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US review finds no bias in Harvard's revised policy on sex assault

By Jenna Russell, Globe Staff, 4/2/2003

An eight-month investigation by the US Department of Education concluded yesterday that Harvard College is not violating the rights of students by requiring them to provide "corroborating information" before it will investigate their complaints of sexual assault.



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The attorney who asked for the investigation on behalf of Harvard students said she was satisfied with the outcome, and credited the federal inquiry with forcing Harvard to make key changes in its policy.

The Education Department's Office for Civil Rights notified Boston attorney Wendy J. Murphy in a letter that it would close its investigation yesterday, after finding no violation of Title IX, the law that bars discrimination in education on the basis of gender.

"As currently described by the College, these [policy] changes do not deny a student with a complaint of sexual assault access to a prompt and equitable process for resolving the complaint," office director Thomas J. Hibino wrote.

Murphy, who complained to the civil rights office in June, argued that the policy, revised last spring and enacted last fall, was biased against women and placed unfair burdens on sexual assault victims. Yesterday, she said most of her concerns have been addressed.

"If the Office of Civil Rights undertakes an investigation, that's the victory, because it signals they see a problem and they're going to monitor it, by telling the university what's troublesome, and giving them a chance to fix it," she said. "That's why we filed a complaint so quickly -- we wanted them to be cleaning up shop immediately."

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Harry Lewis, dean of Harvard College, released a brief statement: "We are pleased to learn that the Office of Civil Rights has determined, as the university always believed, that Harvard College's disciplinary procedures do not violate the requirements of Title IX." A spokesman declined to comment on Murphy's assertion that the federal investigation prompted policy revisions by administrators.

As first revised almost a year ago, Harvard's policy required students who accuse classmates of rape or sexual misconduct to provide "sufficient independent corroboration" of their claims, such as physical evidence or eyewitnesses, before a full investigation would be launched. The revisions, the university said, would prevent lengthy "he said-she said" disputes with minimal evidence and few prospects for resolution.

Outraged students staged a protest against the changes at the time, and alumni launched a letter-writing campaign. Some professors complained they weren't fully informed about the new rule before they were asked to vote on it. Concern grew that the policy would be used as a model by other US colleges, prompting Murphy's complaint to the federal Education Department on behalf of Harvard's Coalition Against Sexual Violence, a student group.

Last summer, after the complaint was filed, the wording of the policy shifted, Hibino noted in his summary of the federal investigation. In September, when the rule was published in Harvard's administrative handbook for students, "corroborating information" was required, instead of the "sufficient independent corroboration" previously described. An amendment to the college website explained that the information could be diary entries or conversations with roommates -- "virtually anything that helps to corroborate a student's account."

"A year ago, if a student had supporting evidence but Harvard thought it wasn't sufficient or independent enough, they could choose to ignore it," Murphy said.

Murphy said she is also pleased that complaints of harassment based on race or religion will be held to the same standards, and that Harvard's Administrative Board will review all sexual assault complaints in the preliminary phase, even those without supporting information. Every complaint will be submitted to a national database that tracks the number of sexual assaults reported on campuses. "Every case gets counted," she said. "They can't use the policy to convince the public that rape doesn't happen at Harvard."

The investigation, and resulting media attention, "forced Harvard to really pay attention to what it was doing, and how it would affect the campus," said Alisha Johnson, a Harvard junior and a member of the board of directors for the Coalition Against Sexual Violence.

She said students are still wary of the policy's impact, and concerned that it may have a chilling effect, because many students still don't understand what information they're required to provide.

"Changing words doesn't mean it will change the effect," Johnson said. "We're hoping it means Harvard will investigate every case of sexual assault someone brings forward, because that's how you achieve a really safe campus."

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