



## GLOSSARY OF TERMS

### Procedures for Handling Complaints Against Harvard Staff Members Pursuant to the Sexual or Gender-Based Harassment Policy

**Adjudication** – The process of weighing the evidence, making findings of fact, and determining whether or not there was a violation of the Policy.

**Administrative Closure** – When an Investigation is not opened because the conduct alleged would not be a violation of the Policy, even if the facts are true. (See “Initial Review” below)

**Appeal** – A challenge to the decision made by the Investigative Team.

**Appellant** – The person who files an appeal.

**Complainant** – A person who believes that they may have experienced sexual harassment and files a Complaint with ODR.

**Complaint (or “Formal Complaint”)** – A written and signed statement alleging a violation of the Policy. Submitting a complaint to ODR starts the Formal Complaint process.

**Findings of Fact** – After gathering and reviewing evidence from both parties and witnesses, as well as other evidence identified by the Investigative Team, the Investigative Team weighs the evidence and reaches a determination about what, more likely than not, happened in a particular case.

**Initial Review** – A review of the Complaint by the Investigative Team to determine whether the allegations, if true, would be a violation of the Policy. If they would, then an investigation is started. If the allegations would not be a violation of policy, the Complaint is administratively closed. To make this decision, the Investigative Team will review the written Complaint and have a conversation with the Complainant to gather more information about the allegation. During the Initial Review period, the Respondent is not notified of the Complaint, but the local Title IX Coordinator can work with the affected person at any time to provide interim measures where appropriate.

**Initiating Party** – The person who starts the Formal Complaint process by submitting a Complaint to ODR. This could be the person who experienced the potential harassment (Complainant) or someone who may have learned about or witnessed possible sexual or gender-based harassment and decides to file a Formal Complaint (Reporter).

**Investigation** – The process followed by a trained Investigative Team to gather evidence in a thorough, impartial, structured, and timely way so that a decision can be made regarding the facts of a case and there can be a determination of whether there has been a violation of the Policy.

**Investigative Team** – An ODR Investigator paired with another Investigator, or paired with a trained person designated by the School or unit (called a “Designee”) are the “Investigative Team” and are responsible for conducting investigations. A single ODR Investigator may also be responsible for conducting an investigation and has the same responsibilities as the Investigative Team.

**ODR** – The Office for Dispute Resolution.

**Parties** – The Complainant and Respondent are generally considered the parties to a case.

**Personal Advisor** – Both parties may have Personal Advisors in situations involving domestic violence, dating violence, sexual assault, or stalking. Union members also have the right to request representation during investigatory interviews that could lead to discipline. A Personal Advisor may be present when the party they advise is being interviewed and can give feedback to their advisee in private. They may not speak for their advisee during the interview.

**Preponderance of the Evidence** – The standard of proof used in the investigation to make findings (conclusions) about facts that are in dispute and to make determinations of whether the Policy was violated or not. The standard is met if the alleged fact is more likely to be true than not true. The preponderance standard is lower than the standard of “beyond a reasonable doubt,” which is used in criminal court cases.

**Reporter** – Someone who submits a Complaint describing possible harassment that may have occurred, but did not directly experience it. For example, a concerned coworker who witnessed harassment in the workplace and would like someone to investigate it could file a complaint as a reporter.

**Respondent** – A person who is accused in a Complaint of engaging in conduct prohibited by the Policy.

**The Policy** – Harvard University’s Sexual and Gender-Based Harassment Policy.