

THE INVESTIGATIVE PROCESS

For alleged violations of the University
Sexual and Gender-Based Harassment Policy



HARVARD UNIVERSITY
Office for Dispute Resolution

A person who experiences possible sexual or gender-based harassment may reach out to ODR to:

FILE A FORMAL COMPLAINT

A formal complaint may be filed by the person who experienced the harassment, the "Complainant," or by a concerned third party, the "Reporter." The person filing must write the complaint in their own words. The person against whom the allegations are made is called the "Respondent."

REQUEST INFORMATION

You may reach out to ODR to learn more about the University's Policy and Procedures. This option is available whether or not you file a formal complaint. To learn more about resources, interim measures, or other options, please reach out to your local Title IX Coordinator or the Title IX Office.

REQUEST INFORMAL RESOLUTION

You may submit a request for informal resolution to the Director of ODR, your local Title IX Coordinator, or the Title IX Officer, who will determine whether an informal resolution may be appropriate.

INITIAL REVIEW

ODR speaks with the Complainant and/or Reporter in order to understand the allegations and any related conduct. At this point, the Complainant is informed of their rights and their local Title IX Coordinator is notified of the complaint.

ASSESSMENT

If the facts alleged were true, would they constitute a violation of the Policy?

NO

ODR notifies the Complainant and/or Reporter the complaint will be administratively closed. If other Harvard policies may be implicated, ODR will refer the matter to the appropriate School or Unit.

YES

NOTIFY COMPLAINANT

ODR notifies the Complainant or Reporter and appropriate School or Unit of the plan to investigate. If there is a police investigation into the same allegations, ODR will assess the timing of its investigation, so as not to compromise the criminal investigation.

Reconsideration: Within one week of administrative closure, the Complainant or the Reporter may request reconsideration on the grounds there is substantive and relevant new information.

Unwilling Complainant: If the prospective Complainant is unwilling to participate or wants to withdraw their complaint, but the School or Unit has determined the severity of the harassment and the potential risk to others warrants an investigation, the Title IX Coordinator or designee will be considered the Complainant.

FILE A RESPONSE

Respondent files a Response, written in their own words, to ODR. ODR then provides a copy of the Response and any supporting materials to the Complainant.

NOTIFY RESPONDENT

ODR notifies the Respondent in writing of allegations and provides Respondent with copies of the complaint and any supporting materials filed with the complaint. ODR informs Respondent of their rights.

Criminal Allegations: If the alleged conduct might also constitute criminal conduct, Respondent is advised to seek legal counsel before making any written or oral statements. Also, both parties may consult with legal counsel at any time.

INTERVIEWS

ODR conducts separate interviews with each of the parties. If applicable, the parties may bring a Personal Advisor to their respective interviews with ODR. A Personal Advisor may be, for example, a University Officer, attorney, or advocate.

ADDITIONAL INFORMATION

ODR collects additional information (e.g., interview witnesses, collect documents, conduct site visits). The parties may submit additional materials they believe may be relevant. Copies of these materials will be given to the other party and, at that party's discretion, their Personal Advisor (if applicable).

FOLLOW-UP INTERVIEWS

ODR conducts follow-up interviews with the parties separately. These interviews give each party an opportunity to respond to all information ODR may use in reaching its conclusions.

DRAFT REPORT

ODR produces a Draft Report containing findings of fact and determination. Copies are given to both parties.

PARTIES RESPOND

Parties are permitted, but not required, to submit written responses to the Draft Report within one week of receiving it. ODR considers any written responses from the parties before finalizing the report.

FINAL REPORT

ODR issues the Final Report and gives copies to the parties, the Title IX Coordinator, and appropriate School or Unit official. The Report contains findings of fact, applies preponderance of the evidence standard, determines whether there was a violation of the Policy, and, if a violation is found, outlines recommended measures to eliminate any harassment, prevent its recurrence, and address its effects.

APEAL

Both parties may appeal ODR's determinations to an independent panel within one week of receiving the Final Report. Parties may appeal on two grounds: (1) procedural error that may change the outcome of the decision, or (2) substantive and relevant new information that was not available at the time of the investigation and may change the outcome of the decision.

Sanctions: ODR does not issue sanctions. It is the Respondent's School or Unit that considers the Final Report and decides discipline as appropriate.

For a complete description of the process, please refer to the [University Sexual and Gender-based Harassment Policy](#) and related [Procedures](#).

The [Harvard Law School \(HLS\) Sexual Harassment Resources and Procedures for Students](#) will apply only when both the complainant and the respondent are HLS students. Otherwise, the [University Procedures](#) will apply.

The investigation may be completed ordinarily within six weeks of receipt of the complaint. There may be circumstances requiring longer timeframes, for example, in the interest of the integrity and completeness of the investigation, to accommodate party or witness availability, to comply with requests by or not to prejudice investigations or processes of external law enforcement, or for other legitimate reasons, including the complexity of the investigation and the severity or extent of alleged misconduct. Please note that the investigator may impose reasonable timeframes on the parties to ensure a prompt and equitable investigation. ODR will keep the parties informed of the progress of the investigation.

[Interim measures](#) may be assessed at any time during the investigative process, including after a disciplinary decision is made. For more information on interim measures, please contact your local [Title IX Coordinator](#).

