

EXHIBIT 33

CONFIDENTIAL

OFFICE FOR DISPUTE RESOLUTION
DRAFT FINAL REPORT OF INVESTIGATION

Draft of May 10, 2021

I. INTRODUCTION

On May 18, 2020, [REDACTED] (Reporter), Program Officer for Title IX and Professional Conduct in the Faculty of Arts and Sciences (FAS), filed a complaint against [REDACTED] Hugh K. Foster Professor of African and African American Studies and of Anthropology (Respondent) with the Office for Dispute Resolution (ODR) in the Office of the Provost at Harvard University (the University). In an initial review discussion on May 29, 2020, Reporter identified the potential Complainant as [REDACTED], a graduate student in the Department of Anthropology (the Department) in the Graduate School of Arts and Sciences (GSAS), who indicated in her initial review discussion with ODR on July 13, 2020 that she wished to participate as a Complainant (Complainant) together with Respondent, the parties. Complainant submitted a Complaint (the Complaint) to ODR on July 16, 2020.¹ In the Complaint, Complainant wrote that "[b]eginning when [she] was an admitted student in March 2017, [Respondent] subjected [her] to ongoing sexual harassment which has affected nearly every aspect of [her] graduate school experience. [Complainant] wrote in the Complaint that:

1. Outside of the Barker Center on February 27, 2017, when she was an admitted student in GSAS, Respondent hugged [her] tightly, pressing his whole body against [her,] [REDACTED] kissed [her] on the lips[,] [REDACTED] and intimate[ly] [REDACTED] murmured in [her] ear that [she] should go visit Columbia, but then come back here. [REDACTED] (the February 2017 hug and kiss incident)
2. On August 28, 2017, during a meeting with Respondent in his Barker Center office, Complainant spoke about traveling with her partner [who] is a woman, [REDACTED] and Respondent then spoke with excitement, [REDACTED] "You know, there are many places where you [i.e., Complainant] would go where you would be raped. You would certainly be raped. In other places, you would be raped and killed. [REDACTED] Complainant wrote that Respondent mention[ed] specific locations [REDACTED] and speculat[ed] as to which of the two options (rape, or rape and murder) would happen to [Complainant] in which locations [REDACTED] and that Respondent was obviously speaking about the phenomenon of corrective rape [. . .] although he did not say any of this explicitly[.] [REDACTED] (the August 2017 corrective rape description incident)
3. On September 24, 2017, as Complainant was leaving a brunch at Respondent's home (the September 2017 brunch [or the brunch]), Respondent grabbed [her] with both arms for a forcible hug [. . .] and planted a kiss on [her] face. [Complainant] attempted to crane [her] neck to the side to avoid his kiss, which would have otherwise landed on [her] mouth, so [Respondent] ended up kissing the left half of [her] mouth. [REDACTED] (the September 2017 brunch kiss incident)

¹ The Complaint and all other documents cited herein have been appended as exhibits to this Report.

- vi. Photograph □Turning further to the right [. . .] facing the wall with the bathroom door □(Exhibit 13)
6. Email from ██████████ (Person C □), Anthropology Department Graduate Program Administrator at the time, to Complainant, with copies to Respondent, Witness 7, and others, dated June 8, 2017 (Exhibit 14)

From Reporter

1. Document entitled □Notes on [Complainant,] □undated (Exhibit 15)

From Witness 2

1. Email from Witness 2 to the Investigator, dated October 19, 2020, forwarding an email from Person C, dated October 25, 2017

From Witness 3

1. Email to the Investigator, dated October 8, 2020, forwarding emails between Complainant and Witness 3, dated various dates between February 23 and March 21, 2018

From Witness 5

1. Email from Witness 5 to the Investigator, dated October 14, 2020, forwarding emails between Complainant and Witness 5, dated April 28, 29, and 30, 2019

From Witness 6

1. Emails between Complainant and Witness 6, dated May 4, 2019
2. Email from Witness 6 to the ODR Fellow with a copy to the Investigator, dated October 25, 2020

From Witness 7

1. Email from Witness 7 to ODR, dated October 27, 2020

From Witness 8

1. Progress Note for Individual Psychotherapy Sessions, dated March 6, 2019
2. Progress Note for Individual Psychotherapy Sessions, dated March 20, 2019

From Witness 9

1. Email from Witness 9 to the Investigator, dated November 18, 2020, forwarding an email from Witness 9 to Witness 6, dated May 29, 2020
2. Photograph of TV room wall in Respondent □home (Exhibit 16)
3. Email from Witness 9 to the Investigator, dated November 21, 2020

The Investigator held separate follow-up interviews with the parties prior to the conclusion of the investigation. The Investigator first reached out to Complainant on November 30, 2020 to schedule a follow-up interview. On December 2, 2020, Complainant expressed the need for an extension to complete end-of-semester requirements. In consultation with GSAS, ODR granted