

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ALYSSA LEADER,
Plaintiff

v.

HARVARD UNIVERSITY BOARD OF
OVERSEERS, and PRESIDENT AND
FELLOWS OF HARVARD COLLEGE,
Defendants

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C. A. No.

JURY TRIAL DEMANDED

COMPLAINT AND JURY DEMAND

Plaintiff, through her attorneys, submits this Complaint and states the following:

PARTIES AND JURISDICTION

1. Defendant Harvard University Board of Overseers (“Board of Overseers”) operates and governs Harvard University (“Harvard”), a private university located in Cambridge, Massachusetts.
2. Defendant President and Fellows of Harvard College, also known as the Harvard Corporation (“The Corporation”), also operates and governs Harvard.
3. Plaintiff Alyssa Leader (“Leader”) was, at all times relevant, a student at Harvard.
4. Harvard receives federal financial assistance and is therefore subject to the dictates of 20 U.S.C. § 1681. (“Title IX”)
5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and over state law claims pursuant to 28 U.S.C. § 1367.
6. Venue in this Court is proper under 28 U.S.C. § 1391 (b) because the events giving rise to this claim took place in this judicial district, and Defendants reside in this judicial district.

BACKGROUND FACTS RELEVANT TO ALL COUNTS

7. Harvard has two governing boards, The Corporation and Board of Overseers (collectively “Defendants”). Through the university charter, The Corporation and Board of Overseers perform the essential roles generally associated with a board of trustees, including being vested with the authority to supervise, control and govern Harvard.

The Dear Colleague Letter

8. The Office of Civil Rights (“OCR”), a division of the United States Department of Education (“DOE”), is responsible for the implementation, interpretation, and enforcement of Title IX.
9. The OCR has promulgated numerous documents outlining the requirements for an educational institution to be in compliance with Title IX, including the Dear Colleague Letter of April 4th, 2011 (“DCL”), which specifically concerns peer-on-peer sexual harassment and sexual assault.
10. The DOE was authorized by Congress to promulgate regulations to govern the implementation, interpretation and enforcement of Title IX.
11. The DCL is a “significant guidance document,” intended to provide educational institutions with clarity as to the requirements they must follow in order to be in compliance with the DOE. Pursuant to 72 Fed. Reg. 3432, a “guidance document” is “an agency statement of general applicability and future effect, other than a regulatory action...that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.” A “significant guidance document” is “a guidance document disseminated to regulated entities or the general public that may reasonably be anticipated to... (iv) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in Executive Order 12866, as further amended.”
12. The DCL specifically outlines the requirements that educational institutions must follow regarding peer-on-peer sexual harassment and assault.
13. A failure to adhere to the requirements outlined in the DCL could result in the loss of federal funding for an educational institution.

14. The DCL states, Title IX requires that the school's inquiry into peer-on-peer sexual harassment and assault "must be prompt, thorough, and impartial."
15. The DCL requires the school to "tell the complainant that Title IX prohibits retaliation, and that school officials will not only take steps to prevent retaliation but also strong responsive action if it occurs."
16. As to any potential conflicts of interest, The DCL states, "a school's investigation and hearings processes cannot be equitable unless they are impartial. Therefore, any real or perceived conflicts of interest between the fact-finder or decision-maker and the parties should be disclosed."
17. The DCL requires designated and reasonably prompt timeframes for investigation and resolution. Per the DCL, "Based on OCR experience, a typical investigation takes approximately 60 calendar days following receipt of the complaint."
18. In addition to resolving complaints promptly, the DCL also addresses OCR recommendations regarding the use of preventive education programs and comprehensive victim services. Per the DCL, such education and training may be included in "orientation programs for new students, faculty, staff, and employees."
19. The DCL also outlines OCR recommendations regarding complainant safety. The DCL states, "Title IX requires a school take steps to protect the complainant as necessary, including taking interim steps before the final outcome of the investigation. The school should take these steps promptly once it has notice of a sexual harassment or violence allegation." The DCL continues, "When taking steps to separate the complainant and alleged perpetrator, a school should minimize the burden on the complainant, and thus should not, as a matter of course, remove complainants from classes or housing while allowing alleged perpetrators to remain."
20. The DCL specifically addresses retaliation, stating, "Schools should be aware that complaints of sexual harassment or violence may be followed by retaliation by the alleged perpetrator or his or her associates. For instance, friends of the alleged perpetrator may subject the complainant to name-calling and taunting. As part of their Title IX obligations, schools must have policies and procedures in place to protect against retaliatory harassment."

Questions and Answers on Title IX and Sexual Violence

21. On April 29, 2014, the OCR issued a document called Questions and Answers on Title IX and Sexual Violence (“Questions and Answers”) in an attempt to “further clarify the legal requirements and guidance articulated in the DCL.”
22. As with the DCL, the OCR has determined Questions and Answers to be a “significant guidance document” intended to provide additional guidance concerning obligations under Title IX to address sexual violence as a form of sexual harassment.
23. Questions and Answers states, “Under Title IX, federally funded schools must ensure that students of all ages are not denied or limited in their ability to participate in or benefit from the school’s educational programs or activities on the basis of sex. A school violates a student’s rights under Title IX regarding student-on-student sexual violence when the following conditions are met: (1) the alleged conduct is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the school’s educational program, *i.e.* creates a hostile environment; and (2) the school, upon notice, fails to take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.”
24. In determining what makes for a hostile environment, Questions and Answers states, “The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.” Thereby, “a single or isolated incident of sexual violence may create a hostile environment.”
25. Like the DCL, Questions and Answers emphasizes the necessity to protect complainants, stating, “But a school should not wait to take steps to protect its students until students have already been deprived of educational opportunities.” Further, “Title IX requires a school to protect the complainant and ensure his or her safety as necessary, including taking interim steps before the final outcome of any investigation. The school should take these steps promptly once it has notice of a sexual violence allegation and should provide the complainant with periodic updates on the status of the investigation.”
26. Questions and Answers identifies appropriate interim steps which include making “the complainant...aware of any available resources, such as victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance, and the right to report a crime to campus and local law

enforcement.” “A school should notify complainants of the right to file a criminal complaint and should not dissuade a complainant from doing so during or after the school’s internal Title IX investigation.”

27. Interim measures also include notifying “the complainant of his or her options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, and working situation as appropriate.” Further, a school cannot require a complainant to pay for counseling offered.
28. Per Questions and Answers, “If a school delays in responding to allegations of sexual violence or responds inappropriately, the school’s own inaction may subject the student to a hostile work environment. If it does, the school will also be required to remedy the effects of the sexual violence that it could reasonably have been prevented had the school responded promptly and appropriately.”
29. Questions and Answers identifies the following school policies and practices as “critical to achieve compliance with Title IX:”
 - notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;
 - application of the grievance procedures to complaints filed by students or on their behalf alleging sexual violence carried out by employees, other students, or third parties;
 - provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
 - designated and reasonably prompt time frames for the major stages of the complaint process;
 - written notice to the complainant and alleged perpetrator of the outcome of the complaint; and
 - assurance that the school will take steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, if appropriate.

30. Questions and Answers also addresses reporting duties of “responsible employees.” “A responsible employee includes any employee: who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty.” “When a responsible employee knows or reasonably should know of possible sexual violence, OCR deems a school to have notice of the sexual violence.”
31. Regarding what must be reported, “A responsible employee must report to the school’s Title IX coordinator, or other appropriate school designee, all relevant details about the alleged sexual violence that the student or another person has shared and that the school will need to determine what occurred and to resolve the situation.” “To ensure compliance with these reporting obligations, it is important for a school to train its responsible employees on Title IX and the school’s sexual violence policies and procedures.”
32. In that regard, “Before a student reveals information that he or she may wish to keep confidential, a responsible employee should make every effort to ensure that the student understands: (i) the employee’s obligation to report...(ii) the student’s option to request that the school maintain his or her confidentiality...and (iii) the student’s ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services.”
33. Regarding the investigation Questions and Answers states, “All persons involved in conducting a school’s Title IX investigations must have training or experience in handling complaints of sexual violence and in the school’s grievance procedures.”
34. Questions and Answers requires that training ensure responsible employees know how to respond appropriately to reports of sexual violence, that professional counselors, pastoral counselors, and non-professional counselors or advocates also understand the extent to which they may keep a report confidential, and that training is provided to all employees likely to witness or receive reports of sexual violence, including teachers, professors, school law enforcement unit employees, school administrators, school counselors, general counsels, athletic coaches, health personnel, and resident advisors.
35. Substantively, Questions and Answers requires training for employees include:

- practical information about how to prevent and identify sexual violence;
- behaviors that may lead to and result in sexual violence;
- attitudes of bystanders that may allow conduct to continue;
- potential for revictimization by responders and its effect on students;
- appropriate methods for responding to a student who may have experienced sexual violence, including the use of nonjudgmental language;
- the impact of trauma on victims; and
- the person(s) to whom such misconduct must be reported.

36. Questions and Answers requires training for employees involved in school grievance procedures include:

- working with and interviewing persons subject to sexual violence;
- particular types of conduct that would constitute sexual violence;
- the proper standard of review for sexual violence complaints;
- consent and the role drugs or alcohol can play in the ability to consent;
- how to determine credibility;
- confidentiality; and
- the effects of trauma, including neurobiological change.

37. To ensure students understand their rights under Title IX, Questions and Answers indicates a school should provide age-appropriate training to its students regarding Title IX and sexual violence. In Questions and Answers, OCR recommends, at a minimum, the following topics be covered in this training:

- Title IX and what constitutes sexual violence, including same-sex sexual violence, under the school's policies;
- the school's definition of consent applicable to sexual conduct, including examples;
- how the school analyzes whether conduct was unwelcome under Title IX;
- how the school analyzes whether unwelcome sexual conduct creates a hostile environment;
- reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting;

- the school’s grievance procedures used to process sexual violence complaints;
- disciplinary code provisions relating to sexual violence and the consequences of violating those provisions;
- effects of trauma, including neurobiological changes;
- the role alcohol and drugs often play in sexual violence incidents, including the deliberate use of alcohol and/or other drugs to perpetrate sexual violence;
- strategies and skills for bystanders to intervene to prevent possible sexual violence;
- how to report sexual violence to campus or local law enforcement and the ability to pursue law enforcement proceedings simultaneously with a Title IX grievance; and
- Title IX’s protections against retaliation.

38. Questions and Answers reiterates that Title IX prohibits retaliation against a complainant and that a school should take steps to prevent retaliation against a student who filed a complaint. Questions and Answers asserts schools should be aware of the likelihood of retaliation against the complainant by the alleged perpetrator or his or her associates. When a school knows or reasonably should know of possible retaliation by other students or third parties, it must take immediate and appropriate steps to investigate, to protect the complainant, and reiterate Title IX’s prohibition of retaliation and the strong responsive steps will be made.

39. Questions and Answers requires that, “a school must give the complainant any rights that it gives to the alleged perpetrator. A balanced and fair process that provides the same opportunities to both parties will lead to sound and supportable decisions.” “Specifically:

- Throughout the investigation, the parties must have an equal opportunity to present relevant witnesses and other evidence.
- If the school permits one party to have lawyers or other advisors at any stage of the proceedings, it must do so equally for both parties. Any school-imposed restrictions on the ability of lawyers or other advisors to speak or otherwise participate in the proceedings must also apply equally.
- If the school provides for an appeal, it must do so equally for both parties.”

40. Questions and Answers reiterates the DCL's prompt timeframe as the entire investigation process as 60 calendar days.

OCR Title IX Investigation and The Resolution Agreement

41. On December 30, 2014, OCR completed an investigation of Harvard Law School's policies and procedures for responding to sexual harassment and violence complaints as compared to the standards set forth in the DCL and provided a letter to Harvard Law School setting forth OCR's findings, which resulted in university-wide changes to policies and procedures regarding sexual harassment and violence complaints at Harvard.

42. In OCR's letter to Harvard Law School, OCR indicated that "According to the most recent *Harvard University Fact Book*, published annually on the website of the Office of the University's Provost, in 2012 the University enrolled just under 6,700 students in undergraduate programs (3,281 female students and 3,378 male students) and approximately 15,400 students in graduate and professional programs...According to the U.S. Department of Education's Office of Post-Secondary Education Campus Security Clery Act data, there were 31 reports of forcible sex offenses at the University in 2012, 21 reports in 2011, and 31 reports in 2010."

43. OCR's investigation identified multiple DCL compliance failures of the then existing Harvard Sexual Harassment Policy including, but not limited to:

- Failure to take adequate steps to ensure all decision makers were trained to meet the requirements of OCR policy and guidance;
- Failure to ensure equal rights to appeal for the complainant as were available for the respondent;
- Failure to include an assurance that the Law School will take steps to end and prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others;
- Failure to include, on its face, provisions related to interim protective measures to protect the complainants pending the outcome of their complaints;
- Failure to address police involvement or criminal investigations and the complainants ability to seek both criminal investigation and a Title IX complaint simultaneously; and

- Failure to define sexual assault and violence as a form of sexual harassment under Title IX.
44. OCR also investigated Harvard Law School's handling of two sexual assault complaints filed during the time period reviewed. OCR concluded Harvard Law School failed to provide prompt and equitable resolution of the two complaints, citing various compliance failures, including but not limited to:
- Improper use of "clear and convincing" standard of evidence rather than the "preponderance of evidence" standard of evidence;
 - Failure to promptly resolve one complaint where significant delays occurred between the filing of the complaint and the Ad Board's decision (5 months), the Hearing Officer's report affirming the Ad Board's decision (9 months), Law School faculty's subsequent dismissal of the complaint (13 months), and written notice to the complainant of the ultimate outcome (16 months); and
 - Failure to ensure equal rights as complainant was excluded from participating in any review after the Ad Board's decision, where at subsequent hearings, respondent was represented by legal counsel and provided testimony.
45. During OCR's investigation, Harvard informed OCR that it was undertaking a comprehensive, university-wide review of policies and procedures at Harvard for addressing sexual harassment and sexual assault, which included hiring a new university-wide Title IX coordinator, forming a committee of more than 40 administrators to examine Harvard's approach to these cases, and developing a Title IX website.
46. On April 16, 2014, Harvard provided OCR with revised Title IX Policy and Procedures, "Sexual and Gender-Based Harassment Policy" and "Procedures for Handling Complaints Involving Students Pursuant to the Sexual and Gender-Based Policy," which were then adopted by Harvard in July 2014 (July 2014 Title IX Policies and Procedures) and went into effect for the 2014-2015 academic year. Harvard indicated to OCR that the July 2014 Title IX Policies and Procedures were adopted university-wide and applied to all Harvard schools, not just Harvard Law School, and that no individual Harvard school could adopt conflicting policy. Harvard described this university-wide approach as a departure from Harvard's traditional individual school-based approach to policymaking.

47. OCR informed Harvard after review of the July 2014 Title IX Policies and Procedures that they again failed to comply with the DCL in several respects, including but not limited to:

- Failure to include language a complainant may end the informal process and begin the formal process at any time;
- Failure to include language prohibiting mediation;
- Failure to include language prohibiting the requirement that complainants need resolve the problem directly with the alleged harasser;
- Failure to address complainants ability to seek both criminal investigation and a Title IX complaint simultaneously;
- Failure to clearly state that the policies apply to both conduct that may have the effect of creating a hostile environment on campus and/or contributing to and/or continuing a hostile environment; and
- Failure to expressly ensure that Harvard is committed to responding to incidents of sexual harassment that Harvard knows or should know about, even if a complaint or report has not been filed.

48. On December 23, 2014, Harvard adopted the Resolution Agreement. Therein, Harvard attempted to address its Title IX policy and procedural failures as identified by OCR and to comply with the DCL.

49. In addition to the university-wide deficiencies, in the Resolution Agreement, Harvard also agreed to address Title IX deficiencies OCR identified in Harvard Law School's September 2014 Interim Sexual Harassment Policies and Procedures, requiring:

- A statement of assurance that any investigation will be conducted in an adequate, reliable, and impartial manner, including providing an equal opportunity to present witnesses and relevant evidence;
- A statement of assurance that steps will be taken to prevent recurrence of harassment and to correct its discriminatory effects on the complainant and others;
- Updates to the students at regular intervals regarding the status of the proceeding; and
- Posting of email addresses to each designated Title IX coordinator.

50. While Harvard adopted comprehensive university-wide policies and procedures in 2014 to comply with the DCL, Harvard College currently remains under investigation by OCR for insufficient Title IX compliance in response to complaints of sexual harassment and sexual assault.

Harvard Sexual and Gender-Based Harassment Policy and Procedures

51. During all times relevant, Harvard drafted, enacted, and distributed the “Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences” (“The Policy”) and “Procedures for Handling Complaints Involving Students Pursuant to the Sexual and Gender-Based Harassment Policy.” (“The Procedures”) (Together referred to as “The Policy and Procedures”)
52. Therein, Harvard set forth specific procedures to report, investigate, determine and conclude complaints of student-on-student sexual and gender-based harassment.
53. The Policy addresses the reporting duties of Faculty of Arts and Sciences (“FAS”) officers. FAS officers include, but are not limited to, “deans, administrators and professional staff; those responsible for residential life...for example...Resident Deans...; coaches and assistant coaches; other personnel who work directly with students...; and faculty.”
54. The Policy requires FAS officers to promptly notify the relevant Title IX Coordinator(s) about possible sexual or gender-based harassment. All FAS officers are to make their notification responsibilities known to anyone who initiates a conversation about sexual or gender-based harassment before that person has revealed substantial personal information. If necessary, the FAS officer then can direct the reporting party to confidential resources.
55. The Policy and Procedures also mandate consideration of interim measures at any time to support and protect the Complainant, which might include “restrictions on contact course-schedule or work-schedule alteration; changes in housing; leaves of absence; or increased monitoring of certain area of the campus.” During the investigation, investigators are mandated to work with the Title IX Coordinator to implements appropriate interim measures to be put in place pending the completion of the case or to revise any measures already in place.

56. After a formal complaint is filed, the Administrative Board or “Ad Board” must invite the Complainant to a separate meeting to discuss the Ad Board process.
57. Regarding the investigation, The Policy and Procedures indicate that after a formal complaint is submitted by the Complainant, the Respondent will have one week in which to submit a written statement in response to the allegations.
58. If the complaint involves allegation that, if true, also might constitute criminal conduct, the Policy and Procedures advises Respondents to seek legal counsel before making any written or oral statements. Both the Complainant and the Respondent may also bring personal advisors to any interviews with the Investigative Team. A personal advisor should be an officer of the University who is affiliated with the School or unit in which the advisee is enrolled or employed. Per the Policy and Procedures, during interviews, while the personal advisor may not speak for the Complainant or Respondent, they have the right to suspend the interviews briefly if they feel their advisees would benefit from a short break.
59. The Policy and Procedures also mandate confidentiality, indicating that disclosing information about the case might compromise the investigation or may be construed as retaliatory. The Policy and Procedures emphasize that retaliation of any kind is a separate violation of the Policy and Procedures and may lead to an additional complaint and consequences.
60. The Policy and Procedures requires the Investigative team to provide both the Complainant and Respondent a written draft of the findings of fact and analysis. The Investigative team must give both parties one week to submit a written response to the draft, which the Investigative team must consider before finalizing the report findings and recommendations.
61. Per the Procedures, the final report should be completed and provided to the Complainant, Respondent and the School Title IX Coordinator within six weeks of receipt of the Complaint.

Allegations of Wrongful Conduct By John Doe 1 and Defendants Against Alyssa Leader

62. Between March 2013 and March 2014, while a student at Harvard, Leader engaged in sexual contact and, ultimately, a dating relationship with John Doe 1, a fellow Harvard student.
63. Harvard requires all students to attend orientation programs that provide education about sexual violence. Despite this policy, John Doe 1 did not receive this educational program.
64. Over the course of the relationship, John Doe 1 sexually assaulted and harassed Leader multiple times, often implementing intimidation, coercion and manipulation.
65. As a result of John Doe 1's conduct, Leader reported various incidents to Defendants through numerous programs and offices intended to provide victims support and investigate allegations of sexual harassment and assault at Harvard. This resulted in Leader filing an official report with Harvard regarding John Doe 1's conduct and beginning an investigation pursuant to Title IX.
66. Through various reports by Leader to Harvard as well as through Leader's discussions with assigned investigators, Leader provided substantial detail as to the abusive, threatening and harassing manner John Doe 1 treated Leader, particularly with regard to their sexual relationship, as well subsequent harassing and retaliatory behavior directed at Leader after she confronted him and reported his abusive conduct.
67. During all times relevant, except for the summer of 2013, Leader and John Doe 1 both resided at Cabot House, a dormitory owned and operated by Harvard. During all times relevant, Leader also worked at a café inside Cabot House as a barista. John Doe 1 was also employed at the café as a manager. During the summer of 2013, John Doe 1 resided at 6 Soldier's Field Park, a residential building for students also owned and operated by Harvard, where Leader would often visit John Doe 1. Multiple incidents of sexual abuse and retaliatory conduct occurred at Cabot House, including in dorm rooms, the café, and common areas such as the dining hall. Multiple incidents of sexual abuse also occurred at 6 Soldier's Field Park.
68. Leader reported to Defendants multiple incidents of sexual abuse perpetrated by John Doe 1. John Doe 1 would become irate and threatening when Leader declined sexual contact, often resulting in Leader relenting. In response to Leader either declining or

stopping sexual contact, John Doe 1 would slam doors and violently strike or push furniture including a metal bureau, a fan and a porcelain sink. John Doe 1 would also make hostile comments that were very threatening to Leader such as, “It’s almost as if you like when people treat you like shit. People treat you poorly and then you give them what they want. Maybe I should start treating you like shit to get what I want.” John Doe 1 would often angrily raise his voice and accuse Leader of being a “tease” and tell her they would fight less if she gave into him sexually. When Leader eventually relented out of fear and consented to sexual intercourse, John Doe 1 would continue having sexual intercourse with Leader despite her crying and expressing emotional distress such as being under too much pressure.

69. In addition to John Doe 1’s aggressive behaviors directed at Leader, Leader also witnessed and reported his capacity for violence towards others in public. On one occasion, John Doe 1 accidentally lifted up Leader’s dress in front of a gathering of friends, exposing her body to another male friend. After the male friend made a joke about it, John Doe 1 became enraged and physically went after the male friend. Similarly, John Doe 1 repeatedly started arguments with Leader at their mutual place of work in Cabot House. He would repeatedly raise his voice at Leader while she stood behind the counter and then walk away, leaving her upset, embarrassed and unable to leave in front of customers.
70. Leader attempted to end her relationship with John Doe 1 multiple times but was repeatedly convinced to begin seeing him again. Leader informed Defendants that the relationship ultimately ended in earnest in mid-March 2014.
71. In September of 2014, Leader approached John Doe 1 to discuss his behavior during their relationship. Leader informed investigators that she approached John Doe 1 with regards to his new girlfriend. Leader asked John Doe 1 not to treat his new girlfriend the way he had treated Leader. John Doe 1 indicated he would “never do that to her” as she had not “set an expectation” like Leader by having a sexual encounter with him before they began dating. Leader indicated that even if he did not care how his behavior affected others, his conduct could still be against university policy. John Doe 1 then shouted at Leader that it made no sense that he could be punished for sexual coercion when he could not take action against someone “for being a bitch or teasing me.” After this conversation, Leader

ceased communication with John Doe 1 beyond what was necessary as they shared a dormitory and workplace.

72. After this conversation, John Doe 1 proceeded to harass Leader regularly. John Doe 1 would move aggressively towards Leader and make noises such as “huffing and puffing” whenever he passed Leader in the hallway, despite her efforts to avoid and ignore him.
73. John Doe 1 would regularly show up at Leader’s shifts at work, at the dormitory café, even after she scheduled shifts to avoid times she knew he would be in the café. John Doe 1 would stand by the counter at the café, look at Leader and make comments such as “You know, if you have to coerce someone, you’re doing it wrong.”
74. On one occasion, while Leader was in a nearly empty dining hall, John Doe 1 sat at a table close to her and commented loudly, “Well, with the new Title IX policy, you can’t do anything. It’s all rape!”
75. Leader first reported John Doe 1’s conduct to the Office of Sexual Assault Prevention and Response (“OSAPR”) during her relationship with John Doe 1. Leader first reported to Alicia Oeser, the current Director of OSAPR, in the spring of 2013 and then again in September 2014. Leader further reported to Alyssa Green, a Survivor Advocate with OSAPR, in January 2015.
76. The OSAPR’s mission statement states that it “seeks to eliminate harm, violence, and oppression through the intersectional promotion of gender equity and social justice. We advocate for the compassionate, just treatment of survivors and collaborate with our Harvard community to effect attitudinal change and behavioral change.” The office was created in response to the 2002 findings of the Committee to Address Sexual Assault at Harvard (“CASA”), which highlighted the need to create a centralized office to coordinate education and support services for students as it related sexual violence on campus. The office then implemented multiple programs including providing crisis services such as a twenty-four hotline for sexual assault victims.
77. On November 6, 2014 Leader reported to Tiffanie Ting, her Resident Dean and “responsible employee” for purposes of Title IX. Ms. Ting had been contacted by Leader’s Undergraduate Advising Administrator and Research Advisor regarding Leader falling behind. Leader then asked to meet with Ms. Ting to discuss her thesis. During the conversation, Ms. Ting encouraged Leader to drop her thesis due to her academic

struggles. In response and prior to Ms. Ting disclosing her reporting obligations under Title IX, Leader reported John Doe 1's conduct to Ms. Ting, including retaliatory conduct that had persisted after their dating relationship ended. Ms. Ting asked if she had reported the conduct and when Leader informed her she had not reported, Ms. Ting discouraged Leader from pursuing filing a formal complaint. Leader informed Ms. Ting that she felt very unsafe and asked if John Doe 1 could be moved from Cabot House, which Ms. Ting said was not possible. She then referred Leader to Emily Miller, the Title IX coordinator. On November 7, 2014, Leader reported the abuse to Ms. Miller as well and again requested John Doe 1 be moved to another dormitory. Ms. Miller also indicated John Doe 1 could not be moved from Cabot House despite Leader's request.

78. On December 15, 2014, Leader again informed Ms. Miller of John Doe 1's ongoing retaliatory conduct and that John Doe 1's behavior had, in fact, escalated.
79. On February 3, 2015, Leader reported to the Office for Gender-Based Dispute Resolution ("ODR"), prompting an investigation by investigators Bill McCants and Ilissa Povich.
80. The ODR is charged with implementing the procedures for students, staff, and faculty pursuant to the University-wide Sexual and Gender-Based Harassment Policy. The ODR investigates and resolves formal complaints against students under this policy. Per Harvard policy, in determining discipline, the school must accept as final and non-reviewable the ODR's findings of fact and its conclusion as to whether a violation of the University Policy as occurred.
81. During Leader's ongoing meetings with Ms. Ting, she was informed Ms. Ting also met with John Doe 1. When Leader asked about the inherent conflict this presented, Ms. Ting indicated "when you are in my office I believe you, when he is in my office I believe him." Further, after learning that Leader reported to ODR, Ms. Ting indicated to Leader in a hostile tone, "You *said* you weren't going to report this. What made you change your mind?"
82. On March 25, 2015, April 10, 2015 and April 17, 2015, Leader reported John Doe 1's continuing retaliatory conduct to the ODR investigators. The conduct reported included but was not limited to John Doe 1's increased presence at Leader's workplace, his threatening behavior when in close proximity to Leader, friends of Leader reporting feeling bullied by John Doe 1, and his threatening comments to Leader. Leader indicated

this conduct was very common. Leader also detailed an incident where John Doe 1 stared at her threateningly while an individual John Doe 1 knew Leader had been sexually involved with after they dated spoke publicly in the dining hall. John Doe 1's conduct was so obvious that Leader's friends noticed and commented on it to Leader. Leader was so upset by his conduct that she ran out of the dining hall. Leader informed the investigators that as a result of John Doe 1's retaliatory conduct, she was missing meals at the dining hall, she dropped shifts at work, and was often anxious and fearful. She also informed them that she had not been sleeping at Cabot House since John Doe 1 was informed of her report out of fear. In response, the investigators questioned whether the conduct was harassment as it occurred in public. Further, no safety measures were proposed. Leader also repeatedly continually informed Ms. Miller of John Doe 1's retaliatory conduct during this period.

83. On April 27, 2015, Leader reported the sexual assaults to the Harvard University Police Department.
84. Once Defendants' investigation regarding John Doe 1's conduct commenced, Leader learned that Defendants' policy was to only provide updates when directly requested. As Leader lived in the same dormitory as John Doe 1 and feared him, she asked Defendants to inform her before John Doe 1 was given notice of her complaint. When she requested her advocate check to see when Defendants would give him notice, Leader learned that had already done so and neglected to tell her. Further, Leader asked in writing to be informed when Defendants delivered Leader's evidence to him as she was concerned for her safety and that of another individual who featured heavily in the evidence. Approximately a week later, she reminded Defendants in person to let her know when the evidence was provided, only to be told then that a large portion of the evidence had already been provided to John Doe 1. Again, no safety measures were recommended.
85. When Leader explored the option of a no contact order, she was told by the OSAPR advocate and the Title IX Coordinator, Ms. Miller, that Harvard implemented "retaliation rules" when an investigation was opened, which forbade any retaliation and covered the same set of behaviors as a no contact order, thereby effectively creating a no contact order. During a conversation with Ms. Miller on February 24, 2015, Ms. Miller indicated that a no contact order was unnecessary and that Leader would be better off without one

as it could not then be used by the respondent to restrict Leader, due to the order being mutually restrictive. Leader informed the ODR investigators of this advice and was not directed otherwise. Therefore, Leader did not obtain a no contact order.

86. John Doe 1 and his friends continually harassed and intimidated Leader. John Doe 1 regularly and unnecessarily passed back and forth in front of Leader's workplace while Leader was on her work shift. On one occasion, he passed by three times within forty-five minutes. John Doe 1 would also stand at the window of her workplace and stare at her. He would sit on the deck of her entryway so that Leader had to see him when she walked in and out. John Doe 1 would enter an extremely small, card swipe-access-only room where she was working and remain. John Doe 1's friends and girlfriend would each sit at separate exits of the café where Leader worked so that she would have to pass by them. They would loudly state, "Oh [John Doe 1] is coming by in a few minutes!" clearly within Leader's audible range and would sit in close proximity to Leader while she conversed with other people, obviously attempting to eavesdrop. Leader reported these events to Harvard, but Harvard failed to act, despite Leader reporting fear for her personal safety. John Doe 1 was not punished or otherwise reprimanded for this conduct and safety measures were never implemented.
87. John Doe 1 also spoke widely about the investigation with people on campus, specifically sharing confidential information with Leader's friends. Leader felt ostracized and she was barred from social functions and lost friendships as a direct result of this behavior and John Doe 1's attempts to ruin her reputation. Leader informed Harvard and asked he be stopped, but Harvard again failed to act.
88. Harvard allowed John Doe 1 to remain in the same dorm as Leader, despite Leader detailing John Doe 1's ongoing abusive, harassing and retaliatory behaviors to Defendants. Leader asked that he be moved but was told that that was not a possibility and that the only option was for Leader to move. Leader was unable to do so as she worked at the café in her dormitory and would have to return to Cabot House, regardless, for her work shifts, requiring continued contact with John Doe 1. John Doe 1 asked a dean at Harvard whether he should move to another residential facility during the investigation. Despite knowledge of Leader's fear of John Doe 1 and her request that he be moved, the dean encouraged John Doe 1 to stay at Cabot House and continue to use

the common areas such as the dining hall. This resulted in Leader having to see John Doe 1 almost every day, usually multiple times a day.

89. Before and during the investigation, Defendants failed to provide Leader any information about her legal rights or options, such as her right to legal counsel, her right to pursue criminal prosecution or her right to pursue a restraining order. When Leader discovered the option to pursue a restraining order, as a result of her own independent research, she approached the Title IX coordinator who indicated it “was the best decision you could make” and that she “should have done it from the start” as it would “solve all of your problems.” This conversation occurred several months after Leader had repeatedly discussed her abuse and John Doe 1’s ongoing retaliatory conduct with Harvard as well as the possibility and Leader’s concerns regarding a no contact order. Defendants also failed to discuss other potential measures such as course-schedule or work-schedule alteration, changes in housing, leaves of absence, or increased monitoring of certain areas of campus as indicated in The Policy and Procedures.
90. As a result of Defendants’ refusal to respond to Leader’s repeatedly stated concerns and fear for her safety, on April 27, 2015, Leader sought and obtained a restraining order against John Doe 1 in court. After a subsequent evidentiary hearing where Leader was subjected to hours of examination and John Doe 1 provided witnesses, Leader was granted a permanent restraining order. Only after obtaining this restraining order did Defendants move John Doe 1 to another residential building.
91. Each Harvard dormitory has one or more assigned Sexual Assault/Sexual Harassment (“SASH”) tutors. When Leader initially reported her abuse to ODR, the Cabot House SASH tutor was informed. In response, the SASH tutor did not reach out to Leader or tell Leader that she knew of the report, despite multiple weekly interactions. Instead, the SASH tutor only spoke with John Doe 1 about the allegations at length and considered becoming his personal advisor. The SASH tutor asked OSAPR whether she could be his personal advisor and was informed she could not. The SASH tutor only informed Leader she was aware of the allegations and investigation after she was subpoenaed by John Doe 1 to testify at an evidentiary hearing regarding the restraining order. She called Leader into her office and indicated she knew of the allegations all along. She informed Leader of the subpoena and stressed the inconvenience, repeatedly saying “I wish this weren’t

happening to me.” Ultimately, she did not testify but did console John Doe 1 after the restraining order was granted.

92. After the restraining order was granted, Defendants insisted on interviewing one of John Doe 1’s friends who lived in her dormitory and who had harassed her repeatedly. Leader pleaded with Defendants not to interview him as she was terrified of him and the potential for retaliation. Regardless, Defendants interviewed the witness and failed to offer any reasonable plan for her safety.
93. On May 21, 2015, only after obtaining the restraining order, Leader learned that she was misinformed by ODR, the Title IX Coordinator and OSAPR regarding Harvard’s “retaliation rules” effectively creating a no contact order thereby making a no contact order unnecessary. Leader was informed by Defendants that if a no contact order was in place, any violation would have been handled by the Administrative Board (“Ad Board”), the university’s sanctioning body for disciplinary claims, as opposed to the ODR. Leader was informed that the Ad Board would have handled any investigation and resolution of a violation more expediently than the ODR. Leader and Title IX Coordinator Miller were surprised by this information. Leader to this point had not obtained a no contact order due to several reasons including fear of retribution and leaving her vulnerable to possible false allegations from John Doe 1 as the order would be mutually restrictive. However, Leader would have obtained a no contact order much sooner if she was aware that a no contact order would have been met with more immediate action.
94. Leader and John Doe 1 graduated in May 2015. Defendants allowed John Doe 1 to walk in the graduation ceremonies despite their policy to not allow respondents in ongoing disciplinary proceedings to participate. Further, despite the ongoing investigation, Defendants invited John Doe 1 back to Cabot House to live for free during the summer though he was no longer an active student at Harvard. John Doe 1 resided at Cabot House with over one hundred visiting summer school students.
95. As the investigation lasted beyond graduation, Leader had to take a substantial amount of her personal and sick time in the first three months of her new employment due to meetings and other commitments related to the investigation.
96. Defendants failed to disclose a conflict of interest regarding Harvard’s investigation. Harvard hired Illisa Povich, an investigative contractor from an outside investigation firm

to assist in the investigation. At no point during the process did Defendants inform Leader that Ms. Povich was interviewing for a permanent investigator position at Harvard while conducting the investigation into John Doe 1's conduct.

97. During Defendants' investigation, John Doe 1 admitted to Defendants that he made verbal threats to Leader during the course of their relationship. John Doe 1 admitted to implicitly threatening Leader during sexual encounters as well as acting out violently, including punching furniture after Leader asked him to stop during a sexual encounter.
98. On July 17, 2015, ODR released a finding that John Doe 1 was "Not Responsible" for all claims of rape, assault, abuse, harassment, and retaliation. Leader appealed without success. Leader was only allowed to appeal on procedural grounds, not substantive grounds, unless she had new evidence not previously considered. The results of the investigation were then provided to Harvard's Ad Board. Leader was allowed to review a draft and was allowed to submit comment, but was informed by the investigators that it would not change their position. On August 18, 2015, administrators gathered to read the findings and vote on discipline. Leader and John Doe 1 were each allowed to submit a statement as long as it did not challenge the investigative findings. The Harvard Ad Board voted for a sanction of "Scratch," which meant "nothing wrong had happened and there were no grounds for punishment," which was unusual as the standard finding was "Take No Action." Defendants refused to explain the "Scratch" finding to Leader or how often it was implemented. Defendants then removed all information about the disciplinary investigation from John Doe 1's record. Leader requested reconsideration of the decision but was denied.
99. Throughout the entire process, including the investigation, Defendants violated the standards set forth by the DCL, Questions and Answers, and their own policies.
100. Despite Defendants' policy that each party be treated equally, John Doe 1 was allowed to interview over the phone on one occasion while Leader was required to always interview in-person. While The Policy and Procedures require response to a formal complaint within one week, John Doe 1 was granted several weeks to respond. While John Doe 1 had an attorney present for every interview, Leader was provided a personal advisor with no legal background. Leader's advisor could not be present for the majority of one of Leader's most important interviews and investigators would not

accommodate Leader by allowing Leader to wait to address important aspects of the case when the advisor was present. Despite Leader reporting John Doe 1's ongoing retaliatory efforts, including his breaking of confidentiality, Defendants took no action in response. Also, though Leader was given the opportunity to address a draft of the investigative report, she was informed by the investigators, her response would make no difference. Defendants failed to advise Leader of various measures that could have been enacted to ensure her protection beyond a mutually restrictive no contact order. Also, the issuance of the final report took several months, far longer than the six week period from the initial complaint as recommended in The Policy and Procedures.

101. Defendants failed to properly train and educate their employees, including school officials, officers, investigators, and adjudicators in appropriate response to allegations of sexual harassment, sexual abuse, and retaliatory conduct, as well as necessary Title IX policies and procedures.
102. Defendants failed to adequately educate Harvard students, including but not limited to John Doe 1, on the dangers of sexual harassment, assault and retaliatory conduct, including but not limited to the impact of such conduct on victims.
103. Defendants acted with deliberate indifference towards Leader's reports of sexual assault and sexual harassment perpetrated by John Doe 1 against Leader as reflected by Defendants' actions and inaction.
104. Defendants acted with deliberate indifference towards Leader's reports of subsequent retaliatory conduct perpetrated by John Doe 1 and John Doe 1's associates against Leader as reflected by Defendants' actions and inaction.
105. As a result of Defendants' actions and inaction in response to Leader's report of sexual assault and subsequent retaliation, Leader was deprived of a multitude of educational opportunities and/or benefits. Leader suffered a decline in her academic performance. Despite communicating with investigators, administrators, advocates, professors and teaching fellows regarding her ongoing difficulties, academic accommodations were often not made, resulting in her grades dropping significantly. For instance, during this time Leader received a grade that was the lowest mark she received in any course during her time at Harvard and collectively received the lowest grades of her entire academic career. Leader unusually had to miss classes and ask for extensions

on assignments. Leader strongly considered leaving school. Leader struggled significantly in preparing her thesis, to the point where she almost had to abandon it altogether. Ultimately, she uncharacteristically received lower than expected marks on her thesis as well. As a result of her uncharacteristic academic performance, Leader is now prevented from asking her professors for any type of recommendation. The lack of accommodations also caused Leader to lose academic honors that she would have otherwise earned upon graduation.

106. Additionally, Defendants' actions and inaction caused Leader to miss various other educational opportunities and commitments. Leader avoided the dining hall and various social events for fear of running into John Doe 1. Leader dropped several shifts at her university job, losing money from these shifts and risking her employment, in an attempt to avoid John Doe 1. Leader missed meetings for organizations in which she was involved because John Doe 1's friends participated heavily in these organizations. Leader was barred from certain social events after John Doe 1 informed several people about Leader's decision to report and the subsequent investigation. Leader's house staff stopped including her in activities despite her previous involvement. As John Doe 1 was allowed to remain in Leader's dormitory, Leader often could not sleep in her own dormitory out of fear of John Doe 1.

FIRST CAUSE OF ACTION
DISCRIMINATION ON THE BASIS OF GENDER IN VIOLATION OF 20 U.S.C. § 1681
(TITLE IX)
(AGAINST ALL DEFENDANTS)

107. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
108. The acts and failures to act perpetrated against Plaintiff amounted to unlawful sexual harassment and discrimination on the basis of gender. The harassment and discrimination was sufficiently severe and pervasive to create an abusive educational environment for Plaintiff. One or more administrators or officials of Harvard, with authority to take corrective action on Plaintiff's behalf, had actual notice of said harassment and discrimination and failed to adequately respond, in violation of their own policies. Those failures amounted to deliberate indifference toward the unlawful sexual conduct and retaliatory conduct that had occurred, was occurring, or was likely to occur.

As a result, Plaintiff was subject to continuing harassment and a loss of educational opportunity.

109. Additionally, and/or in the alternative, Defendants failed to enact and/or disseminate and/or implement proper or adequate procedures to discover, prohibit or remedy the kind of discrimination that Plaintiff suffered. This failure included, without limitation, non-existent or inadequate customs, policies or procedures for the recognition, reporting, investigation and correction of unlawful discrimination. Those failures amounted to deliberate indifference toward the unlawful sexual conduct and retaliatory conduct that had occurred, was occurring, or was likely to occur. As a result, Plaintiff was subject to continuing harassment and a loss of educational opportunity.

110. Defendants acted with deliberate indifference in deviating significantly from the standard of care outlined by the DOE in the Dear Colleague Letter of 2011, Questions and Answers from 2014, and Defendants' own policies.

111. As a result of Defendants' deliberate indifference, Plaintiff suffered loss of educational opportunities and/or benefits and has and will continue to incur attorney fees and costs of litigation.

SECOND CAUSE OF ACTION
NEGLIGENCE
(AGAINST ALL DEFENDANTS)

112. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.

113. At all times relevant, Defendants owned and operated Harvard, a private university and institution of higher education and offered services associated with higher education to Plaintiff. Defendants had a duty to protect Plaintiff as a student at Defendants' institution, Harvard. Defendants had a duty to take reasonable protective measures to protect Plaintiff and other similarly situated students from the risk of sexual abuse and/or sexual assault, such as the duty to properly warn, train or educate Plaintiff and other students about how to avoid such a risk. This created a special relationship between Defendants and Plaintiff who was entrusted to Defendants' care. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff a duty of care.

114. Pursuant to The Campus Sexual Violence Act (Campus SaVE Act), 20 U.S.C. § 1092(f)(8)(B)(i)(I), Defendants also owed a statutory duty to:

- Provide to each student who reports to the institution that he or she has been a victim of dating violence and sexual assault his or her rights relating to seeking an order of protection, no contact order, restraining order, or similar lawful order issued by criminal or civil court including how the institution shall help to enforce any such order of protection;
- Provide to each student who reports to the institution that he or she has been a victim of dating violence and sexual assault suggestive safety planning and individuals at the institution and in the local community who can assist the victim in implementing safety planning;
- Provide education programs to promote awareness of the offenses of dating violence and sexual assault to all incoming students and new employees as well as ongoing prevention and awareness campaigns for students and faculty;
- Provide annual training on issues related to dating violence and sexual assault and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability to individuals involved in institutional disciplinary action in cases of alleged dating abuse or sexual assault; and
- Provide the same opportunities to the accuser and the accused to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

115. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of John Doe 1's dangerous and exploitive propensities, including his retaliatory conduct towards Plaintiff, as a result of Plaintiff's reports to Defendants and the prevalence of sexual assault and retaliatory conduct against reporters of sexual assault at Harvard and other universities and/or institutions of higher learning. It was foreseeable that if Defendants did not adequately exercise or provide the duty of care owed to students, including but not limited to Plaintiff, female students would be vulnerable to sexual assault and retaliatory conduct by John Doe 1 and others.

116. Defendants, by and through their agents, servants and employees, were acting within the course and scope of their employment at all times relevant and breached their duty of care to Plaintiff by deviating significantly from the standard of care outlined by the DOE in the Dear Colleague Letter of 2011, Questions and Answers from 2014, and Defendant's own policies. Defendants also breached their statutory duty by deviating significantly from the standard of care outlined in the Campus SaVE Act.
117. Defendants breached their duty to take reasonable protective measures to protect Plaintiffs and other similarly situated students from the risk of sexual abuse and/or sexual assault, such as the failure to properly warn, train, or educate Plaintiffs and other students about how to avoid such a risk.
118. At all material times, Defendants were further required to comply with federal law, including, but not limited to the Campus SaVE Act. The Campus SaVE Act was created for, amongst other reasons, to better protect students from and promote awareness of the dangers of dating violence and sexual assault at institutions of higher education. Defendants failed to enact policies consistent the policies mandated by the Campus SaVE Act. The mandatory duty imposed by the Campus SaVE Act is designed to guard against the type of injury suffered by Plaintiffs as a result of the matters alleged in this Complaint. Defendants' violations of the Campus SaVE Act, as alleged above, constitute a breach of statutory duties owed to Plaintiff.
119. But for the intentional and negligent acts and omissions of Defendants and their violations of the statute set forth herein, Plaintiff would not have been injured. Defendants' intentional and negligent acts and omissions therefore amount to negligence, negligent failure to warn, train and/or educate, and negligence per se.
120. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, physical injury, shock, emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

THIRD CAUSE OF ACTION
PREMISES LIABILITY
(AGAINST ALL DEFENDANTS)

121. Plaintiff incorporates all paragraphs of this Complaint as if fully set forth herein.
122. At all times relevant, Defendants owned and operated Harvard, a private university and institution of higher education, including but not limited to Cabot House, the residential dormitory owned and operated by Defendants and assigned by Defendants to Plaintiff where Plaintiff resided and worked and 6 Soldier's Field Park, a student residential facility owned and operated by Defendants where John Doe 1 resided, and offered services associated with higher education to Plaintiff. Defendants expressly undertook all obligations related to the provision of safety and security at Harvard, including but not limited to Cabot House and 6 Soldier's Field Park, and for making Harvard reasonably safe to invitees such as Plaintiff.
123. Defendants owed a duty to student invitees, such as Plaintiff, at Harvard to exercise reasonable care to guard against foreseeable dangers from use of the property at Harvard, including but not limited to Cabot House and 6 Soldier's Field Park. This created a special relationship between Defendants and Plaintiff who was entrusted to Defendants' care. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff a duty of care as an invitee.
124. Defendants knew or had reason to know that women invitees on the property could be harmed by others, including John Doe 1, as a result of Plaintiff's reports to Defendants and the prevalence of sexual assault and retaliatory conduct against reporters of sexual assault at Harvard and other universities and/or institutions of higher learning.
125. Defendants, by and through their agents, servants and employees, were acting within the course and scope of their employment at all times relevant and breached their duty of care to Plaintiff by deviating significantly from the standard of care outlined by the DOE in the Dear Colleague Letter of 2011, Questions and Answers from 2014, and Defendant's own policies. Defendants also breached their statutory duty by deviating significantly from the standard of care outlined in the Campus SaVE Act.
126. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer, great pain of mind and body, physical injury, shock, emotional distress, physical

manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

WHEREFORE, Plaintiff prays for damages; punitive damages; costs; interest; statutory/civil penalties according to law; attorneys' fees and costs of litigation, pursuant to 42 U.S.C. §1988 or other applicable law; and such other relief as the court deems appropriate and just.

By her Attorneys,

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