



RESOURCE GUIDE – SEXUAL MISCONDUCT AND RELATED RETALIATION

RESOURCE GUIDE FOR COMPLAINANTS, RESPONDENTS, AND WITNESSES IN SEXUAL MISCONDUCT AND RELATED RETALIATION CASES

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RESOURCE GUIDE FOR COMPLAINANTS, RESPONDENTS, AND WITNESSES IN SEXUAL MISCONDUCT AND RELATED RETALIATION CASES

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INTRODUCTION

The University of Minnesota is committed to responding to reports of sexual misconduct in a manner that is fair, thorough, and trauma-informed as to all parties and witnesses. The Equal Opportunity and Title IX Office is one of the University offices responsible for responding to sexual misconduct reports on all campuses in a fair and impartial manner. Sexual misconduct includes sexual harassment, sexual assault, stalking, relationship violence, and related retaliation.

COMPLAINANTS, RESPONDENTS, AND WITNESSES

- A complainant is an individual that Equal Opportunity and Title IX Office learned may have experienced sexual misconduct.
- A respondent is an individual that Equal Opportunity and Title IX Office learned may have engaged in sexual misconduct.
- A witness is an individual that Equal Opportunity and Title IX Office believes may have information that is relevant to a report of sexual misconduct, and who is not a complainant or respondent.

This guide provides information about the sexual misconduct response process and the resources available to complainants, respondents and witnesses. Reports of sexual misconduct have significant potential consequences for the parties involved, and it is very important that the Equal Opportunity and Title IX Office is able to gather all relevant evidence from complainants, respondents and witnesses so that the Equal Opportunity and Title IX Office can respond appropriately based on the most accurate information available. Still, the Equal Opportunity and Title IX Office understands that participating in a sexual misconduct response process can feel unsettling, confusing, and stressful. The Equal Opportunity and Title IX Office is happy to answer any questions that complainants, respondents and witnesses might have before scheduling meetings with them about the concerns raised. Please feel free to reach out to the Equal Opportunity and Title IX Office with any questions at 612-624-9547 or eot@umn.edu.

CONFIDENTIAL RESOURCES

The following resources offer free and confidential advocacy, counseling, and/or emotional support services.

CAMPUS	CONTACT
Crookston Campus	Community Health Service Inc.: 218-281-3552, 1-800-342-7756 (complainant resource)
	Counseling Services: 218-281-8571, 218-281-8348 (student resource)
	Student Health: 218-281-8512 (student resource)
Duluth Campus	Women's Resource and Action Center: 218-726-6292 (student resource)
	Program for Aid to Victims of Sexual Assault: 218-726-1931 (complainant resource)
	Counseling: Health Services: 218-726-7913 (student resource)
Morris Campus	Someplace Safe: 800-974-3359 (complainant resource)
	Student Counseling: 320-589-6060 (student resource)
Rochester Campus	Crisis Hotline: 507-269-4511
	Student Counseling: 507-258-8017 (student resource)
	Student Health Services: 507-292-7250 (student resource)
Twin Cities Campus	The Aurora Center (complainant resource) 24 Hour Helpline: 612-626-9111 Office Line: 612-626-2929 aurora@umn.edu
	Boynton Mental Health Office line: 612-625-8400 (student resource) 24 hour Crisis Connection counselors: 612-301-4673
	Student Counseling Services: 612-624-3323 (student resource) counseling@umn.edu
	Student Advocate Services: 612-624-1760 (student respondent resource) advocate@umn.edu

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The University's Employee Assistance Program (EAP) is available to benefits-eligible employees on all system campuses. EAP provides confidential, professional consultation and referral services to address any personal or work concern that may be affecting one's wellbeing. EAP services are provided by Lyra Health. Call 1-877-295-8939 to request services or visit umn.lyrahealth.com

SUPPORTIVE MEASURES

Supportive measures are available to complainants and respondents who need them as a result of experiencing sexual misconduct, being accused of engaging in sexual misconduct or as a result of participating in a sexual misconduct response process. Supportive measures are intended to restore or preserve equal access to the University's programs and activities, protect the safety of all parties or the educational or work environment, and deter prohibited conduct. Supportive measures may include:

- counseling and support services;
- academic or course-related adjustments, such as extensions of deadlines;
- modifications of work or class schedules;
- campus escort services;
- restrictions on contact between the parties;
- changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of campus; and
- assistance in making a report to law enforcement or obtaining a protective order.

Individuals who require supportive measures can contact their campus Title IX office (see page 13 f2 or contact information). Individuals can also contact the departments or individuals with the ability to provide the requested supportive measures, such as the campus housing and residential life office or the appropriate faculty member, supervisor or human resources representative. Campus or local advocacy offices may also be able to assist individuals in requesting supportive measures. To the extent possible, the University will maintain the confidentiality of supportive measures that have been requested or provided.

UNIVERSITY POLICIES AND PROCEDURES

- [Board of Regents Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence](#)
- [Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence](#)
- [Post-Investigation Procedures for Formal Complaints of Violations of Administrative Policy: Sexual Harassment, Sexual Assault, Stalking and Relationship Violence](#)
- [FAQ: Designation of Reported Sexual Harassment, Sexual Assault, Stalking and Relationship Violence as Title IX Prohibited Conduct](#)
- [FAQ: Employees' Obligation to Report Sexual Harassment, Sexual Assault, Stalking and Relationship Violence to the Campus Title IX Office](#)
- [FAQ: Retaliation in Sexual Harassment, Sexual Assault, Stalking and Relationship Violence Cases](#)
- [FAQ: Supportive Measure](#)
- [FAQ: The Grievance Process](#)

SEXUAL MISCONDUCT RESPONSE PROCESSES

Upon receiving a report of sexual misconduct, the Equal Opportunity & Title IX Office takes one of the following three actions.

1. Take no further action beyond offering supportive measures.

In certain cases where a complainant does not want an informal problem-solving or grievance process, or when there is not sufficient information to effectively initiate such a process, Equal Opportunity & Title IX may decide not to take any action beyond offering supportive measures to the complainant. In some cases, Equal Opportunity & Title IX may have to take responsive action even when a complainant does not want a response process, such as when Equal Opportunity & Title IX has sufficient information that an employee may have engaged in misconduct.

2. Initiate an informal problem-solving process.

The Equal Opportunity & Title IX Office may initiate an informal problem-solving process in cases where no formal complaint is filed or signed. In an informal problem-solving process, Equal Opportunity & Title IX does not determine whether a respondent violated University policy. However, Equal Opportunity & Title IX may provide resources to help address the concerns raised and make recommendations for responsive action, including actions aimed at preventing misconduct from occurring. For example, informal problem-solving processes may include:

- gathering additional information about the reported sexual misconduct to determine how to most effectively respond and to provide relevant information to the individuals involved;
- notifying a respondent about the concerns raised, and about any reported impact to a complainant or community;
- providing education or coaching to a respondent or complainant;
- providing recommendations that are aimed at preventing further concerns from arising to an appropriate individual who oversees a respondent or complainant; and/or
- establishing a plan to monitor for future misconduct.

In sexual misconduct cases involving student respondents, additional informal options may be available depending on the circumstances. For example:

- **Notice and Resources Letter.** The Equal Opportunity & Title IX Office can send a letter to a student respondent that communicates the complainant's concern that the respondent engaged in unwelcome or nonconsensual sexual conduct and information about applicable policies and resources. At the complainant's request, the letter can also include a statement that the complainant does not want any further contact from the respondent. Complainants should contact Equal Opportunity & Title IX to learn more about this option.
- **Voluntary Agreement Process.** This process can facilitate an agreement between a complainant and respondent to address harm or prevent future harm. The process does not involve any meetings between the parties and does not result in a determination as to whether a respondent engaged in sexual misconduct prohibited by the policy. Many outcomes are possible. For example, possible agreements include: 1) that the respondent will move residences, refrain from participating in an activity, or avoid contact with the complainant; 2) that the respondent will read an impact statement from the complainant in the presence of a professional; or 3) that the respondent will complete an educational program. This process is available when both the complainant and respondent are UMTC students. Complainants interested in learning more about this process should contact The Aurora Center, which is the office that facilitates the process.

SEXUAL MISCONDUCT RESPONSE PROCESSES (CON'T)

3. Initiate a grievance process.

The Equal Opportunity & Title IX Office will initiate a grievance process when the complainant has filed a formal complaint requesting that the University investigate alleged sexual misconduct or when the Title IX Coordinator has signed a formal complaint. A complainant can file a formal complaint by submitting a document to the Equal Opportunity & Title IX Office or the campus Title IX Coordinator that: 1) alleges that an individual engaged in prohibited conduct toward a complainant; and 2) requests that the University investigate the allegation of prohibited conduct. The grievance process includes an investigation, opportunity for a live hearing, and opportunity for an appeal. In certain cases, the parties may also be offered an informal resolution option and/or administrative resolution option after the investigation is complete.

The University is committed to providing all parties with robust procedural fairness protections in the grievance process; an impartial and unbiased investigation; and trained and unbiased investigators and decision-makers. The University's grievance process applies the preponderance of the evidence standard when determining whether sexual misconduct occurred in violation of University policy. "Preponderance of the evidence" means that it is more likely than not that a policy violation has occurred.

Complainants and respondents may be accompanied to meetings and hearings in the grievance process by: 1) an advisor of their choice; and/or 2) a support person, who cannot be a fact witness in the case. When a party does not have an advisor at a live hearing, the University provides an advisor at no cost to make opening and closing statements, and to conduct direct and cross-examination on behalf of that party.

Investigation.

The Equal Opportunity & Title IX Office investigates reports of sexual misconduct. The investigation process typically consists of interviews of the complainant, respondent, and witnesses and the gathering of other relevant evidence. Equal Opportunity & Title IX audio records interviews with complainants and respondents to ensure that an accurate record of all evidence is compiled. Before the conclusion of the investigation, the parties are provided with the opportunity to inspect and review all evidence directly related to the allegations. Equal Opportunity & Title IX produces a written investigation report that includes factual findings and a recommended decision on whether the respondent is responsible for violating University policy.

Complainant and Respondent Meetings with Equal Opportunity & Title IX.

During an investigatory meeting with a party, an Equal Opportunity Associate will share information about the investigation and other parts of the grievance process, and the party will have the opportunity to ask questions. The Equal Opportunity Associate will ask the party to provide their account of what happened (or what did not happen), and will ask follow-up questions to make sure that they understand the party's perspective and account.

The Equal Opportunity & Title IX Office understands that it can be uncomfortable to talk about private matters, and we strive to gather this information in the most sensitive and considerate way possible. However, the Equal Opportunity Associate will need to ask specific questions about the sexual conduct that occurred or was reported to have occurred that are relevant to determining whether a policy violation occurred.

During the meeting, the Equal Opportunity Associate may need to ask difficult or challenging questions. For example, if the information that a party provided is different from that provided by another individuals, the Equal Opportunity Associate may share this discrepancy with the party and offer them an opportunity to provide further information.

SEXUAL MISCONDUCT RESPONSE PROCESSES (CON'T)

Complainant and Respondent Meetings with Equal Opportunity & Title IX (con't).

The Equal Opportunity Associate may also share other information gathered during the investigation, and give the party the opportunity to respond to this information. The Equal Opportunity Associate will further ask the party to identify other individuals who might have relevant information and to provide any other relevant evidence, such as text messages, videos, pictures, voice-mails and other electronic communications or posts.

The Equal Opportunity & Title IX Office recognizes that the subject matter of these meetings can be difficult and stressful to discuss. Equal Opportunity & Title IX aims to provide a non-intimidating environment that allows parties to fully share their accounts. Parties can bring an advisor (which may be an attorney, union representative, or other individual) and support person to a meeting with Equal Opportunity & Title IX. Parties can ask questions of the Equal Opportunity Associate throughout the meeting. Parties can also take breaks and/or confer with their advisors or support persons during the meeting.

If a party recalls additional information after the meeting, they can contact the Equal Opportunity Associate to schedule a follow-up meeting or phone call. The Equal Opportunity & Title IX Office's goal is to gather all relevant information so that we can best assess what occurred, and multiple meetings are often needed to meet this goal

Post-Investigation Informal Resolution Option.

After the investigation has concluded, the parties may be provided with a proposed informal resolution. If the informal resolution is implemented, the grievance process ends. Under federal law, this option is not available to resolve allegations that an employee respondent engaged in Title IX-designated sexual misconduct toward a student complainant.

Administrative Resolution Process.

After the investigation has concluded, the parties are offered the opportunity to agree to resolve the case through an administrative resolution process in all cases except those involving allegations that an employee respondent engaged in Title IX sexual misconduct toward a student complainant. In an administrative resolution process, there is not a live hearing. Instead, a hearing chair makes the decision on responsibility based on the investigative report, the parties' written responses to the investigative report (if any), and the evidence gathered by Equal Opportunity & Title IX in the investigation of the formal complaint.

Hearing and Sanctioning.

If there is no informal resolution or administrative resolution, the parties are provided a live hearing before a five-member decision-making panel. The hearing panel makes the decision on responsibility. In cases with student respondents, the hearing panel also makes the decision on disciplinary sanctions. In cases with non-student respondents, the applicable University Authority (as defined in University policy) makes the decision on disciplinary sanctions and other responsive actions, as appropriate.

Possible disciplinary sanctions for students are detailed in the [Board of Regents Policy: Student Conduct Code](#), and may in some cases include suspension or expulsion, among other outcomes.

SEXUAL MISCONDUCT RESPONSE PROCESSES (CON'T)

Hearing and Sanctioning (con't).

Possible disciplinary sanctions and other responsive actions in cases with employee respondents (including student employees who engaged in sexual misconduct in their employee roles) may include: coaching or education, mentoring, changes to work duties or locations, monitoring to ensure that sexual misconduct is not occurring, probation, transfer of position, removal of administrative appointment, salary reduction, demotion, oral or written reprimand, suspension, and termination of employment.

Possible disciplinary sanctions and other responsive actions in cases with third-party respondents may include restrictions on a third-party respondent's: 1) participation in University programs or activities; 2) attendance at University events; or 3) ability to enter campus spaces, among other things.

Appeal.

Any party may appeal the decision on responsibility and disciplinary sanctions. If a party appeals, the decision of the Appellate Officer is the final University decision.

Grievance Process Timeline.

The Equal Opportunity & Title IX Office understands that the grievance process can be stressful and disruptive for the parties involved, and that it is important to complete these processes in a timely manner. We strive to complete each investigation within four months. However, depending on the availability of witnesses and the complexity of the case, some investigations can take six months or longer. A case that proceeds to a hearing may take an additional two months, and a case that proceeds to appeal may take an additional two months after the hearing.

| PRIVACY AND CONFIDENTIALITY

The University protects the privacy of all individuals involved in a sexual misconduct response process to the greatest extent possible. The Equal Opportunity & Title IX Office only discloses the information provided by complainants, respondents, and witnesses to other individuals as necessary to fairly and thoroughly respond to the reports received. Under federal law and University policy, the information provided to Equal Opportunity & Title IX by witnesses, complainants, or respondents that is directly related to the allegations will be shared with both parties and their advisors prior to the conclusion of the investigation. This information may also be included in an investigation report or other writing related to the case. The Data Privacy section at the end of this resource guide provides more information about the situations in which the information that complainants, respondents, and witnesses provide in a sexual misconduct response process could be shared with others.

The University does not restrict the ability of complainants or respondents to discuss the allegations under investigation or to gather and present relevant evidence in a grievance process. At the same time, Equal Opportunity & Title IX encourages complainants, respondents, and witnesses to be thoughtful before sharing information with others about a report or sexual misconduct response process. When others learn this information, the reputations, relationships, future employability and many other aspects of the lives of those involved in a process could be jeopardized. In addition, the more people who learn about this information or the identities of parties or witnesses, the more likely it is that retaliation will occur.

Participants to a sexual misconduct process are encouraged to limit their sharing of information about a report or response process while the response process is ongoing to help maintain the integrity of the response process and prevent fabrication of evidence, destruction of evidence, or the altering of witnesses' or parties' memories that can occur when they learn of others' accounts of what happened.

The Equal Opportunity & Title IX Office recognizes that individuals may need to discuss information about their experience(s) and a report of sexual misconduct with others in order to make employment, academic or housing arrangements, or to obtain personal support. For example, an employee respondent may need to share information about their experience or a report of sexual misconduct with their supervisor. Individuals are encouraged to use personal and University-provided resources to obtain the support they need.

TITLE IX AND NON-TITLE IX SEXUAL MISCONDUCT

Under federal law, the University is required to designate certain forms of sexual misconduct as “Title IX sexual misconduct.” To further our sexual misconduct prevention and accountability goals, the University also prohibits additional forms of sexual misconduct, which are referred to as “non-Title IX sexual misconduct.” The definitions of Title IX sexual misconduct, as well as non-Title IX sexual misconduct, are set forth in the Administrative Policy: *Sexual Harassment, Sexual Assault, Stalking, and Relationship Violence*. Under federal law, the University is also required to permit parties to appeal this designation of certain sexual misconduct as “Title IX sexual misconduct.”

When Equal Opportunity & Title IX initiates a grievance process, it will provide notice to the parties in writing of, among other things, its decision about whether to designate the alleged sexual misconduct as Title IX sexual misconduct; the reasons for this decision; and the parties’ right to appeal this decision.

Parties who receive this notice will need to decide whether to appeal the designation of the sexual misconduct as Title IX or non-Title IX sexual misconduct. For the most part, the grievance processes are the same for Title IX and non-Title IX sexual misconduct. Both types of sexual misconduct can result in the same possible disciplinary sanctions for the respondent and remedies for the complainant. There are, however, a few, important differences:

Informal Resolution.

An informal resolution is not available to resolve allegations that an employee engaged in Title IX sexual misconduct toward a student. An informal resolution may be available to resolve allegations that an employee engaged in non-Title IX sexual misconduct toward a student.

In cases involving Title IX sexual misconduct, a proposed informal resolution will only be implemented if both parties agree in writing to the informal resolution. In contrast, in cases involving non-Title IX sexual misconduct, a proposed informal resolution will be implemented unless one or more parties request a hearing.

Disclosure of information about discipline imposed on a respondent.

In cases involving Title IX sexual misconduct, the University can only disclose information about a respondent’s identity when necessary to: 1) carry out an informal problem-solving or grievance process; 2) disclose data as required by the Minnesota Government Data Practices Act (MGDPA); or 3) otherwise comply with legal obligations. In contrast, in non-Title IX cases, the University can choose to share information about the discipline imposed on an employee respondent after discipline is imposed and, in certain limited circumstances, to share information about a student respondent’s identity, even when not required by law.

GENDER, GENDER IDENTITY, GENDER EXPRESSION, AND SEXUAL ORIENTATION

Harassment Based on Gender, Pregnancy, Gender Identity, Gender Expression, and Sexual Orientation

The term sexual harassment”includes all harassment on the basis of sex. This includes harassment based on gender, pregnancy, gender identity, gender expression and sexual orientation. The University responds to complaints of harassment based on gender, pregnancy, gender identity, gender expression, and sexual orientation in the same ways that it responds to other forms of sexual harassment as described in this Resource Guide.

PROHIBITION ON 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 a sexual misconduct response process, refusing to participate in a sexual misconduct response process, or expressing opposition to sexual misconduct.

Respondents, complainants and witnesses are protected from retaliation for participating in the sexual misconduct process. They are also responsible for not retaliating against others for their participation in the sexual misconduct process. To avoid potentially retaliatory behavior, complainants and respondents are encouraged not to contact one another unless such contact is necessary to complete normal employment or academic work. In such cases, complainants and respondents may want to talk with their supervisor or instructor about a plan to communicate with one another in order to prevent concerns of retaliation from arising.

The Equal Opportunity & Title IX Office understands that individuals may be concerned that they will experience retaliation for reporting sexual misconduct. Equal Opportunity & Title IX takes these concerns seriously and uses a number of strategies to prevent retaliation from occurring. (See [Retaliation Prevention Planning Guide](#).) Upon receiving a report that retaliation related to sexual misconduct has occurred, Equal Opportunity & Title IX responds through the informal problem-solving or investigative processes described in this Guide.

REPORTING RESOURCES

CAMPUS TITLE IX OFFICES

	Sexual misconduct or related retaliation by a student	Sexual misconduct or related retaliation by an employee, volunteer, vendor, or visitor
Crookston Campus	Jason Tangquist 218-281-8424 jtangqui@crk.umn.edu	Jason Tangquist 218-281-8424 jtangqui@crk.umn.edu
Duluth Campus	Corey Christensen 218-726-8809 chri2595@d.umn.edu	Corey Christensen 218-726-8809 chri2595@d.umn.edu
Morris Campus	Adrienne Conley 320-589-6738 amconley@morris.umn.edu	Sarah Mattson 320-589-6021 mattsosj@morris.umn.edu
Twin Cities	Tina Marisam 612-624-9547 eot@umn.edu	Tina Marisam 612-624-9547 eot@umn.edu
Rochester Campus	Jenny Casper 507-258-8242 jjcasper@r.umn.edu	Nicole Smith 507-285-8010 ndsmith@r.umn.edu

REPORTING RESOURCES

POLICE DEPARTMENTS

CAMPUS	CONTACT
Crookston Campus	The City of Crookston Police Department 321 West Robert Street, Crookston, MN 56716 218-281-3111
Duluth Campus	University of Minnesota Duluth Police Department 287 Darland Admin Bldg, 1049 University Drive, Duluth, MN 55812 218-726-7000; umdpd@d.umn.edu
	Duluth Police Department 2030 North Arlington Avenue, Duluth, MN 55811 218-730-5400; police@duluthmn.gov
Morris Campus	University of Minnesota Morris Campus Police Behmler Hall 6, 600 East Fourth Street, Morris, MN 56267 320-589-6000; ummpd@morris.umn.edu
	Morris Police Department 400 Colorado Avenue, Morris, MN 56267 320-208-6500; mpd@co.stevens.mn.us
Rochester Campus	Rochester Law Enforcement Center 101 Fourth Street Southeast Rochester, MN 55902 507-328-6810
Twin Cities Campus	University of Minnesota Police Department 511 Washington Ave. SE, Minneapolis, MN 55455 612-624-2677; police@umn.edu
	St. Paul Police Department 367 Grove Street, St. Paul, MN 55101 651-291-1111; policeinfo@ci.stpaul.mn.us
	Minneapolis Police Department 350 South 5th Street, Room 130, Minneapolis, MN 55415-1389 612-673-2941 (Sex Crimes Unit)

ADDITIONAL INFORMATION FOR COMPLAINANTS

- Additional [support and advocacy resources](#) are available for individuals who have experienced sexual assault, sexual harassment, stalking or relationship violence.
- Complainants have the right to seek medical treatment.
- Complainants have the right to contact law enforcement. They have the right to be assisted by campus authorities in contacting law enforcement and seeking a protective order. To obtain such assistance, complainants should contact their campus victim survivor advocacy resource or the Equal Opportunity & Title IX Office. Complainants also have the right to decline to contact law enforcement.
- Complainants have the right to request supportive measures, such as changes to academic, living, transportation and working situations.
- Complainants should take care to preserve evidence that may assist in showing that reported misconduct occurred or in obtaining a protective order. For example, they should preserve relevant e-mails, texts, photos, and other types of evidence. If a complainant was assaulted, they have up to 168 hours (7 days) from the assault to get a free medical forensic exam for evidence collection at any hospital emergency department. Complainants who are considering making a police report or getting a forensic exam should save their clothes and/or sheets in a paper bag and should not shower.

ADDITIONAL INFORMATION FOR WITNESSES

Sexual misconduct matters have significant potential consequences for the parties involved, and it is very important that Equal Opportunity & Title IX is able to gather all relevant information so that reports of sexual misconduct can be appropriately addressed. We hope that all witnesses will agree to speak with an Equal Opportunity Associate, even those who believe they do not have relevant information. Potential witnesses play an important role in ensuring that the sexual misconduct response processes are fair and effective.

In some limited circumstances, a witness's role in a sexual misconduct response process changes as Equal Opportunity & Title IX learns more information. For example, sometimes witnesses become complainants or respondents. If this occurs, Equal Opportunity & Title IX will notify witnesses promptly.

To preserve the privacy of the parties and other witnesses, the Equal Opportunity Associate will only share information about the allegations with a witness as necessary to further information gathering or to seek clarification of information already gathered. Witnesses will not receive the investigation report, information about the outcome of the investigation, or information about any disciplinary sanction or any other University action that may result from the investigation process.

ADDITIONAL INFORMATION FOR RESPONDENTS

If a respondent is a Principal Investigator or Co-Principal Investigator on a grant, the University may be required to contact the granting agency or organization if certain administrative actions are taken as a result of a sexual misconduct response process, or if a finding is made that the respondent engaged in sexual misconduct. Please contact the Equal Opportunity & Title IX Office or the campus office that administers sponsored projects with questions about these obligations.

DATA PRIVACY, PARTICIPATION, AND TRUTHFULNESS

The Equal Opportunity & Title IX Office hopes that complainants, respondents and witnesses will participate in the sexual misconduct response process, as they may have important information that the University should consider. However, no one is required to provide any information to Equal Opportunity & Title IX or others as part of the response process, and no one will be subject to disciplinary action because they decide not to provide information. If a participant decides to provide information, the information provided must be truthful. Knowingly providing false, misleading or incomplete information can result in disciplinary action.

If a grievance process has been initiated, the University will determine whether a violation of University policy occurred based on the information gathered during the grievance process. If a complainant, respondent or witness does not provide information, the University will make this determination without the benefit of such information.

Some of the information that is shared with Equal Opportunity & Title IX or others during the sexual misconduct response process may be private information under Minnesota and/or federal law. The University will use this private information to investigate or otherwise appropriately address reported sexual misconduct. When possible, the University will only release private information about participants to a sexual misconduct response process, and/or information that they provide, to other University members who need this information to investigate, address and/or make decisions about reported sexual misconduct. However, private information about participants may be released if permitted or required under Minnesota or federal law to the individuals or entities identified on the following page.

The University also completes Clery Act reporting and disclosures, as well as publicly available annual reporting on sexual misconduct matters, without the inclusion of personally identifying information about the parties.

Information about students may be released to the following individuals/entities under some circumstances, as permitted or required by law:	Information about employees may be released to the following individuals/entities under some circumstances, as permitted or required by law:
<ul style="list-style-type: none"> • the complainant, the respondent and witnesses in the matter or investigation at issue; • school officials, including University faculty, who have legitimate educational interests in the information; • other schools in which students seek or intend to enroll, or are enrolled; • other schools where students are also enrolled or receiving education services; • the federal Comptroller General or other federal, state or local government officials for purposes of program compliance, audit or evaluation; • appropriate individuals in connection with an application for, or receipt of, financial aid; • alleged victims of crimes of violence or sexual assaults, if a student is the alleged perpetrator and the released information is the final result of a disciplinary proceeding against the student, and related to the alleged crime(s); • students' parents, if their parents claim them as a dependent student for tax purposes; • institutions engaged in research related to testing, student aid, or improved instruction; • accrediting organizations in connection with their accrediting functions; • appropriate persons in connection with an emergency, if necessary to protect students' health or safety or the health or safety of others; • 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); • persons/entities whom students authorize to receive the data; and • other persons or entities authorized by state or federal law. <p>In addition, if the University determines that a student found to have violated its policies prohibiting non-Title IX sexual misconduct presents a significant threat to the health or safety of others, the respondent student's name may become public data that may be released.</p>	<ul style="list-style-type: none"> • the complainant, respondent and witnesses in the matter or investigation at issue; • individuals within the University whose work assignments reasonably require access to the information; • 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; • 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; • the Minnesota Department of Administration for the purpose of administering the workers' compensation program; • 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; • appropriate licensing entities and agencies; • pursuant to a court order; • entities and agencies as determined by a responsible authority and who are authorized by state or federal law to gain access to the information; • persons/entities whom employees authorize to receive the data; and • other persons or entities authorized by state or federal law. <p>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 (including the name of the respondent and excluding data that would identify employees who are confidential sources) will become public data that may be released;</p> <p>If an employee is a "public official" as defined by Minnesota Statutes §13.43, subd. 2.(e), upon completion of the investigation, or if the employee resigns or is 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.</p>



Equal Opportunity & Title IX

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