

HARVARD
UNIVERSITY



To: Lawrence Bacow
From: Donald Pfister on behalf of the Title IX Policy Review Advisory Committee
Re: Recommendations for Addressing Issues of Sexual Harassment Involving Tenured Faculty Members
Date: October 16, 2018

The Title IX Policy Review Advisory Committee was created in 2015 to provide recommendations on how the University Policy on Sexual and Gender-Based Harassment was working and whether any modifications to the policy were in order.

In March 2018, President Faust requested that the Title IX Policy Review Advisory Committee reflect on sexual harassment involving faculty members. This issue is closely related to, but distinct from, the broader review of the policy, which continues. In particular, she asked for the Committee's thoughts on the issues she raised in [her comments at the March 6, 2018 meeting of the FAS faculty](#):

“Yet it remains the case that very clearly there is more to be done. And that starts by earning the trust of members of the community that they can turn to the University with the confidence that their concerns will be taken seriously, that they will receive support in difficult situations, and that the University will be responsive and fair. We need to acknowledge and work to address the cultural and structural realities that permit sexual harassment to occur. We need to acknowledge the profound influence members of the faculty have over junior faculty and students. Real consequences flow from that reality -- the difficult place students and junior faculty find themselves in when a mentor crosses boundaries and the reluctance they understandably experience to come forward when concerns arise. All of us in this room share a responsibility to act in ways that acknowledge this imbalance of power. We need to foster an environment where those who look to us for leadership and guidance feel comfortable coming forward when lines have been crossed.”

The Committee's thoughts on these particular issues follow and are organized by the charge.

Earning the trust of members of the community and taking concerns seriously

The trust of members of the Harvard community is vital in ensuring that the policies and procedures we have in place can help to maintain a safe and healthy educational and work environment for all. The suggestions below apply not just to the question of faculty-student relationships, but to building trust more broadly around preventing and responding to sexual harassment for the whole community.

1. **The University and Schools should enhance communications with the community around efforts to prevent sexual harassment.** Members of the community, particularly students, report that they do not think that the University has made efforts to prevent sexual harassment on campus. In the absence of information about the University's various efforts, community members assume that nothing is being done. It is important that the University and the Schools work proactively to make all members of the community – especially students – aware of policies, procedures, programs, and trainings that are in place. For example, students on the Committee thought it would go a long way if the community knew that the University and Schools were training faculty about sexual harassment and setting expectations about faculty members' responsibilities for promoting a harassment-free environment.
 - 1.1 **The University and Schools should explore additional channels for communicating with students, staff, and faculty.** Student governments, staff affinity groups, and faculty departments among other formal and informal organizations could be engaged in support of communication efforts. Reaching members of the community with our message remains a challenge. We should consider methods other than emails, which surely get overlooked, to deliver information. Are there opportunities to partner with community leaders and encourage them to promote our efforts in this area?
 - 1.2 **The University should explore the feasibility of a campaign modeled after public health campaigns** – such as those aimed at smoke-free and tobacco-free campuses – to raise awareness of the issues and to change behaviors that may lead to, fail to discourage, or even promote sexual harassment.
2. **Organize a University-wide competition open to students, staff, and faculty to crowdsource ideas for preventing sexual harassment.** We should engage our community in thinking about our collective responsibility for preventing sexual harassment. A competition could solicit targeted proposals for funding or it could be open to broad ranges of ideas aimed at education and/or dissemination of information. Some ideas that may be worth considering include:
 - 1) research proposals from faculty, students, or staff that would generate quantitative and qualitative data to inform or to evaluate our efforts.
 - 2) school- or community-specific interventions that generate stakeholder buy-in (e.g., faith-based initiatives) recognizing that the same interventions or programs may not have the same effect on all members of the community.

3) programming and education around culture and community that broadens the discussion to consider our responsibility for each other and the well-being of all.

Grants might be particularly appealing to students where an award would enable them to gain experience, to complete research for a thesis, or to collaborate with other students or faculty. At the same time, the program would increase awareness of the issues and perhaps impact behavior.

3. **Further consider how information on sexual harassment disclosures and complaints could be shared with the community to develop trust in the system.** Many students and others in the community indicate that they are unaware of what the actual experience has been in terms of how the University has handled reports of harassment and formal complaints. The Title IX Office and ODR already disclose significant data in their [annual reports](#). We suspect that the community may not be aware that the data exist, may desire them to be easier to find, or may be looking for other types of information that is not currently shared. Students point to reports from [Yale](#) and [Princeton](#) as examples of peer institutions that they believe share information well. The Yale report includes greater detail than the Title IX/ODR reports (e.g., descriptive summaries of complaints) and the Princeton report includes sanction information. We need to explore how additional information might be shared without betraying the confidentiality of parties. Additionally, Schools determine sanctions for any violations of the policy and would need to agree to share that information should we decide to include it in our reports.
4. **Consider whether the range of sanctions for policy violations could be detailed but recognizing that options vary by School/unit and constituent.** Students in particular have asked for this information as a proxy for judging how seriously the University takes violations of the policy. Should the University decide to share this information, we must be clear, however, that sanctions will be given on a case-by-case basis and that the University cannot state for certain that one type of violation will receive a particular sanction.
5. **Produce a broad, clear University statement that is easy to find by students, staff, and faculty.** Students, staff and faculty are looking for the University to affirm its values and make clear its commitment to avoiding and preventing sexual harassment beyond what is stated in the policy. As a starting point we could look at the [December 2017 message from President Faust about sexual harassment and sexual assault](#). We could also consider whether the [University-Wide Statement on Rights and Responsibilities](#) could serve this purpose if it were to be made more visible.

Providing support in difficult situations; being responsive and fair

6. **Schools that have not already done so should develop ways to respond to disclosures of possible misconduct that do not rise to the level of a possible violation of the policy but involve behavior that is still inappropriate or unwanted.** Some Schools report they have little recourse for addressing behavior that falls within this “gray zone.” The University should develop workshops and training for local responders (e.g., department chairs, faculty affairs deans, etc.) addressing what they could do in such situations and how to intervene, working with local Title IX coordinators where appropriate, to prevent situations from escalating. We should also look to Schools to share their own efforts to address situations that fall within this gray zone. For example, Dean Elmendorf sent a [message to](#)

[the entire HKS community](#) addressing the gray zone and encouraging people to talk to their Title IX Coordinator regardless of whether the behavior in question constitutes a policy violation.

Addressing cultural and structural realities that permit sexual harassment to occur; fostering an environment where members of the community feel comfortable coming forward

7. **Consider alternative avenues for collecting information about incidents of potential sexual harassment.** Even with a network of 55 Title IX Coordinators spread across the Schools and units, we certainly are not receiving all relevant information about potential sexual harassment on campus. Should we have options for sharing concerns that are incorporated into the existing fabric of life at the University, Schools, and units? For example, could a question that addresses the culture of the classroom be included on course evaluations at all the Schools?
 - 7.1. **Schools, departments, and offices should identify staff and faculty members to serve as "ears-to-the-ground" for the unit.** As in recommendation 6, it is important to do what we can locally to anticipate and head off questionable behavior and to prevent it from becoming a case of sexual harassment. It is a simple fact that in order to address the behavior, leaders need to know about the behavior. Students in particular shared that they do not always know where to turn when there is behavior that does not warrant going to the Title IX Coordinator. There may be issues related to our requirements to monitor reports of sexual harassment under Title IX, but those can be addressed.
 - 7.2. **Schools should work with students, staff, and non-tenured faculty to develop local peer support systems.** These volunteers should be trained by the Title IX Office to understand the policies and procedures, and could help connect individuals with Title IX Coordinators, or report on potential concerns to responsible parties. Community members should feel empowered to create safer environments for everyone.
 - 7.3. **The University and local Title IX Coordinators should consider whether there could be additional mechanisms by which information could be passed along to officials anonymously,** but at the same time making it clear that such information would only be used by the Schools for information and monitoring. Sanctions could not be imposed against perpetrators on the basis of anonymous information alone, but even anonymous information can help a department or unit encourage a healthier environment for all.
 - 7.4. **The University should explore technological solutions and information systems to support our efforts.** In 2011, the Department of Health and Human Services [challenged developers to create apps that empower young adults to prevent abuse and violence](#). Some tools that could be explored include:
 - Reach Out: capptivation.com
 - Circle of 6: circleof6app.com

- On Watch on Campus: onwatchoncampus.com
- Here for You, developed by Loyola University Chicago: luc.edu/coalition/gethelp/identknowwhattodo/hereforyouapp
- Kitestring: kitestring.io
- Callisto: projectcallisto.org

Members of the community also need to be reminded of tools that already exist (i.e., Thrive App in the [Apple App Store](#) and [Google Play](#)).

8. **Develop best practices and principles for planning physical spaces recognizing that architecture may modify behaviors and discourage situations where sexual harassment might occur.** As physical spaces are built or renovated, architects and planners should be reminded to consider best practices and principles in regard to design for safety and security. For example, could schools provide places to socialize late at night so that students don't have to socialize in bedrooms? Would using glass doors and/or walls for offices discourage bad behavior?

Acknowledging the profound influence and imbalance of power tenured faculty have over non-tenured faculty, students, and staff

9. **All Schools should have clear policies on unprofessional conduct, abuse of authority, and/or relationships among individuals of different University status.** We recognize that each School's community, culture, and needs differ and that one blanket policy is unlikely to be appropriate, but all policies should be clear about the harm that is caused by conduct that abuses authority. Although one approach is to develop a single University-wide policy, our initial view is that the different cultures of each school, the differing categories of students, and the different environments and types of teaching warrant each School developing its own local policy. However, the University should consider developing basic principles that each school could incorporate into its policy that would define a base level of acceptable conduct (e.g., prohibiting supervisors broadly defined from relationships with supervisees, and prohibiting relationships with undergraduates).

Guiding principles, issues for consideration, and best practices related to these policies could include:

- 1) What language should be used in these policies, and is there language that should be discouraged? For example, the titles of existing policies vary and include "unprofessional relationships", "abuse of authority", "relationships between individuals of different University status", and "consensual romantic relationships." The Committee believes that these policies should not include language that could appear to condone these relationships, such as "consensual romantic relationships."
- 2) Who is bound by the policy? For example, where do postdoctoral fellows fall or teaching fellows/assistants who are not students? Should executive education participants be included?

What about alumni when they are on campus or engaging with our students? The Committee encourages these policies to encompass the entire community broadly defined.

- 3) What conduct is strictly prohibited? What conduct is discouraged?
- 4) What is the process for reporting misconduct?
- 5) What is the process for making determinations as to whether standards have been violated? Who are the decision makers?
- 6) What are possible sanctions for violations of the policy?
- 7) Will the community be informed about the case? If so, how? What modes of transparency, notice, and reporting should be considered?

All Schools should review their existing policies and do so periodically based on these guiding principles, issues for consideration, and best practices.

9.1. Schools should promulgate these policies and make sure these policies are prominently displayed for faculty, staff, and students. These policies should be posted alongside the University's Sexual- and Gender-Based Harassment policy on University and individual School websites as well as included in faculty, staff and student handbooks. The policies should also be sent to the respective constituents on a regular basis.

10. Training materials for faculty, staff, and students should be reviewed to ensure that issues of power dynamics are addressed. We have made significant progress in ensuring that all entering students and now all faculty and staff complete online training modules. We should also investigate and consider efforts (like HBS's online training modules) to find innovative ways to inform, to teach and to get feedback from participants and members of the University.

HKS Sexual Harassment Prevention Community-wide Message

From: Elmendorf, Douglas W.

Sent: Thursday, May 10, 2018 3:17 PM

To: HKS Community

Subject: Sexual harassment prevention

Dear Faculty, Students, and Staff,

With the ongoing reports of disturbing incidents of sexual harassment and abuse in many places, we want to reassure you of our commitment to creating an environment that is safe for everyone at the Kennedy School. This commitment is imperative for excellence, inclusion, and justice.

You should all be aware that Harvard University, Harvard Kennedy School, and federal and state law prohibit sexual harassment and discrimination, and that Harvard has policies and procedures to address

concerns, which can be found [here](#). These policies and laws protect people, define unacceptable behavior, and provide for remedies and sanctions when violations occur. They set up strict standards of behavior for everyone at Harvard.

But laws and policies can only go so far. They cannot on their own create the supportive and safe culture that we want for the Kennedy School. Even if we would wish otherwise, the law does not always provide crystal-clear guidelines for prohibited behavior. Between fully mutually consensual relationships and clear Title IX violations, there is a wide range of behavior that can harm, demean, and isolate members of our community. Think of a faculty assistant who receives an unwelcome request for a date from a faculty member or senior administrator. Or a student who repeatedly pursues another student over the course of an academic year in ways that are unwelcome but do not rise to the policy definition of “severe, persistent or pervasive” harassment. Or two members of our community who come from societies with dramatically different norms governing relationships and gender interactions.

In a community as diverse and international as ours, there can be huge differences in how people express friendship and collegiality. Even well-intentioned “innocent” behaviors may be interpreted differently than intended, harming both the receiver and the reputation of the person displaying those behaviors. Moreover, such situations can prevent people from engaging meaningfully in the rich opportunities that the Kennedy School offers.

Every one of us is responsible for helping to create an educational and professional environment in which we can all do our very best work. In all of your relationships at the Kennedy School, please be aware of the possible consequences of your behavior on others and work to avoid creating misunderstandings, exploiting power differences, or unintentionally harming others. If you notice that others may be experiencing sexual harassment or unwanted behaviors, please be attentive to them and let us know.

The signers of this note are the dean of the School and the people at the School who have been trained as Title IX coordinators. These coordinators can help you with questions about Title IX issues, and they can also support you in situations in that gray zone of behaviors that may not constitute a policy violation but nevertheless injure some in our community. For example, our Title IX coordinators can help you with potential interventions related to sexual harassment and can put in place immediate interim measures such as academic accommodations, changes in work assignments, or “no contact” orders. Talking with these coordinators is the first step toward creating protections and resolving concerns, and **it does not mean you have to file a formal complaint.**

We are deeply committed to doing what is necessary to build the safe, inclusive, and excellent community we all want. We invite you to review the 2016 [report](#) by the HKS working group on sexual assault prevention, compiled by a task force of students, staff, and faculty. We have undertaken a great deal of education on Title IX in the past few years and will coordinate our future training on Title IX and sexual and gender-based harassment prevention with the University’s plans for required training of all faculty and staff announced by Alan Garber and Katie Lapp yesterday. In addition, we are looking at ways to strengthen HKS expectations of appropriate behavior and codes of conduct to supplement the protections that University-wide policies provide.

We invite you to share your thoughts and ideas about what more we can do to make the Kennedy School safer and more equal for all, and we look forward to continuing the conversation on this critical issue.

Sincerely,

Doug

Debra Isaacson, Senior Associate Dean for Degree Programs and Student Affairs

Title IX Coordinator for Students

debra_isaacson@hks.harvard.edu

(617) 496-8382

Jennifer Goodman, Senior Human Resources Consultant

Title IX Coordinator for Staff and Fellows

jennifer_goodman@hks.harvard.edu

(617) 496-2231

Suzanne Cooper, Academic Dean for Teaching and Curriculum

Title IX Coordinator for Faculty

suzanne_cooper@harvard.edu

(617) 495-0390

Sarah Wald, Senior Policy Advisor and Chief of Staff

Title IX Coordinator At-Large sarah_wald@hks.harvard.edu

(617) 495-4260

Douglas W. Elmendorf

Dean and Don K. Price Professor of Public Policy

79 John F. Kennedy Street

Cambridge, MA 02138

617-495-1122

Doug_Elmendorf@hks.harvard.edu