



HARVARD LAW SCHOOL  
**Clinical &  
Pro Bono  
Programs**

*Learning the Law — Serving the World*

2018-19

# Student Guide to Clinical Externships and Independent Clinical Placements

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## INTRODUCTION

Welcome to Harvard Law School's Clinical Legal Education Program. Through your clinical externship or independent clinical, 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 processes of supervision and reflection, as well as outline your responsibilities and requirements as a clinical student.

The goals of the HLS clinical program are:

- To increase and enhance student's knowledge and analysis of legal doctrine and institutions;
- To teach students legal skills such as factual investigation, analysis, research and writing, and communication;
- To promote understanding of and reflection on the ways students best learn from experience;
- To inculcate high standards of ethical practice by offering students the opportunity, in a supervised, reflective and analytical atmosphere, to shoulder the responsibilities, rewards; frustrations, temptations and ethical dilemmas involved in representing clients and legal work;
- To develop and enhance strong habits of self-initiated, reflective learning and self-development so that students, on their own, will be able to attain high professional standards after graduation;
- To emphasize the value of public service, broadly defined and relevant to any career path, as an integral part of a satisfying life in the law.

The Office of Clinical and Pro Bono Programs looks forward to working with you as you begin your professional development through a clinic.

You can learn more about our programs on our [website](#) and [blog](#). You can also learn more about our clinical faculty and instructors by reviewing the [clinical faculty](#) page on our website.

If you have any questions or concerns, please feel free to contact us.

Sincerely,

Lisa Dealy  
Assistant Dean  
Clinical and Pro Bono Programs

## CONTACTS

For externships and J.D.  
Domestic Independent  
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For LL.M. international  
and domestic Independent:  
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For registration questions:

Maggie Bay  
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Office of Clinical and Pro Bono Programs  
617-495-5284  
[mbay@law.harvard.edu](mailto:mbay@law.harvard.edu)

## Clinical Calendar

Please visit the [calendar webpage](#) where you can add deadlines directly to your personal calendar.

# ETHICS AND PROFESSIONAL RESPONSIBILITY

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## 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. If you are working in Massachusetts, your conduct is governed by the [Massachusetts Rules of Professional Conduct](#). If you are not working in Massachusetts, your conduct is governed by the rules or codes of the particular jurisdiction of your placement. 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. Students will be contacted by OCP with details.

## 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 also 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 matters discussed 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 at a local restaurant, or when you're in a law school setting, such as a class. You should also not discuss your cases with roommates, friends or family. 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 information, containing the client's name or other identifying information about the case or client. Please be sure all identifying information is deleted prior to submission of your reflection essays, papers, etc.
- **Handle case files carefully** to avoid breaching client confidentiality. You should find out from your supervisor the protocols for handling 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.

## Conflicts of Interest

- At the start 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/ related party.

## 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.

## EXTERNSHIP REGISTRATION INFORMATION

The Office of Clinical and Pro Bono Programs oversees registration for clinics. The on-site externship supervisors and the HLS Externships director go to great lengths to create quality externship placements. Clinics 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 “Withdrew after Deadline” (WD) notation. Students 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. To request exception, students must contact the Assistant Dean for [Clinical and Pro Bono Programs](#).

### **Maximum Number of Clinical Credits**

In the fall and spring semesters, there is a limit of 5 clinical credits. In the winter term, there is a limit of 2 clinical credits. J.D. students can only take up to 16 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 issues. 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 and/or management of projects, requiring serious professional and academic responsibilities. At the beginning of the semester, students will set up a schedule of clinical work hours that reflects the number of credits they are receiving. One clinical credit is awarded for every four hours of clinical work per week for twelve weeks in the fall and spring semesters.

Terms available	Clinical credits	Hours per week	Hours per term
Winter	2 clinical credits	40 hours/week	120 hours/term
Fall, Spring	2 clinical credits	8 hours/week	96 hours/term
Fall, Spring	3 clinical credits	12 hours/week	144 hours/term
Fall, Spring	4 clinical credits	16 hours/week	192 hours/term
Fall, Spring	5 clinical credits	20 hours/week	240 hours/term

Over winter term, students receive 2 clinical credits. Students must be in residence working full-time at their placements, from the first day of winter term through the last day of winter term.

For independent clinicals, credits are set at 3 clinical credits for fall and spring, and at 2 clinical credits for winter term as students must be in residence working full-time at their placements from the first day of winter term through the last day of winter term.

### 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 2018 – October 9
- Spring 2019 – February 19

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 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, and 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 apprised 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 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. You should contact the Office of Clinical and Pro Bono Programs to determine if you are eligible for student certification and to request a certification letter from HLS to the court. **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 arrange for your certification. You will 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. The Office of Clinical and Pro Bono Programs will coordinate 3:03 certification requests for any student enrolled in a clinic for which 3:03 certification is required.

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. The Office of Clinical and Pro Bono Programs will coordinate 3:03 certification requests for any student enrolled in a clinic for which 3:03 certification is required.

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](mailto: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](#).

### **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](http://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 password 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 and visit the [Information Security Policy](#) website of Harvard University.

# CLINICAL EMAIL SYSTEM

## Clinical Email System Policy

All J.D. 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. LL.M. students, clinical visiting students and/or volunteers will be assigned a clinical account if or when they begin doing clinical work.

The clinical email account must be used exclusively for work related to an HLS clinic and/or Student Practice Organization (SPO). Students working at externship, independent clinicals, and/or pro bono organizations for HLS clinical or pro bono credit must adhere to the email policies of their placement organizations. Many external organizations provide students with an email address to use for their work during the placement. If the placement does not provide this, students should discuss the existence of their HLS clinical account with the supervisor, and should use this account. Students should not use their regular HLS or personal email accounts for externship, independent clinical, 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 students have completed their time at the law school, and after HLS provides adequate notice, their 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.

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

For more specifics on how to use the email system, see the instruction on the HLS [IT website](#).

# PRO BONO REQUIREMENT

## **HLS Pro Bono Requirement**

As a condition for graduation, HLS adopted a pro bono graduation requirement that requires J.D. students to contribute at least **50** hours of legal pro bono work. Students who entered the law school prior to 2015 had a requirement of 40 hours.

Students can fulfill this requirement at any point during their time at HLS and must complete their 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 clinical (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.

Read more about the [HLS pro bono requirement](#) on our website.

## **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.

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.

## WORKING WITH YOUR SUPERVISOR

You can play a major role in shaping your own clinical experience by developing a solid working relationship with your supervisor that will enable you to communicate openly and honestly.

### **Relationship to Placement Organization**

You are a clinical student of the placement organization – not an employee. The focus of the externship/independent clinical is to provide you with training related to the development of legal skills and substantive knowledge. Your externship/independent clinical is intended to be an extension of your educational experience at Harvard Law School. Your supervisor will work closely with you to provide you with close supervision and feedback. As an extern, you will not receive compensation, nor are you entitled to a job at the conclusion of the externship/ independent clinical.

### **Initial Meeting**

We require that you have a meeting with your supervisor at the beginning of your clinical work to create a “workplan” for the semester. At this initial meeting, you should discuss the following with your supervisor:

- Goals and expectations for your practice experience.
- Work assignments for the semester.
- Determine your work schedule, especially if working in an office.
- Office policies, procedures, and helpful resources.
- Preferred method of communication with your supervisor.
- How to handle client or case information, including what information or documents may or may not be sent over email, carried on your person, or discussed outside the office.
- Best practices regarding email etiquette when corresponding with your supervisor, other attorneys, or your client in a professional manner.

*Appendix B outlines additional supervision guidelines provided to your supervisor by the Office of Clinical and Pro Bono Programs*

### **Weekly Meetings**

It is recommended that you and your supervisor set a schedule of weekly meetings for the semester. Regular meetings will provide you with an opportunity to discuss assignments, seek clarification, ask questions, review work product, and discuss other aspects of your clinical work. In these meetings, your supervisor can provide ongoing feedback on your work that is critical to your professional development.

Be proactive and realistic in your approach to supervision. If you feel that you have an insufficient workload or would like more feedback and constructive criticism on your work product, let your supervisor know.

If at any time during the semester an issue arises that you do not feel comfortable discussing with your supervisor, please contact the Office of Clinical and Pro Bono Programs. We urge you to meet with us to discuss any problems or difficulties you may encounter during the course of your clinical work. See the Office of Clinical and Pro Bono Programs website for the contact information of staff members in the Clinical office that are available to meet with you to discuss your concerns.

## REMOTE PLACEMENTS (Outside of Greater Boston)

The Office of Clinical and Pro Bono Programs will allow students to participate in long-distance placements under the following circumstances: 1) a winter placement with a long-distance spring clinical (e.g., Capital Punishment); and 2) certain clinical courses that place students with organizations outside the greater Boston area (e.g., Sports Law, Attorney General Clinic).

### Supervision

The hardest part of working in a long-distance placement is establishing and maintaining a good working relationship with your supervisor attorney. It is critical to focus on this early in the semester.

**Set up an initial phone meeting during the first week of classes.** Discuss goals and expectations. This should include what you hope to learn and what skills you hope to work on during the semester, how often you will communicate, and whether it will be by phone or email. A regular communication schedule should be established. Send a follow-up email to your supervisor reiterating semester goals/expectations.

**Regular communication:** You should be in contact with your supervisor via telephone or email on a weekly basis at minimum. If you are not able to reach your supervisor (and an emergency has not occurred on their part), please contact our office.

**Assignments:** You should receive interesting, meaningful, and relevant legal work. If this becomes a concern for you, please do not hesitate to contact the Clinical and Pro Bono office.

**Mid-Semester Evaluation (Fall/Spring only):** You are required to have a mid-semester evaluation meeting with your supervisor, whether in person or by telephone. This is an opportunity for your supervisor to provide constructive feedback, and to plan assignments and tasks for the remainder of the semester.

**Monthly Time Log (externships only):** Students working in a long-distance placement who are not doing an independent clinical are required to maintain and submit via email a monthly time log to your supervisor and Liz Solar ([esolar@law.harvard.edu](mailto:esolar@law.harvard.edu)). An example is included in the Appendix area of this handbook and is available for download on the clinical website.

**Clinical Hours:** You are ***required*** to fulfill your clinical hours during the semester. See Time Commitment and Credits section

**Weekly Emails (independent clinicals only):** Students participating in an independent clinical are required to submit weekly emails. Emails should include a discussion of what the student has been working on and reflect on the clinical experience. Weekly emails should be sent to the students faculty sponsor with a copy to the Office of Clinical and Pro Bono Programs ([clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)).

**Reflection Essays:** Students participating in **certain** externship placements are required to submit three reflection essays. More detailed information about what to include in these essay is available in the Reflection Essays Section of this handbook. Students are advised not to discuss specific case or client information in reflection essays.

**Office Space, Telephone, and Fax:** The Office of Clinical and Pro Bono Programs has conference rooms available for clinical use. A fax machine is also available for student use. For more information or to book the office space, students may contact our office at 617-495-5202 or [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)

# EXTERNSHIP AND INDEPENDENT CLINICAL REFLECTIONS

**Most students in clinical courses are required to submit three reflection essays during the semester.** (Independent clinical students submit weekly reflections via emails and a final paper.) While the essays are shared with your course instructor, they are *not* shared with your supervisor, unless they are the same person. Grades may not be issued until all of the reflection essays are submitted. These essays provide an excellent mechanism for you to:

Reflect on your clinical experience and how you feel about the work you are doing, and chronicle your initiation into real world law practice;

- Gain an awareness of, and learn how to better self-evaluate, your strengths and weaknesses as a student and as a lawyer;
- Enhance and clarify your thought processes about legal, tactical, and ethical issues and professional dilemmas;
- Relay information to and encourage dialogue with the course instructor and the Office of Clinical and Pro Bono Programs.

***\*Independent Clinical students submit weekly reflections on Friday for each week of their placements.***

## **Format and Confidentiality for All Reflections**

The first essay should describe your goals and expectations for the clinical, as discussed with your supervisor, and should outline how those goals will be met. In subsequent essays, you may discuss if and how those goals were or were not met. You should observe restrictions mandated by confidentiality and privilege when describing your work. Please delete all client names and identifying information, and note concerns about client confidentiality on a cover sheet.

Reflection essays should be 1-3 pages long and must include the following information:

- Your name
- Date of submission
- Installment number (i.e. Essay #3)
- Name of placement and clinical course

## **Externship Reflection Essay Topics**

Students are required to submit three reflection essays. **Students submitting journals through placements with the U.S. Attorney's Office or the Massachusetts Office of the Attorney General's Office should not submit journals to Liz Solar. Students should follow instructions provided by their respective USAO or MA AG placements.**

**1<sup>st</sup> Essay:** After meeting with your supervisor to develop a work plan of projects/cases on which you are expected to work during the semester, please submit an essay addressing the following:

- a) The subject matter of the assignments/projects/cases on which you will work during the clinic (preserving client confidences). If you will be working in multiple areas, address the variety of cases/projects or the skills that you hope to work on.
- b) The duties and tasks to be performed (interviewing, legal research and writing, etc.).
- c) Anticipated interactions with clients, courts, agencies, legislators, stakeholders, and the like, if any.
- d) The experiential and learning goals set by student and supervisor.

**2<sup>nd</sup> Essay:** This reflection essay is a status report. You **may** reflect and respond to any one of the following topics, including any questions or concerns about the clinical experience:

- a) Supervision: Evaluate your supervisor as a professional role model. Reflect on the quality of supervision and the talents, strengths, and weaknesses of your supervisor (both as a lawyer and as a supervisor).
- b) Ethical Issues: Identify an ethical situation or decision that occurred. Explain the issue, how it was resolved and whether you think the resolution was proper and why.

- c) **Decision-Making:** Describe your feelings about making a decision where there is no “right” answer. Write about a situation in which you or a lawyer at your placement made a judgment call where there was no right answer, or where a decision was made with less data than was desirable. How did you and/or the lawyer process that decision?

**3<sup>rd</sup> Essay:** Final reflection essay **may** include any of the following topics:

- a) A brief description of the project(s)/cases worked on during the clinical placement (preserving confidences).
- b) A rigorous analysis of what you have learned during the clinical including:
- i. The underlying policies and the legal substance of the work in which you were engaged during the clinic.
  - ii. Whether and how the goals and expectations initially discussed were met.
- c) A description of any challenges you faced, how they were overcome, and what you and your supervisor could have done differently.

### **Independent Clinical Reflection Essays**

Students must submit weekly reflection essays via email to their Faculty Sponsor and to the Office of Clinical and Pro Bono Programs at [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu). These reflections will not be shared with Supervising Attorneys. **Emails should contain a discussion of the work performed (without revealing privileged or confidential information) together with a reflection about the experience.** This reflection can be about a range of topics including issues related to ethics and professionalism, legal strategy, the legal profession, or field, or how the work related to your academic or professional path. The weekly reflections, academic paper, and supervisor’s evaluation will determine students’ grade as credit/fail.

Suggested topics can be found on the [OCP website](#).

### **Submission of Reflection Essays**

Submit reflection essays (attached as a Word document) to Liz Solar via email: [esolar@law.harvard.edu](mailto:esolar@law.harvard.edu). Liz will review your essays and may provide comments and feedback to you as necessary via e-mail. Copies will be forwarded to your course instructor for his or her review. Reflection essays are due by the deadlines listed in the Calendar section of this Handbook.

## **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.

### **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 AND GRADING

Ongoing feedback and evaluation is essential in developing skills as a lawyer. Because of this, we have implemented a formal process of evaluation consisting of several components. Submission deadlines are set out in the Clinical Calendar.

### **Student and Supervisor Evaluations for Externship and Independent Clinicals**

#### **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, as the information reported will not be reviewed outside of our office until after the semester's grading process has been completed. 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.

#### **Supervisor Evaluations (Mid-Semester and Final for Fall/Spring):**

**Supervisors must complete a written mid-semester and final (end of term) evaluation** for each student in addition to the ongoing feedback and critique offered during weekly meetings. Evaluations include a comprehensive assessment of your performance, focusing on strengths, progress, and areas for further development. Each evaluation must be signed by you and your supervisor. A copy will be given to you and the course instructor or faculty sponsor and a copy will be kept in your permanent academic file in the Office of Clinical and Pro Bono Programs.

### **Externship Grading**

#### **Supervisor Recommended Clinical Grade (End of Semester):**

**Supervisors must submit a recommended clinical grade at the end of the term.** The recommended grade is based on your work and progress throughout the semester, and two written evaluations. It is important that evaluations are detailed and thorough in order to provide the basis for the recommended clinical grade. At the beginning of the semester, supervisors will be notified of the clinical grading policy (H/P/LP/F or credit/no credit) as selected by the course instructor. The recommended clinical grade is provided to the clinic professor and, upon their approval, subsequently submitted to the Registrar's Office.

#### **Independent Clinical Grading**

The Faculty Sponsor reviews the Supervising Attorney's evaluation of the student, and uses the evaluation, weekly reflections, and academic paper to determine the appropriate grade. The faculty sponsor submits the credit/fail grade to the Registrar's Office by the end of the semester. If an extension is granted, it is essential to submit the grade as "EXT" and inform OCP of the extension by emailing [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu).

## INDEPENDENT CLINICAL FINAL PAPER

The four items below pertain only to independent clinical students. The Independent Clinical program is designed for those students who are interested in a specialized area of the law or field of practice that is not currently offered in HLS's existing clinical curriculum. Independent clinical students are expected to abide by all other guidelines and assignments set forth in this handbook applicable to independent clinical.

### **Final Paper:**

**All independent clinical students must write an academic paper of approximately 15 pages in length at the end of the Independent Clinical term.** Each student is required to write a 15-page academic paper (not a reflection paper) related to some aspect of the work of the placement organization or the field of practice. The paper cannot be work product the student produces during the placement, and must involve some original research and analysis of policy or practice. The paper topic should be developed in advance with the assistance of the Faculty Sponsor and must be identified in the Application. Paper topics should be discussed with your faculty sponsor, but should still be in line with the clinical guidelines of an independent clinical paper. If you need research assistance for your paper or in your ongoing clinical work, you may request a research appointment through Langdell Library. Please consult their website.

Your independent clinical final paper must be submitted to your Faculty Sponsor and the Office of Clinical and Pro Bono Programs (WCC 3085) by the deadlines listed in the Calendar section of this handbook.

## 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. 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](mailto: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.

## WCC BUILDING (1585 MASS. AVE) IN-HOUSE CLINICS

Criminal Justice Institute (*Suite 5116*)  
Cyberlaw Clinic (*Suite 5018*)  
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 4103 at the Transactional Law  
Clinics*)  
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*)

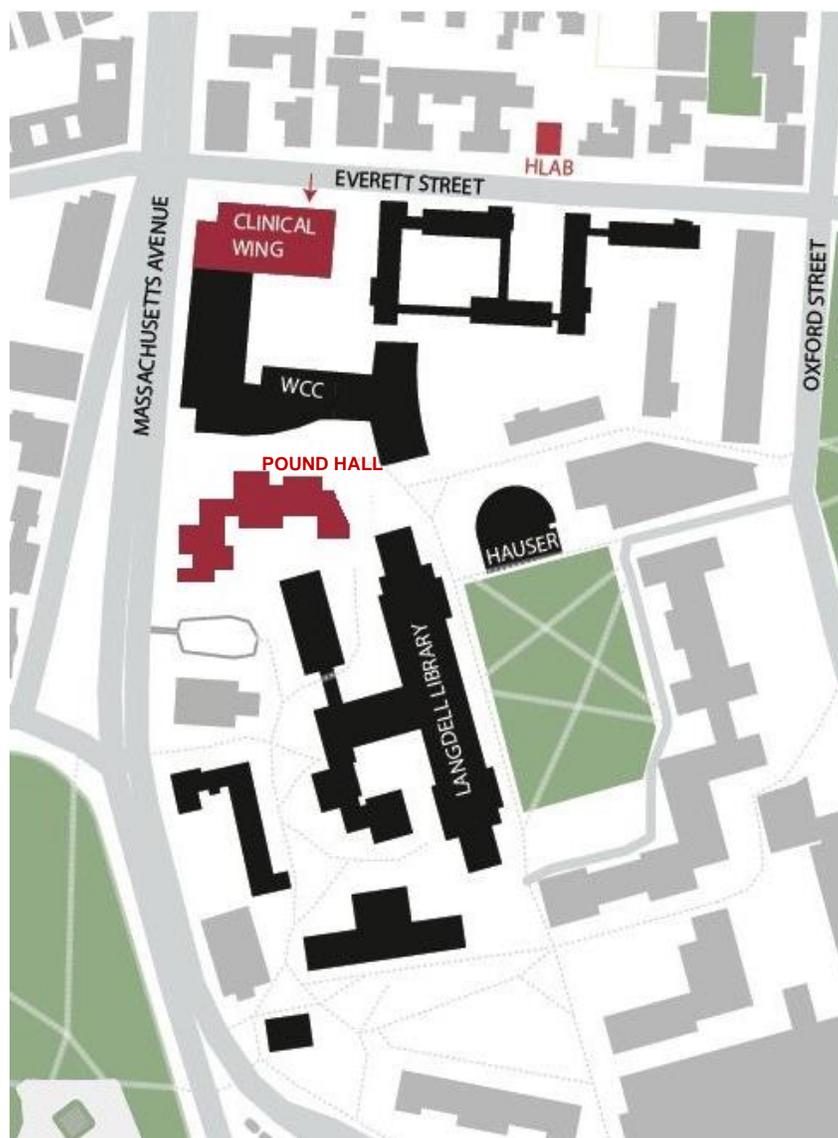
## 23 EVERETT STREET

Harvard Legal Aid Bureau  
Child Advocacy Program  
Project No One Leaves  
(*At Harvard Legal Aid Bureau*)

## POUND HALL (1583 MASS. AVE)

Harvard Negotiation and Mediation  
Clinical Program (*Suite 513*)  
Harvard Mediation Program  
(*Pound Hall, Suite 521, Harvard Negotiation  
and Mediation Clinical Program*)  
Harvard Negotiators  
(*Pound Hall, Suite 513, Harvard Negotiation  
and Mediation Clinical Program*)

## HLS MAIN CAMPUS CLINICAL FACILITIES



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

Community Enterprise Project of TLC  
Family and Domestic Violence Law Clinic  
Federal Tax Clinic  
Food Law and Policy Clinic  
Health Law and Policy Clinic  
Housing Law 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 B: Supervisor Checklist

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Outlined below are guidelines that have been provided to your supervisor regarding his or her role and responsibilities as a clinical supervisor.

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### SUPERVISOR'S CHECKLIST

The following guidelines are designed to help the student, you and your organization have a successful experience through participation in Harvard Law School's Program of Clinical Legal Education. An active and well thought out supervision plan and feedback process between the supervisor and the student is essential for a productive experience.

- Primary Supervisor:** Each student should be assigned to work directly with one supervisor, although the student may also consult with other office staff throughout the course of his/her placement. If the student is receiving assignments from more than one attorney, the supervisor should coordinate all assignments and review the student's work product. (When there is more than one office, the student should be located in the same office as the supervisor.) The supervisor must be a licensed attorney and have the necessary license to practice in the area of law or jurisdiction in which the attorney works.
- Initial Meeting about Student Work:** Schedule an initial meeting at the beginning of the student's placement to discuss your and the student's expectations of the work to be done, the student's goals for the externship/independent clinical, the specific types of tasks the student will be assigned, the time frame for completion, and the goals of the project or placement. It may be helpful for you to express these mutual goals and expectations in writing. Provide the student with basic introductory information, including a brief overview of the organization, office policies and procedures and helpful resources for completing assignments.
- Meeting to Discuss Student Role:** At the start of the placement, the attorney supervisor is encouraged to confirm with the student that: (1) the student is a clinical student - not an employee of the placement; (2) the focus of the externship/independent clinical is to provide training (related to the development of legal skills and substantive knowledge) to the student; (3) the student is not entitled to a job at the conclusion of the externship/ independent clinical; (4) the student is not entitled to wages for time spent in the externship/ independent clinical because the student is not an employee; and (5) the student's tasks are educationally oriented and clearly delineated from the tasks performed by office employees.
- Confidentiality:** Discuss issues of confidentiality and ethics with the student, keeping in mind that s/he may not have taken a course in professional responsibility prior to this placement. Provide the student with copies of office policies or other materials that you think will assist him/her in dealing with these issues. Talk to the student about how you would handle situations in which your duty of confidentiality might be compromised (e.g., discussing a case with a friend, etc.). Advise students as to the appropriateness of using writing from clinical work as writing samples in outside settings.
- Communication:** Inform the student if you have a preferred method of contact when they are away from the office. Please also suggest any best practices with regards to students communicating over email – both in what kind of documents or information may be disclosed over email as well as email etiquette when communicating with you, other attorneys, and clients in a professional manner.
- HLS Clinical Email System Policy:** HLS has set up a separate clinical email system for students to be used exclusively for work related to an HLS clinic. Students working at externships/ independent clinical have been advised to adhere to the email policies of the placement organization. If your organization does not provide students with an email address to use for work, students have been advised to discuss the existence of their HLS clinical account and to use this account. Students are prohibited from using their regular HLS or personal accounts for externship/ independent clinical 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 students have completed their time at the law school, and after HLS provides adequate notice, their 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.

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

- Conflicts of Interests:** Please raise the issue of potential conflict of interests with the student and the rules of professional responsibility that must be considered. Keep in mind that students may have had multiple clinic experiences and/or summer jobs where they have potentially worked on competing sides of cases.
- Assignments:** Assign the student responsibilities comparable to work that would be performed by a new attorney, and actively encourage the student to take on the most challenging work s/he can reasonably handle. You should provide the student with the opportunity to participate in a variety of interactions and proceedings that reflect the complexity and diversity of the legal work of the office. The student should approximate working as a lawyer to the maximum extent and should be intimately involved in, not just an observer of, the strategic decision-making process in matters in which s/he is involved.
- Weekly Meetings:** We ask that you meet weekly with your student to explain assignments and provide critical feedback on the student's performance. Also, it will allow the student to ask questions and to obtain your guidance on a regular basis. When you give a student an assignment, discuss the immediate and long-term objectives and explain the context of the issue. Specify time deadlines and other expectations.
- Feedback:** Regularly review, critique, and provide timely feedback on the student's work. Provide specific information on whether the student's approach is effective, and suggest alternatives. It is essential to provide ongoing constructive feedback to enable the student to analyze his/her performance, improve, and gain confidence.
- Student Court Certification:** If the student is required to appear in court, please check with the Office of Clinical and Pro Bono Programs to inquire if the student either has been, or can be, certified to appear in court under local student practice rules.
- Malpractice Coverage:** It is the responsibility of the supervising attorney to be covered under a malpractice insurance policy, if appropriate, and that the student will fall under the attorney's coverage.
- Student Absences:** Students are responsible for consistently working the required number of hours each week throughout the semester. If a student is incommunicative, missing work or deadlines, please contact the Office of Clinical and Pro Bono Programs. Please see Section on *Time Commitment and Credits* for more information about student hour minimums, absences, and school holidays.
- New York Bar Pro Bono Certification.** Many Harvard Law Students may also be applying to take the New York Bar Exam. The New York Court of Appeals requires any Applicant who has successfully completed the New York Bar Exam to perform 50 hours of pro bono service prior to seeking Admission to the Bar. Students may ask you to sign an Affidavit of Compliance to demonstrate compliance with this requirement. For more information on the [New York Pro Bono Requirement](#) webpage.

## REQUIRED WRITTEN EVALUATIONS

- **Mid-semester:** You must complete a written mid-semester evaluation of the student's performance. Please schedule a meeting at mid-semester where you can evaluate the student's performance and the student can self-assess his or her own performance. Together, you should develop a work plan for the remainder of the semester.
- **Final:** You also must complete a written final evaluation of the student's work performance at the end of the semester. The evaluation, which is most valuable if shared openly and honestly with the student during an 'exit interview', should include a comprehensive assessment of performance, focusing both on strengths and areas for further development as well as a review of the cases and projects assigned to the student.
- **Recommended Clinical Grade:** Supervisors recommend a grade based on the student's work and progress throughout the semester. It is important that the written evaluations be detailed and thorough to provide the basis for the recommended clinical grade. At the beginning of the semester, students and supervisors will be notified of the clinical grading policy. A separate clinical grade sheet is provided to supervisors for recording the grade.
- **Grades:** HLS clinical grading scale is Honors, Pass, Low Pass or Fail (H, P, LP, or F), with the exception of some clinical courses offered credit/fail.

Submission deadlines are set out in the calendar located at the beginning of this handbook. Please submit completed evaluations to:

**Liz Solar, Director of Externships**  
Office of Clinical and Pro Bono Programs, 617-495-3765, [clinical@law.harvard.edu](mailto:clinical@law.harvard.edu)

**APPENDIX C**  
**Harvard Law School Non-Discrimination and Harvard Sexual and Gender-Based Harassment Policies**

**HARVARD LAW SCHOOL**  
**NOTICE OF NON-DISCRIMINATION**

[See Harvard Law School Notice of Non-Discrimination](#)

**HARVARD UNIVERSITY**

**Sexual and Gender-Based Harassment Policy**

**Policy Statement**

Harvard University is committed to maintaining a safe and healthy educational and work environment in which no member of the University 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 University program or activity. Gender-based and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from University programs or activities.

This Policy is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the University's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and Massachusetts laws that prohibit discrimination on the basis of sex, sexual orientation, and gender identity. It does not preclude application or enforcement of other University or School policies.

It is the policy of the University to provide educational, preventative and training programs regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment from denying or limiting an individual's ability to participate in or benefit from the University's programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this Policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the School or unit.

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. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

Nothing in this Policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.

## **Definitions**

### **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 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
- 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.

## **Jurisdiction**

This Policy applies to sexual or gender-based harassment that is committed by students, faculty, staff, Harvard appointees, 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.

## **Monitoring and Confidentiality**

A variety of resources are available at the University and in the area to assist those who have experienced gender-based or sexual harassment, including sexual violence. Individuals considering making a disclosure to University resources should make sure they have informed expectations concerning privacy and confidentiality. The University is committed to providing all possible assistance in understanding these issues and helping individuals to make an informed decision.

It is important to understand that, while the University will treat information it has received with appropriate sensitivity, University personnel may nonetheless need to share certain information with those at the University responsible for stopping or preventing sexual or gender-based harassment. For example, University officers, other than those who are prohibited from reporting because of a legal confidentiality obligation or prohibition against reporting, must promptly notify the School or unit Title IX Coordinator about possible sexual or gender-based harassment, regardless of whether a complaint is filed. Such reporting is necessary for various reasons, including to ensure that persons possibly subjected to such conduct receive appropriate services and information; that the University can track incidents and identify patterns; and that, where appropriate, the University can take steps to protect the Harvard community. This reporting by University officers will not necessarily result in a complaint; rather, the School or unit Title IX Coordinator, in consultation with the Title IX Officer, will assess the information and determine what action, if any, will be taken. Information will be disclosed in this manner only to those at the University who, in the judgment of the Title IX Officer or School or unit Title IX Coordinator, have a need to know.

Should individuals desire to discuss an incident or other information only with persons who are subject to a legal confidentiality obligation or prohibition against reporting, they should ask University officers for information about such resources, which are available both at the University and elsewhere. University officers are available to discuss these other resources and to assist individuals in making an informed decision.

## **Violations of other Rules**

The University encourages the reporting of all concerns regarding sexual or gender-based harassment. Sometimes individuals are hesitant to report instances of sexual or gender-based harassment because they fear they may be charged with other policy violations, such as underage alcohol consumption. Because the University has a paramount interest in protecting the well-being of its community and remedying sexual or gender-based harassment, other policy violations will be considered, if necessary, separately from allegations under this Policy.

## **Resources**

### *University Resources:*

[Office of Sexual Assault Prevention & Response](#)

[HUHS Behavioral Health Services](#)

[Bureau of Study Counsel](#)

[Harvard University Health Services](#)

[Harvard Chaplains](#)

[Harvard University Police Department](#)

[Employee Assistance Program](#)

*Local Title IX Coordinators, other relevant policies, and complaint procedures:* [University Sexual Harassment Policies & Procedures](#)

### *University Title IX Officer:*

[Mia Karvonides](#)

### *Outside Agencies:*

[U.S. Department of Education, Office for Civil Rights \(OCR\)](#) [U.S. Equal](#)

[Employment Opportunity Commission \(EEOC\)](#) [Massachusetts](#)

[Commission Against Discrimination \(MCAD\)](#)

09.28.2017