



RESOURCE GUIDE - DISCRIMINATION AND RELATED RETALIATION

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

April 2024

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

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INTRODUCTION

The University of Minnesota is committed to responding to reports of discrimination and related retaliation (“discrimination”) in a manner that is fair, thorough, and trauma-informed as to all parties and witnesses. Equal Opportunity & Title IX is one of the University offices responsible for responding to discrimination reports on all campuses in a fair and impartial manner.

COMPLAINANTS, RESPONDENTS, AND WITNESSES

- A complainant is an individual that Equal Opportunity and Title IX learned may have experienced discrimination.
- A respondent is an individual that Equal Opportunity & Title IX learned may have engaged in discrimination.
- A witness is an individual that Equal Opportunity & Title IX believes may have information that is relevant to a report of discrimination, 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 discrimination have significant potential consequences for the parties involved, and it is very important that Equal Opportunity & Title IX is able to gather all relevant evidence from complainants, respondents and witnesses so that Equal Opportunity & Title IX can respond appropriately based on the most accurate information available. We understand that participating in a discrimination response process can feel unsettling, confusing, and stressful. Equal Opportunity & Title IX 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 Equal Opportunity & Title IX with any questions at 612-624-9547 or eotitleix@umn.edu.

SUPPORTIVE MEASURES

The parties may request supportive measures designed to restore or preserve equal access to the University's programs and activities, protect the safety of all parties or the environment, and/or deter discrimination. Parties who need supportive measures should request them directly from the departments or individuals with the ability to provide them, such as the appropriate faculty member, supervisor or human resources representative. The departments or individuals with the ability to provide the requested supportive measures will determine whether supportive measures are reasonably available and appropriate depending on the circumstances of each case. The campus Equal Opportunity office is also available to meet with University members to address questions or concerns about the provision of supportive measures.

UNIVERSITY POLICIES AND PROCEDURES

- [Board of Regents Policy: Equity, Discrimination, Equal Opportunity and Affirmative Action Administrative Policy: Discrimination](#)
- [Administrative Policy: Discrimination](#)
- [Responding to Reports of Discrimination and Related Retaliation](#)
- [FAQ: Accommodations for Religious Beliefs and Practices](#)
- [FAQ: Reasonable Accommodations for Disabilities](#)
- [FAQ: Reasonable Accommodations for Pregnancy, Childbirth, Lactation, and Related Medical Conditions](#)
- [FAQ: Retaliation in Discrimination Cases](#)

DISCRIMINATION RESPONSE PROCESS

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.

In certain cases, including, for example, where a complainant does not want an investigation or informal problem-solving process and when there is not sufficient information to effectively initiate such a process, Equal Opportunity & Title IX may decide not to take any action. 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 the office 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 to address and prevent discrimination. An informal problem-solving process may be appropriate in cases: 1) with an anonymous complainant; 2) where the alleged conduct does not rise to the level of discrimination; 3) where the complainant does not want to initiate an investigation and an informal problem-solving process may be effectively address the alleged conduct; 4) where the alleged conduct is likely covered by academic freedom or free speech protections; or 5) where an informal problem-solving process is otherwise deemed to be the most appropriate and effective response.

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 alleged conduct to determine how to most effectively respond;
- sharing relevant information about the alleged conduct with appropriate individuals;
- notifying a respondent about the alleged conduct and/or about any reported impact on 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;
- recommending shuttle mediation, facilitated dialogues, or restorative conferences; and/or
- recommending a plan to monitor for future misconduct.

3. Initiate a formal investigation process.

The Equal Opportunity & Title IX may initiate a formal investigation process when the alleged conduct, if substantiated, would constitute discrimination. In particular, Equal Opportunity & Title IX will initiate an investigation where it is necessary to comply with legal anti-discrimination requirements, or where an investigation is otherwise deemed to be the most appropriate and effective response. A formal investigation process includes an investigation and an opportunity for appeal. The University is committed to providing robust procedural fairness protections for all parties in the formal investigation process, impartial and unbiased investigations, and trained and unbiased investigators and decision-makers.

DISCRIMINATION RESPONSE PROCESSES (CON'T)

Investigation.

The Equal Opportunity & Title IX Office investigates reports of discrimination. 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 responds to ensure that accurate record of all evidence is compiled. Before the conclusion of the investigation, the parties are provided with the opportunity to review and comment on a written summary of the relevant evidence gathered during the investigation. Equal Opportunity & Title IX then produces a written investigation report that includes a decision about whether the respondent is responsible for violating the Discrimination policy. A respondent is found responsible when it is more likely than not that they engaged in conduct that violated the Discrimination policy.

Complainant and Respondent Meetings with Equal Opportunity & Title IX.

During an investigation 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 an 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.

We understand that it can be uncomfortable to talk about private matters, and the Equal Opportunity & Title IX Office strives 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 reported discriminatory conduct 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 individual, the Equal Opportunity Associate may share this discrepancy with the party and offer them an opportunity to provide further explanation.

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 emails, text messages, documents, videos, pictures, voicemails and other electronic communications or posts.

We recognize that the subject matter of these meetings can be difficult and stressful to discuss. The Equal Opportunity & Title IX Office 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) 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 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.

DISCRIMINATION RESPONSE PROCESSES (CON'T)

Appeal.

Any party may appeal the decision on responsibility. If a party appeals, the decision of the Appellate Officer is the final University decision. The Responsible Appellate Officer is identified in Appendix: *University Authorities and Appellate Officers*.

Sanctions and Responsive Actions.

The applicable University Authority (in Appendix: *University Authorities and Appellate Officers*) makes the decision on disciplinary sanctions and other responsive actions as appropriate.

Possible disciplinary sanctions and other responsive actions in cases with employee respondents (including student workers who engaged in discrimination in their employee roles) may include: coaching or education, mentoring, changes to work duties or locations, monitoring to ensure that discrimination 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.

A respondent may seek review of any discipline imposed as a result of a finding of responsibility under this policy based on their specific job classification, as set forth in Administrative Procedures: Discrimination, Section II. D. 3.

Formal Investigation Process Timeline.

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

PRIVACY AND CONFIDENTIALITY

The University is committed to protecting the privacy of all individuals involved in an investigation or informal problem-solving process to the greatest extent possible. Still, as part of these processes, the University will generally need to share the identities of the parties and/or witnesses - as well as information provided by the parties and/or witnesses - with other participants in the process. This information also may be included in an investigation report or other document relating to the case, which may be provided to the parties, the University Authority and others as appropriate. 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 discrimination response process could be shared with others.

When conducting investigations or informal problem-solving, the University aims to protect the integrity of the process, protect the privacy of parties and witnesses, and protect parties and witnesses from harassment, intimidation, or retaliation. To further these goals, parties and witnesses are encouraged to limit their sharing of information about a matter (including the allegations, the identities of the parties and witnesses, and the questions asked in interviews), particularly while the process is ongoing. Parties and witnesses are also cautioned not to discuss the allegations in a manner that constitutes retaliation (as defined in the Definitions section of the Administrative Policy: Discrimination).

The Equal Opportunity & Title IX Office recognizes that individuals may need to discuss information about their experience(s) and a report of discrimination 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 about a report of discrimination with their supervisor. We encourage individuals to use personal and University-provided resources to obtain the support they need.

PROHIBITION ON RETALIATION

The University prohibits retaliation. Retaliation occurs when someone engages in intimidation, harassment, reprisal or other harmful actions against another for making a discrimination report, participating in a discrimination response process or expressing opposition to discrimination.

Respondents, complainants and witnesses are protected from retaliation for participating in the discrimination response process. They are also responsible for not retaliating against others for their participation in the discrimination process. To avoid potentially retaliatory behavior, complainants and respondents are encouraged to refrain from contacting one another unless such contact is necessary to complete 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 discrimination. We take these concerns seriously and use a number of strategies to prevent retaliation from occurring. ([See Retaliation Prevention Planning Guide.](#))

REPORTING RESOURCES

CAMPUS EQUAL OPPORTUNITY OFFICES

Discrimination reports can be made to the University's campus Equal Opportunity offices listed here, or to the Equal Opportunity & Title IX Office at eot@umn.edu.

Subject	Contact	Phone	Email
Crookston Campus			
For reports involving employee or third party respondents	TBD	612-624-9547	eot@crk.umn.edu
For reports involving student respondents	Chris Ehrhart Interim Dean of Student Services 270-B Owen Hall 2900 University Ave Crookston, MN 56716	218-281-8580	ehrha028@crk.umn.edu
Duluth Campus			
For reports involving employee or third party respondents	Corey Christensen Equal Opportunity Associate and Deputy Title IX Coordinator 1049 University Drive Duluth, MN 55812	218-726-8809	chri2595@d.umn.edu
For reports involving student respondents	Office of Student Conduct & Conflict Resolution 245 Kirby Plaza 1208 Kirby Drive Duluth, MN 55812	218-726-7255	conduct@d.umn.edu
Morris Campus			
For reports involving employee or third party respondents	Sarah Mattson Director of Human Resources 201 Behmler Hall 600 East 4th Street Morris, MN 56267	320-589-6021	mattsosj@morris.umn.edu

REPORTING RESOURCES

CAMPUS EQUAL OPPORTUNITY OFFICES (CON'T)

Subject	Contact	Phone	Email
For reports involving student respondents	Student Affairs 309 Behmler Hall 600 East 4th Street Morris	320-589-6021	mattsosj@morris.umn.edu
For reports involving student respondents	Student Affairs 309 Behmler Hall 600 East 4th Street Morris, MN 56267	320-589-6013	ummvcsa@morris.umn.edu
Rochester Campus			
For reports involving employee or third party respondents	Nicole Smith Director of Employee Engagement, Development, and Wellbeing University Square Rochester, MN 55904	507-285-8010	ndsmith@r.umn.edu
For reports involving student respondents	Jenny Casper Interim Assistant Vice Chancellor for Student Success, Engagement & Equity University Square Rochester, MN 55904	507-258-8242	jjcasper@r.umn.edu
Twin Cities Campus			
For reports involving employee or third party respondents	Equal Opportunity & Title IX Office 274 McNamara Alumni Center 200 Oak Street SE Minneapolis, MN 55455	612-624-9547	eot@umn.edu
For reports involving student respondents	Office for Community Standards 211 Appleby Hall 128 Pleasant St. SE Minneapolis, MN 55455	612-624-6073	ocs@umn.edu

REPORTING RESOURCES

POLICE DEPARTMENTS

Subject	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 5581 218-730-5400; police@duluthmn.gov
Morris Campus	University of Minnesota Morris Public Safety 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 55902 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 612-673-3000

ADDITIONAL INFORMATION FOR WITNESSES

Discrimination matters have significant potential consequences for the parties involved, and it is very important that the Equal Opportunity & Title IX Office is able to gather all relevant information so that reports of discrimination can be appropriately addressed. Potential witnesses play an important role in ensuring that the discrimination response process is fair and effective.

In some limited circumstances, a witness's role in a discrimination 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 those 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 conduct 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 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 imposed on the respondent as a result of a discrimination response process, or if a finding is made that the respondent engaged in discrimination. Please contact the Equal Opportunity & Title IX Office or the campus office that administers sponsored projects with questions about these obligations.

| PARTICIPATION AND TRUTHFULNESS

Complainants are not required to participate in investigation or informal problem-solving processes. However, the University may be limited in its ability to respond to potential discrimination without a complainant's participation. When requested, respondents are required to meet with Equal Opportunity & Title IX without undue delay to, at a minimum, hear the detailed allegations asserted against them. Respondents are not required to respond to these allegations, and the fact of any failure to provide a response will not be used to support a finding of responsibility. However, where a complainant or respondent refuses to provide relevant information in an investigation, a finding will be made based only on the information available.

All other University members are required to participate in discrimination investigations or informal problem-solving processes to ensure that the most complete information is available to the University. The Equal Opportunity & Title IX Office may excuse University members from this requirement in certain circumstances, such as where the University member is unlikely to provide significant relevant information or where participation would result in an unreasonable burden for that University member.

Any information provided by complainants, respondents, or witnesses must be truthful. Knowingly providing false, misleading or incomplete information can result in disciplinary action.

| DATA PRIVACY

Some of the information that is shared with Equal Opportunity & Title IX or others during a discrimination 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 discrimination. When possible, the University will only release private information about participants in a discrimination 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 discrimination. However, private information about participation may be released if permitted or required under Minnesota or federal law to the individuals or entities identified in the chart on the following page.

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 purpose 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 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 , the 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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