

# **EXHIBIT 08**



HARVARD UNIVERSITY  
Office for Dispute Resolution

July 29, 2020

John Comaroff

Hugh K. Foster Professor of African and African American Studies and of Anthropology

Dear Professor Comaroff:

I am writing to inform you that on May 18, 2020, Seth Avakian (“Reporter”), who is a Title IX Coordinator for FAS, filed a complaint against you with the Office for Dispute Resolution (“ODR”), which Reporter revised on June 3, 2020. The Director of ODR, William McCants, assigned the complaint to me to conduct initial review pursuant to the Sexual and Gender-Based Harassment Policy and Procedures for the Faculty of Arts and Sciences (the “FAS Policy and Procedures”). During an initial review discussion that began on May 29, 2020 and concluded on June 2, 2020, Reporter discussed the complaint with ODR, and identified the potential Complainant.

Pursuant to the FAS Policy and Procedures, Section VI.D.iii, *Initial Review*, I met with the potential Complainant to gather information and discuss her interest in participating in an investigation. In initial review discussions on July 13, 16, and 20, 2020 (the “July 13 discussion,” the “July 16 discussion,” and the “July 20 discussion,” respectively), the potential Complainant, [REDACTED] (“Complainant”) indicated that she wished to participate as a Complainant, and filed a Complaint received by ODR on July 17, 2020 (“Complaint”). A copy of the 84-page Complaint as well as an 83-page document received by ODR from Complainant on July 14, 2020 (both of which are entitled “Account of time spent working with Professor John Comaroff, October 2016-June 2020”) are attached to this letter. Also attached are the FAS Policy and Procedures and the Harvard University Sexual and Gender-Based Harassment Policy (the “University Policy”) which is adopted by the FAS Policy and Procedures, the Procedures for Handling Complaints Involving Students Pursuant to the Sexual and Gender-Based Harassment Policy (the “University Procedures”), the Frequently Asked Questions Concerning the University Policy and the University Procedures, the FAQs concerning the FAS Policy and Procedures, the ODR Flowchart on the Investigative Process, and the Personal Advisor Role Frequently Asked Questions. As set forth in Section VI.D.iii of the FAS Policy and Procedures, ODR has conducted the initial review of the Complaint and determined that the information, if true, would violate the *FAS Sexual and Gender-Based Harassment Policy* (the “*FAS Policy*”) contained in Sections II of the *FAS Policy and Procedures*, such that an investigation is warranted. The Faculty of Arts and Sciences (“FAS”) has also requested that ODR investigate whether your alleged conduct may have violated Section IV.A of the FAS Policy and Procedures concerning Prohibited Sexual Relations With Students.

In the Complaint, Complainant wrote that “[b]eginning when [she] was an admitted student in March 2017, [you] subjected [her] to ongoing sexual harassment which has affected nearly every

aspect of [her] graduate school experience[.]" which she indicated included the following conduct:

- Complainant wrote in the Complaint that on February 27, 2017, when she was an admitted student in the Graduate School of Arts and Sciences ("GSAS"), you and Professor Jean Comaroff had lunch with Complainant after which you and Complainant walked to "the gate that leads into the Barker Center on Quincy Street" where you "quickly moved [your]self in front of [Complainant], in the way of how [she] was going to continue to walk, and hugged [her] tightly, pressing [your] whole body against [her]. [. . . Y]ou moved [your] head back slightly, not otherwise changing [your] grip, and kissed [her] on the lips. Then [you] moved [your] head to the side, hugged [her] tighter, and murmured in [her] ear that [she] should 'go visit Columbia, but then come back here.'" Complainant also wrote that "[she] had never experienced kissing directly on the lips anywhere as a form of greeting with acquaintances or strangers. The way [you] had murmured in [her] ear was also unmistakably intimate."
- Complainant also wrote in the Complaint concerning an August 28, 2017 meeting you had with her in your office in the Barker Center, "Immediately after [Complainant] spoke about [her female] partner, there was a long pause in which [you] leaned back a bit and seemed to be mulling something over. [You] then spoke [to Complainant] with excitement[. . . .] 'You know, there are many places where you [referring to Complainant] would go where you would be raped. You would certainly be raped. In other places, you would be raped and killed.' [You] started mentioning specific locations, and speculating as to which of the two options (rape, or rape and murder) would happen to [Complainant] in which locations. [You] used the verb form "would" consistently, and amended this with 'certainly' or 'most likely'—'[Complainant] would certainly be raped,' '[Complainant] would most likely be raped.'" Complainant also wrote, "[You were] obviously speaking about the phenomenon of corrective rape, whereby women in same-sex relationships are raped in an effort to 'turn them straight,' and which is especially common in South Africa, although [you] did not say any of this explicitly." Complainant stated in the July 13 discussion, "Because we're anthropologists, we talk about phenomena in the world in detailed ways. Sometimes they're violent, maybe sexual sometimes. Most anthropologists don't think just because they're anthropologists, they can talk about whatever what they want at any time. More than that, when we do talk about things, we talk with accuracy and specificity. He was putting me in the role as a rape victim and a victim of rape and murder. It [. . .] had nothing to do with corrective rape, which happened mostly to black women and those who are not female presenting. It was so far detached from anything that could be called an anthropological description of this issue or a description of the issue for me."
- Complainant also wrote in the Complaint that as she was leaving a brunch at your home on September 24, 2017, "[You] said [you] would walk [Complainant] out. [. . . She] stopped by the room to the left of the front door, where [she] had left [her] bag. Since it was on the floor on the edge of the room, [she] had to awkwardly crouch down to get it from amidst some other items. As [she] moved back up to standing position, [she] found that suddenly [you were] very close to [her] and attempting to hug [her]. [She] had

nowhere to maneuver because [she] was already on the edge of the room. [You] grabbed [her] with both arms for a forcible hug as [she] attempted to remain at a distance, and planted a kiss on [her] face. [She] attempted to crane [her] neck to the side to avoid [your] kiss, which would have otherwise landed on [her] mouth, so [you] ended up kissing the left half of [her] mouth.” Complainant wrote that “[she] wrenched [her]self out of [your] grasp with some force” and that she “remember[ed] wiping the side of [her] mouth, which was wet from the kiss.”

- Complainant also wrote in the Complaint that on three occasions, you “put [your] hand on the small of [her] back,” twice during a brunch at your house on September 24, 2017, and once at a Current Research in Anthropology graduate student meeting held in the Tozzer building on either November 17, or December 1, 2017. Complainant stated in the July 13 discussion concerning the touch at the graduate student meeting, “[I]t wasn’t a quick shoulder touch. It was full palm, a little bit of an intimate gesture I’d say. [. . .] To be touched like that from a professor, I’d find it strange. [. . .] When he touched me, I never saw him touch others in the same way.”
- Complainant wrote in the Complaint that during a colloquium held in February 2018, that you and Complainant attended, “[you] picked a moment to touch [her] when others were nearby and when someone was leaving.” She wrote in the Complaint, “[You] must have risen from a nearby seat—[she was] not sure where, [. . .] —and passed by [her] seat in the back row, which served as a kind of corridor out of the lecture, on [your] way out. [She] remember[ed] feeling [you] squeeze [her] strongly on the left thigh, and [you] also grinned at [her] and made eye contact.” Complainant stated in the July 13 discussion, “It was definitely him squeezing my leg. [. . .] I mean it’s like he grabbed the fleshy part of my leg, which says it was at least four to five inches up from my knee. And I think I was probably wearing a skirt and tights.” Complainant wrote in the Complaint that “[t]his served to make [her] feel confused—if it was really wrong for [you] to touch [her], as [she] felt it was, why [were you] doing it in front of people? But perhaps more to the point, [your] touching [her] in a lecture so gave [her] no chance to respond.”

As set forth in the FAS Policy and Procedures, Section VI.D.iv, *Investigation*, you have one week in which to submit a written statement in response to the allegations in the Complaint. This statement must be in your own words. Please note that you may not submit a statement authored by others, including family members, advisors or attorneys. With the statement, you should attach a list (or provide copies, as applicable and as you see fit) of all the sources of information (for example witnesses, correspondence, records and the like) that you believe may be relevant to this investigation.

As also set forth in Section VI.D.iv of the FAS Policy and Procedures, when a complaint involves allegations that, if true, also might constitute criminal conduct, Respondents are advised to seek legal counsel before making any written or oral statements. The ODR investigation process is not a legal proceeding, but Respondents might wish to obtain legal advice about how this process could affect any criminal case in which they are or may become involved. Both the Respondent and the Complainant are advised by ODR that they may seek legal advice at any time during the investigative process.

As set forth in Section VI.D.v of the FAS Policy and Procedures, *Personal Advisors*, you also may bring a personal advisor to any interviews with the ODR investigator. A personal advisor should be someone who can assist you without conflict, and thus should not have another role in the process. You may also choose an attorney as your personal advisor.

As set forth in Section VI.D.vi of the FAS Policy and Procedures, *Confidentiality*, ODR, personal advisors and others at the University involved in or aware of the Complaint will take reasonable steps to protect the privacy of all involved. Once a complaint is filed, the Complainant, the Respondent, and any witnesses will be notified that disclosing information about the case has the potential for compromising the integrity of the investigation and might in certain circumstances be construed as retaliatory. Retaliation of any kind is in itself a separate violation of the Policy and may lead to an additional complaint and consequences.

The parties remain free to share their own experiences, other than information they have learned solely through the investigatory process, though to avoid the possibility of compromising the investigation, it is generally advisable to limit the number of people in whom they confide.

As set forth in the FAS Policy, retaliation against an individual for raising an allegation of sexual or gender-based harassment, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in an investigation is also prohibited.

Please note that the Investigator may impose reasonable timeframes on the parties to ensure a prompt and equitable investigation.

I look forward to receiving your written statement in response to the allegations, as well as any attached information that you believe may be relevant to the investigation. Please feel free to email me at the email address below if you have any questions concerning this letter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ilissa Povich".

Ilissa Povich  
Senior Investigator  
Office for Dispute Resolution



Attachments