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

1. Resources for Personal Support and Advocacy

The University offers a number of free and confidential support and advocacy 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

- Student Conflict Resolution Services (advocacy services for students)
  http://www.sos.umn.edu/index.html
  612-624-7272

- 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 community 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, support person or other individual who is not a witness in the case.

  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
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, advocate, support person or other individual who is not a witness in the case. Advocates from the Student Conflict Resolution Center are available to serve as an advisor for you.

- 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 complainant 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 the report with others in order to make employment, academic or housing arrangements, and such discussions are appropriate. For example, an employee respondent 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 respondent, 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 participated in the investigation. To avoid potentially retaliatory behavior, we advise you not to contact the complainant unless such contact is necessary to complete your normal employment or academic work. In addition, discussing the report, the investigation or the allegations with others who do not have a need to know can in some situations constitute retaliation.

5. **Duty to Cooperate**

When requested, you are required to participate in the investigation process without undue delay to, at a minimum, hear the allegations asserted against you. You are not required to respond to these allegations. However, if you choose not to provide information in the investigation, a finding of whether a policy violation occurred will be made based only on the information available.

6. **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.

7. **Procedural Fairness Protections (e.g., due process)**

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

Revised 03/15/2018
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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<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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<tr>
<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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<td>● other schools where you are also enrolled or receiving education services;</td>
<td>● the Minnesota Department of Administration for the purpose of administering the workers' compensation program;</td>
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<td>● the federal Comptroller General or other federal, state or local government officials for purposes of program compliance, audit or evaluation;</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>● appropriate individuals in connection with your application for, or receipt of, financial aid;</td>
<td>● appropriate licensing entities and agencies;</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>● pursuant to a court order;</td>
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<td>● your parents, if your parents claim you as a dependent student for tax purposes;</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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<tr>
<td>● institutions engaged in research related to testing, student aid, or improved instruction;</td>
<td>● persons/entities whom you authorize to receive the data; and</td>
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<td>● accrediting organizations in connection with their accrediting functions;</td>
<td>● other persons or entities authorized by state or federal law.</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>● 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>
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<tr>
<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>● 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>● persons/entities whom you authorize to receive the data; and</td>
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<td>● other persons or entities authorized by state or federal law.</td>
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Revised 10/10/17