



Agenda
System Governance Council
Monday, March 21, 2016
3 p.m. – 5 p.m.
Video: [Google Hangout](#)
Audio: 1-855-280-1855

1. Call to Order and Roll Call

Voting Members:

Mathew Carrick, Chair, Coalition of Student Leaders
Faye Gallant, Chair, Staff Alliance
Cécile Lardon, Chair, Faculty Alliance
Rachel Morse, Assistant Vice Chancellor, UAA Alumni
Monique Musick, Vice Chair, Staff Alliance; Chair, System Governance Council
Jessy Post, Manager, UAS Alumni
Kate Ripley, Director, UAF Alumni
Tara Smith, Vice Chair, Faculty Alliance
Jeff Woods, Representative, Coalition of Student Leaders

Ex Officio Members:

Morgan Dufseth, Executive Officer, System Governance

2. Adopt Agenda

3. Approve Past Minutes

3.1. February 22, 2016

Attachment 1

4. Chair's Report

Monique Musick

5. Member Updates

- 5.1. Alumni
- 5.2. Coalition of Student Leaders
- 5.3. Faculty Alliance
- 5.4. Staff Alliance

6. Ongoing Business

- 6.1. Title IX Policy Revisions Feedback
- 6.2. Chair Travel to Board Meetings
- 6.3. Strategic Pathways Feedback
- 6.4. Council Membership

Attachment 2

Attachment 3

7. New Business

7.1. Criteria for Inclusion in Phase I Review

7.2. Resolution on Public Testimony by Video at BOR Meetings

7.3. SB 174 – SGC poll?

7.4. Statewide Transformation update

Shared Google Doc

8. Information from Reports/Roundtable/Announcements

9. Agenda Items for May 9 Meeting

10. Adjourn



Minutes
System Governance Council
Monday, February 22, 2016
3 p.m. – 5 p.m.
Video: [Google Hangout](#)
Audio: 1-855-280-1855

1. Call to Order and Roll Call

Voting Members:

Mathew Carrick, Chair, Coalition of Student Leaders (left at 3:30)
Faye Gallant, Chair, Staff Alliance (joined at 4:05)
Cécile Lardon, Chair, Faculty Alliance
Monique Musick, Vice Chair, Staff Alliance
Jessy Post, Manager, UAS Alumni
Jeff Woods, Representative, Coalition of Student Leaders

Ex Officio Members:

Morgan Dufseth, Executive Officer, System Governance
James R. Johnsen, President

Guests:

Saichi Oba, Associate Vice President for Student and Enrollment Services
Michael O'Brien, Associate General Counsel

Members Absent

Rachel Morse, UAA Alumni
Kate Ripley, Director, UAF Alumni
Tara Smith, Vice Chair, Faculty Alliance

2. Adopt Agenda

Jeff moved to adopt, seconded by Cecile. No objections. Agenda adopted as presented.

3. Approve Past Minutes

3.1. January 25, 2016

Mathew moved to adopt, seconded by Jessy. No objections. Minutes approved as presented.

Attachment 1

4. Chair's Report

Monique noted she provided testimony to the Board of Regents, which included mostly updates on the feedback from the Strategic Pathways form; she received a lot of good feedback afterward

from other UA employees and the regents; she did not meet with the president due to conflicting schedules.

5. Member Updates

- 5.1. Alumni – Jessy reported the three alumni groups are working together to put on a Pizza and Politics at the Capitol on Feb. 29 (next Monday) – they have invited Coalition students and legislators; UAS held its annual meeting and Chancellor Caulfield attended and gave updates on Strategic Pathways.
- 5.2. Coalition of Student Leaders – Mathew reported the Coalition is planning its annual legislative fly-in (Feb. 29 – March 1) where students from across UA will advocate in Juneau (with special thanks to Callie Conerton for her planning/hosting efforts); after the conference, Mathew wants to focus on transition for next year—how to address the process so it is a smoother transition.
- 5.3. Faculty Alliance – Cecile reported the Faculty Alliance held their retreat via video on Jan. 23, which was an interesting experience; also used online software (GroupMap) to help the group analyze and collaborate on priorities, planning, and expectations, which was useful; they met with Summit Team in the morning and then worked on planning in the afternoon; retreat activities are also summarized in the [February Governance Report](#). Among faculty, there is still a lot of puzzlement and fear—so she has been talking people down for various panic moments but is also worried about the upcoming feedback period in April and May (when faculty and students are swamped with other responsibilities).
- 5.4. Staff Alliance – Staff Alliance met prior to the release of SP and as such, their last meeting was focused on business no longer at the forefront of university business.

6. Ongoing Business

- 6.1. Legislative session advocacy – Public Affairs is working on info sheets with talking points for university issues; also working with PR councils to coordinate message; have been asked to come up with a short list of issues to focus advocacy for UA (not yet determined but hope to have shortly)
- 6.2. Update on Statewide Transformation Teams – Will likely be informed some by the Strategic Pathways framework. Final reports from the working groups will be sent to the president on March 1.

Note for the record: Mathew left at 3:30, which removed quorum. Members engaged in discussion items until Faye joined the meeting at 4:05, reestablishing quorum.

7. Title IX Update – Saichi Oba, Michael O'Brien 3:30 p.m.
Saichi and Mike met with the Council to review plans for bringing UA into compliance with Title IX requirements. During the recent Board meeting, Regents reviewed Title IX metrics and scorecards for each university. The scorecards will guide the Title IX working groups as they move forward. The Title IX working groups will review policies 04.02 (discrimination and harassment) and 04.07 and 04.08 (Human Resources) and 09.02 (Student Code of Conduct), with the aim of moving those items from red to green on the scorecard. The working groups will bring policy and regulation revisions to UA governance in the coming months for input. They are going to start with Chapter 04.02, which says anonymous reports aren't allowed, however, federal Title IX wording indicates they are acceptable. So it is

obvious to the working groups that that policy is problematic and needs to be changed. Similarly, in the UA HR regulations, a complainant would participate in the process but then is never contacted again, even during appeal processes; Title IX would want a complainant to be involved throughout the process. In terms of the grievance policies, they are at the center of a web that includes CBAs/unions/etc. so a wholesale revision of those policies and regulations would be unlikely before April 1. More likely, the revisions will deal with easily changeable portions that are in direct conflict with best practices or other UA policies/regulations.

Members asked Mike if there had been any pushback in terms of reporting. He noted they haven't seen a chilling effect; if anything, reporting is up (over 300% at UAF). Increased reporting means that the efforts being made by UA are working—the students are getting the message and are taking it to heart.

8. New Business

8.1. Strategic Pathways Feedback – The feedback form has received over 100 responses from staff, faculty, and students across the system. Questions of who to share data with and how long to collect using this form. Discussion on whether to keep form open until March 4, which would need to be coordinated with PO and the email address they have for feedback. There was the suggestion to include a checkbox for allowing comments to be shared verbatim on the next feedback form.

8.2. Title IX Scorecards – *see above discussion w/Saichi Oba and Mike O'Brien*

8.3. SB 174 – Guns on Campus – Members engaged in a discussion on whether to draft a resolution opposing the proposed bill; however, members felt it would be better to review with their home group first and then bring back to Council. The president noted the fundamental issue was that bill removes regents' ability to control issue.

8.4. Draft Regulation on Telework – *SGC did not get to it – local level will address*

8.5. Remote Chair Testimony at BOR meetings – *SGC did not get to it*

9. UA System Update – President Johnsen

4:00 p.m.

SB 174 – The university is currently drafting an amendment that will address the issues UA has with SB 174. They want to show that UA is willing to work with the legislature on weapons on campus but want to preempt the legislature's feeling that they need to address the issue. The president believes a bill is going to pass so he wants to try to craft policy that still protects an Alaskans constitutional right but will keep our campuses safe and preserve the regents' ability to provide a safe learning environment for Alaska students. As it stands, a teacher or employee can't say 'No guns' in their classroom/office. The president noted he would appreciate support for the proposed amendments. The new policies will not go through Governance for review and will be approved at a special meeting of the Board.

Transformation Team – Reports are due out in early March, and then the president will be looking for approval from Board at their April meeting. March will be the month for review and feedback. Budget issues will likely inform TT decisions.

UA Budget – Rep. Wilson's recent presentation on the budget has drastic cuts to the university – and does not fund research or anything outside of "student instruction." The

president sent a message to her today with data from SW and each university. The legislature is frustrated because UA can't determine exactly yet what will be cut – however, the president has let them know that \$1M is roughly 10 FTE (and \$10M is roughly 100 FTE, etc.). UA leaders will need to look at redundancies, reducing costs in IT, and restructuring if Rep. Wilson's budget is passed. When the university has had plenty of funding, UA leaders haven't tried to push a one-size-fits-all philosophy at the universities—but now we need to. On the academic side, they will look first at low enrollment programs, low demand, redundant graduate and professional programs, and non-tenured faculty. Currently, Rep. Wilson is calling for a reduction to \$288M (last year's budget was \$350M).

What do other university systems that have had to make major cuts in recent years do to meet the budget gap? – In most systems, tuition goes up (quite a bit), increases to faculty workloads (even going so far as to legislate it), combining common academic functions see (common GERs, common calendars, etc.) to help with reducing administrative costs associated with instruction, or becoming entrepreneurial and going after distance courses and new markets.

Members asked the president how other universities have managed massive cuts. Although he couldn't reply offhand, President Johnsen suggested he contact WICHE to ask for that data.

The president was asked about options for raising revenue and he noted there were several: increase tuition/fees; investments; land management; fundraising campaign; federal request (support for NSF, EPSCoR, and Title III funds); real estate sales.

The president noted he is thinking about and will come back to SGC with:

- What are the Phase I colleges/programs/etc. that will be looked at?
- Who will serve on the teams?
- What data will be needed/used/sufficient for understanding the situation?

The president noted he is working to lay out a plan for Strategic Pathways that is deliberate and inclusive but is also responsive to the fiscal reality facing UA.

Monique requested more lead time for creating the next feedback survey.

10. Information from Reports/Roundtable/Announcements

11. Agenda Items for March 21 Meeting

Remote testimony – Chairs for Governance report and public testimony (resolution of support for public testimony?)

12. Adjourn

Jeff moved to adjourn. The meeting adjourned at 5:05 p.m.

Board of Regents P01.02 Policy Revision Justification
Presented by the UA Title IX Coordinators, representing UAA, UAF and UAS
March 2016

Introduction

The University of Alaska Statewide Title IX Committee is seeking your support to transform P01.02.020 from a non-discrimination and Title IX compliance statement to a broad Discrimination, Discriminatory Harassment, and Sexual and Gender-Based Misconduct policy that guides all issues around discrimination, discriminatory harassment and sexual and gender-based misconduct.

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.

The UA Title IX Committee is proposing this change to simplify the policy and regulations for students, faculty, staff, and third parties. One policy and regulation for all forms of discrimination is user-friendly and ensures a simpler process to maintain compliance with state and federal guidelines. The change to one policy is also supported by the NotAlone.gov, the White House Sexual Assault Task Force, and the Association of Title IX Administrators (ATIXA).¹

Proposed Revisions

The proposed revisions would remove discrimination, including sexual discrimination and sexual misconduct from 04.02, 04.07, 04.08, and 09.02 and place it all under the revised P01.02.020.

Attached is a document with the proposed changes to the current policy and regulations.

Justification and Rationale for Recommendations:

1. Transforming P01.02.020 into a Discrimination, Discriminatory Harassment, and Sexual and Gender-based Misconduct policy will:
 - a. ensure that users of the policy (students, faculty, staff, and third parties) can easily access the policy, regulations, and procedures that are attached to it. Currently, pieces of discrimination, discriminatory harassment, and sexual and gender-based misconduct are found throughout 04.02, 04.07, 04.08, and 09.02 making it hard for the user to understand the policy or regulations.
 - b. ensure compliance with federal and state laws. One policy will make it easier to revise the policy in the future for federal compliance as new guidance is released.

¹ NotAlone.gov. Schools. *See. Read the checklist for campus sexual misconduct policies.*

<https://www.notalone.gov/schools/>; Price, Marianna. *The ATIXA One Policy, One process Model Policy.* ATIXA.

Board of Regents P01.02 Policy Revision Justification
Presented by the UA Title IX Coordinators, representing UAA, UAF and UAS
March 2016

Recommended changes in Policy are listed below:

1. Adding genetic identity to **01.02.020(A)**. Adding genetic identity brings UA in compliance with Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits discrimination based on genetic information in employment.²
2. Adding section **01.02.030 Scope of University Authority**. This new section designates the jurisdiction of the new policy in P01.02.020. This subsection of policy is revised from P09.02.030 so that it covers students, faculty, staff, and third parties. The language is revised from the language in P09.02.030 for clarity, inclusion, and federal compliance.
3. Adding section **01.02.040 Resources and Options for Assistance**. OCR requires that UA ensure that reporting parties are aware of available resources, on and off-campus.³ Adding this into the policy ensures that reporting parties are informed of the resources and assistance available.
4. Adding section **01.02.050 Coordination of Compliance Activities Covered Under this Policy**. OCR requires that the discrimination policy designate an individual to coordinate the efforts under this policy. This section of policy also codifies the responsibilities and accountability of the Coordinator in one location.
5. Adding section **01.02.060 Prohibited Conduct**. This section outlines broad categories of conduct prohibited under this policy. This section mimics the prohibited conduct outlined in P09.02.
6. Adding section **01.02.070 Responsible Employees**. OCR requires that UA “make clear to all of its employees and students which staff members are responsible employees so that [they] can make informed decisions about whether to disclose information to those employees.”⁴ This simple policy statement allows users of the policy to quickly identify the responsible employees at UA campuses to ensure OCR compliance and user ease.
7. Adding **01.02.080 Reporting Violations of this Policy**. OCR guidance requires the university to outline reporting options.⁵
8. Adding **01.02.090 Amnesty**. Adding an amnesty statement will help counter act the chilling effect to reporting that occurs when reporting parties or witnesses are afraid to report or participate in the process because of their own policy violations.
9. Adding **01.02.100 Retaliation**. Federal law prohibits retaliation. This statement addresses the chilling effect that fear of retaliation places on reporting parties and witnesses.

² *Genetic Information Discrimination*. U.S. Equal Employment Opportunity Commission, available at <http://www.eeoc.gov/laws/types/genetic.cfm>.

³ *Questions and Answers on Title IX and Sexual Violence*. U.S. Dept. of Education Office for Civil Rights, p. 3, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

⁴ *Questions and Answers on Title IX and Sexual Violence*. U.S. Dept. of Education Office for Civil Rights, p. 15, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

⁵ *Questions and Answers on Title IX and Sexual Violence*. U.S. Dept. of Education Office for Civil Rights, p. 13, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

Board of Regents P01.02 Policy Revision Justification
Presented by the UA Title IX Coordinators, representing UAA, UAF and UAS
March 2016

10. Adding **01.02.110 Inquiry and Investigation**. This section addresses how the Coordinator determines which reports warrant a full investigation, the due process rights afforded individuals during the investigation, and the general procedures for the investigation. OCR requires UA to provide due process rights to both parties⁶ and listing the due process rights, as well as the investigation inquiry and general process, will allow users of this policy to understand how UA determines when and how to investigate in a simple and user centric manner.
11. Adding **01.02.120 Standard of Evidence**. OCR requires that UA use a preponderance of the evidence standard for investigations.⁷ This section codifies the requirement for federal compliance.
12. Adding **01.02.130 Sanctions, Corrective Action, and Appeal**. OCR guidance requires the university to outline procedures for sanctions and corrective actions, the rights of all parties to appeal and the appeal process.⁸
13. Adding **01.02.140 Training, Prevention, and Education**. OCR and VAWA require that UA provide training, prevention, and education to students and employees around sexual misconduct, dating violence, domestic violence, and stalking.⁹ Adding this section helps ensure federal compliance with these mandates.

⁶ *Questions and Answers on Title IX and Sexual Violence*. U.S. Dept. of Education Office for Civil Rights, p. 13, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

⁷ *Questions and Answers on Title IX and Sexual Violence*. U.S. Dept. of Education Office for Civil Rights, p. 14, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

⁸ *Questions and Answers on Title IX and Sexual Violence*. U.S. Dept. of Education Office for Civil Rights, p. 13, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>.

⁹ *Questions and Answers on Title IX and Sexual Violence*. U.S. Dept. of Education Office for Civil Rights, p. 38, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>. *Violence Against Women Act*. Fed. Reg.: The Daily Journal of the U.S. Government, available at <https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act>.

**Proposed Revisions of BOR P01.02.020 Nondiscrimination and Title IX Compliance
Proposed by the UA Title IX Coordinators, representing UAA, UAF & UAS
March 2016 – All Feedback due March 28, 2016**

CHANGES TO THE EXISTING POLICY, PAGE ONE, IN RED

P01.02.020: ~~Nondiscrimination and Title IX Compliance~~ Discrimination, Discriminatory Harassment, and Sexual and Gender-Based Misconduct Policy Statement

- A. It is the policy of the board that in accordance with federal and state law, illegal discrimination against any individual because of race, color, religion, national origin, age, sex, sexual orientation, gender identity, veteran status, physical or mental disability, marital status, **genetic information, or** pregnancy or parenthood is prohibited. Decisions affecting individuals shall be based on the individual's qualifications, abilities, and performance, as appropriate.
- B. The Board of Regents of the University of Alaska system affirms its commitment to a safe and healthy educational and work environment in which the educational programs and activities are free of discrimination on the basis of sex. The board further affirms its commitment to respond appropriately to sexual harassment and sexual violence, in accordance with applicable law as amended from time to time, including Title IX of the Education Amendments of 1972, the Violence Against Women Reauthorization Act, Title VII of the Civil Rights Act of 1964 (which prohibits discrimination on the basis of sex in employment), Alaska Statute 18.80, and due process of law.
1. Chancellors will have primary responsibility for a campus educational and workplace climate free of discrimination and intimidation based on sex, and for appropriate and timely response to sexual harassment and sexual violence at their respective universities, including extended sites;
 2. Chancellors will provide updates to the board regarding compliance with this policy at least bi-annually in December and June and more often as required by circumstances; and
 3. The president will ensure system oversight and coordination among the universities in implementing this policy.

(09-18-15)

ALL SUBSEQUENT DRAFT POLICY IS NEW

P01.02.030. Scope of University Authority

This policy governs the conduct of students, faculty, staff, and third parties (i.e., non-members of the University community such as vendors, alumni, visitors, or local residents) in any way affiliated with the university. This policy pertains to conduct committed by or against students, faculty, staff, and third parties when:

1. The conduct occurs on property owned or controlled by the university, in university online environments and classes, or at activities sponsored by or authorized by the university;
2. The conduct occurs in the context of university employment or educational programs or activities, including but not limited to, university-sponsored study abroad, research, online, or internship programs; or
3. The conduct occurs outside the context of university employment or educational programs or activities, but has continuing adverse effects on or creates a hostile environment for students, employees, or third parties while on university grounds or other property owned or controlled by the university or in any university employment or educational program or activity.

P01.02.040 Resources and Options for Assistance

The university offers a wide variety of resources for individuals who experience discrimination, discriminatory harassment, and sexual or gender-based misconduct. Resources for immediate assistance may include:

- Trained on-and-off campus advocates and counselors
- Campus and/or community law enforcement
- Campus and/or community medical assistance (including Sexual Assault Response Teams in some communities)

Resources for ongoing assistance may include trained on-and-off campus counselors, advocates, and other support resources. The university may also provide academic accommodations and other interim measures as appropriate.

P01.02.050 Coordination of Compliance Activities Covered Under this Policy

Each Chancellor will designate an individual responsible for compliance activities under this policy, to include Title IX coordination. For the purposes of this policy, this individual will be referred to as “the Coordinator.” The Coordinator is charged with overseeing compliance, ensuring appropriate education and training, coordinating implementation and administration of the university’s procedures for resolving complaints, and ensuring appropriate actions to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. Good faith actions taken by university officials in response to a report of prohibited conduct are not considered adverse actions. The Coordinator acts with independence and authority free of conflicts of interest.

P01.02.060 Prohibited Conduct

This policy prohibits discrimination, discriminatory harassment, and sexual and gender-based sexual misconduct. Specific definitions and terminology associated with these forms of prohibited conduct can be found in university regulation.

P01.02.070 Responsible Employees

To enable the university to respond effectively and to stop instances of sexual misconduct, all university employees must promptly report information about alleged or possible sexual misconduct. Employees, such as licensed health-care professionals and victim advocates, who have a statutory privilege under Alaska law are exempt from these reporting requirements.

P01.02.080 Reporting Violations of this Policy

There are multiple channels for reporting, as outlined in regulation. A reporting party or a third party may choose to report to the university, to law enforcement, to both, or to neither. These reporting options are not exclusive. Reporting parties may simultaneously pursue criminal and university resolution. The university has the right to pursue notice of violation of this policy on its own behalf and initiate investigation, regardless of whether or not a formal allegation is submitted by a reporting party.

Anonymous reporting is permitted, however doing so may limit the university's ability to investigate and respond to a complaint.

There is no time limit for reporting prohibited conduct to the university under this policy. If the responding party is no longer a student or employee at the time of the complaint or report, the university may not be able to take disciplinary action against the responding party, but it will still seek to meet its obligations by providing support for the reporting party and taking steps to end the prohibited behavior, prevent its recurrence, and address its effects.

Individuals who have filed a complaint with the university and believe the university's response was inadequate, or otherwise believe they have been discriminated against by the university on the basis of a protected status, may file a complaint with the appropriate federal or state office.

P01.02.090 Amnesty

The university may provide amnesty from policy violations, depending on the circumstances, to individuals who report misconduct or who otherwise may be hesitant to report because they fear being accused of policy violations that may become known as a result of reporting.

P01.02.100 Retaliation

The university will not tolerate retaliation in any form against any student, staff, faculty, or third party who files an allegation, serves as a witness, assists a reporting party, or participates in an investigation of discrimination, discriminatory harassment, or sexual misconduct. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination, discriminatory harassment, or sexual misconduct or for participating in an investigation. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the allegation.

P01.02.110 Inquiry and Investigation

The investigative process is initiated when the Coordinator receives a complaint or report of a violation of this policy. The Coordinator will conduct an initial assessment and determine any appropriate interim measures. Following the initial assessment, the Coordinator may take any of the following actions:

- If the Coordinator determines that the complaint, even if substantiated, would not rise to the level of a policy violation, the Coordinator may dismiss the complaint.
- If the reporting party chooses not to participate, the Coordinator may dismiss the complaint or initiate an investigation.
- If all parties agree that an informal resolution should be pursued, the Coordinator will attempt to facilitate a resolution of the conflict that is agreeable to all parties. Informal resolution, such as mediation, is not allowed in incidences of sexual assault. A party always has the option to request a formal investigation.
- If the Coordinator determines that the complaint is outside the scope of this policy, the Coordinator may refer the complaint to another office for review.
- If the Coordinator determines that the complaint or report would, if substantiated, constitute a violation of this policy, the Coordinator will initiate an investigation.

The university is committed to providing a prompt and impartial investigation of all alleged violations of this policy. The reporting and responding parties have equivalent rights throughout the process. Due process rights include: a) notification of investigation, b) the opportunity to present evidence, c) the ability to identify individuals who may possess relevant information, d) the right to be accompanied by an advisor of their choice, and e) the opportunity to address each allegation and review information pertaining to those allegations with the investigator. The university will provide both parties with written notification of investigative findings, including appeal rights.

P01.02.120 Standard of Evidence

The university uses a preponderance of evidence standard to determine responsibility during investigations of prohibited conduct. When a preponderance of evidence (i.e., more likely than not) is found to substantiate a complaint, sanctions or corrective actions may be taken.

P01.02.130 Sanctions, Corrective Action, and Appeal

Findings of violations of prohibited conduct under this policy will be shared with the appropriate disciplinary authority: the Student Conduct Office for student violations; the Human Resources office for employee violations. For responding parties who are both students and employees, the Coordinator may engage both disciplinary authorities.

The appropriate disciplinary authority is responsible for administering sanctions or corrective actions. The disciplinary authority may, or may not, choose to meet with the responding party before imposing sanctions or corrective actions. Both the reporting and responding parties will receive written notice of relevant sanctions or corrective actions as defined by law. Both parties have the right to appeal or comment per university policy, regulation, and state law.

Both parties have the right to appeal a finding of no violations of prohibited conduct, under conditions laid out in university regulations.

P01.02.140 Training, Prevention, and Education

Students, staff, faculty, and identified third parties are required to complete training on non-discrimination, anti-harassment, and the prevention of sexual misconduct in the educational and work environment.

**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**.

**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**

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.

Proposed Edits to BOR P04.02, P04.07, and P04.08
Proposed by the UA Human Resource Directors from UAA, UAF & UAS
March 2016 – All Feedback due March 28, 2016

REGENTS' POLICY
PART IV – HUMAN RESOURCES
Chapter 04.02 - General Personnel Policies

P04.02.010. Equal ~~Employment~~ Opportunity and Affirmative Action: Statement of Intent.

The board recognizes that discrimination in employment practices has in the past foreclosed economic opportunity to a substantial number of persons in the United States. The board is committed to oppose illegal employment discrimination and to prohibit it within the university. In addition to prohibiting illegal employment discrimination, as a part of its commitment to equal employment opportunity, the board is committed through an affirmative action program, to recruit, employ and promote qualified “protected class” persons who have been historically under-represented in the workforce. (06-06-07)

P04.02.012. Equal Employment Opportunity Program.

The program of equal employment opportunity consists of two parts: nondiscrimination and a program of affirmative action.

A. Nondiscrimination is detailed in policy P01.02

~~In accordance with federal and state laws and regulations, the university will not engage in impermissible discrimination. In accordance with federal and state law and regulation, the university makes its programs and activities available without discrimination on the basis 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, political affiliation or belief, or genetic information. Among the federal and state laws and regulations prohibiting discrimination in employment that pertain to the university as of September 2014 are:~~

~~Equal Pay Act
Title VI and Title VII of the Civil Rights Act of 1964
Executive Order 11246
Age Discrimination in Employment Act
Title IX of the Education Amendments of 1972
Section 504 of the Rehabilitation Act of 1973
Vietnam Era Veterans' Readjustment Assistance Act of 1974
Pregnancy Discrimination Act of 1978
Immigration Reform & Control Act of 1986
Civil Rights Restoration Act of 1987
Americans with Disabilities Act of 1990 as amended
Age Discrimination Act of 1975
Genetic Information Non-Discrimination Act of 2008
Alaska Statute 14.40.050 and 18.80.220~~

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~~2. Individual merit will be considered by the university. University hiring decisions will be based on the individual's qualifications, demonstrated abilities, and performance, as appropriate.~~

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B. Affirmative Action

~~Individual merit will be considered by the university. University hiring decisions will be based on the individual's qualifications, demonstrated abilities, and performance, as appropriate.~~

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The university seeks to hire, train and promote individuals based on qualifications and demonstrated ability to perform the job. In its commitment to affirmative action, the university is committed to recruit and retain qualified underrepresented women and minorities individuals in positions of employment, ~~where they have been traditionally under-represented.~~ The concept of affirmative action requires that practices that adversely impact protected classes should be eliminated unless the university can demonstrate a legally permissible basis. ~~To accomplish the goals of its affirmative action program, the university encourages employment applications from and makes special efforts to recruit protected classes.~~

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(09-19-14)

P04.02.014.
Implementation.

The president and the chancellors are responsible for planning, implementing, and monitoring an effective program of equal employment opportunity. The president and each chancellor will provide an annual report to the board with regard to the effectiveness of their respective equal employment opportunity program.

(06-20-97)

~~**P04.02.020. Discrimination.**~~

~~A. The university will not permit or tolerate discrimination that creates an intimidating, hostile, or offensive working or learning environment, or that interferes with an individual's performance. The university recognizes that conduct which constitutes discrimination in employment or educational programs and activities is prohibited and will be subject to corrective and/or disciplinary action.~~

~~B. Discrimination refers to being adversely treated or affected, either intentionally or unintentionally, in a manner that unlawfully differentiates or makes distinctions on the basis of the individual's legally protected status or on some basis other than an individual's qualifications, abilities and performance, as appropriate. The university will vigorously~~

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~~exercise its authority to protect employees and students from discrimination by agents or employees of the university, students, visitors and guests.~~

~~C. Nothing contained in this policy will be construed or applied to limit or abridge any person's constitutional right to freedom of expression or to infringe upon the legitimate academic freedom or right of due process of any member of the university community. Principles of academic freedom and freedom of expression require tolerance of the expression of ideas and opinions even though they may be offensive to some. However, ideas and opinions must be expressed in a manner that does not create an intimidating, hostile, or offensive working or learning environment or unreasonably interferes with an individual's performance. The university upholds and adheres to principles of academic freedom and the laws prohibiting discrimination in employment and education.~~

~~D. Individuals who believe they have been subjected to discrimination are encouraged to bring this behavior or action to the attention of an employee or faculty member who is in a position to assist in addressing the concern. The affirmative action officer, human resources or student affairs officer, or designee, as appropriate, will mediate disputes, receive complaints, obtain process information, or discuss resolution options regarding discrimination complaints.~~

~~E. The university cannot guarantee confidentiality in connection with complaints alleging discrimination; however, all university employees and students are expected to make a reasonable effort to protect the legitimate privacy interests of involved persons consistent with their obligation to inform the accused.~~

~~Nothing in this policy will be construed or applied to create a right to an award of damages or other monetary compensation against the university or university employees beyond any existing under state or federal law.~~

(06-06-07)

P04.02.022. Sexual Harassment.

~~The university will not tolerate inappropriate sexual or sexually harassing behavior and seeks to prevent such conduct toward its students, employees and applicants for employment. Violation of this policy may lead to discipline of the offending party.~~

~~Since some members of the university community hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power. Faculty and supervisors in particular, in their relationships with students and subordinates, need to be aware of potential conflicts of interest and the possible~~

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~~compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those inherent in the professional relationship.~~

~~It is the responsibility of faculty and staff to behave in such a manner that their words or actions cannot reasonably be perceived as sexually coercive, abusive, or exploitative. Sexual harassment also can occur in relationships among equals as when repeated unwelcome advances, demeaning verbal behavior, or offensive physical contact interfere with an individual's ability to work or study productively. Consensual sexual conduct that unreasonably interferes with other employees' work or creates a hostile, intimidating or offensive working or learning environment constitutes sexual harassment for purposes of this policy.~~

~~The university is committed to providing an environment of study and work free from sexual harassment and to ensuring the accessibility of appropriate procedures for addressing all complaints regarding sexual harassment. Nothing contained in this sexual harassment policy will be construed or applied to limit or abridge any person's constitutional right to freedom of expression or to infringe upon the legitimate academic freedom or right of due process of any member of the university community.~~

(06-06-07)

~~P04.02.024. Consensual Sexual Relations.~~

- A. ~~Faculty members or staff who engage in sexual relations with students enrolled in their classes or subject to their supervision, even when both parties have consented to the relationship, will be engaging in unprofessional behavior.~~

~~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.~~

- ~~D.B. Supervisors who have authority or control over employees and engage in sexual relations with those employees, abuse their power, even when both parties have consented to the relationship.~~

~~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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E.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.

(06-06-07)

P04.02.026. Limitation of Liability.

Commented [1]: Add to 01.02

Nothing in P04.02.020 - 04.02.026 will be construed or applied to create a right to an award of damages or other monetary compensation against the university or university employees beyond any existing under state or federal law.

(08-15-97)

P04.02.030. Reasonable Accommodation for People with Disabilities: Prohibition Against Discrimination on the Basis of Disability.

All members of the university community have a right to a working and learning environment free of all forms of illegal discrimination including discrimination against people with disabilities. It is the university's intent that no employee, or user of university facilities, be subjected to unlawful discrimination based on disability.

(06-06-07)

P04.02.040. Drug-Free Workplace.

- A. The unlawful manufacture, distribution, dispensing, possession, or use by an employee of a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812), and as further defined by regulation at 21 C.F.R. 1308.11 - 1308.15 is prohibited in any workplace of the university.
- B. All employees will abide by the terms of this policy as a condition of their employment and will notify the university of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 working days after the conviction. Within 30 days of receiving the notice of conviction, the university will take appropriate personnel action against the employee as prescribed by university regulation, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

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- C. The university regulation implementing this section must provide for publishing a statement to notify employees of this policy and to establish a drug-free awareness program to inform employees about: the dangers of drug abuse in the workplace; the university's policy of maintaining a drug-free workplace; any available drug counseling, rehabilitation, and employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- D. Each employee will be provided a copy of this policy and accompanying university regulation.

(06-20-97)

P04.02.050. Employee Alcohol and Controlled Substances Testing.

- A. The university regulation implementing P04.02.040 and this section will at a minimum provide for the establishment of alcohol and controlled substances testing programs as required by law; the imposition of penalties on employees when tests exceed allowable levels; compliance with reporting and record keeping requirements; dissemination to affected employees of educational materials explaining the legal requirements, this policy and university regulation; and provide for appropriate staff training and employee assistance programs. Collective bargaining units representing affected university employees will be given written notice concerning the availability of this information.
- B. All employees subject to laws mandating alcohol and controlled substances testing will comply with such laws, this regents' policy and university regulation as a condition of their employment.

(06-06-07)

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REGENTS' POLICY
CHAPTER IV – HUMAN RESOURCES
Chapter 04.07 - Employee Relations

P04.07.010. Employee Orientation.

Regular employees, within a reasonable time after initial hire, will receive an orientation and be provided material that communicates university human resource programs.

(09-30-94)

P04.07.020. Probationary Status.

Newly hired and promoted regular exempt and nonexempt staff, with the exception of officers of the university and senior administrators and faculty, will serve a six month probationary period. The provisions for probationary status will be set forth in university regulation.

(06-10-04)

P04.07.030. Performance Evaluation.

- A. The performance of each employee will be evaluated annually and written evaluations will be used as a basis for personnel actions. Performance evaluations will include discussions of the position duties, responsibilities and purpose as defined by the supervisor, performance and conduct, review of progress, and as appropriate, planning for more effective performance. The review will include an opportunity for the employee to ask questions concerning work assignments and performance expectations. Written performance evaluations will be communicated to the employee and will be placed in the employee's official personnel file.

- B. Written evaluations will be sufficiently specific to inform and guide the employee toward achieving major goals and objectives for the employee's position as determined by the supervisor. The employee will have an opportunity to respond to the performance evaluation in writing. Employee performance review guidelines appropriate to officers of the university and senior administrators, and exempt and nonexempt staff will be established in university regulation. Evaluation of faculty will be consistent with P.04.04.050 - 04.04.056.

(06-20-97)

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P04.07.040. Corrective Action.

- A. Supervisors will apply necessary and appropriate corrective action whenever an employee fails to meet the required standards of conduct or performance. Corrective action may be necessary because of employment related problems, including but not limited to: inattention to duty, unsatisfactory performance, insubordination, absenteeism, violation of law, regents' policy, or university regulation, dishonesty, theft or misappropriation of public funds or property, inability to work effectively with others, fighting on the job, acts endangering others, inappropriate behavior toward or harassment of others, bullying or other misconduct.
- B. Corrective actions may include: formal discussion, written communications detailing performance and behavior standards and expectations, written reprimands, which are sent to the official personnel file, disciplinary probation, suspension, dismissal, or any reasonable combination of these or other actions.

(09-19-14)

P04.07.041. Written Reprimand.

A written reprimand will describe the nature of the offense or deficiency, the method or methods of correction, and the probable action to be taken if the offense is repeated or the deficiency persists. The written reprimand will be placed in the employee's official personnel file and also state the employee's right to request administrative review of the action by the MAU human resources office.

(06-20-97)

P04.07.042. Written Notice of Intent to Take Corrective Action.

If corrective action more formal than written reprimand is necessary, notice of intent to take action will be given in writing to the MAU human resources office. If after consultation with the MAU human resources office the supervisor intends to take action, the employee will be notified in writing of the action to be taken.

(06-20-97)

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P04.07.043. Disciplinary Probation.

Any employee who fails to meet the performance standards or employment conditions of the supervising authority may, at the discretion of the supervisor, be placed on disciplinary probation for a period not exceeding six months. Failure to meet the performance standards or employment conditions of the supervising authority may result in termination of employment for cause.

(06-20-97)

P04.07.044. Suspension.

- A. Suspension without pay of not greater than 10 working days may be used in circumstances which the supervisor believes that by its use the employee will correct the employee's job related behavior or performance and where discharge appears unwarranted.
- B. The employee will be provided the reason for the suspension and the date and time to return to work in writing. The written notice will also state the employee's right to request administrative review of the action by the MAU human resources office.
- C. A suspended employee will not receive holidays, wages, sick or annual leave accrual or other benefits based on hours worked during the leave period, but will continue to be covered by the applicable group insurance program.

(06-20-97)

P04.07.045. Investigatory Leave.

After review by the MAU human resources ~~director or designee~~~~office and concurrence of the Statewide Office of Human Resources~~, a supervisor may place an employee on paid investigatory leave without prior written warning in order to review or investigate allegations of serious misconduct of a nature which, at the discretion of the university, requires removing the employee from the premises. [The regional Human Resources Director, or designee, will notify the CHRO of such action as soon as is practicable.](#)

(06-20-97)

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P04.07.050. Administrative Review.

- A. To encourage and facilitate the resolution of employee complaints in a prompt manner, an individual may request administrative review of any complaint regarding a specific management action which adversely affects the employee's terms and conditions of employment. These complaints include, but are not limited to, those regarding: selection for transfer or promotion, release from at-will employment, salary actions, a performance evaluation, disciplinary probation and suspension.
- B. An employee who has a complaint will discuss it with the immediate supervisor who will have an opportunity to resolve the complaint informally. If the complaint is not resolved, the employee may request administrative review by the MAU human resources office. The director or designee may conduct a review, decline a review, or refer the matter to an administrative process.

(06-20-97)

P04.07.060. Termination for Cause.

- A. Regular employees may be terminated from employment for cause. In the event of a decision to terminate an employee for cause, the supervisor will provide the employee:
 - 1. a written statement of the reason for the planned action;
 - 2. a statement of the evidence supporting the reason for the planned action; and
 - 3. notice of the employee's right to request a hearing in accordance with the procedure for consideration of a termination for cause as set forth in the university grievance procedure in P04.08 and R04.08.
- B. Copies of the notification under A. of this section will be sent to the regional human resources office for placement in the official personnel file and to the offices of the general counsel and statewide human resources.

(05-04-99)

P04.07.080. Resignation.

The provisions for resignation will be set forth in university regulation.

(06-20-97)

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P04.07.090. Retirement.

- A. The university will comply with applicable laws regarding age discrimination, including Alaska Statute 18.80.220.
- B. Retirement eligibility will be governed by the Public Employees Retirement System or Teachers Retirement System of the State of Alaska, or any applicable Optional Retirement Plan.

(06-09-00)

P04.07.100.
Nonretention.

The university may discontinue or not renew an existing employment relationship through nonretention. Nonretention does not reflect discredit on an employee. If notice of nonretention is required by university regulation, the notice will be in writing and will comply with university regulation adopted under this section. The university may not use nonretention to terminate tenured faculty.

(06-09-00)

P04.07.110. Layoff, Recall, and Release.

Provisions regarding layoff, recall, and release of university employees will be set forth in university regulation.

(06-09-00)

P04.07.115. Employee Furlough.

- A. To address budgetary shortfalls in any unit of the university, employees may be subject to furlough via temporary unpaid leaves of absence or via prospective, temporary reductions in pay and equivalent work hours.
- B. Furloughs shall be implemented in accordance with regulations and plans approved by the president pursuant to this policy, provided however that employees shall receive written notice of furlough as provided by regulation.
- C. Furlough plans may be implemented notwithstanding any other regents' policy, university regulation or university or campus practice or procedure and are subject to appeal processes only as may be provided in regulations adopted pursuant to this policy.

(12-11-14)

Proposed Edits to BOR P04.02, P04.07, and P04.08
Proposed by the UA Human Resource Directors from UAA, UAF & UAS
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P04.07.120. Exit Interviews.

Prior to termination from employment, the department and the employee will contact the regional human resources office to receive information regarding university personnel programs as appropriate; and the employee will be given the opportunity to communicate in writing any comments or suggestions for improvement within the workplace.

(09-30-94)

Proposed Edits to BOR P04.02, P04.07, and P04.08
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REGENTS' POLICY
PART IV – HUMAN RESOURCES
Chapter 04.08 - Dispute and Grievance Resolution

P04.08.010. General Statement.

It is the objective of the university to treat its employees in a fair and consistent manner. The university recognizes that a dispute and grievance resolution process is an important mechanism in identifying and resolving problems. In the event of an employee grievance, it is the objective of the university to accomplish the prompt, fair, and equitable resolution of the grievance at the earliest possible time. Procedures for dispute and grievance resolution will be established by university regulation.

[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).

(05-04-99)

P04.08.020. Effect of Failure to Seek Review.

- A. The failure of any party to exhaust administrative remedies by seeking review of a decision under the grievance procedure by the first or next higher level within the time limits established by the grievance procedure will be deemed to constitute acceptance of that decision by the party and will constitute a resolution of the grievance.
- B. It is the employees' responsibility to be familiar with the Dispute and Grievance Resolution time frames and deadlines included in regents' policy and university regulation. Failure to receive a response within the established time frame will not relieve an employee from proceeding within the time allowed to a subsequent step in the grievance process.

(05-04-99)

P04.08.030. Time Limits.

Time limits will be established in university regulation.

(05-04-99)

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P04.08.040. Reprisal Prohibited.

- A. No grievant, respondent or witness will be subject to harassment, reprisal, or retaliation for good faith participation in the dispute and grievance resolution process.
- B. The dispute and grievance resolution process is intended to afford employees a meaningful opportunity to resolve good faith employment-related disputes within the structures of the university. Its success depends on the good faith efforts of all employees to implement the regents' policy and university regulation for this purpose.
- C. Grievants or administrators who utilize the process to harass other employees or who pursue vexatious or repetitive grievances that are determined to be without merit are subject to disciplinary action. A hearing officer may recommend disciplinary action against persons using the process for other than the intended purpose.

(05-04-99)

P04.08.050. Abuse of Process.

Sanctions or costs may be imposed and awarded in the grievance process for dishonest, bad faith or vexatious actions during the grievance process on the part of any grievant or administrator.

(05-04-99)

P04.08.060.

Definitions.

Definitions will be established in university regulation.

(05-04-99)

P04.08.070. Dispute and Grievance Resolution Process.

The process for dispute and grievance resolution will be established in university regulation.

(05-04-99)

P04.08.080. Review of a Proposed Termination for Cause.

The process for review of a proposed termination for cause will be established in university regulation.

(05-04-99)

Proposed Edits to BOR P04.02, P04.07, and P04.08
Proposed by the UA Human Resource Directors from UAA, UAF & UAS
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P04.08.090. Applicability to Other Policy and/or Regulation.

The applicability to other regents' policy and university regulation will be established in university regulation. (05-04-99)

P04.08.100. Appeal of Final Decisions Issued Under This Chapter.

The process for appeals of final decisions issued under this chapter will be established in university regulation. (05-04-99)

P04.08.110. Reporting of Grievances to the Board of Regents and Governance Office.

The statewide office of human resources, in coordination with the vice chancellors for administration, provosts, and university general counsel, will prepare an annual report of the grievance process which will be distributed to the board and to the system governance office. The report will include data, by campus, including the number and type of grievances, and recommendations for changes, additions or modifications to the grievance policy. No individually identifiable information will be included as a part of the report.

(05-04-99)

Board of Regents P09.02 Policy Revision Justifications
Presented by the UA Student Conduct Administrators from UAA, UAF and UAS
March 2016

Introduction

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 edits to BOR P09.02. Those edits and their corresponding justifications are outlined below.

Proposed Revisions

The committee proposes several revisions to the Code that help to clarify policies. Justification and Rationale for recommendations are listed below:

1. Student Code of Conduct P09.02.010

In section C we recommend adding: Additionally, students are responsible for compliance with Board of Regents Policy and University Regulations.

2. Student Code of Conduct P09.02.020

Add a section B that states: The Code does not cover gender based misconduct, discrimination and sexual misconduct.

Rationale: These violations are addressed BOR Policy and University Regulation 01.02.

3. Student Code of Conduct P09.02.020

In section B, we recommend removing (6) Discrimination, and (9) Gender-based or sexual misconduct.

Rationale: These violations are addressed BOR Policy and University Regulation 01.02.

4. Scope of University Authority for Violations of the Student Code of Conduct P09.02.030

Currently the code states: "For purposes of determining what conduct is covered, the university considers an individual to be subject to student conduct proceedings for conduct that occurs while the individual is in anyway affiliated with the university".

Board of Regents P09.02 Policy Revision Justifications
Presented by the UA Student Conduct Administrators from UAA, UAF and UAS
March 2016

New proposed text: For purposes of determining what conduct is covered, the university considers an individual to be subject to student conduct proceedings for conduct that occurs while the individual has a continuing educational interest.

Rationale: The current policy is very broad and the scope of authority needs to be more narrow as it relates to how and who 09.02 should be applied to regarding behavior.

Proposed Edits to BOR P09.02 Student Code of Conduct
Proposed by the UA Student Conduct Administrators from UAA, UAF & UAS
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REGENTS' POLICY
PART IX – STUDENT AFFAIRS
Chapter 09.02 - Student Rights and Responsibilities

P09.02.010. General Statement: Student Rights and Responsibilities.

- A. The university will maintain an academic environment in which the freedom to teach, conduct research, learn, and administer the university is protected. Students will enjoy maximum benefit from this environment by accepting responsibilities commensurate with their role in the academic community. The principles found herein are designed to facilitate communication, foster academic integrity, and defend freedoms of inquiry, discussion, and expression among members of the university community.
- B. Students will have the right:
1. to pursue an education free from illegal discrimination and to be judged on the basis of relevant abilities, qualifications, and performance;
 2. to fair and impartial academic evaluation and a means of recourse through orderly procedures to challenge action contrary to such standard;
 3. to free inquiry and expression;
 4. to access their own personnel and education records and to have the university maintain and protect the confidential status of such records, as required by appropriate legal authority;
 5. through student representatives, to participate in formulating and evaluating institutional policies;
 6. to organize and join associations to promote their common and lawful interests;
 7. to be able to protest on university premises in a manner which does not obstruct or disrupt teaching, research, administration, or other activities authorized by the university;
 8. to an academic environment conducive to intellectual freedom;
 9. to a fundamentally fair and orderly disciplinary process; and
 10. to have access to accurate information regarding tuition, fees and charges, course availability, general requirements for establishing and maintaining acceptable academic standing, and graduation requirements.

Proposed Edits to BOR P09.02 Student Code of Conduct
Proposed by the UA Student Conduct Administrators from UAA, UAF & UAS
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11.

- C. Students are responsible for knowing, understanding, and complying with the University of Alaska Student Code of Conduct, which outlines both student rights and responsibilities as members of the academic community. The Student Code of Conduct is available in the student handbook and/or online. Additionally, students are responsible for complying with Board of Regents Policy and University Regulations.
- D. Students are expected to balance these rights and responsibilities to promote a learning environment that is conducive to the academic success of all members of the community and strive to be a positive, contributing member of the academic community (06-05-15)

P09.02.020. Student Code of Conduct.

A. As with all members of the university community, the university requires students to conduct themselves honestly and responsibly and to respect the rights of others. Students may not engage in behavior that disrupts the learning environment, violates the rights of others or otherwise violates the Student Code of Conduct (Code), university rules, regulations, or procedures. Students and student organizations will be responsible for ensuring that they and their guests comply with the Code while on property owned or controlled by the university or at activities authorized or sponsored by the university.

A.B. The Code does not cover gender based misconduct, discrimination and sexual misconduct. These violations are addressed in BOR Policy and University Regulation 01.02.020.

B.C. The university may initiate disciplinary action and impose sanctions on any student or student organization found responsible for committing, attempting to commit, or intentionally assisting in the commission of any of the following prohibited forms of conduct:

1. cheating, plagiarism, or other forms of academic dishonesty;
2. forgery, falsification, alteration, or misuse of documents, funds, property or electronic records;
3. damage or destruction of property;
4. theft of property or services;
5. harassment;

Proposed Edits to BOR P09.02 Student Code of Conduct
Proposed by the UA Student Conduct Administrators from UAA, UAF & UAS
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~~6.~~ ~~_____~~ discrimination; ~~(have a reference to the NEW umbrella Discrimination Policy)~~

~~7.6.~~ ~~_____~~ hazing;

~~8.7.~~ ~~_____~~ endangerment, assault, or infliction of physical harm;

~~9.8.~~ ~~_____~~ gender based or sexual misconduct; ~~have a reference to the NEW umbrella Discrimination Policy)~~

~~10.9.~~ ~~_____~~ disruptive or obstructive actions;

~~11.10.~~ ~~_____~~ mistreatment of animals;

~~12.11.~~ ~~_____~~ misuse of firearms, explosives, weapons, dangerous devices, or dangerous chemicals;

~~13.12.~~ ~~_____~~ failure to comply with university directives;

~~14.13.~~ ~~_____~~ misuse of alcohol;

~~15.14.~~ ~~_____~~ misuse of drugs or other intoxicants;

~~16.15.~~ ~~_____~~ violation of regents' policy, university regulation, rules, or procedures; or

~~17.16.~~ ~~_____~~ any other actions that result in unreasonable interference with the learning environment or the rights of others.

~~C.D.~~ ~~_____~~ Examples of actions that constitute these prohibitions will be described in the university regulation and MAU rules and procedures.

~~D.E.~~ ~~_____~~ This policy and university regulation and MAU rules and procedures are not intended to define prohibited conduct in exhaustive terms, but rather to set forth examples to serve as guidelines for acceptable and unacceptable behavior.

(06-05-15)

P09.02.030. Scope of University Authority for Violations of the Student Code of Conduct.

A. The Student Code of Conduct and student conduct process apply to the conduct of individual students and all university affiliated student organizations. For purposes of determining what conduct is covered, the university considers an individual to be subject to student conduct proceedings for conduct that occurs while the individual has a continued

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~~educational interest. is in any way affiliated with the university.~~ Proceedings may be initiated at any time regardless of subsequent affiliation or graduation status. In all cases, conduct matters that have been initiated will be pursued to conclusion or resolution, even when students leave the university or choose not to participate in the process. As such, if a student leaves the university voluntarily or involuntarily, the university may still proceed with the conduct process in the student's absence. A student who has been alleged to have violated the Code may be prohibited from re-enrolling in the university until the allegations are resolved regardless of whether the student participates in the student conduct process.

- B. Behavior that occurs on property owned or controlled by the university, in university online environments and classes, or at activities sponsored by or authorized by the university, is subject to university student conduct review and disciplinary action by the university. The Student Code of Conduct may also apply to behavior that occurs off campus when it may present a potential danger or threat to the health and safety of others or may reasonably lead to a hostile environment on campus. The Student Code of Conduct may also apply to behavior exhibited online or electronically via email, social media, text messaging, or other electronic means.
- C. There is no time limit on reporting violations of the Student Code of Conduct. Individuals are encouraged to report violations of the Student Code of Conduct in a timely manner.
- D. Alleged violations of federal, state, or local laws that are also potential violations of the Student Code of Conduct fall within the jurisdiction of the university. The university reserves its right to pursue disciplinary action independent of the criminal proceedings, if the alleged criminal charges are also violations of the Student Code of Conduct. University actions will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced. University student conduct proceedings may precede, follow, or take place simultaneously with criminal proceedings.

(12-11-15)

P09.02.040. University Student Conduct Procedures.

Procedures for Code violations will be set forth in university regulation and MAU rules and procedures and will provide for appropriate process. However, there may be circumstances that make it necessary to make minor adjustments to these procedures. Unless the adjustment to the procedures seriously impairs or infringes upon the rights of the student or students involved, this does not provide a basis for claims outside the university or appeal within the university.

(06-05-15)

P09.02.050. Disciplinary Sanctions and Reinstatement of University Benefits.

- A. In accordance with Alaska Statute 14.40.240, the president of the University of Alaska is authorized to delegate the president's authority to suspend, expel, and reinstate a student.

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- B. The president or designee is authorized to revoke a degree that has been conferred by the board if a student has been found to have engaged in misconduct in pursuit of that degree.
- C. Other sanctions for misconduct, and designation of the authority to impose these sanctions, may be established by the president in university regulations.
- D. Sanctions may be imposed on individual students who violate the Code. Sanctions may also be imposed on a student organization when the organization violates the Code or when a member's misconduct is attributable to the organization. Disciplinary sanctions imposed on a student by one MAU will be effective throughout the university system.
- E. An interim restriction is an immediate and temporary limitation on a student's access to the university or university services or functions, including conferral of a degree, pending the outcome of the university student conduct investigatory process. An interim restriction may be imposed on a student prior to a student conduct review if the chancellor or designee reasonably determines that the student poses a threat to the student's safety or to the safety of other members of the university community, or is obstructing or disrupting teaching, research, administration, or other activities authorized by the university.
(06-05-15)

P09.02.060. Opportunity for Review of Decisions from Student Conduct Proceedings.

Students will be notified in writing of decisions or sanctions resulting from university student conduct proceedings affecting them, in accordance with university regulation and MAU rules and procedures. Such notification will be accompanied by information regarding any additional review process.

(06-05-15)

P09.02.070. Records and Confidentiality Regarding Conduct Violations.

The management of student records pertaining to the violation of the Code, and the confidentiality accorded these records, will be set forth in regents' policy, university regulation, and MAU rules and procedures regarding education records.

(11-20-98)

P09.02.080. Final University Decision.

A final university decision is one for which there is no further review within the university. The university will inform the student in writing and in accordance with university regulation when a decision constitutes the university's final decision.

(09-19-14)

History: Passed by the Council April 4, 1994; Article VI adjusted October 18, 1994 to accommodate 4th student seat, amended May 17, 1997 and June, 1998 to include alumni as ex-officio non-voting members; amendment proposed to seat alumni as voting members April 7, 2008 passed September 22, 2008

The System Governance Council of the University of Alaska Constitution

ARTICLE I. INTENT

It is the intent of the Board of Regents: 1) that the faculty, staff and students shall share in the governance of the university, 2) that shared governance is an integral part of the business of the university, and 3) that participators in shared governance are empowered by the Board of Regents to carry out their governance responsibilities to the best of their abilities without interference or fear of reprisal.

ARTICLE II. NAME

The Board of Regents hereby establishes a mechanism for system governance consisting of faculty, staff, student, and alumni representatives which shall be called the System Governance Council, hereinafter "Council."

ARTICLE III. AUTHORITY, ROLE

A. Authority

The Council receives its authority by policy 03.01.01 of the University of Alaska Board of Regents which derives its authority from the Constitution and statutes of the State of Alaska. The Council shall carry out its functions subject to the authority of the Board of Regents and the President of the University.

B. Role

The Council shall provide an opportunity for faculty, staff, students and alumni association representatives to interact with the university president, regents and others regularly to discuss matters including, but not limited to, the following: policies and procedures for, and participating in, the university budget process; the framing of long range plans; university development; enhancing the university's public image and educating the public. The Council shall communicate the results of those discussions to the university community. The Council may also coordinate matters of mutual concern to the Faculty Alliance, the Staff Alliance, the Coalition of Student Leaders and the alumni associations.

ARTICLE IV. MEMBERSHIP AND ORGANIZATION

A. Voting membership

The voting membership of the Council shall consist of one faculty, one staff, one alumni representative and one student representative each from the University of Alaska Anchorage, the University of Alaska Fairbanks, and the University of Alaska Southeast, one staff representative from Statewide Administration Assembly, and one additional at-large student representative.

Voting members shall communicate their governance activities to their constituencies, and to their supervisors or professors as appropriate, on a regular basis.

B. Selection

Faculty and staff representatives to the Council shall be selected in such a manner as prescribed by the local governance groups. Student representatives shall be selected by the Coalition of Student Leaders as prescribed in the Coalition Constitution. Alumni association representatives shall be selected by the board of directors of the respective alumni association as prescribed in the association bylaws.

C. Terms of office

Representatives to the Council shall serve a minimum of a one year term.

D. Qualifications

Representatives to the Council should have prior shared governance experience wherever possible which can include alumni association involvement.

E. Recall of members

Any member may be recalled by the body by which the member was chosen. The local constituent body shall select a replacement to complete the term of office.

F. Ex-officio, non-voting membership

Ex-officio, non-voting membership in the Council shall include the President of the University, the chancellor or other administrative officer, and any other such person or persons as the President may designate, and such others as determined by the Council.

G. Official Spokesperson

1. Election

The official spokesperson for the Council shall be elected by and from the voting membership by a majority vote.

2. Duties

The official spokesperson for the Council shall a) preside over all meetings of the Council, b) represent the Council, and c) serve as primary Council contact to the President of the University and the Board of Regents.

H. Task Forces

The Board of Regents, the President of the University, or the Council may establish task forces to consider complex system issues pursuant to Council responsibilities. These task forces shall, in all cases, include governance representatives appointed by the Council. These task forces are a formal part of shared governance, and as such, are subject to the Alaska Open Meeting Law, per V.C., below.

ARTICLE V. MEETINGS

A. Regular and special meetings

The Council shall meet a minimum of six times per year. At least once per year, all governance group spokespersons shall meet with the President of the University to identify system issues and plan for the coming year. Special Council meetings may be called by the Board of Regents, the President of the University, the spokesperson of the Council, or on petition of one-third of the membership of the Council.

B. Voting

Voting shall be by simple majority of the full voting membership except for amendments to the constitutions or bylaws. Amendments to the Council constitution affecting membership rights shall require a two-thirds majority of the voting membership in accordance with Robert's Rules of Order.

C. Open Meetings

All meetings of the Council are subject to the Alaska Open Meetings Law, AS 44.62.3101 and any additions or exemptions thereto, and Regents' Policy 02.06.01 and university regulations 02.06.01 through 02.06.04. This means that meetings of the Council are open to the public, agendas must be posted, and meeting records kept. Council activities shall be regularly communicated to the university community.

ARTICLE VI. QUORUM

A minimum of a simple majority of the voting membership shall constitute a quorum.

ARTICLE VII. PARLIAMENTARY AUTHORITY

The parliamentary authority shall be the latest edition of Robert's Rules of Order.

ARTICLE VIII. CONSTITUTIONS AND BYLAWS, AMENDMENTS, APPROVAL

A. Constitutions and bylaws

The Council constitution and bylaws, once passed by the Council, shall be transmitted to the President of the University for approval and to the Board of Regents for action. Copies of Council constitutions and bylaws shall be maintained in the system governance office.

B. Amendments; distribution prior to voting

Amendments to the constitution and bylaws shall be sent to all members of the Council at least 30 days prior to the meeting at which they will be considered.

C. Transmittal to the President and Board of Regents for approval

Amendments passed by the Council shall be sent to the President of the University for approval and for transmission to the Board of Regents.

ARTICLE IX. REVIEW AND TRANSMITTAL OF PROPOSALS

A. Review

Administrative proposals and issues affecting the university system or system community shall be submitted to the executive officer who shall send the items to the Council for review as appropriate. The Council shall respond to these proposals and issues within 40 days after receipt from the executive officer. Those administrative proposals submitted in the summer months shall be acted upon by the Council by October 15. Responses shall be transmitted to the executive officer for compilation and submission to the President of the University. Proposals requiring immediate implementation for compliance with state or federal law shall be submitted to the Council for review, but may be implemented prior to their action.

B. Transmittal to the President

The executive officer shall submit the original proposal, together with the majority and minority views, in writing to the President of the University for information or action as appropriate.

C. Transmittal to the Board of Regents

The spokesperson for the Council may present Council views, including majority and minority views, in writing directly to the Board of Regents as a regular agenda item of the Board on any issue within the purview of shared governance. The Council may also present its views to Board committees as appropriate.

ARTICLE X. ACTIONS OF THE PRESIDENT, AND BOARD OF REGENTS

A. Action by the President

The President of the University shall, in writing, approve, disapprove, or modify a Council, and notify the spokesperson and the executive officer within forty-five (45) days of receiving notification of the action by the executive officer.

B. Modifications by the President

The President of the University may modify a Council action if the modification does not effectively contravene or nullify the purpose or principle involved in the action.

C. Disapprovals

The President of the University shall inform the Council of the reasons for any disapproval or modification within one month of disapproving or modifying a Council action.

D. Board of Regents notification and action

Council actions which are modified or disapproved by the President of the University, together with the statement of reasons, shall be placed on the next Board of Regents' meeting agenda for the information of the Board if requested by the Council. At the request of either the President of the University or the Council, the Council action which has been modified or disapproved shall be brought before the Board for action. The decision of the Board of Regents is final.

ARTICLE XI. HANDBOOK

The Council shall annually submit a directory of Council members, a description of the Council and how it works, and the annual Council calendar to the executive officer for inclusion in the governance handbook. This handbook shall be distributed to the Board of Regents and to the shared governance groups.

ARTICLE XII. REPORTS

The Council shall annually prepare a report of activities. These shall be submitted to the executive officer for compilation into a single annual report of governance activities for submission to the President of the University and the Board of Regents. The executive officer shall maintain Council communications electronically.



UNIVERSITY
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Many Traditions One Alaska

System Governance Council

Resolution 2016-01 Regarding Public Testimony by Video at BOR Meetings

Whereas, the University of Alaska has constituents across the entire state, totaling over 650,000 square miles and 355 incorporated cities, towns, and villages; and

Whereas, all Board of Regents' meetings are open to the public; and

Whereas, many constituents are unable to travel to a Board meeting to provide in-person testimony; and

Whereas, travel in Alaska is known to be prohibitively expensive;

Now, therefore be it resolved, the System Governance Council supports the option to give public testimony by video at pre-determined locations across Alaska and asks the University of Alaska Board of Regents to make this option available to members of the public.

Adopted by the System Governance Council the 21st DAY OF MARCH, 2016.

Monique Musick, Chair

Voting members' results as attested by Morgan Dufseth, Executive Officer:

Yes:

No:

Absent:

Vacant: