

**Board of Regents P04.02, P04.07, and P04.08 Policy Revision Justifications
Presented by the UA Human Resource Directors from UAA, UAF and UAS
March 2016**

On February 17, 2016, President Johnsen issued a charge to the Statewide Title IX Committee to revise UA BOR Policies and Regulation in 04.02, 04.07, 04.08, and 09.02 to meet federal compliance.

On February 25-26, 2016 representatives from campuses across the UA system met in Fairbanks, AK to evaluate and provide suggestions for policy revision to meet federal compliance. The best course of action recommended was to expand P01.02.020 to one policy governing all response to discrimination, discriminatory harassment, and sexual misconduct. This course of action requires small edits to BOR P04.02, P04.07, and P04.08. Those edits and their corresponding justifications are outlined below.

Proposed Changes and Justifications to BOR P04.02 (General Personnel Policies)

1. Carve out entirety of P04.02.012 A.1 and move to new P01.02
Retain A. Nondiscrimination header with (See P01.02)

Rationale: all content belongs in the Title IX compliance section.

2. Move P04.02012A.2 down to the beginning of B. Affirmative Action.

Rationale: Content relates more to affirmative action.

3. Carve out entirety of P04.02.020 Discrimination and move to new P01.02.

Rationale: all content belongs in the Title IX compliance section.

4. Carve out entirety of P04.02.022 Sexual Harassment and move to new P01.01.

Rationale: all content belongs in the Title IX compliance section.

5. In P04.02.024 Consensual Sexual Relations (rewritten as noted below)

- A. **Employees** who engage in sexual relations with students enrolled in their classes, subject to their supervision, or who may be advantaged or disadvantaged by the employee's action(s), even when both parties have consented to the relationship, will be engaging in unprofessional behavior **and subject to discipline**.

Rationale: "faculty and staff" replaced with "employees" to encompass graduate students who are paid as teaching and research assistants. Added the statement of consequences for unprofessional behavior.

- B. **Employees** who have authority, control or influence over other employees and engage in sexual relations with those employees, abuse their power, even when both parties have consented to the relationship **and will be subject to discipline**.

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Rationale: “supervisors” changed to employees to include those employees who are LEADS and have some degree of authority, control or influence over other employees but who may not necessarily be supervisors (e.g, Department Chairs, Field unit leaders).

- C. Individuals who hold university affiliate appointments or other agreements to use university resources and who have authority, control or influence over other employees or students and engage in sexual relations with those employees or student, abuse their power, even when both parties have consented to the relationship and will be subject to appropriate sanction.

Rationale: Although not part of an employee/employer relationship, this addition recognizes their responsibilities to university personnel and students.

Proposed Changes and Justifications to BOR P04.07 (Employee Relations)

1. Delete requirement of CHRO approval to place an employee on investigatory leave.

Rationale: The regional Human Resources Director, or designee, is the only required approval. This allows for meeting the timely need for immediate removals and such decision is within the professional judgement purview of an HR Director. University Regulation will include a line to notify the Chief Human Resources Officer, post hoc, as soon as is practicable.

Proposed Changes and Justifications to BOR P04.08 (Employee Relations)

1. Suggest adding a 2nd paragraph to P04.08.010 General Statement

B. Allegations that an employee has engaged in unlawful discrimination or sexual misconduct cannot be processed under this chapter. (See Regents’ Policy and University Regulations 01.02).

Rationale: Point the user to the correct set of policy from the outset.