Office for Dispute Resolution: Investigation Process
for alleged violations of the Sexual and Gender-Based Harassment Policy

A person experiences possible sexual or gender-based harassment

Request for Informal Resolution:
A person may submit a request for an informal resolution to the School or unit Title IX Coordinator, or the Title IX Officer, or the Director of ODR, who will determine whether an informal resolution may be appropriate.

Formal Complaint Filed in ODR

Initial Review
ODR speaks with the Complainant and/or Reporter in order to gather an understanding of allegations and any related conduct. Complainant is informed of their rights. Title IX Coordinator is notified of the Complaint.

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

YES

NO

Notify Complainant or Reporter and appropriate School or Unit of plan to investigate

Notify Respondent in writing of allegations; Inform Respondent of their rights. Respondent has one week to submit a written Response.

Respondent Files Written Response to Complaint; copy given to Complainant

Interim Measures: Interim measures are available whether or not a formal Complaint is filed. They may be revised at any time. Examples include changes in the requesting person’s own class schedule or housing. The application of interim measures does not assume a violation of the Policy has occurred. Please consult with the Title IX Officer or a Title IX Coordinator for more information about interim measures.

Filing: A formal Complaint must be written by the person filing it in their own words. The person identified as engaging in the alleged harassment is the Respondent.

Complaints Filed by Third Parties: A Complaint may be filed by the person who experienced the harassment (Complainant) or by a concerned third party (Reporter). If the Complaint is filed by a Reporter, ODR will try to meet with the person who experienced the harassment to gather information and discuss their interest in participating in the investigation.

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

Unwilling Complainant: If the person who experienced the harassment is unwilling to participate or wants to withdraw, but the School or Unit has determined that the severity of the harassment and the potential risk to others in the community warrants an investigation, the Title IX Coordinator will be considered the Complainant. Please see the Procedures for more information.

Police Investigation: If there is a police investigation into the same allegations, ODR will assess the timing of the University investigation, so as not to compromise the criminal investigation.

Written Notice: Copies of the Complaint and any supporting materials filed with the Complaint are given to the Respondent.

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.

Written Response: The written response must be written by the Respondent in their own words.
Separate Interviews with the Parties with their Personal Advisors present (if applicable)

ODR Collects Additional Information (e.g., interview witnesses, collect documents, conduct site visits)

Follow-up Interviews with the parties (separately)

Conclusion of Investigation

ODR Produces a Draft Report containing findings of fact and determination. Copies are given to both parties; parties have one week to respond.

Parties Submit Written Responses to the Draft Report

ODR considers any written responses from the parties before finalizing the report

Final Report
Copies are given to the parties, the Title IX Coordinator, and appropriate School or Unit Official, ordinarily within six weeks of receipt of the Complaint

Appeal
Both parties may appeal ODR’s determinations within one week of receiving the final report

Respondent’s School or Unit considers Report and decides discipline as appropriate

Timeframes: There may be circumstances requiring longer timeframes. Timeframes may be extended, for example, in the interest of the integrity and completeness of the investigation, to accommodate party or witness availability, or 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.

Additional Information: 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).

Opportunity to Respond: Follow-up interviews give each party an opportunity to respond to all information that may be used by ODR in reaching its conclusions.

Optional Response: The parties are permitted, but not required, to submit responses in writing to ODR within one week of receiving the draft report.

Final 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.

Grounds for Appeal: Parties may appeal ODR’s decision based only on (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.

Interim Measures: may be reassessed at anytime, including after a disciplinary decision has been made.

*The 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.

This flow chart is intended as guidance to the steps in the process for handling concerns about harassment. For a complete description of the process, please refer to the Harvard Sexual and Gender-based Harassment Policy and related Procedures and accompanying FAQs.

Updated 04/21/17.