

edX. This encompasses “hands-on learning” of a sort the University has not previously embraced, she noted, via the “making” aspects of cognition in at least two realms: engineering and applied sciences (tying into the priority given to SEAS) and the arts (aspirations detailed in a 2008 task-force report Faust commissioned early in her presidency; implementation has been slowed by the financial crisis and recession). Comparable interest appears in HBS’s experience-oriented first-year FIELD course, which complements the traditional case-based pedagogy, and in the Harvard Innovation Lab, used by students from many schools. (Discussing work on teaching across the University, HBS dean Nitin Nohria recently said, “I’ve been struck by how much of the experimentation does have this quality of making learning more visceral, team-based, and action-oriented.”)

As the emergence of applied-sciences and arts initiatives suggests, priority-setting for the campaign has itself been a protracted undertaking. Garber said the schools’ academic plans played the most important role, as refined through meetings of the council of deans (who identified common and cross-school wants) and the work of such existing entities as the University Committee on the Arts (an outgrowth of the 2008 report) and the University Science and Engineering Committee (dating to 2007).

Their recommendations were refined using criteria developed by Reid professor of law (and former acting dean) Howell Jackson to identify goals of *University* significance (whether multiple schools were involved, potential intellectual impact, and so on). That helped Garber when he assumed his post in 2011 and, Faust joked, “became the repository of people’s aspirations” for campaign funding. Of late, he and colleagues have determined which initiatives have leadership in place, how they fit with or augment existing programs, and so on. A group of supporters who helped test the feasibility of funding ideas has morphed into the campaign executive committee. The result will be the first truly all-University campaign, with every school participating.

Individual school objectives—how many existing professorships to try to endow and where to try to establish new ones, for instance, or discipline-specific-

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Blake’s Whales

Zoological artwork by Agassiz student James Henry Blake is on display at the MCZ.

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ic substantive goals—will roll out in turn (FAS, the Harvard School of Public Health, and the Radcliffe Institute are on deck for late October). Faust mentioned as examples the undergraduate concentration in architecture and design and a proposed program in theater and dance performance, both with teaching connections well beyond the College.

As the effort gears up, Faust and Garber both stressed the reinforcement of community among alumni—and not just for the hoped-for, tangible benefits of wide, successful philanthropic par-

ticipation. During the planning process, Faust said, it became clear that this is a “particularly salient moment for higher education,” a time to think through Harvard’s priorities as higher education itself changes—intellectually, and under pressure from external economic and social forces—and to help define directions for the academy at large. “Rallying the community on behalf of higher education”—as she put it—during a period of uncertainty, or even doubt, in the larger society would in itself be an important accomplishment.

The E-mail Investigation

THREE SEARCHES of Harvard College resident deans’ e-mail accounts last September—prompted by unauthorized disclosure of Administrative Board communications during an investigation of widespread misconduct on a final exam—“were undertaken in good faith” by people who “believed that they were acting in compliance with applicable e-mail privacy policies.” So found an outside review conducted by attorney Michael B. Keating, LL.B. ’65, as requested by President Drew Faust last April, after further e-mail searches were reported (see “E-mail Imbroglia,” May-June, page 46). Ke-

ating found no intentional violation of any requirement that resident deans be notified of the searches (a point of ambiguity in University policies—they were *not* notified), and stated, “[T]here is no evidence that any of the individuals involved read the content of any e-mails that were identified as a result of these searches.”

Keating’s report was delivered to Faust and a subcommittee of Corporation members on July 15, reviewed by the entire Corporation later that week, and made public on July 22. The detailed narrative covers the brief period within which all the e-mail account searches took place and the targets of those searches, which extended



COURTESY OF FOLEY HOAG

Michael B. Keating

to resident deans' communications with student advisees (presumably those concerned about involvement in the misconduct investigation) and with reporters for *The Harvard Crimson* (and, it turns out, *The Boston Globe*) covering the story.

Among the details Keating uncovered:

- Beyond conducting searches of accounts maintained by Harvard University Information Technology (HUIT) and by an outside vendor (where some resident deans' accounts resided), HUIT "archived" or made copies of all the resident deans' administrative accounts for possible review at a later date.

- During the review of "metadata" for the 17 resident deans' accounts, HUIT and the outside vendor, respectively, scanned 14,000 and 17,000 e-mail accounts' information, in all—including, it is now known, faculty and staff members' and students'.

- The searches were apparently conducted within the interpretation by Harvard's Office of the General Counsel (OGC) of some, but not all, of existing University e-mail privacy policies (some of which, it became clear after the fact, overlap, are inconsistent, or leave gaps).

Responding to the report, Faust said in a statement that she was "reassured" by Keating's conclusion that the individuals who undertook the searches acted in good faith and in a manner they believed to be consistent with policy and with "a guiding responsibility for safeguarding student confidentiality and the integrity of the Ad Board process." She continued: "Unfortunately, the detailed factual account... deepens my already substantial concerns about troubling failures of both policy and execution. The findings strengthen my view that we need much clearer, better, and more widely understood policies and protocols in place...."

Corporation member William F. Lee said in an accompanying statement that Keating's "detailed account...makes it even clearer than before that there is much work



Judith Grant Long

"Like most city planners, I'm a city planner and something else," says Judith Grant Long, M.D.S. '95, Ph.D. '02, RI '12, associate professor of urban planning at the Graduate School of Design. The "something else" involves sports and finance: once Canada's third-ranked junior squash player, she later studied economics in college. Afterward, while working as a consultant, she realized that local governments often oversubsidize developers pushing big sports stadiums. She came to Harvard for a design-studies master's, and met Christopher Long '82, M.B.A. '87, while waiting for friends at Harvart. (The couple recently celebrated their tenth anniversary there; they live in Concord with their two daughters.) Grant Long joined the GSD in 2005. Her first book, *Public-Private Partnerships for Major League Sports Facilities*, argues that big stadiums almost always cost taxpayers dearly: Hamilton County, Ohio, for example, recently sold a hospital to cover debt payments on a Bengals stadium. But stadiums may confer other benefits, she says, in particular as redevelopment projects or sources of civic pride. Her current research on the Olympics shows that hosts almost never recoup their investment, either, but often have other motives for seeking the Games: "The classic example is Beijing in 2008, announcing its arrival as a sort-of-free-market economy." For smaller cities, Grant Long says less-expensive soccer stadiums, which can be used by students and professional players alike, are among the best sports-facility investments. Otherwise, she advises, build parks and recreation areas that serve both kids and adults. "I'd like to take the focus off the big leagues," she says, and encourage "sports, at the local level, that are multigenerational!"

ahead in improving the University's policies and protocols concerning privacy of, and access to, electronic communications." Lee pointed to the University task force examining such questions—chartered by Faust and chaired by Green professor of public law David Barron—for those proposed improvements.

Among the issues the Keating investigation raises for task-force consideration are:

- The technological knowledge of the administrators and OGC attorneys with authority to approve and oversee such searches.

- The coordination of University and school policies, particularly given the finding that the OGC attorney did not review a Faculty of Arts and Sciences (FAS) policy on the privacy of faculty electronic materials; in fact, according to Keating, "in 2012, no attorney at the OGC appears to have been aware of its existence. Also, neither the HUIT Employee nor the FAS administrators who approved the search-

es knew about it."

- The level at which future requests to conduct such investigations must be authorized, and whether, in practice, the OGC attorney or other authorizing personnel have the opportunity to discuss the rationale for and mechanics of a search, or to challenge the decision to proceed with such searches.

In September 2012, the decisions to investigate resident deans' e-mail accounts were made under extreme time pressure (as detailed in the Keating report). It is not obvious that a great deal was gained by proceeding, yet much harm was done when the investigations were revealed, piecemeal, last spring. In the future, the University will no doubt want organizational structures and a culture in place that encourage



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William F. Lee

airing diverse views on alternative courses of action (including but not limited to e-mail searches), on the consequences of those alternatives (versus searches), on the mechanics and scope of any searches, and so on—even under time pressure. The community will want assurance that these critical decisions and actions take place within

the context of improved, coherent, and well-communicated policies. The Barron task force has much important work to accomplish this fall.

Read a detailed account of the Keating investigation, with a link to the full report, at <http://harvardmag.com/keating-13>. An analysis of the investigation, unanswered questions, and issues facing the Barron task force is accessible at <http://harvardmag.com/email-13>.

James Ryan



James Ryan, the new dean of the Harvard Graduate School of Education (GSE), argues persuasively that the second most significant ruling about school desegregation is *Milliken v. Bradley*, which the Court decided in 1974. The decision was momentous for the opposite reason: it halted the startlingly short-lived national effort to desegregate public schools, heavily segregated by race because of widespread segregation in housing.

The justices ruled, 5-4, that a metropolitan area could not desegregate a city's largely black school district by consolidating it with largely white suburban districts and transporting students between them, unless there was proof that suburbs had deliberately devised separate schools for blacks and for whites or were otherwise liable for segregation across district lines. The majority said de jure segregation (caused by the state or a local government) was different from de facto segregation (resulting from social and economic factors, like lower housing prices in the city and white flight to the suburbs) and that it was constitutional to address only the first through a metropolitan-wide effort.

It is common among education reformers to describe the country's current education crisis as "the civil-rights issue of our time." For Ryan, that is literally so:

Education and Opportunity

THE SUPREME COURT seemed to close a long, fraught chapter in American history in 1954 when it held that the Constitution prohibits every state from maintaining separate public schools for blacks and for whites. In *Brown v. Board of Education*, by a vote of 9-0,

the justices called for an absolute end to a pervasive consequence of America's racial divide. The ruling is often called the most important of the Court in the twentieth century; it is clearly the most important about school desegregation.