

**Present:** Drs. Arnaout, Becker, Bertagnolli, Born, Bourdeaux, Burnett-Bowie, Burstein, Chang, Connelly, Da Silva, Donoff, Earp, Fishman, Haigis, Khoshbin, King, Klig, Kroshinsky, Mehrotra, Nagler, Nour, Padwa, Podolsky, Rexrode, Samuels, Sieberg, Slanetz, Struhl, Tarbell, Wagers

**Guests:** Drs. Bates, Golan, Hogle, Hundert, Muto, Westlund; Mss. Brodnicki, Brodrick, Quay, Ryan, Vild

**Staff:** Ms. Hecht; Dr. Lensch

Dean Tarbell called the meeting to order at approximately 4:05 p.m. She asked for and received acceptance of the minutes from the November 8, 2017 meeting, as presented. She reported that Dean Daley was unable to attend the meeting and sent his regrets.

Dean Tarbell mentioned Provost Garber would attend the January 10, 2018 meeting and asked the Council for topics they wish the Provost to address.

Next, Dean Tarbell discussed the agenda for the meeting. The abundant accusations, lawsuits and high-profile resignations following incidents of sexual misconduct across the country has been seen in the press, including the article seen in the Boston Globe on Fenway Community Health Center. HMS has a variety of resources available to individuals who find themselves in such situations. Dean Daley sent an email to the Quad Faculty in November stressing the importance of attending Title IX training, something everyone should attend and is also available at the affiliates. The entire agenda is dedicated to the difficulties individuals sometimes encounter in the workplace.

Dean Tarbell introduced Ms. Brodrick, Ombudsperson, to give her annual update.

Ms. Brodrick shared activity summaries and statistics from the past academic year, focusing on info about faculty, related to conduct and sexual harassment issues that have come up. She gave a brief overview of the role of the Ombuds Office as a highly confidential, independent and informal forum in which any faculty, staff, student or trainee may raise concerns that may be affecting his/her work or studies. As a neutral party, Ms. Brodrick said that she helps visitors to clarify their issues and goals and consider their options as they make choices for themselves about potential next steps.

Ms. Brodrick then provided the general demographics of those visiting the Ombuds Office and the kinds of issues that are self-reported. Work and academic environment (peer relationships, supervisor/supervisee relationship, leadership, departmental functioning, physical conditions, workload); career management (performance, evaluation, future prospects, departure, references); fair treatment; and research (authorship, proprietorship, conflict of interest, professional misconduct) were the most frequently self-reported issues.

Some questions and discussion followed.

Next, Dean Tarbell discussed the Faculty of Medicine Grievance Procedures Committee, whom undertook the difficult task of crafting a set of guidelines and related policies at the request of Dean Flier. The Committee has proposed the adoption of two policies governing faculty conduct, an anti-discrimination policy and an abusive and/or intimidation behavior policy as well as a set of procedures for handling grievances under these policies. Materials were provided to the Council, in advance of the meeting. In addition, the Committee has made several additional recommendations on implementations.

Dean Tarbell then introduced Ms. Ryan, Dr. Hogle, Ms. Brodnicki and Ms. Quay.

Dr. Hogle summarized the process undertaken by the Faculty of Medicine Grievance Procedures Committee (the Committee) and mentioned the attachments the Council received in advance of the meeting. The Committee proposed the adoption of two policies governing faculty conduct, an anti-discrimination policy and an abusive and/or intimidating behavior policy as well as a set of procedures for handling grievances under these policies. In addition, the Committee made several additional recommendations on implementation.

In 2014, Harvard unveiled the University-wide Sexual and Gender-Based Harassment Policy (Title IX Policy), applicable to all Harvard faculty students and staff. The Title IX Policy, which addresses sexual harassment, including sexual violence, related to gender, sexual orientation, or gender identity, superseded the HMS/HSDM Procedures for Resolving Complaints of Discrimination, Harassment or Unprofessional Relationships and Abuse of Authority (the Prior Procedures). HMS/HSDM quickly adopted interim procedures for cases involving alleged faculty member violations of the Title IX Policy. The Committee conducted a thorough review of the interim procedures and proposed several amendments; the procedures recommended were reviewed and approved in December 2016.

Recognizing that the adoption of the Title IX Policy in place of the Prior Procedures meant that the Faculty of Medicine no longer had an explicit general statement decrying discrimination and harassment, Dean Flier asked staff to address any gaps in policy and procedures. To that end, the Committee was convened to consider how to address not only allegations of discrimination unrelated to sex or gender, but also allegations of abusive and/or intimidating conduct.

The Committee met three times between January 28, 2016, and August 11, 2016. They reviewed and discussed in detail the kinds of conduct issues that they hoped to address as well as examples of policies and language from peer institutions. Ms. Brodrick was consulted, to understand in more detail the issues and grievances that arise in the HMS community. Throughout, the Committee thoroughly considered the benefits and drawbacks of a variety of procedural models for investigating such allegations.

The Committee presented its drafts to the Office of the Dean and to various faculty committees to gain feedback and Dr. Hogle read the Committees recommendations to the Council.

*Recommendations:*

1. *Abusive and/or Intimidating Behavior Policy (Attachment A)*

*We recommend that HMS/HSDM adopt a policy specifically addressing abusive and/or intimidating behavior and making clear that our community aspires to a culture free of abuse, mistreatment, and disrespect and takes issues of mistreatment seriously. Allegations against faculty that are raised pursuant to this policy will be addressed using the new faculty grievance procedures.*

2. *Anti-Discrimination Policy (Attachment B)*

*We also recommend that HMS/HSDM adopt an anti-discrimination policy for faculty that states clearly, consistent with other University policies, that discrimination on the basis of race, color, sex, gender identity, sexual orientation, religion, creed, national origin, age, ancestry, veteran status, disability unrelated to job requirements, genetic information, military service or any other legally protected basis is prohibited. Allegations against faculty that are raised pursuant to this policy also will be addressed using the new faculty grievance procedures.*

3. *Faculty Grievance Procedures (Attachment C)*

*After a comprehensive review of the different models available, we recommend that HMS/HSDM adopt a procedural framework that is a hybrid of our existing procedures for handling research misconduct and Title IX complaints. Adopting this framework ensures that members of the Faculty of Medicine are treated fairly and allegations are investigated and resolved in an expeditious manner. We propose that the procedures we are recommending be used for all grievances against faculty (with the exception of complaints under the Title IX Policy, which will continue to be handled in accordance with the specific procedures that were reviewed and approved last December).*

After some discussion, as a voting body, Dean Tarbell asked the Council to vote to recommend to the Dean that he promulgate and implement the proposed policies and procedures. The Council unanimously voted to recommend that the Dean implement the proposed policies and procedures. Via text message, Dr. Lensch, Chief of Staff to the Dean, informed the Dean that the Council approved and received word that Dean Daley approves the policy, as presented and thanked the Council.

Next, Dean Tarbell introduced Dr. Bates and Ms. Brodrick to discuss the resources available throughout the HMS community. Information was shared in advance of the meeting and Dr. Bates, who spoke to the Council about Title IX in the past, focused the discussion on a couple key issues; confidentiality and clarification on when it is an HMS issue versus an affiliation issue.

Ms. Brodrick is the most confidential resource. Other confidential resources is the doctor/patient privilege. In the role of a physician, and hearing a report when in clinic, that is considered privileged and confidential. However, if you hear something outside of the doctor/patient role, you are required to report.

Faculty Council members, as responsible employees, are required to report issues on the Quad or in reference to a student but not necessarily at the hospital, unless it involves students, as the hospitals have their own Title IX offices who handle hospital related issues.

A discussion followed and Dean Tarbell adjourned the meeting at 5:30pm.