

demographic qualifications. The University has maintained that SFFA's finding is a statistical artifice, erroneously derived from its misinterpretation of the applicant pool. Also in question is whether such a skew in assessments of personal qualities reflects unconscious bias or deliberate intent—and if the former, its legal and practical weight.

Burroughs, who heard the case directly, will now craft her opinion and issue her ruling—a process expected to take several months.

• *The bigger picture.* The SFFA case turns in part on the judge's interpretation of the data and assessment of how Harvard implements its admissions policies. It also involves fine

points of constitutional law and the antidiscrimination language of the Civil Rights Act of 1964 (which applies to institutions, like the University, which receive federal funding). Her ruling, and subsequent appeals, may thus appear highly technical, turning on what rules for the use of race in admissions are permissible (SFFA hopes there are

Coming to Terms with Sexual Harassment

Following the January news that Winthrop House faculty dean Ronald S. Sullivan Jr. would represent movie producer Harvey Weinstein against multiple charges of sexual assault, student residents, and other undergraduates, called for him to step down from House leadership—perhaps because the University's data show a significant number of internal cases of sexual harassment or assault, many emanating from the College (see harvardmag.com/title9&odr-report-18). Sullivan, clinical professor of law and Johnston lecturer on law (he directs the Harvard Criminal Justice Institute and the Harvard Trial Advocacy Workshop) and a practicing trial attorney with a penchant for hard cases, made the argument that everyone is entitled to counsel—an argument strongly endorsed subsequently by many of his Law School colleagues in a letter to *The Boston Globe*. (A separate House officer is designated as students' contact person for discussing sexual-assault issues.)

Cutting much closer to home, Sullivan was subsequently quoted by Stuart Taylor Jr., J.D. '77, in a long report for RealClearInvestigations, as sharply critical of Harvard's conduct and processes in its widely reported investigation of Lee professor of economics and professor of education Roland G. Fryer Jr. for allegedly sexually harassing his research staff.

Faculty of Arts and Sciences dean Claudine Gay told *The Harvard Crimson* that Sullivan's response to students, centering on the argument about legal representation, did not fully address continuing concerns about the faculty dean's role, academically and pastorally, within the House. Harvard College dean Rakesh Khurana, who defended Sullivan's academic freedom to pursue his work, in late February asked former dean of freshmen Tom Dingman to conduct a confidential review of the "climate" in Winthrop. Khurana cited concerns by residents about the "support that students can expect to receive," given Sullivan's legal work. (Data-gathering for the House survey concluded March 15, as the College headed into spring break.)

The intramural tensions escalated considerably from there, as the *Crimson* reported that Sullivan had emailed House residents criticizing the paper's coverage of his legal work for Weinstein; he also granted an interview to *The New Yorker* in which he acknowledged that "some students are concerned that people will be less inclined to speak about sexual assault in the House"; noted his own past representation of women who were victims of sexual assault; and said, in response to a question about whether criticisms of him had been "racially motivated," that they were—and specifically "this climate survey. It's absolutely never happened before, and I

do not believe that it would happen again to any non-minority dean." He observed, "This is all some vicarious association with a client whom several in our community don't like. If that becomes the new standard...then we're going to see continued threat" to academic freedom and robust exchanges of ideas.

Obviously, that wraps many issues into a charged environment for coming to terms with local allegations of sexual harassment or assault. Harvard's professional-school faculty members routinely pursue outside engagements, to keep current on developments within their fields. Little discussed in this instance is whether the demands of Sullivan's involvement in complex criminal trials might raise questions about his (or any similar faculty dean's) time commitment to a House's resident undergraduates—perhaps an issue for another, calmer day. Further muddying this situation is Sullivan's possible engagement with a faculty member (Fryer) being investigated through campus protocols, pitting various members of the community in difficult, cross-cutting positions toward one another.

Results of the climate survey and further developments were pending as this issue went to press in early April.

This uproar quickly superseded news of the government department's "Climate Survey Report," released February 6, following the retirement last year of longtime professor Jorge Domínguez in the wake of allegations of persistent sexual harassment (see harvardmag.com/dominguez-18)—which remain under investigation. The survey of faculty members, graduate students, undergraduate concentrators, and staff members found 35 percent of female graduate students dissatisfied with the department—more than twice the rate among male peers. Some 12 percent of respondents reported harassment or discrimination, with women and graduate students more likely to report harassment. One-quarter of respondents (and 34 percent of graduate students, and 47 percent of women) disagreed, or strongly disagreed, that their mentors, teachers, and advisers are "sufficiently sensitive to diversity and inclusion."

In disseminating the report (<https://gov.harvard.edu/government-department-climate-survey>), chair Jennifer Hochschild, Jayne professor of government and professor of African and African American studies, wrote, "We are dismayed" by the reports of "harassment, discrimination, or other impediments to success," and expressed her hope that the survey and other work undertaken by the department's Climate Change Committee "will facilitate improvement in what is inevitably a work in progress."

—JOHN S. ROSENBERG