

Appendix A4: Overview of FAS Procedures on Sexual and Gender-Based Harassment by Staff¹

This overview outlines the process of making an informal or formal complaint of sexual or gender-based harassment against a staff member 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.

Members of the Harvard Union of Clerical and Technical Workers (“HUCTW”) are also covered by the sexual harassment policies and procedures agreed to in the collective bargaining agreement and described in the HUCTW Personnel Manual; for HUCTW members, those policies and procedures take precedence over the policies governing other members of the University community.

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 staff person 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.

ODR investigates the allegation and issues a final report of its findings. The investigation consists of individual interviews with the Complainant and the Respondent, as well as potential witnesses identified by the Complainant, the Respondent, or the investigator. In cases of alleged domestic violence, dating violence, sexual assault, or stalking, both the Complainant and the Respondent may bring a personal advisor to any interviews with the Investigator.

¹ 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 Title IX Officer and the FAS Title IX Coordinator for Staff and other FAS officers, as appropriate, will work jointly to put in place such interim measures as they determine are appropriate.

Formal Complaints: Conclusion of the Case

The final report will be given to the Complainant, the Respondent, the FAS Title IX Coordinator for Staff, and the Title IX Coordinator of the School or unit with which the Complainant is affiliated, as applicable, 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.

The administration of discipline in cases against FAS staff is handled by the FAS Dean for Administration and Finance or his or her designee. Sanctions may range from a verbal warning to termination. Discipline of FAS and SEAS staff members found to have violated this policy will be governed by the procedures set forth in the Personnel Manual. The FAS Title IX Coordinator for Staff will ensure that any action determined by the FAS Dean for Administration and Finance or his or her designee is carried out. If the policy was found to be violated, a written record of the formal complaint process and its outcome will be retained by FAS Human Resources.