

**INTERIM POLICIES AND PROCEDURES ADDRESSING TITLE IX SEXUAL AND
GENDER-BASED HARASSMENT AND OTHER SEXUAL MISCONDUCT
FOR
THE FACULTY OF ARTS AND SCIENCES
HARVARD UNIVERSITY**

TABLE OF CONTENTS

- I. Introduction**
- II. FAS Interim Title IX Sexual Harassment Policy, FAS Interim Other Sexual Misconduct Policy, and FAS Sexual and Gender-Based Harassment Policy**
 - A. FAS Community Provisions**
 - B. Conduct in Relationships Between Individuals of Different University Status**
 - 1. Prohibited Sexual Relations With Students**
 - 2. Relationships Between Individuals of Different University Status**
 - 3. Relationships Between Staff**
- IV. Information Sharing and Confidentiality**
- V. Procedures for Handling Formal Complaints and Informal Resolution Pursuant to the FAS Interim Title IX Sexual Harassment Policy, FAS Interim Other Sexual Misconduct Policy, and FAS Sexual and Gender-Based Harassment Policy**
 - A. Disciplinary Proceedings for Students**
 - B. Disciplinary Proceedings for Faculty**
 - C. Disciplinary Proceedings for Staff**

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, on the basis of sex, including sexual orientation or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any University program or activity. Sexual harassment, including sexual violence, is a form of sex discrimination in that it denies an individual equal access to the University's programs or activities. These Interim FAS Policies and Procedures for Addressing Title IX Sexual And Gender-Based Harassment and Other Sexual Misconduct form one part of a range of measures within the FAS designed to prevent discrimination, harassment, and misconduct based on any protected class, including race, religion, national origin, ethnicity, citizenship, age, sex, veteran status, or disability. While these Policies focuses on sexual harassment and other sexual misconduct, it is important to recognize the ways in which all forms of discrimination reduce our potential as a community of learners and teachers.

Sexual harassment and other sexual misconduct can take many different forms and encompass a range of behaviors including (but not limited to) unwelcome sexual conduct, such as sexual advances, sexual assault, dating violence, domestic violence, stalking, and persistent disparagement based on sex, sexual orientation, or gender identity. What links all forms of sexual harassment is the fundamental undermining of a person's ability to enjoy equal access to the programs or resources provided by our University. To tolerate restrictions of any individual's equal access to the University's programs or resources because of sex, including 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.

Because some sexual harassment and other sexual misconduct 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 an [Interim Title IX Sexual Harassment Policy](#) (“University 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. For allegations of sexual harassment or misconduct occurring between September 1, 2014 and August 14, 2020, the University adopted the [University Sexual and Gender-Based Harassment Policy and procedures](#).

These University policies apply to all Harvard Schools and units, including the FAS, and to all Harvard students, faculty, staff, appointees, and third parties.

For allegations of sexual harassment or misconduct occurring between September 1, 2014 and August 14, 2020, the FAS adopted the [Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences](#).

The [University procedures](#) govern allegations of sexual harassment or other sexual misconduct involving Harvard students, including undergraduate students in the College; graduate students in the Graduate School of Arts and Sciences (“GSAS”); and Extension School, Summer School, and Professional Development 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 policies 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 harassment or other sexual misconduct 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, Interim Title IX Sexual Harassment Policy and Procedures, and Interim Other Sexual Misconduct Policy and Procedures, and in the event they do so, interested parties will be notified.

II. FAS POLICIES AND PROCEDURES FOR ADDRESSING TITLE IX SEXUAL AND GENDER-BASED HARASSMENT AND OTHER SEXUAL MISCONDUCT

The FAS Policies and Procedures for Addressing Title IX Sexual and Gender-Based Harassment and Other Sexual Misconduct adopts the University policies and incorporates the University procedures, including for purposes of student discipline. The University policies are provided below:

Regarding conduct occurring on or after August 14, 2020

- [Interim Title IX Sexual Harassment Policy](#)
- [Interim Other Sexual Misconduct Policy](#)

Regarding conduct occurring between September 1, 2014 and August 14, 2020

- [University Sexual and Gender-Based Harassment Policy](#)

In addition, for conduct occurring between September 1, 2014 and August 14, 2020, the FAS adopted the [Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences](#).

A. FAS Community Provisions

The University policies define sexual 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, other sexual misconduct, as defined in the Interim Other Sexual Misconduct Policy, is not tolerated by the FAS even when it otherwise falls outside the jurisdiction of that policy because, for example, it did not have the effect of creating a hostile

environment for a member of the University community. Because sexual harassment and other sexual misconduct is 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 FAS Policy.

Sexual harassment and other sexual misconduct within student organizations and clubs are covered by the University policies 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 policies prohibit quid pro quo harassment when “an employee of the University either explicitly or implicitly conditioning the provision of an aid, benefit, or services of the University, such as an individual’s employment or academic standing (for example, academic evaluation, grades, or advancement) on an individual’s participation in unwelcome sexual conduct (quid pro quo), which may occur whether a person resists and suffers the threatened harm or the person submits and avoids the threatened harm” The FAS explicitly includes students in its prohibition of quid pro quo sexual misconduct unwelcome conduct on the basis of sex, including sexual orientation and gender identity. This includes, but is not limited to quid pro quo sexual misconduct, 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 harassment and other sexual misconduct, as defined by this FAS Policy, goes beyond the University policies 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 harassment and other sexual misconduct is 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. 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, and may, as FAS deems appropriate, in consultation with the Director of ODR, request that ODR do so.

B. Conduct in Relationships Between Individuals of Different University Status

In the academic context, sexual harassment and other sexual misconduct 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 and other sexual misconduct 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 and misconduct 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.

1. 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, proctor, 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.

2. 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.

3. 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>.

IV. 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 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 harassment or other sexual misconduct, they need to contact an FAS Title IX Resource Coordinator, who will know what steps, if any, to take next (including which other 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 harassment or other sexual misconduct with a 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 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 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 Title IX Resource Coordinator when an instance of sexual harassment or other sexual misconduct 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. Mental health clinicians, OSAPR staff providing services of a sexual assault counselor, a domestic violence counselor, or under a clinical license, lawyers providing legal advice to clients, and clergy members providing religious or spiritual advice or comfort hold such a privilege. 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 Title IX Resource Coordinator, 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 harassment or other sexual misconduct and is unsure whether or not the person will notify a 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.

V. PROCEDURE FOR HANDLING FORMAL COMPLAINTS

The procedures for informal resolution and formal complaints with respect to alleged harassment by Harvard Students, Staff, Faculty, Instructors, Teaching Assistants, and Researchers are contained in the University Procedures. The FAS Policies and Procedures for Addressing Title IX Sexual and Gender-Based Harassment and Other Sexual Misconduct adopts the University policies and incorporates the University procedures, including for purposes of student discipline. The University procedures are provided below.

Regarding conduct occurring on or after August 14, 2020

- [Interim Title IX Sexual Harassment Procedures](#)¹
- [Interim Other Sexual Misconduct Procedures](#)²

Regarding conduct occurring between September 1, 2014 and August 14, 2020

- [University Sexual and Gender-Based Harassment Procedures](#)

For conduct occurring between September 1, 2014 and August 14, 2020, the FAS adopted the [Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences](#).

A. Disciplinary Proceedings for Students

As stated in the *Interim Procedures for Handling Formal Complaints Against Students Pursuant to the Interim Title IX Sexual Harassment Policy*, “The administration of discipline in cases involving students is subject to the authority of the faculty; thus, as appropriate, following any appeal of the determination regarding responsibility but before finalizing the written determination, the Hearing Panel will provide the determination regarding responsibility to the School, so that it may separately consider the imposition of discipline through its own processes and notify the Hearing Panel of its decision in this regard for inclusion in the final written determination. Schools may impose a range of sanctions on students found to have violated the Policy, ranging from an admonition or warning up to and including dismissal or expulsion. The disciplinary process will be completed and the decision on discipline provided to the Hearing Panel for inclusion in the final written determination, ordinarily within 20 business days of the School’s receipt of the determination regarding responsibility if no appeal is taken or 20 business days from the decision on appeal of the determination regarding responsibility.” A representative from the appropriate Ad Board, or their designee, will serve on the Hearing Panel.

As stated in the *Interim Procedures for Handling Formal Complaints Against Students Pursuant to the Interim Other Sexual Misconduct Policy*, “The administration of discipline in cases involving students is subject to the authority of the faculty; thus, as appropriate, having received the report, the School separately will consider the imposition of discipline through its own processes and notify the parties as appropriate. Schools may impose a range of sanctions on students found to have violated the Policy, ranging from an admonition or warning up to and including dismissal or expulsion.”

Whenever there is a determination that an FAS student has violated these Interim Policies, the appropriate Ad Board will be provided information on the determination, so it may consider the imposition of discipline. 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. A 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 an Ad Board representative but is not required to do so.

If either party invokes the right to appeal a determination, granted by the Interim University Procedures, the University Title IX Coordinator or their designee 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

¹ The *Interim Procedures for Handling Formal Complaints Against Harvard Staff Members Pursuant to the Interim Title IX Sexual Harassment Policy* applies to Staff, Faculty, Instructors, Teaching Assistants, and Researchers.

² The *Interim Procedures for Handling Formal Complaints Against Harvard Staff Members Pursuant to the Interim Other Sexual Misconduct Policy* applies to Staff, Faculty, Instructors, Teaching Assistants, and Researchers.

Board will allow one week for the Complainant and Respondent to lodge an appeal of the determination 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 require withdrawal from a course or courses, from on-campus housing, or from the Harvard Summer School.

Whenever the determination concludes that an FAS student has not violated these Interim Policies, the appropriate FAS Title IX Resource Coordinator shall forward the determination to the appropriate Ad Board. If either party invokes the right to appeal a decision contained in a determination, granted by the University Procedures, ODR shall notify the appropriate FAS Title IX Resource Coordinator as well as the Ad Board Liaison of the appeal. If, on the basis of the factual findings contained in the determination, the Ad Board concludes that it is reasonably likely that a disciplinary infraction by an FAS student other than a violation of these Interim Policies 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.

Appeals in the College and GSAS

The only opportunity to appeal the determination regarding responsibility 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 Danoff 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 and gender-based harassment, other sexual misconduct, 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.

B. Discipline for Faculty, Instructors, Teaching Assistants, and Researchers

The administration of discipline in cases against FAS Faculty, Instructors, Teaching Assistants, and Researchers is subject to the authority of the Edgerly Family Dean of the Faculty of Arts and Sciences or their designee.

C. Discipline for Staff

Decisions about the imposition of disciplinary sanctions in cases against FAS Staff will be made by the FAS Dean for Administration and Finance or their 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 written determination of the formal complaint reveals, by a preponderance of the evidence, that the complaint was not submitted in good faith, that either party provided materially false or misleading information in any proceeding, 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 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.