

UCLA

**Student Conduct Procedures
for Allegations of Prohibited Conduct under the
University of California Policy
on Sexual Violence and Sexual Harassment**

INTRODUCTION

The University of California, Los Angeles is committed to creating and maintaining a community where all persons who participate in University programs and activities can work and learn together in an atmosphere free of all forms of harassment, exploitation, or intimidation. Every member of the University community should be aware that the University is strongly opposed to sexual harassment and sexual violence and that such behavior is prohibited both by law and University policy, including the University of California Policy on Sexual Violence and Sexual Harassment (“UC SV and SH Policy”) and the UCLA Student Conduct Code (“UCLA Conduct Code”).

Consistent with its legal obligations under Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act of 2013, and California Education Code section 67386, the University will respond promptly and equitably to reports of sexual violence and sexual harassment, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior that violates the UC SV Policy.

Students are considered to be maturing adults, capable of making their own decisions, as well as accepting the consequences for those decisions. University policies, the UCLA Conduct Code, and these Student Conduct Procedures for Prohibited Conduct under the University of California Policy on Sexual Violence and Sexual Harassment (“Procedures”) have been established to respond promptly and effectively to incidents involving allegations of sexual harassment and sexual violence within our community.

Students are expected to make themselves aware of and comply with the law, and with University and campus policies and procedures. While many of UCLA’s policies and regulations parallel federal, state and local laws, UCLA’s standards may be set higher.

These procedures should be read in conjunction with the UC SV and SH Policy. The UC SV and SH Policy, the University of

California Policies Applying to Campus Activities, Organizations, and Students (“UC PACAOS”), and the UCLA Conduct Code have been incorporated into these procedures either by adapting or inserting verbatim the language of the policies.

To the extent there is any inconsistency between these Procedures and the UC SV and SH Policy, the UC SV and SH Policy will control.

The UC SV and SH Policy is available at <http://>

The complete UC PACAOS is at <http://policy.ucop.edu>.

The UCLA Conduct Code is available at

[http://www.deanofstudents.ucla.edu/Code choice.php](http://www.deanofstudents.ucla.edu/Code_choice.php).

Students may contact the Title IX Coordinator or a Deputy Title IX Coordinator for advice concerning these policies.

I. DEFINITIONS

A. Advisor

An Advisor is any individual accompanying a Complainant or Respondent throughout the investigation and resolution process. The Advisor may be any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the investigation and resolution process. A Complainant or Respondent may be accompanied by his or her Advisor at any meeting or proceeding that is part of the investigation and resolution process. While the Advisor may provide support, guidance and advice to the Complainant or Respondent that the Advisor is accompanying, the Advisor may not speak on behalf of a student or otherwise actively participate in, or in any manner disrupt any meetings or proceeding.

B. Case Management Team

The Case Management Team is a team comprised of members from the Dean of Students office, the Title IX office, campus police, Complainant advocate, Respondent support and other subject matter experts as needed. The Case Management Team meets regularly to maintain consistent coordination of reported cases of sexual violence, provide case management for ongoing cases of sexual violence, and ensure all reports of sexual violence are addressed efficiently and effectively.

C. Complainant

A Complainant is any person who files a report of sexual harassment or sexual violence or any person who has been the alleged subject of Prohibited Conduct, as defined in these Procedures and the UC SV and SH Policy. For purposes of these Procedures, the University will consider any alleged victim of Prohibited Conduct a Complainant whether or not he or she makes a report or participates in the investigation and resolution process outlined in these

Procedures.

D. Days

For purposes of these Procedures, the term “Days” means University business days. It does not include Saturdays, Sundays, or days on which the campus is closed.

E. Dean.

For purposes of these Procedures, the term “Dean” refers to the Dean of Students or the Dean’s designee.

F. Hearing Coordinator

The Hearing Coordinator is a University employee designated to schedule and otherwise coordinate Appeal Body proceedings.

G. Preponderance of the Evidence

Preponderance of the Evidence (i.e., more likely than not) is the standard applied in all stages of investigating and resolving reports of Prohibited Conduct under these Procedures. A Respondent is presumed to be not responsible and this presumption may be overcome only where there is sufficient evidence, by a Preponderance of the Evidence, to support a finding that the Respondent violated the UCLA Student Conduct Code and/or UC SV and SH Policy.

H. Prohibited Conduct

Prohibited Conduct includes Sexual Violence, Sexual Harassment, Retaliation and Other Prohibited Behavior. These forms of Prohibited Conduct are defined in the UC SV and SH Policy.

I. Respondent

For purposes of these Procedures, Respondent refers to the Student accused of Prohibited Conduct as that term is defined in these Procedures and the UC SV and SH Policy

J. Student

For the purposes of these Procedures, the term “Student”

means an individual for whom the University maintains student records, and who:

1. is enrolled in or registered with an academic program of the University;
2. has completed the immediately preceding term and is eligible for reenrollment, including the recess periods between academic terms; or
3. is on an approved educational leave or other approved leave status, or is on filing-fee (i.e., the fee used in lieu of registration if all formal requirements for graduate degrees, except for taking comprehensive or oral examinations or filing theses or dissertations, are met prior to the first day of instruction of the term) status.

K. Support Person

A Support Person is any individual accompanying a Complainant or Respondent during any stage of the investigation and resolution process. The Support Person may be any person, including an advocate, attorney, friend, or parent, who is not otherwise a party or witness involved in the investigation. The Complainant or Respondent may be accompanied by his or her Support Person in addition to his or her Advisor at any meeting or proceeding that is part of the investigation and resolution process. The role of the Support Person is only to provide support. The Support Person is not permitted to speak or otherwise participate in any meeting or proceeding that is part of the investigation and resolution process and may not in any manner disrupt any such meeting or proceeding.

II. JURISDICTION

The University has jurisdiction over all alleged violations of the UC SV and SH Policy by students that occur on University property or in connection with University-sponsored activities, programs, or events. In addition, the University has discretion to exercise jurisdiction over off-campus student conduct that violates the UC SV and SH Policy and affects the University

learning or working environment or indicates that the student poses a threat to the safety or security of any member(s) of the University community.

In determining whether or not to exercise off-campus jurisdiction, the University will also consider the seriousness of the alleged misconduct; whether any alleged victim is a member of the campus community; the ability of the University to gather information, including the statements of witnesses; and whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

These procedures also apply to: applicants who become Students, for offenses committed as part of the application process; applicants who become Students, for offenses committed on campus and/ or while participating in University related events or activities that take place following a Student's submittal of the application through her or his official enrollment; and former Students for offenses committed while a Student.

III. REPORTING PROHIBITED CONDUCT

A. Reporting Options

The University encourages anyone who experiences or becomes aware of an incident of Prohibited Conduct involving a Student to immediately report the incident to the University by contacting the University's Title IX Coordinator or any Deputy Title IX Coordinator by telephone, email, or in person during regular office hours: Kathleen Salvaty, Title IX Coordinator, 2241 Murphy Hall, ksalvaty@conet.ucla.edu (310) 206-3417 (office). The Deputy Title IX Coordinator in the Office of the Dean of Students is Debra Geller, 1206 Murphy Hall, dgeller@saonet.ucla.edu (310) 825-3871.

A Complainant may choose to make a report to the University to pursue resolution under these Procedures and may also choose to make a report to law enforcement. A Complainant may pursue either or both of these options

at the same time. A student who wishes to report to law enforcement can contact the UC Police Department at 601 Westwood Plaza or (310) 825-1491.

B. Confidential Resources

The University also offers access to confidential resources for individuals who have experienced Prohibited Conduct and are seeking counseling, emotional support, or confidential information about how to make a report to the University. University Confidential Resources are defined in the UC SV and SH Policy and include the CARE Advocacy Office for Sexual and Gender-Based Violence, 1st Floor Wooden Center West, CAREadvocate@caps.ucla.edu (310) 206-2465.

C. Immunity

To encourage reporting, neither a Complainant nor a witness in an investigation of Prohibited Conduct will be subject to disciplinary sanctions for a violation of University policy at or near the time of the Prohibited Conduct, unless the Complainant or witness's conduct placed the health or safety of another person at risk, involved plagiarism, cheating, or academic dishonesty, or was otherwise egregious.

IV. INITIAL ASSESSMENT

The Title IX Coordinator will lead the campus Case Management Team ("CMT"), and will monitor all stages of the investigation and resolution process.

Upon receipt of a report of or information about alleged Prohibited Conduct, the Title IX Coordinator and/or the Title IX Coordinator's designee shall make an initial assessment in accordance with UC SV and SH Policy.

This initial assessment shall include:

A. Health & Safety Assessment

Making an immediate assessment concerning the health

and safety of the Complainant and the campus community, implementing remedies immediately necessary (including stay away orders), and informing the Complainant of campus and community resources, rights and reporting options (including the right to make reports to the police).

B. Written Rights & Options

Providing Complainant, if known, a written explanation of rights and available options as outlined in the UC SV and SH Policy, including:

1. How and to whom to report alleged violations.
2. Options for reporting to and/or notifying law enforcement and campus authorities; the right to be assisted by campus authorities in notifying law enforcement authorities, if the Complainant so chooses; and the right to decline to notify such authorities.
3. Information regarding confidential resources.
4. The rights of Complainants regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by criminal or civil courts, as well as the University's responsibilities to comply with such orders.
5. The importance of preserving evidence that may assist in proving that a criminal offense occurred or in obtaining a protection order.
6. Counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available both within the institution and the community.
7. Options for, and available assistance to, change academic, living, transportation, and working situations, if the Complainant requests and if such options are reasonably available—regardless of whether the Complainant chooses to report the crime to campus police or local law enforcement.
8. Applicable procedures for institutional disciplinary action.

In accordance with the UC SV and SH Policy, the University may resolve reports of Prohibited Conduct by Alternative Resolution or Formal Investigation. The parties also retain the option of filing reports or grievances under applicable University complaint resolution or grievance procedures.

A. Alternative Resolution

After a preliminary inquiry into the facts, which inquiry does not involve a Formal Investigation, the Title IX Coordinator may initiate an Alternative Resolution. Alternative Resolution may be especially useful when a Report is made by a third party or anonymously, when a Formal Investigation is not likely to lead to a satisfactory outcome, when both parties prefer an informal process, or in cases involving less serious violations.

The Complainant and Respondent have the right to request a Formal Investigation at any time before the Alternative Resolution is finalized.

Alternative Resolution permits a variety of options, including: mediation (except in cases of Sexual Violence); separating the parties; providing for safety; referring the parties to counseling; conducting targeted preventive educational and training programs; conducting a follow-up review to ensure that the resolution has been implemented effectively.

B. Formal Investigation

In cases where Alternative Resolution is inappropriate or unsuccessful, the University shall conduct a Formal Investigation.

The University will strive to honor the stated wishes of the Complainant concerning whether to move forward with a Formal Investigation.

There may be circumstances, however, in which the University may need to move forward with a Formal

Investigation against the Complainant's wishes, If a Complainant requests that no Formal Investigation occur, the Title IX Coordinator shall assess whether the allegations nonetheless require a Formal Investigation to address an apparent risk to the campus community. If a Formal Investigation is not conducted, the Title IX Coordinator or designee shall inform the Complainant that the ability to provide remedies may be limited, but such remedies as are consistent with maintaining confidentiality and the absence of an administrative finding shall nonetheless be afforded.

If a Formal Investigation is conducted, the University shall attempt to keep the Complainant's identity confidential or will inform the Complainant that such confidentiality cannot be maintained.

1. Notice of Charges to Complainant and Respondent

If a Formal Investigation will be conducted, the Title IX Coordinator and Dean will jointly send written notice of the charges ("Notice of Charges") to the Complainant and Respondent.

The Notice of Charges will include: (a) a summary of the allegations and potential violations of the UC SV and SH Policy and the UCLA Conduct Code; (b) the purpose of the investigation; (c) a statement that the investigation report, when issued, will make factual findings and a recommendation regarding whether there has been a violation of the UC SV and SH Policy and the UCLA Conduct Code; (d) a statement that the findings and recommendation will be based on a Preponderance of the Evidence standard; (e) a summary of the process under these Procedures, including the expected timeline; and (f) a summary of the rights of the Complainant and Respondent and the resources available to them.

With respect to the Notice of Charges, and any other Notices issued pursuant to these Procedures, sending the Notice to the electronic or physical mailing address most recently provided by the Complainant or Respondent to the Registrar will give rise to a conclusive presumption that Notice has been given as of the date of the mailing.

2. Formal Investigation

The Title IX Coordinator will designate an investigator to conduct a fair, thorough, and impartial investigation.

a. Overview. During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the investigator, submit information, and identify witnesses who may have relevant information.

The investigator will meet separately with the Complainant, Respondent, and third party witnesses who may have relevant information, and will gather other available and relevant evidence and information. The investigator may follow up with the Complainant or the Respondent as needed to clarify any inconsistencies or new information gathered during the course of the investigation.

Disclosure of facts to persons interviewed shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation may be advised to maintain confidentiality when essential to protect the integrity of the investigation.

The Complainant or Respondent may have

an Advisor and Support Person present when personally interviewed and at any related meeting. Other witnesses may have a representative present at the discretion of the investigator or as required by University policy or collective bargaining agreement.

b. Participation by the Parties. Neither the Complainant nor the Respondent is required to participate in a Formal Investigation or any resolution process. The University will not draw any adverse inferences from a Complainant's or Respondent's decision not to participate or to remain silent during the investigation or resolution process. The University may draw adverse inferences when a Complainant or Respondent selectively participates in the process, such as choosing to answer some but not all questions posed.

c. Relevance. The investigator may determine the relevance of any witness or other evidence to the findings and may exclude certain types of evidence or information that is irrelevant or immaterial. In general, the Investigator will not consider statements of personal opinion, rather than direct observations or reasonable inferences from the facts, or statements as to any party's general reputation for any character trait.

d. Prior or Subsequent Conduct. Prior or subsequent conduct of the Respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, regardless of whether there has

been a prior finding of a Policy violation, may be deemed relevant to the determination of responsibility for the Prohibited Conduct under investigation.

e. Prior Sexual History. The prior sexual history of a Complainant or Respondent will never be used to prove character or reputation. Evidence related to the prior sexual history of the Complainant or Respondent will generally not be relevant and may be considered only in limited circumstances. For example, if Consent, as defined by the UC SV and SH Policy, is at issue, prior sexual history between the Complainant and the Respondent may be relevant to understanding communications between the parties and the context of the relationship, which may have bearing on whether Consent was sought and given during the incident in question. However, as stated in the UC SV and SH Policy, Consent to one sexual act does not, by itself, constitute Consent to another sexual act, and Consent on one occasion does not, by itself, constitute Consent on a subsequent occasion. In addition, prior sexual history of the Complainant or Respondent may be relevant to explain the presence of a physical injury or to help resolve another question raised. The Investigator will determine the relevance of this information and inform both parties if evidence of prior sexual history is deemed relevant.

f. Acceptance of Responsibility. The Respondent may, at any time, elect to resolve the Formal Investigation process by accepting responsibility for the Prohibited Conduct, in which case the Title IX Office

will refer the matter to the Dean for a decision as to whether there was a violation of the UC SV and SH Policy and/or UCLA Conduct Code and, if the appropriate sanction(s) if any.

g. Coordination with Law Enforcement.

When a law enforcement agency is conducting its own investigation into the alleged conduct, the Title IX 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. Such a delay may be cause for extending the timelines to complete the process in accordance with Section V.B.5 below.

h. Investigation Report. Following conclusion of the investigation, the Title IX investigator will prepare a written report. The written investigation report shall include a statement of the allegations and issues, the positions of the parties, and a summary of the evidence.

The investigation report shall also include findings of fact and a recommended determination regarding whether, applying the Preponderance of the Evidence standard, there is enough evidence to conclude that there is a violation of the UC SV and SH Policy and/or the UCLA Conduct Code.

If the Complainant or Respondent offered witnesses or other evidence that was not

considered by the investigator, the investigation report will explain why it was not considered.

After issuance of the investigator's report, the investigation file shall be retained and made available to the parties on request, and may be redacted as necessary to protect student privacy rights.

3. Notice of Findings and Recommendations

Upon completion of the Title IX investigation report, the Title IX Coordinator or designee and the Dean will jointly send to the Complainant and the Respondent a written notice of the investigation findings and the recommendations regarding whether there was a violation of the UC SV and SH Policy and/or UCLA Conduct Code ("Notice of Findings and Recommendation").

The Notice of Findings and Recommendation shall be accompanied by a copy of the investigation report, which may be redacted if necessary to protect student or employee privacy rights.

The Notice of Findings and Recommendation shall also include: an admonition against intimidation or retaliation; an explanation of any interim measures that will remain in place; an explanation of how to respond to the Notice of Findings and Recommendations; and, a statement that the Dean will issue a Notice of Decision within ten (10) business days.

4. Decision

Within ten (10) business days, the Dean shall decide whether to accept the investigator's recommendations regarding whether there was a violation of the UC SV and SH Policy and/or UCLA Conduct Code. Before this decision is made, the

Complainant and Respondent will have an opportunity to respond.

a. Opportunity to Respond. Before issuing its Notice of Decision, the Dean shall offer the Complainant and Respondent the opportunity to respond to the Notice of Findings and Recommendation, either through an in-person meeting with the Dean, a written statement to the Dean or both.

Any in-person meeting with the Dean must occur within seven (7) days of the date of the Notice of Findings and Recommendation.

Any written statement must be submitted to the Dean within five (5) days of issuance of the Notice of Findings and Recommendation. The written statement may be submitted via email to the Dean's email address provided in the Notice of Findings and Recommendations, sent from the Student's official University email account, or may be personally addressed to the Dean, signed by the Student, and delivered to the Dean's office.

In responding, the Complainant and/or Respondent may not challenge the factual findings in the Title IX investigation report or present new evidence, but may address the recommendation as to whether there was a violation of the UC SV and SH Policy and the UCLA Conduct Code, and/or, if applicable, potential sanctions.

b. Consultation with Title IX Office. The Dean may consult with the Title IX office at

any point before issuing its Notice of Decision.

c. Notice of Decision. If the Dean concludes that there was a violation of the UC SV and SH Policy and/or UCLA Conduct Code, the Dean shall determine the appropriate disciplinary sanctions to impose, in accordance with Section VII.

The Dean shall send the Complainant and Respondent written notice of its decision and disciplinary sanctions, if any, (“Notice of Decision”) within ten (10) business days following the issuance of the Notice of Findings and Recommendations.

The Notice of Decision shall include: (a) a statement of whether the charges have been substantiated and whether the UC SV and SH Policy and/or UCLA Conduct Code have been violated; (b) if a violation of UC SV and SH Policy and/or UCLA Conduct Code has been found, a description of the sanctions; (c) a statement addressing any response made by the parties to the Dean during their Opportunity to Respond; (d) a statement of the right to appeal and a description of the appeal process, as described in Section VI below; and (e) a statement that the disciplinary sanctions will go into effect ten (10) Days after the Decision unless Complainant or Respondent files a Request for Appeal.

5. Timeframe for Completion of Investigation and Decision; Extension for Good Cause

The Dean’s Notice of Decision shall be issued promptly, typically within 60 Days of initiation of the Title IX investigation, unless extended by the

Title IX Coordinator for good cause, with written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline.

If no Request for Appeal is filed, the disciplinary sanctions in the Dean's Decision shall be imposed ten (10) Days after issuance of the Notice of Decision.

VI. APPEAL PROCESS

A. Request for Appeal

A Complainant and Respondent may challenge a Decision reached following a Formal Investigation by filing a written request for an appeal ("Request for Appeal") within ten (10) Days after issuance of the Notice of Decision. The Request for Appeal must state one or more permitted grounds on which an appeal may be granted, and set forth a brief statement supporting each ground.

The Request for Appeal must be either (1) submitted via email to the Appeal Body Chair email address provided in the Notice of Decision, sent from the Student's official University email account, or (2) personally addressed to the Appeal Body Hearing Chair or their designee, signed by the Student, and delivered to the office specified in the Notice of Decision.

B. Grounds for Appeal

The permitted grounds for appeal are as follows:

1. Procedural Error. There was procedural error in the Formal Investigation process that materially affected the outcome, such as the Formal Investigation was not fair, thorough or impartial;
2. Unreasonable Based on the Evidence. The Decision is unreasonable based on the evidence

gathered during the Formal Investigation process;

3. New Information. The Student requesting the appeal presents new information which was unknown to that Student during the Formal Investigation process and which could materially affect the Dean's Decision; and
4. Disproportionate Sanctions. The disciplinary sanctions are disproportionate to the findings referenced in the Dean's Decision.

C. Stay of Sanctions Pending Appeal

If a Request for Appeal is filed, any disciplinary sanctions ordinarily will not be imposed until the appeal process is completed. Interim measures shall ordinarily remain in effect during the appeal process, but may be modified as appropriate.

D. Appeal Body

The appeal will be decided at a hearing by an Appeal Body composed of three appropriately trained University employees, including an Appeal Body Chair. The Appeal Body may be assisted by an Appeal Hearing Coordinator.

E. Granting Request for Appeal

The Appeal Body Chair will review any Request for Appeal.

If the Appeal Body Chair determines that the Request for Appeal does not state any adequate ground for appeal, the Appeal Body Chair or designee shall notify the appealing Student and provide one opportunity to correct and resubmit the Request for Appeal. If the resubmitted Request for Appeal fails to state any adequate ground for appeal, the Dean's Decision shall become final and the disciplinary sanctions in the Dean's Decision shall be imposed as soon as practicable.

If the Appeal Body Chair determines that the Request for Appeal adequately states any ground for appeal, the Appeal Hearing Coordinator shall issue a notice to the parties (“Notice of Appeal Hearing”).

F. Notice of Appeal Hearing

The Notice of Appeal Hearing shall be issued as soon as practicable after the Appeal Body Chair decides to grant the Request for Appeal. In no event shall the Notice of Appeal Hearing be issued less than ten (10) Days before the Appeal Hearing.

The Notice of Appeal Hearing shall: (a) state the ground(s) on which the Request for Appeal has been granted; (b) identify the issue(s) to be addressed at the Appeal Hearing and the scope of the Appeal Body’s review; (c) state that sanctions will be stayed pending the appeal process; and (d) provide the date, time, and location for the Appeal Hearing.

The Notice of Appeal Hearing shall be accompanied by a copy of the Request for Appeal to be considered at the Appeal Hearing.

G. Appeal Hearing Submissions

On a date designated in the Notice of Appeal Hearing and no later than five (5) Days before the Appeal Hearing, the Complainant and Respondent shall submit to the Appeal Hearing Coordinator the information they intend to present at the Appeal Hearing, including any documents to be presented, the names of any witnesses to be presented, and a brief summary of all witnesses’ expected testimony.

The Appeal Body Chair shall review the information identified by the parties and may exclude information on the basis that it is not in dispute, is unduly repetitive and/or is not relevant in light of the permitted grounds for appeal.

Documents or witnesses not identified to the Appeal

Hearing Coordinator within five (5) Days before the Appeal Hearing shall ordinarily not be admitted or considered at the Appeal Hearing.

H. Appeal Hearing Materials

At least two (2) Days prior to the Appeal Hearing, the Appeal Hearing Coordinator will send Complainant and Respondent copies of all documents that will be considered, the names of potential witnesses and a summary of the information they are expected to provide, and any other information expected to be considered at the Appeal Hearing.

I. Appeal Hearing Procedures

1. Opportunity to Present Information. At the Appeal Hearing, the Complainant and the Respondent will have the opportunity to present the information they submitted pursuant to Section VI.G, unless excluded by the Appeal Body Chair pursuant to Section VI.G.
2. Separating the Parties. If either student so requests, a screen shall be used to separate the Complainant and Respondent. The screen shall be placed so that the Respondent and the Complainant cannot see each other, but the Appeal Body can see the Respondent, the Complainant, and any witnesses when they are presenting information.
3. Presence of Title IX Investigator. If the grounds for the Appeal include those designated in VI.B.1, VI.B.2, , or VI.B.3, the Title IX investigator who issued the investigation report shall be present at the Appeal Hearing and available to provide testimony or information.
4. Right to Propose Questions. The Complainant

and the Respondent have the right to hear all individuals who testify at the hearing and to propose questions to be asked of all individuals who testify at the hearing. The Complainant and the Respondent shall not directly question each other or any other witnesses.

5. Asking Questions. The Appeal Body Chair will determine the order of questioning. In addition to asking questions proposed by the Complainant and the Respondent, the Appeal Body members may ask their own questions of the investigator, the Complainant, the Respondent or other witnesses.
6. Appeal Hearing Procedures. During the Appeal Hearing, the Appeal Body Chair may (a) exclude information, questions and/or witness testimony that is irrelevant, not in dispute, or unduly repetitive; (b) decide any procedural issues relevant to the appeal hearing; and (c) make any other determinations necessary to ensure an orderly, productive, and procedurally proper appeal hearing. Formal rules of evidence will not apply. The investigation report and any supporting documents or materials will be entered as evidence at the Appeal Hearing.
7. Recording. The Appeal Hearing will be audio recorded.

J. Appeal Body Deliberation

Following the Appeal Hearing, the Appeal Body shall deliberate in private. The Appeal Body shall consider the record developed by the investigator, as well as any information presented at the Appeal Hearing. The Appeal Body may make its own findings, including findings of credibility of any party or witness.

The Appeal Body shall apply the Preponderance of Evidence standard in its decision-making process. The Appeal Body decision shall be made by consensus of the two Appeal Body members other than the Appeal Body Chair. If the two Appeal Body members cannot reach consensus, the Appeal Body Chair shall also participate, and the decision shall be made by majority.

K. Appeal Body Determination

The Appeal Body shall issue one of the following Determinations:

1. Uphold the Decision. A determination to uphold the Dean's Decision in its entirety, in which case the Dean's Decision becomes final;
2. Modify the Decision. A determination to modify the Dean's Decision by altering the findings of UC SV and SH Policy or UCLA Conduct Code, and/or altering the disciplinary sanctions;
3. Vacate and Enter a Decision. A determination to vacate the Dean's Decision and enter a new finding of UC SV and SH Policy or UCLA Conduct Code, and/or a new disciplinary sanction if appropriate; or
4. Vacate and Remand. A determination to vacate the Dean's Decision and remand the matter back to the Title IX Office for further factual investigation.

L. Appeal Body Memorandum

The Appeal Body will summarize its Determination in a written memorandum ("Appeal Body Memorandum").

The Appeal Body Memorandum shall include the following:

1. Procedural History. The procedural history,

including a statement of the permitted grounds for appeal and the process undertaken by the Appeal Body;

2. Summary of Information Considered. A summary of the information considered by the Appeal Body;
3. Determination and Rationale. A summary of the Appeal Body's Determination, and the rationale for that Determination; and
4. Accommodations and Measures. A statement of accommodations or measures, if any, that the Appeal Body recommends to stop, prevent the recurrence of and/or remedy instances of Prohibited Conduct.

M. Notice of Appeal Body Determination

The Appeal Hearing Coordinator will send the Complainant and the Respondent the Appeal Body Memorandum.

If the Appeal Body Memorandum upholds the Dean's Decision in its entirety, the Appeal Hearing Coordinator will inform the Complainant and the Respondent that the Dean's Decision is final.

If the Appeal Body Memorandum modifies or overturns the Dean's Decision of findings of UC SV and SH Policy or UCLA Conduct Code, or modifies or overturns the Dean's Decision of sanctions, the Hearing Coordinator will inform the parties of their right to submit a written request for review ("Request for Review") to the Vice Chancellor for Student Affairs.

N. Request for Review

If the Appeal Body Memorandum overturns or modifies the Dean's Decision, the Complainant and Respondent may submit a written Request for Review to the Vice

Chancellor for Student Affairs.

Any Request for Review must be submitted within five (5) Days after issuance of the Appeal Body Memorandum, and must be submitted directly to the Vice Chancellor by e-mail sent from the Student's official University email account, or may be delivered to the Appeal Hearing Coordinator, signed by the Student.

The Request for Review must be based on (1) a claim that there was procedural error that materially affected the outcome, or (2) a sanction that is disproportionate to the findings of violation of UC SV and SH Policy or UCLA Conduct Code.

O. Vice Chancellor's Decision

Within ten (10) Days after the Complainant or Respondent submits a Request for Review, the Vice Chancellor for Student Affairs will issue a written decision.

The standard the Vice Chancellor shall apply in deciding the Request for Review is Preponderance of the Evidence.

If the Vice Chancellor concludes there was procedural error that materially affected the outcome, the Vice Chancellor shall remand the matter to the Appeal Body, the Dean or the Title IX investigator, depending on what procedural error is found.

If the Vice Chancellor concludes the sanction is disproportionate to the findings, the Vice Chancellor may modify the sanction.

If the Vice Chancellor concludes that there is no procedural error that materially affected the outcome and concludes that the sanction is not disproportionate to the findings, the Appeal Body Determination becomes final.

P. Timing of Appeal Process

The Appeal Process described above will be completed

within 60 Days after the Dean’s Decision, unless extended by the Title IX Coordinator for good cause, with written notice to the Complainant and Respondent of the reason for the extension and the projected new timeline.

VII. SANCTIONS

A. Possible Sanctions

University disciplinary sanctions include, but are not limited to:

1. Dismissal. Dismissal from the University of California;
2. Suspension. Suspension from the campus;
3. Exclusion. Exclusion from areas of the campus or from official University functions, or loss of privileges and exclusion from activities;
4. Restitution;
5. Probation;
6. Deferred Suspension or Dismissal;
7. Warning; and
8. Other Actions. Other actions as set forth in University policy and campus regulations.

B. Sanctioning Guidelines

Disciplinary sanctions will be assigned as follows:

1. Aggravated Prohibited Conduct. Sexual assault, domestic/dating violence, or stalking in which one or more of the following factors are present will result in a minimum sanction of Suspension for at least two years, up to dismissal:
 - a. force, violence, menace, or duress;
 - b. deliberately causing a person to become incapacitated or deliberately

taking advantage of a person's incapacitation; or

c. recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent.

2. Sexual Assault Involving Penetration. Sexual assault involving penetration will, absent exceptional circumstances, result in a minimum sanction of Suspension for at least two years, up to dismissal.
3. Domestic/Dating Violence or Stalking. Domestic/Dating Violence or Stalking will, absent exceptional circumstances, result in a minimum sanction of Suspension for at least two years, up to dismissal.
4. Other Sexual Contact. Other sexual contact that constitutes Prohibited Conduct under the UC SV and SH Policy will, absent exceptional circumstances, result in a minimum sanction of Suspension for at least one year, up to dismissal.

C. SANCTIONING FACTORS

In determining the appropriate sanction, the following factors may be taken into account:

1. Seriousness of violation: location and extent of touching; duration of conduct; single or repeated acts; multiple policy violations in connection with the incident; verbal or physical intimidation; presence of weapons, use of force, violence, physical injury.
2. Intent or motivation behind violation: no intent to cause harm; passive role in violation;

pressured or induced by others to participate in the violation; use of authority to abuse trust or confidence; planned or predatory conduct; deliberately causing a person to become incapacitated or deliberately taking advantage of a person's incapacitation; recording, photographing, transmitting, viewing, or distributing intimate or sexual images without consent; hate or bias based on the complainant's membership or perceived membership in a protected group as defined in the UC PACAOS.

3. Response following violation: voluntarily acknowledged wrongdoing at early stage of the process; failure to follow no contact order; attempt to influence witnesses; obstructed or disrupted the process.
4. Disciplinary History: prior violations unrelated, prior violations related.
5. Impact on Others: input from the complainant, protection or safety of the community.

VIII. INTERIM AND EMERGENCY SUSPENSION

Interim Suspension and Emergency Suspension procedures are set forth in the UCLA Conduct Code.

IX. PRIVACY AND RECORDS RETENTION

Records of matters handled under these procedures shall be maintained in accordance with the UC SV and SH Policy and the UCLA Conduct Code.

X. AMENDMENT AND MODIFICATION

These procedures shall be modified in accordance with the process for amending the UCLA Conduct Code.