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Non-Discrimination and Anti-Bullying

Frequently Asked Questions

▼ NDAB & Title IX Compliance and Response

Frequently Asked Questions

Harvard is committed to providing an environment where every member of the community can participate fully in the life of the University, whether studying, teaching, learning, working, conducting research, or accessing the many opportunities at Harvard. The

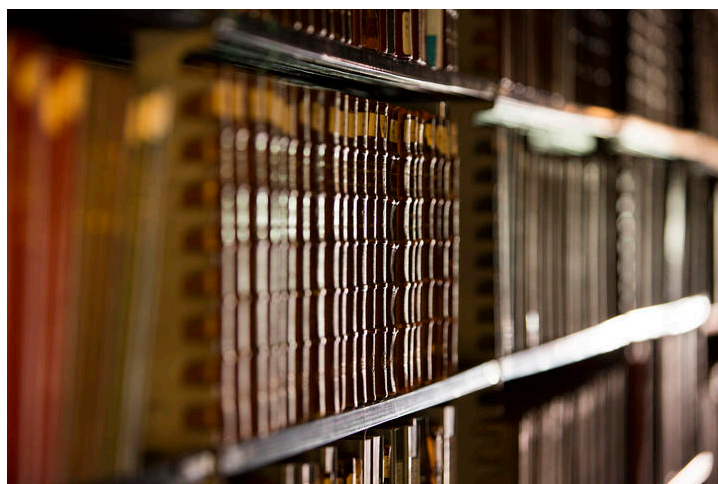


Photo by Stephanie Mitchell/Harvard University

Office for Community Support, Non-Discrimination, Rights and Responsibilities (CSNDR) believes that clarity about the University's Non-Discrimination and Anti-Bullying Policies (NDAB Policies or NDAB Policies and Procedures) is essential to achieving this goal. To help the Harvard community in understanding these policies, we have put together this list of frequently asked questions.

If you have additional questions, please contact your Local Designated Resource (LDR) or CSNDR at csndr_ndab@harvard.edu.

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^ 1. What are the “NDAB Policies and Procedures”?

The “NDAB Policies and Procedures” are two sets of policies and two sets of procedures about prohibited conduct: a Non-Discrimination Policy (and accompanying procedures) and an Anti-Bullying Policy (and accompanying procedures). You can find both policies [here](#).

^ 2. To whom do the policies apply?

Each policy applies to current members of the Harvard community, including faculty, researchers, postdoctoral fellows, staff, and students.

^ 3. What is the purpose of the Non-Discrimination Policy and Procedures?

Harvard's Non-Discrimination Policy aims to ensure that members of the community are not on the basis of protected categories denied

access to a Harvard workplace or Harvard programs or activities or subjected to severe or pervasive personal harassment. The Non-Discrimination Procedures provide a process by which members of the community who believe they have been harmed by a violation of the Policy can file a formal complaint.

^ 4. What are the protected categories?

The protected categories under the Non-Discrimination Policy are someone's age (if they are 40 or older), race, color, national origin, sex (including gender identity and gender expression, as well as pregnancy), genetic information, ancestry, religion, caste, creed, veteran status, disability, military service, sexual orientation, and political beliefs.

Please note that claims of discrimination on the basis of sex that fall under Harvard's sexual harassment and other sexual misconduct policies are addressed through those policies and their accompanying procedures.

Claims of discrimination on the basis of disability or failure to accommodate a disability are addressed through the Harvard University Disability Grievance Policy and Procedure.

^ 5. What does the Non-Discrimination Policy prohibit?

The Non-Discrimination Policy prohibits discriminatory conduct and, in particular, *discriminatory disparate treatment* and *discriminatory harassment* based on one or more protected categories.

Discriminatory disparate treatment is singling out or targeting an individual(s) for less favorable treatment because of their protected category.

Discriminatory harassment is unwelcome and offensive conduct based on an individual's or group's protected category that is so severe or pervasive, and objectively offensive, that it creates a work,

educational, or living environment that a reasonable person would consider intimidating, hostile, or abusive and denies the individual an equal opportunity to participate in the benefits of the workplace or the institution's programs or activities.

In assessing claims made under the Non-Discrimination Policy, Harvard also follows the University-Wide Statement on Rights and Responsibilities' guarantees of free speech and academic freedom.

^ 6. What are examples of conduct that may violate the Non-Discrimination Policy?

Subject to the University's protections for free speech and academic freedom and provided that the required elements under the policy are met, below is a list of examples of conduct that may constitute prohibited discriminatory treatment or discriminatory harassment in violation of the Non-Discrimination Policy. As noted above, under the Non-Discrimination Policy, conduct constitutes harassment when it is severe or pervasive and so objectively offensive that it denies access to the workplace or educational environment. When a factfinder considers a complaint, the factfinder will examine all the relevant circumstances, including, among other things, what the conduct was and how often and for how long it occurred; whether the conduct was targeted to a particular person or persons; whether the conduct occurred in the context of academic discourse; or whether the conduct represented a credible threat of violence.

The Non-Discrimination Policy includes among its protected categories religion, national origin, shared ancestry or ethnic characteristics, and political beliefs. For many Jewish people, Zionism is a part of their Jewish identity. Conduct that would violate the Non-Discrimination Policy if targeting Jewish or Israeli people can also violate the Policy if directed toward Zionists.

The following are instructive examples of conduct that may violate the Non-Discrimination Policy, provided that the conduct meets the requirements for discriminatory disparate treatment or discriminatory harassment.

- Verbal abuse or use of antisemitic, racist, sexist, homophobic, anti-Zionist, anti-Arab, Islamophobic, anti-LDS, or anti-Catholic slurs or hostile behavior, which could include insulting, teasing, mocking, degrading, or ridiculing or denying the ancestral history of another person or group regardless of whether the person is actually a member of the group (e.g., Jewish, Israeli, Arab, or Muslim), including but not limited to displays or electronic transmission of derogatory, demeaning, or hostile materials based on one or more protected or perceived protected characteristics (e.g., Jewish, Zionist, Arab, or Muslim identity);
- Denying access to or refusing to allow an individual to participate in a program or activity of the University, including, for example, refusing to grant a student some expected benefit (e.g., a letter of recommendation) or denying admission into an open event because of how an individual looks (e.g., because the individual has or lacks stereotypical physical features of a certain ethnic group or conforms or fails to conform to gender stereotypes) or dresses (e.g., because the individual wears religious or ethnic attire such as a cross, kippah, Star of David, turban, or hijab or kufi); or on the basis of the individual's language (e.g., because the individual speaks a particular language or English with a certain accent); or on the basis of the individual's actual or perceived national origin, religious or ancestral identity or political beliefs (e.g., because they are a Zionist or a Republican or a Democrat or wear a keffiyeh); or the individual's actual or perceived association with an ethnic, cultural or religious organization or ethnic, cultural or religious student club or political organization or political student club; or because that individual is actually or perceived to have a particular shared ancestry or be from a particular country or region;
- Defacing property with hateful symbols, such as a swastika or noose, denying the Holocaust or invoking Holocaust imagery or symbols to harass or discriminate, or advocating genocide;
- Excluding Zionists from an open event, calling for the death of Zionists, applying a "no Zionist" litmus test for participation in any Harvard activity, using or disseminating tropes, stereotypes, and conspiracies about Zionists (e.g., "Zionists control the media"), or demanding a person who is or is perceived to be Jewish or Israeli to state a position on Israel or Zionism to harass or discriminate.

- Treating a person differently based on the country, world region, or place where a person or their ancestors come from or are perceived to come from; or due to a person's English proficiency; or based on certain perceptions of, which may be described as hatred toward, religious and ethnic groups, such as Jewish, Muslim, Hindu, Sikh, Christian, Arab, Hispanic, or Latinx students;
- Physical assault, intimidation, or stalking on the basis of one or more protected or perceived protected characteristics;
- Inappropriate physical contact (e.g., forcibly removing another individual's religious or ethnic jewelry or clothing), comments, questions, advances, epithets, or demands based on one or more protected or perceived protected characteristics;
- Accusing an individual of supporting genocide based solely on their race, ancestry, national origin, ethnicity, religion, or other protected characteristic; and
- Accusing an individual of being a terrorist or terrorist sympathizer, or urging them to self-harm based solely on their race, ethnicity, religion, or other protected characteristic.

7. Is discrimination based on antisemitism and Islamophobia impermissible under the Non-Discrimination Policy?

The Non-Discrimination Policy's protected categories (e.g., race, national origin, religion, political beliefs) establish protections for members of the Harvard community from discriminatory disparate treatment or discriminatory harassment based on antisemitism and Islamophobia.

"Antisemitism" is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

"Islamophobia" is a fear, prejudice, or hatred of Muslims that leads to provocation, hostility, and intolerance by means of threatening,

harassment, abuse, incitement, and intimidation of Muslims and non-Muslims, both in the online and offline world.

8. How does the definition of antisemitism used in the NDAB Policies relate to the definition of antisemitism used by the U.S. Department of Education?

The NDAB Policies and Procedures encompass Harvard's compliance with Title VI of the Civil Rights Act of 1964 (Title VI), and Harvard considers the U.S. Department of Education's Office for Civil Rights' (OCR) guidance in complying with Title VI. The definition of antisemitism used by Harvard in the NDAB Policies is the same definition of antisemitism used by OCR. Harvard, like OCR, uses the definition of antisemitism endorsed by the International Holocaust Remembrance Alliance ([IHRA definition](#)) and considers the examples that accompany the IHRA definition to the extent that those examples might be useful in determining discriminatory intent.

9. What is the IHRA framework on which the U.S. Department of Education relies?

International Holocaust Remembrance Alliance (IHRA) adopted the following working definition of antisemitism:

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities."

These are the IHRA examples that the U.S. Department of Education identifies as relevant to the extent that they are useful in determining discriminatory intent:

- *"Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion."*

- *Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.*
- *Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.*
- *Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).*
- *Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.*
- *Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.*
- *Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.*
- *Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.*
- *Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.*
- *Drawing comparisons of contemporary Israeli policy to that of the Nazis.*
- *Holding Jews collectively responsible for actions of the state of Israel.”*

**10. The definitions of Islamophobia and antisemitism contain
 ^ different levels of detail. Do the NDAB Policies provide greater
 protection to one group than another?**

No. The NDAB Policies protect Muslims, Jews, and other protected groups equally. The antisemitism definition considered by the NDAB Policies is the working definition of antisemitism endorsed by the International Holocaust Remembrance Alliance and is also considered by the federal government in evaluating claims of discrimination. Both the Islamophobia and antisemitism definitions include fear, prejudice, and hatred that lead to provocation, hostility, and intolerance by means of threatening, harassment, abuse, incitement, and intimidation, including online.

^ **11. Is anti-Arab, anti-Palestinian, or anti-Israeli discrimination prohibited by the Non-Discrimination Policy?**

Yes. The Non-Discrimination Policy includes among its protected categories ancestry and national origin.

^ **12. Are the NDAB Policies consistent with the University's protections for free speech and academic freedom?**

Yes. The NDAB Policies are consistent with Harvard's University-Wide Statement on Rights and Responsibilities, which provides:

The University has special autonomy and reasoned dissent plays a particularly vital part in its existence. All members of the University have the right to press for action on matters of concern by any appropriate means. The University must affirm, assure and protect the rights of its members to organize and join political associations, convene and conduct public meetings, publicly demonstrate and picket in orderly fashion, advocate and publicize opinion by print, sign, and voice.

The University places special emphasis, as well, upon certain values which are essential to its nature as an academic community. Among these are freedom of speech and academic freedom, freedom from personal force and violence, and freedom of movement. Interference

with any of these freedoms must be regarded as a serious violation of the personal rights upon which the community is based.

The NDAB Policies do not conflict with or override the protections of the University-Wide Statement on Rights and Responsibilities, including those pertaining to free speech and academic freedom.

^ **13. Do the NDAB Policies protect me from exposure to all uncomfortable or challenging conversations?**

No. The free interchange of ideas is vital to the University's primary function of discovering and disseminating ideas through research, teaching, and learning. Uncomfortable and challenging conversations—including the expression of unpopular or disagreeable views—are a normal part of University life. When Harvard interprets and applies the Non-Discrimination and Anti-Bullying Policies, it does so with an awareness of the University's commitment to academic freedom and open inquiry, which means that the University encourages reasoned dissent and the free exchange of ideas, beliefs, and opinions, including on controversies such as the Arab-Israeli and Israeli-Palestinian conflicts.

Ordinarily, it will not violate the NDAB Policies for members of the Harvard community to make controversial statements in the course of academic work or in scholarship; express disagreement with another person's political views; or criticize a government's policy or the political leaders of a country.

^ **14. Can pure academic speech violate the Non-Discrimination Policy?**

Academic inquiry and discussion are of paramount value to the University. Members of an academic community must be able to engage in thoughtful discussion of controversial matters, including those relating to violent armed conflict, civil strife, human and civil rights, and competing moral, historical, and political claims made on land and resources, power, and self-determination. Accordingly, the

required elements of discriminatory disparate treatment and discriminatory harassment are carefully crafted to ensure that the Non-Discrimination Policy does not inappropriately constrain or inhibit academic expression. The Non-Discrimination Policy prohibits discriminatory conduct, which is defined in the policy as discriminatory disparate treatment and discriminatory harassment based on one or more protected categories.

Discriminatory disparate treatment is singling out or targeting an individual(s) for less favorable treatment because of their protected category.

Discriminatory harassment is unwelcome and offensive conduct based on an individual's or group's protected category that is so severe or pervasive, and objectively offensive, that it creates a work, educational, or living environment that a reasonable person would consider intimidating, hostile, or abusive and denies the individual an equal opportunity to participate in the benefits of the workplace or the institution's programs or activities.

**15. Does conduct that would violate the Non-Discrimination Policy
^ if targeted at Jewish or Israeli individuals also violate the policy if
targeted at Zionists?**

Yes, provided that the conduct meets the requirements for discriminatory disparate treatment or discriminatory harassment. The Non-Discrimination Policy includes among its protected categories religion, national origin, shared ancestry or ethnic characteristics, and political beliefs. Zionists, anti-Zionists, and non-Zionists are all protected against discriminatory disparate treatment and harassment under the policy.

**16. Does conduct that would violate the Non-Discrimination Policy
^ if targeted at Muslim, Arab, Palestinian individuals also violate the
policy if targeted at individuals who support Palestinian rights?**

Yes, provided that the conduct meets the requirements for discriminatory disparate treatment or discriminatory harassment. The Non-Discrimination Policy includes among its protected categories religion, national origin, shared ancestry or ethnic characteristics, and political beliefs such as support of Palestinian rights.

^ **17. How do the NDAB Policies and Procedures apply to faculty at Harvard Medical School and Harvard School of Dental Medicine?**

The NDAB Policies apply to Harvard community members, including all faculty members of the Harvard Medical School (HMS) and Harvard School of Dental Medicine (HSDM) (meaning any person possessing an academic appointment in the Faculty of Medicine).

Formal complaints involving allegations against Faculty of Medicine appointees who are employed by HMS/HSDM or whose primary appointments are at another Harvard School will be handled in accordance with the NDAB Procedures.

Formal complaints involving allegations against Faculty of Medicine appointees who are not employed by HMS/HSDM but instead are employed by or associated with HMS/HSDM affiliated institutions will be handled as follows. If the subject of a formal complaint (the “Respondent”) has an HMS or HSDM appointment but is employed by or associated with an HMS/HSDM affiliated institution (and not employed by HMS/HSDM) and the alleged conduct took place outside HMS/HSDM, then the NDAB Procedures ordinarily will not apply and HMS/HSDM, in consultation with CSNDR and appropriate officials at the affiliated institution, will refer the matter to the relevant affiliated institution for investigation under any procedures of the affiliated institution that may be applicable. However, where the alleged conduct either took place at HMS/HSDM or could create a hostile or abusive environment at HMS/HSDM, or in other limited circumstances to be individually determined by HMS/HSDM, HMS/HSDM, in consultation with CSNDR, may conduct joint proceedings with the affiliated institution or may address the matter, in whole or in part, under the NDAB Procedures. In all cases,

HMS/HSDM may, at any point after a complaint has been raised, take temporary or permanent action with respect to the Respondent's academic appointment status at HMS/HSDM.

^ 18. What is bullying?

The Anti-Bullying Policy defines “bullying” as harmful interpersonal aggression by words or actions that humiliate, degrade, demean, intimidate, or threaten others, *if* the aggression is sufficiently severe or pervasive, and objectively offensive, that it creates a work, educational, or living environment that a reasonable person would consider intimidating, hostile, or abusive *and* denies another an equal opportunity to participate in the benefits of the workplace or the institution's programs and activities.

^ 19. What is the purpose of the Anti-Bullying Policy and Procedures?

The Policy aims to foster a university community built on mutual respect and trust while protecting academic freedom, reasoned dissent, and legitimate pedagogical and employment related feedback.

The Anti-Bullying Policy's procedures provide a process by which members of the community who believe they have been harmed by a violation of the Policy can file a formal complaint.

^ 20. Does “doxing” violate the Anti-Bullying Policy?

“Doxing” violates both the University-wide Statement on Rights and Responsibilities and the Anti-Bullying Policy. Doxing occurs under these policies when a community member publicly shares an individual's personal information without their permission with the intention and effect of intense harassment.

For more information, see [this guidance document](#) issued by the President, Provost, Executive Vice President, and Deans.

^ 21. What is the difference between a report and a formal complaint under the Non-Discrimination and/or Anti-Bullying policies?

A “report” is an inquiry to a Local Designated Resource (LDR) of a concern of alleged discrimination or bullying. A report does not automatically launch an investigation, but based on the nature of the report, Harvard may take steps to address conduct that is inconsistent with its expectations.

A “formal complaint” is a written statement in the complainant’s own words that identifies the parties involved, describes the allegedly discriminatory or bullying behavior, and identifies witnesses and evidence. If, following an initial review, it is determined that a complaint alleges a violation of applicable policy and warrants further review, an investigation will be opened.

^ 22. Who may submit a report or formal complaint?

Any current member of the Harvard community may submit a report or formal complaint.

^ 23. How do I file a formal complaint?

Only a current community member directly affected or targeted by an alleged violation of the Non-Discrimination Policy, or the Anti-Bullying Policy may file a formal complaint. Before you file a formal complaint, you must first meet with an LDR to discuss the resources and options available to you, which include the possibility of resolving the issue informally. If an informal resolution is not successful or feasible, then you may file a formal complaint. The formal complaint must be in writing and should be written in your

own words. The formal complaint should identify the persons involved; describe the allegedly discriminatory or bullying behavior, including when and where it occurred; and identify by name or description any witnesses or evidence (e.g., correspondence, records).

^ 24. Where can I find additional details about the complaint resolution process?

The full policies describe how informal and formal resolution processes work. Members of the Harvard community who are interested in learning more can reach out to their LDR. An introductory course is also available on the Harvard Training Portal.

^ 25. Do I have to file a formal complaint to receive support?

No. You do not need to file a formal complaint to receive support. Supportive measures and other techniques for conflict resolution are available to you regardless of whether you file a formal complaint. If you want to learn about resources and supportive measures available at Harvard, please contact your LDR or CSNDR.

^ 26. Who is my Local Designated Resource (LDR)?

LDRs are listed here.

^ 27. Are contacts the same for discrimination and bullying?

Yes. Reports related to both discrimination and bullying may be submitted by contacting an LDR directly or contacting CSNDR at csndr_ndab@harvard.edu.

For more information about how to contact other resources at Harvard—including how to submit a report to the Anonymous Hotline or disclose a concern relating to sexual harassment or sexual misconduct—please see below under “Additional Resources.”

^ 28. What if there is a conflict of interest with an LDR?

If a member of the community objects to consulting with an individual LDR because they feel the LDR has a conflict of interest or is biased, they may bring the matter instead to CSNDR at csndr_ndab@harvard.edu. The CSNDR NDAB Compliance team will review the claim(s) and, where appropriate, identify someone else from the local School to serve as the LDR for initial consultation. A community member who wants to use this process must state their objections about the LDR in a writing that explains why they believe there is a conflict of interest or bias. CSNDR will notify the reporter and the original LDR of its decision.

^ 29. What happens if an LDR needs more information than the information included in a formal complaint?

Where the Local Designated Resource requires more information to determine if the formal complaint alleges a violation of policy and warrants an investigation, the Local Designated Resource, in consultation with CSNDR, may collect additional information, including requesting information referenced in the complaint. If the Local Designated Resource determines that the facts as alleged in the complaint are refuted by relevant, credible evidence, the Local Designated Resource may dismiss the complaint.

^ 30. Does the University have a policy against retaliation?

Yes. Retaliation is prohibited against an individual for raising a good-faith allegation, for cooperating in an investigation of such an

allegation, 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.

^ 31. In addition to my LDR and CSNDR, what other resources are available to me?

If you are in immediate danger and need help, you can contact the Harvard University Police Department (HUPD) at [617-495-1212](tel:617-495-1212) (or 911).

You may share a concern through the Anonymous Reporting Hotline by submitting a [report online](#) or calling [1-877-694-2275](tel:1-877-694-2275).

General Resources:

- Students may contact their school's dean of students or student affairs office.
- Members of the faculty may contact their local faculty affairs office.
- Staff and postdocs may reach out to their local human resources office or visit the University's [Employee Assistance webpage](#).
- [Harvard Ombuds Office](#) is a confidential resource available to anyone from the Harvard community, including faculty, trainees, staff, students, and anyone with a Harvard appointment at an affiliate institution to bring any issue affecting their work or studies.
- The [We're All Human website](#) provides mental health and wellbeing resources for all community members.
- [Harvard University Health Services](#) offers a range of health care and mental health services. The [CAMHS Cares Line 617-495-2042](#) is a 24/7 support line for Harvard students who have mental health concerns, whether they are in immediate distress or not, on-campus or elsewhere.
- Harvard's [Human Resources Employee Assistance Program \(EAP\)](#) offers free, confidential help for all Harvard employees and their

adult household members. You can reach the EAP any time for personal or work-related concerns at 877-EAP-HARV or (877-327-4278).

Sexual Harassment and Other Sexual Misconduct:

There are several options for reporting a concern, policy violation, or filing complaint via the Office for Community Support, Non-Discrimination, Rights and Responsibility (CSNDR).

- You may submit anonymous disclosures of sexual harassment or other sexual misconduct to CSNDR by using the Resource for Online Anonymous Disclosures (ROAD).
- The CSNDR resource guide offers options to help prevent and respond to sexual harassment and other sexual misconduct.

Disability Resources

The University Disability Resources (UDR) office serves as a central resource on disability-related information, procedures and services for our community. You may file a complaint for claim of discrimination on the basis of disability or failure to accommodate a disability via UDR.



[Admin login](#)

