

REGENTS' POLICY
PART I – MISSION AND GENERAL PROVISIONS
Chapter 01.02 – General Provisions

P01.02.010. Freedom of Speech.

- A. An environment of free and honest inquiry is essential to the functioning and the mission of the university. The board and the university therefore acknowledge, affirm, and espouse the right of freedom of speech as guaranteed in the Constitutions of the United States and the State of Alaska. The essential purpose of the university is to engage in the pursuit of truth, the advancement of learning and the dissemination of knowledge. To achieve this purpose, all members of the university must be assured of the constitutionally protected right to question, speculate, and comment, as well as the right to criticize the university and society at large.
- B. The university will not limit or abridge any individual's constitutional right to free speech.

(06-07-06)

P01.02.020. Nondiscrimination.

It is the policy of the board that, in accordance with federal and state law, illegal discrimination against any individual because 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 is prohibited. Decisions affecting individuals shall be based on the individual's qualifications, abilities and performance, as appropriate.

(06-01-17)

P01.02.025. 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 ability to participate in university activities. Discrimination in employment or educational programs and activities is prohibited and will be subject to corrective and/or disciplinary action.
- B.

- D. Nothing contained in this policy will be construed or applied to limit or abridge any the legitimate academic freedom or right of due process of any member of the university community.

P01.02.050. Restructuring.

- A. Actions of the board concerning restructuring of the university and University Regulations to implement restructuring shall control over any policy or regulation inconsistent with the restructuring action or regulation.
- B. Policies and University Regulations identified by the president as inconsistent with such actions shall be brought to the attention of the board at its next regular meeting.

(06-04-87)

P01.02.070. Unmanned Aircraft Systems / Model Aircraft Operations.

The president shall adopt regulations governing the operation of unmanned aircraft systems and model aircraft by university employees, students, and third parties as appropriate.

(05-31-18)

P01.02.080. Administrative Response to Reports of Misconduct.

- A. Prompt reporting of allegations of misconduct involving members of the university

4. If the alleged misconduct occurred more than three years before a report is made, the university will not conduct a formal administrative investigation, except as provided in this policy and accompanying regulations.
 - a. In such cases the president or designee shall assess ongoing risks to individuals, impacts on the safety and inclusivity of the university environment, impacts on current university operations, as well as other appropriate factors (such as ability to provide due process), and may determine, in his or her sole discretion, that it is in the best interests of the university community to conduct a formal administrative investigation.
 - b. If the president or designee determines that a formal administrative investigation is in the best interests of the university community, an

University Regulation.

D. This policy does not alter obligations under other provisions of law, Regents' Policy, or to pursue administrative, civil, or criminal remedies in appropriate cases.

(01-01-19)

E. Formal Resolution Process

The formal resolution process is an administrative remedy which requires an investigation and written findings. One or two investigators will be designated to conduct a timely investigation to ensure an objective review of the allegations. The statements of the complainant, respondent and witnesses become part of a written record which will be used for administrative review and action as necessary.

1. Formal complaints alleging discrimination must include the following information:
 - a. The names of the respondent and complainant.
 - b. Their affiliation to the university.
 - c. A description of the offensive behavior and circumstances.
2. A formal complaint should also include the following information:
 - a. A description of any attempts to resolve the problem informally.
 - b. An explanation of the impact on the complainant.
 - c. Specific remedies requested.
3. The investigator(s), in determining whether the alleged conduct constitutes discrimination, must give consideration, to the record as a whole, to the totality of the circumstances, and where applicable to regulatory guidelines.
4. A copy of the written findings will be distributed to the complainant, the of General Counsel and the Statewide Office of Human Resources.
5. Any person who:
 - a. commits discrimination; or
 - b. fails to perform his or her investigatory or supervisory responsibilities; or
 - c. makes false claims or provides false testimony against another will be subject to appropriate disciplinary action including, but not limited to, verbal and written reprimands, probation, suspension or termination.
6. The standard of proof in any investigation shall be the preponderance of the evidence. When a preponderance of the evidence is found to substantiate a complaint, disciplinary action may be taken. In determining what disciplinary action may be appropriate, the extent to which the respondent knew or reasonably should have known that his or her conduct was harmful or offensive will be

himself or herself to be discriminated against, even if the practices complained of do not, in fact, constitute discrimination.

2. Threats or other forms of intimidation or retaliation against complainants, respondents, witnesses or investigators will constitute a violation of this regulation and may be subject to separate administrative action, including termination for cause.

I. Bargaining Unit Employees

1. If disciplinary action may result from an investigation of a bargaining unit employee alleged to have engaged in discrimination, the employee has a right to union representation during an investigatory interview with the employee. If a union representative is present for the investigation of a bargaining unit employee, the union representative will also receive a copy of the written findings of the investigation.
2. Bargaining unit employees who have been disciplined pursuant to this regulation must resolve their disputes through the dispute resolution processes provided in their collective bargaining agreement. Copies of written documentation of disciplinary action taken will be provided to their union representative.

J. Training programs on discrimination will be designed to:

1. Provide employees with current information on federal an Policy, University Regulation, and administrative procedures; and
- 2.