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Office of Equity & Inclusion

1B.1 Investigator Training

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Minnesota State

OUTLINE OF TODAY'S PRESENTATION

- Review Board Policy 1B.1 and System Procedure 1B.1.1
- Investigative Techniques
- Data Privacy





Overview of 1B.1 Policy and Procedure

MINNESOTA STATE BOARD POLICY 1B.1

EQUAL OPPORTUNITY AND NONDISCRIMINATION IN EMPLOYMENT AND EDUCATION

The **1B.1 Policy** addresses:

- Equal opportunity for students and staff
- Nondiscrimination
- Harassment
- Discrimination
- Protected Class
- Sexual harassment
- Retaliation



PROTECTED CLASSES

HARASSMENT AND DISCRIMINATION ARE PROHIBITED BASED ON:

- Race
- Creed
- Age
- Disability
- Sexual Orientation
- Gender Expression
- Familial Status
- Sex (including pregnancy, child birth, and related medical conditions)
- Status with regard to Public Assistance
- Membership or activity in a local human rights commission
- Color
- Religion
- National Origin
- Marital Status
- Gender Identity
- Veteran Status
- Genetic Information (employees)

DISCRIMINATION

The elements of discrimination include:

- Someone was treated **differently**;
- The different treatment was **based on** the individual's protected status or perceived protected class status; **and**
 - **Interfered** with or limited the ability of that person to participate in, or benefit from, the services, activities or privileges provided by Minnesota State **or**
 - Otherwise **adversely affected** that person's employment or educational experience of the college/university

DISCRIMINATORY HARASSMENT

- Unwelcome conduct or communication;
- Based on actual or perceived membership in a protected class;
- That has a negative effect or is likely to have a negative effect on the complainant or the workplace or educational environment.

DISCRIMINATORY HARASSMENT

continued

The examples of discriminatory harassment include:

- Oral or written conduct such as jokes, innuendo, slurs, name calling, negative comments about cultural norms, circulating rumors;
- Physical conduct, battery, blocking movement;
- Non-verbal derogatory gestures, stalking, interference with work performance;
- Visual displays.

SEXUAL HARASSMENT

- Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal or physical conduct of a sexual nature and;
- The conduct has a negative or is likely to have a negative effect on the complainant or the workplace or the educational environment.

SEXUAL HARASSMENT

continued

The examples of sexual harassment include:

- Unwelcome conduct;
- Preferential treatment;
- Negative treatment or threats;
- Sexual exploitation.

Negative effect considerations

- Whether the conduct was verbal, physical or both
- How frequently it was repeated
- Whether the conduct was intimidating, offensive, humiliating, or abusive
- Whether the alleged harasser was a fellow student, a faculty member, a co-worker, supervisor, or third party
- Whether others joined in perpetrating the harassment
- Whether the harassment was directed at more than one individual

Unwelcome Conduct Defined

- The complaining student or employee did not request or invite conduct
- The complainant student or employee regarded the conduct as undesirable or offensive



1B.1 PROHIBITS RETALIATION

Retaliation is prohibited at Minnesota State.

Retaliations includes, but is not limited to, engaging in any form of intimidation, reprisal or harassment against an individual because the person:

- Made a complaint or other communication under 1B.1 or 1B.3;
- Assisted or participated in an investigation or process under these policies, regardless of whether a claim of discrimination or harassment was substantiated (or other applicable laws and policies); or
- Associated with a person or group of persons who are members of a protected class; or
- Made a complaint or assisted or participated in any manner in an investigation or process with the EEOC, the U.S. Department of Education (OCR), the MN Dept of Human Rights or other enforcement agencies, under any federal or state nondiscrimination law.

SEXUAL VIOLENCE

The **1B.3 Sexual Violence Policy** addresses:

- Affirmative Consent
- Sexual Violence
- Dating, intimate partner, and relationship violence
- Non-forcible sex acts
- Sexual Assault
- Stalking

PER 1B.3 POLICY

- Definition of Title IX sexual harassment
(conduct on the basis of sex)
 - Employee **conditioning** the provision of an aid, benefit, or service of the institution on an individual's **participation** in unwelcome sexual conduct [*Quid pro quo*]
 - Unwelcome conduct determined by a reasonable person to be **so severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the institution's education program or activity [Hostile environment]
 - Sexual assault; dating, intimate partner, and relationship violence; and stalking [Clery crimes]

SYSTEM 1.B.1.1 PROCEDURE

INVESTIGATION AND RESOLUTION

- Reporting Discrimination/Harassment
 - Encourage report as soon as possible
 - Administrators and supervisors must report incidents of discrimination/harassment
 - Students, faculty and employees are strongly encouraged to report incidents of discrimination/harassment

1B.1 POLICY IMPLEMENTED THROUGH

1B.1.1 PROCEDURE

- This policy applies to all individuals affiliated with Minnesota State, including but not limited to, its students, employees, applicants, volunteers, agents, the Board of Trustees, and others as appropriate and protects the rights and privacy of all involved individuals, as well as prevents retaliation.

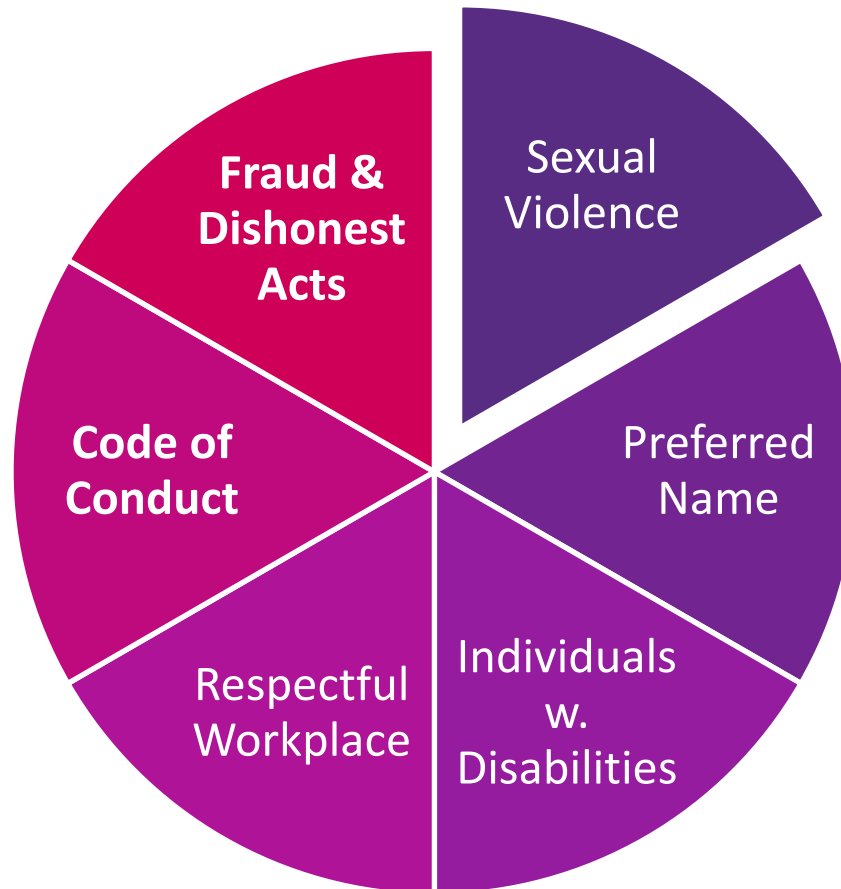
CONSENSUAL RELATIONSHIPS

An employee of Minnesota State **shall not** enter into a consensual relationship with a student or an employee over whom the person exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority or influence.

SPECIAL CASES

- Complaints against a president
 - Complaints should be filed with the system office's designated officer. The case will be investigated by an investigator appointed by the Chancellor.
 - Campus investigation - If president's role in the incident was limited to a decision on a recommendation made by another administrator, such as tenure, promotion or non-renewal and the president had no other involvement in the matter
- Complaints against system office employees or the Board of Trustees.
 - Complaints that involve allegations against the chancellor or a member of the Board of Trustees must be referred to the board chair or vice chair for processing. Such complaints may be assigned to a Minnesota State investigator or outside investigatory assistance may be designated
- Complaints against college or university vice presidents, deans or provosts are filed at the campus level with the president as decisionmaker

ADJACENT POLICIES AND PROCEDURES



PREFERRED NAME

SYSTEM 1.B.1.2 PROCEDURE

- Chosen name that is different, in whole or in part, from legal name
- Each college, university shall have a procedure
 - Registrar: responsible for students and alumni
 - Human resources: responsible for employees
- Used when and where technically and legally possible

ACCESS & ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

BOARD 1.B.4 POLICY

- Programs, services, and activities shall be accessible to individuals with disabilities, in compliance with state and federal laws
- Individuals with disabilities may need accommodations to have equally effective opportunities
- Reasonable accommodations will be made to ensure access (with some noted limitations), including modifications to rules, policies, and practices
- Provide qualified student with a disability access to services and activities
- College, University must have process to request an accommodation

RESPECTFUL WORKPLACE

SYSTEM 1.C.0.2 PROCEDURE

- Objectively respectful and professional workplace
- **Professionalism:** Displaying the good judgment and proper behavior that is reasonably expected in the workplace
- **Respect:** Behavior or communication that demonstrates positive consideration and treats individuals in a manner that a reasonable person would find appropriate
- **Prohibitions:** aggressive behaviors; deliberately destroying, damaging, or obstructing work performance; knowingly making a false complaint; retaliation

CODE OF CONDUCT

SYSTEM 1.C.0.1 PROCEDURE

- All employees of Minnesota State must meet public expectations for excellence
- Ethics
 - Conflicts of interest
 - Compensation, benefits or gifts
 - Personal advantage
 - Use of Minnesota State property
 - Political activities and influence
 - Purchasing and contracting
- Employees must comply with all board policies and system procedures (including 9 noted areas)

FRAUD OR OTHER DISHONEST ACTS

SYSTEM 1.C.2 POLICY

- Fraudulent and other dishonest acts
 - Ex. Theft or misuses of college or university assets, time, property
 - Conflicts of interest
 - Double employment, where employee is working two jobs at the same time
- State of Minnesota Code of Ethics
- Fraud inquiries and investigations
- Remedial actions
- Whistleblower protections

RESPONSIBILITY FOR MANAGING/ ADMINISTERING PROCESS

**Designated
Officer**

Investigator

President

**Decision-making
Authority**

DESIGNATED OFFICER TASKS

- Jurisdiction and scope
- Conflicts of interest
- Interim actions re: health, safety concerns
- Primary person to ensure process moves forward through each relevant step of the procedure
- Release of information requests

INVESTIGATOR TASKS

- Conducts a fact-finding inquiry or investigation of the complaint, including scheduling and holding interviews and requesting record information; may delegate this to another trained investigator
- Informs involved parties of right a union representative or support person to accompany them during investigative interviews, as appropriate
- Informs involved parties of the protection and prohibition of retaliation per policy
- Creates, gathers, and maintains investigative documents as appropriate

INVESTIGATOR, CONTINUED

- Writes investigation report with organized attachments
- Outlines facts in the investigative report based on information collected through the interview process and review of gathered documents
- Primary person to ensure process moves forward through the investigative steps
- Handles all data in accordance with applicable federal and state privacy laws, consulting with the campus Data Practices Officer when necessary
- Provides all investigative materials to the Designated Officer for recordkeeping

THE INVESTIGATION

- Provides enough information for the decisionmaker to make a reasoned decision about whether policy has been violated
- Maintains integrity of process
 - Timely
 - Fair to both parties
 - Provide confidentiality as required by law
 - Thorough
 - Tailored to individual circumstances
- Provides findings of facts, **not** findings of policies

NOTE: 1B.1 and 1B.3 Report Conclusions

- No policy violation findings
- No references to laws or illegal behavior
- No recommendations
- No decisions for outcomes

NOTE: Findings of fact are not findings of policy

- The **Respondent** admitted to
- While the **Complainant** asserted that the Respondent..., the **Respondent** does not recall ever....
- **Witness 2** stated they observed the Complainant and the Respondent...

DECISION-MAKER TASKS

- Determines whether there is any real or perceived conflict of interest
- Receives and reviews the investigation report
- Provides notice to the Complainant and Respondent regarding receipt of report, their role as Decisionmaker, and anticipated timeline for decision
- Makes sure the investigator has complied with Minnesota State procedures
- May meet with parties or request additional information from the investigator

DECISION-MAKER, CONCLUDES PROCESS

- Decides whether policy has been violated based on information provided in report
- Writes reasoned decision based on facts, available information, and policies
- Provides decision letters to complainant and respondent of their findings regarding a policy violation; copy to the Designated Officer
- Provides all related report materials to the Designated Officer for recordkeeping

DECIDING IF MISCONDUCT OCCURRED

- Standard of proof in determining a 1B.1 violation
 - Preponderance of evidence; i.e. more likely than not to have occurred
 - Secondary information has value
 - Reasonable inferences also are used

The scales of justice:

Preponderance= > than 50%

Clear and convincing= 75% vs. 25%

Beyond a reasonable doubt= 99.9% vs. .1%

DECISION FACTORS

- Weigh nature and context of behaviors, the relationship(s) between the parties, the context in which the alleged incident(s) occurred, and other relevant factors
- Consider the totality of circumstances
 - History of complaints/grievances
 - Treatment of others (those who are different and those who are similarly situated)
 - Skills/competencies of supervisors demonstrated by past actions
- What is more convincing and has greater probability

APPEAL PROCESS

- Additional information
- Appeal decision timeframe
- Decision notification
- The decision on appeal is **final** under 1.B.1.1 Procedure

APPEAL PROCESS, POINTS OF INFORMATION

- Disciplinary action imposed on a member of a collective bargaining unit is processed in accordance with that agreement
- Disciplinary or corrective action taken as a result of the decision may be enforced pending the outcome of the appeal.
- Students must be informed of their right to a contested case hearing (Chapter 14) if an outcome of suspension of 10+ days.

PRESIDENT

- **Removed** from initial investigation and decision-making
- Serves as the final decisionmaker (appeal) for the Minnesota State

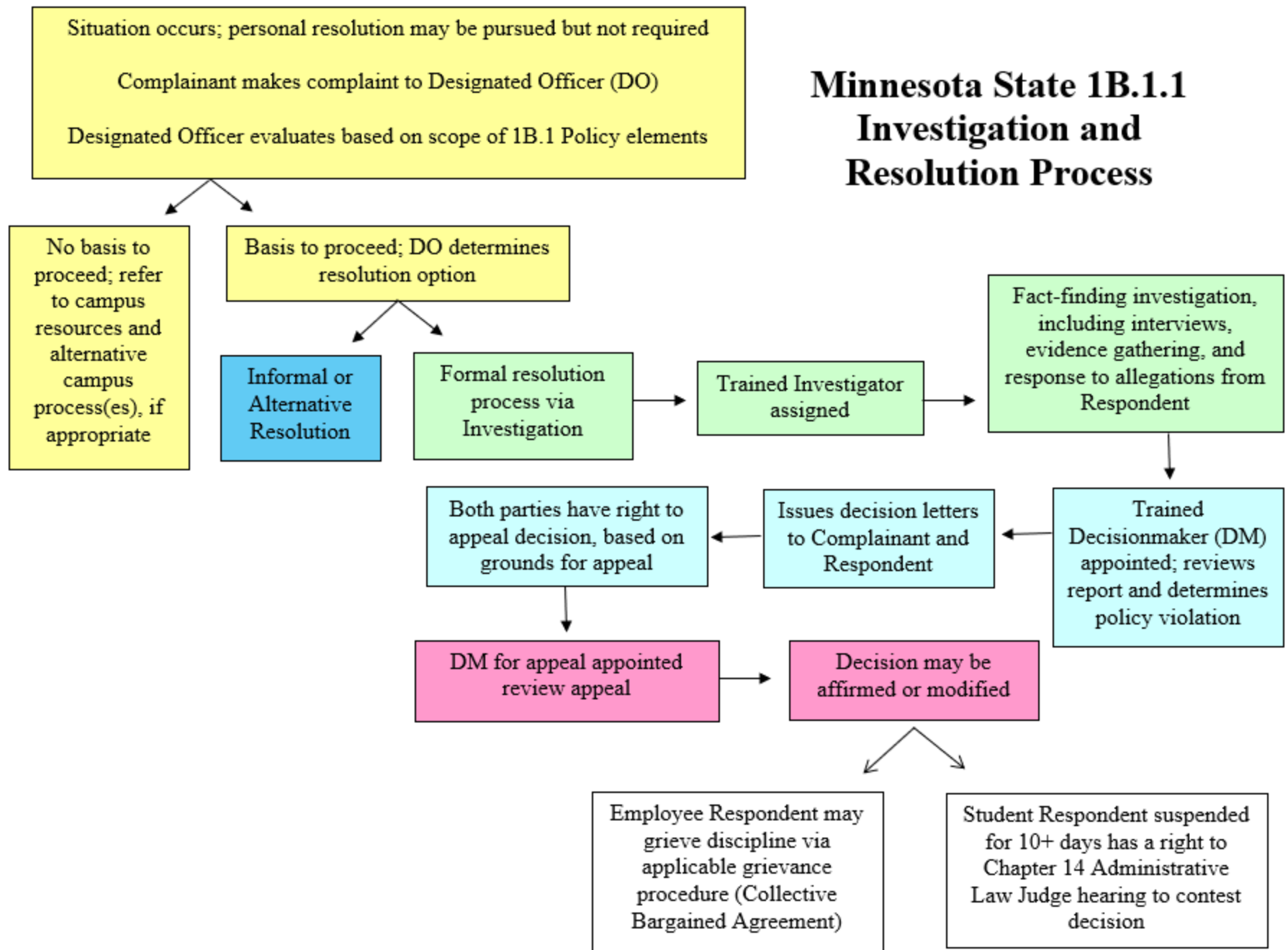
ROLE OF PRESIDENT ON APPEAL

- Review of investigation report
- Review of any new evidence
- Quality review - consults with:
 - Minnesota State General Counsel and/or AGO
 - Minnesota State Human Resources/Labor Relations
- Notify complainant, respondent, and Designated Officer of decision (within a reasonable time)

Service in Roles

- Transparency builds trust in process
 - The specific steps of the process are documented and discussed
 - Updates during the process are provided
- The Complainant and Respondent have a right to know who the individuals are who are part of the process
 - Designated Officers and Title IX Coordinators
 - Investigators
 - Decision-makers, including for appeals
- Sufficiently trained in order to serve in this role
- If anyone has concern of retaliation following an investigation: immediately report

Minnesota State 1B.1.1 Investigation and Resolution Process



Investigators Professional Development

- Seasoned: willing to mentor?
- New: interested in collaborative role?
- Anytime: system office support





INVESTIGATIVE TECHNIQUES

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Investigation Specialist & Deputy Title IX Coordinator
Metro State University

INVESTIGATION PLAN

- Scope of Investigation
 - What are the allegations?
 - 1B.1, 1B.3, RWP, Code of conduct, etc.
 - What are sub-elements
 - Partnership w/ other departments
 - Who are the involved parties?
 - Multiple respondents; multiple complainants – may consider splitting
 - Large witness pool
 - Do the allegations arise out of same set of facts
 - If not, consider splitting or referring non 1B.1/1B.3 matters
 - Why is scope important?
 - Prevents Scope creep i.e., getting lost/sidetracked
 - Can help structure interviews

COLLECTING EVIDENCE

- Initial evidence to collect and review
 - Time sensitive evidence
 - Security footage
 - Keycard access
 - University owned devices
 - Standard records to review
 - Internal past 1B.1/1B.3 records
 - Personnel files
 - Conduct records
 - Reports: security, residential life, etc.
 - Org. Charts
 - Create a timeline
 - Continue to grow as more information is gathered
 - Tracking
 - Who provided what and/or where it was found

WHO TO INTERVIEW

- Complainant & Respondent
- Witnesses
 - Those present in incident(s)
 - Outcry witnesses – administrators, friends, family complainant/respondent shared with about incident(s)
 - Those involved in documenting incident or process/response - security, other administrators, etc.
 - Focus on witnesses that have knowledge of the incident rather than the character of the individual
- Document interview decisions
 - Who is doing the interview and why
 - Why was someone not interviewed

SCHEDULING INTERVIEWS

- Order of interviews
 - Strategy – different order for different situations
 - Witnesses – may be helpful to start w/ "neutral persons"
- Timing
 - Set aside enough time: prep, interview, notes/reflection time
 - Consider past interactions with party
 - Consult interview outline
- Flexibility – timing and location
 - Provide location options but be sensitive to different needs.
 - i.e., - Zoom requires technology, internet, etc.
- Accommodations
 - Know who/what departments to partner

OUTLINE INTERVIEW QUESTIONS

- Interview structure consistent for all parties
 - "speeches" - overview of meeting, about role/office, policy, procedure, flowchart; advisory notice, waiver of union, privacy of interview' recording/note taking timing of interview
 - Background – name, title/year, start date, major, involvement in extracurriculars/committees, explanation of role, where they live on campus
 - Interim actions and supportive measures
 - Resources
 - Next steps
 - Reminder about retaliation

DETERMINE GOALS OF QUESTIONS

- Who, what, where, when, why, how
- Intake meeting vs. Investigatory interview
- Refine scope
- What information are you missing or have questions
 - Read through reports/complaints and note any questions
- Policy elements
 - Policy element handout

HOW TO STRUCTURE QUESTIONS

- Start with broad/open ended questions
- Allow to tell their story/experience however they choose
 - Where they start/end their story and what they emphasize can be very telling and important for you to have.
- Clarifying questions
 - Funnel approach
 - Ask to clarify meaning of words/descriptors
- Allow for Silence
- Additional questions/things left unanswered
- Closing questions
 - Is there anything else you think I should know?
 - Anything I didn't ask that you thought I would ask about?
 - Is there anyone that you think I should talk to? Why?

INTERVIEW QUESTIONS for all

- Interview questions for all parties
 - Allow them chance to share their story/experience
 - "Tell me about your experience" - "this is your opportunity to respond to allegations" - "do you know why I asked to meet with you"
 - Prepare what information willing/able to share
 - Ask the who/what/where/when/how questions
 - Summarizing Information back
 - Policy elements
 - Effect/impact

INTERVIEW QUESTIONS CONTINUED...

- Interviewee specific questions
 - Respondent – make sure to review allegations before questions
 - Make sure the respondent has an opportunity to speak to each individual allegation
 - Complainant – clarify protected class and identity
 - What they observed/their perspective of incident(s)
 - Inconsistencies with other parties/witnesses
 - Evidence specific questions – what they have, might have seen/been part of, etc.
 - Desired outcome/resolution

INTERVIEW CONSIDERATIONS FOR CREDIBILITY

- Look for consistency with out-cry witnesses or contemporaneous reports
- Assess demeanor
- Ask yourself if the story is plausible?
 - Consider relevant past acts; are there alternative versions that are more plausible
- Compare overlap/consistency with other statements
- Respondent who derails questions and/or focuses on irrelevant information
- Providing inconsistent statements
- Motives/Relationships
- Positionality
- Mind/memory altering substances

CONDUCTING INTERVIEWS

EACH INTERVIEW MIGHT LOOK DIFFERENT

- Emotion – crying, anger, indifference, being conflicted, shock, trauma, etc.
- Timing – short answers, decisions to make, communication styles, etc.
- How you ask questions
- Credibility concerns
- Effort needed to structure interview – redirect, diffuse conversation, etc.

MAINTAINING CONTROL OF INTERVIEW

- Provide roadmap of interview
- Safety – Think about how you have arranged the room, security, etc.
- Union reps/ support persons/parents/lawyers
 - Be clear about what their role is [i.e., don't ask interview questions and don't answer questions) from the very beginning (include in letters; share in speech)
 - Communicate to party and support person (if appropriate)
 - Allow for time and space for them to meet away from investigator (separate room; breakout room, etc.)
 - Give reminders/warnings if necessary
- Don't be afraid to end a meeting
- Difference between control and parties not cooperating

TRAUMA INFORMED TECHNIQUES

- Forming questions in a way that does not assign responsibility, blame, or guilt
- Creating safe and comfortable interview environment/setting
- Understand the effects trauma can have
- Check your bias especially when assessing credibility
- Ask questions that speak to the senses

PROVIDING EMPATHY AND VALIDATION

- Focus on treating the individual as a whole person.
- As an investigator, remain neutral
- Practice using sample language that validates a person's experience but remains impartial
- Remember allow space for decisions

ADDITIONAL CONSIDERATIONS

ACTIVE VS. INACTIVE INVESTIGATION

- Active stage of investigation:
 - investigation planning
 - investigatory interviews
 - collecting supporting documentation
- Inactive stage of investigation:
 - reviewing information
 - conducting additional follow up
 - writing the report

REPORT WRITING CONSIDERATIONS, CONT.

- Technical vs. Emotional writing
- Analysis section
 - Policy language
 - Credibility information
 - Findings of Fact: Disputed and undisputed facts
 - No determinations (DM's job)
- Exhibits – label exhibits (numbers or letters)

NOTE TAKING

- Handwritten, typed, Zoom transcript
- Some of this is a personal preference – be consistent
- Have outline of meeting/interview
- Consider a notetaker for support
- Model notes after investigation report
- Make notations where you still have questions for follow up or for other parties

COMMON CHALLENGES & TIPS

- Common challenges
 - parties talk fast or talk in circles/share repetitive information
 - interviews are long
 - prioritizing typing notes after interview
 - Self-care
- Tips
 - type notes/update as soon as possible after interview
 - document thoughts for follow up
 - have a notetaker
 - encourage all to submit a written statement

RECORDING INTERVIEWS

- Allows the investigator to focus on content/information and being present during the interview
- Recordings can ensure that all data and information is accurate.
 - Provides for use of direct quotes
 - Allows for investigator to review/reflect to determine what gaps still exist
 - Provides investigator an opportunity to refine investigation skills
- Recordings can be taken in multiple ways
 - Zoom, teams, handheld, etc.
- Record ALL the interview - including opening information, data privacy review (ask for verbal acceptance), all "housekeeping" information

RECORDING INTERVIEW CONTINUED...

- There are additional nuances of recording that are different from standard interviewing.
 - Open recording stating date, time, and introduction of parties (including spelling of names). End recording with time.
 - Audio recordings do not pick up on non-verbal (head nods, etc.)
 - prepare parties at beginning of interview and clarify during interview if needed.
- Develop a plan for your recording - send for transcription, etc.
 - This provides a typed/hard copy of the interview.
- Transcription review
 - Determine if you want to add this as a part of your process
 - Who can attend to complete the review

RECORDING CONSIDERATIONS

- Contracts for transcription
 - REV.com, other transcription services.
- Access to transcripts
 - Who, when, why
- Storage of recordings and transcripts
- Data retention policies





Office of General Counsel

Overview of Data Practices

For Minnesota State Investigators System Procedures 1.B.1.1

Daniel McCabe
Assistant General Counsel

MINNESOTA STATE

Data Practices Laws

- Minnesota Government Data Practices Act (MGDPA)
- Family Educational Rights and Privacy Act (FERPA)
- HIPAA, GDPR, etc.
- Investigation Records are Government Data under MGDPA (Sometimes FERPA).

Public Data

- Default rule under MGDPA – Government Data is Public
- Available to inspect upon request
- Examples include contracts, invoices, policies, and most business correspondence

Private Data

- Certain data sets are private under the MGDPA/FERPA
- Private means accessible only:
 - to data subject
 - for work related purposes
 - to third parties (who are not the data requestor themselves) if:
 - Subject gives consent or;
 - Appropriate legal authority, such as a court order

Personnel Data

- Section 13.43 sets forth what is Public Data on Employees
 - Only data listed in 13.43 is public data
 - The list includes salary, job title, job description, name, office contact information, existence and status of complaints, etc.
 - If an employee asks for data on themselves, they receive that data whether it is public or private in most circumstances
 - **Otherwise, Personnel Data is Private**

Student Data

- "Educational Data" means (almost) all data relating to a student.
- Educational Data is generally private data. This means that it cannot be disclosed without the student's written consent unless an exception applies.
- Educational Data remains private after a student is no longer enrolled due to graduation, transfer, etc.
- Educational Data does not include data collected after a student leaves the College (e.g. alumni data).
- "Directory Data" is public, unless a student asks that it remain private.

Who is the Data Subject?

- The Respondent is the subject of the investigation.
- Data from a witness statement can be about the speaker, about whom they are speaking about, or both.
- It can even be data on you, the investigator.
- We must balance the interests of the data subjects.

The Complaint

- Existence and status of the complaints are public.
- Statuses include Open, Under Investigation, and Closed.
- We notify a respondent about the existence of an investigation and inform them of the charges.
- The nature of the complaint is not public.

Active Investigation Data

- You may share redacted copies of the respondent's statement with the respondent.
- You may share redacted copies of the complainant's statement and the complaint with the complainant.
- May share with other school officials who have legitimate business "need-to-know" about specific information.
- May NOT share with third parties (including union reps) unless
 - Specifically legally authorized.
 - Always seek assistance before disclosing!

After Investigation

- If no discipline, the respondent does not receive anything other than redacted statement.
- If discipline, the complainant and respondent receive adequate data to make an appeal.
- We redact witness data to maintain confidentiality and prevent harassment.

Employee Discipline

- If employee retains appeal or grievance rights, discipline is not final.
- If there is a no contact order, we can share data for enforcement reasons.
- 1B3 complainants are entitled to certain remedial action information.
- Public employee (usually only presidents and chancellor) investigation data becomes public once the investigation is final.
- Once employee discipline is final (grievance/appeal closed), the disciplinary letter and data supporting the decision become public.

Student Discipline

- Student discipline is private data.
- The only exception is for crimes of violence:
 - If 1B.1.1 investigation includes a charge of assault, intimidation or forcible sex offense (not a complete list) certain information becomes available to:
 - The victim regardless of the result,
 - The public upon request if the charge is sustained.
 - Consultation is required before releasing student discipline information.

Avoiding Mistakes

- Don't disclose private data to others during investigation interviews or correspondence;
- Employee administrative leave during investigation is not "suspension"
 - Implies discipline
- Refer media requests to campus communications or public affairs.
- Get consent for others to be present during interview.
- Don't permit unauthorized viewing of paper or electronic records;
- Label report as "Private;"
- Store investigation records securely;
- Follow IT procedures about maintaining electronic security when storing or transmitting data; watch that laptop! (device/phone/etc.)
- Dispose of not public data securely;
- Use email carefully.

Data Breaches

The MGDPA requires notice to affected individuals of a breach of security (unauthorized access) for

- any private or confidential data (not just SSN or financial information)
- in any medium (not just computerized).

E.g., lost or stolen laptop containing student program data.

Contact your supervisor or campus DPCO if you believe you have a possible security breach situation.

- OGC will assist in determining whether notice is required, how it must be done and other details.

Data Collection: Tennessean Warning Notice

- The reason government is collecting the data,
- How government plans to use the data,
- Whether the person is legally required to provide the data or may refuse to do so,
- Consequences if the person provides the data,
- Consequences if the person does not provide the data, and

Data Collection (continued)

- The identities of people and entities that have access to the data by law. (For example, all notices should include that data may be shared upon court order or provided to the state or legislative auditor.
- Note regarding private data on minors: Entities must provide minors with notice that they have the right to request that parental access to private data be denied. Entities may consider including this notice in the Tennessean Warning notice when collecting the data (See Minnesota Rules 1205.0500).

Consequences of Violations

- A violation of the Data Practices Act could result in:
 - Court order for corrective action
 - Damages paid to the data subject
 - A violation of FERPA could also result in sanctions by the Department of Education
 - Failure to comply with job requirements
 - Reputational damage to the College

Know Your Resources

- Campus Data Practices Compliance Official (first responder for questions or receipt of any legal process request);
- Campus policies on referring requests
 - Public
 - Subjects
 - Employees
 - Students
 - Copy costs
- <http://www.minnstate.edu/system/ogc/index.html>
- System Office personnel



MINNESOTA STATE CONTACT INFORMATION

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Office of Equity and Inclusion (OEI)
<http://www.minnstate.edu/system/equity/>