
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
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I. PURPOSE AND SCOPE II. DEFINITIONS III. POLICY STATEMENT IV. REFERENCES

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. The VC-EDI's authority includes the power to investigate claims of discrimination, harassment, retaliation, and other prohibited conduct, including that which negatively impacts UCLA's campus climate on matters of equity, diversity, or inclusion. OVC-EDI investigations are conducted by either the Title IX Office or the Discrimination Prevention Office, both of which are distinct units within the OVC-EDI.

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 *does not create* authority to investigate or to discipline. Rather, as described in greater detail below, this Policy *clarifies* the OVC-EDI's existing authority to investigate an alleged act, incident, or behavior. In so doing, this Policy *does not affect* which University unit possesses authority to discipline a Student or group of Students for violating University policy.

II. DEFINITIONS

For the purposes of this Policy:

Appropriate Decision-maker is the University unit with authority to discipline the Respondent. Typically, it is the unit that also would have investigated the allegation absent the VC-EDI's exercise of investigative authority. In many cases involving a Student Respondent, the Appropriate Decision-maker will be the UCLA Office of the Dean of Students.

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

When an initial assessment has been initiated, the VC-EDI will promptly notify the Appropriate Decision-maker and the Vice Chancellor, Student Affairs (VC-SA).

Upon receiving such notice, the Appropriate Decision-maker shall place on hold all investigation or conduct proceedings related to the allegations being investigated by the OVC-EDI pending the outcome of the OVC-EDI investigation or the VC-EDI determination not to investigate. To the extent the Appropriate Decision-maker is required to complete any action by a particular date, the OVC-EDI will coordinate with the Appropriate Decision-maker to ensure that any OVC-EDI investigation does not interfere with timely completion of such action.

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. Before making this determination, the VC-EDI shall consult with the Appropriate Decision-maker and, where appropriate, the VC-SA. The VC-EDI maintains ultimate authority to investigate, but will grant substantial deference to the Appropriate Decision-maker's assessment when making this determination. The VC-EDI shall make a final determination in a timely manner.

Within 24-hours of making such a determination, the VC-EDI shall notify the Appropriate Decision-maker and the VC-SA 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 investigate the alleged act, incident, or behavior.

The investigation will be conducted by either the Title IX Office or the Discrimination Prevention Office, both of which are distinct units within the OVC-EDI, and will follow the OVC-EDI investigation procedures outlined in the current version of the *Procedures for Handling Allegations of Discrimination, Harassment, or Retaliation* (available online at <https://equity.ucla.edu/programs-resources/policy/>). The OVC-EDI's findings and conclusions, which are typically stated in a formal investigation report, are based on a Preponderance of the Evidence standard. The investigation report will contain, in most instances, the following elements:

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

The OVC-EDI may consult with the Appropriate Decision-maker or the VC-SA, 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 the 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 and the VC-SA. Any action following the issuance of the investigation report, including any disciplinary action, will be determined by the Appropriate Decision-maker in accordance with all 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, the VC-EDI will, as necessary, provide the Appropriate Decision-maker with relevant guidance concerning confidentiality and privacy.

2. Action by Appropriate Decision-Maker

If, following the initial assessment, 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 investigation or conduct proceedings placed on hold pending the initial assessment may then resume.

If the VC-EDI exercises authority to investigate, the Appropriate Decision-maker will continue to hold any investigation or conduct proceedings related to the matter being investigated by the OVC-EDI pending the conclusion of the OVC-EDI investigation. To the extent the Appropriate Decision-maker is required to complete any action by a particular date, the OVC-EDI will coordinate with the Appropriate Decision-maker to ensure that any OVC-EDI investigation does not interfere with timely completion of such action.

In all instances, the Appropriate Decision-maker shall follow all applicable policies and procedures.

3. Coordination with Law Enforcement

When a law enforcement agency is conducting its own investigation into the alleged conduct, the OVC-EDI investigator will make every effort to coordinate her or his 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.

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>
3. Procedures for Handling Allegations of Discrimination, Harassment, or Retaliation
<https://equity.ucla.edu/programs-resources/policy/>

Issuing Officer

/s/ Jerry Kang
Vice Chancellor for Equity,
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**Questions concerning this policy should be referred to the Responsible
Department listed at the top of this document.**
