

# HARVARD UNIVERSITY

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May 1, 2020

President Lawrence S. Bacow  
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Massachusetts Hall  
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Dear President Bacow:

On September 12, 2019, you issued a message to the Harvard community concerning Jeffrey E. Epstein's relationship with Harvard. Your message rightly condemned Epstein's crimes as "utterly abhorrent . . . repulsive and reprehensible," and expressed "profound[] regret" about "Harvard's past association with him." You noted that a preliminary review of Epstein's donations had indicated that Harvard did not accept gifts from him after his 2008 conviction for crimes related to solicitation of minors for prostitution, and you asked for a further review of Epstein's donations to Harvard, as well as a review of the circumstances surrounding Epstein's appointment as a Visiting Fellow in Harvard's Department of Psychology in 2005.

In order to conduct this review, I engaged outside counsel to work with me and one of my attorneys in the Office of the General Counsel.<sup>1</sup> We have completed our review and enclose our report which sets forth information regarding the process we followed; our findings; and recommendations based on those findings. Each is also discussed briefly below. I note that our findings confirm that Harvard University did not accept donations from Epstein after his conviction in 2008. We further find that this was based on deliberate decisions not to accept gifts from him made by senior Harvard officials who recognized the aberrant and unacceptable nature of his conduct.

In conducting our review, we interviewed more than 40 individuals from within and outside the University and collected and conducted targeted searches and reviews of more than 250,000 pages of documents, including email records obtained in accordance with Harvard

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<sup>1</sup> It was not necessary for the Harvard Corporation to engage independent counsel for this review because none of the officers or other relevant senior officials currently in office made any decisions regarding accepting gifts from Epstein, given the 2008 decision not to accept gifts from him. Since 2008, the incumbents holding the positions of President, Provost and Vice President for Alumni Affairs and Development, to name a few, are new. I was a line attorney in the Office of the General Counsel from 1994 to 2011 (University Attorney) with no particular responsibility for advising about gift acceptance.

policy. Following up on your message, I sent a communication to the community providing a mechanism for individuals to share information on either an identified or an anonymized basis. We received reports through those systems and followed up on the issues raised in those communications as well. I am grateful to all those who came forward to provide information for our review.

Our review addresses three principal areas of focus: (1) Epstein's donations to Harvard; (2) his appointment as a Visiting Fellow; and (3) his relationship with the Program on Evolutionary Dynamics, a program within Harvard's Faculty of Arts and Sciences that Epstein initially funded.

Based on our review, we determined that prior to his 2008 conviction, Epstein donated \$9,179,000 to support Harvard faculty and programs, with the vast majority of those donations occurring before his 2006 arrest. These gifts were made between 1998 and 2007, and typically ranged between \$10,000 to \$200,000. Epstein did, however, make one substantially larger gift of \$6.5 million in 2003 to help create Harvard's Program in Evolutionary Dynamics. During the years before Epstein's criminal activity became known to the public, various Harvard faculty and administrators pursued donations from him, knowing he was a wealthy individual interested in science and philanthropy. Some members of the Harvard community continued their relationships with Epstein even after his conviction, but these relationships in and of themselves did not violate Harvard policies.

In 2008, shortly after taking office as President, Drew G. Faust was asked to consider a new gift from Epstein. Though she had not heard of him at the time, after she was briefed on the nature of the allegations against him, she determined that Harvard should no longer accept gifts from him. In 2013, several faculty members requested that Harvard reconsider accepting donations from Epstein. That request was put before then-Dean of the Faculty of Arts and Sciences, Michael D. Smith, who, after being briefed about Epstein, reached the same conclusion as President Faust, and denied the request to entertain the possibility of gifts from Epstein. In his interview, Dean Smith explained that he concluded at the time that it would be inconsistent with Harvard's commitment to address sexual assault and harassment at our institution to accept gifts from Epstein.

Following his conviction in 2008, Epstein did continue efforts to interest other donors in supporting research at Harvard. We understand, for example, that an FAS faculty member and a Harvard Medical School faculty member both received funding from donors who were introduced to these scientists by Epstein. With respect to one of these donors, we established that Epstein or his associates helped to facilitate the gift transactions, as more fully described in the report. But that donor, an alumnus with a history of giving generously to Harvard, as well as the other donor, agreed to cooperate with our review, told us their donations were based on their independent decisions to support the research and that the gifts were made with their own money. Our review did not reveal information that would establish anything to the contrary.

Nevertheless, development officers at Harvard knew about Epstein's continued involvement in encouraging others to donate to Harvard and did not take steps to discourage these efforts despite knowing that gifts would not be welcome from him. No one violated any Harvard policy in this regard, as there is none; a matter we recommend be rectified.

As to Epstein's appointment as a Visiting Fellow, the initial appointment occurred in 2005, before Epstein's arrest. The Visiting Fellow designation is now, as it was in 2005, granted to an independent researcher registered with Harvard's Graduate School of Arts and Sciences as a graduate research student. In 2005, the Chair of the Psychology Department, Dr. Stephen Kosslyn, recommended Epstein's admission. Between 1998 and 2002, Epstein had donated \$200,000 to support Dr. Kosslyn's work. The Visiting Fellow application process does not inquire about possible conflicts of interest and the fact of Epstein's donations was not disclosed in the paperwork submitted by Dr. Kosslyn in support of Epstein's application. After reviewing these records, we conclude, and no one argues to the contrary, that Epstein lacked the academic qualifications Visiting Fellows typically possess and his application proposed a course of study Epstein was unqualified to pursue. Epstein's application was, nevertheless, approved, having been supported by a department chair. Epstein paid the tuition and fees to be a Visiting Fellow and showed up for registration, but we understand he did very little to pursue his course of study. Nevertheless, he applied to be re-admitted for a second year, the 2006-2007 academic year, and was again admitted, but he withdrew from that appointment following his arrest and before the new academic year began.

The third area of focus from our investigation was Epstein's relationship with the Program for Evolutionary Dynamics. As noted above, Epstein initially funded the program in 2003 with a gift of \$6.5 million. Epstein maintained a relationship with the director of the PED, Professor Martin Nowak, over the next 15 years, including after Epstein's release from prison. While we have not been able to determine the precise number of campus visits, we understand that Epstein visited the offices of PED in Harvard Square more than 40 times between 2010 and 2018. We did not find evidence that Epstein engaged with undergraduate students during these visits (or during his time as a Visiting Fellow). Instead, Epstein used these visits principally as opportunities to speak with prominent faculty from the Cambridge area, many of them Harvard faculty. While inviting Epstein to campus did not violate any Harvard policies, aspects of his relationship to the PED, such as his access to the program's offices, treatment on the PED's website and interactions concerning one grant application, do implicate Harvard policies and our findings and recommendations address these issues.

Based on our review, we recommend that Harvard consider improving aspects of its operations in three respects and consider the appropriateness of certain personnel actions. These recommendations are explained in more detail in the report. I summarize them below:

- At your direction Harvard already has created a reporting relationship between school-based fundraising officers and the Vice President for Alumni Affairs and Development, and we support this action. With respect to decisions made by Harvard not to accept a particular gift, or gifts from a particular donor, these decisions need a more formal communication mechanism and better definition about the nature of the relationship with the individual once the decision is made. Development officers throughout Harvard, as well as any faculty who have received support from a person who has become ineligible to give, need to be informed more formally of such decisions and whether such decisions are irrevocable or time-limited.
- Harvard's Gift Policy Committee should expand the universe of gifts and donors to be evaluated and communicate the criteria for review to faculty members, department chairs, deans, and development staff. We understand that the GPC is preparing a gift policy guide for the Harvard community, and we support that effort to more plainly communicate the values and standards that underpin our gift processes to all involved in fundraising at Harvard and to our alumni and donor communities.
- In terms of Visiting Fellows, we recommend that the Faculty of Arts and Sciences consider developing further controls to evaluate Visiting Fellows and ensure that any conflicts or potential conflicts of interest are disclosed and that candidates who pose a conflict or lack basic qualifications are independently reviewed as part of the approval process.
- The Faculty Affairs Office in FAS and/or the FAS Associate Dean for Human Resources should determine whether the actions disclosed in this report concerning the PED constitute violations of Harvard's policies, and if so, what further action should be taken.

The [attached report](#) provides additional information regarding these findings and recommendations.

I look forward to answering any questions you may have.

Sincerely,



Diane E. Lopez

Vice President and General Counsel