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

ODR’s fourth fiscal year of operation, FY18, drew to a close on June 30, 2018, with a total of 130 complaints received since September 2014. ODR, staffed by three impartial and experienced investigators, supported by three fellows,10 noted the broad use of our services across the University community, which signals a still-growing awareness of this important informal resolution and investigative resource. Complaints over the four-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 four-year period, about 66% of complaints were filed by females against males, 12% by males against males, 8% by males against females, and 7% by females against females. In 10% of complaints filed over the four-year period, at least one party self-identified as BGLTQ.

An increased understanding of the Sexual and Gender-Based Harassment Policy standard by stakeholders may be reflected in the fact that while in FY18 complaint receipts increased by 7% over the previous year (and 77% over FY16, its first full year of operation), the number of complaints proceeding to investigation following initial review increased by 32% (and allegations within those complaints going to investigation happened to increase by 104%, reflecting the scope and complexity of some of the concerns brought forth). ODR in FY18, at the request of Schools or Units, in seven complaints investigated related allegations that fell outside the scope of the Policy, such as alleged physical violence that was not sexual or gender-based in nature. ODR 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.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 rolled out a new website in August 2018 that includes, for example, an Investigative Process flowchart. ODR also continued to work on improving the format and readability of its final reports of investigation (FRIs) in FY18. FRIs issued in FY18 to date average under 25 pages in length, for example, compared to an average of almost 47 pages in FY15. In addition, ODR continues its ongoing communications and consultation with important allied service providers at Harvard such as OSAPR, HUHS, 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

10 ODR Fellow Eric Jordan was promoted to ODR Associate on July 1, 2018.
11 ODR only accepts such complaints from Schools and Units when the size of its caseload of complaints filed under the Policy allows.
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 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.

William McCants
Director of the Office for Dispute Resolution

Ilissa Povich
ODR Senior Investigator

Brigid Harrington
ODR Investigator

Nicole Newman
ODR Investigator

Eric Jordan
ODR Associate

Alexandria Masud
Associate Director for Administrative Operations

Erika Christensen
Program Administrator

Roxana Lemus
Administrative Coordinator

Valerie Imparato
ODR Fellow

Meaghan Borys
ODR Fellow

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.
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 currently 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.
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. She received her B.A. in Philosophy of Law from Albion College. Prior to joining Harvard, Alex worked over a decade in institutional asset management managing hundreds of investment portfolios for endowments and foundations.

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 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.
As in prior years, each case ODR investigated in FY18 was unique, and many were highly complex. A summary of ODR complaint information in FY18, with comparisons to complaint information in FY15, FY16, and FY17, is provided below:

- ODR received 46 new complaints in FY18, compared to 43 new complaints in FY17, 26 new complaints in FY16 and 15 new complaints in FY15.13
- Approximately 46% of the complaints were resolved before progressing to the investigative stage (i.e., through administrative closure after initial review, or withdrawal).

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

**Timing:** In FY18, ODR staff continued to keep the average length of investigations to approximately 3.5 months (2017-2018, ranging in length from 2.5 to 4.4 months),14 down from approximately 5 months in FY15, its first year of operation. The ability to do so can be attributed in part to the fact that ODR gained an additional ODR Fellow in FY18. 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.

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13 ODR in FY18, at the request of Schools or Units, in seven complaints investigated related allegations that fell outside the scope of the Policy, such as alleged physical violence that was not sexual or gender-based in nature. ODR 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.

14 In estimating the average length of investigation for the purposes of this annual report, ODR did not include 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.
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, who may include attorneys.

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-FY18, approximately 45% were found to involve violations of the Policy and 46% were found not to involve violations of the Policy, with 15% of the latter (7% of the total) resulting in factual findings that subsequently resulted in disciplinary actions under local School or Unit rules.

**Figure 2. Outcomes of Complaints Proceeding to Investigation FY15-FY18 (N=56)**
Case Demographics

- For each of the four 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). The number of complaints filed by or on behalf of staff and third parties increased significantly between the third and fourth fiscal years (by 10 and 6, respectively), while the number filed by or on behalf of faculty\textsuperscript{15} decreased slightly (by 1). (Figure 3)

- In three of the four 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 staff increased somewhat (by 2) between the third and fourth fiscal years, while those filed against faculty increased significantly (by 6). The modest number of complaints filed against third parties increased slightly (by 1) between the third and fourth fiscal years. (Figure 4)

\textsuperscript{15} The “Faculty” category, for annual report purposes, includes Research Associates, Fellows, and Postdocs.

Figure 3. University Status of Complainants FY15-FY18 (N=130)
Figure 4. University Status of Respondents FY15-FY18 (N=139)

Figure 5. Complaint Allegations by Category FY15-FY18 (N=184)
Figure 6. Complainant Status, Focusing on Allegations of Sexual Assault FY15-FY18 (N=72)

- Other 61%
- Sexual Assault 39%

- Undergraduate Student 15%
- Graduate or Professional School Student 12%
- Staff 3%
- Third Party 9%

Figure 7. Respondent Status, Focusing on Allegations of Sexual Assault FY15-FY18 (N=72)

- Other 61%
- Sexual Assault 39%

- Undergraduate Student 18%
- Graduate or Professional School Student 12%
- Staff 4%
- Faculty 4%
- Third Party 1%
Figure 8. Sexual and/or Gender-Based Harassment Allegations (Not Including Sexual Assault) by Complainant Status FY15-FY18 (N=78)

Figure 9. Sexual and/or Gender-Based Harassment Allegations (Not Including Sexual Assault) by Respondent Status FY15-FY18 (N=78)
Figure 10. Gender\textsuperscript{20} of the Principals
Complainant v. Respondent
FY14-FY18 (N=130)

\textsuperscript{20} Using self-identification.