

Office for Dispute Resolution

Title IX Office

FY19 Annual Report



PURPOSE STATEMENT

The purpose of this report is to highlight the work of the Title IX Office and ODR for the period July 1, 2018 to June 30, 2019. While the functions and responsibilities of the offices are distinct, the Title IX Office and ODR work cooperatively. Annually, the Title IX Office and ODR issue a report to provide a more comprehensive overview of the University’s efforts to maintain a safe and healthy educational and work environment.

The role of the Title IX Office is to support the system of 50+ local Title IX Coordinators in responding to concerns brought under the University’s Sexual and Gender-Based Harassment Policy (Policy) and to oversee the University’s overall compliance with Title IX. The Office is also a resource that provides direct services to members of the Harvard community, including the facilitation of informal resolutions. A second key role of the Title IX Office is to support Schools and administrative Units (Units) in University-wide prevention efforts, including development of print and online resource documents, online training modules, and in-person meetings, workshops, and trainings.

ODR implements the University’s procedures for students,¹ staff, and in almost all Schools, faculty, with respect to handling requests for information or advice, requests for informal resolution, and formal complaints.² ODR, in a neutral role, works in partnership with the Title IX Office, School and Unit Title IX Coordinators, and other School and Unit leadership to address the needs of Harvard students, faculty, staff, other Harvard appointees, or third parties who believe they are directly affected by sexual and/or gender-based harassment.

¹ With the exception of Harvard Law School students, for whom a separate set of procedures applies.
² The procedures for investigating complaints against faculty members are based on the primary School affiliation of the faculty member and can be found here.

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Letter from Nicole Merhill, University Title IX Officer



Over the past five years, the Title IX Office has worked hard to increase resources, supports and educational initiatives, and empower community members impacted by sexual or gender-based harassment to make informed decisions about accessing the various resources available across campus. Last year, in my letter to the community, on behalf of the Title IX Office, I committed to the following:

- Engaging with the newly developed Title IX Student and Staff Liaison Committees to better understand how to improve resources and outreach to our community members
- Implementing new initiatives and enhancing existing initiatives
- Administering the 2019 Association of American Universities (AAU) Sexual Climate Survey
- Examining available data to focus on creating effective programming and resources for our community
- Developing an anonymous system for electronically filing disclosures of sexual and/or gender-based harassment

We also continued to invest in ongoing efforts to increase awareness of the available resources across campus, including through the expansion of customized online and in-person initiatives for students, staff, and faculty.

The formation of the Student Title IX Liaison Committee in Fall 2018 served as a strong lead-in to the start of FY 19. The student liaisons thoughtfully engaged in University initiatives, including assisting in the development of scenarios for in-person trainings, recommending changes and updates to existing resources (e.g., feedback on the FY 18 Annual Report), and

promoting the AAU Survey. Most noteworthy, the Title IX student liaisons were key partners in the development and implementation of Harvard Hears You, the University's first Summit for Gender Equity. Student liaisons supported every aspect of the event, including providing input on promotional materials, assisting in program design, volunteering for both the day and evening portions of the event, and promoting participation in the AAU Survey. Without the support of the Title IX student liaisons, this event would not have been possible.

In addition to increasing engagement with students through the Title IX Student Liaison Committee and online learning modules, the Title IX Office has also sought to increase engagement with faculty and staff through similar initiatives. In the fall of 2018, we embarked on the first administration of mandatory online training for faculty and staff across the University. In anticipation of the rollout of mandatory training for faculty, many Schools, including the Graduate School of Design and the Harvard T.H. Chan School of Public Health, assigned the module to their faculty just prior to the start of the academic year. We are pleased to report that over 93% of our faculty and staff completed the online training module with many also participating in in-person initiatives. While the 93% participation rate during its first administration was a strong start, we aim to increase to 100% during our next administration in the fall of 2020.

The Title IX Staff Liaison Committee, formed in January 2019, immediately expressed interest in reviewing and improving the online training module for faculty and staff. Their work on this project will be reflected in the next administration of the module in the fall of 2020. Beyond work on the staff and faculty module, our Title IX staff liaisons were key voices in the development of the University's first anonymous online disclosure tool for students, staff, and faculty. This year-long project culminated with the disclosure tool going live just shortly after the close of the fiscal year.

We look forward to continued engagement with our staff liaisons as we continue our efforts to improve resources for our community members.

During that same time-period in which we rolled out the mandatory online training for faculty and staff, we also initiated a new pilot program, Prevention in Action: Bystander Intervention for Employees. The new program, which was led by the Assistant Director of Title IX Education Programs, was initially piloted in the spring of 2018 with staff from Alumni Affairs and Development. The preliminary results from this program were remarkable, with 95% of participants stating in a 30-day post survey that they possessed skills applicable to intervening in incidents of harassment, compared with 50% prior to engaging with the program. Since the initial pilot, the program has been customized and delivered to faculty and staff communities across 20 departments at Harvard. The program continues to return promising qualitative and quantitative results.

As we moved through the academic year and continued the expansion of new and existing initiatives, we also hosted the University's first Summit for Gender Equity, as a kick-off event to the second iteration of the AAU Survey. The event, hosted in partnership with the Weatherhead Center for International Affairs, brought together students, staff, faculty, and celebrity guests in panels, performances, and presentations addressing gender-equity in academia and beyond. With more than 500 community members participating in the summit and more than 8,300 students participating in the AAU survey, we consider both endeavors a success.

Overall, in the realm of training and presentations, the University Title IX Office and our local Title IX Coordinators increased training initiatives by 29% and saw a 50% increase in the number of persons who attended in-person trainings. As we expand awareness of the resources available across the University, we are, once again, seeing increases in disclosures of sexual and/or gender-based harassment. In FY 19, the Title IX Office supported our local Title IX Coordinators in their response to 500 disclosures of sexual and/or gender-based harassment—a 20% increase over FY 18. These numbers are the highest the Title IX Office has seen since it was first formed; however, we recognize that there remains work to be done in this area so that all community members feel that they can safely seek support from the University.

While progress has been made in many areas, all available data supports the need for a multifaceted approach to address issues of sexual and gender-based harassment in academia. We are committed to continuing our efforts to this end, by exploring innovative approaches, examining and implementing promising practices, and drawing from expertise both within the Harvard community and across the nation to collaboratively address concerns of sexual and gender-based harassment.

I am grateful to serve in my third year as Harvard's Title IX Officer and I welcome the opportunity to partner with each of you as we continue our efforts to create a safe and inclusive community at Harvard.

ABOUT THE TITLE IX OFFICE



TITLE IX OFFICE

Nicole Merhill, Title IX Officer

Caysie Carter Harvey,
Associate Title IX
Officer

Rachel DiBella,
Assistant Director,
Title IX Education Programs

Alexandria Masud,³
Associate Director
for Administrative Operations

Natasha DuMerville,
Title IX Administrator ⁴

Erika Christensen,³
Program
Administrator

Roxana Lemus,³
Administrative
Coordinator

50+ Local Title IX Coordinators

³ Erika Christensen, Roxana Lemus, and Alex Masud are cross-departmental administrative staff, contributing to both the Title IX Office and Office for Dispute Resolution.

⁴ Natasha DuMerville is no longer in this position as of September 22, 2019.



Nicole Merhill, Title IX Officer

Nicole is the Title IX Officer at Harvard University. In her role, Nicole oversees Harvard's overall Title IX system, including direct support and consultation to the University's 50+ Title IX Coordinators, development and implementation of education programming and prevention efforts, and direct support to community members.

Nicole joined the Harvard Title IX Office in 2016 and has more than 15 years of civil rights experience in various protected class statuses, including sex, race, color, national origin, disability, and age. She holds a bachelor's degree in Elementary Education and English from Purdue University, and a Masters in Education Law and J.D. from University of New Hampshire School of Law.

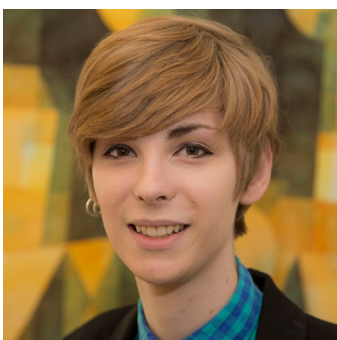


Caysie Carter Harvey, Associate Title IX Officer

In her role as Associate Title IX Officer, Caysie supports the University's network of Title IX Coordinators in responding to disclosures. As well, she meets with community members either receiving disclosures directly or facilitating presentations in furtherance of the Title IX Office's mission.

As a Higher Education Professional, Caysie's career has thrived on being a thoughtful resource for faculty, staff, and students alike. Most recently, Caysie comes to us from the Harvard Graduate School of Arts and Sciences where she served as the inaugural Assistant Director of Student Affairs and Title IX Coordinator for Students.

Caysie earned a master of education in Curriculum and Instruction from Boston College and a master of education in Language and Literacy from the Harvard Graduate School of Education. She is currently pursuing her doctorate at Boston University.



Erika Christensen, Program Administrator

Erika contributes to the broader programmatic initiatives of the Title IX Office, develops informational content in digital and video formats, and manages data systems. She also provides support to the Office for Dispute Resolution and assists with casework as needed. Erika has a B.A. in the Studies of Women, Gender, & Sexuality from Harvard College. Prior to joining the Title IX Office and ODR, she worked to support at-risk communities by developing suicide mitigation strategies.

Erika also worked as a national campaign recruiter during the 2016 presidential primaries.



Rachel DiBella, Assistant Director, Title IX Education Programs

In her role as Assistant Director, Title IX Education Programs, Rachel supports the vision of the Title IX Office in bringing informative and engaging educational opportunities to the Harvard community around the University's Sexual & Gender-Based Harassment Policy, in addition to developing prevention education programming and community partnerships. Rachel is an independently licensed social worker and part-time faculty in the Boston College School of Social Work. Prior to coming to Harvard, Rachel oversaw gender-based violence prevention and response efforts at Boston College and has previously served in consultative roles in these areas for institutions ranging from faith-based organizations to teaching hospitals.



Natasha DuMerville, Title IX Administrator

As Title IX Administrator, Natasha contributes to overall University initiatives in the area of Title IX, fosters greater coordination and collaboration with groups across the University, and assists in data gathering and reporting on various Title IX initiatives. Natasha has over 10 years of experience across nonprofit and higher education sectors. She earned her Bachelor of Arts in Philosophy and Religion and Political Science and Master of Public Administration degrees from James Madison University (JMU), and is currently a doctoral candidate at JMU, completing her Ph.D. in Strategic Leadership Studies. She is also an alum of the Harvard University Administrative Fellowship Program.



Roxana Lemus, Administrative Coordinator

Roxana provides administrative support to the Title IX Office and the Office for Dispute Resolution and contributes to the improvement of departmental processes and procedures. Prior to joining Harvard, she worked for four years as a paralegal and Spanish/English interpreter for a law firm specializing in immigration law. She has her certifications in community, medical, and legal interpreting from the BU Center for Professional Education and is completing her Associate's Degree in liberal arts at Bunker Hill Community College. Roxana is also a community organizer and volunteer doula.

TITLE IX PROGRAMMING AND STATISTICS



**Alexandria Masud, Associate Director
for Administrative Operations**

Alex joined the office in 2014 and now oversees the operations of the Title IX Office and the Office for Dispute Resolution, evaluates ongoing projects for adherence to long-term strategic and multi-year financial plans, and assesses and mitigates areas of risk. Alex is also a member of the Board of First-Year Advisers at Harvard College. She received her

B.A. in Philosophy of Law from Albion College. Prior to joining Harvard, she worked as a client services analyst in the institutional asset management field focusing on a book of business comprised of endowments and foundations.

EDUCATIONAL INITIATIVES

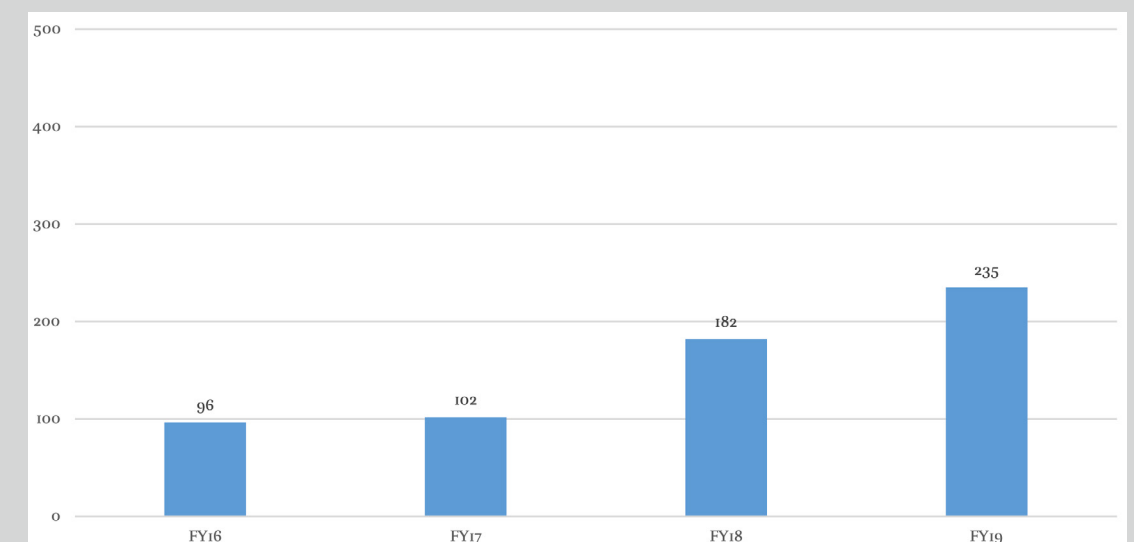
FY19 Trainings and Presentations

The Title IX Office and/or ODR delivered 235 audience-tailored trainings and presentations to the following stakeholders in FY19:

- Local Title IX Coordinators
- Conduct boards, investigative designees, and appellate panelists
- Incoming students at orientation sessions (delivered in partnership with local Title IX Coordinators and OSAPR staff)
- Staff managers, faculty, administrators, and other responsible employees
- Campus resources (including confidential resources)
- Undergraduate and graduate students and student groups

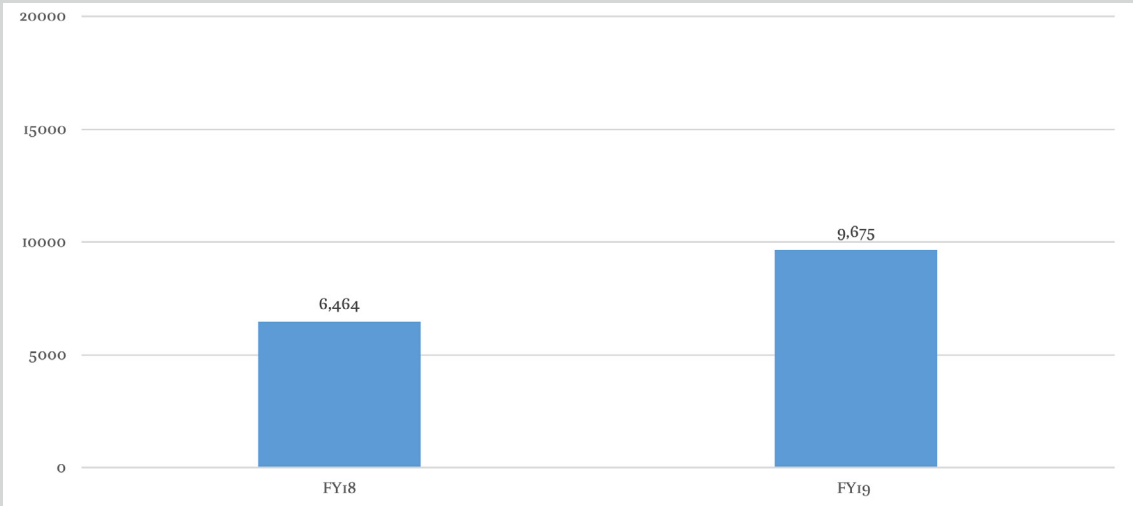
Compared to FY18, this represents a 29% increase in the number of trainings and presentations delivered.

Figure 1. Total In-Person Trainings Delivered by the Title IX Office



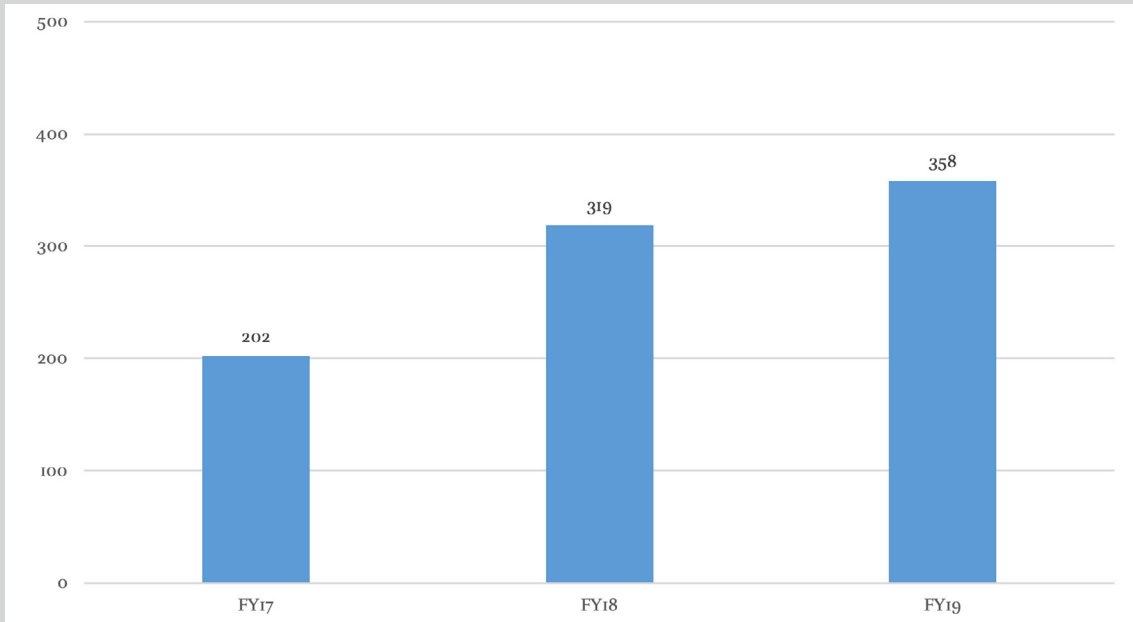
The total number of individuals who attended in-person training sessions and workshops by the Title IX Office increased by 50% between FY18 and FY19.

Figure 2. Total Number of Individuals Trained by Title IX Office



As a whole, the Title IX Office, ODR, and local Title IX Coordinators delivered 358 trainings and presentations in FY19 representing a 12% increase from FY18 to FY19.

Figure 3. Total In-Person Trainings and Presentations Delivered by the Title IX Office and local Title IX Coordinators



COMMUNITY RESOURCES & INITIATIVES DEVELOPED IN PARTNERSHIP WITH THE HARVARD COMMUNITY

Harvard Hears You: The 2019 Summit for Gender Equity

Harvard Hears You: The 2019 Summit for Gender Equity, co-sponsored by the Weatherhead Center for International Affairs and Harvard University Title IX Office, took place on April 2, 2019 and gathered more than 500 members of the Harvard community.

The daytime portion of the Summit included events at the Richard A. and Susan F. Smith Campus Center. The day brought together experts in our community: students, faculty, and staff, as well as invited guests to present in a variety of formats including on-stage interviews, performances, and panel presentations. Topics ranged from gender equity in the workplace to LGBTQ-inclusion.

A special evening panel at Memorial Church featured renowned media and industry influencers, including Emmy-award winning actress Laverne Cox, fashion writer Nicolette Mason, fashion designer Christian Siriano, and gender culture expert Jessica Weiner. The evening panel facilitated an important discussion on gender equity, diversity, and inclusion across industries, popular culture, advertising, and consumerism. The Summit began a necessary dialogue, strengthened by lessons learned here and elsewhere, as Harvard strives to be a community of prevention and inclusion.



Prevention in Action: Bystander Intervention Education for Employees

Community conversations over the past year have clearly signaled that staff, students, and faculty are eager to adopt practical tools to enable them to detect and respond to signs of harassment in their own learning and work environments. More specifically, faculty and staff have demonstrated an interest in primary prevention strategies within evidence-based frameworks that support organizational and cultural change.

The Title IX Office’s “Prevention in Action: Bystander Intervention & Beyond” was developed in the fall of 2018 in a collaborative process that engaged staff, administrators, managers, and subject matter experts. This process yielded a program that invites participants to reflect on their own experiences as bystanders, discover opportunities to improve community climate, and develop personalized strategies to prevent sexual and gender-based harassment in the spaces where they work, learn, and live.

In the spring of 2019, “Prevention in Action” was launched as part of a preliminary program evaluation process in partnership with Central Alumni Affairs and Development staff. This cohort of 200 took part in a pre-, post-, and 30-day post-program evaluation to measure how employees’ motivation, self-efficacy, organizational perceptions, and behavior changed at each point in the process.

Initial results have been highly encouraging, indicating upward trends in motivation to intervene, confidence in peers and leadership, and proactive engagement with resources. The Title IX Office looks forward to designing a formal evaluation process for the program and expanding its reach in the coming year.

Harvard 2019 AAU Survey

The Harvard Student Survey on Sexual Assault & Misconduct, administered in partnership with the Association of American Universities, serves as an information-gathering opportunity for all Harvard degree students to share their experiences pertaining to sexual and gender-based harassment and prevention in the Harvard community. The Survey measures the prevalence of, attitudes towards, and response to sexual harassment and sexual assault on our campus and was administered from April 2-30, 2019. Harvard University was one of 33 institutions to participate.

This survey was a follow-up to the AAU’s 2015 campus sexual climate survey, in which Harvard also participated. The data collected will provide insights not only about the environment on Harvard’s campus, but also about the environment at many other institutions across the country. Survey responses were confidential and are illustrative of the landscape of the student experience.

The Harvard 2019 AAU Survey results provide Harvard with a better understanding of student experiences on campus. That understanding will help inform University policies designed to prevent sexual harassment and sexual assault, improve resources, and measure change to create a safer environment for all of Harvard’s community members.

To learn more about the Harvard 2019 AAU Survey, visit: titleix.harvard.edu/survey.

Student and Staff Title IX Liaison Committees

Among several exciting new initiatives in FY19, the Title IX Office convened its inaugural Title IX Liaison Committees to increase and streamline communication between staff, students, and Title IX resources at Harvard.



Student Title IX Liaisons

The 2018-2019 Student Liaison Committee was comprised of 15 students from across the University to serve as ambassadors to their communities and give voice to students’ needs, interests, and perspectives around sexual and gender-based harassment, prevention, and response.

Students convened, with support from the Assistant Director for Title IX Education Programs, from October to May and contributed significantly to the success and effectiveness of multiple initiatives in which it was involved. Specifically, student representatives:

- Identified community needs and resource gaps to better meet the interests of their respective communities
- Reviewed and provided recommendations for improving resources
- Recruited and provided student input on multiple student-facing resources and initiatives including the TIX/ODR FY18 Joint Annual Report, the 2019 Summit for Gender Equity program, and promotional materials for the Harvard 2019 AAU Survey
- Supported content development of scenario-based learning in student-facing training and education initiatives

Staff Title IX Liaisons

The Title IX Liaison Committee for Staff began convening in January 2019, and members immediately expressed an eagerness to deliver enhanced resources and outreach efforts to their respective communities across Harvard’s Cambridge and Boston campuses. As of October 2019, Title IX Liaisons for staff have:

- Met with their Coordinators about local-level initiatives
- Performed reviews of the mandatory online module, “Supporting a Harassment-Free Community”
- Supported the initial phases of a large-scale project to catalogue gender-inclusive restrooms
- Initiated a community-awareness campaign for Title IX resources for employees

The Title IX Liaison Committees have already proven to be indispensable to Title IX resources at Harvard. To learn more about Harvard University’s Title IX Liaison Committees, visit: titleix.edu/get-involved.



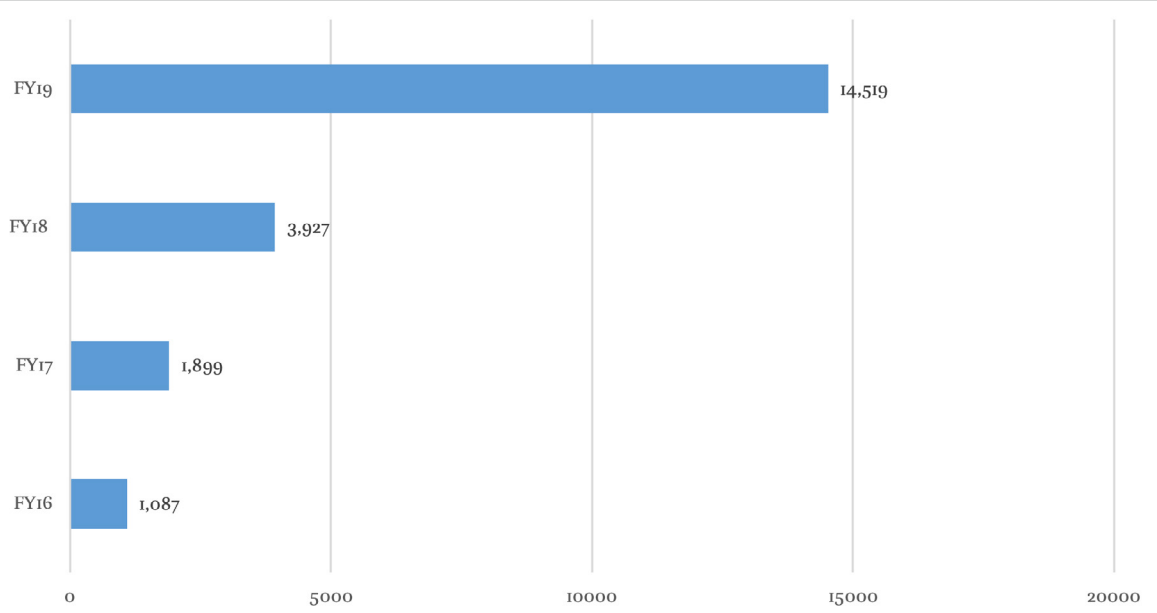
Staff Title IX Liaison Committee members pictured (from left to right): R. DiBella, C. Robinson, J. Cai, E. Silva, E. Sweeny, A. Sangalang, A. Burgess, K. Omberg. Not pictured: A. Lang, B. Vitale, S. Vashi, A. Hayde, A. Montemurro, M. Sinunu, L. Lamp, C. Rogers, S. Murphy, J. Lefler, T. Wall

ONLINE TRAINING MODULES

Supporting a Harassment-Free Community: Online Training Modules

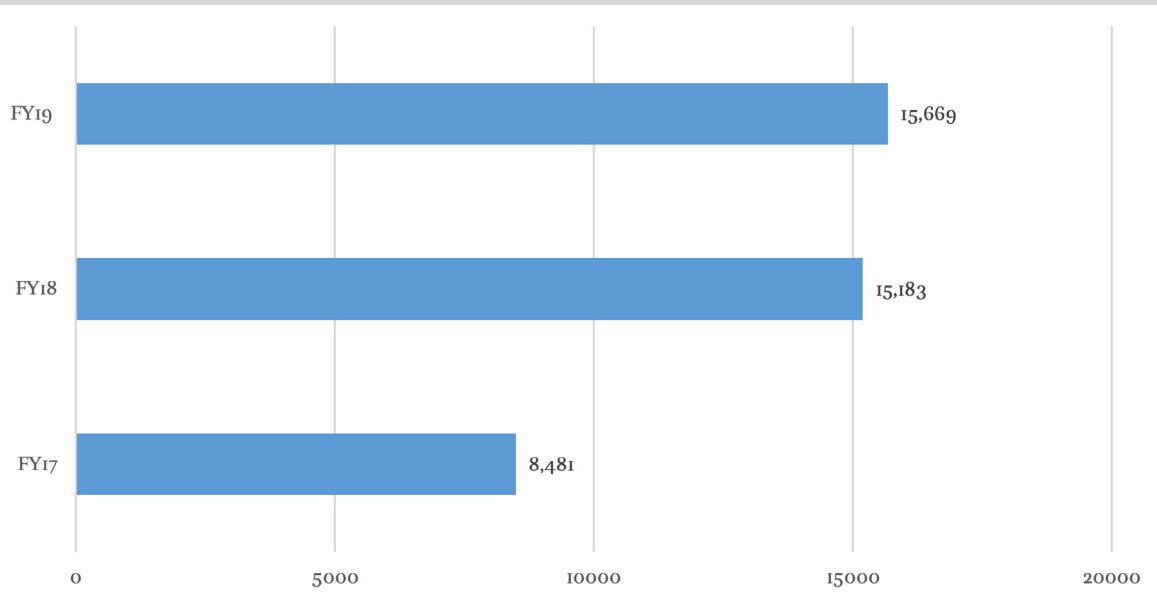
Employee online training completion rates continue to increase with initiatives to support faculty and staff in understanding their role as responsible employees. FY19 marked the first year of the University’s efforts to require completion of online training for all benefits-eligible employees at Harvard. This led to a 270% increase in online training completion from FY18 to FY19.

Figure 4. Employee Online Module Completion Rates



The Title IX Office continues to work with Harvard Schools to enhance student online training modules, incorporating feedback from students and administrators. In FY19, nearly every Harvard School required student engagement with the University’s online training module, “Supporting a Harassment-Free Community.”⁵

Figure 5. Student Online Module Completion Rates



⁵ Harvard Business School (HBS) training period is December-August; 935 incoming HBS students completed training during that time.

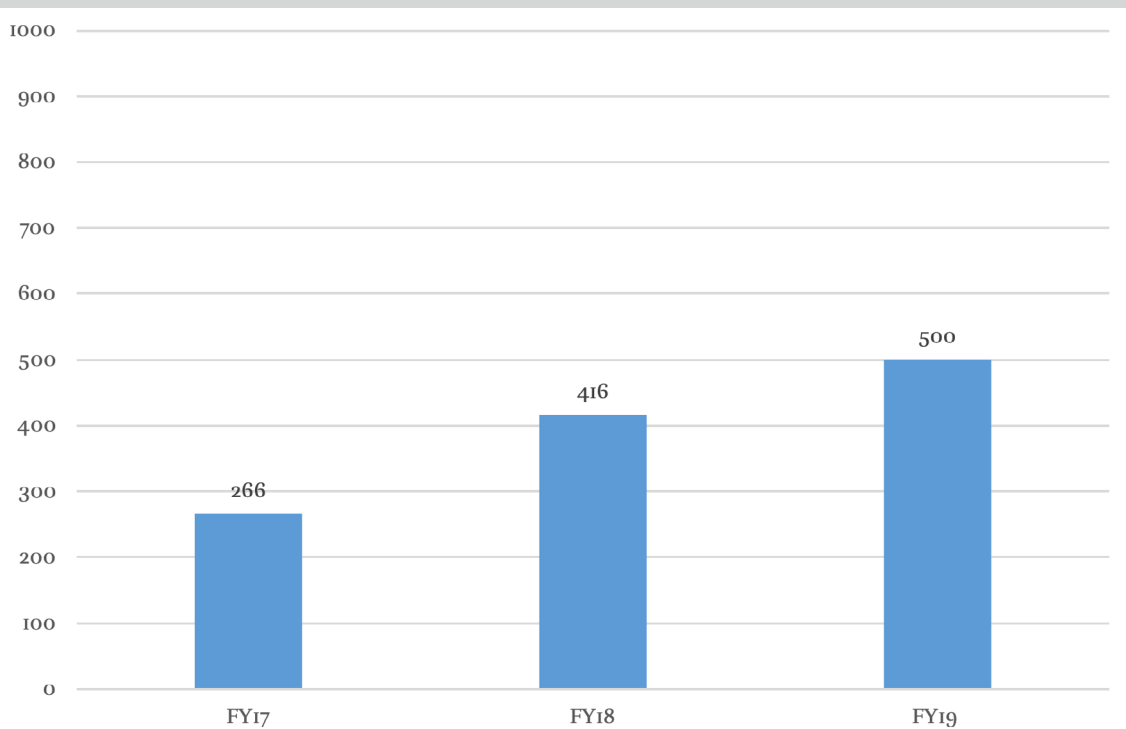


TITLE IX DISCLOSURE DATA ⁶

The following data reflect disclosures of potential sexual and/or gender-based harassment received by our system of local Title IX Coordinators or the University Title IX Office. Disclosures with interim measures represent the majority of local Title IX Coordinator activity. Interim measures are individualized supports to help those who have been affected by incidents of potential gender-based or sexual harassment, (including sexual violence) to participate in campus life at Harvard and continue with their studies or work. The majority of disclosures of potential sexual and/or gender-based harassment did not result in the filing of a formal complaint with the Office for Dispute Resolution (ODR).

In FY19, the Title IX Office supported local Title IX Coordinators in their response to 500 disclosures of potential sexual and/or gender-based harassment. As illustrated below, there was a 20% increase in disclosures of potential sexual and/or gender-based harassment from FY18 to FY19.

Figure 6. Total Disclosures Received



⁶ This report reflects disclosure data from July 1, 2018 to June 30, 2019. Data is presented without identifying information to protect the privacy of the individuals involved. Disclosure data in this report will not correspond to Harvard's annual report required under the federal Clery Act because this annual report uses definitions of prohibited conduct that are more expansive than the Clery reportable offenses and also includes cases from a wider geographic jurisdiction than in the Clery report.

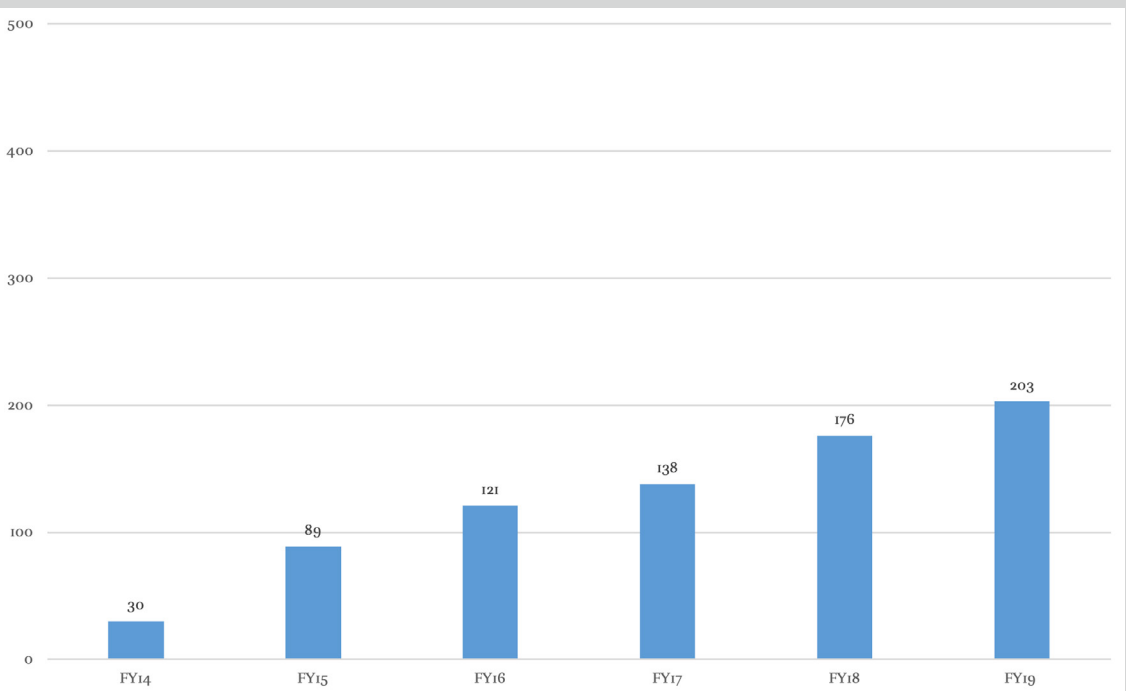
FY19 DISCLOSURES TO HARVARD COLLEGE

Snapshot: Increased Disclosures to the Title IX Coordinators at Harvard College

From FY14-FY19, there has been a steady increase in the number of students who connected with Title IX Coordinators for students at Harvard College to disclose incidents of potential sexual and/or gender-based harassment.

- 36% increase in disclosures from FY15 to FY16
- 14% increase in disclosures from FY16 to FY17
- 28% increase in disclosures from FY17 to FY18
- 15% increase in disclosures from FY18 to FY19

Figure 7. Total Disclosures Received by Harvard College Title IX Coordinators



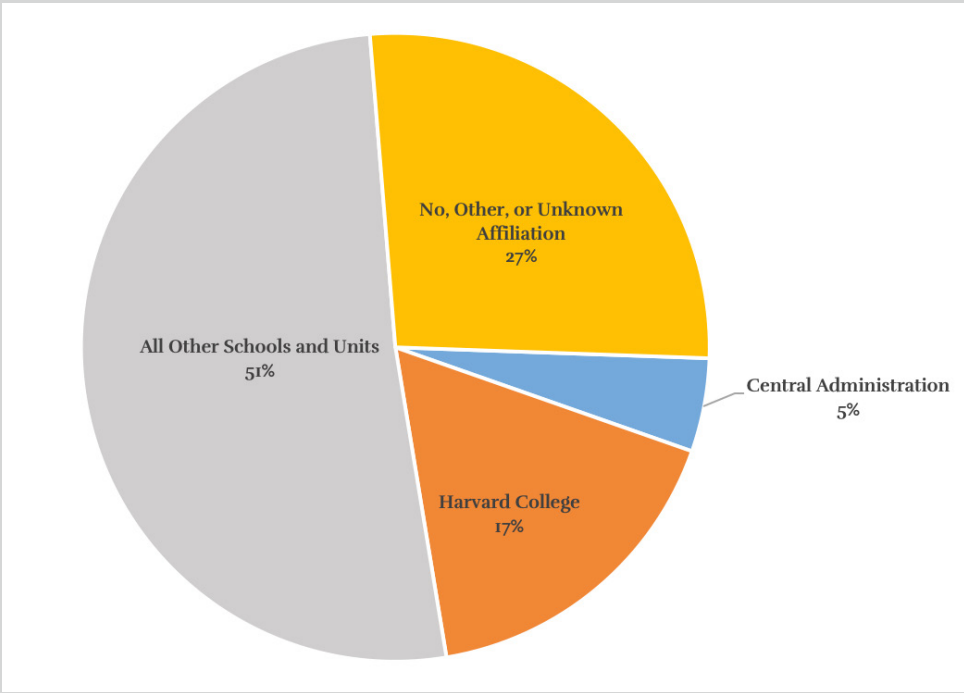
FY19 DISCLOSURE DATA

The following charts⁷ illustrate the total number of disclosures received in FY19 broken down by:

1. The affiliation of the person identified as impacted by potential conduct;
2. The University status of the individual identified as engaging in potential conduct; and
3. The University status of the person identified as having been impacted by potential conduct.

For the majority of disclosures received, a student was identified as the person engaging in potential sexual and/or gender-based harassment and a student was identified as the person impacted by potential sexual and/or gender-based harassment.

Figure 8. Schools/Unit Affiliation of Person Identified as Impacted by Potential Conduct



⁷ “Unknown” denotes disclosures wherein the person raising the disclosure did not disclose the affiliation of the person identified as impacted by potential conduct (e.g., individuals disclosing on behalf of an unidentified friend, anonymous phone calls or emails).

Figure 9. University Status of Person Identified as Engaging in Potential Conduct ⁸

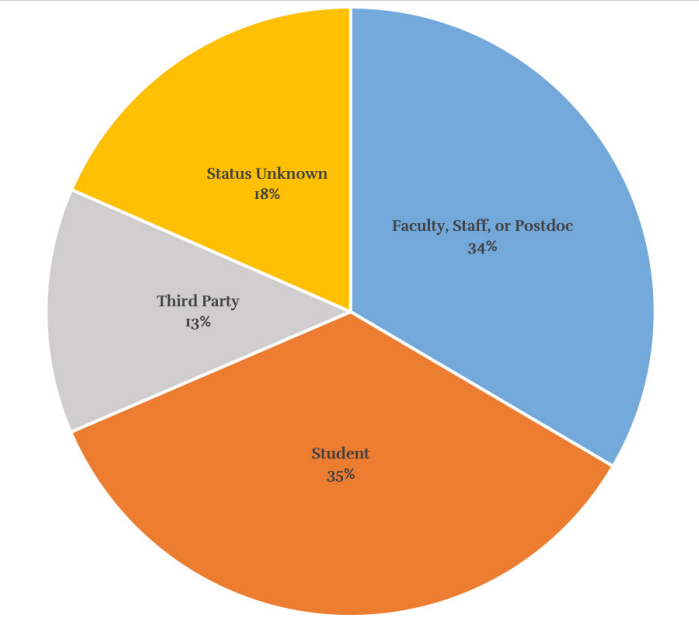
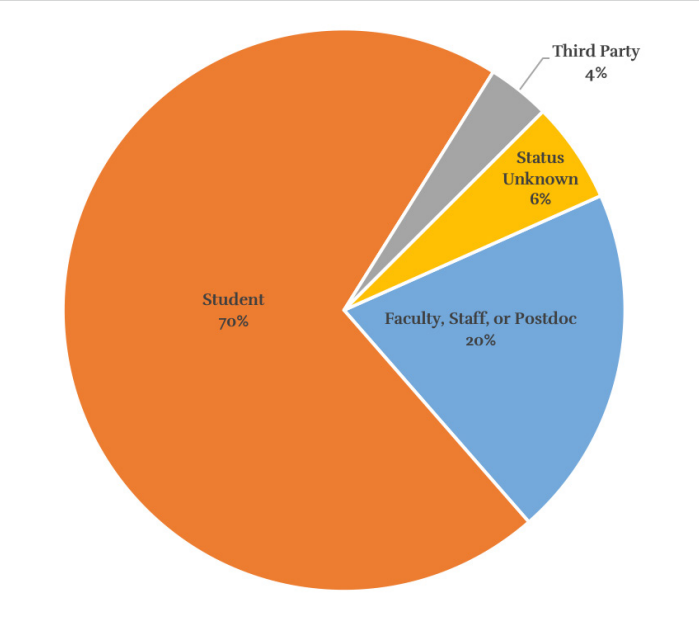


Figure 10. University Status of Person Identified as Impacted by Potential Conduct ⁹



⁸ These figures do not represent the total number of individuals identified as engaging in potential conduct, but rather the total number of disclosures received where the University status of the individual identified as engaging in potential conduct was faculty, staff, student, third party, or unknown, respectively. An individual may be identified as the person engaging in potential conduct for more than one disclosure.

⁹ These figures do not represent the total number of individuals identified as impacted by potential conduct, but rather the total number of disclosures received where the University status of the individual identified as impacted by potential conduct was faculty, staff, student, third party, or unknown, respectively. An individual may be identified as the person impacted by potential conduct for more than one disclosure.

ABOUT THE OFFICE FOR DISPUTE RESOLUTION

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



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ODR's fifth fiscal year of operation, FY19, drew to a close on June 30, 2019, with a total of 173 complaints received since September 2014. ODR, staffed by three impartial and experienced investigators and an associate, supported by two fellows, continued

to note the broad use of our services across the university community. Cumulatively over the five-year period, complaints were filed by and against undergraduates, graduate/professional school students, faculty, staff, and third parties, at a rate of no less than approximately 10% for each category.¹⁰ Complaints over the five-year period have involved School programs or activities overseen by all ten Harvard faculties, as well as seven Units. Using gender self-identification by parties, ODR also noted that over the five-year period, about 65% of complaints were filed by females against males, 11% by males against females, 9% by males against males, and 7% by females against females. In approximately 10% of complaints filed over the five-year period, at least one party self-identified as BGLTQ.

ODR, in FY19 in four complaints, and in FY18 in seven complaints, at the request of Schools or Units, investigated related allegations that fell outside the scope of the Policy, such as alleged harassment based on race, color, or national origin.¹¹

The ODR team continued to field 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. In response to feedback from stakeholders such as parties and witnesses involved in investigations and other interested individuals at the various Schools and Units, as well as input from the University's Title IX Policy Review Advisory Committee, ODR continued to work on improving the format and readability of its final reports of investigation (FRIs) in FY19. FRIs issued to date for cases originating in FY19 averaged under 22 pages in length, for example, compared to an average of almost 47 pages in FY15. In addition, ODR continued its ongoing communications and consultation with important allied service providers at Harvard such as HUHS (including OSAPR), HUPD, and the Office of the General Counsel.

ODR's investigative efforts continued to be 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,

¹⁰ The one exception was complaints filed against, rather than by, third parties, at a rate of about 7% in FY19 and 4.6% over the five-year period, but this percentage is reasonably expected to be lower than other categories.

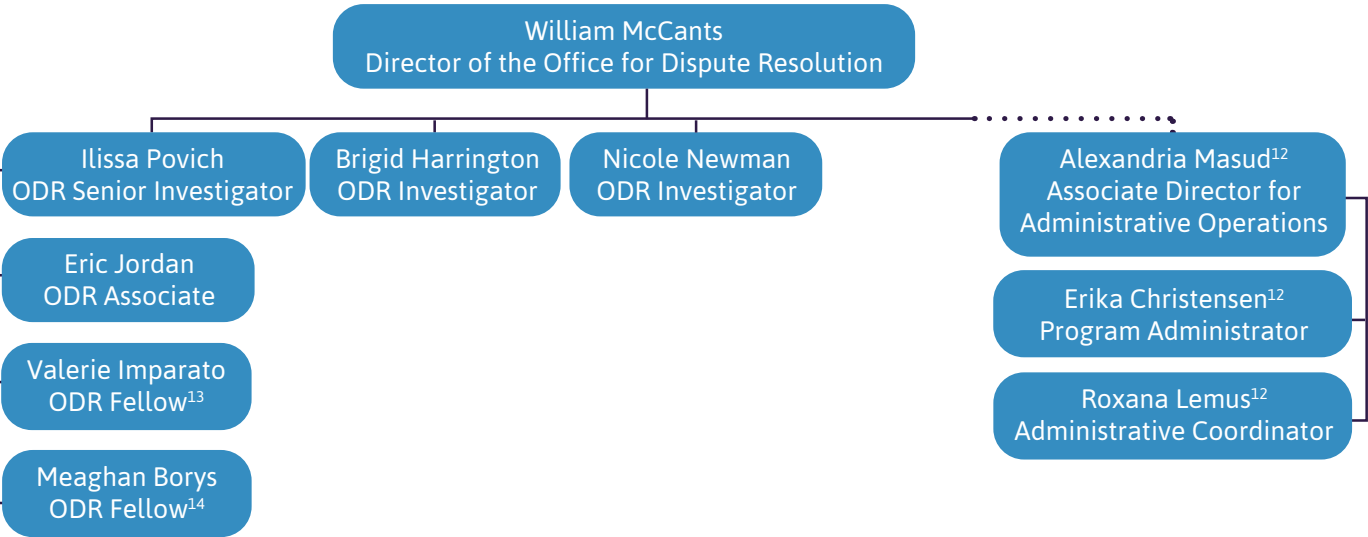
¹¹ ODR in FY18 also handled two complaints under University-wide policies other than the Policy; these two complaints are not included in the data and charts contained in this Report. ODR only accepts such complaints from Schools and Units when the size of its caseload of complaints filed under the Policy allows.

and ODR finds there is a hostile environment for one or multiple members of our community, the ODR Investigative Team, relying on the expertise of 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 30 audience-tailored trainings and presentations, which included attendees from across Harvard. ODR staff members also continued to hone and advance their skills base, receiving as applicable more than 50 hours of professional development

training in subjects such as investigation, confidentiality, due process, and the neurobiology of trauma.

ODR staff remains at all times keenly aware that we have been entrusted with investigating for all members of 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.



12 Erika Christensen, Roxana Lemus, and Alex Masud are cross-departmental administrative staff, contributing to both the Title IX Office and Office for Dispute Resolution.

13 Valerie Imparato is no longer in ODR Fellow position as of August 1, 2019.

14 Meaghan Borys is no longer in the ODR position as of October 25, 2019.



Bill McCants, Director of the Office for Dispute Resolution

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 Harvard Law School (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 also served as a co-Head of House in MIT undergraduate and graduate housing for 16 years. Bill is an avid ocean sailor and environmentalist, having previously served for several years as a municipal Conservation Commissioner.



Meaghan Borys, ODR Fellow

Meaghan is a licensed attorney who graduated from Harvard College in 2011 and received her J.D. from UCLA School of Law in 2014. In addition to her role as an ODR Fellow, Meaghan is a proctor in the Yard, where she serves as a resident advisor to first-year Harvard students. She has practiced as a criminal prosecutor in the Suffolk County District Attorney’s Office in Boston and spent two years as a law clerk to the Justices of the Massachusetts Superior Court.



Erika Christensen, Program Administrator

Erika contributes to the broader programmatic initiatives of the Title IX Office, develops informational content in digital and video formats, and manages data systems. She also provides support to the Office for Dispute Resolution and assists with casework as needed. Erika has a B.A. in the Studies of Women, Gender, & Sexuality from Harvard College. Prior to joining the Title IX Office and ODR, she worked to support at-risk communities by developing suicide mitigation strategies. She also worked as a national campaign recruiter during the 2016 presidential primaries.



Brigid Harrington, ODR Investigator

Brigid has been a licensed attorney for 13 years and is in her fourth 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 completed two marathons.



Anne-Valerie Imparato, ODR Fellow

Anne-Valerie Imparato is a licensed attorney with a J.D. from HLS, and a B.A. in Political Theory from New York University. Prior to joining ODR, Anne-Valerie worked at major law firms in New York and Boston, specializing in international litigation, international arbitration, and securities law. She also has extensive immigration law experience and speaks five languages: English, French, Haitian Creole, Spanish, and Italian. Anne-Valerie is a member of Harvard's Administrative Fellowship Program.



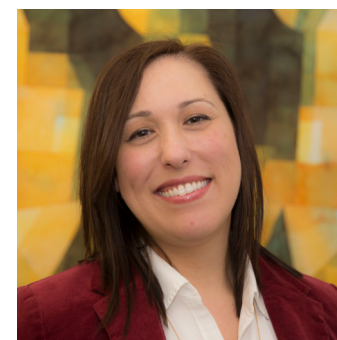
Eric Jordan, ODR Associate

Eric is a licensed attorney with a J.D. from HLS in 2014 and a B.A. in Architecture from Princeton University in 2009. Prior to joining ODR, Eric worked as both a litigation and a transactional associate for a major New York law firm, representing clients ranging from multinational corporations to refugees. Eric is also an alumnus of Harvard's Administrative Fellowship Program.



Roxana Lemus, Administrative Coordinator

Roxana provides administrative support to the Title IX Office and the Office for Dispute Resolution and contributes to the improvement of departmental processes and procedures. Prior to joining Harvard, she worked for four years as a paralegal and Spanish/English interpreter for a law firm specializing in immigration law. She has her certifications in community, medical, and legal interpreting from the BU Center for Professional Education and is completing her Associate's Degree in liberal arts at Bunker Hill Community College. Roxana is also a community organizer and volunteer doula.



Alexandria Masud, Associate Director for Administrative Operations

Alex joined the office in 2014 and now oversees the operations of the Title IX Office and the Office for Dispute Resolution, evaluates ongoing projects for adherence to long-term strategic and multi-year financial plans, and assesses and mitigates areas of risk. Alex is also a member of the Board of First-Year Advisers at Harvard College. She received her B.A. in Philosophy of Law from Albion College. Prior to joining Harvard, she worked as a client services analyst in the institutional asset management field focusing on a book of business comprised of endowments and foundations.



Nicole Newman, ODR Investigator

Nicole has conducted ODR investigations and facilitated trainings as an Investigator since 2017. Nicole is a licensed attorney who 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.



Ilissa Povich, ODR Senior 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.

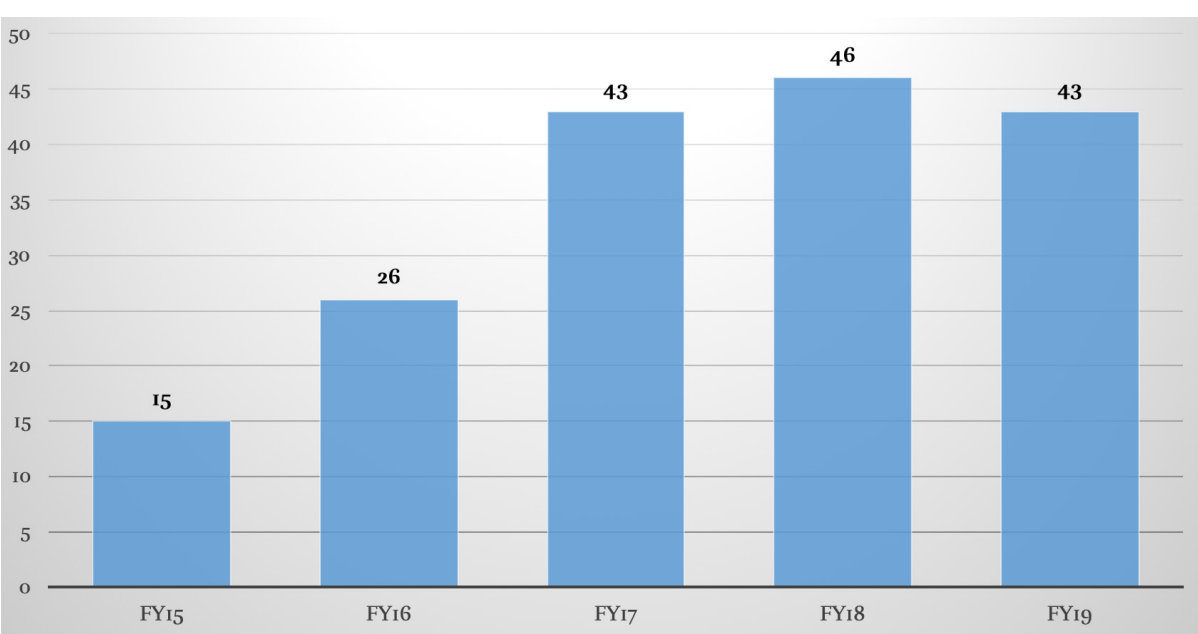
ODR – DISPUTE RESOLUTION

DATA & ANALYSIS

As in prior years, each case ODR investigated in FY19 was unique, and many were highly complex. A summary of ODR complaint information in FY19, with comparisons to complaint information in FYs 2015, 2016, 2017, and 2018 is provided below:

- ODR received 43 new complaints in FY19, compared to 46 new complaints in FY18, 43 new complaints in FY17, 26 new complaints in FY16, and 15 new complaints in FY15.
- Approximately 51% of the complaints in FY19, and 48% over the five-year period, were resolved before progressing to the investigative stage (i.e., through administrative closure after initial review, or withdrawal).

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



Timing: In FY19, ODR staff continued to keep the average length of investigations to approximately 3 ½ months (2018-2019, ranging from 2.8 to 4.8 months)¹⁵, down from over 5 months in FY15, its first year of operation. This was accomplished notwithstanding unprecedented challenges, such as more than one investigation in ODR’s FY18-FY19 caseload involving over 60 interviews and over 1,000 pages of documentation. 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, regardless of, e.g., the size and complexity of a matter, or the roles of the principals in the Harvard community.

¹⁵ In estimating the average length of investigation for the purposes of this annual report, ODR did not include, e.g., staff cases requiring interpretation and translation services, cases involving delays due to documented medical or related circumstances, or cases with more than twice as many allegations as the ODR average of three. (One case, with over ten times as many allegations as the average of three, was, along with a single-allegation case, dropped from the summary data to avoid skewing the average in a misleading manner.)

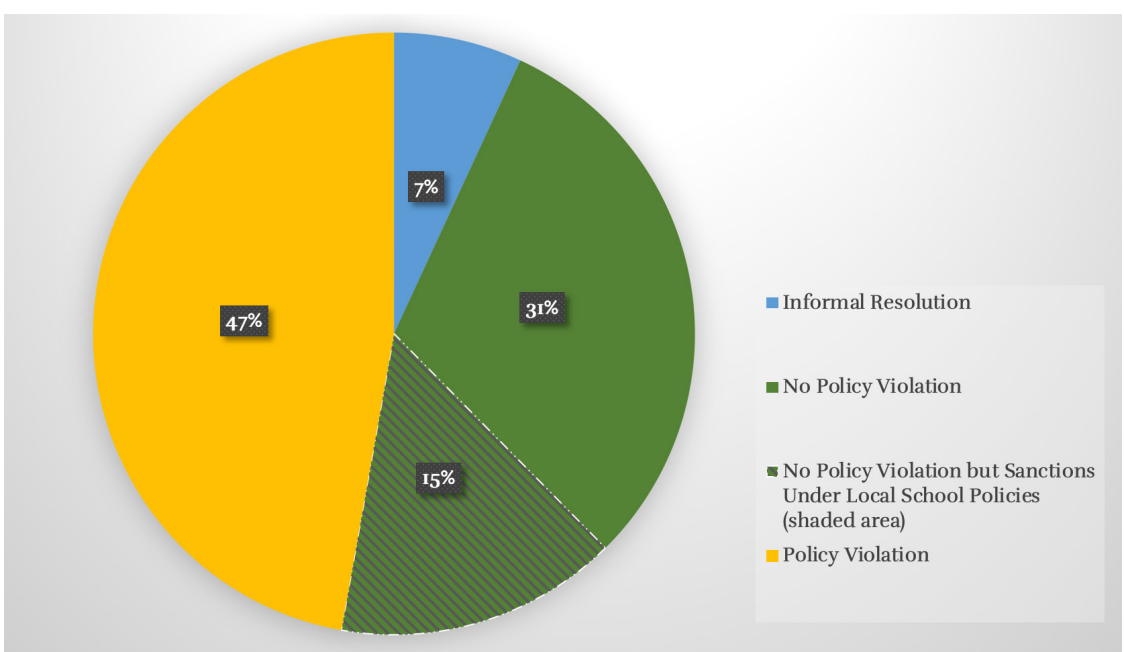
Many factors affect the length of the investigation in a particular case, for example:

- The type and total number of allegations per complaint.
- The nature and volume of the documentation submitted as evidence;
- The number and length of interviews requested by the parties;
- 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, who 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.

Of the total number of complaints that went to full investigation from FY15-FY19, approximately 47% were found to involve violations of the Policy and approximately 46% were found not to involve violations of the Policy, with approximately 15% of the latter/7% of the total resulting in factual findings that subsequently supported sanctioning under local School rules. (Figure 2).

Figure 2. Outcomes of Complaints Proceeding to Investigation¹⁶, FY15-FY19 (N = 72)

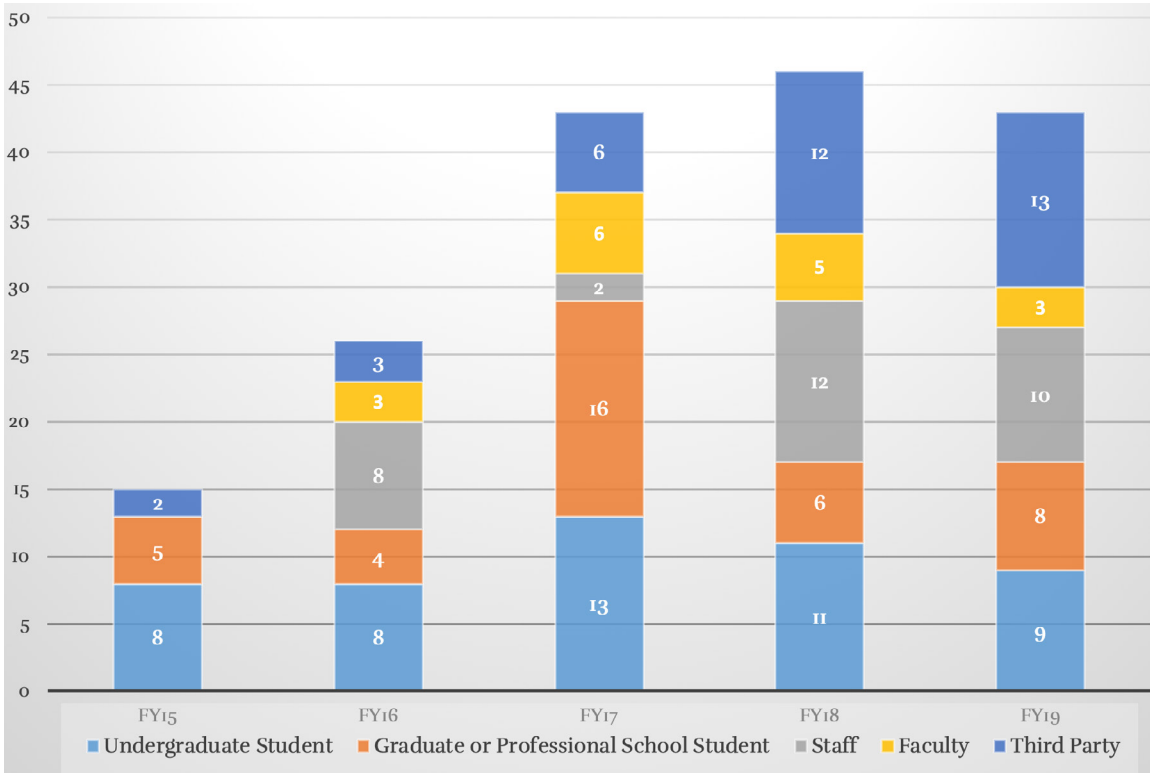


¹⁶ Many complaints contain more than one allegation. Policy violation determinations must be made separately for each allegation. If one or more allegations in a complaint result(s) in the finding of a Policy violation, this is counted as a single “Policy Violation.”

Case Demographics FY15-FY19:

- For each of the five fiscal years, the largest proportion of complaints was filed by or on behalf of students (including both undergraduate students and graduate or professional school students). There were no noteworthy changes in the number of complaints filed by or on behalf of any group between the fourth and fifth fiscal years. (Figure 3)
- In four of the five fiscal years, the largest proportion of complaints was filed against students (including both undergraduate and graduate or professional school students). The number of complaints filed against faculty decreased significantly (by 5). (Figure 4)

Figure 3. University Status¹⁷ of Complainants¹⁸ FY15-FY19 (N=173)



17 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.”

18 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.”

Figure 4. University Status of Respondents , FY15-FY19 (N = 173)

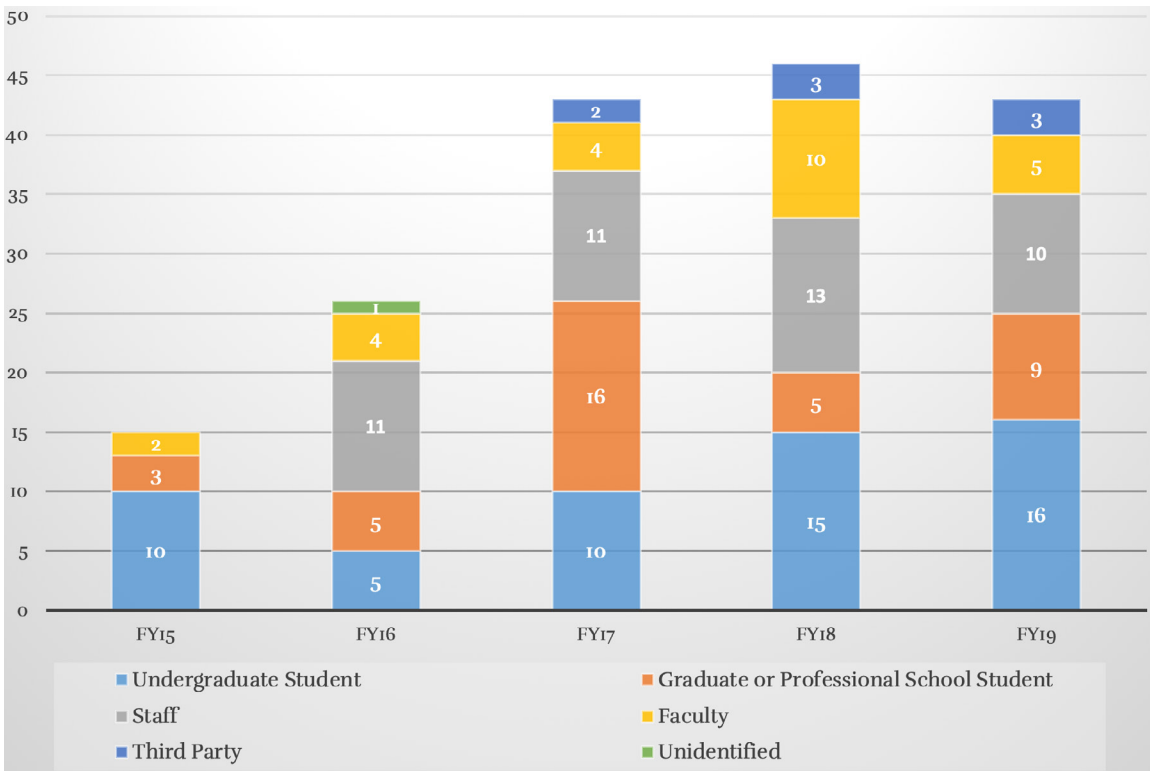


Figure 5. Complaint Allegations by Category FY15-FY19 (N=242)

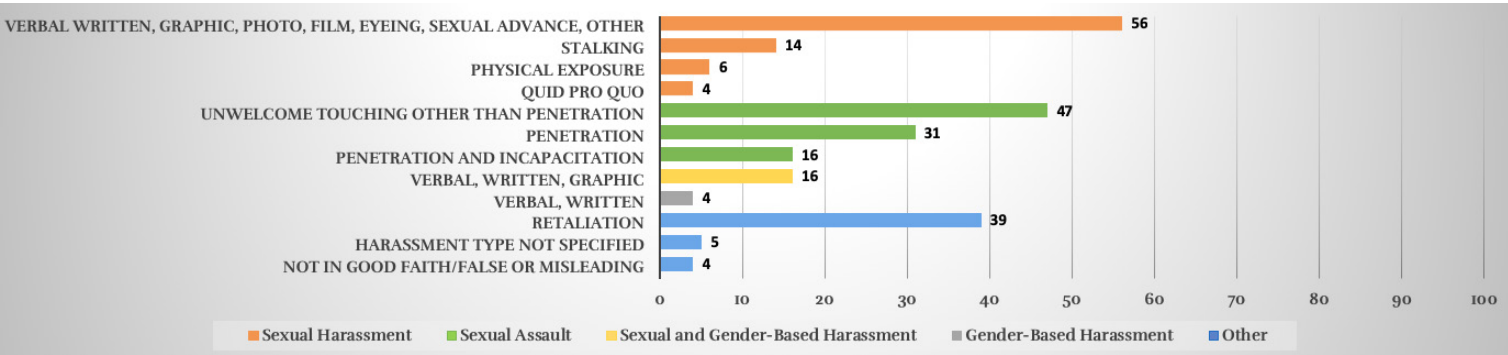


Figure 6. Complainant Status, Focusing on Allegations of Sexual Assault FY15-FY19 (N=94)

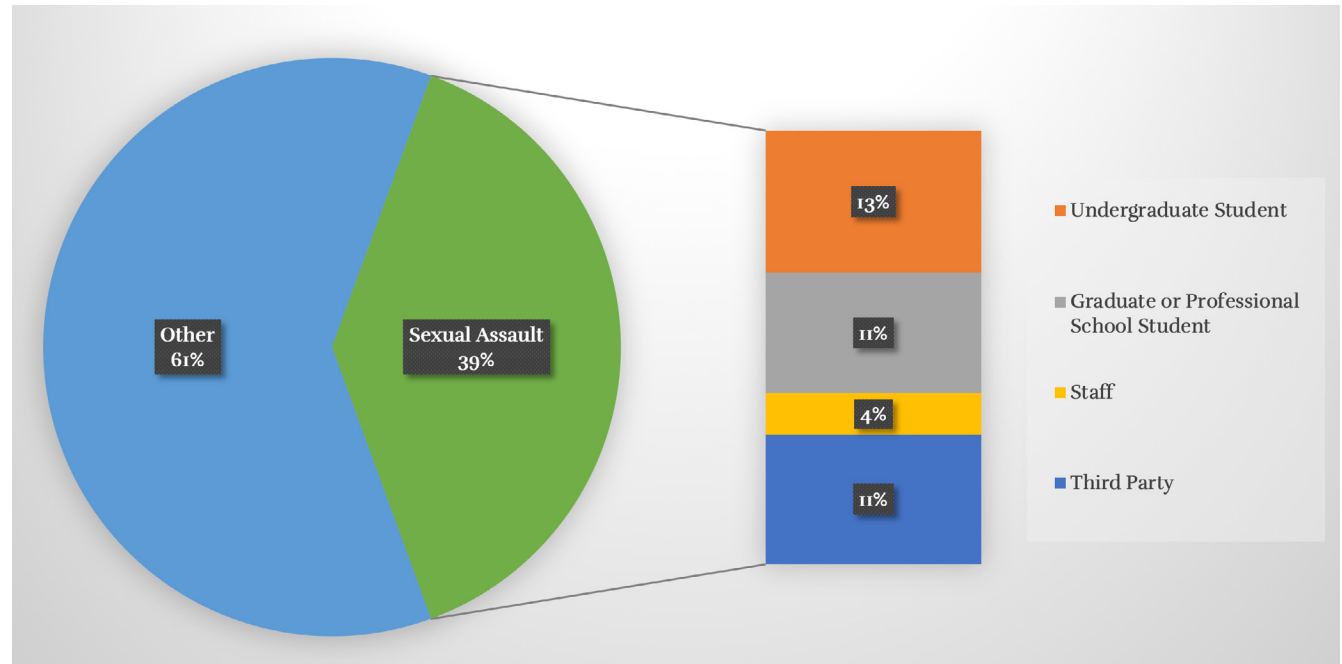


Figure 8. Sexual and/or Gender-Based Harassment Allegations (Not Including Sexual Assault) by Complainant Status FY15-FY19 (N=99)

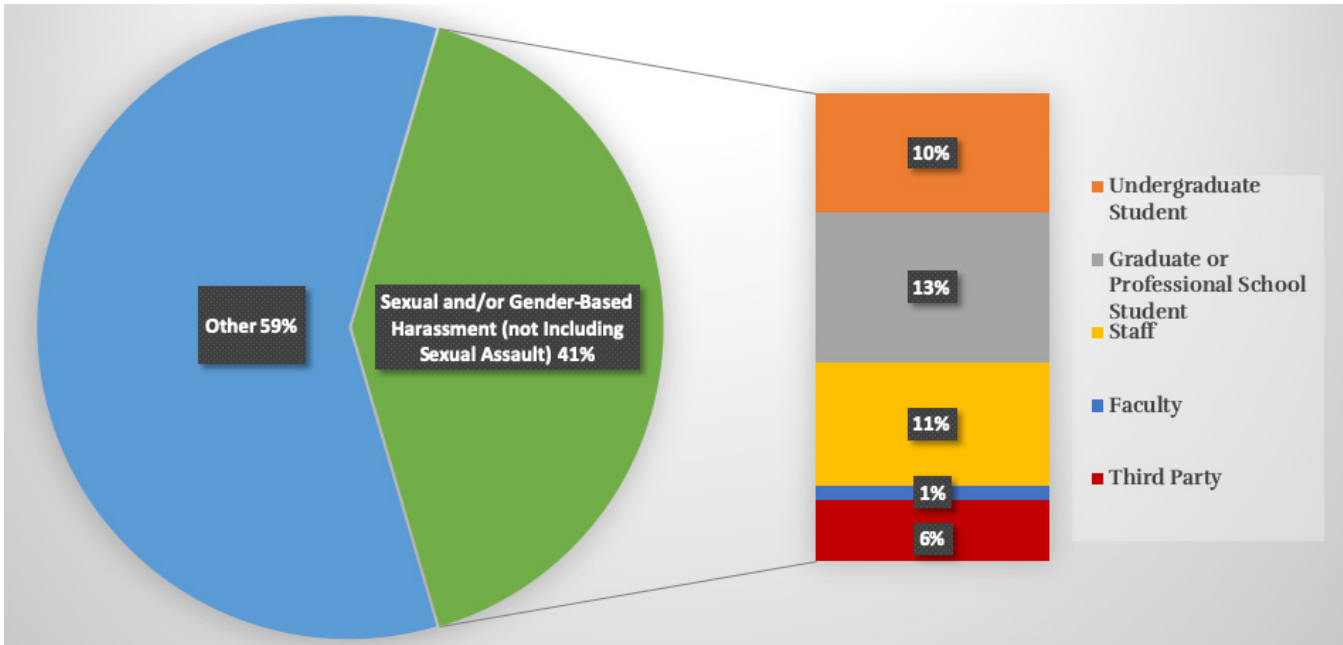


Figure 7. Respondent Status, Focusing on Allegations of Sexual Assault FY15-FY19 (N=94)

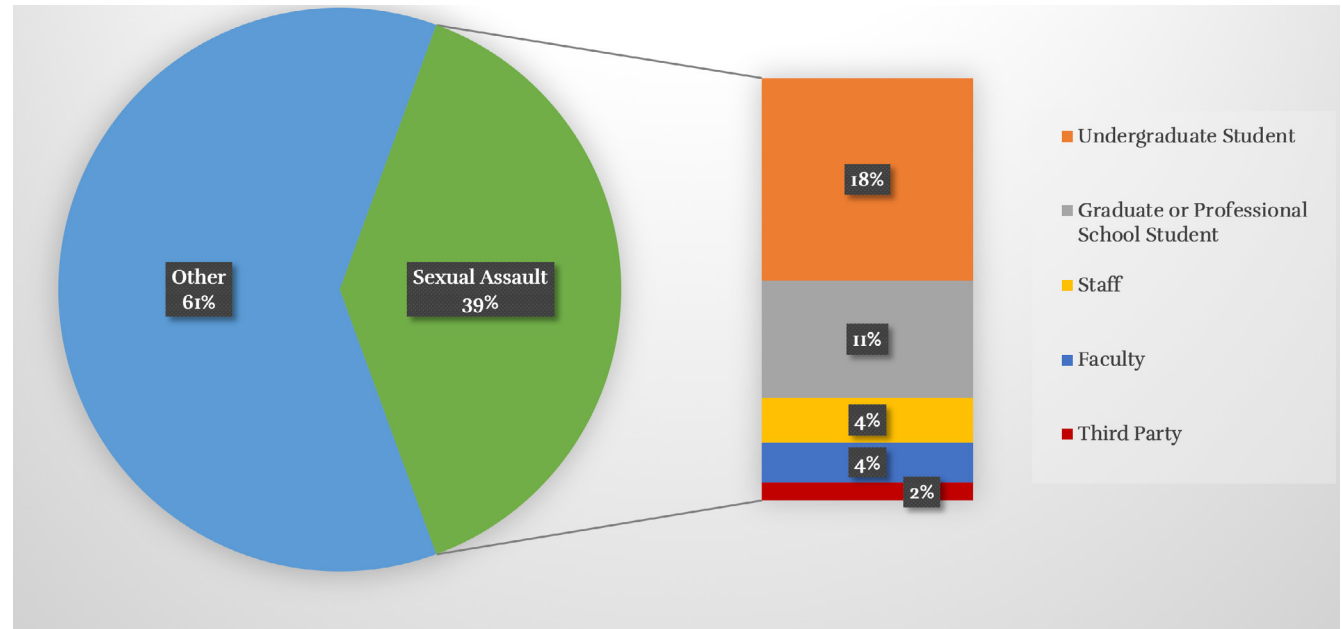
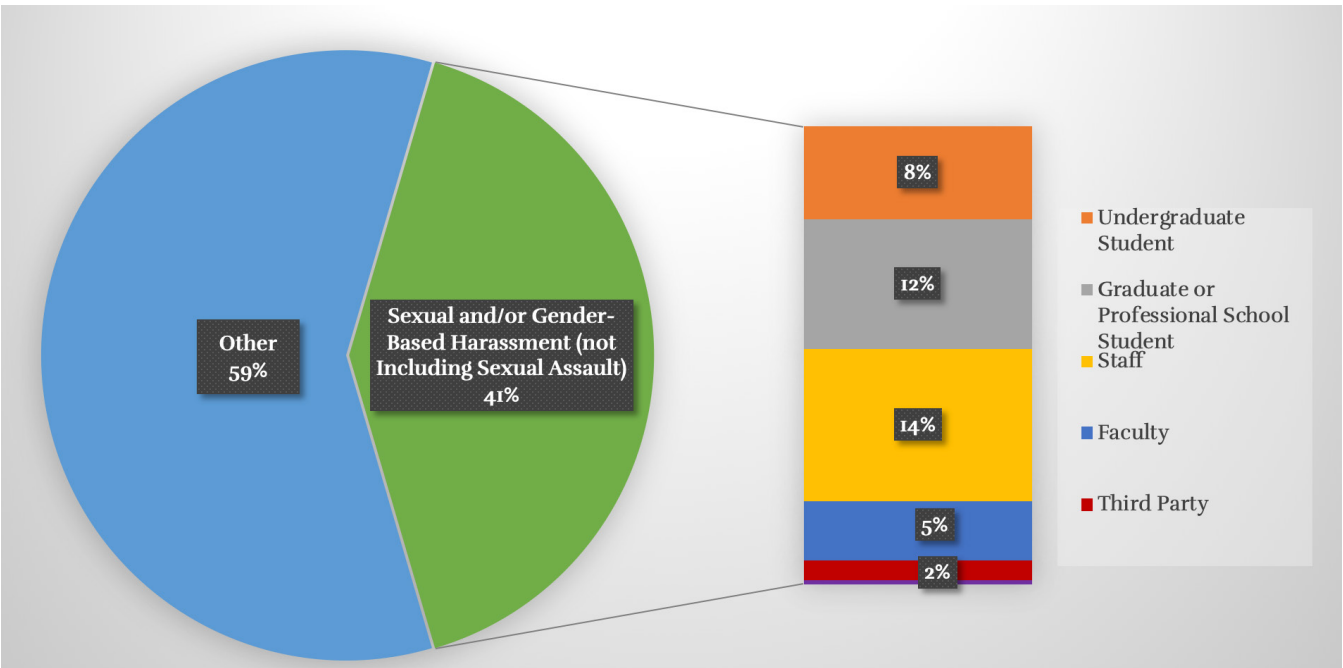


Figure 9. Sexual and/or Gender-Based Harassment Allegations (Not Including Sexual Assault) by Respondent Status FY15-FY19 (N=99)



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)

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.

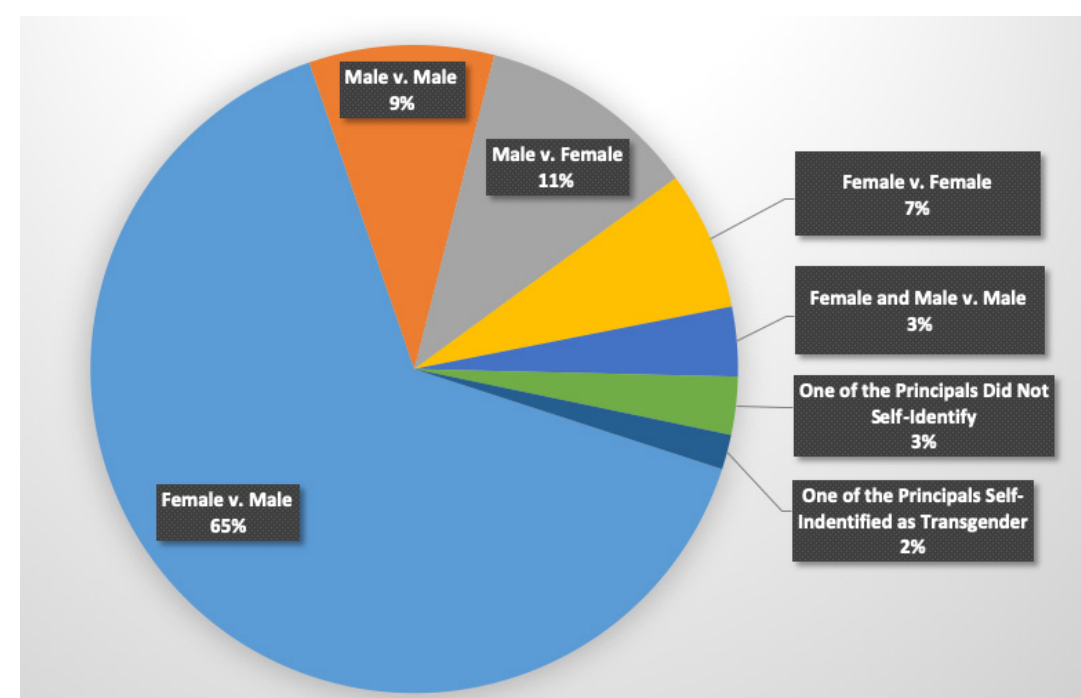
Designee: see “Investigative Team,” defined below.

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

Finding 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.

Figure 10. Gender¹⁹ of the Principals
Complainant v. Respondent
FY14-FY19 (N=173)



¹⁹ Using self-identification.



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 violence, 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: The Investigative Team, which consists of an ODR Investigator paired with a trained person designated by the respondent's School or Unit, is responsible for conducting investigations. If the School or Unit does not designate a person to serve on the Investigative Team, then a single ODR Investigator will conduct the investigation.

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.

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.

Policy: Harvard University's Sexual and Gender-Based Harassment Policy.

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 Responding to Disclosures Guide.

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 50+ 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:

Smith Campus Center, Suite 901
Cambridge, MA 02138

Title IX Office

Phone: (617) 496-0200
Email: titleix@harvard.edu
Website: titleix.harvard.edu

Office for Dispute Resolution

Phone: (617) 495-3786
Email: odr@harvard.edu
Website: odr.harvard.edu

For a comprehensive list of resources and options, visit titleix.harvard.edu/options.

- Title IX Coordinators
- Office for Dispute Resolution (ODR)
- Office of 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
- University Ombudsman Office (Cambridge)
- Ombuds Office (Longwood)
- Employee Assistance Program (EAP)

