



- SEXUAL HARASSMENT
- SEX- AND GENDER-BASED DISCRIMINATION
- SEXUAL ASSAULT
- DATING AND DOMESTIC VIOLENCE
- STALKING
- PREGNANCY ACCOMMODATIONS



IX

TITLE

KNOW YOUR RIGHTS

Our commitment to safety

The University of Alaska is committed to providing a supportive learning and working environment and fostering safe, healthy relationships among our campus community. As such, the institution and members of our community will not tolerate dating violence, domestic violence, sexual assault, and stalking.

What is Title IX?

Title IX is a federal civil rights law that prohibits sex discrimination in education. All members of the university's community and visitors have the right to be free from all forms of sex- and gender-based discrimination, including dating violence, domestic violence, sexual assault, and stalking.

Title IX policy overview

Everyone has the right to a learning and working environment free of unlawful discrimination, including sexual harassment. Sexual harassment is defined in BOR P&R 01.04.010 to include conduct on the basis of sex or gender that satisfies one or more of the following:

1. A university employee, agent, or contractor conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome sexual conduct;
2. Unwelcome sex- or gender-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity; or
3. "Sexual assault," "dating violence," "domestic violence," or "stalking," as defined in regulation.

Misconduct which does not meet the definition of sexual harassment will be addressed under other applicable UA BOR Policies and University Regulations.

See Board of Regents Policy at www.alaska.edu/bor/policy/01-04.pdf.

What is sex- and gender-based discrimination?

"Sex and gender-based discrimination" occurs when an individual is treated less favorably on the basis of that person's sex or gender, which may also include on the basis of sexual orientation, gender identity or expression, pregnancy or pregnancy-related condition, or a sex stereotype.

What is sexual harassment and assault?

“Sexual harassment” is a form of sex or gender-based discrimination that can be committed by individuals of any gender, can occur between individuals of the same or different genders, can occur between individuals involved in intimate or sexual relationships, or can occur between strangers or acquaintances. Sexual harassment is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university’s education program or activity.

Examples of sexual harassment include, but are not limited to:

- A university employee requiring an individual’s participation in unwelcome sexual conduct to receive a higher grade or an academic or athletic opportunity
- Repeatedly subjecting someone to unwelcome sexual advances
- Posting or displaying sexually suggestive pictures, objects, etc.
- Repeatedly making lewd or sexually demeaning comments, jokes, etc.
- Gender-based slurs, taunts, stereotypes, or namecalling based on a person’s actual or perceived sex
- Invasion of sexual privacy, prostituting another person, nonconsensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as secretly letting others watch consensual sex), or engaging in voyeurism
- Knowingly transmitting an STI or STD to another individual without that individual’s knowledge
- Intentionally or recklessly exposing one’s genitals for the purpose of sexual gratification, or inducing another to expose their genitals

Examples of sexual assault include, but are not limited to:

- Having sex with someone who is incapacitated from alcohol or drugs
- Engaging in any form of sexual contact that your partner has not willingly and affirmatively agreed to participate in, such as fondling someone when they have only consented to kissing.

Seeking Help

Everyone has the right to report any conduct which they believe constitutes sex- or gender-based discrimination. In addition to reporting to any UA Title IX Office, reports of discrimination may be made to the Department of Education’s Office for Civil Rights. No university official may take disciplinary or other adverse action against a person for reporting what they believe to be discriminatory behavior, even if it is determined the reported behavior was not a violation of BOR Policies and University Regulations. Assistance is available to everyone; neither party is required to resolve an allegation of unlawful discrimination directly with the other party.

Outside of the UA grievance process, a complainant may pursue law enforcement assistance by filing a separate report with a law enforcement agency. In most circumstances, a UA Title IX Office will not file a report with law enforcement, but may, upon request, assist in connecting a complainant with the proper law enforcement agency. **Anyone who feels at risk of imminent harm should immediately call 911.**

How to report

To submit a report of sex or gender-based discrimination, contact your Title IX Coordinator at 907-786-0818 or email uaa_titleix@alaska.edu. You can make a report to the Title IX Coordinator at any time, even months later. Report by calling, emailing or online at www.uaa.alaska.edu/equityandcompliance. The Title IX Coordinator can help with supportive measures, including making adjustments to assist you in academic, housing or employment areas. Though anonymous reports are permitted, they may limit the university's ability to investigate and respond to a report.

Amnesty

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 the misconduct reported under the sex- and gender-based discrimination policy. However, although granted amnesty, students may be required to complete related educational programs.

Retaliation

The university expressly prohibits retaliation against anyone who reports sex or gender-based discrimination or who participates in the grievance process. You can report incidents of alleged retaliation to the Title IX Coordinator. (If the alleged retaliation is caused by Title IX staff, it may alternatively be reported to the university's chief human resources officer.)

Privacy

The university takes steps to preserve the privacy of those involved in the Title IX grievance process. However, complete privacy may not be possible in some circumstances, especially in cases where the university must take action to protect the safety of others.

Honesty

Misrepresenting the truth during a university investigation and/or making false statements to any university official or office is a violation of the Student Code of Conduct for students and is subject to Corrective Action for employees.

Grievance Process

As described in more detail in BOR P&R 01.04.160, during the grievance process respondents are presumed not responsible for alleged conduct until a determination regarding responsibility is made. Additionally, the burden of gathering evidence rests on the university and not on the parties; however, the parties may present relevant witnesses and evidence to the investigator. Upon the conclusion of the investigation, the parties will be given the opportunity to review and respond to all evidence obtained during the investigation which is related to the allegations, then the investigator will write a report summarizing the evidence. The parties will also be given the opportunity to respond to the report before a live hearing is held. At the hearing, each party will have the opportunity to cross-examine, through their own advisor, any other participating parties and witnesses. After the hearing, the decision-maker will issue a written determination deciding whether university policy has been violated, using the preponderance of the evidence standard, and if there is a finding of responsibility, announcing discipline and remedies.

Duty to report

For the university to respond effectively and address instances of sex or gender-based discrimination, all employees must report any sex or gender-based discrimination to the Title IX Coordinator. University counselors and health care providers are considered confidential resources, and are not required to inform Title IX staff when they receive a report.

For more information visit www.alaska.edu/titleixcompliance/responsible-employee/.

Help and resources

- **For emergencies call 911**
- **Off-campus medical help:**
 - Go to the nearest hospital or clinic
- **On-campus medical help**
 - Student Health and Counseling Center, 907-786-4040
- **On-Campus Confidential Counseling**
 - Student Health and Counseling Center, 907-768-4040
- **Additional Confidential Resources and Assistance**
 - Center for Advocacy, Relationships and Sexual Violence, 907-276-7273

UAA has ways to help

If you have been sexually harassed, assaulted or threatened, UAA has ways to help, including but not limited to:

- Providing access to counseling services
- Providing access to confidential advocacy services
- Rescheduling of exams and assignments
- Changing class schedules
- Providing access to academic advising
- Changing university work schedule or job assignment
- Changing campus housing
- Providing access to medical services
- Implementing a no contact order

Requests for assistance must be submitted to the Title IX Coordinator at 907-786-0818 or uaa_titleix@alaska.edu.

Confidential reporting resources

Anyone who wishes to seek university information or support in a confidential manner may contact a confidential resource. Confidential resources will not share information about any individual or received from any individual without their express written permission unless imminent threat to life or bodily injury exists, or there is a legal obligation to reveal such information. Going to a confidential resource will not put the university on notice of a specific allegation.

Student Health and Counseling Center
907-786-4040

STAR Standing Together Against Rape
800-478-8999, www.staralaska.com

Employee Assistance Program
888-993-7650

National Domestic Violence Hotline
800-799-7233

RAINN National Sexual Assault Hotline
800-656-4673

More about filing a Title IX complaint

For more information on how to file a Title IX complaint, or to report sexual misconduct or assault, visit www.uaa.alaska.edu/equityandcompliance

The Title IX Office leads the effort to ensure UAA moves beyond mere compliance with civil rights laws to embody the principles of respect and equality for all. For more information:

Title IX Coordinator

3190 Alumni Drive, Suite 352, Anchorage, AK 99508
Phone: 907-786-0818
Email: uaa_titleix@alaska.edu

Title IX Resource Staff

Dean of Students — 907-786-1214
Residence Life — 907-751-7444
Athletics — 907-786-4803

You have the right to choose whether or not to report to one or all of the following:

- Law enforcement
- The university
- The Assistant Secretary in the U.S. Department of Education Office of Civil Rights
- Confidential resources, such as counselors or advocates
- No report

For sex discrimination claims or other inquiries concerning the application of Title IX of the Education Amendments of 1972 and its implementing regulations, individuals may contact the University's Title IX Coordinator, or the Assistant Secretary in the U.S. Department of Education Office of Civil Rights, or both:

Office for Civil Rights, Seattle Office
U.S. Department of Education
915 Second Ave., Room 3310
Seattle, WA 98174-1099
Phone: 206-607-1600
TDD: 800-877-8339
E-mail: OCR.Seattle@ed.gov
Website: <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

If you or someone you know is assaulted

- **Get Support.** You don't have to cope alone. Call someone you trust, or reach out to one of the resources listed on this brochure.
- **Get Medical Help.** Even if you feel fine, seek medical help if you think you may be at risk for injury, pregnancy or infection.
- **Report the Incident to the Title IX Coordinator.** This helps the university

respond appropriately to your case and to broader issues in our community. There is no time limit for reporting an incident to the university. When you decide, you can report to the university, to law enforcement, to both or neither.

- **Preserve Evidence.** Police and forensic nurse examiners are in the best position to secure evidence of a crime. All physical evidence should be collected immediately, ideally within the first 24 hours. You can preserve evidence in the following ways: do not wash your face and hands, brush teeth or bathe; do not eat or drink; do not douche; and if you change clothes, keep them in a paper bag.

What can I do to help?

Sex or gender-based discrimination is a community issue, and prevention is a community responsibility. Sex and gender-based discrimination can also look different for people with differently intersecting identities.

You can play your part in creating a culture of respect by:

1. Recognizing sex or gender-based discrimination
2. Utilizing safe strategies for bystander intervention
3. Reporting sex or gender-based discrimination
4. Supporting people who share they have experienced sex or gender-based discrimination or violence

Be an active bystander

- Notice situations and be aware of your surroundings.
- Trust your gut. Ask yourself, “Do I sense something is wrong?”
- Feel responsible to act. Educate yourself on what to do.
- Intervene safely. Keeping yourself safe while taking action is key.

Intervene safely

- Bring in others to help when the situation is potentially dangerous.
- Ask the person you’re concerned about if they are OK.

Provide options and support

- Distract or redirect individuals in unsafe situations.
- Ask if the person wants to leave.
- Call local law enforcement (911).

Encourage safety for yourself and others

- Have a plan. Talk to your friends about your plans and intentions before you socialize.
- Watch out for others. If you are concerned about someone, offer your support. Defuse situations. If you see a person coming on too strong to someone who may be incapacitated and unable to make a consensual decision, interrupt, distract or redirect the situation. If you do not feel

comfortable doing so, get someone else to step in.

- Trust your instincts, if a situation does not feel right to you, remove yourself and others from the situation if possible.

Complete Title IX training

- UA Safe Title IX training for students and employees is an online program addressing the critical issues of sex or gender-based discrimination prevention and response, including sexual assault, harassment, stalking, domestic violence, and dating violence. All students who are degree seeking, living in campus housing, participating in national/international exchange, middle college students enrolled at the university, and employees are annually required to complete UA Safe training.
- UA Safe promotes a safe and inclusive environment by educating students about their rights on campus, as well as different support systems set in place. The program also encourages bystander intervention by providing students with the necessary tools to intervene in certain situations.

University of Alaska policy and regulations

Find more information about the UA Board of Regents policies on nondiscrimination and sex and gender-based discrimination at www.alaska.edu/policy/01-02.pdf and www.alaska.edu/bor/policy/01-04.pdf.

Title IX coordinator

The Title IX Coordinator responds to all complaints of sex or gender-based discrimination by faculty, staff, and students. They can help with supportive measures and can explain the university's policy and procedures for pursuing an investigation and resolution through the grievance procedures.

Supportive Measures

As detailed in BOR P&R 01.04.070, the parties have the right to receive reasonably available and appropriate supportive measures (e.g., assistance accessing confidential counseling or advocacy services; academic support; on-campus escorts; university no contact orders; and adjustments to classes, housing, and work environments) upon request. A formal complaint is not required to receive supportive measures, and they may be requested or changed at any time, without any fee to the party.

What to Expect When You Make a Report

Once a report has been made, the person who reports experiencing sex or gender-based discrimination (called the complainant) will receive outreach from the Title IX office to establish if the complainant has any immediate needs and safety concerns.

Next steps may include:

- Supportive measures will be offered to all complainants and respondents.
- Complainants will have the choice of whether or not they would like to proceed through the Title IX process. The university will do its best to respect the complainant's wishes.
- Anonymous or informal reports can be submitted, but this may limit the university's ability to address the behavior. To initiate the Title IX grievance process or informal resolution, a formal complaint must be submitted.

Possible further actions may include:

- An interview meeting to gather facts regarding the reported behavior to include an overview of the complainant's rights and the resources available to them.
- Witnesses may be interviewed.
- The Title IX staff will determine how the reported behavior may be addressed through informal resolution, investigation or referral. The parties will be notified of the next steps prior to action being taken.

Investigation

When the university receives a report of sex or gender-based discrimination, the Title IX Coordinator is notified. When the complainant chooses, or the university believes it is necessary, the Title IX Coordinator will initiate a prompt, fair and impartial administrative investigation. The purpose of an investigation is to determine if conduct violating UA policy and regulation has occurred.

Investigations may also help to determine:

- If there is an ongoing risk of harm and if so, what steps should be taken to prevent that risk.
- What resources or safety measures are needed for the Student Conduct or Human Resources offices.
- If system-wide or local changes to policies, practices, or training should be considered and implemented.

No matter who you are, where or when it happened, if someone sexually assaults you, sexually harasses you or discriminates against you because of your gender, identity or expression, you have a right to get help and to continue your education.

The Rights of Those Involved in an Investigation

The Complainant Has the Right to:

- File a criminal and/or civil complaint in addition to the Title IX complaint
- An emphasis on privacy
- Regular updates from the Title IX office
- Supportive measures, resources and remedies when applicable
- An advocate or support person of the complainant's choice, which can include a friend, family member, advocate, attorney, etc..
- Appointment of an advisor for the cross-examination at the hearing if the complainant does not have one at the time that the Title IX investigator's report is released.
- Opportunity to provide information and evidence before a report is completed
- Opportunity to review information and evidence before a decision is made
- A prompt, fair, and impartial investigation
- A hearing with the opportunity for cross-examination
- Notice of the outcome of the hearing, and if applicable, any disciplinary actions
- Appeal
- Be free from retaliation

The Respondent Has the Right to:

- Be presumed to be not responsible until a determination is made at the conclusion of the grievance process.
- Notice of the allegations
- An emphasis on privacy
- Regular updates from the Title IX office
- Supportive measures, resources and remedies when applicable
- An advisor or support person of the respondent's choice, which can include a friend, family member, advocate, attorney, etc.,
- Appointment of an advisor for the cross-examination at the hearing if the respondent does not have one at the time that the Title IX investigator's report is released.
- Opportunity to provide information and evidence before a report is completed
- Opportunity to review information and evidence before a decision is made
- A prompt, fair, and impartial investigation
- A hearing with the opportunity for cross-examination
- Notice of the outcome of the hearing, and if applicable disciplinary actions
- Appeal
- Be free from retaliation

WHAT IS CONSENT?

At the University of Alaska, consent is the voluntary, informed, un-coerced agreement through words or actions freely given, that a reasonable person would interpret as a willingness to participate in mutually agreed-upon sexual acts.

Consensual sexual activity happens when each partner willingly and affirmatively chooses to participate. A person who is incapacitated cannot consent.

Incapacitation is when an individual is in a state or condition in which they are unable to make sound decisions. This can be due to sleep, age, unconsciousness, alcohol, drug use, or mental and/or other disability. For example, someone who is unable to articulate what, how, when, where, and/or with whom the person desires a sexual act to take place is incapacitated.

GET CONSENT

If you're going to be sexually intimate, get a yes. Every time, the entire time.

Yes

means yes.

Yes is ESSENTIAL.

No

means no.

Silence

does not mean yes.

Neither does being passive or intoxicated.

Stop

if asked. Consent can be withdrawn at any time. Be clear about it and respect the choice.



UNIVERSITY of ALASKA
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UA Nondiscrimination Statement

It is the policy of the board that, in accordance with federal and state law, illegal discrimination against any individual because of race, religion, color, national origin, citizenship, age, sex, physical or mental disability, status as a protected veteran, marital status, changes in marital status, pregnancy, childbirth or related medical conditions, parenthood, sexual orientation, gender identity, political affiliation or belief, genetic information, or other legally protected status is prohibited. <https://www.alaska.edu/nondiscrimination/>