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Harvard overhauls handling of sexual assault reports

By **Matt Rocheleau** | GLOBE CORRESPONDENT JULY 02, 2014



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REUTERS

Harvard University is changing the way it handles reports of sexual assaults and harassment.

Harvard University announced Wednesday that it is overhauling the way it handles reports of sexual assaults and harassment, creating a centralized office to investigate allegations, a move that puts Harvard at the forefront of colleges nationally under pressure to address the problem.

University officials also said that, for the first time, Harvard would adopt uniform rules across its 13 schools, with a goal of instilling greater consistency in responding to reports of assaults. Traditionally, each school has had autonomy in how it investigates such cases.

Harvard president Drew Faust said the new policy, which takes effect this fall, “will significantly enhance Harvard’s ability to address these incidents when they occur.”

“Harvard is deeply committed to fostering an educational environment free of gender-based discrimination, particularly sexual misconduct and sexual violence, to acting

vigorously on reports of discrimination, and to supporting those who have experienced it,” Faust said in a statement.

The university is revamping its policies as colleges face intense scrutiny on how they handle sexual assaults.

Harvard’s undergraduate college and its law school are among more than 60 colleges across the country under investigation by the US Department of Education’s Office for Civil Rights over accusations that administrators mishandled reports of sexual misconduct and violated Title IX, a law prohibiting gender discrimination on campus.

This spring, the issue flared on the Cambridge campus after the Harvard Crimson published an [anonymous first-person article](#) from a student who said the university failed to adequately respond after an alleged sexual assault in 2013.

The changes at Harvard address two key criticisms colleges have faced.

At many schools, including Harvard, administrators, faculty, and staff have been responsible for investigating reports of sexual assault and harassment. Experts and advocates have said that more experienced professionals, instead of academics, should lead the investigations.

Concern has also been expressed over inconsistencies with colleges’ separate schools or divisions.

Harvard is taking a somewhat bold step by introducing the new measures without feedback from the civil rights office, which oversees campuses’ handling of sexual misconduct cases. University officials said they sent details about the measures and asked the federal office for input three months ago, but have not received a response.

“We’re at a point where we risk not being prepared when the students return if we do not act now,” said Mia Karvonides, an attorney who worked for the federal office’s Boston branch before Harvard hired her last year as its first Title IX officer, to help ensure the university complies with the federal law.

Education Department officials did not respond to a request for comment Wednesday.

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complaints, will run a new Office for Sexual and Gender-Based Dispute Resolution at Harvard.

The office will handle sexual and gender-based misconduct complaints against students “ranging from persistent or pervasive harassment in a lab environment, for instance, to a rape,” Karvonides said.

A small but growing number of schools, including Amherst College and Brandeis University, have used specially trained investigators to resolve cases of sexual misconduct. But Harvard appears to be the first to establish a single office to investigating such reports, said S. Daniel Carter, a national campus safety expert .

Carter applauded Harvard’s new policy.

“Consistency is good,” he said. “It helps guarantee quality control and that everyone is being treated fairly and knows where to go to report.”

He also praised the plan to appoint “specially trained individuals who have the ability to understand the trauma that victims have gone through and to be able to investigate in a fair manner.”

In determining whether sexual assault or harassment occurred, Harvard will adopt a “preponderance of evidence” standard. That is the approach recommended by the Education Department. It is a lower standard of proof than currently used by some of the college’s individual schools.

The new policy, however, does not include one change that advocates have pushed for at Harvard. Some have called on the university to implement an “affirmative consent standard,” which generally means that sex would be considered consensual only if both parties actively agree to it. Harvard instead said it will adopt a standard of “unwelcome conduct of a sexual nature,” which means “essentially, conduct is unwelcome if a person did not request or invite it and regarded the conduct as undesirable or offensive.”

Karvonides said the policy is consistent with federal civil rights laws, including Title IX, and that it “makes sense” because Harvard’s policy applies to forms of gender-based harassment beyond sexual assault.

“We believe we should have a standard designed to protect our community from all types of gender-based discrimination, even if the behavior isn’t criminal,” she said.

But Carter said that federal standards call for more clarity about consent than Harvard’s new policy provides.

“It’s important that all institutions clearly communicate that any sexual act without consent of both parties is a sex offense,” he said.

Harvard has taken other steps recently to address the issue of sexual violence and harassment, including providing new resources for sexual assault prevention and training.

Clarisse Wells, cofounder of the group Harvard Graduate Students Advocating for Gender Equality, said she was encouraged by the measures announced Wednesday.

“It’s definitely an improvement on where they were before, she said. “They’re putting a good-faith effort into it.”

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