

University of Alaska Southeast Title IX Brief

Academic Year 2021-2022

September 2022 Board of Regents Meeting

Effort	Comments
Outreach, Education and Prevention/Awareness Programming	<p>Fall 2022 Activities:</p> <ul style="list-style-type: none">• Title IX Book Club, “Missoula”--meet 1x in Sept/Oct., again Nov/Dec• Equity & Compliance Open House, come see our new space!• October is DV awareness month, 2022 Theme is “No Survivor Justice Without Racial Justice”<ul style="list-style-type: none">○ Wear Purple Day○ AWARE DV presentation○ partner event w/ NSRC○ Choose Respect Rally• SafeZone Training• Work shop partnership with Risk Management for Identifying Victimization• Celebrating LGBT History Month• Partnership with Risk Management in Self Defense Classes <p>Orientation Engagement:</p> <ul style="list-style-type: none">• New student orientation OEC introduction• Campus Kick Off booth with games and raffles for prizes• Participation by OEC staff as “Orientation Leaders” <p>Title IX Education offered</p> <ul style="list-style-type: none">• OEC has conduct training at convocation• For the month of September and October there are three in-person training being offered• One Student Based Title IX training• In-person Title IX training for students offered in September• Training and campus visit scheduled for Sitka and Ketchikan• SafeZone training
Training	UA is currently between training periods, with updated training to be released in August 2021.

Title IX Student Training Completions: 88% of UAS students completed the training, trained by Equity and Compliance staff via zoom, online, or in-person, as of May 13th, 2022.

Title IX Employee Training Completions: 65% of UAS students completed the training, trained by Equity and Compliance staff via zoom, online, or in-person, as of May 13th, 2022.

Title IX Training Completed by Title IX Employees:

Meg Bergerud, Deputy Title IX Coordinator-Completed training from ATIXA and EEOC training: ATIXA Title IX Coordinator I, EEOC Investigator training, and CSA training from D.Stafford. Scheduled for ATIXA Title IX Coordinator II, ATIXA Investigation Report Writing, and ATIXA Civil Rights Investigator IV.

Ryan Wark, Title IX Coordinator- Completed ATIXA Title IX Coordinator III. Scheduled for Green Dot Train the Trainer, Praesidium Guardian Training, ADA Coordinator Training, Clery Act Training.

Bystander Training: UAS provided training using the Green Dot training for Res Life student staff. More sessions for both employees and students will be offered in late summer or early fall.

Title IX General Updates

Advocacy: UAS has reached agreements with AWARE, SEARHC, SAFV (Sitka Community Partner), WISH (Ketchikan Community Partner), and the Juneau Police Department to provide off campus confidential reporting options.

Rights: Complainants are provided rights and resources immediately, and resources at the time they are notified that a complaint was received and an investigation will occur.

Website: The UAS Office of Equity & Compliance website has gone through a major overhaul. There is now an entire platform dedicated to all compliance areas covered under the UAS OEC, including Title IX, Clery, Discrimination, and Protection of Minors. This included adding an incident reporting form for non-Title IX discrimination complaints. There have also been significant changes to the UAS Title IX page, with more detailed options of rights for the parties and reporting options. To view the changes please visit: <https://uas.alaska.edu/equity-and-compliance/>.

Community & Campus Engagement

Members of the Office of Equity and Compliance are involved in the following programs and functions:

- Protection of Minors Task Force and procedure implementation
- Clery Committee
- OEC has presented to multiple committees throughout UAS to engage with process
- Campus Safety Committee
- Presenting and partnership with the Student Government to schedule events
- Regular attendance at campus events
- Attending local functions and events put on by our partner resources
- Training engagement with Juneau Police Department

Challenges

Training

UAS has disappointingly low training numbers for the previous year. This coming year, UAS has made the conscious effort to adopt a focused effort on training, and offering more opportunities for our campus community.

Staffing

UAS OEC has added the compliance of Protection of Minors. There are substantial compliance responsibilities within OEC that make it difficult to manage workload. This will be more prominent as we move into the fall term. This could have residual impact on the offices at UAA and UAF.

Successes

Overall, the year has been a success. The office went from one staff member to three in the last year. Foundation has been laid for reporting process and engagement with our campus community on many fronts.

OEC has been successful as holding functions and events for awareness.

In the coming year, OEC will assist other partners at UAS in adopting a more inclusive training and awareness program for the rights of LGBTQIA+ community.

University of Alaska Southeast Title IX Metrics

Initial assessment by TIX and classified as: (see reverse for description)	ALL REPORTS	Inquiry ongoing. Supportive measures offered.	Report assessed. No jurisdiction. Supportive measures offered.	Report assessed. Possible policy violation, but not a Title IX policy violation. Referred to appropriate department. Supportive measures offered.	Report assessed. Cannot proceed due to nonparticipation or insufficient evidence; case closed. Supportive measures offered.	MEETS REQUIREMENTS FOR FURTHER ACTION (Subtotal)	Informal Resolution Process. Supportive measures offered.	Investigation Ongoing. Supportive measures offered.	Investigation Complete: Respondent found not responsible. Supportive measures offered.	Investigation Complete: Respondent found responsible. Supportive measures and remedies offered.
Complicity										
Dating or Domestic Violence*	3	1	1		1					
Interfering Consensual Sexual Conduct	1			1						
Quid Pro Quo										
Retaliation										
Sex- or gender-based Discrimination	11		4	6	1					
Sexual Assault*	4		4							
Sexual Exploitation	2				1	1			1	
Stalking*	3				3					
Unwelcome Sexual Conduct										
Not Title IX Behavior	10		4	3	2	1			1	
Meets Requirements for Further Action (Total)						3				
TOTAL # WHERE RESOURCES/ REFERRAL WERE OFFERED	34									
										Major discipline/sanctions**
										Minor discipline/sanctions**
Closed within 180 days	33									
Closed after 180 days										
Pregnancy Accommodations										0

* Behaviors that also fall under the Violence Against Women Act (VAWA).
 **Major discipline/sanctions includes suspension, expulsion or termination. Minor discipline/sanctions represent a variety of conditions including but not limited to warnings, education, probation, and other discretionary sanctions.

TITLE IX ACTION CLASSIFICATIONS DEFINED

All reports	This number represents all reports assessed by the Equity and Compliance Offices during this time. Reports are received through an online form, in person, by email, phone or other method.
Report assessed. No jurisdiction. Supportive measures offered.	Jurisdiction provides the authority to investigate. Jurisdiction depends on a number of factual elements, including the location of the alleged incident, affiliation of those involved, and any impact on campus. For example, if a non-student sexually assaulted a UA student off campus, UA would not have Title IX jurisdiction to investigate. Supportive measures are made available to the complainant.
Report assessed. Possible policy violation, but not a Title IX policy violation. Referred to Student Conduct / HR. Supportive measures offered.	Reports to the Equity and Compliance offices may include allegations that do not meet the definition for prohibited conducted under Title IX, such as a single comment of a sexual nature. While inappropriate, this does not rise to the level of a Title IX policy violation. In these cases, supportive measures are made available to the complainant and the issue is forwarded to the appropriate department for action under other applicable policies.
Report assessed. Cannot proceed due to nonparticipation or insufficient evidence; case closed. Supportive measures offered.	Often times a complainant in a sexual harassment or sexual assault case will not want the university to proceed with an investigation. In these situations, a Gatekeeper Analysis is completed to assess whether the University must proceed despite the complainant's wishes. Factors include involvement of a pattern of offenses, predation, force, or involvement of a minor. In other cases, investigation may not be possible due to insufficient evidence to proceed with an investigation. Supportive measures are made available to the complainants in both types of cases.
MEETS REQUIREMENTS FOR FURTHER ACTION	This number is a subtotal and represents the Title IX reports that are within University of Alaska jurisdiction, constitute a Title IX allegation, and where the complainant supports investigation or the Gatekeeper analysis requires investigation.
Informal Resolution Process. Supportive measures offered.	If the complainant, the respondent, and the Title IX coordinator all agree that an informal resolution should be pursued, the Title IX coordinator will attempt to facilitate a resolution of the conflict that is agreeable to all parties. Supportive measures are made available to the complainant and respondent as appropriate.
Investigation Ongoing. Supportive measures offered.	Investigation is underway but has not been completed at time of reporting. Supportive measures are made available to the complainant and respondent.
Investigation Complete: Respondent found not responsible. Supportive measures and remedies offered.	The respondent was found not responsible after a university Title IX investigator conducted an impartial investigation using the preponderance of the evidence standard, which requires a showing that it is more likely than not that conduct violating Title IX policy occurred. Supportive measures are made available to the complainant and respondent.
Investigation Complete: Respondent found responsible. Supportive measures and remedies offered.	The respondent was found responsible after a university Title IX investigator conducted an impartial investigation using the preponderance of the evidence standard, which requires a showing that it is more likely than not that conduct violating Title IX occurred. Supportive measures and remedies are made available to the complainant and the respondent.

INITIAL ASSESSMENT CLASSIFICATIONS DEFINED

*As defined in Board of Regents Policy and University Regulations Chapter 01.04 per federal law, August 14, 2020.

Complicity	“Complicity” is any act taken with the purpose of aiding, facilitating, promoting, or encouraging an act of sex or gender-based discrimination.
Dating or Domestic Violence	<p>“Dating violence” is violence committed by a respondent: a. who is or has been in a social relationship of a romantic or intimate nature with the complainant; and b. where the existence of such a relationship shall be determined based on a consideration of the following factors: i. The length of the relationship; ii. The type of relationship; and iii. The frequency of interaction between the persons involved in the relationship.</p> <p>“Domestic violence” includes verbal or physical assault, violating a protective order, terroristic threatening, burglary, criminal trespass, criminal mischief, harassment, arson, criminally negligent burning committed by a current or former spouse or intimate partner of the complainant, by a respondent with whom the complainant shares a child in common, by a respondent who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a respondent similarly situated to a spouse of the complainant, or by any other respondent against an adult or youth complainant who is protected from that respondent’s acts under the domestic or family violence laws of Alaska. This definition does not apply to roommates in university housing unless the parties also meet one of the above definitions within this provision as well.</p>
Interfering Consensual Sexual Conduct	Consensual sexual conduct that unreasonably interferes with other employees’ work or other students’ studies, or creates a hostile, intimidating, or offensive working, living, or learning environment.
Not Title IX Behavior	These are reports that do not fall under Title IX behavior. In these cases, supportive measures (if appropriate) are made available to the complainant and the issue is forwarded to the appropriate department for action.
Pregnancy Accommodations	To ensure equal access for pregnant individuals, the university provides reasonable accommodations and adjustments related to pregnancy and childbirth. University policy and federal and state law prohibit discrimination on the basis of sex and pregnancy in the university’s programs and activities. Specific accommodations are handled on a case-by-case basis and depend on medical need and individual requirements. A few examples of reasonable pregnancy accommodations include excusing absences from class missed due to pregnancy-related medical conditions and appointments, flexibility in the administration of exams, and providing access to accessible parking.
Quid Pro Quo	A university employee, agent, or contractor conditioning the provision of an aid, benefit, or service of the university on an individual’s participation in unwelcome sexual conduct;
Retaliation	Retaliation. Adverse action taken against a person participating in a sex and gender-based discrimination report or investigation because of that participation.
Sex or Gender-based Discrimination	“Sex and gender-based discrimination” occurs when an individual is treated less favorably on the basis of that person’s sex or gender, which may also include on the basis of sexual orientation, gender identity or expression, pregnancy or pregnancy-related condition, or a sex stereotype.
Sexual Assault	“Sexual assault” includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape. The definitions of those acts follow: a. “Rape” is non-consensual vaginal or anal penetration of a person with a penis no matter how slight, including instances where the victim is incapable of giving consent because of their age or because of their incapacitation. b. “Sodomy” is non-consensual oral or anal penetration of another person, including instances where the victim is incapable of giving consent because of their age or because of their

	<p>incapacitation. Examples of sodomy are non-consensual anal penetration with a tongue or finger or oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact. c. "Sexual assault with an object" is non-consensual vaginal or anal penetration with an object no matter how slight the penetration. d. "Fondling" is the touching of the breasts, buttocks, or genitals of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of incapacitation. Fondling can occur over or under clothing.</p>
Sexual Exploitation	<p>"Sexual exploitation" occurs when a person takes non-consensual or abusive sexual advantage of another for the person's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, including but not limited to: i. invasion of sexual privacy, prostituting another person, nonconsensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as secretly letting others watch consensual sex), engaging in voyeurism; ii. knowingly transmitting an STI or STD to another individual without that individual's knowledge; iii. intentionally or recklessly exposing one's genitals for the purpose of sexual gratification; iv. inducing another to expose their genitals.</p>
Stalking	<p>"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to either fear for their safety or the safety of others; or suffer substantial emotional distress.</p>
Unwelcome Sexual Conduct	<p>Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education program or activity.</p>