Information for Complainants in Discrimination,
Harassment, Sexual Misconduct and Retaliation Investigations

1. Resources for Personal Support

The University offers a number of free and confidential support resources that might be useful to you. For example:

- Employee Assistance Program (confidential professional consultation and referral services to address employees’ personal or work concerns)
  https://humanresources.umn.edu/benefits/employee-assistance
  612-625-2820
  888-243-5744

- The Aurora Center (for employees and students who have experienced or are concerned about sexual misconduct)
  http://aurora.umn.edu/
  612-626-9111

- Student Counseling Services (for students)
  https://counseling.umn.edu/
  612-624-3323

- Boynton Mental Health (for students)
  http://www.bhs.umn.edu/east-bank-clinic/mental-health-services.htm
  612-624-1444

- Learn to Live (confidential online service to help students with issues related to stress, depression and anxiety)
  https://www.learntolive.com/

2. Advisors

You may be accompanied to meetings in the investigation and adjudication process as follows:

- In cases involving employee or other non-student University member respondents:
  In a case involving sexual assault, stalking or relationship violence, you may be accompanied to meetings in the investigation and adjudication process by an advisor of your choice. An advisor may be an attorney, union representative, victim’s support advocate, support person or other individual who is not a witness in the case. Advocates from The Aurora Center are available to serve as an advisor for you.

  In a case involving other misconduct, you may be accompanied to meetings in the investigation and adjudication process by one of the following advisors: an attorney, victim’s support advocate or union representative. In limited circumstances, other
individuals may be permitted to attend these meetings for good reason, such as to accommodate a disability.

- In cases involving student respondents:

You may be accompanied to meetings and hearings in the investigation and adjudication process by two advisors of your choice, although additional advisors may be allowed during investigative meetings at the discretion of the investigator. An advisor may be an attorney, union representative, victim’s support advocate, support person or other individual who is not a witness in the case.

- If you decide that you would like to have an advisor present during any meeting in the investigation or adjudication process, please let us know. If you make that decision during a meeting in the investigation process, the staff member will stop the meeting and reschedule it for a time when an advisor can accompany you.

3. Privacy and Confidentiality

The University protects the privacy of all individuals involved in University investigative processes to the greatest extent possible. We only share information about you and about the information you provide when it is necessary in order to fairly and thoroughly respond to the reports we receive. We have provided you with a Data Privacy Notice that provides more information about the situations in which the information you provide could be shared.

We encourage you not to speak with anyone else about the report, the investigation, the allegations or other information we discuss. When others learn about this information, the reputations, relationships, future employability and many other aspects of the lives of those involved in the investigation could be jeopardized. In addition, the more people who learn about this information or the identities of the parties or witnesses, the more likely it is that retaliation will occur.

In particular, we advise you not to talk about the report, the investigation, the allegations or the other information we discuss with the respondent or anyone you believe could be a witness. This will help to maintain the integrity of the investigation and prevent fabrication or destruction of evidence. We also know that memories can be fragile and that discussions about this information could potentially change witnesses’ and parties’ memories.

We recognize that you may need to discuss information about your experience and your report with others in order to make employment, academic or housing arrangements, and such discussions are appropriate. For example, an employee complainant may share information about their experience or report with their supervisor. We also encourage you to use personal and University-provided resources, listed above, to obtain the support you need.
4. Retaliation

The University prohibits retaliation. Retaliation occurs when someone engages in intimidation, harassment, reprisal or other harmful action against another for making a report, participating in an investigation, or expressing opposition to misconduct.

As a complainant, you are both responsible for not retaliating against others for their participation in the investigation and protected from someone retaliating against you because you have made a report and participated in an investigation. To prevent retaliation, we advise that you be cautious about sharing information about the investigation with others. We also advise you to not contact the respondent unless such contact is necessary to complete your normal employment or academic work.

We know that many complainants worry that they will experience retaliation. If you experience possible retaliation, please let us know right away so that we can address the situation appropriately.

5. Truthfulness

We expect that you will provide full and truthful answers to our questions. Knowingly providing false, misleading or incomplete information can result in disciplinary action.

6. Procedural Fairness Protections (e.g., due process)

The University is committed to providing all parties with strong procedural fairness protections, including notice of the allegations and investigation, the opportunity to present evidence and identify witnesses and an impartial and unbiased investigation and adjudication process.

7. Notifications for Complainants in Sexual Misconduct Cases

The following additional information also might be helpful to you.

- Additional support and advocacy resources are available for University members who have experienced sexual assault, sexual harassment, stalking or relationship violence, as described in the attached resource list.

- You have the right to seek medical treatment.

- You have the right to contact law enforcement. You have the right to be assisted by campus authorities in contacting law enforcement and seeking a protective order. To obtain such assistance, please contact The Aurora Center. You also have the right to decline to contact law enforcement.

- You have the right to request accommodations or protective measures, such as changes to your academic, living, transportation and working situations. To obtain such accommodations or protective measures, please contact The Aurora Center, the
Title IX Coordinator or the departments or individuals with the ability to provide the requested accommodations, such as the campus housing and residential life office or the appropriate faculty member.

• Please take care to preserve evidence that may assist in showing that the reported misconduct occurred or in obtaining a protective order. For example, preserve relevant e-mails, texts, photos, and other types of evidence. You have up to 168 hours (7 days) to get a free medical forensic exam for evidence collection at any hospital emergency department. If you are considering making a police report or getting a forensic exam, save your clothes and sheets in a paper bag and do not shower.

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Data Privacy Notice

The purpose of this meeting is to collect information from you regarding reports of discrimination, harassment, sexual misconduct, nepotism or retaliation. Some of the information that we request from you may be private information under Minnesota and/or federal law. The University will use this private information to investigate or otherwise appropriately address reported misconduct, including potential violations of the University’s policies related to discrimination, harassment, sexual misconduct, retaliation and/or nepotism.

You are not required by law or University policy to provide any information during this meeting and you may refuse to provide some or all of the information requested. If you decide not to provide information, you will not be subject to disciplinary action because of your decision not to provide information. In all formal investigations, we will make a decision about whether a violation of University policy has occurred based on the information available to us. Therefore, if you do not provide information in a formal investigation, we will make a decision without the benefit of the information you have. If you decide to provide information, our expectation is that the information you provide will be truthful. Knowingly providing false, misleading or incomplete information can result in disciplinary action.

When possible, the University will only release private information about you and/or information that you provide to other University members who need this information to investigate, address and/or make decisions about reported misconduct. However, private information about you may be released if permitted or required under Minnesota or federal law to the individuals or entities identified on the following page.
Information about you may be released if permitted or required under Minnesota or federal law, including to the following individuals or entities:

<table>
<thead>
<tr>
<th>Information about students</th>
<th>Information about employees</th>
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</thead>
<tbody>
<tr>
<td>● the complainant, the respondent and witnesses in the matter or investigation at issue;</td>
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<tr>
<td>● school officials, including University faculty, who have legitimate educational interests in the information;</td>
<td>● individuals within the University whose work assignments reasonably require access to the information;</td>
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<td>● other schools in which you seek or intend to enroll, or are enrolled;</td>
<td>● labor organizations, to the extent that a responsible authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, or to implement labor law or collective bargaining agreements;</td>
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<tr>
<td>● other schools where you are also enrolled or receiving education services;</td>
<td>● law enforcement, in order to report a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of a crime committed or allegedly committed by an employee;</td>
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<tr>
<td>● the federal Comptroller General or other federal, state or local government officials for purposes of program compliance, audit or evaluation;</td>
<td>● the Minnesota Department of Administration for the purpose of administering the workers' compensation program;</td>
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<tr>
<td>● appropriate individuals in connection with your application for, or receipt of, financial aid;</td>
<td>● state and federal enforcement agencies, including but not limited to the U.S. Equal Employment Opportunity Commission, the Minnesota Department of Human Rights, and the U.S. Department of Labor;</td>
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<td>● alleged victims of crimes of violence or sexual assaults, if you are the alleged perpetrator and the released information is the final result of a disciplinary proceeding against you, and related to the alleged crime(s);</td>
<td>● appropriate licensing entities and agencies;</td>
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<td>● your parents, if your parents claim you as a dependent student for tax purposes;</td>
<td>● pursuant to a court order;</td>
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<td>● institutions engaged in research related to testing, student aid, or improved instruction;</td>
<td>● entities and agencies as determined by a responsible authority and who are authorized by state or federal law to gain access to the information;</td>
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<td>● accrediting organizations in connection with their accrediting functions;</td>
<td>● persons/entities whom you authorize to receive the data; and</td>
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<td>● appropriate persons in connection with an emergency, if necessary to protect your health or safety or the health or safety of others;</td>
<td>● other persons or entities authorized by state or federal law.</td>
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<td>● courts, grand juries, or state or federal agencies, if the information is sought with a valid subpoena or pursuant to an administrative or court order (including when sought in conjunction with a criminal investigation);</td>
<td>● In addition, if final disciplinary action is taken, the nature of the final disposition of the disciplinary action, together with the specific reasons for the action and data documenting the basis of the action (excluding data that would identify employees who are confidential sources) will become public data that may be released;</td>
</tr>
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<td>● persons/entities whom you authorize to receive the data; and</td>
<td>● If you are a “public official” as defined by Minnesota Statutes §13.43, subd. 2.(e), upon completion of the investigation, or if you resign or are terminated from employment while an investigation is pending, all data relating to the investigation will become public data that may be released unless access to the data would jeopardize an active investigation or reveal confidential sources.</td>
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<td>● other persons or entities authorized by state or federal law.</td>
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