

**Re:** Report & Recommendation from the Anti-Bullying Working Group  
**To:** Steering Committee for University Discrimination and Bullying Policies  
**From:** Anti-Bullying Working Group  
**Date:** June 2, 2021

## **Background and Charge**

In January 2021, Provost Garber announced a community-driven effort to examine how discrimination and harassment are addressed at Harvard. He appointed three Working Groups to review policies and procedures concerning sexual misconduct, discrimination, and bullying.

The Anti-Bullying Working Group was charged with recommending University-wide policies and procedures to address complaints about misconduct that does not violate policies against sexual and gender-based harassment or other forms of prohibited discrimination, but which nonetheless may be abusive and/or intimidating to student workers and other members of the Harvard community. In particular, this group was asked to address complaints about power-based harassment and other misconduct by individuals who hold authority over others.

As Provost Garber wrote in his announcement of this review process, a priority of the University is to “provide an environment where each of us can feel safe to participate fully in the life of the University, whether we are studying, teaching, conducting research, or working in other ways.” There is currently no existing University-wide policy on such misconduct, although several Harvard schools, units, or departments have recently developed such policies. These include Harvard Medical School, the Harvard T.H. Chan School of Public Health, Harvard Athletics, and FAS’ Committee to Review Conduct Policies and Procedures (CRCPP).

Based on a thorough review of peer-reviewed scholarship, a review of Harvard’s existing practices concerning bullying, consultation with University human resources personnel and legal counsel, a review of anti-bullying policies at other institutions (Appendix A), and feedback from Harvard community members (Appendix B), our Working Group unanimously recommends the attached University-wide anti-bullying policy and procedures (Appendix C).

## **Working Group Process**

The Anti-Bullying Working Group included faculty, students, researchers, and staff from across the University. The Working Group convened for the first time in February 2021 and met biweekly throughout the remainder of the Spring semester. During our meetings, we heard reports from University Ombudspersons and human resources professionals, discussed interim findings and group reports, shared feedback from the listening sessions, and began to build consensus regarding our recommendations.

Our Working Group distributed tasks into several subgroups. Research Group 1 undertook a thorough review of other institutions’ anti-bullying policies (see Appendix A). Research Group 2 completed a review of peer-reviewed research regarding bullying, particularly bullying within higher education, as well as ways to address it. Research Group 3 undertook a thorough review of policies within Harvard that pertain to bullying or workplace conduct more generally. The

Outreach Group attended numerous listening sessions with hundreds of Harvard community members—faculty, staff, researchers, and students—in collaboration with the other Working Groups focused on sexual misconduct and discrimination policies (see Appendix B). We note that we did not hold listening sessions for Harvard alumni or former Harvard students, faculty, researchers, or staff who left the University on account of misconduct by others. Therefore, an important limitation of this process was that it featured experiences from those who have experienced bullying yet choose to stay at the University and may therefore underrepresent the scope of the problem.

Each subgroup provided a final report<sup>1</sup> to the Working Group at the end of April and beginning of May. Based on these reports and extensive consultations, our Drafting Group wrote a first draft of a recommended anti-bullying policy and procedures. The full Working Group offered comment and feedback, which was incorporated into a second draft. We discussed and voted upon the second draft of the recommended policy & procedures at our final Working Group meeting on May 24. At that meeting, our Working Group unanimously approved a lightly amended version of the second draft. Following these amendments, Working Group members were invited to review the final report and recommendation and provide any additional feedback through June 2. The final Working Group recommendation concerning policy and procedures is attached (Appendix C).

In this report, we highlight some key rationales for the recommended policy and procedures as well as some additional considerations.

## **What Is Bullying?**

The most common definitions of bullying include the ideas of repeated hostile or aggressive behavior by individuals or groups of individuals, typically involving a power differential. As described by Faucher et al. (2015), the similarities across definitions and concepts include (1) reference to harmful and unwanted behaviors (harm is experienced even as the intent to harm may vary); (2) the importance of a power differential—either use of one’s power to harm or hurt another or gaining of power through harming another; (3) bullying, cyberbullying, and harassment typically involve repetition, which is distinct from single act of aggression (although in some instances, single acts may sometimes be considered bullying). Some definitions, including those in some other university policies, more simply define or refer to bullying as “hostile or intimidating behavior” (University of Wisconsin 2014) or “aggressive and/or intimidating behavior” (Harvard Medical School 2017).

Bullying behaviors can be verbal (threats, insults, teasing); physical (hitting, kicking, pushing); relational (rumors, social exclusion, peer pressure); or material (damage to belongings, extortion of money) (Smith 2013). For instance, participants in listening sessions described experiences in which their advisors, supervisors, or peers routinely derided them in front of other colleagues or students; spread malicious rumors to others; or repeatedly told students or colleagues that they were lazy, stupid, incompetent, or incapable of succeeding without their supervisor’s or advisor’s help. Cyberbullying includes any of the above categories of behavior but conducted via the

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<sup>1</sup> Full reports are available upon request.

internet or other digital forms. Forssell describes the challenges of mitigating workplace cyberbullying that result from increased potential for anonymity; lack of direct supervision; and the ability for bullying to take place outside of the confines of working hours and of the workplace itself (Forssell 2016).

Of note, although many definitions of bullying state that it involves a power differential, this can be somewhat problematic. If taken literally, the definition would rule out bullying by a peer or group of peers, wherein a pre-existing power hierarchy is not at play. Mobbing, for instance, is a specific form of bullying that includes behaviors of “ganging up,” and may also be experienced by those in positions with greater power.

That said, a distinct feature of academic bullying is that words and actions of even one faculty member or supervisor can have profound implications on another individual’s work, reputation, career, and life (Mahmoudi and Keashly 2021). This can create an environment in which students, staff, early-career researchers, and non-ladder faculty may be particularly vulnerable to the effects of bullying. This is especially true of postdocs and international students for whom funding and/or visas are dependent on supervisors (Mahmoudi 2020).

### **How Prevalent is Bullying?**

Research on the prevalence of bullying is limited by small sample sizes, low response rate to surveys (often attributed to self-selection bias and fear of retaliation), sampling procedures that include only current affiliates of an institution, and relatively few published studies on the subject, most of which have been conducted outside of the United States.

For instance, the Max Planck Society in Germany recently conducted a large-scale survey regarding experiences with bullying. In the survey, they asked their respondents to report on their experiences with “repeated and persistent negative behavior directed toward one or several individuals, which creates a hostile work environment. The targeted individuals have difficulty defending themselves; in other words, bullying is not a conflict between parties of equal strength.” They surveyed 23,767 employees in 2018; 12,349 participated. After data cleaning, they included 9,078 responses (38% of all employees across 86 research institutes). About 10% of employees reported experiencing bullying in the past 12 months; rates were higher for non-scientific staff than for scientific staff (Abbot 2019; Schraudner et al 2019).

Both Keashly (2019) and Mahmoudi and Keashly (2021) report that in academic settings, approximately 25% of faculty (mostly junior faculty), graduate students, and professional students report experiencing bullying from a faculty colleague or supervisor each year. Additional research conducted at the community college level has shown that persons of color are more frequent targets of bullying behavior (Hollis, 2016), and research has found that younger individuals, women, and individuals with lower socioeconomic status are also more likely than their counterparts to be victims of bullying (Schumann et al 2014).

Harvard has not maintained systematic data regarding the prevalence or varied experiences of bullying at the University, but limited data suggest that these general trends are borne out at

Harvard as well. For instance, a climate survey<sup>2</sup> carried out by the Division of Science within FAS reports that bullying is common across its ten departments and varies according to status and identity. For instance, junior faculty and non-ladder faculty reported bullying or harassment at twice the rate as senior faculty. Similarly, women reported bullying at twice the rate as men in the division. 32% of people from historically underrepresented racial and ethnic groups reported bullying compared with 19% of White respondents.

Some University offices were able to share some data with us regarding the prevalence of such complaints, including the Office of Professional Conduct (OPC) at FAS and the Ombudsperson at HMS. OPC suggested that in 2019, there were approximately 107 relevant complaints of misconduct against 36 individuals. Almost universally, complaints are against faculty members, and the complainants are staff, researchers, and students. Occasionally, there have been complaints by staff regarding the conduct of other staff.

Attendance at our listening sessions was instructive as well. By far, the staff listening sessions had the highest attendance, with numerous participants sharing experiences about extremely difficult workplace conditions. We also had high attendance at the graduate student and postdoctoral fellow listening sessions, where many PhD students and postdocs expressed concerns about how hostile interactions with advisors or mentors—or reporting complaints about them—could affect their lives and careers.

## **Effects of Bullying**

Research suggests that there are multiple and varied negative consequences associated with bullying behavior. Bullying can lead to negative impacts on self-esteem, social isolation, and mental health, including increased experiences of anxiety and depression, suicidal ideation, and sleep difficulty; these effects have been documented in students (Campbell 2015, Myers and Cowie 2013), faculty and staff (Keashly and Neuman 2010), and among university-affiliated surgical residents (Hu et al 2019). The latter study of surgical residents additionally documented associations of bullying behavior with burnout (Hu et al 2019). Students experiencing bullying have higher rates of eating disorders and substance abuse (Campbell 2015).

Negative impacts of bullying also include interference with work performance due to loss of concentration/focus as well as fear of job loss or lack of promotion. International students or researchers may additionally fear loss of their visa. Bullying may have negative effects in the workplace by leading faculty, students, postdocs, and/or staff to leave a position and relocate elsewhere. Hollis (2017) studied 257 graduate students and junior faculty from nine countries (80% from the United States) to assess the impact of workplace bullying on career decisions. Among untenured junior faculty who reported experiencing workplace bullying, 32% reported they considered leaving the higher education sector altogether (Hollis 2017). Bullying can also negatively impact the reputation of the department and university from which the behavior originated, in addition to detrimentally impacting the quality of the research environment and thus the quality of its knowledge development and dissemination (Mahmoudi and Keashly 2021). The negative culture associated with bullying can have reputational impacts that lead to

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<sup>2</sup> Carried out in Fall 2020 with 1,260 respondents.

fewer student or faculty applicants or departures; it can also lead to more workplace absences (Eriksen et al 2016).

Bullying may also negatively impact those who witness the bullying behavior. Research suggests that witnesses to bullying may feel unsafe in their environment or experience anxiety themselves (Polanin, Espelage, and Pigott 2012).

### **Anti-Bullying Policies and Academic Freedom**

Academic institutions have a fundamental commitment to academic freedom and free inquiry. Bullying and abusive behaviors can directly interfere with the ability of students, faculty, researchers, and staff to pursue their studies, research, and work. Ideally, the University will be most successful in its mission if it is able to prevent bullying from occurring in the first place. Therefore, anti-bullying policies should protect people against adverse behaviors that interfere with their ability to fully participate in and benefit from the intellectual life of the University.

It is equally important that the policies themselves do not threaten or interfere with academic inquiry. In particular, overly broad misconduct policies may have the unintended result of intimidating or silencing students, staff, or faculty for their opinions, research, or teaching. This is a particularly likely possibility if their views or ideas are unorthodox, or if their behavior is mistakenly interpreted as hostile because it contradicts cross-cultural, racialized, and/or gendered stereotypes or expectations. As a result, overly broad policies can create chilling effects on campus, decrease viewpoint diversity, and result in inappropriate or bad faith complaints intended to silence or harass people with unorthodox or unpopular views, controversial teaching methods, or marginalized identities (Suk Gersen 2017). Such outcomes also directly conflict with the core mission of the University. The decline in viewpoint diversity in particular has been linked to a decrease in public confidence in institutions of higher education among people across all partisan identities in the U.S.<sup>3</sup>

Some existing anti-bullying policies at other institutions (such as Washington University of St. Louis) demonstrate best practice in this regard. To avoid anti-bullying policies being weaponized to silence or suppress freedom of inquiry, policies should avoid vague language such as causation of “harm” or “discomfort,” and instead offer clear and specific definitions and examples of what bullying entails. Such policies should also make an explicit commitment to freedom of inquiry and an explicit exclusion of research and pedagogical methods in definitions of bullying. Moreover, avoiding redundant punitive regimes—for instance, by streamlining processes and procedures through which people can bring bullying complaints—will help to prevent “forum shopping” through which people can launch multiple or repeated complaints.

At the same time, exceedingly narrow anti-bullying policies—which focus only on the most egregious, pervasive, and repetitive behaviors—cannot address many unacceptable behaviors that do not rise to the level of a policy violation. As a result, it can be helpful to make an explicit commitment about the positive values the University is trying to promote—an environment in

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<sup>3</sup> <https://news.gallup.com/opinion/gallup/242441/confidence-higher-education-down-2015.aspx>.

which everyone is equally valued and treated with dignity and respect (Mahmoudi and Keashly 2021).

Indeed, effective anti-bullying policies include statements that attest to bullying as a communal concern that requires collaboration from all parties in maintaining a bullying-free environment (Mahmoudi and Keashly 2021). Other strategies for developing a supportive atmosphere around the issue of bullying prevention include: creating incentives to encourage reporting (McDonald et al 2015); setting appropriate modelling and mentoring behaviors (Faucher et al 2015, Menesini and Salmivalli 2017, Metzger et al 2015); establishing consistent and regular trainings at all institutional levels; and/or conducting exit interviews and gathering data on turnover rates to assess workplace climate (Hollis 2016).

### **Working Group Recommendation**

Our Working Group unanimously recommends adopting the attached policy and procedures University-wide (see Appendix C).

### **Additional Considerations**

The recommended policy and procedures reflect the core recommendations of our committee. However, we also share broad consensus on the following additional considerations.

#### *Alignment with Non-Discrimination Group Process*

During our listening sessions, it was clear that many people at the University do not know where to report complaints or potential policy violations. Moreover, some people do not know whether particular behaviors they have experienced were instances of bullying, discrimination, or both. We suggest that the University make reporting of any suspected policy violation as simple and straightforward as possible by appointing designated reporting offices in each school where people can take any complaints. Within those offices, trained staff should be available to help complainants discern whether their complaint relates to bullying, discrimination, both, or neither; to inform the complainant about their options; and offer supportive measures as appropriate. Beyond designated reporting offices, the Working Group suggests that the University consider appointing a central pool of trained investigators who can handle investigations of complaints.

#### *Prevention and Restorative Justice*

Overwhelmingly, participants in listening sessions expressed an interest in bullying prevention as well as support in addressing and ending bullying where it occurs on campus. Although our policy recommendation largely focuses on prohibitions of bullying behaviors and suggests various procedures and sanctions for addressing it, we also suggest exploring various models of prevention through the strengthening of community norms of mutual respect, particularly across various roles at the University. Systematic preventive supports could include trainings in management, management reviews, increased access to/advertisement of the Ombuds offices,

and exit interviews, for instance. We also suggest exploring various models of restorative justice in the aftermath of an episode, beyond the retributive justice approaches that are more common.

### *Limits of Jurisdiction*

Our policy necessarily limits complaints to current Harvard affiliates. However, some participants in listening sessions and Working Group members expressed concerns about bullying behaviors by donors and University visitors and guests. Another question was raised regarding whether someone who is not a Harvard affiliate—for example, a graduate student or peer at another institution—could initiate a complaint against a Harvard affiliate. Currently, the policy does not address such scenarios.

### *Training*

We heard considerable feedback from our community that some form of mandatory training about the new policy would be helpful—particularly for those with managerial responsibilities of any kind. It was often noted during listening sessions that there is mandatory training for Title IX for all University affiliates, but no mandatory training for other misconduct policies.

The University might consider an anti-bullying policy training that, in the spirit of our recommendations, covers both the behavior we strive for and what is prohibited. For example, as a preventative strategy, such training could provide examples of how community members might handle difficult situations or heated disagreements in a way that respects and dignifies all involved.

Undergraduate and graduate students reported that the most efficient and convenient way to increase awareness of the policy and procedures—as well as to inculcate norms of professional conduct—was to introduce the policy during new student orientation. Similarly, faculty, researchers, and staff could be introduced to the policies and procedures during orientations for new faculty, fellows, postdocs, or staff.

### *Eliminating Different Standards Across Rank or Status*

Numerous participants in listening sessions expressed deep concerns that because of the protections of tenure, and a perceived University interest in protecting tenured faculty more than others, tenured professors may be largely immune from the policy or from meaningful sanctions following policy violations. Our recommended policy and procedures make clear that all members of our community, regardless of status, will be held accountable to the policy.

### *Reconciling a University-Wide Policy with Harvard's Decentralization*

Our Working Group recognizes the need for a University-wide prohibition on bullying which applies equally to all members of our community. However, we also recognize the decentralized nature of Harvard, and the ways in which different schools and units assign roles and responsibilities to address various kinds of policy violations. As a result, we recommend that the University adopt our recommended policy, and we encourage schools and units to adopt the

procedures we outline or to modify them as needed. Our recommended policy and procedures are generally consistent with those that exist elsewhere at the University. However, we do recommend that each school have a designated reporting office, and that this practice become standard across campus.

### *Need for Centralized Record-Keeping*

In keeping with the University's recent decision to centralize personnel records related to Title IX violations or investigations, our Working Group similarly endorses the practice of maintaining centralized records regarding all misconduct policies, including both formal and informal complaints of bullying and the results of such complaints. In addition to ensuring that such records can help to inform personnel decisions, such as administrative appointments, this practice will facilitate data collection and reporting regarding the prevalence of bullying complaints over time. Transparency will help to increase trust in the system and may encourage people to come forward when they have been subject to mistreatment. It will also add an additional level of accountability regarding each school and/or unit's responsibility to implement the policy.

### *A Sustained Communications Effort*

A University-wide communication effort will make implementation of the policy more effective. Such communications not only publicize the policy but also to begin to socialize people to productive norms of workplace conduct. In research on anti-bullying policies elsewhere, Vaill et al (2020) propose that effective prevention and intervention strategies are “informative, supportive, well-publicized, and student-user friendly.” This clarity and accessibility can be partially achieved by consolidating resources into a central location and increasing awareness. In listening sessions, the Outreach group heard a lot about people being hesitant to file formal complaints because of mistrust in the systems that exist to handle such complaints and fear of retaliation. Accordingly, anti-bullying should enable channels for pursuing informal advice without any risk of retaliation as well as formal mechanisms for filing official complaints. Accessibility can be increased with web-based, telephone, and in-person modes of communication (Vaill et al 2020).

### *Building Trust in the Policy and Procedures*

To have an impact on bullying, members of the Harvard community need to trust the policy and the process. In listening sessions, it was clear that the removal of conflicts of interest in adjudicating complaints would be critical to the policy's effectiveness and legitimacy. Our Working Group encourages the University, schools, and units adopting these procedures to ensure that designated reporting offices, pool of investigators, and panelists assigned to adjudicate formal complaints are well-trained, culturally competent, and, to the fullest extent possible, independent from and impartial toward complainants and respondents.

Moreover, as discussed above, releasing anonymized data regarding the prevalence of informal and formal complaints on campus—as well as how the resolutions of such complaints are

affecting campus climate overall—may also build trust in the University’s commitment to addressing the problem.

### *Piloting the Policy and Procedures*

Our Working Group recognizes that this policy is new, and that many institutions around the country have also been experimenting with anti-bullying policies in recent years. We suggest implementing the recommended policy and procedures as a pilot to be reviewed after the first three years of implementation, with the assumption that it will be maintained with any necessary amendments after the pilot period. In the meantime, we suggest that each designated reporting office collect anonymized data on the nature of claims, outcomes of claims, complainants, and respondents, being careful not to violate confidentiality of any of the parties.

### *Inappropriate Behavior That Does Not Rise to the Level of a Policy Violation*

The recommended policy ensures that there is a process in place that may begin to address the problem of bullying with impunity. But it does not address many concerns that our colleagues and students have expressed regarding campus climate more generally—such as hierarchies and power structures that make some people feel like they are valued less than others on campus; poor managerial skills; or rude, aggressive, dismissive, or abrupt behavior that weakens morale even though it does not rise to the pervasiveness, persistence, or severity that bullying does. These issues, too, may require more focused attention at the University level and within schools, units, and departments. We note that many schools and units within the University have community guidelines that describe the values they wish to promote among its students, staff, researchers, and faculty. Moreover, we note that the University, schools, and units typically have designated Ombudspersons who may serve as appropriate resources for those seeking support with these types of situations. We suggest that the University consider investing further resources in expanding the number of trained staff available to serve in the Ombuds role to address these issues more thoroughly.

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## APPENDICES

### Appendix A. Anti-Bullying Policies Reviewed from Other Institutions

1. MIT Complaint Resolution policy
2. UC Berkeley Workplace Bullying Policy
3. Princeton Discrimination/Harassment Policy
4. City University of NY (CUNY) Anti-Bullying policy (Proposal)
5. MIT Harassment Policy
6. Howard Hughes Medical Center Workplace Behavior Policy
7. Commonwealth of Massachusetts General Law - Part I, Title XII, Chapter 71, Section 37O: School bullying
8. University of Wisconsin, Madison Policies on Hostile and Intimidating Behavior
9. Oregon State Bullying Policy
10. Washington University in St. Louis Abusive Conduct Policy
11. UCSF Violence and Bullying
12. HMS Abusive and/or Intimidating Behavior Policy
13. Stanford University School of Medicine Statement on the Respectful Workplace
14. Cornell **\*draft\*** statement of policy: Abusive Conduct, Bullying, and Cyberbullying
15. Maryland State Policy: Bullying in the Workplace
16. Harvard, MA Public Schools Bullying Prevention and Intervention Plan
17. Sandstorm Gold Ltd. Workplace Bullying and Harassment Policy Statement

## Appendix B. Outreach Efforts

- Academic Council
- Council of Deans of Students
- Faculty meetings
  - Harvard Law School Faculty Meeting
  - FAS Faculty Council
  - Harvard Chan School Faculty Meeting
  - Harvard Graduate School of Design Faculty Meeting
  - Harvard Medical School Faculty Council
- Community listening sessions<sup>4</sup>
  - Undergraduate students
  - Professional/Master's students
  - Doctoral students
  - Tenured faculty
  - Non-tenured faculty
  - Management staff (3 breakout rooms due to size of group)
  - Non-Management staff (2 breakout rooms due to size of group)
  - Postdoctoral Fellows
- Targeted outreach
  - Faculty Deans/Resident Deans/Tutors (in conjunction with the Non-Discrimination Working Group)
  - Guests at working group meetings
    - FAS Program Officers for Title IX and Professional Conduct
    - Ombudsperson

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<sup>4</sup> An additional session was scheduled for third-party vendors but yielded no registrants

## Appendix C. ANTI-BULLYING POLICY

as recommended by the Anti-Bullying Working Group

June 2021

### I. Statement of Principles

Harvard University is committed to cultivating a community that is open, welcoming, and inclusive, and that supports all community members in pursuit of the University's mission of learning, teaching, research, and discovery. As outlined in the [University-Wide Statement on Rights and Responsibilities](#) (1970), the University is "characterized by free expression, free inquiry, intellectual honesty, respect for the dignity of others, and openness to constructive change." This Anti-Bullying Policy ("the Policy") seeks to promote an educational and work environment where academic freedom and freedom of expression are upheld for all members of the Harvard community, and where all community members are treated with respect and dignity. Bullying, hostile and abusive behavior, and power-based harassment directly threaten the ability of community members to engage in the free exchange of ideas and pursue their educational and professional goals. Therefore, bullying, hostile and abusive behavior, and power-based harassment, as defined in this Policy, are prohibited at Harvard.

The Policy aims to foster a University community built on mutual respect and trust while also not interfering with academic freedom, reasoned dissent, or legitimate pedagogical or employment-related feedback. The Policy is intended to educate community members about bullying and to provide informal and formal mechanisms for addressing and rectifying behaviors that breach such mutual respect and trust. No one at Harvard should face threats of bullying, and all community members should feel confident in reporting any incidents without fear of retaliation. The University strongly encourages anyone who has been bullied, or anyone who observes such behavior, to make a report through the channels outlined in the Policy. The University will respond promptly to reports of bullying and will take appropriate action to prevent and respond to behavior that violates the Policy.

The Policy applies to all members of the Harvard community, including faculty, researchers, staff, and students.<sup>5</sup> The Policy is limited to behavior not already covered by other University policies, including those against sexual and gender-based harassment and other sexual misconduct, discrimination, or research misconduct.

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<sup>5</sup> At Harvard, administrators either fall into the faculty or staff category.

## II. Definition of Bullying

Bullying, used as a shorthand for hostile and abusive behavior or power-based harassment, is defined here as harmful interpersonal aggression by words or actions that humiliate, degrade, demean, intimidate, and/or threaten an individual or individuals. For a violation of the Policy to occur, such aggression must be sufficiently pervasive, persistent, and/or severe that a reasonable person would find that it creates an educational, work, or living environment in which a person is effectively excluded from participation in or denied the benefits of the University's educational or work programs or activities. Unless especially severe or egregious, a single act typically would not constitute bullying.

The Policy is intended to ensure that all community members, regardless of rank or status, may pursue their work and/or learning. Power-based harassment is of particular concern because of the ways in which it can create a broader culture of abusive behavior. While bullying may in many cases involve an imbalance of power, the Policy recognizes that bullying may also occur between community members in the same role, or of the same rank or status.

In determining whether conduct constitutes bullying, it is necessary to examine the totality of the circumstances surrounding the conduct, including its frequency, nature, and severity, the relationship between the parties, and the setting in which the conduct occurred.

Bullying may include, but is not limited to, the following behaviors:

- **Abusive expression** directed at an individual or individuals, such as derogatory remarks, epithets, or ad hominem attacks that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic community and professional setting that respects free expression. The Policy encompasses abusive expression or ad hominem attacks that are verbal or nonverbal, spoken or written, recorded, visual, or digital, including content posted to online platforms, academic tools, or social media sites. Examples include:
  - Performance feedback delivered by yelling, screaming, making threats and/or insults.
  - Deliberate and repeated humiliation. This could include actions such as deliberate and repeated shaming of peers on online platforms (e.g., Slack) in response to ideas, beliefs, or opinions shared in the classroom.
  - Malicious comments about a person's appearance, lifestyle, family, or culture.
- **Unwarranted physical contact or intimidating gestures** directed at an individual or individuals. Examples include:
  - A physical, verbal, and/or written act toward another person, which causes them reasonably to fear for their safety and/or the safety of others.
  - Invading personal space after being asked to move or step away.
- **Conspicuous and unwarranted exclusion or isolation** of an individual or individuals, with the effect of harming their reputation in the workplace and/or learning environment and hindering their learning or work;

- **Sabotage or threatened sabotage** of the studies, work, or career advancement of an individual or individuals. Examples include:
  - Interfering or threatening to interfere with a person’s visa status.
  - Spreading false or misleading information or malicious rumors.
  - Sharing confidential information about another person without a legitimate pedagogical or employment-related purpose.
  - Interfering with a person’s personal property or work equipment.
  - Damaging or destroying a person’s work.
- **Abuse of authority**, such as using inappropriate threats or retaliation in the exercise of authority, supervision, or guidance, or impeding or attempting to impede another person from exercising rights under any of Harvard’s policies or procedures.

The Policy is not intended to discourage or interfere with ordinary managerial, mentoring, or educational relationships, including the solicitation or delivery of constructive or critical feedback. Bullying must therefore be distinguished from behavior which may be unpleasant or unsettling but is nevertheless appropriate for carrying out certain pedagogical or employment-related responsibilities.

Examples of conduct not likely to be considered bullying include the following:

- Administrative actions such as performance reviews (including negative performance reviews), assigning work to employees, or other managerial decisions.
- Critical feedback on the academic work of students, including advising a student of unsatisfactory academic work and the potential for course failure or dismissal from the program.
- Critical feedback on the inappropriate behavior of individuals, including advising that such behavior may result in disciplinary proceedings.
- Differences of opinion, interpersonal conflicts, and occasional disagreements, which are often part of academic and working life and do not necessarily constitute bullying.
- Classroom discussion of academic research or reasoned opinion on controversial issues.
- Pedagogical decisions concerning topics to be considered and methods to be used to draw students into discussion (e.g., the cold-calling Socratic Method, which has a clear pedagogical use but which some students may consider unpleasant or unsettling).

The Policy should also be construed within the context of the University’s enduring commitment to academic freedom and free inquiry, and the conception of the University as a place that must encourage reasoned dissent and the free exchange of ideas, beliefs, and opinions, however unpopular. The Policy is not intended to constrain the freedom of Harvard community members to engage in academic disagreements or to speak out about troubling matters, criticize the administration or University policies, or take part in political protest.

### III. Procedures

It is anticipated that individual Schools at the University, as well as the central University administration, will wish to tailor procedures related to the Policy to meet the specific needs of their communities. This section sets out some key principles to be considered in the design of procedures, as well as a sample set of procedures, with bracketed areas left for designation of particular offices and/or persons at individual Schools or in the central University administration.<sup>6</sup>

It is recommended that Schools enact procedures that provide multiple avenues of recourse for those who wish to seek advice about or report possible bullying behavior. For example, Schools might offer:

1. an avenue for anonymously seeking advice about how to manage a difficult interpersonal situation;
2. an avenue for making an informal complaint and thereby initiating an informal assessment and/or a mediated resolution; and
3. an avenue for filing a formal complaint, at which point due process concerns are heightened for complainants and respondents alike.

In designing their procedures, Schools will wish to be mindful of the fact that the parties may be affiliated with different Schools or administrative units within the University.

The possible set of sample procedures included here should ideally be tailored in response to the particular institutional structure (e.g., reporting offices and officers) and needs of a given School community. Schools will also wish to tailor the time frames for stages of the procedures, aiming to balance the need for realistic deadlines with the goal of expeditious resolution and closure for all parties involved.

## SAMPLE PROCEDURES

### A. General Principles

In the interest of providing due process, preserving privacy, and preventing retaliation, the following general principles are to be observed:

- **Fairness:** All persons charged with responsibility under these procedures will discharge their obligations with fairness, rigor, and impartiality.

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<sup>6</sup> The Sample Procedures frequently reference “the School,” but this should be understood to include the central University administration, which will need its own set of procedures. The Sample Procedures also frequently refer to “the School’s dean,” etc. This greatly oversimplifies, insofar as complaints against students might be handled by a School’s dean of students or administrative board, complaints against staff might be handled by Human Resources, and so forth, once the Policy has been tailored to local needs.

- **Privacy:** All activities under these procedures will be conducted with regard for the legitimate privacy and reputational interests of all parties involved. All parties, including witnesses, will be reminded of the expectation that complaints and other activities under these procedures will be private and will be shared only with those who have a legitimate need to know in order to complete the investigation and take appropriate remedial action if warranted. However, [the School] may disclose otherwise confidential information where necessary to protect the health, safety, or well-being of the parties or others in the University community, to comply with the University’s legal obligations, or where, in the judgment of the [the School’s Dean], certain disclosures would be in the best interest of the parties or the University. Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.
- **Non-Retaliation and False Complaints:** Retaliation against an individual for raising an allegation, for cooperating in an investigation of such a complaint, or for opposing prohibited practices is prohibited. Submitting a complaint in bad faith or providing materially false or misleading information in an investigation is also prohibited.
- **Presumption of No Violation:** A respondent is presumed not to be responsible for an alleged Policy violation until a final determination regarding responsibility is made.

## B. Jurisdiction

The Policy and its accompanying procedures apply to alleged bullying that is committed by any member of the Harvard community, including faculty, researchers, staff, and students, whenever the alleged misconduct falls outside the scope of other University policies, including those regarding sexual and gender-based harassment and other sexual misconduct, discrimination, or research misconduct, and occurs:

1. On Harvard property or
2. Off Harvard property if
  - a. The conduct was in connection with a University program, a University-recognized program or activity, or another work-related activity such as attending a conference, conducting research in the field, providing expertise to policymakers, presenting a talk at another institution, etc., and
  - b. The conduct may have the effect of creating a hostile or abusive environment for a member of the University community.

**Legal Considerations and Advisors:** Schools may differ in their preference for allowing complainants and respondents to avail themselves of the formal assistance of legal counsel in proceedings under this Policy. Where legal counsel is allowed, Schools should be mindful of the access-to-justice concerns that may arise for parties who cannot afford legal counsel. Where access to legal counsel is discouraged or even prohibited (e.g., by requiring parties to respond to complaints in their own words or speak for themselves during interviews), Schools must take care that the Policy does not restrict an individual’s right to legal counsel, particularly if a written statement might be used in a legal proceeding.

**Multiple Complaints:** Schools may elect to consolidate investigations of similar or related complaints into one investigation.

## C. Reporting

When appropriate and possible, members of the Harvard community are encouraged to speak directly with one another about any concerns, with the goal of understanding perspectives and resolving differences. Concerns should ideally be addressed as early as possible.

When direct resolution is not feasible, any current or former member of the Harvard community may bring concerns about another Harvard community member to the [designated reporting office; Schools will need to specify where to report complaints against faculty, researchers, staff, and students, respectively]. As described in what follows, a range of informal and formal options is available to community members who wish to report or seek guidance about such issues. Bringing a concern to the attention of the [designated reporting office] does not automatically launch an inquiry or investigation. Supportive measures (as outlined below in section F.) may be provided regardless of whether an informal resolution process or formal investigation is undertaken.

**Requests for Support, Information, or Advice:** Anyone seeking support, information, or advice can contact the [designated reporting office]. They can expect to learn about resources available at the University and elsewhere that provide counseling and support. They can seek advice about whether particular behavior falls within the scope of the Policy and also request information about the steps involved in pursuing an informal process or filing a formal complaint, as well as supportive measures, as appropriate.

**Anonymity:** Parties who wish to remain anonymous are encouraged to discuss their concerns with the [University Ombudsman Office](#). They may alternatively report concerns through the University's [Anonymous Reporting Hotline](#). While anonymity will be preserved where possible in informal assessments, as detailed below, complainants will not be able to maintain anonymity in the process of a mediated resolution or formal investigation.

## D. Informal Procedures

[The School] may undertake an informal assessment or commence a mediated resolution when an individual reports an allegation of bullying to the [designated reporting office]. Pursuing an informal process does not preclude bringing a formal complaint at a later stage.

**Informal Assessment of Alleged Incident or Course of Conduct:** When an allegation of bullying is brought to the attention of the [designated reporting office], an informal assessment may be undertaken. A typical informal assessment involves discreet conversations with individuals likely to have information about the alleged conduct. It is not an investigation and does not result in sanctions. To the extent possible, an informal assessment will preserve the

anonymity of those reporting concerns and/or those directly affected by the conduct. An informal assessment may result in supportive measures (as outlined below in section F), when determined necessary to address, remedy, and/or prevent future harm to the community. Such supportive measures may be arranged by the [designated reporting office] in coordination with the School's [Dean or designee].

**Mediated Resolution:** Anyone may make a request to the [designated reporting office], either orally or in writing, for informal mediation support in resolving a concern that a Harvard community member may have violated the Policy. The [designated reporting office] will assign a [Mediator, to be designated by the School] who will consult further with the person initiating the request and determine whether a mediated resolution is appropriate. The [Mediator] will inform the person who is the subject of the allegations, and gather additional relevant information as necessary from the parties and others. Therefore, a mediated resolution is not an anonymous process. The [Mediator] may put in place any appropriate supportive measures in coordination with the School's [Dean or designee]. The [Mediator] will attempt to aid the parties in finding a mutually acceptable resolution. A matter will be deemed satisfactorily resolved when both parties expressly agree to an outcome that is also acceptable to the [School-designated officer]. Ordinarily, the mediated resolution process will be concluded within [30 calendar days] of the date of the request.

## **E. Formal Procedures**

[The School] may institute a formal investigation of a Harvard community member when:

1. Any current or former member of the Harvard community submits a signed and dated formal complaint to the [designated reporting office], or
2. The [School] administration, after conferring with [School designees], determines that the allegations represent a serious and/or imminent risk to the well-being of the community.

The complainant is encouraged to file a complaint as soon as possible after the offending conduct allegedly occurred. Complainants filing a formal complaint cannot remain anonymous or prevent their identity from being disclosed to the respondent. The complaint should identify the parties involved; describe the allegedly abusive behavior, including when and where it occurred; and identify by name or description any witnesses and/or evidence (e.g. correspondence, records). Throughout the course of the investigation, [the School] will provide frequent updates to both the complainant and the respondent. Additionally, should the circumstances warrant, [the School] may provide supportive measures throughout all or part of the investigation. [The School] may impose reasonable time frames to enable the timely completion of a formal investigation. There may be circumstances requiring longer time frames, and [the School] will notify the parties of any extensions of time frames.

The purpose of the investigation is to gather facts relating to the incident(s) outlined in the written complaint in order to determine whether the alleged behavior occurred and, if so, whether it constitutes bullying as defined in this Policy.

The steps below outline the process for investigating a formal complaint:

1. **Initial Review:** The [designated office], in consultation with the appropriate parties, which may include [School-designated officers], conducts an initial review to determine if the formal complaint warrants an investigation. The complaint may be dismissed without further process or review if the complaint on its face is insubstantial, not credible, clearly without merit, or outside the scope of these procedures. A complaint may also be dismissed without further investigation if the issues it raises have been considered by the University in another forum or through another mechanism or if an investigation would not be feasible due to the passage of time since the alleged conduct occurred. The decision regarding the initial review (either to dismiss or proceed with an investigation) will be communicated in writing to the complainant. The initial review will be concluded approximately [one week] after the date the formal complaint was received.
2. **Selection of Investigator:** In the case of an investigation, the [School-designated officer] identifies a trained investigator (or investigators) to investigate the allegations. The complainant and respondent are notified in writing of the name of the investigator(s), the nature of the allegations, and a summary of the process that will be followed. A copy of the written notification is also provided to the respondent's supervisor, advisor, or manager.
3. **Objection to Choice of Investigator:** Either the complainant or the respondent may object to the choice of investigator for good cause, such as evidence of conflict of interest or bias. The objection must be in writing, must fully state the reasons for the objection, and must be received by the [designated office] within [a week] after the complainant and respondent are notified of the choice of investigator. The [School-designated officer] has the discretion to remove and replace the investigator.
4. **Written Statement from Respondent:** The respondent will have [one week] from written notification of the complaint to submit a written statement to the investigator in response to the allegations, but is not required to do so. Attached to the statement should be a list of all sources of information (e.g., witnesses, correspondence, records) that the respondent believes may be relevant to the investigation.
5. **Interview of Complainant:** The investigator will meet with the complainant to understand better the nature of the complaint, gather information about potential witnesses and evidence, ask if the complainant is aware of other people who may have been affected by similar unprofessional conduct, and explain the steps to be taken in the investigation.
6. **Interview of Respondent:** The investigator will also meet separately with the respondent to discuss the complaint, gather information about potential witnesses and evidence, and explain the steps to be taken in the investigation.
7. **Witness Interviews and Other Fact-Finding:** The investigator will conduct fact-finding interviews with other witnesses, as appropriate, and collect any other information. Witnesses may include persons named by the parties but also relevant officers of the School or University or other witnesses identified through the

investigatory process. The investigator should only gather information related to the specific complaint and not general character information. The investigator may, as needed, consult with [School-designated officer], or other University office, for example regarding the scope of the investigation, or how to differentiate between “constructive feedback” and “abusive expression.”

8. **Scope of Investigation:** If, in the course of the investigation, the investigator decides to pursue allegations that have come to light but were not included in the written notice to the parties, the investigator will provide notice of the additional allegations to the respondent.
9. **Written Summary of Information Gathered:** The investigator will prepare a written summary of the information collected and share it with the complainant, respondent, and [designated office].
10. **Inspection of Evidence:** The investigator will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including evidence upon which the investigator did not rely in making findings of fact, and inculpatory or exculpatory evidence.
11. **Written Responses to Summary:** The parties will have [one week] to submit a written statement in response to the summary information, but are not required to do so. The investigator may request individual follow-up interviews with the parties or with others.
12. **Panel’s Determination:** The [designated office] will select a panel of three or more voting members to reach a determination. The School may decide whether the investigator is a voting member of the panel or merely provides information on the facts found during the investigation. In either event, it is recommended that the panel contain an odd number of voting members. Using the information gathered by the investigator, the panel determines, using a clear and convincing evidence standard (“highly and substantially more likely to be true than untrue”), whether the respondent engaged in the alleged behavior and, if so, whether the behavior constituted a violation of the Policy. While this standard of evidence appropriately sets a lower bar than the “beyond a reasonable doubt” standard familiar in the criminal law sphere, it nonetheless sets a higher bar than the “preponderance of the evidence” standard commonly used in civil litigation. This is in recognition of the fact that a finding of a Policy violation is a serious outcome from which significant sanctions may follow. The panel may reach one of the following determinations:
  - a. **Finding of “No Violation”:** If there is a determination that the respondent did not violate the Policy, both parties will be so informed.
  - b. **Finding of “Inappropriate Behavior Below Standard of Violation”:** There may be a determination that the respondent engaged in behavior that was inappropriate but did not rise to the level of a Policy violation. Such inappropriate behavior may merit counseling, ongoing monitoring, or other appropriate corrective action, as detailed below.
  - c. **Finding of “Violation”:** There may be a determination that the respondent engaged in behavior that violated the Policy. Sanctions will be imposed, as detailed below. If the respondent does not comply with the sanctions, further complaints may be brought under this Policy.

If retaliatory behavior occurs after the issuance of a determination, either party may bring a complaint under the Policy.

13. **Investigator's Report:** The investigator prepares a report with the findings and shares it with the complainant, respondent, and [the School's Dean as well as the School-designated officer].
14. **Appeals:** If they wish to do so, the complainant and respondent have one week to submit a signed, written appeal of no more than 2,000 words to [the School's Dean] on the following grounds:
  - a. **Material procedural issue:** A procedural error occurred that may change the outcome of the decision; or
  - b. **New materially significant information:** There is substantive and relevant new information that was not available at the time of the investigation and that may change the outcome of the decision; or
  - c. **Material finding against the weight of the evidence:** A material finding that formed the basis for decision was substantially against the weight of the evidence.

Disagreement with the determination is not in and of itself a ground for appeal.

15. **Appeals Process:** It is recommended that the School appoint an entirely new panel of at least three voting members (and if more than three, an odd number) to review a decision that is being appealed. Both the complainant and respondent will be informed in writing of the decision on appeal. The decision on appeal is final. Generally, the decision on an appeal is made within [30 calendar days] from the date the appeal was submitted.
16. **Determination of Sanctions:** Once any appeals are resolved, the [School's Dean] determines actions to take based on the investigator's findings. In the case of a finding of a violation of the Policy, the [School's Dean or designee] decides what sanctions should be imposed and communicates this to the respondent in writing. Decisions about sanctions are final and cannot be appealed.
17. **Investigation Time Frame:** The investigator and [School-designated officer(s)] will endeavor to conclude the process within [90 calendar days] from the commencement of the investigation, taking into account the academic calendar, the availability of witnesses, and other reasonable considerations.

## F. Supportive Measures and Sanctions

**Supportive Measures:** The [designated office, in coordination with the School's Dean or designee] may implement supportive measures to protect Harvard community members by restoring or preserving access to the University's educational and work programs or activities during any informal resolution process or during a formal investigation. There are two types of supportive measures:

1. Measures that primarily affect the community member seeking support (e.g., a graduate student seeking to change faculty advisors). These measures can be implemented without conveying feedback to the community member whose alleged behaviors have affected the party seeking support.

2. Measures whose primary effect will be felt by both the community member seeking support and the community member whose alleged behaviors have affected the party seeking support (e.g., change in work schedule or location, placing a faculty or staff member on paid leave, or pausing the hiring of researchers by a Principal Investigator). In this case, an anonymized summary of the feedback received is shared with the community member whose alleged behaviors have affected the party seeking support.

**Sanctions:** A finding that the Policy has been violated will be communicated to the [School's Dean] and could result in varying sanctions, including but not limited to: counseling, warning, reprimand, suspension, probation, monitoring, community service, reduction in access to resources, reduction in oversight duties, reduction in salary, mandatory coaching and training, paid or unpaid leave, dismissal, expulsion, or termination, including possible recommendation of tenure termination. The [School's Dean] shall ensure that all sanctions and corrective actions are implemented.

## G. Non-Retaliation and False Complaints

**Non-Retaliation:** Members of the University community must abide by the University's [Whistleblowing Policy](#) and [Non-Retaliation Policy](#), under which members of the Harvard community who make good-faith reports of suspected violations of law or University policy will be protected from retaliation. Retaliation is prohibited against an individual for raising a good-faith allegation, for cooperating in an investigation of such a complaint, for opposing prohibited conduct, for denying or defending oneself against an allegation, or for offering or providing support to an individual who makes or may make a good-faith report of misconduct. Examples of retaliatory actions may include but are not limited to:

- **Adverse employment action** such as termination; demotion; reduction in pay; adverse change in schedule, working conditions, or work location; assigning more onerous work or taking advantageous assignments/responsibilities away; or exclusion from work-related opportunities, conferences, or other activities.
- **Adverse action related to a University educational program** such as an unwarranted negative reference or letter of recommendation; impeding the individual's academic advancement; adverse change to grades, class schedule, or research opportunities or funding; making unwarranted critical comments lacking in good reason about the complainant to others in the department, program, or broader academic field; unwarranted withdrawal of support of the individual's research program.
- **Stalking, harassment, intimidation, threats, or engaging in physical violence.**
- **Adverse social actions** such as exclusion or removal from a group or committee, or publishing personally identifiable information about an individual, including on online platforms or social media sites.
- **Encouraging or asking a third party to engage in retaliatory conduct.** This includes the use of online platforms, academic tools, or social media sites for the purpose of retaliating against a person or group.

**Bad-Faith or False Complaints:** Submitting a complaint that is not in good faith or providing materially false or misleading information in any proceeding under this Policy is prohibited. Such offenses may be investigated and may lead to disciplinary action. A determination regarding responsibility or lack of responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. Note also that seeking the Policy's supportive resources or bringing a well-intentioned but ultimately unsuccessful complaint does not qualify as a bad faith complaint.