



PUBLIC ACCOUNTABILITY SUMMARY:

Pi Kappa Phi Fraternity Meeting Minutes
Investigation Report

November 9, 2016

UCLA Discrimination Prevention Office

UCLA Equity, Diversity and Inclusion

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PREFACE

The Discrimination Prevention Office (DPO) investigated whether the UCLA Chapter of Pi Kappa Phi Fraternity (Pi Kappa Phi) violated University policy prohibiting discrimination and requiring that fraternities abide by all governing council rules and regulations. DPO completed its investigation report on August 31, 2016, and provided the report to the relevant decisionmaker, which in this case is the Dean of Students. Pursuant to standard practice, a redacted version of the report was also made available to Pi Kappa Phi. Pi Kappa Phi has accepted all of the findings and has voluntarily agreed to various sanctions recommended by the Dean of Students.

DPO provides this Public Accountability Summary of the investigation report to promote transparency, to increase accountability, and to educate the UCLA community about policies, procedures, and community norms.

I. INTRODUCTION

On May 10, 2016, the 2013 meeting minutes¹ from Pi Kappa Phi became publicly available. The minutes contained allegedly racist statements allegedly made by the fraternity’s “Racial Sensitivity Chair.” The Office of Equity, Diversity and Inclusion (EDI) became aware of the minutes’ content when the Daily Bruin published two companion articles detailing the minutes and the events surrounding their release. Based on the content of the minutes and its potential impact on campus climate concerning equity, diversity and inclusion, EDI exercised its authority to tender the matter for investigation by DPO.²

DPO investigated whether Pi Kappa Phi violated University policy in 2013 by engaging in discriminatory conduct during meetings. This investigation was intended to determine whether the fraternity *as an organization* violated University policy. Determining whether individual students violated University policy was not the purpose of the investigation nor is it considered in the following analysis.

Upon concluding its investigation, DPO found, by a preponderance of the evidence, that Pi Kappa Phi violated University policy that prohibits discrimination and requires fraternities to comply with their governing council’s rules and regulations.³

An investigation is separate and distinct from discipline. DPO conducts investigations but does not conduct disciplinary proceedings of students, staff, or faculty. In this case, the disciplinary process was conducted by the Dean of Students.

¹ The minutes are attached as Appendix A.

² DPO is an independent office within EDI.

³ Fraternities have voluntarily opted into these commitments and responsibilities in exchange for valuable rights and privileges granted by the University.

II. APPLICABLE POLICIES AND STANDARD OF PROOF

Relevant policies include the Policy Applying to Affiliated and Registered Men's and Women's Fraternities, and Other Similar Organizations by the University of California, Los Angeles; the Intrafraternity Council (IFC) & Panhellenic Social Policy; and the UCLA Regulations on Activities, Registered Campus Organizations, and Use of Properties. Several other relevant policies appear in the Policies Applying to Campus Activities, Organizations and Students (PACAOS), which is a compendium of policies that govern the activities of students throughout the entire University of California system.

A. POLICY APPLYING TO AFFILIATED AND REGISTERED MEN'S AND WOMEN'S FRATERNITIES, AND OTHER SIMILAR ORGANIZATIONS BY THE UNIVERSITY OF CALIFORNIA, LOS ANGELES (UCLA GREEK HANDBOOK FRATERNITY POLICY, SECTION I.A.3)

The Fraternity Policy, contained in the UCLA Greek Handbook, requires all fraternities affiliated with UCLA to “abide by all applicable University and governing council rules and regulations, including, but not limited to, the UCLA Regulations on Activities, Registered Campus Organizations, and Use of Properties; University of California Policies Applying to Campus Activities, Organizations, and Students . . .” Section I.A.3, *available at* <http://www.greeklife.ucla.edu/portals/26/documents/GreekHandbook20092010.pdf>.

B. IFC & PANHELLENIC SOCIAL POLICY (SOCIAL POLICY)

This policy prohibits “[d]isplaying improper conduct unbecoming of a UCLA Greek on or off campus.” Category One, Violation 6, available at https://celectcdn.s3.amazonaws.com/files/0001/1469/file_1254976261.pdf. This policy also prohibits “[f]ighting/inappropriate behavior,” and states that “[i]t is the expectation that UCLA students act appropriately in accordance with all values and standards of their organization.” Category Three Violation #6.

C. UCLA REGULATIONS ON ACTIVITIES, REGISTERED CAMPUS ORGANIZATIONS, AND USE OF PROPERTIES

This policy conditions the continuation of privileges or registration “upon compliance with University policies and regulations.”⁴ Section III.A.5, available at <https://www.events.ucla.edu/plan-an-event/UCLARegulations72010_1.pdf>.

D. UC PACAOS 20.00 POLICY ON NONDISCRIMINATION

This policy provides that “the University is committed to a policy against impermissible, arbitrary, or unreasonable *discriminatory* practices. All groups operating under the authority of The Regents, including administration, faculty, student governments, University-owned residence halls, and programs sponsored by the University or any campus, are governed by this policy of nondiscrimination. Section 20.00 III (emphasis added), available at <<http://policy.ucop.edu/doc/2710522/PACAOS20>>.

E. UC PACAOS 70.00 POLICY ON REGISTERED CAMPUS ORGANIZATIONS

This policy provides that all Registered Campus Organizations must “comply with University policies and campus regulations as well as applicable laws or be subject to revocation of registration, loss of privileges, or other sanctions.” Section 70.30, available at <<http://policy.ucop.edu/doc/2710527/PACAOS-70>>.

⁴ Fraternities such as Pi Kappa Phi are Registered Campus Organizations as they must register annually with UCLA in order to be formally affiliated with the University.

III. SUMMARY OF EVIDENCE

A. BACKGROUND

DPO reviewed Pi Kappa Phi's meeting minutes from 2010-2011, and 2013-2016.⁵ Relevant quotes from the 2013 minutes include the following:

- “How long does it take for a Negress to shit? 9 MONTHS.”
- “Why do Mexicans refry their beans? Have you ever seen them do it right the first time?”
- “We’re learning about Afghanistan[.] [S]omething something something terrorists[.]”
- “[B]lack people are good at basketball.”
- “Beyonce= Nubian Goddess”

B. WITNESS INTERVIEWS

DPO conducted four interviews, including interviews of current and former UCLA student board members of Pi Kappa Phi. All interviews were conducted in person.

According to the members interviewed, the agenda for weekly Pi Kappa Phi meetings is set by the current executive board. The executive board members make weekly reports at the meetings related to their assigned duties. It is the acting secretary's duty to record the minutes, for the purpose of internal record keeping. Minutes are also disseminated to chapter members to keep them abreast of current fraternity activities. The chapter is not required to record their minutes by Pi Kappa Phi's national chapter, the local chapter, or UCLA.

The “Racial Sensitivity Chair” appears to have existed for only one year. The position was characterized as an “informal position” that was held by only one fraternity brother who made it a platform to tell racist jokes he thought were funny. The position's purpose was to make racially derogatory remarks. In addition to the ‘jokes’ and statements attributed to the “Racial Sensitivity Chair” in the minutes,

⁵ Pi Kappa Phi provided only one week of minutes from 2012. The fraternity reported that it did not have the remaining minutes from that year.

the Racial Sensitivity Chair would also present on certain lowbrow ‘facts’ about other cultures with the intention of making other members laugh.⁶

In response to the inflammatory comments made by the “Racial Sensitivity Chair,” some active members vocally disapproved of the comments.⁷ One former Pi Kappa Phi member explained that “it was not like we all sat around and laughed.” Some members eventually told the person in that position to stop telling the jokes because the jokes made them uncomfortable. Additionally, there was one potential Black pledge who heard one of the comments at a meeting and spoke out against it. This instance was described as “the moment [the statements by the “Racial Sensitivity Chair”] crossed the line.” The next year’s board eliminated the position because it was inappropriate.

The “Racial Sensitivity Chair” was likely created in 2013 and discontinued the following year in 2014, though the member who was the “Racial Sensitivity Chair” remained in the fraternity. The fraternity was not required to have a position entitled “Racial Sensitivity Chair” nor was it required to address racial sensitivity at all. When the position was discontinued, no one voiced opposition. The position has not been reinstated. There is, however, a statement in the March 7, 2016 meeting minutes that says, “[B]ring back the racial sensitivity chair.”

Witnesses reported that the current board is totally against the practices under investigation and is fully committed to preventing such actions from occurring again.

⁶ One example was the Racial Sensitivity Chair’s presentation on a penis-shaped conch from Ireland.

⁷ This seems to be supported by the statement under “Racial Sensitivity Chair” during Week 5 of Winter Quarter: “talk to [the Racial Sensitivity Chair] if he’s crossing the line.” This notation is consistent with someone protesting the Racial Sensitivity Chair’s remarks on this occasion.

IV. ANALYSIS AND FINDINGS

The standard applied in determining whether University policy was violated is the “preponderance of the evidence” standard. This means that the totality of the evidence must demonstrate that it is *more likely than not* that the alleged conduct occurred in violation of the applicable policy.

A. FACTUAL FINDINGS

1. ARE THE MINUTES AUTHENTIC? *YES*

The 2013 minutes were originally found as a “View Only” document on a shared Google Drive accessible to one or more student government members. The Pi Kappa Phi members interviewed acknowledged the minutes’ authenticity and did not dispute their veracity.

2. WHEN DID THE RACIALLY DISCRIMINATORY LANGUAGE START TO APPEAR IN THE MINUTES? *WINTER QUARTER 2013*

The preponderance of the evidence indicates that the discriminatory language attributed to the “Racial Sensitivity Chair” began to appear in 2013. The first instance of the “Racial Sensitivity Chair” report appears in Week 2 of the Winter Quarter.

3. IS THE PRACTICE STILL CONTINUING? IF NOT, WHEN DID IT STOP? *THE “RACIAL SENSITIVITY CHAIR” PRACTICE ENDED IN SPRING QUARTER 2013*

The evidence suggests that there is no longer a “Racial Sensitivity Chair” or equivalent position in the fraternity. The 2014 executive board decided to get rid of the position that year. Reviewing the minutes from 2014-2016, DPO found no statements attributed to a “Racial Sensitivity Chair” or any other similar position. While other arguably sexist, homophobic, or racist statements can be found within the 2010-2011 and 2013-2016 minutes, none appear to be institutionalized or endorsed by the fraternity in the same manner as are the statements made by the “Racial Sensitivity Chair” in the 2013 minutes.

B. POLICY ANALYSIS

When Pi Kappa Phi registered as an affiliated fraternity, it voluntarily agreed to “abide by all applicable University and governing council rules and regulations.” (Fraternity Policy, Section I.A.3.) Pi Kappa Phi is also bound by PACAOS, including PACAOS 20.00, because it fits the definition of a Registered Campus Organization contained in PACAOS 70.10. Accordingly, Pi Kappa Phi was prohibited from engaging in discriminatory conduct, *see, e.g.*, PACAOS 20.00, Section III, and

PACAOS 70.30, as well as any “improper conduct unbecoming of a UCLA Greek on or off campus” and “inappropriate behavior,” *see* Social Policy.

During chapter meetings during the 2012-2013 academic year, the Pi Kappa Phi Racial Sensitivity Chair regularly led a segment known as “Racial Sensitivity.” A central component of Racial Sensitivity involved targeting a particular racial group with derogatory and explicitly racist jokes. A careful review of the 2013 minutes produced the “jokes” identified above in Part III.A. Our analysis of whether this conduct violated University policy follows.

1. DID PI KAPPA PHI, THROUGH THE RECORDING OF THE “RACIAL SENSITIVITY CHAIR’S” STATEMENTS, VIOLATE UNIVERSITY POLICY REQUIRING NONDISCRIMINATION?
YES

PACAOS 20.00 provides that the University “is committed to a policy against impermissible, arbitrary, or unreasonable discriminatory practices.” (PACAOS 20.00, at III).

a. THE “RACIAL SENSITIVITY CHAIR” WAS A DISCRIMINATORY PRACTICE

The fraternity’s practice of having a board position entitled “Racial Sensitivity Chair” whose sole purpose was to tell racist jokes at meetings was a discriminatory practice that violated PACAOS 20.00. Though PACAOS 20.00 does not include a definition of “discriminatory practice[],” in this context we interpret it as conduct by an organization that is more than just idiosyncratic conduct by individual members and instead is effectively institutionalized or endorsed by the organization. The conduct investigated was more than just idiosyncratic comments by Pi Kappa Phi’s members and was instead a series of ongoing acts that were institutionalized and endorsed by the fraternity.

It is more likely than not that the “Racial Sensitivity Chair” was an institutionalized aspect of the fraternity. The position was allowed a regular and recurring time slot to speak at meetings. The statements attributed to the “Racial Sensitivity Chair” were not an offhand remark made in passing at a single meeting. Instead, these statements follow a pattern; for at least two quarters the “Racial Sensitivity Chair” made statements with similar content, always near the end of meetings. This tends to show that the “reports” given by the “Racial Sensitivity Chair” were a formal part of the fraternity’s meetings similar to the reports given by the more conventional positions within the fraternity. Moreover, the statements were recorded in the minutes in a manner identical to the other official fraternity business recorded in the minutes.

Furthermore, the position was created in compliance with the fraternity’s protocol for establishing new positions. This is done either by the board members having a vote, or a high-ranking member creating the position. Here, a person in one of the highest ranking positions in the fraternity chapter appointed himself to be the “Racial Sensitivity Chair.”

The “Racial Sensitivity Chair” was also, at least passively, endorsed by the members of the fraternity. This means that for roughly twenty weeks the members of the fraternity listened to one of their fellow members with the ironic title of “Racial Sensitivity Chair” make racist statements intended to amuse them. While one interviewee said that the not all members received the jokes warmly, the “Racial Sensitivity Chair” position continued to exist for two quarters, the person in this position continued to make these statements, and these statements continued to be recorded in the chapter minutes. The board and president had the authority to eliminate the position by overruling the offending member, but apparently did not do so.

b. THE “RACIAL SENSITIVITY CHAIR” WAS A DISCRIMINATORY PRACTICE THAT VIOLATED UNIVERSITY POLICY

The “Racial Sensitivity Chair” was an institutionalized and endorsed aspect of the fraternity that continued for at least two quarters and thus amounted to a “practice.” The sole purpose of this practice was to make remarks intended to disparage members of other races or national origins and thus was discriminatory in violation of University policy. We find that it is more likely than not that the fraternity’s conduct was a discriminatory practice that violated PACAOS 20.00.

2. DID PI KAPPA PHI, THROUGH THE RECORDING OF THE “RACIAL SENSITIVITY CHAIR’S” STATEMENTS, VIOLATE THE IFC & PANHELLENIC SOCIAL POLICY? YES

The IFC & Panhellenic Social Policy (Social Policy) prohibits affiliated fraternities and their members from “[d]isplaying improper conduct unbecoming of a UCLA Greek on or off campus,” and “inappropriate behavior.” (Social Policy, Category One Violation.) “It is the expectation that all UCLA students act appropriately in accordance with all values and standards of their organization.” (Social Policy, Category Three Violation.) An objective standard applies to this analysis. In other words, we must ask whether a reasonable person would understand Pi Kappa Phi’s conduct to be “improper” or “inappropriate.”

There are many situations where reasonable people would disagree over whether conduct is improper or inappropriate. This is not one of those situations. The Racial Sensitivity portion of Pi Kappa Phi’s meetings, which was led by the

“Racial Sensitivity Chair,” was an institutionalized and regular practice that focused on demeaning groups on the basis of their race or national origin. It did not purport, and cannot be reasonably construed, to be intended to convince, edify, or make a reasoned argument. This conduct is objectively unbecoming of and inappropriate for a UCLA Greek, unless the fraternity would argue that making inane comments meant to demean others based on their race or national origin is consistent with the standards to which they hold themselves. Therefore, it is more likely than not that Pi Kappa Phi violated the IFC & Panhellenic Social Policy.⁸

⁸ As mentioned, other arguably sexist, homophobic, or racist statements can be found within the 2010-2011 and 2013-2016 minutes. Although these statements are concerning, they do not appear to be institutionalized or endorsed by the fraternity in the same manner as the statements made by the “Racial Sensitivity Chair” in the 2013 minutes. For this reason, we find insufficient evidence to conclude that they rise to the level of policy violations by Pi Kappa Phi as an organization.

V. CONCLUSION

For the foregoing reasons, by a preponderance of the evidence, we find that Pi Kappa Phi violated University policy prohibiting discrimination and requiring affiliated fraternities to abide by all governing council rules and regulations.

The conclusion of an investigation, even when a policy violation has been found, does not necessarily trigger a disciplinary hearing. To repeat, discipline is not within the authority of any unit within the Office of Equity, Diversity and Inclusion, including DPO. Regardless of any formal disciplinary proceeding, a finding of policy violation — shared publicly — helps restate our commitment to fundamental community norms.

In addition, even without any formal disciplinary proceeding, Pi Kappa Phi can voluntarily accept remedies and reforms proposed by the Dean of Students to take ethical responsibility and to decrease the likelihood of any such policy violations in the future. We have been informed that Pi Kappa Phi has agreed to:

- write a public letter of apology;
- submit their weekly meeting minutes to DPO for review for one year;
- engage in diversity-focused activities, including participating in campus-based programs that encourage diversity, volunteering for service in underrepresented communities, and/or organizing events geared toward facilitating diversity on campus and within the UCLA Greek system; and
- receive a “written warning” in their files.

**APPENDIX A: PI KAPPA PHI
MEETING MINUTES - 2013 (REDACTED)**