A Summary of the University’s Investigative, Disciplinary and other Responsive Procedures in Cases That Involve Employee and other Non-Student Respondents

Discriminatory Misconduct

1. How to report incidents of discrimination, harassment, nepotism or related retaliation (collectively, “discriminatory misconduct”) that involve an employee respondent or other non-student University community member respondent

Complainants can report concerns about discriminatory misconduct to the University of Minnesota’s Office of Equal Opportunity and Affirmative Action (EOAA). Complainants can make an appointment with an EOAA staff member by emailing, calling or visiting the EOAA office.

EOAA
274 McNamara Alumni Center
200 Oak Street SE
Minneapolis, MN 55455
Office: 612-624-9547
Email: eoaa@umn.edu

Complainants can also report concerns about discriminatory misconduct to Human Resources representatives and supervisors (Unit Representatives). Unit Representatives may address the reports themselves.

Unit Representatives also can report discriminatory misconduct to EOAA or consult with EOAA about discriminatory misconduct about which they are aware.

Reports involving potential crimes can also be made to the University of Minnesota Police Department or local police departments.

University of Minnesota Police Department
Transportation and Safety Building
511 Washington Ave SE
Minneapolis, MN 55455
Non-emergency phone number: 612-624-2677
Email: police@umn.edu

EOAA addresses concerns of discrimination and harassment based on: race, color, creed, religion, national origin, gender, age, marital status, familial status, disability, public assistance status, membership or activity in a local commission created for the purpose of dealing with discrimination, veteran status, sexual orientation, gender identity, and gender expression.

2. Summary of the University’s potential responses to discriminatory misconduct reports

Upon receiving a discriminatory misconduct report, EOAA will assess the report to determine how to respond to the report, including whether to respond to the report through informal problem solving or a formal investigation process. In making this determination, EOAA may
consider, among other factors: (1) the nature and severity of the reported conduct; (2) whether the conduct has been previously addressed with the respondent; (3) academic freedom and free speech protections; (4) the potential for recurrence of the conduct; (5) the actual and potential impact of the conduct; (6) the potential impact of using investigative or problem-solving approaches to address the report; (7) the preferences of the complainant; and (8) whether the respondent is an employee, student or third party.

A. Informal problem solving

Based on the facts and circumstances of each case, EOAA may use informal problem solving to respond to a report. Among other things, informal problem solving may include: (1) conducting an initial inquiry to gather additional information about the report; (2) providing education or coaching to the respondent or complainant; (3) providing resources or recommendations to the respondent, a supervisor, or human resources representative; (4) providing relevant information to the individuals involved; or (5) making changes to an employee’s workflow or work location; or (6) establishing a plan for monitoring future misconduct. In an informal problem-solving process, EOAA does not determine whether or not the respondent has violated University policy. However, EOAA may provide resources to help resolve the conflict and make recommendations for responsive action, including actions aimed at preventing conflict or discriminatory misconduct from occurring.

B. Formal investigation

1. EOAA investigates reports of discriminatory misconduct in order to determine whether it is more likely than not that relevant University policies have been violated. This is also known as a preponderance of the evidence standard.

2. EOAA provides a final written report to the parties that includes factual findings and a determination of whether relevant University policies have been violated.

3. In most cases, EOAA will send a copy of the report and recommendations for responsive action, if any, to the University Authority. For employees, the University Authority is the respondent’s supervisor, and/or Human Resources representative. For other non-student respondents, the University Authority is the University official responsible for retaining or overseeing the respondent.

4. The University Authority will determine which responsive actions, if any, will be implemented. The University Authority will notify the respondent of the responsive actions that directly impact the respondent, if any, and will document those actions in the respondent’s University file. The University Authority or other appropriate person will notify the complainant about the responsive actions taken that may impact the complainant.
3. **Possible recommendations during and after an investigation**

In some circumstances, EOAA may recommend interim recommendations during the course of an investigation. Such recommendations will be sent to the University Authority and others as needed to appropriately implement the accommodations. Recommended interim recommendations might include, but are not limited to: coaching, temporary reassignment of or change in responsibilities, temporary restrictions on contact between the parties, and temporary administrative leave.

At the conclusion of an investigation, EOAA will send recommendations for responsive action to the University Authority if the respondent violated relevant policies. EOAA may also send recommendations for responsive action to the University Authority in other cases, such as in cases where the respondent engaged in concerning conduct, even if the respondent did not violate relevant University policies. Recommended responsive action might include, but is not limited to: coaching, training on issues of equity and diversity or policy compliance, other professional development training, probation, written letter of expectations, progressive disciplinary action, change in job duties or responsibilities, decrease in salary, demotion, paid or unpaid suspension, or termination from employment.

4. **Review of decision or disciplinary action**

Either party may ask the EOAA Director to review EOAA’s written findings. The request for such a review must be made in writing to the EOAA Director, and must include the party’s specific concerns regarding the findings. In addition, depending on an employee’s job classification, other review or grievance procedures related to the written findings or disciplinary action may be available including, for example:

- Bargaining unit employees should contact their union representative and/or refer to the applicable collective bargaining agreement.
- Faculty members should refer to Chapter 14 of Board of Regents Policy: *Faculty Tenure*. Faculty members may contact the Office of the Provost for more information about processes under this policy:

  Office of the Provost  
  234 Morrill Hall  
  100 Church Street SE  
  Minneapolis, MN 55455  
  provost@umn.edu  
  612-625-0051  
  https://provost.umn.edu
Civil Service and Professional and Administrative employees (including faculty) who are not represented by a union should refer to the University’s conflict resolution process for employees. These employees may contact the Office for Conflict Resolution for more information:

Office for Conflict Resolution  
662 Heller Hall (West Bank)  
271 19th Avenue South  
Minneapolis, MN 55455  
612-624-1030  
http://ocr.umn.edu/  
ocr@umn.edu

5. **Additional Information for Principal Investigators and co-Principal Investigators**

In accordance with federal regulations, the University will contact the National Science Foundation (NSF) if: (1) the University finds that a Principal Investigator or Co-Principal Investigator has violated the University’s policy against harassment, including sexual harassment; or (2) the University takes administrative action (including placing the PI or co-PI on administrative leave) related to a report of harassment. This reporting requirement applies to a PI or co-PI with a new NSF funded award or funding increment issued on or after October 21, 2018. EOAA will be in contact with the University’s Sponsored Projects Administration in the Office for the Vice President of Research in these situations. For more information, please contact:

Sponsored Projects Administration  
Office for the Vice President of Research  
450 McNamara Alumni Center  
200 Oak St. SE  
Minneapolis, MN 55455  
(612) 624-1648

6. **Additional Information for Student Employees**

Discriminatory misconduct by student employees may be addressed through the procedures described above, and may also be addressed through the student conduct procedures applicable to student respondents.

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Relevant University Policies and Procedures

Policies prohibiting discrimination, harassment, and nepotism

Board of Regents Policy: *Equity, Diversity, Equal Opportunity and Affirmative Action*
https://regents.umn.edu/sites/regents.umn.edu/files/policies/Equity_Diversity_EO_AA.pdf

Board of Regents Policy: *Nepotism and Personal Relationships*

Policy prohibiting retaliation

Administrative Policy: *Retaliation*
https://policy.umn.edu/operations/retribution