



GUIDE FOR SUPERVISORS

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UNIVERSITY OF MINNESOTA
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Note on terminology: A complainant is an individual that the University learned may have experienced discrimination, sexual misconduct, or related retaliation. A respondent is an individual that the University learned may have engaged in any of those behaviors.

| INTRODUCTION

The University of Minnesota is committed to responding to reports of discrimination, sexual misconduct, and related retaliation 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 these reports on all campuses.

This guide provides:

- information about the discrimination, sexual misconduct, and related retaliation response processes;
- information about ways that supervisors can support response processes and the parties involved in them; and
- resources available to supervisors when response processes occur within their units.

| DISCRIMINATION, SEXUAL MISCONDUCT, AND RELATED RETALIATION PROCESSES

Equal Opportunity & Title IX responds to concerns of discrimination, sexual misconduct, and related retaliation through the following two response processes:

Informal problem-solving process

Informal problem-solving involves a range of tailored non-disciplinary strategies for responding to misconduct reports. Strategies may include:

- gathering additional information about the reported 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 misconduct.

Formal investigation process

In a formal investigation process, evidence related to the complaint is collected and evaluated. This process results in a determination of whether the respondent violated the University's policies prohibiting discrimination or sexual misconduct. In cases where a policy violation finding is made, discipline may be imposed.

In discrimination and related retaliation matters, the investigation may be followed by an appeal process. In sexual misconduct and related retaliation matters, the investigation may be followed by a live hearing and then an appeal process. Collectively, these investigation, hearing, and appeal processes may take six months or more to complete.

| SUPPORTIVE MEASURES

At times, individuals may require supportive measures as a result of experiencing misconduct, being accused of engaging in misconduct, or participating in a 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 are non-disciplinary and non-punitive, and should not unreasonably burden another party.

For example, 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.

Supervisors who receive requests for supportive measures that do not unreasonably burden another party should try to fulfill these requests to the extent practicable. Supervisors should consult with Equal Opportunity & Title IX before denying a supportive measure request, as some supportive measures may be legally required. Supervisors should maintain the confidentiality of supportive measures that have been requested or provided to the extent possible. These [FAQs](#) provide more information about supportive measures in sexual misconduct matters.

| RETALIATION

Retaliation occurs when someone engages in intimidation, harassment, reprisal or other harmful action against another individual because that individual has:

- reported misconduct;
- participated in a misconduct investigation or other response process; or
- expressed opposition to misconduct.

The University prohibits retaliation, and Equal Opportunity & Title IX uses a proactive, case-specific approach to prevent retaliation from occurring in reported cases. Supervisors are important partners in preventing retaliation in their units. Equal Opportunity & Title IX's [Retaliation Prevention Planning Guide](#) provides more information.

The guidance below is intended for supervisors of employees who are parties in an Equal Opportunity & Title IX response process. In these situations, supervisors should take the following steps to help support the employees involved in the response process and prevent retaliation from occurring.

Be supportive of misconduct reporting

- Understand and be prepared to talk about the value of the University's policies and complaint resolution process as a way to identify and resolve problems. Leaders who are perceived as welcoming reports and trusting University processes help to create environments in which individuals are more likely to report concerns and less likely to engage in retaliation against others who report concerns or participate in complaint response processes.

Help to maintain appropriate confidentiality

- Only share information about a complainant, respondent, or response process with individuals who have a need to know in order to perform their job duties. This protects the privacy of those involved in the response process. In addition, the fewer people who know about the complaint and the parties' identities, the fewer opportunities there are for retaliation. If you have questions about whether it is appropriate or permissible to share information about the response process with others, you can consult with Equal Opportunity & Title IX, Human Resources, or the Office of the General Counsel.
- Encourage any unit members who are discussing the complaint or response process to refrain from doing so to respect the privacy of the parties, prevent retaliation, and maintain the integrity of the response process. However, do not prohibit such discussion. Invite unit members who have questions or concerns about a complaint or response process to direct those questions or concerns to an appropriate individual or office, such as their supervisor, a department leader, Human Resources, or Equal Opportunity & Title IX.

Promote a supportive, fair, and non-retaliatory work environment for the parties

- Check in with parties as needed to determine whether they require supportive measures, to remind them of the prohibition on retaliation, and to monitor whether concerns of retaliation or other concerns have arisen.
- Ensure that the complainant and others participating in the response process are treated consistently with similarly situated individuals. Consult with your supervisor, Human Resources, or the Office of the General Counsel before taking any actions toward the complainant or others that could be perceived as retaliation.
- If parties in a response process must continue to have contact with one another to complete their employment or academic work, consider whether to make a plan for how the parties can communicate with one another in order to support the parties, facilitate a productive work or academic environment, and prevent concerns of retaliation from arising.
- Refrain from making judgments about the merits of a complaint while a response process is ongoing. It is best for supervisors to remain as impartial as possible while also providing support and resources to parties during the response process.

| GUIDANCE (CON'T)

Respond appropriately when receiving inquiries related to an ongoing response process or additional misconduct reports

- Refer questions from parties about the response process to Equal Opportunity & Title IX.
- Promptly contact Equal Opportunity & Title IX if you learn that retaliation may be occurring. Equal Opportunity & Title IX is the University office responsible for responding to retaliation related to reports of discrimination or sexual misconduct.
- Be prepared to respond compassionately and seriously when learning about potential misconduct, and to promptly report this information to Equal Opportunity & Title IX in accordance with policy. Sometimes learning about an ongoing misconduct investigation can prompt others to report their own experiences of misconduct by the same or a different respondent, so be ready to receive additional reports.

Respond appropriately if a report or response process causes disruption in the unit

- In some cases, individuals can become frustrated with the length of a response process, the limited amount of information available to them during a response process, or the result of a response process. Supervisors can take steps to respond to or address these frustrations. The Office for Conflict Resolution and Human Resources may be able to help or refer you to other useful resources.
- In some cases, supervisors may receive concerns that a party in a response process is causing disruption by sharing information about the complaint or by gathering information from others related to the complaint or the complaint process. The University does not restrict the ability of parties to discuss the allegations under investigation or to gather and present relevant evidence in a response process. At the same time, Equal Opportunity & Title IX encourages parties and witnesses to be thoughtful before sharing information with others about a report or response process. Feel free to contact Equal Opportunity & Title IX if you have concerns about disruption.
- In rare cases when details about a report or investigation become public, it is sometimes useful to develop and implement a communications plan in consultation with the Office of the General Counsel, Equal Opportunity & Title IX, University Relations, and Human Resources that complies with applicable privacy laws, and effectively balances the privacy of the individuals involved and the need to provide transparency around misconduct matters.

| RESOURCES TO ASSIST YOU

Equal Opportunity & Title IX is available to meet with supervisors to answer questions about our response processes or how to mitigate their impact. Equal Opportunity & Title IX also provides many resource documents on its website (eot.umn.edu). In addition, a number of other campus resources are available to support supervisors who are responding to misconduct reports in their department, including the Office of the General Counsel, Human Resources, the Office for Conflict Resolution, University Relations, the Office of the Provost, and the Employee Assistance Program.

Sometimes supervisors find it useful to connect with other administrators who have recently had a discrimination, sexual misconduct, or related retaliation response process involving their unit. Equal Opportunity & Title IX can help to facilitate these connections.



Equal Opportunity & Title IX

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