

## Appendix A3: Overview of FAS Procedures on Sexual and Gender-Based Harassment by Students<sup>1</sup>

This overview outlines the process of making an informal or formal complaint of sexual or gender-based harassment against a student in the Faculty of Arts and Sciences (FAS). For the full procedures, please see the Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences.

### *Informal Complaints and Interim Measures*

Members of the Harvard community who have concerns or inquiries about sexual or gender-based harassment are encouraged to consult with their Title IX Coordinator or the Office for Sexual and Gender-Based Dispute Resolution (ODR). An initiating party can request informal resolution of an allegation of sexual or gender-based harassment. The appropriate FAS Title IX Coordinator will coordinate the response to requests for informal resolution. The FAS Title IX Coordinator will also help to put in place interim measures designed to protect the initiating party or the Harvard community. Interim measures may include restrictions on contact, course or work schedule alterations, changes in housing, or increased monitoring of certain areas of campus. Interim measures may be implemented or revised at any stage of the informal or formal complaint process.

### *Formal Complaints: The Investigative Process*

The formal complaint process begins when a student, faculty member, staff member, or third party files a written complaint of sexual or gender-based harassment with ODR. The person bringing the allegation is called the *Complainant* (or a Reporter, if it is a third party filing on behalf of a potential Complainant). The student against whom the complaint is brought is called the *Respondent*. Once a complaint is received, ODR will do an initial review of the allegations with the aim of determining whether the allegation, if true, would violate the University's Sexual and Gender-Based Harassment policy. If ODR decides that the allegation, if true, would violate this policy, an investigation is initiated. At this point the Respondent is informed by ODR of the allegation, and ordinarily, the Respondent has a week in which to submit a written response to the complaint. At this time a representative of the Administrative Board for the Respondent's School (the College, the Graduate School of Arts and Sciences (GSAS), or the Division of Continuing Education (DCE)) will meet with the Respondent to explain the disciplinary process that may follow ODR investigation and the range of possible sanctions. The Complainant may also meet with the Administrative Board representative at any time but is not required to do so.

ODR investigates the allegation and issues a final report of its findings. The Administrative Board's only involvement at this point is in selecting one of its members to serve as the *Liaison* between the Administrative Board and the Investigator; the Liaison will keep the Administrative Board apprised of the investigation and is available to answer the Investigator's questions about FAS policies and student life in the College, the Graduate School of Arts and Sciences, or the Division of Continuing Education. The investigation consists of individual interviews with the Complainant and Respondent, as well as potential witnesses identified by the Complainant, the Respondent, or the investigator. Both the Complainant and the Respondent may choose personal advisors who can accompany them to the interviews and can offer advice through the process.

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<sup>1</sup> The procedures for making a complaint depend on the school affiliation and status (student, faculty, or staff) of the *Respondent*, not the Complainant. Title IX Coordinators can answer questions about which procedures will apply in any given situation.

At the conclusion of the investigation, the Investigator will make a finding of fact, applying a preponderance of the evidence standard, and determine whether there was a violation of the Policy. The Investigator will give the Complainant and the Respondent a draft of the report and will give both parties one week to submit a written response to the draft. The Investigator will consider any written responses before finalizing the report, which will outline any recommended measures to be taken by the FAS to eliminate any harassment, prevent its recurrence, and address its effects. The final report will be given to the Complainant and Respondent and the School Title IX Coordinator, ordinarily within six weeks of the initiation of the complaint. Both the Complainant and the Respondent may appeal the decision of the Investigator to the Title IX Officer or designee if they feel that a procedural error occurred or that there is substantive and relevant new information that was not available at the time of the investigation.

### *Formal Complaints: The Disciplinary Process*

Once the final report has been given to the Complainant, the Respondent, and the Title IX Coordinator, the report is forwarded to the School's Administrative Board for consideration of discipline. The Administrative Board must accept as final the ODR report's findings of fact and its conclusions about policy violations; the Board's only role is to determine the appropriate discipline to administer in response to the violation. After receiving the report, an Administrative Board representative will meet with the Respondent to discuss possible disciplinary outcomes. The Complainant may also meet with the representative at this time. Within three days of receiving the final report from the ODR and after any appeal, the Complainant and the Respondent may each submit a written statement to the Administrative Board in which they address the question of appropriate discipline. These written statements may not challenge the validity of the findings of the final report. The Administrative Board will meet and decide the disciplinary outcome.

The Board's disciplinary case decisions generally depend on two criteria: (1) the seriousness of the infraction; and (2) extenuating circumstances, including the extent to which a student has had previous violations of policy. The particular sanctions vary slightly between the College, GSAS, and DCE, but possible sanctions include admonishment, probation, requirement to withdraw, dismissal, or expulsion. In DCE, additional possible sanctions include revocation of a student's right of access to University facilities or buildings, suspension of a student's registration privileges, or mandatory withdrawal from on-campus housing or particular courses.

In the College and the Graduate School of Arts and Sciences, students can appeal the disciplinary decision on the grounds that the Administrative Board made a procedural error or that the sanction imposed by the Administrative Board was inconsistent with its usual practices. In the Division of Continuing Education, if either the Complainant or the Respondent believes that the Administrative Board's decision is contrary to its own precedent or resulted from a procedural error, the Complainant or Respondent may request that the Board reconsider its decision. There is, however, no higher body to which an appeal of a DCE Administrative Board decision may be brought.

The Board's proceedings and decisions are confidential and communicated only to those with a need to know. A redacted copy of the confidential final report from ODR as well as student statements to the Administrative Board will be placed in a separate envelope in the relevant student files. These documents are part of the students' educational records as defined and protected by federal law.