

Harvard Law School

**EXTERNSHIP/INDEPENDENT
CLINICAL PROGRAM
SUPERVISOR HANDBOOK**

2019-2020

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HLS ACADEMIC CALENDAR

HLS Clinical and Pro Bono Programs		Supervising Attorneys - Important Dates 19-20 Academic
Tuesday	3-Sep	Fall 2019 clinical work starts
Friday	4-Oct	Reflection essay # 1 deadline for externship students
Monday	7-Oct	Last day to change clinical credits for Fall 2019 No classes for all students. Students are excused from clinical work and must notify placement.
Monday	14-/15-Oct	Columbus Day (Federal)/Indigenous Peoples' Day (City of Cambridge) No classes; University admin offices will be closed. Students are excused from clinical work and must notify placement.
Friday	25-Oct	Fall 2019 supervisors' mid-semester student evaluation deadline
Friday	1-Nov	Reflection essay # 2 due for externship students
Monday	11-Nov	Veteran's Day (observed) – All classes meet on regular schedule; University admin offices will be closed. If clinical placement is closed, students must make up hours missed.
Wed-Friday	27-29-Nov	Thanksgiving Break: No classes - University admin offices will be closed. Students are excused from clinical work and must notify placement.
Monday	2-Dec	Last day of Fall 2019 clinical work Final paper due for Fall 2019 clinical work Reflection essay #3 due for externship students
Monday	9-Dec	Fall 2019 supervisors student evaluation deadline
Monday	6-Jan	Winter 2020 clinical work starts
Friday	10-Jan	1st weekly reflection email due for independent clinical students

Friday	17-Jan	2nd weekly reflection email due for independent clinical students
Monday	20-Jan	Martin Luther King Day – No classes; University admin offices will be closed Students are excused from clinical work and must notify placement.
Friday	24-Jan	Last day of Winter 2020 clinical work 3rd weekly reflection email due for independent clinical students
Monday	27-Jan	Spring 2020 clinical work starts
Friday	14-Feb	Reflection essay #1 due for externship students
Monday	17-Feb	Presidents Day – All classes meet on regular schedule; University admin offices will be closed If clinical placement is closed, students must make up hours missed.
Tuesday	18-Feb	Last day to change clinical credits for Spring 2020
Friday	13-Mar	Spring 2020 supervisors' mid-semester student evaluation deadline
	14-22-Mar	Spring Break Students are excused from clinical work and must notify placement.
Friday	20-Mar	Reflection essay #2 due for externship students
Friday	24-Apr	Last Day of Spring Clinical Work Final Paper & Reflection Essay #3 due for externship students Winter and Spring 2020 independent clinical student paper deadline
Friday	May 1	Spring 2020 Final Supervisors' Student Evaluation Deadline

CLINICAL LEGAL EDUCATION AT HARVARD LAW SCHOOL

Thank you for your participation in Harvard Law School's program of clinical education.

As a supervisor of an independent clinical or externship student, you play a critical role in the practical legal education of our students. With your guidance Harvard Law School students will cultivate professional skills and values and will gain insight on law practice and the legal profession.

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 interviewing;
- 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.

To assist you in supervising students in achieving a successful externship placement or independent clinical, we have compiled this Supervisor Handbook of best practices for student supervision.

Ongoing feedback and evaluation is critical to ensure a successful clinical experience for our students. This Handbook, in addition to familiarizing you with our goals and objectives, also sets forth your responsibilities and some recommended guidelines for supervision.

If you have any questions or concerns during the semester, please feel free to contact the Office of Clinical and Pro Bono Programs:

Liz A. Solar
Director of Externships
Office of Clinical and Pro Bono Programs
617-495-3765
clinical@law.harvard.edu

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 the student's 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 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. Supervisors are then asked to assign work to the student in keeping with the goals and tasks delineated during this meeting.

“ **Discuss Student Role:** At the start of the placement, you are 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 within the office or when you (or the student) are away from the office. Please also suggest any best practices with regard 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.

“ **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.

“ **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 email and to use this account. Students are prohibited from using their regular HLS or personal email 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 email 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.

“ **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 the student 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 the student 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.

“ **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 missing work or deadlines or you have any other concerns about the student, 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, see link: <http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>

LEARNING AND FEEDBACK*

Student Educational Objectives

Students should have an opportunity to engage in substantial legal work, appropriate for students, including more advanced work for students as they become more capable. The work should consist of the authentic work of the placement and not work assignments created solely to occupy the student without reference to the work demands of the office. The work should provide students with an understanding of all aspects of the work of the placement and expose students to decision-making on active cases or problems, whether through staff meetings, conversations with mentors and other attorneys, or other collaborative work processes.

The work should place students in lawyering roles to the extent possible. This may include:

- A primary counsel role, subject to relevant student practice rules;
- A supporting role, in which the student engages in collaborative work with the supervising attorney; and
- A role in which a student is given opportunities to observe experienced lawyers or judges performing complex tasks and tasks that are beyond the scope of the student's current capabilities and to discuss those observations with mentors.

Objectives for Externship/Independent Clinical Supervision

Supervisors are expected to do the following:

- Understand the educational objectives of the externship course;
- Encourage students to challenge themselves and to produce the highest quality work product;
- Evaluate their field experience critically and regularly engage the student in constructive critical evaluation of the student's field experience;
- 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 the student's performance, improve, and gain confidence, skills and understanding.
- Encourage students to engage in self-evaluation;
- Communicate as necessary with the externship director and/or externship faculty about student progress;
- Model the reflective and conscientious practitioner and welcome questions of aspects and techniques of practice.

In addition to these excerpts, see *Best Practices for Legal Education: A Vision and A Road Map* by Roy Stuckey and Others for more information about feedback and evaluation.

In the case of a student who presents challenges due to substantially delinquent (and unexcused) attendance or unsatisfactory performance, the supervisor may reach out to Liz Solar by phone or email. We encourage supervisors to reach out as soon as is possible in an effort to mitigate and give the student opportunities to remedy their delinquencies as appropriate. The law school may, after written notice, involuntarily withdraw a student from the clinic.

REQUIRED WRITTEN EVALUATIONS

“ **Mid-semester:** For supervisors of externships or independent clinicals in the Fall or Spring, you must complete a 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 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 on both strengths and areas for further development as well as a review of the cases and projects assigned to the student.

Evaluations include a comprehensive assessment of your performance, focusing on strengths, progress, and areas for further development.

Students will be evaluated on the following criteria:

Legal Analysis and Research
Judgement and Problem-Solving Skills
Writing and Drafting Skills
Professional Practices
Case and Time Management

Supervisors are asked to assess students' performance using a scale from 1 - 10:

1-2 Fail - Weak performance. Prompt attention needed to plan for improvement. Weak performance may be related to such things as: insufficient output, inconsistent performance, inadequate research and analysis, carelessness and inaccuracies, insufficient preparation for tasks, weak organization and case management.

3-4 LP - Minimally adequate performance that could be described as: meets minimum standards of quality and quantity, usually meets deadlines, performs basic advocacy tasks adequately, understands the need to act with purpose and design and can do so with supervision, follows instructions, but requires close supervision

5-7 Pass - Satisfactory to good performance that could be described as: consistently meets and sometimes exceeds minimum standards, works efficiently, exhibits good organization and case management skills, acts with reasonable purpose and design, seeks out and uses supervision effectively by clarifying task expectations, reporting problems and proposing solutions.

7-10 Honors - Achieves very good results that could be described as: consistently exceeding minimum quantity and quality expectations, always accurate, anticipates and meets deadlines, exhibits good command of relevant law, requires close supervision only on new or complex matters, works independently on familiar tasks, learns effectively from colleagues and seeks opportunities to learn and improve. Exhibits outstanding strategic judgment and planning, solid performance of lawyer tasks and skills.

A copy will be shared with your 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.

“ **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, supervisors will be notified of the clinical grading policy (H/P/LP/F or credit/fail as selected by the course instructor. A separate clinical grade sheet is provided to supervisors for recording the grade. The supervisor is not required to share recommended grade with student.

“ **Grades**: The HLS externship grading scale is Honors, Pass, Low Pass or Fail (H, P, LP, or F), with the exception of some clinical courses offered for credit/fail. Independent Clinicals are graded on a Credit/Fail basis.

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, 617-495-5202 clinical@law.harvard.edu

TIME COMMITMENT AND CREDITS

Clinical work involves the representation of clients and management of projects, requiring serious professional and academic responsibilities. At the beginning of the semester, students set up a schedule of clinical work hours that corresponds with the number of clinical credits the student will receive. For every four weekly work hours, one clinical credit is awarded. The clinical term in the fall and spring lasts for twelve weeks. The minimum number of clinical credits is 2, the maximum is 5.

Terms available	Clinical credits	Hours per week	Hours per 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

For winter term externship, students earn 2 clinical credits. Students must be in residence working full-time at their placements, from the first day of winter term, January 6, 2020, through the last day of winter term, January 24, 2020. For fall and spring, students may earn between 2 -5 clinical credits.

For independent clinicals, students earn 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 fall and spring independent clinicals, students may earn between 2 - 5 clinical credits.

Working On-Site

Students must fulfill all clinical work hours on-site at the clinical placement, unless the student is working at an approved long-distance placement. Any exceptions or deviations must be discussed in advance with the clinical supervisor and the Office of Clinical and Pro Bono Programs.

Holidays and Missed Work Days

Students are responsible for consistently working the required number of hours each week throughout the semester, with exceptions for Thanksgiving, December holidays, and fall and spring breaks. During these excused absences (which students should coordinate in advance with you) students are required to ensure that all casework is covered and that clients are aware of the student's absence.

If offices are closed for any local, state, or national holidays (during which HLS holds classes) and the student is unable to work, they are expected to make up the missed hours in order to complete the requisite clinical hours.

Any unplanned hours missed from the weekly schedule of clinical work must be made up within a reasonable period of time on a schedule developed between you and the student. If the student is sick for an extended period of time, they are expected to advise their supervisor of the situation and arrange to make up work. If a student is missing work and you are not able to contact the student, please contact the Office of Clinical and Pro Bono Programs to resolve the situation.

Students on F-1 Visas

All J.D. students on F-1 visas are required to apply for Curricular Practical Training authorization through Harvard University to participate in externship clinics. Students on F-1 visas are not eligible to participate in independent clinicals or advanced externship clinics. To receive authorization, students must have an offer letter from the student's externship placement and complete a Curricular Practical Training application provided by the Office of Clinical and Pro Bono Programs. OCP will work with all placements to get any necessary offer letters.

IMPORTANT: Students cannot start their clinical placement until they have received Curricular Practical Training authorization through the Harvard International Office. Students with part-time Curricular Practical Training authorization may not ever work more than 20 hours per week.

REMOTE PLACEMENTS (Outside of Greater Boston)

The Office of Clinical and Pro Bono Programs will allow students to work remotely at placements outside of greater Boston 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 supervising a long-distance placement is establishing and maintaining a good working relationship between you and the student. It is critical to focus on this early in the semester.

- **Set up an initial phone meeting during the first week of the academic semester.** Discuss goals and expectations. This should include what the student hopes to learn and what skills the student hopes to improve during the semester. It should also include how often you will communicate with each other, and whether by phone or email. A regular communication schedule should be established. The student should send a follow-up email to you reiterating the student's semester goals/expectations and the communication schedule.
- **Regular communication:** The student you are supervising should be in contact with you at a minimum on a weekly basis via telephone or email. If the student is unable to reach you (and an emergency has not occurred), the student should contact the Office of Clinical and Pro Bono Programs.
- **Assignments:** The student should receive interesting and meaningful work. If this becomes an issue, please contact the Office of Clinical and Pro Bono Programs.
- **Mid-Semester Evaluation (Fall/Spring Only):** You are required to have a mid-semester evaluation telephone meeting with your student. This is an opportunity for you to provide constructive feedback (praise and critique). This is also an opportunity to plan assignments and tasks for the remainder of the semester.
- **Monthly Time Log:** Students working in a long-distance placement are required to maintain and submit via email a monthly time log to their supervisor and the Clinical and Pro Bono Programs office (except students through the independent clinical program). An example is available for download on the clinical website.
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Resources Available to Students

- **Conference rooms, Telephone, and Fax:** The Office of Clinical and Pro Bono Programs has conference rooms with telephones available for students to use for clinical work. A fax machine is also available. For more information or to book the office space, students may contact our office at 617-495-5202 or clinical@law.harvard.edu. Please contact Liz Solar or anyone in the Office of Clinical and Pro Bono Programs if any problems arise concerning your student.

CLOSE-OUT PROCEDURES

Before the end of the semester, please discuss with students any close-out procedures they must comply with in order to complete their clinical work.

Students should ensure that case files are updated, complete, and in good order before completing their clinical work. In addition to informing you of the status of their cases or projects, it may be helpful for students to write “transfer” memoranda detailing the current status of their work, documenting progress throughout the semester, and indicating what needs to be done in the near future. You should plan to discuss with the student 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.

We recommend that you schedule an exit interview with your student, at which time you can review his/her transfer documentation and your final evaluation.

PLACEMENT SITE VISIT

Someone from the Office of Clinical and Pro Bono Programs may contact you to arrange a time to meet with you to conduct a 'site visit' during the semester, if you are a local placement that regularly works with Harvard students. These site visits provide us with the opportunity to learn more about you and your organization and to hear your opinions and assessments of Harvard Law School's clinical program.

The following is a list of topics we hope to cover during the site visit interview. In addition to the items listed below, you should feel free to raise any issues or concerns you may have, as well as make suggestions, during this visit or at any time throughout the semester.

- Does the student have an adequate workspace at the site? Does the student have access to a computer and telephone? What other facilities are available?
- How many attorneys are in your office? How many staff members?
- Is work assigned in writing or verbally? Do other attorneys give the student any assignments? Are you overseeing those assignments?
- What types of assignments has the student been given?
- What types of assignments will you give the student during the remainder of the semester?
- Is the student being given a variety of projects or tasks to ensure a broad exposure to the practice?
- Does the student attend staff meetings, client meetings, mediations, or other scheduled events related to his/her work?
- Have you discussed ethical and client issues and various approaches to legal issues and cases with the students?
- How do you evaluate the student's work? Do you provide feedback in writing? In person?
- How often do you meet with the student? Do you meet in person? On the telephone? Via e-mail?
- How do you structure the meetings? Do you spend time critiquing the student's work and providing the student with effective and constructive feedback?
- Have you provided the student with any manuals or other materials? Has the student attended any training or participated in any seminars? If yes, please describe.

ACCESSIBILITY

OCP fully complies with Harvard Law School's commitment to the full inclusion of students with disabilities in its clinical programs. In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and the Americans with Disabilities Act Amendments Act (ADAAA), HLS provides accommodations and support to students with documented disabilities on an individual, case-by-case basis. Clinic students are encouraged to access resources made available through the Dean of Students Office in order to fully participate in all clinical opportunities. <https://hls.harvard.edu/dept/dos/accessibility/>

We ask that all supervisors comply with all local, state and federal rules and laws when supervising and hosting students at their work sites. Supervisors with questions or concerns may reach out to Liz Solar at esolar@law.harvard.edu or 617-495-3765.

TITLE IX AND NON-DISCRIMINATION POLICIES

In accordance with its mission and with Harvard University policy, Harvard Law School does not discriminate against any person on the basis of race, color, sex, gender identity, sexual orientation, religion, creed, age, national or ethnic origin, ancestry, veteran status, genetic information, military service or disability in admission to, access to, treatment in, or employment in its programs and activities.

Accordingly, the Office of Clinical and Pro Bono Programs of Harvard Law School requires all externship and independent supervisors to comply with all applicable antidiscrimination laws.

APPENDIX A

HARVARD LAW SCHOOL NOTICE OF NON-DISCRIMINATION

Harvard Law School does not discriminate against any person on the basis of race, color, religion, creed, national or ethnic origin, age, sex, gender identity, sexual orientation, marital or parental status, disability, source of income, or status as a veteran in admission to, access to, treatment in, or employment in its programs and activities. The Law School has instituted these policies and certain procedures to ensure a safe and non-discriminatory environment and to meet legal requirements, including Title IX of the Education Amendments of 1972. All employers using the facilities and services of the career services offices must comply with these policies and procedures. 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 non-discrimination policy to military recruiters. This exception to our policy does not in any way reflect acceptance of, or agreement with, discriminatory hiring practices.

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 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
- 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, innuendos, 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

[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](#)

Outside Agencies:

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

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

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

02.10.2017