


ALASKA PACIFIC UNIVERSITY OFFICIAL POLICY				
Policy Title:	Interim Anti-Harassment and Sexual Misconduct Policy			
Class:	Board Approved <input type="checkbox"/>		Academic/Non-Academic University Policy <input checked="" type="checkbox"/>	
Approvals: <small>(not valid unless properly signed)</small>	_____ Chair, Board of Trustees Date		 _____ 8/14/2020 President Date	
	_____ President Date			
File Under:	General Administration <input type="checkbox"/>	Finance <input type="checkbox"/>	Risk Management <input type="checkbox"/>	Student Affairs <input type="checkbox"/>
	Human Resources <input checked="" type="checkbox"/>	Academic Affairs <input type="checkbox"/>	Research <input type="checkbox"/>	Information Technology <input type="checkbox"/>
	Grants & Compliance <input type="checkbox"/>			

Purpose

Alaska Pacific University (APU) is committed to protecting the rights and dignity of each individual in the University community. This policy prohibits sexual harassment or any kind of harassment (harassment) in the workplace, on the campuses, or within academic or sponsored activities.

Scope

APU’s Interim Anti-Harassment and Sexual Harassment Policy applies to all students, employees, applicants for employment, paid or unpaid interns, volunteers, contractors and non-employees “invitees” conducting business with APU.

Policy

1. Statement of Non-Discrimination

Alaska Pacific University does not discriminate on the basis of race, color, religion, gender, ethnic or national origin, disability, age, marital status, veteran status, membership in uniformed services, gender identity, sexual orientation, or any other category protected by applicable law in the administration of its education policies, admission policies, scholarship and loan programs, other school-administered programs, or employment.

2. Prohibited Conduct

2.1. Alaska Pacific University (APU) is committed to establishing and maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents the campus cultural norm. To that end, this policy prohibits the following types of conduct, collectively, “Prohibited Conduct”:

- 2.1.1. sexual and gender-based harassment, quid pro quo, unwelcome sexual conduct, sexual assault, sexual exploitation, relationship and interpersonal violence, provision of alcohol and/or other drugs for purposes of prohibited conduct, and stalking, as defined below;

- 2.1.2. retaliation against an individual for making a report of Prohibited Conduct or for participating in an investigation or resolution of an alleged violation of this policy; or
- 2.1.3. Any acts above, regardless of whether it is claimed to be voluntary and consensual, that involves a minor under the age of 18 years of age. Any Prohibited Conduct involving a minor is required to be reported to APU. Additionally, APU will report all cases of misconduct, whether suspected or confirmed, involving a minor to local law enforcement.

2.2. Prohibited Conduct undermines the character and mission of APU and will not be tolerated. Students, Faculty, or Staff who engage in Prohibited Conduct may be subject to disciplinary action, including permanent separation from APU. In addition, APU will take steps to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects, as appropriate.

2.3. It is the responsibility of every member of the APU community to foster an environment free from Prohibited Conduct. All members of the community are strongly encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. This may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, or seeking assistance from a person in authority. Community members who choose to exercise this positive responsibility will be supported by APU and protected from retaliation.

3. To Whom This Policy Applies

3.1. This policy applies broadly to the entire APU community, including students (current and prospective), all faculty members, and all staff positions (including all exempt and non-exempt positions, both current and prospective, non-faculty academic positions such as Research Associates and senior administrative and leadership positions), as well as those who are not employed by APU but have affiliate appointments for the purpose of teaching and/or research at APU; and contractors, vendors, or other third parties contractually obligated to APU (“Third Parties”). These definitions are solely for the purpose of this policy and the processes for resolving reports under this policy, and do not apply to any other APU policy.

3.2. This policy pertains to acts of Prohibited Conduct committed by or against Students, Faculty, Staff, Third Parties, and Invitees when:

- 3.2.1. the conduct occurs on APU premises or premises leased by or otherwise under the control of APU;
- 3.2.2. the conduct occurs in the context of APU employment, education, or research program or activity, including but not limited to APU-sponsored, funded or otherwise supported study off campus and/or abroad, research, internship, mentorship, summer session, conferences, meetings, social events, or other affiliated programs or premises, either online or in person over which APU exercised substantial control over both the Respondent and the context in which the sexual harassment occurs; or

- 3.2.3. the conduct, regardless of location or context, has continuing adverse effects occurring on APU premises or in any APU employment, education, or research program or activity.

4. Title IX Coordinator

- 4.1. APU's Title IX Coordinator is charged with coordinating APU's compliance with Title IX, with the assistance and support of Deputy Title IX Coordinators. The Title IX Coordinator is responsible for overseeing and providing education and training; coordinating APU's investigation, response, and resolution of all reports under this policy; and tracking and reporting annually on all incidents in violation of this policy. The names and contact information of APU's current Title IX Coordinator and Deputy Title IX Coordinators are available on APU's website.
- 4.2. Harassment is a violation of our policies, is unlawful, and subjects APU to liability for harm to victims of harassment. Each claim of harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.
- 4.3. To implement this policy, APU has developed processes to investigate and/or resolve a report of Prohibited Conduct that could implicate this policy.
- 4.4. Whenever an individual listed in Section 10.4.2. below receives a complaint about harassment or otherwise knows of possible harassment occurring, APU will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Corrective action will be taken whenever harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of harassment.
- 4.5. Concerns about APU's application of this policy may also be addressed to the Title IX Coordinator, the Deputy Title IX Coordinators, or the following:
 - 4.5.1. **U.S. Department of Education, Office for Civil Rights**
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: 617-289-0111 or toll-free at 1-800-421-3481
Facsimile: 617-289-0150
Email: OCR.Boston@ed.gov
 - 4.5.2. **United States Equal Employment Opportunity Commission**
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Telephone: 1-800-669-4000
Facsimile: 617-565-3196

TTY: 1-800-669-6820
ASL Video Phone: 1-844-234-5122

4.5.3. **Alaska State Commission for Human Rights**

800 A Street, Suite 204
Anchorage, AK 99501-3669
Telephone: 907-276-7474
Facsimile: 907-278-8588

4.5.4. Additional Links:

[U.S. Equal Employment Opportunity Commission](#)
[U.S. Department of Justice, Civil Rights Division](#)

5. Privacy and Confidentiality

5.1. APU is committed to making reasonable efforts to protect the privacy interests of a Complainant, a Respondent and/or other individuals involved in a report under this policy.

5.2. Privacy: For the purposes of this policy, privacy generally means that information related to a report of Prohibited Conduct will be shared with a limited number of individuals who “need to know” in order to ensure the prompt, equitable and impartial review, investigation, and resolution of the report. All employees who are routinely involved in APU’s Title IX response receive specific training and guidance about safeguarding private information in accordance with applicable laws.

5.3. Confidentiality: For the purposes of this policy, confidentiality means that campus or community professionals with the statutorily granted ability to maintain information as privileged cannot reveal identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law.

5.4. Confidential Resources: Those campus and community professionals who have the ability to maintain privileged communications and keep information confidential, referred to as Confidential Resources, include:

5.4.1. mental health professionals (and those who assist in the provision of confidential services) in the APU’s Counseling Center, in the Employee Assistance Program (EAP), and in any programs that contract with APU to provide mental health professional services; and

5.4.2. ordained clergy, all of whom normally have privileged confidentiality that is recognized by Alaska state law.

These individuals are prohibited from breaking confidentiality when they receive information in any of the above capacities, unless

- (i) given permission to do so by the person who disclosed the information;
- (ii) there is an imminent threat of harm to self or others;

- (iii) the conduct involves suspected abuse of a minor under the age of 18; or
- (iv) as otherwise required or permitted by law or court order.

6. Employee Responsibility to Report Allegations

- 6.1. All employees are encouraged to report any harassment or behaviors that violate this policy. APU will provide a complaint form for anyone to report misconduct and file complaints.
- 6.2. All employees are **required** to report any harassment or behaviors that violate this policy if the incident, harassment, or behavior **involves a minor**, under the age of 18.
- 6.3. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe to the person or office designated to receive complaints. Once information is disclosed to a manager or supervisor, they are required to immediately convey all known details of incidents of Prohibited Conduct involving Students, Faculty and Staff, Third Parties and Invitees to the Title IX Coordinator, but are able to maintain the privacy of the individual(s) who made the report.

Individuals who are required to report complaints include, but are not limited to: the Title IX Coordinator; Deputy Title IX Coordinators; the President; members of the President's Senior Leadership Team; the Provost; Institute Directors; Campus Life and Campus Safety; Human Resources; faculty department chairs; all teaching faculty; teaching assistants; undergraduate advisors; coaches; and anyone who leads, administers, advises, or directs APU programs or departments. Students serving in certain positions of leadership or authority, and/or Student employees with significant responsibility for the welfare of other Students, Faculty or Staff are also required to report any complaint they become aware of. This list is not exhaustive; any questions about the status of an employee or their reporting requirements should be addressed to the Title IX Coordinator and/or a Deputy Title IX Coordinator.

- 6.4. An individual who is listed by APU as a Confidential Resource can maintain an individual's confidentiality, including any disclosures by a Complainant, Reporting Party or Respondent, and will not share any information with APU, subject to the exceptions listed above.
- 6.5. Clery Act Reporting: Pursuant to the Clery Act, APU includes statistics about Clery Act crimes in its safety logs and Annual Security Report and provides those statistics to the United States Department of Education; in all these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident. APU will also issue a timely warning to the community for reports of Clery-defined conduct that may constitute a serious and ongoing threat, as outlined in the Annual Security Report.

7. Prohibition Against Other Types of Harassment and Retaliation

- 7.1.** All employees have a legal right to a workplace free from harassment, whether of a sexual nature or not, and employees can enforce this right by filing a complaint internally with APU, or with a government agency or in court under federal, state, or local antidiscrimination laws.
- 7.2.** Harassment of any kind will not be tolerated. Any employee or individual covered by this policy who engages in harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination.
- 7.3. Retaliation.** No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of harassment, provides information, or otherwise assists in any investigation of a harassment complaint. APU has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected harassment. Any employee of APU who retaliates against anyone involved in a harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, Provost or the Compliance and Risk Officer.

8. Definitions

- 8.1. Consent** – Consent is an affirmative, conscious, and voluntary agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact. Consent cannot be obtained through:
- 8.1.1. the use of coercion or force; or
 - 8.1.2. by taking advantage of the incapacitation of another individual.

Silence, passivity, or the absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stop and clarify the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn and outwardly communicated as such, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact.

An essential element of consent is that it be freely given. Freely given consent might not be present, or may not even be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another. More information, policy and guidance regarding such relationships can be found in IX below.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating incapacitation or lack of consent.

- 8.2. Coercion or Force** – Coercion is verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm. Force is the use or threat of physical violence or intimidation to overcome an individual's freedom-of-will to choose whether or not to participate in sexual contact.
- 8.3. Complainant** – means an individual who is alleged to be the recipient of conduct that could constitute harassment or sexual harassment under this policy. The Complainant may also be a mandatory reporter, or another individual who is not the recipient of the conduct but who is reporting on alleged conduct.
- 8.4. Dating Violence.** Violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on consideration of the following factors: (i) the length of the relationship, (ii) the type of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
- 8.5. Domestic Violence.** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shared a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Alaska or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Alaska.
- 8.6. Formal Complaint** – means a document filed by a Complainant or signed by the Title IX Coordinator alleging harassment or sexual harassment against a Respondent.
- 8.7. Grievance Process** – means the fact-finding process from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).
- 8.8. Harassment** - Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or

genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

8.9. Incapacitation – An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one’s own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires assessment of how the consumption of alcohol and/or drugs affects a person’s decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

8.10. Non-Employee - Is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

8.11. Respondent – means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or sexual harassment under this policy.

8.12. Retaliation - Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation. Such retaliation is unlawful under federal, state, and (where applicable) local law. The Alaska State Commission of Human Rights Law protects any individual who has engaged in “protected activity.”

Protected activity occurs when a person has:

- 8.12.1. filed a complaint of harassment, either internally or with any anti-discrimination agency;
- 8.12.2. testified or assisted in a proceeding involving harassment under the Human Rights Law or other anti-discrimination law;
- 8.12.3. opposed harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

- 8.12.4. complained that another employee has been harassed; or
- 8.12.5. encouraged a fellow employee to report harassment.

8.13. Sexual Harassment - Is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment is harassment on the basis of sex, sexual orientation, gender identity, or the status of being transgender that satisfies the definition for quid pro quo conduct, unwelcome conduct, or sexual assault.

8.13.1. **Quid Pro Quo Conduct.** When an employee conditions the provision of an aid, benefit, or service of APU on an individual's participation in unwelcome sexual conduct;

8.13.2. **Unwelcome Conduct.** Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to APU's education program or activity; or

8.13.3. **Sexual Assault.** An offense classified as a forcible or nonforcible sex offense. This category of prohibited conduct includes the following:

- i. **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
- ii. **Rape.** (Except Statutory Rape) The actual or attempted carnal knowledge of a person, forcibly and/or against that person's will or not forcibly against the person's will in instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.
- iii. **Sodomy.** Oral or any sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- iv. **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- v. **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- vi. **Incest.** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- vii. **Statutory Rape.** Nonforcible sexual intercourse with a person who is under the statutory age of consent, which is 16 years of age in Alaska.

8.14. Sexually Harassing Hostile Work Environment - A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance. Adoption of this policy does not constitute a conclusive defense to charges of unlawful harassment. Each claim of harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

8.15. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

8.16. Supportive Measures – means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to APU's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or APU's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures may also include written notification about available services both within the institution and the community and options for available assistance as required by the Clery Act. Supportive measures are not disciplinary measures.

9. Sexual or Intimate Relationships Between Individuals in Unequal Positions

9.1. Relationships of a sexual or intimate nature in which one individual has power, supervision or authority over another at the point such a relationship begins or thereafter pose significant risks to the atmosphere of trust integral to the educational and work environment because, to varying degrees, they may undermine the assurance of freely given consent.

- 9.2. APU adopts the principle that no APU community member should have a role of supervision or authority over any individual with whom they have or have had a relationship of a sexual or intimate nature.
- 9.3. An APU employee who is, or has been, in a relationship with another employee or student, is required to follow the policy and procedures in APU's Nepotism Policy.

10. Resources and Reporting Options

- 10.1. APU offers trained professional resources for Students, Faculty and Staff, whether as Complainants, Reporting Parties, or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. For comprehensive information on emergency assistance; hospitals; on-campus, community, and available support with academics, housing, and work, please refer to APU's Title IX website.
- 10.2. Any individual who is uncertain what they wish to do in response to an alleged incident of Prohibited Conduct, including how or whether to report the conduct, may contact and consult a Confidential Resource to address questions and concerns in a confidential setting. Individuals with questions or concerns about APU's processes may also contact the Title IX Coordinator directly as part of reporting the conduct to APU. Any individual may make a report of Prohibited Conduct under this policy regardless of affiliation with APU.
- 10.3. APU recognizes that deciding whether to make a report of Prohibited Conduct is a personal decision. The following principles and values will guide APU as facts and circumstances permit:
 - 10.3.1. APU will seek to respect a Complainant's autonomy in making the determination regarding how to proceed.
 - 10.3.2. In limited circumstances, typically where a risk of imminent harm to an individual or others or a threat to the health and safety of the campus is determined to exist, APU may be required to take immediate action upon receipt of a report of Prohibited Conduct. In such circumstances, the reasons and steps APU will take will be explained to the Complainant and, as appropriate, the Reporting Party.
 - 10.3.3. APU is committed to educating and informing individual(s) regarding the choices and options available to them, including resources and processes inside and outside APU.
 - 10.3.4. APU is committed to protecting all participants in any investigation or proceeding related to this policy from retaliation.
 - 10.3.5. An individual may choose to seek assistance, support or guidance from a Confidential Resource on campus or in the community. A disclosure to a Confidential Resource does not constitute a report to APU.
 - 10.3.6. An individual may choose to make a report: (1) to APU, via an employee required to report misconduct or the Title IX Office and/or (2) to external law enforcement. While conduct reported to an employee will be

conveyed to the Title IX Office, the most direct manner to make a report is to contact the Title IX Coordinator directly.

10.4. Resources – The following resources are available at APU to individuals wishing to seek information and support, make a report, and/or file a Complaint:

10.4.1. Confidential Resources – Confidential Resources are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18; or (iv) as otherwise required or permitted by law or court order. Examples of Confidential Resources are noted in Section 5.4.

10.4.2. Designated Reporting Options – Making a report does not require an individual to decide whether to require a specific course of action. Deciding how to proceed can be a process that unfolds over time with support and assistance. The following are resources that an individual can use to report conduct that could be a violation of the Policy. Likewise, the persons listed below are familiar with the Policy and may be contacted to address questions or concerns about the Policy.

- 10.4.2.1. Title IX Coordinator
- 10.4.2.2. Deputy Title IX Coordinators
- 10.4.2.3. Dean of Students
- 10.4.2.4. Human Resources
- 10.4.2.5. Campus Life and Campus Safety

10.4.3. Local Law Enforcement – APU also strongly encourages anyone who becomes aware of an incident of Prohibited Conduct which may constitute a violation of law to report the incident to local law enforcement and will provide support, resources, and assistance to those who do so.

10.4.4. Anonymous Report – Anyone can make an anonymous report through APU’s Campus Conduct Hotline, APU’s confidential reporting tool. The Hotline allows the reporter to report concerns while maintaining anonymity. Depending on the nature of the information provided, APU’s ability to respond may be limited. Campus Conduct Hotline (toll-free): 1-866-943-5787

10.5. Time Frame for Reporting – There is no time limit on reporting violations of this policy, although APU’s ability to respond fully may become more limited with the passage of time. If the Respondent is no longer affiliated with APU (e.g., a report is made after a student has left or graduated or an employee no longer works for APU), APU will still provide reasonably available remedial measures to the Complainant, assist the Complainant in identifying external reporting options, and may take other appropriate action.

10.6. Interim Remedial and Protective Measures (Supportive Measures) – APU will take and/or make available reasonable and appropriate interim measures designed to preserve access to education and employment opportunities; address safety concerns of the Complainant, the Reporting Party, the Respondent, or broader APU community maintain the integrity of the investigative and/or resolution process; and deter retaliation. Depending on the nature and specific facts and circumstances of the reported conduct, these actions may be remedial (measures designed to provide support and maintain continued access to educational opportunities) or protective (involving a restrictive action against a Respondent).

Interim remedial measures may be available regardless of whether a Complainant pursues an investigation or seeks formal disciplinary action. Interim remedial measures are also available to Respondent.

Interim remedial measures may include:

- Facilitating access to counseling and medical services;
- Guidance in obtaining a sexual assault forensic examination;
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- Academic supports;
- Assistance in requesting accommodations through the appropriate office, if the Complainant qualifies as an individual with a disability;
- Voluntary changes in the Complainant's or Respondent's class schedule (including the ability to transfer course sections or withdraw from a course), work schedule, or job assignment;
- Voluntary change in the Complainant's campus housing;
- Escort and other safety planning steps;
- Voluntary agreement by the parties to a mutual "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals;
- Voluntary leave of absence;
- Referral to resources to assist in obtaining a protective order;
- Referral to resources to assist with any financial aid, visa, or immigration concerns; or
- Any other remedial measure that does not interfere with either party's access to education or employment opportunities can be used to achieve the goals of this policy.

In contrast, interim protective measures are typically only available when APU has an articulable factual foundation that would support the taking of a restrictive measure against a Respondent prior to the conclusion of the investigation.

Interim protective measures may include:

- Imposition of a "no contact order" prohibiting the Respondent or other individuals from having contact or communications with the Complainant

- or other individuals, or a requirement to have such contact only in specified circumstances and under monitoring;
- Change in the Respondent's class schedule;
- Change in the Respondent's APU work schedule or job assignment, including teaching, research, and service responsibilities;
- Paid or unpaid administrative leave for the Respondent;
- Withdrawal from sponsored research projects;
- Change in the Respondent's campus housing;
- Exclusion from all or part of campus housing;
- Exclusion from specified activities or areas of campus;
- Prohibition from participating in student activities or representing APU in any capacity such as playing on an official team; serving in student government; performing in an official band, ensemble, or production; participating in a recognized student organization; participating in Greek life activities; or participating in academic honor ceremonies;
- Interim suspension; or
- Any other protective measure that can be used to achieve the goals of this policy.

10.7. APU will also provide reasonably available remedial measures for Invitees or Third Parties, provided that the remedial measures are within the scope of that individual's relationship to APU.

11. Disciplinary Actions

11.1. A Student or Employee determined to have committed an act of Prohibited Conduct in violation of this policy or any other relevant APU policy is subject to disciplinary action. Disciplinary action may include – but is not limited to – informal counseling, a verbal warning, a letter of warning, implementation of a Performance Development Plan, unpaid suspension, or termination of employment from APU. Third Parties or Invitees who violate this policy may have their relationship with APU terminated and/or their privilege of being on APU premises withdrawn.

11.2. If a Student withdraws from APU, or an Employee separates from APU, at any time after a report has been made, APU may continue with any of the processes for informal or formal resolution, even without the Respondent's participation. The determination as to how to resolve the report once a Student or Employee is no longer affiliated with APU will be based on the Title IX Coordinator's assessment of the actions necessary to eliminate Prohibited Conduct, prevent its recurrence, and address its effects, in consultation with other institutional officials as appropriate.

12. Free Speech and Integrity - APU is committed to the principles of free speech.

Vigorous discussion and debate and academic freedom are fundamental to this commitment and may include speech that is offensive – for instance, speech that is controversial. That offensiveness, on its own, is not sufficient for the speech to constitute Prohibited Conduct. Rather, the conduct must be sufficiently serious to unreasonably interfere with an individual's ability to participate in employment or educational

programs and activities from both a subjective and objective perspective. Such behavior compromises APU's integrity and tradition of intellectual freedom and will not be tolerated.

13. Conflict of Interest - A conflict of interest may arise when a member of the APU community uses or has the authority to use their position to improperly influence an APU decision, action or outcome with regard to the implementation and enforcement of this policy, including associated investigative and disciplinary procedures. It is the responsibility of all members of the APU community involved in any aspect of a report of Prohibited Conduct to disclose potential or actual conflicts as they arise to the Title IX Coordinator and/or Human Resources. APU community members who are covered by APU's Conflict of Interest Policy are reminded of their obligation to comply with the requirements of that Policy. In the event any individual with a responsibility identified in this policy is a witness or has a conflict of interest that would compromise that individual's objectivity in discharging that responsibility, APU will appoint a designee.

14. Violations of Law

14.1. Harassment is not only prohibited by APU but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at APU, employees may also choose to pursue legal remedies with the appropriate governmental entities at any time.

14.2. Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a respondent to criminal prosecution by the presiding authority. An individual can choose to make a report to external law enforcement at any time and doing so does not preclude the individual from making a report to APU. Both processes can be pursued if an individual chooses to do so. APU encourages individuals to report an incident which may be a violation of Alaska State Law to external law enforcement. Prompt reporting to external law enforcement is important in a criminal prosecution.

14.3. Students, Faculty and Staff studying, working, or engaging in other APU activities outside the State of Alaska are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy.

14.4. Behavior that violates this policy also may subject a respondent to civil or criminal liability. Please note that the preponderance of the evidence standard used by APU is not the standard used for criminal culpability in most jurisdictions and a determination of responsibility under this Policy does not equate with a finding of a violation of criminal laws.

15. Related Policies and Additional Resources:

APU Code of Conduct; Students Rights and Code of Conduct; APU Student Handbook p. 31-39; APU Staff Handbook; APU Faculty Handbook Chapter 5; Conflict of Interest Policy; Corrective Actions Policy; Nepotism Policy, Whistleblower Policy, Title IX Procedures.

AS 11.61.120; AS 18.80.220; 29 CFR Part 1604.11; Title VII of the Civil Rights Act of 1964; and Title IX of the Educational Amendments.

16. Legal Requirements: This Policy complies with applicable legal requirements including Title IX of the Education Amendments of 1972, the 2020 Title IX Regulations; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; and other applicable federal and Alaska state laws.