

**UNIVERSITY OF MINNESOTA
UMD OFFICE OF EQUAL OPPORTUNITY**

**INFORMATION FOR PERSONS ACCUSED OF SEXUAL HARASSMENT
(Employee)**

- 1. A complaint has been made against you under the University sexual harassment policy. This may not mean you have violated the policy, but only that someone believes you may have. Any person has the right to complain about treatment by a University student or employee which is perceived as discriminatory. If a complaint is filed, the University is obligated to determine whether or not a violation of an anti-discrimination policy actually has occurred.**
- 2. Exactly how the complaint against you is processed depends on several factors, including the severity of the charges and the requests of the complainant. The process may include discussing a mutually agreeable resolution, written statements and interviews of witnesses.**
- 3. The UMD Office of Equal Opportunity will provide you with a written charge which includes a description of the allegations that have been made and information concerning your rights of representation. The complaint investigation is an internal process, and is not a legal proceeding. However, any bargaining unit member has the right to seek counsel from their union representative. In addition, any person has the right to hire a private attorney to advise him or her on how to respond to a complaint. That does not necessarily mean there is a lawsuit.**
- 4. You have the right to know who your accuser is, what misbehavior you are accused of, and the right to respond to those accusations. You will be given equivalent rights with those accorded to the complainant. However, the process may not provide for you to confront your accuser personally. Neither you nor the complainant has the right to know the names of witnesses or what they report, unless disciplinary proceedings occur.**
- 5. If you retain an attorney, the UMD Office of Equal Opportunity or the Office of the General Counsel will answer questions about the process. A member of the University's Office of the General Counsel may be present at any meetings in which your attorney participates. The role of the General Counsel is to advise the UMD Office of Equal Opportunity; it does not represent the complainant.**
- 6. The information to be gathered is for internal use at this time. Complainants, as well as respondents, are asked to respect each other's privacy. As long as the investigation remains internal within the UMD Office of Equal Opportunity, knowledge of the complaint against you will be limited. Certain line officers and supervisors, such as vice presidents, deans, department heads and directors, must be notified because they have administrative responsibility for the students and employees involved in complaints.**
- 7. If the investigation results in discipline, you have the right to grieve the decision through the procedures relevant to your employment classification in the University.**

- 8. Retaliation against the complainant or any other person related to the complaint, is illegal, and is taken very seriously. Retaliation may generate additional charges against you, even if the initial complaint is dismissed.**

- 9. Records on sexual harassment complaints are retained in the UMD Office of Equal Opportunity. The only records which may be placed in an individual's file are those relating to discipline (i.e., oral or written reprimand, suspension or termination). Regardless of where the information is located, this material is subject to the requirements of the Minnesota Government Data Practices Act, which means that if the University is asked for information, certain parts of any disciplinary record must by law be released to the inquiring party. The UMD Office of Equal Opportunity, in consultation with the General Counsel's Office, will determine which documents are accessible through the law.**

Please call 726-6849 if you have questions.

The University of Minnesota is an equal opportunity educator and employer.

**UMD Office of Equal Opportunity
269-273 Darland Administration Building
1049 University Drive
Duluth, Minnesota 55812-3011
(218) 726-6827
TDD/TTY (218) 726-6115
FAX (218) 726-7505**

04/01/2004