Information for Witnesses

1. Role as witness

We asked you to speak with us as a witness because you might have relevant information about a matter that we are addressing through formal investigation or informal problem solving (collectively, “EOAA process”). It is possible that your role in this EOAA process could change as we learn more information. For example, sometimes witnesses become complainants (individuals reporting that they have experienced misconduct) or respondents (individuals accused of engaging in misconduct).

2. Privacy and Confidentiality

The University protects the privacy of all individuals involved in an EOAA process 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. In these cases, the information that you provide may be shared with other participants in the EOAA process and/or be included in an investigation report or other report relating to the case. 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 will share information about the report with you as necessary to gather relevant information from you. To protect the privacy of others involved in the EOAA process, we are unable to share the outcome of the EOAA process with you.

We encourage you not to share information with others about the report or the EOAA process. 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 parties or anyone you believe could be a witness. This will help to maintain the integrity of the EOAA process 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 with others in order to make employment, academic or housing arrangements, or to obtain personal support. For example, an employee witness may share information about their experience or report with their supervisor. We also encourage you to use personal and University-provided resources, listed below, to obtain the support you need.
3. 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 EOAA process, or expressing opposition to misconduct.

As a witness, you are both responsible for not retaliating against others and protected from someone retaliating against you because you have participated in an EOAA process. Discussing the report, the allegations or the EOAA process with others who do not have a need to know can in some situations constitute retaliation.

If you experience possible retaliation, please let us know right away so that we can address the situation appropriately.

4. Truthfulness

We expect that you will provide full and truthful information during the investigation. Knowingly providing false, misleading or incomplete information can result in disciplinary action.

5. Resources for Personal Support

The University offers a number of free and confidential support 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 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

- The Aurora Center (for employees and students who have experienced or are concerned about sexual misconduct)  
  http://aurora.umn.edu/  
  612-626-9111

- Learn to Live (confidential online service to help students with issues related to stress, depression and anxiety)  
  https://www.learntolive.com/

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Data Privacy Notice

The purpose of this meeting is to collect information from you regarding reports of discrimination, harassment, sexual misconduct, nepotism and/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, nepotism and/or retaliation.

Except in limited circumstances, you are required to participate in an investigation. It also is our expectation that the information you provide will be truthful. Knowingly providing false or misleading information may result in disciplinary action up to and including termination of employment or expulsion.

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 may be released to the following individuals/entities under some circumstances, as permitted or required by law:</th>
<th>Information about employees may be released to the following individuals/entities under some circumstances, as permitted or required by law:</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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<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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<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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<tr>
<td>● other schools where you are also enrolled or receiving education services;</td>
<td>● the complainant, respondent and witnesses in the matter or investigation at issue;</td>
</tr>
<tr>
<td>● the federal Comptroller General or other federal, state or local government officials for purposes of program compliance, audit or evaluation;</td>
<td>● school officials, including University faculty, who have legitimate educational interests in the information;</td>
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<tr>
<td>● appropriate individuals in connection with your application for, or receipt of, financial aid;</td>
<td>● other schools in which you seek or intend to enroll, or are enrolled;</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>● other schools where you are also enrolled or receiving education services;</td>
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<td>● your parents, if your parents claim you as a dependent student for tax purposes;</td>
<td>● the federal Comptroller General or other federal, state or local government officials for purposes of program compliance, audit or evaluation;</td>
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<td>● institutions engaged in research related to testing, student aid, or improved instruction;</td>
<td>● appropriate individuals in connection with your application for, or receipt of, financial aid;</td>
</tr>
<tr>
<td>● accrediting organizations in connection with their accrediting functions;</td>
<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>
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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>● your parents, if your parents claim you as a dependent student for tax purposes;</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>● institutions engaged in research related to testing, student aid, or improved instruction;</td>
</tr>
<tr>
<td>● persons/entities whom you authorize to receive the data; and</td>
<td>● accrediting organizations in connection with their accrediting functions;</td>
</tr>
<tr>
<td>● other persons or entities authorized by state or federal law.</td>
<td>● appropriate individuals in connection with your application for, or receipt of, financial aid;</td>
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In addition, if the University determines that a student found to have violated its policies against 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.

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;

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.

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