THE INVESTIGATIVE PROCESS

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





A person who experiences possible sexual or gender-based harassment may reach out to ODR to: **FILE A FORMAL COMPLAINT REQUEST INFORMAL RESOLUTION REQUEST INFORMATION** A formal complaint may be filed by the You may reach out to ODR to learn more about You may submit a request for informal person who experienced the the University's Policy and Procedures. This resolution to the Director of ODR, your local harassment, the "Complainant," or by a option is available whether or not you file a Title IX Resource Coordinator, or the concerned third party, the "Reporter." formal complaint. To learn more about University Title IX Coordinator³, who will The person filing must write the resources, supportive measures, or other determine whether an informal resolution options, please reach out to your local Title IX complaint in their own words. The may be appropriate. Resource Coordinator¹ or the Office for Gender Equity² person against whom the allegations are made is called the "Respondent." **INITIAL REVIEW** ODR speaks with the Complainant and/or Reporter in order to understand the ODR notifies the Complainant and/or Reporter the **ASSESSMENT** allegations and any related conduct. At this point, the Complainant is informed If the facts alleged were complaint will be administratively closed. If other NO Harvard policies may be implicated, ODR will refer true, would they constitute a of their rights and their local Title IX the matter to the appropriate School or unit. violation of the Policy? Resource Coordinator is notified of the complaint. Reconsideration: Within one week of administrative closure, the Complainant or the Reporter may request reconsideration on **Unwilling Complainant:** If the prospective the grounds there is substantive and relevant Complainant is unwilling to participate or **NOTIFY COMPLAINANT** new information. wants to withdraw their complaint, but the ODR notifies the Complainant or Reporter and School or Unit has determined the severity of appropriate School or Unit of the plan to investigate. If the harassment and the potential risk to there is a police investigation into the same allegations, others warrants an investigation, the Title IX ODR will assess the timing of its investigation, so as not Resource Coordinator or designee will be to compromise the criminal investigation. considered the Complainant. **FILE A RESPONSE NOTIFY RESPONDENT** Criminal Allegations: If the alleged conduct might Respondent files a Response, written in ODR notifies the Respondent in writing of allegations also constitute criminal conduct, Respondent is their own words, to ODR. ODR then and provides Respondent with copies of the complaint advised to seek legal counsel before making any provides a copy of the Response and any written or oral statements. Also, both parties may and any supporting materials filed with the complaint. supporting materials to the Complainant. ODR informs Respondent of their rights. 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 FOLLOW-UP INTERVIEWS** ODR conducts follow-up interviews ODR collects additional information (e.g., interview **DRAFT REPORT** witnesses, collect documents, conduct site visits). The with the parties separately. These ODR produces a Draft Report containing findings of fact parties may submit additional materials they believe interviews give each party an and determination. Copies are given to both parties. may be relevant. Copies of these materials will be opportunity to respond to all given to the other party and, at that party's information ODR may use in reaching discretion, their personal advisor (if applicable). its conclusions. **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 Resource 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. **APPEAL** Both parties may appeal ODR's determinations to an independent panel Sanctions: ODR does not issue sanctions. It is the 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 Respondent's School or unit that considers the Final Report and decides discipline as appropriate. (2) substantive and relevant new information that was not available at the time of the investigation and may change the outcome of the decision.

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

The <u>Harvard Law School (HLS) Sexual Harassment Resources and Procedures for Students</u> will apply only when both the complainant and the respondent are HLS students. Otherwise, the <u>University Procedures</u> 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.

<u>Supportive measures</u>, formerly referred to as interim measures, may be assessed at any time during the investigative process, including after a disciplinary decision is made. For more information on supportive measures, please contact your <u>local Title IX Resource Coordinator</u>.

- 1 Formerly known as Title IX Coordinator.
- 2 Formerly known as the Title IX Office.
- 3 Formerly known as the Title IX Officer.

NOTES:			
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