The Board of Regents of the University of Alaska System affirms its commitment to a safe and healthy educational and work environment in which educational programs and activities are free of discrimination on the basis of sex. The board further affirms its commitment to respond appropriately to sexual harassment and sexual violence, in accordance with applicable law as amended from time to time, including Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act, Title VII of the Civil Rights Act of 1964 (which prohibits discrimination on the basis of sex in employment), Alaska Statute 18.80, and due process of law.

1. Chancellors will have primary responsibility for a campus educational and workplace climate free from discrimination and intimidation based on sex, and for appropriate and timely response to sexual harassment and sexual violence at their respective universities, including extended sites;

2. Chancellors will provide updates to the board regarding compliance with this sex discrimination and sexual misconduct policy at least bi-annually in December and June and more often as required by circumstances; and

3. The president will ensure system oversight and coordination among the universities in implementing this policy.

P01.04.010. Sex Discrimination and Sexual Misconduct Policy

A. The university will not tolerate sexual or gender-based discrimination, including sexual misconduct such as sexual harassment or sexual assault, whether done by university employees, students, or third parties (i.e., non-members of the university community, such as vendors or visitors). Violation of this sex discrimination and sexual misconduct policy may lead to discipline of the offending party, including the possibility of separation from the university. Moreover, many forms of sexual and gender-based discrimination, including sexual harassment or sexual assault, may also violate state and federal law. Criminal prosecution may take place independently of any university-imposed disciplinary proceeding.

B. The university is committed to providing an environment free from sexual or gender-based discrimination, including sexual harassment or sexual assault, and to ensuring the accessibility of appropriate procedures for addressing all complaints of misconduct under this sex discrimination and sexual misconduct policy. The university will respond to complaints or reports of prohibited conduct with measures designed to stop the behavior, prevent its recurrence, and remediate any hostile environment it caused.

C. When allegations of sexual or gender-based discrimination or sexual misconduct are raised, this policy applies and, to the extent it conflicts with other university policies and procedures relating to misconduct, it supersedes those policies and procedures.
D. Since some members of the university community hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power. Faculty and supervisors in particular, in their relationships with students and subordinates, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those inherent in the professional relationship. See R04.02.024 Consensual Sexual Relationships.

(06-01-17)

P01.04.020. Scope of Policy

A. This policy applies to students, faculty, staff, and third parties. Third parties are both protected by and subject to this sex discrimination and sexual misconduct policy. A third party may make a complaint of or report sexual or gender-based discrimination, including sexual harassment or sexual assault. A third party may also be permanently barred from the university or subject to other restrictions for engaging in sexual or gender-based discrimination.

B. This policy applies to sexual or gender-based discrimination, including sexual misconduct such as sexual harassment or sexual assault, that occurs on property owned or controlled by the university, in university online environments and classes, or at activities sponsored by or authorized by the university. Behavior exhibited online or electronically via email, social media, text messaging, or other electronic means that involve the use of the university’s computing and network resources will be deemed to have occurred on university property.

C. This policy applies to sexual or gender-based discrimination, including sexual misconduct such as sexual harassment or sexual assault, that occurs off university property when the conduct is associated with a university-sponsored program or activity, such as travel, research, or internship programs or when such conduct creates or could create a hostile environment on university property or in any university-sponsored program or activity. The policy also applies to any sexual or gender-based discrimination perpetrated by a university employee, regardless of location, if it occurs when the employee is conducting work for the university or on its behalf.

D. This policy may also apply to allegations of other misconduct, even if the misconduct is not itself sexual or gender-based, if the misconduct occurs in connection with sexual or gender-based discrimination. If the Title IX coordinator concludes this policy applies, Title IX coordinator may seek appropriate assistance from any university office with relevant experience or knowledge regarding the misconduct.

(06-01-17)
P01.04.030. Title IX Coordinator

A. Each university’s Title IX coordinator is responsible for the university’s compliance with Title IX of the Education Amendments of 1972. Each of the three separately accredited universities within the university system—UAA, UAF, and UAS—has a Title IX coordinator. Statewide employees are served by the Title IX coordinators in their geographic location. For purposes of the sex discrimination and sexual misconduct policy, references to the Title IX coordinator indicate the Title IX coordinator or their designated staff. The Title IX coordinator’s activities include (but are not limited to):

a. Communicating with all members of the university community regarding Title IX, and providing information about how individuals may access their rights;

b. Reviewing applicable university policies to ensure institutional compliance with Title IX;

c. Monitoring the university’s administration of its own applicable policies, including record keeping, timeframes, and other procedural requirements;

d. Conducting training regarding Title IX and prohibited conduct defined in this sex discrimination and sexual misconduct policy; and

e. Responding to any complaint or report regarding sexual and gender-based discrimination, including sexual harassment or sexual assault. In this capacity, the Title IX coordinator oversees the investigation and resolution of such alleged misconduct, directs the provision of any remedial measures, and monitors the administration of any related appeal.

B. Contact information and how to file a complaint with the Title IX coordinator is found in R01.04.060.

(06-01-17)

P01.04.040. Confidentiality and Privacy

A. Issues of privacy and confidentiality play important roles in this sex discrimination and sexual misconduct policy and may affect individuals differently. Privacy and confidentiality are related but distinct terms that are defined below. In some circumstances, the reporting responsibilities of university employees, or the university’s responsibility to investigate, may conflict with the preferences of the complainant or respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities.

B. “Confidentiality” refers to the circumstances under which information will or will not be disclosed to others. The university makes available several professionals, identified in University Regulations, who have confidentiality obligations under the law. Conversations with these professionals are privileged. Information that an individual shares with them (including information about whether an individual has received services) will be disclosed.
to the Title IX staff or any other person only with the express written permission from the individual whose information will be disclosed, unless there is an imminent threat of serious harm to the individual or to others, or other legal obligation to reveal such information (e.g., if there is suspected abuse or neglect of a minor).

C. “Privacy” refers to the discretion that will be exercised by the university in the course of any investigation or disciplinary process under this sex discrimination and sexual misconduct policy. The university has an obligation to make reasonable efforts to investigate and address complaints or reports of sexual or gender-based discrimination, including sexual harassment or sexual assault. In all such proceedings, the university will take into consideration the privacy of the parties to the extent possible. In cases involving students, the Title IX staff may notify other university employees of the existence of the complaint for the purpose of overseeing compliance with this sex discrimination and sexual misconduct policy. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process. However, all parties should be aware that the university is a public institution subject to the Alaska Public Records Act and to requests for information in the course of litigation; as such, even records that are treated privately may become public.

(06-01-17)

P01.04.050. Support Resources for Those Reporting Sexual Misconduct

The university offers various resources for complainants, witnesses, or others affected by sexual or gender-based discrimination, including sexual harassment or sexual assault. Resources are identified in regulation.

(06-01-17)

P01.04.060. Filing a Complaint or Report

A. University employees must immediately call 911 in emergency situations, if there is a suspected crime in progress, or if there are imminent or serious threats to the safety of anyone.

B. “Responsible employees” must report any sexual or gender-based discrimination, regardless of who it involves, to the Title IX coordinator within twenty four hours. All University of Alaska staff, faculty and Residence Life student employees are designated “responsible employees,” with the limited exception of licensed professional mental health counselors, clergy, other persons with a professional license requiring confidentiality who are working within that license, and those employees who work in the Student Health and Counseling Centers. Student employees, with the exception of those working for Residence Life, are not designated responsible employees at the University of Alaska.

C. All members of the university community are encouraged to report any suspected sexual or gender-based discrimination, including sexual harassment or sexual assault, to the Title IX coordinator.
D. There is no time limit on reporting sexual and gender-based discrimination, including sexual harassment or sexual assault. Individuals who learn of sexual or gender-based discrimination are encouraged to report it promptly, regardless of when it occurred.

E. The university will provide amnesty for conduct that would warrant minor sanctions under the Student Code of Conduct, such as underage drinking or prohibited drug use, that is related to misconduct reported under this sex discrimination and sexual misconduct policy.

F. Alleged violations of federal, state, or local laws may also violate this sex discrimination and sexual misconduct policy and fall within the university’s jurisdiction. The university reserves its right to pursue disciplinary and other action in response to potential sexual and gender-based discrimination, independent of the criminal proceedings. University proceedings under this sex discrimination and sexual misconduct policy may precede, follow, or take place simultaneously with criminal proceedings. University actions will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

(06-01-17)

P01.04.070. Complaint is Filed: The University’s Immediate Actions and Interim Measures

A. Upon receipt of a complaint or report of sexual or gender-based discrimination, including sexual harassment or sexual assault, the Title IX staff will promptly assess the risk, if any, the respondent presents to the complainant or other individuals and will take appropriate interim measures in response to that assessment to stop any discrimination, harassment, or sexual violence. Title IX staff will also inform the complainant and respondent in writing of the availability of reasonable and appropriate interim measures.

B. Requests for interim measures may be made by or on behalf of the complainant to Title IX staff. Title IX staff are responsible for ensuring the implementation of interim measures and coordinating the university’s response with the appropriate offices on campus. The Title IX staff will determine which interim measures are necessary, and may provide interim measures to protect the complainant, students, university employees, or third parties, regardless of whether the complainant requests them or seeks formal disciplinary action. Interim measures may be applied as needed during any investigation and conduct process, including appeals, associated with the report of sexual or gender-based discrimination. The Title IX coordinator will take steps to ensure, where possible, that such interim measures do not negatively impact the complainant.

(06-01-17)

P01.04.080. Informal Resolution of the Complaint

A. Informal resolution is not appropriate for cases involving sexual assault, or in cases where a student alleges sexual harassment against a university employee. If the complainant, the respondent, and the Title IX coordinator all agree that an informal resolution should be pursued, the Title IX coordinator shall attempt to facilitate a resolution of the conflict that is agreeable to all parties. Under the informal process, the Title IX investigator shall be
required to conduct only such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the university and the community.

B. If informal resolution efforts fail to achieve satisfactory results, or if informal resolution is inappropriate in consideration of the circumstances or the egregious nature of the alleged behavior, the Title IX coordinator will initiate a formal resolution process.

P01.04.090. Formal Resolution of the Complaint: Investigation

A. As part of the formal resolution process, a Title IX investigator will conduct a prompt, adequate, reliable, and impartial investigation. The Title IX investigator will utilize the formal resolution process even if the complainant does not choose to proceed with an informal or formal complaint, if the Title IX coordinator concludes such resolution is appropriate after taking into account the complainant’s articulated concerns, the best interests of the university community, fair treatment of all individuals involved, and the university’s obligations under Title IX.

B. The university will use a preponderance of the evidence standard for resolving all complaints under this sex discrimination and sexual misconduct policy.

C. After investigation, the Title IX investigator will determine whether the respondent violated this sex discrimination and sexual misconduct policy. The Title IX investigator will prepare a written report with the outcome of the investigation and the rationale for the outcome. Title IX staff will simultaneously inform the parties of the outcome.

D. In all cases, a formal resolution process that has been initiated will be pursued to conclusion, even if the complainant or respondent leaves the university before the process concludes, or the complainant chooses not to participate in the process. A student who is alleged to have engaged in sexual or gender-based discrimination may be prohibited from re-enrolling in the university until the allegations are resolved regardless of whether the student participates in the student conduct process.

P01.04.100. Formal Resolution of the Complaint: Appealing Investigative Findings

Both the complainant and respondent have the right to appeal the results of an investigation. Details are provided in University Regulation.

P01.04.110. Formal Resolution of the Complaint: Discipline and Remedies

A. If the Title IX investigator determines that the respondent violated this sex discrimination and sexual misconduct policy and that determination is not appealed or is affirmed on appeal, a copy of the investigator’s report or relevant findings on appeal will be given to the appropriate discipline authority. The discipline authority will determine the appropriate form of discipline or sanction.
B. The Title IX coordinator will determine and implement appropriate remedies for a complainant or other affected students or employees, even if the respondent has left the university.

(06-01-17)

**P01.04.120. Conflicts of Interest of Those Investigating or Adjudicating a Complaint**

A. The university does not permit conflicts of interest, whether real or reasonably perceived, by those involved in investigating or adjudicating allegations of sexual or gender-based discrimination, including sexual harassment or sexual assault. Individuals who are involved in investigating or adjudicating allegations of sexual or gender-based discrimination and who believe they may have a conflict, whether real or reasonably perceived, must notify the Title IX coordinator immediately to permit the Title IX coordinator to take appropriate remedial steps.

B. Any complainant or respondent who wishes to challenge on conflict of interest grounds the participation of an individual involved in investigating or adjudicating allegations of sexual or gender-based discrimination may do so by filing a challenge with the Title IX coordinator or the regional human resources director. The Title IX coordinator or the regional human resources director will promptly review the challenge and decide whether the challenged individual has a conflict, whether real or reasonably perceived, that prevents his or her continued involvement.

(06-01-17)

**P01.04.130. Retaliation Prohibited Against Complainant, Respondents, and Witnesses**

A. The university prohibits retaliation (including retaliatory harassment) against individuals who report sexual or gender-based discrimination, including sexual harassment or sexual assault, or who participate in the university’s investigation and handling of such reports in any way, even if the university ultimately concludes that no sexual or gender-based discrimination occurred.

B. Threats or other forms of intimidation or retaliation against complainants, respondents, witnesses or investigators will constitute a violation of this prohibition and may be subject to separate disciplinary proceedings.

C. Retaliation or retaliatory harassment may be reported to the Title IX coordinator. If the alleged retaliation is caused by Title IX staff, the retaliation may alternately be reported to the regional human resources director.

(06-01-17)