
From: Office of the Dean
Sent: Tuesday, April 28, 2015 3:06 PM EDT
To: hbs-faculty@listserv.hbs.edu
Subject: Faculty meeting, Wednesday 29 April 2015 (please note 4pm start time)
Attachments: FRB_28April2015.pdf

To: Faculty meeting attendees

From: Nitin Nohria

Re: Faculty meeting, Wednesday 29 April 2015

Our next faculty meeting is tomorrow, Wednesday 29 April 2015, **4-5pm**, in Aldrich 112 (*please note the later start time -- we're accommodating a scheduling conflict*).

As I mentioned during a previous faculty meeting, earlier this winter I asked Amy Edmondson to help develop a set of procedures for responding to concerns about faculty conduct that arise from time to time. She has been working with a small group on this and, in addition to drafting a document, has had some preliminary meetings with members of the community so as to solicit input and feedback on the proposal. We now are ready to bring the document to the full faculty for discussion, and Amy will outline the background and aspirations the group had in mind. The draft proposal is attached -- please try to skim it before tomorrow afternoon.

We'll also review a number of the initiatives underway to build and strengthen the faculty.

As always, please let me know -- if you haven't already -- if you have a conflict that will prevent you from attending. Else, I look forward to seeing you there.

Principles and Procedures for Responding to Matters of Faculty Conduct

The Harvard Business School community aspires to be a model of leadership, honor, and integrity. Toward this end, we have adopted various principles and policies to guide our conduct. The most comprehensive is our statement of Community Values. This document defines a set of principles that all stakeholders of the School—students, program participants, faculty, staff, and alumni—accept and agree to abide by when they join the HBS community. These principles, also referred to as our Community Standards, are the following:

- Respect for the rights, differences, and dignity of others
- Honesty and integrity in dealing with all members of the community
- Accountability for personal behavior

Other policies and guidelines—some of which are faculty-specific, others of which are HBS-wide or Harvard-wide—cover a broad range of topics and activities such as the use of human subjects, intellectual property, conflict of interest, use of Harvard name, and non-retaliation.¹ Adhering to these policies and guidelines is the responsibility of each and every faculty member.

Faculty members at HBS are also expected to contribute actively to the HBS community, to help foster an environment conducive to the work of others, and to advance the School's mission and the activities that support and foster it.² Faculty members at HBS thus bear a responsibility to adhere to the highest standards of collegiality and conduct, understanding that activities or behaviors that undermine the academic environment or damage the standing of Harvard have a wide-ranging impact.

From time to time, concerns about the behavior of an individual faculty member may be raised. It is expected that many, if not the majority, of these concerns can be resolved informally among the individuals involved, or locally (e.g., within a department or unit). There are resources available to help in these situations, depending on the nature of the issue at hand, and support may be sought from staff in the Division of Research and Faculty Development, Human Resources, and the Office of the Dean, as well as from faculty colleagues.

In some instances, however—for example, instances of *egregious* behavior or actions, or incidents that indicate a *persistent and pervasive pattern* of problematic conduct—a more structured procedure may be needed to investigate the concern and determine whether misconduct has occurred.³ Here, the Dean may choose to refer the allegation to a Faculty Review Board (FRB).

¹ See, for example, General and Research Policies for HBS faculty members and Harvard University Policies.

² Consistent with the School's Policies and Procedures with Respect to Faculty Appointments and Promotions (revised Spring 2013), pages 6 and 9.

³ Allegations of research misconduct or violations of sexual and gender-based harassment policies are covered, respectively, by the Research Integrity Policy and the Harvard University Sexual and Gender-Based Harassment Policy.

Faculty Review Board Procedure

In situations where a more structured procedure may be needed to investigate a concern and determine whether misconduct has occurred, as noted, the Dean may refer an allegation to the Faculty Review Board.⁴ The FRB typically will comprise a faculty chair, two additional faculty members, and a senior staff member, all appointed by the Dean. The FRB Procedure includes:

- A summary of the allegation, as it is known at the time, will be written by the Chair of the FRB.
- The FRB, aided in some instances by a fact finder, will investigate the allegation. The investigation may require factual inquiry, interviews, and the review of materials (e.g., documents, email exchanges, social media).
- The FRB will prepare a draft report that should include the evidence gathered; comments on the seriousness of the offense, including the FRB's conclusions on whether misconduct has occurred; and potential recommendations for redress or remediation of the incident or behavior, including possible sanctions.⁵

The faculty member and, if applicable and appropriate, the person making the allegation will have an opportunity to review the allegation, the evidence gathered, and the draft report, and to respond in writing. Additionally, both parties can designate a member of the community as an advisor—someone to accompany them to any meetings or interviews, for example, or review written materials. These individuals may not be family members, subordinates, or attorneys, though both parties can consult with any of these individuals at any time. Advisors are expected to respect the confidentiality of the process.

While the work and activities of the FRB are considered private, the FRB may, in the course of its proceedings, need to inform or solicit input from others—including faculty members (e.g., colleagues or a Unit Head), staff members (e.g., in Human Resources), other Harvard offices (e.g., the General Counsel), students, and alumni.

The report, including recommendations, will be considered final once the FRB has reviewed written responses and once modifications and edits, if the FRB deems them appropriate or necessary, have been made. Once the report is finalized, it will be submitted to the Office of the Dean, along with any responses (to the allegation and to the report) that have been received.

The Dean is responsible for finalizing any sanctions. The Office of the Dean is responsible for implementing any recommendations and sanctions and will maintain records of the proceedings.

The FRB procedure is designed to be flexible, recognizing the need to weigh multiple factors such as the nature and seriousness of the conduct in question, the supporting evidence, and any

⁴ These may include concerns where the evidence is unclear or conflicting, where complexity is a factor, or where the allegation or its impact is deemed serious—for example, the ongoing violation of policies or guidelines, physical violence or the threat of physical violence, or repeated disrespectful behavior or abuse of authority.

⁵ See the section on "Notes on Promotions, Reviews, and Reappointments" for a fuller description of how conduct will be assessed when faculty members are under review by an Appointments Subcommittee or Standing Committee.

mitigating factors and circumstances. At the same time, the FRB procedure aims to provide a framework to allow an appropriate resolution of concerns in a wide variety of circumstances.

The following principles and considerations shall guide those carrying out the FRB procedure:

- Every reasonable effort should be made to protect the reputations of the individuals involved.
- The faculty member being reviewed by the FRB and the individual raising the concern should be kept informed throughout about the steps of the process and the anticipated time line.
- Privacy and confidentiality are important considerations; information generally should be shared only on a need-to-know basis, and consistent with what is practicable.
- Allegations should be articulated in writing and evidence presented clearly.
- Recognizing that it can be difficult to anticipate every circumstance that may arise, the individuals responsible for administering the FRB procedure will use their best efforts and judgment.

Notes on Promotions, Reviews, and Reappointments

- The Senior Associate Dean for Faculty Development will meet annually or as otherwise needed with the Chair of the FRB and the Executive Dean for Administration to discuss whether concerns about conduct have been raised for upcoming candidates for promotion, review, and reappointment.
- In this meeting, the FRB Chair and Executive Dean would report on any earlier complaints raised against the candidate and the outcome of local resolution or the FRB investigation. In addition, the FRB and Executive Dean may seek and report on confidential input—from faculty colleagues, staff, students, alumni, or others—about concerns about the candidates that were not previously reported.
- If no serious questions about conduct are raised, the promotion, review, and reappointment case will proceed to the Subcommittee or Standing Committee. For cases where previous or current conduct raises a question of whether the candidate meets the School's criteria for "Effective Contributions to the HBS Community," the FRB will be asked to undertake a review, beginning with drafting an allegation as outlined above. In these cases, the Subcommittee or Standing Committee will begin its work evaluating the candidate on the criteria *excluding* collegueship and adherence to Community Values.
- The FRB's conclusions on whether a candidate has upheld the School's Community Values will be provided to the Appointments Subcommittee or Standing Committee, and included with that group's report to the full Appointments Committee. In these cases, the Subcommittee or Standing Committee will prepare its report and recommendation, including its vote, based on the criteria *excluding* collegueship and adherence to Community Values.

Additional Notes

Concerns about faculty conduct may be brought forward by individuals or by groups of individuals, and concerns may arise from individuals within HBS, from within Harvard, or from

outside (e.g., from people unaffiliated with Harvard). Generally, individuals should raise their concerns with whomever they feel most comfortable speaking. Members of the community designated to receive concerns about conduct include:

Jean Cunningham
Office of the Dean
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Ellen Mahoney
Office of Human Resources
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Valerie Porciello
Division of Research and Faculty Development
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This policy, once adopted, should be reviewed and revised as needed a year after implementation, and no less frequently than every three years thereafter.

Last revised 28 April 2015

DRAFT