

## HARVARD'S DETAILED DESCRIPTION OF ITS REVIEW PROCESS

We understand and appreciate that there has been considerable interest in the allegations of plagiarism related to then-President Gay from multiple stakeholders, including Members of Congress. We respectfully submit the following information, which we believe will be helpful in detailing Harvard's review process as we understand it today.

Consistent with Harvard's longstanding values and steadfast support for our students, faculty, and staff, we are committed to academic integrity, rigorous scholarship, free expression, respectful dialogue, and the safety of our students and community. We take any allegation or concern regarding our standards and policies very seriously. We also recognize our responsibility to investigate and assess the validity of any such allegation, and to do so in a manner that is fair and impartial for all, including those accused of violations.

These values guided our inquiry into allegations of plagiarism concerning the scholarship of then-President Claudine Gay. These allegations arose in a time of unprecedented events and tension on campus and globally. We worked to address relevant questions in a timely, fair, and diligent manner. We understand and acknowledge that many viewed our efforts as insufficiently transparent, raising questions regarding our process and standard of review. We welcome the opportunity to share a more detailed view of Harvard's policies, processes, and actions.

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### I. Outreach by the New York Post and Harvard's Initial Review

On October 24, 2023, a *New York Post* (the "Post") reporter contacted Harvard University through its general public affairs email inbox regarding allegations of plagiarism related to three of then-President Gay's published works. The Post provided a list of 26 excerpts—two of which concerned the same passage, for a total of 25 allegations—from these publications:

- A 2017 article, "A Room for One's Own? The Partisan Allocation of Affordable Housing." *Urban Affairs Review* 53 (1);
- A 2012 article, "Moving to Opportunity: The Political Effects of a Housing Mobility Experiment." *Urban Affairs Review* 48 (2); and
- A 1993 article, "Between Black and White: The Complexity of Brazilian Race Relations." *Origins* 1 (4).

The university promptly began to assess the allegations and, through counsel, requested additional time from the Post’s legal counsel to review these allegations.<sup>1</sup> In the course of the next several days, Harvard reviewed and analyzed the relevant excerpts. It also preliminarily assessed how the allegations would likely be considered under the research misconduct standard and reached out to several authors of the works at issue to solicit their reactions, none of whom objected to then-President Gay’s language. Harvard’s counsel then responded to the Post by sending a letter dated October 27, reflecting counsel’s understanding of the information available at that time.

On October 29, the Corporation voted unanimously in an Executive Session (a meeting that did not include the President or other university staff or leadership) to initiate a review. In order to avoid a real or perceived conflict, it determined that the review should be conducted by individuals who did not ultimately report to then-President Gay. Additionally, that same day, then-President Gay requested an independent review.

## **II. Harvard Further Reviews the Post’s Allegations**

At Harvard, allegations of faculty research misconduct are ordinarily evaluated according to the policies of the applicable school or faculty through a process overseen by the research integrity office or its equivalent. As a professor in the Faculty of Arts and Sciences (“FAS”), then-President Gay’s scholarship typically would be subject to that school’s research misconduct policy, currently the Interim Policy and Procedures for Responding to Allegations of Research Misconduct (the “FAS Research Misconduct Policy”).

The FAS Research Misconduct Policy addresses plagiarism as a form of research misconduct, which it defines, in part, as “fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results,”<sup>2</sup> consistent with federal regulations concerning research misconduct. Plagiarism is defined, in turn, as “the appropriation of another person’s ideas, processes, results, or words without giving appropriate credit.”<sup>3</sup>

A “finding of research misconduct” pursuant to the FAS Research Misconduct Policy requires three elements: (1) “a significant departure from accepted practices of the relevant research community;” (2) intentional, knowing, or reckless conduct; and (3) that the allegation

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<sup>1</sup> The Harvard Corporation (the “Corporation”) retained Wilmer Cutler Pickering Hale and Dorr LLP, and Harvard retained Clare Locke LLP, in connection with these allegations. Chartered in 1650, the Harvard Corporation exercises fiduciary responsibility with regard to the university’s academic, financial, and physical resources, as well as its overall well-being. The Corporation is also known as “the President and Fellows of Harvard College” and consists of the President, the Treasurer, and other members known as Fellows. For purposes of this submission, references to the Harvard Corporation refer only to the Fellows (and not the President).

<sup>2</sup> FAS Research Misconduct Policy (adopted Sept. 6, 2019, last amended Sept. 1, 2021), [https://research.fas.harvard.edu/files/research/files/interim\\_policy\\_amended\\_09\\_2021.pdf?m=1635522426](https://research.fas.harvard.edu/files/research/files/interim_policy_amended_09_2021.pdf?m=1635522426).

<sup>3</sup> *Id.*

be proven by a “preponderance of the evidence” (or, in other words, that it is more probably true than not).<sup>4</sup> It also distinguishes research misconduct from “honest error or differences of opinion.”<sup>5</sup> The article at issue must also be published or cited by the author within the past six years.<sup>6</sup> If one or more of these conditions is not met, the FAS Research Misconduct Policy does not support a finding of research misconduct.

The Corporation appointed a subcommittee of Fellows, *i.e.*, members of the Corporation, all but one of whom were academics (the “Subcommittee”), to direct the review with the assistance of counsel:

- *Mariano-Florentino (Tino) Cuéllar*, former justice of the Supreme Court of California and former faculty member at Stanford University, who now serves as president of the Carnegie Endowment for International Peace.
- *Biddy Martin*, former president of Amherst College, who also served as chancellor of the University of Wisconsin-Madison and as provost at Cornell University.
- *Shirley M. Tilghman*, former president of Princeton University.
- *Theodore V. Wells, Jr.*, partner at the law firm Paul, Weiss, Rifkind, Wharton & Garrison LLP.

The Subcommittee determined that the FAS Research Misconduct Policy’s bar on review of allegations concerning articles published more than six years ago should not preclude further inquiry regarding the allegations, as they concerned the university’s President. In addition, in order to obtain an independent assessment of the allegations, the Fellows further authorized the Subcommittee to identify and appoint three political scientists unaffiliated with Harvard (at that time and presently) to serve on an independent review panel that would consider whether the 25 alleged instances of plagiarism received from the Post constitute plagiarism according to the norms of the political science field.

On November 3, the Subcommittee appointed three of the country’s most prominent political scientists to the outside review panel intended to assess the allegations (the “Independent Panel”). The independent panelists are tenured faculty members at prominent research institutions across the country, fellows of the American Academy of Arts and Sciences, and two are former presidents of the American Political Science Association, the country’s leading professional organization for the study of political science. At their request, consistent

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<sup>4</sup> *Id.*

<sup>5</sup> *See id.*; *see also* Executive Office of the President, Federal Policy on Research Misconduct, Preamble for Research Misconduct Policy, 65 FR 76260 (Dec. 6, 2000).

<sup>6</sup> *See* 42 CFR section 93.105.

with the norms of a confidential peer review process, Harvard agreed to keep the identity of the panelists confidential; the panelists continue to request that Harvard not release their names.

### **III. The Independent Panel's Analysis**

After their appointment on November 3, the Independent Panel initiated a review to assess the allegations and determine whether they warranted further review by Harvard. The Independent Panel was provided with materials and information to inform their review, including:

- The Post's allegations;
- The three publications by then-President Gay implicated by those allegations;
- The eleven works alleged to be plagiarized:
  - Skidmore, Thomas E. 1972. "Toward a Comparative Analysis of Race Relations Since Abolition in Brazil and the United States." *Journal of Latin American Studies* 4 (1);
  - Skidmore, Thomas E. 1983. "Race and Class in Brazil: Historical Perspectives." *Luso-Brazilian Review* 20 (1);
  - Covin, David. 1990. "Afrocentricity in O Movimento Negro Unificado." *Journal of Black Studies* 21 (2);
  - Andrews, George Reid. 1991. *Blacks & Whites in São Paulo, Brazil, 1888-1988*. Madison: University of Wisconsin Press;
  - Andrews, George Reid. 1992. "Black Political Protest in Sao Paulo, 1888-1988." *Journal of Latin American Studies* 24 (1);
  - Orr, Larry, Judith D. Feins, Robin Jacob, Erik Beecroft, Lisa Sanbonmatsu, Lawrence F. Katz, Jeffrey B. Liebman, and Jeffrey R. Kling. 2003. *Moving to Opportunity: Interim Impacts Evaluation*. Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research;
  - Ansolabehere, Stephen and James M. Snyder, Jr. 2006. "Party Control of State Government and the Distribution of Public Expenditures." *The Scandinavian Journal of Economics* 108 (4);
  - Ludwig, Jens, Jeffrey B. Liebman, Jeffrey R. Kling, Greg J. Duncan, Lawrence F. Katz, Ronald C. Kessler, and Lisa Sanbonmatsu, 2008. "What Can We Learn about Neighborhood Effects from the Moving to Opportunity Experiment?" *American Journal of Sociology* 114 (1);
  - Schwartz, Alex F. 2010. *Housing Policy in the United States*, 2nd edition. New York, NY: Routledge;

- Freedman, Matthew and Emily G. Owens. 2011. “Low-Income Housing Development and Crime.” *Journal of Urban Economics* 70; and
- Williamson, Anne R. 2011. “Can They Afford the Rent? Resident Cost Burden in Low Income Housing Tax Credit Developments.” *Urban Affairs Review* 47 (6);
- The FAS Research Misconduct Policy and a summary thereof;
- A list of authors whose work was the subject of the allegations;
- The Harvard College Honor Code; and
- “Avoiding Plagiarism,” a section of the “Harvard Guide to Using Sources” (the “College Guide”).

The Independent Panel met on its own to consider the allegations without the participation of anyone affiliated with or representing Harvard. In addition to examining the allegations, it also considered the appropriate standard for its review, and in particular whether the definition of research misconduct (which requires intentional, knowing, or reckless conduct) in the FAS Research Misconduct Policy or the definition of plagiarism set forth in the College Guide expressed the more appropriate standard for the Independent Panel’s analysis.<sup>7</sup> Its analysis focused on the College Guide.

On November 16, the Independent Panel provided the Subcommittee and counsel with a two-page memorandum of its assessment of the allegations (the “Memorandum”). The Independent Panel noted that it focused primarily on the two later papers—“Moving to Opportunity: The Political Effects of a Housing Mobility Experiment” (2012) and “A Room for One’s Own? The Partisan Allocation of Affordable Housing” (2017). The third publication at issue was published in 1993, during then-President Gay’s first year in graduate school, and in a journal that the Independent Panel understood did not include citations or footnotes.

The Independent Panel observed that there was “no doubt” that the articles “are both sophisticated and original,” and that there was “virtually no evidence of intentional claiming of findings that are not President Gay’s.” Referring to the College Guide, the Independent Panel observed that certain allegations were “trivial,” concerned “commonly used language” or “sentence fragments,” or arose from the 1993 publication to which they devoted “less attention.” The Independent Panel identified nine of the 25 allegations presented by the Post as allegations “of principal concern,” which “paraphrased or reproduced the language of others without quotation marks and without sufficient and clear crediting of sources,” failing “[o]n occasion” to “provide citations according to the highest established scientific practice.” It noted further that, with respect to one allegation, “fragments of duplicative language and paraphrasing . . . could be read as Gay claiming findings that are actually those of Schwartz,” although “[t]here is no

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<sup>7</sup> The College Guide is a reference provided to Harvard undergraduates based on standards set forth in the “Publication Manual of the American Psychological Association” and by the Modern Language Association.

evidence that was her intention.” The Independent Panel also observed that, although its focus was the two later papers, the 1993 publication used “identical language to that previously published by others, a pattern that recurs, in reduced form, in the 2012 and 2017 articles.”

On November 20, the Independent Panel met with the Subcommittee and counsel to discuss its findings. Based on its assessment of the Post’s allegations, the Independent Panel recommended that the Subcommittee conduct a broader review of all of then-President Gay’s work. This completed the Independent Panel’s role.

#### **IV. The Subcommittee’s Analysis**

In response to the Independent Panel’s Memorandum and feedback, the Subcommittee initiated a review, with the assistance of counsel, of the nine examples cited by the Independent Panel, and also undertook a broader review of all of then-President Gay’s published work.<sup>8</sup> The Subcommittee’s review of then-President Gay’s published work included an assessment of additional instances of potentially duplicative language identified by a software program, with the assistance of counsel. In connection with its review, the Subcommittee met more than half a dozen times in less than three weeks. The Subcommittee reviewed each publication, compared and analyzed the passages at issue, and considered the Independent Panel’s feedback and Memorandum, as well as resolutions of other plagiarism allegations. As they concluded their work, the Subcommittee met with then-President Gay to discuss its analysis and provide an opportunity for her to respond.

The Subcommittee concluded that, although many of the allegations were meritless, there were instances that did not adhere to the College Guide. The Subcommittee determined that two articles required corrections. The corrections the Subcommittee identified reflected the Subcommittee’s judgment that certain of the allegations the Independent Panel flagged as allegations of “principal concern” did not merit correction (for instance, because the passage contained commonly used technical language). One of the required corrections the Subcommittee identified related to an article not reviewed by the Independent Panel. While it required corrections, the Subcommittee determined that then-President Gay’s conduct was not reckless nor intentional and, therefore, did not constitute research misconduct as defined by the FAS Research Misconduct Policy.

#### **V. The Corporation’s Determinations and Then-President Gay’s Corrections**

On December 9, the Subcommittee presented its conclusions to the Corporation in an Executive Session. It explained the various policies the group had considered in evaluating the conduct (including the FAS Research Misconduct Policy, the College Guide, and the Harvard

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<sup>8</sup> The Subcommittee drew on the experience of its academic members in its substantive review of then-President Gay’s published works.

College Student Handbook); detailed the allegations of concern; described how the University resolved some previous allegations of plagiarism against other faculty, researchers, and students; and proposed potential corrections to affected works. The Corporation carefully weighed the Subcommittee’s conclusions and ultimately required then-President Gay to issue corrections, a significant repercussion for a scholar in academia.

On December 12, the Corporation issued a statement that read in part: “At President Gay’s request, the Fellows promptly initiated an independent review by distinguished political scientists and conducted a review of her published work.”<sup>9</sup> The December 12 statement also indicated that “the analysis found no violation of Harvard’s standards for research misconduct[.]”<sup>10</sup> To clarify any ambiguity, the Independent Panel restricted its analysis to the Post’s allegations, and relied on the definitions of plagiarism in the College Guide to identify any potential infractions. The Subcommittee then expanded the analysis to all of then-President Gay’s published work, with reference to the FAS Research Misconduct Policy.

On December 14, then-President Gay submitted corrections to two articles:

- “A Room for One’s Own? The Partisan Allocation of Affordable Housing” (2017), *Urban Affairs Review* 53(1), 2017 to add quotation marks and citations to two previous works:
  - Matthew Freedman and Emily G. Owens, “Low-Income Housing Development and Crime,” *Journal of Urban Economics* 70:115-131, 2011.
  - Anne R. Williamson, “Can They Afford the Rent? Resident Cost Burden in Low Income Housing Tax Credit Developments,” *Urban Affairs Review* 47(6):775-799, 2011.
- “The Effect of Black Congressional Representation on Political Participation” (2001), to add quotation marks and citations to one prior article:
  - Lawrence Bobo and Franklin D. Gilliam, “Race Sociopolitical Participation, and Black Empowerment,” *American Political Science Review*, 84(2), 1990.

## VI. Other Allegations

Harvard first learned of allegations regarding then-President Gay’s dissertation on social media on December 10. The Subcommittee did not include then-President Gay’s dissertation in its initial review. In response to these new allegations, the Subcommittee promptly reviewed her dissertation. The Subcommittee identified one missing citation or quotation mark that had

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<sup>9</sup> Harvard Corporation, Statement from the Harvard Corporation: Our President (Dec. 12, 2023), <https://www.harvard.edu/blog/2023/12/12/statement-from-the-harvard-corporation-our-president/>.

<sup>10</sup> *Id.*

already been identified in a published work and had since been corrected. It also identified other examples of duplicative language without appropriate attribution.

Then-President Gay submitted corrections to her dissertation to Harvard's Office of the Provost so they can be incorporated into both physical and digital archival copies of the dissertation. The corrections include additional quotations and/or citations concerning:

- The same citations to, Lawrence Bobo and Franklin D. Gilliam. 1990. "Race Sociopolitical Participation, and Black Empowerment." *American Political Science Review* 84 (2), addressed in then-President Gay's 2001 article.
- Palmquist, Bradley and Stephen Voss. 1996. "Racial Polarization and Turnout in Louisiana: New Insights from Aggregate Data Analysis." Paper prepared for the 54th Annual Meeting of the Midwest Political Science Association, Chicago, IL.
- Shingles, Richard D. 1981. "Black Consciousness and Political Participation: The Missing Link." *American Political Science Review* 75 (1): 76.

On December 19, an additional complaint was filed with the FAS Research Integrity Office. The complaint primarily included overlapping allegations that the Subcommittee previously reviewed, including passages that already had been corrected. The Subcommittee reviewed the new allegations and determined no additional corrections were necessary. In light of then-President Gay's resignation, any further allegations will be assessed and addressed as appropriate without the Corporation's involvement.

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We hope that the information provided above is helpful in detailing the rigor of our process and the principles of fairness and diligence that guided our actions and decisions. We remain committed to academic integrity, rigorous scholarship, freedom of expression, respectful dialogue, and the safety of our students and community.