

**SEXUAL AND GENDER-BASED HARASSMENT POLICY
AND PROCEDURES
FOR
THE FACULTY OF ARTS AND SCIENCES
HARVARD UNIVERSITY¹
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I. INTRODUCTION

The Faculty of Arts and Sciences (FAS) is committed to fostering an open and supportive community that promotes learning, teaching, research, and discovery. This commitment includes maintaining a safe and healthy educational and work environment in which no member of the community is excluded from participation in, denied the benefits of, or subjected to discrimination in any University program or activity on the basis of sex, sexual orientation, or gender identity. Because sexual and gender-based harassment – including, but not limited to, sexual violence – interfere with an individual’s ability to participate fully in or benefit fully from University programs or activities, they constitute unacceptable forms of discrimination. This FAS Sexual and Gender-Based Harassment Policy and Procedures (“Policy” and “Procedures”) forms one part of a range of measures within the FAS designed to prevent discrimination or harassment based on any protected class, including race, religion, national origin, ethnicity, citizenship, age, sex, veteran status, or disability. While this Policy focuses on sexual and gender-based harassment, it is important to recognize the ways in which all forms of discrimination reduce our potential as a community of learners and teachers.

¹ The Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences applies to misconduct occurring between September 1, 2014 and August 14, 2020. Harvard University has adopted an Interim Title IX Sexual Harassment [Policy](#) and an Interim Other Sexual Misconduct Policy, as well as new [procedures](#) for allegations of sexual harassment or misconduct occurring on or after August 14, 2020.

Sexual and gender-based harassment can take many different forms and encompass a range of behaviors including (but not limited to) unwelcome sexual conduct, such as sexual advances, coerced sexual activity, and dating violence, and persistent disparagement based on sex, sexual orientation, or gender identity. What links all forms of sexual and gender-based harassment is the fundamental undermining of a person's ability to enjoy the programs or resources provided by our University. To tolerate restrictions of any individual's access to the University's programs or resources because of sex, sexual orientation or gender identity is to diminish the vitality of our entire community and is contrary to the values of inclusiveness and open inquiry that undergird true learning.

Sometimes a person may make incorrect assumptions about another person's sex, sexual orientation, or gender identity. Harassment based on incorrect assumptions about sex, sexual orientation, or gender identity is prohibited under this Policy. For example, the FAS does not allow harassment based on the belief that someone is gay whether or not that person is actually gay.

Because some sexual harassment can take the form of speech, it is important to reiterate the Free Speech Guidelines ("Guidelines") adopted by the Faculty of Arts and Sciences on February 13 and May 15, 1990. These Guidelines pertain not only to "speakers, protestors, and audience," but also to our interactions with one another inside and outside of the classroom. They are designed to safeguard freedom of speech and inquiry for all members of our community, including those whose participation could otherwise be marginalized by ostracism or harassment. As the Guidelines note, "free speech is uniquely important to the University because we are a community committed to reason and rational discourse." It is therefore imperative that freedom of expression, including unpopular and even obnoxious speech, be protected. At the same time, however, the guidelines note, "There are obligations of civility and respect for others that underlie rational discourse. Racial, sexual, and intense personal harassment not only show grave disrespect for the dignity of others, but also prevent rational discourse. Behavior evidently intended to dishonor [a person because of] such characteristics as race, gender, ethnic group, religious belief, or sexual orientation is contrary to the pursuit of inquiry and education. Such grave disrespect for the dignity of others can be punished under existing procedures because it violates a balance of rights on which the University is based. It is expected that when there is a need to weigh the right of freedom of expression against other rights, the balance will be struck after a careful review of all relevant facts and will be consistent with established First Amendment standards." Within a university, to be discriminated against can itself be a curtailment of freedom of expression.

An individual's freedom of expression relies on both freedom from censorship and freedom from discrimination – including harassing speech – based on sex, sexual orientation, or gender identity. The FAS is committed to maintaining this balance: it is difficult to achieve, but it is a goal we all embrace. This Policy is intended to safeguard members of our community from invidious discrimination, not to regulate the content of protected speech.

Note on Jurisdiction

Harvard University has adopted the [Harvard University Sexual and Gender-Based Harassment Policy](#) ("University Policy:") and [Procedures](#) for Handling Complaints Involving Students Pursuant to the [University's] Sexual and Gender-Based Harassment Policy ("University Procedures") for conduct occurring between September 1, 2014 and August 14, 2020.

The University Policy applies to all Harvard Schools and units, including the FAS, and to all Harvard students, faculty, staff, appointees, and third parties. The University Procedures govern allegations of sexual harassment or gender-based harassment involving Harvard students, including undergraduate students in the College, graduate students in the Graduate School of Arts and Sciences (“GSAS”), and both Extension School and Summer School students in the Division of Continuing Education (“DCE”). There is also a sexual harassment policy and complaint process in the HUCTW Personnel Manual, covering complaints brought by members of the HUCTW.

While the FAS adheres to the University Policy and Procedures, it is responsible for elaborating on and supplementing them to suit our own needs and goals. The FAS Policy and Procedures are described below.

In the event a person accused of sexual or gender-based harassment is a joint-degree candidate or has appointments at the FAS and another Harvard School, the FAS will be in communication with and will seek the cooperation of responsible officials at the other School and may, where appropriate, conduct joint proceedings, address the matter under FAS Procedures, or refer the matter to the other School.

Consistent with University Policy, the Edgerly Family Dean of the FAS may make modifications to the FAS Sexual and Gender-Based Harassment Policy and Procedures; if so, interested parties will be notified.

II. FAS SEXUAL AND GENDER-BASED HARASSMENT POLICY

The FAS Sexual and Gender-Based Harassment Policy (“Policy”) adopts the [University Policy](#) and incorporates the University Procedures, including for purposes of student discipline.

III. FAS COMMUNITY PROVISIONS

The University Policy defines sexual and gender-based harassment within the context of preventing discrimination within our community. The Faculty of Arts and Sciences, including the College and the Graduate School of Arts and Sciences, shares an additional commitment to training our students to be citizens and citizen leaders within a larger community beyond the borders of our campus. For this reason, it is the expectation of the Faculty of Arts and Sciences that all students, whether or not they are on campus or are currently enrolled in a degree program, will behave in a mature and responsible manner. Consistent with this principle, sexual and gender-based misconduct are not tolerated by the FAS even when, because they do not have the effect of creating a hostile environment for a member of the University community, they fall outside the jurisdiction of the University Policy. Because sexual and gender-based misconduct are in direct opposition to our community values, cases involving such conduct may be referred by the relevant Administrative Board (“Ad Board”) to the Harvard University Office for Dispute Resolution (“ODR”) for investigation in accordance with the University Procedures and the jurisdictional guidelines described in this Policy.

Sexual harassment within student organizations and clubs is covered by the University Policy under its jurisdictional language both because it is conduct in connection with a “University-recognized program or activity” and because “the conduct may have the effect of creating a hostile environment for a member of the University community.” The University Policy prohibits *quid pro quo*

harassment when “submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement.” The FAS explicitly includes in its prohibition of quid pro quo sexual misconduct unwelcome conduct of a sexual nature when submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual’s acceptance into or standing within a student organization or club. The FAS considers the ability to participate in student clubs and organizations to be an important part of access to the resources and programs available for Harvard students.

Sexual and gender-based misconduct, as defined by this FAS Policy, go beyond the University Policy to encompass behaviors that are in direct opposition to our educational and community values. That is, these behaviors constitute a failure to meet FAS’s expectations of its students as citizens and citizen leaders within a larger community beyond the borders of our campus and therefore may be subject to discipline. These provisions indicate our commitment to expecting behavior consistent with our values in our interactions with members of our broader community, as well as in our non-academic activities on campus.

The above provisions are necessary because there are instances when we must demonstrate – to the broader world as well as to our own community – that sexual and gender-based misconduct are not consistent with the values we expect all members of FAS to uphold. ODR will evaluate such allegations upon referral consistent with the guidelines provided by the FAS, and may consult with an Ad Board Liaison in the process. ODR retains the right to close a case if, among other reasons, it determines in its discretion that it cannot conduct a prompt, fair, and thorough investigation. The FAS retains responsibility for investigating violations of other policies that may come to light during an ODR investigation.

IV. CONDUCT IN RELATIONSHIPS BETWEEN INDIVIDUALS OF DIFFERENT UNIVERSITY STATUS

In the academic context, sexual harassment often involves the inappropriate personal attention by an instructor or other officer who is in a position to exercise professional power over another individual. This could include an instructor who determines a student’s grade or who can otherwise affect the student’s academic performance or professional future; or a tenured professor whose evaluation of a junior colleague can affect the latter’s professional life. Sexual harassment can also occur between persons of the same University status. An example would be persistent personal attention from one colleague to another in the face of repeated rejection of such attention. Both types of harassment are unacceptable. They seriously undermine the atmosphere of trust essential to the academic enterprise.

Amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between an instructor or other officer of the University and a person for whom he or she has a professional responsibility (i.e., as instructor, advisor, evaluator, supervisor). Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students or staff there is an element of power. It is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted.

The consequences of asymmetries can be felt in many different contexts and types of relationships. What constitutes “power” varies according to context and individual. For example, although the

university may not recognize a student in an extracurricular organization to have power over a student who would like to join that organization, one or both of the students in question may perceive their relationship to be affected by a power dynamic. As members of a community characterized by multiple formal and informal hierarchies, it is incumbent upon each of us to be aware of and sensitive to the ways in which we exercise power and influence and to be judicious in our relationships with others.

A. Prohibited Sexual Relations With Students

No FAS Faculty member shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with, any undergraduate student at Harvard College. Faculty members are defined as ladder, non-ladder, and visiting faculty.

Furthermore, no FAS Faculty member, instructor, teaching assistant, teaching fellow, researcher, tutor, graduate student, or undergraduate course assistant, shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with, any student, including a graduate student or DCE student, who is enrolled in a course taught by that individual or otherwise subject to that individual's academic supervision before the supervision has concluded and, if applicable, a final grade on the student's supervised academic performance has been submitted to the Registrar. Academic supervision includes teaching, advising a thesis or dissertation, supervising research, supervising teaching, grading, or serving as Director of Undergraduate or Graduate Studies of the student's academic program. In addition, no resident tutor or freshman proctor shall request or accept sexual favors from, or initiate or engage in a romantic or sexual relationship with, any undergraduate student at Harvard College.

B. Relationships Between Individuals of Different University Status

Amorous relationships between individuals of different University status that occur outside the instructional context can also lead to difficulties. In a personal relationship between an instructor or other officer and an individual for whom the instructor or other officer has no current professional responsibility, the instructor or other officer should be sensitive to the possibility that he or she may unexpectedly be placed in a position of responsibility for that individual's instruction or evaluation. This could involve being called upon to write a letter of recommendation or to serve on an admissions or selection committee involving the individual. In addition, one should be aware that others may speculate that a specific power relationship exists even when there is none, giving rise to assumptions of inequitable academic or professional advantage for the student involved. Although graduate students, teaching fellows, tutors, researchers, and undergraduate course assistants may be less accustomed than Faculty members to thinking of themselves as being in a position of greater authority by virtue of their professional responsibilities, they should recognize that they might be viewed as more powerful than they perceive themselves to be.

Even when both parties have consented at the outset to the development of a romantic or sexual relationship between individuals of different University status, it is the person in the position of greater authority who, by virtue of his or her special responsibility and the core educational mission of the FAS, will be held accountable for unprofessional behavior.

C. Relationships Between Staff

In cases where a consensual relationship exists between members of the staff who occupy inherently unequal positions of authority, it is important that the person in the position of greater authority does not exercise any supervisory or evaluative function over the other person in the relationship. Accordingly, in circumstances where such a supervisory or evaluative function may occur, the person in the position of greater authority must notify his or her local human resource officer to evaluate the situation and ensure that alternate supervisory or evaluative arrangements are put in place. More information can be found in the Staff Personnel Manual: <http://hr.harvard.edu/staff-personnel-manual>.

V. INFORMATION SHARING AND CONFIDENTIALITY

Consistent with University policies, the FAS officers, other than those who are prohibited from making such notifications because of a legal confidentiality obligation, must promptly notify the relevant School or unit Title IX Resource Coordinator(s) about possible sexual harassment or other sexual misconduct. This means that if those FAS officers learn about a possible incident of sexual or gender-based harassment, they need to contact an FAS Title IX Resource Coordinator, who will know what steps, if any, to take next (including which other School or Unit Title IX Resource Coordinators should be notified). Such FAS officers include (but are not limited to): deans; administrative and professional staff; those responsible for residential life (for example, Faculty Deans, Resident Deans, Resident and Non-Resident Tutors, Resident Advisors, and Proctors); coaches and assistant coaches; other personnel who work directly with students, such as those who work with student clubs and organizations, career services, academic support, and others; and faculty, instructors, teaching assistants, and others who teach students, including graduate student teaching fellows.

Because of the fundamental pedagogical mission of the FAS, it is imperative that this expectation not interfere with the advising, teaching, and mentoring relationships that are foundational to our community. Some FAS officers may believe that any expectation that they share allegations of sexual or gender-based harassment or other sexual misconduct with a School or unit Title IX Resource Coordinator may force them to violate the trust of those who come to them for support and guidance. The FAS believes the notification of School or unit Title IX Resource Coordinators significantly serves our efforts to maintain a safe and healthy environment for our community. It makes available to vulnerable individuals people with training and experience in this area; it moves the FAS towards greater consistency in handling cases; and it enables us to see instances of repeated behavior that would not likely be known to any individual member of the community. Each School or unit Title IX Resource Coordinator is an experienced administrator trained in identifying and responding to sexual harassment and its harm to equal educational opportunity.

While certain individuals are expected to notify the relevant School or unit Title IX Resource Coordinator when an instance of sexual or gender-based harassment is brought to their attention, there are certain resources who are privileged under the law and who, therefore, are generally prohibited from disclosing information they receive even in a legal proceeding. These include mental health clinicians, OSAPR staff providing services as sexual assault counselors, domestic violence counselors, or under a clinical license, lawyers providing legal advice to clients, and clergy members providing religious or spiritual advice or comfort. They do not have to make such a notification, and, absent special circumstances, they are prohibited from disclosing even in a legal proceeding. In addition to those privileged resources, there are other resources whom the University has decided are not obligated to make a notification to a School or unit Title IX Resource

Coordinator or the University Title IX Office, although they do not hold a legal privilege. The University and Longwood Ombuds and OSAPR staff, when providing services beyond those in their capacity as a sexual assault or domestic violence counselor or under a clinical license, are available to discuss an incident without forwarding any information to a Title IX Resource Coordinator. Should the incident result in an external investigation, such as a criminal prosecution, civil lawsuit, or other government investigation, these professionals may be required to reveal information they were told (unlike the privileged resources discussed above).

Detailed information about how the Harvard University Police Department (HUPD) responds to reports of sexual assault, domestic violence, dating violence, stalking, and other concerns, can be found on the [HUPD website](#).

If a member of the FAS community wishes to speak with someone about possible sexual or gender-based harassment or other sexual misconduct and is unsure whether or not the person will notify a School or unit Title IX Resource Coordinator, they are advised to ask at the start of the conversation. At the same time, the FAS advises all officers to make their notification responsibilities known to anyone who initiates a conversation about sexual harassment or other sexual misconduct before that person has revealed substantial personal information. FAS officers who cannot offer confidentiality should direct those who come to them seeking confidential conversation to confidential resources (a list of resources is provided at the end of this Policy). Even when FAS officers do not have a confidentiality privilege, they are required to protect and respect students' and colleagues' privacy to the greatest extent possible and to share information only on a need-to-know basis.

VI. PROCEDURES FOR IMPLEMENTING SEXUAL AND GENDER-BASED HARASSMENT POLICY, INCLUDING FOR DISCIPLINE

A. Introduction

Harvard students, faculty, staff, other Harvard appointees, or third parties (collectively, "Initiating Parties") wishing to report a violation of this Policy should begin by contacting the relevant FAS Title IX Resource Coordinator or staff in ODR. In the event that the first FAS officer contacted by an Initiating Party is not the appropriate Title IX Resource Coordinator, it is that FAS officer's responsibility to forward the matter either to ODR, the University Title IX Coordinator, or to the appropriate School or unit Title IX Resource Coordinator.

FAS Title IX Resource Coordinators will receive diversity and implicit bias training. They will be sensitive to cultural factors that may affect the way members of our community may experience interactions with representatives of the University – whether those cultural factors involve sexual orientation, gender identity, race, ethnicity, nationality, socio-economic status, or citizenship.

Section C, below, sets out procedures pertaining to allegations of sexual or gender-based harassment committed by a student, including a student at Harvard College, GSAS, and both the Extension School and the Summer School within DCE. Sections D and E, below, set out procedures pertaining to allegations of sexual or gender-based harassment committed by Faculty and staff.

As set forth below and in the University Procedures, supportive measures designed to support and protect the Initiating Party or the University community may be considered or implemented at any

time, including during a request for information or advice, informal resolution, or a formal complaint proceeding. Consistent with FAS policy, supportive measures might include, among others: restrictions on contact; course-schedule or work-schedule alteration; changes in housing; leaves of absence; or increased monitoring of certain areas of the campus. Supportive measures are subject to review and revision throughout the processes described below.

Based on data supplied by the appropriate FAS Title IX Resource Coordinators, an annual report will be prepared for the Faculty Council and the Faculty on the number and type of complaints. Every fifth year a summary will be prepared for the Faculty Council and the Faculty on the disposition of complaints filed over the preceding five years.

B. Requests for Information and Advice

Any FAS student or staff or Faculty member who has a concern, inquiry, or complaint regarding sexual or gender-based harassment or misconduct should feel free to seek information and advice concerning applicable policies, informal resolution and formal complaints, and counseling and other services.

For information and advice, members of the FAS community are encouraged to contact either ODR or any Title IX Resource Coordinator within FAS. *See* Section V (Resources). Although different Title IX Resource Coordinators may be aligned with various constituents or schools within FAS (College, GSAS, DCE, Faculty, Staff), any Title Resource IX Coordinator can provide basic advice or contact other FAS or University officers for assistance, as appropriate. Anyone who reports to HUPD that he or she has been the victim of dating violence, domestic violence, sexual assault, or stalking will be provided with a written explanation of his or her rights and options. More information can be found on the [HUPD website](#).

The University Policy and this Policy establish what degree of confidentiality faculty, staff, and students can expect from different officers and organizations within the University, as discussed above. Contact information for support resources is available in the “Resources” section, below.

FAS Title IX Resource Coordinators are available to provide information to anyone who has questions about sexual or gender-based harassment and other sexual misconduct. In all conversations, FAS Title IX Resource Coordinators will maintain an appropriate balance between privacy and information gathering. FAS Title IX Resource Coordinators will be forthright about the steps that are available to them in their efforts to protect our community from sexual harassment and other sexual misconduct, and can answer any questions about the ways in which Title IX Resource Coordinators may use information.

Personal Advisors

FAS Title IX Resource Coordinators can, upon request, suggest names of FAS officers who might be willing to serve as a personal advisor for informal resolution or formal complaint proceedings. This service is available to both complainants and respondents.

Timeframe for Filing a Complaint

The FAS does not limit the timeframe for filing a complaint. The FAS encourages complaints to be filed as soon as reasonably possible following an alleged violation of this Policy because the ability of the FAS and ODR to gather adequate information may be limited where a significant length of time has elapsed between an incident and the filing of a complaint. Further, the FAS's ability to complete its processes may be limited with respect to Respondents who have graduated from or are no longer employed by the University.

C. Procedures Concerning Alleged Harassment By Students

The procedures for informal resolution and formal complaints with respect to alleged harassment by a Harvard student are contained in the University Procedures, available here: <http://titleix.harvard.edu/procedures>. None of the provisions outlined below contradicts or replaces any provisions of the University Procedures. On the contrary, they are intended to supplement the University Procedures and detail the FAS role at moments when the University Procedures refer to actions taken or decisions made by the "School or unit."

Requests for Informal Resolution

An individual who is concerned about sexual or gender-based harassment by an FAS student may make a request for informal resolution to an FAS Title IX Resource Coordinator, the University Title IX Coordinator (or designee), or the Director of ODR. If an Initiating Party first contacts an FAS Title IX Resource Coordinator, it is the responsibility of that Title IX Resource Coordinator to inform any other relevant Title IX Resource Coordinators. The appropriate FAS Title IX Resource Coordinators (College, GSAS, or DCE) will coordinate the FAS response to requests for informal resolution. The appropriate FAS Title IX Resource Coordinator will also contact other FAS or University officers, as necessary or advisable, to put in place any appropriate supportive measures.

A request for informal resolution should identify the alleged harasser (if known) and describe the allegations with specificity. The University Title IX Coordinator, the Director of ODR in consultation with the University Title IX Coordinator, or the appropriate FAS Title IX Resource Coordinator, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated (if applicable), will assess the severity of the alleged harassment and the risk of a hostile environment for others in the community to determine whether an informal resolution may be appropriate.

Upon determining that informal resolution is appropriate, the appropriate FAS Title IX Resource Coordinator, the University Title IX Coordinator or designee, or the ODR Investigator who is assigned the informal resolution by the Director of ODR, will attempt to aid the parties in finding a mutually acceptable resolution. The FAS Title IX Resource Coordinator, the University Title IX Coordinator (or designee), or the ODR Investigator, as appropriate, will consult further with the Initiating Party, inform the person who is the subject of the allegations, and gather additional relevant information as necessary from the parties and others, as indicated. The FAS Title IX Resource Coordinator, also may put in place any appropriate supportive measures to protect the educational and work environment.

When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is hereby advised to seek legal counsel before making any written or oral statements and

seek advice about how his or her participation in an informal process could affect any criminal case in which he or she is or may become involved.

A matter will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the appropriate FAS Title IX Resource Coordinator. Prior to approving an informal resolution, the appropriate FAS Title IX Resource Coordinator shall consult with the appropriate representative of the relevant Administrative Board (the Secretary in the case of the College; the Dean for Student Affairs in the case of GSAS; the Dean of Students in the case of DCE; hereinafter, “Ad Board representative”) on the acceptability of the terms of the proposed agreement. Once an informal resolution has been reached, the FAS Title IX Resource Coordinator shall inform the relevant Administrative Board (“Ad Board”) of the informal resolution. The Ad Board will make whatever notation it deems appropriate in the student file of the Respondent, or of both parties, if both are students. If, in the course of reaching an informal resolution, evidence of violations of other FAS policies emerges, the Ad Board may investigate such violations. The party alleged to have committed the violation will be informed of the initiation of such an investigation.

At any point prior to such resolution, the Initiating Party may withdraw the request for informal resolution and initiate a formal complaint under these Procedures.

The informal resolution process will ordinarily be concluded within two to three weeks of the date of the request.

Procedures for Formal Complaints

i. Initiating a Formal Complaint

An Initiating Party may file directly with the University Title IX Coordinator a formal complaint against a student, alleging a violation of this Policy. If an Initiating Party files a formal complaint with a School or unit Title IX Resource Coordinator, the Title IX Resource Coordinator will forward the formal complaint to University Title IX Coordinator. When ODR receives a formal complaint from the University Title IX Coordinator against an FAS student, ODR will inform the appropriate FAS Title IX Resource Coordinator as well as the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated, as appropriate. The appropriate FAS Title IX Resource Coordinator, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated (if applicable), will put in place any appropriate supportive measures to protect the educational and work environment.

A formal complaint must be in writing and signed and dated by a Complainant or a third party filing on behalf of a potential Complainant (“Reporter”). It should state the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged harassment, including the date and place of such incident(s). The complaint must be in the Complainant or Reporter’s own words, and may not be authored by others, including family members, advisors, or attorneys. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records) that the Complainant or Reporter believes may be relevant to the investigation. However, the filing of a complaint should not be delayed if such sources of information are unknown or unavailable.

The complaint will be investigated by an ODR Investigator assigned by the Director of ODR. The relevant Ad Board will designate one of its members to act as a liaison (“Liaison”) between the Ad Board (which remains responsible for discipline) and the Investigator. The Liaison’s responsibilities include the following: 1) be available to answer the Investigator’s questions (including, but not limited to, questions about other FAS policies or student life); 2) be available to receive case updates from the ODR Investigator; 3) apprise the Ad Board and the relevant Title IX Resource Coordinator of the progress of the investigation; 4) assist the Title IX Resource Coordinator and ODR with supportive measures, as appropriate.

When an FAS Title IX Resource Coordinator is informed that ODR has opened a formal complaint for investigation, the FAS Title IX Resource Coordinator will share this information with the appropriate Ad Board. The appropriate Ad Board representative will meet with the Respondent to explain, among other things, the disciplinary process that may take place following the issuance of the final report, the range of disciplinary sanctions, and the appeals process following the imposition of any discipline. The Ad Board representative will inform the Respondent that when a complaint involves allegations that, if true, also might constitute criminal conduct, the Respondent should seek legal counsel before making any written or oral statements.

The Ad Board representative will also invite the Complainant to a separate meeting to discuss the Ad Board process, although the Complainant is not required to accept the invitation.

ODR will not investigate a new complaint if either ODR or the FAS has already adjudicated a formal complaint based on the same circumstances or if the parties and the relevant FAS Title IX Resource Coordinator, the University Title IX Coordinator, or the Director of ODR, as appropriate, already have agreed to an informal resolution based on the same circumstances. Whether or not a complaint is filed with ODR, any person may file a complaint of discrimination with the Massachusetts Commission Against Discrimination, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, or any other state or federal agency having jurisdiction.

ii. Initial Review

Once a complaint is received by ODR, the Director of ODR will assign the case to an Investigator for an initial review. The FAS Liaison and/or the relevant FAS Title IX Resource Coordinator will act as a conduit of information between the FAS and the Investigator.

The Investigator will contact the Complainant or Reporter in an attempt to gather a more complete understanding of the allegations, as well as any related conduct that may implicate this Policy. When a complaint is brought by a Reporter, the Investigator will endeavor to meet with the person identified as the potential Complainant both to gather information and to discuss his or her interest in participating in an investigation.

Based on the information gathered, the Investigator will determine whether the information, if true, would constitute a violation of this Policy such that an investigation is warranted or whether the information warrants an administrative closure. The Investigator will convey this determination to the Complainant (and the Reporter, if there is one), the Director of ODR, the University Title IX Coordinator, the appropriate Title IX Resource Coordinator, and the Title IX Resource Coordinator for the School or unit with which the Complainant is affiliated (as appropriate). While the Investigator

is conducting his or her evaluation, the Investigator will work with the appropriate FAS Title IX Resource Coordinator, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated, to implement any appropriate supportive measures to be put in place pending the completion of the case (or to revise as necessary any measures already in place).

The initial review will ordinarily be concluded within one week of the date the complaint was received.

iii. Investigation

Following the decision to begin an investigation, the Investigator will notify the Respondent in writing of the allegations, including a copy of the formal complaint submitted by the Complainant, and will provide a copy of this Policy and these Procedures. The Respondent will have one week in which to submit a written statement in response to the allegations. This statement must be in the Respondent's own words; Respondents may not submit statements authored by others, including family members, advisors, or attorneys. Attached to the statement should be a list of all sources of information (for example, witnesses, correspondence, records) that the Respondent believes may be relevant to the investigation.

If the decision is made to begin an investigation in a case where a Reporter filed the complaint, and the Complainant is unwilling to participate but the relevant Title IX Resource Coordinator has assessed the severity of the harassment and the potential risk of a hostile environment for others in the community and have determined to proceed, then, for the purposes of these Procedures, the relevant Title IX Resource Coordinator (or a designee) will be considered the Complainant.

The Investigator will request individual interviews with the Complainant and the Respondent, and, as appropriate, with other witnesses. "Witnesses" may include individuals who have been identified by the parties as well as relevant officers of the School or University or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the incident(s) at issue in the complaint, not to solicit general information about a party's character.

When a complaint involves allegations that, if true, also might constitute criminal conduct, Respondents are hereby advised to seek legal counsel before making any written or oral statements. The investigation process is not a legal proceeding, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

After the collection of additional information is complete but prior to the conclusion of the investigation, the Investigator will request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information.

iv. Personal Advisors

Both the Complainant and the Respondent may bring a personal advisor to any interviews with the Investigator. A personal advisor should be someone who can assist the party without conflict and thus, for example, should not have another role in the process that could impair his or her service as advisor. The relevant FAS Title IX Resource Coordinator can, upon request, suggest names of FAS

officers who might be willing to serve as a personal advisor for informal resolution or formal complaint proceedings. This service is available to both complainants and respondents.

Personal advisors may view a redacted version of the complaint or other documents provided to the parties, offer feedback on their advisee's written statements, and provide general advice. During interviews, personal advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break.

v. Confidentiality

The ODR, personal advisors, and others at the University involved in or aware of the complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant or Reporter, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they therefore keep such information – including any documents they may receive or review – confidential. They also will be notified that sharing such information might be construed as retaliatory. Retaliation of any kind is in itself a separate violation of this Policy and may lead to an additional complaint and consequences.

The parties remain free to share their own experiences, other than information that they have learned solely through the investigatory process; though, to avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide.

vi. Coordination with Law Enforcement Authorities

In all cases, the Investigator will have completed the initial review without delay and, as appropriate, will have proposed supportive measures to the relevant FAS Title IX Resource Coordinator. In the event that an allegation includes behavior or actions that are under review by law-enforcement authorities, the Investigator and the appropriate FAS Resource Coordinator will, in light of status updates from law-enforcement authorities and the University Title IX Coordinator, assess and reassess the timing of the investigation under the Policy, so that it does not compromise the criminal investigation. In all cases, ODR will complete its initial review and FAS will ensure appropriate supportive measures are provided so that the individuals affected can continue to participate in and benefit from the University's programs and activities.

vii. Conclusion of the Investigation and Issuance of Final Report

At the conclusion of the investigation, the Investigator will make findings of fact, applying a preponderance of the evidence standard, and determine based on those findings of fact whether there was a violation of this Policy.

The Investigator will provide the Complainant and the Respondent with a written draft of the findings of fact and analysis and will give both parties one week to submit a written response to the draft. The Investigator will consider any written responses before finalizing these sections of the report and the final section of 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 University Title IX Coordinator and the FAS Title IX Resource Coordinator and other FAS officers, as appropriate, will work jointly to put in place such measures as they determine are appropriate.

Consistent with FAS policies, measures imposed at this stage might include (but are not limited to): restrictions on contact; course-schedule or work-schedule alteration; or increased monitoring of certain areas of the campus.

The investigation will be completed and the final report provided to the Complainant, the Respondent, the appropriate FAS Title IX Resource Coordinator, the Title IX Resource Coordinator of the School or unit with which the Complainant is affiliated, as applicable, and the relevant Ad Board, ordinarily within six weeks of receipt of the complaint.

viii. Special Circumstances

a. Request for Anonymity

If a potential Complainant asks to remain anonymous, then the relevant Title IX Resource Coordinator and the Investigator, or the University Title IX Coordinator, as appropriate, will consider how to proceed, taking into account the potential Complainant's wishes, the University's commitment to provide a non-discriminatory environment, and the potential Respondent's right to have specific notice of the allegations. The Investigator, the FAS Title IX Resource Coordinator, or the University Title IX Coordinator may conduct limited fact finding to better understand the context of the complaint. In some circumstances, a request for anonymity may mean an investigation cannot go forward, or the Investigator, the FAS Title IX Resource Coordinator, or the University Title IX Coordinator may determine that further investigation is necessary, in which case the potential Complainant will be informed that his or her identity will be disclosed as necessary for the investigatory process. In other circumstances, the Investigator or the FAS Title IX Resource Coordinator, or the University Title IX Coordinator may determine that the matter can be appropriately resolved without further investigation and without revealing the Complainant's identity.

b. Administrative Closure

If, after conducting the initial review of a formal complaint, the Investigator finds that the allegation, if true, would not constitute a violation of this Policy, then the Director of ODR will administratively close the case and notify the Complainant (and the Reporter, if there is one), the University Title IX Coordinator, the appropriate FAS Title IX Resource Coordinator, and the Title IX Resource Coordinator representing the School or unit with which the Complainant is affiliated, if applicable.

Where the Complainant is unwilling to participate in further investigation, the Director of ODR, in consultation with the University Title IX Coordinator, will assess the severity of the alleged harassment or the potential risk of a hostile environment for others in the community and will determine whether administrative closure is appropriate or whether the ODR should proceed with an investigation.

Within one week of the decision to close a case administratively, the Complainant or Reporter may request reconsideration on the grounds that there is substantive and relevant new information that was not available at the time of the decision and that may change the outcome of the decision. The University Title IX Coordinator or designee will consider requests for reconsideration of the

decision to close a case administratively and inform the Complainant or Reporter of the outcome, ordinarily within one week of the date of the request.

In cases where the Director of ODR concludes that the alleged conduct, while not a violation of this Policy, might implicate other School or University conduct policies, the Director of ODR may refer the complaint to the appropriate FAS or University official.

c. Request to Withdraw the Complaint

While every effort will be made to respect the Complainant's wishes to withdraw a formal complaint, FAS must be mindful of its overarching commitment to provide a non-discriminatory environment. Thus, in certain circumstances, the Director of ODR may determine that investigation is appropriate despite a Complainant's request to withdraw the complaint or failure to cooperate. Other circumstances also may result in declining a request to withdraw the complaint, where, for example, a request to withdraw is made after a significant portion of the investigation has been completed and terminating the investigation would be inequitable.

d. Request for Informal Resolution After a Complaint has Been Filed

Once a complaint has been opened for investigation and before the final report has been provided to the parties, a party may request informal resolution as an alternative to formal resolution of the complaint, but that disposition requires agreement of the Complainant and the Respondent and the approval of the Director of ODR in consultation with the University Title IX Coordinator and the relevant FAS Title IX Resource Coordinator and the Title IX Resource Coordinator for the School or unit with which the Complainant is affiliated.

If such a request is approved, the ordinary deadlines for completing each stage of the formal complaint process will be suspended, and the Investigator or a designee will take such steps as he or she deems appropriate to assist in reaching a resolution. If the parties cannot reach an informal resolution within two weeks from receipt of the request, then the Investigator will resume the investigation of the complaint in accordance with the formal complaint procedures.

e. Appeal

Both the Respondent and the Complainant may appeal the Investigator's decision to the University Title IX Coordinator or designee based on the following grounds:

1. A procedural error occurred, which may change the outcome of the decision; or
2. The appellant has substantive and relevant new information that was not available at the time of investigation and that may change the outcome of the decision.

Disagreement with the Investigator's findings or determination is not, by itself, a ground for appeal.

Appeals of the Investigator's decision must be received by the Title IX Officer or his or her designee within one week of the date of the final report. Likewise, appeals of decisions to close a case administratively or to deny a request to withdraw the complaint must be received by the University Title IX Coordinator or designee within one week of the date of the decision under appeal.

Ordinarily, appeals will be decided within two weeks and the parties and the FAS Title IX Resource Coordinator promptly will be informed of the outcome in writing.

ix. Relation of University Procedures to College, GSAS, or DCE Discipline

Under the University Procedures, ODR is responsible for determining whether or not a student respondent violated the University Policy or the FAS Policy, as applicable. FAS remains responsible for student discipline through the College, GSAS, and DCE Ad Boards. Nonetheless, any disciplinary proceedings against a College, GSAS, or DCE student based on a violation of this Policy must be conducted in a manner consistent with the University Procedures. Accordingly, the following disciplinary procedures will apply to allegations of sexual or gender-based harassment brought against any FAS student.

x. College, GSAS, and DCE Ad Boards: Member Training

All members of the College, GSAS, and DCE Ad Boards shall receive appropriate training in the handling and resolution of allegations of sexual and gender-based harassment as well as diversity and implicit bias training.

xi. Referral of Matters Before the Ad Boards

As part of their regular duties, the College, GSAS, and DCE Ad Boards receive notification of alleged violations of FAS policy from a variety of different sources. In some cases, it may not be immediately obvious if the reported behavior violates the FAS Sexual and Gender-Based Harassment Policy or if it is more appropriate to handle it under other FAS policies. An example might be an alleged incident of stalking that may or may not involve unwelcome conduct of a sexual nature. In such cases, the relevant Ad Board will share the information it has with the relevant FAS Title IX Resource Coordinator who will consult with the University Title IX Coordinator. After consultation with the University Title IX Coordinator and if the alleged conduct may be unwelcome conduct of a sexual nature, the FAS Title IX Resource Coordinator will follow up as he or she would do in any other instance of alleged sexual harassment. If it is determined that the alleged conduct is not unwelcome conduct of a sexual nature or if the potential Complainant chooses not to engage with the FAS Title IX Resource Coordinator or the ODR process, the FAS Title IX Resource Coordinator will share the information with the appropriate FAS Ad Board, which will determine whether to pursue proceedings related to violations of other FAS policies.

If, in the course of any disciplinary proceeding against an FAS student before the College, GSAS, or DCE Ad Board, the Ad Board representative concludes that the alleged disciplinary infraction(s) might constitute sexual or gender-based harassment as defined in this Policy, that Ad Board representative shall ordinarily suspend the Ad Board proceedings and refer the matter to the appropriate FAS Title IX Resource Coordinator and ODR for investigation and resolution according to the University Procedures. The Ad Board representative shall promptly notify the parties of the suspension and referral. If, however, a disciplinary proceeding against a student before the Ad Board includes both violations of this Policy and serious violations of other FAS policies, the proceedings regarding the violation of other policies may continue at the discretion of the Ad Board representative and in consultation with the Director of ODR. The Ad Board representative and the Director of ODR have the option of combining the investigations at their discretion.

If a referral results in a request for an informal resolution, the matter will be resolved in accordance with the relevant provisions in the University Procedures, including the procedure for approval of the informal resolution described above. If a referral results in a formal complaint and the issuance of a final report, the Ad Board shall take cognizance of the report under the procedures described below.

*xii. Disciplinary Proceedings Following the Resolution of a Formal Complaint of Harassment or Misconduct:
Non-Reviewability of ODR Final Reports*

Whenever a formal complaint of harassment against an FAS student results in the issuance of a final report, the appropriate Ad Board must accept as final and non-reviewable the report's findings of fact and its conclusions as to whether a violation of this Policy has occurred. This includes any finding that the complaint was not submitted in good faith, that either party or a witness provided false or misleading information, or that either party retaliated against the other, all of which are also violations of this Policy. The Ad Board's disciplinary proceedings against that student based on conduct addressed by the report will proceed with the understanding that the final report carries the same validity as a determination reached by the Ad Board itself.

If the ODR investigation reveals, by a preponderance of the evidence, that the complaint was not submitted in good faith, that either party provided false or misleading information, or that either party retaliated against the other, this will be reported to the appropriate Ad Board as a separate violation of the Policy and may result in discipline.

*xiii. Disciplinary Proceedings Following the Resolution of a Formal Complaint of Harassment or Misconduct
That Results in a Finding of No Policy Violation*

Whenever the final report concludes that an FAS student has *not* violated this Policy, the FAS Liaison shall forward the report to the appropriate Ad Board. If either party invokes the right to appeal a decision contained in a final report, granted by the University Procedures, ODR shall notify the appropriate FAS Title IX Resource Coordinator as well as the Liaison of the appeal. If, on the basis of the factual findings contained in the report, the Ad Board concludes that it is reasonably likely that a disciplinary infraction by an FAS student other than a violation of this Policy can be established by sufficiently persuasive evidence, the Ad Board may, at its discretion, initiate formal proceedings by a written charge which explains the nature of the alleged infraction. Any such proceedings shall be conducted in accordance with standard Ad Board Procedures.

*xiv. Disciplinary Proceedings Following the Resolution of a Formal Complaint of Harassment or Misconduct
That Results in a Finding of a Policy Violation*

Whenever the final report concludes that an FAS student has violated this Policy, the FAS Liaison shall forward the report to the appropriate Ad Board. The representative of the Ad Board shall notify the Respondent and the Complainant that the final report has been received. Both the Respondent and the Complainant will be notified about the nature of the Ad Board disciplinary process; they will, furthermore, be informed about the speed with which the Ad Board will act following the disposition of any appeals. The representative of the Ad Board will meet with the Respondent to explain the disciplinary process and the range of sanctions. The Complainant will be invited to meet with the Ad Board representative, but is not required to do so.

If either party invokes the right to appeal a decision contained in a final report, granted by the University Procedures, ODR shall notify the appropriate FAS Title IX Resource Coordinator as well as the Liaison of the appeal. In accordance with University Policy, the relevant Ad Board will allow one week for the Complainant and Respondent to lodge an appeal of the ODR finding before it begins any deliberations. If an appeal is filed, the Ad Board will wait until it is resolved. Within three calendar days of either the end of the appeal waiting period or the resolution of the appeal, as appropriate, the Complainant and the Respondent may each submit a written statement to the Ad Board reflecting their views about suitable discipline. Neither is required to do so. The Ad Board will provide both the Complainant and the Respondent with instructions regarding the allowable nature, length, and format of the written statement. The representative of the Ad Board will furnish copies of each filing to the other party. In addition to whatever stipulations are provided by the Ad Board, a Complainant or Respondent who chooses to submit a written statement must keep the following in mind: 1) the written statement *may not* challenge the validity of the findings and conclusions contained in the final report; and 2) the written statement *may not* introduce facts that could have been presented to the Investigator or that conflict with any of the findings in the final report. In writing such a statement, the Complainant and Respondent should keep in mind that the Ad Board's function is limited to determining whether to discipline the Respondent and, if so, the form that discipline should take.

Sanctions shall take into account the severity and impact of the conduct, the Respondent's previous disciplinary history (based on consultations with the relevant Ad Board representative), any written statements submitted by the parties relevant to sanctions, and the goals of this Policy.

Any disciplinary action requires at least a majority vote and, in the case of a requirement to withdraw, at least a two-thirds vote of the Ad Board members present and eligible to vote. Rules for eligibility are determined by each Ad Board.

If the Ad Board votes to impose discipline, it will notify in writing the Respondent and, as appropriate, the Complainant of the discipline imposed. Following an investigation of sexual violence, both the Complainant and the Respondent will be informed of the outcome and all the sanctions. For cases of sexual harassment that do not involve sexual violence, the Complainant will be informed of the outcome and those sanctions that pertain to the Complainant, and the Respondent will be informed of the outcome and all the sanctions.

A degree will not be granted to a student who is not in good standing, or against whom a disciplinary charge is pending. A student on a leave of absence, whether voluntary or involuntary, is ordinarily not allowed to return and register until any pending disciplinary case is resolved.

In the College and GSAS, as in all other disciplinary cases, the Ad Board may take a number of disciplinary actions, including admonish; place on probation, with or without requirements or restrictions; and require to withdraw with or without a recommendation to dismiss or expel. The nature of the sanction will vary depending on, among other things, the severity of the violation. This Policy does not specify minimum or maximum sanctions, but a severe violation will ordinarily require that the Respondent observe some period of absence from the University.

Because DCE includes both the Summer School and the Extension School, and because Extension School students include those taking individual courses as well as candidates for a degree, the range of possible discipline is broad. In the Extension School, the range of sanctions includes formal

admonishment, probation, the revocation of a student's right of access to University facilities or buildings, suspension of a student's registration privileges for a specific or indefinite period, and mandatory withdrawal from courses, the Extension School, or a degree program. In the Summer School, the Ad Board may take any action it deems appropriate, including required withdrawal from a course or courses, from on-campus housing, or from the Harvard Summer School.

xv. Conclusion of the Case

Once an outcome has been reached, the appropriate representative of the Ad Board will notify the Complainant and Respondent of the Ad Board's decision. The Ad Board's proceedings and decisions are communicated only to those with a need to know, including the Respondent and the Complainant.

After the case has been decided, regardless of the outcome, a copy of the final report and the notice of decision of the Ad Board and related materials will be placed in a separate envelope in the Respondent's College, GSAS, or DCE file and in the file of the Complainant, if relevant. Ordinarily, the file will be redacted to protect the identity and personal information of those involved in the case other than the student in whose file the documents are placed. These documents are part of the Respondent's and, if relevant, the Complainant's educational record, as defined and protected by federal law.

xvi. Appeals in the College and GSAS

The only opportunity to appeal the findings set forth in the final report is provided by the University Procedures, and all substantive appeals must be made pursuant to those Procedures. Appeals within the FAS pertain only to the decision of the relevant Ad Board in determining discipline. Students may appeal an Ad Board's recommendation of specific sanctions, including the sanction of requirement to withdraw with a recommendation to dismiss or expel. The decision to dismiss or expel itself is made by the Faculty Council and not the Ad Board; it cannot be appealed.

In the case of the College and GSAS, both the Complainant and the Respondent have the option to appeal disciplinary decisions made by the Ad Board regarding violations of this Policy, including any decision not to impose discipline. Allowable grounds for appeal in College and GSAS cases are:

1. the Ad Board made a procedural error that may change the determination of discipline; or
2. based upon a review of the Ad Board's annual disciplinary statistics, as available, the sanction imposed by the Ad Board was inconsistent with its usual practices and therefore inappropriate.

In the case of the College and GSAS, all appeals must be filed with the Secretary of the Faculty within one week of the disciplinary decision of the Ad Board. The Secretary of the Faculty will send the appeal to the Chair of the appropriate Ad Board (in the case of the College, this is the Dean of Harvard College; in the case of GSAS, it is the Dean of GSAS), who will promptly respond to the appeal. Appeals are then screened by the Docket Committee, a group of three elected representatives of the Faculty Council. The Docket Committee has the option of denying the appeal or of forwarding the case to the Faculty Council for consideration. If the Docket Committee forwards the case to the Faculty Council, the Faculty Council may grant or deny the appeal. In the event the Faculty Council grants the appeal, it will remand the matter to the Ad Board for action

consistent with its decision. There are no circumstances under which a student may appeal a decision made by the Faculty Council or its designated screening body, the Docket Committee. Once a student has been awarded a degree, the option to have the Ad Board reconsider a decision or to appeal to the Faculty Council is closed. Further information about the appeals process can be obtained from the Secretary of the Faculty, University Hall, First Floor (secfas@fas.harvard.edu; 617-495-3613).

All members of the Faculty Council shall receive appropriate training in the handling and resolution of allegations of sexual harassment and gender-based harassment as well as diversity and implicit bias training prior to hearing any appeals of disciplinary decisions made related to violations of the Policy.

Following the decision on appeal, documentation of the appeal decision and materials related to the appeal will be included in the sealed envelope in the Respondent's and Complainant's College or GSAS files. Ordinarily, student names and other private identifying information other than the name of the student in whose file the documents are placed will be redacted.

Further information is also available on the websites of the College and GSAS Ad Boards.

In the case of DCE, if either the Complainant or the Respondent believes that the Ad Board's decision is contrary to its own precedent or resulted from a procedural error, he or she may request that the Board reconsider its decision. There is, however, no higher body to which an appeal of a DCE Ad Board decision may be brought, and after any reconsideration the Ad Board's decision is final. Documentation of the reconsideration decision and related materials will be kept on file in the Dean of Students Office, and in the case of degree candidates, in their program files.

D. Procedures Concerning Alleged Harassment by Faculty, Instructors, Teaching Assistants, and Researchers

The procedures for informal resolution and formal complaint with respect to alleged sexual or gender-based harassment by an FAS Faculty member, instructor, teaching assistant, or researcher are implemented by the Title IX Resource Coordinator for Faculty or a designee determined by the Dean of the FAS in conjunction with ODR and the University Title IX Coordinator as appropriate.

In certain cases, it may be appropriate for the Dean of the FAS to modify the procedures set forth below, including in light of the Procedures for Discipline of Officers in cases involving grave misconduct or neglect of duty arising under the Third Statute of the University. In such cases, the Initiating Party and the FAS Faculty member, instructor, teaching assistant, or researcher will be notified of the procedures that will be followed.

Ordinarily, however, procedures concerning alleged harassment by faculty, instructors, teaching assistants, and researchers will mirror those established by the University Procedures. Some modifications are necessary to reflect the different nature of the relationship between the FAS and faculty, researchers, teaching assistants, and instructors compared with the relationship between the FAS and students. The FAS intends that all members of our community will abide by the same Policy and, in principle, that violations of that Policy will be investigated and adjudicated using the same basic procedures.

Requests for Informal Resolution

An individual who is concerned about sexual or gender-based harassment by an FAS Faculty member, instructor, teaching assistant, or researcher may make a request for informal resolution to the FAS Title IX Resource Coordinator for Faculty, the University Title IX Coordinator, or the Director of ODR. If an Initiating Party first contacts another FAS Title IX Resource Coordinator, it is the responsibility of that Title IX Resource Coordinator to inform the FAS Title IX Resource Coordinator for Faculty. A request for informal resolution should identify the alleged harasser (if known) and describe the allegations with specificity. The University Title IX Coordinator, the Director of ODR in consultation with the University Title IX Coordinator, or the Title IX Resource Coordinator for Faculty, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated (if applicable), will assess the severity of the alleged harassment and the risk of a hostile environment for others in the community to determine whether an informal resolution may be appropriate.

Upon determining that informal resolution is appropriate, either the FAS Title IX Resource Coordinator for Faculty, the University Title IX Coordinator (or designee), or, in cases where the Initiating Party makes the request to ODR, the ODR Investigator who is assigned to the informal resolution by the Director of ODR, will attempt to aid the parties in finding a mutually acceptable resolution. The FAS Title IX Resource Coordinator for Faculty, the University Title IX Coordinator (or designee), or the ODR Investigator, as appropriate, will consult further with the Initiating Party, inform the person who is the subject of the allegations, and gather additional relevant information as necessary from the parties and others, as indicated. The University Title IX Coordinator or the FAS Title IX Resource Coordinator for Faculty, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated (if applicable), also may put in place any appropriate supportive measures to protect the educational and work environment.

When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is hereby advised to seek legal counsel before making any written or oral statements and seek advice about how their participation in an informal process could affect any criminal case in which they are or may become involved.

A matter will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the FAS Title IX Resource Coordinator for Faculty. A record of this resolution will be maintained in the files of the Office for Faculty Affairs, as appropriate. At any point prior to such an express agreement, the Initiating Party may withdraw the request for informal resolution and initiate a formal complaint under these Procedures.

The informal resolution process will ordinarily be concluded within two to three weeks of the date of the request.

Procedures for Formal Complaints

i. Initiating a Formal Complaint

An Initiating Party who wishes to file a formal complaint alleging a violation of this Policy by an FAS Faculty member, instructor, teaching assistant, or researcher should do so directly with ODR.

If an Initiating Party files a formal complaint with a Title IX Resource Coordinator, the Title IX Resource Coordinator will forward the formal complaint to ODR. When it receives a formal complaint against a faculty member, instructor, teaching assistant, or researcher, ODR will inform the Title IX Resource Coordinator for Faculty as well as the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated, as appropriate. The FAS Title IX Resource Coordinator for Faculty, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated (if applicable), also will put in place any appropriate supportive measures to protect the educational and work environment. The FAS Title IX Resource Coordinator for Faculty will also inform the Dean of the FAS or his or her designee that a formal complaint has been received.

A formal complaint must be in writing and signed and dated by a Complainant or a third party filing on behalf of a potential Complainant (“Reporter”). It should state the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged harassment, including the date and place of such incident(s). The complaint must be in the Complainant or Reporter’s own words, and may not be authored by others, including family members, advisors, or attorneys. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records) that the Complainant or Reporter believes may be relevant to the investigation. However, the filing of a complaint should not be delayed if such sources of information are unknown or unavailable.

ODR will not investigate a new complaint if either ODR or the FAS has already adjudicated a formal complaint based on the same circumstances or if the parties and the FAS Title IX Resource Coordinator for Faculty, the University Title IX Coordinator, or the Director of ODR already have agreed to an informal resolution based on the same circumstances. Whether or not a complaint is filed with ODR, any person may file a complaint of discrimination with the Massachusetts Commission Against Discrimination, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, or any other state or federal agency having jurisdiction.

ii. Timeframe for Filing and Responding to a Complaint

The FAS does not limit the timeframe for filing a complaint. The FAS encourages complaints to be filed as soon as reasonably possible following an alleged violation of this Policy because the ability of the FAS and ODR to gather adequate information may be limited where a significant length of time has elapsed between an incident and the filing of a complaint. Further, the FAS’s ability to complete its processes may be limited with respect to Respondents who are no longer employed by the University.

iii. Initial Review

Once a complaint is received by ODR, the Director of ODR will assign the case to an Investigator for an initial review. The Title IX Resource Coordinator for Faculty will act as a conduit of information between the FAS and the Investigator.

The Investigator will contact the Complainant or Reporter in an attempt to gather a more complete understanding of the allegations, as well as any related conduct that may implicate this Policy. When a complaint is brought by a Reporter, the Investigator will endeavor to meet with the person

identified as the potential Complainant both to gather information and to discuss his or her interest in participating in an investigation.

Based on the information gathered, the Investigator will determine whether the information, if true, would constitute a violation of this Policy such that an investigation is warranted or whether the information warrants an administrative closure. The Investigator will convey this determination to the Complainant (and the Reporter, if there is one), the Director of ODR, the University Title IX Coordinator, the Title IX Resource Coordinator for Faculty, and the Title IX Resource Coordinator for the School or unit with which the Complainant is affiliated (as appropriate). The Investigator will work with the FAS Title IX Resource Coordinator for Faculty, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated, to implement any appropriate supportive measures to be put in place pending the completion of the case (or to revise as necessary any measures already in place).

The initial review will ordinarily be concluded within one week of the date the complaint was received.

iv. Investigation

Following the decision to begin an investigation, the Investigator will notify the Respondent in writing of the allegations, including a copy of the formal complaint submitted by the Complainant, and will provide a copy of this Policy and these Procedures. The Respondent will have one week in which to submit a written statement in response to the allegations. This statement must be in the Respondent's own words; Respondents may not submit statements authored by others, including family members, advisors, or attorneys. Attached to the statement should be a list of all sources of information (for example, witnesses, correspondence, records) that the Respondent believes may be relevant to the investigation.

If the decision is made to begin an investigation in a case where a Reporter filed the complaint, and the Complainant is unwilling to participate but the relevant Title IX Resource Coordinator has assessed the severity of the harassment and the potential risk of a hostile environment for others in the community and has determined to proceed, then, for the purposes of these Procedures, the FAS Title IX Resource Coordinator for Faculty (or a designee) will be considered the Complainant.

The Investigator will request individual interviews with the Complainant and the Respondent, and, as appropriate, with other witnesses. "Witnesses" may include individuals who have been identified by the parties as well as relevant officers of the School or University or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the incident(s) at issue in the complaint, not to solicit general information about a party's character.

When a complaint involves allegations that, if true, also might constitute criminal conduct, Respondents are hereby advised to seek legal counsel before making any written or oral statements. The investigation process is not a legal proceeding, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

After the collection of additional information is complete but prior to the conclusion of the investigation, the Investigator will request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information.

v. Personal Advisors

Both the Complainant and the Respondent may bring a personal advisor to any interviews with the Investigator. A personal advisor should be someone who can assist the party without conflict and thus, for example, should not have another role in the process that could impair his or her service as advisor. The FAS Title IX Resource Coordinator for Faculty can, upon request, suggest names of FAS officers who might be willing to serve as a personal advisor for informal resolution or formal complaint proceedings. This service is available to both complainants and respondents.

Personal advisors may view a redacted version of the complaint or other documents provided to the parties, offer feedback on their advisee's written statements, and provide general advice. During interviews, personal advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break.

vi. Confidentiality

The ODR, personal advisors, and others at the University involved in or aware of the complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant or Reporter, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case and the expectation that they therefore keep such information – including any documents they may receive or review – confidential. They also will be notified that sharing such information might compromise the investigation or may be construed as retaliatory. Retaliation of any kind is in itself a separate violation of this Policy and may lead to an additional complaint and consequences.

The parties remain free to share their own experiences, other than information that they have learned solely through the investigatory process, though to avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide.

vii. Coordination with Law Enforcement Authorities

In all cases, the Investigator will have completed the initial review without delay and, as appropriate, will have proposed supportive measures to the FAS Title IX Resource Coordinator for Faculty. In the event that an allegation includes behavior or actions that are under review by law-enforcement authorities, the Investigator and the appropriate FAS Resource Coordinator will, in light of status updates from law-enforcement authorities and the University Title IX Coordinator, assess and reassess the timing of the investigation under the Policy, so that it does not compromise the criminal investigation. In all cases, ODR will complete its initial review and FAS will ensure appropriate supportive measures are provided so that the individuals affected can continue to participate in and benefit from the University's programs and activities.

viii. Conclusion of the Investigation and Issuance of Final Report

At the conclusion of the investigation, the Investigator will make findings of fact, applying a preponderance of the evidence standard, and determine based on those findings of fact whether there was a violation of this Policy.

The Investigator will provide the Complainant and the Respondent with a written draft of the findings of fact and analysis and will give both parties one week to submit a written response to the draft. The Investigator will consider any written responses before finalizing these sections of the report and the final section of 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 University Title IX Coordinator and the FAS Title IX Resource Coordinator for Faculty and other FAS officers, as appropriate, will work jointly to put in place such measures as they determine are appropriate. Consistent with FAS policies, measures imposed at this stage might include (but are not limited to): restrictions on contact; course-schedule or work-schedule alteration; or increased monitoring of certain areas of the campus.

The investigation will be completed and the final report provided to the Complainant, the Respondent, the FAS Title IX Resource Coordinator for Faculty, the Title IX Resource Coordinator of the School or unit with which the Complainant is affiliated, as applicable, and the Dean of the FAS or his or her designee, ordinarily within six weeks of receipt of the complaint.

ix. Special Circumstances

a. Request for Anonymity

If a potential Complainant asks to remain anonymous, then the FAS Title IX Resource Coordinator for Faculty and the Investigator, as appropriate, will consider how to proceed, taking into account the potential Complainant's wishes, the University's commitment to provide a non-discriminatory environment, and the potential Respondent's right to have specific notice of the allegations. The Investigator, the FAS Title IX Resource Coordinator for Faculty, or the University Title IX Coordinator or their designee may conduct limited fact finding to better understand the context of the complaint. In some circumstances, a request for anonymity may mean an investigation cannot go forward, or the Investigator, the FAS Title IX Resource Coordinator for Faculty, or the University Title IX Coordinator may determine that further investigation is necessary, in which case the potential Complainant will be informed that his or her identity will be disclosed as necessary for the investigatory process. In other circumstances, the Investigator or the FAS Title IX Resource Coordinator for Faculty may determine that the matter can be appropriately resolved without further investigation and without revealing the Complainant's identity.

b. Administrative Closure

If, after conducting the initial review of a formal complaint, the Investigator finds that the allegation, if true, would not constitute a violation of this Policy, then the Director of ODR will administratively close the case and notify the Complainant (and the Reporter, if there is one), the University Title IX Coordinator, the FAS Title IX Resource Coordinator for Faculty, and the Title IX Resource Coordinator representing the School or unit with which the Complainant is affiliated, if applicable.

Where the Complainant is unwilling to participate in further investigation, the Director of ODR, in consultation with the University Title IX Coordinator, will assess the severity of the alleged harassment or the potential risk of a hostile environment for others in the community and will determine whether administrative closure is appropriate or whether the ODR should proceed with an investigation.

Within one week of the decision to close a case administratively, the Complainant or Reporter may request reconsideration on the grounds that there is substantive and relevant new information that was not available at the time of the decision and that may change the outcome of the decision. The University Title IX Coordinator or designee will consider requests for reconsideration of the decision to close a case administratively and inform the Complainant or Reporter of the outcome, ordinarily within one week of the date of the request.

In cases where the Director of ODR concludes that the alleged conduct, while not a violation of this Policy, might implicate other School or University conduct policies, the Director of ODR may refer the complaint to the appropriate FAS or University official.

c. Request To Withdraw the Complaint

While every effort will be made to respect the Complainant's wishes to withdraw a formal complaint, FAS must be mindful of its overarching commitment to provide a non-discriminatory environment. Thus, in certain circumstances, the Director of ODR may determine that investigation is appropriate despite a Complainant's request to withdraw the complaint or failure to cooperate. Other circumstances also may result in declining a request to withdraw the complaint, where, for example, a request to withdraw is made after a significant portion of the investigation has been completed and terminating the investigation would be inequitable.

d. Request for Informal Resolution After a Complaint has Been Filed

Once a complaint has been opened for investigation and before the final report has been provided to the parties, a party may request informal resolution as an alternative to formal resolution of the complaint, but that disposition requires agreement of the Complainant and the Respondent and the approval of the Director of ODR in consultation with the University Title IX Coordinator, - the FAS Title IX Resource Coordinator for Faculty, and the Title IX Resource Coordinator for the School or unit with which the Complainant is affiliated.

If such a request is approved, the ordinary deadlines for completing each stage of the formal complaint process will be suspended, and the Investigator or a designee will take such steps as he or she deems appropriate to assist in reaching a resolution. If the parties cannot reach an informal resolution within two weeks from receipt of the request, then the Investigator will resume the investigation of the complaint in accordance with the formal complaint procedures.

x. Appeal

Both the Respondent and the Complainant may appeal the decision of the Investigator to the Dean of the FAS or his or her designee based on the following grounds:

1. A procedural error occurred, which may change the outcome of the decision; or

2. The appellant has substantive and relevant new information that was not available at the time of investigation and that may change the outcome of the decision.

Disagreement with the Investigator's findings or determination is not, by itself, a ground for appeal.

Appeals of the Investigator's decision must be received by the Dean of the FAS or his or her designee within one week of the date of the final report. Ordinarily, appeals will be decided within two weeks and the parties and the appropriate School or unit Title IX Resource Coordinators promptly will be informed of the outcome in writing.

xi. Discipline

The administration of discipline in cases against FAS Faculty is subject to the authority of the Dean of the FAS or his or her designee; thus, as appropriate, having received the report, the Dean or Dean's designee separately will consider the imposition of discipline and notify the parties, as appropriate. Sanctions may range from reprimand to dismissal.

If the ODR investigation reveals, by a preponderance of the evidence, that the complaint was not submitted in good faith, that either party provided false or misleading information, or that either party retaliated against the other, this will be reported to the Dean of the FAS, his or her designee, or other appropriate disciplinary body, as a separate violation of the Policy and may result in discipline.

xii. What Happens Following the Disposition of a Case

The FAS Title IX Resource Coordinator for Faculty will ensure that any action determined by the Dean or Dean's 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 the Dean of the Faculty.

E. Procedures Concerning Alleged Harassment by Staff

The procedures for informal resolution and formal complaint with respect to alleged sexual or gender-based harassment by FAS staff (including SEAS) are implemented by the FAS Title IX Resource Coordinator for Staff, or a designee determined by the Dean of the FAS, in conjunction with ODR and, in the case of informal resolution, with the University Title IX Coordinator as well.

Ordinarily, however, procedures concerning alleged harassment by staff will mirror those established by the University Procedures. Some modifications are necessary to reflect the different nature of the relationship between the FAS and employees compared with the relationship between the FAS and students. In addition, 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: <https://huctw.org/personnel-manual>. For HUCTW members, those policies and procedures take precedence over the policies governing other members of the University community.

The FAS intends that all members of our community will abide by the same Policy and, in principle, that violations of that Policy will be investigated and adjudicated using the same basic procedures.

Requests for Informal Resolution

An individual who is concerned about sexual or gender-based harassment by an FAS staff member may make a request, either orally or in writing, for informal resolution to the FAS Title IX Resource Coordinator for Staff, the University Title IX Coordinator, or the Director of ODR. If an Initiating Party first contacts another FAS Title IX Resource Coordinator, it is the responsibility of that Title IX Resource Coordinator to inform the FAS Title IX Resource Coordinator for Staff. A request for informal resolution should identify the alleged harasser (if known) and describe the allegations with specificity. The University Title IX Coordinator, the Director of ODR in consultation with the University Title IX Coordinator, or the Title IX Resource Coordinator for Staff, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated (if applicable), will assess the severity of the alleged harassment and the risk of a hostile environment for others in the community to determine whether an informal resolution may be appropriate.

Upon determining that informal resolution is appropriate, the appropriate FAS Title IX Resource Coordinator, the University Title IX Coordinator or designee, or (when the Initiating Party makes the request to the ODR) the ODR Investigator who is assigned the informal resolution by the ODR Director, , will consult further with the Initiating Party, inform the person who is the subject of the allegations, and gather additional relevant information as necessary from the parties and others, as indicated. The University Title IX Coordinator or designee, or the FAS Title IX Resource Coordinator for Staff, , in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated (if applicable), also may put in place any appropriate supportive measures to protect the educational and work environment. The University Title IX Coordinator or designee, the FAS Title IX Resource Coordinator for Staff, or the Investigator will attempt to aid the parties in finding a mutually acceptable resolution.

When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is hereby advised to seek legal counsel before making any written or oral statements and seek advice about how participation in an informal process could affect any criminal case in which they are or may become involved.

A matter will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the FAS Title IX Resource Coordinator for Staff. At any point prior to such an express agreement, the Initiating Party may withdraw the request for informal resolution and initiate a formal complaint under these Procedures. A record of this resolution will be maintained in the confidential files of FAS HR, as appropriate.

The informal resolution process will ordinarily be concluded within two to three weeks of the date of the request.

Procedures for Formal Complaints

i. Initiating a Formal Complaint

An Initiating Party who wishes to file a formal complaint alleging a violation of this Policy by an FAS Staff member should do so directly with the ODR. If an Initiating Party files a formal complaint with a Title IX Resource Coordinator, the Title IX Resource Coordinator will forward the formal complaint to ODR. When ODR receives a formal complaint against an FAS Staff member, ODR will inform the Title IX Resource Coordinator for Staff as well as the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated, as appropriate. The FAS Title IX Resource Coordinator for Staff, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated (if applicable), will put in place any appropriate supportive measures to protect the educational and work environment.

A formal complaint must be in writing and signed and dated by a Complainant or a third party filing on behalf of a potential Complainant (“Reporter”). It should state the name of the alleged harasser (if known) and describe with reasonable specificity the incident(s) of alleged harassment, including the date and place of such incident(s). The complaint must be in the Complainant or Reporter’s own words, and may not be authored by others, including family members, advisors, or attorneys. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records, and the like) that the Complainant or Reporter believes may be relevant to the investigation. However, the filing of a complaint should not be delayed if such sources of information are unknown or unavailable.

ODR will not investigate a new complaint if either ODR or FAS has already adjudicated a formal complaint based on the same circumstances or if the parties and the FAS Title IX Resource Coordinator for Staff, the University Title IX Coordinator, or the Director of ODR in consultation with the University Title IX Coordinator already have agreed to an informal resolution based on the same circumstances. Whether or not a complaint is filed with ODR, any person may file a complaint of discrimination with the Massachusetts Commission Against Discrimination, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, or any other state or federal agency having jurisdiction.

ii. Timeframe for Filing and Responding to a Complaint

FAS does not limit the timeframe for filing a complaint. FAS encourages complaints to be filed as soon as reasonably possible following an alleged violation of this Policy because the ability of the FAS and ODR to gather adequate information may be limited where a significant length of time has elapsed between an incident and the filing of a complaint. Further, the FAS’s ability to complete its processes may be limited with respect to Respondents who are no longer employed by the University.

iii. Initial Review

Once a complaint is received by the ODR, the Director of ODR will assign the case to an Investigator for an initial review. The Title IX Resource Coordinator for Staff will act as a conduit of information between the FAS and the Investigator.

The Investigator will contact the Complainant or Reporter in an attempt to gather a more complete understanding of the allegations, as well as any related conduct that may implicate this Policy. When a complaint is brought by a Reporter, the Investigator will endeavor to meet with the person

identified as the potential Complainant both to gather information and to discuss his or her interest in participating in an investigation.

Based on the information gathered, the Investigator will determine whether the information, if true, would constitute a violation of this Policy such that an investigation is warranted or whether the information warrants an administrative closure. The Investigator will convey this determination to the Complainant (and the Reporter, if there is one), the Director of ODR, the University Title IX Coordinator, the Title IX Resource Coordinator for Staff, and the Title IX Resource Coordinator for the School or unit with which the Complainant is affiliated (as appropriate). The Investigator will work with the FAS Title IX Resource Coordinator for Staff, in consultation with the Title IX Resource Coordinator for the School or unit with which the Initiating Party is affiliated, to implement any appropriate supportive measures to be put in place pending the completion of the case (or to revise as necessary any measures already in place).

The initial review will ordinarily be concluded within one week of the date the complaint was received.

iv. Investigation

Following the decision to begin an investigation, the Investigator will notify the Respondent in writing of the allegations, including a copy of the formal complaint submitted by the Complainant, and will provide a copy of this Policy and these Procedures. The Respondent will have one week in which to submit a written statement in response to the allegations. This statement must be in the Respondent's own words; Respondents may not submit statements authored by others, including family members, advisors, or attorneys. Attached to the statement should be a list of all sources of information (for example, witnesses, correspondence, records, and the like) that the Respondent believes may be relevant to the investigation.

If the decision is made to begin an investigation in a case where a Reporter filed the complaint, and the Complainant is unwilling to participate but the FAS Title IX Resource Coordinator for Staff has assessed the severity of the harassment and the potential risk of a hostile environment for others in the community and have determined to proceed, then, for the purposes of these Procedures, the FAS Title IX Resource Coordinator for Staff (or a designee) will be considered the Complainant.

The Investigator will request individual interviews with the Complainant and the Respondent, and, as appropriate, with other witnesses, who may include those identified by the parties as well as relevant officers of the FAS or the University or others. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the incident(s) at issue in the complaint, not to solicit general information about a party's character.

When a complaint involves allegations that, if true, also might constitute criminal conduct, Respondents are hereby advised to seek legal counsel before making any written or oral statements. The investigation process is not a legal proceeding, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

After the collection of additional information is complete but prior to the conclusion of the investigation, the Investigator will request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information.

v. Personal Advisors

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. A personal advisor should be someone who can assist the party without conflict and thus, for example, should not have another role in the process that could impair his or her service as advisor.

In cases where the Respondent is also a member of a collective bargaining unit and requests a personal advisor, in accordance with a union member's right to request representation during investigatory interviews that may reasonably lead to discipline, the Complainant may also bring a personal advisor to any interviews with the Investigator.

The FAS Title IX Resource Coordinator for Staff can, upon request, suggest names of FAS officers who might be willing to serve as a personal advisor for informal resolution or formal complaint proceedings. This service is available to both complainants and respondents.

Personal advisors may view a redacted version of the complaint or other documents provided to the parties, offer feedback on their advisee's written statements, and provide general advice. During interviews, personal advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break.

vi. Confidentiality

The ODR, personal advisors, and others at the University involved in or aware of the complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant or Reporter, the Respondent, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case. They also will be notified that sharing such information might compromise the investigation or may be construed as retaliatory.

Retaliation of any kind is in itself a separate violation of this Policy and may lead to an additional complaint and consequences.

The parties remain free to share their own experiences, other than information that they have learned solely through the investigatory process, though to avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide.

vii. Coordination with Law Enforcement Authorities

In all cases, the Investigator will have completed the initial review without delay and, as appropriate, will have proposed supportive measures to the FAS Title IX Resource Coordinator for Staff. In the event that an allegation includes behavior or actions that are under review by law-enforcement authorities, the Investigator will, in light of status updates from law-enforcement authorities and the University Title IX Coordinator, assess and reassess the timing of the investigation under this Policy, so that it does not compromise the criminal investigation.

viii. Conclusion of the Investigation and Issuance of Final Report

At the conclusion of the investigation, the Investigator will make findings of fact, applying a preponderance of the evidence standard, and determine based on those findings of fact whether there was a violation of this Policy.

The Investigator will provide the Complainant and the Respondent with a written draft of the findings of fact and analysis and will give both parties one week to submit a written response to the draft. The Investigator will consider any written responses before finalizing these sections of the report and the final section of the report, which will outline any recommended measures to be taken by FAS to eliminate any harassment, prevent its recurrence, and address its effects. The University Title IX Coordinator and the FAS Title IX Resource Coordinator for Staff and other FAS officers, as appropriate, will work jointly to put in place such measures as they determine are appropriate. Consistent with FAS policies, measures imposed at this stage might include (but are not limited to): restrictions on contact; work-schedule alteration; or increased monitoring of certain areas of the campus.

The investigation will be completed and the final report provided to the Complainant, the Respondent, the FAS Title IX Resource Coordinator for Staff, and the Title IX Resource Coordinator of the School or unit with which the Complainant is affiliated, as applicable, ordinarily within six weeks of receipt of the complaint.

ix. Special Circumstances

a. Request for Anonymity

If a potential Complainant asks to remain anonymous, then the FAS Title IX Resource Coordinator for Staff and the Investigator, or the University Title IX Coordinator, as appropriate, will consider how to proceed, taking into account the potential Complainant's wishes, the University's commitment to provide a non-discriminatory environment, and the potential Respondent's right to have specific notice of the allegations. The Investigator, the FAS Title IX Resource Coordinator for Staff, or the University Title IX Coordinator may conduct limited fact finding to better understand the context of the complaint. In some circumstances, a request for anonymity may mean an investigation cannot go forward, or the Investigator, the FAS Title IX Resource Coordinator for Staff, or the University Title IX Coordinator may determine that further investigation is necessary, in which case the potential Complainant will be informed that his or her identity will be disclosed as necessary for the investigatory process. In other circumstances, the Investigator, the FAS Title IX Resource Coordinator for Staff, or the University Title IX Coordinator may determine that the matter can be appropriately resolved without further investigation and without revealing the Complainant's identity.

b. Administrative Closure

If, after conducting the initial review of a formal complaint, the Investigator finds that the allegation, if true, would not constitute a violation of this Policy, then the Director of ODR will administratively close the case and notify the Complainant (and the Reporter, if there is one), the University Title IX Coordinator, the FAS Title IX Resource Coordinator for Staff, and the Title IX

Resource Coordinator representing the School or unit with which the Complainant is affiliated, if applicable.

Where the Complainant is unwilling to participate in further investigation, the Director of ODR, in consultation with the University Title IX Coordinator, will assess the severity of the alleged harassment or the potential risk of a hostile environment for others in the community and will determine whether administrative closure is appropriate or whether the ODR should proceed with an investigation.

Within one week of the decision to close a case administratively, the Complainant or Reporter may request reconsideration on the grounds that there is substantive and relevant new information that was not available at the time of the decision and that may change the outcome of the decision. The University Title IX Coordinator or designee will consider requests for reconsideration of the decision to close a case administratively and inform the Complainant or Reporter of the outcome, ordinarily within one week of the date of the request.

In cases where the Director of ODR concludes that the alleged conduct, while not a violation of this Policy, might implicate other FAS or University conduct policies, the Director of ODR may refer the complaint to the appropriate FAS or University official.

c. Request To Withdraw the Complaint

While every effort will be made to respect the Complainant's wishes to withdraw a formal complaint, FAS must be mindful of its overarching commitment to provide a non-discriminatory environment. Thus, in certain circumstances, the Director of ODR may determine that investigation is appropriate despite a Complainant's request to withdraw the complaint or failure to cooperate. Other circumstances also may result in a request to withdraw the complaint being declined, where, for example, a request to withdraw is made after a significant portion of the investigation has been completed and terminating the investigation would be inequitable.

d. Request for Informal Resolution After a Complaint has Been Filed

Once a complaint has been opened for investigation and before the final report has been provided to the parties, a party may request informal resolution as an alternative to formal resolution of the complaint, but that disposition requires agreement of the Complainant and the Respondent and the approval of the Director of ODR in consultation with the University Title IX Coordinator and the FAS Title IX Resource Coordinator for Staff and the Title IX Resource Coordinator for the School or unit with which the Complainant is affiliated.

If such a request is approved, the timeframes will be stayed, and the Investigator or a designee will take such steps as he or she deems appropriate to assist in reaching a resolution. If the parties cannot reach an informal resolution within two weeks from receipt of the request, then the Investigator will resume the investigation of the complaint in accordance with the formal complaint procedures.

x. Appeal

Both the Respondent and the Complainant may appeal the decision of the Investigator to the University Title IX Coordinator or designee based on the following grounds:

1. A procedural error occurred, which may change the outcome of the decision; or
2. The appellant has substantive and relevant new information that was not available at the time of investigation and that may change the outcome of the decision.

Disagreement with the Investigator's findings or determination is not, by itself, a ground for appeal.

Appeals of the Investigator's decision must be received by the University Title IX Coordinator or designee within one week of the date of the final report. Likewise, appeals of decisions to administratively close a case or to deny a request to withdraw the complaint must be received by the University Title IX Coordinator or designee within one week of the date of the decision under appeal. Ordinarily, appeals will be decided within two weeks and the parties and the appropriate School or unit Title IX Resource Coordinators promptly will be informed of the outcome in writing.

xi. Discipline

Decisions about the imposition of disciplinary sanctions in cases against FAS Staff will be made by the FAS Dean for Administration and Finance or his or her designee, in consultation with FAS senior management as appropriate, and with advice and counsel from the Office of the General Counsel. Disciplinary action may range from a verbal warning up to and including termination. The FAS Dean for Administration and Finance or his or her designee will notify the parties of any disciplinary action, as appropriate.

If the ODR investigation reveals, by a preponderance of the evidence, that the complaint was not submitted in good faith, that either party provided false or misleading information, or that either party retaliated against the other, this will be reported to the FAS Dean for Administration and Finance or his or her designee as a separate violation of the Policy and may result in discipline.

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: <http://hr.harvard.edu/staff-personnel-manual>. For a complete understanding of the procedures concerning alleged harassment by FAS or SEAS staff, staff members should review the procedures in the Personnel Manual in conjunction with these supplemental provisions.

This Policy does not change the at-will status of Harvard employment.

xii. What Happens Following the Disposition of a Case

The FAS Title IX Resource 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 HR.

VII. RESOURCES

FAS Resources:

For Students:

Harvard College Title IX Resource Coordinators

Erin Clark, Program Officer for Title IX and Harvard College Title IX Resource Coordinator

erin.clark@fas.harvard.edu

(617) 496-3336

University Hall, Garden Level 024

Cambridge, MA 02138

Brian Libby, Assistant Director for the Office of International Education and Harvard College Title IX Resource Coordinator

blibby@fas.harvard.edu

(617) 384-6943

1414 Massachusetts Avenue, 3rd Floor

Cambridge, MA 02138

GSAS Title IX Resource Coordinators

Seth Avakian, Program Officer for Title IX and Professional Conduct

avakian@fas.harvard.edu

(617) 495-9583

414A University Hall

Harvard University

Cambridge, MA 02138

Danielle Farrell, Director of Student Services and Title IX Resource Coordinator

farrell@fas.harvard.edu

Smith Campus Center 350

1350 Massachusetts Avenue

Cambridge, MA 02138

DCE Title IX Resource Coordinators

Mark Addison, Student Affairs Case Manager and Title IX Resource Coordinator

mark_addison@fas.harvard.edu

51 Cambridge Street, Room 218

Cambridge, MA 02138

Shirley Greene

Associate Dean of Students and Title IX Resource Coordinator

greene@dcemail.harvard.edu

(617) 998-8557
51 Brattle Street
Cambridge, MA 02138

Robert Neugeboren, Dean of Student and Alumni Affairs (DCE)

neugebor@fas.harvard.edu

(617) 495-1765
51 Brattle Street
Cambridge, MA 02138

Shirley Greene

Associate Dean of Students

greene@dcemail.harvard.edu

(617) 998-8557
51 Brattle Street
Cambridge, MA 02138

College Peer Counseling

Response (for Harvard College students)

<https://www.facebook.com/HarvardResponse>

For Staff:

Title IX Resource Coordinators

Sandy Stergiou, Senior Human Resources Consultant and Title IX Resource Coordinator

stergiou@fas.harvard.edu

(617) 496-4039
FAS Human Resources, 5th Floor
1414 Massachusetts Avenue
Cambridge, MA 02138

Ann Marie Acker, Senior Human Resources Consultant and Title IX Resource Coordinator

aacker@fas.harvard.edu

(617) 495-5532
FAS Human Resources, 5th Floor
1414 Massachusetts Avenue
Cambridge, MA 02138

Moriah Silver, Program Officer for Title IX and Professional Conduct

moriah_silver@fas.harvard.edu

(617) 495-0321
414B University Hall
Harvard University
Cambridge, MA 02138

Heidi Shea, Human Resources Consultant and Title IX Resource Coordinator (SEAS)

hshea@seas.harvard.edu

(617) 496-8445

20 University Road, Suite 649

Cambridge, MA 02138

For Faculty and Researchers:

Title IX Resource Coordinators

Kwok Yu, Assistant Dean for Faculty Affairs and Title IX Resource Coordinator (FAS, including SEAS)

kwok_yu@harvard.edu

(617) 495-7483

University Hall, 111

Harvard Yard

Cambridge, MA 02138

Johannah Park, Appointments Administrator and Sexual Harassment Officer (FAS, including SEAS)

jkpark@fas.harvard.edu

(617) 495-9892

University Hall, 403

Harvard Yard

Cambridge, MA 02138

Seth Avakian, Program Officer for Title IX and Professional Conduct

avakian@fas.harvard.edu

(617) 495-9583

414A University Hall

Harvard University

Cambridge, MA 02138

Moriah Silver, Program Officer for Title IX and Professional Conduct

moriah_silver@fas.harvard.edu

(617) 495-0321

414B University Hall

Harvard University

Cambridge, MA 02138

Karen Flood, Associate Dean for Academic Affairs of the Harvard Summer School and Title IX Resource Coordinator for Harvard Summer School Faculty and Teaching Assistants

kflood@fas.harvard.edu

(617) 998-1133

1100 Massachusetts Avenue, Room 322

Cambridge, MA 02148

Mary Higgins, Associate Dean for Academic Administration and Title IX Resource Coordinator (DCE)

mary_higgins@harvard.edu

(617) 998-8490

51 Brattle Street

Room E-505

Cambridge, MA 02138

University Resources:

Nicole Merhill, University Title IX Coordinator

Title IX Office

Smith Campus Center Suite 901

1350 Massachusetts Avenue

Cambridge, MA 02138

Phone: (617) 496-2470

Email: nicole_merhill@harvard.edu

Website: <http://titleix.harvard.edu/>

William McCants, Director of the Office for Dispute Resolution (ODR)

ODR

Smith Campus Center Suite 901

1350 Massachusetts Avenue

Cambridge, MA 02138

Phone: (617) 495-3786

Email: odr@harvard.edu

Website: <http://odr.harvard.edu/>

Office of Sexual Assault Prevention & Response (OSAPR)

osapr@fas.harvard.edu

(617) 495-9100 (24-Hour Confidential Hotline)

The Richard A. and Susan F. Smith Campus Center, Suite 731

1350 Massachusetts Avenue

Cambridge, MA 02138

HUHS Behavioral Health Services (available to faculty and staff subscribers to HUGHP)

(617) 495-2323

The Richard A. and Susan F. Smith Campus Center, 2nd Floor

75 Mount Auburn Street

Cambridge, MA 02138

HUHS Counseling and Mental Health Services

Cambridge:

(617) 495-2042 (information and appointments) (available to students who pay the student health fee)

(617) 495-5711 (urgent 24-hour care) (available to all students)

The Richard A. and Susan F. Smith Campus Center, 4th Floor

75 Mount Auburn Street

Cambridge, MA 02138

Longwood:

(617) 432-1370

275 Longwood Avenue

Boston, MA 02115

Harvard University Health Services (available to all students and to faculty and staff subscribers to HUGHP)

(617) 495-5711

The Richard A. and Susan F. Smith Campus Center

75 Mount Auburn Street

Cambridge, MA 02138

Harvard Chaplains

chaplains@harvard.edu

(617) 495-5529

The Memorial Church

One Harvard Yard

Cambridge, MA 02138

Harvard University Police Department (HUPD)

(617) 495-1212 (Urgent, Cambridge)

(617) 432-1212 (Urgent, Longwood)

(617) 495-1215 (non-urgent/business related)

1033 Massachusetts Avenue

6th Floor

Cambridge, MA 02138

Employee Assistance Program (available to benefits-eligible employees)

Office of Work/Life

(617) 495-4100

worklife@harvard.edu

Outside Agencies:

[U.S. Department of Education, Office for Civil Rights \(OCR\)](#)

[U.S. Equal Employment Opportunity Commission \(EEOC\)](#)

[Massachusetts Commission Against Discrimination \(MCAD\)](#)

Community Resources:

In addition to on-campus resources, information regarding local, state, and national resources who can offer support and guidance can be found in the here.

<https://titleix.harvard.edu/community-resources>