



COMPLAINANT RIGHTS

August 28, 2017

If you are a University of Alaska student or employee and have been subjected to sexual or gender-based discrimination you have certain rights. These rights are summarized below and can be found in more detail in University of Alaska Board of Regents Policy and Regulation (BOR P&R) 01.04 at:

<http://alaska.edu/bor/policy-regulations/>

Who is a complainant? A complainant is the individual or individuals who have allegedly been the subject of conduct prohibited under the UA sex and gender-based discrimination policy, regardless of whether the individual or individuals file a complaint or otherwise seek disciplinary action.

Who is a respondent? A respondent is the individual or individuals who allegedly engaged in the conduct prohibited under the UA sex and gender-based discrimination policy.

1. You have the right to a learning and working environment free of discrimination and unlawful harassment at the University of Alaska. Student and employee safety is of primary concern and UAA takes issues of sexual harassment and sexual misconduct very seriously. *Other violations that are connected to a Title IX related offense will be addressed as collateral behavior during the investigation of the allegations.* The use of alcohol or drugs never makes the victim at fault for sexual violence.

2. Students have the right to amnesty under University Regulation 01.04.060. The university will provide amnesty for conduct that would warrant minor sanctions under the

student code of conduct, such as under-age 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.

3. You have the right to assistance in resolving sexual harassment and/or sexual misconduct. Neither students nor employees are required to resolve the allegation directly with the respondent.

4. You have the right to file a complaint of discrimination with the Office of Diversity and Equal Opportunity (D&EO), with Office of Civil Rights and/or pursue a criminal complaint with UAA Police. You may request use of the informal or formal resolution process to resolve your complaint. The informal process may be ended at any time, and a formal process initiated. Simultaneously, you may pursue criminal charges. There is no statute of limitations on filing a formal complaint.

The university conducts an administrative investigation to determine if, by a preponderance of the evidence, there is a violation of University Policy and Regulation. The University does not conduct criminal investigations. To request a criminal investigation into the matter, a report must be filed with a law enforcement agency. If you are considering criminal prosecution, it is extremely important to preserve all relevant evidence.

5. You have the right to request changes to your academic, work and living situations.

Once a report is filed, the University may take immediate action or provide interim measures as detailed in University Regulation 01.04.070. Interim measures may include, but are not limited to: escorts, no contact orders, academic support and adjustments to classes, housing, and work environments. Requests for adjustments must be submitted to the Title IX Coordinator at 907-786-0818 or uaa_titleix@alaska.edu. Interim measures can be changed or adjusted at any time.

6. You have the right to a prompt, fair, and impartial investigation of the complaint. You will have an opportunity equal to that of the accused to present relevant witnesses and evidence directly to the investigator. You will be provided the information and/or evidence the investigator is considering prior to the analysis of evidence gathered and conclusion of the investigation.

7. You have the right to information regarding the status of the complaint, including the outcome of the administrative investigation. You and the accused will be simultaneously informed in writing of the outcome of the investigation and the procedures to appeal.

8. You have the right to select an advisor for assistance and support throughout the university proceedings. You have the right to an advisor of your choice to be present with you through any interviews during the investigation, and any proceedings or meetings resulting from a Title IX investigation or any appeal. This advocate can be a person of your own choosing, provided the advocate does not have a conflict of interest or conflict of position. The role of the advocate is to be of support to you. Advocates are not permitted to ask or answer questions for you, nor are they to interfere in the process for any reason at any time. If an advocate does not adhere to these or other applicable ground rules, the advocate will be dismissed from the applicable interview, proceeding, or meeting.

9. You have the right to receive confidential counseling and advocacy support services.

Students may receive counseling from UAA Student Health & Counseling Center in Rasmuson Hall 116/120. Appointments may be made by calling 907-786-4040 or uaa_studenthealth@uaa.alaska.edu.

Eligible employees may seek counseling through the university Employee Assistance Program by calling 800-697-0353, with 24 hours a day, seven days a week availability.

The Center for Advocacy, Relationships and Sexual Violence operated by STAR has an on-campus office providing 24 hours a day, seven days a week availability (phone). Call 907-276-7273 or go to Rasmuson Hall 118 Monday-Friday from 1-5 p.m.

10. You have the right to privacy. The university will take steps to respect the privacy of those involved. Absolute confidentiality may not be maintained in all circumstances, especially in cases where the university must take action to protect the safety of others. Information will not be shared beyond those with a need to know. More details on confidentiality and privacy are available in University Policy 01.04.040.

11. You have the right to know the sanctions or actions taken if the reported respondent is found responsible for a violation of University Regulation 01.04. When a preponderance of the evidence is found to substantiate an allegation, sanctions and/or disciplinary action may be taken.

Students: Sanctions for students are handled by the Dean of Students Office. In determining appropriate sanctions, all facts and circumstances of each case, the student's present and past disciplinary record, the nature of the offense, the severity of any damage, injury, or harm resulting from the prohibited behavior, and other factors relevant to the matter will be taken into consideration.

Employees: Disciplinary actions for employees are handled by the Office of Human Resource Services using progressive discipline. In determining appropriate disciplinary action, all facts and circumstances of each case, the present and past disciplinary record, the nature of the offense and the extent to which the respondent knew or reasonably should have known that his or her conduct was harmful or offensive will be taken into consideration.

12. You have the right to be free from retaliation as detailed in University Policy 01.04.130. All persons have the right to report any conduct which they reasonably believe constitutes sexual or gender based discrimination as defined in University Policy 01.04. No university official may take disciplinary or other adverse action against a person who genuinely but mistakenly believes himself or herself to be harassed, even if the practices complained of do not, in fact,

constitute a sexual offense. Threats or other forms of intimidation or retaliation by faculty, staff or students against complainants, respondents, witnesses, investigators or anyone else involved in the investigative process will constitute a violation of university policy and may be subject to administrative action.

13. Complainants are not required to participate in or move forward with an investigation. A complainant can choose not to pursue an investigation into an allegation. These wishes will be respected, unless it is determined that a safety concern or hostile environment is affecting the University community. The complainant will be notified prior to the investigation moving forward, however neither a complainant nor respondent is required to participate in an investigation. If an investigation is conducted, the Title IX investigator will complete the investigation in light of the information available.