

## MEMORANDUM

**To:** ALCON

**From:** Peter Fisher

**Subject:** Academic Leadership

**Date:** October 30, 2019

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I hope that soft power, as described below, exercised over long periods can mitigate or thwart aberrant behaviors and build the necessary documentary base and community support for more formal action, while upholding the values and openness that make MIT a great place to work.

Six times in the last five years, the behavior of an individual associated with the Physics Department has compromised MIT's values in a major way. My responses in each case have felt inadequate, have been time consuming and vexing. This note summarizes why this is so and sets out a better framework for responding to threats to the Department's and MIT's values.

Universities try to be open places - places of freedom of thought and expression and places where communities of scholars of all ages engage in discourse about important questions. Universities provides structures where teaching and research take place and prize talent and creativity. Universities tolerate idiosyncratic behavior more than businesses, believing it comes along with a creative, open environment. Unlike businesses, which exist to benefit their shareholders and customers who are outside the organization, universities exist for those inside - the students and faculty

Most universities lack or do not enforce strong internal processes such as performance reviews, reporting of many kinds, disciplinary actions, and so on. I have consulted an executive coach who subsequently declined to work with us because of the absence of internal controls, see Attachment 1. Universities also try to be visible leaders in diversity, inclusion, and free speech. Tenured professors have permanent employment with no retirement age at many universities. Graduate students have a complex status somewhere between student and employee. There is very high turnover in the 18-30 year old age bracket as students and post docs spend 2-5 years at a university before moving on. Personal relationships drive much of the internal governance and decision making. The visibility of the culture at universities lead administrators to have a justifiable concern about optics, giving more weight to situations involving race and gender and concern with publicity and lawsuits.

Universities are generally wonderful places to work or study *because* of the very fluid internal organization, concern with inclusion and diversity, openness, and appreciation of talent. Flexible internal governance matches well with the risk-taking needed for excellent teaching and research. At MIT, the administration seems to be small compared to other universities, freeing resources for teaching and research. This system serves over 90 percent of the students and faculty well and their achievement in turn enhances MIT.

The system falls into trouble for extreme cases of misbehavior - typically, a threatening incident occurs - and response systems, which have not been exercised, begin to operate slowly and cautiously, leading to the feeling that the Institute is only concerned with "ass-covering" or avoiding a law suit (usually both), rather than upholding the institution's values. In fact, the institution just does not know exactly what to do, slowing progress towards a reasonable resolution.

A typical sexual harassment case provides an example - the victims suffer harassment for some time, using informal means to respond as "...MIT will not do anything if you formally complain..." to the Title IX office. When a formal complaint is finally made, the Title IX office is obligated to follow formal investigative procedures and make sure everyone's rights are respected. There is a 75 day limit for the investigation - most of a semester. In case of a finding, what the Title IX office can do seldom seems adequate to the victim.

Senior faculty and Department Heads are "first responders" in most cases of misbehavior, putting them in a very vulnerable position. Their choices seem to be: manage the problem oneself, escalate to higher authority, use an existing formal process, or avoid the problem entirely, none of which seems to work well. Department Heads, Deans, and so on do not have much direct authority to regulate students or faculty, we have a culture of "take care of it yourself", and formal processes are slow and inadequate.

Navigating unusual situations at a university requires a different approach than the business world. Department Heads should know how the formal processes<sup>1</sup> work and when they are triggered, but strive to avoid using them if at all possible. MIT's Policy and Procedures Section 9.8 suggests an attempt at informal resolution to grievances before engaging a formal process.

A Department Head<sup>2</sup> or other administrator must recognize and accept their situation and that *maintaining a free and open environment is the job*. A Department Head should ask for and receive respect and respond directly if it is not given. Listening to and absorbing a certain amount of abuse does seem to be a part of the job. Listening and absorbing gives the Department Head the chance to ask, "What do you think the Department role in solving this problem should be?" The Department Head should listen to, but not respond - let the complainant know they were heard. Ref.[1] discusses this aspect of the job completely.

MIT has offices and resources that can give advice and guidance. The Ombuds Office provides confidential advice on almost any aspect of MIT. The Office of the General Counsel can advise on legal issues and is especially useful for personnel problems and responses. Central Human Resources provides facilitators who can advise and help run meetings and other gathering about difficult problems. The Mind, Heart, and Hand initiative helps departments with community building.

A Department Head needs to build a history of awareness of misbehaving members of their community. This is *not* documenting for later HR actions - doing so brings one into formal procedures very quickly. Bullies, harassers, and other miscreants rely on their anger and retaliation to keep people away and unaware of their activities, see Chapter 5 of [2]. The Department Head should get close to and shine sunlight on nascent problems. For example, a senior faculty member who starts a project overlapping a junior faculty member's research may not be breaking any

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<sup>1</sup>Grievance: <https://policies.mit.edu/policies-procedures/90-relations-and-responsibilities-within-mit-community/98-complaint-resolution>, Research Integrity: <http://research.mit.edu/research-integrity-and-compliance>, Title IX: <https://t9br.mit.edu/>

<sup>2</sup>I use Department Head as an example as that is what I am. I am a professor and it is all about me.

rules<sup>3</sup> and a “knock-it-off” message from the Department Head in response to an expression of concern by the junior colleague may cause a backlash against the junior colleague. A better approach may be to send a message to both faculty asking them to meet and discuss the problem, with copies to everyone who may be involved. This note does not take sides or make judgements, is neutral in tone and invites wider participation. Cc’ing lots of colleagues lets everyone know there may be a problem. Such notes should be written soon after the Department Head learns of the situation. Aside from being a mild warning, notes like this create a record that may be useful later. Many formal grievance processes require or suggest an attempt at informal resolution before initiating a formal process and such a note constitutes an informal attempt at resolution.

If possible, a Department Head should act as a catalyst by taking responsibility for a problem, but acting to solve it in a collaborative way. Unilateral action may be viewed negatively in many situations. When a serious situation arises, the Department Head may gather a group of 2-3 colleagues or staff to act as advisors and, importantly, conduits to others in the Department. In cases where the Department Head needs to be discreet, this group can get the word out that something is being done and what the situation “really” is.

Much of what happens in a university depends on personal relationships, so having a good reputation is important for students, faculty, and staff. Having a group of senior faculty who are paying some attention to who-is-doing-what in the department can dissuade bad behavior lest the miscreant become known as a “pill” by those most respected in the department.

A Department Head should develop a culture of speaking out among the next level of senior faculty leadership so they begin to take early action as well. The senior faculty serve as mentors for the junior faculty, lead the major committees, teach large subjects, and in general are good eyes and ears across the Department. Their active participation creates a deep bench for leadership and the necessary corrective action.

In the case of escalation, make an explicit request to more senior administrators for help, i.e., “I need your help with this.” At MIT, responsibility accumulates quickly with administrative rank, leading to a tendency to avoid the sometimes necessary direct involvement in problems at lower level. When making a request for help, the Department Head needs to have a course of action to propose, which may or may not be what happens, but puts the onus on the more senior administrator to respond.

Avoid the temptation to make rules or adjust policies to accommodate unusual situations. Colleagues may suggest or demand it (sometimes to advance their own agendas) and changes may seem to make sense, but exceptional rules and policies can be constraining later on in unanticipated ways.

On the longer term, a Department Head can invest in new leaders in the department by making leadership training or executive coaching available to them. Academic leaders can communicate a lot by their example, but the next generation will benefit a great deal from formal, academically oriented leadership training.

Finally, a helpful underpinning of the previous suggestions is to have a Code of Conduct or Values Statement for the Department. A Code of Conduct sets a specific expectation that can be referred to in communications in times of misbehavior. How well this works is not clear, but the process of writing one can bring the community together. A copy is attached in Attachments 2 and 3.

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<sup>3</sup>But see <http://research.mit.edu/research-integrity-and-compliance/research-misconduct>

## References

- [1] Dornfeld, B., et al., "The Challenges of Strategy and Leadership in Higher Education" (2013) [www.cfar.com](http://www.cfar.com).
- [2] Gunsalus, CK, "The College Administrator's Survival Guide", Harvard University Press, Cambridge MA, 2006.

# Attachment 1

From: Alison [redacted] alison@[redacted].com  
Subject: Re: Work at MIT  
Date: January 5, 2019 at 7:18 PM  
To: Peter H Fisher fsherp@mit.edu, Joseph A Formaggio josephf@mit.edu, Boleslaw Wyslouch wyslouch@mit.edu



Hi Peter, Joe and Bolek,

I'm happy to share a few impressions and hope that the medium of email appropriately conveys that these are indeed impressions rather than judgment! I only have the exposure of 3 meetings and 4 perspectives which doesn't qualify me to be any kind of authority on the issues! You are clearly in a very challenging situation and faced with a problematic person who appears both irrational and combative (though I have heard but one side of the story). Structurally, you are hampered by tenure constraints, which are only exacerbated by gender politics and the possibility of embarrassingly public legal repercussions were you to pursue termination. This is not a simple situation.

The overall impression I have of the team is one of high conflict avoidance and a preference for a 'quiet' solution over a courageous, values-driven stand. If a quiet solution existed, I am sure you would already have walked down that path. That leaves a range of uncomfortable options that would require you to be willing to stomach a good deal of collective discomfort and disruption to get to the other side. I don't sense that willingness exists which leads to a 'yes, but...' response to any proposed solutions and an overall sense of hopelessness and disempowerment. Meanwhile, several of you have entertained the idea of resigning, yourselves, rather than taking this issue on, head on. I don't think I am telling you anything new!

In a corporate setting, conflict avoidance certainly exists but in well functioning settings, there are also a set of expectations that people are accountable to with real consequences if they fall short. Here are a few of the conditions that are notably present in many corporate contexts:

- A culture of regular feedback and performance evaluation (both technical and behavioral)
- Value placed on openness to feedback and continuous personal growth and learning

- An expectation that employees will treat others with respect (even while holding high expectations for performance)
- An emphasis on teamwork, collaboration, and collegiality
- An absolute intolerance for work place hostility or toxicity
- No guarantee of continued employment if performance OR behavior fall short of expectations
- Value placed on personal responsibility and accountability rather than blame and finger-pointing
- An expectation that managers will address poor performance or poor behavior directly and in a timely way
- An expectation that company leaders will explicitly articulate, model, and reinforce the company's values (the how) in parallel with their articulation of its business vision and strategy (the what)

If an employee was behaving in a toxic manner or was under-performing, that employee would be given direct feedback, and clear expectations for future behavior or results would be spelled out. Coaching might be offered if the person was seen to need that kind of support, or skills training might be proposed if there was some technical deficit. If bad behavior or poor performance continued, a Performance Improvement Plan would likely be initiated and the employee would be put on notice. If there was still no change, then demotion, re-assignment, or termination would typically follow. Some behaviors would be considered too egregious for such a process and would lead to immediate termination for cause. In a corporate setting, I suspect that your problematic colleague would already have been terminated for cause and the gender optics and legal ramifications would have been considered unfortunate but tolerable fall-out in service of protecting the company's culture and the wellbeing of its other employees.

I hope this is helpful. I enjoyed our conversations and do wish you a positive resolution to a painful set of circumstances!

Warm regards and a happy new year to you all,  
Ali

Alison (Ali) [redacted]



## Attachment 2

### MIT Physics Community Values

May 2018

This statement of values informs departmental policies and structures and applies to the MIT Physics community, including students, faculty, staff, and all those who choose to affiliate with the MIT Physics Department. The Department commits to ensuring that the entire community understands and strives to uphold the values in this document.

**Our Physics Community Values stem from the basic principle that members of our community should treat each other with respect and decency at all times. In turn, we should not alienate, diminish or insult each other, either in word or deed.**

Based on this principle, we believe that *well-being*, *respect*, *inclusion*, *collaboration* and *mentorship* are moral imperatives that are vital to scientific progress. These ideals are essential for excellence in teaching and research and guide our participation in the MIT Physics community.

**Well-being:** We support each other at all times and remember that we are not alone.

Mental and physical health are priorities above all else. Proactively addressing wellness is essential to everyone in our community. We look out for others who may be in distress or struggling and offer them compassion and understanding. Just as we treat others well, we must be compassionate with ourselves. Asking for support is brave and admirable no matter the circumstances. We strive to find a healthy balance between our professional and personal lives and proactively seek out any support that we need.

**Respect:** We value the multitude of ways to be a physicist and the many paths through our field and Department.

We are all respected as physicists, regardless of the problems we choose to study or our current level of mastery. No field of research is inferior; all areas of study are worthy of respect. Much of physics research is interdisciplinary. We value the richness that interdisciplinary research brings and recognize the worth of other research fields.

Our community includes an invaluable team of dedicated administrative and support staff members. We value the diverse strengths and experiences of all staff members and recognize them as an integral part of the Department.

**Inclusion:** We strive to speak and act in ways that support and include all members of our community.

We are informed and shaped by our identities and experiences. A diversity of identities and experiences is essential to bringing broad perspectives to our Department and academic mission. It is our responsibility to ensure that these diverse voices are included and heard. As individuals and as a community we constantly work to avoid all forms of discrimination, including explicit, implicit and/or unintended bias. We respect and validate other people's identities and the language they use to describe themselves. Comments made with good intentions can still be hurtful and we strive to be aware of how our comments impact others.

**Collaboration:** Physics is a social endeavor and we proudly collaborate with others to advance the field.

When we collaborate, we take other people's ideas seriously and recognize that they might understand concepts and approach problems differently. Exclusion or derision of others based on different points of view is not acceptable. Collaboration requires sharing knowledge and skills, and is based on appropriately acknowledging everyone's intellectual contributions. Proper acknowledgement is crucial to all activities in the Department.

**Mentorship:** All physicists are here because of the mentorship we have received and continue to receive, and the mentorship we offer to others.

We all act as both mentors and mentees throughout our careers. Mentor-mentee relationships entail constructive feedback, active listening, responsiveness and a mutual respect and appreciation of each other's efforts and time. Humiliation and degradation are unacceptable forms of interaction. Mentors should act with compassion, empathy and a strong belief in the potential of their mentees. Mentees should be communicative, ask questions and take initiative.

As members of our community, we uphold the principles of well-being, value, inclusion, collaboration and mentorship. We take an active responsibility in ensuring that everyone feels welcome and respected. We recognize that other people's life experiences are not our own, but are valid in and of themselves. Given this, we realize that our actions may impact others in unintended ways even as we strive to treat each other with respect. We understand that we will make mistakes. When we do, we will work to correct them and educate ourselves. We take pride in being upstanding members of our community.

### Contributors

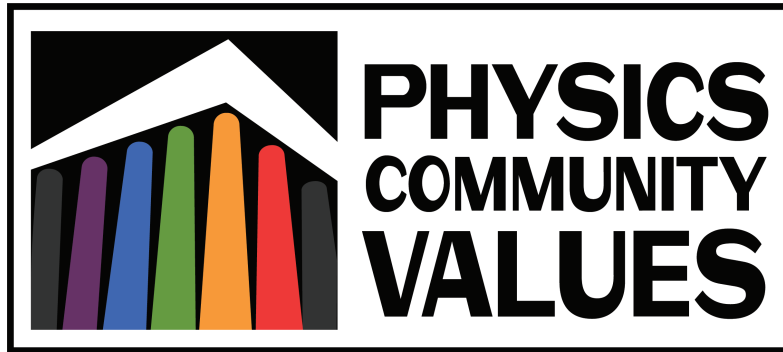
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Physics Faculty: Peter Fisher, Nergis Mavalala, Scott Hughes, Jolyon Bloomfield



## Our vision

**Our Physics Community Values stem from the basic principle that members of our community should treat each other with respect and decency at all times. In turn, we should not alienate, diminish or insult each other, either in word or deed.**

## Our values

### Well-being

We support each other at all times and remember that we are not alone.



### Respect

We value the multitude of ways to be a physicist and the many paths through our field and Department.



### Inclusion

We strive to speak and act in ways that support and include all members of our community.



### Collaboration

Physics is a social endeavor and we proudly collaborate with others to advance the field.



### Mentorship

All physicists are here because of the mentorship we have received and continue to receive, and the mentorship we offer to others.

