Disclosure Options for Victims of Sex Based Harassment and Violence

When an incident of sex based harassment or violence occurs, the reporting party has the following disclosure options:

1. **No disclosure**: It is not unusual for a victim to keep silent about an incident of sex based violence for up to 3 to 6 months before disclosing. Some choose to never disclose. While remaining silent can make it more difficult for victims to access the services they may need to heal, they always have that right.

2. **Confidential disclosure**: If the victim of sex based violence wants assistance with recovery and healing but does not want to engage university Title IX or law enforcement processes, he or she can disclose to a confidential source.

In Alaska only those with a professional or clerical licensure can promise confidentiality, such as a psychologist, a medical doctor, or a licensed counselor. The on-campus place for confidential disclosure is the UAF Center for Health and Counseling, which can be reached at 474-7043.

Off campus, there are multiple other agencies for confidential disclosure. These agencies can provide a victim advocate who can explain the complex processes and guide the victim in navigating the various systems. Our primary partners are:

- Bethel – Arctic Women in Crisis at 907-852-0261
- Dillingham – Safe and Fear-Free Environment at 907-842-2320
- Fairbanks - Interior Alaska Center for Non-Violent Living (IAC), at 907-452-2293
- Juneau – Aiding Women in Abuse & Rape at 907-586-6623
- Kotzebue – Maniilaq Family Crisis Center at 907-442-3724
- Nome – Bering Sea Women’s Group at 800-570-5444 or 907-443-5444
- Seward – SeaView Community Services at 907-224-3027

For a complete list of places to confidentially disclose and access a victim advocate, please visit our website at [http://www.uaf.edu/oeo/title-ix/](http://www.uaf.edu/oeo/title-ix/)

3. **Faculty/staff and Resident Assistant disclosure**: All UAF employees are designated as “responsible employees” which means they are required to report incidents of sex based harassment and violence to the Title IX office. If a victim discloses to a UAF employee or an RA, that employee or RA is required to report to the Title IX office within
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24-hours of notification. This initiates the UAF administrative Title IX process. Detailed Title IX response procedures are contained below.

4. **Title IX disclosure:** Victims may directly contact the Title IX office to seek assistance and request an administrative investigation. Detailed Title IX response procedures are contained below. Disclosure to Title IX can be initiated in one of the following ways:
   a. Call the Title IX office at 474-7300.
   c. Send an email to Title IX at uaf-deo@alaska.edu.

5. **Police disclosure:** Victims can report incidents to the police, which initiates a criminal investigation that goes through the legal system. UAF police are required to report all incidents to the Title IX office, which then gives the victim access to a full slate of support and recovery services. Detailed Title IX response procedures are contained below. UAF Police can be contacted at: 474-7721

6. **Private disclosure:** When an individual discloses to a friend or relative who is not a UA employee or RA, while it is our hope that the individual will provide resources and support, it does not trigger a UAF obligation.

**Title IX Response Procedures**

When incidents of sex based harassment or violence are reported, UAF will take immediate action to stop the harassment, remedy the victim, conduct prompt and thorough investigations and prevent recurrence. This process will typically be completed in 60-business days. If there is a parallel criminal investigation or if the Title IX investigation occurs partially during school breaks, investigations may be paused and take longer. Title IX will maintain regular contact with law enforcement to determine when it may begin or resume its investigation. Title IX will not delay its investigation until the ultimate outcome of the criminal investigation. Full details are contained in BOR Policy and University Regulation 04.02 and may be accessed at http://www.alaska.edu/bor/policy/04-02.pdf.

1. **Stop the Harassment:** The individual receiving the Title IX disclosure (responsible employee, third party reporter or Title IX professional) will take the following steps to stop the harassment:
   a. Ensure all parties are safe

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i. Call police (individual discretion).
ii. Provide SART and/or medical services if needed or requested.
b. Inform the reporting party of their disclosure options (see disclosure options above).
c. Connect with reporting party with a victim advocate (see list of agencies in disclosure options above).
d. Provide interim measures/restrictions to ensure safety. Interim measures are temporary and include but are not limited to the following:
   i. Trespass parties from campus.
   ii. Put an order in place limiting contact between parties.
   iii. Temporarily suspend participation from all programs both academic and athletic.
   iv. Hold degree and/or graduation in abeyance.
   v. Enhance security patrols.
   vi. Check-in on victim.
   vii. Place a Dean of Student and/or Registrar hold on student records.
   viii. Place employees on administrative leave.

2. Remedy the Victim: Throughout the response process, remedies are available to the reporting party. The remedies may be requested directly from the following offices or the Title IX office can make an appointment for the reporting party to ensure they have full access to services. UAF will take steps to ensure, where possible and as supported by the available information, that such interim measures minimize the burden on the reporting party. Below are examples of remedies at are provided on request:
   a. UAF Health and counseling can assist with counseling/medical services. 474-7043
   b. UAF Police Department can assist with escorts as requested. 474-7721
   c. UAF Dean of Students can assist with academic adjustments such as a change of classrooms/schedules; tutoring; assessment of re-taking or withdrawing from courses without penalty; and initiate a no contact order. 474-6533
   d. UAF Resident Life can assist with dorm room adjustments and initiate no contact orders. 474-1885
   e. UAF Human Resources can assist with work place adjustments. 474-7700

3. Promptly and Thoroughly Investigate the Incident: The Title IX office will:
   a. Conduct outreach to the reporting party to gather initial information and evaluate the complaint to determine if there is jurisdiction or purview.
following factors are used to determine if the incident falls within UAF jurisdiction and/or Title IX purview. (See matrix at Appendix A)
i. Where the incident occurred. Events that occur on campus or as part of an officially sponsored or supported activity of UAF fall under the purview of Title IX. Events that occur off campus may fall under the jurisdiction of student code of conduct.

ii. Status of reporting party. UAF has the responsibility to restore reporting party who are students or employees of UAF if policy has been violated.

iii. Status of responding party(s). UAF can implement sanctions when the responding party(s) are students or employees that have violated policy.

iv. On campus effect. If an off-campus incident has an effect on the working or learning environment, this triggers UAF’s obligation to determine if a hostile environment exists.

b. If the situation can be resolved informally, the Title IX office will assist with resolution.

i. The reporting party will not be required to resolve the problem directly with the responding party.

ii. Mediation is prohibited in cases of sexual assault or when a student complains of sexual harassment against an employee in a position of authority over the student.

iii. During informal resolution, both the reporting party and the responding party have the right to end the informal process at any time and request a formal investigation.

c. If the initial information indicates the incident does not meet the prima facie threshold for discrimination, discriminatory harassment or sexual misconduct, the information will be forwarded to the appropriate office for resolution. If the incident involves students, it will be forwarded to the Dean of Students. If the incident involves employees, it will be forwarded to Human Resources.

d. The assigned investigator(s) will:

i. Explain reporting options including rights, obligations, remedies and additional resources and apprise the individual of the Title IX process. UAF will not allow conflicts of interest (real or reasonably perceived) by those investigating complaints.

ii. Ensure reporting party is aware of their right to have a representative throughout the process.

iii. Ensure reporting party is aware that they have the right to pursue a complaint with Title IX and the police simultaneously.

iv. Interview the reporting party.

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v. Obtain consent to investigate. (Note: If the reporting party does not consent, they maintain their right to initiate an investigation at a later time.)

vi. If consent is not given to conduct an investigation, the Title IX office will:
   1. Send a reluctant reporting party letter to reporting party.
   2. Conduct the gatekeeper risk analysis to determine risk to the campus community.
      a. If an investigation is not warranted, the wishes of the reporting party will be honored and the file will be retired.
      b. If an investigation is warranted, the reporting party will be informed of the necessity to move forward with an investigation and offered the opportunity to participate of decline.
   3. If the reporting party requests that their name not be disclosed and be kept private, it may limit the scope of the school’s response. UAF will balance the request for privacy with its broader obligation to campus safety.
   4. If there is credible information indicating that sanctions may result, the responding party has a right to be informed of the identity of the reporting party.

vii. Frame the complaint and create an investigative plan.

viii. Obtain evidence from reporting party.

ix. Issue witness rights and obligations and interview witnesses.

x. Ensure witnesses are aware of their right to have a representative.

xi. Obtain evidence from witnesses.

xii. Issue notice of investigation and rights and obligations to responding party(s).

xiii. Ensure responding party is aware of their right to have a representative throughout the process.

xiv. Interview responding party(s).

xv. Obtain evidence from responding party(s).

xvi. Issue witness rights and obligations and interview witnesses.

xvii. Ensure witnesses are aware of their right to have a representative.

xviii. Obtain evidence from witnesses.

xix. Provide periodical updates to both reporting party and responding party(s).

xx. Evaluate the totality of the investigative facts and evidence using the preponderance of the evidence standard (more likely than not).

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xxi. Write a Summary Report of Findings for review by the Title IX Coordinator.
xxii. Finalize the Summary Report of Findings and issue to both the reporting party and the responding party(s).
xxiii. For policy violations, forward Summary Report of Findings to sanctioning bodies (Dean of Students and/or Human Resources).
xxiv. If no policy violation, both reporting party and responding party(s) are issued their right to appeal under BOR 04.02.

4. Prevent Recurrence and Adjudicate policy violations: In cases where sex or gender based harassment, assault, or sexual violence is found to have occurred, UAF will determine appropriate, enforceable sanctions reasonably calculated to stop the harassment and prevent its recurrence. UAF will not negotiate a settlement with the employee or student for lesser actions that would not be reasonably calculated to end the sexual and gender based harassment, assault and violence; eliminate the hostile environment; prevent its recurrence; and remedy the discriminatory effects on the reporting party and others as appropriate.
   a. University and Student Affairs/Dean of Students will follow procedures in student code of conduct contained in BOR Policy University Regulation 09.02 and keep the Title IX office apprised. BOR Policy and University Regulation 09.02 and may be accessed at: http://www.alaska.edu/bor/policy/09-02.pdf. UAF will not allow conflicts of interest (real or reasonably perceived) by those adjudicating complaints. Disciplinary sanctions that might result from a finding of sex based harassment or violence may include suspension and/or expulsion. The following is an overview of the sanctioning procedures for student violations:
      i. TITLE IX reviews allegations, conducts appropriate investigation to determine if there is a policy violation and forwards policy violations in the Summary Report of Findings to the Dean of Students for sanctioning. The Dean of Students determine if violation warrants minor or major sanctions.
      ii. DoS notifies both parties of student code of conduct violations and if violation warrants minor or major sanctions.
         1. For minor sanctions:
            a. DoS will schedule a review of the allegations with the student.
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b. DoS will conduct an administrative review and provide both parties the opportunity to provide additional information on their behalf.

c. DoS will issue to both parties the written findings, conclusions, recommended sanctions (if warranted) and right to appeal.

d. If appealed, DoS will forward record to Vice Chancellor for University and Student Affairs.

e. VC makes final determination based on the record.

2. For major sanctions,

a. DoS will schedule a review of the allegations with the student.

b. DoS will conduct an administrative review and provide both parties the opportunity to provide additional information on their behalf.

c. DoS will issue written notification to both parties of recommendations, rational, and right to provide comment to the Vice Chancellor for University and Students Affairs.

d. DoS will forward the administrative review to the Vice Chancellor for University and Student Affairs.

e. VC provides a comment period.

f. VC reviews case and comments.

g. VC renders a decision.

h. VC forwards findings and major sanction recommendations to the UAF Chancellor.

i. Chancellor reviews case and makes final determination.

iii. Once the disciplinary process is complete, the parties will be informed in writing of the outcome including the findings, conclusions, sanctions (if any) and the rationale for the decisions. Delivery to both parties will occur as nearly simultaneously as possible.

b. Human Resources will do the following and keep the Title IX office apprised.

Disciplinary sanctions that might result from a finding of sex based harassment or violence may include termination.

i. For employees covered by a Collective Bargaining Agreement, procedures within the CBA will be followed. For all other employees, HR will follow grievance procedures contained in BOR Policy and University Regulation 04.08. BOR Policy and University Regulation 04.08 and may be accessed at: http://www.alaska.edu/bor/policy/04-08.pdf. HR will:

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1. Bypass the informal dispute resolution/mediation step for findings of sexual harassment.
2. Review investigative findings with Title IX investigator in order to recommend appropriate corrective action (BOR 04.07.040.B) up to and including termination for cause.
3. Review findings with supervisor of responding party(s) and assist supervisor to serve notice of intent to take corrective action and then to implement that corrective action.
   a. If suspension without pay for up to ten working days is recommended, the employee is provided the reason for the suspension and right to request administrative review by the regional human resources office. The director or designee may conduct a review, decline a review, or refer the matter to an administrative process (P04.07.050).
   b. If termination for cause is recommended, the employee is provided a written statement of the reason for the planned action along with a statement of evidence supporting the termination, and right to request a hearing. The employee may be placed on administrative leave or suspended with pay during this process. The employee must submit a written request for a hearing, to the Office of Human Resources, within five days of receiving written notice of intent to terminate for cause. Human Resources verifies timeliness of request which is forwarded to UA General Counsel who arranges the hearing. At the conclusion of the hearing process, the hearing officer makes a recommendation to the UAF Chancellor. The Chancellor will consider the hearing officer’s review and recommendation and issue a final decision in the matter. The employee may appeal the Chancellor’s decision to the President, in writing, within 10 days of chancellor’s decision. The President will review the record before the hearing officer, the decision on appeal, and take action as the President deems appropriate.
   c. Once the disciplinary process is complete, the parties will be informed in writing of the outcome including the findings, conclusions, sanctions (if any) and the rationale

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for the decisions. Delivery to both parties will occur as nearly simultaneously as possible.

d. The employee has the right to appeal any final corrective action decision made under R04.08 to the superior court for the State of Alaska within 30 days of when the decision was issued.

5. **Retaliation:**
Retaliation and retaliatory harassment is prohibited against any individual who files a sex discrimination complaint with UAF or participates in an investigation in any way. UAF will take strong steps to prevent retaliation and retaliatory harassment. Retaliation or retaliatory harassment can be reported to the Title IX office one of the following ways:

   a. Call the Title IX office at **474-7300**.
   c. Send an email to Title IX at uaf-deo@alaska.edu.

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