

November 28, 2011

Dear Colleagues:

Many of you have asked me to issue a preliminary assessment of the events occurring on November 18, 2011, and to describe the actions taken to date by me and Executive Council. I know I have asked extraordinary patience of you while I undertake the job that I was appointed to do as your Chair of the Davis Division of the Academic Senate. As a scientist it is not in my nature to get ahead of the data; as a faculty member I put the students first. When I saw the first video of the brutality on the quad I felt as if I had been stabbed in the heart, a feeling I know the majority of you share.

My first communication to the Chancellor on Friday, November 18th was to make sure the charges against the students would be dropped and all medical bills would be covered; she had already made the decision to do so. My second immediate demand was that those directly involved be placed on leave. I learned that although she had requested this be done she has more limited authority than I thought over our police force. Finally, I asked that the police presence on or around the quad be diminished and if necessary I would have faculty patrol the quad to ensure the safety of our students. The members of Executive Council were prepared to be there themselves and to contact their committee members and faculties to back up this position. I had immediate responses from graduate and professional school students to also patrol the quad. The Chancellor assured me that this would not be necessary. Executive Council members periodically went by the encampment once it was reestablished to check on the wellbeing of the students. Executive Council met with the students of the Occupy movement on Wednesday, November 23rd to ask if they felt safe and if there was anything we could do to make them feel safer. They said they felt safe as long as the police were kept away.

Many of you have sent me emails about the man in the grey suit filming the crowd on November 18th with concerns about the intent of that filming. I have asked the Chancellor and she has told me that she does not know who that individual is nor why he was filming the crowd and appeared to be with the police. I will continue to press on this issue.

Second, during the tragedy on the quad we were holding an Executive Council meeting with the Chancellor. I had not been in the loop on decisions that were being made so I had as an agenda item a discussion of her intentions with respect to the Occupy movement and student demonstrations. We learned that she had already called for the tents to be removed and that this was happening as we were being told of her decision. There was no consultation with the Senate regarding this decision. She assured us at that time that although the police had been told to remove the tents as is apparently a UC policy, she had clearly instructed them to do it peacefully and without force unless physically threatened or attacked. Further the reasons for the order to remove the tents were health and safety related, due to poor sanitation practices. As a microbiologist, who teaches sanitation, I know this is indeed a problem. We registered our opposition to the use of excessive force probably just as it was happening. During the meeting, the Chancellor was seated next to me and I know she did not receive any communication from the field. She did get called to the hallway and came back and her report of what had happened was identical to the statement that she subsequently made to the press and that you all have heard and that turned out to be egregiously incorrect as evidenced by the videos released by the press. When I asked the Chancellor about this the next day, she said she had repeated what she had been told by her staff concerning the events of the quad, and it was not until later that she saw the videos released by the press herself. Some Executive Council members thought the clearing of the Occupy movement was timed deliberately during our meeting to prevent any meaningful consultation; others viewed it as simply unfortunate timing. As a consequence, the tenor of my conversations with the Chancellor has been quite different from that of the main campus and I will give a full report at the Representative Assembly meeting.

Third, I started investigating the culture and origin of our repressive policies. I received immediate assistance from the systemwide office of the Academic Senate in sourcing these policies. Bob Anderson called for an emergency teleconference meeting of Academic Council in which I participated. I believe our policies are historic, many a legacy of the incident involving the active shooter at Virginia Tech., and the sharp criticism in the press of campus police being "mall cops" at that time. I know changes were mandated by both state and local governments after that event. I personally do not think one should send inexperienced and untrained individuals against an active shooter. However, I also do not think one should send a SWAT team to issue citations for minor violations.

Executive Council has taken three actions: First, to issue our statement that many have thought was weak but that reflected a commitment to get the facts first. We called for an independent investigation into the events on the quad and I advised the Chancellor to abandon her plans for formation of a taskforce as it would likely not appear credible. Further, if an administrative task force was necessary I believed it should be formed by someone else. We continually emphasized the need for independence of the task force. The result of this request was the decision by the Office of the President to conduct the administrative inquiry. Second, we have formed our own Special Committee to examine the events leading up to the actions taken on the quad and also to review our policies, procedures, culture and climate to make strong recommendations for change. I have read the Brazil report issued by the Police Review Board of UCB in 2010 after an incident in 2009 and agree with most of their recommendations that obviously have not been adopted (http://administration.berkeley.edu/prb/6-14-10_prb-report.pdf). Our Special Committee may have different or additional recommendations of its own. I will do everything that I can to make sure our report is not ignored. Provost/Executive Vice President Pitts has assured me personally that policies will change. Third, I called for a special meeting of the Representative Assembly. I report directly to the Representative Assembly and will have more to say on Friday when we meet. Representative Assembly meetings are public and open to all faculty. The Chancellor will be there. We will hold the meeting in the Mondavi Center to allow for full attendance by the faculty. Executive Council intends to introduce a resolution at that meeting commending our students. I hope to have the text of that resolution finalized and out to all departments and their Representative Assembly members prior to the meeting on Friday.

I am continuing to look into the events of November 18th, and will issue periodic updates to the faculty. I have found many things that I would like to propose that we change, but ask for your continued patience as I am still uncovering new information.

Sincerely,

Original Signature on File

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