



FRB meeting – 4 September 2015

> Some probability that we all may embarrass the institution -- what is our assessment of the probability that \*he\* will embarrass the institution again?

Schlesinger: Seemed to flat out discount any concerns coming from faculty and staff. Completely glossed over those.

Edmondson: Taking our concerns seriously – he must – and working hard to adopt a productive tone. "Handling it" well. But it's as much "processing" issues as it is "conduct" issues -- he's been consistently misunderstood, and never considers that others' intentions may be good too.

Schlesinger: Blinkx -- didn't understand the impact he would have. But he skipped over the pain around the disclosure as well, and the fact that he's not able to disclose to the dean. So troubled by Blinkx. By the time I got to the Chinese restaurant, found it fascinating that he went after the proprietor. Walk away saying "we might own that."

Edmondson: Big underlying concern – he explains that he is doing what's best, and sometimes it backfires for him when he's misunderstood. But his concept of what's best is a theory – it's a view that needs to be tested.

Crispi: Struck by first two paragraphs – trying to reduce the likelihood of anything like this ever happening again, versus promising that they won't. But happy about litigation, and incarcerating two people?

> apologies for not being able to be there in person.

Wants to provide a window into experience in working with Ben. Less familiar with Blinkx case; more with restaurant and dealings with staff.

Have been around Ben for 9 years; he can be stubborn and difficult. He is not at all dishonest; have never seen him play fast and loose. Blinkx may or may not be a counterexample of that, but as unit head, million little things that come up and sometimes people are slippery with the truth. Sometimes he is almost too black and white.

Thinking about Amy's research on psychological safety – as unit head, creating that for junior faculty. Do they feel free to speak their mind? Are we creating the right context? Ben is not like that at all – not wired to think about this, or what people will think of him. Ben is somewhat robotic in his speech patterns, lawyerly in tone, hard to tell what he is thinking or meaning, doesn't read social cues very well. He's not strong on this dimension. Ben needs to learn and understand that context matters, and style matters. If you're sending a letter to Google and to a small Chinese restaurant, they should have a very different tone. Ben's not naturally good at this.

But he is working at it, and trying. The Chinese restaurant situation was a big wake-up call to him – he thought he was doing something right, but it was a disaster. Likewise with Blinkx – never seen him do something for money, or that was dishonest. Sense from talking to him that he has one criteria: I have rights to do certain things, and if I'm not breaking the rules, I can do them. There were lots of ways to make lots more money than he did. He believes in the principles of his rights to publish, for example. He's come around to the view that the perception of things matters a lot – if people perceive you have a conflict of interest, being way to the other side and out of the gray zone is important. He has a desire going forward to keep what he does for money, and his writings, separate.

What gets Ben up in the morning is making the world a better place – the world, HBS, technology, projectors, whatever. That's what he's motivated by. He is wired in ways that are different, and we need to understand that. Hope you'll have an opportunity to talk to Jean, who works in the dining facility. Who came up after the restaurant incident and found out he's doing taxes for a group of the RA staff, and was advocating for a number of them around their health care. He's clumsy at it, but he wants to get better. And I think he's motivated by the right things. In my experience, Ben is a good guy who's motivated by the right things in wanting to make the world a better place. Will need to learn that the world won't adjust for him, and he will need to adjust for it.

Amy: Has he gotten coaching and feedback along the way? What kinds has he gotten and how has he responded to it?

██████████ Within the unit, I, for example, have received letters with the same tone Ben used with the restaurant. And in unit meetings, don't want to squash him – I want to encourage psychological safety among the junior faculty. But not privy to many of his interactions within the School. Occasionally got a call from the Dean's Office and would try to talk to him. Blinkx was one example, and then Chinese restaurant – but largely didn't view it as a big problem, but rather Ben being Ben. But then you saw all the details – horrible, and horrible timing. There were very hard conversations.

Len: What do you mean by a hard conversation?

██████████ Being pretty straightforward about how other people view your behavior. Ben's response was always, "but this is what I was trying to do." Kathleen and I were pretty clear that the world's view mattered too. Projector issue – think Ben handled himself a lot better after these other two incidents.

Len: This was never an issue in the unit, it seems, until the 2 incidents. So no discussion during his associate professor review?

██████████ No; senior faculty would have talked about the IT tools, contributions he might make. Tone with which he comes to things, and challenges he would raise in the unit, people took in the context of Ben trying to do the right thing, and people didn't want to misinterpret it. Two incidents made everyone realize he's missing some real things.

Hope you will talk to senior colleagues as well – they also have seen this up close, every single day. He's an active part of the community.

Reinhardt: Ben's been here for 8 years, right? Has he ever been part of a teaching group? When did Negotiation stop being an RC course?

\_\_\_\_\_ Think he taught at least one time while it was still an RC course. Remember being part of the teaching group and he was part of it, but only early on. There would have been informal teaching groups even if it wasn't RC.

Reinhardt: CV only shows one year, then it looks like he moved to the EC after that.

[REDACTED] Moved into Tom Eisenmann's course, and then that morphed into his own course. Think he sat in when Tom was teaching, but they never taught together. He may have mentored him a bit. It wasn't just Ben, but Ben and Peter Coles. They worked together quite a bit.

Crispi: Ben mentions that he feels as though he's become more thoughtful. How have you seen that play out? What are you seeing?

[REDACTED] In day-to-day interactions, I'd say I saw him maturing even before – less stubborn, more thoughtful. All generally came to respect him. He really hasn't caused any problems within the unit; we all like and respect him, and think he says what he thinks. Can go into his office with any IT problem and he'll fix it. For a number of us, he has our frequent flier passwords – he knows all the rules about airlines, and if a certificate is going to expire, he'll find someone to use the miles to help them out. Shows zero favoritism, whether senior or junior person. Sometimes that gets him into trouble too.

Back to specific question: humility in talking about things like Blinkx and restaurant – initially he just thought he was right, and if he was right about the issue... think he genuinely realizes he has some difficulties seeing things the same way other people see them. Generally misses context in ways that others are sensitive to, and think that has been humbling to him. Sees it as something he needs to learn from, and get better at it. Ben has been a wunderkind since the beginning – the idea that he has a deficiency is new, and not much experience with failures.

Edmondson: You mentioned the projectors. What was your involvement there?

██████████ Ben wanted me to know about this – saw it as another example where Ben could handle it in a way that wouldn't be helpful. Talked with him about how to achieve a good outcome – didn't tell him not to get into it; Ben should be Ben, and if he cares about it, he should get into it. But talked about it being a situation he could handle, or in such a way that he makes people feel not respected.

Reinhardt: You mentioned yourself, Deepak, and Kathleen as folks who have had conversations with him. Are others in your unit less involved in giving him developmental guidance? Or having conversations?

██████████ Jim, Guhan, and Jerry less inclined to mentor people in that way. Francesca more, but only recently. Max sees Ben's motivations and appreciates them so much; so allergic to people currying favor with the powerful so he loves Ben because he doesn't do that. Kathleen, Deepak, and I most attuned to how the world will see things.

Reinhardt: Does he have colleagues outside the unit with whom he is close? What does his social world look like?

██████████ Marco. Probably Tom Eisenmann. Connected exceedingly well with Al Roth. Maybe David Yoffie he's mentioned a few times. Ben shows up for work every day, but he goes to his office and does his thing. Many of his interactions are by email, and he's responsive. But he doesn't naturally foster relationships.

Last comments: Given all the noise that Ben has made, see how natural it would be to run. Hope that you'll talk to people like Jean who have seen the other side of Ben. And senior, and even junior, colleagues. A lot of people have amazing respect for him. It's more of an inability to see things than bad intentions, but understand you need to get to the bottom of it.

Edmondson: One note – you, too, are allowed to speak up... if Ben says something that is unhelpful to the junior faculty, point is that people should be and are learning. So you can say something.

██████████ Happy to do whatever will be helpful to you guys. Thanks for doing this – experience on CRB. Several years work drafting COI and OA policies, and then a few more as the *de facto* co chief compliance officer. Responded to a range of things, even this past year.

Edmondson: Helpful to get your take on Blinkx.

██████████ Put together a chronology – should treat this as confidential. You all will be on the hot seat should Ben choose to sue, and he will sue.

Edmondson: That's true, and that's also a damning statement to make about a colleague.

██████████ Will focus on Blinkx; but having been in Hong Kong when the Chinese restaurant was unfolding, this was a global issue. It was not easy to explain when people wanted to talk about that and not the Capital Campaign – it was distracting. People were more interested in that than in FIELD.

Chronology: COI policy evolution – Ben was one of two faculty members to attend a small group discussion as the policy was being drafted. He had detailed questions, and clearly had read it carefully. Fast forward: Ben hired in December by two separate investment companies. Work started and results expected by January 2014. Same month, hedge funds set up short positions. In January results go up on personal blog, though identified as an HBS faculty

member. Piece ends with a recommendation. Includes disclosure. Bloomberg comes into play; Ben brought into loop, and clear consensus that the disclosure was inadequate.

Ben's wording is very careful: they did not change their position after I released my story. You have to watch what he says; he gets down to words. First he said there was one client, then he said there were two.

Changed his disclosure; don't think it went far enough, and don't think he's been compliant on many things he has published. Minimalist at best. Don't think he's compliant, but have not done the thorough investigation.

Future of capitalism.com quote – found that very troubling. Don't think you go to a client without understanding how the work will be used. Ben had worked with at least one of these clients before. They knew full well he would publish. And he knew full well if he made the company money, they would hire him again. If the company is asking you to dredge up information, you can be sure they're not betting long. Either disingenuous or irresponsible. Quoted as saying "I don't care what people do with my work."

Schlesinger: This statement flies in the face of his personal statement: all of my activities are designed to make the world a better place.

██████████ This statement floored me – so antithetical to what I thought the faculty should be doing in terms of outside activities.

██████████ Privileged

██████████ Privileged

██████████ But first week was a gray hair week – a lot of risk.

Edmondson: ██████████ Privileged

██████████ Privileged

██████████ Ben wanted to

call it his research. Intimately tied to his work... but there was payment, there was a contract guiding the work.

Reinhardt: How do you know the client was one he had worked for before?

██████████ Disclosure issue – correspondence with client, series of emails of a contractual nature. But never a signed document, which the policy requires.

Policy says two things: at the end of the day you should be guided by the interested reader test. Would they want to know that you had a paid relationship related to this work product? If you're paid by Microsoft to trash Google? Second part says an OA that is directly related to a work product – if you are working for a firm or competitor, anyone who would have an economic interest – you need to disclose.

Went through two years of permutations around the policy, and need case law to build up. But would an interested reader want to know that Ben was paid by a hedge fund to do this work? I think so.

Five quick statements:

Ben is an exceptionally smart, incredibly talented guy who has skills this School could use. In awe of his energy and talents. But:

> he follows the letter, not the spirit, of the law, and that's a problem for our faculty – we will never get the letter of the law down perfectly for our faculty. Parses words narrowly and in his favor. Want a faculty that has a culture of protecting the institution ahead of personal gain, and even to the detriment of their income. Need to protect the brand and not live by the exact wording of something. He will pick up on the "we agreed to abide by" statement of community values – and say that he never agreed to abide by them. Sometimes that is very valuable. His legal background, and mind.

> don't think he protects the institution the way I'd like my colleagues to. Comment on chronology is indicative; Chinese restaurant is another example. Thinking, before you act, that you are part of a group. Concern about culture, spirit, brand – not sure that gets better after tenure.

> Blinkx – did not make an appropriate disclosure, willingly amended (but still some concerns). Made a speech in April – with warnings – and not clear that he made appropriate disclosures there. Generally minimalist. Spent hours on this, and received a declaration he would be most careful next time.

> don't believe his current disclosures are consistent with our policy. Current Google – advises clients adverse to Google. Don't think he goes far enough... doesn't have to be 100 words, but this feels minimalist.

Worked with him carefully on this, and now this is level of disclosure.

> his general disclosure on his blog – blanket or work product – it has to be work product, and it has to be specific. Blanket doesn't go far enough – you need to tell the reader all the details. Links, click-throughs, and generalities not in the spirit of what we want to achieve. Same with Blinkx update in April. He's smart enough to know what that policy means – but he is reading his disclosure in a way to say it is consistent, but he's smart enough to know that it isn't.

> don't think he is consistent with our policies on annual disclosure (not privy to). Always understood that you describe clients and days – but he claims it is too tedious to fill out the forms. He doesn't have a problem with tedious. Didn't feel like he was living in the spirit of the social contract around annual reporting.

Schlesinger: Was there any point in the process where we decided, as an institution, that we were "done" with the Blinkx issue?

██████████ A lot of activity in February, March, and some in April. Talk: I wasn't paid to do any of the slides in this deck. That misses the point – it's whether there was any related work for hire. He's a brilliant guy – if he could harness his energy he would be great, but he's just dangerous. Hate saying that – we need people with his skill set.

Started his presentation that he's the sheriff of the internet – we don't give people tenure for that.

Sorry to sound frustrated – a lot of time spent here. Greek tragedy – such talent, and find it so upsetting that we can't harness this in a productive way.

If you read the FT – all saying, "what is Harvard doing?" Broad brush – that's why the spirit of the policy is so important. We need people to think about whether what they do could damage the School, their colleagues, and then the individual third.

Reinhardt: Restaurant situation shows the futility of trying to develop a contract to dictate all the faculty's activities – no way to anticipate that one.

██████████ COI/OA group debated this – should there be an articulation of philosophy, of culture, of aspirations of the faculty? We need people who don't need to be forced into the culture, but can instinctively and naturally see the value of it.

Edmondson: If you study the internet, you should know how things go viral.

██████████ One last issue around compliance – Privacy Puzzles at Google post in February 2013 with no disclosures whatsoever.

People may see the policy differently, but it's relatively clear.

Schlesinger: Reality, you seem to be saying, is that we look at the behavior post February I have no reason to legitimately conclude there has been learning of the kind we would be concerned about relative to putting the community at risk.

██████████ He has created a finely defined world where he is always in the right. But we don't live there.

Crispi: Do you think it's a matter of his tone, understanding of context is so different that we should create an allowance for it?

██████████ Don't think we should give an allowance – dangerous behavior that injures us all, and hard to justify that when there's no learning and repeated issues from the micro to the macro. The market manipulation charge, had that come back to HBS, would have cost the University hundreds of millions. It's like a duty to inform – we know this risk exists.

Schlesinger: In looking at Ben's blog, would say there has been very little learning about the issues that put the community at risk.

██████████ Don't know quite how to think about the world Ben lives in. He sees the unique and clever ways – high energy. But can't separate it from what it comes with – that's the Greek tragedy. So much that makes him so powerful, but he's a zealot, and on a mission to save the world. And on his crusade, screw you if he has to step on a few things along the way. Everyone wants to be remembered, and do good, and have impact. But he does good \*and\* bad, and he doesn't know when he's putting us at risk.

Crispi: Wondering about where the allowance ends.

██████████ Plenty of quirky people here, and we cut lots of people some slack. But they exist within the guidelines, and they don't pose us risk.

Edmondson: He believes he isn't benefitting – that consulting rate so low as to be immaterial.

██████████ Yes, but the companies hire him again.

Separate question here about conflict of commitment – whether what he's doing is more than the 50 days allocated to the faculty.

Edmondson: Tragic, or a poor fit with an institution that is so about our place in the world? We are not a place of "come in and do your thing." HBS is different.

██████████ When you're at HBS, even when you whisper, you're speaking through a megaphone. The obligation is ten times more important with this platform.

Was hugely grateful that we had the COI policy when the Blinkx issue arose – nice to have something in place. Big question was whether this was research (inside) or consulting (outside).

Schlesinger: He seems to be changing his own definition over time.

██████████ It is his research – but when you have this intersection with consulting, you have to be triply careful.

Schlesinger: Can't have a strict constructionist view when you're in this territory.

(end of ██████████

Additional meetings/interviews

Responsive to [REDACTED] request – a few other senior faculty from NOM unit ([REDACTED])

Remaining questions: how does committee view its work? Traditional strategy of fact-finding and conclusions may end up where [REDACTED] said it will... more unintentional noise.

Observation: don't know that Ben will ever make enough progress to warrant an appointment as a senior faculty member, but uncomfortable with us getting into an assessment of the psychodynamics of his learning.

Has engineered significant risk for the institution, and we are being asked to decide what that risk profile is going forward. Quite comfortable, now, saying that extremely uncomfortable putting his case forward to the AC as a "less risky" proposition.

> he has been completely protected and nurtured by a unit that has not exposed him to the rest of the institution ("it's just Ben" "we know Ben"). Ben has been under wraps – transition from being an Associate to Full implies an institution-wide responsibility that can't be satisfied by the unit. Or by the report. FRB can't take the place of this.

> new learning today – set of inconsistencies between the learning presented in his statement and the behavior that transcends the Blinkx issue. This is not someone who's being careful.

If he didn't do anything for 5 years, would that be enough?

> Can we get an alignment of people oriented toward saying that the AC process is going to be a very difficult process for reasons that will not be helpful to Ben's career... and that we need to put a structure of resources in place that he would find onerous and leave.

Will he be expecting a report that he can parse and repudiate? In ways that he will view as helpful to him and his career?

Amy: One of the issues here is that it isn't actually collegueship -- everyone loves him because he gets them free stuff. We're saying that he poses a risk to the institution.

Forest: Expectation that we can do this in the same time frame as the AC may not be the least bit realistic – if there is an FRB procedure, it will have to start earlier, or the person by definition has to be delayed. Remedy may need to be postponement – made more difficult by his isolation in unit where people are telling him he is great.

Angela: Conversation with [REDACTED] reinforced sense of Ben being isolated, and treated with kid gloves, within his unit.

Schlesinger: Low level of awareness of what constitutes acceptable behavior.

Sense that there is a lot of work we need to do – fact finder to engage; i's to be dotted and t's to be crossed. Would prefer not to go down that path.

**Develop full Blinkx packet**

Don't want [REDACTED] harmed, but figure out how to incorporate some of those perspectives.

**Ask Ben Edelman to meet with the group**

Privileged

> Should there be a conversation with Paul? Could there be evidence of learning in the next two years that would change our assessment?

Unit has not intervened much at all. [REDACTED] intervention was pretty significant.

Report: reflects on incidents, perspectives, assessment that there hasn't been learning and the risk remains high absent significant interventions.

Should the recommendation to the dean recommend that he be concerned about risk moving forward?

Should the recommendation say that individuals outside the unit serve as an advisory group to Ben moving forward, and to be more aggressive about feedback and coaching than has been done in the past? There's no structure that exists, so it would need to be created.

Before or after faculty meeting

Wednesday 9<sup>th</sup> – 1-3:30 on Wednesday, and afterwards as well (5-7pm) – [REDACTED] Privileged

[REDACTED] and then some time for the group

16<sup>th</sup> at 4:30pm – let Ben know he needs to be there

9 September -- [REDACTED] (by phone)

Amy: Interested on aspects of his conduct as a colleague in the unit; 2 more salient events – Blinkx and Chinese restaurant – that were in the headlines. Any thoughts on those events or on Ben as a colleague would help us.

Len: Engaging with a sample of senior leadership in the unit – observations on the 8 years.

[REDACTED] Know next to nothing about the Blinkx case; Guhan and Max were going to look into it more, but on that one, what I know is third hand. Know there are different views on it. Spoke to them individually afterwards – clear that we collectively didn't have much to make the basis of a judgment. Max thought it was a misdemeanor, and Guhan a misdemeanor plus.

A sense of Ben: [REDACTED] Protective Order – Ben is one of these peculiar people who is fiercely bright, with a very strong sense of right and wrong. When he senses wrong in the world it is hard for him not to go after it. I don't sense vindictiveness around it. I talk to him a fair bit – in the corridors, etc. Sympathetic ear on tech issues – he is enormously constructive on the substance of these issues. Process is another matter – recent screen projector issue – for a lot of people who have a lot of slides it would cause a problem. Ben got into this characteristically by measuring all the classrooms. Brian and I told him he doesn't need to piss more people off. It was clear that Steve and others were well-minded and trying to do the right thing. Ben had enormously helpful input, but came across as hard and uncompromising. Acted as an oil on the waters kind of way. Think it was quite characteristic. I like Ben, but he is an acquired taste. When he goes after something he is kind of relentless – analyzing something, coming up with a lot of options, and then pushing them in ways that are counterproductive. That was true in the restaurant case – saw it and winced. Got 100 emails from people around the world asking who is this creep. At the end of the day it wasn't about him or his individual bill, but rather the systematic over charging over a number of years and many clients. Ben was tone deaf in understanding how to manage this. Searing enough for him personally – he was genuinely chastened (and should have been) that the tone was wrong, and the whole thing was inappropriate – even if there were a few hundred thousand dollars involved. I value him because he's smart in two or three areas that are unusual: first class economist, knows the internet and strategy in a way that's unusual, and then the online world – he has a deep and technologically informed understanding. This is an unusual combination and I value it. It comes across sometimes in a weirdo way – I understand you're traveling to Australia and I can get you a ticket for 1/3 the price. Probably true, but the time spent to do this – I don't want to spend the time on a cheaper ticket.

Generally benign – I don't know if he's cut corners on things. When I read his personal statement, and about his uncovering shady characteristics and activities that are later validated by outside parties.

Sense that he needs adult supervision but is trainable. Feel a bit like the patron saint of lost causes, and this may be one of those.

Forest: Could you describe on the mentorship he's received over the past 8 years? Who helps him be more effective in the unit and the School, besides you? It sounds like you've done a lot.

████████ Al Roth was quite central when Ben was here; think they overlapped for 4 years or so, and he and Al interacted a lot. Clear in terms of intellect, mutual respect – not sure they wrote together, but would have described Al as a strong, positive, ongoing influence on Ben. To some extent Max has done a little bit, and I know he interacts with Jerry Green. My mentorship – I often talk to him about intellectual questions that arise, but spent more time talking with him about Negotiations when I was course head. He had aspects of the course figured out in spades; less sensitivity to process. Don't think he taught this for more than 2 or 3 years – it wasn't an unhappy experience, and it quite significantly opened his eyes to negotiation as being more than something that just happens in the underlying structure. Don't think Kathleen, Guhan, not Matthew Rabin – not sense he's getting senior mentorship. I'm more of a social mentor.

Sense that he worked a fair amount with Peter Coles – they did a course together. Has worked with Mike Luca. See him actively engage with others, but not clear if it's mentorship. Others may have a fuller view.

Angela: Do you have evidence that Ben has learned or grown from the incidents that have happened thus far?

████████ Short answer is yes. Restaurant incident registered – not just political correctness, but something very real in how you approach issues (context, etc.). Had some long conversations with him and clear that he was giving this real thought – "that clobbered me." Projector thing was pretty positive – know he was exercised about it, and I was sympathetic to it (teach across the river a fair bit). There have been some incidents where I've had to adapt to the new format. Would like to think you could turn it over to an assistant, or run it through a program – but it takes a while to format and fix all these. A great deal of work involved. Ben had a more elaborate analysis from the point of students in the sky deck and two screens on the side and various options. When he started taking this on as an issue, and he was coming up for promotion, █████ and Brian suggested that he let that sleeping dog lie. Clear that he felt strongly about it. Understood that going ahead will marginally degrade the student experience over many years, and that it would involve work for the faculty. But having heard advice, even knowing that it might not be the best solution, decided to let it go. He kept coming back to me – a bit of time now could save a lot of time later – so I did. Became the primary spokesperson in the meeting with TSS, and Felix and Lynda were there. Ended up speaking on behalf of what Ben had done but turning to him a fair amount. He realized that I might be more effective.

It was at a time when he'd been severely warned against wrecking relationships or being too much of a pain – but think he approached it genuinely seriously.

Lots of other areas where he takes on things that he thinks are wrong. Can't tell whether those are in a prosecutorial spirit or what.

Forest: Projector meeting – struck by "civil and polite."

██████████ Don't know what these usually are like. Do know Ben has a lot of ideas – the participation tracker, for example – decided just to write one himself. Not sure if there was actual animosity. But know he thinks there are multiple ways where he thinks things can be done better, and he gets nowhere. Not sure if it's bureaucratic inertia or just that he annoys people. Sense that other meetings aren't productive – but sense this one was, and that it was handled in a relatively positive way.

Get the sense that getting an email from Ben as an IT person is not a joy – he knows a lot more than they do.

\* \* \* \* \*

Len: How did the projector issue ultimately end?

Angela: There was a meeting, mainly to get everyone on the same page. Sense that he was missing the picture – 35 classrooms.

Len: First example of senior mentorship.

\* \* \* \* \*

██████████ Amy: Would welcome perspective on colleagueship in unit, and issues that have garnered attention in the press.

██████████ As a colleague in the unit, he's unsurpassed – helpful. Perspective as a junior and a senior faculty member. Never worked on a project together – not a coauthor. But always very friendly, open door. Francesca Gino is the other personal like this – always happy to be helpful. No issues personally with tone; haven't observed anything. No difference talking to junior colleagues or staff. As a unit member, easily does his share of work and the non-contractual things we do for one another. A bit a-emotional, I guess, but doesn't bother me. Different level of emotionality.

When it comes to the other issues – the Chinese restaurant I was well aware of as it happened real time. Blinkx I wasn't aware of at the time.

On the Chinese one... my sense of Ben – as I look at all the things he has done wrong, I have never had reason to doubt his intention. No one walks around saying they are going to be mean... but it's not self-oriented intention. Restaurant was exemplar of situation where Ben doesn't need a few extra dollars, and he's not stingy. Money wasn't the issue. But when he gets into the mode of "this isn't right" – I've never seen him be animated about things for him, but he gets very animated when he sees something going wrong.

Example today: One of our newest hires has a visual health issue. Talking to her today, mentioned resources. Ben stopped by and was able to find her some extra doc cameras from the floor and set them up so she could read her stuff better. Not at all surprising to me.

How he goes about it... starts out in kind of formal letter of complaint manner. His persistence wasn't surprising. Elements of tone and approach. He wasn't trying to be an obnoxious HBS professor – not tossing that around, though clearly using his expertise. First person to say this was my wife – don't see what's wrong, so annoying when this happens. Can understand people who say this was bullying. But people who know him don't see it this way – maybe tied to his emotional, EQ not as high. I think he gets that now, and could have gotten that sooner. I've had conversations with him... didn't know about Blinkx or the other issues or whether he was thinking about them. But this – sometimes it takes a punch in the face. When you're disagreeing with someone, what you're saying and how you're saying it are confusing. Here, hundreds of people giving him a better signal. But have had sense through conversations over past few months that he gets it – not just generally, but intellectually. Doesn't think he was wrong, but would approach it in a very different way, from the initial point.

Blinkx – looked at situation, you probably know more of the facts. Ben does two things often, and they got intertwined – but not in a way that seems egregious. One thing is that people pay him for his advice. And he exposes bad behavior – academically, for practitioners, as his cases. In this case, these two things got linked together... not that by exposing he gets money, but that the same set of information he exposed was used by these companies. You'd need a bit of an elaborate scheme to say that he did it with negative intent.

Amy: Positive – exposing Blinkx, or enabling a client to gain.

Bad versions – one would be positive for the client – took a step that would help them. That seems elaborate. The other would be that he'd build a reputation for doing work and exposing people and other people would come to him to do that work. Don't think that's the case – he just sees something bad and goes after it. But it's not driven by personal gain. Remember year 1, walking into his office, with a sheet on his white board. Didn't know most of the words on it. One of them said "coupons" and he said "these are companies that are engaging in deceptive practices and defrauding consumers – and these are the ones I've put out of business." The only thing I would tie together here with the restaurant is that I don't see any bad intention. The part about writing about bad stuff, and exposing the restaurant, was "this is bad stuff and we should expose it."

Apart from the tone, didn't see the emails as egregious as others did, though I can see how others did. If you set that aside, I think what he tries to do is awesome – his heart is in the right place, his skills are being used to create value. He just does it all the time. We could tell him not to – don't think he would agree. But don't think that would be net value creating. Would be if he did it more sensitively. He just tries to do good.

If he gets promoted and needs to be given feedback, think that would be an appropriate conversation to continue having.

Forest: Chinese restaurant – sense that he has learned from it – over the past month?

[REDACTED] No, over the past few months. Haven't been around much in the last month. Have, more recently, asked him "how are you doing" the last few times I've seen him. The first few weeks were crazy; he was getting death threats.

\* \* \* \* \*

Observations:

Len: They all have the same core story. But surprised by the range of perspective. With [REDACTED] for example, wouldn't walk away with the sense that he was deeply involved in the restaurant issue.

Forest: Not consistent – seems like Amy's letter has triggered another round of conversations. [REDACTED] did say the last month.

Len: Confused by the Max and Guhan investigation of Blinkx – not clear what the follow-up was. Would assume the senior faculty spend time talking about the strategy for cases coming up – not clear that is obvious here.

Edmondson: Not clear that investigation is scholarly work.

Angela: And the "good colleague" isn't research or academically based; it's administrative – doc camera, cheap airline ticket. Seems like varying levels of intervention after something happens – different forms.

Amy: And a lot.

Angela: But it never seems to translate from one situation to the next – and makes you wonder what is next.

Len: Goes back to earlier – if we're doing counseling at the point of lifetime employment, it's too late.

Forest: It's a really idiosyncratic unit – divorced physically, no RC course. They are super isolated, and he's isolated within that bubble.

Amy: Exposes bad behavior and it happens to coincide with payment – he could expose short selling.

Forest: Fundamental idea of negotiation that two well-intentioned people can get together; same implicit assumption in the case method (if someone disagrees she is not intellectually inadequate or morally bankrupt).

Len: Strongly developed sense of right and wrong; dog with a bone – doesn't let go. If he tromps on social norms, organizational norms, or even institutional norms – violations at three levels with three different consequences.

Watched the YouTube video – it wasn't quite as bad as what [REDACTED] says. He didn't define himself as the sheriff of the internet – put up a picture. Did say quite clearly that he doesn't get promoted on this kind of work, and the School allows him to do it on the side. Went through Blinkx slides, with Blinkx representatives in the audience – not sure why he'd do this. Did say "lots of people hire me for lots of reasons, and I don't have to know – why they hire me is not my business."

Excerpting that one sentence – we have a fundamental disagreement about what the School allows you to do, and the risk it puts the School at.

(1) Know that the issue has not been resolved/fixed; don't know what issues the future will bring. Can highlight the fact there is a risk.

(2) Can highlight that he has been isolated in a unit – tenure gives him an institutional stage. Consequences of shifting from a local to a more cosmopolitan stage in the School.

(3) We can't provide clarity or certainty, or predict in a meaningful way, whether he will behave. But clear that it will require a powerful intervention and not sure what that is.

(4) Differences of perspective around disclosure and work. Do we have a complete difference of opinion about your responsibilities as a faculty member to disclose to the dean, and to the readers of your work? Sounds like there is a debate.

(5) Parsing of words – much else has been an embarrassment, but this was a true liability for the School. Seems obvious that the short sellers played in December, not January – but don't know what the report was, when it was provided. So have to rely entirely on Ben's assertions that the client acted with integrity.

Forest: But he said nothing about the client and beforehand.

Amy: "I don't have to know" – the best way to not get exposed by him is to hire him.

Angela: White board with names, personal statement – the fact that he's intentionally going after businesses.

Len: [REDACTED] after meeting last week – marvelous that Ben is the sheriff of the internet. But that's not an academic role, and not something he should get tenure for. A role that he chooses on his own – but we usually have regulators and elected officials who play that role. We can't tell him not to play sheriff. But should we be evaluating this as part of the promotion process?

Armchair predictions.

Amy: Plus our sense of the two events – they're in the past now. Yes he used his own email address, but as someone who studies the internet, couldn't he have anticipated that these would go viral?

Len: Went to his benedelman.org site and spent a fair amount of time there. Looked at all of the Blinkx material – it goes through the summer. Goes on and on. I just don't think like him – if he's counseled that this is a hot potato, wouldn't you back down? Why put all this stuff out there?

Blinkx hired an expert and concluded that the findings were inappropriate. In the video, Ben goes through this and says the expert couldn't find it because he didn't use the right technology. You need to demonstrate empirically on a portfolio of computers. Stock has continued to drop. Whole event was juvenile – organizer called out the Blinkx attendees, asked if they wanted better seats or to respond.

Reasonable to believe Ben is right. Whether it's intentional is unclear.

Angela: Can't see the future, but we've seen a pattern, and I have no evidence of an "aha" moment.

Len: Do we have a coach at his side every time he sees an injustice?

Angela: Example from this morning – where did the cameras come from? If in the dog house, is this what you should do?

Len: Low EQ, and whatever counsel he's gotten hasn't stemmed the problem. What I'm most concerned about is the issues of disclosure and outside activities.

Forest: Don't want to talk about EQ, but lots else we can cover and talk about.

**CONFIDENTIAL – IDENTITY NOT TO  
BE PUBLICLY DISCLOSED**

**HBS0015523**

privileged

**CONFIDENTIAL – IDENTITY NOT TO  
BE PUBLICLY DISCLOSED**

**HBS0015524**

**JA-0401**

Privileged

**CONFIDENTIAL – IDENTITY NOT TO  
BE PUBLICLY DISCLOSED**

**HBS0015525**

**JA-0402**

Overall, incredibly proud to be Ben's colleague. Can think of no one like him other than Al Roth as comparable. Most generous colleague. Principled. Bluntly honest, and I appreciate blunt honesty. He has never in my experience been anything but supportive and positive as a colleague. I find him a fantastic colleague on intellectual dimensions, personal dimensions, and proud to associate my name with him.

In terms of recent events: He is fiercely ethical and determined to use his skills and his research – which he understands are a unique combination – to make specifically online markets more fair and more transparent. He makes a hell of a lot of money doing that. He has been unique in the extent to which he has been able to shape the online marketplace and make it safer for us to buy things, and even to do an internet search. He has done a lot of positive things, with very little attention around it. Two more recent events with negative publicity. Brian and Guhan and Max were closer.

Blinkx: Works with lots of clients where he helps them look at the online marketplace. He has a standard agreement that he is able to disclose his findings and publish his result. In terms of the hired gun language, you can't expect that you will hire him and he'll put something on his web site. But when he finds something, he retains the right to publish it. That's what he did with Blinkx, and that's the disclosure he included on his publication. The initial disclosure looked good to me, and the additional one went even further. He couldn't disclose the company name because he had a confidentiality agreement. I look at it that the world is a better place because he did what he did.

The Sichuan Garden one: small business owner who is ripping everyone off who orders online. The small business owner deceptively released selective emails, and consistently refused to do what Ben asked him to do. The guy was obviously smart – it takes a lot of guts to expose myself as a liar, and my business as ripping off customers, and the public is going to side with me. The only way he was able to do that was because Ben was a Harvard professor. Ben was not using his Harvard connection. Was this worth anyone's time? Maybe not; we know people who have ordered from this restaurant who saw one price on the menu and were charged another and did nothing. But this is what Ben does. There was lots that was not included in the public dialogue – that Ben had written to the Brookline officials to see if anything could be done. Should Ben have used the lawyerly language that he did? Probably not. But he exposed wrongdoing. I looked at it that night, Brian called me, and I thought "Oh, Ben, why bother?" People who thought he cared about a dollar as opposed to he's doing it for a reason. We've talked a lot about this in the subsequent days – some advice to him to only take on the big guys because it makes you look like a bully if you take on the little guys because you're so strong. And his response was "then what? are the little guys able to do whatever they want because the dollars aren't big enough?" This is what he does, and it's a reasonable perspective.

What ties both of these together: These are situations in which there is no question as to who was doing the wrongdoing. And yet the backlash is against Ben for doing it in clumsy ways.

Let me tie this back to the overall: I usually tell junior faculty to say no to more things. Ben says yes to everything, and the most minute things – like the screens in the classroom. It doesn't mean that they are unimportant, it's just that we don't have the capacity to deal with them. Ben seems to have the capacity, and to have endless capacity to deal with everything that he sees as problematic in the world.

Mentoring – he's somewhat unique. Let me mention the other tie-in here: "this is like the other case NOM has had." There couldn't be fewer similarities. In that case, there was dishonesty and cruelty and no one working closely would defend the behavior. Ben is the opposite – the more you work with him, the more you like and want to continue to work with him. He's also bizarrely coachable. If I were as smart and competent as he is I might not take advice on how to behave. But he understands that he doesn't think the way others think. And he understands that others see him in ways he is blind to. He just accepts it. He's not pliable, and not going to change his ways or stop doing what he does. But in terms of the style with which he accomplishes what he accomplishes, he's really open to it.

I have found him really irritating at times. He's sat down at the end of doctoral meetings and told me all the things that are wrong with the handouts. Is he irritating, yes. Is he a wonderful, honest, and principled colleague, yes.

Mentoring and working with junior faculty: It's a little strange because he's not necessarily more junior than the people he mentors. He worked pretty closely with Peter Cole and tried very hard to coach him on cases and papers; Peter had other things he wanted to do with his life, and we lost him. He didn't really want to be an academic. Peter wasn't junior to Ben, but Ben was mentoring him. He's working with Mike Luca and will be co-teaching the course. He will read your papers and give you feedback. He has worked with me on various sets of analysis – that is not my area of expertise and he's been great with that. He's been fantastic with all of his colleagues, junior or senior. He doesn't work as closely with the psychologist types in our group – like Amy – as he does with the economists. He helps with everything – he's been great working with Doctoral students. There's a doctoral student who basically lives in the conference room at the end of the hall. The kind of person that you can rely on.

Any networks in the University or in other parts of the institution? Don't know – Al still thinks of himself as a mentor to Ben, and there are some other major economists with whom he exchanges papers – every once in a while he'll come in and read a comment he's received.

Feel as though there was a change after these incidents? He learned a lot – he completely acknowledged that he should have not engaged with this guy directly in the way that he did. He completely learned from that, and realizes he was played and wasn't aware at the time that he was being played. He gets that he doesn't see social signals. He definitely learned in that sense. Is he a changed person? No. One of the pieces of counsel we gave him originally was not to pick up on little guys. He quite thoughtfully said that wouldn't be the right outcome, and I ended up agreeing with them.

Does he listen, does he learn, does he want to make sure that he doesn't make these mistakes, or doesn't make mistakes period, absolutely. I don't think he's a changed person. He very much

wants to make sure there isn't fraud or any kind of deceitful activity going on online, and he wants to make sure he does things right and is perceived as doing things right. He gets that you can't have public PR campaigns against you and still be fully effective. But he won't stop trying to do what he's doing.

Totally bummed that it came to this – I'm a huge fan, and I fully support him. But glad to see you're putting in the time and effort to get it right.

(end of call)

Amy: Social psychologist so I should know this, but I still am surprised... what people believe as facts that are not facts. It's not a crime, or fraud, to have the wrong prices on a menu.

Schlesinger: If someone as smart as Ben can be played by a Chinese restauranteur, who knows who else will try to play him.

Reinhardt: Staggers me that he thinks the lesson is, "I got bagged." And all the people around you are telling you "You got bagged."

Schlesinger: One theme that emerges out of the people who have counseled him is that he's an acquired taste – you have to know him over time before you can appreciate him. He doesn't know how to be anything other than blunt or honest.

Amy: Blinkx may have been engaged in fraudulent behavior. But short sellers were too. He is very precise about his language – but I don't know when his first information was first given to the client (December into January). [REDACTED] says the short positions were set up in December. And I'm not sure I want to investigate at that level of detail. But the question isn't whether they did anything at the time of publication. It's when they got information, and what they did with it.

Angela: Alignment within unit among the senior faculty around him – can smell a problem ahead.

Amy: Message in talk – this isn't my research, and I'm able to do it on the side.

Len: Kathleen was the first to say he makes a lot of money doing what he does.

Amy: Our concern is not how he treats his colleagues. It's more around exposure.

Forest: We don't object to him doing a host of things. We do object to the lack of transparency – we don't know if anything bad happened on that side.

Len: I am incredulous that someone who is pushing for transparency on everything else in the world is so opaque here.

Amy: And it's his agreement, not theirs.

Len: So we are left to conclude that this is a good guy, who is as honest as the day is long, so don't worry.

Potential questions: topic areas for conversation.

Page 1 line 3 – favorable developments in my outside activities – want to understand how he defines an outside activity.

Next paragraph: made me a better person and reduced the likelihood of something like this happening again – what have you learned, and what specifically have you done to reduce the likelihood of something happening?

Incidents and issues were not directly related to research – confused by characterization of work in video, and what constitutes the totality. What is work, teaching responsibilities, outside activities.

Last paragraph: I help advertisers uncover schemes that drain their marketing budgets.

Motivated by paving the way for them to pass on savings to consumers. How are you making that leap – no causal logic. Don't know if they do.

Page 2 – help the world – how can you say that when you are explicit about not understanding the motivations of your clients, and not needing to know? Huge disconnect between characterization of God's work but holding the people he's doing the work for exempt from disclosure.

Dealing with "the facts" six lines down – facts firmly contradict these conclusions... gave critics needless support. Help me understand how you have learned from this and how you offset the perception that you are a hired gun moving forward.

December to January when asked to prepare an update and finds that it all is quite active – walk through time line and chronology – when did he find it out, when did he disclose to client.

Page 3, 3<sup>rd</sup> paragraph – literally inaccurate – client paid for Edelman's research, not his article; these could not be disaggregated.

Last line – clients here could not have known what I would find or whether I would choose to write about it publicly – how did you know? If you were duped by a Chinese restaurant owner... Here are two clients who do know, it is tied to what they want to do in the market, and they're looking for a confirmation. It's short money to hire Ben. They have to assume he'll write about it – he has in the past.

Disclosure – want to know when. Additional disclosure – "to my knowledge" is because you didn't ask.

Page 4 – taken opportunity to consult more often with HBS officials – who, how often, what. Why more hesitant? What does that mean?

Page 5 – my suspicions were piqued – wanted to keep it that way – how do you know? We are completely reliant on his analysis.

Curious about what he has learned.

Page 6 – role with the School – if I have acted in ways to make others feel as though I didn't respect them, I am sorry. Is it your conclusion based on interactions with others at the School that there are no issues? That everything else is wonderful? There are lots of emails asking him to stand back.

Last paragraph (entire thing): different from colleagues. How do we think about that relative to uniform responsibilities as a member of the community? I'm different.

> exact quote from video and from capitalism piece.

Angela: Inclination is to let Ben take the floor and see what he says. Can we avoid the ferocious game of tennis?

Forest: Ask him to provide additional context. What have you learned? Why should we, who don't know you, think things have changed?

Amy: Videotape doesn't inspire a lot of confidence – the arrogance, and put off by the host, too.

Forest: Others who are enablers – [REDACTED] too.

Amy: Mistaking bluntness for honesty. Not the same.

Forest: No sense that he learned anything in looking at the video.

Angela: Assurances or evidence that he has changed. What specific things has he done, can he do, will he do, to decrease the risk to the University? No examples of action. Keeps repeating "trust me, I've changed."