

## 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*   |             |   |  |   |   |  |   |   |  |   |
| Interfering Consensual Sexual Conduct                                      |             |   |  |   |   |  |   |   |  |   |
| Quid Pro Quo   |             |   |  |   |   |  |   |   |  |   |
| Retaliation  |             |   |  |   |   |  |   |   |  |   |
| Sex- or gender-based Discrimination  | 5           |   | 4  | 1   |   |  |   |   |  |   |
| Sexual Assault*  | 3           |   | 2  |   |   | 1  | 1   |   |  |   |
| Sexual Exploitation  | 2           |   | 2  |   |   |  |   |   |  |   |
| Stalking*  |             |   |  |   |   |  |   |   |  |   |
| Unwelcome Sexual Conduct   | 4           |   | 4  |   |   |  |   |   |  |   |
| Not Title IX Behavior  | 7           |   | 5  | 2   |   |  |   |   |  |   |
| <b>Meets Requirements for Further Action (Total)</b>                       |             |   |  |   |   | <b>1</b>   |   |   |  |   |
| <b>TOTAL # WHERE RESOURCES/ REFERRAL WERE OFFERED</b>                      | <b>21</b>   |   |  |   |   |  |   |   |  |   |
|  |             |   |  |   |   |  |   |   | Major discipline/sanctions**   |   |
|  |             |   |  |   |   |  |   |   | Minor discipline/sanctions**   |   |
| Closed within 180 days   | <b>20</b>   |   |  |   |   |  |   |   |  |   |
| Closed after 180 days  |             |   |  |   |   |  |   |   |  |   |
| Pregnancy Accommodations   |             |   |  |   |   |  |   |   |  |   |

\* 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

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| <b>All reports</b>   | 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.   |
| <b>Report assessed. No jurisdiction. Supportive measures offered.</b>  | 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.   |
| <b>Report assessed. Possible policy violation, but not a Title IX policy violation. Referred to Student Conduct / HR. Supportive measures offered.</b> | 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.  |
| <b>Report assessed. Cannot proceed due to nonparticipation or insufficient evidence; case closed. Supportive measures offered.</b>                     | 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. |
| <b>MEETS REQUIREMENTS FOR FURTHER ACTION</b>   | 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.  |
| <b>Informal Resolution Process. Supportive measures offered.</b>   | 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.   |
| <b>Investigation Ongoing. Supportive measures offered.</b>   | Investigation is underway but has not been completed at time of reporting. Supportive measures are made available to the complainant and respondent.  |
| <b>Investigation Complete: Respondent found not responsible. Supportive measures and remedies offered.</b>   | 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.  |
| <b>Investigation Complete: Respondent found responsible. Supportive measures and remedies offered.</b>   | 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.

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| <b>Complicity</b> | "Complicity" is any act taken with the purpose of aiding, facilitating, promoting, or encouraging an act of sex or gender-based discrimination. |
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| <b>Dating or Domestic Violence</b>           | <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> |
| <b>Interfering Consensual Sexual Conduct</b> | 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.   |
| <b>Not Title IX Behavior</b>                 | 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.  |
| <b>Pregnancy Accommodations</b>              | 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.   |
| <b>Quid Pro Quo</b>                          | 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;  |
| <b>Retaliation</b>                           | Retaliation. Adverse action taken against a person participating in a sex and gender-based discrimination report or investigation because of that participation.   |
| <b>Sex or Gender-based Discrimination</b>    | “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.  |
| <b>Sexual Assault</b>                        | “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 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   |

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|                                 | 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.   |
| <b>Sexual Exploitation</b>      | “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. |
| <b>Stalking</b>                 | “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.   |
| <b>Unwelcome Sexual Conduct</b> | 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.  |

**University of Alaska Southeast Title IX Brief**

**Academic Year 2022-2023**

**November 2022 Board of Regents Meeting**

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| Effort   | Comments  |
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| <p><b>Outreach, Education and Prevention/Awareness Programming</b></p> | <p>Winter 2022/2023</p> <ul style="list-style-type: none"> <li>● Coordinated a mental health outreach with student services during finals week</li> <li>● Worked to establish a strong relationship with off campus resources and have consistent engagement to increase on and off campus resources for UAS community</li> <li>●</li> </ul> <p>Planned Spring 2023:</p> <ul style="list-style-type: none"> <li>● UAS will once again hold Sexual Assault Awareness month, culminating in a Take Back the Night event</li> <li>● OEC training week: members can participate in voluntary trainings for an entire week of short training seminars hosted by OEC and friends</li> </ul> <p>Spring Orientation Engagement:</p> <ul style="list-style-type: none"> <li>● Conduct new student orientation introductions in collaboration with Student Services</li> </ul> <p>Winter/ Spring Awareness Activities</p> <ul style="list-style-type: none"> <li>● SafeZone Training</li> <li>● Work shop partnership with Risk Management for Identifying Victimization</li> <li>● Partnership with Risk Management in Self Defense Classes</li> <li>● Sexual Assault Awareness month! Collaborating with community partners on and off campus to provide engaging public awareness</li> </ul> <p>Title IX Education offered and Tabletop exercises upon request</p> |
|  | <p><b>Title IX Student Training Completions:</b> 43% of UAS students completed the training via Blackboard as of December 30th, 2022</p> <p><b>Title IX Employee Training Completions:</b> 89% of UAS employees completed the training, trained by Equity and Compliance staff via zoom, online, or in-person as of December 31st, 2022</p> <p><b>Title IX Training Completed by Title IX Employees:</b></p>  |

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|   | <p>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.</p> <p>Ryan Wark, Title IX Coordinator- Completed ATIXA Title IX Coordinator III. Praesidium Guardian Training, ADA Coordinator Training, D. Stafford Clery Act Academy.</p>  |
| <p><b>Title IX General Updates</b></p>          | <p><b>Advocacy:</b> 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. This has extended to Ketchikan and Sitka Police Departments</p> <p><b>Rights:</b> 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.</p> <p><b>Website:</b> The UAS Office of Equity &amp; 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.</p> <p>There will be work to expand the training services offered and availability of OEC staff to conduct investigations added, in collaborations with student services</p>  |
| <p><b>Community &amp; Campus Engagement</b></p> | <p>There has been a change to the Title IX committee structure. The Director of OEC will meet on a regular basis with advisory committees, student clubs and organizations, and student/staff/faculty governments. This will improve office engagement with a wider variety of people, with different perspectives and goals based on their involvement with the committee or club they are in. This is seeking to improve visibility, outreach and campus participation in OEC events and activities</p> <p>The office of Equity &amp; Compliance will offer Title IX training and Clery training for the Juneau Police Department, and the Juneau Municipal prosecuting attorneys. This outreach will also be sent to Ketchikan, Sitka, and Alaska State troopers on the Southeast region.</p> <p>There is continued work to update the UAS Office of Equity &amp; Compliance website. This expected to be completed this spring with a smoother path to report Title IX complaints online</p> <p>Travel to Sitka and Ketchikan was successful. Training was conducted and the Director received a tour of the two campuses. More frequent and consistent trips have been planned.</p> |

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|                          | <p>UAS will again host Sexual Assault Awareness month with weekly events and activities campus wide. This work will be done in collaboration with several local partners, and partners across all three campuses.</p>   |
| <p><b>Challenges</b></p> | <p><b>Office overload</b></p> <p>In the Fall, UAS Deputy Title IX Coordinator Meg Bergerud took a position within the state of Alaska legislature. While this was a great opportunity for her, it set back the office substantially. OEC has greatly heightened its public awareness and training endeavors, which has led to an increase in cases reported to our office, which is reflected in our increased caseload. This increase, compounded by the ongoing projects and daily work in Clery compliance and Protection of Minors, which UAS OEC is also responsible for, have led to a complete overload of the OEC office. There is one person managing all federal compliance for UAS.</p> <p>This has led to a constant state of triage. Deadlines and other important work needed to improve our campus programs have been put aside to manage important case work that is coming in.</p> <p>It also strains resources at UAA and UAF, as we conduct investigations, resources from their offices are used to compensate for our lack of staffing.</p> <p>The University needs to consider adding additional personnel, and funding to this department to adequately manage what is required of our responsibilities.</p> <p>The Deputy position is posted and the hiring committee is reviewing applications, no candidates have been found that meet the minimum criteria at this time.</p> |
| <p><b>Successes</b></p>  | <p>UAS has had a very successful year in public and campus outreach. Case reports, and the amount of resources provided have increased from this time last year. This increased awareness shows the effectiveness of the public outreach and advocacy efforts from the last year.</p> <p>This is reflected in our training numbers. It was the OEC goal last summer to have 90% of our employees trained this year in Title IX. We have 89% of all employees trained.</p> <p>We also see a marked improvement in our student training. Which has improved by 20% in comparison to this same briefing last year. Significant collaboration with student services will hopefully show continued growth in our student training numbers.</p> <p>This public outreach has shown a drastic improvement of our office visibility. Not only is our number of reports up, there was a substantial increase in the number of in-person student reports made.</p>   |

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|  | Increased communication with UAS leadership to establish a direction for OEC outreach and engagement |
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