



Witness Rights

If you are a University of Alaska student or employee and have been a witness 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](#).

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.

Witness responsibilities

- Make a reasonable effort to protect the legitimate privacy interests of involved persons and refrain from discussing any and all aspects of the formal complaint and allegations with anyone other than the individuals in charge of the investigation, your own counsel, or union representative.
- Preserve all records relevant to the investigation.

Witnesses are not 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.

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.

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 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.

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 or investigators will constitute a violation of university policy and may be subject to administrative action.



You have the right to file a complaint of discrimination or retaliation with the Office of Equity and Compliance (OEC).

- The university conducts an administrative investigation to determine if, by preponderance of the evidence, there is a violation of University Policy and Regulation. The University does not conduct criminal investigations.

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

- Counseling: Students may receive counseling from UAA Student Health & Counseling Center. Appointments may be made by calling 907-486-4040 from 8 a.m. to 5 p.m. Monday through Friday.
- Eligible employees may seek counseling through the university Employee Assistance Program by calling 888-993-7650, 24 hours a day, seven days a week.
- Advocate Support and Resources: The Center for Advocacy, Relationships and Sexual Violence has an on-campus office. Call 907-276-7273 for the 24 hours a day, seven days a week support.

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. All records created that include personally identifiable information about you are UAA is an AA/EO employer and educational institution and prohibits illegal discrimination against any individual: www.alaska.edu/titleIXcompliance/nondiscrimination. 08/2017

protected by federal Family Educational Privacy Rights Act (FERPA). This means that:

- You have the right to review all material created for this administrative investigation that identifies you (subject to a period of time for the redaction of others' protected information).
- Information related to your witness interview will only be accessible to the complainant, respondent, and any college/university officials who have a legitimate need to know this information.
- Release of information related to you and containing your identity (or reasonably linked to your identity) to individuals other than those listed above will be redacted so that neither name, nor information identifying you will be revealed.

Appeal or complaint filed with outside agency

- Should the complainant or respondent exercise their right to appeal or to file a complaint with an outside agency, you may be required to provide testimony at subsequent proceedings and/or hearings.