STUDENT GUIDE TO HLS IN-HOUSE CLINICS

2014-2015
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INTRODUCTION

Welcome to Harvard Law School’s Clinical Legal Education Program. Through your clinical experience, you will have an opportunity to gain practical skills and engage in the critical process of reflecting on the legal system, your values, and your development as an attorney. This guidebook will provide insight into the clinical experience and your responsibilities and resources as a clinical student.

The Office of Clinical and Pro Bono Programs looks forward to working with you as you begin your professional development through participation in a clinic. You can learn more about the Clinical Programs and our clinical faculty and instructors at our website at http://www.law.harvard.edu/academics/clinical/

If you have any questions or concerns, or if you would just like to talk about your clinical experiences, including counseling and problem solving, please contact our office.

All of our advisors are able to provide general advising and counseling concerning the range of pro bono activities at HLS including clinics, externships, student practice organizations and other opportunities.

Special Advising Areas Include:

- **New clinical/student practice initiatives, clinical teaching, academic policies**
  - Lisa Dealy, Assistant Dean
  - Office of Clinical and Pro Bono Programs
  - 617-495-8313
  - dealy@law.harvard.edu

- **HLS and NY pro bono requirements, spring break pro bono trips, Helios, SPOs, law firm pro bono**
  - Lee Branson-Mestre, Associate Director
  - Office of Clinical and Pro Bono Programs
  - 617-386-1761
  - lmestre@law.harvard.edu

- **International clinical projects and SPOs**
  - Jill Crockett, Associate Director
  - Office of Clinical and Pro Bono Programs
  - 617-494-9940
  - jcrockett@law.harvard.edu

- **Externships and domestic independent clinical projects**
  - Liz Solar, Director of Externships
  - Office of Clinical and Pro Bono Programs
  - 617-495-3765
  - esolar@law.harvard.edu

- **Registration questions and student certification questions**
  - Maggie Bay, Administrative Director for Curriculum Planning
  - Office of Clinical and Pro Bono Programs
  - 617-495-5284
  - mbay@law.harvard.edu

- **N.Y. pro bono requirement, L.L.M. pro bono advising, clinical teaching, law firm pro bono**
  - Sheryl Dickey, Attorney-Advisor for L.L.M. Pro Bono Program
  - Office of Clinical and Pro Bono Programs
  - sdickey@law.harvard.edu
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<td>LL.M. Clinical Application Deadline</td>
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<td>Friday</td>
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<td>Fall Government Lawyer: Attorney General Clinic Drop Deadline</td>
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<td>Fall Harvard Negotiation and Mediation Clinic Drop Deadline</td>
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<td></td>
<td></td>
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<tr>
<td>Monday</td>
<td>September 8th</td>
<td>Spring Government Lawyer: U.S. Attorney Clinic Drop Deadline</td>
</tr>
<tr>
<td>Monday</td>
<td>October 6th</td>
<td>Last day to change clinical credits for Fall 2014</td>
</tr>
<tr>
<td>Monday</td>
<td>October 13th</td>
<td>Columbus Day: No Classes, University admin offices will be closed (Students are excused from clinical work and must notify placement.)</td>
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<tr>
<td>Friday</td>
<td>October 17th</td>
<td>Sports Law Clinic Application Deadline (Winter and Spring 2015)</td>
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<td>Monday</td>
<td>October 20th</td>
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<tr>
<td>Friday</td>
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<td>Winter 2015 Supreme Court Litigation Clinic Application Deadline</td>
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<td>Monday</td>
<td>November 3rd</td>
<td>Winter Travel Grant Funding Application Deadline</td>
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<td>Winter 2015 Continuing Clinical Application Deadline</td>
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<td>Winter 2015 Independent Clinical Application Deadline</td>
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<td></td>
<td></td>
<td>Winter – Spring Child Advocacy Clinic Drop Deadline</td>
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<td>Tuesday</td>
<td>November 11th</td>
<td>Veterans Day: Classes are in session (If clinical placement is closed, students must make up hours missed. University admin offices will be closed.)</td>
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<tr>
<td>Wednesday</td>
<td>November 26th – 28th</td>
<td>Thanksgiving Break: No Classes, University admin offices will be closed (Students are excused from clinical work and must notify placement.)</td>
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<tr>
<td>Friday</td>
<td>November 28th</td>
<td>Last Day of Fall 2014 Clinical Work</td>
</tr>
<tr>
<td>Friday</td>
<td>December 5th</td>
<td>Final Paper Due for Fall 2014 Clinical Work</td>
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<td></td>
<td></td>
<td>Winter 2015 Clinical Drop Deadline</td>
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<td></td>
<td></td>
<td>Spring Harvard Negotiation and Mediation Clinic Drop Deadline</td>
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<td>Monday</td>
<td>December 8th</td>
<td>Spring Child Advocacy Clinic Drop Deadline</td>
</tr>
<tr>
<td>Monday</td>
<td>January 5th</td>
<td>Winter 2015 Term Clinical Work Begins</td>
</tr>
<tr>
<td>Friday</td>
<td>January 9th</td>
<td>Spring Government Lawyer: Attorney General Clinic Drop Deadline</td>
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<tr>
<td>Friday</td>
<td>January 16th</td>
<td>Spring 2015 Clinical Drop Deadline</td>
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<td></td>
<td></td>
<td>Spring 2015 Continuing Clinical Application Deadline</td>
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<td></td>
<td></td>
<td>Spring 2015 Independent Clinical Application Deadline</td>
</tr>
<tr>
<td>Monday</td>
<td>January 19th</td>
<td>Martin Luther King Day: No Classes, University admin offices will be closed (Students are excused from clinical work and must notify placement.)</td>
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<tr>
<td>Friday</td>
<td>January 23rd</td>
<td>Final Paper due for Winter 2015 Independent Clinical</td>
</tr>
<tr>
<td>Monday</td>
<td>January 26th</td>
<td>Last Day of Winter 2015 Clinical Work</td>
</tr>
<tr>
<td>Monday</td>
<td>February 16th</td>
<td>Spring 2015 Clinical Work Begins</td>
</tr>
<tr>
<td>Monday</td>
<td>February 23rd</td>
<td>Presidents Day: All classes are in session. (If clinical placement is closed, students must make up hours missed.)</td>
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<td>Monday</td>
<td>March 14th – 22nd</td>
<td>Last Day to change clinical credits for Spring 2015</td>
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<tr>
<td>Friday</td>
<td>April 24th</td>
<td>Spring Break</td>
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<td></td>
<td></td>
<td>Final Paper due for Spring 2015 Independent Clinical</td>
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<tr>
<td></td>
<td></td>
<td>Spring 2015 Clinical Work Ends</td>
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</table>
ETHICS AND PROFESSIONAL RESPONSIBILITY

Professional Responsibility

As a clinical student, you are acting as a student attorney and, as such, have certain professional responsibilities to which you must adhere. The Massachusetts Rules of Professional Conduct (found at http://www.mass.gov/obcbbo/rpcnet.htm), or the rules or codes of the particular jurisdiction of your placement, apply to you. Please make sure that you are familiar with these rules and can access them during the semester. When questions or problems arise, there are many resources available to you, including your supervisor and the Office of Clinical and Pro Bono Programs.

Ethics Training

You are required to participate in the ethics training sponsored by the Office of Clinical and Pro Bono Programs. The training will provide you with information concerning your ethical obligations with regard to communication, diligence, confidentiality, and conflicts of interest. At the training you will receive a confirmation form. You are required to sign and complete the confirmation form and return it to the Office of Clinical and Pro Bono Programs in WCC 3085.

Confidentiality

The majority of students enrolled in a course for clinical credit are working in a law office environment. In accordance with Harvard Law School's Clinical Confidentiality Policy and all other applicable rules, students are bound by the same “attorney/client” confidentiality rules as staff at each clinical placement. You should plan to review the Clinical Confidentiality Policy in its entirety at the start of your clinical placement.

You will have the opportunity to discuss the ethics rules and your ethical obligations with your supervising attorney. The following is a starting point for dealing with client confidentiality:

- **At all times, you must explain to the client** that all discussed matters relating to his or her legal problem and all written materials relative to the client or case are confidential. This also applies to potential clients you interview who are seeking legal advice.

- **Do not refer to a client by name, provide identifying information, or talk about details of the case** in common areas of the office (reception area, hallway, elevators) where other clients or visitors may overhear you. This same rule applies when you are outside of the office, (such as a local restaurant), or when you're in a law school setting, such as a class. Although we encourage the integration of clinical work into the classroom, you must never write a law school paper or exam, or provide your professor with case file documentation, containing the client’s name or other identifying information about the case or client. You should also not discuss your cases with roommates, friends or family.

- **Handle case files carefully** to avoid breaching client confidentiality. You should find out from your supervisor the clinic’s protocols for handing confidential information. Whenever possible, case files and case-related documents should be kept in a locked filing cabinet in the office, not on a desktop or any place where confidential information could be viewed by someone walking by. Paper files should not be carried back and forth between the office and your home, and should not be stored at home.
More information about the Rules of Professional Conduct with regard to confidentiality can be found at: http://www.mass.gov/obcbbo/rpc1.htm#Rule 1.6

Conflicts of Interest

At the beginning of your clinical work, discuss any potential conflicts of interest with your supervisor, including any prior knowledge of the client or matter and any legal work you may have accomplished on behalf of an opposing or related party. More information about the Rules of Professional Conduct with regard to conflicts of interest can be found at: http://www.mass.gov/obcbbo/rpc1.htm#Rule 1.7

Diligence

As a student-lawyer you are expected to provide competent representation under the supervision of your supervising attorney. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. You have an obligation to your client to provide them with diligent representation. If any personal or academic conflicts arise, you must be sure to coordinate with your team and your supervisor to manage the conflict and ensure the client’s matter is addressed appropriately with the highest level of professionalism: http://www.mass.gov/obcbbo/rpc1.htm#Rule 1.3
The Office of Clinical and Pro Bono Programs oversees registration for clinics. Clinics go to great lengths to prepare projects and coordinate with potential clients. Clinics depend on enrolled students to take on this work, and therefore require that students finalize their participation earlier than is required for non-clinical courses.

Add/Drop Deadlines

Clinic add/drop deadlines are earlier than most course add/drop deadlines. In addition, some clinics have even earlier add/drop deadlines than those listed on the clinical calendar. Students should consult the clinic descriptions in the HLS course catalog for specific add/drop deadlines.

Clinic Withdrawal Deadlines

A student withdrawing from a clinic after the last day of the clinic add/drop period for the term will be considered to have withdrawn after the deadline, and the clinic will be listed on his/her transcript with a “Withdrawn after Deadline” (WD) notation. You cannot drop a multi-semester (e.g. Fall-Winter) clinical course or a Winter or Spring Clinic that has a Fall class component after the first semester’s (Fall) drop deadline.

Class work is essential to the educational program at the Law School. Regular attendance at classes and participation in class work are expected of all students, and attendance is evaluated in light of the number of days that the class meets. In the case of substantial delinquency in attendance or, unsatisfactory performance of clinic responsibilities, the Law School may, after written warning, involuntarily withdraw the student from the course, clinic, seminar, or reading group in question. Students who believe they need to miss classes for an extended period of time must speak with the Dean of Students who can assist with such situations and can help students comply with the Law School’s attendance policy and related academic policies. Students are also advised to speak with the instructor and/or the Assistant Dean for Clinical and Pro Bono Programs if appropriate.

Exceptions to the withdrawal policy are available only for a compelling reason, such as illness or unforeseen circumstances. Students must contact the Assistant Dean for Clinical and Pro Bono Programs to request an exception to this policy.

Maximum Number of Clinical Credits

In the Fall and Spring semesters, there is a limit of 4 clinical credits. In the Winter term, there is a limit of 2 clinical credits. J.D. students can only take up to 12 clinical credits, which is the maximum that can count towards the degree requirement for the J.D. degree (52 upper-level credits are needed to graduate). Students who have questions about this policy should contact the Assistant Dean for Clinical and Pro Bono Programs. Combining clinical, cross-registration, and written work credits, up to 16 credits can count towards the J.D. degree requirement. Review the HLS Academic Handbook for more information on degree requirements and credit limitations. LL.M. students should consult with the LL.M. program office for clinical credit restrictions.

Continuing Clinical

Some students ask if they can continue working on their clinical cases/projects in a subsequent semester. Students who complete the original course and clinical can arrange to continue clinical work in a subsequent semester (even into another year) by applying for a continuing clinical. Approval of the clinical supervisor and the clinic’s faculty director is required (regular clinical credit minimums/maximums apply).
**TIME COMMITMENT AND CREDITS**

When you commit to a clinical placement, you are accepting serious responsibility for real clients with legal problems. As such, be sure that you have an appropriate amount of time and energy to devote to your placement.

Clinical work involves the representation of clients, which requires serious professional and academic responsibilities. At the beginning of the semester, you will set up a schedule of clinical work hours that reflects the number of credits you are receiving. One clinical credit is awarded for every five hours of clinical work per week for twelve weeks in the fall and spring semesters.

<table>
<thead>
<tr>
<th>Terms available</th>
<th>Clinical credits</th>
<th>Hours per week</th>
<th>Hours per term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winter only</td>
<td>2 clinical credits</td>
<td>40 hours/week</td>
<td>120 hours/term</td>
</tr>
<tr>
<td>Fall, Spring</td>
<td>2 clinical credits</td>
<td>10 hours/week</td>
<td>120 hours/term</td>
</tr>
<tr>
<td>Fall, Spring</td>
<td>3 clinical credits</td>
<td>15 hours/week</td>
<td>180 hours/term</td>
</tr>
<tr>
<td>Fall, Spring</td>
<td>4 clinical credits</td>
<td>20 hours/week</td>
<td>240 hours/term</td>
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</table>

For the Winter Term, students must work full-time (40 hours per week) for the three-week term in order to attain an equivalent number of clinical hours that students perform in the fall or spring semesters.

For independent clinicals, credits are set at 2 in the Fall, Winter, and Spring semesters.

**Changing Clinical Credits**

Students enrolled in a clinic that offers variable credits may adjust their clinical credits through the add/drop section of Helios, up until the clinic’s drop deadline.

After the drop deadline has passed, students may change their clinical credits by emailing Maggie Bay in the Office of Clinical and Pro Bono Programs, up until the following deadlines (please make sure to check with your supervisor before requesting a change to your credits):

- Fall 2014 – October 6
- Winter 2015 – January 12
- Spring 2015 – February 23

After the above deadlines, all clinical credit changes must be requested by your direct clinical supervisor and submitted to the Office of Clinical and Pro Bono Programs or Maggie Bay.

**Working On-Site**

You must fulfill all of your clinical work hours on-site at your clinical externship placement. Any exceptions or deviations must be discussed in advance with your supervisor and the Office of Clinical and Pro Bono Programs.

**Holidays and Absences**

You are responsible for consistently working the required number of hours each week throughout the semester except for Thanksgiving and December holidays, fall and spring breaks. During these excused absences, which you should coordinate in advance with your placement supervisor, you are required to ensure that all casework is covered and that clients are aware of your absence.
If offices are closed for any local, state, or national holidays, and you are unable to work at your placements, discuss with your supervisor how you can make up the missed hours in order to complete the requisite clinical hours.

Any unplanned hours missed from your weekly schedule of clinical work must be made up within a reasonable period of time on a schedule developed in conjunction with your clinical supervisor.

If you are sick or otherwise unable to perform your clinical work for an extended period of time, please make sure to contact your supervisor to explain the situation and make arrangements about making up work. You should also keep the Clinical office appraised of any such situations so we can help you.
STUDENT PRACTICE RULES

Unauthorized Practice of Law

You must not identify yourself as an attorney or give the impression to clients that you are an attorney, even though you have all the responsibilities and obligations of an attorney. Always advise clients and others that you are a law student. If someone mistakenly refers to you as an attorney or otherwise indicates that they think you are an attorney, you must clarify that you are a student.

Student Certification

If court appearances are required for your clinical work, you will need to be certified to practice. The following clinics require 3:03 certification:

Harvard Legal Aid Bureau, Criminal Justice Institute, Criminal Prosecution Clinic, Education Law Clinic of TLPI, Post-Foreclosure Eviction Defense/Housing Law Clinic, Veteran’s Law and Disability Benefits Clinic, Predatory Lending and Consumer Protection Clinic, and Family Law and Domestic Violence Clinic. Certain other individual clinical placements may also require student certification.

In addition to the requirements outlined below, you must be in good standing with the university and have fulfilled all registration requirements, including having enough completed credits to be considered a 2L or 3L. If you are eligible, the Office of Clinical and Pro Bono Programs will automatically arrange for your certification. You may not be able to appear in court until you have received a copy of your certification letter. The process of requesting certification takes approximately 1-2 weeks.

Student Practice in Civil Cases, State Courts - Under Supreme Judicial Court Rule 3:03, second- and third-year law students in a clinical program may be certified to appear in the courts of Massachusetts on behalf of indigent clients in civil matters. You must have completed, or be concurrently enrolled in, a course for credit in evidence or trial practice.

Student Practice in Criminal Cases, State Courts - Under Supreme Judicial Court Rule 3:03, only third-year law students in a clinical program may be certified to appear in the Massachusetts courts in criminal matters on behalf of the Commonwealth of Massachusetts or on behalf of indigent clients. You must have completed, or be concurrently enrolled in, a course for credit in evidence or trial practice.

Student Practice in Federal Courts - Under U.S. District Court Rule 83.5.1(b) for student practice, second- or third-year law students may appear in civil proceedings when participating in a law school clinical instruction program under the supervision of a member of the district bar. In addition to the certification letter the Clinical and Pro Bono Office will produce for students on behalf of the dean of the school, students must also file with the court a certificate adhering to the rules of professional conduct and a document signed by the client authorizing the student to represent said client. Students must have completed, or be concurrently enrolled in, a course for credit in evidence or trial practice. For criminal proceedings, students must have completed a course for credit in criminal procedure. Any student who needs federal certification for their clinic is required to make a request with Maggie Bay (mbay@law.harvard.edu) of the Clinical and Pro Bono office.
CONFIDENTIAL INFORMATION

High Risk Confidential Information (HRCI)

To comply with Massachusetts law and Harvard University policy, certain types of confidential information require extra protection. Students participating in clinical placements in Massachusetts will be required to adhere to the provisions of 201 CMR 17:00: Standards for the Protection of Personal Information of Residents of the Commonwealth, which deal with High Risk Confidential information.

The full language of Massachusetts law 201 CMR 17:00 is available online at: http://www.mass.gov/ocabr/docs/idtheft/201cmr1700reg.pdf

High Risk Confidential information (HRCI) is defined as:

A person's name in conjunction with the person's Social Security number, credit or debit card, individual financial account, driver's license, state ID, or passport number, or a name in conjunction with biometric information about the named individual. High-risk confidential information also includes human subject information and personally identifiable medical information.

When handling HRCI you are required to use the following best practices:

• DO destroy paper and electronic files that contain HRCI when they are no longer needed.
• DO lock your computer when you are not using it.
• DO lock paper files containing HRCI in a filing cabinet.
• DO use remoteclinics.law.harvard.edu (for all work containing HRCI).
• DO NOT leave paper or electronic files unattended in open areas.
• DO NOT share any of your systems passwords with anyone.
• DO NOT use portable media (i.e. thumb drives) to transport HRCI.
• DO NOT email HRCI to yourself or anyone else.

If you suspect HRCI has been improperly disclosed or are ever unsure what to do, talk to your supervisor or visit: http://www.law.harvard.edu/about/administration/its/security-policies/secindex.html
Clinical Email System Policy

All J.D. and LL.M. students will have two HLS email accounts, the regular student account (astudent@jd##.law.harvard.edu) and the clinical account (astudentjd##@clinics.law.harvard.edu). Both accounts reflect the last two digits of the year of graduation.

The clinical email account must be used exclusively for work related to an HLS clinic and/or Student Practice Organization (SPO). If you are working at externship and/or pro bono organizations for HLS clinical or pro bono credit, you must adhere to the email policies of your placement organization. Many external organizations provide students with an email address to use for their work during the placement. If the placement does not provide this, you should discuss the existence of your HLS clinical account with the supervisor, and should use this account. You should not use your regular HLS or personal email accounts for externship or pro bono work.

The clinical email account has extra security measures in place to protect the confidentiality and integrity of privileged client communication and case information. These measures protect the student, the supervisor, and the clients from inadvertent disclosure of confidential information. This email account should never be used for personal or other matters unrelated to clinical work.

The clinical email account is set up in a manner designed to make the forwarding of client information extremely difficult in order to protect confidential information. Once you have completed your time at the law school, and after HLS provides adequate notice, your access to the clinical account will be terminated. Students should never send High Risk Confidential Information through any kind of email account. Instead, they should use the secure file transfer system.

You should consider whether sensitive document data, also known as metadata, should be removed from documents before sending any attachments from your clinical email account. You should always discuss this and any other issue with your supervisor if you are unsure about an appropriate course of action.

For more specifics on how to use the email system, see the HLS ITS website.
http://www.law.harvard.edu/about/administration/itsclinics/clinical-email/clinical-email-system.html
PRO BONO REQUIREMENTS

HLS Pro Bono Requirement

As a condition for graduation, Harvard Law School requires all J.D. students to contribute at least 40 hours of legal pro bono work. Our hope is that by giving back to the community, our graduates will develop a lifelong commitment to using their education and skills to contribute to the public good. You can fulfill this requirement at any point during your time at HLS. However, you must complete your work and submit all the required paperwork before spring break of 3L year. Students enrolled in a clinic during 3L spring semester are excused from this deadline. Almost all in-house clinics automatically count towards the pro bono requirement, except for those where clinical work is for a for-profit entity or project. At the end of every semester, clinical credits are automatically converted into pro bono hours at a rate of 60 hours per credit. If you are earning clinical credit you do not need to submit any pro bono forms. You will receive a notice confirming completion of the pro bono requirement after successful completion of the clinic (i.e. a passing grade has been achieved). If you have previously completed the pro bono requirement, the hours will be added to your student record. For more information about the HLS pro bono requirement go to: http://www.law.harvard.edu/academics/clinical/pro-bono/index.html

NY Pro Bono Requirement*

If you intend to take the New York Bar Exam, you will need to engage in 50 hours of pro bono service before seeking to be admitted to the New York Bar. Please note: the requirements for the HLS pro bono requirement are not the same as the New York Pro Bono requirement. You should review the New York Rule and the Frequently Asked Questions at the New York Courts website to determine whether your work at your clinical placement meets the New York Pro Bono Requirement. See link: http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml

If you plan to count your clinic hours towards the New York Pre-Admission Pro Bono Requirement, you should discuss this with your supervisor at the start of your clinical experience. As part of your Application for Admission, you will need to submit an Affidavit of Compliance signed by your Attorney Supervisor. You should confer with your supervisor about how you plan to keep track of your hours. If you plan to track your own time independently, you can utilize the model form in Appendix B and adapt it as necessary. At the conclusion of your clinical experience, you should plan on providing your supervisor with a copy of your completed and notarized Affidavit including the hours you devoted to this project. After your supervisor has had an opportunity to review your Affidavit, you should plan on asking your supervisor to sign your Affidavit of Compliance before you leave the clinic at the end of the semester.

*Please note that each state has its own eligibility and pre-admission requirements that you should be aware of as you decide which bar you plan to take after graduation. New York asks that every Applicant meet a pro bono requirement. New York also asks that students provide an affidavit from every supervisor of law-related employment including employment for academic credit or without pay. However, every bar application has a different set of requirements. You should be mindful of these requirements.
WRITTEN WORK REQUIREMENTS

HLS J.D. Written Work Requirement

Clinical writing and attorney work product from your clinical placement may satisfy option 2 of the HLS Written Work Requirement. See http://www.law.harvard.edu/academics/writing/faq.html. Clinical students’ written work must be supervised by an HLS faculty member or instructor with a Law School teaching appointment.

The clinical writing you want to use for Option 2 must be substantial. To be substantial the writing must involve original thinking and critical analysis. Clinical writing that does not qualify for Option 2 includes memos, briefs and other documents that rely on boilerplate or standard texts commonly used in that practice where only the facts of the case have changed; clinical journals or reflection pieces; and compilations or summaries of data without analysis. Jointly written papers or briefs may be used but must be at least 30 pages in length to qualify. You may use writing from a clinic and a paper from the course, workshop or seminar connected to the clinical as your two pieces of Option 2 writing. However, you will need to have two different faculty supervisors for the writing for each piece to qualify.

You will need to submit an Option 2 registration form to meet the written work requirement. The registration form can be found on the Registrar Office’s website (http://www.law.harvard.edu/academics/writing/written-work-forms-landing-page.html). Clinical writing requires the signatures of the HLS faculty member or instructor who supervised your writing and the Assistant Dean for Clinical and Pro Bono Programs. After obtaining the signature of your written work supervisor, submit the registration form to the Clinical Office with a copy of your clinical writing (with confidential and client information redacted).
TRAVEL REQUIREMENTS

DOMESTIC: If you are traveling domestically for an independent clinical, outside of the 495 corridor in Massachusetts, you must:

- Review and sign the Domestic Field Trip: Assumption of Risk and General Release Form. This form should be filed with the Office of Clinical and Pro Bono Programs: Domestic Field Trip: Assumption of Risk and General Release form.

If you are traveling domestically for an externship, outside of the 495 corridor in Massachusetts, you must:

- Review and sign the Domestic Travel Course: Assumption of Risk and General Release Form. This form should be filed with the Office of Clinical and Pro Bono Programs: Domestic Travel Course: Assumption of Risk and General Release form.

If you are traveling domestically for an in-house clinic, outside of the 495 corridor in Massachusetts, you must:

- Review and sign the Domestic Travel Course: Assumption of Risk and General Release Form. This form should be filed with the clinic: Domestic Travel Course: Assumption of Risk and General Release form.

INTERNATIONAL: If you are traveling internationally under Harvard auspices, you must, prior to departure:

- Review the HLS International Travel website;
- Register the trip through the University’s Harvard Travel Registry;
- Review, sign and return the appropriate form; for international independent clinicals you should sign the Assumption of Risk and General Release form and these should be filed with International Legal Studies office and for international travel with clinics, you should fill out the Assumption of Risk and General Release form and file this with the appropriate clinic.
- Review the services provided by Harvard Travel Assist.

In addition, you should review Harvard's Global Support Services' travel risk ratings. If you are considering travel to an area that is categorized as high-risk, you must:

- Complete and submit the Questionnaire for Graduate Student Travel which can found on the HLS International Travel website;
- Consult with Steve Taylor, Associate Director of International Safety and Security (steve_taylor@harvard.edu)

This is necessary for travel in conjunction with courses or clinics as well as independent travel. Please be aware that the Law School may advise against--and may even withhold support for--travel that is deemed to pose excessive risk.
CLOSE-OUT PROCEDURES

Transfer Memos

You should ensure that case files are updated, complete, and in good order before your clinical placement ends. In addition to advising your supervisor of the status of cases or projects, you should also write “transfer” memoranda detailing the current status of your work, documenting progress throughout the semester and indicating what needs to be done in the near future. You should discuss with your supervisor what the appropriate format and requirements are for your transfer memo.

Exit Interview

We recommend that you schedule an exit interview with your supervisor to review your transfer documentation and your final evaluation. You should also discuss any final close-out procedures your placement requires.

Clinical Email Account

You should discuss with your supervisor how to deal with any email that needs to be saved, how to upload information to the case management system, and where to file client/case related information before you leave your clinic at the end of the semester.
EVALUATIONS

Ongoing feedback and evaluation is essential in developing skills as a lawyer. To constantly improve the clinical program, we require all clinical students to complete a student evaluation at the end of the semester.

**Student Evaluation (End of Semester):**

You must complete an online Student Final Placement Evaluation at the end of the semester to assess your placement, the supervision you received, and the value of your experience. Your experiences and opinions are extremely important to our continuing efforts to improve the quality of clinical legal education at Harvard Law School and to determine the appropriateness and effectiveness of specific placements in relation to different courses. You will help us most by being as frank, specific and constructive as possible. Your responses will in no way affect your grade. The information reported will not be reviewed outside of our office until after the semester's grading process has been completed. The clinic supervisors do not see your evaluation, and the clinic directors are provided with aggregate data from the reviews (not individual names or individual reviews). The Student Final Placement Evaluation is an online evaluation accessed through HELIOS. You will receive an email from the Office of Clinical and Pro Bono Programs when the evaluation is available for you to complete. Online evaluations must be completed by the announced deadlines.

For more information about HELIOS go to:
http://www.law.harvard.edu/academics/registrar/helios/
WCC BUILDING (1585 MASS. AVE)

IN-HOUSE CLINICS
Criminal Justice Institute (Suite 5116)
Child Advocacy Program (Suite 4133)
Cyberlaw Clinic (3125)
Education Law Clinic of TLPI (Suite 4105)
Emmett Environmental Law & Policy Clinic (Suite 4119)
Food Law and Policy Clinic of CHLPI (Suite 3130)
Harvard Immigration and Refugee Clinical Program (Suite 3103)
Health Law and Policy Clinic of CHLPI (Suite 3130)
International Human Rights Clinic (Suite 3139)
Transactional Law Clinics (Suite 4103)
/Public entrance at 6 Everett St./

STUDENT PRACTICE ORGANIZATIONS
Harvard Defenders (WCC, Suite 5110)
Harvard Immigration Project (WCC, Suite 3103 at Harvard Immigration and Refugee Clinic)
Harvard Law Entrepreneurship Project (WCC, Suite 3130)
Harvard Mississippi Delta Project (WCC, Suite 3130)
Harvard Prison Legal Assistance Project (WCC, Suite 5107)
HLS Advocates for Human Rights (WCC, Suite 3129 at the International Human Rights Clinic)
Recording Artists Project (WCC, Suite 4103 at the Transactional Law Clinics)
Tenant Advocacy Project (WCC, Suite 5123)

23 EVERETT STREET
Harvard Legal Aid Bureau
Cyberlaw Clinic
Project No One Leaves
(At Harvard Legal Aid Bureau)

POUND HALL (1583 MASS. AVE)
Harvard Negotiation and Mediation Clinical Program (Suite 513)
Shareholders Rights Project
Harvard Mediation Program (Pound Hall, Suite 521, Harvard Negotiation and Mediation Clinical Program)
Harvard Negotiators (Pound Hall, Suite 513, Harvard Negotiation)

HLS CLINICAL FACILITIES ON MAIN CAMPUS

CLINICS AT THE WILMERHALE LEGAL SERVICES CENTER
122 BOYLSTON STREET, JAMAICA PLAIN, MA

Family and Domestic Violence Clinic
Food Law and Policy Clinic
Post-Foreclosure Eviction Defense/ Housing Clinic
Predatory Lending/Consumer Protection Clinic
Veterans Law and Disability Benefits Clinic

*The Legal Services Center is located at 122 Boylston Street in Jamaica Plain, directly next to the Stony Brook MBTA stop on the T’s Orange Line. (Please note that the building is set back from the street and has an expansive front lawn.) Transportation to and from Cambridge is quite easy; you should allocate approximately 45-60 minutes by MBTA and about 30 minutes by car, depending on traffic.
APPENDIX A:

Harvard Law School Non-Discrimination and Sexual Harassment Policies

Notice of Non-Discrimination

The Harvard Law School does not discriminate against any person on the basis of race, color, creed, national or ethnic origin, age, sex, sexual orientation, marital or parental status, handicap, source of income, or status as a Vietnam-era or disabled veteran in admission to, access to, treatment in, or employment in its programs and activities.

The Harvard Law School makes one exception to this policy. Under threat of loss of funding to the University resulting from the Solomon Amendment, the Law School has suspended the application of its nondiscrimination policy to military recruiters. Although the U.S. military’s “Don’t Ask Don’t Tell policy” was officially repealed in 2011, the repeal did not apply to transgendered individuals, against whom the military may still discriminate. This exception to the School’s policy for military recruiters does not in any way reflect acceptance of, or agreement with, discriminatory hiring practices.

Inquiries regarding the application of the Law School’s non-discrimination policy may be referred to the following Law School coordinators of that policy:

- **LL.M. and S.J.D Admissions:** Jeanne Tai, Assistant Dean for the Graduate Program and International Legal Studies. WCC 5005, 617-496-4849
- **J.D. Admissions:** Austin Hall, 2nd Floor: 617-495-3179
- **Students:** Ellen Cosgrove, Dean of Students. WCC 3039: 617-495-1880
- **Faculty and Staff:** Francis X. McCrossan, Dean for Administration. Griswold 201: 617-495-4641

Inquiries concerning the application of non-discrimination policies regarding race, color, national origin, age, sex, or handicap may also be referred to:

Regional Director
Office for Civil Rights
U.S. Department of Education
J.W. McCormack POCH, Room 222
Boston, MA 02109-4557

- Adapted from the HLS Handbook of Academic Policies, 2010-2011
INTERIM\(^1\) SEXUAL HARASSMENT POLICY AND PROCEDURES

Introduction

I. Prohibited Harassment

A. Sexual and Gender-Based Harassment
B. Harassment in Connection with Faculty-Student Relations

II. Procedures For Implementing Harassment Policies and For Discipline

A. Information and Advice
B. Procedures Concerning Alleged Harassment by a Law Student
C. Procedures Concerning Alleged Harassment by Faculty, Staff, Other Appointees, and Employers in Connection with Recruitment
   1. Informal Resolution
   2. Formal Complaints

Designated Law School and University Contacts

INTRODUCTION

Harvard Law School is committed to maintaining a safe and healthy educational and work environment in which no member of the Law School community is, on the basis of sex, sexual orientation, or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any Law School program or activity.

The policies and procedures provided below are designed to ensure a safe and nondiscriminatory educational and work environment and to meet legal requirements, including: Title IX of the Education Amendments of 1972; the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964; and Massachusetts laws that prohibit discrimination on the basis of sex, sexual orientation, and gender identity. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by appropriate decision-makers under relevant procedures.

Retaliation against an individual for raising an allegation of sexual or gender-based harassment, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited and may result in discipline. Submitting a complaint that is not in good faith, or providing false or misleading information in any investigation of complaints, is also prohibited and may result in discipline.

The policies and procedures provided below uphold traditions of academic freedom and uncensored debate on matters of public concern. They effect no compromise of freedom of thought, inquiry, or debate. Rather, they seek to ensure an environment in which education, work, research, and discussion are not corrupted by sexual and gender-based harassment. Nothing in them shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University’s and the Law School’s educational mission.

\(^1\) These policies and procedures, effective as of Academic Year 2014-15, have been promulgated on an interim basis to harmonize Harvard Law School’s sexual harassment policy and procedures with Harvard University’s recently adopted policy and procedures. They are subject to change prior to finalization.
I. PROHIBITED HARASSMENT

A. Sexual and Gender-Based Harassment

As defined in the Harvard University Sexual and Gender-Based Harassment Policy (“University Policy”), sexual and gender-based harassment are prohibited.

Persons to whom policy applies: The University Policy applies to all Harvard students, faculty, and staff, or third parties, whenever the misconduct occurs: (1) on Harvard property, or (2) off Harvard property if (a) the conduct was in connection with a University or University-recognized program or activity, or (b) the conduct may have the effect of creating a hostile environment for a member of the University community.

Harassment Defined: The University Policy, fully incorporated herein, defines prohibited harassment as follows:

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when: (1) submission to or rejection of such conduct is made either explicitly or implicitly a condition of an individual’s employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement (quid pro quo); or (2) such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person’s ability to participate in or benefit from the University’s education or work programs or activities (hostile environment).

Quid pro quo sexual harassment can occur whether a person resists and suffers the threatened harm, or the person submits and avoids the threatened harm. Both situations could constitute discrimination on the basis of sex.

A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. In addition, the following conduct may violate this Policy:

- Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties
- Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipient(s)
- Sexual advances, whether or not they involve physical touching
- Commenting about or inappropriately touching an individual's body

2 http://diversity.harvard.edu/pages/title-ix-sexual-harassment
• Requests for sexual favors in exchange for actual or promised job benefits, such as favorable
reviews, salary increases, promotions, increased benefits, or continued employment
• Lewd or sexually suggestive comments, jokes, innuendoes, or gestures
• Stalking

Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment if the conduct
is sufficiently persistent, pervasive, or severe so as to deny a person equal access to the University’s
programs or activities. Whether the conduct creates a hostile environment may depend on a variety of
factors, including: the degree to which the conduct affected one or more person’s education or
employment; the type, frequency, and duration of the conduct; the relationship between the parties;
the number of people involved; and the context in which the conduct occurred.

Unwelcome Conduct

Conduct is unwelcome if a person (1) did not request or invite it and (2) regarded the unrequested or
uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not
necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly
participates in conduct on one occasion does not necessarily mean that the same conduct is welcome
on a subsequent occasion.

Whether conduct is unwelcome is determined based on the totality of the circumstances, including
various objective and subjective factors. The following types of information may be helpful in making
that determination: statements by any witnesses to the alleged incident; information about the relative
credibility of the parties and witnesses; the detail and consistency of each person’s account; the
absence of corroborating information where it should logically exist; information that the Respondent
has been found to have harassed others; information that the Complainant has been found to have
made false allegations against others; information about the Complainant’s reaction or behavior after
the alleged incident; and information about any actions the parties took immediately following the
incident, including reporting the matter to others.

In addition, when a person is so impaired or incapacitated as to be incapable of requesting or inviting
the conduct, conduct of a sexual nature is deemed unwelcome, provided that the Respondent knew or
reasonably should have known of the person’s impairment or incapacity. The person may be impaired
or incapacitated as a result of drugs or alcohol or for some other reason, such as sleep or
unconsciousness. A Respondent’s impairment at the time of the incident as a result of drugs or alcohol
does not, however, diminish the Respondent’s responsibility for sexual or gender-based harassment
under this Policy.

Gender-Based Harassment

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile
conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving
conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it
interferes with or limits a person’s ability to participate in or benefit from the University’s education
or work programs or activities. For example, persistent disparagement of a person based on a
perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual
orientation or gender identity also may violate this Policy.
Commentary

(i) Although the University Harassment Policy applies to third parties, the University and the Law School may have only a limited ability to address alleged violations committed by third parties who lack an institutional connection to the University and its Schools and Units.

B. Harassment in Connection with Faculty-Student Relations

No Law School faculty member shall have romantic or sexual relations with a student who is enrolled in a course taught by that faculty member, or who is otherwise subject to the faculty member’s academic supervision. A student is considered enrolled in a faculty member’s course until such time as a final grade for the course has been submitted to the Registrar; other forms of academic supervision conclude upon the submission of a final grade to the Registrar (where applicable) or upon the student’s completion of all supervised work.

Commentary

(i) The University Harassment Policy does not include provisions specifically addressing faculty-student interactions. Nonetheless, romantic or sexual relations between Law School faculty and their students create the appearance of favoritism and are fraught with potential for actual favoritism and for quid pro quo sexual harassment. To some extent, the potential for favoritism and actual or apparent abuse of power may exist whenever a faculty member solicits or enters a relationship with a student, even if the student is not currently enrolled in a course taught by, or under the supervision of, the faculty member. But no bright line marks the point at which the potential for abuse of power disappears, since students may rely on the recommendations of former teachers throughout their professional careers. In addition, both faculty and students must be presumed to be responsible adults entitled to make personal decisions concerning intimate relationships. A prohibition limited to the period in which a student is subject to being officially graded or otherwise academically supervised by a faculty member reflects an appropriate middle course.

(ii) Conduct amounting to sexual or gender-based harassment can occur in the context of faculty-student romantic or sexual relations outside a supervisory relationship. Thus, compliance with the Law School’s policy on faculty-student relations does not preclude a finding that a faculty member has violated the University Policy.

(iii) For purposes of this provision, “faculty member” includes visiting professors, instructors, and anyone with responsibility for evaluating student performances for Law School grades or academic credit.

(iv) The Law School Dean may grant an exception to this policy in extraordinary cases.
II. PROCEDURES FOR IMPLEMENTING HARASSMENT POLICIES AND FOR DISCIPLINE

Effective as of July 2014, Harvard University has adopted Procedures for Handling Complaints Involving Students Pursuant to the Sexual Harassment Policy (“University Procedures”): http://diversity.harvard.edu/pages/title-ix-sexual-harassment. The University Procedures govern allegations of sexual and gender-based harassment committed by Harvard students, including law students. These procedures differ in important respects from the Implementation and Enforcement Procedures previously adopted by the Law Faculty in April 1995.

Section A describes the resources available to persons who believe they have been subjected to sexual or gender-based harassment. Section B sets out informal resolution and formal complaint procedures pertaining to allegations of harassment committed by law students. Section C sets out informal resolution and formal complaint procedures pertaining to allegations of harassment committed by faculty, staff, other Law School appointees, or employers who make use of HLS recruitment services.

Training: The procedures below identify various Law School bodies and offices with responsibility for investigating or issuing discipline in connection with claims of sexual and gender-based harassment. Members of these bodies and occupants of these offices shall receive training appropriate to their respective responsibilities.

Interim Measures: Interim measures may be considered and implemented at any time at which Law School officials with responsibility for addressing matters pertaining to sexual or gender-based harassment have reason to conclude that implementation would be appropriate to ensure a safe and healthy educational and work environment. These measures may include: restrictions on contact, course-schedule or work-schedule alteration, changes in housing, leaves of absence, or increased monitoring of certain areas of campus. Ordinarily, such measures will be considered and implemented by the Dean of Students, the Law School’s Title IX Coordinator, or a Deputy Coordinator in consultation with, as appropriate, the Law School Dean and the Harvard University Office of the General Counsel. An involuntary leave of absence will not be imposed on a law student as an interim measure except in conformity with applicable Law School guidelines.3

A. Information and Advice

Any Law School student or staff or faculty member who has a concern, inquiry, or complaint regarding prohibited sexual harassment may seek information and advice concerning applicable harassment policies, formal and informal grievance procedures, and counseling and other available services.

For information and advice, members of the Law School community may contact the Law School’s Title IX Coordinator or Deputy Title IX Coordinators, or the Harvard University Office for Sexual and Gender-Based Dispute Resolution (“ODR”). Contact information for these and other officials is provided below. They may also contact any other Law School or University officer, who shall refer the matter as appropriate.

The Law School Title IX Coordinator and Deputy Coordinators can provide information regarding the availability of institutional counseling and support, and procedures pertaining to informal and formal proceedings to resolve harassment allegations. Upon request or if appropriate, the Title IX Coordinator or Deputy Coordinator can also provide advice concerning the ways in which statements or filings through which informal and formal proceedings are commenced might be stated or drafted.

A person seeking information and advice may request anonymity. However, if, after taking into account the person’s desire for anonymity, the Law School’s and the University’s need to provide a non-discriminatory environment and an alleged harasser’s right to have notice of allegations, the Law School’s Title IX Coordinator, a Deputy Coordinator or ODR officials may determine that there is a need to further investigate the matter that in turn might require that the person’s identity be disclosed. Prior to any such disclosure, the person shall be notified of the need for disclosure.

Subject to restrictions on the manner of participation of advisers in the disciplinary process set by appropriate University and Law School officials, a complainant, as well as anyone alleged to have engaged in harassment, may be assisted by an adviser of his or her choosing at any stage of the informal or formal complaint process, except that no person who is involved in, or related to anyone involved in, the relevant matter may serve in such a capacity. The Law School Title IX Coordinator and Deputy Coordinators can, upon request, assist in identifying Law School students, faculty, or staff who might be willing to serve as an adviser. The Law School will not ordinarily furnish counsel or pay advisers’ fees. Nonetheless, in proceedings on formal complaints involving students, the Law School will attempt to assist a student who needs and desires but cannot afford counsel. The Title IX Coordinator or a Deputy Coordinator may apprise the alleged harasser of counseling or other relevant services available through the Law School.

B. Procedures Concerning Alleged Harassment by A Law Student

University Procedures: Requests for Informal Resolution and Formal Complaints: In addition to or apart from seeking information and advice, any Harvard student, faculty, staff, or third party who believes he or she has been directly affected by conduct of a Harvard student that constitutes prohibited sexual or gender-based harassment (an “Initiating Party”) may seek informal resolution, or may file a formal complaint.

The procedures for informal resolution and formal complaint with respect to alleged harassment by a Harvard student are detailed in the Harvard University’s Procedures for Handling Complaints Involving Students Pursuant to the Sexual Harassment Policy
Informal Resolution: An Initiating Party may request an informal resolution of allegations of sexual or gender-based harassment against a student. Such a request should be directed either to the Law School’s Title IX Coordinator, a Deputy Title IX Coordinator, or to the University’s Title IX Officer. The official to whom the request is directed must determine whether informal resolution is appropriate in light of the severity of the alleged harassment and the potential risk of a hostile environment for others in the community. Depending on the official contacted, the matter will be investigated either by the Law School’s Title IX Coordinator or his or her designee, one of the HLS Deputy Title IX Coordinators or his or her designee, or an investigator appointed by the Title IX Officer. Such a matter will be deemed satisfactorily resolved only when both parties expressly agree to an outcome, and that outcome is approved by the Law School’s Title IX Coordinator. At any point prior to a final agreement resolving the allegations, the Initiating Party may withdraw the request for informal resolution and initiate a formal complaint. Ordinarily, the informal resolution process will be concluded within three weeks of the date of the request. If the process is expected to take longer, the Law School Title IX Coordinator shall inform the parties.

Formal Complaint: An Initiating Party may alternatively file a formal complaint of harassment against a student. The complaint should be filed directly with ODR, which will in turn notify the Law School’s Title IX Coordinator. The complaint will be investigated by an Investigative Team that consists of an Investigator assigned by the University’s Title IX Officer and a person designated by the Law School. The Investigative Team must initially determine whether the allegations warrant investigation or administrative closure. Where an investigation is deemed warranted and completed, it will result in the issuance of a Final Report. The Report will contain findings of fact and a conclusion as to whether the student has committed sexual or gender-based harassment.

Relation of University Procedures to Law School Discipline: The Law School remains responsible for student discipline through its Administrative Board (“Board”). Nonetheless, any disciplinary proceedings against a student based on a formal complaint of sexual or gender-based harassment must be conducted in a manner consistent with the University Procedures. Accordingly, the following disciplinary procedures will apply to allegations of sexual or gender-based harassment brought against a law student. Because, as provided below, the Board is bound by the findings and conclusions contained in a Final Report issued by ODR, whenever a formal complaint of harassment is filed against a law student, the Law School’s Title IX Coordinator or a Deputy Title IX Coordinator shall explain to the Complainant and the alleged harasser the significance of the ODR-led investigation for any subsequent Law School disciplinary proceedings.

Referral of Matters Before the Administrative Board: If, in any disciplinary proceeding against a law student before the Board that is not based on an allegation of sexual or gender-based harassment, the Board Chairperson concludes that the alleged disciplinary infraction(s) might constitute such harassment, the Chairperson shall ordinarily suspend the Board proceedings and refer the matter to the Law School’s Title IX Coordinator and the University Title IX Officer for investigation and resolution according to the University Procedures. The Board Secretary shall promptly notify all concerned parties of the suspension and referral. If,
however, a disciplinary proceeding against a student before the Board includes both violations of the University Policy and a serious violation of another Law School policy, the proceedings regarding the violation of the other policy may continue at the discretion of the Board Chairperson, in consultation with the Title IX Officer. The Board Chairperson and the Title IX Officer may combine the investigations at their discretion.

If a referral results in a request for an informal resolution, the matter will be resolved in accordance with the relevant provisions in the University Procedures, including the procedure for approval of agreements described below. If a referral results in a formal complaint and a Final Report issued by ODR, the Board shall take cognizance of the Report under the procedures described below.

**Disciplinary Proceedings Following the Resolution of a Formal Complaint of Harassment: Non-Reviewability of Final Reports:** Whenever a formal complaint of sexual or gender-based harassment against a law student results in the issuance by ODR of a Final Report, any formal disciplinary proceeding before the Board against that student based on conduct addressed by the Report—regardless of whether the proceeding was commenced prior or subsequent to the filing of the formal complaint—must accept as final and non-reviewable the Report’s findings of fact and its conclusions as to whether a violation of the University Harassment Policy has occurred.

**Disciplinary Proceedings Following the Resolution of a Formal Complaint of Harassment That Results in a Finding of No Policy Violation:** Whenever ODR issues a Final Report concluding that a law student has *not* committed sexual or gender-based harassment, the Law School’s Title IX Coordinator shall forward the Report to the Board Secretary.⁴ Although the Report’s conclusion obviates the possibility of discipline for sexual or gender-based harassment, if, on the basis of the factual findings contained in the Report, the Board concludes that it is reasonably likely that a disciplinary infraction other than sexual or gender-based harassment by the student alleged to have committed harassment, or by any other law student, can be established by clear and convincing evidence, the Board may initiate formal proceedings by a written charge which explains the nature of the alleged infraction.⁵ Any such proceedings shall be conducted in accordance with otherwise applicable Board Procedures.

⁴ If either party invokes the right to appeal a decision contained in a Final Report granted by the University Procedures, the Law School’s Title IX Coordinator shall not deliver the Final Report until the appeal has been resolved.

⁵ The reference to “any other law student” allows for the possibility that a Final Report might contain findings indicating a possible disciplinary violation, not involving sexual or gender-based harassment, committed by a law student other than the student(s) against whom the formal complaint of harassment was filed.
Disciplinary Proceedings Following the Resolution of a Formal Complaint of Harassment That Results in a Finding of A Policy Violation: Whenever ODR issues a Final Report concluding that a law student has committed sexual or gender-based harassment, the Law School’s Title IX Coordinator shall forward the Report to the Board Secretary. If formal disciplinary proceedings have not already been initiated (as would be the case if the matter had been referred by the Board to ODR under the referral procedures discussed above), the Board shall initiate such proceedings by a written charge unless there is no basis for concluding that the violation, as found in the Final Report, might warrant Reprimand, Suspension, Dismissal or Expulsion.

(1) The Board Secretary shall promptly provide copies of the charge to the law student found to have committed sexual or gender-based harassment (“Respondent”) and to the party who initiated the formal complaint (“Initiating Party”). The Board Secretary shall also make available to the parties any public announcements or reports of the Board or faculty relating to past disciplinary cases.

(2) Within seven calendar days of receiving the charge, the Initiating Party and the Respondent may each submit a written filing to the Board Secretary, not to exceed ten pages in length, double-spaced, written in the party’s own words. Neither party is required to do so. Upon submission, the Board Secretary will furnish a copy of the filing to the other party. Thereupon, each party shall have three calendar days in which to submit to the Board Secretary a written response to the other party’s initial submission, which response may not exceed three pages in length, double-spaced.

(a) Because the Board may not review the Final Report’s factual findings, any filing submitted to the Board may not challenge the validity of those findings. The Board’s function is limited to determining, on the basis of the Final Report’s findings and conclusions, whether to discipline the Respondent, and whether that discipline should take the form of Reprimand, Suspension, Dismissal, or Expulsion. Subject to the foregoing constraint, the parties may submit anything they think is relevant to appropriate discipline. For example, the victim might wish to describe the impact of the relevant events on his or her work and life, and the respondent might wish to describe any mitigating factors of which the Board should take account in determining discipline. In deciding the appropriate sanction, the Board may consider facts contained in the Final Report relevant to: the intent with which the Respondent acted, the nature and degree of harm caused by the Respondent’s actions, other acts of harassment (if any) committed by the Respondent, the need for deterrence and such other factors as reason and justice may require.

If either party invokes the right to appeal a decision contained in a Final Report granted by the University Procedures, the Law School’s Title IX Coordinator shall not deliver the Final Report until the appeal has been resolved.
(b) A written filing with the Board may allege a fact or circumstance not addressed in the Final Report only if: (1) the fact or circumstance is potentially relevant to the issue of discipline; (2) the fact or circumstance was presented to the ODR’s Investigative Team prior to the issuance of the Final Report; and (3) the fact or circumstance, if established, would not contradict, either directly or indirectly, any finding in the Final Report.\(^7\)

The party submitting the filing bears the burden of establishing that each of these conditions has been satisfied, and any doubts will be resolved by the Board in favor of declining to credit the alleged fact or circumstance. In the event that the Board requires additional information pertaining to an alleged fact or circumstance that satisfies the conditions set forth herein, it may take appropriate steps to solicit that information. The Board may not base its disciplinary decision on a fact or circumstance that is not contained in the Final Report unless it finds that the fact or circumstance is established by a preponderance of the evidence and does not conflict with any finding of the Final Report.

(3) Disciplinary cases are normally heard by the full Board. Either the Initiating Party or the Respondent may ask any member of the Board to recuse him- or herself for cause. At the request of the student who has requested recusal, a member who recuses him- or herself shall be replaced by an alternate member.

(4) Board decisions on discipline are determined by a majority vote of sitting members. In case of a tie vote, the vote of the majority of faculty members and administrative officers shall determine the outcome.

(5) If the Board votes to impose discipline, it shall issue a written decision (“Decision”) that includes, where appropriate, a statement of the reasons for the sanction imposed.

(6) In all cases in which the Board determines that the appropriate disciplinary measure is Dismissal or Expulsion, a faculty Committee shall review the Decision. The Committee will consist of six law school faculty designated by the Dean of the Law School. In addition, the Board Chairperson shall serve as an \textit{ex officio}, non-voting member. No student shall be expelled or dismissed except by a vote of at least two-thirds of the voting members of the Committee.

\(^7\) Nothing in these procedures precludes a party from asking the Title IX Officer to re-open a concluded investigation based on the discovery of new evidence that could not reasonably have been discovered prior to the conclusion of ODR proceedings with respect to a formal complaint.

HLS Externship Program Supervisor Handbook
In reviewing the Board’s disciplinary decision, the Committee must accept the findings and conclusions contained in the Final Report. The Committee shall not modify any additional finding of fact made by the Board unless it concludes that the finding was clearly erroneous, and shall not modify the Board’s disciplinary decision unless it concludes that the decision constitutes an abuse of discretion. If the Committee determines, under these standards, that modification of the Board’s decision is appropriate, it shall remand the matter to the Board with instructions either to increase or decrease the severity of discipline.

(7) In all cases in which the sanction voted by the Board is other than Dismissal or Expulsion, the Decision of the Board shall normally be final. However, the Board Chairperson, in his or her discretion, may present the Board’s Decision to the faculty Committee for consideration. Before considering the merits of the Board’s Decision, the faculty Committee shall first decide by majority vote whether the Decision raises such important and novel issues of policy or is made under such other extraordinary circumstances that the Committee must consider the matter. If the Committee votes to consider the Decision, it shall review it on the same terms as a Decision to dismiss or expel a student.

Commentary

(i) Under the University Procedures, any disciplinary proceeding brought against a law student for violations of the University’s Harassment Policy must accept as final and non-reviewable the findings of fact and conclusions as to the presence of a violation contained in the ODR’s Final Report. It is expected that, in the vast majority of cases, the Final Report will reflect the Investigative Team’s consideration of all the facts and circumstances potentially relevant to determining whether (and, if so, how) the Respondent violated the University’s Harassment Policy. In such cases, there will be no need or opportunity, except as set out in (B)(2)(b), for facts or circumstances pertaining to the alleged violation to be brought before the Board. Instead, the sole function of the Board will be to consider the appropriate discipline based on the findings and conclusions set forth in the Final Report. Hence the procedures governing the Board’s handling of discipline for law students deemed in a Final Report to have violated the University’s Harassment Policy depart substantially from the procedures used by the Board in other disciplinary proceedings, in which the Board is primarily responsible for investigation.

(ii) These procedures nonetheless provide a narrow mechanism by which either party can bring a new fact or circumstance before the Board. The procedure is designed, however, to insure that in no case shall any of the findings or conclusions of the Final Report be reconsidered or disregarded. The Board will not consider proffered facts or circumstances that are inconsistent with the facts found in the Final Report. Moreover, the party seeking to bring a fact or circumstance to the Board’s attention must demonstrate that the fact or circumstance in question was raised with the Investigative Team, yet was not in addressed, explicitly or implicitly, in the Final Report. If an alleged fact or circumstance is found to be unproven, that finding suffices as having “addressed” the fact or circumstance, and hence cannot be revisited by the Board.
C. Procedures Concerning Alleged Harassment by Faculty, Staff, Other Appointees, and Employers in Connection with Recruitment

The following procedures apply to allegations against Law School faculty of sexual and gender-based harassment, and of harassment in connection with faculty-student sexual relations. They also govern allegations of sexual or gender-based harassment by Law School staff who are not covered under the Harvard Union of Clerical and Technical Workers (“HUCTW”) agreement, by other Law School Appointees, and by employers in connection with Law School recruitment activities.

Any complainant, and anyone alleged to have engaged in prohibited harassment may be accompanied, aided, or represented by a friend, an adviser, or by counsel at any stage of the informal or formal complaint process, except that no person who is involved in, or related to anyone involved in, the matter may serve in such capacity. Upon request, the Law School’s Title IX Coordinator, or a Deputy Title IX Coordinator, will endeavor to provide names of Law School students, staff, or faculty who might be willing to serve as advisers.

1. Informal Resolution

Any member of the Law School community who believes that he or she has been subjected to sexual or gender-based harassment by a faculty member, staff, other Law School appointee, or an employer in connection with Law School recruitment activities may request the assistance of the Law School in attempting to reach an informal resolution of the grievance. The official who receives the request, or to whom the request is referred, in conjunction with the Law School’s Title IX Coordinator or a Deputy Title IX Coordinator, will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the community to determine whether informal resolution is appropriate.

**Officials to be contacted:** A member of the Law School community who may wish to have assistance in informally resolving an allegation of sexual or gender-based harassment against a faculty or staff member, another Law School appointee, or an employer who uses Law School recruitment services, may contact one of the following persons:

**Associate Dean and Dean for Faculty and Academic Affairs:** complaint about a faculty member or other Law School appointee;

**Assistant Dean and Chief Human Resources Officer:** complaint about a staff member;

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8 For ease of reference, use of the phrase “sexual and gender-based harassment” in the remainder of Section C shall be understood to include, where applicable, violations by faculty of the prohibition on harassment in connection with faculty-student romantic or sexual relations. See Section IB, above.

9 All staff members who believe they have been harassed may also invoke the procedures of the University Harassment Policy included in the Personnel Manual. Support staff members covered by the HUCTW agreement may also refer to the procedures provided in that agreement.

10 For cases in which federal law does not mandate that a party be given full discretion to choose an advisor, other laws, including state laws protecting confidential information, may further limit a party’s choice of adviser.
Assistant Dean for Career Services and Assistant Dean for Public Service: complaint about an employer in connection with Law School recruitment activities (in the case of summer employment, it is suggested that the student also enlist the help of the employer’s representative for administering the summer program);

Dean for Administration: complaint against any of the above-named officials or the Law School Dean;

Law School Dean: complaint against the Dean for Administration, or a complaint that would ordinarily be handled by one of the above-named officials except that the relevant office is vacant.

In addition, as an alternative to contacting the officers identified above,

Any member of the Law School community with a complaint about a faculty member, staff member, other Law School appointee, or employer in connection with Law School recruitment activities may contact the Law School’s Title IX Coordinator or a Deputy Title IX Coordinator.

Information: The official contacted should ascertain that the person invoking the informal resolution procedures has been apprised of available support mechanisms, of mechanisms of dispute resolution not involving informal resolution or formal complaint, of the procedures for filing requests for informal resolution and formal complaints, and of the nature of the process that such requests and complaints initiate.

Nature of informal process: A request for informal resolution, which may be made either orally or in writing, operates as a request to the official contacted either to assist in its resolution or to designate another appropriate Law School official to provide such assistance. Such a request must identify the alleged harasser(s), if the identity is known, and describe the incident(s) of alleged harassment with reasonable specificity. The Complainant must also indicate any steps that he or she has already taken to arrive at an informal resolution.

Upon receipt of a request, the official contacted, or the official to whom the matter has been referred by the official contacted, shall determine if the matter is appropriate for informal resolution. If the official is someone other than the Law School’s Title IX Coordinator, he or she shall make this determination and take the following steps in consultation with the Coordinator.

Upon determining that the matter is appropriate for informal resolution, the official will consult further with the Complainant, inform the person who is the subject of the allegations, and gather additional relevant information as necessary from the parties and others. The alleged harasser shall be given the opportunity to respond orally or in writing to the complaint. The official may supervise an exchange of views in writing between the parties in order to facilitate a mutually acceptable resolution. The exchange may be conducted in person if both parties so agree. When the allegations, if true, might constitute criminal conduct, the party against whom they are brought is hereby 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.
The official contacted by the Complainant or to whom the matter is referred, or the Law School’s Title IX Coordinator or a Law School Deputy Title IX Coordinator, should inform the alleged harasser of his or her options, rights, and obligations under University and Law School policies and procedures. The official or the Title IX Coordinator may apprise the alleged harasser of counseling or other relevant services available through the Law School. If appropriate, the official or the Title IX Coordinator should also give notice of the Law School policy providing that no person shall be subject to harassment, intimidation or retaliation of any kind for having brought a good faith complaint of sexual harassment, whether formal or informal. He or she may also apprise the alleged harasser of counseling or other relevant services available through the Law School and the University.

Confidentiality: In conducting an informal investigation and in acting as an intermediary between the informal Complainant and the alleged harasser, the official contacted or to whom the matter is referred and the Title IX Coordinator or Deputy Title IX Coordinator should maintain as much confidentiality as is reasonably practicable under the circumstances. Parties should understand that disclosure of information learned in the investigatory process may have the potential of compromising the investigation and may be viewed as retaliatory. Where appropriate, the official contacted or the person to whom a matter is referred may attempt to secure the agreement of the parties to mutually acceptable terms of confidentiality.

Resolution or conclusion: A request for informal resolution will be deemed satisfactorily resolved when both parties expressly state their agreement to an outcome that is mutually acceptable to them, to the official handling the matter, and to the Law School’s Title IX Coordinator. The incident(s) providing the basis for a request that is satisfactorily resolved may not subsequently be the subject of a formal complaint by the same Complainant against the same alleged harasser, except in cases involving a breach of the informal settlement agreement by the alleged harasser or continuing harassment.

A proceeding in connection with a request for informal resolution may also be concluded when:

the Complainant notifies the official contacted or to whom the matter is referred that he or she wishes to withdraw the informal complaint;

the official contacted or to whom the matter is referred determines, in consultation with the Law School’s Title IX Coordinator, that the Complainant’s allegations of harassment appear so lacking in merit that further efforts at informal resolution are unwarranted; or

the official contacted or to whom the matter is referred determines, in consultation with the Law School’s Title IX Coordinator, that further efforts at informal resolution would be futile and are therefore unwarranted.

A conclusion that a complaint lacks merit or that further efforts at informal resolution would prove futile shall have no preclusive effect or evidentiary weight in any subsequent proceeding initiated by a formal complaint.

Timetable: Ordinarily, informal resolution proceedings should be concluded within three weeks of their commencement. If resolution is expected to take longer, the official contacted or the Law
School’s Title IX Coordinator shall notify the parties. At any time during such proceedings prior to resolution, the Complainant may terminate them by filing a formal complaint.

**Record-keeping:** For any proceedings related to a request for an informal resolution, the Law School’s Title IX Coordinator shall maintain a record that identifies the individuals involved, investigative steps taken, documentation received, individuals interviewed, decisions reached, and reason(s) for the decisions reached.

2. **Formal Complaints**

Anyone who believes that he or she has been the victim of sexual or gender-based harassment committed by a faculty member, staff member, other Law School appointee, or an employer in connection with Law School recruitment activities, is entitled to file a formal complaint.

**Timeliness:** A formal complaint should be filed as soon as reasonably possible following an alleged violation of the University Harassment Policy. Further delay in filing a complaint may compromise the Law School’s ability to investigate or otherwise respond to the complaint.

**Decision-makers:** Complaints shall be filed with the following decision-makers, depending on the status of the alleged harasser:

- **Law School Dean:** complaint against a faculty member, other Law School appointee, or the Dean for Administration, as well as a complaint that would ordinarily be filed with one of the officials designated below except that the relevant office is vacant;

- **Dean for Administration:** complaint against a staff member;

- **Assistant Dean for Career Services and Assistant Dean for Public Service:** complaint against an employer in connection with Law School recruitment activities;

- **Law School’s Title IX Coordinator** or a **Deputy Title IX Coordinator:** complaint against any person whose status brings them within these procedures.

**Procedural rules:** Allegations of sexual or gender-based harassment shall be considered according to the rules and procedures of the above decision-makers, except that the substantive enforcement jurisdiction of those decision-makers shall be extended, if necessary, to encompass all alleged violations of Law School rules of conduct and the additional specific procedures described below shall also apply and in cases of conflict shall prevail.

**Formal complaint:** A formal complaint of sexual or gender-based harassment shall state the name(s) of the alleged harasser(s) (if known) and shall with reasonable specificity describe the incidents of alleged harassment. The complaint must be written in the Complainant’s own words, and should identify the dates and places of such incidents with reasonable specificity and should list any known witnesses and other known sources of information about the incident(s) in question. A formal complaint shall be signed and dated by the Complainant.
*Special investigators or hearing officers:* Where appropriate, the decision-maker shall be entitled to appoint a special, impartial investigator for purposes of fact-finding or a special, impartial hearing officer or panel for purposes of resolving a complaint.

*Initial Review:* The decision-maker or special investigator will contact the Complainant in an attempt to gather a more complete understanding of the allegations. Based on the information gathered, and in consultation with the Law School’s Title IX Coordinator, the decision-maker or special investigator will determine whether the information, if true, would constitute sexual or gender-based harassment, such that an investigation is warranted, or whether the information warrants administrative closure. The decision-maker will convey this determination to the Complainant and to the Law School’s Title IX Coordinator. Ordinarily, the initial review will be concluded within one week of the date the complaint was received.

*Timetable:* The decision-maker shall establish a timetable for each case in order to assure a prompt resolution of the formal complaint procedure. Ordinarily, resolution should be reached within 60 days of the filing of the complaint. If resolution is expected to take longer, the decision-maker shall notify the parties.

*Response:* Following the decision to begin an investigation, the decision-maker or investigator will notify the Respondent in writing of the allegations and will provide a copy of the Policy and of these procedures. The Respondent shall have seven business days in which to submit a written statement in response to the allegations. This statement must be in the Respondent’s own words. Attached to the statement should be a list of all known sources of information that the Respondent believes may be relevant to the investigation. When a complaint involves allegations that, if true, also might constitute criminal conduct, Respondents may wish to seek legal counsel before making any written or oral statements. Although the investigation process is not a legal proceeding, Respondents may wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved.

*Investigation:* The decision-maker or investigator will request individual interviews with the Complainant and Respondent, and, as appropriate, other witnesses, which may include those identified by the parties as well as relevant officials. When identifying potential witnesses, the parties should understand that the purpose of interviews is to gather and assess information about the incident(s) at issue in the complaint, not to solicit general information about a party’s character. After the collection of additional information is complete but prior to the conclusion of the investigation, the decision-maker or investigator may request individual follow-up interviews with the Complainant and the Respondent to give each the opportunity to respond to the additional information. Written statements from witnesses may
be admitted. If so, the parties are entitled to an opportunity to review and reply to witnesses’ statements.

**Advisers:** Both the Complainant and the Respondent may bring his or her personal adviser to any interviews. Personal advisers may view a redacted version of the complaint or other documents provided to the parties, offer feedback on their advisee’s written statements, and provide general advice. During interviews, personal advisers 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.

**Notice:** Each party shall have prompt notice of, and the opportunity to review and respond to, all documents or communications filed with the decision-maker by the other party. The decision-maker shall keep both parties informed on a timely basis of the status of the complaint and the timetable for resolving it.

**Related proceedings:** A complaint will not be investigated if a formal complaint based on the same circumstances has already been adjudicated. Whether or not a formal complaint is filed, any person may file a complaint of discrimination with the Massachusetts Commission Against Discrimination, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education Office of Civil Rights, or any other state or federal agency having jurisdiction. In the event that an allegation includes behavior or actions that are under review by law-enforcement authorities, the decision-maker, in conjunction with the Law School’s Title IX Coordinator, in light of status updates from law-enforcement authorities, will assess the timing of proceedings in connection with the formal complaint so as not to compromise the criminal investigation.

**Confidentiality:** Unless and until a disciplinary sanction is imposed, the decision-maker (and investigator, if any) shall maintain as much confidentiality as is reasonably practicable under the circumstances. Nonetheless, in a case involving an allegation against a faculty member, upon the request of both parties, and insofar as permitted by law, the decision-maker may conduct all or part of any hearing in public if the public interest in justice or the appearance of justice so requires. For any proceedings arising from a formal complaint, the Law School’s Title IX Coordinator shall maintain a record that identifies the individuals involved, investigative steps taken, documentation received, individuals interviewed, decisions reached, and reason(s) for the decisions reached.

**Burden of proof:** Formal disciplinary sanctions shall be imposed only upon proof by a preponderance of the evidence of the alleged violation(s).

**Sanctions:** Upon the decision-maker’s finding a violation, sanctions appropriate to the seriousness of the offense shall be imposed. In deciding the appropriate sanction, the decision-maker may consider the intent with which the Respondent acted, the nature and degree of harm caused by the Respondent’s actions, other acts of harassment (if any) committed by the Respondent, the need for deterrence, and such other factors as reason and justice may require.
DESIGNATED LAW SCHOOL AND UNIVERSITY CONTACTS

Law School Title IX Coordinator and Deputy Coordinators

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HLS Title IX Coordinator
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617-495-4611
Hauser 010

Catherine Claypoole
Deputy Title IX Coordinator
Associate Dean and Dean for Faculty and Academic Affairs
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Griswold 100

Ellen M. Cosgrove
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Associate Dean and Dean of Students
617-495-1880
WCC 3039

Harvard University Title IX Officer

Mia Karvonides
University Title IX Officer
617-495-4134
The Smith Center 935

Other Designated Law School Officials

Francis X. McCrossan
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617-495-4641
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Mark A. Weber
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617-495-6103
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Robert H. Sitkoff
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Hauser 200
617-384-8386

Martha Minow
Morgan and Helen Chu Dean and Professor of Law
Griswold 200
617-495-4601
# Student Time Log for Pro Bono Placements

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*Please use hour or half hour increments. **Total hours:**

*I certify that the clinical hours indicated above are accurate.*

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Student Name

Student Signature

Date