

RESOLUTION AGREEMENT

The University of Alaska System, on behalf of itself and each of its three universities (System), enters into this Resolution Agreement (Agreement) to resolve a compliance review (Reference No. 10146001) instituted by the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., and its implementing regulations at 34 C.F.R. Part 106 (Title IX).

Action Item A: Title IX Coordinators

The System agrees that Title IX coordinators are essential to fulfilling the System's commitment to compliance with Title IX. Accordingly,

1. Title IX coordinators at each university (collectively, coordinators) will have the following responsibilities and meet the following training requirements:
 - a) The coordinators will have expert knowledge of the applicable Title IX grievance procedures and will oversee the handling of all complaints of sex discrimination, including sexual harassment and sexual violence, at their respective universities and the corresponding satellite campuses, centers, and extension sites.¹ The coordinators will address any patterns or systemic concerns that arise during the review of such complaints. Each coordinator will also assess overall efficacy of coordination and overall response to sexual harassment and sexual violence by their respective university and the corresponding satellite campuses, centers, and extension sites, including the implementation and efficacy of interim measures, the steps taken to stop sex discrimination found to have occurred and prevent its recurrence, steps taken to eliminate any hostile environment that has been created, and steps taken to remedy any discriminatory effects on students, employees, and others, as appropriate. As part of this ongoing process, each coordinator will hold quarterly audio or video conferences with all individuals assigned to investigate complaints of sex discrimination at the satellite campuses, centers, and extension sites to ensure that the institution is promptly and equitably responding to all complaints of sex discrimination, including sexual harassment and sexual violence.
 - b) Each coordinator will retain oversight and responsibility for any deputy coordinators designated to assist him or her. The coordinators will develop position descriptions describing the roles and responsibilities of each deputy coordinator that delineate the scope of each deputy coordinator's duties. The coordinators will oversee the provision of

¹ For purposes of this Agreement, "complaints" include all complaints, reports, or instances of sex discrimination about which the System and the System's satellite campuses, centers, and extension sites knew or should have known.

initial and ongoing training of the deputy coordinators. The training content will include the substantive requirements of Title IX and how to identify and investigate reports that allege sex discrimination, including sexual harassment and sexual violence.

- c) The coordinators will retain oversight and responsibility for providing information to students and employees regarding their Title IX rights and responsibilities, including but not limited to: the resources available to victims of sex discrimination on and off campus, the formal and informal resolution processes, the availability of interim measures, and the ability to file simultaneously a complaint with local law enforcement and a coordinator's Title IX office.
- d) The coordinators and deputy coordinators will not have other job responsibilities that create a conflict of interest with regard to their duties and responsibilities under Title IX.
- e) The coordinators will be responsible for coordinating communications with university police and local law enforcement regarding obligations under Title IX and for serving as a resource on Title IX issues.
- f) The coordinators will be responsible for coordinating the development and implementation of periodic assessments (including but not limited to surveys and focus groups) of campus climate with regard to sexual harassment and sexual violence.
- g) The coordinators will participate in the drafting and revision of the grievance policies and procedures that apply to complaints of sex discrimination and ensure that they comply with the requirements of Title IX.

Reporting Requirement: By September 1, 2017, and the same date thereafter in 2018, and 2019, the System will provide documentation of the System's compliance with Action Item A(1).

- 2. The System will designate a senior administrator (senior Title IX administrator) at the System office who will oversee efforts to comply with and carry out the System's responsibilities under Title IX, including the System's responses to all complaints involving possible sex discrimination. The senior Title IX administrator or a qualified designee will on a monthly basis review all formal and informal complaints of discrimination on the basis of sex (including sexual harassment, sexual assault, and sexual violence) and the actions taken in response by the System in order to identify any patterns or systemic problems; will participate in the drafting and revision of the grievance policies and procedures that apply to complaints of sex discrimination; and will take appropriate action to address any patterns or problems identified.

Reporting Requirements:

- a) By May 1, 2017, the System will provide documentation of the System's designation of a senior Title IX administrator as required by Action Item A(2),

including the name and qualifications of the employee designated as the senior Title IX administrator; and

- b) By December 30, 2017, and on the same date thereafter in 2018 and 2019, the System will provide a copy of each quarterly review and record of any corrective action taken as a result of review findings.

3. The System will create a state-wide taskforce comprised of employees throughout the System responsible for Title IX compliance. The taskforce will conduct bi-monthly telephone conferences to address best practices for handling complaints of sexual harassment and sexual violence and patterns or systemic concerns that arise during the resolution of such complaints.

Reporting Requirement: By December 30, 2017, and the same date in 2018 and 2019, the System will provide documentation of the System's compliance with Action Item A(3), including the dates, a copy of the agenda and minutes, and list of participants for each telephone conference.

4. The System will revise relevant publications to notify all students and employees of the title, office address, electronic mail (e-mail) address, and telephone number of the senior Title IX administrator and for each university, the same information for its respective coordinator.

Reporting Requirement: By September 1, 2017, the System will provide documentation of the System's compliance with Action Item A(4), including copies of the printed versions (or a link to the on-line versions) of all publications disseminated to students and employees containing the required notification. Inserts may be used pending reprinting of these publications.

Action Item B: Notice of Nondiscrimination

The System will revise and publish a single notice of nondiscrimination consistent with the regulation implementing Title IX, at 34 C.F.R. § 106.9. The System will revise the notice of nondiscrimination to include language stating that inquiries concerning the application of Title IX and its implementing regulations may be referred to the appropriate designated Title IX coordinator or to OCR's Assistant Secretary, and that the prohibition against sex discrimination applies to students, employees and applicants for admission and employment. The notice will be published prominently and broadly including, but not limited to, on the websites of the System and in print publications that are utilized by employees, students, and applicants for admission and employment

Reporting Requirements:

- a) By May 1, 2017, the System will provide OCR with a draft notice of nondiscrimination as described above. If OCR requires any changes to the notice, the System will make the changes and re-submit the notice within 20 days of receiving OCR's notice of the required revisions.
- b) Within 30 days of written notification from OCR of its approval of the notice, the System will provide documentation to OCR demonstrating the System's compliance with Action Item B, including copies of the printed versions (or a link to the online versions) of all publications with the notice. Inserts may be used pending reprinting of these publications.

Action Item C: Title IX Policies and Grievance Procedures

The System will revise the System's policies and procedures (the Procedures) that address complaints of sex discrimination (including sexual harassment and sexual violence). The System will ensure that the Procedures are not unduly complicated; are written in a way that is easily understood; are easily locatable on the websites of the System; and are widely published in print publications including, but not limited to, student handbooks, course catalogs, and employee handbooks. The System will ensure that old policies and procedures are removed from and not available anywhere on the websites of the System and that all references to them have been removed from current print publications.

The System will ensure that the following provisions are in the Procedures:

1. notice that the Procedures apply to complaints alleging all forms of sex discrimination (including sexual harassment and sexual violence) carried out by employees, students, or third parties;
2. a clear and easily understood explanation of how and where complaints may be filed, including the name and/or title, office address, e-mail address, and telephone number of the individual(s) with whom to file a complaint;
3. a statement that all responsible employees are expected to promptly report sexual harassment, including sexual violence, that they observe or learn about;
4. provisions for confidential reporting, including informing a complainant that the System's ability to respond may be limited in the event of a request for confidentiality;
5. assurance that the System will take immediate and appropriate steps to stop any harassment or sexual violence, prevent recurrence and remedy discriminatory effects on the complainant and others, if appropriate;
6. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for the complainant and respondent to present witnesses and evidence;
7. a provision clarifying that the Title IX office will oversee and be ultimately responsible for investigations of complaints of sexual harassment and sexual violence;
8. designated and reasonably prompt time frames for the major stages of the investigative process, including any sanctions process and appeal, as well as the process for extending timelines, that apply equally to the parties to the complaint;

9. provisions providing for how and when the System will proceed with the investigation of complaints when the complainant does not choose to proceed with an informal or formal complaint or a hearing;
10. provisions providing that the parties are afforded regular updates regarding the status of the investigation, as well as similar and timely access to any information used at hearings;
11. a provision requiring concurrent written notification to both/all parties (i) of the outcome of the investigation, (ii) any appeals, and (iii) notification to the complainant of all remedies provided and any other actions taken by the university that directly relate to the complainant, and notification to the respondent of any actions taken by the university that directly relate to the respondent;
12. appropriate definitions and examples of what types of actions may constitute sex discrimination (including sexual harassment and sexual violence), including a clear and consistent definition of what does and does not constitute consent to sexual conduct;
13. a statement clarifying that the Procedures apply to: all facilities, programs, and activities of the System, including discrimination that occurs on campus, discrimination that occurs at off-campus programs or activities that are sponsored by the System, discrimination that occurs off-campus that has an effect on campus, the professional and graduate schools, and any sexual harassment perpetrated by an employee, regardless of location, if in the context of the employee's provision of aid, benefits, or services to students;
14. a statement that the preponderance of the evidence standard will be used in resolving all complaints of sex discrimination, including sexual harassment and sexual violence;
15. if the Procedures allow for cross-examination of the parties, the Procedures should strongly discourage allowing the parties to personally question or cross-examine each other during a hearing;
16. where the Procedures allow the parties to have a lawyer or other representative at a hearing, a statement that both parties will have an equal opportunity to have lawyers or representatives present and that any restrictions on the lawyers' or representatives' ability to speak or otherwise participate will be applied equally to both parties;
17. provisions clarifying that when there is a complaint of alleged sexual harassment, including sexual violence, made against an employee, the investigation will be completed even if the employee resigns before it is finished and will include a determination of any potential remedies for complainant(s) and any other students or employees affected by the alleged sexual harassment, including sexual violence;
18. provisions clarifying that any informal resolution mechanism set forth in the procedures will only be used if the parties voluntarily agree to do so; that the complainant should not be required to resolve the problem directly with the respondent; that there will be instances when the informal resolution mechanism is inappropriate (e.g., mediation is prohibited in cases of sexual assault, and in cases involving a student complaining of sexual harassment against an employee in a position of authority over the student); and that the complainant must be notified that he or she has the right to end the informal process at any time and begin the formal stage of the complaint process;
19. notice of a student's right to file a criminal complaint and a Title IX complaint simultaneously, that the System may need to temporarily suspend the fact-finding aspect of a Title IX investigation for an appropriate but brief period of time while the law enforcement agency is in the process of gathering evidence and that the System will

- promptly resume the Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process;
20. provisions ensuring that students are notified, in writing, of the availability of interim measures to protect students during the investigation of possible sexual harassment and during any judicial process, including appeals (such as enforced no contact orders, changes in class schedules, counseling, other mental health services, academic assistance, the ability to retake or withdraw from courses without penalty, etc.); that the System will take steps to ensure, where possible, that such interim measures do not negatively impact the complainant; how interim measures may be requested; and finally, that the coordinator(s) (or other designated officials) will be responsible for ensuring the implementation of appropriate interim measures and coordinating the System's response with the appropriate offices on campus;
 21. an assurance that the System does not permit questioning or consider evidence of other sexual behavior if the danger of unfair prejudice, confusion of the issues, or unwarranted invasion of the privacy of any party outweighs its probative value, and that the System requires that a party seeking to admit such evidence apply for a ruling on the admissibility of such evidence;
 22. notice of potential remedies for complainants, including but not limited to tuition, housing, and other fee refunds, adjustment of academic schedules and coursework, and provision of academic, medical, and psychological support services;
 23. An explanation of how disciplinary actions, if any, relating to the complaint (e.g., underage drinking before a sexual assault) will be handled in the complaint procedure;
 24. notice of potential sanctions against perpetrators;
 25. notice of resources for counseling, advocacy and support;
 26. a provision requiring the System to promptly assess the risk, if any, an accused presents to a complainant and other students and to take appropriate measures in response to that assessment;
 27. provisions concerning students who are placed at entities outside of the System, as part of internships, clinical programs, or otherwise, that address how the System will respond and assure that the operator or sponsor of such other educational program or activity takes no action prohibited by Title IX, and will not facilitate, require, permit, or consider such participation if such action occurs and is not remedied;
 28. a statement that retaliation and retaliatory harassment are prohibited against any individual who files a sex discrimination complaint with the System or participates in a complaint investigation in any way, as well as a clear explanation of how retaliation or retaliatory harassment can be reported to the System;
 29. an assurance that the System will not allow conflicts of interest (real or perceived) by those handling the complaints; and
 30. provisions for the maintenance of complete documentation of all activities and proceedings, including but not limited to, the interim measures offered to and used by a complainant, the beginning and end date of the investigation, the beginning and end dates of any suspension of an investigation for purposes of allowing a law enforcement agency to gather evidence, and an explanation if an investigation has been suspended or closed before completion.

Reporting Requirements:

- a) By May 1, 2017, the System will provide to OCR, for review and approval, a draft of the Procedures developed in accordance with Action Item C above. If OCR requires any changes to the draft of the Procedures, the System will make the changes and re-submit a draft of the Procedures within 20 days of receiving OCR's notice of required edits.
- b) Within 90 days of written notification from OCR of its approval of the Procedures, the System will provide documentation to OCR demonstrating that the System has adopted and implemented the Procedures and provided written notice regarding the Procedures for resolving Title IX complaints together with information on how to obtain a copy of the Procedures to all faculty, staff and students. The System, at a minimum, will make this notification through the System's websites; email messages to faculty, staff, and students; and any regularly issued newsletters (in print or online), as well as by any other additional means of notification the System deems effective to ensure that the information is widely disseminated and easily located. The System will also provide to OCR copies of or a link to all revised student handbooks and all other publications that contain the Procedures and a link to all webpages where the revised Title IX Procedures are otherwise located.

Action Item D: Title IX Training

1. Within 90 days of the execution of this Agreement, or within 6 months of hire thereafter, the System will assure that training on the requirements of Title IX has been received by the senior Title IX administrator, the coordinators, and all other employees involved in processing, investigating, adjudicating, and/or resolving complaints of sex discrimination, including sexual harassment and sexual violence. The training will include, among other things, instruction on how to conduct adequate, reliable, and impartial investigations of sex discrimination, including how to handle incidents that occur off campus; the types of conduct that would constitute sexual harassment and sexual violence; the application of the proper evidentiary standard (preponderance of the evidence); coordination and communication with external law enforcement agencies, particularly with respect to suspending investigations; consent and the role drugs and alcohol can play in the ability to consent; the provision of interim measures and the need for remedial actions for the perpetrator, complainant, and school community; the importance of assessing and taking measures to address the risk an accused may present to the complainant and to other students; and how to determine the existence of a hostile environment and methods for eliminating and preventing the recurrence of a hostile environment. Finally, the training will address the requirement of fully documenting all steps of an investigation and resolution, including any testimony collected from witnesses, the start and stop dates of any investigation suspension, the offer and acceptance or decline of interim relief, and the issuance of notice to all parties. The training will be conducted by an individual with expert knowledge of the requirements of Title IX.

Reporting Requirement: Within 120 days of the execution of this Agreement, the System will provide documentation to OCR demonstrating that the System has provided the training referenced in Action Item D(1). The documentation will include the dates of the training, the name and qualifications of the trainer(s), a copy of any materials used or distributed during the training, and a list of the names and titles of the individuals who attended the training.

2. By May 1, 2017, each coordinator at each university, along with Residence Life, will develop a protocol for ensuring Residence Life staff report and refer complaints involving sex discrimination to the Title IX office within 24 hours. The System will ensure that training has been provided prior to the beginning of each academic year to all Residence Life staff about the existence of the Title IX office at each university and its jurisdiction over the investigation and resolution of complaints of sex discrimination, including sexual harassment and sexual violence.

Reporting Requirement: By September 1, 2017, the System will provide to OCR a copy of the protocol developed by each university. The System will also provide documentation to OCR demonstrating that the System has provided the training referenced in Action Item D(2), which will include a copy of any materials presented or distributed during the training, and written assurance from the System that the System has trained all Residence Life staff on the jurisdiction of the Title IX office over complaints involving sex discrimination, including sexual harassment and sexual violence.

3. By October 1, 2017, and annually thereafter, the System will provide training to all employees responsible for recognizing and reporting incidents of sexual discrimination (including but not limited to, Residence Life staff, campus police, faculty, administrators, counselors, general counsels, athletic coaches, and health personnel). The training will cover, at a minimum: the Procedures; the obligation of staff to report sexual discrimination, including sexual harassment involving other entities at which the System places students or employees; how to recognize and identify sexual discrimination, including sexual harassment and sexual violence and behaviors that may lead to and result in sexual violence; the various forms of sexual harassment, including cyber harassment; the System's responsibilities under Title IX to address allegations of sex discrimination; and the relevant resources available. The training should also include information on the complainant's option to request confidentiality and available confidential advocacy, counseling, or other support services; the complainant's right to both file a sexual harassment complaint with the System and report a crime to campus or local law enforcement; the attitudes of bystanders that may allow conduct to continue; appropriate methods for responding to a complainant who may have experienced sexual violence; and the impact of trauma on complainants who experience sexual violence.

Reporting Requirement: By December 30, 2017, and by the same date in 2018 and 2019, the System will provide documentation to OCR demonstrating that the System has provided the training referenced in Action Item D(3). The documentation will include, at a minimum, the dates of the training, the names and titles of the trainer(s), a copy of any

materials presented or distributed during the training, and the names and titles of the individuals who attended the training.

Action Item E: Information Sessions

In 2017, and annually thereafter, the System shall provide, as part of the annual student orientation for new and returning students and annual Residence Life orientation for students residing in campus housing, information sessions to students so they are aware of the System's prohibition against sex discrimination (including sexual harassment and sexual violence); how to recognize such sex discrimination and sexual harassment when it occurs; safe strategies for bystander intervention; the System's grievance procedures for Title IX complaints, including how and to whom to report any incidents of sex discrimination; a general overview of Title IX and the rights it confers on students; the resources available to students who have experienced sexual harassment or violence, including interim measures available during the course of an investigation; and the existence of OCR and its authority to enforce Title IX.

Reporting Requirement: By December 30 in 2017, 2018, and 2019, the System will provide documentation to OCR demonstrating implementation of Action Item E, including a description of each information session held, the number of participants at each session, and the location and the dates of where and when the information sessions were held.

Action Item F: Dissemination of Information Regarding Sex Discrimination

The System will revise as necessary the System's existing materials or develop new materials (e.g., informational pamphlets) to be distributed to students and employees for general education purposes, including during orientation, and upon receipt of complaints of sexual harassment and sexual violence. The materials will contain information on how and where to file a complaint of sexual harassment or sexual violence with the System; contact information for the senior Title IX administrator and the coordinators and a description of the responsibilities of the senior Title IX administrator and coordinators; information on how to obtain counseling and academic assistance in the event of sexual harassment and sexual assault; and information on what interim measures can be taken to protect a complainant and how to request interim measures. The System will broadly distribute and make these materials accessible and readily available.

Reporting Requirements:

- a) By May 1, 2017, the System will provide to OCR, for review and approval, the materials developed or revised consistent with Action Item F. If OCR requires any changes to the draft of the materials, the System will make the changes and re-submit a draft of the materials within 20 days of receiving OCR's notice of required edits.
- b) Within 45 days of written notification from OCR of its approval of the materials, the System will provide documentation to OCR demonstrating compliance with Action Item F, including a final copy of the materials, along with a link to where the materials are posted on the System's websites, and information about which of the

System's offices will be responsible for distributing the materials for general education purposes and upon receipt of a complaint of sex discrimination, including sexual harassment and sexual violence.

Action Item G: University-Based Student Committees

The System will establish student committees at each of the three universities composed of a cross section of their community. The student committee at each university will identify and recommend strategies to the respective university to ensure that students understand their rights under Title IX and the System's Procedures, including how to report possible violations of Title IX, and to ensure that the System takes each complaint seriously and provides a response in accordance with the requirements of Title IX. Additionally, the student committee will recommend strategies for improving the effectiveness of the System's procedures, support services and resources available to students, and for preventing sexual harassment and violence, including outreach and educational activities. Each coordinator at the respective universities will provide a written copy of the recommendations to his or her respective Chancellor, the senior Title IX administrator, and the University of Alaska System President.

Reporting Requirements:

- a) By September 1, 2017, the System will provide documentation to OCR demonstrating that the System has established the student committees at each university described in Action Item G, including a list of names and any member's student group affiliation.
- b) By December 30, 2017, the System will provide OCR a copy of each student committee's recommendations.

Action Item H: Climate Checks

In 2017, and again in 2018 and 2019, the System will conduct a climate check with students to assess the effectiveness of steps taken pursuant to this Resolution Agreement and otherwise by the System to achieve the System's goal of a campus free of sex discrimination, in particular sexual harassment and sexual violence. The climate check must survey a significant portion or group (no less than 40% of the total student population) within the System, but is not required to be a survey of the entire system. The climate check may be accomplished through a written or electronic survey, provided that students receiving the survey also are notified of the availability of a contact person, such as a counselor, should they wish to discuss any issue in person. Any survey used should contain questions about the student's knowledge of sex discrimination (including sexual harassment and sexual violence), any experiences with sex discrimination while attending an institution within the System, and the student's awareness of the System's Title IX policies and procedures. Information gathered during these climate checks will be used to inform future proactive steps taken by the System to provide an environment that is safe and supportive to all students and in compliance with Title IX.

Reporting Requirements:

- a) By May 1, 2017, the System will provide to OCR, for review and approval, the System's plan for conducting climate checks. The plan will include the System's strategy for conducting the climate checks and analyzing the results. The System will provide any proposed future revisions to its climate check plan to OCR, for review and prior approval (allowing at least 30 days for OCR to conduct its review), during the monitoring of the Resolution Agreement.
- b) By December 30, 2017, and by the same date in 2018 and 2019, the System will provide documentation to OCR demonstrating implementation of Action Item H, including a description of how the climate checks were conducted; summaries of any student responses to surveys; summaries of other information obtained; and proposed actions, if appropriate, that the System plans to take in response to the information gathered during the climate checks.

Action Item I: Coordination with Local Law Enforcement

By May 1, 2017, the System will send a letter to each law enforcement agency with which the System already has a Memorandum of Agreement or Understanding (MOA or MOU), and to appropriate law enforcement agencies with which the System does not yet have an initial MOA, requesting to improve communication and coordination and to address the protocols and procedures for referring allegations of sexual violence, sharing information, and conducting contemporaneous investigations. The overall goal of any MOA should be to aid the System in complying with Title IX, to the extent permitted by applicable privacy and confidentiality laws. The letter will state: (1) that in instances where conduct of a sexual nature is involved, the System will delay temporarily the fact-finding portion of the Title IX investigation during local law enforcement's initial evidence gathering process, if local law enforcement requests a suspension of the System's investigation; (2) that requests that local law enforcement will endeavor to complete initial evidence gathering within 3 to 10 days of requesting that the System suspend the Title IX investigation; (3) that the System will resume the Title IX investigation on the earlier of (i) the date the System receives notification from local law enforcement that it has completed its initial evidence gathering process, or (ii) the 11th day after the System suspended the Title IX investigation, unless the System receives from local law enforcement another request to continue the suspension for a brief and specified number of days; and (4) that during the pendency of the initial evidence gathering by the police, the System is not precluded from providing witnesses with information about their Title IX rights or resources for students who experience sexual violence or taking such interim actions as may be necessary to ensure the safety of any students who experience sexual violence and the campus community.

Reporting Requirement: By May 1, 2017, the System will provide to OCR a copy of the letter(s) required by Action Item I and any written response(s) thereto.

Action Item J: Placement of Students with Other Entities

The System shall provide written notice or information sessions to all students participating in internships, clinical programs, or other off-campus programs of the System’s prohibition against sex discrimination, including sexual harassment and sexual violence; the System’s grievance procedures for Title IX complaints, including how and to whom to report any incidents of sex discrimination he or she may experience when participating in an internship, clinical program, or other program off campus; a general overview of Title IX and the rights it confers on students; and the resources available to students who have experienced sexual harassment or violence, including interim measures available during the course of an investigation. The System shall also develop and implement a procedure designed to assure the System that the operator(s) or sponsor(s) of any education program or activity at which the System places students, as part of internships, clinical programs, or otherwise, will take no action affecting any such students that would be prohibited by Title IX.

Reporting Requirements:

- a) By May 1, 2017, the System will provide to OCR, for review and approval, the System’s proposed procedure developed in accordance with Action Item J. If OCR requires any changes to the proposed procedure, the System will make the changes and re-submit a draft within 20 days of receiving OCR’s comments.
- b) By December 30, 2017, and annually thereafter on the same date in 2018 and 2019, the System will provide to OCR documentation of the System’s compliance with Action Item J, and a report of all complaints or other notice of sexual harassment in connection with placement of students with other entities.

Action Item K: Redress for and Assessment of the Twenty-Three Cases Identified by OCR

OCR identified twenty-three complaint files from academic years 2011-2012, 2012-2013, 2013-2014, and 2014-2015, to illustrate OCR concerns. Based on OCR’s review of only those paper files, the System will take at least the actions outlined below with respect to each case. In addition, the System must re-assess each case, conducting interviews and documenting or collecting other evidence as necessary, particularly where files are incomplete or ambiguous, to determine if there were other shortcomings with the System’s Title IX investigation and response that now must be addressed. If the System, in the course of re-assessing these cases, determines that an action specified below was taken but not documented in the file, e.g., notice actually was sent to both parties though the file reflects no notice or notice only to one party, then the System need not repeat that action.

Case 1: Assess what effects, if any, the complainant(s) suffered as a consequence of the System’s failure to apply the appropriate evidentiary standard in this case; assess whether the complainants have any remaining effects from this failure that the System must remedy, and send notice to the complainants regarding the System’s assessments pursuant to this Action Item K.

Case 2: Assess what effects, if any, the complainant suffered as a consequence of the System's apparent failure to offer interim relief other than counseling and instead sanction her for alcohol use; assess whether the complainant endured a hostile environment due to respondents' assaults and their presence on campus after the assaults; assess whether the complainant suffered any effects from the alleged retaliation following the assaults; assess whether the complainant suffered any effects from not being notified of the first investigation's outcome in 2011; assess whether the complainant has remaining effects from the lack of interim relief, any retaliatory acts, or any hostile environment that the System must remedy; assess whether the complainant is entitled to any other final remedy as a consequence of respondents' assaults; send notice to the complainant about the System's assessments pursuant to this Action Item K; and send notice to the complainant about the outcome of the first investigation in 2011.

Case 3: Assess what effects, if any, the complainant and students may have suffered as a result of the System's apparent failure to offer interim relief; complete an investigation report based on the evidence already collected and any additional evidence the System may find necessary to collect; assess whether the complainant and students have remaining effects from the lack of interim relief that the System must remedy; send notice to the complainant about the System's assessments pursuant to this Action Item K; and send notice to the complainant and the respondent about the outcome of the investigation report completed pursuant to this Action Item K.

Case 4: Assess what effects, if any, the complainant and students may have suffered as a result of the System's apparent failure to offer interim relief; complete an investigation report based on the evidence already collected and any additional evidence the System may find necessary to collect; assess whether the complainant and students have remaining effects from the lack of interim relief that the System must remedy; send notice to the complainant about the System's assessments pursuant to Action Item K; and send notice to the complainant and respondent about the outcome of the investigation report completed pursuant to this Action Item K.

Case 5: Assess what effects, if any, the first complainant and the second complainant suffered as a consequence of the System's failure to complete the System investigation of the first sexual assault after suspending the System's investigation in deference to campus police and the local prosecutor's office; assess whether the first complainant and second complainant have any remaining effects from the failure to complete the investigation that the System must remedy; send written notice to the second complainant and respondent about the outcome of the System's previous investigation of the second sexual assault in March 2013; and send notice to the two complainants about the System's assessments pursuant to this Action Item K.

Case 6: Conduct an investigation, to the extent possible; assess what effects, if any, the complainants suffered as a consequence of the System's apparent failure to offer interim relief; assess whether complainants have remaining effects from any lack of interim relief that the System must remedy; send notice to the complainants regarding the System's assessments pursuant to this Action Item K; and send notice to the complainants and

respondents about the outcome of the investigation report completed pursuant to this Action Item K.

Case 7: Assess what effects, if any, the complainant suffered as a consequence of the System's decision not to investigate the matter until after a criminal conviction was obtained; assess whether complainant has remaining effects from the lack of a prompt investigation that the System must remedy; and send notice to the complainant regarding the System's assessments pursuant to this Action Item K.

Case 8: Send written notice to the complainant and the respondent about the outcome of the System's previous investigation.

Case 9: Assess whether the first complainant endured a hostile environment after the assault due to the System's decision to allow respondent to remain in campus housing and continue to attend the university; assess whether the first complainant has any remaining effects from any hostile environment that the System must remedy; send notice to the first complainant regarding the System's assessments pursuant to this Action Item K; assess what effects, if any, the second complainant suffered as a consequence of the System's apparent failure to complete a prompt investigation of the sexual assault and to assess the risk associated with the continued presence on campus of respondent; assess whether the second complainant endured a hostile environment following the first assault; assess whether the second complainant has remaining effects from the failure to investigate promptly or any hostile environment that the System must remedy; assess whether the second complainant is entitled to any other final remedy as a consequence of respondent's assault; and send notice to the second complainant regarding the System's assessments pursuant to this Action Item K.

Case 10: Assess what effects, if any, the complainant suffered as a consequence of the System's apparent failure to offer interim relief and investigate the sexual assault and instead sanction her for alcohol use; assess whether the complainant has remaining effects from the System's failure to investigate the sexual assault and provide interim relief that the System must remedy; and send notice to the complainant about the System's assessments pursuant to this Action Item K.

Case 11: Interview the System professors who were involved in investigating the complaint against the student teacher, assuming they still are employed by the System, to determine if the professors are aware of any System students who were harassed by the student teacher (in which case the System must take appropriate action to investigate any impact upon those students), and to ensure the professors each understand their Title IX obligations going forward.

Case 12: Assess what effects, if any, the complainant suffered as a consequence of the System's apparent failure to offer interim relief and promptly investigate the sexual assault and instead sanction her for alcohol use; assess whether the complainant has remaining effects from the System's failure to investigate the sexual assault and provide interim relief that the System must remedy; and send notice to the complainant about the System's assessments pursuant to this Action Item K.

Case 13: Complete an investigation report of the May 2014 assault based on the evidence already collected and any additional evidence the System may find necessary to collect; send notice to the second complainant and the respondent about the outcome of the investigation report completed pursuant to this Action Item K.

Case 14: Assess what effects, if any, the complainant suffered as a consequence of the System's failure to provide interim relief (except for a class change which was implemented after a three week delay); assess whether the complainant has any remaining effects from the lack of interim relief that the System must remedy; and send notice to the complainant regarding the System's assessments pursuant to this Action Item K.

Case 15: Complete an investigation report based on the evidence already collected and any additional evidence the System may find necessary to collect; assess what effects, if any, the complainants suffered as a result of the System's apparent failure to offer interim relief; assess whether the complainants and other members of the college community endured a hostile environment due to the respondent's sexual harassment; assess whether the complainants have remaining effects from the lack of interim relief or any hostile environment that the System must remedy; send notice to the complainants and the respondent about the outcome of the investigation report completed pursuant to this Action Item K and send notice to the complainants about the System's assessments pursuant to this Action Item K.

Case 16: Assess what effects, if any, the complainant suffered as a consequence of the System's lack of promptness in sending notice to complainant about the resolution and whether the complainant has any remaining effects from that lack of promptness that the System must remedy; and send notice to the complainant regarding the System's assessments pursuant to this Action Item K.

Case 17: Conduct an investigation, to the extent possible; assess what effects, if any, the complainant suffered as a consequence of the System's failure to conduct an investigation and whether the complainant has any remaining effects from the failure to investigate that the System must remedy; send notice to the complainant regarding the System's assessments pursuant to this Action Item K and send notice to the complainant and the respondent (if respondent ever became a student of the System) about the outcome of the investigation report completed pursuant to this Action Item K.

Case 18: Assess what effects, if any, the complainant suffered as a consequence of the System's failure to promptly resolve the allegations of sexual violence and the System's failure to provide an impartial investigation; assess whether the complainant has remaining effects from the failure to promptly resolve the allegations and the System's failure to provide an impartial investigation that the System must remedy; and send notice to the complainant regarding the System's assessments pursuant to this Action Item K.

Case 19: Complete an investigation, to the extent possible; determine if the hospital conducted an investigation; assess what effects, if any, the complainant suffered as a

consequence of the System's and hospital's failure to conduct an investigation and whether the complainant has any remaining effects from the failure to investigate that the System must remedy; send notice to the complainant regarding the System's assessments pursuant to this Action Item K; and send notice to the complainant about the outcome of the investigation report completed pursuant to this Action Item K.

Case 20: Complete an investigation, to the extent possible; assess what effects, if any, the complainants suffered as a consequence of the System's failure to promptly complete an investigation; assess whether the complainants suffered any effects from the alleged retaliation following the reporting of the sexual assaults; assess whether the complainants have remaining effects from the failure to promptly investigate and from the failure to address alleged retaliatory acts that the System must remedy; send notice to the complainants regarding the System's assessments pursuant to this Action Item K; and send notice to the complainants about the outcome of the investigation report completed pursuant to this Action Item K.

Case 21: Complete an investigation report based on the evidence already collected and any additional evidence the System may find necessary to collect; assess what effects, if any, the complainant suffered as a consequence of the System's failure to promptly complete an investigation; assess whether the complainant has remaining effects from the failure to promptly investigate that the System must remedy; send notice to the complainant regarding the System's assessment pursuant to this Action Item K and notice to the complainant and the respondent about the outcome of the investigation report completed pursuant to this Action Item K.

Case 22: Complete an investigation report based on the evidence already collected and any additional evidence the System may find necessary to collect, including contacting complainant for identification of the 4 students who may have information about inappropriate relationships; assess the climate of the School of Art & Sciences by surveying former and current students to determine if a hostile environment exists or existed; send notice to the complainant regarding the System's determination pursuant to this Action Item K; and take appropriate action to address troublesome practices, if any, identified in the School of Art & Sciences.

Case 23: Assess what effects, if any, the complainant suffered as a consequence of the System's failure to offer interim relief; assess whether the complainant has any remaining effects from the lack of interim relief that the System must remedy; and send notice to the complainant about the System's assessments pursuant to this Action Item K.

Reporting Requirements:

- a) By May 1, 2017, the System will provide to OCR, for review and approval, the System's determinations and proposed remedies, and the proposed notices.
- b) Within 20 days of OCR's approval, the System will provide to OCR documentation that the System has taken steps to implement all approved remedies and send all approved notices.

Action Item L: Complaint Reviews

The System will review the sexual harassment and sexual violence complaints made during the 2014-2015 and 2015-2016 academic years. The System will review these files to determine whether the System investigated each complaint promptly and equitably, including but not limited to, specifically determining whether the System used the appropriate definitions and analyses of sexual harassment and hostile environment under Title IX; used the preponderance of the evidence standard in investigating and adjudicating; provided interim measures to protect the complainant during the pendency of the investigation; provided written notice of the outcome (including any appeal) and appeal rights to the complainant and the respondent; assessed the risk to students that an accused possibly presented; and took steps to prevent the recurrence of harassment and to address any hostile environment created by any harassment. The System will take appropriate action to address any problems identified regarding the manner in which these complaints were handled, including providing appropriate remedies that may still be available for the complainants, such as counseling or academic adjustments.

Reporting Requirements:

- a) By December 1, 2017, the System will provide to OCR, for review and approval, the results of the System's review conducted and other actions taken pursuant to Action Item L, specifically identifying any complaints or reports that were not handled promptly and equitably, all supporting materials relating to the System's review, and the System's planned action(s) to address any problems identified in the review.
- b) Within 90 days of OCR's approval, the System will provide documentation to OCR that the System has taken appropriate action to address any problems identified in the System's review.

Action Item M: New Complaints

For the 2016-2017, 2017-2018, and 2018-2019 academic years, the System will submit to OCR complete copies of all System files for that academic year documenting the System's receipt of and responses to complaints of sexual harassment, including sexual violence, made against students, employees and third parties. Along with such files, the System will submit a tracking report that includes, at a minimum: the names of complainants and respondents; the relevant university and campus; the conduct alleged; information about the individual(s) who received and processed the initial complaints; the status of the file at the time of submission to OCR, e.g., the investigation is ongoing, the investigation is suspended due to a request from law enforcement, or the System is assessing discipline to be imposed; the outcome of all completed investigations; the outcome of any student disciplinary matters related to the investigations; and evidence sufficient to determine whether effective steps were taken to eliminate and prevent recurrence of a hostile environment caused by an employee or third party. If the System submits any files before they are complete, the System will flag those files as incomplete and will re-submit those files after they are completed.

Reporting Requirement: By December 30, 2017, and by the same date in 2018 and 2019, the System will provide files and a tracking report to OCR of the information pursuant to Action Item M.

Monitoring: General Principles

The System understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the System has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8, 106.9, and 106.31, which were at issue in this case. The System also understands that by signing this Agreement, the System agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the System understands that, during the monitoring of this Agreement, OCR may visit the System, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the System has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. §§ 106.8, 106.9, and 106.31. In addition, the System understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings, including to enforce this Agreement, OCR shall give written notice of the alleged breach and sixty (60) days to cure the alleged breach.

Effective Date

This Agreement will become effective immediately upon the signature of the President or his designee below.

2-17-17
Date

James R. Johnsen
James R. Johnsen, President (or designee)
University of Alaska System on behalf of the
System