

# Student Organizations Handbook

## Title IX

**"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance."**

*-Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act*

### **What Title IX means for you and your student organization**

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs and activities at the university unless such programs and activities are specifically exempt from the law. The University of Alaska Fairbanks is required to be in compliance with provisions of Title IX; **therefore, compliance with Title IX is a condition to be a registered and approved student organization at UAF.** As a condition of the status as a recognized student organization each individual member, and the organization collectively, are required to abide by the following practices outlined.

All organizations must be equitable in their treatment of members, non-members, and the community. Any organization or member(s) violating Title IX policy will be in violation of UAF policy. Both the organization and any member(s) found violating compliance with Title IX will be subject to corrective and/or disciplinary actions.

The Office of Diversity & Equal Opportunity leads a focused effort to build inclusive systems at UAF by

- ensuring compliance with civil rights laws;
- providing advice and direction to administration, faculty, staff, supervisors and students;
- institutionalizing processes to eradicate discrimination and build equity.

Additionally, the office of Diversity and Equal Opportunity may handle instances of discrimination, bullying & cyber-bullying, hazing, and sexual harassment and misconduct as it relates to students and student organizations.

# Discrimination

What is discrimination? The civil rights laws protect individuals from being treated differently based on their belonging to a protected category. Categories protected by law include, race, color, national origin, religion, sex, mental or physical disability, age (over 40), genetic information, reprisal or retaliation, marital status, parenthood, pregnancy and veteran status. Additionally, UAF employees are covered by policy against discrimination based on sexual orientation.

## University of Alaska Policies Regarding Discrimination

### **P04.01.020. Nondiscrimination Statement**

In accordance with federal and state law, illegal discrimination in employment against any individual because of race, color, religion, national origin, age, sex, sexual orientation, veteran status, physical or mental disability, marital status or changes in marital status, pregnancy or parenthood is prohibited. Decisions affecting an individual's employment will be based on the individual's qualifications, abilities and performance, as appropriate.

### **P04.02.020. Discrimination.**

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

B. Discrimination refers to being adversely treated or affected, either intentionally or unintentionally, in a manner that unlawfully differentiates or makes distinctions on the basis of the individual's legally protected status or on some basis other than an individual's qualifications, abilities and performance, as appropriate. The university will vigorously exercise its authority to protect employees and students from discrimination by agents or employees of the university, students, visitors and guests.

C. Nothing contained in this policy will be construed or applied to limit or abridge any person's constitutional right to freedom of expression or to infringe upon the legitimate academic freedom or right of due process of any member of the university community. Principles of academic freedom and freedom of expression require tolerance of the expression of ideas and opinions even though they may be

offensive to some. However, ideas and opinions must be expressed in a manner that does not create an intimidating, hostile, or offensive working or learning environment or unreasonably interferes with an individual's performance. The university upholds and adheres to principles of academic freedom and the laws prohibiting discrimination in employment and education.

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

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

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

## Sexual Harassment

Title IX includes, but is not limited to, sexual harassment. Sexual assault, sexual misconduct, stalking, and dating violence fall under the purview of Title IX sexual harassment. "Sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

- a. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or education; or
- b. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; or
- c. such conduct has the purpose or necessary effect of unreasonably interfering with an individual's work or creating a hostile, intimidating or offensive working or learning environment; and
  - (1) such conduct is known by the offender to be unwelcome, harmful, or offensive; or
  - (2) a person of average sensibilities would clearly understand the behavior or conduct is unwelcome, harmful, or offensive.

# Bullying & Cyber-bullying

Bullying and cyber-bullying are defined as the repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally (and are not protected by freedom of expression). Bullying includes, but is not limited to, comments about race, color, national origin, sex, sexual orientation or disability.

## Hazing

Hazing is any act likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to admission, initiation, pledging, joining, or any other group-affiliation activity.

## Single Sex Organizations

The U.S. Department of Education Office of Civil Rights has established a set of criteria for determining when a single sex organization is exempt from the provisions of non-discrimination regarding gender and membership in the organization. The criteria are as follows:

- The organization must have tax-exempt status under Section 501 of the Internal Revenue Code;
- Members must be limited to students, staff, or faculty
- The organization must be a “social fraternity or sorority” as defined by the Department of Education

The Department of Education defines a “social fraternity or sorority” as a group that can answer “no” to all the following questions:

- (1) Is the organization’s membership limited to persons pursuing or having interest in a particular field of study, profession, or academic discipline?
- (2) Is the membership limited to individuals who have a high level of achievement in scholarship or any other endeavor?
- (3) Are the members permitted to hold membership in other fraternities or sororities at the university?

If a group answers “yes” to any of the questions, it is not a “social fraternity or sorority” and is not exempt from the requirements of Title IX.

# What your organization can do

Students are encouraged to contact the Office of Diversity and Equal Opportunity with questions or concerns. Office of Diversity and Equal Opportunity are available for workshops and trainings to benefit your student organization.

For more information on the Office of Diversity and Equal Opportunity please visit: <http://www.uaf.edu/oeo/> or by phone at: 907-474-7300, or visit them the Nordic House at 739 Columbia Circle.

While it is often thought of as a law that applies to athletics programs, Title IX is much broader than Athletics and applies to many programs at the University of Alaska Fairbanks. While compliance with the law is everyone's responsibility at UAF, listed below are the staff members who have primary responsibility for Title IX compliance.

Mae Marsh  
Director of Diversity & Equal Opportunity  
Nordic House, 739 Columbia Circle  
(907) 474-6600

Ana Richards,  
Diversity & Title IX Coordinator  
Nordic House, 739 Columbia Circle  
(907) 474-7300

Confidential Reporting:

UAF Resources:

- UAF Health and Counseling  
<http://www.uaf.edu/chc/>
- Office of Diversity and Equal Opportunity  
<http://www.uaf.edu/oeo/complaints/>

Community Resources:

- Center for Non-Violent Living
- Careline Crisis Intervention
- Crisis Life for Domestic Violence & Rape
- Fairbanks Community Behavioral Health Center
- Alaska Native Women Coalition
- Tanana Chiefs, Family Centered Service
- Standing Together Against Rape
- Sexual Assault Nurse Examiners or Sexual Assault Response Teams

Additional, Non-Confidential, UAF Reporting Resources:

- UAF Police Department
  - Emergency Line: 474-7221
- UAF LIVE program staff
- UAF Women's Center