

HARVARD
FACULTY OF ARTS AND SCIENCES



Claudine Gay
Edgerley Family Dean of the Faculty of Arts and Sciences
Wilbur A. Cowett Professor of Government and of African and African American Studies

University Hall
Cambridge, MA 02138

February 3, 2022

Dear Ingrid, Kay, and colleagues,

On behalf of President Bacow, Dean Bobo, and myself, I am writing to respond to the open letter that you shared with us and submitted to The Harvard Crimson. I have taken the liberty of copying all signatories of that letter on this response.

Before I address the substance of your questions, I want to note the obvious dangers of an asymmetry of information in a situation like this. If you have not reviewed the full findings of an investigation, it is hard to assess the proportionality of the response. Be aware that if you do not have access to the full review, and instead are relying on public accounts relayed through the media or only what is shared by one party to a complaint, you are necessarily operating without a comprehensive understanding of the facts that have motivated the response.

As you know, following a thorough review by the Office of Dispute Resolution and the FAS, in which Professor Comaroff had the opportunity to participate, Professor Comaroff was found to have engaged in verbal conduct that violated the [FAS Sexual and Gender-Based Harassment Policy](#) and the [FAS Professional Conduct Policy](#). In my role as FAS Dean, I determined that sanctions are warranted and proportionate to the severity of the behavior, and I placed Professor Comaroff on administrative leave for the spring semester and took steps to limit his teaching and advising through the next academic year. At the end of this period, I will decide whether to restore some or all of the privileges that have been curtailed. On January 20, I informed the Departments of Anthropology and African and African American Studies of changes that directly impact their members and that will occur as a result of disciplinary actions taken regarding Professor John Comaroff.

It would not be appropriate for me to provide specifics of Professor Comaroff's behavior. However, I can tell you that the conduct at issue is not what you have described. What I feel is very important for me to speak to are the misunderstandings that have been conveyed here about our Title IX policy and procedures.

First, the FAS Title IX Policy and Procedures are fundamentally accountable to our commitment to academic freedom and to the faculty, who carry out our academic mission. The policy specifically states the principle that 'nothing in the policy will be construed to abridge

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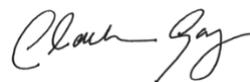
academic freedom, principles of free speech, or the University's educational mission.' The FAS Procedures are structured to meet that standard in a number of ways. They provide a Respondent with multiple opportunities to raise concerns, both in person and in writing, if a Respondent believes that these principles are not being observed. In addition to those protections, a faculty respondent has the right to an appeal before a panel of faculty peers. And finally, the person deciding sanctions is a tenured faculty member, someone who has direct experience in carrying out our teaching and research mission.

Second, the factual findings that are reached through Title IX procedures are binding. In my role as Dean, I cannot and I do not set aside the findings that are reached through that process. But sometimes it is the case that some of the allegations in a complaint implicate policies *outside of* the Title IX policy and process, and require further review, particularly when the issues concern the well-being of the community. That was the case in this instance. We are a large and complex institution with a broad and diverse mission. Faculty are beholden to many [rules and policies](#) that govern various aspects of our activities, from professional conduct and sexual harassment and discrimination to outside activities, research conduct, and more. In your letter, you have asked about the rules, policies and procedures to which you are subject as members of the FAS Faculty; the materials posted on the faculty resources page of the Office for Faculty Affairs may be helpful. I would be willing to meet with you, Ingrid and Kay, to discuss any policy questions you may have. However, I would like to make clear upfront that I am not able to discuss any of the specifics of this particular case.

As Dean, fulfilling my responsibilities in these processes is easily one of the bleakest, and yet most carefully measured, aspects of my role. I do not relish the sanctioning of colleagues. But I also know that Title IX policies and standards of professional conduct are directly tied to our institutional ambition to be academically excellent. Enforcing them is not peripheral to our mission.

I want to leave you with one final thought. Behind every Title IX case are one or more complainants who made the difficult choice to come forward. Whatever your view of our current Title IX policy and procedures (which, like all policies, can and should be improved over time), we can all agree that the decision to lodge a formal complaint is a challenging experience. We should ask ourselves—perhaps especially the tenured faculty—what signal our reactions to the outcomes of these processes may send to our community, and particularly to those making that difficult choice of whether or not to come forward.

Sincerely,



Claudine Gay