

FAQs

These FAQs address the Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences. Additional FAQs concerning the University Sexual and Gender-Based Harassment and the procedures for addressing such conduct can be found at the following link: [insert link].

1. *Does the FAS policy create new restrictions on freedom of speech?*

This policy is fully consistent with the Free Speech Guidelines adopted by the Faculty of Arts and Sciences on February 13 and May 15, 1990. It does not create any new or additional restrictions on free speech in our community.

The University does not prohibit all offensive speech regarding sex or gender. For harassing speech to create a hostile environment, it must be so severe, pervasive, or persistent that it denies or limits a student's ability to participate in or benefit from the University's educational or employment programs or opportunities. While Harvard is committed to non-discrimination and condemns derogatory speech, it is also committed to freedom of expression and recognizes that members of the University community are free to state their views on issues of importance to the public and the University. The University expects its students, faculty, and other community members to recognize the importance to others of expressing their views in an uninhibited manner. The University also recognizes the interest in free speech in private settings, such as private conversations and residential spaces, and the Policy would apply in such settings only if the harassing effect of the speech were so severe, persistent, or pervasive as to create a hostile environment.

2. *Someone was constantly disparaging me for being gay, sometimes when we were alone and more often in public, but when I told this person that I am not gay (which is true), the teasing stopped and the person apologized for making a mistake about my sexual orientation. Is that person's prior behavior a violation of the Policy?*

If the prior behavior was sufficiently persistent, pervasive, or severe to create a hostile environment, it may have been a violation of the Policy. The fact that the disparagement was based on an incorrect assumption about sexual orientation does not mean it does not violate the Policy. The Policy forbids harassment based on incorrect assumptions about people's sex, sexual orientation, or gender identity just as it does harassment based on actual sex (male/female), sexual orientation, or gender identity.

3. *Does the policy prohibit all sexual and romantic relationships between faculty and students?*

No. The Policy prohibits all sexual and romantic relationships between faculty and undergraduates in the College. Relationships between faculty and graduate students or DCE students are prohibited only when there is a supervisory element. For example, a faculty member may not have a sexual or romantic relationship with a graduate student who works in his or her lab, or who is his or her dissertation advisee.

4. *When I was a senior at the College I started dating a sophomore. Now I am a second-year graduate student and my partner is a senior in the College. Is our relationship prohibited?*

Relationships between graduate students and undergraduates in the College are only prohibited if the graduate student is in a position to grade, evaluate, or supervise the undergraduate. Resident Tutors in undergraduate houses are also prohibited from having relationships with undergraduates. So, the Policy would prohibit you from having a relationship with an undergraduate (or anyone else) in your section if you were a teaching fellow, or with an undergraduate who worked under your supervision in a lab. In such a situation, however, an alternative to ending an otherwise happy relationship would be to ask to rearrange your teaching assignment.

5. *I am a college student about to serve as a CA for a one-section course in which my partner plans to enroll. Does the Policy mean I have to give up my job as a CA?*
Probably not. Although the Policy does prohibit you from grading your partner, you can approach the head instructor with a request to make accommodations that will allow you to serve as CA. A Title IX Coordinator can also help you and the head instructor think of creative solutions to the problem. In most situations, such accommodations will be possible. In addition to taking care not to violate the Policy, of course, you should also keep in mind principles of academic ethics that would prohibit you from sharing private information about the course, such as exam questions, with your partner.
6. *What is the difference between the FAS Sexual and Gender-Based Harassment Policy and the University Sexual and Gender-Based Harassment Policy?*
The FAS Sexual and Gender-Based Harassment Policy incorporates all elements of the University Sexual and Gender-Based Harassment Policy. The FAS Policy includes additional provisions that a) prohibit certain sexual and romantic relationships between people of unequal university status (like faculty and undergraduates); b) allow the FAS to request that ODR investigate incidents of alleged sexual misconduct targeted at someone who is not a member of the Harvard community and that occur off campus or not in connection with a Harvard program or activity; c) allow the FAS to request that ODR investigate quid pro quo sexual misconduct involving a University-recognized student organization or club.
7. *What about sexual harassment that occurred before this new Policy was put in place? Will it be dealt with according to this new Policy, or according to whatever Policy was in place when it occurred?*
Except for the new provisions on relationships between people of different University status, this Policy does not generally prohibit any new categories of behavior that were previously permissible. Nevertheless, ODR will analyze conduct with reference to the policy in effect at the time the incident(s) in question took place. No action will be taken regarding relationships between people of different University status that existed only prior to this Policy, unless they violated an earlier policy (for example, if they also met the definition of sexual harassment that was in place at the time).
8. *I am a graduate student teaching fellow. My best friend, who is also a graduate student, confided in me about having been sexually harassed by a faculty member. My friend asked me not to tell anyone. The Policy says that teaching fellows are supposed to notify a Title IX Coordinator if they learn about sexual harassment. Do I have to tell a Title IX Coordinator what my friend told me?*

No. The Policy is designed to capture conversations where the reporting person could have a reasonable expectation that the person in whom he or she confides could take action on his or her behalf. While this does apply to teaching fellows, it is not intended to intrude on private conversations between “best friends.” If someone approaches you in your capacity as a personal friend, and not in your capacity as a representative of the University, the FAS is not going to require you to tell a Title IX Coordinator. You could, however, consider it your responsibility to *encourage* your friend to seek help and to *support* your friend in seeking that help, whether from the police, a Title IX Coordinator, an on-campus confidential resource, or a community organization.

9. *I am a graduate student teaching fellow. An undergraduate in my section confided in me about having been sexually harassed by a faculty member, but that faculty member isn't the one teaching our course. Do I have to tell a Title IX coordinator what my student told me even though it has nothing to do with the course I teach?*

Yes. As a graduate student teaching fellow, you are an officer of the University and a person that undergraduates will recognize has institutional authority. You are expected to share information that undergraduates give you about allegations of sexual harassment with a Title IX Coordinator.

10. *I am a faculty member and a psychiatrist. As a psychiatrist, I have certain privileges that allow me to keep information shared with me confidential. In some cases, I can keep it confidential even when subpoenaed. Does that mean I am exempt from the expectation that I will share what I learn about sexual harassment with a Title IX Coordinator?*

When people approach you in your capacity as a psychiatrist, the information they share with you is privileged. When they approach you as a faculty member, however, the information they give you is not automatically privileged just because you happen to also be a psychiatrist. In such cases, you will need to share any information that you learn about sexual harassment with a Title IX Coordinator.

11. *If I accompany someone who is in crisis from a sexual assault to a confidential resource such as University Mental Health Services or OSAPR, and if I thus become a witness to a confidential conversation that takes place there, does the umbrella of confidentiality extend over me, so that I am allowed to keep the conversation confidential and do not need to share its content with a Title IX Coordinator?*

If you are invited to accompany a victim of a sexual assault to a counseling session with a sexual assault or domestic violence counselor, there are statutes that make the content of that conversation privileged, despite your presence at the session. This means anything you hear in that session is confidential and privileged and you are protected from having to disclose it under most circumstances.

12. *I am a Resident Tutor and I have a great relationship with students in my house. Students confide all sorts of concerns in me, and trust me to keep them confidential. How can I retain their trust if I am required to report what they tell me to a Title IX Coordinator?*

If you let students know what your reporting responsibilities are at the beginning of your conversation, then you empower them to decide how much information to share with you. If you help students identify and contact confidential resources, then

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you know they have the option to speak with people confidentially if that is what is most important to them.

In addition, the [University FAQs](#) make clear that speaking with someone, even someone who is responsible for notifying a Title IX Coordinator, does not necessarily lead to the filing of a complaint. Moreover, even though you have an obligation to report to a Title IX Coordinator, both you and the Title IX Coordinator will respect the sensitivity of this information and share it with others only on a need-to-know basis, for example, in order to evaluate appropriate supportive measures for your student.

13. What confidential resources are available to members of the FAS community?

There are certain resources who are privileged under the law and who, therefore, are generally prohibited from disclosing information they receive to a Title IX Coordinator or even in a legal proceeding. Mental health clinicians, OSAPR staff providing services as rape crisis counselors, lawyers providing legal advice to clients, and clergy hold such a privilege.

In addition to those privileged resources, there are other resources whom the University and the FAS have decided are not obligated to make a notification to a Title IX Coordinator, although they do not hold a legal privilege. The University Ombuds, the Office of BGLTQ Student Life, and the Bureau of Study Counsel; in cases not involving sexual assault, OSAPR; and RESPONSE peer counselors (who provide services to undergraduates only) are available to discuss an incident without forwarding any information to a Title IX Coordinator. Should the incident result in an external investigation, such as a criminal prosecution, civil lawsuit, or other government investigation, these individuals may be required to reveal information they were told (unlike the privileged resources discussed above).

If you are uncertain about whether to disclose information about an incident and want to discuss that issue in confidence, you may find it useful to ask about confidentiality and privilege at the start of the conversation.

14. Who are the Title IX Coordinators in the FAS and how were they chosen? What sort of training do they have?

All FAS Title IX Coordinators receive training from the University on conducting an effective sexual-harassment investigation and participate in monthly meetings with all University Title IX Coordinators.

Each Title IX Coordinator brings expertise developed in his or her other roles at Harvard to the position of Title IX Coordinator. Brief introductions to a few of our Title IX Coordinators are provided below:

Emily Miller is a Title IX Coordinator for students at the College. She received training from the Boston Area Rape Crisis Center on sexual violence, Title IX, the Campus SaVE Act, and relevant state laws. Emily has a Masters of Theological Studies from Harvard Divinity School with a focus on Women, Gender, Sexuality,

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and Religion. She also served as the Interim Coordinator of the Office of BGLTQ Student Life for the 2011-12 academic year.

Jeff Berg is a Title IX Coordinator for students at the College. He has worked closely with Harvard undergraduates in a number of advising roles for almost nine years, and has been at the University/FAS since 2004. Jeff is currently Assistant Director in the Office of Undergraduate Research and Fellowships. Before that, he managed the undergraduate program in English. Jeff studied English at Bates College and holds a Master's degree in Higher Education Policy and Administration from Boston University.

Jacqueline Yun is a Title IX Coordinator in the Graduate School of Arts and Sciences. She serves as the Director of Student Services in GSAS. Jackie served as a Title IX Coordinator at Boston University before coming to Harvard. She received training from the Boston Area Rape Crisis Center and engages in training offered through NASPA and ACPA regarding Title IX and the Campus SaVE Act.

Seth Avakian is a Title IX Coordinator, serving as Program Officer for Title IX and Professional Conduct for the Graduate School of Arts and Sciences and the Office for Faculty Affairs. He received training from the Boston Area Rape Crisis Center, Mentors in Violence Prevention, and The Green Dot. Seth obtained his BA and MEd from the University of Massachusetts Amherst and his PhD in Law and Public Policy from Northeastern University.

Robert Neugeboren is the Title IX Coordinator for students in DCE. He is Dean for Students for DCE (which includes the Summer School and the Extension School) and has served on various Administrative Boards in the FAS since 1996.

Mary Higgins is the Title IX Coordinator for faculty and instructional staff in DCE and Associate Dean for Academic Administration in DCE.

Kwok Yu, Johannah Park, and Seth Avakian are the Title IX Coordinators for faculty. In addition to their University training, Kwok and Johannah have also received training from the Massachusetts Commission Against Discrimination (MCAD) and the National Association of College and University Attorneys (NACUA). Kwok and Johannah also serve as Affirmative Action liaisons and have received University training on Affirmative Action and Equal Employment Opportunity laws.

15. *I am a teaching fellow and I'd like to talk to someone at OSAPR but I am afraid of running into a student there. I don't want any undergraduates to know I have consulted OSAPR. What can I do?*

You can reach OSAPR through a 24-hour hotline without having to make an in-person appearance at the OSAPR office. One of OSAPR's counselors can explain over the phone the options for an in-person meeting. Additionally, you can schedule an appointment online through the [OSAPR website](#).

16. *How do I know which Title IX Coordinator to approach first?*

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The FAS has designated different Title IX Coordinators to serve faculty, staff, and students. The student Title IX Coordinators specialize in the College, GSAS, or DCE. In order to take advantage of these specializations, the FAS recommends that you approach the Title IX Coordinator that represents your group, but you may approach any Title IX Coordinator of your choosing. Whichever Title IX Coordinator you choose will work together with any other FAS officers, including other Title IX Coordinators, who may be helpful in securing appropriate interim measures.

17. *I was sexually assaulted while studying abroad. The person who assaulted me has nothing to do with Harvard or any of its programs or activities, not even the study abroad program. I know Harvard can't discipline that person at all. Is there any point in telling a Title IX Coordinator about what happened to me?*

Yes. Even if the FAS cannot discipline the harasser, the Title IX Coordinator will take steps to provide appropriate supports for you and, where appropriate, the broader community. This may include offering available support services to you, notifying you of the right to file a complaint with the other person's school (if the respondent is a student) or relevant law enforcement, and taking any other appropriate steps to protect you. The Title IX Coordinator can also work with other FAS and University officers to protect others from exposure to the same harassment in the future.

18. *I have been sexually assaulted and I want the person who attacked me to be held accountable, but I do not want to see that person or talk to that person. Will the FAS force me to talk with that person?*

No. You may not be compelled to speak directly with the person who attacked you. Furthermore, it would not be appropriate to mediate cases of sexual assault and sexual violence. A process involving informal resolution or "mediation" would only be chosen if it is acceptable to you, the potential respondent, and the appropriate Title IX Coordinator.

19. *How am I supposed to find a personal adviser? I don't have any idea who can help me.*

The choice of a personal adviser is personal, and no one can assign a personal adviser to you. A Title IX Coordinator, however, can help you choose a personal adviser by talking to you about your options and explaining the personal adviser's role. Your personal adviser can be a lawyer, if you choose, but your personal adviser does not have to be a lawyer to be helpful to you. Your personal adviser's job is to support you, not to answer questions for you, so it is important to choose someone with whom you feel comfortable.

20. *I'm a graduate student and I'm receiving unwanted attention from an undergraduate. What happens if I reject them and then they make a report about me? I don't want to get in trouble and I don't want people in my department getting the wrong idea.*

We recognize that those in positions of power or authority are not immune to harassment from those whom they supervise, teach, or for whom they otherwise have some professional responsibility. Although our policy specifies that "it is the person in the position of greater authority who, by virtue of his or her special responsibility and the core educational mission of the FAS, will be held accountable

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for unprofessional behavior,” you are not responsible for the behavior of a person who is making sexual advances, flirting, or harassing you just because you are in position of authority -- unless you choose to accept or welcome those advances. Whether or not the unwanted attention is a violation of policy, you can contact a Title IX coordinator who can provide you with information about the resources and options that are available and help to brainstorm tactics to manage the situation.