



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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SEATTLE, WA 98174-1099

May 12, 2014

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WASHINGTON

Mr. Michael O'Brien
Associate General Counsel
University of Alaska
203 Butrovich Building
P.O. Box 755160
Fairbanks, Alaska 99775-5160

Re: University of Alaska System
OCR Reference No. 10146001

Dear Mr. O'Brien:

On May 5, 2014, the U.S. Department of Education (Department), Office for Civil Rights (OCR), sent President Gamble a letter informing him that OCR has selected the University of Alaska System (University) for a compliance review. As stated in that letter, the compliance review will examine the University's handling of complaints of sexual harassment, including sexual violence, to determine if the University has responded promptly and effectively, with particular emphasis on complaints of sexual violence.¹

OCR is responsible for enforcing title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance. As a recipient of federal financial assistance from the Department, the University is subject to Title IX. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR is now opening this compliance review. Please note that opening this compliance review in no way implies that OCR has made any conclusions as to whether a violation of federal law exists. During the review, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the recipient and other sources, as appropriate. OCR will ensure that its review is legally sufficient and in accordance with the provisions of Article III of *OCR's Case Processing Manual*.

¹ The term "sexual harassment" means unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against an individual's will or where an individual is incapable of giving consent due to the individual's use of drugs or alcohol, and includes rape, sexual assault, sexual battery, and sexual coercion.

OCR intends to conduct a prompt investigation for this compliance review. The regulation implementing title VI of the Civil Rights Act of 1964 (Title VI) at 34 C.F.R. §100.6(b) and (c) requires that a recipient of federal financial assistance make information that may be pertinent to reach a compliance determination available to OCR. This requirement is incorporated by reference into the regulation implementing Title IX at 34 C.F.R. § 106.71. Pursuant to 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31(a)(3)(iii), of the regulation implementing the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, OCR may review personally identifiable records without regard to considerations of privacy or confidentiality.

Accordingly, OCR is requesting that you forward the following information to us within thirty (30) calendar days from the date of this letter. Wherever possible, please provide the requested information in electronic format. If responsive data is available through the internet, please provide the link. The responses should be based on information from each University, including all campuses and program locations within the Universities. To the extent possible, where applicable, please separate the data in the responses for each of the constituent Universities (University of Alaska Anchorage, University of Alaska Fairbanks, and University of Alaska Southeast).

1. The name, title, e-mail address, and daytime telephone number of each of the University's Title IX Coordinator(s). Indicate the method(s) by which this contact information is publicized and distributed to the University community. Please provide copies of all materials containing this information. If more than one Title IX coordinator has been designated for a particular campus, indicate each coordinator's responsibilities.
2. The name, title, e-mail address and phone number of entities or persons other than the Title IX Coordinator(s) who customarily receive reports of sexual harassment, including sexual violence. This may include persons who provide counseling or advice, non-academic deans, and leaders of student organizations.
3. Indicate whether a person has been designated to be "on call" at any campus to assist victims of sexual harassment, including sexual violence. If so, provide the person's name, title, phone number, and e-mail address.
4. All policies within the University addressing sexual harassment and sexual violence against students and University employees. Please include an explanation of how the policies are publicized and disseminated to students and University employees. Please provide the name, title, and daytime telephone number of the person(s) responsible for implementing these

policies. To the extent that these policies have been modified since August 1, 2010, please provide copies of all such policies in effect since August 1, 2010, indicating the time period when each version was in effect.

5. If not already provided, all grievance and complaint procedures within the University available to students, University employees, or third parties who wish to file a complaint of sexual harassment or sexual violence. Please include an explanation of how the procedures are publicized and disseminated and any written notices about the procedures. Please provide the name, title, and daytime telephone number of the person(s) responsible for implementing these procedures, if other than the Title IX Coordinator(s). To the extent that these procedures have been modified since August 1, 2010, please provide copies of all such procedures in effect since August 1, 2010, indicating the time period when each version was in effect.
6. If not already provided, all policies and procedures within the University system that relate to the obligation of faculty, staff, and other employees to report possible sexual harassment or sexual violence of which they are aware.
7. If not already provided, all policies and procedures within the University system for investigating reports of sexual harassment, including sexual violence. Please provide the name, title, and daytime telephone number of the person(s) responsible for investigating and resolving reports of sexual harassment and sexual violence.
8. A copy of all notice(s) of non-discrimination in the University system. Indicate how the notice(s) is publicized and disseminated to students, employees, applicants for admission and employment, and other relevant persons.
9. A copy of all Student Code(s) of Conduct in the University system for 2011-2012, 2012-2013 and 2013-2014 school years. Please include information about how the Code(s) were published and/or made available to the University community, for what time periods they were in effect, and to what population(s) within the University system they apply.
10. A copy of all student handbooks, employee handbooks, and student athlete handbooks in the University system for the 2011-2012, 2012-2013 and 2013-2014 school years.

11. A description of each complaint of sexual harassment, including sexual assault and sexual violence, since the beginning of the 2011-2012 academic year that was received or of which the University had knowledge. For each complaint, provide:
 - a. A copy of the incident report or complaint or a narrative description of the complaint, if no incident report or written complaint exists.
 - b. The status of the complainant (e.g. student, professor, visitor, etc.).
 - c. Indicate the location where the alleged sexual assault or sexual violence occurred and whether the alleged perpetrator(s) and the complainant were members of a University intercollegiate athletic team or members of a University sorority or fraternity.
 - d. The name and title of the person who initially received the complaint.
 - e. The names and titles of all others involved in the processing of the complaint.
 - f. If the complaint was not investigated, a narrative explanation of why it was not.
 - g. If the complaint was investigated, the names and titles of all individuals involved in the investigation of the complaint.
 - h. A description of the procedures used to investigate the complaint and of all actions taken by the University.
 - i. A copy of notes, correspondence, witness statements, police reports, and other similar documentation used in the investigation of the complaint.
 - j. A timeline of the University's completion of each step of the investigation.
 - k. A copy of the University's written findings or resolution of each complaint, or a narrative description if no written document exists, including a description of any corrective action taken and sanctions imposed. Indicate the method by which the complainant and the

accused were notified of this information (i.e., verbally or in writing). Also indicate how the University made its determinations.

- l. A copy and/or description of all communications between the University and the complainant and the University and the accused regarding this complaint. Provide a copy and/or description of any follow-up communication between the University and these parties.
 - m. If there was an appeal, provide:
 - i. A copy of the written appeal and all materials submitted with the appeal, or a narrative description if no written document exists.
 - ii. The name and title of all persons involved in the processing of the appeal, with a description of the role played by each person.
 - iii. A description of the procedures used to decide the appeal and an explanation of the outcome of the appeal.
 - iv. A copy of all correspondence, notes, and documentation related to the appeal.
12. A description of any hearings conducted from the 2011-2012 school year to date on complaints related to the sexual harassment, including sexual violence, of a student including:
 - a. A copy of all documentation related to the hearing, including hearing transcripts, campus police records, and other University records.
 - b. A copy of all information sent to the complainant and the accused regarding the results of the hearing and investigation.
 - c. Indicate how the University reached its conclusions and made determinations of corrective action.
13. Please provide a list of all sex offenses reported under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) for 2011, 2012, 2013, and 2014, as well as copies of all records and supporting documentation for all Clery Act reports, to include copies of pages from daily crime logs for days in which sex offenses were recorded.

14. All education and training materials provided to University employees on the University's policies and procedures on sexual harassment and sexual violence, including their responsibility to report possible harassment, for the years of 2011, 2012, 2013, and 2014. Please include a list of training sessions given to University employees on sexual harassment and sexual violence. Provide the name and qualifications of the individuals who provided the training sessions, the specific topics of the training sessions, the dates the training sessions were held, and a list of individuals who attended the training sessions.
15. A copy of all education and training materials provided to University employees who investigated allegations of sexual harassment and sexual violence for the years of 2011, 2012, 2013, and 2014. Please include a list of training sessions given to these employees. Provide the name and qualifications of the individuals who provided the training sessions, the specific topics of the training sessions, the dates the training sessions were held, and a list of individuals who attended the training sessions.
16. A copy of all education and training materials provided to University students and/or employees who adjudicated allegations of sexual harassment and sexual violence for the years of 2011, 2012, 2013, and 2014. Please include a list of training sessions given to these employees. Provide the name and qualifications of the individuals who provided the training sessions, the specific topics of the training sessions, the dates the training sessions were held, and a list of individuals who attended the training sessions.
17. A copy of all education and training materials provided to students on the University's policies and procedures on sexual harassment and sexual violence during the years of 2011, 2012, 2013, and 2014. Please include a list of training sessions given to students on sexual harassment and sexual violence. Provide the name and qualifications of the individuals who provided the training sessions, the specific topics of the training sessions, the dates the training sessions were held, and a list of students who attended the training sessions.
18. Please describe all other measures taken by the University system to address and prevent sexual harassment and sexual violence, including all outreach and educational efforts. Please include information on any task force created by the University system to address these issues, and include the names and titles of all individuals involved in the task force, the specific issues the task force

was created to address, the date the task force was created, and the efforts made to date by the task force.

19. Copies of all studies and reports developed by consultants, working groups, committees, task forces, etc., referencing sexual harassment and/or sexual violence at the University system from August 2010 to present, including the names and titles of any University system administrators and staff involved in the development of such reports. Please also include the name of administrators and staff involved in implementing the recommendations within the reports, and the timeframes during which such implementation occurred.
20. A description of any focus group developed to address sexual harassment and/or sexual violence at the University system since the beginning of the 2011-2012 school year to present, including meeting minutes of the focus group meeting.
21. Please provide all student and employee surveys regarding incidents of sexual harassment and/or whether a hostile environment on the basis of sex exists on the campus(es) conducted during 2011, 2012, 2013, and 2014. Please also provide the results of those surveys.
22. Please describe all University system resources available to address the health and safety of victims of sexual harassment and sexual violence (e.g. counseling, escort services, academic support, etc.). Please note whether or not any listed resource maintains confidentiality.
23. If not already provided, please provide the University system's policies and procedures on imposing sanctions upon and/or taking corrective action against students and employees for committing acts of sexual harassment and sexual violence.
24. Please provide a list of all fraternities and sororities associated with the University system, along with the address of each fraternity or sorority house, and the name and contact information for each fraternity or sorority president. Also indicate whether the fraternities and sororities associated with the University system are housed on University system property or in University system-owned or operated buildings, and whether University system police have jurisdiction over the fraternity or sorority houses.

25. The name, title, and contact information of any law enforcement personnel who customarily receive and investigate reports of sexual harassment, including sexual violence. Indicate whether the personnel are on-campus or local off-campus police and public safety employees.
26. A copy of any agreements or Memorandum of Understanding (MOU) between the University and any local police departments regarding the handling and investigation of reports of sexual harassment and sexual violence.
27. A description of how the University coordinates and interacts with local law enforcement agencies on the investigation of sexual harassment incidents, including sexual violence, that may be criminal in nature. For all such incidents, describe the actions taken by the University system when the incident was pending with a local law enforcement agency. Also provide the names and contact information for the staff responsible for contacting the local law enforcement agencies or rape crisis centers when such a complaint was filed with the University, and the name and contact information for the University staff member(s) who is the liaison to local law enforcement for cases of sexual harassment/violence.
28. Please explain the University's system for tracking and maintaining information on incidents of sexual harassment or sexual violence. Please include the name and title of the person who maintains complaints, investigative materials, and findings regarding these incidents.
29. Please explain how the University system coordinates its Title IX enforcement with respect to sexual harassment and sexual violence.
30. A copy of any University publications concerning the sexual harassment, including sexual violence, of students since August 1, 2012, including reports and newspaper articles.
31. Please provide the names of all student groups or campus organizations that address issues and concerns with sexual harassment, including sexual violence, and the contact information for each organization such as websites or e-mail addresses. Indicate what information about these groups and organizations is available to students and employees.
32. To the extent not listed in No. 31, above, a list of all official student or campus organizations, including contact information for each group.

33. To the extent not listed in No. 31, above, a list of rape crisis centers that serve the University system, and the contact information for these centers. Indicate how this information is distributed to students and employees.
34. Please provide a breakdown, by gender, of the number of students who lived in University on-campus student housing, off-campus student housing, or in fraternities or sororities associated with the University, during 2011, 2012, 2013, and 2014.
35. Please provide a breakdown, by gender, of the number of students who participated in University intercollegiate athletics teams during 2011, 2012, 2013, and 2014.

Thank you for your cooperation in this matter. In addition to the information requested above, OCR may need to request additional information and interview pertinent personnel. During the course of this investigation, we will conduct one or more mutually convenient on-site visits.

We would like to talk with you sometime this week regarding the information requested in this letter. The individuals at OCR who have been assigned to conduct this investigation along with me are Amy Klosterman, attorney, and Cathy Fawley, attorney. If you have any questions or concerns, please do not hesitate to contact me at (206) 607-1633 or by e-mail at shirley.oliver@ed.gov, Ms. Klosterman at (206) 607-1622 or by e-mail at amy.klosterman@ed.gov, or Ms. Fawley at (206) 607-1609 or by e-mail at catherine.fawley@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shirley M. Oliver', with a stylized flourish at the end.

Shirley M. Oliver
Senior Equal Opportunity Specialist