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January 11, 2024

Lawrence M. Schall, J.D., Ed.D.
President of the Commission
New England Commission of Higher Education
301 Edgewater Place, Suite 210
Wakefield, MA 01880

Dear Dr. Schall:

On behalf of the American Council of Trustees and Alumni (ACTA), I write to submit a formal complaint regarding one of your affiliated institutions, Harvard University, pursuant to your formal complaint process. We call on the New England Commission of Higher Education (NECHE) to exercise its responsibilities under the Higher Education Act of 1965 (20 U.S.C. ch. 28 § 1001 et seq.) and investigate Harvard University for potential non-compliance with NECHE’s *Standards for Accreditation* 4 (4.44) and 9 (9.1, 9.2, 9.6, and 9.12).¹

As you are aware, Harvard’s compliance with NECHE’s standards is necessary for continued eligibility to receive funding under federal student loan programs.

We outline our complaint below following the Commission template.

1. STATE THE GENERAL NATURE OF YOUR COMPLAINT AS CLEARLY AND CONCISELY AS POSSIBLE. THIS STATEMENT HELPS COMMISSION STAFF DETERMINE IF THE COMPLAINT FALLS WITHIN THE SCOPE OF THE COMMISSION’S COMPLAINT POLICY.

Mounting evidence suggesting that Harvard University may be in violation of several provisions of NECHE’s *Standards for Accreditation* continues to appear. Harvard’s former president, Dr. Claudine Gay, admitted to multiple instances in which her published work and dissertation required corrections to her citations; instances of this sort would normally be seen as plagiarism according to the Harvard Guide to Using Sources.² Among other instances, Dr. Gay is accused of plagiarizing

¹ New England Commission of Higher Education, *Standards for Accreditation*, effective January 1, 2021, <https://www.necche.org/wp-content/uploads/2020/12/Standards-for-Accreditation-2021.pdf>.

² Harvard University, *Harvard Guide to Using Sources*, <https://usingsources.fas.harvard.edu/>.

portions of the published work of Drs. Carol M. Swain, Stephen Voss, Bradley Palmquist, and Lawrence Bobo.

Reliable press accounts, and Harvard's own account, of its institutional response to these allegations suggest that Harvard's current policies and procedures are insufficient to ensure compliance with NECHE *Standards* 4 (4.44) and 9 (9.1, 9.2, 9.6, and 9.12).

Although Dr. Gay, facing mounting allegations of multiple instances of plagiarism, has resigned under widespread public pressure, the apparent mishandling of these matters by the Harvard Corporation remains to be addressed. (Nor do these matters go away as Dr. Gay transitions back to a faculty position after resigning from the presidency). The Corporation received allegations of plagiarism from the *New York Post* in October and then two anonymous complaints that called for thorough investigation through Harvard's established procedures for matters of alleged academic misconduct. What follows in this letter draws upon media accounts and those anonymous complaints, brought to national attention by the reporting of Aaron Sibarium of the *Washington Free Beacon*. Because the Harvard Corporation appears to have willfully and persistently operated outside of Harvard's established procedures, we ask NECHE to investigate whether Harvard has violated NECHE's accreditation standards mentioned above.

2. BRIEFLY DESCRIBE THE DETAILS OF THE COMPLAINT.

Harvard University received allegations of plagiarism committed by President Gay on October 24, 2023. The allegations were submitted by the *New York Post*. The Harvard policy governing these allegations was and is the Harvard Faculty of Arts and Sciences' (FAS) Interim Policy and Procedures for Responding to Allegations of Research Misconduct (the "FAS Interim Policy"). It states: "This Policy applies to allegations of research misconduct (as defined by this Policy) involving any person who, at the time of the alleged research misconduct, was employed by, was an agent of, or was affiliated by contract or agreement with FAS, including without limitation officials, tenured and non-tenured faculty, teaching and support staff, researchers, research coordinators, technicians, post-doctoral and other fellows, students, volunteers, and agents."³

Dr. Gay was affiliated with the Faculty of Arts and Sciences, as a student and professor, from 1992 to 1998 and from 2006 to the present. The vast majority of the allegations concern conduct during these periods. The policy is therefore applicable to these allegations and should govern the inquiry.

Harvard said in its communication with reporters on December 20 that the FAS Interim Policy applies to the allegations. It stated that the definition of research misconduct laid out in the FAS Interim Policy was used to judge the allegations against President Gay.⁴

³ Harvard University, Interim Policy and Procedures for Responding to Allegations of Research Misconduct, <https://research.fas.harvard.edu/policies/procedures-responding-allegations-misconduct-research>.

⁴ Harvard's December 20th statement to reporters made public on X by Emma Pettit of the *Chronicle of Higher Education*, <https://x.com/EmmaJanePettit/status/1737642015712739816?s=20>.

Yet, as the media reports and the aforementioned complaints have detailed at length, Harvard appears to have deviated from the process outlined in its own policy and conducted an “irregular” and “opaque” investigation of these allegations, in the words of Harvard Law School Professor Richard Parker.⁵ We call on you to investigate whether Harvard has deviated from its own rules and procedures in such a manner as to indicate a status of general non-compliance with several of your standards.

Events of October 24, 2023, through December 7, 2023

Much of what follows is directly based on the issues outlined in the anonymous complaints submitted to Harvard University on December 19 and January 1, as well as media accounts.

Harvard states that after it received the allegations from the *New York Post* on October 24, it took the following steps: “At President Gay’s request, the Fellows promptly initiated an independent review by distinguished political scientists and conducted a review of her published work.”⁶

Notice that President Gay, the accused, requested a procedure not contained in the FAS Interim Policy as noted by the anonymous complainant.⁷

The FAS Interim Policy requires that any affiliate of FAS who is accused of misconduct (including President Gay) must report those allegations to the FAS Research Integrity Office (RIO) or the Chair of the FAS Committee on Professional Conduct (CPC). The policy states: “All individuals subject to this Policy will report observed, suspected, or apparent research misconduct to the RIO or to the Chair of the CPC.”⁸

There is no indication in Harvard’s account of the events that this mandatory reporting requirement was followed by President Gay or anyone else at Harvard.

Failure to report allegations to RIO and CPC is a violation of the FAS Interim Policy, which reads: “FAS may use this Policy as a general framework for reviewing other allegations of professional conduct violations that are not research misconduct, including . . . *Failure to report observed research misconduct*: covering up or otherwise failing to report observed, suspected, or apparent research misconduct by others.”⁹

⁵ Mike Damiano and Hilary Burns, “Critics see double standard in Harvard’s handling of plagiarism allegations,” *Boston Globe*, December 21, 2023, <https://www.bostonglobe.com/2023/12/21/metro/critics-see-double-standard-harvards-handling-plagiarism-allegations/>.

⁶ Harvard Corporation, “Statement from the Harvard Corporation: Our President,” December 12, 2023, <https://www.harvard.edu/blog/2023/12/12/statement-from-the-harvard-corporation-our-president/>; Also see Harvard’s December 20th statement to reporters made public on X by Emma Pettit of the *Chronicle of Higher Education*, <https://x.com/EmmaJanePettit/status/1737642015712739816?s=20>.

⁷ Aaron Sibarium, “Harvard President Claudine Gay Hit With Six New Charges Of Plagiarism,” *Washington Free Beacon*, January 1, 2024, <https://freebeacon.com/campus/harvard-president-claudine-gay-hit-with-six-new-charges-of-plagiarism/>.

⁸ Interim Policy and Procedures for Responding to Allegations of Research Misconduct, <https://research.fas.harvard.edu/policies/procedures-responding-allegations-misconduct-research>.

⁹ Ibid.

Harvard states that it commissioned an “independent review” because Harvard personnel involved in the FAS misconduct process ultimately report to the president of the university. This is an unacceptable explanation because the FAS Interim Policy makes specific provisions for instances when a “conflict of interest” requires a change to the investigative process. It states, “If, upon receipt of the allegation, it appears that the CPC Chair has any unresolved personal, professional, or financial conflicts of interest with those involved in the allegations, then the Oversight Dean of the CPC shall appoint another member of the CPC to serve in the Chair’s place with respect to reviewing the allegation and conducting any research misconduct proceeding. If, upon receipt on the allegation, it appears that the RIO has any unresolved personal, professional, or financial conflicts of interest with those involved in the allegations, then the CPC Chair shall appoint another qualified individual to serve as Interim RIO with respect to reviewing the allegation and conducting any research misconduct proceeding.”¹⁰

A potential appearance of a conflict of interest does not allow the university to ignore whole sections of the policy manual and exclude RIO and the CPC Chair. The process for managing conflicts of interest does not allow for a unilateral decision of the president or the Harvard Corporation to circumvent the procedures contained in the FAS Interim Policy without consulting RIO or the CPC Chair.

Harvard did not follow these procedures. Rather, at the request of President Gay, the Corporation appointed three anonymous “distinguished political scientists” to judge the allegations with apparently no input from RIO or CPC.¹¹

The potential procedural violations do not end there. Legal counsel for Harvard and President Gay threatened the initial complainant, a journalist with the *New York Post*, when she came forward with allegations on October 24. The FAS Interim Policy strictly forbids retaliation against complainants. It reads: “Harvard community members may not retaliate in any way against complainants, witnesses, the RIO, or committee members. Any alleged or apparent retaliation against complainants, witnesses, the RIO, or committee members should be reported immediately to the RIO or the CPC Chair, as applicable, who shall review the matter and, as necessary, make all reasonable and practical efforts to counter any potential or actual retaliation and protect and restore the position and reputation of the person against whom the retaliation is directed” (underline added). Harvard appears to have acted contrary to this policy when it directed its legal counsel, Thomas Clare, to threaten the *Post* journalist (the complainant) with legal action. In the *Post*’s own words, Mr. Clare “threatened *The Post*.”¹² This point is made in a January 1 complaint to Harvard reported by the *Washington Free Beacon*.¹³

¹⁰ Ibid.

¹¹ Statement from the Harvard Corporation: Our President, <https://www.harvard.edu/blog/2023/12/12/statement-from-the-harvard-corporation-our-president/>.

¹² Isabel Vincent, “Harvard covered up secret plagiarism probe into president Claudine Gay during antisemitism storm—threatened *The Post*,” *New York Post*, December 12, 2023, <https://nypost.com/2023/12/12/news/harvard-secret-plagiarism-probe-into-president-claudine-gay/>.

¹³ “Harvard President Claudine Gay Hit With Six New Charges Of Plagiarism,” <https://freebeacon.com/campus/harvard-president-claudine-gay-hit-with-six-new-charges-of-plagiarism/>.

Speaking on behalf of Harvard and President Gay, Mr. Clare wrote that “publication will subject the paper—and each of the individuals involved in the decision to publish—to legal liability for defamation. Harvard and President Gay stand together in their determination that the proposed article must not be published.”¹⁴ The *Post* further reports, “In a particularly heavy-handed move, the letter also . . . threatened to use legal means to out who had supplied the comparisons.”¹⁵

This is not just apparent retaliation: It is a manifestly inequitable step for Harvard to have taken on behalf of Dr. Gay. NECHE *Standard* 9.2 requires that adjudication of academic dishonesty allegations be handled “equitably” and with “fairness.” (U.S. Representative Virginia Foxx pointed Harvard to this *Standard* in her December 20 letter to the Harvard Corporation.¹⁶) We are aware of no other Harvard student or faculty member who has been provided with legal representation in order to threaten someone who has come forward with serious allegations of academic dishonesty. We know of no prior instance when Harvard lawyers presented evidence on behalf of the accused in a research misconduct scandal. When a university provides these services to the president without providing them to other members of the community, it is not dealing fairly or equitably as NECHE’s accreditation standards require.

Mr. Clare also stated that the allegations sent by the *Post* were “demonstrably false” and that President Gay’s works were “cited and properly credited.”¹⁷ But Harvard had not yet investigated the allegations when its counsel sent these assurances. Harvard’s investigation was initiated on October 29, and the external scholars were appointed on November 2.¹⁸ The investigation concluded on December 8 that some of President Gay’s works were inadequately cited, and she requested corrections.

We refer you to NECHE *Standard* 9.2: “Truthfulness, clarity, and fairness characterize the institution’s relations with all internal and external constituencies.” Was Harvard being truthful when it said, prior to the investigation, that President Gay’s work was “cited and properly credited” and the *Post*’s allegations were “demonstrably false”?

After Mr. Clare’s correspondence with the *Post*, Harvard’s “independent review” began on November 2. At some point in this improvised investigation, one of President Gay’s writings, her 1993 academic article published in *Origins*, a journal of the Ohio State University, was arbitrarily excluded from the scope of the investigation. We know that the *Origins* article was excluded from the investigation because Harvard said so in its December 20 statement to reporters.¹⁹

¹⁴ Isabel Vincent, “Revealed: Harvard cleared Claudine Gay of plagiarism BEFORE investigating her—and its lawyers falsely claimed her work was ‘properly cited’” *New York Post*, December 22, 2023, <https://nypost.com/2023/12/22/news/plagiarism-harvard-cleared-claudine-gay-then-investigated/>.

¹⁵ *Ibid.*

¹⁶ Letter from U.S. Representative Virginia Foxx to Harvard Corporation Senior Fellow Penny Pritzker, December 20, 2023, https://edworkforce.house.gov/uploadedfiles/final_foxx_harvard_plagiarism_letter.pdf.

¹⁷ “Revealed: Harvard cleared Claudine Gay of plagiarism BEFORE investigating her—and its lawyers falsely claimed her work was ‘properly cited,’” <https://nypost.com/2023/12/22/news/plagiarism-harvard-cleared-claudine-gay-then-investigated/>.

¹⁸ Emma Pettit, X, <https://x.com/EmmaJanePettit/status/1737642015712739816?s=20>.

¹⁹ Emma Pettit, X, <https://x.com/EmmaJanePettit/status/1737642015712739816?s=20>.

The exclusion of this article, which was the subject of multiple plagiarism allegations,²⁰ appears contrary to the FAS Interim Policy, which appears to offer no basis for excluding allegations about this essay from a research misconduct investigation. The FAS definition of research misconduct includes “plagiarism in proposing, performing, or reviewing research, or in reporting research results.”²¹ In her 1993 article, Dr. Gay was “proposing, performing, or reviewing research” or “reporting research results.” The FAS Interim Policy contains no other loopholes that would allow the Harvard Corporation or the independent review panel to exclude these writings from the investigation.

In its December 20 statement to reporters, Harvard said it excluded the 1993 *Origins* article from the review because the article was old; it also said articles in *Origins* “generally do not include citations or quotations.”²² There is no carveout for old, plagiarized publications in the FAS Interim Policy. Regarding the second point, we reviewed other *Origins* articles and found several references and quotations, including in articles published alongside Dr. Gay’s article in the November 1993 issue.²³

Harvard appears to have conducted its investigation in a manner contrary to the FAS Interim Policy, and it appears to have excluded allegations that should have been included according to the FAS Interim Policy.

Events of December 8, 2023, through January 1, 2024

On December 10 and 11, Harvard received additional allegations of plagiarism, including allegations related to Dr. Gay’s dissertation. Instead of reconvening the three “distinguished political scientists” who reviewed the earlier allegations, the Harvard Corporation handled these new allegations itself. Harvard informed reporters on December 20 that “In response to new allegations related to Gay’s dissertation that have been raised since the independent review was initiated, the subcommittee of the Corporation undertook a review of the dissertation” (underline added).

This appears to be inconsistent with Harvard policy. The FAS Interim Policy reads, “All individuals subject to this Policy will report observed, suspected, or apparent research misconduct to the RIO or to the Chair of the CPC.”²⁴

Yet Harvard did not indicate that these December 10–11 allegations were referred to RIO or the CPC chair, even though Harvard admitted in its December 20 communication with reporters that the allegations related to the dissertation triggered “corrections,” that is, they had merit. Harvard

²⁰ Anonymous Complaint, “To the Harvard Faculty of Arts and Sciences Research Integrity Officer (RIO),” *Washington Free Beacon*, https://freebeacon.com/wp-content/uploads/2023/12/Gay_Research_Integrity_Officer_Complaint_.pdf.

²¹ Interim Policy and Procedures for Responding to Allegations of Research Misconduct, <https://research.fas.harvard.edu/policies/procedures-responding-allegations-misconduct-research>.

²² Emma Pettit, X, <https://x.com/EmmaJanePettit/status/1737642015712739816?s=20>.

²³ See the *Origins* archives at <https://origins.osu.edu/>.

²⁴ Interim Policy and Procedures for Responding to Allegations of Research Misconduct, <https://research.fas.harvard.edu/policies/procedures-responding-allegations-misconduct-research>.

deviated not only from the FAS Interim Policy, but also from the improvised “independent review” process it had established to handle the October 24 allegations. This appears inconsistent with Harvard’s responsibility, under *Standards* 4.2 and 9.2, to deal “forthrightly” and “equitably” with allegations of research misconduct. It also appears to be inconsistent with Harvard’s responsibility to practice transparency regarding the “consideration of complaints and appeals” (*Standard* 9.12).

The pattern appears to extend further. On December 19, Harvard received new allegations of plagiarism in the form of a formal anonymous complaint sent to the FAS Research Integrity Officer. Harvard reported in its December 20 communication with reporters that a “subcommittee of the Corporation”—not the independent review panel—examined these new allegations and announced just one day later that they were “determined to be without merit.”²⁵ Even the “independent panel” of “distinguished political scientists” took 37 days (November 2 to December 8) to handle the first 27 allegations,²⁶ but the Harvard Corporation’s subcommittee dispensed with multiple new allegations in a single day. Why was the independent review panel not reconvened, especially given that Harvard had determined on October 29 that this was the appropriate review process for allegations of plagiarism against the president?

The Harvard Corporation reveals that it specifically decided that the allegations would not be handled by the FAS Research Integrity Office. The communication to reporters on December 20 reads: “. . . any investigation of the [December 19] complaint should not be conducted by the University or FAS Research Integrity Office due to the potential for the appearance of a conflict of interest.”²⁷ This end-run around the Research Integrity Office and Committee on Professional Conduct raises deeply troubling questions.

The procedural workaround had a direct effect on the outcome in this case. Harvard’s standard for research misconduct requires that the conduct be performed “recklessly” or “intentionally.”²⁸ By withholding the latest two rounds of allegations from the independent review panel, and handling them “in-house,” the Corporation made it impossible for the independent review panel to judge whether the roughly 45 instances *considered as a whole* show a pattern of “reckless” or “intentional” disregard for Harvard policy.

On January 1, 2024, the *Washington Free Beacon* reported that six new allegations of plagiarism were discovered and sent a second complaint to Harvard. To our knowledge, Harvard has said nothing about investigating that complaint.

²⁵ Aaron Sibarium, “Fresh Allegations of Plagiarism Unearthed in Official Academic Complaint Against Claudine Gay,” *Washington Free Beacon*, December 19, 2023, <https://freebeacon.com/campus/fresh-allegations-of-plagiarism-unearthed-in-official-academic-complaint-against-claudine-gay/>.

²⁶ Emma Pettit, X, <https://x.com/EmmaJanePettit/status/1737642015712739816?s=20>; and “Harvard covered up secret plagiarism probe into president Claudine Gay during antisemitism storm—threatened The Post,” <https://nypost.com/2023/12/12/news/harvard-secret-plagiarism-probe-into-president-claudine-gay/>.

²⁷ Emma Pettit, X, <https://x.com/EmmaJanePettit/status/1737642015712739816?s=20>.

²⁸ Interim Policy and Procedures for Responding to Allegations of Research Misconduct, <https://research.fas.harvard.edu/policies/procedures-responding-allegations-misconduct-research>.

The events surrounding President Gay's alleged plagiarism are receiving national attention. On December 20, Chairwoman Virginia Foxx of the U.S. House of Representatives Committee on Education & the Workforce sent a letter to the senior fellow of the Harvard Corporation, Penny Pritzker, demanding more information about the university's handling of plagiarism allegations against President Gay and the unequal application of Harvard's Honor Code.²⁹

2a. WHEN DID THE EVENTS DESCRIBED ABOVE TAKE PLACE? PLEASE NOTE THAT EXCEPT IN EXTRAORDINARY CIRCUMSTANCES, THE COMMISSION DOES NOT CONSIDER COMPLAINTS REGARDING MATTERS THAT TOOK PLACE MORE THAN THREE YEARS PRIOR TO THE FILING OF THE COMPLAINT.

See the dates above.

3a. WHICH OF THE COMMISSION'S STANDARDS FOR ACCREDITATION DOES YOUR COMPLAINT REFER TO? IDENTIFY THE SPECIFIC STANDARD OR STANDARDS (HOLD DOWN THE CTRL KEY TO SELECT ALL THAT APPLY).

NECHE Standard 4.44 reads: Faculty, with administrative support, ensure the academic integrity of the award of grades and certification of competencies, where applicable, and credits for individual courses. The institution works to prevent cheating and plagiarism as well as to deal forthrightly with any instances in which they occur. It works systematically to ensure an environment supportive of academic integrity.

NECHE Standard 9.1 reads: The institution expects that members of its community, including the board, administration, faculty, staff, and students, will act responsibly, ethically, and with integrity; and it systematically supports the pursuit thereof. Institutional leadership fosters an atmosphere where issues of integrity can be openly considered, and members of the institutional community understand and assume their responsibilities in the pursuit of integrity. The pursuit of institutional integrity is strengthened through the application of findings from periodic and episodic assessments of the policies and conditions that support the achievement of these aims among members of the institutional community.

NECHE Standard 9.2 reads: Truthfulness, clarity, and fairness characterize the institution's relations with all internal and external constituencies. Adequate provision is made to ensure academic honesty. Appropriate policies and procedures are in effect and periodically reviewed for matters including intellectual property rights, the avoidance of conflict of interest, privacy rights, and fairness in dealing with students, faculty, and staff. The institution's educational policies and procedures are equitably applied to all its students.

NECHE Standard 9.6 reads: The institution manages its academic, research, and service programs, administrative operations, responsibilities to students, and interactions with prospective students with honesty and integrity.

²⁹ Letter from U.S. Representative Virginia Foxx to Harvard Corporation Senior Fellow Penny Pritzker, December 20, 2023, https://edworkforce.house.gov/uploadedfiles/final_foxx_harvard_plagiarism_letter.pdf.

NECHE Standard 9.12 reads: The institution provides sufficient information to the public about its processes for admissions, employment, grading, assessment, student discipline, and the consideration of complaints and appeals.

3b. IN WHAT WAY ARE THE EVENTS YOU DESCRIBED ABOVE AN INSTITUTIONAL CONDITION (NOT AN INDIVIDUAL GRIEVANCE) THAT MAY SUGGEST A VIOLATION OF THE STANDARDS FOR ACCREDITATION?

ACTA is asking NECHE to determine whether Harvard University lacks the capacity, policies, procedures, safeguards, and willingness to investigate and adjudicate allegations of academic dishonesty and research misconduct equitably, ethically, and forthrightly. Specifically, NECHE must determine whether Harvard has sufficient policies, procedures, and norms in place to ensure future compliance with *Standards* 4 (4.44) and 9 (9.1, 9.2, 9.6, and 9.12).

The Harvard Corporation and the former president seem to have established as a matter of public precedent that they can arbitrarily overrule and circumvent the established, faculty-approved policies and procedures governing allegations of research misconduct. This is not a mere “individual grievance”; it is now a facet of the institution’s condition. Harvard appears to have shown to the world that its governing board can improvise and change investigative procedures, even from week to week.

Harvard University is expected to maintain the highest standards of academic integrity. The reputation of American higher education, not only Harvard, is at stake.

4. LIST THE STEPS YOU HAVE TAKEN TO RESOLVE THE COMPLAINT, INCLUDING DEMONSTRATING YOUR SERIOUS EFFORT TO FOLLOW THE INSTITUTION'S GRIEVANCE OR COMPLAINT PROCEDURES. EXPLAIN ANY OTHER EXTERNAL CHANNELS THAT YOU ARE PURSUING TO RESOLVE THE COMPLAINT. IN ITEM 6 BELOW, PLEASE UPLOAD RELEVANT INSTITUTIONAL GRIEVANCE AND APPEALS POLICIES AND PROCESSES AND ANY DOCUMENTS RELEVANT TO YOUR PURSUIT OF EXTERNAL CHANNELS.

As reported by the *Washington Free Beacon*, Harvard’s Research Integrity Officer received misconduct complaints from an anonymous professor on December 19 and January 1. Those complaints alleged a variety of procedural violations, including several violations we have discussed above. On December 20, Harvard seemed to indicate in a statement to reporters that it would not address the December 19 complaint through normal investigative procedures. Harvard has made no comment on the January 1 complaint. In its numerous public statements, Harvard has indicated no internal review of its handling of the investigation. Therefore, we believe the institution’s grievance process on these matters has been preemptorily closed.

5. SUMMARIZE THE RESOLUTION YOU ARE SEEKING FROM THE COMMISSION.

The American Council of Trustees and Alumni (ACTA), an organization committed to the protection and promotion of academic freedom, academic excellence, and accountability at America's four-year colleges and universities, requests that an investigation be opened into Harvard University's current capacity and willingness to adjudicate allegations of academic dishonesty and research misconduct equitably and forthrightly. NECHE must determine whether Harvard has the policies, procedures, and norms in place to ensure compliance with *Standards 4 (4.44) and 9 (9.1, 9.2, 9.6, and 9.12)*. Key questions include:

1. Does Harvard have sufficient safeguards in place to ensure that its personnel communicate honestly with the public and media organizations? (*Standard 9*)
2. Does Harvard have sufficient policies and procedures in place to ensure that research misconduct complaints against administrators, including the president, are adjudicated according to written, transparent rules and procedures, as opposed to improvised methods? (*Standards 4 and 9*)
3. Does Harvard have sufficient policies and procedures in place to ensure that mandated investigative procedures cannot arbitrarily be overridden by the Corporation? (*Standards 4 and 9*)
4. Does Harvard have sufficient policies in place to ensure that its personnel do not retaliate against whistleblowers? (*Standards 4 and 9*)
5. Does Harvard have sufficient policies in place to ensure that university resources are not used to exculpate administrators accused of misconduct *prior to* any impartial inquiry or investigation? (*Standards 4 and 9*)
6. Why has Harvard's Faculty of Arts and Sciences been operating under an "Interim Policy" on research misconduct since September 6, 2019, and has Harvard's failure to adopt a normal, permanent policy for nearly five years hindered its ability to comply with *Standards 4 and 9*?

Genuine institutional reform by Harvard University, indicating a long-term posture of compliance with NECHE *Standards 4 and 9*, would likely entail Harvard opening its own investigations into the following matters under university policy and the FAS Interim Policy:

1. Do the more than 40 allegations of plagiarism against Dr. Gay demonstrate that Dr. Gay committed plagiarism as defined by the FAS Interim Policy?
2. Do the more than 40 allegations of plagiarism against Dr. Gay demonstrate that Dr. Gay committed research misconduct as defined by the FAS Interim Policy?
3. Did Dr. Gay or any other Harvard official violate the FAS Interim Policy's provision on mandatory reporting of alleged research misconduct with respect to the October 24, December 10, December 11, December 19, or January 1 allegations?
4. Did the threats issued by Harvard and Dr. Gay's counsel violate Harvard's policy against retaliation against complainants?
5. Did Harvard's administration and Corporation violate the FAS Interim Policy when they used university resources to employ an attorney to assemble and present evidence in support of Dr. Gay prior to any impartial investigation?

6. Did Dr. Gay's failure to report (to the CPC and RIO) the threats made by Mr. Clare to a journalist who was presenting allegations of misconduct constitute a violation of the FAS Interim Policy requiring mandatory reporting of retaliation against complainants?
7. Did Dr. Gay violate the FAS Interim Policy when she recommended that the Corporation employ an "independent review" panel (in a manner not provided for in Harvard policy) to investigate her, rather than use the procedures in the FAS Interim Policy?
8. Did the Harvard Corporation violate the FAS Interim Policy when they accepted Dr. Gay's recommendation to employ an "independent review" panel (in a manner not provided for in Harvard policy) to investigate her, rather than use the procedures prescribed in the FAS Interim Policy?
9. Did the Harvard Corporation violate the FAS Interim Policy when it excluded allegations concerning her 1993 *Origins* article?
10. Did the Harvard Corporation violate the FAS Interim Policy when it used neither the procedures in that policy nor its independent reviewers to investigate the allegations received on December 10 and December 19?

We respectfully request the favor of a reply to **Steven McGuire**, ACTA's Research Fellow, at **media@GoACTA.org** by February 5, 2024.

Thank you for your time and attention to this important matter.

Sincerely,



Steven McGuire
Research Fellow, ACTA



Paul S. Levy
Member of the Board, ACTA

cc: The Honorable Virginia Foxx, Chairman, U.S. House of Representatives Committee on Education & the Workforce; Penny Pritzker, Senior Fellow, Harvard Corporation (c/o Jonathan Swain, Senior Executive Director, Media Relations and Communications)

Relevant links referred to (in order of appearance):

[Interim Policy and Procedures for Responding to Allegations of Research Misconduct | FAS Research Administration Services \(harvard.edu\)](#) (Harvard FAS Policy)

[Statement from the Harvard Corporation: Our President - Harvard University](#) (Harvard Corporation Letter. 12/12/23)

<https://x.com/EmmaJanePettit/status/1737642015712739816?s=20> (Tweet thread from Emma Pettit, reporter at *The Chronicle of Higher Education*. 12/20/23)

[Harvard covered up secret plagiarism probe into president Claudine Gay during antisemitism storm — threatened The Post](#) (*New York Post*. 12/12/2023)

[Revealed: Harvard cleared Claudine Gay of plagiarism BEFORE investigating her — and its lawyers falsely claimed her work was ‘properly cited’](#) (*New York Post*. 12/22/23)

[Harvard Research Integrity Complaint \(freebeacon.com\)](#) (formal complaint 12/19 – full text)

[Harvard President Claudine Gay Hit With Six New Charges Of Plagiarism](#) (Second formal complaint. 1/1/2024)

[The Ohio State University Origin’s Archive](#)

[Fresh Allegations of Plagiarism Unearthed in Official Academic Complaint Against Claudine Gay \(freebeacon.com\)](#)

https://edworkforce.house.gov/uploadedfiles/final_foxx_harvard_plagiarism_letter.pdf (Letter from Representative Virginia Foxx 12/20)