

ODR operates under the Office of the Provost. In handling requests for informal resolution and investigating formal complaints filed under the Policy, ODR works to ensure equal access to University programs and activities.

Message from William (“Bill”) McCants, Director of the Office for Dispute Resolution (ODR)



ODR’s team of three impartial and experienced investigators, supported by two fellows, fielded a growing number of requests from the Harvard community for information or advice about the steps involved in pursuing an informal resolution or filing a formal complaint under the Policy.

A 65% increase in complaint filings over the previous year, involving parties from 13 Schools and Units, indicates an increasing community-wide awareness of this important informal resolution and investigative resource. ODR, now independent of the Title IX Office, was, at the request of Schools or Units, in five cases able to handle allegations that fell outside the scope of the Policy, such as different treatment based on sex or gender.

ODR’s investigative efforts were supported by working jointly with trained [investigative designees](#), for those Schools and Units that use that model, or by regularly communicating with liaisons who provide valuable information from their Schools and Units to ODR, while also relying on ODR to keep the liaisons current on investigative status and progress. In all cases, communication between ODR and the local Title IX Coordinators, as well as when appropriate the Title IX Office, also helped ensure proper attention to the support needs of the parties involved in our investigations. In addition, when a formal complaint is filed, and ODR finds there is a hostile environment for one or multiple members of our community, the ODR Investigative Team together with the involved School or Unit create tailored [recommended measures](#). This holistic approach works to improve outcomes both for individuals and the broader community.

As part of our mission, ODR staff was involved in delivering over 50 audience-tailored trainings and presentations, which included attendees from across Harvard. ODR staff members also continued to hone and advance their skills base, receiving more than 50 hours of professional development training in subjects including negotiation, confidentiality, due process, and the neurobiology of trauma.

ODR continues to provide program documentation and data to the Title IX Policy Review Advisory Committee, and has already benefited in a number of ways from its ongoing feedback. ODR also regularly receives and attempts to respond meaningfully to feedback from the parties involved in investigations, as well as individuals at the various Schools and Units. ODR is also involved in ongoing communications and consultation with important allied service providers at Harvard such as OSAPR, HUHS, HUPD, and the Office of the General Counsel.

ODR staff remains at all times keenly aware that we have been entrusted with investigating for the Harvard community, in a prompt and fair manner, one of the most sensitive areas of human interaction, while protecting the privacy of those who interact with our office. We continue to be grateful for the efforts of our many partners to assist us in this important task.

A handwritten signature in black ink, appearing to read "W. McCants".

December 12, 2017

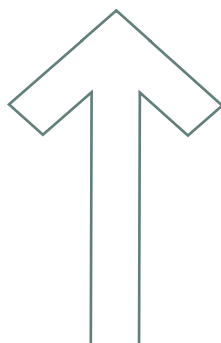
2016-2017 HIGHLIGHTS

PARTNERSHIP WITH SCHOOLS/UNITS TO DEVELOP AUDIENCE-TAILORED ONLINE TRAINING MODULES:



67%
increase

in the number of
students completing
online training
beginning of 2017-2018
(page 15)



74%
increase

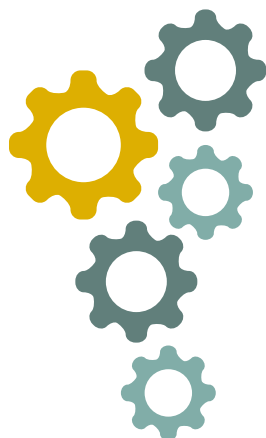
in the number of
employees completing
online training
in 2016-2017
(page 15)



Title IX Office, ODR, and our network of
55 Title IX Coordinators provided

202 training sessions

for students, faculty, and staff



April 2017 separation
of the Title IX Office
and ODR to ensure
community confidence
in independent office
operations and
**expand the
offices' menus
of services**



65%
increase

in the number of
formal complaints filed
with ODR in 2016-2017
(page 20)



William ("Bill") McCants
Director of ODR

Bill supervises the ODR staff, ensures timely and high-quality complaint resolution processes, and develops and delivers extensive University-wide training. He came to the Office in August 2014 with over 12 years of experience in civil rights investigations on the federal and state levels, in various protected class statuses, including sex, race, color, national origin, disability, and age. A graduate of HLS and a licensed attorney, Bill has master's degrees in psychology (FAS/DCE) and criminal justice (Northeastern

University). He holds a bachelor's degree from UCLA in History with a minor in Economics. A secondary schoolteacher for eight years, Bill taught U.S. and European History and Psychology, the latter two subjects at the advanced placement (AP) level. He has also served as a co-Head of House in MIT undergraduate and graduate housing for over 15 years. Bill is an avid ocean sailor and environmentalist, having previously served for several years as a municipal Conservation Commissioner.



Ilissa Povich
ODR Investigator

Ilissa has conducted investigations and facilitated trainings with ODR since its inception in the fall of 2014. A graduate of HLS and a licensed attorney, Ilissa previously worked at a major Boston law firm and as General Counsel of a Boston area company. She holds a bachelor's degree from Duke University in Public Policy Studies and Economics. Ilissa has taught legal writing to new lawyers and summer associates. She is also an active volunteer in

her local community, serving in leadership roles in numerous education-related non-profits, and previously served as the Chair of her town's School Committee.



Brigid Harrington
ODR Investigator

Brigid has been a licensed attorney for 11 years and is in her third year conducting ODR investigations and facilitating trainings as an Investigator. She previously conducted criminal investigations as an Assistant District Attorney in New York, where she was assigned to the Special Investigations Bureau of the Special Narcotics Prosecutor, and has worked as a civil litigator in Boston. Brigid has a B.A. from the University of Pennsylvania and a J.D. from Boston

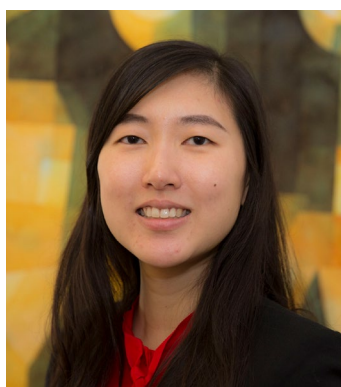
College. Brigid is an avid skier and runner, and has recently completed her second marathon.



Nicole Newman
ODR Investigator

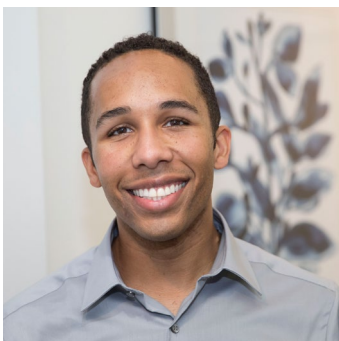
Nicole joined ODR in the summer of 2017, and has since conducted investigations and facilitated trainings as an Investigator. She came to the Office with over six years of experience in civil rights investigations at federal and state enforcement agencies, where cases involved all protected class statuses in education, employment, housing, and places of public accommodation. In addition, she previously worked as a civil litigator at a major Boston law firm. Nicole holds a B.A.

from Duke University in Political Science and Spanish Studies, and a J.D. from Boston College Law School.



Annie Chan
ODR Fellow

Annie assists the ODR investigators in conducting investigations, conducting legal research, and facilitating trainings. She is a licensed attorney with a bachelor's degree in Politics from New York University and a J.D. from Emory University School of Law. Before coming to Harvard, she worked with a non-profit organization providing legal services. Annie also works with middle school, high school, and college students/graduates as a tutor. She is fluent in Mandarin Chinese. Annie is an AFP alum.



Eric Jordan
ODR Fellow

As an ODR Fellow, Eric assists in ODR investigations, conducts legal research, and facilitates trainings. He is a licensed attorney with a J.D. from Harvard Law School in 2014 and a B.A. in Architecture from Princeton University in 2009. Immediately prior to joining ODR, Eric worked as both a litigation and a transactional associate for a major New York law firm. Eric was also a secondary schoolteacher in California and held leadership roles in Teach For America to assist

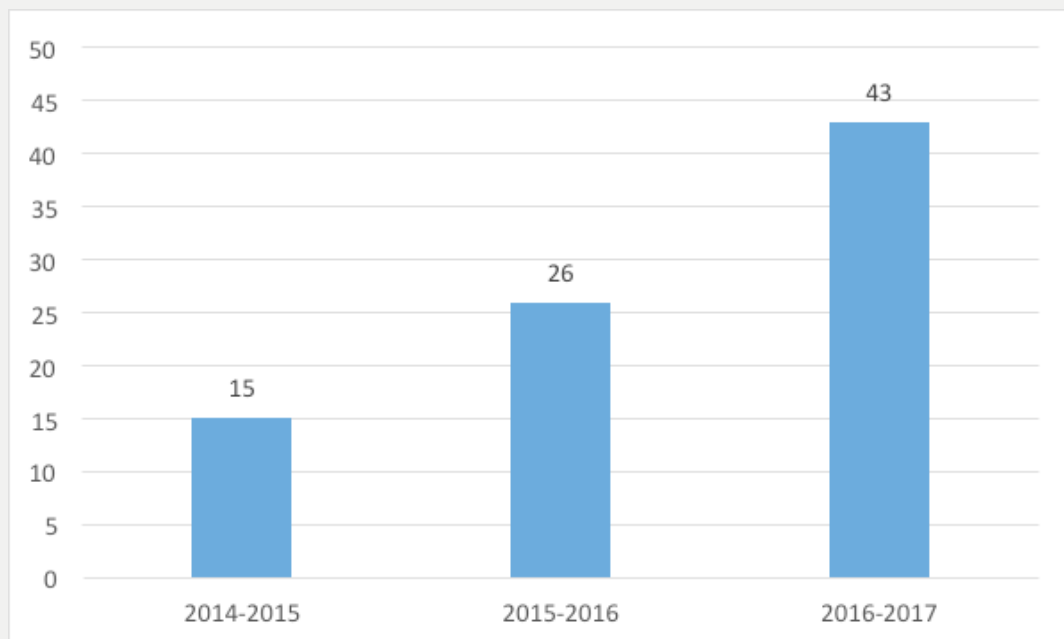
with the development of other teachers. This year, Eric is a Visiting Fellow in the AFP.

IV. ODR – DISPUTE RESOLUTION DATA & ANALYSIS

As in prior years, each case ODR investigated in 2016-2017 was unique and highly complex. A summary of ODR complaint information in 2016-2017, with comparisons to complaint information in 2014-2015 and 2015-2016, is provided below:

- ODR received 43 new complaints in 2016-2017, compared to 26 new complaints in 2015-2016 and 15 new complaints in 2014-2015.⁸
- Complaints in 2016-2017 involved parties from 13 Schools and Units.
- Approximately 48% of the complaints were resolved before progressing to the investigative stage (e.g., through administrative closure, withdrawal, or referral to the appropriate School or Unit).

Figure 1. Year-Over-Year Increase in Number of Formal Complaints Filed with ODR



**This increase in the number of formal complaints over this time period may be attributed, in part, to a greater awareness of University resources.*

⁸ ODR, at the request of Schools or Units, in five complaints also investigated related allegations were outside the scope of the University's Sexual and Gender-Based Harassment Policy, such as different treatment based on sex or gender.

Timing: The ODR staff cut approximately half a month off of the average length of investigations in comparison with 2015-2016. The average length of investigation for student complaints was: 5.1 months (2014-2015), 4.4 months (2015-2016), and 3.8 months (2016-2017, ranging in length from 2.9 to 4.4).⁹ The decrease in investigation time can be attributed in part to the fact that ODR became fully staffed in 2015-2016 and gained an additional ODR Fellow in 2016-2017. ODR ensures that its investigators are as thorough as possible, and we continue to work to make the process move more quickly while maintaining the same quality, fairness, and sensitivity.

Many factors affect the length of the investigation in a particular case, for example:

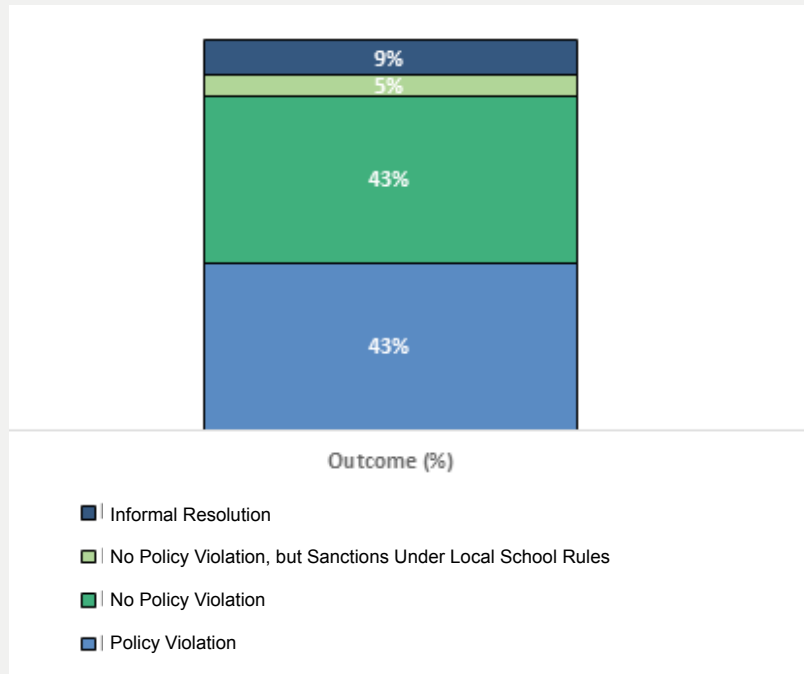
- The type and total number of allegations per complaint;
- The nature and volume of the documentation submitted as evidence;
- The number of witnesses interviewed;
- Scheduling challenges, such as: academic obligations (e.g., exams, final projects); University holidays; and parties' and/or witnesses' travel abroad; and
- Extensions in time granted to parties to designate their respective personal advisors, which may include attorneys.

One of the strengths of our Policy, in contrast to those of many peer institutions, is that we have one standard that applies to a range of behaviors. As a result, we often see in one complaint allegations that include a constellation of conduct such as sexual assault, stalking (including through electronic means), and a pattern of comments targeting an individual based on sex-stereotyping, sexual orientation, and/or gender identity. The Policy takes into account that an individual may have experienced multiple types of prohibited behavior, during one or more incidents. This standard allows us to be responsive to the broader array of conduct that may be negatively affecting someone's life at Harvard. Accordingly, a single complaint against one respondent may contain multiple allegations. In addition, under the Policy, we also assess whether a hostile environment has been created.

⁹ In estimating the average length of investigation for the purposes of this annual report, ODR did not include staff complaints requiring interpretation and translation services, or cases involving delays due to documented medical or related, or other exceptional circumstances.

Of the total number of complaints that went to full investigation from 2014-2017, approximately 43% were found to involve violations of the Policy and 43% were found not to involve violations of the Policy. (Figure 1).

Figure 2. Outcomes of Complaints Proceeding to Investigation,¹⁰ 2014-2017 (N = 44)



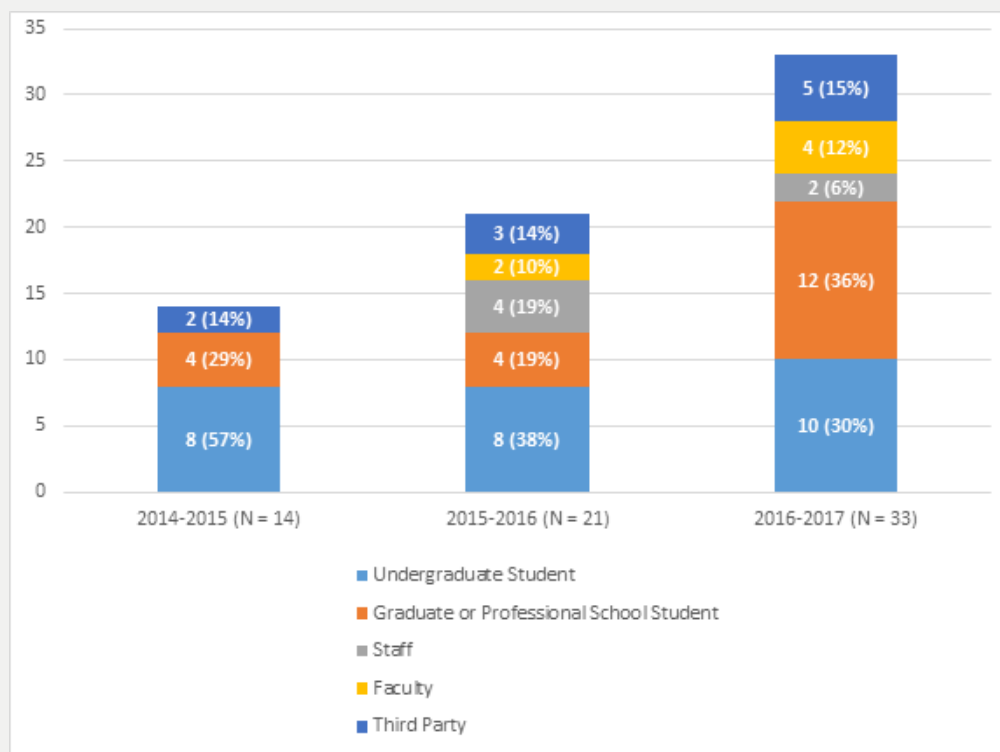
Case Demographics 2014-2017:

- For each of the three fiscal years, the majority of complaints were filed by or on behalf of students (including both undergraduate students and graduate or professional school students). The percentage of complaints filed by or on behalf of staff decreased between the second and third fiscal years, while the percentage filed by or on behalf of faculty increased somewhat. The percentage of complaints filed by or on behalf of third parties remained relatively consistent over the three fiscal years. (Figure 3)
- In two of the three fiscal years, the majority of complaints were filed against students (including both undergraduate and graduate or professional school students). The number of complaints filed against staff or against faculty held constant between the second and third fiscal years. The modest percentage of complaints filed against third parties stayed almost constant over the second and third fiscal years. (Figure 4)
- In all but four of the complaints that went to full investigation, the principals, prior to the incidents alleged in the complaints, either had interacted in a work context, in the course of a program or activity, or were engaged in a dating/romantic relationship or a friendship prior to the incident. This is consistent with national data.¹¹

¹⁰ Many complaints contain more than one allegation. Policy violation determinations must be made separately for each allegation. If one or more allegations in a complaint result(s) in the finding of a Policy violation, this is counted as a single "Policy Violation."

¹¹ See, e.g., U. S. Dep't of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Campus Climate Survey Validation Study Final Technical Report*, 101-02 (Jan. 2016), <https://www.bjs.gov/content/pub/pdf/ccsvsfr.pdf> ("[t]he findings suggest that, among female victims at the nine schools [surveyed], incidents of rape and sexual battery were most likely to be perpetrated by someone the victim knew casually"), Cantor, David ET AL., *Report on the AAU Campus Climate Survey on Sexual Assault and Sexual Misconduct*, xvii (Sept. 21, 2015), https://www.aau.edu/uploadedFiles/AAU_Publications/AAU_Reports/Sexual_Assault_Campus_Survey/AAU_Campus_Climate_Survey_12_14_15.pdf (the majority of undergraduate and graduate/professional students surveyed indicated the sexual harassment "offender" was known to them prior to the incident), and U.S. Dep't of Justice, Office of Justice Programs, Bureau of Justice Statistics, *National Crime Victimization Survey, 2010-2014* (2015), available at <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245#Methodology>.

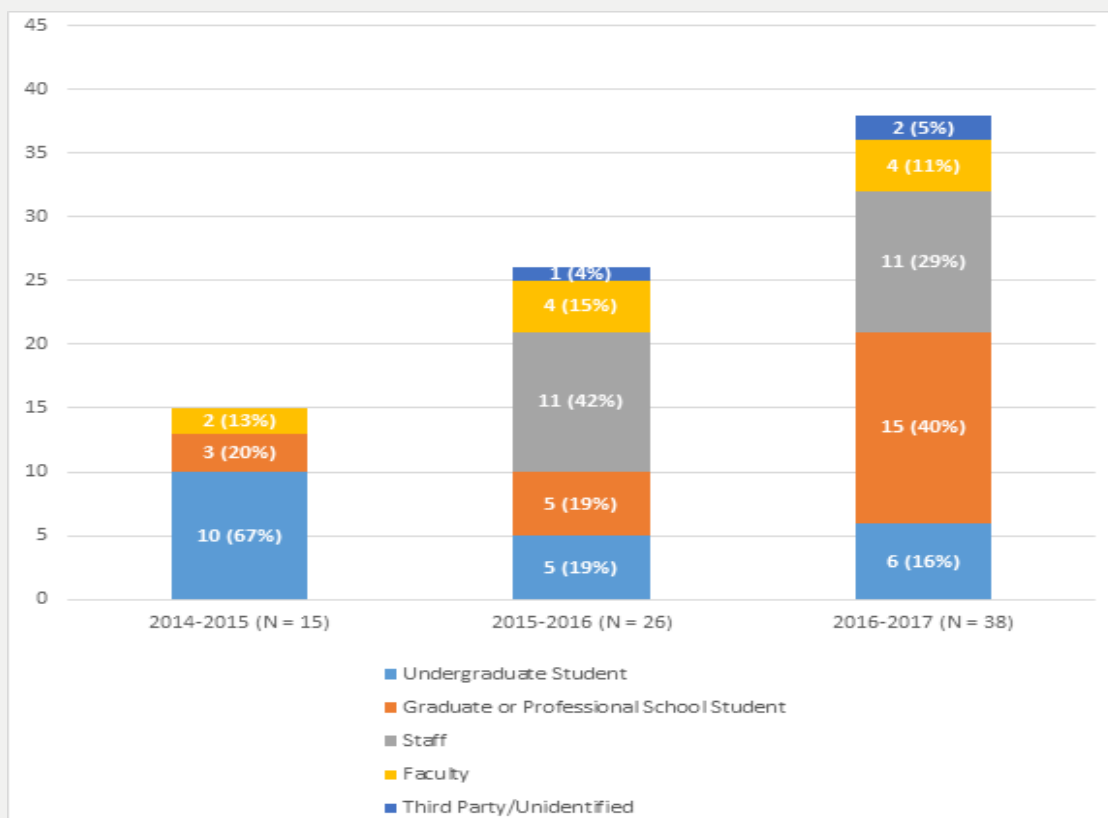
**Figure 3. University Status¹² of Complainants,¹³
2014-2017 (N = 68)**



¹² A party is categorized based on their University status at the time of the alleged conduct. Thus, for example, a former student who is alleging harassment that occurred while they were a student is counted as a student and not, for the purposes of this data, as a “third party.” (The same is true for staff. There have been no complaints thus far brought by or against former faculty members.)

¹³ A complainant may file a complaint against more than one respondent. This data reflects the number of distinct complainants (N = 68). As noted in “Case Demographics 2014-2017” on the previous page, a complaint may be filed by *or on behalf of* students, faculty, staff, or third parties (emphasis added).

**Figure 4. University Status of Respondents,¹⁴
2014-2017 (N = 79)**



¹⁴ More than one complaint may be filed against a respondent. This data reflects the number of distinct respondents (N = 79).

Figure 5. Complaints, by Number of Allegations, 2014-2017 (N = 84)

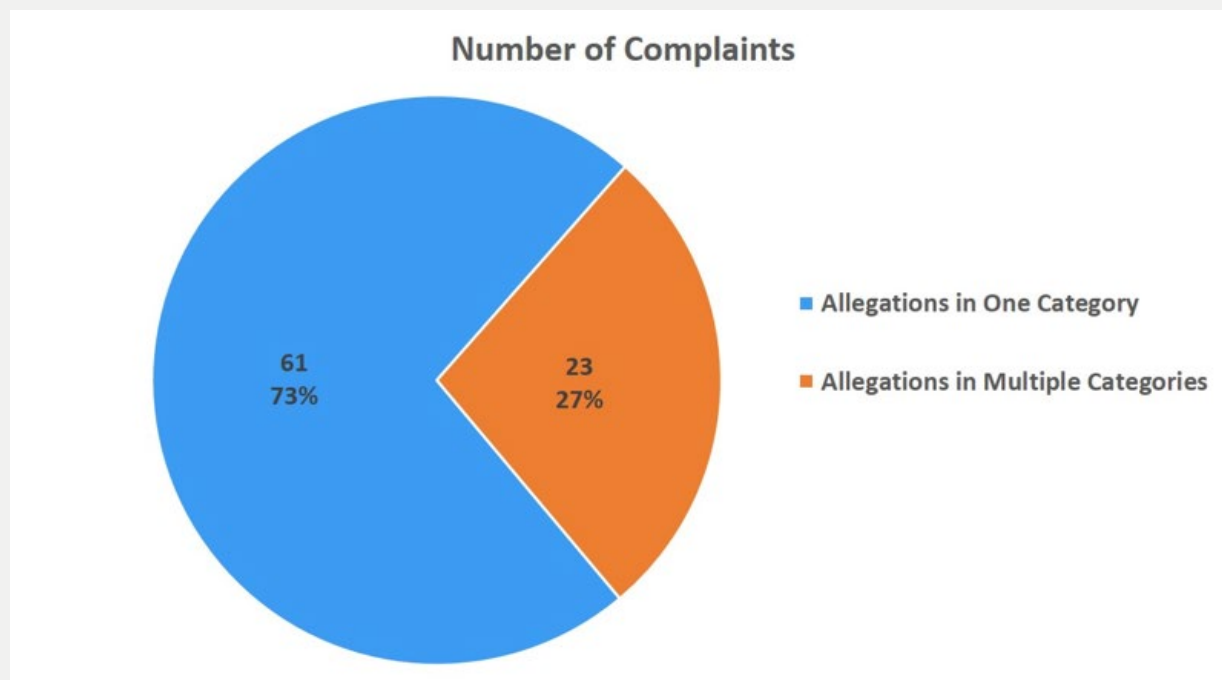


Figure 6. Complaint Allegations, by Category, 2014-2017 (N= 116)

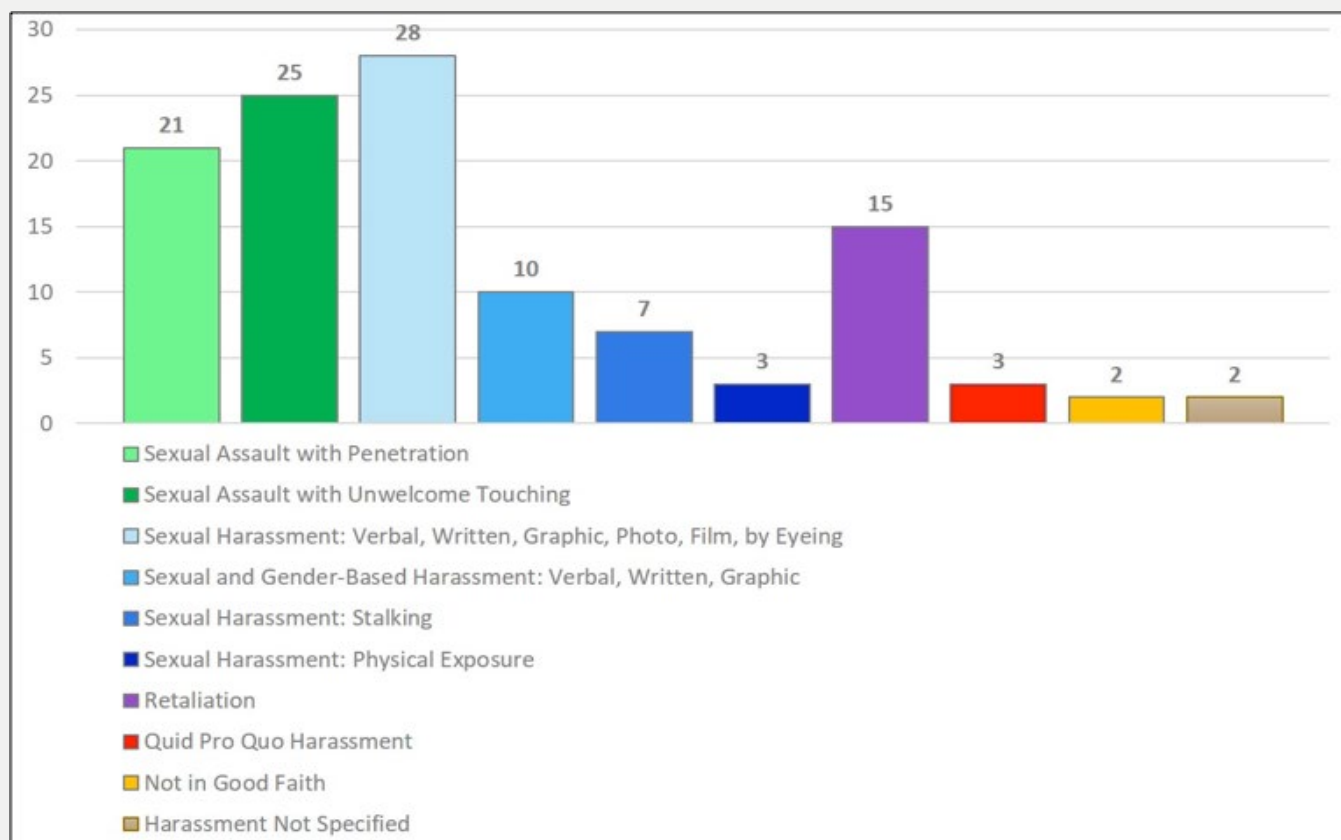


Figure 7. Sexual Assault Allegations, by Complainant Status, 2014-2017 (N = 46)



Figure 8. Sexual Assault Allegations, by Respondent Status, 2014-2017 (N = 46)

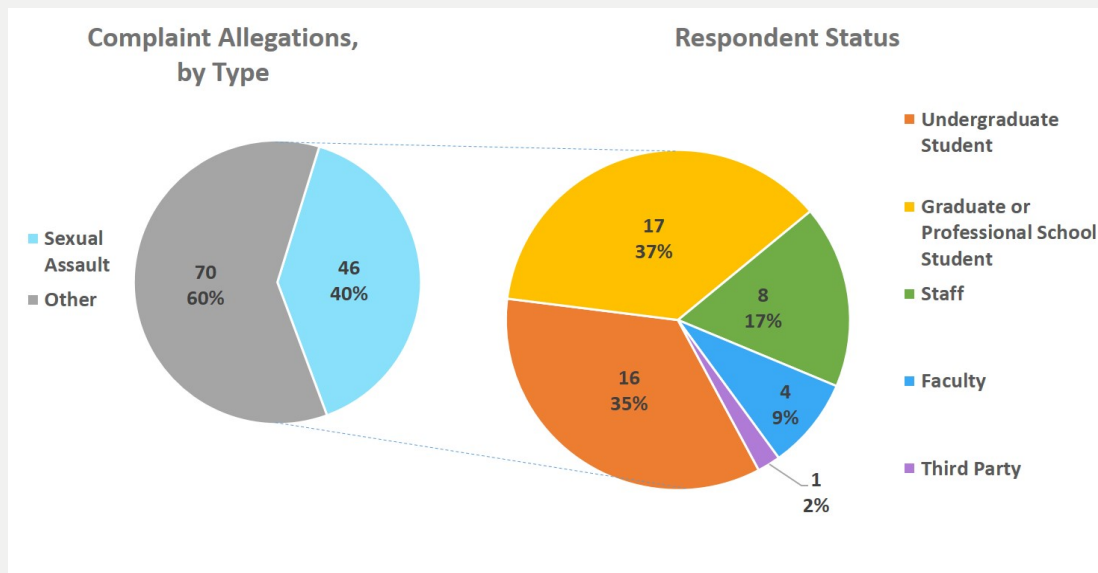


Figure 9. Sexual and/or Gender-Based Harassment Allegations (Not Including Sexual Assault), by Complainant Status, 2014-2017 (N = 48)

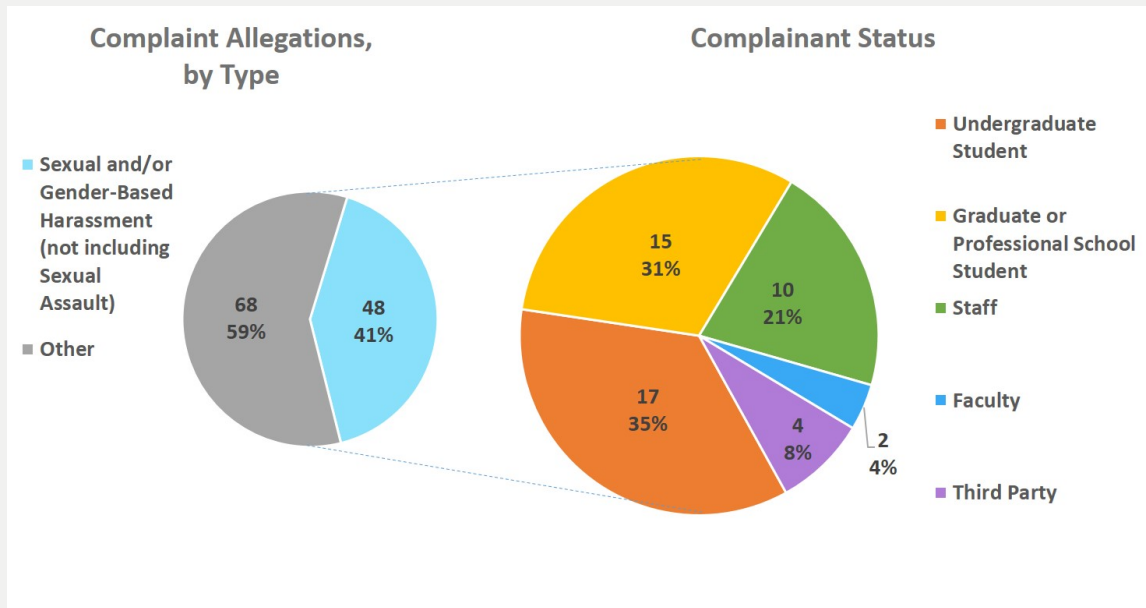
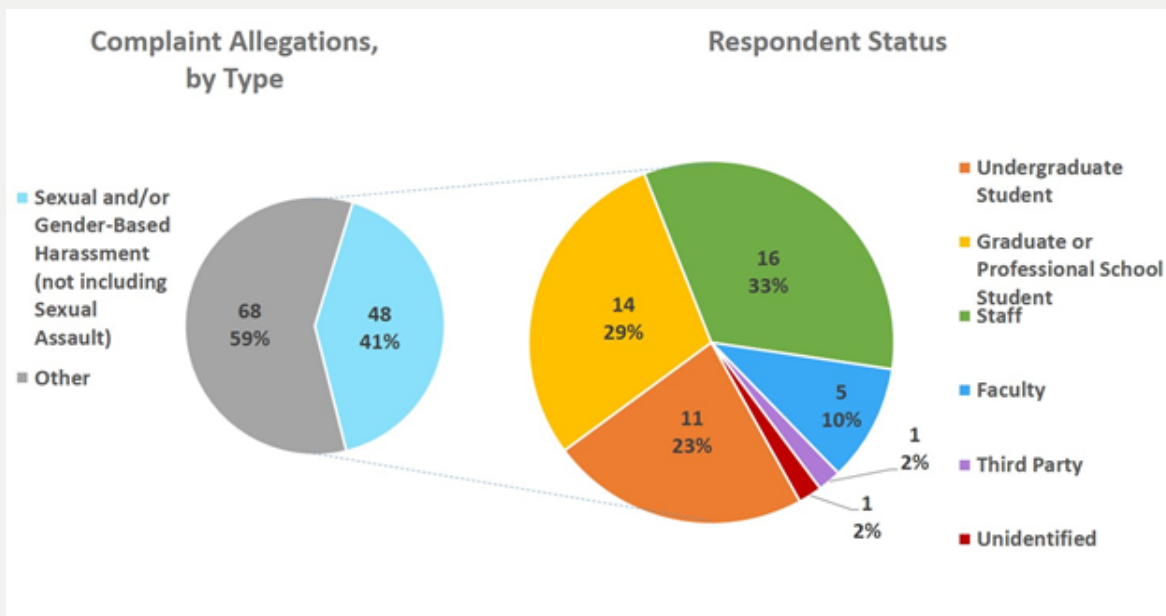


Figure 10. Sexual and/or Gender-Based Harassment Allegations (Not Including Sexual Assault), by Respondent Status, 2014-2017 (N = 48)



**Figure 11. Gender of the Principals,¹⁵ 2014-2017 (N = 84)
(Complainant v. Respondent)¹⁶**

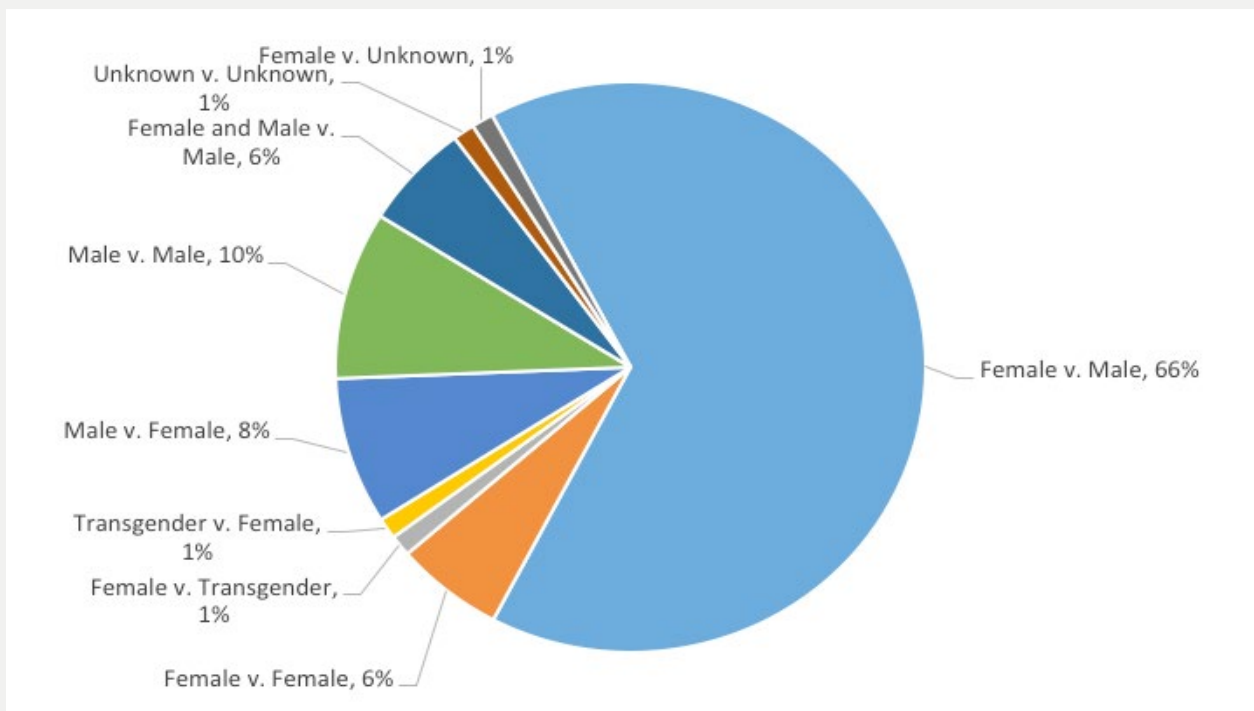
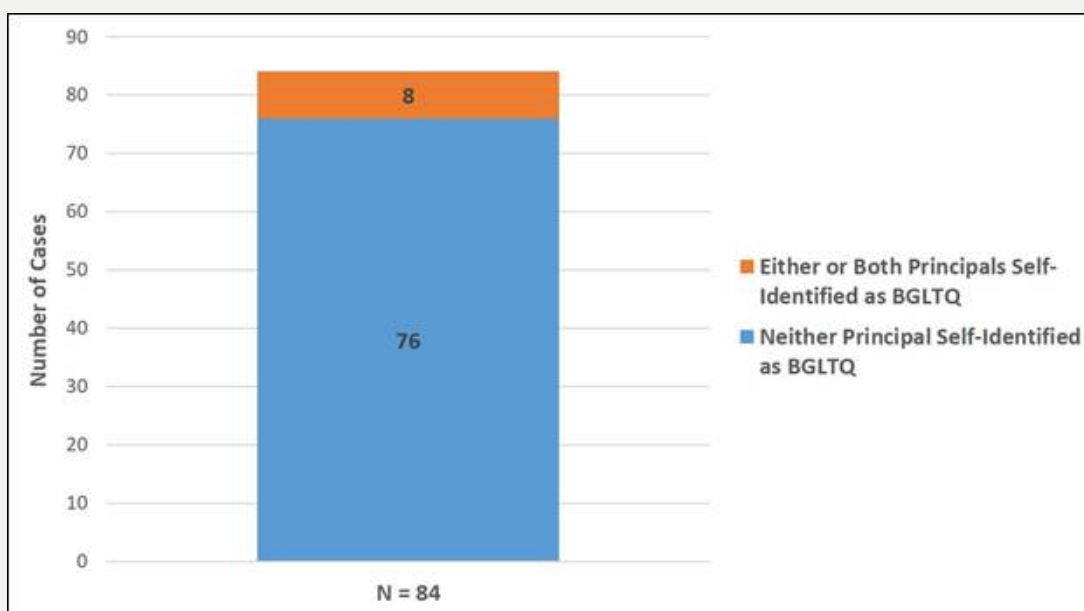


Figure 12. BGLTQ Identities of the Principals,¹⁷ 2014-2017 (N = 84)



¹⁵ In Figure 11 and Figure 12, “principals” include individuals alleging they have been the subject of misconduct prohibited by the Policy, individuals on whose behalf a complaint was filed, and individuals who are alleged to have engaged in conduct prohibited by the Policy. Gender identifications in Figure 11 were self-disclosed by the principals.

¹⁶ “Female and Male v. Male” refers to complaints filed on behalf of multiple female and/or male

¹⁷ individuals. As indicated in Figure 12, BGLTQ identifications were self-disclosed by the principals.

II. GLOSSARY OF TERMINOLOGY

In response to community feedback, we have included for your convenience a glossary of terminology commonly used in this Report.

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 – Both parties may challenge the ODR decision based on specific procedural grounds (outlined in the applicable procedures) and must submit their appeal within one week of the date of ODR’s final report.

Appellant – The person who files an appeal.

Complainant – A person who files a complaint with ODR alleging that they experienced sexual or gender-based harassment, or in special circumstances described in the applicable procedures, a School or Unit Title IX Coordinator or designee.

Complaint (or “Formal Complaint”) – A written and signed statement alleging a violation of the Policy. A complaint can be filed by the complainant or by a third party filing on behalf of a potential complainant (a “reporter”). Submitting a complaint to ODR starts the formal complaint process.

Designee – see “Investigative Team,” defined below.

Disclosures – Concerns regarding incidents of potential sexual or gender-based harassment that are brought to the attention of local Title IX Coordinators.

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.

Informal Resolution – Informal resolution is a voluntary process through which the party initiating the request identifies specific allegations and, with the assistance of their Title IX Coordinator, the Title IX Officer, or ODR, addresses those allegations through a written agreement that is mutually acceptable to both parties, the School or Unit Title IX Coordinator, and the Title IX Officer or the Director of ODR in consultation with the Title IX Officer. At any point prior to such resolution, the party who initiated the request may withdraw the request for informal resolution. If the informal resolution request is withdrawn before a formal complaint has been filed, either party may initiate a formal complaint under the applicable procedures. Ordinarily, the informal resolution process will be concluded within two to three weeks of the date of the request. Once the parties have reached an express agreement through informal resolution, ODR will not investigate a complaint based on the same scope of allegations. Some allegations may not be appropriate for informal resolution, for example, in some instances where the allegations indicate a potential risk of a hostile environment for others in the community.

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 so, 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.

Interim Measures – Individualized supports to help those who have been affected by incidents of potential gender-based or sexual harassment, including sexual assault, participate in campus life at Harvard and continue with their studies or work. Some examples include extensions of time or other course-related adjustments, University-issued and University-enforced no contact orders, and alterations to course schedules or work schedules.

Investigation – The process followed by a trained ODR Investigative Team to gather information 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 with a trained person designated by respondent's School or Unit, the "Investigative Team." The team is 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.

Liaison – A person designated by the respondent's School or Unit the respondent is from to provide information to ODR from the School or Unit, while also relying on ODR to provide the Liaison with information about the status and progress of the investigation.

ODR – The Office for Dispute Resolution. ODR has been charged with implementing the University's procedures for students,¹⁸ staff,¹⁹ and, in almost all schools, faculty. ODR, in a neutral role, works in partnership with the Schools and Units to implement the Procedures.

Parties – The complainant and the respondent.

Personal Advisor – Under the conditions outlined in the applicable procedures, the parties in an ODR complaint each may be entitled to designate a "personal advisor" to support them during the ODR investigation process. Personal advisors are individuals who, at the request of their advisee, provide support to the advisee throughout the ODR investigation. A personal advisor should be someone who can assist the party without conflict and thus, may not have any other involvement in the ODR process. So, for example, an individual may not serve as both a personal advisor and a witness in an ODR investigation. The personal advisor may be present when their advisee is being interviewed and can give feedback to their advisee in private. They may not speak for their advisee during the interview.

¹⁸ With the exception of Harvard Law School (HLS) students, for whom a separate set of procedures applies.

¹⁹ ODR began investigating staff cases on March 6, 2015, when the [University-wide staff procedures](#) took effect.

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

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.

Principals – Individuals in a complaint alleging they have been the subject of misconduct prohibited by the Policy, or in special circumstances described in the applicable procedures, a School or Unit Title IX Coordinator or designee, and individuals who are alleged in a complaint to have engaged in conduct prohibited by the Policy.

Reporter – Someone who submits a complaint describing possible harassment, but who did not directly experience it. For example, a concerned coworker who witnessed harassment in the workplace.

Respondent – A person who is alleged in a complaint to have engaged in conduct prohibited by the Policy.

Responsible Employee – Staff (including paid student employees, only when acting as employees of the University) and faculty who must share information with a Title IX Coordinator about potential incidents of sexual or gender-based harassment. Our goal is to ensure that individuals receive accurate information about the resources and options available from a trained person in a position to assist them. For more information on responsible employees, visit the [Title IX Resource Guide](#).

Sanctioning – Following ODR’s determination that there was a violation of the Policy, the relevant School or Unit determines the appropriate discipline through its own processes and notifies the parties. ODR does not determine sanctioning. The members of the School and Unit disciplinary boards receive training at least annually on issues related to sexual and gender-based harassment, including domestic violence, dating violence, sexual assault, and stalking, and on ODR investigations. Possible sanctions vary depending on the nature and severity of the conduct. For students (vary from School to School): warning or admonishment, probation, suspension or requirement to withdraw, dismissal, or expulsion. For employees: warning, probation, suspension, or termination.

Third Party – A person who is not a Harvard student, faculty, staff, or appointee as provided in the Policy, but to whom the Policy either applies or who may bring a complaint under the applicable procedures.

Title IX Coordinator – Harvard has designated 55 Title IX Coordinators distributed across every School and Unit of the University. The Coordinator assures that every student, faculty, and staff member has access to support at the local level. They serve in a neutral role and are specially trained to respond to disclosures of potential sexual or gender-based harassment, assist in developing interim measures, and serve as a bridge to other resources. Title IX Coordinators handle disclosures sensitively and discretely and information is shared on a strictly need-to-know basis.

APPENDIX: ABRIDGED LIST OF HARVARD RESOURCES

THE TITLE IX OFFICE & ODR ARE LOCATED AT:

44R Brattle Street, 2nd Floor
Cambridge, MA 02138

Title IX Office

Phone: (617) 496-0200

Email: titleix@harvard.edu

Website: titleix.harvard.edu

ODR

Phone: (617) 495-3786

Email: odr@harvard.edu

Website: odr.harvard.edu

For a comprehensive list of resources, visit our Title IX Resource Guide at resourceguide.titleix.harvard.edu.

- [Title IX Coordinators](#)
- [Office for Sexual and Gender-Based Dispute Resolution \(ODR\)](#)
- [Office for Sexual Assault Prevention & Response \(OSAPR\)](#)
- [Harvard College Office of BGLTQ Student Life](#)
- [Harvard University Police Department \(HUPD\)](#)
- [Harvard University Health Services \(HUHS\)](#)
- [Harvard University Counseling and Mental Health \(CAMHS\)](#)
- [Harvard University Health Services Behavioral Health](#)
- [Harvard Chaplains](#)
- [Bureau of Study Counsel \(BSC\)](#)
- [University Ombudsman Office](#)
- [Ombuds Office – Longwood](#)
- [Employee Assistance Program \(EAP\)](#)