



# Rights and Resources

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## Overview

The University of Alaska (UA) is committed to providing a safe and respectful campus environment, free from discrimination on the basis of race; religion; color; national origin; citizenship; age; sex; physical or mental disability; status as a protected veteran; marital status; changes in marital status; pregnancy, childbirth or related medical conditions; parenthood; sexual orientation; gender identity; political affiliation or belief; genetic information; or other legally protected status. This commitment extends to admissions and employment.

Students and employees may not be adversely treated or affected in a manner that unlawfully distinguishes or differentiates on the basis of a person's legally protected status or on some basis other than qualifications, abilities, and performance. Principles of academic freedom and freedom of expression require tolerance of the expression of ideas and opinions, even when they may be offensive to some. However, ideas and opinions must be expressed in a manner that does not create an intimidating, hostile, or offensive environment or unreasonably interfere with an individual's performance.

UA Board of Regents' Policy and University Regulation (BOR P&R) Chapter 01.02 (available at <http://alaska.edu/bor/policy-regulations/>) further defines prohibited behavior and details the administrative grievance process (including inquiries, investigations, and appeals) which the university uses if prohibited behavior is alleged to have occurred. Although in some instances law enforcement may separately be involved with a matter, UAF's Department of Equity and Compliance (DE&C) does not conduct criminal investigations. Instead, the DE&C conducts prompt, fair, and impartial administrative investigations to determine if, using the preponderance of the evidence standard, there has been a violation of Board of Regents' Policy. This document highlights information contained within Chapter 01.02, including the rights of both parties and available resources.

## Key Terms

- "Complainant" is used to refer to an individual reported to be the victim of conduct that could constitute unlawful discrimination, regardless of whether the individual filed a complaint or is otherwise seeking disciplinary action.
- "Respondent" is used to refer to an individual reported to be the perpetrator of conduct that could constitute unlawful discrimination.
- "Parties" is used to refer to both complainants and respondents, collectively.

## Seeking Help

Everyone has the right to a learning and working environment free from unlawful discrimination, and anyone may report conduct which they reasonably believe constitutes discrimination. (In addition to the DE&C, reports of discrimination may be made to the Department of Education's Office for Civil Rights.) No university official may take disciplinary or other adverse action against a person for reporting what they believe to be

discriminatory behavior, even if it is determined the reported behavior was not a violation of BOR Policies and University Regulations.

Assistance addressing unlawful discrimination is available to everyone; neither party is required to resolve an allegation directly with the other party.

Outside of the UA grievance process, a complainant may pursue law enforcement assistance by filing a separate report with a law enforcement agency. In most circumstances, the DE&C will not file a report with law enforcement, but may, upon request, assist in connecting a complainant with the proper law enforcement agency. **Anyone who feels at risk of imminent harm should immediately call 911.**

### Supportive Measures

Upon request, reasonably available and appropriate supportive measures (e.g., assistance accessing confidential counseling or advocacy services; academic support; on-campus escorts; university no contact orders; and adjustments to classes, housing, and work environments) may be available. A formal investigation is not required to receive supportive measures, and they may be requested or changed at any time, without any fee.

Either party may request supportive measures by contacting the UAF DE&C Director, Margo Griffith, at (907) 474-7300 or [uaf-deo@alaska.edu](mailto:uaf-deo@alaska.edu).

- Counseling: Students may receive counseling from the UAF Student Health and Counseling Center. Appointments may be made by calling (907) 474-7043, Monday through Friday. Eligible employees may seek counseling through the UA Employee Assistance Program by calling (800) 697-0353, 24-hours-a-day, seven-days-a-week.

### Participation

Each party is given an equal opportunity to contribute relevant witnesses and evidence to DE&C investigations. Parties may choose to participate in the grievance process, but are not required to do so. Upon being contacted regarding the grievance process, parties should promptly communicate their preference to the DE&C. If a party does not respond to communications from the DE&C, it may be presumed the party has elected not to participate. Complainants may request that the university not investigate a report which identifies them as a potential complainant; however, in some instances implicating broader university concerns, the DE&C Director may initiate an investigation despite non-participation of the complainant.

### Honesty

Misrepresenting the truth during a university investigation and/or making false statements to any university official or office is a violation of the Student Code of Conduct for students under BOR Regulation R.09.02.020(2)(b) and is subject to Corrective Action for employees under BOR Policy P.04.07.040.

### Informal Resolution

As detailed in University Regulation R01.02.025.D, any party may request to use the university's informal resolution process (which may involve, for instance, mediation, training, restorative justice, developmental opportunities, or apologies) to resolve a formal complaint any time before a determination of responsibility has been made. As long as all parties agree in writing to attempt the informal resolution process, the formal grievance process will stop and the informal resolution process will begin. If any party no longer wishes to use informal resolution, the informal resolution process will end and the formal grievance process will resume.

## Privacy

As detailed in BOR Policy P01.02.025, the university takes steps to preserve the privacy of those involved in the grievance process. However, complete privacy may not be possible in some circumstances, especially in cases where the university must take action to protect the safety of others. Additionally, respondents in investigations will be advised of the identity of the complainant(s) and the nature and circumstances of the allegations.

## Advocates

Each party may use an advocate of their choice, and may bring the advocate with them to any meetings related to the grievance process, including interviews. (Bargaining unit employees may also bring a union representative to any meetings related to the grievance process.) A party's advocate may be anyone, including a friend, relative, student, faculty or staff member, advocacy organization staff member or volunteer, union representative, or attorney; but any cost associated with an advocate is the party's responsibility.

(For further assistance navigating the grievance process, students may contact the UAF student government ombudsman through ASUAF, located at 119 Wood Center and available by phone at (907) 474-7355 or online at <https://asuaf.com/>.)

## Retaliation

As detailed in University Regulation R01.02.025.H, everyone involved in the grievance process has the right to be free from retaliation. Threats or other forms of intimidation or retaliation against complainants, respondents, witnesses, investigators, or anyone else involved in the grievance process will constitute a violation of university policy and may be subject to separate administrative action.

## Communication

Either party may contact the DE&C Director for updates regarding the status of a complaint, investigation, or appeal. Both parties will be simultaneously informed in writing of the outcome of the investigation and any appeal opportunities.