

**From:** Healy, Paul  
**Sent:** Wednesday, October 25, 2017 11:29 AM EDT  
**To:** Esty, Benjamin  
**CC:** Nohria, Nitin; Cunningham, Jean; Mucciarone, Rae; Porciello, Valerie  
**Subject:** Re: \*\*\* Confidential: Concerns About Tenure Process \*\*\*  
**Importance:** High

Ben:

Thank you for your email. It raises some important questions for our promotions process. I have tried to put down in writing my thoughts on these questions as a basis for further discussion, which I welcome.

Not Responsive  
 [Redacted]

Not Responsive  
 It is customary for us in all questions raised about adherence to community standards to conduct such an initial "administrative review" to determine if a fuller review is warranted. Not Responsive

Not Responsive  
 One question you might have is whether the concerns you raised about conflict of interest were comparable to those for another tenure candidate whose case came before the FRB.  
 Privileged and Confidential  
 [Redacted]

As I informed you earlier in the summer, I have begun informing faculty up for review about our conflict of interest policy and encouraging them to reach out to Jean if they have any questions about their own situations. I also notified them that we would probably begin informal reviews of conflict of interest disclosures.

However, it is less clear to me what elements of compliance with School policies should be formally incorporated in our promotions process. We have always worked cooperatively with faculty to help them become compliant with School policies. Only in egregious cases where faculty willfully and persistently violated our policies would the matter be raised with a review subcommittee or the FRB. Not Responsive  
 Not Responsive  
 [Redacted]



Not Responsive

Nitin has agreed to this process as a means of responding to the concerns you have raised. But it is worth noting that in doing so, we risk contravening established norms about our process without a formal discussion by the full Appointments Committee and disclosure with faculty up for review.

Privileged and Confidential

I would have been much more comfortable raising your questions on these matters with the full Appointments Committee once we had completed the cycle of cases this year.

Finally, in the interests of being transparent with our senior colleagues, I am considering whether I should share the reflections of this email with them. I would like to meet with you to discuss your concerns further.

Paul

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On Oct 24, 2017, at 12:56 PM, Esty, Benjamin <[besty@hbs.edu](mailto:besty@hbs.edu)> wrote:

\*\*\* Confidential \*\*\*

Paul,

Not Responsive

First, I think it is unfair that only one candidate up for tenure has had a formal review of his/her compliance with our COI/OA policies—if others have had formal reviews culminating in written reports, please excuse this email. In the absence of formal reviews for the other two candidates, one

could interpret the selective enforcement of our community standards on a single candidate as discriminatory. Moreover, I don't think a selective review meets the required legal criteria as I understand them based on my time as a member of the School's Conduct Review Board (CRB) for several years.

Privileged and Confidential

I don't think we have met that standard, again based on what I know about the process to date. While I absolutely believe each of the three cases before us are different, I think they deserve equal treatment.

Not Responsive

Not Responsive

And as mentioned above, I think for procedural and legal reasons, equal treatment of all candidates is essential.

Not Responsive

Not Responsive

Regards,  
Ben

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