

HLS Resources and Procedures for Title IX Complaints Against HLS Students

1. Resources and Reports Relating to Sexual or Gender-Based Harassment. HLS is committed to equal opportunity, respect, fairness and nondiscrimination, and to taking appropriate steps to end any harassment, prevent its recurrence, and, where appropriate, remedy its effects. To that end, HLS has a Title IX Program Officer, who works with the Associate Dean and Dean of Students, the Associate Dean and Chief Human Resources Officer, and the Associate Dean and Dean for Academic and Faculty Affairs), whose purpose is to oversee implementation of the Harvard University Interim Title IX Sexual Harassment Policy¹ (as such policy may be amended from time to time). This includes receiving reports of sexual or gender-based harassment (see 1.2 below), determining supportive measures, supervising investigation and resolution of complaints under these procedures, and informing students about the Policy and these procedures (including 1.1 through 1.8 below). The HLS Title IX Program Officer is an experienced administrator trained in identifying and responding to sexual harassment, including harassment based on gender identity and sexual orientation, and its harm to equal educational opportunity, as understood in light of principles of academic freedom and free speech, and other aspects of Title IX and the Policy.

1.1 Confidential Resources. The HLS community should be aware of relevant confidential resources, which are available both before and after a person communicates with any Title IX coordinator about potential violations of the Policy:

- [Harvard University Office of Sexual Assault Prevention and Response](#) (OSAPR), when providing services as a sexual assault counselor, a domestic violence counselor, or under a clinical license,
- [Harvard Chaplains](#),
- [HUHS Counseling and Mental Health Services](#).

A guide to available resources, including privileged and confidential resources, can be found at titleix.harvard.edu.

These resources can provide confidential advice and counseling. Information disclosed by an individual to these counselors will not be disclosed to the HLS Title IX Program Officer or any other person without an individual's express written permission, unless there is an imminent threat of serious harm to the individual or others, or a legal obligation requires disclosure (e.g., if there is suspected abuse of a minor). These counselors can provide more information about the extent of confidentiality. Under applicable law and University policy, many members of HLS community – including faculty and senior administrators – may be required to report incidents to the Title IX Program Officer, and so may not be able to keep the matter completely confidential. The HLS Title IX Program Officer them self may be required to investigate and seek to address Policy violations, and so may not be able to keep the matter completely confidential. If a student's information may not be kept confidential, the student will be notified of the information that will be disclosed, to whom, and why. The above confidential resources may be useful to consult as a first step.

¹ The following procedures also apply to potential violations of Harvard University's Interim Other Sexual Misconduct Policy.

1.2 Reports of Title IX Violations. Individuals are encouraged to report any violation of the Policy to the HLS Title IX Program Officer. Contact information for the HLS Title IX Program Officer is:

Sasha Tulgan, HLS Title IX Program Officer
Harvard Law School, Hauser Hall 010
1585 Massachusetts Avenue
Cambridge, MA 02138
Email: hlstitleix@law.harvard.edu Tel: (617) 496-0921
Fax: (617) 495-0544

Reports of sexual harassment or other sexual misconduct as defined in the Policy, including sexual assault and sexual violence, will be processed under the Procedures detailed herein when both the complainant and the respondent are HLS students. If the complainant is a Harvard student but not an HLS student and the respondent is an HLS student, or if the complainant is an HLS student and the respondent is a Harvard student but not an HLS student, the [*Interim Procedures for Handling Complaints Involving Students Pursuant to the Interim Title IX Sexual Harassment Policy*](#) or the [*Interim Procedures for Handling Complaints Involving Students Pursuant to the Interim Other Sexual Misconduct Policy*](#) will be used (or such other procedures as supplement or replace those interim procedures from time to time), supplemented by the *HLS Interschool Sexual Harassment Procedures*. If the respondent is an HLS faculty member, the *HLS Procedures for Title IX Complaints Against Faculty* will be used. If respondent is an HLS staff member, the [*Interim Procedures for Handling Formal Complaints Against Harvard Staff Members Pursuant to the Interim Title IX Sexual Harassment Policies*](#) or the [*Interim Procedures for Handling Formal Complaints Against Harvard Staff Members Pursuant to the Interim Other Sexual Misconduct Policy*](#) (or such other procedures as supplement or replace those procedures from time to time). For avoidance of doubt, the Law School's Administrative Board Procedures will not be used for complaints of sexual or gender-based harassment or other sexual misconduct, as defined in the Policy, including sexual assault or sexual violence.

1.3.1 Anonymous Reports. Persons may wish to report violations of the Policy anonymously. If a person reporting a potential violation self-identifies but asks to remain anonymous, the HLS Title IX Program Officer will decide how to proceed, taking into account the person's wishes, the University's commitment to providing a safe and non-discriminatory environment, and the right of any person accused of a violation of the Policy to have notice of allegations if any action may be taken that would affect the accused. It may not be possible to guarantee the reporting party anonymity in certain circumstances.

1.3.2 Informal Reports. Individuals may wish to file a formal complaint about a Policy violation (see 2.1 below), or to report informally (i.e., without initiating a formal complaint). The HLS Title IX Program Officer shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report. Reporting persons should be aware that although the HLS Title IX Program Officer will often be able to maintain confidentiality of reporting persons, the HLS Title IX Program Officer may sometimes be required to take actions to protect the safety of HLS community members that may result in the identity of the reporting person being disclosed (to the police, for example). Reporting persons are encouraged to consult with the confidential resources identified above before self-identifying to the HLS Title IX Program Officer. When reporting persons seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of HLS to respond fully to any reported event, including

discipline against a reported person, that the Policy prohibits retaliation, and that HLS will take steps intended to prevent retaliation and to respond to it strongly if it occurs. For clarity, the informal resolution process in 1.3.3 is independent of and distinct from an informal report.

1.3.3 Informal Process. The parties will not be required to participate in an informal resolution process, and as required by 34 C.F.R. 106.45, the HLS Title IX Program Officer, as that regulation states, “may not offer an informal resolution process unless a formal complaint is filed.” Subject to the foregoing, however, at any time prior to reaching a determination regarding responsibility, HLS may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, if the HLS Title IX Program Officer concludes that it is possible to resolve a matter, in a prompt, fair and adequate manner through an informal process involving and with the consent of the parties (including the reporting person or complainant and the person whose conduct may have violated the Policy or respondent). Before any informal process will be used, HLS must obtain the parties’ voluntary, written consent to the informal resolution process. If an informal process is to be used, HLS will provide the parties a written notice disclosing the allegations, the requirements of the informal resolution process, the rights of the parties under these procedures, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared under the informal process. Before using any informal process, the HLS Title IX Program Officer will notify those involved about the advantages and disadvantages of the process, and establish and notify those involved about reasonable timeframes for the process. Any party may terminate or decline any informal process at any time prior to agreeing to a resolution, without penalty, and resume the process with respect to the formal complaint. Waiver of the right to an investigation and adjudication of formal complaints of sexual harassment under these procedures shall not be a condition of enrollment or continuing enrollment, or employment or continuing employment (where the complainant is a staff member and the respondent is a student), or enjoyment of any other right. No person reporting that he or she has been sexually assaulted will be asked to mediate or reach a resolution of the report directly with a person alleged to have committed the assault. The HLS Title IX Program Officer will report to the HLS Title IX Oversight Committee (see 6 below) about the use, timeliness and outcomes of the informal process, without disclosing parties’ names.

1.3.4 Legal Advice. When reported conduct by any person might constitute criminal conduct, the person whose conduct is reported should, and the reporting person may wish to, seek legal counsel before making any written or oral statements, and seek advice about how his or her participation in any process under this Policy could affect any criminal case in which he or she is or may become involved.

1.4 Leniency on Other Policy Violations. To encourage reports of violations of the Policy, HLS may at any point in an investigation or proceeding offer leniency with respect to violations of other HLS policies that may come to light as a result of such reports, depending on the circumstances.

1.5 Timeliness. Reports may be made at any time, regardless of how much time has elapsed. Those with information about violations of the Policy are encouraged to report as soon as possible. Prompt reporting allows for prompt and effective responses. If a person who violated the Policy is no longer employed or a student at the time of a report, HLS may not be able to take action against that person. Reports may be valuable in allowing HLS to support affected individuals, prevent recurrences or address the effects of reported conduct.

1.6 Supportive Measures. As described in 5 below, HLS through its Title IX Program Officer will provide prompt and reasonable supportive measures to support and protect the safety of all parties, the educational environment, and the HLS community; to deter retaliation; and to preserve the integrity of the investigation and resolution process.

1.7 Criminal Complaints and Police Assistance. Any member of the HLS community may at any time also file a criminal complaint or seek assistance in preserving physical evidence from the Harvard University Police. Information on those resources can be found here:

Harvard University Police Department
1033 Massachusetts Avenue
6th Floor, Cambridge, MA 02138
Urgent: 617-495-1212
Business: 617-495-1215

HLS and the Title IX Program Officer will assist anyone reporting or accused of Title IX violations in contacting law enforcement officials.

1.8 Process Confidentiality. To encourage parties and witnesses to participate in these procedures (including anonymous reports, informal reports, and formal complaints), all involved should keep confidential any information they receive in the course of their participation, other than to consult with advisors and attorneys, and incidental to seeking support and advice from family, clergy, health professionals, and others playing a similar role, all of whom should also be advised by anyone seeking their support to keep such information confidential. Disclosure of confidential information received in participating in these procedures has the potential to compromise the integrity of these procedures and may be viewed as retaliation that violates the Policy. The parties remain free to share their own experiences, other than information that they have learned solely through the investigatory process. The parties may discuss the allegations under investigation except in a manner that constitutes retaliation, though to avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide. The HLS Title IX Oversight Committee (see 6 below) shall from time to time provide guidance on the confidentiality obligations of parties and witnesses, including through the chair of that committee if necessary to provide the guidance on a timely basis. Upon the initiation of an investigation, the HLS Title IX Program Officer shall remind the parties, in writing, of their obligations regarding confidentiality. Public disclosure of confidential information received as a result of participation in these procedures may constitute a violation of HLS standards of conduct, and shall be subject to these procedures as a related matter (see 2.7 below).

2. Complaints and Investigations. HLS is committed to providing a fair and prompt investigation of violations of the Policy. During any investigation and resolution of a complaint, both complainants and respondents have the opportunity to obtain counsel or assistance from lawyers or advisors of their choice (see 2.3 below), to have an impartial adjudication (see 3 below), to present witnesses and relevant evidence and have the complaint reviewed at a hearing (see 3.3 below), and to appeal (see 4 below). HLS will promptly and concurrently notify the parties in writing of the outcome of any formal complaint or appeal (see 2.4.1, 3.5.3 and 4.4).

2.1 Formal Complaints. A formal complaint shall state (if known to the complainant) the name(s) of the persons involved in and witnesses to the conduct, describe the conduct, and identify to the

extent reasonably possible the dates and places of the conduct. The complaint shall be signed and dated by the complainant. The HLS Title IX Program Officer shall promptly provide a copy of the complaint to all respondents named in the complaint, and provide such information to the extent necessary to comply with any applicable law, including 34 C.F.R. 106.45(b)(2).

2.2 Investigations Generally. To protect complainants, respondents, and the HLS community, allegations of violations of the Policy will be investigated promptly (see 2.4.4 and 2.4.5) and fairly by or under the supervision of the Title IX Program Officer. Investigations may be initiated whenever warranted, including in response to a formal complaint, in the absence of a formal complaint, or after a formal complaint has been withdrawn. Where a complainant specifically requests a complaint not be investigated, an investigation may be initiated if the HLS Title IX Program Officer determines that the facts warrant an investigation. The HLS Title IX Program Officer will take into account concerns articulated by complainants and respondents, the best interest of the community, fairness to all concerned, and the University's legal obligations under Title IX. Investigations under these procedures may be carried out prior to, simultaneously with, or after criminal or civil proceedings (see also 2.4.4 and 2.4.5 below). Any investigator will be impartial and unbiased, will disclose any real or reasonably perceived conflicts of interest, and have training in investigating and evaluating conduct under the Policy, including applicable confidentiality requirements. The HLS Title IX Oversight Committee (see 6 below) will periodically review and provide general guidance to the Title IX Program Officer on the qualifications and conduct of investigators.

2.3 Advisors and Counsel. All parties may consult with advisors of their choice, including an attorney, at any point in the process. The HLS Title IX Program Officer will notify parties that they may consult with advisors (including an attorney), and the names of potential advisors (including attorneys). HLS will provide financial assistance to parties unable to afford an attorney who would like to do so, subject to reasonable fee structures and limits determined from time to time by the HLS Title IX Oversight Committee (see 6 below). Ordinarily, an investigator (see 2.4.2 below) will speak directly with a complainant and respondent, and each may have an advisor or attorney present, and if a student requests, the student's advisor or attorney may participate in the conversation. In addition, section 3.4.2 (if applicable) requires HLS to provide an attorney, free of charge, to parties for limited purposes at hearings if the parties do not have another advisor for those purposes.

2.4.1 Initial Assessments. The HLS Title IX Program Officer will make an initial assessment following a report or complaint about a violation of the Policy. Based on that assessment, the HLS Title IX Program Officer may act as follows: (a) if the conduct, even if substantiated, would not violate the Policy, the HLS Title IX Program Officer must dismiss the complaint; (b) if the conduct (or complaint) is outside the scope of the Policy, but within the scope of another policy, refer the matter to another office; (c) if the HLS Title IX Program Officer concludes that it is possible to resolve the case in a prompt, fair and adequate manner through an informal process involving and with the consent of both the complainant and respondent, the HLS Title IX Program Officer may seek to do so (subject to limits in 1.3.3 above); or (d) if the conduct, if substantiated, would violate the Policy, the HLS Title IX Program Officer may initiate an investigation. Before the commencement of any investigation or proceeding, the parties shall be promptly notified in writing of the result of this initial assessment, and the reasons for the assessment, and will be provided with sufficient details to permit parties to prepare for an initial interview. In any case, the HLS Title IX Program Officer may also identify and implement appropriate supportive measures (see 5 below).

2.4.2 Investigations and Investigatory Record. If the result of the initial assessment is an investigation, such investigations will generally include individual interviews of the complainant, respondent, and any relevant witnesses. The investigator will keep and preserve a record of the investigation. This record will be the basis for any recommended findings by the investigator (see 3.3 below).

2.4.3 Notice and Opportunity to Respond. The record prepared by the investigator (see 2.4.2 above) will be shared promptly and equally with complainant and respondent, redacted if and to the extent required by and consistent with law. Each party will have an opportunity to meet again with the investigator, respond in writing, and request gathering of additional information by the investigator. If additional information is gathered, it will become part of the record and shared with all parties, who again will have an opportunity to respond. The parties will be updated at regular intervals of the status of the investigation.

2.4.4 Timeframes. HLS will seek to complete any investigation and resulting disciplinary process (including a decision on any remedies) within 45 business days after receipt of a complaint. HLS will seek to complete any appeal within 20 business days after receipt of the appeal. An investigator may impose reasonable timeframes on all parties to allow the timely completion of a proceeding. Timeframes for all phases of a process apply to all parties equally. Investigations will continue according to these timeframes during summer and other times HLS classes are not in session.

2.4.5 Extensions. There may be circumstances requiring longer timeframes. Timeframes may be extended, for example, in the interest of the integrity and completeness of the investigation, to accommodate witness availability, or to comply with requests by or not to prejudice investigations or processes of external law enforcement, or for other legitimate reasons, including the complexity of the investigation and the severity or extent of alleged misconduct. HLS will notify the parties of any extensions of timeframes. Although cooperation with law enforcement may require temporary suspensions of an HLS investigation, HLS will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed. HLS will not wait for the conclusion of criminal proceedings to begin its investigation, and will provide appropriate supportive measures throughout, including during suspensions and extensions. The HLS Title IX Program Officer will work with the parties to balance the value of promptness with the value of in-person or live virtual meetings in an investigation.

2.5 Cooperation. HLS expects members of the HLS community, including witnesses, to cooperate with an investigation. It is understood that there may be circumstances in which complainants may wish to limit their participation, and a complainant may choose to do so, although HLS may be obligated to conduct an investigation. It is understood that respondents may be advised not to provide information in circumstances that could prejudice their rights in external proceedings, and a respondent may choose not to do so, although HLS may be obligated to conduct an investigation. HLS will not draw any adverse inferences from silence in such circumstances, but may impose supportive measures, reach findings and implement any or all of the remedies available under 3.5.1 through 3.6 below, as appropriate.

2.6 Sexual History. The parties' sexual histories will not generally be a subject of an investigation or questions at a hearing (see 3.4 below). However, the history of relations among parties may be

relevant. For example, if “unrequested or uninvited conduct” is at issue,² the sexual history between the parties may be relevant to determining whether the conduct was unrequested and uninvited during the incident in question, although it must be remembered that even in the context of a relationship, an acceptance of a request for one sexual act does not imply acceptance for another sexual act, and an acceptance of a request on one occasion does not constitute acceptance on a subsequent occasion. In addition, under very limited circumstances, sexual history may be relevant to explain injury, to provide proof of a pattern or of repeated events, or for another specific question raised by an allegation. The investigator shall determine the relevance of evidence to the investigation and whether its relevance is outweighed by the dangers of unfair prejudice, confusion, or undue delay, and the adjudicatory panel will determine such matters at a hearing. At a hearing (3.4 below), questions and evidence about the complainant’s sexual predisposition or prior sexual behavior will not be relevant, and may not be asked, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

2.7 Related Matters; Coordination; Impact on Degrees. The HLS Title IX Program Officer shall generally consolidate investigations of multiple related complaints under the Policy, and shall also generally consolidate investigations of complaints under other HLS or University policies that are factually related to an investigation of violations of the Policy. The Administrative Board and the HLS Title IX Program Officer shall coordinate their efforts in such cases, and the Administrative Board Chair shall ordinarily suspend Administrative Board proceedings for any matter covered by the Policy or factually related to such a matter, refer the matter to the HLS Title IX Program Officer, and so notify the parties. Degrees will ordinarily not be awarded to a respondent while a formal complaint under these procedures is pending.

3. Adjudications; Standard and Burden of Proof. When the HLS Title IX Program Officer determines to conduct or supervise an investigation (see 2.4.1 above), in order to permit a timely hearing should one be requested by any party (see 3.3 below), the HLS Title IX Program Officer or a delegate will initiate the scheduling and the parties’ selection of a three-person adjudicatory panel, as set forth in 3.2 below. Such a panel will determine if the investigation has shown by a preponderance of the evidence that the Policy has been violated, and will adjudicate related matters under other policies in accordance with those policies. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on HLS and not on the parties.

3.1 Adjudicators’ Qualifications. All panelists shall be trained in evaluating conduct under the Policy and these procedures, including applicable confidentiality requirements, have relevant expertise and experience, be impartial, unbiased, and independent of the community (i.e., not current students, faculty, administrators, or staff of Harvard University), will disclose any real or reasonably perceived conflicts of interest or recuse themselves in a particular case, as appropriate, and to the extent feasible reflect the value of diversity in all its forms and meet such other criteria as the HLS Title IX Oversight Committee (see 6 below) may from time to time establish. A list of no fewer than twelve qualified panelists shall be chosen under the supervision of the HLS Title IX Oversight Committee, and maintained and kept up to date by the Title IX Program Officer.

² Policy at 2.

3.2 Selection of Adjudicators. Each specific adjudicatory panel will be determined as follows: each of the complainant and respondent may choose from the list of qualified panelists one adjudicator; and the two adjudicators so chosen will choose a third from the same list, who shall chair the panel. This panel of three will adjudicate the complaint. If the investigation does not involve a complainant, the HLS Title IX Program Officer shall designate a panelist in place of the complainant.

3.3 Pre-Hearing Dispositions, Reports, and Requests for Hearings. If, at the completion of the investigation, the HLS Title IX Program Officer or the investigator concludes there is no plausible basis for a finding of a violation of the Policy, the investigation must be terminated and the parties so notified. If the HLS Title IX Program Officer concludes that it is possible to resolve the case in a prompt, fair and adequate manner through an informal process involving and with the consent of both the complainant and respondent, the HLS Title IX Program Officer may seek to do so (subject to the limits in 1.3.3 above). If the HLS Title IX Program Officer or investigator believes no such informal resolution is possible, and concludes that there is a plausible basis for finding a violation of the Policy, the HLS Title IX Program Officer or investigator will prepare a report stating the plausible basis for finding a violation of the Policy. The HLS Title IX Program Officer will provide the report to each party and each party's advisor, if any, inquire of the complainant and the respondent whether either desires an oral hearing (a "**hearing**"), make available the evidence subject to inspection and review in an electronic format or hard copy, and the parties will have at least 10 days to submit a written response, which the HLS Title IX Program Officer or investigator will consider prior to completion of the investigative report. If any party desires a hearing, the HLS Title IX Program Officer will then schedule a hearing with the adjudicatory panel. Hearings shall take place no earlier than ten days after the investigative report is provided to the parties and their advisors.

3.4 Conduct of Hearings. At any hearing, the parties will have equal opportunity to participate, with up to two advisors (including up to one attorney). The adjudicatory panel shall determine the conduct of the hearing, subject to these procedures and the Policy, and shall be provided with reasonable support and administrative assistance by HLS. Formal rules of evidence will not apply, and the panel may set reasonable time limits (subject to 2.4.4 and 2.4.5) and other regulations for the hearing. Should situations arise which are not addressed by these procedures, or in which in the application of these procedures, in the judgment of the panel is inappropriate, the panel may formulate and follow an appropriate ad hoc procedure, subject to law and University policy, and shall report to the TIX Oversight Committee on the use of any ad hoc procedures. The investigator will present the results of the investigation, and the parties will have an equal opportunity to respond. The parties will also have an equal opportunity to present witnesses and relevant evidence and have questions asked of other parties (see 3.4.1 below), and to ask questions of the investigator. Hearings shall not be open to the public. Hearings may be conducted remotely, provided all participants are equally able to participate on a real-time basis. The only participants shall be the parties, their advisors and attorneys, witnesses, the adjudicators and any staff they may need for the conduct of the hearing, any investigator, the HLS Title IX Program Officer and, with prior notice to the chair of the adjudicatory panel, any member of the HLS Title IX Oversight Committee. A transcript of the hearing shall be kept and made available to the parties. The parties may present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, and shall not be restricted from discussing the allegations under investigation or from gathering and presenting relevant evidence. The chair of the panel may establish restrictions regarding the extent

to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties, subject to 3.4.2 below (if applicable).

3.4.1 [Intentionally Omitted].

3.4.2 Questions at Hearings Under Department of Education Regulations. As required by 34 C.F.R. 106.45, the following provisions shall apply in lieu of those contained in 3.4.1: At the hearing, the chair of the adjudicatory panel must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at a hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If a party does not have an advisor present at the live hearing, HLS will provide without fee or charge to that party, an advisor chosen by HLS, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. At the request of either party, a hearing will occur with parties located in separate rooms with technology enabling the panel and the parties to simultaneously see and hear the party or the witness answering questions. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the chair of the panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. As noted in section 2.5, HLS will not draw any adverse inferences from respondent's decision to limit their participation, including by declining to answer cross-examination or other questions or to participate in a hearing. Hearings may be conducted with all parties physically present in the same geographic location or, at the chair of the panel's discretion, any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. A transcript of the hearing shall be kept and made available to the parties.

3.5 Post-Hearing Dispositions and Remedy-Relevant Evidence. The adjudicatory panel will determine by majority vote whether a violation of the Policy has occurred, and will write a report (which may incorporate the investigator's report, as the panel deems desirable, subject to any applicable provisions in section 3.4.2) stating the basis for their conclusion. The panel's report shall identify allegations potentially constituting violations of the Policy; describe the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; state findings of fact supporting the determination; conclusions regarding the application of Policy to the facts; state the result as to each allegation and a rationale for each result, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to HLS's education programs and activities will be provided to the complainant; and describe procedures and permissible bases for the complainant and respondent to appeal. The panel's report will be provided to the parties. Each party may submit evidence or written argument relevant to remedies or mitigation up to two business days after receiving the final decision, and will have one business day to respond to evidence submitted by any other party. All adjudicators shall sign the final decision (including any dissent) as a record of their deliberations and dispositions. The parties will be notified of the final decision (see 3.5.3 below).

3.5.1 Determination of Remedies. The panel will also determine remedies, by a majority vote. The remedies may include those described in 3.6 below. Remedies shall take into account the severity and impact of the conduct, the gravity and circumstances of the violation, including the awareness and intent of the parties, the impact of the violation on the complainant, the safety of the community, the student's previous disciplinary history (based on consultations with the Secretary and the Chair of the Administrative Board), any evidence submitted by the parties relevant to remedies, and the goals of the Policy and these procedures, including HLS's commitment to equal opportunity, respect, fairness and nondiscrimination. Remedies shall also take into account remedies imposed in prior cases at HLS, both within and outside the context of the Policy, based on consultations with the Administrative Board Chair and Secretary. The final written report will include a statement of, and any rationale for, any disciplinary sanctions imposed on the respondent.

3.5.2 Adjudication of Related Matters. The panel will adjudicate any related matters in accordance with relevant policies, and state their conclusions as to those matters in the same decision (see 2.7 above).

3.5.3 Notice of Disposition and Remedies. Subject to law, all parties to a formal complaint shall be promptly and contemporaneously provided with a copy of the panel's decision and final written report (as provided in 3.5 above), including a description of remedies, as well as a statement as to their appeal rights.

3.6 Remedies Available. Violations of the Policy may result in the following remedies: (1) Measures similar in kind to the supportive measures listed in 5 below, such as a one-way no contact order, or changing academic schedules or restricting access to activities or facilities, except that following a finding that a respondent violated the Policy, no burden of such measures will fall on a complainant. Such measures may be put into place pending appeals. (2) Warnings that do not become part of a student's individual permanent record, but which may be considered in future disciplinary proceedings. (3) Reprimands, i.e., more serious warnings that become part of a student's individual permanent record. (4) Disciplinary probation for a set period of time, during which further violations of the Policy or other HLS policies will be grounds for suspension or dismissal, and during which counseling and formal apology may be required. (5) Suspensions, which may be conditional or unconditional. Conditions may include without limitation counseling and formal apology. (6) Loss of campus housing or on-campus employment. (7) Restriction of access to space, resources, and activities. (8) Withholding of degree. (9) Dismissal or expulsion.

4. Appeals. Each party (respondent and complainant) may request an impartial appeal. For clarity, either party may appeal an initial assessment that results in a dismissal, or any outcome of an investigation and adjudication.

4.1 Appeal Board. All appeals will be decided by a faculty board consisting of the faculty members of the Administrative Board, each of whom shall have received training under the Policy (including Title IX and applicable confidentiality requirements) and these procedures. Members of the appeal board shall be impartial and unbiased, and shall disclose any real or reasonably perceived conflicts of interest, or recuse themselves, as appropriate.

4.2 Grounds for Appeal. Grounds for appeal consist of (1) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; (2) an excessive or insufficient remedy; (3) procedural unfairness,

procedural error, or misinterpretation of the Policy's substantive legal standards that affected the outcome; (4) a conclusion that, on the record as a whole, no reasonable panel could have reached the same outcome using the same evidentiary standard; and (5) the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

4.3 Appeal Outcomes. The appeal board may uphold the original decision and remedy if any; alter the remedy; or return the case to the adjudicatory panel for further proceedings.

4.4 Appeal Procedures. The deadline for appeals is the fifth business day after the party requesting the appeal has been notified of the adjudicatory panel's decision. Requests for an appeal shall be in writing to the HLS Title IX Program Officer. If any party requests an appeal, all parties shall be notified of the appeal, how to participate, and the outcome. Appeals will ordinarily be on the written record, and each party shall be given the opportunity to submit a written statement in support of or challenging the outcome of the matter. The appeal board may by majority vote request an oral presentation on specific issues identified by the appeal board. The appeal board will determine procedures for any such oral presentations, consistent with the principles in 3 above, including equal opportunity for all parties to participate. The appeal board shall issue a written decision describing the result of the appeal and the rationale for the result and shall provide the written decision simultaneously to the parties.

5. Scope of and Process for Supportive Measures. On receipt of a report or complaint concerning a possible Policy violation, the HLS Title IX Program Officer will identify reasonable and appropriate supportive measures to meet the goals stated in 1.6 above. The HLS Title IX Program Officer shall promptly contact the reporting person or complainant to discuss the availability of supportive measures, consider the wishes of the reporting person or complainant with respect to supportive measures, inform the reporting person or complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the reporting person or complainant the process for filing a formal complaint. Supportive measures may be provided regardless of whether a formal complaint is filed, and are not intended to reflect a determination of the merits of any formal complaint. To the extent feasible given the nature of the relief, any person significantly affected by a supportive measure may seek a prompt review of supportive measures for abuse of discretion from the HLS Title IX Oversight Committee, acting through the chair if necessary for timely response, who shall either approve or revise the measures.

5.1 Types of Supportive Measures. Supportive measures may include: (1) Access to counseling services, and assistance in arranging an initial appointment; (2) Access to tutoring or other academic support, including rescheduling of or extra time for exams and assignments; (3) Changes in class schedules, including the ability to transfer course sections or withdraw from a course without penalty; (4) Change in work schedules or job assignments; (5) Changes in campus housing; (6) Provision of medical services; (7) "No contact" orders (administrative remedy designed to curtail or bar contact or communications between or among individuals); (8) Provision of services to safeguard or assist with movement or transportation; (9) Any other measures consistent with law, Harvard University and HLS policy, and HLS's educational mission that can be used to achieve the goals of the Policy.

5.2 Design of, Procedures for, and Monitoring of Supportive Measures. Supportive measures should be designed in a fair manner to meet the goals stated in 1.6 above and so as to minimize the impact on all affected, including any complainant and respondent in a formal case under these procedures. Requests for supportive measures should be directed to the HLS Title IX Program Officer, who will collaborate with the HLS Title IX Program Officer in monitoring or supervising the monitoring of the implementation of such measures and coordinating any response by HLS with other offices at Harvard and with law enforcement if needed. HLS will maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair HLS' ability to provide the supportive measures. All members of the HLS community are encouraged to report to the HLS Title IX Program Officer any failure to abide by restrictions imposed by supportive measures. Violations of such restrictions are violations of the Policy.

6. HLS Title IX Oversight Committee. The Dean shall designate a standing committee (the HLS Title IX Oversight Committee) consisting of tenured faculty (other than faculty members of the Administrative Board who serve as the appeals board under these procedures and other than any faculty member then serving as Faculty Administrator under the *HLS Procedures for Title IX Complaints Against Faculty*), based on suggestions from faculty members and reflecting to the extent feasible diversity in all its forms. This committee will be responsible for, among other things, monitoring the use, timeliness and outcomes of informal resolutions (see 1.3.3 above); appropriate instructions regarding confidentiality (see 1.8 above); the method and conduct of investigations chosen by the HLS Title IX Program Officer (see 2.2 above); after consultation with the Dean for Administration, setting reasonable regulations for compensation of attorneys on behalf of students (see 2.3 above); approving and periodically reviewing and if necessary revising adjudicator criteria (3.1 above); and reviewing generally the use of supportive measures (see 5 above). The committee shall consult regularly with student liaisons designated by the student government in consultation with the Dean of Students. The HLS Title IX Oversight Committee shall report to the HLS Dean and the faculty at least once a year on any significant decisions of interpretation or implementation of the Policy and these procedures by the Title IX Program Officer, the appeal board, the adjudicators, or the investigators. The HLS Title IX Oversight Committee will be kept fully informed by all participants about any decisions or practices that may be of concern to the faculty, will be advised by the faculty of matters that are of particular concern to faculty members, and will be free to propose to the faculty changes to or interpretations of these procedures. The HLS Title IX Oversight Committee's manner of reporting and consultation will be designed to provide needed or legally required confidentiality of information it receives.

7. Records. The HLS Title IX Program Officer shall maintain records of notices, communications, assessments, records, and reports specifically required under these Procedures or by law, including under 2.3 (notice regarding rights to advisors and attorneys), 2.4.1 (initial assessments), 2.4.2 (investigation records), 3.3 (investigation reports), 3.4 (hearing transcripts), 3.5 (decisions), and 4 (appeals). Student disciplinary records will be maintained separately, in accordance with HLS policies. All records under this section shall be maintained at least as long as any legally required period.