



# Personal Advisor Role Frequently Asked Questions

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Concerning the University Sexual and  
Gender-Based Harassment Policy



HARVARD UNIVERSITY  
Office for Dispute Resolution

Under the Harvard University Sexual and Gender-Based Harassment Policy, Harvard students,<sup>1</sup> faculty, staff, Harvard appointees, or third parties may, at any time, file written complaints of sexual or gender-based harassment against Harvard students, staff, third parties, and most faculty members<sup>2</sup> with the University's Office for Dispute Resolution (ODR). Under the conditions outlined in the applicable procedures, the parties in the case (complainant and respondent) each may designate a "personal advisor" for support during the ODR investigation process. It is important to note that parties are not required to use a personal advisor, and have full discretion over the scope of a personal advisor's involvement.

## Who may use a personal advisor in the ODR investigation?

<b>For Complaints Against Students</b>	Both the complainant (the person bringing the complaint) and the respondent (the person against whom the complaint is brought) may use a personal advisor.
<b>For Complaints Against Faculty</b>	See the <a href="#">faculty procedures</a> for the respondent's School for detailed information regarding personal advisors.
<b>For Complaints Against Staff and Third Parties</b>	In cases of alleged domestic violence, dating violence, sexual assault, or stalking, both parties may use a personal advisor. In other types of cases, where the respondent is a member of a collective bargaining unit and requests a union representative (in accordance with a union member's right to request representation during investigations that may reasonably lead to discipline), the complainant may bring a personal advisor to any interviews with the Investigative Team. <sup>3</sup>

### I. Who are personal advisors?

Personal advisors are individuals who are asked to provide support to a complainant or respondent throughout the ODR investigation. A personal advisor should be someone who can provide assistance 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.

<sup>1</sup> For matters where both the complainant and the respondent are Harvard Law School ("HLS") students, see the [HLS Sexual Harassment Resources and Procedures for Students](#). ODR does not investigate complaints brought by HLS students against other Harvard Law School students.

<sup>2</sup> ODR does not investigate complaints brought against HLS or Harvard Business School faculty members.

<sup>3</sup> 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.

## 2. Who may serve as a personal advisor?

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A personal advisor may be, for example, a University officer, a family member, a friend, an advocate, or an attorney. (Note that parties may choose to consult with an attorney who is not their personal advisor at any time during the ODR process.<sup>4</sup>) Personal advisors do not need to be affiliated with Harvard. Examples include the following non-exhaustive list:<sup>5</sup>

- academic advisor
- attorney
- counselor/therapist
- faculty member
- Harvard Chaplain
- parent or other relative
- Resident Dean
- Staff Assistant for Harvard University Human Resources
- staff member for a School-based affinity group
- student
- union representative

## 3. What is the role of personal advisors?

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- Provide advisee with a supportive presence throughout the ODR investigation
- Attend ODR interviews with their advisee. During interviews, personal advisors may not speak for their advisees, although they may ask to suspend the interviews briefly if they feel their advisees would benefit from a short break
- Ask the ODR Investigator questions about the ODR process, such as the timing of the investigation or similar procedural matters
- View the complaint, the response, and other documents provided to the parties (with personally identifiable information redacted)
- Offer feedback, to the advisee, on their advisee's written statements
- Receive copies of correspondence from ODR to the advisee, if the advisee requests this of ODR in writing
- Connect advisee with resources, through the local Title IX Resource Coordinator<sup>6</sup>

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<sup>4</sup> When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is advised to seek legal counsel before making any written or oral statements. Those facing allegations may wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved. See applicable [procedures](#) for more information.

<sup>5</sup> Per the [Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences](#) ("FAS"): "Title IX Coordinators can, upon request, suggest names of FAS officers who might be willing to serve as a personal advisor for informal resolution or formal complaint proceedings. This service is available to both complainants and respondents."

<sup>6</sup> Formerly known as the local Title IX Coordinator.

#### **4. What is the typical time commitment for a personal advisor?**

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The length of the investigation, and the number of times a party is interviewed in a particular case varies depending on a variety of factors, including the type/complexity and total number of allegations per complaint; the nature, volume, and timing of the documentation submitted as evidence; and the number of witnesses interviewed.

It is up to the advisee whether they would like to have their personal advisor:

- attend all of their advisee's interviews
- review documentation
- provide any of the other supports mentioned above

#### **5. Must personal advisors participate in ODR interviews in person?**

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No. Personal advisors located in the Greater Boston area often support their advisees in person, but personal advisors also may participate in ODR interviews by phone or video conference. ODR recognizes that some personal advisors may not be local and will make reasonable efforts to accommodate scheduling accordingly.

#### **6. May a personal advisor communicate with the ODR Investigator directly, outside the presence of their advisee?**

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No. Once the personal advisor is chosen by the advisee and is found to meet the above-referenced criteria, then the only communication between the personal advisor and ODR will be with respect to procedural questions and information. The advisee will be copied on all such communications.

Similarly, Title IX Resource Coordinators will communicate with a personal advisor in an ODR case, or a prospective personal advisor, only to answer general procedural questions.

#### **7. May a witness bring a personal advisor to ODR interview(s)?**

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In general, witnesses are not entitled to a personal advisor. However, if a witness is a staff member who belongs to a collective bargaining unit and requests a union representative (in accordance with a union member's right to request representation during investigations that may reasonably lead to discipline), then the witness may bring the union representative to any interviews with the ODR Investigative Team.

## 8. How does confidentiality apply to the personal advisor-advisee relationship?

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Personal advisors are expected to take reasonable steps to protect the privacy of all involved in the ODR investigation.

A Harvard-affiliated personal advisor is not acting as a “responsible employee” when serving as a personal advisor. Accordingly, Harvard-affiliated personal advisors are not required to share with a Title IX Resource Coordinator or the University Title IX Coordinator or Associate Title IX Coordinator, information that they learn while acting in their capacity as a personal advisor in an ODR investigation. Furthermore, as mentioned above, personal advisors (including Harvard officers) by definition do not act as witnesses in ODR investigations.

An individual who is a Harvard-designated confidential resource may serve as a personal advisor.<sup>7</sup>

Harvard-designated confidential resources include, for example:

- College Office of BGLTQ Student Life
- College peer-counseling groups

An individual who is a confidential and privileged resource also may serve as a personal advisor.<sup>8</sup>

Examples of confidential and privileged resources include the following (when acting in their professional capacity at Harvard):

- clergy, including Harvard Chaplains
- Employee Assistance Program (“EAP”)
- health and mental health clinicians, including Harvard University Counseling & Mental Health Services (“CAMHS”) and Harvard University Health Services (“HUHS”)
- lawyers providing legal advice to clients
- SHARE Counselors

Individuals in these categories should consult their applicable professional rules regarding the confidentiality and privilege of their communications for more information.

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<sup>7</sup> Harvard-designated confidential resources do not need to notify a Title IX Resource Coordinator when they learn about potential incidents of sexual or gender-based harassment, but may be required to reveal information that was shared with them in a criminal or other external proceeding.

<sup>8</sup> Confidential and privileged resources do not need to notify a Title IX Resource Coordinator when they learn about potential incidents of sexual or gender-based harassment; and, absent special circumstances, do not reveal information without the disclosing individual’s consent even in a criminal or other external proceeding.

## **9. May a Title IX Resource Coordinator or Ombudsperson serve as a personal advisor?**

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No. Because Title IX Resource Coordinators and Ombudspersons serve in a neutral role, they may not act as a personal advisor (even if the ODR investigation pertains to a matter in which the Title IX Resource Coordinators has had no involvement and/or includes parties who are not affiliated with that Resource Coordinator's School or unit). In an ODR case, the Title IX Resource Coordinators and/or the Ombudsperson may provide other forms of support to the parties and/or witnesses throughout that process, such as connecting parties and/or witnesses with resources and providing information on options. Title IX Resource Coordinators also may assist in implementing supportive measures.<sup>9</sup>

## **10. Who do I contact for more information about personal advisors?**

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Contact your local [Title IX Resource Coordinator](#).

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9      Formerly referred to as interim measures.