

## **FACT SHEET ON RECENT CAMPUS DEMONSTRATIONS AT UC DAVIS**

### **1. What happened?**

During the week of November 14, the UC Davis campus experienced a series of protest demonstrations. One demonstration involved the occupation of Mrak Hall during the afternoon and evening of Tuesday, November 15. The protesters did not follow the direction of campus administrators to leave Mrak Hall at the close of business, 5:00 p.m., on November 15, in violation of university policies. Campus administrators elected not to engage the demonstrators further that evening. The demonstrators occupied Mrak Hall overnight Tuesday. The following day, Wednesday, the campus administration elected to close Mrak Hall at 2:30 p.m., to everyone except employees working in Mrak. At that time, the demonstrators were again directed to leave the building, and they peaceably complied.

On Thursday, November 17, demonstrators erected tents on the campus Quad, without obtaining a reservation or permit required of all users of the Quad. UC Davis officials informed the protesters of the relevant university policies, including the prohibition against overnight camping on campus. The protesters failed to comply with these policies. Again, the campus administration elected not to engage the camping protesters further regarding their refusal to comply with university policies. The protesters remained camped on the campus Quad overnight.

Similar protest encampments had occurred on the UC Berkeley and UCLA campuses earlier during the week of November 14. In response, UC Berkeley and UCLA campus police conducted early morning sweeps in which the tents were removed in generally peaceful fashion without significant camper resistance. On Friday, November 18, the UC Davis campus administration also elected to enforce the campus's prohibition against camping and the camping protesters were again asked to remove their tents. Many protesters complied, but several did not, and 10 were arrested.

The arrest of these 10 protesters and the subsequent use of pepper spray by officers against protesters are the subject of several pending fact-finding reviews. For the reasons discussed below, it would be inappropriate to discuss the pepper spray incident in more detail. Regardless of the outcome of these reviews, Chancellor Linda P.B. Katehi and the UC Davis campus leadership share the dismay of many regarding the use of pepper spray on the demonstrators.

### **2. What investigations are being conducted?**

#### **a. Comprehensive investigation By UC Davis**

Vice Chancellor John Meyer on Sunday, November 27, initiated an independent and comprehensive fact-finding investigation of the arrest of the protestors, and the subsequent use of pepper spray by officers against protestors, to inform the campus of the appropriate action it should take with respect to its employees. UC Davis has appointed a team of outside investigators who will have unrestricted access to all employees, witnesses, documents, videos, photographs, and evidence.

#### **b. Yolo County District Attorney's Office and Yolo County Sheriff's Department Review**

On Monday, November 21, Chancellor Katehi called on the Yolo County District Attorney's office to fully investigate the Police Department's use of force, and the District Attorney's office agreed to conduct a review in collaboration with the Yolo County Sheriff's Department.

#### **c. UC Office of the President-Led Task Force**

Also on November 21, Chancellor Katehi requested that UC President Mark Yudof oversee a task force to review the November 18 events and to develop recommendations to ensure the safety of peaceful protesters on campus. Yudof, in turn, named Professor Emeritus Cruz Reynoso, a former associate justice of the state Supreme Court, to chair the task force that will examine the use of pepper spray on protestors. Fact-finding has been assigned to William Bratton, who formerly led the New York, Los Angeles and Boston police departments.



#### **d. UC Office of the President Systemwide Review of all Campus Police Policies**

President Yudof separately appointed UC General Counsel Charles Robinson and UC Berkeley School of Law Dean Christopher Edley Jr. to lead a systemwide examination of police protocols and policies as they apply to protests at all 10 UC campuses. This effort will include visits to campuses for discussions with students, faculty and staff, and consultation with an array of experts. The review is expected to result in recommended best practices for policing protests across the 10 UC campuses.

#### **e. UC Davis Academic Senate Review**

The Executive Council of the UC Davis Academic Senate approved the formation of a Special Committee to investigate in a thorough and timely manner the events leading to the use of force on Friday, November 18. A special meeting of the Representative Assembly will be held on December 2, from 10:00 am–12:00 pm.

The UC Davis campus administration is dedicated to ensuring the integrity of these various reviews to the extent possible, including the protection of the rights of those involved. Therefore, campus administrators must withhold comment on the specific facts until these reviews, and any related proceedings, are concluded. We regret this constraint, but believe it best serves the public interest in assuring appropriate review of these matters.

### **3. Who oversees the UC Davis Police Department?**

Within the University of California system, campus police chiefs do not report to the Chancellor, but report to a Vice Chancellor. The UCDPD police actions are directed by the UCDPD Chief, in accordance with UCDPD policies, procedures and General Orders.

### **4. What is UC Davis' policy with regard to protecting Free Speech?**

The UC Davis administration vigorously supports the free exchange of ideas as the lifeblood of a successful university community. To this end, campus policies liberally support free speech, but do include limited “time, place and manner” regulations to protect the health and safety of the campus community and to ensure the ability of students, staff and faculty to accomplish the university’s mission.

Protest demonstrations are permitted across the campus, and at nearly all hours, so long as they do not unduly interfere with the operation of the university. The limited regulations that have been developed concerning free speech are designed to ensure that such freedoms do not unduly infringe on the rights and freedoms of others. For this reason, there are policies requiring advance reservations and permits for the use of highly utilized areas (e.g. the UC Davis Quad)<sup>i</sup>, and a prohibition against camping.<sup>ii</sup> Members of the campus community are provided greater freedoms in certain respects than individuals who are not affiliated with the campus.<sup>iii</sup> For example, a curfew that applies to non-affiliates (7 CCR, section 100007) does not apply to members of the campus community. However, both non-affiliates and members of the campus community are prohibited from camping on the Davis campus.

The university must apply these limited time, place and manner regulations in a fair and equal manner, regardless of the nature or content of the speech at issue. There is certain speech that will be found by the general community to be less objectionable than other speech. Fair application of these regulations to such less objectionable speech is needed to ensure that the regulations can be applied to all other speech as well.

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<sup>i</sup> UC Davis Policy and Procedure Manual (UCDP&PM), Chapter 270, section 20, “Use and Reservation of University Properties/Event Arrangements,” <http://manuals.ucdavis.edu/PPM/270/270-20.pdf>

<sup>ii</sup> UCDP&PM section 270-20 II.C. (“Use of University properties for overnight camping is prohibited.”)

<sup>iii</sup> “Regulations Governing Conduct of Non-Affiliates in the Buildings and on the Grounds of the University of California,” California Code of Regulations, Title V, Division 10, sections 100000-100015 (<http://www.oal.ca.gov/ccr.htm>).