

# **CHARTER OF THE PORTLAND STATE UNIVERSITY PUBLIC SAFETY OVERSIGHT COMMITTEE (UPSOC)**

**December 13, 2019**

## **PREAMBLE**

Following the tragic events of 2018 of the fatal officer involved shooting of Mr. Jason Washington, PSU engaged in a comprehensive process to review and evaluate its overall approach to Campus Public Safety. Based on that review, it is clear that enhancing and clarifying the role of the University Public Safety Oversight Committee (UPSOC) is a necessary step in reframing the relationship that many members of the PSU campus community have with PSU's Campus Public Safety Office (CPSO). UPSOC supports the University's commitment to providing equitable, effective, community-oriented policing that CPSO strives for and our community deserves. This charter outlines the renewed and enhanced role of UPSOC moving forward.

## **ARTICLE I. NAME**

This charter establishes the University Public Safety Oversight Committee (UPSOC).

## **ARTICLE II. MISSION**

UPSOC will provide PSU and the surrounding community, oversight and counsel to CPSO and University leadership in order to advance and ensure social justice, fair treatment, and confidence in CPSO. In particular, UPSOC will endeavor to:

1. Provide the PSU community a role in recommending and reviewing policies and practices that ensure a high quality of police services and in providing recommendations for the selection of CPSO personnel.
2. Provide oversight of CPSO with regard to the provision of police services with the goal that the entire community – those who study, work, live at PSU, or visit PSU – may live safely and experience equitable treatment in any interactions with CPSO employees.
3. Work with CPSO to ensure the respectful treatment of all persons. This concern is of special significance with respect to members of the community that are vulnerable, minoritized, underrepresented and have a history of being marginalized<sup>1</sup>.

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<sup>1</sup> This includes but is not limited to, persons of color, immigrants, those experiencing housing insecurity or homelessness, victims of sexual or relationship violence, individuals with disabilities, including mental health, members of the LGBTQ community, and elderly individuals

4. Review CPSO operations in general and particular incidents as necessary to evaluate the police response in the incident as well as the sufficiency of any police investigation related to the incident, and provide counsel to CPSO regarding its review and recommend changes in CPSO policies or practice as needed to address any identified concerns.

## **ARTICLE III. MEMBERSHIP**

### **Section 1. Composition**

UPSOC will consist of thirteen to nineteen voting members.

### **Section 2. Recruitment and Selection Process**

UPSOC will solicit applications for membership when positions become vacant. Applications will be accessible and posted both online with hard copies available in the University President's office. Translation services will be made available to applicants as necessary. UPSOC will work with University Communications and Global Diversity & Inclusion to outreach to diverse populations and inform the campus community about the role of UPSOC and the expectations and contributions of its members. *Note:* Failure to apply will not disqualify a person from being eligible for appointment. Any member of the campus community may nominate individuals for consideration. UPSOC will vote by simple majority to determine membership recommendations to be forwarded to PSU's president. The president will appoint the members.

### **Section 3. Diversity of Membership, Appropriate Representation and Appointment of Select Members**

UPSOC will include student, staff and faculty, and a CPSO-officer. Student membership will include three student members: one student recommended by UPSOC, one graduate student, and one representative of the Associated Students of Portland State University (ASPSU). Students will receive a stipend.

- a. The overall membership of UPSOC should strive to reflect the University's diverse population, including income level, race, ethnicity, age, gender, sexual orientation, and experience;
- b. Members of the campus community who are vulnerable, minoritized, underrepresented, have a history of being marginalized, and that tend to have significant negative interactions with the police, will be appropriately represented;
- c. UPSOC includes members with a variety of skills, expertise, and life experiences bearing on the work of the committee, such as people who work or have worked in the fields of mental health, homelessness, anti-racist and equity and inclusion, and people who have had significant experience with the police, law enforcement, and the criminal justice system.
- d. The Chief of CPSO will recommend one officer.

- e. The President of ASPSU will nominate the ASPSU representative. The ASPSU representative will serve one year and may be appointed by UPSOC to serve a second year as the student recommended by UPSOC.
- f. The presiding officer of the faculty senate (or designee) will serve as a member of UPSOC.
- g. Community Members. No fewer than two members of UPSOC will be members of the greater Portland community who are otherwise unaffiliated with PSU, selected in consultation with the Vice President for Global Diversity and Inclusion and the chair(s) of the committee.
- h. All other members will be selected through a university-wide application process.

#### **Section 4. Terms**

Terms for voting members will be two years, except that the term of any student member is one year. Membership is renewable as recommended by UPSOC and approved by the President.

#### **Section 5. Ex-Officio Members**

The Chief of Campus Public Safety will be an ex-officio non-voting member of UPSOC. The President may appoint ex-officio non-voting members. Those individuals will not be eligible to vote but may otherwise participate in UPSOC meetings.

### **ARTICLE IV. LEADERSHIP AND OPERATIONS**

#### **Section 1. Reporting Structure**

The University President will appoint a Chair (or Co-Chairs) in consultation with the UPSOC members. The Chair(s) will report directly to the President and may meet with the President as the need arises. The Chair will be responsible for calling and leading UPSOC meetings, developing meeting agendas, ensuring necessary information is properly communicated to UPSOC members, and generally providing leadership to the Committee. The Chair(s) will serve a two-year term, unless they resign or are replaced by the President in consultation with UPSOC membership. Chair(s) may be renewed as determined by the President in consultation with UPSOC members.

#### **Section 2. Rules of Procedure**

This Charter shall be considered ratified when it has been approved at a regular meeting of the UPSOC by a two-thirds vote and confirmed by the University President. Subject to final confirmation by the University President, this Charter may be amended at any regular meeting of the UPSOC by a two-thirds vote of the current UPSOC members, provided that the amendment has been submitted in writing at the previous regular meeting. By simple majority

vote the UPSOC may also adopt separate rules of procedure, provided that they are not inconsistent with this Charter. The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the UPSOC in all cases to which they are applicable and in which they are not inconsistent with this Charter, approved procedures, or any special rules of order that the UPSOC may adopt.

### **Section 3. Committees and Assignments**

UPSOC may establish sub-committees as needed to carry out its mission provided that any report prepared by a subcommittee be presented to and accepted by UPSOC as a whole before it is issued.

### **Section 4. Facilities and Staff Support**

The University will provide UPSOC with suitable space to conduct its meetings and with appropriate administrative support as determined by the President in consultation with the Chair(s). UPSOC may request funding and approval to engage additional professional services as needed, such as for evaluations and trainings. Upon the University President's approval of such a request, services will be contracted in accordance with University procurement procedures. UPSOC will have the opportunity to provide input regarding recommendations and selection of contractors.

### **Section 5. Legal Counsel**

UPSOC is a PSU committee and as such, is represented by the University's Office of General Counsel (OGC). UPSOC may seek counsel and advice from OGC as needed.

### **Section 6. Training and Orientation Programs**

Each member of UPSOC will be provided training or education on topics that UPSOC will prescribe, such as CPSO policies and procedures, use of an equity lens, implicit bias, Title IX, trauma-informed care, history of campus policing, power analysis, restorative practices, and mental health and social service resources. The Chair(s) will develop a training plan and schedule at the start of each academic year. The committee may maintain an archive of training materials for use in the orientation of future members.

### **Section 7. Confidentiality Statement**

In performing their duties, UPSOC members may have access to sensitive and confidential information. In order to protect individual rights and ensure the integrity of UPSOC's work, it is critical that members of UPSOC preserve the confidentiality of such information. Each member of UPSOC and every person who renders services to UPSOC must sign a statement pledging to maintain confidentiality and protect confidential information received in the course of performing UPSOC duties.

## **ARTICLE V. AUTHORITY AND RESPONSIBILITIES**

### **Section 1. Policies and Procedures**

UPSOC shall review and assess, according to such priorities as it may determine, all Campus Public Safety-related policies and procedures and make recommendations for any suggested improvements. Review and assessment responsibility include both new policies and revisions to existing policies. To enable UPSOC to perform effectively this responsibility, CPSO will provide UPSOC with proposed new policies and revisions to existing policies no fewer than 45 days before their implementation.

UPSOC policy recommendations may concern any matter related to UPSOC's mission, including but not limited to:

- a) Recruitment, hiring, and promotion of CPSO employees;
- b) Training of new CPSO personnel and ongoing training for existing CPSO personnel, to include training schedules and priorities;
- c) Procedures for handling complaints and determining discipline; public education, communications, and outreach efforts by CPSO;
- d) Non-law enforcement approaches that may reduce the demand and need for police interventions;
- e) Approaches to mental health crises;
- f) Use-of-force policy;
- g) Arrest procedures;
- h) Data collection and usages;
- i) Access control;
- j) Use of technological tools, such as surveillance cameras;
- k) Response to protests and other events;
- l) CPSO budget needs and allocation;
- m) Strategic planning.

### **Section 2. Access to Information and Materials**

To enable UPSOC to perform its functions under this section, it is critical that UPSOC have broad access to relevant information and materials that state or reflect Campus Public Safety-related policies. On request by UPSOC, CPSO or the University administration will provide UPSOC with all relevant information and materials that UPSOC requests, *except* to the extent prohibited 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 CPSO officer.

If CPSO or University administration believes that some requested information or materials, though relevant, should not be produced under this subsection, they will describe the information and materials withheld and provide UPSOC with a written explanation as to why it should not be produced. Disputes about the disclosure or redaction of materials will be decided by the University President in consultation with PSU's General Counsel.

### **Section 3. CPSO Standing and Annual Report**

The Chief of CPSO will provide a verbal report to UPSOC at each regularly scheduled UPSOC meeting and share any developments bearing on the CPSO's performance of its functions, including any significant changes in policies or procedures, status of recruitment and hiring of CPSO personnel, and training scheduled and completed by CPSO personnel. The Chief will present UPSOC annually with a written report that will include, at a minimum, yearly crime report data by type of incident; stop and citation data; a summary description of each case of use of force above simple handcuffing; a summary of internal investigations and community complaints, as described below; and a summary of CPSO personnel hired and professional development training provided to each department employee.

### **Section 4. CPSO Recruitment and Hiring**

When there is a vacancy in the position of Chief of Campus Public Safety, the University administration will consult with and seek advice and recommendations from UPSOC as to both the recruitment process to be used and the desired qualifications for the position. Finalists for the position will meet with UPSOC or its members and with the public. University administration will consult with UPSOC and consider its input before making the final decision regarding hiring. Similarly, the Chief of CPSO will ensure UPSOC is provided an opportunity to meet with finalists for campus police officer, campus public safety officer, student safety ambassador, and any other positions within CPSO UPSOC deems necessary. CPSO will weigh UPSOC's input before making any final decision regarding hiring of such personnel.

## **ARTICLE VI. INCIDENT AND COMPLAINT REVIEW**

### **Section 1. Charge and Authority**

UPSOC authority to provide independent review of CPSO incidents and complaints is twofold. First, UPSOC will review annual reports submitted by the Chief of CPSO summarizing internal investigations and complaint review information that include nature of each incident, demographic information related to complainant and respondent, and the disposition of the complaint or investigation. Second, UPSOC will conduct a more in-depth and timely review of CPSO's investigation and disposition of individual complaints against CPSO personnel in certain types of incidents, as outlined below. Based on its reviews as described in this section, UPSOC may make recommendations to the University President regarding CPSO policies and procedures, personnel training, equipment and support, and effective community engagement.

Since UPSOC is independent from CPSO, its review will not replace CPSO's own internal investigation and disciplinary procedures. UPSOC review also does not impinge upon the established responsibilities of Human Resources, the Office of Equity and Compliance or the Internal Audit Department, nor does it affect the University's obligations under the respective collective bargaining agreements. UPSOC does not have authority to impose disciplinary action on CPSO personnel. Members of the public who wish to file a complaint regarding CPSO

personnel may do so on CPSO's website or the Office of the President's website. here: [link to CPSO complaint process].

## **Section 2. Annual Review**

UPSOC will review annual reports submitted by the Chief of CPSO summarizing all internal investigations and complaints received by CPSO during the preceding year. The annual report will include, at a minimum, data regarding the nature of each incident, demographic information related to complainant and respondent, and CPSO's disposition of the complaint or investigation. UPSOC will coordinate with the Chief of CPSO to discuss the structure of the annual report and any additional summary information that would assist UPSOC in performing its oversight responsibilities.

## **Section 3. Specific Incident Review**

UPSOC will review individual CPSO internal investigations into any incident or complaint that includes any of the following:

- a) an allegation of excessive force;
- b) the discharge of firearms;
- c) CPSO action that results in serious bodily injury or death; or
- d) any complaints or investigations of CPSO staff involving bias, discrimination, discriminatory harassment, sexual harassment/assault, retaliation, or profiling.

UPSOC's review of specific incidents may not precede or be concurrent with CPSO, Office of Equity and Compliance (OEC), Human Resources, Internal Audit or other investigations, but will occur after the CPSO and other relevant University departments have completed all proceedings related to the incident under review, including investigative, criminal, disciplinary, labor grievance, and other proceedings. No later than 30 days after conclusion of these processes, the Chief of CPSO shall submit the incident or complaint investigation to UPSOC for its review.

Except to the extent provided for by federal or state law, University policy, a collective bargaining agreement, or a legally recognized privilege, CPSO will make available to UPSOC (or a subcommittee of UPSOC, as appropriate) all documents related to the specific incident under review, including CPSO reports, witness statements, and descriptions of any relevant evidence. If the Chief of CPSO believes that some information or materials related to the incident should not be disclosed, the Chief shall describe the information and materials withheld and state with particularity the reason why they should not be produced. Documents and other materials may be redacted only to the extent justifiable in the particular case. Disputes about the disclosure or redaction of materials will be decided by the University President, in consultation with PSU's General Counsel. UPSOC members must treat all investigative material as confidential and take utmost care to protect the confidentiality of the material. UPSOC members may not disclose the material to any third party.

## **ARTICLE VII. BUILDING ACCESS CONTROL**

As specified in the Electronic Control Access Policy, CPSO has the authority to set the general hours of operation for building access. UPSOC will be consulted when the general operating hours for any buildings are changed. UPSOC will work with CPSO to ensure these changes reflect the needs of the campus community. The Chief of CPSO and/or the Associate Vice President, Planning, Construction and Real Estate will provide information on the changes to building access prior to any implementation. UPSOC will provide any recommendations to changes in building hours, including communication plans.

## **ARTICLE VIII BUILDING COMMUNITY RELATIONS**

For CPSO to successfully perform its vital function in a way that is both effective and equitable to all segments of the PSU community, especially those in the community who are vulnerable, minoritized, underrepresented and have a history of being marginalized, it is critical CPSO have a deep understanding of the needs of those particular community groups. UPSOC will provide active assistance in this effort by fostering better communications and understanding between CPSO and the PSU community. UPSOC, or a subcommittee of UPSOC, may take any action it believes will help achieve this goal, such as convening advisory boards, hosting listening and outreach sessions, discussion circles, and educational sessions with PSU community groups and with the community at large, with or without CPSO participation based on the preferences of each community group. UPSOC will consider information that it learns from these actions and make recommendations about CPSO policies and practices that would address community concerns.

In conducting these actions, UPSOC should seek input from a broad representation of community members and groups including those members of the community who may be vulnerable, minoritized, underrepresented and have a history of being marginalized.

## **ARTICLE IX. REPORTING**

### **Section 1. UPSOC Annual Report**

UPSOC will submit an annual written report to the University President who may provide it to the Faculty Senate, ASPSU, and PSU Board of Trustees. This report will include, at a minimum, (a) a summary of UPSOC's activities over the preceding year; (b) a summary of recommendations made by UPSOC and responses by CPSO and University administration, including the extent to which the recommendations were accepted and implemented; and (c) a description of UPSOC's goals and work plan for the following year. UPSOC may also include in its annual report any overarching recommendations for improvements in Campus Public Safety-related policies and practices and any recommendations for amendments to this Charter that would support UPSOC's work or increase its effectiveness.

## **Section 2. Special Reports**

UPSOC may issue a special report to the University President concerning any Campus Public Safety-related policy, issue or concern, unless such report would interfere with an ongoing investigative, disciplinary, criminal, complaint, or other proceeding at any time it deems appropriate.

## **Section 3. Transparency of UPSOC Reports**

Annual and Special Reports issued by UPSOC will ordinarily be made available to the public on PSU's website. Accordingly, UPSOC shall take care not to include sensitive or confidential information in its reports. To the extent UPSOC believes it is necessary to include such information, it must meet with PSU's Office of General Counsel in advance to discuss confidentiality obligations and possible alternative methods of providing information and data needed to meet its oversight function.