



HMS/HSDM Faculty Council

Faculty Council Minutes
November 8, 2023

Present: Aguayo-Mazzucato, Bauer, Becker, Chen, Cluett, D'amore, Daley, del Carmen, Fregni, Gehrke, Goldstein, Greenberg, Harris, Hatfield, Hedt-Gauthier, Henske, Huang, Ingelfinger, Irani, Kaban, Mathis, Meyerson, Morton, Murray, A. Nazarian, R. Nazarian, Parangi, Royce, Shih, Spring, Stern, Treister, Wagers, Wu

Guests: Drs. Chang, Golan, Westlund, Mss. Bittinger, Gershengorn, Godin, Ivins, Lewis

Staff: Mss. Hecht, Ryan, Spearman

This Faculty Council meeting was held virtually, via Zoom.

Faculty Council Chair, Dr. Josh Goldstein called the meeting to order at approximately 4:03pm. Dr. Goldstein then asked for and received acceptance of the minutes from the May 8, 2023, meeting, and the October 3, 2023, meeting, as presented. Dr. Goldstein then surveyed the Faculty Council to gauge if they would like to meet in person on February 14th, 2024, from 4-5:30pm in the Waterhouse Room in Gordon Hall, or virtually. We will take that into consideration and discuss offline. Then Dr. Goldstein gave a brief overview of the December meeting.

Dr. Goldstein reviewed the meeting agenda and explained that we will be splitting up into breakout rooms to discuss the presentations. Dr. Goldstein then introduced Ara Gershengorn, JD, University Attorney, Office of the General Counsel at Harvard University, to give us the SCOTUS decision and its impact on HMS and HSDM.

Ms. Gershengorn began her presentation by explaining the Supreme Court decision from June 29, 2023. The court held that the use of affirmative action in admissions programs at two universities (Harvard and University of North Carolina) was unconstitutional.

Ms. Gershengorn then turned to the courts language and stated specifically that we can consider applicants experiences as individuals, however not by race. Ms. Gershengorn then focused on what can be done going forward. She touched on the following:

- Harvard can continue to value diversity.
- Harvard can view discussion of race or ethnicity presented in context as long as we aren't using it to benefit or disadvantage an applicant.
- Harvard can consider how race has shaped an applicant's experiences.

Ms. Gershengorn then focused on what Harvard cannot do going forward, including:

- We must not consider race at any stage in assessing applicants.

She flagged the following regarding Title VI:

- It does not matter if the program or activity itself receives federal funds. Harvard's receipt of federal funding is sufficient.
- Protected categories: race, color, or national origin

Ms. Gershengorn then focused on additional implications, including pipeline programs, campus affinity groups & multicultural organization, as well as scholarships, fellowships, and financial aid.

The last thing Ms. Gershengorn noted is what has happened since the court's decision. A conservative legal group threatened to sue law schools over racial preferences. Medical schools issued warning about 'illegal conduct' following affirmative action ruling. Ms. Gershengorn then opened the floor to questions and discussion from the Faculty Council.

Dr. Goldstein thanked Ms. Gershengorn and asked a question regarding taking efforts to recruit a diverse pool in a race conscious way. Members of the Council asked Ms. Gershengorn a few questions.

Dr. Goldstein then introduced Kristin Bittinger, JD, Dean for Faculty & Research Integrity, and Keri Godin, Director for Professional Integrity, to present on the Harvard Non-Discrimination and Anti-bullying Policies.

Ms. Bittinger began by touching on the history of the Harvard Non-Discrimination and Anti-bullying (NDAB) Policies, explaining that they are expanding the current policies. She gave a recap of where the Non-Discrimination and Anti-bullying Policies at Harvard came from by focusing on the policy implementation timeline. The policies were announced via an email from Provost Garber in March of 2023 and went into effect on September 1, 2023. The governing principals include:

- Impartiality
- Fair process
- Privacy
- Respondents are presumed not responsible
- University values
- Clarity and visibility
- Transparency
- Timeliness
- Avoiding conflict of interest
- Available support and remedies

With regards to the NDAB Policy Jurisdiction, Ms. Bittinger stated that it doesn't cover:

- Sexual and gender-based harassment are covered by the University's Title IX Sexual Harassment Policy, Other Sexual Misconduct Policy, and Sexual and Gender-Based Harassment Policy.
- Claims of discrimination on the basis of disability or failure to accommodate a disability are addressed through the University Disability Resources Grievance Policy
- Retaliation

She reviewed who the policy applies to:

- All members of the Harvard community (faculty, researchers, postdoctoral fellows, staff, and students)
- Applies to internal complaints raised by individual community members
- On Harvard property, including Harvard e-mail or computer systems, or
- Off Harvard property (social media or other non-Harvard online platforms), if

(1) conduct directly involved a University program, recognized program or activity, or another work-related activity...and

(2) conduct may have the effect of creating a hostile or abusive work or learning environment for a member of the University community.

Ms. Godin gave an overview of what is covered in each of the policies.

- Discrimination is adverse treatment of an individual based on one or more of the protected characteristics listed in this Policy. In a university setting, complaints of discrimination may arise in the employment and education context in two forms:
 - Discriminatory disparate treatment-singling out or targeting an individual for less favorable treatment because of their protected characteristic
 - Discriminatory harassment- unwelcome and offensive conduct that is based on an individual or group's protected status

Ms. Godin then explained the discrimination protected categories, including age, race, color, national origin, sex and ancestry, to name a few. She touched on the definition of bullying, the purpose of the anti-bullying policy and the severity standard.

Ms. Godin then described the HMS Local Designated Resources for the members of our community

- Kristin Bittinger, Dean for Faculty and Research Integrity
Jurisdiction: Faculty, Fellows
- Keri Godin, Director for Professional Integrity
Jurisdiction: Faculty, Fellows
- Jose Martinez, Director of HR Compliance and Professional Conduct
Jurisdiction: Staff, Students, Fellows
- Mark Addison, Title IX Resource Coordinator and Program Officer
Jurisdiction: Students, Fellows

She also described how to navigate the various pathways of support, noting that early intervention is the key to success.

Lastly, Ms. Godin touched on the fact that there is a system of documentation and that individuals do not have to file a complaint or move forward with formal action for their concern to be noted. Ms. Bittinger and Ms. Godin then opened the floor to questions from the Council.

Before breaking out into small groups, Dr. Goldstein polled the Faculty Council with two questions:

1. Has the SCOTUS decision changed the way you consider DEI in your process for residency, fellow, or faculty hiring?
2. Have you observed discriminatory or bullying behavior in your work environment?

Dr. Goldstein noted that 61% of the Faculty Council have observed discriminatory or bullying behavior in their work environment. Dean Daley commented on this.

The Faculty Council then divided into small breakout rooms for more engaged discussion. The groups considered the following questions:

1. As a faculty council, how can we support diversity, inclusion, equity and belonging in the wake of the supreme court decision?
2. As a faculty council, how can we support a culture of respect and professionalism in our community?

Faculty Council members were asked to designate one member of their breakout group to report out to the group after discussion.

Following the breakout sessions, Faculty Council regrouped for a period of discussion with designated spokespeople from each of the 5 groups.

Group one discussed how to support students before they apply, during the application process, and after they have been admitted. Group two considered the possibility of an HMS wide-campaign modeled after and MGH campaign from few years ago. Group three lumped the two questions together and favored a viewpoint of sharing culture with others in ways that take us out of the usual patterns of the workplace. Group five focused on the first question, specifically intentionality and purposefulness with regards to recruitment. They also explore the fact that the SCOTUS decision has reinforced that the other side of diversity is inclusion and that we need to focus on equitable access for everybody. No one from group four presented.

Dr. Goldstein thanked the Council for their thoughtfulness and dedication and adjourned the meeting at 5:30 pm.