

EXHIBIT 07

Initial Review Discussion, Part I

Case: FAS FAC ANTHRO 05-18-20B

Date: July 13, 2020

Time: 1:30 p.m. – 4:30 p.m.

Location: Via Zoom Videoconference

Complainant (“Cp”): Lilia Kilburn, GSAS Student

Personal Advisor (“PA”): Jacqueline Yun, Executive Director, GSAS Student Center

Potential Respondent (“pRp”): John Comaroff, FAS Professor of African and African American Studies and of Anthropology

ODR: Ilissa Povich (“IP”), ODR Senior Investigator, & Jessica Shaffer (“JS”), ODR Fellow

ODR: [Welcomes Cp. Introduces IP and JS. Explains initial review, a complaint was filed in our office by Title IX Coordinator Seth Avakian based in part on information ODR understands that Cp provided to him. ODR interviewed Seth as the Reporter, the person who submitted the Complaint.] We discussed the role of complainant versus witness when spoke in June. Do you have any further questions on that?

Cp: I have clarity on that distinction now, so I’m happy to proceed as a complainant.

ODR: Our questions are based on the Complaint filed by Seth. You can decide if you want that to be your complaint, understanding that in initial review we consider the Complaint and information shared in the initial review discussion which is what this meeting is. If you’d like that to serve as the Complaint, please email us and request we accept your electronic signature. The other option is you can write your own complaint.

ODR: [Reviews: neutral role of ODR; voluntariness of participation; under current Procedures, provide information that may rely on to both parties--parity in information sharing; will be informed in Procedures change; expectation of confidentiality; prohibition against retaliation.] We provided you several documents including the Policy and Procedures in an email some time ago. Do you have any questions about those?

Cp: Let me check, but I think Jackie and I were able to speak about a bunch of those. I think the ones I have maybe there will be other moments to ask them.

ODR: [Explains breaks available as needed and logistics of breaks on Zoom.] Any questions?

Cp: No, I think that’s all clear.

PA: [Cp], can I ask one question?

ODR: Yes.

PA: Is it possible for [Cp] to provide her written statement in advance of questions or is it important to have a question session to talk about Seth’s information first? Does it double on work from interviews?

That is the way it was with my Master's advisor. I went to her for advice about this. But I, Nick—.

ODR: What do you mean by you went to your Master's advisor "about this"?

Cp: On this situation with [pRp].

ODR: Who was that advisor?

Cp: Her name is Eugenie Brinkema. She's a professor in the English Department at MIT, and she had been my Master's thesis advisor.

[Break.]

ODR: Are we ready? Would you like to continue?

Cp: I just don't want to drag it out forever because I think it will be kind of awful no matter what. Sorry about that.

ODR: Is there anything else you want to say about academic impact or about feeling you couldn't meet with [pRp]?

Cp: There were a lot of impacts over the year. I didn't take classes I wanted to take. I was afraid to ask for letters of recommendation. I did once, but felt really uncomfortable because I felt if I continued to do so I— because I didn't know if I was put in a position where he acted in an unexpected way, if I'd be less able to, if it put me in a bad position if I needed him for a grant. It seemed like a bad idea. There's all kinds of effects it had. Things I don't want to forget in the first semester is I did write about my experience with [pRp], that I wrote in an anonymous survey about LGBT at Harvard. I wanted it to be on record somewhere. I didn't know what Title IX was. I tried to talk to the administrator and older students. I didn't want to bring it up to my Master's advisor yet because I felt she was so proud of me for starting the degree. I didn't want to be the person with problems the first day. I felt like a lot of the time was good. I was holding out hope to do things like not meet with [pRp] to solve the problem. I did write a bit about the corrective rape situation in particular and ways I tried to get advice in the Department and couldn't. I didn't write about how he kissed me because it didn't feel like queer discrimination. In retrospective, it clearly was. So much of it had to do with how he wanted me to be straight and was angry I was not. I felt I needed to not sound dramatic but put it on the record somewhere. I'm happy to show that to you if you want.

ODR: Was that in the fall of 2017?

Cp: It is.

ODR: You're welcome to provide that to us. As a reminder that would be shared with [pRp]. Were there other instances in the first semester where he touched you?

Cp: It appears [pRp] was only advising women. Jean was only advising men. Jean was only advising men for whatever reason.

ODR: Looking at the time, should we turn to scheduling?

Cp: Yeah.

[Discussing scheduling.]

Cp: Thursday afternoon could be good. Wednesday I have classes. Thursday? It's tough because some of most severe things were in first year. Lots of impact continued after and a time [pRp] was trying to exert control over my work and I was trying to work with other faculty.

ODR: Thursday?

Cp: I think anytime 2:00 p.m. onward.

ODR: Why don't we reserve 2:00 p.m. to 4:00 p.m.?

Cp: I have a question about the issue of witnesses. I've been open with people about this, but I spoke to a journalist about this. I want to know how the possible public emergence of some of this stuff may bear on the calling of witnesses for me. I don't want the story itself to be interfering with what people think we talked about and I'm working to figure out how to navigate this. Can people be reached out to before this might happen?

ODR: If I understand your question, if you identify possible witnesses, it is fine for you to say, "I'm involved in an ODR case. I've given your name. They'll be reaching out to you." That is perfectly fine.

Cp: Would it be okay to ask them to say write down what they were talking about. I talked to this person months ago, so I don't know when this will actually happen, so I don't want it to limit my ability to I don't know.

ODR: I understand the story has not come out yet that you are referring to?

Cp: [Shakes head, indicating negative response.]

ODR: I understand you're concerned it is going to. When we interview witnesses, we want to know what people learned from a party and when. We focus our questions on that. When we have cases where there is information in the press, we try to understand from a witness the basis on which they're providing information.

Cp: Great, okay.

PA: [LK], do you anticipate you'll provide another complaint?

Cp: Yeah.

ODR: You don't have to tell us definitely today.

Cp: I think so. Yeah, I think I will. I think Seth's isn't quite complete enough from my standpoint.

ODR: If it's possible to get that by Thursday, that would be great.

Cp: I think I can probably try to do that. Do you prefer a PDF or word doc?

ODR: Whatever works for you.

Cp: That is shared with [pRp], correct?

ODR: Yes. [Explains FERPA redactions.]

Cp: Is there a problem with me not naming people to protect their privacy?

ODR: The process is voluntary. I cannot advise you on how to write the Complaint. You should know that if you reference specific people, we wouldn't be able to corroborate the information related to them if you don't identify it to a specific person.

Cp: Got it. I guess I can be more clear about what I'm talking about. When I went to talk to Title IX about [pRp] I didn't use his name. But Seth said, "I know who you are talking about. This sounds familiar." He connected me to a student who previously filed a report about [pRp]. I spoke to her at length and that informed my decision to cut ties with him. I feel that I'm going to need to include that. I don't think she's interested in being part of the process, so I'm not entirely sure how to go about that.

ODR: If you don't provide us the name, we won't reach out. We won't learn from her about your conversation with her.

Cp: Does it matter that information comes from me or is the only things that matter are things another person can recount as well?

ODR: When we do analysis, we ask about subjective experiences and we look for objective information that supports it. We consider both. If you identify someone as a witness, their name, even if the person doesn't talk to us, their name will end up being in the final report. There is a list of witness and everyone who agreed to talk to us. As a neutral I can't give you guidance on how to present the information.

Cp: Got it. Right. I think it's okay. She already told [pRp] herself that she went to Title IX about him. It's up to her if she decides to participate or not. She can make that choice.

PA: Can I ask a question?

Initial Review Discussion, Part II

Case: FAS FAC ANTHRO 05-18-20 B

Date: July 16, 2020

Time: 2:00 p.m. – 4:45 p.m.

Location: Via Zoom Videoconference

Complainant (“Cp”): Lilia Kilburn, GSAS Student

Personal Advisor (“PA”): Jacqueline Yun, Executive Director, GSAS Student Center

Potential Respondent (“pRp”): John Comaroff, FAS Professor of African and African American Studies and of Anthropology

ODR: Ilissa Povich (“IP”), ODR Senior Investigator, & Jessica Shaffer (“JS”), ODR Fellow

ODR: [Welcomes Cp. Thanks Cp for the 83-page word document that ODR received on July 13. Explains ODR reviewed the document and prepared questions accordingly.] Do you have any questions before we begin?

Cp: Yes, we had come up with a few but a few you just answered. We weren't sure if you could look at that document without me signing or without calling it the Complaint. I can submit a different version and call it the Complaint.

ODR: You do not need to do that. You could just send an email stating that you'd like the document you submitted on July 13 to constitute the Complaint and to please consider it signed.

Cp: I'll do that.

ODR: Do you intend to submit the full document as the Complaint?

Cp: Yeah, I caught a few typos, and I'll send the one I have now, but it's virtually identical. I switched out a few [pRp's first name]s for [pRp's last name]s.

ODR: Any other questions?

PA: Yeah, this is procedural question, so I can articulate it. [Cp] was asking and I didn't feel 100% confident of the answer but wanted her to have an answer. With what [pRp] sees, when it comes to the Complaint, the statement, it's not altered in any way except blocking out names, correct?

ODR: Yes, we only redact student information. He'd see it in this form, like really anything you provide. We can't consider character evidence, but people frequently provide it. Our process is we share what was provided by the parties. He'll see everything you submit, and you will see everything he submits.

Cp: Does that apply to our email exchanges before the Complaint opened?

ODR: That doesn't apply to procedural questions, like questions on timing. We don't share that kind of information.

Cp: Great. Connected to that, how is the interview shared? The Complaint is viewed in totality. Is the interview shared as everything gathered?

ODR: Under the current Procedures we don't share everything in the interview. We share anything we might rely on, but we don't share the interviews in their entirety. If the Procedures change, we will let you know and explain how that change will be implemented.

Cp: Got it.

ODR: Our current practice is we read from the notes the portions that we might rely on.

Cp: The parts relevant to the actual possible violations of the Policy?

ODR: Yes, exactly.

PA: I have a question about timeline. I know it's impossible to determine. But can we think through the beats from initial review to when it changes to be beyond initial review? Just so she has a sense of scope, not the exact timeline but the beats.

ODR: [Explains steps in ODR's investigative process.]

PA: Does the final report go to the faculty members of the school or to FAS Faculty Affairs?

ODR: It goes to the Dean, I think.

PA: It goes to Claudine Gay?

Cp: Yes, that is who it would go to.

Cp: This is very helpful. Thanks for going through that.

ODR: Let me clarify. To be honest, once we make the decision to open a complaint for investigation, the school identifies a liaison. In a faculty case, it is the contact person identified by the School. That is who I'd provide the report to, whoever the liaison is. The liaison definitely wouldn't be Claudine. The liaison then gets the report to the right person or persons within the School.

Cp: That's really helpful. Can I expect that I will be able to do a fair amount of work for this process before the semester starts?

ODR: I hope so, certainly if we open for investigation the notice would happen. The whole case will not be wrapped up before the end of the summer. But to get through the end of your post-Response interview by that time, I think is reasonable. We provide updates and notice of party interviews, which is required by the Violence Against Women Act. He doesn't know from us about the initial review. We don't tell respondents that we've received a complaint until we decide to open. You'd know when his post-Response interview is scheduled. It's intended to