



# HARVARD UNIVERSITY

## Office for Dispute Resolution

### Summary of Procedures for Handling Complaints Against Harvard Staff Members Pursuant to the Sexual or Gender-Based Harassment Policy<sup>1</sup>

This summary outlines the process for making and investigating a complaint of sexual or gender-based harassment against a Harvard University staff member. For the full procedures, please see the [Procedures for Handling Complaints Against Harvard Staff Members Pursuant to the Sexual and Gender-Based Harassment Policy](#); for the policy, see the [Sexual and Gender-Based Harassment Policy](#) (the “Policy”).

#### **Information, Interim Measures, and Informal Resolutions**

**Sources of Information** Harvard community members<sup>2</sup> who have questions about sexual or gender-based harassment are encouraged to speak with:

- The School or Unit Title IX Coordinator
- The Title IX Office
- The Office for Dispute Resolution (“ODR”)

**Interim Measures** As appropriate, interim measures may be put in place or revised at any stage of an informal resolution, or before, during or at the conclusion of a formal investigation.

- The School or Unit Title IX Coordinator or the Title IX Officer (or designee) will also help to put interim measures in place in order to protect the initiating party or the Harvard community.
- Interim measures may include: restrictions on contact, work schedule and work location changes, leaves of absence, and increased monitoring of certain areas of campus.

**Informal Resolutions** Some incidents of sexual or gender-based harassment may be resolved through an informal process without a full investigation. In these cases, and when appropriate, the Title IX Officer or designee, an ODR Investigator, or the Title IX Coordinator from the School or Unit will work with both parties to reach a mutually acceptable informal resolution.

#### **Formal Complaints**

##### **Filing a Complaint and Initial Review**

- The Formal Complaint process begins by filing a written complaint with ODR that describes allegation(s) of sexual and gender-based harassment.
  - *Complainant*: the person bringing the Complaint
  - *Respondent*: the staff person against whom the Complaint is brought
- An Investigative Team reviews the allegations to determine whether they fall within the scope of the Policy.
  - *Investigative Team*: An ODR Investigator and, at the option of the Respondent’s School or Unit, a Designee who is a representative of the School or Unit who is trained to assist in investigations.

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<sup>1</sup> The procedures for making a complaint generally depend on the School or Unit affiliation and status (student, faculty or staff) of the Respondent, not the Complainant. Title IX Coordinators can answer questions about which procedures will apply in any given situation.

<sup>2</sup> Bargaining unit staff may also consult with their union representative at any time.

**Opening the Complaint for Investigation** If the Investigative Team decides that the allegations are within the scope of the Policy, a formal investigation is opened. At this juncture, the Respondent is informed of the allegations by the Investigative Team and is invited to submit a written response to the Complaint within one week.

**The Investigation** The Investigative Team conducts individual interviews with the Complainant, the Respondent, and other witnesses, and reviews other evidence.

- In cases of alleged domestic violence, dating violence, sexual assault, or stalking, both the Complainant and the Respondent may bring a personal advisor to interviews with the Investigative Team. An attorney may serve in the role of Personal Advisor.
- If a Respondent is a member of a collective bargaining unit and requests union representation in an interview, the Complainant may bring a Personal Advisor to interviews with the Investigative Team.
- The Complainant and the Respondent will have an opportunity to respond to all information used by the Investigative Team in reaching a conclusion.

### **Final Report**

- The Investigative Team will make findings of fact and, based on those findings, decide whether it is more likely than not that there was a violation of the Policy.
  - The Investigative Team will provide the Complainant and the Respondent a draft report and both parties will have one week to submit written comments on the draft.
  - The Investigative Team will consider the comments before preparing a final report stating findings and conclusions.
  - The final report will outline any recommended measures to be taken by the School or Unit to eliminate any harassment, prevent its recurrence, and address its effects.
- Ordinarily, within six weeks after the Complaint is filed, the final report will be given to the Complainant, the Respondent, the School or Unit Title IX Coordinator, and the appropriate officer in the School or Unit.

### **Appeal**

**Grounds for Appeal** The Complainant and the Respondent may appeal the decision of the Investigative Team if they feel that a required procedure was not followed in the investigation or that there is substantive and relevant new information that was not available at the time of the investigation and may change the outcome.

**Appellate Panel** The appeal will be considered by an impartial panel selected from a trained committee of faculty and senior administrators. Unless the Investigative Team's findings or conclusions are changed through an appeal, the Investigative Team's findings of fact and its decision on whether a Policy violation occurred are final.

### **Disciplinary Action**

**Decisions on Discipline** For staff members found to have violated the Policy, decisions will be made by the appropriate officials at the School or Unit.

- Violations can result in a wide range of disciplinary action, up to and including termination of employment.
- The University Staff Personnel Manual contains the procedures that will be used for disciplining non-bargaining unit staff, while the collective bargaining agreements contain the procedures to be used for disciplining bargaining unit members.