



FY21

ANNUAL REPORT

TITLE IX OFFICE
OFFICE FOR DISPUTE RESOLUTION

HARVARD
UNIVERSITY





PURPOSE STATEMENT

Annually, the Harvard University Title IX Office¹ and the Office for Dispute Resolution (ODR) issue a joint report to provide a comprehensive overview of the University's efforts to create and maintain a safe and healthy educational and work environment. This report highlights the work of the University Title IX Office and ODR from July 1, 2020 to June 30, 2021. While the functions and responsibilities of the offices are distinct, the Title IX Office and ODR work cooperatively towards a common mission.

The role of the University Title IX Office within the Harvard community is multipronged. The first prong is response and support. To carry out this work, the University Title IX Office supports a system of over 50 local Title IX Resource Coordinators, who respond to concerns brought under the University's policies prohibiting sexual harassment and other sexual misconduct (the Policies).² The Office also provides direct services to members of the Harvard community, including the facilitation of informal resolutions regarding concerns brought under the Policies. The second prong is prevention and education. The University Title IX Office carries out its preventative and educational efforts through customized eLearning courses for students, staff, and faculty; in-person education initiatives and workshops on specialized topics; and its suite of resource materials available online and in print.

ODR implements the University's procedures pursuant to the Policies for students,³ staff, and, in almost all Schools, faculty, with respect to handling requests for information or advice, requests for informal resolution, and formal complaints.⁴ ODR, in a neutral role, works in partnership with the University Title IX Office, School and unit Title IX Resource Coordinators, and other School and unit leadership to respond to formal complaints filed by Harvard students, faculty, staff, other Harvard appointees, or third parties, who believe they are directly affected by sexual harassment or other sexual misconduct.

¹ On July 6, 2021, the University formed the Office for Gender Equity (OGE), which brought together existing resources previously housed within the Title IX Office and the Office of Sexual Assault Prevention and Response (OSAPR). See <https://news.harvard.edu/gazette/story/2021/03/harvard-forms-new-office-for-gender-equity/>.

² In response to changes in federal regulations, Harvard University adopted two interim policies on August 14, 2020 to address sexual harassment and other sexual misconduct occurring on or after that date. The two interim policies are called the Interim Title IX Sexual Harassment Policy and the Interim Other Sexual Misconduct Policy. Together, these interim policies continue to prohibit conduct addressed by the University's previous policy, the Sexual and Gender-Based Harassment Policy.

³ Apart from Harvard Law School students, for whom a separate set of procedures applies.

⁴ The procedures for investigating complaints against faculty members are based on the primary School affiliation of the faculty member.



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Letter from Nicole Merhill, University Title IX Coordinator⁵



Following the onset of the pandemic, in FY21, the Title IX Office continued efforts to establish and enhance resources to meet the interests and needs of our community. These efforts included meeting people where they were in terms of learning, engagement, and direct services. As some community members fully returned to campus, others navigated hybrid work schedules and learning spaces, while others remained fully remote. The Title IX Office sought to adapt all of its resources and services to meet the challenges that came with these changes, including expanding outreach to the Harvard community by facilitating nearly 200 virtual workshops, trainings, and presentations to more than 7,600 faculty, staff, students, and post-doctoral fellows.

In FY21, the Student and Staff Gender Equity Education Advisory Committees continued to play an essential role in improving community engagement efforts. Key areas of focus for the Committees included supporting the revision of eLearning courses, providing feedback on the Title IX Office's website, and serving on focus groups held by the University Discrimination and Bullying Policy Steering Committee and Working Group. I have no doubt that progress in these areas is largely due to the time and dedication of these Advisory Committee members.

In addition to collaborating with Advisory Committee members, Title IX staff cultivated valuable partnerships across campus and beyond, including extensive engagement with the National Academies of Sciences, Engineering, and Medicine's Action Collaborative, resulting in two new publications: *Guidance for Measuring Sexual Harassment Prevalence Using Campus Climate Surveys* and *Evaluating the Effectiveness of Interventions to Prevent and Address Sexual Harassment*. Serving on this Action Collaborative, of which Harvard is a founding member, has been a privilege for which I continue to be grateful.

Throughout the pandemic, the Title IX Office has additionally remained available to all individuals seeking information and support in disclosing incidents of sexual harassment and other sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking. With so much of the Harvard community away from campus for the majority of FY21, the Title IX Office anticipated the subsequent and significant decrease in the volume of sexual harassment and other sexual misconduct disclosures shared by members of our community. Regardless, the Title IX Office continues to encourage all individuals who wish to disclose their experiences, access supports, and explore their options to reach out—whether in-person or remotely.

I am entering the year ahead with renewed resolve and hope. I am especially looking forward to the formation and launch of a new community resource, the Office for Gender Equity (OGE). This new Office is intended to make it easier for our community to access services and unite and expand upon resources and expertise in this area. As the inaugural Director of the Office for Gender Equity, my commitment is to ensure OGE supports the Harvard community through ever-improving evidence-based educational initiatives, excellence in research and practice, and delivery of direct services. I invite you to learn more by visiting OGE's new website at oge.harvard.edu.

Sincerely,

Nicole

⁵ As of July 6, 2021, Nicole Merhill also assumed the role of Director of the newly formed Office for Gender Equity (OGE).

About the Title IX Office



TITLE IX OFFICE

Nicole Merhill, University Title IX Coordinator

Caysie Carter Harvey
Associate University
Title IX Coordinator

Rachel DiBella
Assistant Director,
Title IX Education Programs

Alexandria Masud
Associate Director
for Administrative Operations

Erin Clark**
Title IX Resource
Coordinator for Students
at Harvard College

Olivia Sevey
Title IX Education
Project Manager

Erika Christensen
Program
Administrator

Roxana Lemus
Administrative
Coordinator

Network of 50+ Title IX Resource Coordinators*

* The University Title IX Coordinator oversees the work of the Title IX Resource Coordinator network; however, an official reporting relationship does not exist between the network and the University Title IX Coordinator.

** The Title IX Resource Coordinator for the College reports directly to the Dean of Students at Harvard College and indirectly to the University Title IX Coordinator.

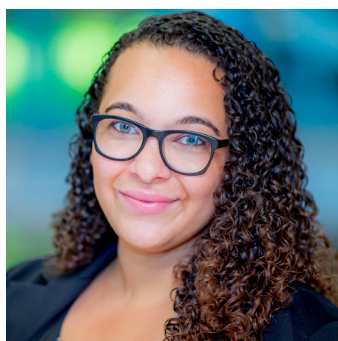


Nicole Merhill, University Title IX Coordinator

Nicole Merhill is the University Title IX Coordinator 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 Resource Coordinators, development and implementation of education programming and prevention efforts, and direct support to community members.

Nicole serves as a representative for the National Academies of Sciences, Engineering, and Medicine (NASEM) Action Collaborative, of which Harvard University is a founding member. From 2019 to 2021, Nicole served as the co-lead for the Working Group on Evaluation: Measuring Climate and Gauging Progress on Campus. Nicole also served on the Survey Design Team (SDT) for the Association of American Universities (AAU) Survey on Sexual Assault and Misconduct, collaborating with SDT members on the design and implementation of the 2019 AAU Survey administered at 33 participating institutions and reaching 181,752 student respondents.

Nicole has more than 15 years of civil rights experience in various protected class statuses, including sex, race, color, national origin, disability, and age. Nicole is a licensed attorney and holds a bachelor's degree in Elementary Education and English from Purdue University (1998), and a J.D. and a Master in Education Law from University of New Hampshire School of Law (2001).



Caysie Carter Harvey, EdM,⁶ Associate University Title IX Coordinator

In her role as Associate University Title IX Coordinator, Caysie supports the University's network of Title IX Resource Coordinators in responding to disclosures. She also meets with community members, both receiving disclosures directly and facilitating presentations in furtherance of the Title IX Office's mission.

Caysie joined the University Title IX Office in 2018. As a higher education professional, Caysie has built a thriving career by being a thoughtful resource for faculty, staff, and students alike. She also serves as an in-residence Proctor for Harvard College first year students.

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

⁶ As of July 6, 2021, Caysie Carter Harvey assumed the role of Associate Director of OGE and Associate University Title IX Coordinator.





Rachel DiBella, MSW, LICSW⁷ **Assistant Director,** **Title IX Education Programs**

Rachel DiBella is the Assistant Director of Title IX Education Programs at Harvard University. In her role, Rachel oversees the University Title IX Office's education, outreach, and engagement initiatives, addressing issues including sexual harassment prevention and response, LGBTQ+ inclusion, and gender equity in organizations. Rachel joined the University Title IX Office in 2018 and has spent the past 12 years serving in gender health and justice organizations spanning nonprofit, legal,

healthcare, and higher education systems.

Rachel is currently pursuing a Doctor of Psychology with a focus in organizational leadership and community trauma and resilience. Rachel was recently named a doctoral Fellow in the Center for Multicultural & Global Mental Health at William James College. In addition to these roles, Rachel serves part-time on the faculty at the Boston College School of Social Work and is licensed to practice psychotherapy in Massachusetts.



Olivia A.T. Sevey,⁸ **Title IX Education Project Manager**

In her role, Olivia contributes to the mission of the Title IX Office by managing University prevention and education initiatives. Prior to joining the Title IX Office, Olivia worked in the Office of Alcohol & Other Drug Services at Harvard University, providing prevention, education, and intervention services to the Harvard community.

Olivia holds a Bachelor of Arts in Psychology from the University of Maine and a Master of Arts in Higher Education from Boston College.



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. She is also a member of the Board of First-Year Advisors. She received her B.A. in Philosophy of Law from Albion College. Prior to joining Harvard, she worked in institutional asset management for over a decade managing a client portfolio of endowments and foundations.

⁷ As of July 6, 2021, Rachel DiBella assumed the role of Assistant Director, Education Programs of OGE.

⁸ As of July 6, 2021, Olivia Sevey assumed the role of Education Project Manager of OGE.



Erika Christensen, Program Administrator

Erika contributes to the broader programmatic initiatives of the Title IX Office and the Office for Dispute Resolution, develops informational content in digital and video formats, and manages data systems. She has a B.A. in the Studies of Women, Gender, & Sexuality from Harvard College. Prior to joining the Office, 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.



Roxana Lemus,⁹ 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 Degree in liberal arts at Bunker Hill Community College. Roxana is also a community organizer and volunteer doula.

⁹ Roxana Lemus is no longer in this position as of June 24, 2021.



Title IX Programming and Statistics

Educational Initiatives

Prevention Education, Engagement, and Outreach

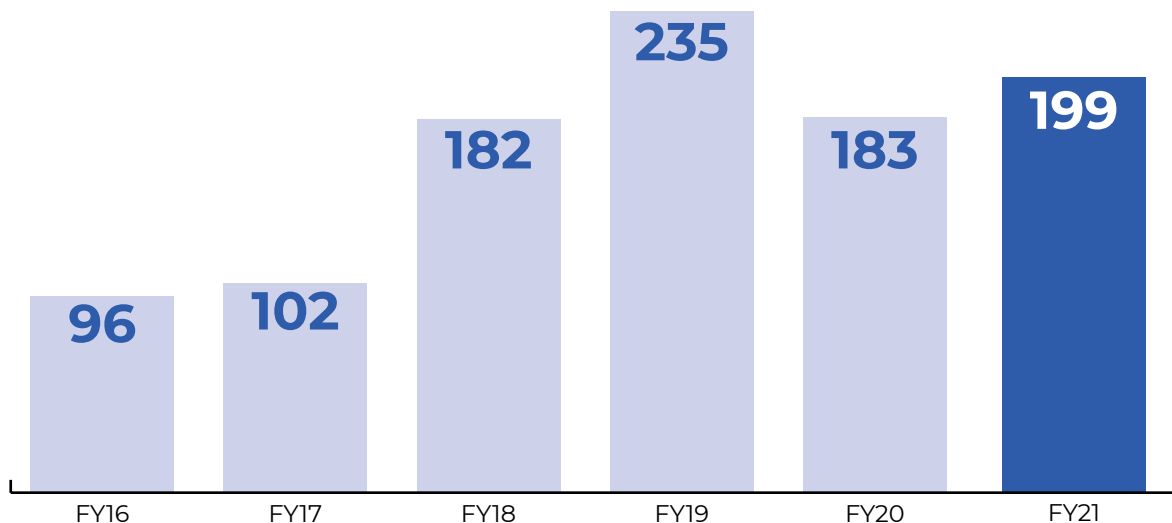
In FY21, the University Title IX Office's prevention education team emphasized the importance of synthesis and collaboration, seeking to build cohesion and enhance curricular design across the Office's eLearning, in-person, and community engagement initiatives. The Office's prevention education team worked with School and unit-level Title IX Resource Coordinators to develop joint resource materials and cross-office outreach programs, including for Sexual Assault Awareness Month (SAAM).

We invite you to learn more about the Office's prevention education, engagement, and outreach efforts in this report and at titleix.harvard.edu/get-involved.

Totals (numbers): Trainings, workshops, and presentations

- 199 individual sessions with faculty, staff, students, postdocs, and fellows (Figure 1)
- 7,638 community members participated in live Zoom sessions (Figure 2)

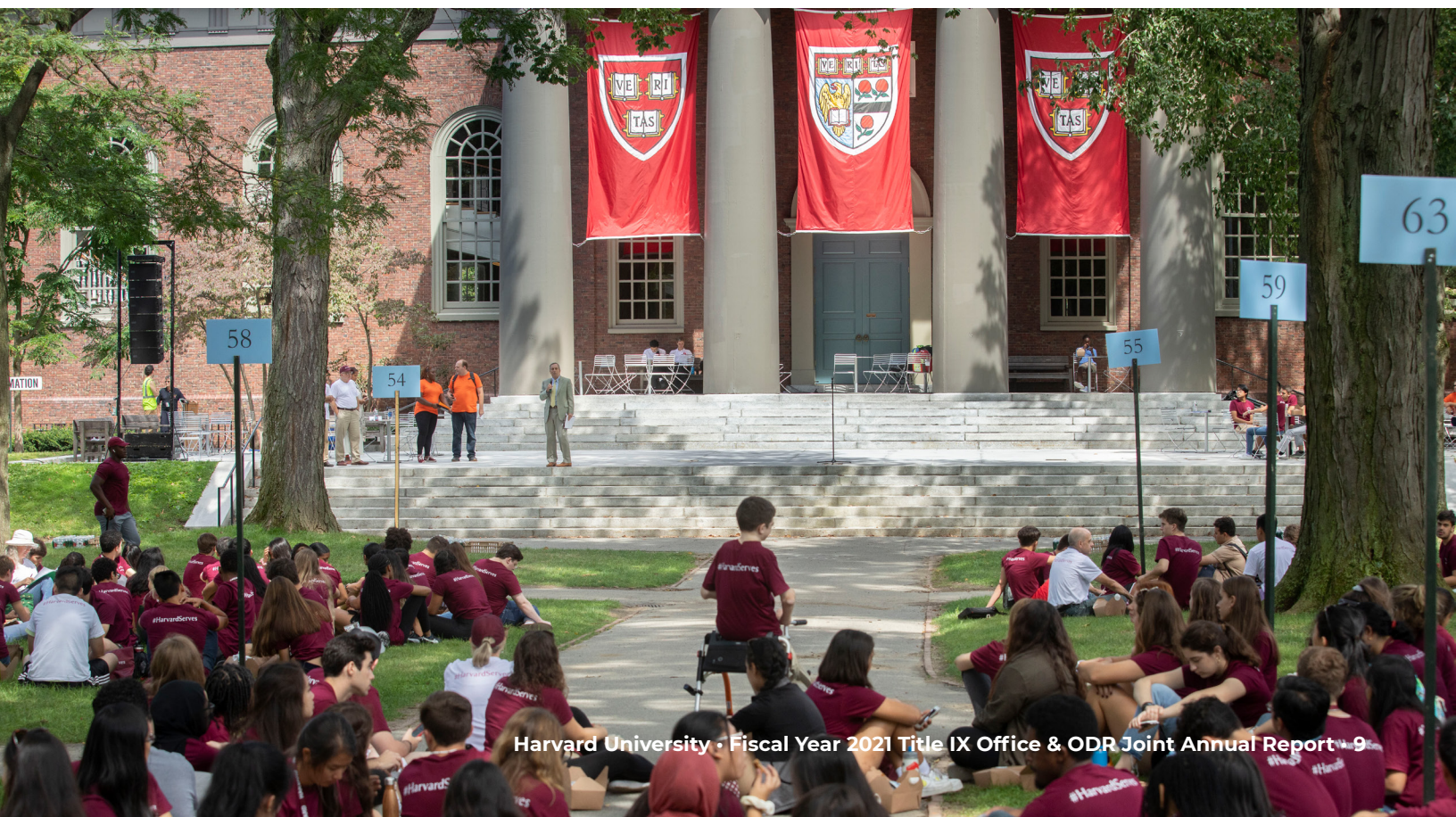
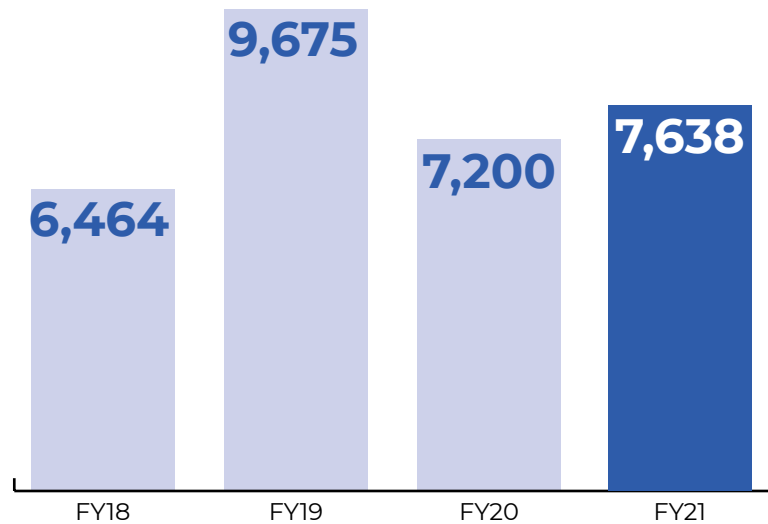
Figure 1. Total In-Person Trainings Delivered by the Title IX Office¹⁰



¹⁰ This figure captures sessions held physically in person and via Zoom.

These efforts, combined with 150 in-person workshops, presentations, and trainings facilitated during the first three quarters of FY20, comprised a robust prevention education program that reached more than 7,200 participants (Figure 2).

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





Community Resources & Initiatives Developed in Partnership with the Harvard Community

Gender Equity Education Advisory Committees

Students

The Gender Equity Education Student Advisory Committee plays a central role in strengthening the University Title IX Office's engagement with undergraduate, graduate, and professional students from Schools across the University. Since the Committee's first convening during the 2018-2019 academic year, the Committee has supported the work of gender equity by providing feedback, based on community-specific needs, on prevention initiatives and educational and informational materials.

The Committee convened from October to May and contributed significantly to several initiatives, including:

- Reviewing and providing recommendations for improving the student eLearning course scenarios
- Identifying gaps in and opportunities to strengthen the University Title IX Office's website with the goal of improving ease of access to information and resources
- Participating in a focus group held by the University Discrimination and Bullying Policy Steering Committee and Working Groups

Staff

The Gender Equity Education Staff Advisory Committee convened monthly in FY21 to identify opportunities for advancing gender equity, inclusivity, and diversity within Harvard as an academic workplace. Amid the COVID-19 pandemic, Committee members successfully advocated for increased availability of live online workshops and engagement opportunities on topics including bystander intervention in the workplace and gender diversity and LGBTQ+ inclusion. Advisory Committee members also:

- Participated in a focus group held by the University Discrimination and Bullying Policy Steering Committee and Working Groups
- Consulted on the design and user experience for the launch of the new Office for Gender Equity website
- Provided extensive input on staff-facing elements of the Office's eLearning courses

To learn more about the Gender Equity Education Advisory Committees for students and staff, visit: titleix.harvard.edu/get-involved.



Sexual Assault Awareness Month

April is recognized as Sexual Assault Awareness Month (SAAM) at Harvard University and globally. In support of SAAM, the University Title IX Office hosted more than a dozen events open to all Harvard University community members, including interactive educational workshops, information sessions, book talks, and community discussions. Events included, but were not limited to:

- Prevention in Action: Bystander Intervention & Beyond
- Gender Diversity & Inclusion: from A to Ze
- *Sexual Citizens* book discussion

Campus Partnership Highlight: Collaborative Initiative with FAS

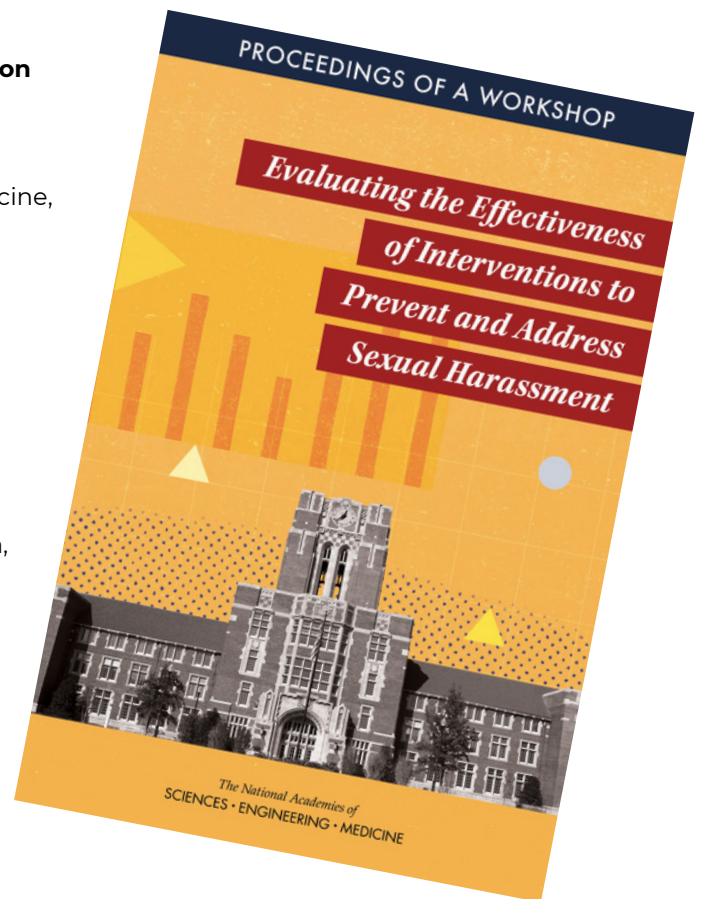
The University Title IX Office's efforts to improve community climate through education and engagement rely heavily on collaboration with campus partners. Between March 1 and June 30, 2021, the University Title IX Office engaged in a collaborative initiative with Human Resources in the Faculty of Arts and Sciences (FAS) and FAS Program Officers for Title IX and Professional Conduct to deliver nearly a dozen interactive workshops to 287 FAS staff (a third of whom are managers). These workshops invited participants to consider their roles and influence in promoting a community climate of gender equity and inclusion.

Participant polls have revealed that this initiative has been well received and resulted in increased knowledge of staff responsibilities and resources. FAS and the University Title IX Office have continued this collaboration into FY22 and look forward to furthering these crucial dialogues with FAS staff.

NASEM Planning Committee on Developing Evaluation Metrics for Sexual Harassment Prevention Efforts

In the fall of 2020, Nicole Merhill was nominated by the National Academies of Science, Engineering, and Medicine, to the Planning Committee on Developing Evaluation Metrics for Sexual Harassment Prevention Efforts. The Committee members included:

- Vicki J. Magley (Chair), Professor, Department of Psychological Sciences, University of Connecticut
- NiCole T. Buchanan, Professor, Department of Psychology, Michigan State University
- Carol W. Greider, Professor of Molecular, Cellular, and Developmental Biology, University of California, Santa Cruz
- Melissa L. Kwon, Associate Director for Prevention, PATH to Care Center, University of California, Berkeley
- Larry R. Martinez, Associate Professor and Associate Chair, Department of Psychology, Portland State University
- Nicole M. Merhill, Director, Office for Gender Equity and University Title IX Coordinator, Harvard University



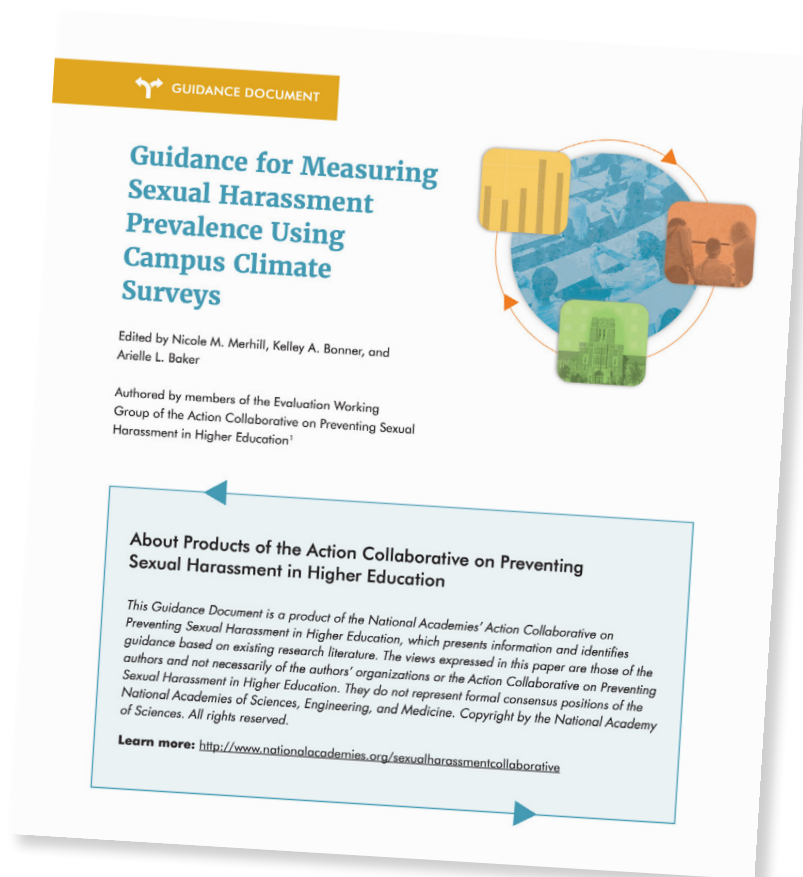
The two-day workshop, held on April 20-21, 2021, navigated approaches and strategies for measuring the effectiveness of sexual harassment interventions within higher education through the examination of existing measures and predictors of organizational outcomes, implementation science and prevention science, and successful interventions in action.

Additional information regarding the workshop as well as access to the full proceedings are available at: nationalacademies.org/our-work/workshop-on-developing-evaluation-metrics-for-sexual-harassment-prevention-efforts

NASEM Guidance for Measuring Sexual Harassment Prevalence Using Campus Climate Surveys

From 2019 to 2021, Nicole Merhill served as the co-lead for NASEM's Working Group on Evaluation: Measuring Climate and Gauging Progress on Campus, a subset of 15 members of the Action Collaborative on Preventing Sexual Harassment in Higher Education. In October 2021, NASEM published a product authored by members of the Working Group entitled *Guidance for Measuring Sexual Harassment Prevalence Using Campus Climate Surveys*. The aim of the Guidance Document is to offer information on conducting climate assessment to measure the prevalence of sexual harassment on college campuses.

A full copy of the Guidance Document can be accessed at: [nationalacademies.org/news/2021/09/guidance-for-measuring-sexual-harassment-prevalence-using-campus-climate-surveys](https://www.nationalacademies.org/news/2021/09/guidance-for-measuring-sexual-harassment-prevalence-using-campus-climate-surveys).





eLearning Courses

eLearning Courses for Students

In FY21, almost every School assigned the University's eLearning course, Preventing and Responding to Sexual Harassment and Other Sexual Misconduct, to their students, with 12,438 students completing the course.

The University Title IX Office incorporated content into the eLearning course that reviewed the University's then new Interim Title IX Sexual Harassment Policy and Interim Other Sexual Misconduct Policy, as well as their accompanying procedures, through the use of interactive scenarios, which introduced bystander intervention skills and emphasized supportive resources at Harvard. The eLearning course supports the mission of the University Title IX Office by introducing core components that are integral to creating a community climate of gender equity and inclusion.

eLearning Course for Faculty, Staff, and Post-Doctoral Fellows

In addition to the student eLearning courses, the University Title IX Office recently administered its newly redesigned eLearning course for faculty, staff, and post-doctoral fellows. The course underwent significant revisions based on feedback from the Harvard community. The new course, Preventing and Responding to Sexual Harassment and Other Sexual Misconduct, centers University values, resources, policies and procedures and emphasizes the role individuals play in creating an inclusive learning and working environment.

The course features interactive scenarios that introduce bystander intervention strategies and video responses from community members sharing how they would respond to witnessing potential incidents of sexual harassment or other sexual misconduct. The course was assigned to all benefits-eligible staff, faculty, and post-doctoral fellows in October 2021, and completion data is ongoing.

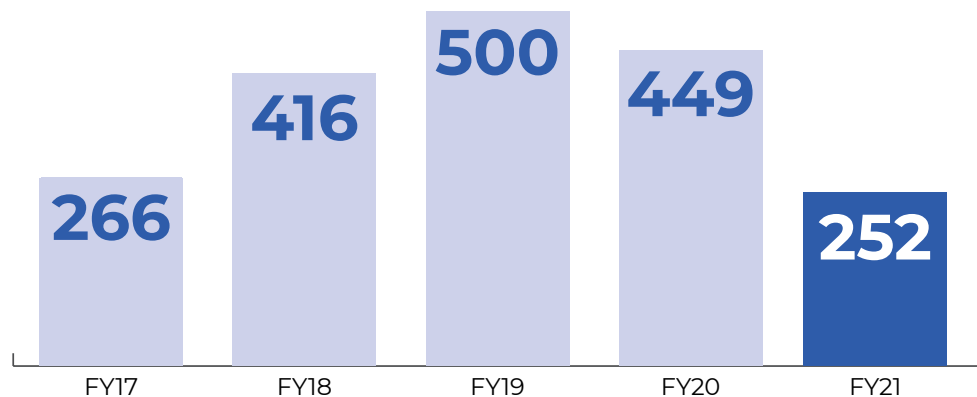


Title IX Disclosure Data¹¹

The following data reflect disclosures of potential sexual harassment and other sexual misconduct received by our system of local Title IX Resource Coordinators and/or the University Title IX Office. Responding to disclosures and providing supportive measures represents a key component of the role of our local Title IX Resource Coordinators.

In FY21, the University Title IX Office supported local Title IX Resource Coordinators in their response to 252 disclosures of potential sexual harassment or other sexual misconduct (Figure 4). As illustrated below, there was a decrease in disclosures of potential sexual harassment or other sexual misconduct from FY20 to FY21. This decrease may be a result of a confluence of factors, most notably, the immediate shift to remote learning and remote working in March 2020 due to COVID-19 and subsequent dedensification of campus, including the hybrid return to campus model.

Figure 4. Total Disclosures Received



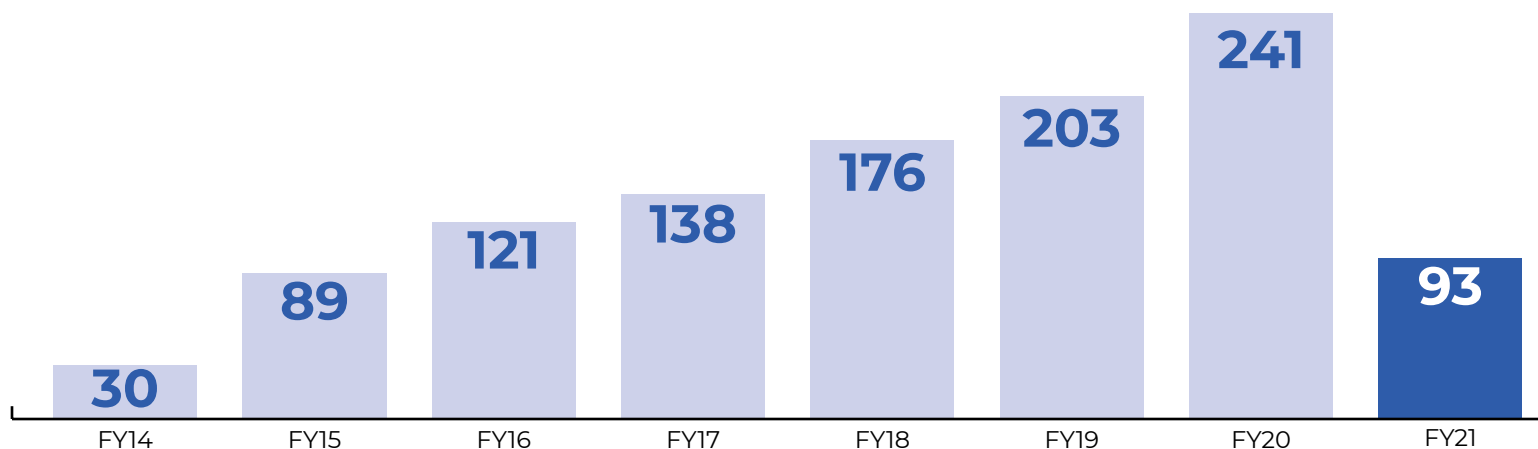
¹¹ This report reflects disclosure data from July 1, 2020 to June 30, 2021. Data is presented without identifying information to protect the privacy of the individuals involved. Disclosure data in this report will not correspond to Harvard's annual report required under the federal Clery Act because 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.



FY21 Disclosures to Harvard College

From FY14 to FY20, there was a steady increase in the number of students who connected with the Harvard College Program Officer for Title IX and/or the Harvard College Title IX Resource Coordinator to disclose incidents of potential sexual harassment or other sexual misconduct. Between FY20 and FY21, there was a decrease in disclosures of potential sexual harassment or other sexual misconduct, which is consistent with the overall decline in disclosures during this fiscal year. As noted above, this decrease may be due to a confluence of factors, most notably, the immediate shift to remote learning and remote working in March 2020 due to COVID-19 and subsequent dedensification of campus, including the hybrid return to campus (Figure 5).

*Figure 5. Total Disclosures Received by
Harvard College Title IX Program Officer and/or Resource Coordinator*



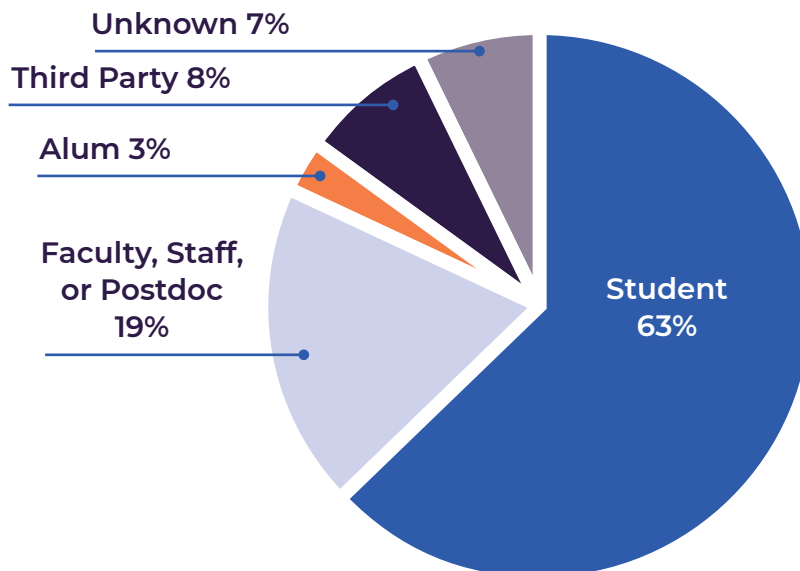
FY21 Disclosure Data

The following charts¹² illustrate the total number of disclosures received in FY21 broken down by:

- University status of the person identified as having been impacted by potential conduct¹³
- University status of the individual identified as engaging in potential conduct¹⁴
- Affiliation of the Title IX Resource Coordinator who received the disclosure¹⁵

For the majority of disclosures received, a student was identified as the person engaging in potential sexual harassment or other sexual misconduct and a student was identified as the person impacted by potential sexual harassment or other sexual misconduct. The Harvard College Program Officer for Title IX and/or Harvard College Title IX Resource Coordinator received 37% of all disclosures received in FY21 (Figure 8).

Figure 6. University Status of Person Identified as Impacted by Conduct



¹² "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, and/or disclosures received via the Resource for Online Anonymous Disclosures (ROAD)).

¹³ This figure does not represent the total number of individuals identified as impacted in potential conduct, but rather the total number of disclosures received where the University status of the individual identified as impacted in potential conduct was faculty, staff, student, third party, or unknown, respectively. An individual may be identified as the person impacted in potential conduct for more than one disclosure.

¹⁴ This figure does 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.

¹⁵ Disclosures received by the Title IX Office are comprised of those submitted via the Resource for Online Anonymous Disclosures (ROAD) or directly by the University Title IX Coordinator and/or University Associate Title IX Coordinator.

Figure 7. University Status of Persons Identified as Engaging in Potential Conduct

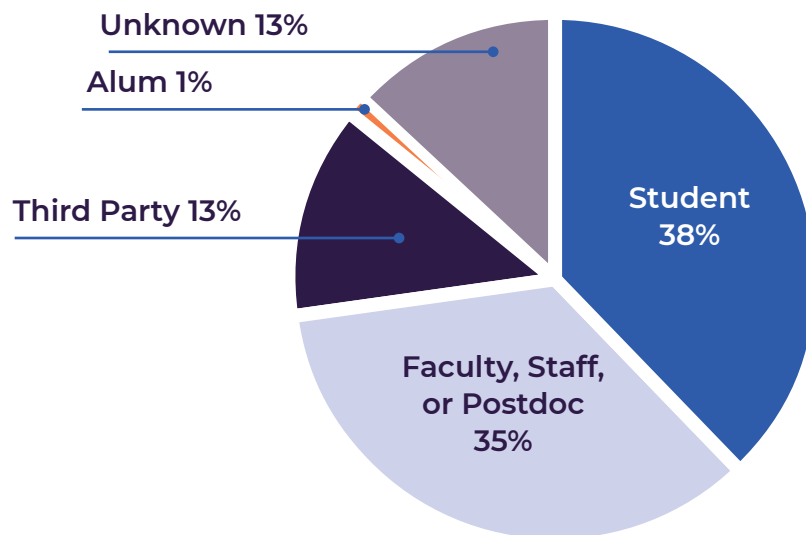
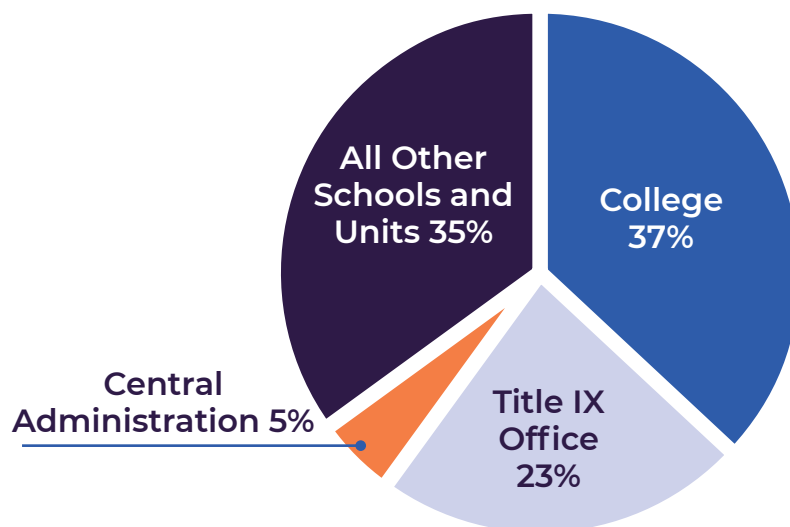


Figure 8. Disclosures Received by Title IX Resource Coordinator Affiliation





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



ODR's seventh fiscal year of operation, FY21, drew to a close on June 30, 2021, with a total of 245 complaints received since September 2014. ODR, staffed by three impartial and experienced investigators¹⁶ and a senior associate, supported by two fellows, continued to note the broad use of our services across the University community. Cumulatively over the seven-year period, complaints were filed by and against undergraduates, graduate/professional school students, faculty, staff, and third parties, at a rate of approximately 10% or more for each category.¹⁷ Complaints over the seven-year period have involved School programs or activities overseen by all ten Harvard faculties, as well as ten units. Using gender self-identification by parties, ODR also noted that over the seven-year period, about 63% of complaints were filed by females against males, 13% by males against females, 12% by males against males, and 5% by females against females. In approximately 14% of complaints filed over the seven-year period, at least one party self-identified as BGLTQ.

In four complaints in FY21, seven complaints in FY20, four complaints in FY19, and seven complaints in FY18, at the request of Schools or units, ODR investigated related allegations that fell outside the scope of the applicable policies, and under other University or local policies.¹⁸

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 applicable policies. In response to feedback from stakeholders such as parties and witnesses involved in investigations and other interested individuals at the various Schools and units, ODR continued to work on improving the format and readability of its final reports of investigation (FRIs) in FY21. FRIs issued to date for cases originating in FY21 averaged 27 pages in length,¹⁹ for example, compared to an average of almost 47 pages in FY15, ODR's first year of operation. In addition, ODR continued its ongoing communications and consultation with important allied service providers at Harvard, such as the University Title IX Office, Harvard University Health Services (HUHS), the Harvard University Police Department (HUPD), and the Office of the General Counsel.

¹⁶ ODR also contracts for impartial and experienced external investigative services when occasionally needed based on overall caseload volume.

¹⁷ There were two exceptions: (1) Complaints filed by faculty members constituted 8.2% of the complaints filed over the seven-year period. By contrast, complaints filed against faculty members constituted 19.6% of the complaints during the same period. (2) Complaints filed against third parties constituted 3.7% of the complaints filed over the seven-year period. By contrast, complaints filed by, or on behalf of, third parties constituted 16.3% of the complaints during the same period.

¹⁸ ODR in FY21 handled three complaints, in FY20 one complaint, and in FY18 two complaints, entirely under University or local policies other than the applicable policies; these six 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 ODR's caseload of complaints filed under the applicable policies allows. The "applicable policies" include, but are not limited to, the Sexual and Gender-Based Harassment Policy, and for conduct occurring on or after August 14, 2020, the Interim Other Sexual Misconduct Policy and the Interim Title IX Sexual Harassment Policy (ODR received no complaint filings under the latter policy in FY21).

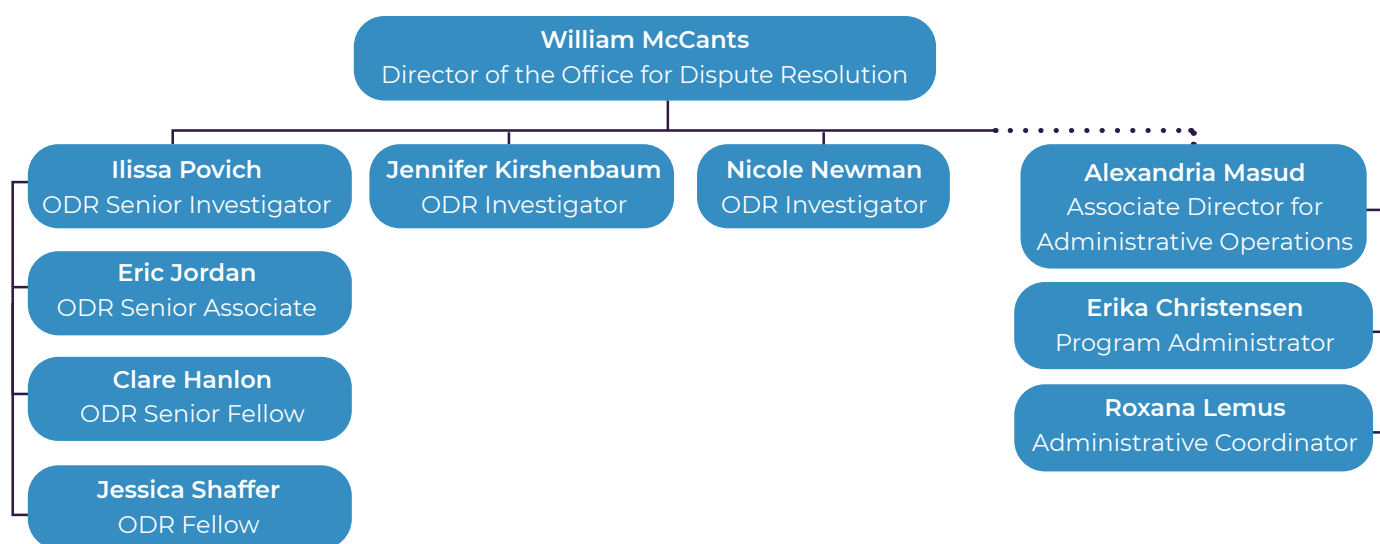
¹⁹ In calculating this average, ODR considers the same factors, as applicable, considered in calculating the length of investigations as described below. Complaint investigations vary greatly in, e.g., scope, evidence volume, and complexity, and this is predictably reflected in the length of the resulting FRI, to ensure that each party's account is properly described and analyzed in its totality.

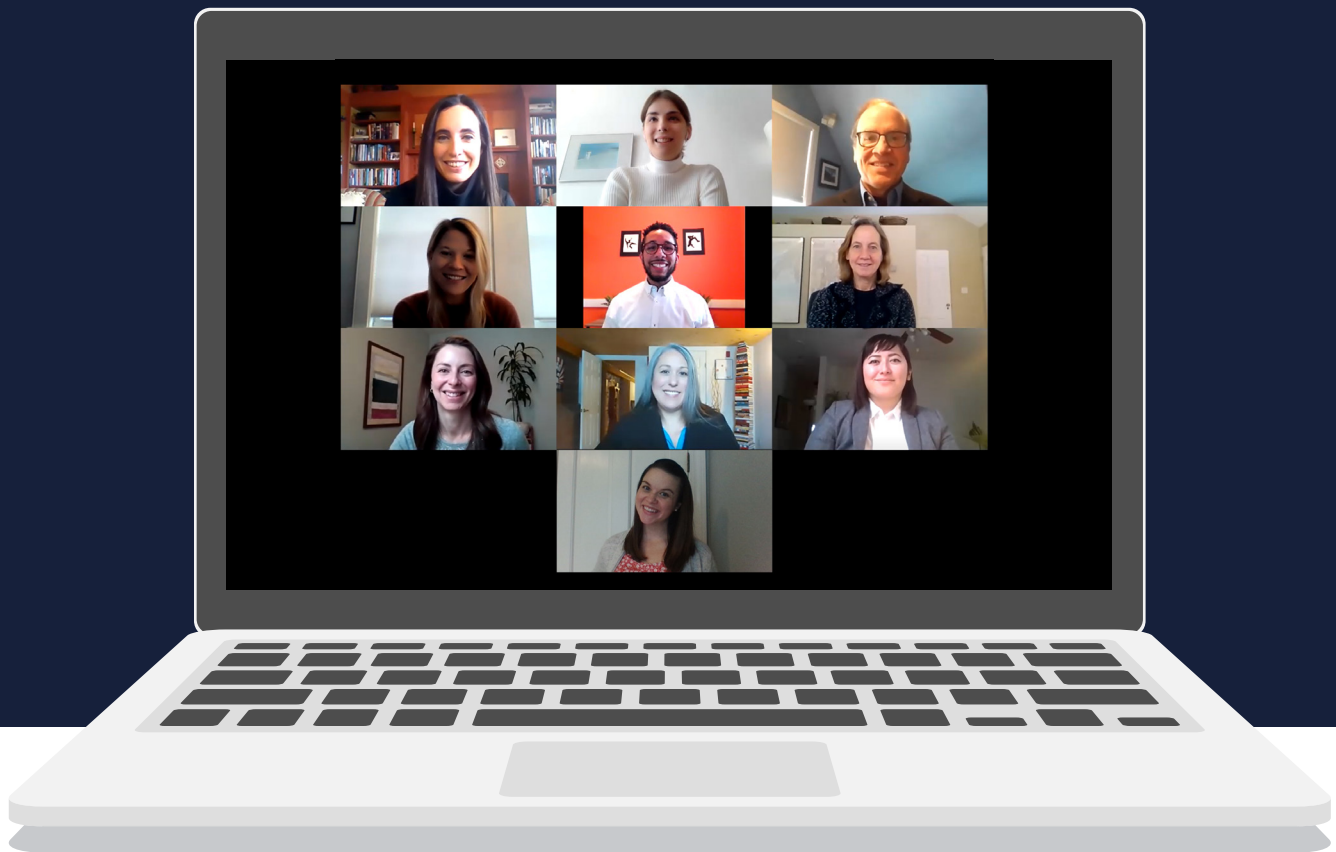
ODR's investigative efforts continued to be supported by working jointly with trained investigative designees, for those Schools and units that use that model, or by regularly communicating with liaisons who provide valuable information from their Schools and units to ODR, while also relying on ODR to keep the liaisons current on investigative status and progress. In all cases, communication between ODR and the local Title IX Resource Coordinators, as well as when appropriate the University Title IX Office, also helped ensure proper attention to the support needs of the parties involved in our investigations.

As part of our mission, ODR staff was involved in delivering over 25 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 in subjects such as advanced investigation training, confidentiality, fair process, the neurobiology of trauma, and the revised Title IX regulations that went into effect on August 14, 2020.

ODR staff remain 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.

About the 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.



Ilissa Povich, J.D., 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.



Nicole Newman, J.D., 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.



Jennifer Kirshenbaum, J.D., ODR Investigator

Jen has conducted ODR investigations and facilitated trainings as an Investigator since February of 2020. She is a licensed attorney who earned a J.D. from Boston University School of Law and a B.A. from the University of Pennsylvania in European History. Prior to joining the Office, Jen worked as an Assistant District Attorney with the Essex County District Attorney's Office for fourteen years and has extensive experience in litigation and in conducting criminal investigations. In addition, she previously worked as a civil litigator at a Boston law firm.



Eric Jordan, J.D., ODR Senior Associate

Eric is a licensed attorney with a J.D. from Harvard Law School in 2014 and a B.A. in Architecture from Princeton University in 2009. 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.



Jessica L. Shaffer, J.D., ODR Fellow

Jessica is an ODR Fellow and a licensed attorney. She earned a J.D. from the University of Michigan Law School and a B.A. from the University of Notre Dame. Before joining ODR, Jessica served as an Assistant District Attorney for Suffolk County and an Assistant Attorney General for the Commonwealth of Massachusetts. She has experience in criminal prosecution, civil litigation, appellate advocacy, environmental law, and civil rights.



Clare Hanlon, J.D., ODR Senior Fellow

Clare is an ODR Senior Fellow and a licensed attorney. Prior to joining ODR, Clare served as a law clerk to the Honorable Peter K. Killough for the Seventh Judicial Circuit of Maryland and worked as an Associate in the Organized Crime Unit of the Maryland Office of the Attorney General. She earned a B.A. in English from Tulane University and a J.D. from Boston College Law School, where she served as Articles Editor for the Boston College Law Review. During law school, Clare interned with the United States Attorney's Office for the District of Columbia and with the Middlesex District Attorney's Office. She also participated in the Boston College Innocence Program Clinic.



Alexandria Masud, Associate Director for Administrative Operations

Alex joined the staff in 2014 and now oversees the operations of 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, she worked for three years in institutional equity trading and ten years as a client service analyst in institutional asset management with a focus on endowments and foundations.



Erika Christensen, Program Administrator

Erika provides support to the Office for Dispute Resolution by developing informational content in digital formats. She also assists with casework as needed. Erika has a B.A. in the Studies of Women, Gender, & Sexuality from Harvard College. Prior to joining our Office, 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.



Roxana Lemus,²⁰ Administrative Coordinator

Roxana provides administrative support to the Office for Dispute Resolution and Title IX Office 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.

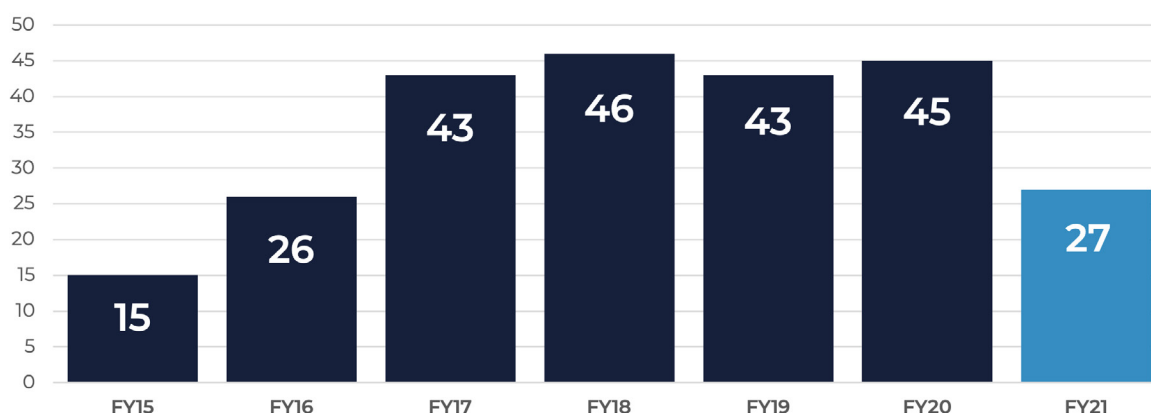
²⁰ Roxana Lemus is no longer in this position as of June 24, 2021.

ODR – Dispute Resolution Data & Analysis

As in prior years, each case ODR investigated in FY21 was unique, and many were highly complex. A summary of ODR complaint information in FY21, with comparisons to complaint information in the six previous years of ODR operations, is provided below:

- ODR received 27 new complaints in FY21, compared to 45 in FY20, 43 in FY19, 46 in FY18, 43 in FY17, 26 in FY16, and 15 in FY15.
- Approximately 51% of the complaints over the seven-year period were resolved before progressing to the investigative stage (i.e., through withdrawal, referral, or by administrative closure or dismissal after initial review).

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



Timing: In FY21, ODR staff, along with the rest of the Harvard community, experienced various ongoing effects of the global pandemic. ODR was able to keep the average length of investigations in FY21 to approximately 4 months (ranging from 3.7 to 4.9 months),²¹ as compared to 3.7 months in FY20 (ranging from 2.7 to 4.5 months),²² and down from over 5 months in FY15, its first year of operation. 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.

²¹ It is important to note in comparing ODR case processing data from FY20 to FY21 that while in the latter year complaint receipts declined by 40% (from 45 to 27), cases proceeding to investigation after initial review declined by only about 17% (18 to 15), while allegations proceeding to investigation after initial review actually increased slightly (from 62 to 63).

²² In estimating the average length of investigation for the purposes of this annual report, ODR generally did not include, e.g., staff cases requiring interpretation and translation services, cases with special circumstances requiring very few interviews, cases involving delays due to documented medical or related circumstances, cases that are cross-complaints or part of a group of related complaints, cases with twice or more as many allegations as the ODR average of three, and cases with twice or more the average case evidence volume measure for FY18-FY20. The case evidence volume measure was obtained, for cases not otherwise atypical (e.g., cross-complaints), by adding the number of pages of documentation submitted by parties and witnesses to the number of pages of interview records for parties and witnesses. Case evidence volume measures for the three-year period ranged from a low of under 100 pages to a high of over 1,400 pages. In calculating the average for all cases, the very highest and very lowest case figures were dropped from the data, to avoid skewing the average in a misleading manner. The resulting average case evidence volume measure for all cases was just over 500 pages.

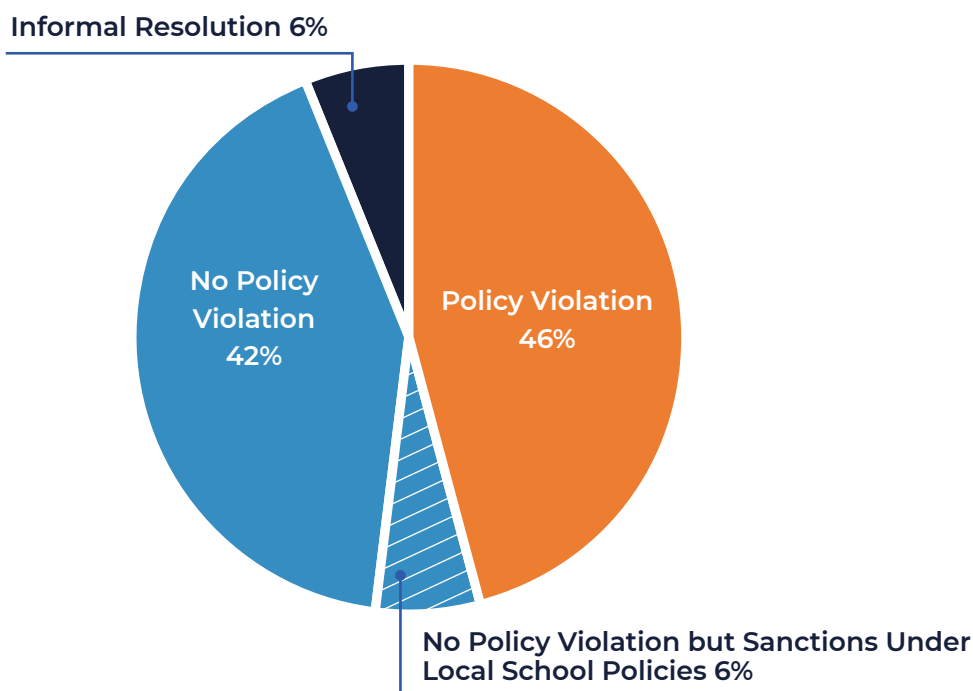
Many factors affect the length of the investigation in a particular case, for example:

- 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 and the length of those interviews;
- Whether a complaint is a cross-complaint, or in some way factually interrelated with another complaint or a group of related complaints in a manner reasonably likely to extend the investigative timeframe;
- Scheduling challenges, such as: special academic obligations (e.g., exams, final projects, inflexible grant deadlines); University holidays; and parties' and/or witnesses' travel abroad;
- Extensions in time granted to parties to designate their respective personal advisors, who may include attorneys;
- Additional allegations added over the course of an investigation; and
- New information provided by one or both parties at the review-of-evidence stage or later, requiring substantive new witness and/or party/witness follow-up interviews, and/or processing of substantial additional documentation.

Every year, ODR handles some complaints containing 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 applicable policies take 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.

Of the total number of complaints from FY15-21 that went through a completed investigation (N = 104), approximately 6% were informally resolved, 46% were found to involve violations of the applicable policies, 42% were found not to involve violations of the applicable policies, and 6% resulted in factual findings that subsequently supported sanctioning under local School rules. (Figure 2).

Figure 2. Outcomes of Complaints Proceeding to Investigation,²³ FY15-FY21 (N = 104)

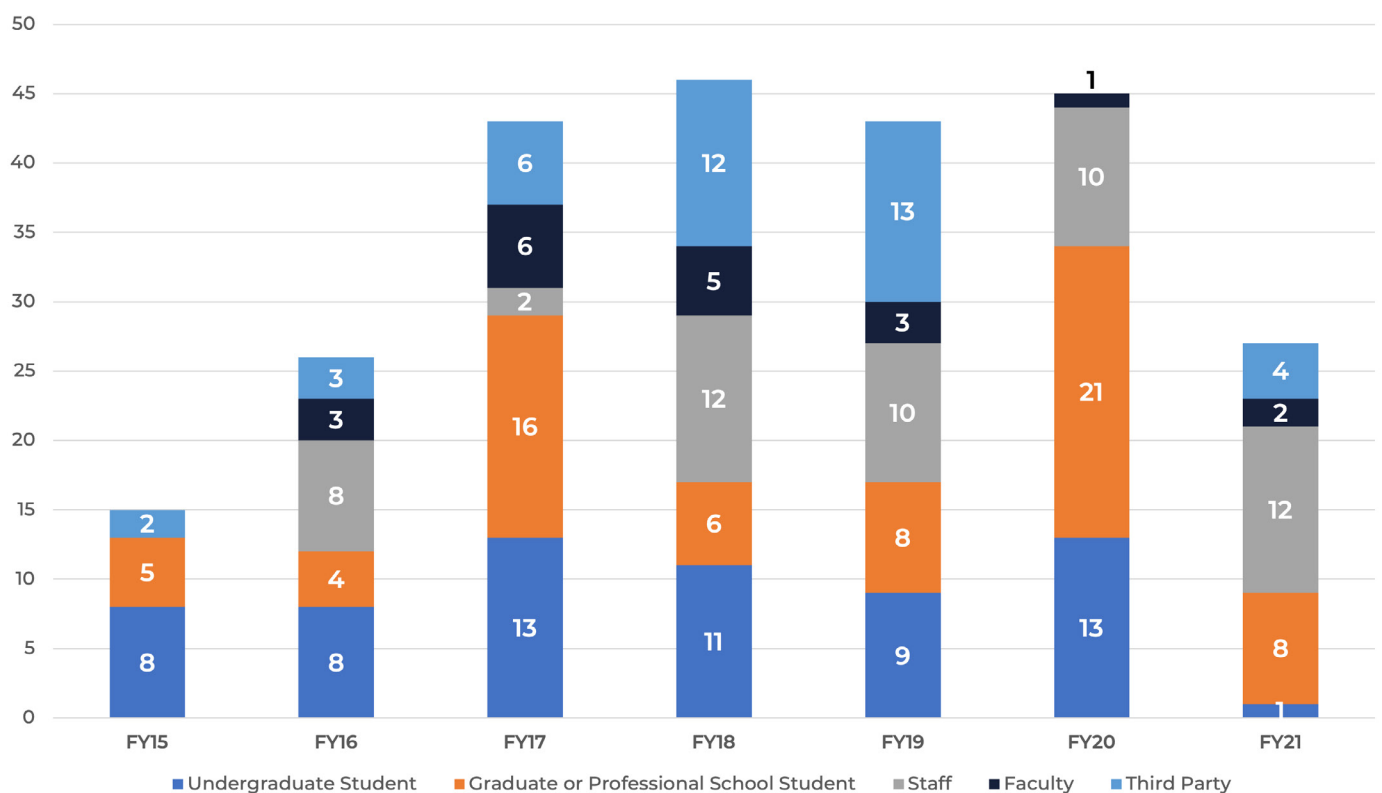


²³ Many complaints contain more than one allegation. Policy violation determinations must be made separately for each allegation. If one or more allegations in a complaint result(s) in the finding of a policy violation, this is counted as a single "policy violation."

Case Demographics FY15-FY21:

- In the first six 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). In FY21, the largest proportion of complaints was filed by or on behalf of staff. (Figure 3)
- In five of the seven 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 increased significantly between FY19 and FY20 (by 7), and declined only slightly in FY21 (by 1). (Figure 4)

Figure 3. University Status²⁴ of Complainants,²⁵ FY15-FY21 (N = 245)



²⁴ 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."

²⁵ As noted above on this page, a complaint may be filed by or on behalf of students, faculty, staff, or third parties.

Figure 4. University Status of Respondents, FY15-FY21 (N = 245)

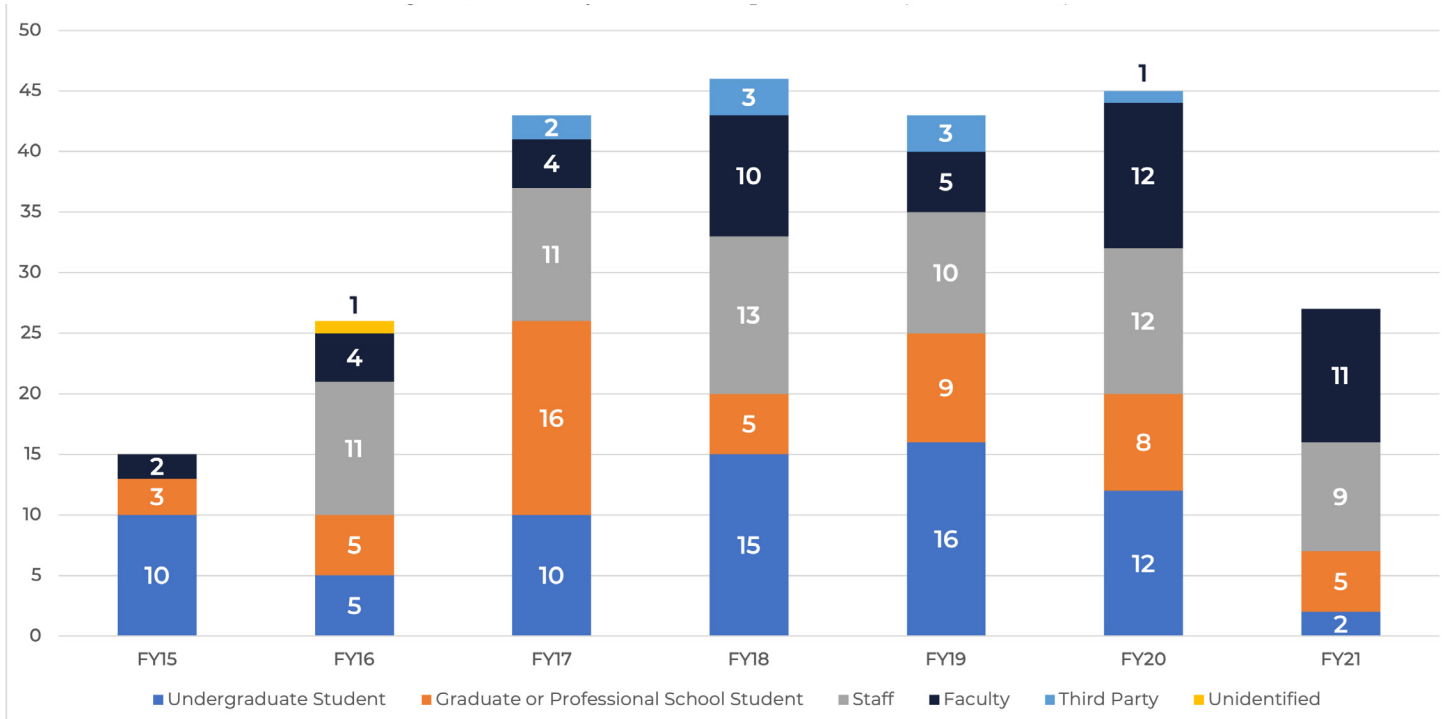


Figure 5. Complaint Allegations by Category, FY15-FY21 (N = 348)

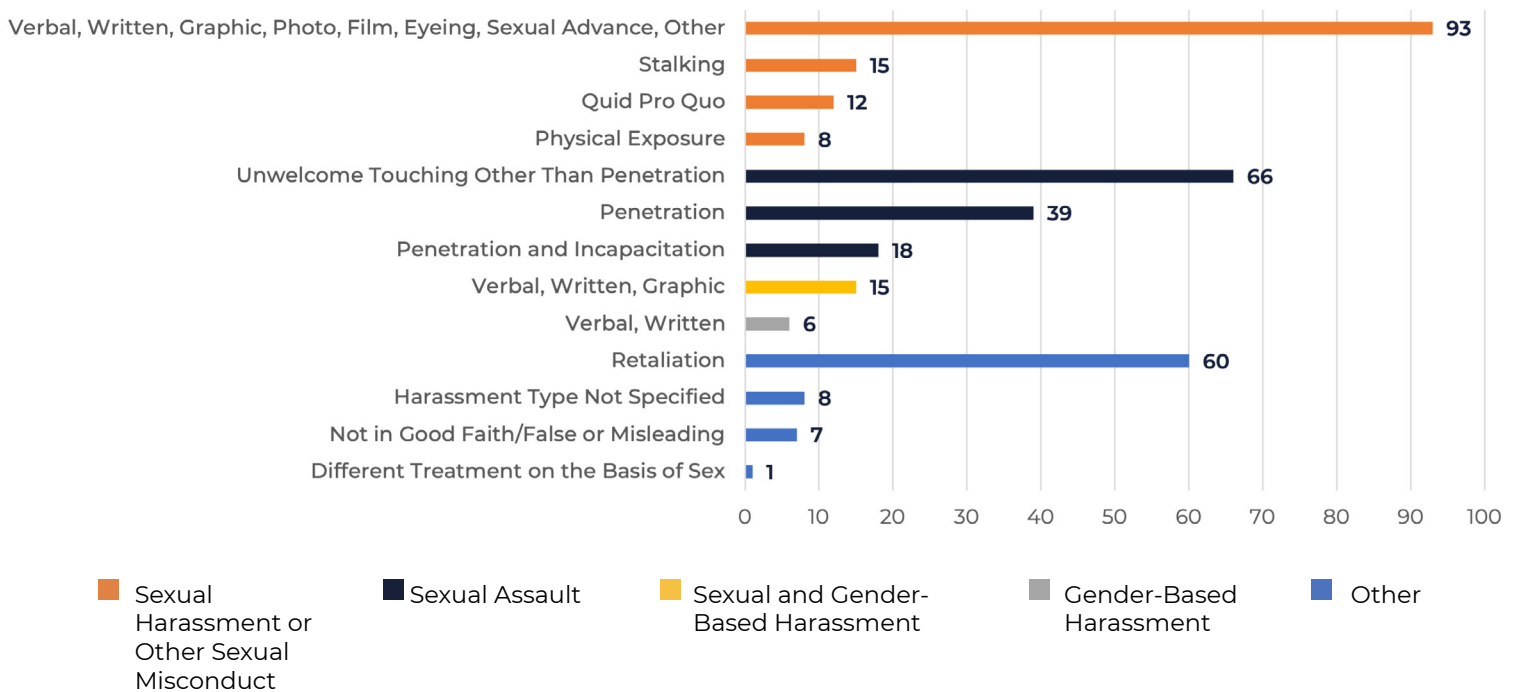


Figure 6. Complainant Status, Focusing on Allegations of Sexual Assault, FY15-FY21 (N = 123)

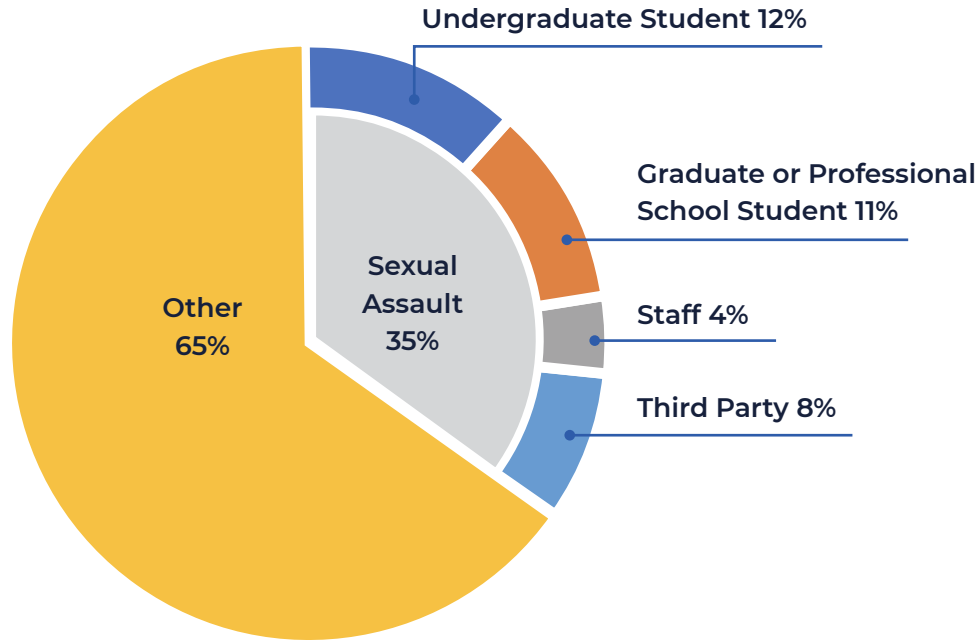


Figure 7. Respondent Status, Focusing on Allegations of Sexual Assault, FY15-FY21 (N = 123)

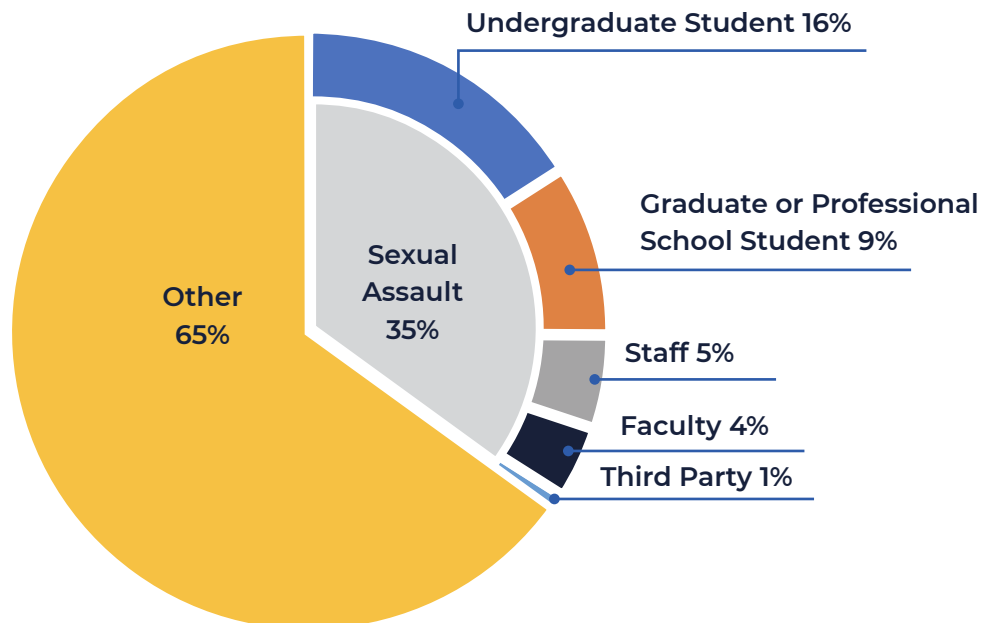


Figure 8. Sexual and/or Gender-Based Harassment or Other Sexual Misconduct Allegations (Not Including Sexual Assault) by Complainant Status, FY15-FY21 (N = 149)

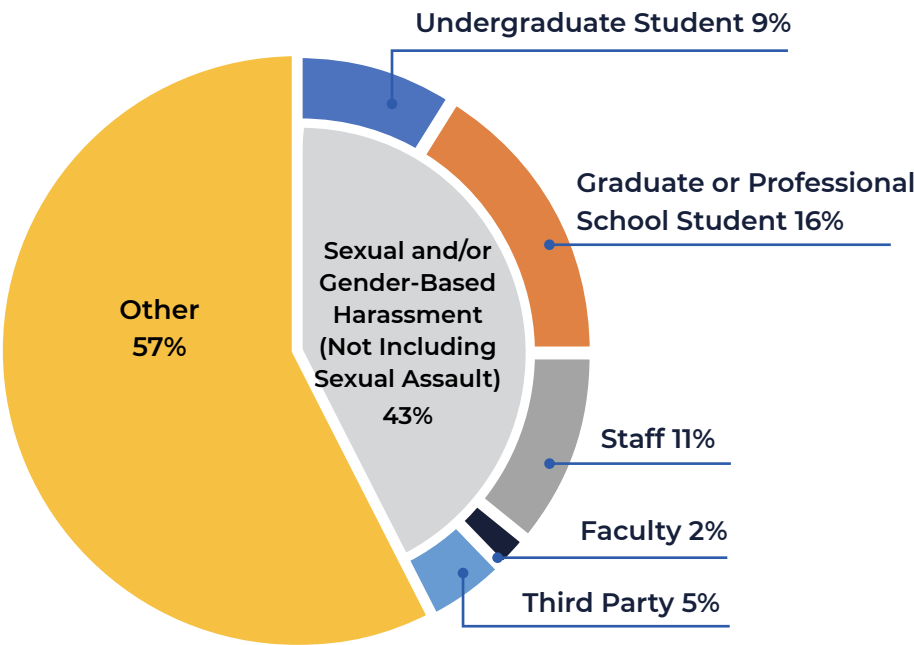


Figure 9. Sexual and/or Gender-Based Harassment or Other Sexual Misconduct Allegations (Not Including Sexual Assault) by Respondent Status, FY15-FY21 (N = 149)

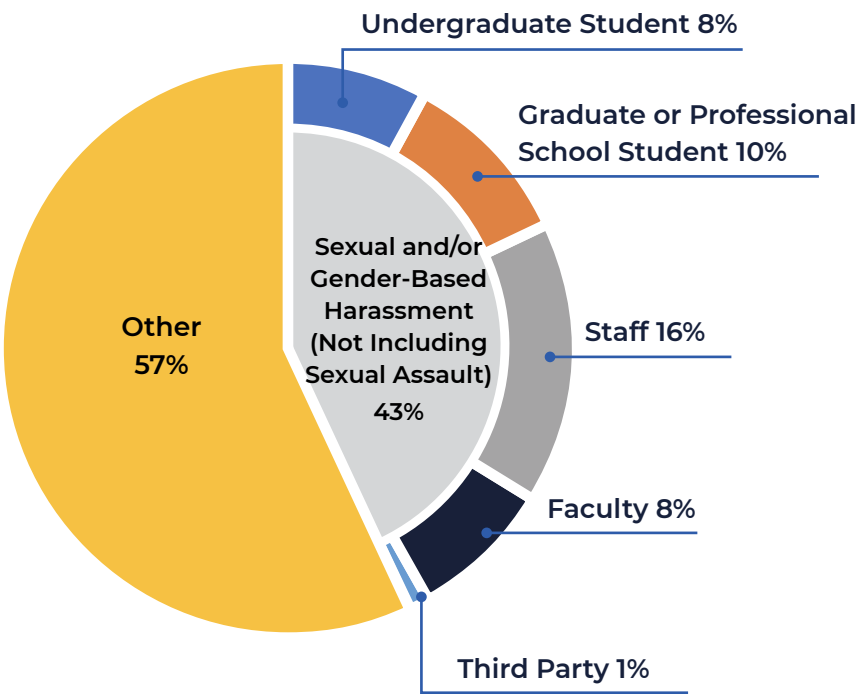
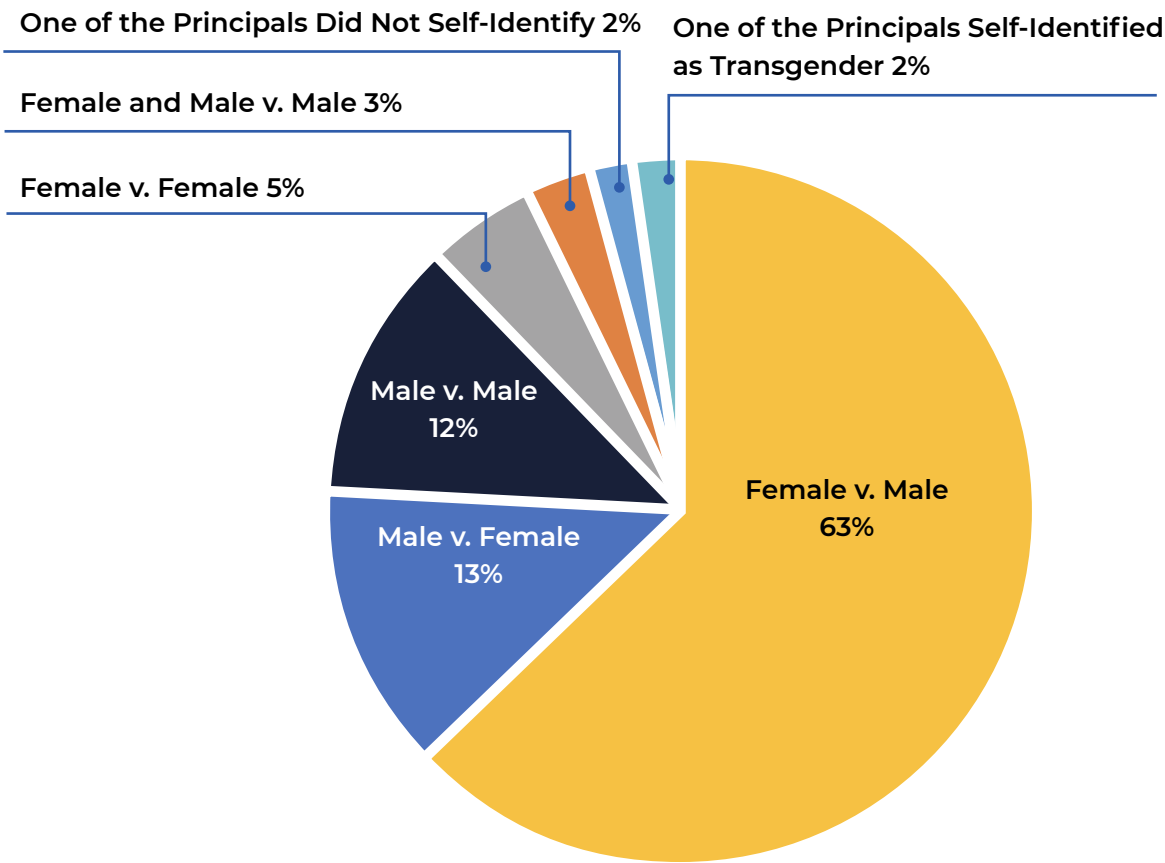


Figure 10. Gender²⁶ of the Principals, Complainant v. Respondent, FY15-FY21 (N = 245)



26 Using self-identification.



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 even if true, the conduct alleged would not be a violation of the Sexual and Gender-Based Harassment Policy. (See "Initial Review" below.)

Complainant: A person who files a complaint with ODR or the University Title IX Coordinator, as applicable, alleging that they experienced sexual or gender-based harassment, or in the special circumstances described in the procedures applicable to cases under the Sexual and Gender-Based Harassment Policy, a School or unit Title IX Resource Coordinator or designee.

Complaint (or "Formal Complaint"): A written and signed statement alleging a violation of Harvard University policies prohibiting sexual harassment or other sexual misconduct. For Complaints under the Interim Other Sexual Misconduct Policy or the Sexual and Gender-Based Harassment 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 or the University Title IX Coordinator, as applicable, starts the formal complaint process.

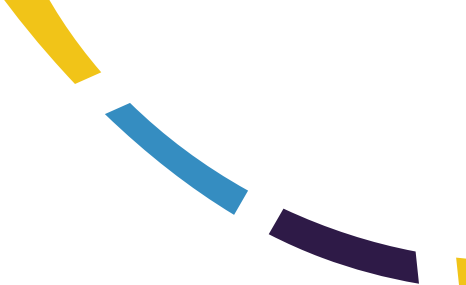
Designee: See "Investigative Team," defined below.

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

Dismissal: When an investigation is not opened because even if true, the conduct alleged would not be a violation of the Interim Other Sexual Misconduct Policy or the Interim Title IX Sexual Harassment Policy.

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 Resource Coordinator, the University Title IX Coordinator, or ODR, addresses those allegations through a written agreement that is mutually acceptable to both parties, the School or unit Title IX Resource Coordinator, and the University Title IX Coordinator or the Director of ODR in consultation with the University Title IX Coordinator. At any point prior to such resolution, the party who initiated the request may withdraw the request for informal resolution. Ordinarily, the informal resolution process will be concluded within two to three weeks of the date of the request. If the parties reach 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. Under the Interim Title IX Sexual Harassment Policy and accompanying procedures, individuals seeking informal resolution must first file a formal complaint with the University Title IX Coordinator.



Initial Review: A review of the complaint by the Investigative Team to determine whether the allegations, if true, would be a violation of the applicable Policy/Policies. If so, then an investigation is started. If the allegations would not be a violation of policies, the complaint is administratively closed or dismissed, as applicable. To make this decision, the Investigative Team will review the written complaint and offer to have a conversation with the complainant to gather more information about the allegation(s). During the Initial Review period, the potential respondent is not notified of the complaint in cases under the Sexual and Gender-Based Harassment Policy or the Interim Other Sexual Misconduct Policy. In cases under the Interim Title IX Sexual Harassment Policy, the parties are both notified of the complaint when it is received by the University Title IX Coordinator and sent to ODR.

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

Investigation: The process followed by a trained ODR Investigative Team to gather information in a thorough, impartial, structured, and timely way so that a decision can be made regarding the facts of a case and there can be a determination of whether there has been a violation of the applicable Policy/Policies.

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 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. For cases under the Interim Other Sexual Misconduct Policy, the Reporter is not a complainant, but a person serving as a Reporter on behalf of a School or unit may, for the purposes of the applicable procedures, serve as a party to the complaint in the absence of a complainant.

Personal Advisor: Under the conditions outlined in the applicable procedures, the parties in an ODR complaint each are 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. 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: For conduct occurring prior to August 14, 2020, Harvard University's Sexual and Gender-Based Harassment Policy. For conduct occurring on or after August 14, 2020, either the Interim Title IX Sexual Harassment Policy or the Interim Other Sexual Misconduct Policy, as appropriate.

Principals: Individuals in a complaint alleged to have been the subject of misconduct prohibited by the applicable Policy, and individuals who are alleged in a complaint to have engaged in conduct prohibited by the applicable 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 applicable 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 Resource Coordinator about potential incidents of sexual harassment or other sexual misconduct. 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 applicable Policy, but to whom the applicable Policy either applies or who may bring a complaint under the applicable procedures.

Title IX Resource Coordinator: Harvard has designated 50+ Title IX Resource Coordinators distributed across every School and unit of the University. The Resource 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 harassment or other sexual misconduct, assist in developing supportive measures, and serve as a bridge to other resources. Title IX Resource 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, visit our Title IX Resource Guide at <https://titleix.harvard.edu/resource-guide>.

- [Title IX Resource 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 \(EAP\)](#)

