May 31st that is more than two year but less than three years from the date of his or her appointment.
- c. Four at large members, one of whom must be a sworn law enforcement officer who has retired or resigned in good standing from active service as a law enforcement officer, appointed upon the recommendation of the Executive Leadership Team. Each of these members must be available year-round. Each of the at large members shall be appointed for two years, which begins on June 1st and ends on the May 31st. The President shall designate one of these members to serve until the May 31st that is more than two years but less than three years from the date of his or her initial appointment. The President shall designate two of these members to serve until the May 31st that is more than three years but less than four years from the date of his or her initial appointment.
- d. Two ex-officio members selected by the President. One of the ex-officio members shall be a UOPD administrator recommended by the Chief, and the other ex-officio member shall be a University student affairs administrator recommended by the Vice President for Student Affairs.

The Chair and Vice Chair shall be selected by the President from among the CRC members appointed under sections 1.3.1.a, b, and c.

The President may reappoint any of the members. Current UOPD employees are ineligible to serve as voting members of the CRC. A person who has submitted a complaint to the CRC or any other law enforcement agency is disqualified from serving on the CRC. Former UOPD employees may serve on the CRC. Each member of the CRC must complete a criminal background check that is satisfactory to the President.

1.3.3 Training

Upon appointment to the CRC, the member shall receive a briefing book prepared by the UOPD that addresses at least the following:

- a. how complaints are defined for processing and how the UOPD conducts complaint investigations;
- b. the role of the CRC;
- c. how the CRC conducts its activities;
- d. laws, rules, policies and practices governing the work of the UOPD;
- e. typical activities of a UOPD sworn officer;
- f. expectations established for UOPD officers;
- g. officer training, including officer safety, probable cause and reasonable suspicion;
- h. how the duties of a UOPD officer differ from the duties of a municipal police officer;
- i. criminal activities on UO owned or controlled property and in areas adjacent to UO served by the UOPD;
- j. workers' compensation claim information concerning municipal police officers;
- k. officer safety; and
- l. confidentiality obligations of CRC members;
- m. labor rights;
- n. Eugene Police Department overlay.

CRC members may ask to observe UOPD officers at work (i.e., a ride-along during a patrol shift) and to participate in a mock complaint resolution review scenario.

2.0 Filing and Resolution of Complaints

2.1 Initiation of Complaints

- 2.1.1 A Complaint may be made only by an Aggrieved Person and must be made in writing on a standard form available from the UOPD. The form must be made available electronically and in hard copy, and the UOPD shall provide for the submission of complaints electronically. Aggrieved Person must sign the Complaint and certify that the facts alleged in the Complaint are true and correct to the best of his or her knowledge. Should an Aggrieved Person not wish to file a Complaint, he or she shall be advised of UOPD informal review procedures. The informal review procedures are not subject to these Procedures.

2.1.2 All Complaints shall be processed as set forth in these guidelines. A Complaint form may be obtained and a Complaint filed at any one of the following offices:

- UOPD, East Station: 2141 E 15th Avenue, 541-346-2919 or <http://police.uoregon.edu/>
- UO Police department Complaint Resolution Committee, in care of the Office of the Vice President for Finance and Administration, 103 Johnson Hall, 541-346-3003; or
- Office of the Dean of Students, 372B Oregon Hall, 541-346-8128; or
- Human Resources, 677 E 12th Avenue, Suite 400, 541-346-3159.

2.1.3 The recipient of a Complaint shall forward it immediately to the Chief or his or her designee and the PSO. The PSO will advise the CRC Chair and the VPFA by email that a Complaint has been filed and will confirm receipt of the Complaint by notifying the Complainant as soon as reasonably practicable.

2.1.4 All Complaints must be filed within one hundred eighty (180) calendar days of the alleged Serious Misconduct or application of the Unlawful Policy, and any Complaint not filed within one hundred eighty (180) calendar days need not be processed pursuant to these Procedures. The one hundred eighty (180) calendar day deadline may be extended by thirty (30) calendar days if the Complainant demonstrates that the failure to timely file the Complaint was the result of incapacity or other good cause. Lack of knowledge of the existence of these Procedures does not constitute incapacity or good cause.

2.1.5 Complaints must allege facts that, if true, would constitute Serious Misconduct or would result in the finding of an Unlawful Policy. Complaints which do not allege such facts must be evaluated for classification as a different type of complaint.

2.1.6 CRC reviews UOPD's *administrative role* in investigation of alleged serious misconduct or criminal behavior committed by a UOPD officer. The CRC is not an investigative body, and will limit its assessment to the complaint review process.

2.2 Classification and Recording of Complaints; Informing Interested Parties

2.2.1 The PSO shall classify the Complaint into one or more of the following categories:

- a. **Serious Misconduct or Unlawful Policy.** Complaints alleging Serious Misconduct or an Unlawful Policy are investigated by the PSO. A Complaint that alleges Serious Misconduct shall be evaluated to determine if the Serious Misconduct may constitute criminal conduct and should be referred for investigation by an appropriate outside law enforcement agency. Such a referral may necessitate the suspension of these Procedures as to part of all of the Complaint pending the outcome of the referral. The decision to suspend these Procedures is made by the VPFA.

- b. Other. The disposition of all other Complaints shall be determined by the Chief. The Chief or VPFA may determine that the Complaint is in fact one of Serious Misconduct or Unlawful Policy, in which case it shall be processed in accordance with these guidelines.

2.2.2 Within seven calendar days after receiving a Complaint of Serious Misconduct or Unlawful Policy, the PSO shall forward a copy of the Complaint to the Chair of the CRC. The Complaint shall be redacted to exclude all personally identifiable information.

2.2.3 The PSO is responsible for ensuring that the Complainant is notified in a timely manner about the processing of the Complaint.

2.3 Facilitated Conversation

The PSO may determine at any time whether a Complaint is appropriate for facilitated conversation, and upon the voluntary agreement of the Complainant and the Subject Officer and the approval of the Chief, shall coordinate the resolution of such cases. A facilitated conversation is an alternative to these Procedures. If the parties agree to a facilitated conversation, these Procedures will be terminated, and the facilitated conversation will be the exclusive means of addressing the Complaint. The purpose of a facilitated conversation is to fully, thoroughly and frankly discuss the acts or omissions alleged in the Complaint and attempt to arrive at a mutually agreeable resolution. Notwithstanding the termination of these Procedures, the PSO is still responsible for ensuring that the Complaint is addressed as a University personnel matter.

2.4 Review

When a Facilitated Conversation is not elected, the PSO shall cause the Complainant, each Subject Officer, and witnesses or other persons likely to have information concerning the Complaint to be interviewed, assemble all other relevant information, and complete the review. The department shall ensure that reviews are completed and employees are provided notification of intended discipline within 6 months from the date of the first interview. Employee has the right for union representation to be present during the interview. The Chief, or designee, may extend the review, provided that, before the extended period begins, the employer gives written notice explaining the reason for the extension to the employee and the employee's chosen representative and union representative, if any. Nothing in the section is intended to be contrary to any rights guaranteed in a controlling collective bargaining agreement.

2.5 Categories of Investigative Adjudication

When the review is complete, the department shall classify the Complaint as set forth below.

2.5.1 If the department determines that the acts or omissions set forth in the Complaint did not occur, did not constitute Serious Misconduct, or did not involve a UOPD officer, the finding shall be "Unfounded."

- 2.5.2 If the department determines that the acts or omissions set forth in the Complaint did occur but were justified, lawful, or proper, the finding shall be "Exonerated."
- 2.5.3 If the department determines that there was insufficient evidence to sustain the Complaint, the finding shall be "Not Sustained."
- 2.5.4 If the department determines that the acts or omissions described in the Complaint occurred and constituted Serious Misconduct, the finding shall be "Sustained." The standard of proof to be used is "preponderance of evidence."
- 2.5.5 If the department determines that the acts or omissions were in accordance with UOPD policy, practice, guideline, procedure, or directive but that the policy, guideline, procedure, or directive was unlawful as applied, the finding shall be "Exonerated" but the department shall also recommend that the policy, guideline, procedure, or directive, or the implementation of the foregoing, be revised.

2.6 Determination of Appropriate Action

A report of the completed investigation shall be submitted to the Chief, and the Chief shall take further action in accordance with applicable laws, policies, and collective bargaining agreements.

The department will provide a report with personally identifiable information redacted to the Chair of the CRC.

The Complainant and the Subject Officer will be advised of the investigation's adjudication.

3.0 Committee Review

3.1 Meetings and Deliberation

Because the CRC's mission is to provide recommendations to the VPFA, its meetings are not subject to the Oregon public meetings law. CRC meetings may be open to the public, however, except in case of discussion of information that is exempt from disclosure or is prohibited from being disclosed under any applicable law, rule, policy, or collective bargaining agreement. The CRC will meet as often as is necessary to conduct its business but at least once during each of fall, winter, and spring term. UOPD will provide to the CRC a summary of activity germane to the committee's work.

The CRC is not required to review all investigations. The Chair may designate one or more subcommittees consisting of five (5) CRC members to review any investigation. The subcommittee shall make its recommendation to the Chair who shall forward it unaltered to the VPFA. The CRC may consult with the PSO for explanation and clarification of police procedures, department operations, and related issues. The CRC may consult with the Student Life representative to explain and clarify student conduct and related issues. The CRC may also be provided access to policies, practices, guidelines, procedures, or directives, except for those that are of a confidential tactical nature.

3.2 Quorum; Majority Vote; Personal Involvement

CRC meetings may be conducted only if five members (excluding ex-officio members) are present. Members may be present by telephone or other real-time electronic means. The Chair has full authority to preside over and conduct the meetings and make all procedural decisions, except that public comment may be taken only in writing. A recommendation by the CRC requires the affirmative vote of at least five (5) members. When possible the committee will work as a whole. Subcommittees designated by the Chair must be comprised of at least (5) members. The Chair shall disqualify a CRC member from participation in any matter in which the member has a personal interest.

3.3 Confidentiality

- 3.3.1 All information received or developed by the CRC or one of its members is strictly confidential and may be disclosed only to the extent expressly authorized by law. As a condition of appointment to the CRC, each member shall sign a document provided by the University acknowledging his or her obligations as a CRC member including but not limited to those set forth in this section.
- 3.3.2 Members will protect the security of all information. CRC members are obligated to report breaches of confidentiality, including their own, to the Chair.
- 3.3.3 Breach of this section is a basis for removal of a member from the CRC. Such an allegation shall be brought to the Chair. Should the Chair find the allegation of breach of confidentiality to be true more likely than not, the Chair shall notify the President, who may remove the member from the CRC. The member will also be subject to the consequences described in the Confidentiality Agreement.
- 3.3.4 If the Chair is alleged to have breached confidentiality, the VPFA shall perform the role of the Chair under this Section 3.4.

3.4 CRC Recommendation

The CRC may make one of the following recommendations to the VPFA: (1) that the adjudication was thorough, fair and reasonable, or (2) that the adjudication was thorough, fair and reasonable but a review of policy, practice or training is recommended, or (3) that concerns exist that require further inquiry. The CRC recommendation may include the factual and legal basis for its recommendation but no additional information. The CRC may not review, recommend, or comment on personnel decisions under any circumstances.

4.0 Complaints against the Chief

- 4.1 A Complaint of Serious Misconduct by the Chief may be made by an Aggrieved Person, including UOPD Officers or Staff. Such a Complaint shall be submitted in the same

manner and subject to the same procedures, policies, and deadlines provided in this policy.

4.2 The Chief shall have no role with respect to any complaint against the Chief. The VPFA will be substituted for the Chief and will also continue to perform the VPFA's role under this policy.

5.0 Other

5.1 No Derogation of Authority

Nothing in this Procedure is in derogation of the authority of the University or any University official. However, all University officials are expected to make every reasonable effort to cooperate and participate in good faith in the processes set forth in this document

5.2 Record-keeping

The University shall maintain records of CRC actions consistent with controlling record retention laws.

6.0 Review of Procedures

The Vice President for Finance and Administration shall conduct a review of the effectiveness of these complaint resolution procedures to determine whether any revisions are warranted and revise the procedures as appropriate. The timing of such review shall be in the Vice President's discretion. In conducting a review, the Vice President will consult with the CRC.

7.0 Removal from Committee

Failure to comply with the obligations outlined in these complaint resolution procedures constitutes grounds for removal from the Committee by the President.