
NOTE: In conjunction with the codification and promulgation of this policy, the following language shall be added to the appropriate location in the UCLA Student Conduct Code and the UCLA Regulations on Activities, Registered Campus Organizations, and Use of Properties. This language is not to be a part of this policy itself:

NOTE: Upon the Vice Chancellor for Equity, Diversity and Inclusion (VC-EDI) receiving actual notice of behavior attributable to a UCLA Student or group of Students that could negatively impact UCLA's campus climate on matters of equity, diversity, or inclusion, UCLA Policy 240 shall be followed to determine whether any investigation that may be warranted is to be conducted by the Office of the Vice Chancellor for Equity, Diversity and Inclusion (OVC-EDI). UCLA Policy 240 is limited to determining which administrative office investigates the alleged behavior. At the conclusion of any such investigation that is conducted by the OVC-EDI, the VC-EDI will provide the appropriate decision-maker, which in many cases could be the Dean of Students, with a written investigation report. Any action following the issuance of the investigation report will be determined by the appropriate administrative office in accordance with the applicable policies and procedures.

UCLA Policy 240: Investigating Allegations of Student Conduct that Negatively Impacts Campus Climate

Issuing Officer: Vice Chancellor for Equity, Diversity and Inclusion
Responsible Dept: Equity, Diversity and Inclusion
Effective Date: XXX, 2016
Supersedes: New

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I. PURPOSE & SCOPE

The UCLA Office of the Vice Chancellor for Equity, Diversity and Inclusion (OVC-EDI) was created on July 1, 2015. The position of Vice Chancellor for Equity, Diversity and Inclusion (VC-EDI) also was created and was delegated authority to address issues affecting campus climate for faculty, students, and staff through investigative and educational activities.

This Policy establishes the process for determining when the OVC-EDI shall investigate an alleged act, incident, or behavior attributable to a Student or group of Students that could negatively impact UCLA's campus climate on matters of equity, diversity, or inclusion. This Policy clarifies the OVC-EDI's authority to *investigate* an alleged act, incident, or behavior. It does not change the authority to *discipline* an individual or organization for violating University policy.

II. DEFINITIONS

For the purposes of this Policy:

Complainant is an individual or organization that asserts that a Student or group of Students has violated the UCLA Student Conduct Code or other UCOP or UCLA policy in a manner that impacts equity, diversity, or inclusion.

Preponderance of the Evidence means that the evidence establishes that it is more likely than not that the Student or group of Students committed the alleged misconduct.

Respondent is a Student or group of Students, such as a Registered Campus Organization, alleged to have violated the UCLA Student Conduct Code or other UCOP or UCLA policy on matters of equity, diversity, or inclusion.

Student is an individual for whom UCLA maintains student records, and who (a) is enrolled in or registered with an academic program at UCLA; (b) has completed the immediately preceding term and is eligible for re-enrollment at UCLA, including the recess periods between academic terms; (c) is on an approved educational leave or other approved leave status, or is on filing-fee status at UCLA; or (d) was a Student at the time of the alleged violation of University policy.

III. POLICY STATEMENT

A. Initial Assessment

When the VC-EDI receives actual notice of an alleged act, incident, or behavior attributable to a Student or group of Students that could negatively impact UCLA's campus climate on matters of equity, diversity, or inclusion, the VC-EDI shall make an initial assessment to determine *whether that act, incident, or behavior is reasonably likely to have a substantial negative impact on UCLA's campus climate on matters of equity, diversity, or inclusion.*

When undertaking this initial assessment, the VC-EDI shall consider the following non-exclusive factors:

1. magnitude of the potential impact;
2. likelihood that a negative impact would occur;
3. likely effectiveness of using OVC-EDI investigation procedures and resources.

The VC-EDI will notify the appropriate decision-maker, which in many cases could be the Dean of Students, that such an assessment has been initiated, and copies of the notice will be sent to the Vice Chancellor, Student Affairs and the Executive Director of ASUCLA, where appropriate.

Upon receiving such notice, the appropriate decision-maker shall place on hold conduct proceedings related to the allegations being investigated by the OVC-EDI pending the outcome of the OVC-EDI investigation.

After reviewing the appropriate factors, the VC-EDI shall determine, in light of the totality of the circumstances, whether the alleged act, incident, or behavior is reasonably likely to have a substantial negative impact on campus climate on matters of equity, diversity, or inclusion. The VC-EDI shall make this determination in a timely manner and consult with the Vice Chancellor, Student Affairs and the Executive Director of ASUCLA, where appropriate.

Within 24 hours of making such a determination, the VC-EDI shall notify the appropriate decision-maker in writing.

B. Investigation

1. Investigation by OVC-EDI

If the VC-EDI determines that the alleged act, incident, or behavior is reasonably likely to have a substantial negative impact on UCLA's campus climate on matters of equity, diversity, or inclusion, the OVC-EDI shall conduct an investigation concerning the alleged act, incident, or behavior.

The investigation will follow the standard procedures used by the OVC-EDI. This process includes a thorough factual investigation, analysis of relevant policies, and a determination of whether the challenged conduct violated any UCOP/UCLA policy. The OVC-EDI's findings and conclusions, which are stated in a formal investigation report, are based on a Preponderance of the Evidence. The investigation report will contain the following three sections:

- (1) findings of fact;
- (2) conclusions of whether any UCOP or UCLA policy was violated; and
- (3) analysis of whether the act, incident, or behavior negatively impacted UCLA's campus climate.

The OVC-EDI may consult with the Dean of Students, the Vice Chancellor, Student Affairs, or the Executive Director of ASUCLA, where appropriate, during the investigation.

The investigation report is expected to be completed within 60 business days of the VC-EDI notifying the appropriate decision-maker of the determination to investigate. If the investigation report will not be completed within 60 business days, the OVC-EDI will notify the parties and appropriate decision-maker, and provide regular updates regarding the investigation report's status.

Following the investigation, the VC-EDI shall forward the investigation report to the appropriate decision-maker, which in many cases could be the Dean of Students. Any action following the issuance of the investigation report will be determined by the appropriate administrative office in accordance with the applicable policies and procedures. The dissemination of investigation reports shall comply with all applicable laws and University policies, including those laws and policies that protect student privacy rights

such as the Family Educational Rights and Privacy Act (FERPA) and UCLA Policy 220. In conjunction with forwarding the investigation report, EDI will provide the appropriate decision-maker with relevant guidance concerning confidentiality and privacy as necessary.

Following the investigation in matters involving an organizational Respondent (e.g., a Registered Campus Organization or a Student Government entity), to the extent permitted by applicable laws and University policies that protect students' privacy rights, including FERPA, UCLA Policy 220, and the Student Conduct Code, redacted copies of the investigation report will be made available to Complainant and Respondent when the identities of those parties are clear. In matters involving individual Student Respondents, the investigation report is a "Student Record" of the Respondent and whether disclosure to the Complainant is permitted must be determined in accordance with all applicable laws and University policies.

2. Coordination with Law Enforcement

When a law enforcement agency is conducting its own investigation into the alleged conduct, the EDI investigator will make every effort to coordinate his or her fact-finding efforts with the law enforcement investigation. At the request of law enforcement, the investigation may be delayed as needed to meet any specific evidence-gathering needs of the criminal investigation.

3. Action by Appropriate Decision-Maker

If the VC-EDI determines that the alleged act, incident, or behavior is *not* reasonably likely to have a substantial negative impact on campus climate on matters of equity, diversity, or inclusion, then the OVC-EDI shall not investigate. Any conduct proceedings delayed pending the initial assessment will resume. The appropriate decision-maker, which in many instances could be the Dean of Students, shall proceed following the applicable governing procedures.

IV. REFERENCES

1. UCLA Regulations on Activities, Registered Campus Organizations, and Use of Properties [<http://www.sole.ucla.edu/policies/>]
2. UCLA Student Conduct Code [<http://www.deanofstudents.ucla.edu/Student-Conduct-Code>]

Issuing Officer

/s/ Jerry Kang

Vice Chancellor for Equity,
Diversity and Inclusion

Questions concerning this policy or procedure should be referred to the
Responsible Department listed at the top of this document.
