

June, 1989

Procedures for the Resolution of Sexual

Harassment and Unprofessional Conduct Problems

Faculty of Arts and Sciences

NOTE: A statement describing what constitutes sexual harassment and unprofessional conduct, entitled Sexual Harassment and Unprofessional Conduct: Guidelines in the Faculty of Arts and Sciences, is available from any of the officers listed at the end of this document.

This document describes the options available to any member of the FAS community who believes that he or she has been sexually harassed or who has experienced problems involving unprofessional conduct. No one will be reprimanded or discriminated against in any way for initiating an inquiry or complaint in good faith. It is also the Faculty's policy to protect the rights of any person against whom a complaint is lodged. Once an inquiry or complaint is made, every effort will be made to resolve the problem within a reasonable period of time.

Anyone who wishes clarification or further information about any of these procedures is encouraged to speak with a designated officer of the Faculty.

COUNSELING, ADVICE AND INFORMAL RESOLUTION OF UNPROFESSIONAL CONDUCT

In many instances, informal discussion and mediation can be useful in resolving perceived instances of harassment or unprofessional conduct. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

1. Whom to Contact

Problems, questions and grievances may be discussed with anyone in a supervisory position, for example an instructor, departmental head tutor, senior tutor or adjunct advisor in the undergraduate House, department chairman, director of graduate study or dean. In addition, the designated officers listed at the end of this document are particularly well-informed and well-placed to help. These officers may be especially useful in advising and aiding a person's own efforts to resolve a

problem. Such help may involve coaching the individual in preparation for a conversation with the person causing the problem, or assisting the individual in writing a letter to that person describing the offending behavior and requesting that it stop.

Alternatively, the individual may ask the officer to meet with the person causing the problem. In other cases, it may be necessary to arrange for a change in section assignment or a re-evaluation of work submitted for a grade.

2. Confidentiality

Throughout the advising process, these officers will ordinarily hold information in confidence unless or until the initiating individual agrees that another party or parties must be informed to facilitate a solution. For example, if an instructor is the source of the problem, the individual may request a rearrangement of the academic schedule so as to avoid further contact with that person. In such a case, the officer will first inform the instructor and will then ask the department chairman for assistance in granting the request.

Anyone with an inquiry, concern or complaint is welcome to bring another member of the FAS community to discussions with a designated officer.

FORMAL COMPLAINT PROCEDURES: HARASSMENT OF STUDENTS BY OTHER STUDENTS

Complaints about the harassment of students by other students should be brought to the attention of the appropriate senior tutor or dean for consideration by one of the disciplinary boards.

FORMAL COMPLAINT PROCEDURES: HARASSMENT OR UNPROFESSIONAL CONDUCT INVOLVING STAFF

Complaints about harassment or unprofessional conduct of or by staff members should be brought to the attention of the Director of Personnel Services for the Faculty of Arts and Sciences.

FORMAL COMPLAINT PROCEDURES INVOLVING A FACULTY MEMBER OR AN INSTRUCTIONAL ASSISTANT

1. Whom to Contact

Anyone who believes himself or herself to be the object of sexual harassment or unprofessional conduct involving a faculty member or an instructional assistant may choose, either initially or after having sought an informal resolution through a designated

officer, to bring a complaint through the Faculty's formal procedures, with the possible outcome of disciplinary action against the accused. It should be emphasized that merely discussing a complaint with one of these officers does not commit one to making a formal charge.

2. Confidentiality

At each step, the Faculty's procedures seek to protect, insofar as possible, the privacy of individuals involved in a complaint. Both in fact-finding and in the final disposition of a complaint, every effort will be made to carry out procedures confidentially.

3. When to file a complaint

Prompt reporting is strongly urged, as it is often difficult to trace the facts of an incident or incidents long after they have occurred.

4. How to file a complaint

a. Undergraduates, graduate students, faculty and other instructional staff, and administrative and research staff may bring formal complaints to designated officers (see list of names at the end of this document).

For undergraduate students with a complaint, the investigative officer is the Assistant Dean of Harvard College for Coeducation.

For graduate students with a complaint, the investigative officer is the Dean of GSAS for Student Affairs.

For faculty with a complaint, the investigative officer is the Assistant Dean for Academic Planning.

For staff with a complaint, the investigative officer is the Director of Personnel Services.

NOTE: Any one of the investigative officers named above may be appointed to investigate a complaint if the designated officer encounters a conflict of interest or of time. Other investigative officers may be designated as needed.

b. The individual may wish to have another member of the FAS community present at discussions of the complaint.

c. After discussion with the designated officer, the individual files a signed petition describing the complaint and requesting a formal investigation. This petition will be shown to

the accused person, who will then file a written response. This response will in turn be shown to the complainant.

d. Use of the internal hearing procedure does not foreclose subsequent legal action. Individuals may wish to obtain legal advice as they consider the courses of action open to them. However, the proceedings described here are not those of a court of law and the presence of legal counsel is not permitted during these discussions.

5. Protection of the Complainant and Respondent

Throughout the complaint process, every effort will be made to protect the individual bringing the complaint (hereafter referred to as 'complainant') from reprisals and to protect the accused (hereafter referred to as 'respondent') from irresponsible complaints.

6. The Complaint Process

a. The timetable set forth below is approximate. The Dean or Dean's designate may, at his or her discretion, allow additional time for any of the steps noted.

b. Within ten days of receiving the written complaint, the investigative officer will consult with the complainant and with the respondent, and others if appropriate, in order to ascertain the facts and views of both parties. The University General Counsel's Office may also be consulted.

c. Within 120 days from the date on which the complaint was filed, the investigative officer or a panel (see f. below) will conduct an inquiry and prepare a report, in confidence, summarizing the relevant evidence. A draft of the report will be shown to the complainant and the respondent in order to permit them the opportunity to respond before a final report is made.

d. Within 30 days thereafter, the final report, presenting the findings in summary, will be sent to the Dean and shown to the complainant and the respondent.

e. Within 10 days thereafter, the complainant and the respondent may each submit a statement to the Dean concerning the report.

f. When a complaint is brought against a faculty member either the complainant, or the respondent, or the investigative officer may choose to refer the matter, at any point prior to a final disposition by the Dean of the Faculty, to a three-person panel.

The panel will be drawn from the Faculty as follows: The Dean of the Faculty will prepare a list of twelve voting members of the Faculty. The complainant and respondent may each strike four names

from the list; the Dean will then appoint the three-person panel from the remaining names on the list.

g. The investigative officer or panel may at any point dismiss a complaint if it is found to be clearly without merit.

h. Within 30 days after the submission of any final statements from the complainant and the respondent, the Dean will decide to:

1) take whatever action he or she believes is warranted by the evidence; or

2) ask the investigative officer or panel to consider the matter further and submit a supplementary report.

i. Following the disposition of a case, any party who is dissatisfied with the decision may appeal by submitting a statement to the Dean, within 30 days, stating with specificity the reasons for his or her dissatisfaction. The Dean, within 30 days of submission of such a request may decide whether reconsideration is appropriate or, at his or her discretion, submit the matter for further investigation.

j. In certain cases, it may be appropriate for the Dean to modify the procedures set forth above in light of the nature of the charges and the Procedures for Discipline of Officers in cases involving grave misconduct or neglect of duty arising under the Third Statute of the University.

k. When the complainant is an undergraduate, the Dean of the Faculty may consult with the Dean of Harvard College.

7. Penalties

The penalties for sexual harassment depend on the nature of the offense. Sanctions may range from reprimand to dismissal.

8. What Happens Following the Disposition of a Case

a. The facts about individual cases and their dispositions are confidential. The Dean or Dean's designate will, however, inform the complainant and respondent, in confidence, of his or her conclusions in the case.

b. The investigative officer will insure that any action determined by the Dean is carried out.

c. A permanent, written record of the formal complaint process and its outcome is ordinarily retained by the Dean of the Faculty.

d. An annual report will be prepared for the Faculty Council and the Faculty on the number and type of complaints. Every fifth year

a summary will be prepared for the Faculty Council and the Faculty on the disposition of complaints filed over the preceding five years.

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For undergraduate students:
Harvard's policy against discrimination is consistent with Title IX of the Education Amendments of 1972 and 34 CFR Part 106. In addition to contacting the persons listed at the end of these Procedures, persons with inquiries regarding the application of Title IX and 34 CFR Part 106 may contact the Assistant Secretary for Civil Rights, U.S. Department of Education, Washington, D.C. 20202, or the Regional Director, Office for Civil Rights, J.W. McCormack Post Office and Courthouse, Room 222, Post Office Square, Boston, MA 02109.

For faculty:

Kathryn Gould Nay
Assistant Dean for Academic Planning
University Hall 3

495-3612

For staff:

Peter McKinney
Director of Personnel Services
University Hall B-7a

495-1592

SEXUAL HARASSMENT INVESTIGATIVE OFFICERS

For undergraduate students:
Janet Viggiani
Assistant Dean of Harvard College
for Coeducation
University Hall 3 495-1560

For graduate students:
Margot Gill
Dean of GSAS for Student Affairs
Byerly Hall 224 495-1816

For faculty:
Kathryn Neeld May
Assistant Dean for Academic Planning
University Hall 9 495-3613

For staff:
Peter McKinney
Director of Personnel Services
University Hall B-2a 495-1592

Room 11 (For undergraduate student
peer counseling, available from
7 p.m. to 7 a.m. daily) 495-4883
or
drop in:
Lowell House
Management 2012

Center (For undergraduate student
peer counseling on sexual orientation
issues, available 7 p.m. to midnight
Sunday, Monday, Wednesday, and
Thursday) 495-8111
or
drop in: Brewer
Room, Adams House

OTHER RESOURCES

For General Information:

Jeffrey Wolcowitz 495-2263
Chairman of the Sexual Harassment
Coordinating Committee
Dunster J-39

University Departments:

Bureau of Study Counsel 495-2581
Harvard Police 495-1212
University Health Services 495-5711
University Mental Health Services 495-2042
United Ministry 495-5529

Student Groups

In Common (for graduate student peer
counseling, available from 8 p.m. to
midnight Sunday through Thursday) 495-9354

Response (for undergraduate student
peer counseling on experiences of
sexual assault and sexual harassment,
available from 7 p.m. to 7 a.m. daily) 495-9600
or
drop in (7 p.m. to
midnight):
Lowell House
Basement E013

Room 13 (for undergraduate student
peer counseling, available from
7 p.m. to 7 a.m. daily) 495-4969
or
drop in:
Stoughton Basement

Contact (for undergraduate student
peer counseling on sexual orientation
issues, available 7 p.m. to midnight
Sunday, Monday, Wednesday, and
Thursday) 495-8111
or
drop in: Brower
Room, Adams House