Reporting and Other Obligations Related to Sexual Harassment, Sexual Assault, Stalking and Relationship Violence

In order to foster an environment free of prohibited conduct, all University members are encouraged to take reasonable prudent actions to prevent, stop, and report all acts of prohibited conduct. In addition, University members have the following reporting and other obligations related to possible prohibited conduct.

A. REPORTING OF PROHIBITED CONDUCT DIRECTED AT STUDENTS

University employees must promptly contact the campus Title IX office when in the course of performing their employment duties they learn about any form of prohibited conduct directed at students that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current student at the time they were a student; or
- been committed by a current University member at the time they were a University member.

B. REPORTING OF PROHIBITED CONDUCT DIRECTED AT EMPLOYEES OR THIRD PARTIES

University employees must promptly contact the campus Title IX office when in the course of performing their employment duties they learn about any sexual assault, stalking, or relationship violence directed at University employees or third parties that may have:

- occurred on University property;
- occurred during a University employment or education program or activity;
- been directed at a current University employee at the time they were a University employee;
- been directed at a third party at the time they were engaged in any University activity or program, or were otherwise interacting with the University, including, but not limited to, as volunteers, contractors, vendors, visitors, or guests.
- been committed by a current University member at the time they were a University member.
Supervisors and human resources representatives must report sexual harassment directed at University employees or third parties to the campus Title IX office.

Other University employees are encouraged to report sexual harassment directed at University employees or third parties to the campus Title IX office, or their supervisor or human resources representative. However, this reporting is not required.

C. INFORMATION THAT MUST BE REPORTED TO THE CAMPUS TITLE IX OFFICE

University employees who learn about prohibited conduct are not required to solicit additional information about the prohibited conduct or the individuals involved. However, to the extent known to them, University employees who learn about prohibited conduct as set forth in A and B above must report the following information to the campus Title IX office:

- the names of the complainant(s), respondent(s), and possible witnesses;
- the date, time, and location of the alleged prohibited conduct; and
- other relevant details about the alleged prohibited conduct that the University would need to determine what occurred and address the situation.

D. CAMPUS TITLE IX OFFICE ACTION UPON RECEIVING A REPORT

After receiving a formal or informal report of prohibited conduct, the campus Title IX office or its designee will contact the complainant to provide resources for personal support and information about the investigation process. Throughout this policy, the phrase “campus Title IX office or its designee” refers to campus Title IX office staff members and others that the campus Title IX coordinator has authorized to respond to certain prohibited conduct reports. Authorized designees include supervisors, human resources representatives, and other employees trained to respond to prohibited conduct reports.

In cases involving a student respondent, the campus Title IX office or its designee will only begin investigating the report after receiving verbal or written confirmation that the complainant wishes to initiate an investigation, except in limited cases where campus safety is threatened as discussed further in Section V.F. In cases involving an employee or third party respondent, the Title IX office or its designee will assess whether the report should be addressed through an informal resolution process or a formal investigation process, as discussed further in Section IV.

E. EMPLOYEES WHO ARE EXEMPT FROM THESE REPORTING REQUIREMENTS

The following University employees are exempt from the requirement to report prohibited conduct to the campus Title IX office:
counselors, psychologists, and others with a professional license requiring confidentiality, and their supervisees, when they learn about prohibited conduct in the course of their professional responsibilities;

- health center employees when they learn about prohibited conduct in the course of treating patients or facilitating the provision of medical services, and other employees who are prohibited by HIPAA from fulfilling this reporting requirement;

- members of University of Minnesota police departments when they are restricted by law from disclosing this information; and

- victim-survivor advocacy office employees and volunteers when they learn about prohibited conduct in the course of their advocacy office work.

F. ADDITIONAL OBLIGATIONS FOR SUPERVISORS AND HUMAN RESOURCES REPRESENTATIVES

Supervisors and human resources representatives who learn about possible prohibited conduct have additional obligations. Supervisors and human resources representatives may learn about possible prohibited conduct in a variety of ways, including when:

- Supervisors and human resources representatives who learn about possible prohibited conduct have additional obligations. Supervisors and human resources representatives may learn about possible prohibited conduct in a variety of ways, including when:
  - they receive a report of prohibited conduct, even when the reporter does not identify the concerns as “prohibited conduct;” and
  - they receive any other information that prohibited conduct may have occurred, regardless of where the information comes from and even if the supervisor is unsure that any prohibited conduct actually occurred.

First, supervisors and human resources representatives who learn about possible prohibited conduct, including sexual harassment directed at employees, must promptly contact the campus Title IX office to report information about the possible prohibited conduct, and must subsequently contact the campus Title IX office to report any responsive action that has been taken.

Second, supervisors and human resources representatives who learn about possible prohibited conduct must take prompt and effective responsive action. In some cases, a supervisor’s or human resources representative’s obligation to take prompt and responsive action will be satisfied by notifying the campus Title IX office. In other cases, it will be appropriate for supervisors and human resources representatives to take additional responsive action after consulting with the campus Title IX office. The particular responsive actions that a supervisor or human resources representative should take will depend on the circumstances. Below is a list of some examples of responsive actions that might be appropriate for a supervisor or human resources representative to take in certain cases.
o providing resources for personal support to the complainant;
o making non-retaliatory employment changes that remove any continued impact on the complainant;
o conducting preliminary inquiries to determine whether others have reported possible prohibited conduct by the same respondent;
o discussing the prohibited conduct concerns with the respondent and setting expectations for future conduct;
o providing coaching and training on acceptable workplace conduct;
o conducting an investigation into the prohibited conduct by employees after consultation with the campus Title IX office and/or human resources representative; and
o following up with the complainant and monitoring to prevent the occurrence of future prohibited conduct.

In all cases, supervisors and human resources representatives should document all responsive actions taken and report them to the campus Title IX office.

For additional information about University employees’ obligation to report prohibited conduct, please see FAQ: Employees’ Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office. Note: Student employees must comply with the reporting requirements for employees described above.