

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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ALEXANDER KESTENBAUM and	:	
STUDENTS AGAINST ANTISEMITISM,	:	
INC.,	:	Case No. 1:24-cv-10092-RGS
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Plaintiffs,	:	
	:	<b>SECOND AMENDED</b>
v.	:	<b><u>COMPLAINT</u></b>
	:	
PRESIDENT AND FELLOWS OF	:	
HARVARD COLLEGE,	:	
	:	Jury Trial Demanded
Defendant.	:	
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Plaintiffs Alexander “Shabbos” Kestenbaum (“Kestenbaum”) and Students Against Antisemitism, Inc. (“SAA”), for their complaint against defendant President and Fellows of Harvard College (“Harvard”), allege as follows:

**PRELIMINARY STATEMENT**

1. Harvard, America’s leading university, has become a bastion of rampant anti-Jewish hatred and harassment. Since October 7, 2023, when Hamas terrorists invaded Israel and slaughtered, tortured, raped, burned, and mutilated 1,200 people—including infants, children, and the elderly—antisemitism at Harvard has been particularly severe and pervasive. Mobs of pro-Hamas students and faculty have marched by the hundreds through Harvard’s campus, shouting vile antisemitic slogans and calling for death to Jews and Israel. Those mobs have occupied buildings, classrooms, libraries, student lounges, plazas, and study halls, often for days or weeks at a time, promoting violence against Jews and harassing and assaulting them on campus. Jewish students have been attacked on social media, and Harvard faculty members have promulgated antisemitism in their courses and dismissed and intimidated students who object.

2. Most recently, in April and May 2024—just after arguing to this Court that plaintiffs’ challenges to Harvard’s antisemitic hostile educational environment were “premature” and “contingent on establishing the deficiency of Harvard’s ongoing response to antisemitism”—Harvard permitted hundreds of Harvard students, faculty members, and others to occupy Harvard Yard for weeks, erecting an encampment to further their antisemitic agenda, replete with calls for global intifada and other antisemitic slogans, chants, and banners, disrupting Jewish and other students living in Harvard Yard dormitories and harassing, threatening, and intimidating Jewish students walking through the Yard.

3. What is most striking about all of this is Harvard’s abject failure and refusal to lift a finger to stop and deter this outrageous antisemitic conduct and effectively penalize the students and faculty who perpetrate it. Shockingly, instead, Harvard rewarded their conduct by capitulating to the unlawful occupiers of Harvard Yard, eschewing meaningful disciplinary consequences—and any consequence at all for the vast majority of those involved—from the three-week takeover of Harvard Yard, and promising the occupiers meetings with Harvard’s governing investment body concerning their demands that Harvard “divest” from Israel.

4. The “deficiency of Harvard’s ongoing response to antisemitism” and its deliberate indifference to its antisemitic hostile environment could not be clearer. Harvard’s refusal to do anything to effectively confront, let alone solve, its antisemitism problem, which, by February 2024, its then president had acknowledged was “very serious,” and its egregious double standards when it comes to protecting its Jewish students, are reflected in its May 17, 2024 public statement, entitled “Follow-up on the Ending of the Encampment in Harvard Yard.” In that statement, which Harvard requested the board of the Harvard Jewish Alumni Association (“HJAA”) circulate to its 3,000 members, Harvard refers to the “concerning behavior” of the

occupiers of Harvard Yard and the “significant disruption to Harvard’s educational activities and operations” the occupation caused and describes the woefully inadequate disciplinary measures Harvard was supposedly taking, as well as the divestment meeting promises Harvard’s president made to the occupiers. As the HJAA board put it in response to Harvard’s May 17 statement: “[T]he fact of the matter is that scores of students, faculty and administrators appear to be getting a free pass/slap on the wrist for behavior that would result in immediate administrative action including expulsion were any other minority or ethnic group targeted. What we see is leniency, supported by legalese, that would not have been afforded transgressors against any other university community.” Moreover, not once in its May 17 statement does Harvard even so much as mention antisemitism or Jews or Jewish concerns—an omission that would have been unthinkable had the target been any other group. As the HJAA board in its response further said, what Harvard did with respect to the occupation of Harvard Yard was a “continuation of massive moral failure on the part of the University.” It was also a continuation of Harvard’s massive legal failure.

5. Harvard’s antisemitism cancer—as a past Harvard president termed it—manifests itself in a double standard invidious to Jews. Harvard selectively enforces its policies to avoid protecting Jewish students from harassment, hires professors who support anti-Jewish violence and spread antisemitic propaganda, and ignores Jewish students’ pleas for protection. Those professors teach and advocate through a binary oppressor-oppressed lens, through which Jews, one of history’s most persecuted peoples, are typically designated “oppressor,” and therefore unworthy of support or sympathy. Harvard permits students and faculty to advocate, without consequence, the murder of Jews and the destruction of Israel, the only Jewish country in the world. Meanwhile, Harvard requires students to take a training class that warns that they will be

disciplined if they engage in sizeism, fatphobia, racism, transphobia, or other disfavored behavior.

6. Harvard's double standard starts at the top. Whereas almost twenty years ago, a Harvard president was run out of his position for merely suggesting a disfavored hypothesis concerning the underrepresentation of women in the sciences—a hypothesis he said he wanted proven wrong—Harvard's president, in early December 2023, testified before Congress that calls for the genocide of the Jewish people do not necessarily violate Harvard's policies, and then received the unanimous backing of Harvard's governing body. Following that testimony on December 5, 2023, the only rabbi on Harvard's recently appointed Antisemitism Advisory Group resigned because, as he said, "both events on campus and the painfully inadequate testimony reinforced the idea that I cannot make the sort of difference I had hoped." Only after the disclosure of plagiarism allegations and a month of intense public scrutiny did Harvard's president finally resign.

7. That antisemitism is severe and pervasive at Harvard, and that Harvard has responded with at best deliberate indifference, have been unequivocally confirmed by investigatory reports issued in May 2024 by the HJAA and by the House of Representatives Committee on Education and the Workforce.

8. The HJAA report, "The Soil Beneath the Encampments: How Israel and Jews Became the Focus of Hate at Harvard," was based on interviews with fifty Jewish Harvard community members.<sup>1</sup> As set forth in the report, students described having been: kicked out of class for being Israeli; turned away from campus events for being recognized as a Jew; targeted by a teaching fellow saying Jews are contributing to the current "Holocaust"; compelled to hide

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<sup>1</sup> A copy of the HJAA report is attached hereto as Exhibit A.



their true beliefs in class for fear of retaliation by peers or professors grading them; subjected to having their mezuzahs torn down from their dormitory doors; attacked for wearing religious items or compelled to stop wearing them; and subjected to such calls as “Zionists should be slain. Many stated that they were “scared to be a Jew here right now.” HJAA reported that the protesters are “repeating what they are taught in classrooms and at department-sponsored events,” where Israel is described as “the last remaining colonial settler power embodying the world’s worst evils: racism, apartheid, and genocide.” HJAA described the “unchecked antisemitism” on Harvard’s Sidechat social media platform, such as “Gas the Jews,” and reported that Harvard “has repeatedly ignored Jewish students’ complaints despite clear violations of Harvard’s non-discrimination and anti-bullying policies.” Forty-one of the forty-two students HJAA interviewed “discussed feeling alienated and excluded, if not outright harassed,” and the few faculty members willing to be interviewed by HJAA reported that they were, as HJAA described it, “even more afraid of speaking with us on the record; they said it could get them fired or undermine a promotion.”

9. The House Committee report, based on interviews and Harvard’s responses to the Committee’s subpoena, “highlight[ed] major flaws in Harvard University’s response to antisemitic events on its campus” and concluded that “[t]he consequences of Harvard’s leaders’ continued failure to implement a strong response to antisemitism and violations of the University’s rules are evident in the chaos that has erupted at the University in recent weeks.”<sup>2</sup> Among other things, as the Committee further reported, Harvard’s own Antisemitism Advisory Group—which it appointed ostensibly to “develop a robust strategy for confronting antisemitism on campus”—had “found antisemitic harassment to be a significant problem at Harvard” and

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<sup>2</sup> A copy of the Committee’s report is attached hereto as Exhibit B.

“presented Harvard’s leadership with significant recommendations on goals and steps to address antisemitism” that “could have had a real impact in combating antisemitism at the University and restoring a safer environment for Jewish students,” but that “Harvard’s leaders failed to implement these recommendations.”

10. Kestenbaum, SAA’s members, and many others have explicitly and repeatedly warned Harvard that its severe and pervasive hostile environment endangers Jewish students. In fact, Harvard has been aware of its antisemitism problem for years, but its response has been, to say the least, clearly unreasonable and totally unacceptable in not just tolerating, but enabling antisemitism. Harvard has abjectly failed to enforce its policies and discipline those responsible for turning Harvard’s campus into a severely hostile environment for its Jewish students, including Kestenbaum and other SAA members. Its faculty members have gone so far as to cancel classes so students can attend antisemitic rallies and harass and intimidate Jews without consequence. When, in clear violation of Harvard policies, a mob of students took over a campus building to further their antisemitic agenda, Harvard’s response was not to remove and discipline them, but to supply them with burritos and candy.

11. Harvard’s longtime practice of refusing to enforce its own policies against antisemitism ensured that the October 7 terrorist attack would enormously intensify the anti-Jewish abuse on campus. Numerous students and faculty members at Harvard have openly endorsed Hamas’s October 7 massacre, issuing public statements blaming Jews for their own murders, or otherwise excusing or supporting Hamas’s actions, notwithstanding Hamas’s history since its founding in 1987 of perpetrating numerous suicide bombings and other terrorist attacks, Hamas’s explicit vows to kill and destroy Jews and Israel, the U.S. State Department’s designation of Hamas as a foreign terrorist organization, and Hamas’s repeated public

proclamations of its determination to repeat the October 7 atrocities until its genocidal aims are achieved. In supporting Hamas and condemning Israel, Harvard students and faculty harass, discriminate against, and assault Jewish students—including on October 18, when a mob of protesters attacked a Jewish student, and the next day, when a mob trapped a group of Jewish students in a study room—but they are never heard to condemn, let alone rally against, Hamas, which has committed unspeakable atrocities in Israel, most recently on October 7; Syria and Yemen, which have killed hundreds of thousands of Arab civilians; Pakistan, which is expelling almost two million Afghan Muslims; China, which has imprisoned its Muslims in reeducation camps; countries like Somalia and Nigeria, where Christians are regularly murdered; or Darfur, where large numbers of civilians have been and are being kidnapped, sexually assaulted, and murdered.

12. Harvard's purported excuse for refusing to take disciplinary measures and sitting idly by as the Jew-bashing on campus escalates—that antisemitic harassment is protected by free expression principles—confirms its antisemitic double standard. Considering that Harvard aggressively enforces policies to address bias against other minorities and regularly disciplines students and faculty members who harass other groups or espouse viewpoints Harvard deems inappropriate, its refusal to discipline students attacking, harassing, or intimidating Jews is glaring. Based on its record, it is inconceivable that Harvard would allow any group other than Jews to be targeted for similar abuse or that it would permit, without response or consequence, students and professors to call for the annihilation of any country other than Israel.

13. Harvard's deliberate indifference to its hostile environment has worsened since this action was initiated. As Kestenbaum recently recounted at a congressional hearing, Harvard has taken no disciplinary measures against students who have posted on social media such

antisemitic canards as “too many damn Jews run this country,” or against the faculty and student groups that published a cartoon depicting a man marked with a Star of David and a dollar symbol strangling an Arab man and a Black man, or against the Harvard students and faculty who perpetrate near-daily acts of antisemitic harassment against Jews on campus. Just this month, Interim President Garber dropped the involuntary leave sanctions against students who, in flagrant violation of Harvard’s policies, had organized and participated in the Harvard Yard occupation.

14. Subjected to intense anti-Jewish vitriol, including from their own professors and Harvard administrators, Kestenbaum and other Jewish students, including SAA members, have been deprived of the ability and opportunity to fully participate in Harvard’s educational and other programs and have been placed at severe emotional and physical risk. Making matters even worse for Jewish students, over the past ten years, Harvard College has instituted admissions policies that have severely reduced—from approximately 25% in 2013 to between 5.4% and 9.8% in 2023 for the most recent freshman class—the percentage of Jewish students, an enormous decline that evinces an intentional effort, much like Harvard’s quotas one hundred years ago, to exclude Jews. The severe and pervasive hostile environment for Jews on campus leaves Harvard’s remaining Jewish population even more isolated and unsafe against their abusers.

15. Harvard’s deliberate indifference to, and indeed enabling of, antisemitism on its campus constitutes an egregious violation of Title VI of the Civil Rights Act of 1964. Harvard has allowed endemic antisemitism to exclude Jewish students from the full and equal participation in, and to deprive them of the full and equal benefits of, their educational experience at Harvard, and has discriminated against them, by, among other things, failing to

protect them in the way Harvard protects other groups—all based on race, ethnicity, and/or national origin. Harvard must now be compelled to implement institutional and concrete remedial measures, such as: (i) disciplinary measures, including termination, against deans, administrators, professors, and other employees responsible for antisemitic discrimination and abuse, whether because they engage in it or permit it; (ii) disciplinary measures, including suspension or expulsion, against students who engage in such conduct; (iii) declining and returning donations, whether from foreign countries or elsewhere, implicitly or explicitly conditioned on the hiring or promotion of professors who espouse antisemitism or the inclusion of antisemitic coursework or curricula; (iv) adding required antisemitism training for Harvard community members; (v) appointing a neutral expert monitor to oversee compliance with this Court’s order; and (vi) payment of appropriate damages for lost or diminished educational opportunities.

### **JURISDICTION AND VENUE**

16. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 over claims arising under Title VI of the Civil Rights Act of 1964 (“Title VI”) (42 U.S.C. § 2000d *et seq.*). This Court has supplemental jurisdiction over plaintiffs’ related state law claims under 28 U.S.C. § 1367(a) because those claims arise out of the same case or controversy as plaintiffs’ federal claim.

17. This Court has personal jurisdiction over Harvard because it is based and operates in Cambridge, Massachusetts.

18. Venue in the District of Massachusetts is proper under 28 U.S.C. § 1391 because it is the judicial district in which a substantial part of the events or omissions giving rise to plaintiffs’ claims occurred and where Harvard is located.

**PARTIES**

19. Plaintiff Students Against Antisemitism, Inc. is a not-for-profit corporation and 501(c)(3) tax-exempt charity organized under the laws of the State of Delaware, formed for the purpose of defending human and civil rights, including the right of individuals to equal protection and to be free from antisemitism in higher education, through litigation and other means.

20. SAA is comprised of voluntary members, including students at higher education institutions, who support SAA's mission and who have been personally aggrieved or otherwise impacted by antisemitism and discrimination in higher education. SAA's members, who have voting rights in the organization, include current, former, and prospective Jewish Harvard students who are experiencing (or have experienced, in the case of former students) a severe and pervasive hostile educational environment at Harvard that causes them to lose the benefits of Harvard's educational and extracurricular opportunities.

21. Plaintiff Alexander "Shabbos" Kestenbaum is a Jewish student at Harvard University, enrolled in the Masters in Theological Studies program at Harvard Divinity School ("Harvard Divinity"). He is also a member of SAA.

22. SAA Member #1 is a Jewish student at Harvard University, enrolled in Harvard Law School ("Harvard Law").

23. SAA Member #2 is a Jewish student at Harvard University, enrolled in Harvard Law.

24. SAA Member #3 is a Jewish student at Harvard University, enrolled in Harvard Law.

25. SAA Member #4 is a Jewish Ph.D. student at Harvard University, taking courses at Harvard T.H. Chan School of Public Health ("Harvard Public Health").

26. SAA Member #5 is a Jewish student at Harvard University, enrolled in Harvard Law.

27. Defendant President and Fellows of Harvard College, the legal name of Harvard University, is a private educational institution based in Cambridge, Massachusetts.

28. Despite its endowment of nearly \$50.7 billion—the largest among American universities—Harvard accepts substantial direct financial assistance from the federal government through, among other things, grants and loans, including in fiscal years 2022 and 2023, at least \$642 million and \$676 million, respectively, and will receive substantial direct federal financial assistance in fiscal year 2024, as well as substantial indirect federal financial assistance through, among other things, tuition paid with federal financial aid. As a recipient of federal financial assistance, Harvard is subject to Title VI.

## **FACTS**

### **A. Title VI Protects Jewish Students Against Antisemitism**

29. Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal funding or other federal financial assistance, and protects all students, including Jewish students, in such programs or activities.

30. Since at least September 2004, it has been the policy of the Office of Civil Rights (“OCR”) of the U.S. Department of Education (“DOE”), the agency responsible for enforcing Title VI, to investigate claims related to antisemitism. In an October 26, 2010 letter to federally funded schools, OCR confirmed that such schools are “responsible for addressing harassment incidents about which [they] know[] or reasonably should have known,” and must address “anti-Semitic harassment,” stating that such harassment violates Title VI when it creates a “hostile environment” based on “actual or perceived shared ancestry or ethnic identity as Jews,” in which “the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a

student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school,” or when the “harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees.”

31. The Obama, Trump, and Biden Administrations have confirmed the urgent need to combat antisemitism in educational institutions. Under President Barack Obama’s administration, in June 2010, the State Department’s Office of the Special Envoy to Monitor and Combat Antisemitism, which is tasked with developing and implementing policies and projects to support efforts to combat antisemitism, adopted a working definition of antisemitism developed by the European Monitoring Center on Racism and Xenophobia and adopted contemporary examples of antisemitism, which include ways that antisemitism manifests itself “with regard to the State of Israel”:

- “Using the symbols and images associated with classic anti-Semitism to characterize Israel or Israelis”;
- “Drawing comparisons of contemporary Israeli policy to that of the Nazis”;
- “Blaming Israel for all inter-religious or political tensions”;
- “Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation”; and
- “Denying the Jewish people their right to self-determination, and denying Israel the right to exist.”

32. In December 2019, President Donald Trump issued Executive Order 13899 on “Combating Anti-Semitism,” directing the executive branch to enforce Title VI against discrimination “rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI,” and in doing so, to consider the definition of antisemitism promulgated by the International Holocaust Remembrance Alliance (“IHRA”), an intergovernmental organization comprised of thirty-five countries.



33. Under the IHRA definition, the following are “contemporary examples of antisemitism”:

- “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion”;
- “Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective—such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government, or other societal institutions”;
- “Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews”;
- “Denying the fact, scope, mechanisms (*e.g.* gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust)”;
- “Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust”;
- “Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations”;
- “Denying the Jewish people their right to self-determination, *e.g.*, by claiming that the existence of a State of Israel is a racist endeavor”;
- “Applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation”;
- “Using the symbols and images associated with classic antisemitism (*e.g.*, claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis”;
- “Drawing comparisons of contemporary Israeli policy to that of the Nazis”; and
- “Holding Jews collectively responsible for actions of the state of Israel.”

34. On January 4, 2023, DOE, citing the “rise in reports of anti-Semitic incidents,” released a fact sheet, “Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics,” which reiterated that Title VI protects “students who experience discrimination, including harassment, based on their . . . (i) shared ancestry or ethnic

characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.”

35. In May 2023, President Joseph Biden released the U.S. National Strategy to Counter Antisemitism, described as the “most ambitious and comprehensive U.S. government-led effort to fight antisemitism in American history,” and DOE launched its Antisemitism Awareness Campaign.

36. On November 7, 2023, OCR released a letter “remind[ing] colleges, universities, and schools that receive federal financial assistance of their legal responsibility under Title VI . . . to provide all students a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.” The letter stated: “It is your legal obligation under Title VI to address prohibited discrimination against students and others on your campus—including those who are perceived to be Jewish [or Israeli] . . . in the ways described in this letter.”

37. On May 7, 2024, OCR released another letter promulgating Title VI guidance, making clear, among other things, that the “fact that harassment may involve conduct that includes speech in a public setting or speech that is also motivated by political or religious beliefs . . . does not relieve a school of its obligation to respond under Title VI . . . if the harassment creates a hostile environment in school for a student or students,” “harassing conduct that otherwise appears to be based on views about a country’s policies or practices [that] is targeted at or infused with discriminatory comments about persons from or associated with a particular country” may implicate Title VI, and that “[h]arassing conduct need not always be targeted at a particular person in order to create a hostile environment for a student or group of students,” but “may be directed at anyone.” The letter also provided examples of the kinds of

conduct with respect to which a college's failure to take effective preventative action could give rise to a Title VI violation—namely, the very kind of harassment and intimidation that has been regularly occurring at Harvard.

38. As the historical birthplace of the Jewish people, the land of Israel is at the core of Jewish identity, ancestral tradition, religion, and culture. Jewish civilization has been centered for thousands of years on its homeland in Israel, where Jews have had a continuous presence since ancient times. The movement for the reestablishment, development, and protection of the Jewish nation in the land of Israel, known as Zionism, arises from Jews' ethnic and historic roots in that land and their right to self-determination. Zionism is a crucial component of Kestenbaum's and SAA members' Jewish identities, and many are descendants of survivors of the Nazis, with family and friends in Israel.

39. Anti-Zionism is not merely a political movement—although many try to disguise it as such—but is a direct attack against Israel as a Jewish collectivity. Nearly half of the Jews in the world live in Israel. Anti-Zionism is discriminatory and antisemitic when expressed in terms of, for example: applying double standards not applicable to other countries or peoples in assessing Israel's legitimacy and conduct; denying that Jewish civilization is indigenous to the land of Israel; denying the Jewish people's right to self-determination or the right of the State of Israel to exist; denying that Israel has the right to self-defense against terrorism, invasion, or the murder, rape, and kidnapping of its citizens; accusing Israel of being inherently racist or comparable to the Nazis; or invoking classic antisemitic canards against Israel and its people. "When people criticize Zionists," Dr. Martin Luther King, Jr. explained, "they mean Jews. You're talking antisemitism."

40. The widespread anti-Jewish hate that has gripped Harvard and other universities since October 7, 2023 confirms that in nearly all instances, anti-Zionism is rarely anything more than thinly veiled antisemitism. Harvard’s Jewish students have been threatened with antisemitic slurs and chants such as “Intifada Revolution,” “from the River to the Sea,” and “globalize the Intifada,” and have been maligned as “murderers,” “colonizers,” “racists,” “white supremacists,” “killers and rapists of children,” “genocidal,” and “Zionists.”

41. Antisemitism is a core tenet of Hamas—an extreme Islamist terrorist group explicitly committed to the destruction of Israel and its Jewish inhabitants, the creation of an Islamic state in Israel’s place, and the annihilation of all Jews around the world. Hamas’s 1988 charter states: “The Day of Judgment will not come about until Muslims fight the Jews and kill them.” In October 1997, the U.S. State Department designated Hamas, which has controlled Gaza since 2007, a foreign terrorist organization.

42. In keeping with its charter and goals, since its inception, Hamas has carried out numerous indiscriminate terror attacks on Israeli civilians through methods such as bombings, rocket barrages, shootings, and stabbings, including during two Intifadas. In fact, the Intifadas were carried out through a campaign of suicide bombs, many of which included nails dipped in rat poison. During the Second Intifada, from approximately September 2000 through February 2005, Hamas claimed responsibility for over fifty suicide bombings, including the August 9, 2001 bombing of a Jerusalem pizzeria, which murdered seven children; the December 1, 2001 double-suicide bombing in the crowded Ben Yehuda pedestrian mall in Jerusalem, murdering eleven; and the March 27, 2002 suicide bombing at a Passover Seder at the Park Hotel in Netanya, murdering thirty. Over the next twenty years, Hamas murdered scores more through similar suicide bombings, public bus attacks, booby traps, shootings, and other acts of terror.

43. Hamas leaders are clear about their agenda: kill all Jews. In December 2008, for example, Hamas spokesperson Fawzi Barhoum called for suicide attacks and warned that “Hamas will continue the resistance until the last drop of blood.” A month later, in January 2009, Hamas leader Mahmoud Al-Zahar promised that Hamas would “lay the foundation for a tomorrow without Zionists.” Ten years on, Hamas’s message and purpose were still the same; in 2019, a senior Hamas terrorist, Fathi Hamad, encouraged Palestinians across the globe to kill Jews, stating, “[s]even million Palestinians outside, enough warming up, you have Jews with you in every place. You should attack every Jew possible in all the world and kill them.”

44. In the wake of Hamas’s October 7 terrorist attack against Israel (discussed in more detail below), which, as President Biden observed, contributed to an “alarming” rise in antisemitism at schools and on college campuses, OCR announced that it was expediting its processing of discrimination complaints involving antisemitism. At least seven bills have been introduced in both houses of Congress condemning support for Hamas, Hezbollah, and other terrorist organizations at American universities which has created a hostile educational environment for Jewish students, faculty, and staff. On October 18, 2023, the U.S. Senate passed a resolution condemning “antisemitic student activities,” and on November 2, 2023, the U.S. House passed a resolution condemning support for Hamas, Hezbollah, and other terrorist organizations at American universities.

#### **B. Harvard Fails to Enforce Its Own Policies to Protect Jewish Students**

45. Harvard has issued at least five applicable sets of policies ostensibly to protect students from discrimination, harassment, and intimidation: (i) the Harvard University Non-Discrimination and Anti-Bullying Policy; (ii) the University-Wide Statement on Rights and Responsibilities; (iii) the Protest Rules; (iv) Harvard’s Student Organization Policies; and (v) Harvard’s various student handbooks, which often adopt and expand on University-wide

policies. Harvard, however, refuses to apply these policies in a nondiscriminatory manner to protect Jewish students and prevent antisemitism on campus, and selectively enforces its own rules, deeming Jewish victims unworthy of the protections it readily affords non-Jewish ones. Harvard's clearly unreasonable response to antisemitic discrimination and harassment reflects an egregious double standard, as it is at odds with Harvard's aggressive enforcement of its policies concerning alleged misconduct not involving antisemitism. This discriminatory double standard has created, contributed to, aggravated, and exacerbated Harvard's hostile educational environment and the antisemitic abuse and harassment that Kestenbaum, SAA's student members, and other Jewish students have been forced to endure at Harvard.

**i. Non-Discrimination and Anti-Bullying Policy**

46. On September 1, 2023, Harvard adopted a University-wide Non-Discrimination Policy and an Anti-Bullying Policy (together, the "Non-Discrimination Policy"), which applies to alleged discrimination, harassment, and bullying "by any member of the Harvard community," both on- and off-campus (including on social media), that "may have the effect of creating a hostile or abusive work or learning environment for a member of the University community."

47. The Non-Discrimination Policy prohibits "discriminatory disparate treatment" and "discriminatory harassment" on the basis of race, color, national origin, ancestry, religion, or creed, among other protected classes. "Discriminatory disparate treatment" is defined as "singling out or targeting an individual for less favorable treatment because of their protected characteristic," which "unreasonably interfere[s] with or limit[s] the student's ability to participate in or benefit from the institution's programs and activities." Harvard defines "discriminatory harassment" as "unwelcome and offensive conduct that is based on an individual or group's protected status" that interferes with "a student's academic performance or ability to participate in or benefit from academic/campus programs and activities." The Non-

Discrimination Policy similarly defines “bullying” as “harmful interpersonal aggression by words or actions that humiliate, degrade, demean, intimidate, or threaten,” which is “sufficiently severe or pervasive, and objectively offensive, that it creates a[n] . . . educational[] or living environment that a reasonable person would consider intimidating, hostile, or abusive and denies the individual an equal opportunity to participate in the benefits of the workplace or the institution’s programs and activities.”

48. The Non-Discrimination Policy also sets forth governing principles and promises, including that all those at Harvard “with responsibility for implementing [the policy] will discharge their obligations with fairness, rigor, and impartiality” as well as timeliness and transparency, and sets forth procedures, including specified timeframes for reviewing, investigating, and acting upon complaints of violations. Harvard promises to “respond promptly to reports of bullying” and “take appropriate action to prevent and respond to behavior” that violates these policies. Examples of possible sanctions for violations include suspension, probation, expulsion, termination, or a recommendation that a faculty member’s tenure be terminated.

49. Harvard’s constituent schools also promulgate student handbooks, which set forth misconduct policies and procedures. For instance, the Harvard College and Harvard Divinity handbooks provide that the school retains broad rights to protect the Harvard community “as it deems necessary in extraordinary circumstances to protect the health and safety of the Harvard community,” including “conditions posing broad threats to community health and safety or significantly disrupting campus life or learning.” The handbooks also adopt versions of Harvard’s Non-Discrimination Policy. Harvard Divinity’s handbook “prohibit[s],” and declares “unlawful and contrary to Harvard University[] policy,” acts that “discriminate on the basis of

race, color, . . . religion, creed, . . . [or] national or ethnic origin.” The Harvard College handbook states that protected-class discrimination “is contrary to the principles and policies of Harvard University,” and that harassment based on these protected classes is “unacceptable.” Harvard Law’s handbook provides notice of the Harvard Non-Discrimination Policy and confirms that all “students, faculty, staff,” and others at Harvard Law are bound by it and that “[s]tudents [and] faculty . . . agree to respect the rights, dignity, and differences of others . . . and accept personal responsibility in these efforts.”

50. While these clear and unambiguous statements purport to signal Harvard’s commitment to prohibiting discrimination and harassment, Harvard has treated Jews as unworthy of the respect and protection it affords other groups.

**ii. Statement on Rights and Responsibilities**

51. Harvard’s University-Wide Statement on Rights and Responsibilities (“Statement on Rights and Responsibilities”) guarantees “freedom from personal force and violence, and freedom of movement,” and provides, among other things, that interference with such freedoms and with any Harvard member’s “performance of their normal duties and activities,” or any “[t]heft or willful destruction of property” is a “serious violation” of “personal rights.” The Statement on Rights and Responsibilities also notes that administrators have the responsibility to “give full and fair hearing to reasoned expressions of grievances; and to respond promptly and in good faith to such expressions and to widely expressed needs for change.” The Statement on Rights and Responsibilities provides that intense personal harassment and unauthorized occupation of buildings violate Harvard policy:

It is implicit in the language of the Statement on Rights and Responsibilities that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights on which the University is based.



It is implicit in the University-wide Statement on Rights and Responsibilities that any unauthorized occupation of a University building, or any part of it, that interferes with the ability of members of the University to perform their normal activities constitutes unacceptable conduct in violation of the Statement and is subject to appropriate discipline.

52. On January 19, 2024, Harvard released additional guidance on the Statement on Rights and Responsibilities, including that “unless a particular School makes an explicit exception, demonstrations and protests are ordinarily not permitted in classrooms and other spaces of instruction; libraries or other spaces designated for study, quiet reflection, and small group discussion; dormitories, residence halls, or dining halls where students live and take their meals; offices where the work of the University is carried out; or other places in which demonstrations and protests would interfere with the normal activities of the University.” The guidance also makes clear that “blocking ingress or egress to campus buildings, classrooms, administrative offices, or other spaces is forbidden, as is blocking or otherwise interfering with the free flow of vehicular, bicycle, or pedestrian traffic,” and “conduct such as assaulting, threatening, or intimidating another person or damaging, defacing, or removing a properly posted sign is not permitted.” And “community members may not protest a speech or event in a manner that interferes with the right of the speaker(s) to be heard or of the audience to hear them.”

**iii. Protest Rules**

53. Several constituent schools have adopted protest policies in addition to the Statement on Rights and Responsibilities, including the Faculty of Arts and Sciences Free Speech Guidelines, the Harvard Public Health Guidelines for Open Debate and Protest, the Harvard Law Protest and Dissent Guidelines, and the Harvard Divinity Statement of Community Values (“Protest Rules”).

54. The Faculty of Arts and Sciences Free Speech Guidelines, “intended to supplement and clarify” the Statement on Rights and Responsibilities and to “inform students of the acceptable limits of protest,” define prohibited “disruption” of a campus event as “any repeated or continuous action which effectively prevents members of the audience from adequately hearing or seeing the event” and provide that “[i]n cases of obstruction [of others’ ‘freedom of movement’]. . . the offenders should be punished.” The Free Speech Guidelines provide, among other things, that “act[s] or threat[s] of physical violence” are “regarded as a complete lack of respect for the deepest values that unite the [Harvard] community” and “[r]acial” and “intense personal harassment,” as well as “[b]ehavior evidently intended to dishonor such characteristics as race [or] ethnic group,” are “contrary to the pursuit of inquiry and education” and constitute “grave disrespect for the dignity of others” which will be “punished.”

55. Harvard’s constituent schools have adopted similar policies. The Public Health Guidelines for Open Debate and Protest provide, among other things, that expression is not protected when it violates the Non-Discrimination Policy and that “[a]ny violation[]” by students, faculty, or other speakers constitutes “grounds for appropriate disciplinary action.”

56. The Harvard Law handbook warns, among other prohibitions, that students who “s[i]t in or obstruct[] access to administrative offices, faculty offices, and other school facilities as a form of protest”—conduct previously sanctioned by a “reprimand”—may now face “significant disciplinary sanction.”

57. The Harvard Law handbook also incorporates the Harvard Law Protest and Dissent Guidelines, which provide, among other things, that student “dissenter[s]” are warned that it is not “acceptable” to impede access to a speaking event, that “[u]sing or threatening force

or violence, such as defacing a sign or assaulting a speaker or a member of the audience, is never permitted,” and that “interference with freedom of movement or with freedom from personal force or violence is a serious violation of personal rights.” These policies also provide that “any form of protest that disrupts the conduct of a[] class would violate the University-Wide Statement of Rights and Responsibilities’ prohibition against interference with ‘the performance of the normal duties and activities’ of [Harvard],” that “[w]hen a meeting is closed, dissent by non-attendees is limited to activity outside the meeting that does not impede access to the meeting or substantially interfere with the communication inside,” and “[c]hanting or making other sustained or repeated noise in a manner which substantially interferes with the speaker’s communication is not permitted.”

58. The Harvard Divinity Statement of Community Values provides, among other things, that Harvard Divinity is committed to ensuring “that all may participate freely within a climate of openness, trust, and sensitivity” and that students are held accountable “for the impact of [their] actions on our community, our environment, and the world.”

#### **iv. Student Organization Policies**

59. Harvard also has policies regulating student organizations, codified in Harvard’s Student Organization Resource Guide and Harvard’s handbooks (collectively, the “Student Organization Policies”), which confirm the Non-Discrimination Policy applies to Harvard-recognized student organizations—those that have registered with, and are supported by and receive benefits from, Harvard in exchange for agreeing to follow Harvard’s policies—and provide that “Harvard [] does not tolerate any behavior that constitutes harassment on the basis of . . . any [] characteristic protected under applicable federal or state law” and that student organizations “may not discriminate based on race, color, national or ethnic origin, [or] religion.”

60. The Student Organization Policies also provide that unrecognized student organizations are not permitted “to conduct any activity at Harvard even though their activities involve Harvard” students, except under “special circumstances,” that Harvard will not provide “access, support, or benefits” to unrecognized student organizations, and that students may not use the “Harvard” name or marks in organizations’ activities without permission from a dean or the provost.

61. Harvard nevertheless regularly permits unrecognized student groups such as Harvard Boycott, Divestment, Sanctions (“Harvard BDS”) and Harvard Afro to conduct, while using Harvard’s name, disruptive antisemitic protests inside Harvard buildings and on Harvard grounds without consequence. These unrecognized groups have, in recent months, extensively engaged in discrimination against, and harassment of, Jewish and Israeli students and continue to violate numerous Harvard policies by holding unauthorized events in which they recruit hundreds of students to interrupt classes with calls for “globaliz[ing] the Intifada” and violence against Jews and Israelis, among other disruptive and harassing conduct. Harvard takes no action to prevent these organizations from regularly harassing Jewish and Israeli students in violation of Harvard’s policies.

**C. Harvard’s Recent History of Antisemitism and Civil Rights Violations**

62. Antisemitism at Harvard is hardly a new phenomenon. In the 1920s, it was official Harvard policy, implemented by President Abbott Lawrence Lowell and complete with quotas on admissions to “diminish the Jews” and restore Harvard as a “Gentile” college. Over the last decade in particular, Harvard’s tolerance for, and enabling of, antisemitism has caused a surge in antisemitic hate and harassment culminating in the current intolerable anti-Jewish environment at Harvard following Hamas’s October 7 terrorist attack. Rather than discipline the perpetrators of antisemitism on campus, Harvard has enabled antisemitic abuse and harassment

to intensify, forsaking its Jewish students to a hostile environment that deprives them of the educational experiences other students enjoy.

63. This hostile environment is reflected in a 2022 study conducted by the AMCHA Initiative, a non-profit organization which investigates and documents antisemitism in higher education—finding that Harvard was the most antisemitic college in the United States—and in a Harvard student’s March 2023 senior thesis, “The Death of Discourse: Antisemitism at Harvard College,” for which she interviewed Jewish Harvard students, large percentages of whom (as much as eighty percent or more) reported experiencing antisemitism and anti-Zionism on campus or knowing someone who had. The thesis provided numerous accounts reflecting the widespread, virulent antisemitism Jewish students experience on campus, including how Harvard’s hostile environment has effectively made certain courses off-limits to Jewish students because of the bias and harassment they face and the “degree of censorship [they] must take on in order to protect themselves socially and academically.”

**i. Harvard’s Renewed Embrace of Antisemitism Has Fostered a Hostile Environment for Jewish Students**

64. Over the past ten years, Harvard Jewish students have endured numerous antisemitic incidents, of which the following are examples.

65. On October 15, 2015, Harvard College Palestine Solidarity Committee (“Harvard PSC”)—a Students for Justice in Palestine (“SJP”) affiliate and Harvard-recognized student group—hosted a “die-in” in front of Harvard Hillel, a Jewish campus organization, to protest an event featuring an Israeli soldier—according to Harvard Hillel Executive Director Jonah C. Steinberg, the “first time in my five years at Harvard that I have seen an effort to interfere with the event of another organization.” Although Harvard’s Statement on Rights and Responsibilities proscribes such interference with campus activities, Harvard not only failed to

discipline Harvard PSC, but its administrators and faculty members, including Dean Stephen Lasonde and Harvard Foundation for Intercultural and Race Relations Director S. Allen Counter, attended and supported the violations. On November 5, 2015, three weeks after the die-in, a swastika was discovered on a Harvard Law classroom desk.

66. SJP—which has a recognized chapter at Harvard Divinity in addition to its affiliate, Harvard PSC—is one of the most vitriolic antisemitic networks on college campuses. SJP was founded by the chairman of American Muslims for Palestine (“AMP”), the leadership of which overlaps with the leadership of organizations that have been shut down by federal authorities, whose assets were frozen by the U.S. Treasury Department, or that were found liable in civil actions for providing material support to Hamas. SJP receives funding and training from AMP as well as from universities. SJP and its affiliates sponsor antisemitic events, host antisemitic speakers, and are leading organizers of Boycott, Divestment, and Sanctions (“BDS”) campaigns against Israeli businesses. They use confrontational tactics to target Jewish students, including disrupting Jewish events, constructing mock “apartheid walls,” and disseminating anti-Jewish propaganda laced with falsehoods and blood libels. A recent study by the Network Contagion Research Institute, an information verification think tank, found the presence of SJP on campuses “significantly correlated with antisemitic activity.” Several leading universities, but not Harvard, have banned SJP and other such hate organizations from their campuses because of their harassment of Jewish students and support for Hamas.

67. Harvard PSC, SJP, and similar groups have harassed Jews on campus for years without consequence, exemplifying Harvard’s deliberate indifference to its severe antisemitism problem. For example, on April 14, 2016, Harvard Law held an event featuring a speech by Tzipi Livni, a leading Israeli politician. At the event, Husam El-Quolaq, a student SJP leader,

accosted Livni, asking her, echoing anti-Jewish stereotypes promoted by, among others, the Nazis: “How is it that you are so smelly? It’s regarding your odor—about the odor of Tzipi Livni, very smelly.” Harvard did not discipline this student, but, instead, the then-dean of Harvard Law—while recognizing that “[m]any perceive [the incident] as anti-Semitic”—responded “that speech is and should be free,” notwithstanding that the conduct plainly violated policies including Harvard’s Statement on Rights and Responsibilities. Not only did Harvard not punish El-Quolaq, but it rewarded him. Harvard Law hired El-Quolaq—who has changed his name to Sam Koolaq—as a Clinical Instructor in 2020, promoted him to Director of the Entertainment Law Clinic in spring 2023, and to Lecturer on Law this spring 2024 semester. Harvard knew of Koolaq’s past antisemitic conduct at Harvard when it hired and promoted him.

68. Groups like Harvard PSC are notoriously active during “Israeli Apartheid Week,” an annual worldwide program organized by virulent anti-Israel activists, which promotes BDS and targets Jewish students for harassment. During the April 2017 Israeli Apartheid Week, a Harvard dormitory was covered with mock detention notices targeting Jewish students for their alleged mistreatment of “Palestinians in Israel-Palestine.” The mock notices were orchestrated by Harvard PSC, and co-signed by Harvard Concilio Latino, Harvard Islamic Society, and Harvard Black Students Association. Jewish students reacted with shock and fear, but Harvard took no meaningful steps to discipline the groups responsible.

69. In October 2017, Harvard’s student-led Phillips Brooks House Association granted Nihad Awad its “Call of Service” Lecture and Award, designated for a “significant leader in public service” invited to speak at Harvard to inspire a “deeper engagement with critical social issues on campus and in the wider community”—notwithstanding that Awad had long been an open supporter of Hamas. Awad most recently said that he was “happy to see” the

people of Gaza “break the siege . . . on October 7,” a statement the White House “condemn[ed]” as “shocking” and “antisemitic.”

70. On May 10, 2018, a swastika was discovered on a bulletin board at Harvard Public Health. A few months later, on December 2, 2018, a man intentionally toppled the menorah at Harvard Chabad, a center of Jewish life and faith. Harvard has not disclosed what, if anything, it has done to find and discipline the perpetrators of these antisemitic incidents.

71. In March 2019, the Harvard Undergraduate Council met to vote on whether to award university funding to Harvard PSC for its upcoming Israeli Apartheid Week. During the meeting, Jewish students, in the words of Harvard Hillel’s president, were met “with angry interjections and unfounded accusations, as well as references to age-old tropes of prejudice and bigotry,” leaving her “shocked and disappointed by the way in which students were prevented from expressing their very real concerns.” The council voted to award the funding to Harvard PSC through the Open Harvard College grant, even though such grants are designed to fund student initiatives on “mental health, race, culture, [] faith relations, . . . harassment prevention, social spaces, and financial accessibility.” Harvard did not take disciplinary action against Harvard PSC, the council, or anyone who spewed antisemitism during the meeting, and it did not prevent the use of Harvard funds to support the antisemitic Israeli Apartheid Week.

72. On April 2, 2019, during Israeli Apartheid Week, Harvard PSC hosted several speakers, including Boston College Professor Yamila Hussein, who declared that Zionism is a “white supremacist, European, patriarchal, heterosexist, you name it, movement . . . when you read Zionism, it is white supremacy,” and Marc Lamont Hill, a former CNN commentator whom CNN fired for calling for a “free Palestine from the river to the sea”—a genocidal call for the destruction of Israel and its Jewish inhabitants—and who is well known for his antisemitic



views. Harvard allowed these influential speakers and audience members, on campus and at Harvard's expense, to spew unchecked antisemitic vitriol. A member of the audience even demanded discussion of the antisemitic trope that European Jews are not "real Jews" but Turkic Khazars, a nomadic European tribe, and that the Holocaust is a "myth." Harvard took no disciplinary or remedial actions and did not condemn the event's antisemitism.

73. In August 2020, Harvard PSC posted a graphic on Instagram calling Zionism, the belief in the right of Jews to self-determination in Israel, a "racist, sectarian, exclusionary, Jewish-supremacist political ideology," adopting the "Jewish supremacy" phrase coined by former Ku Klux Klan Grand Wizard David Duke.

74. In May 2021, in response to a Jewish Israeli student's post in a WhatsApp group, a Harvard Law student, Shayaan A. Essa, messaged, "We shed your blood with stones." A group of Jewish Israeli students reported the incident to then-Dean Jessica Soban, Deputy Dean I. Glenn Cohen, and Assistant Dean-appointee Catherine Peshkin. In a meeting with the deans, the students explained how this violent threat left them "heartbroken and humiliated" and "no longer feel[ing] comfortable," and asked the deans to denounce Essa's call for violence. The deans refused to do so, instead downplaying the message and telling the students to ignore or respond directly to such harassment. Essa graduated without consequence. Two of the Jewish Israeli students, who are still enrolled at Harvard Law, report that they feel unsafe and have trouble focusing as a result of Harvard's clearly unreasonable response to antisemitism, including Essa's conduct, and the increased anti-Jewish hostility on campus following Hamas's October 7 terrorist attack. One such student told his young children not to speak Hebrew outside their home, out of fear they will be targeted by antisemitic Harvard community members.

75. Also in May 2021, Harvard Hillel’s building was vandalized twice. Two masked individuals tied a Palestinian flag emblazoned with an anti-police slogan to Hillel’s door, after which Hillel’s windows were shattered. While Harvard purports to have investigated these incidents, nothing came of it—no one was arrested or disciplined.

76. In October 2021, the Harvard Law Program on Law & Society in the Muslim World and numerous Harvard student groups co-sponsored a pro-BDS event, “Law and Violence in Palestine,” at which a speaker was Mohammed El-Kurd, who notoriously espouses antisemitic views, has repeatedly and publicly announced his fantasy of murdering Jews and how “we must normalize massacres as the status quo,” and claims that Israelis and Zionist Jews—whom he calls part of a “death cult”—“harvest organs of” dead Palestinians to “feed their warriors,” a vile antisemitic blood libel.

77. In December 2021, SAA Member #4, a Ph.D. student at Harvard, observed to Professor Bram Wispelwey that his winter semester course, The Settler Colonial Determinants of Health, in Harvard Public Health’s Department of Global Health and Population, contained disturbing antisemitic topics and materials, including required readings propagating antisemitic claims and Hamas propaganda, by denying Jewish ethnic identity (which one reading calls an “invented transnational ethnic identity”), calling Jewish history a “mythology,” denying Jewish indigeneity to Israel, and downplaying antisemitism and the Holocaust. Wispelwey dismissed these concerns in an emailed response as “demonstrably false.” SAA Member #4 emailed Department Chair Marcia Castro to raise their concerns. Castro, like Wispelwey, was dismissive of the student’s concerns, but proposed a three-on-one meeting that would include Wispelwey and Professor Jackie Bhabha, who Castro said was leading the development of a new program on Palestine at Harvard’s FXB Center for Health and Human Rights (“FXB Center”). SAA

Member #4 made a formal complaint in Harvard’s bias reporting system and sent their concerns to Dean for Education Erin Driver-Linn and Chief Diversity, Inclusion, and Belonging (“DIB”) Officer Amarildo Barbosa. The student met with Barbosa later that month and reported this and several other incidents of antisemitism on campus.

78. Harvard took no steps to prevent Professor Wispelwey from promulgating antisemitism in his course or to otherwise discipline him, but recently promoted his course from a truncated winter-term course to a full-length spring-semester course, which, according to Harvard Public Health’s website, entailed Harvard approving the course content. Following Hamas’s October 7 terrorist attack, SAA Member #4 followed up with administrators, providing resources to explain the bias in Wispelwey’s course—as Chief DIB Officer Barbosa admitted that his office lacked sufficient expertise in understanding antisemitism.

79. SAA Member #4 also raised concerns about Harvard’s continued partnership with Birzeit University in the West Bank, which openly discriminates against Jews and promotes Hamas and its terrorism. Among other things, Birzeit’s buildings and events are named after convicted terrorists; military parades on campus feature students wearing mock explosive vests while waving Hamas flags; in May 2022, Hamas won the majority of Birzeit student government seats; and, two weeks before the October 7 massacre, eight students were arrested with weapons and plans to carry out a terrorist attack. Rather than end its affiliation with this antisemitic, terrorism-supporting university, Harvard touts its Birzeit partnership. In fact, since October 7, Harvard’s FXB Center co-sponsored a webinar with Birzeit on December 11, Harvard’s Center for Middle Eastern Studies and the Birzeit University Museum have organized at least fourteen “teach-in” sessions to put “Gaza in context”—which include discussions on “Israel’s onslaught against Palestinians”—and the FXB Center recently opened applications for its Summer 2024

Palestine Social Medicine course at Birzeit. The Center has maintained its partnership even though Birzeit University's "student population voted overwhelmingly for a Hamas-affiliated bloc in its student government elections" in May 2023, leading to Hamas leader Ismail Haniyeh "prais[ing] the victory and sp[eaking] to participants at its celebrations over the phone, claiming the victory shows Hamas is 'unbreakable' in the West Bank." In early 2024, the Harvard Dean for Communications and Strategic Initiatives acknowledged Birzeit's close connection with Hamas, but said it has not affected Harvard's partnership with the university: "Student government elections at Birzeit typically involve candidates affiliated with each of the major political parties in the region, including Hamas. . . . These student government elections are not germane to and have not affected the FXB Center's work with the scholars and students at Birzeit's Institute of Community and Public Health."

80. Harvard Out of Palestine ("HOOP"), another student group, led a relentless campaign against retired Israeli Major General Amos Yadlin, a senior fellow at Harvard Kennedy School of Government ("Harvard Kennedy"). For example, on February 1, 2022, HOOP organized a disruptive rally outside Yadlin's first study group of the semester. As HOOP posted on its Instagram page, the harassment "continue[d] despite [the study group's] efforts to change rooms every week." HOOP also shared a video that showed its members standing in two parallel rows just outside the open door of Yadlin's classroom, holding large banners and flags, so that anyone entering or exiting would be forced to walk through the gauntlet. The video also depicts protesters chanting and disrupting Yadlin's discussion with students in the classroom.

81. On April 7, 2022, HOOP marched through campus, including in and out of buildings, banging on drums and using a megaphone to shout further accusations at Yadlin, charging him with personal responsibility for alleged "genocide." Throughout the semester,

Harvard did nothing to prevent HOOP from severely and pervasively harassing Yadlin and his students, notwithstanding, among other policies, Harvard's Statement on Rights and Responsibilities proscribing such conduct as "unacceptable" violations of Harvard policy.

82. The April 2022 Israeli Apartheid Week included a display in Harvard Yard, which read: "ZIONISM IS RACISM SETTLER COLONIALISM WHITE SUPREMACY APARTHEID." Harvard did nothing in response to these inflammatory antisemitic tropes. Similarly, when a swastika was once again found shortly after Israeli Apartheid Week—this time in the undergraduate residence Currier House—Harvard failed to publicly condemn it outside of a statement to the Currier House community or take any other steps.

83. That same year, Harvard PSC members placed stickers on Sabra hummus (a brand co-owned by an Israeli company, and which is a common target for BDS) throughout Harvard's dining halls, which accused Israel of being an apartheid state and murdering Palestinians. Rather than discipline the perpetrators, Harvard pulled Sabra products from the dining halls. Later, when questioned at the December 5, 2023 hearing before the U.S. House Committee on Education and the Workforce ("House Committee"), titled "Holding Campus Leaders Accountable and Confronting Antisemitism" ("House Antisemitism Hearing"), then-Harvard President Claudine Gay refused to say whether the stickers violated Harvard's policies or to explain Sabra's disappearance from the dining halls.

84. In August 2022, Harvard PSC members disrupted Harvard's convocation—a ceremony for incoming students that is supposed to "provide[] an understanding of the values, history, and traditions" at Harvard and help new students "develop a sense of belonging and class unity [through] inspirational messages from a current student leader and University officials"—by chanting and displaying a banner that read: "Veritas? Here's the Real Truth: Harvard

Supports Israeli Apartheid.” Harvard later shared on social media images from the convocation that prominently displayed the banner.

85. In October 2022, Harvard PSC and other student groups brought El-Kurd back to speak on campus. Kestenbaum, who was present for the event, wrote in a February 2023 article published on the Jewish cultural and news website *Aish* about his shock and dismay that “El-Kurd’s casual comparisons between the State of Israel and Nazi Germany,” and his insistence that “Jews have begun ‘internalizing the ways of the Nazis,’” did not preclude his appearance on campus.

86. In spring 2023, Harvard PSC carried out its annual boycott campaign against Israel Trek—a ten-day trip to Israel sponsored by Harvard Hillel designed for non-Jewish students to learn more about Israeli history and culture and speak with high-ranking Israeli and Palestinian officials—during which participants and prospective participants are harassed and intimidated, with no response by Harvard.

87. Harvard PSC organized another protest at the September 4, 2023 convocation, at which one of its members—who on October 7 would justify that day’s massacre by saying the “oppressed have the right to resist”—interrupted Dean Rakesh Khurana mid-speech, shouting: “Here’s the real truth: Harvard supports, upholds, and invests in Israeli apartheid, and the oppression of Palestinians.” Harvard did not discipline that or any other protester; instead, the student who interrupted Dean Khurana was later selected as a Rhodes Scholar, after receiving Harvard’s endorsement.

88. At the 2023 convocation, which Kestenbaum attended, protesters encircled the seated freshman class and screamed “boycott Israel,” “stop supporting genocide,” and “boycott Israel Trek,” among other things. Harvard did not make any attempt to stop the protesters, who

interrupted multiple speakers in addition to Dean Khurana. Kestenbaum's friend, a Jewish freshman who wears a kippah, got up and left the convocation, telling Kestenbaum he was extremely uncomfortable with his introduction to Harvard.

89. On September 21, 2023, Harvard Divinity invited former Palestine Liberation Organization spokeswoman Diana Buttu to speak in Harvard Divinity's main building at a screening of *Israelism*, a film that argues American Jews raise their children with pro-Israel indoctrination. Buttu claimed that Jews are trained to mistreat Palestinians, a behavior she said they learned facing Nazi extermination at Auschwitz. Antisemitic tropes displayed during that screening drew applause rather than denunciation. Kestenbaum, who attended the screening along with Harvard Divinity Interim Dean David Holland and nearly all of Harvard Divinity's Religion and Public Life ("RPL") Department faculty, experienced severe anxiety and discomfort as a result of that Harvard-sponsored antisemitic event. Buttu holds a faculty position at Harvard.

90. The increasing antisemitism over the last decade has coincided with a dramatic decrease in Harvard's Jewish student population—from, in 2013, approximately twenty-five percent of the undergraduate student body, to, in 2023, less than ten percent—a drop of nearly sixty percent in a single decade that could only evince a deliberate effort by Harvard to minimize its Jewish student population.

**ii. Harvard Refuses to Discipline a Professor Who Intentionally Discriminated Against Jewish Students**

91. In March 2023, as confirmed by an independent investigation Harvard itself commissioned, Harvard Kennedy Professor Marshall Ganz—who has long railed against what he calls the "Israeli regime," "Jewish supremacy in Israel," and Israeli "apartheid"—intentionally discriminated against three Jewish Israeli students enrolled in his Organizing: People, Power,

Change course, the goal of which was for “students [to] learn to work as leadership teams to reach out to constituents to design an organizing campaign.”

92. For their organizing campaign class project, the three students examined ways “to harness and unite a majority of diverse and moderate Israelis to strengthen Israel’s liberal and Jewish democracy.” Professor Ganz first pressured the students to change their project description so that it did not refer to Israel as a “liberal Jewish democracy,” then told them to remove the word “Jewish” because, when used in connection with “Israel,” it “creates an unsafe space” akin to describing the United States as led by “white supremacy,” and ultimately prohibited them from using the phrase “liberal Jewish democracy” because, he said, the phrase is “highly controversial,” “disrupt[s] the learning environment,” and is “deeply offensive” to certain students. Ganz threatened the students with academic consequences when they defended themselves and their project. In retaliation for the students’ refusal to capitulate to his intimidation, Ganz made the topic for the last day of class “Palestinian solidarity”—even though no student’s project involved Palestine—and Ganz refused to let the Jewish students speak that day, rebuffing them for having “caused enough problems already.”

93. In response to a letter from the Brandeis Center asserting that Harvard violated Title VI based on Professor Ganz’s conduct, Harvard initiated an investigation led by the law firm Kurker Paget. Kurker Paget issued its findings in June 2023, concluding that Ganz violated Harvard’s Statement on Rights and Responsibility and finding that he: subjected the students to anti-Israel and antisemitic bias and discrimination on the basis of their identities as Jewish Israelis; silenced the students’ speech; treated them differently and denigrated them on the basis of their Israeli national origin and Jewish ethnicity and ancestry; prioritized others’ concerns



over theirs; and interfered with their ability to participate in and benefit from an educational program.

94. On June 15, 2023, Harvard Kennedy Dean Douglas W. Elmendorf accepted Kurker Paget’s “findings of fact and conclusions regarding [Professor Ganz’s] violations of School policies,” and acknowledged that Harvard “need[s] to ensure that the School fulfills the[] commitments [in the Statement of Rights and Responsibilities] and that the violations of policies that occurred this spring are addressed fully and do not recur.” Dean Elmendorf stated that he was “convening a small group of faculty members at the School to advise” him, and he “expect[ed] that this process of consultation will take only a few weeks, and then I will decide how to proceed.” But after more than four months of Harvard’s silence and failure to discipline Ganz, the Brandeis Center sent another letter on October 30, 2023, demanding immediate action. Kestenbaum and other Jewish students saw Harvard’s failure to act—even after its own investigator confirmed Ganz’s Title VI violations—as more evidence of Harvard’s hostility towards Jewish students.

**D. Harvard’s Deliberate Indifference to Antisemitism Has Continued Despite Intense Anti-Jewish Harassment Following Hamas’s Massacre**

95. As a result of Harvard’s actions and inactions alleged herein, including permitting antisemitic events, speakers, screenings, flyers, and messages, and repeatedly failing and refusing to enforce its own policies or take disciplinary measures against students and professors who violate those policies, Harvard has made it clear that it will permit, tolerate, and condone antisemitic activity. Such deliberate indifference and discriminatory application of Harvard’s policies cultivated an environment in which antisemitic activity, and the risk to Jewish students, drastically increased following Hamas’s October 7 massacre, and continues to this day.

**i. October 7, 2023: Hamas Terrorists Commit Horrific Atrocities Against Innocent Civilians in Israel**

96. On October 7, 2023, Hamas launched an unprovoked surprise attack on Israel, engaging in depraved acts of murder, torture, rape, violence, and kidnapping against Israeli citizens. Thousands of armed terrorists invaded southern Israel, while others launched thousands of rockets toward Israeli civilians. Once inside Israel, the terrorists, acting as well-armed death squads, dispersed into Israeli towns shooting, raping, torturing, burning, and mutilating unarmed civilians, including infants, children, and the elderly, taking hundreds of hostages and engaging in mass murder and rape at a music festival near Gaza’s border with Israel. The Israel Defense Forces (“IDF”) eventually repelled the terrorists and regained control over the affected area. By that time, Hamas had killed 1,200 people and abducted over 200 more. October 7 was the single deadliest day for Jews since the Holocaust. Since then, senior Hamas officials have hailed the slaughter and vowed that October 7 was “just the first time, and there will be a second, a third, a fourth,” promising another “October 7, October 10, October one-millionth.” When the Hamas leader who used this language was asked whether he meant to call for the complete annihilation of Israel, he replied, “Yes, of course.”

97. On October 18, President Biden described the October 7 slaughter as follows:

Scores of innocents—from infants to elderly grandparents, Israelis and Americans—taken hostage. Children slaughtered. Babies slaughtered. Entire families massacred. Rape, beheadings, bodies burned alive. Hamas committed atrocities that recall the worst ravages of ISIS, unleashing pure unadulterated evil upon the world. There is no rationalizing it, no excusing it. Period. The brutality we saw would have cut deep anywhere in the world, but it cuts deeper here in Israel. October 7th, which was . . . a sacred Jewish holiday, became the deadliest day for the Jewish people since the Holocaust. It has brought to the surface painful memories and scars left by a millennia of antisemitism and the genocide of the Jewish people.

98. Shockingly, many students and faculty members at Harvard celebrate, justify, and excuse Hamas's mass rape, murder, and kidnapping. Many have resorted to harassment and even violence against Jewish students in support of Hamas's attack and in condemnation of Israel's defensive response. Harvard faculty members publicly support these students and oppose even the smallest measures to combat Harvard's antisemitism. These faculty members and students falsely accuse the "Israeli regime" of: committing "genocide" and "ethnic cleansing" (even though the Arab population of Gaza has more than quadrupled since 1967); creating an "open-air prison" in Gaza (even though Israel completely removed itself in 2005 from Gaza, which also shares a border with Egypt); and "apartheid" (even though all citizens in Israel enjoy equal rights). Further evidencing the antisemitic nature of their activities, these students and the faculty members who support them do not condemn, let alone rally against, such countries as Syria and Yemen, which have killed hundreds of thousands of Arab civilians, and Pakistan, which is now expelling almost two million Afghan Muslims, or China, which has imprisoned its Muslims in reeducation camps, or Somalia and Nigeria, where Christians are regularly murdered.

**ii. Harvard Fails to Respond to the October 7 Atrocities, While Student Groups and Faculty Members Praise Hamas**

99. In the immediate aftermath of Hamas's October 7 massacre, Harvard failed to make a public statement about the greatest loss of Jewish life since the Holocaust. Instead, Harvard allowed the massacre to fuel anti-Jewish discrimination and harassment, as students and faculty members were permitted to justify and celebrate the slaughter.

100. Since October 7, student organizations including Harvard PSC, Harvard Afro, Harvard Graduate Students for Palestine ("Harvard GS4P"), Harvard Divinity's Jews for Liberation, and Harvard BDS, among others, have led near-daily antisemitic protests,

disruptions, and harassment campaigns, regularly calling for violence against Jews at campus events and on social media, employing genocidal chants to advocate “globaliz[ing] the Intifada,” and eradicating Israel and its Jewish inhabitants “from the river to the sea.”

101. On October 8, 2023, the day after Hamas’s attack, a coalition of more than thirty Harvard student groups calling themselves the Harvard Palestine Solidarity Groups, which includes Harvard PSC, Harvard GS4P, Harvard Divinity SJP, and Harvard Afro, among others, signed a statement, organized by Harvard PSC and publicized on its Instagram, blaming Israel for Hamas’s massacre: “We, the undersigned student organizations, hold the Israeli regime entirely responsible for all unfolding violence. . . . The apartheid regime is the only one to blame.”

102. Rather than suspend the student groups—a sanction provided for in many policies these groups violated and continue to violate—Harvard remained silent. Harvard’s abject failure to address the student organizations’ antisemitic statement quickly drew public criticism, including from former Harvard President Lawrence Summers, who posted the following on X on October 9:

In nearly 50 years of @Harvard affiliation, I have never been as disillusioned and alienated as I am today. The silence from Harvard’s leadership, so far, coupled with a vocal and widely reported student groups’ statement blaming Israel solely, has allowed Harvard to appear at best neutral towards acts of terror against the Jewish state of Israel.

103. On October 9, Harvard finally broke its silence on Hamas’s attack, issuing a public statement containing platitudes but avoiding any condemnation of Hamas or of the antisemitic statement signed by the Harvard student organizations, any expression of solidarity with Jewish students, or any acknowledgment of the antisemitism on campus. Compare

Harvard's statement to that made by the president of the University of Florida following October 7:

I will not tiptoe around this simple fact: What Hamas did is evil and there is no defense for terrorism. This shouldn't be hard. Sadly, too many people in elite academia have been so weakened by their moral confusion that, when they see videos of raped women, hear of a beheaded baby, or learn of a grandmother murdered in her home, the first reaction of some is to "provide context" and try to blame the raped women, beheaded baby, or the murdered grandmother. In other grotesque cases, they express simple support for the terrorists. This thinking isn't just wrong, it's sickening. It's dehumanizing. It is beneath people called to educate our next generation of Americans.

104. Later on October 9, SAA Member #2 emailed President Gay and Harvard Law Dean John F. Manning (now Interim Harvard Provost), imploring them to condemn Hamas and release a "comprehensive statement calling out what is happening in Israel," explaining that she and other students "don't just want your support and understanding. . . . Our friends and families are getting murdered, raped, and kidnapped. We request that you condemn the murder and abominable crimes perpetrated by Hamas." SAA Member #2 offered to meet with Harvard's leaders to explain her concerns in person but received no response. President Gay waited a week before replying by suggesting that SAA Member #2 could go to Harvard's Counseling and Mental Health Service ("CAMHS"). Dean Manning did not respond. SAA Member #5 also emailed Dean Manning on October 9, telling him that "[a]s a Jewish student who wears a kippah on campus, I feel unsupported by an administration that fails to call out evil acts of violence against Jewish people." Dean Manning did not respond.

105. As Professor Summers stated in his October 10 response to Harvard's October 9 statement, "[t]he delayed @Harvard leadership statement fails to meet the needs of the moment," and Harvard should have given "reassurance" to "frightened students" that it "stands squarely

against Hamas terror . . . when 35 groups of their fellow students appear to be blaming all the violence on Israel.”

106. On October 10, President Gay issued another statement called “Our Choices,” in which she finally “condemn[ed] the terrorist atrocities perpetrated by Hamas,” but failed to condemn the students’ reprehensible October 8 statement, noting only that they did not speak for Harvard or its leadership but affirming that they “have the right to speak for themselves.” Under intense criticism, President Gay later attempted to defend her failure to denounce the students: “Had I known that the statement issued by the students would have been wrongly attributed to the University, I would have spoken sooner about it.” But President Gay missed the point—the problem is not that some thought that Harvard itself sent the student statement, but that Harvard failed to condemn it or take any other actions to prevent the statement from further contributing to the hostile antisemitic environment on campus.

107. On October 10 and 11, a billboard truck drove around Harvard displaying the identities of students affiliated with the groups that signed the October 8 statement. On October 24, Harvard College Dean of Students Thomas Dunne emailed these students to inform them of the steps Harvard was taking to protect them from being publicly identified, including the formation of a task force—to protect the students who had publicly issued a shocking, widely condemned pro-Hamas antisemitic statement—the first step that Harvard took in response to the campus environment following October 7. Dean Dunne referred to the public identification of these students as a “repugnant assault on our community,” a harsher condemnation than Harvard issued against Hamas’s massacre. Harvard then removed student groups, like Harvard PSC, from Harvard’s online student organization directory to protect their members from being further

identified and rebuked for their antisemitic statement. Harvard PSC is still a Harvard-recognized organization.

108. On October 11, the leadership of Harvard Divinity's RPL Department sent a statement to Harvard Divinity's student body on the "Current Spate of Violence in Palestine/Israel," signed by its associate dean, Associate Director of the Religion, Conflict, and Peace Initiative Hillary Rantisi, and Professor Atalia Omer, among others, and itself rife with antisemitic historical distortion. Below the statement were a list of events and announcements, including the winners of the Harvard Divinity RPL's Summer Photography Competition. One honorable mention was a student submission of a photograph of graffiti near Bethlehem, depicting a Jewish individual with a stereotypical elongated nose and wearing a shirt with a Star of David greedily hoarding water from three faucets simultaneously, while an individual wearing Palestinian garb stands nearby. Under the photograph, the student's description read, in part: "Through my experience with RCPI [the Harvard Divinity Religion, Conflict, and Peace Initiative], I became further attuned to the ways in which Zionism, as a form of religious nationalism, impacts Palestinians living under occupation in myriad ways, such as water sovereignty. Here, not only is the water a literal representation, but it also doubles as an allusion to the ways that religion is weaponized through Zionism, and violently denies Palestinians daily of their livelihood and humanity by taking their natural resources." Kestenbaum was highly disturbed that his own school's leaders were directly promoting antisemitism.

109. SAA Member #2, whose mother was in Israel on October 7 and whose cousins serve in the IDF, returned to classes on October 11. She was distraught during her first class, unable to pay attention following the initial response at Harvard to the massacre. Her second class was equally difficult, as news broke that Hamas was flying drones into central Israel while

she was unable to reach anyone in her family. After class, she was accosted by a student who—rather than expressing sympathy—told her Israel should respond leniently to Hamas’s attack.

SAA Member #2 left school later that week.

110. On October 13, a group of members of Congress who are Harvard alumni wrote a letter to President Gay to express their “outrage and profound disappointment over the statement made by” the Harvard student groups that “blame[d] Israel for the Hamas terrorist attacks brutally carried out against Israeli civilians.” The letter demanded, among other things, that President Gay “immediately condemn” the “abhorrent” and “heinous” statement justifying Hamas’s barbaric behavior; “investigate the origins” of the “unified hate and ignorance” among students who “have such a deep hatred for Israel that they have chosen to ignore reality, celebrate ruthless terrorists, and blame innocent civilians”; and publicly clarify that Harvard “strongly opposes this dangerous antisemitism.”

**iii. Harvard Permits Increasingly Aggressive Student-Led Disruptions Targeting Jews on Campus**

111. Harvard’s repeated failure to appropriately condemn or take significant steps to ameliorate antisemitism on campus has emboldened students to engage in increasingly aggressive antisemitic protests, intensifying the hostile environment Jewish students are forced to endure.

112. On October 14, 2023, Harvard PSC and Harvard GS4P organized an “emergency rally” at Harvard’s flagship Widener Library to denounce Israel. Hundreds of students gathered on Widener’s steps to block the entire length of the building while holding signs accusing Israel of “apartheid” and “genocide,” and engaging in nonstop anti-Zionist chants. Although the organizers advertised the rally as “open to all,” protesters forced a photojournalist to flee after they surrounded and pushed him.



113. On October 16, students chalked antisemitic writings at the entrance to Harvard Law, using phrases such as “from the river to the sea” and “divest from Israeli apartheid.” Notwithstanding requests to administrators, no action was taken. Soon thereafter, “free Palestine” was painted outside Harvard Chabad. It remained for months.

114. On October 18, Harvard PSC and Harvard GS4P organized a “die-in” and protest (“Die-In”) at Harvard Business School (“Harvard Business”), heavily promoted on social media as a “demand [to] end [an] ongoing genocide,” with organizers repeating Hamas falsehoods that Israel bombed al-Ahli Hospital in Gaza. After seeing this announcement in a WhatsApp group chat called “Protests around Harvard,” Kestenbaum replied to the chat, asking whether the groups would still host the event even though the report blaming Israel for the hospital bombing had been proven false. Students responded by calling Kestenbaum “despicable” and accused him of spreading “Israeli propaganda.” Hundreds of Die-In protesters marched from outside President Gay’s office to Harvard Business, where they lay on the ground playing dead while raising “from the river to the sea” signs and chanting “free, free Palestine” and other slogans.

115. The Die-In protesters also harassed and physically assaulted Jewish students. A video that went viral on social media shows a group of students swarming a Jewish Israeli Harvard Business student, holding their keffiyehs open to surround and physically restrain him while screaming, “shame!” over and over. The student was struck in the neck and forced out of the area. Ibrahim Bharmal, a Harvard Law Review editor and a Civil Procedure teaching fellow, and Elom Tettey-Tamaklo, a Harvard Divinity student and residential proctor, were among the assailants and are under FBI scrutiny for their assault. Harvard has imposed no discipline on Bharmal and has failed to sanction Tettey-Tamaklo other than relieving him of his proctor responsibilities.

116. On October 19, Harvard PSC and Harvard GS4P recruited hundreds of protesters to march through campus, invading the Science Center, Harvard Law’s Caspersen Student Center and Wasserstein Hall buildings, the Harvard Kennedy courtyard, and Harvard Square, using noisemakers, drumsticks, buckets, and megaphones to chant “from the river to the sea,” accuse Israel of “genocide,” and demand that Harvard “divest[] from Israeli apartheid that is funding genocide in Gaza.” The mob disrupted multiple classes, leading Jewish students to flee for their safety, with some removing identifying garb to avoid attack. Harvard failed to take steps to prevent the disruptions.

117. During this upheaval, SAA Member #1, SAA Member #2, SAA Member #3, and SAA Member #5 were in a study room on the first floor of Harvard Law’s main building, attending a small discussion session with a former assistant to the president during the Trump administration, Jason Greenblatt. At the session, the students heard drumming outside the study room and found a mob at the entrance to Harvard Law with a giant banner reading “Stop the Genocide in Gaza.” SAA Member #2 watched as Harvard University Police Department (“HUPD”) officers observed, but took no action against, the hundreds of protesters, including non-Harvard-issued identification (“HUID”) cardholders, who were bypassing card scanners and infiltrating the building. The group stormed Harvard Law’s main building, marched down the length of the building’s primary first-floor hallway, and blocked the hallway outside the study room where the SAA members and Greenblatt were hiding. Fearing a violent attack, students in the study room removed indicia of their Jewishness, such as kippot, or hid under desks.

118. Harvard’s policies provide that students’ HUID cards, which grant access to Harvard facilities, are “for University purposes only . . . [and] are not transferable; a student may not allow any other person to use their HUID card for any purpose,” that “[c]ommunity members

are responsible for their identification card and for the consequences of its misuse,” and that the HUPD can request any individual’s HUID card “[w]henver it is necessary to ascertain whether a person is a member of the University community or an authorized visitor.”

119. Jewish students, including SAA Member #1, SAA Member #2, and SAA Member #5, immediately went to the Dean of Students and Community Engagement, Equity, and Belonging (“CEEB”) offices, only to find the offices locked with staffers already safely inside. One staffer ultimately came to the door to tell the Jewish students to wait in another room until the administrators were ready to meet. Eventually, Harvard Law’s Dean of Students Stephen L. Ball and Assistant Dean for CEEB Monica Monroe met with the students very briefly and, without giving the students any opportunity to speak, stated that they were “sorry” and that they would look into the incursion. SAA Member #2 was shocked that Harvard had effectively surrendered its campus to the mob. SAA Member #1 had to miss his class later that day and, concerned for his safety, stopped regularly attending his classes. Kestenbaum encountered the roving mob as he was leaving his class at Harvard Kennedy. The mob, having moved on from Harvard Law, now blocked the exit to the Harvard Kennedy building and shouted, at anyone trying to leave, “from the river to the sea” and other chants calling for the destruction of Israel and genocide of Jews. Kestenbaum was shaken by this experience, which has made him fear for his safety on campus.

120. SAA Member #2 emailed Assistant Director of Student Life Jeffrey Sierra after the mob stormed Harvard Law to describe what happened. In two previous meetings with Sierra, she had asked him what could be done to stop the rampant antisemitism on campus and explained its impact on her. In both of these meetings, and in response to her email regarding the October 19 incursion, Sierra directed SAA Member #2 to CAMHS for mental health services

and, on several occasions, said he was “not in a position to do more.” When SAA Member #2 asked whom she could contact instead, Sierra said he would speak with more senior administrators, but SAA Member #2 never heard from anyone else about her concerns.

121. After Harvard’s failure to respond to their October 19 anti-Jewish harassment and incursion, Harvard PSC and Harvard GS4P organized a similar disruption on October 20, which they called a “global strike for Palestine,” complete with a classroom walkout and protest.

122. On October 27, during Family Weekend—when students’ families visit campus—Harvard PSC and Harvard GS4P held another die-in and protest starting outside Harvard Law’s library, advertising the protest as “[o]pen to non-HUID Holders.” Protesters lay on the ground at the library’s entrance with “Boycott Divest Sanction” and “Harvard must recognize Genocide” signs, while chanting “from the river to the sea” and “hey hey, ho ho, the occupation has got to go.” In advance of the protest, SAA Member #1 had emailed several Harvard Law administrators, including Dean Ball, Dean Manning, and Dean Monroe, attaching the student groups’ flyers advertising the protest and requesting that the administrators prevent non-HUID holders from attending, and stating: “Please protect us.” None of them responded. SAA Member #2 left campus immediately after her last class of the day, taking a ride-share service home because she did not feel safe walking through the protest to access her usual train.

123. These mass disturbances violated several Harvard policies, but Harvard has taken no action to prevent them—even when students, citing specific policy language and providing photographic evidence, warned administrators, including President Gay, Provost (and now-Interim President) Garber, Dean Manning, Dean Ball, Dean Soban, and Dean Monroe, of impending antisemitic disturbances.

124. On October 27, President Gay attended a Harvard Hillel Shabbat dinner where she finally acknowledged that there had been a “surge in anti-Jewish incidents and rhetoric across the nation—and on our own campus,” that she had “heard story after story of Jewish students feeling increasingly uneasy or even threatened on campus,” and that “antisemitism has a very long and shameful history at Harvard,” which “has done too little to confront its continuing presence.” Although President Gay promised that this indifference would continue “[n]o longer,” Harvard has done nothing nearly sufficient to rectify its hostile environment.

125. Three days later, on October 30, Harvard PSC and Harvard GS4P, in violation of Harvard’s clear policies, began a takeover of Harvard Law’s main common lounge in Caspersen Student Center—which would last throughout the semester—during which students orchestrated incessant antisemitic agitation and anti-Israel protests and accosted Jewish students. Harvard ignored the pleas and concerns of Jewish students, including SAA Member #1 and SAA Member #2, who are visibly Jewish based on their religious clothing and who have been regularly stopped and targeted in the lounge. Students like SAA Member #2 and SAA Member #5 have stopped using Caspersen lounge as a study space to avoid being harassed because they are Jewish.

126. On October 31, SAA Member #3 was stunned to see Bharmal among the Caspersen lounge protesters, after he had assaulted a Jewish student at the October 18 Die-In, and to hear that he was unrepentant about doing so. SAA Member #3 ran to a bathroom and cried, shaken at Bharmal’s lack of remorse, and Harvard’s permitting Bharmal to not only remain on campus, but to continue to participate in activities that violate Harvard’s policies. She tried to compose herself and attend her Civil Procedure class but was unable to stay more than a few minutes.

127. The takeover of Caspersen lounge drew no Harvard intervention, for at least two weeks. Only on November 15—when Jewish students asked Dean Ball, Dean Soban, Dean Monroe, and Title IX Program Officer Sasha Tulgan if they could also demonstrate in that same space—did Dean Ball send a Harvard Law-wide email advising that shared spaces like Caspersen lounge are only for “personal or small group study and conversation.” On November 15, the protesters ignored three separate in-person requests by administrators—prompted by repeated complaints from Jewish students that the protesters were harassing them—to stop the protest.

128. On November 16, the next day, protesters held an unauthorized event in Caspersen lounge during class time, called a “vigil for martyrs,” with a printed program outlining demands and advertised in advance on social media. SAA Member #1, two days earlier, had emailed Dean Ball and other Harvard Law administrators warning them about this planned disruption, noting that Harvard GS4P organizers again intended to bring outsiders to the school and stating that he “and other Jewish students feel unsafe and [these unauthorized events] are directly interfering with our ability to attend [class] and focus on our coursework.” Dean Ball attended the “vigil,” but did nothing to disperse the crowd or discipline the instigators. SAA Member #1, SAA Member #2, and others participated in a counter-protest that day, but their “bring them home” chants—referring to hostages held by Hamas—were drowned out by anti-Jewish protesters, who yelled, among other things, “glory to the martyrs.” After Harvard again failed to stop these antisemitic threats, SAA Member #1 emailed Title IX Program Officer Tulgan, telling her that “campus felt so unsafe today” and that “I used to hope that the administration will do better but today I lost all hope.”

129. The protesters' prohibited takeover of Caspersen lounge continued through the end of the semester, and the perpetrators have faced no discipline. Organizers said they would continue using Caspersen in violation of school policy. The lounge has continued to be the site for protests and events that violate Harvard's policies.

130. On November 3, 2023, the HJAA—formed in the wake of Harvard's clearly unreasonable response to October 7—sent Harvard a letter, signed by over 1,800 alumni, demanding immediate action to stop the incessant antisemitism and stating that they never imagined that they would “have to argue the point that terrorism against civilians demands immediate and unequivocal condemnation,” or argue “for recognition of our own humanity.”

131. On or around November 5, flyers that SAA Member #5 had hung at Harvard Law, advertising an event hosted by the student group Alliance for Israel, were ripped down. The group's members, including SAA Member #5, emailed Harvard Law Campus Safety Coordinator Collin Keyes and HUPD Lieutenant Wilmon Chipman to request video footage of the locations where the flyers had been posted. Chipman stated that he would pass this request to “command staff”; however, the students heard nothing for several weeks despite repeated follow ups, until December 15, when Keyes informed SAA Member #5 that Harvard could not find the posters in the footage. SAA Member #5 followed up twice with more details to help Harvard properly search for the posters, but Harvard has still failed to locate the relevant footage.

132. Starting on November 8 and continuing through the next week, Kestenbaum put up posters of Israeli children kidnapped by Hamas on a bulletin board in Harvard Divinity's common area, all of which were ripped down. Kestenbaum reported this vandalism to Harvard Divinity leadership, including the chaplain, the assistant and associate deans for DIB, and the director of student life, advising that he was discouraged from further using this dedicated public

space. Harvard did nothing to address this blatant violation of its policies, instead telling Kestenbaum that the administration would explore the issue during the next semester—which proved to be nothing more than an empty platitude, given that the poster vandalism continued into the spring 2024 semester, and Harvard took no affirmative steps to investigate the issue on its own.

133. Also on November 8, SAA Member #1 emailed several administrators, including Dean Ball and Dean Soban, notifying them of a Harvard PSC and Harvard GS4P “day of mourning” walkout event planned for November 9, the anniversary of Kristallnacht. He noted that the last time there was an organized walkout, hundreds of people, including outsiders, stormed through the Harvard Law building. He asked whether there was a “safe and secure location on the Harvard Law Campus for Jewish students to go through in case any demonstrators break in.” None of the administrators responded to SAA Member #1 concerning any safety measures, and the event was ultimately postponed by the student groups.

134. On November 9, President Gay finally addressed the assault on the Jewish Harvard Business student that had occurred at the October 18 Die-In, revealing that Harvard would not open an investigation but would instead permit those responsible to remain on campus, pending the completion of “law enforcement’s inquiry,” when the University would “address the incident through its student disciplinary procedures to determine if University policies or codes of conduct have been violated and, if so, take appropriate action.” On May 9, 2024, Tettey-Tamaklo and Bharmal were charged with criminal assault and battery and violations of the Massachusetts Civil Rights Act—which prohibits attempts to “intimidate or otherwise interfere with . . . any other person in the free exercise or enjoyment of any right or



privilege secured to him by the constitution.” There has been no word from Harvard about any disciplinary measures.

135. After mounting pressure from students, alumni, and the school’s newly formed Antisemitism Advisory Group, President Gay issued a statement on November 9 outlining what she called “concrete steps” for “combating antisemitism” at Harvard, but offering only vague and unspecified plans to: examine antisemitism and address its complex history, educate community members on antisemitism, make students aware of how to report bias, ensure physical and psychological safety, have community sessions with the diversity office, and look for external partnerships that would assist with efforts. Harvard failed to implement any of these actions, and the Antisemitism Advisory Group was dismantled in January 2024.

136. Also on November 9, Harvard PSC, noting that the “future of pro-Palestinian activism at Harvard is safe,” posted a video of students disrupting a faculty dinner, shouting through a megaphone to “raise awareness” of what they called “genocide.” On November 13, protesters chanted “globalize the Intifada”—that is mass murder and terrorism against all Jews—across the Harvard undergraduate campus. SAA Member #1 reported these violent chants to Dean Manning, Dean Monroe, the Antisemitism Advisory Group, and others, who did nothing other than thank SAA Member #1 for informing them.

137. As Professor Summers stated in a November 15 *Washington Post* Op-ed titled “The Cancer of Antisemitism is Spreading. Colleges Must Take the Right Stand”: Harvard was in “a moment of moral and mortal peril”; “Harvard . . . h[as] not been swift” in its response to antisemitism, a “cancer—a lethal adversary best addressed as rapidly, thoughtfully and aggressively as possible”; Harvard’s “[d]ouble standards” are “unacceptable,” and no honest observer could say that its “responses to antisemitism have paralleled in vigor or volume the

responses to racism or other forms of prejudice”; and “singling out Israel with calls for its annihilation is Jew hatred.”

138. The utter inadequacy and clear unreasonableness of Harvard’s response to antisemitism on campus was further exemplified on November 16 and 17 when, for twenty-four hours, students took over University Hall, demanding that “Harvard administrators release a call for a ceasefire in Gaza,” announce that “antisemitism [is] not the same as anti-Zionism,” and “investigate Islamophobia and suppression of pro-Palestine speech on campus.” Rather than eject or otherwise penalize those students, nine hours into the takeover, Dean Khurana and Adams House Faculty Dean Salmaan Keshavjee brought the occupying students burritos and candy. After twelve hours, Dean Khurana gave them the chance to leave without disciplinary action; when the students refused, he allowed them to remain overnight. When questioned at the House Antisemitism Hearing why the deans provided food to unlawful protesters and promised them no consequences, President Gay evaded the question, stating, “where conduct violates our policies . . . we have processes underway.”

139. On November 27, Harvard Afro and Harvard BDS held a rally in Harvard’s Science Center plaza, where students chanted “long live the Intifada,” “globalize the Intifada,” “from the river to the sea, Palestine will be free,” and “we have them outnumbered,” among other antisemitic slogans.

140. The next day, on November 28, President Gay declined an invitation to attend a December 4 campus screening of a video of forty-three minutes of Hamas’s October 7 atrocities, because she was to be out of town, and declined a Harvard alumnus’s offer to provide her private transportation to enable her to attend.

141. On November 29, Harvard PSC, Harvard BDS, and Harvard Afro again organized self-proclaimed “disruptive” mass walkouts from classes across campus, targeting major lecture halls to disrupt the largest number of students and took over the Science Center’s classrooms and lobby, among other locations. During their takeover of the Science Center lobby—conduct prohibited by Harvard’s Statement of Rights and Responsibilities—protesters surrounded and intimidated Jewish students, using megaphones to shout genocidal antisemitic chants, including “globalize the Intifada,” “long live the Intifada,” “from the river to the sea,” and, in Arabic, “water to water, Palestine will be Arab.”

142. The disruption, like many before it, was led by a student recognized by Jewish students as among the primary instigators of antisemitic abuse on campus, whose presence causes considerable fear and alarm among the Jewish students who live in the same dormitory, Adams House, which he has turned into a base of operations for anti-Jewish activism. Adams House Faculty Dean Keshavjee—who supplied burritos and candy to the University Hall occupiers—did nothing to ameliorate the situation.

143. On December 3, 2023, Harvard BDS posted an Instagram story publicizing a speaking event featuring convicted terrorists and attempted murderers Marah Bakir and Shorouq Dwaiat—the former was sentenced to eight years in prison for her October 2015 attempted murder of a police officer in Jerusalem, and the latter to sixteen years in prison for her premeditated stabbing of a Jewish man in the head and attempt to stab another in Jerusalem on October 7, 2015. Both terrorists were among those Israel released in late November 2023 in exchange for innocent Israeli civilians captured on October 7 and held as hostages by Hamas. Kestenbaum emailed the December Instagram post to President Gay, Interim Dean Holland, and the Antisemitism Advisory Group, stating that it “sends a clear, dangerous message to Jews on

campus,” and asking Harvard to suspend Harvard BDS leaders, “disavow anti-Jewish rhetoric, and protect Jewish students.” Harvard did not respond.

144. On December 6, rather than prevent protesters from disrupting Harvard Divinity’s Seasons of Light celebration that evening—a “beloved annual multireligious service” and Harvard Divinity’s only annual event that includes a celebration of the Jewish faith—Harvard canceled it. That same day, Harvard GS4P students took over Harvard Divinity’s “Holiday Tea,” interrupting the Harvard administrators, faculty, staff, and students who had gathered there by unfurling a large banner alleging “genocide in Gaza,” yelling about a “Zionist genocidal campaign,” shrieking “there can be no peace without justice,” “free, free Palestine,” and “shame!” The Harvard administrators did nothing to stop the students. Kestenbaum, who was present, emailed the Antisemitism Advisory Group to report this blatant violation of Harvard policy—which occurred after President Gay publicly declared that Harvard would discipline this type of violation—but has not received a response.

145. Rather than act to protect Jewish students, Harvard has thus required that they limit or conceal their activities. For example, as Harvard Chabad Rabbi Hirschy Zarchi revealed, Harvard requires that he remove the Chabad Hanukkah menorah from the campus at night so that it would not be vandalized. Rather than ensuring the safety and success of the Seasons of Light celebration and making it unequivocally clear that vandalizing the menorah was unacceptable and would be met with harsh punishment, Harvard addresses antisemitism by canceling events that include celebrations of Jewish culture and warning celebrants to hide Jewish symbols.

146. At the same time Jewish students were being cautioned by Harvard to abandon or conceal their identity, students celebrating the October 7 massacre and advocating death to Israelis and Jews were free to do so on campus and over social media, not deterred or punished

by Harvard in any way. On December 10, 2023, during final exam week, Harvard PSC, Harvard BDS, and Harvard Afro oversaw a disruptive, aggressive, flag- and banner-waving takeover of Harvard's Widener Library, and then marched to Massachusetts Hall, where students chanted "from the river to the sea." Kestenbaum had intended to study at Widener but abandoned his plan, as he was concerned that his religious clothing would make him a target for abuse or violence. Harvard took no action to stop the Widener protest or discipline the students or organizations that participated in it

147. On December 31, 2023, a student promoted in the Harvard Divinity student group chat a virtual event called "Purplewashing: Resisting Colonial Feminism Teach-In," which was to include as a speaker a Palestinian activist named Yaffa who, on October 7, defended on social media the massacre as a "Palestinian protest" against "our oppressors." Kestenbaum responded to the student in the Harvard Divinity chat that Yaffa "called the largest massacre of Jews since the Holocaust a valid form of protest" and that he did not think "anyone would feel comfortable promoting an event if the keynote address was given by a person who cheered on the murder of any other minority group." The student responded, "I'm comfortable promoting this event." That day, Kestenbaum reported this exchange and event to the Antisemitism Advisory Group and President Gay, telling them it was "deeply concerning" and reminding them, "when I told you I don't feel safe at Harvard, it's precisely because of antisemitic students like this." Harvard has not responded.

148. After, as a result of plagiarism accusations, President Gay resigned on January 2, 2024, antisemitic messages were plastered all over Harvard's community group on the social media app Sidechat, which requires a Harvard email address to join. Among the messages that students, including Kestenbaum, saw are: "LET EM COOK" next to a Palestinian flag emoji; "I

proudly accept the label of terrorist”; “stfu pedo lover! all of you Zionists are the same. Killers and rapists of children!”; “Blondie pro-doxing, pro-genocide sophomore really thinks she is the shit for going on israeli media a couple days ago. She looks just as dumb as her nose is crooked”; “Forgot the moment where yall made it clear that the ‘nova massacre’ [the music festival where Hamas murdered, tortured and raped young people on October 7] that our zionist classmates were using as propaganda was carried out by the IDF.”; and “I . . . support Hamas as representatives of Palestinian frustration and Oct 7 as a moment of decolonization.” One student wrote a post to her classmates that said: “I’m begging you all to recognize the ‘Jewish people are controlling everything’ (and are the reason Gay resigned) narrative as an antisemitic conspiracy theory. It is a common white supremacist argument against Jewish people.” In response, another student said, “It’s not a theory if it’s mostly true.” Kestenbaum reported these antisemitic messages to Harvard leadership via email on January 4, 2024, including Interim President Garber, Harvard’s Office for Equity, Diversity, Inclusion, and Belonging (“OEDIB”), Harvard Divinity’s DIB Office, and the Antisemitism Advisory Group, warning that “[f]or every minute that Harvard does not forcefully condemn the horrific antisemitism present within the student body, the more dangerous it gets for us on campus.”

149. On January 16, Harvard, in concert with Sidechat, limited access to Harvard’s Sidechat community to only undergraduate students. Rather than addressing the rampant antisemitism on the platform, the only thing this move accomplished is to block Kestenbaum and other SAA graduate students’ ability to report these vile posts. Harvard knows that the offending posters are undergraduate students subject to Harvard’s policies, including the Non-Discrimination Policy, which extends to misconduct on social media. Harvard has refused to disable access to Sidechat on its WiFi network or to identify and discipline offending students,

even though its Policy on Access to Electronic Information permits Harvard to “access user electronic information in connection with investigation of misconduct by students, faculty, staff, and other members of the University community.”

150. The antisemitism on Sidechat persists. For example, on April 13, 2024, Harvard students glorified Iran’s attack on Israel, claiming “Iran has the right to defend itself,” and “Hezbollah, Houthis, Iraqis, Syrians[,] it’s not gonna be just Iranian guns. The intifada is rising habibti.” On April 26, a student wrote, “What I mean: Globalize the intifada, overthrow settler colonial states worldwide and free the oppressed people internationally.” On May 11, a student posted, “[Interim President] Garber is a Jew who decided to be an Israeli sellout instead of use [sic] his position for good like so many other Jews, so who can be surprised?”

151. Reflecting its deliberate indifference to the severe and pervasive hostile environment for Jewish students on campus, Harvard had actual knowledge of each of the above recent incidents of student-led antisemitic harassment, including through personal observation by administrators, student complaints and reports, and news articles, yet unreasonably failed to adequately and appropriately investigate and address a single one.

**iv. Harvard’s Acceptance of Antisemitic Discrimination and Harassment by Its Faculty and in Its Classrooms Adds to the Hostile Educational Environment**

152. Harvard’s faculty and teaching fellows have joined, encouraged, and supported severe and pervasive harassment and marginalization of Jews at Harvard. For example, rather than condemn the scores of disruptive student-led events alleged above, several professors have canceled class to encourage students to participate. Harvard is fully aware of, yet has taken no action to prevent, these professors’ and teaching fellows’ discrimination against Jewish students, even though such conduct plainly violates Harvard’s policies.

153. On October 10, 2023, a Harvard Law Civil Procedure teaching fellow, Ibrahim Bharmal—the same Harvard Law Review editor who assaulted a Jewish student at the October 18 Die-In—emailed his students, comprising nearly one-third of the 561 first-year law students, calling for them to bring their “whole identities and ideologies” to class, and inviting them to that evening’s Harvard PSC “vigil for all civilian lives lost and in solidarity with Palestine,” with no mention of the slaughter and rape of Israelis three days earlier. One of Bharmal’s law students, SAA Member #1, immediately emailed the course professor, James Greiner, copying Dean Manning, Dean Ball, and the CEEB Office, asking Professor Greiner to respond to Bharmal’s email, explaining that it was “deeply inappropriate” given Jewish students’ pain and fear following October 7, and that Bharmal made him and other students feel even more afraid of antisemitism at Harvard, given Bharmal’s official position at Harvard Law. Three weeks later, after Bharmal was recorded assaulting a Jewish student on October 18, Professor Greiner afforded Bharmal what is considered the honor of hosting a review session for his students, which SAA Member #1 and other Jewish classmates did not attend because they were afraid of him. SAA Member #1 asked administrators at the Dean of Students Office if Jewish students would have to be killed before Harvard deemed it appropriate to finally act to protect them. SAA Member #1 filed a formal complaint with the Dean of Students on October 12, met with Director Sierra about his complaint, and repeatedly followed up, imploring them to act to stop the constant antisemitic protests and other hostile activities at Harvard Law, but contrary to its ostensible procedures, Harvard has not provided him with updates or taken any other action. At the time of this filing, Bharmal has faced no discipline by Harvard for his assault—he is still a Harvard Law student, still on the Harvard Law Review, and remained employed by Harvard as a teaching fellow—despite his being criminally charged.



154. SAA Member #1 and other Jewish students have also been targeted by his Torts professor, Jon Hanson, who: on October 7, promoted a podcast inviting listeners to “learn more about Israeli apartheid + occupation,” and defended the Hamas attack by claiming “people on the underside of power who resist state violence and occupation will always be called terrorists”; on October 17, said, “I’m honestly stunned by how openly bigoted both Israeli and American Zionists have been since October 7th”; on November 2, maligned Israeli Jews as “colonizers” who “blow[] up” babies; on December 9, asserted there was a “depopulation campaign” in Gaza; and on December 10, derided the December 5 House Antisemitism Hearing as a “master class in bad-faith culture war bullshit.”

155. On October 19—after taking a break because of the disruptive mob charging through the halls—Professor Hanson required the class to participate in a blind vote about whether to discuss the Israel-Hamas conflict during Torts class, which he declared a tie, and granted himself sole discretion whether to facilitate such discussion at a later time. During a Zoom meeting, Professor Hanson shared his anti-Israel/Jewish views and told SAA Member #1 that he would not rule out discussing the Israel-Hamas conflict during class. At another meeting less than two weeks later, Hanson discouraged SAA Member #1 from escalating his complaint against Bharmal and advised that he supported the students who had recently taken over Caspersen lounge. Professor Hanson also planned his final exam for the fall 2023 semester to require students to write about Israel and Gaza but changed it at the last minute—after the Registrar’s Office intervened.

156. On October 17, the Executive Committee of Harvard’s Center for Middle Eastern Studies endorsed a statement published by the board of the Middle East Studies Association which demonized Israel. The statement listed the atrocities caused by Hamas’s October 7 attack

on Israel—namely, Hamas’s murder of over 1,000 Israelis, the injuring of over 3,600 Israelis, and the kidnapping of (at that time) 150 Israelis—but argued that Israel still has no right to respond in self-defense. As former Harvard President Summers explained in a January 30, 2024 statement, it is not academic freedom to use one’s official Harvard capacity to endorse a discriminatory and prejudiced position.

157. On October 20, Professor Clio Takas emailed her students stating, “[a]s many of you know, [Harvard PSC] and [Harvard GS4P] are organizing a class walk-out and general strike . . . . I have decided to cancel section today in solidarity.” Similarly, Harvard Public Health Professor Nancy Krieger accommodated students who wanted to participate in the October 20 global strike by permitting the vast majority of students to leave class to protest. Krieger then excused the remaining seven (which included several Jewish students) and asked them to return along with the protesting students at noon. As it turned out, Krieger and the protesting students returned to the classroom some forty minutes earlier than the professor had said class would resume and, in the absence of the Jewish students, Krieger resumed her lecture.

158. On November 13, over 120 Harvard professors posted a public letter to President Gay, titled “Harvard Faculty Response to ‘Combating Antisemitism’” framing Harvard’s Antisemitism Advisory Group appointed by President Gay as an assault on academic freedom. The signatories include Professor Diana L. Eck who, as alleged further below, had previously demanded an Indian professor’s courses be canceled because of his “call[] for violence against” mosques; Professor Walter Johnson, the most recent faculty advisor for Harvard PSC, who regularly participates in disruptive student groups’ activities; and Harvard Divinity Professors Rantisi and Omer, who had previously signed the October 11 RPL statement defending Hamas’s terrorist attack. Reflecting Harvard’s antisemitic environment, the faculty letter:

- Stated the professors were “profoundly dismayed” by President Gay’s November 9 “Combating Antisemitism” message;
- Demanded Harvard resist calls to suspend and/or decertify Harvard PSC, even though it has regularly engaged in activities that violate numerous Harvard policies and is a key instigator of campus antisemitism;
- Defended students’ use of the antisemitic phrase “from the river to the sea,” as “complicated” and worthy of protection; and
- Omitted any mention of the deliberate targeting of Jewish civilians for murder, rape, torture, and kidnapping or the intense discrimination, harassment, and violence Jewish students face on campus.

159. SAA Member #4 emailed one signatory, Professor Jesse Bump, who had tweeted in spring 2021 (during another Israel-Hamas conflict) that Zionists could not work in public health, asking Bump whether he understood the implications of what he had signed and how it would impact the Jewish and Israeli students required to take his courses. Rather than respond, Bump reported SAA Member #4 to Dean Driver-Linn and Department Chair Castro. Driver-Linn accused SAA Member #4 of failing to uphold Harvard’s values by “extrapolating views and assuming intent” concerning the statement Professor Bump signed.

160. On November 14, Harvard’s Center for Middle Eastern Studies hosted a conversation, “The Ongoing Nakba,” in the Science Center, which included Columbia University Professor Rashid Khalidi who, on October 9, had blamed Jews for Hamas’s attack and was a Palestine Liberation Organization spokesperson in the 1970s and 1980s, when that group regularly committed terrorist acts, such as the Lod Airport massacre in which twenty-six people were killed, including seventeen Christian pilgrims from Puerto Rico.

161. On December 5, the same day President Gay testified before Congress, Harvard Faculty and Staff for Justice in Palestine (“Harvard FSJP”) released a statement falsely characterizing the October 18 Die-In and related events as “peaceful,” minimizing the assault on a Jewish student as not even a “scuffle.” Despite video evidence to the contrary, the faculty

members defended Tettey-Tamaklo and other Die-In assaulters' actions as "de-escalation tactics," even though, as the video shows, such actions clearly violated Harvard's policies to protect "freedom from personal force and violence, and freedom of movement." Harvard FSJP even went so far as to assert that Harvard should not have cooperated with the FBI's investigation of the assault, and demanded that Harvard "establish an investigative committee on anti-Palestinian racism," even while many of these same faculty members, in their November 13 statement, had criticized President Gay's announcement of the Antisemitism Advisory Group.

**v. President Gay's December 5 House Antisemitism Hearing Testimony Confirms Harvard's Deliberate Indifference to Its Hostile Anti-Jewish Environment**

162. On December 5, 2023, President Gay, along with the presidents of Massachusetts Institute of Technology ("MIT") and University of Pennsylvania ("Penn"), testified at the House Antisemitism Hearing. President Gay did not consult the Antisemitism Advisory Group when preparing for her testimony.

163. At the hearing, President Gay's repeated refusal to acknowledge that calling for the genocide of the Jewish people on campus is against Harvard policy shocked people across the nation. Representative Elise Stefanik asked President Gay: "[D]oes calling for the genocide of Jews violate Harvard's rules of bullying and harassment?" President Gay responded, "it depends on the context." Representative Stefanik asked several more times whether calling for genocide of the Jewish people violates Harvard's policies, yet each time President Gay refused to give a definitive answer, offering falsely that "antisemitic rhetoric, when it crosses into conduct that amounts to bullying, harassment, intimidation, that is actionable conduct, . . . we do take action."

164. President Gay also testified that she understood the meaning of the phrases "globalize the Intifada" and "from the river to the sea," calling them "hateful speech [that is]

personally abhorrent” to her, but not necessarily to Harvard. Representative Stefanik asked President Gay about the multiple protests and rallies on Harvard’s campus where students were permitted to engage in such chants as “there is only one solution, Intifada revolution” and “globalize the Intifada,” without any repercussions. President Gay admitted hearing “that thoughtless, reckless and hateful language on our campus,” and admitted “it is at odds with the values of Harvard,” but refused to say such “hateful” incitements to violence were contrary to Harvard’s policies. Similarly, when asked if Harvard would want an “avowed Neo-Nazi” or someone who “has called for the elimination of the state of Israel” as part of the Harvard community, President Gay repeated that such a person is “not consistent with Harvard values” and admitted that such conduct is “antisemitism,” but added, “we allow a wide berth for free expression.” Yet as alleged further below, Harvard only allows a wide berth for antisemitism, but not other forms of hateful “expression.”

165. Representative James Comer asked President Gay about Harvard’s acceptance of funding from “sources that support Hamas or have links to terrorist organizations, like Qatar, Lebanon, and the Palestinian Authority.” President Gay testified that “Harvard has policies that govern the acceptance of gifts and contracts beginning with respecting federal law . . . then we go further and only accept gifts that align with our mission.”

166. Apparently, it is consistent with Harvard’s mission to accept gifts from Qatar, where, to name only a few outrages, same-sex activity is criminalized, and the government permits and utilizes indentured servants and exploits migrant workers, thousands of whom died building the infrastructure for the 2022 FIFA World Cup.

167. Watching the testimony, Kestenbaum was appalled that Harvard's president refused to say under oath that calling for the genocide of his people violated Harvard policy, and considered leaving Harvard because he felt he was in physical danger.

**vi. The House Education Committee Announces a Full Investigation into Harvard's Antisemitism, and Public Backlash Against President Gay's Testimony Intensifies**

168. President Gay's December 5 testimony at the House Antisemitism Hearing caused enormous public backlash. That night, Harvard Hillel President Jacob M. Miller and Campus Rabbi Getzel Davis wrote that "President Gay's failure to properly condemn this speech calls into question her ability to protect Jewish students on Harvard's campus," and that she "fail[ed] to reassure us that the University is seriously concerned about the antisemitic rhetoric pervasive on campus."

169. President Gay's testimony also betrayed the purposeful impotence of the Antisemitism Advisory Group, which was later revealed through contemporaneous meeting notes and the House Committee's investigative report released in May 2024 based on Harvard's internal documents and an interview with member Dara Horn—materials Harvard had not made public. Ex. B. By the time of Gay's testimony, the Antisemitism Advisory Group and Harvard leadership understood the sheer scope of the antisemitic environment at Harvard. For example, at its first meeting on October 23, 2023, then-Provost Garber noted that the "shunning of Israeli students" was a "pervasive problem" in Harvard College and possibly other schools even before October 7. In November, the Antisemitism Advisory Group met and discussed antisemitic incidents—including that a student wearing a yarmulke was "spat upon," but "had not received answers from Harvard reporting channels or from" HUPD; that a professor told an Israeli student she was making people "uncomfortable" because of she was from Israel (the student filed two

complaints with Harvard); and that a Jewish student was “chased” and “screamed at by a Resident Tutor.”

170. The Antisemitism Advisory Group found that for each incident, Harvard had taken no action. The group was also included on many emails reporting antisemitic discrimination and harassment. But members of the Antisemitism Advisory Group were not empowered to do anything about it. Over the course of its short tenure, the group identified numerous concerns, including the “dramatic decline in Jewish enrollment” at Harvard, Harvard’s failure to share “information on disciplinary outcomes publicly,” the “importance of condemning antisemitic rhetoric,” the need to investigate the potential influence of funders of terrorism on Harvard, the “need to address masked protest,” and more generally, Harvard’s inadequate response to antisemitic incidents. Harvard refused the group’s request to share information publicly on disciplinary actions taken in response to antisemitic incidents, citing privacy concerns, despite the group explaining to the president and provost that there were ways—such as those Harvard uses to report Title IX violation—to offset privacy concerns while still informing the community that serious action was being taken.

171. On November 5, concerned with Harvard’s lack of “concrete actions,” more than half of the Antisemitism Advisory Group’s members wrote to then-President Gay and then-Provost Garber, calling out Harvard’s “deeply unsatisfactory” response to “widespread harassment of our Jewish students across schools,” requesting immediate and longer-term remedial measures, and warning that if not acted on, the members would resign from the group. A day later, President Gay joined the group’s meeting with Harvard Corporation Senior Fellow Penny Pritzker and Provost Garber, pleading with the members to refrain from “resigning en

masse.” The next day, she released a statement on antisemitism, not to support Harvard’s Jews, but to attempt to quell the mounting disquiet and stave off embarrassment.

172. One of Gay’s promises in her November 9 statement—that the Antisemitism Advisory Group would work with Harvard’s constituent school deans—was never fulfilled in any meaningful way. In fact, at the one meeting that took place with school deans, at which the deans outlined their schools’ approaches to antisemitic incidents, Horn found “extremely disturbing” that several of the deans “didn’t really seem disturbed” by the antisemitic events they described. Members of the group were not given any opportunity at this meeting to respond substantively to the deans’ presentations, and a promised second meeting with the deans was never scheduled.

173. President Gay’s testimony at the House Antisemitism Hearing made clear to members of the Antisemitism Advisory Group that they would never be taken seriously by Harvard’s leadership. On December 7, two days after the hearing, the group met, noting how “troubl[ing]” it was that President Gay had not them for advice before her testimony. They also found the testimony itself to be “extremely disappoint[ing],” as Horn put it, as President Gay did not acknowledge the “pervasive” and “systemic” scope of the antisemitism problem and merely presented it “as though this were about . . . this difficult line with rallies and free speech, and that sort of there were maybe some individual incidents where things had crossed a line.” That day, Rabbi David Wolpe, rabbinic fellow for the Anti-Defamation League and visiting scholar at Harvard Divinity, resigned from the group, stating:

Without rehashing all of the obvious reasons that have been endlessly adumbrated online, and with great respect for the members of the committee, the short explanation is that both events on campus and the painfully inadequate testimony reinforced the idea that I cannot make the sort of difference I had hoped.



However, the system at Harvard along with the ideology that grips far too many of the students and faculty, the ideology that works only along axes of oppression and places Jews as oppressors and therefore intrinsically evil, is itself evil. Ignoring Jewish suffering is evil. Belittling or denying the Jewish experience, including unspeakable atrocities, is a vast and continuing catastrophe. Denying Israel [] self-determination as a Jewish nation accorded unthinkingly to others is endemic, and evil.

Rabbi Wolpe elaborated on CNN: “I resigned because I came to the conclusion that I was not going to be able to make the kind of changes that I thought Harvard needed” through the Antisemitism Advisory Group, which he described as having “accountability without authority.” On December 20, Rabbi Wolpe stated that Jewish students are the target of a “deliberate attempt” at intimidation, and that Harvard has “no sense of urgency, no sense of anger, no sense of disgust” regarding the “crisis” of “so many incidents of antisemitism” on campus. During a December 22 podcast, he stated that he could not keep giving “legitimacy to an enterprise” that was “fruitless,” as the committee was not going to “make a change,” while Harvard’s antisemitism “crisis” was “getting worse, not better.”

174. Rabbi Wolpe was not the only member of the Antisemitism Advisory Group to express grave concerns about its inability to effect meaningful change. Horn said:

[T]he reality is that the things on my list of asks are very large things that will not make them popular and will make half the faculty and students enraged. It will require firing a lot of people. Right now they have open Hamas apologists on the faculty. . . . Harvard is actively teaching the antisemitism it claims it wants to fight. There are entire Harvard courses and programs and events that are premised on antisemitic lies. . . . They would have to get rid of that. And get rid of a lot of other things . . . . [E]veryone will hate them and call them evil racist colonizers if they actually do what would be required for real change. So I don’t think they will do it.

175. As would be revealed in the House Committee’s May 2024 report, on December 18, 2023, Horn and the other remaining members of the group presented Harvard’s president and provost with detailed findings and recommendations that Harvard did not make public. Its

recommendations included renewed commitments towards holding student groups accountable for flouting university rules and protecting shared learning environments; rectification of “selective or unequal” enforcement of university policy; a “zero tolerance” policy for disruptions of learning environments; a review of OEDIB’s inadequacy in addressing antisemitism; a review of the “academic rigor” of programs with antisemitic content; and otherwise countering antisemitic rhetoric on campus. Harvard failed to act on these recommendations. Also included was a recommendation to “[i]nvestigate the flow and impact of external ‘dark money’ (from Iran, Qatar, or individuals, or entities associated with terrorist groups as identified by the State Department) to Harvard” thus “ensur[ing] free and rigorous inquiry and independence of the university from outside control by donors, regardless of their identities, or disruption of activities and mission of the university by outside actors.” Provost Garber told the group that he would have Harvard’s Office of General Counsel investigate this particular issue, but the results of any such investigation, if any occurred, were not communicated to the group. Only in response to the House Committee’s questioning regarding Harvard’s foreign funding did Harvard’s counsel answer generically that “no issues were identified.”

176. In a February 15, 2024 piece in *The Atlantic*, Horn publicly clarified what changes Harvard needs to make to address antisemitism, which tracked what the Antisemitism Advisory Group had told Harvard privately months before, including:

[E]nforcing existing codes of conduct regarding harassment; protecting classroom buildings, libraries, and dining halls as zones free from advocacy campaigns (similar to rules for polling places); tracking and rejecting funding from entities supporting federal designated terror groups (a topic raised in recent congressional testimony regarding numerous American universities); gut-renovating diversity bureaucracies to address their obvious failure to tackle anti-Semitism; investigating and exposing the academic limitations of courses and programs premised on anti-Semitic lies;

and expanding opportunities for students to understand Israeli and Jewish history and to engage with ideas and with one another.

177. On December 8, 2023, seventy-four members of Congress wrote to the boards of Harvard, MIT, and Penn, demanding that they remove their presidents from office over their failures to act against antisemitism. The letter noted that “[a]ntisemitism has been allowed to fester on campuses for years, and in the wake of the October 7th attack, the world is witnessing the consequences.” It also cited President Gay’s testimony as “show[ing] a complete absence of moral clarity and illuminat[ing] the problematic double standards and dehumanization of the Jewish communit[y] that [President Gay] enabled.” The letter also recognized that Jewish and Israeli students do not feel safe at Harvard: “It is hard to imagine any Jewish or Israeli student, faculty, or staff feeling safe when [President Gay] could not say that calls for the genocide of Jews would have clear consequences on [Harvard’s] campus.”

178. On December 12, Harvard’s governing body issued a “unanimous” statement “reaffirm[ing] [its] support for President Gay’s continued leadership of Harvard University” because of its “confidence that President Gay is the right leader to help our community heal and to address the very serious societal issues we are facing.”

179. Despite its unwavering confidence in President Gay, Harvard’s governing body admitted that her “initial statement should have been an immediate, direct, and unequivocal condemnation” of Hamas. And it promised that it is “united in [its] strong belief that calls for violence against our students and disruptions of the classroom experience will not be tolerated.” Yet calls for violence against Harvard’s Jewish and Israeli students are amplified across campus regularly, and those responsible often disrupt classes and other educational programming without repercussion.

180. Despite having Harvard's governing body's full support regarding her clearly deficient response to antisemitism on campus, President Gay ultimately resigned on January 2, 2024, once allegations that she plagiarized academic papers surfaced. Harvard's email announcing President Gay's resignation condemned attacks against President Gay "in the strongest possible terms," even though it has not used similar language to condemn the antisemitism plaguing campus. Provost Garber succeeded Gay as Interim President.

181. On January 9, the House Committee sent a letter to Harvard that required Harvard to produce materials relating to antisemitism in its community. In issuing its demand letter, the House Committee cited its "grave concerns regarding the inadequacy of Harvard's response to the antisemitism on its campus," something that "has been pervasive at Harvard since well before the October 7, 2023 terrorist attack." The House Committee flagged two of the "numerous statements that further called into question the university's willingness to seriously address antisemitism":

When asked whether calling for the genocide of Jews would violate Harvard's code of conduct, Dr. Gay replied that "it depends on the context." When questioned if she could look a Jewish student's family in the eyes and "tell them their son or daughter would be safe and feel safe and welcome on your campus," Dr. Gay repeatedly refused to answer the question directly.

182. Yet Harvard failed to produce any substantive documents, instead providing several redacted documents the House Committee described as "useless," and thousands of pages of publicly available documents. After Harvard did not meet the first deadline, on February 7, the House Committee sent a second letter to Harvard giving Harvard until February 14 to produce the requested documents or face a subpoena.

183. On January 10, the House Committee on Ways and Means ("Ways and Means Committee") also sent Harvard a letter explaining that Harvard's "actions, inconsistencies, and

lack of a substantive response raise several questions, including whether [it is] fulfilling [its] educational purposes as required to receive 501(c)(3) tax-exempt status, and whether [it is] adequately protecting Jewish students from harassment and acts of violence in compliance with antidiscrimination laws.” It pointed not only to former President Gay’s testimony at the House Antisemitism Hearing, but to the many signs of Harvard’s antisemitic environment. For example, it discussed Harvard’s double standard:

It is also perplexing given how your institutions have had no problem condemning other behavior in the past. For example, the University of Pennsylvania had no problem issuing a warning threatening action against students for violating its antidiscrimination policy by failing to use their classmates’ preferred pronouns. Students at Harvard University were told that similar conduct could violate its harassment policies as well. In addition, Harvard disinvited a feminist philosopher last year for comments critical of transgender ideology, and former President Gay’s institution fired a political science instructor for inviting renowned social scientist Charles Murray to speak at their class. . . .

The Ways and Means Committee continued:

You have found your voices before on numerous other topics, but not on this one. If antisemitic speech crosses the line into unprotected conduct, it must be punished severely. If disgusting antisemitic speech remains in the protected category, it should be condemned, not coddled. Your words and actions matter. Condemning barbaric terrorism against Israel and disgusting antisemitism should not be difficult. Protecting Jewish students on campus as you protect other students, should not be a challenge. This is not that hard.

184. The Ways and Means Committee requested certain information including, but not limited to, how Harvard “evaluates the difference between free speech and harassment, threats, and incitement”; whether Harvard’s “diversity, equity, and inclusion departments serve Jewish students on campus”; and what, if anything, Harvard is doing “to address the poor ratings [it has] received from [the Foundation for Individual Rights and Expression] on protecting free speech on campus.”

185. On February 16, the House Committee Chairwoman Virginia Foxx issued a statement announcing that Harvard's failure to comply with the committee's document requests forced the House Committee to subpoena Interim President Garber, the Senior Fellow of Harvard's governing body, and the chief executive officer of Harvard's endowment. This marks the first time the House Committee has ever subpoenaed a university. Chairwoman Foxx noted that while Harvard was stonewalling Congress, its "Jewish students continue[d] to endure the firestorm of antisemitism that has engulfed its campus" and reminded Harvard that if it "is truly committed to combating antisemitism, it has had every opportunity to demonstrate its commitment with actions, not words"—a fact Kestenbaum and SAA members have spent months trying to impress upon the university, to no avail.

186. On March 21, the Ways and Means Committee sent another letter to Harvard concerning its failure to protect Jewish students and the "hostile environment for Jews on Harvard's campus stemming from antisemitic rhetoric and discrimination" that "has gone unaddressed for years." It noted that, as many Americans knew, especially Jewish Americans, "these eruptions [] reveal[ed] a culture of antisemitism that developed and grew beneath the surface for decades." Among other requests, it asked Harvard to "explain the choice, including key stakeholders who were consulted and the decision-making process, to appoint Derek J. Penslar as co-chair of Harvard's antisemitism task force."

187. On May 16, the House Committee on Education in the Workforce released an "Investigative Update" detailing "major flaws" in Harvard's response to antisemitism, including that Harvard received, but did not act on, its Antisemitism Advisory Group's December 2023 recommendations and findings, which identified areas of serious concerns about Harvard's antisemitism problem.

**vii. Harvard Allows Antisemitic Harassment to Continue Throughout the Spring 2024 Semester**

188. Despite congressional hearings, federal investigations, and the initiation of this lawsuit, the near-daily acts of antisemitic abuse and harassment at Harvard have continued unimpeded.

189. On January 5, 2024, for example, Harvard Afro posted its “Statement on Claudine Gay’s Resignation,” in which it said, “Zionist forces have grown fearful of the strength of our movement.” The student group further praised its successful intimidation campaign, claiming that it and other student groups’ current campaign has made an “anti-Zionist, pro-Palestinian campus achievable. And it will be through that collective pressure against the tenets of white supremacy that we actualize lasting change.” Other groups like Harvard PSC and Jews 4 Palestine (“J4P”) echoed Harvard Afro’s statement, and called former President Gay “a necessary casualty in a Zionist attack.”

190. In January 2024, the newly formed Harvard Faculty and Staff for Justice in Palestine (“FSJP”), a “collective of Harvard[] faculty and staff committed to supporting the cause of Palestinian liberation,” including Harvard Divinity Associate Dean for RPL Diane L. Moore, Professor Wispelwey, Harvard FXB Center Visiting Scholar Sawsan Abdulrahim, and Professor Omer, accused the “Israeli occupation” of “colonial, racial violence” and “genocide.” FSJP endorsed the BDS movement, encouraging Harvard to boycott the world’s sole Jewish state:

We call on the university to withdraw investments from the State of Israel and all companies that sustain Israeli apartheid, settler colonialism, and systematic human rights abuses against Palestinians. As educational workers, we are focused on boycotts of Israeli academic institutions that support apartheid and colonial occupation.

191. On January 19, Interim President Garber announced the creation of the Presidential Task Force on Combating Antisemitism (“Antisemitism Task Force”) and the Presidential Task Force on Combating Islamophobia and Anti-Arab Bias. President Garber cited a “need to understand why and how” the “[i]ncidents of bias and hate against Jews and against Muslims, Palestinians, and other people of Arab descent have risen across the country.” He assigned two co-chairs to lead each task force: Professors Derek J. Penslar and Raffaella Sadun for the Antisemitism Task Force, and Professors Wafaie W. Fawzi and Asim Ijaz Khwaja for the Islamophobia task force. Garber decommissioned President Gay’s Antisemitism Advisory Group, which was shuttered without making any public recommendations for addressing Harvard’s antisemitism epidemic.

192. Much like its predecessor, the new Antisemitism Task Force’s mandate did not include implementing any measures to combat antisemitism. This iteration was to be led by Professor Penslar, whose appointment triggered an immediate public outcry, as he had publicly minimized antisemitism at Harvard and engaged in antisemitic canards regarding Israel. Nearly two years ago, well before October 7 and Penslar’s appointment as co-chair, Penslar’s teachings were analyzed in determining what Harvard teaches its students to “excuse mainstream Palestinian Arab terrorism”—including referring to Hamas attacks as Palestinian “resistance” efforts instead of acts of terror. In September 2022, Penslar gave a lecture arguing that “polite antisemitism”—antisemitism that does not involve Jews being “attacked physically”—must be generally acceptable. In his 2023 book, *Zionism: An Emotional State*, Penslar stated that “veins of hatred run through Jewish civilization.” In August 2023, Penslar signed a letter claiming that “Jewish supremacy has been growing for years” in Israel and that Israel’s “long standing occupation . . . has yielded a regime of apartheid.” Penslar also led the December 2023 faculty



letter in support of then-President Gay after her congressional testimony. At a December 4, 2023 event at Harvard, Penslar advocated for using the term “settler colonialism” to define Zionism.

193. On January 30, former Harvard President Summers published a statement on X outlining the reasons Penslar was unfit to lead the Antisemitism Task Force. Summers explained how he had “lost confidence in the determination and ability of the Harvard Corporation and Harvard leadership to maintain Harvard as a place where Jews and Israelis can flourish.” And in its March 21 letter, the Ways and Means Committee requested information concerning how Harvard selected Penslar, citing how this appointment “only increased[] concerns” about Harvard’s approach to protecting Jewish students: “Appointing someone who has previously called Israel a ‘regime of apartheid’ and called on Congress to restrict aid to Israel is an odd way to combat antisemitism on campus.” Despite clear evidence that Penslar is unsuitable to lead the Antisemitism Task Force, Penslar remains co-chair.

194. On February 25, just five weeks after her appointment as co-chair, Professor Sadun resigned from the Antisemitism Task Force. Sadun’s resignation came after weeks of frustration with the Antisemitism Task Force—that its mandate did not include the swift implementation of measures to combat antisemitism. According to *The Harvard Crimson*, Professor Sadun had “sought a commitment from the University that they would act on the task force’s recommendations, in advance of any being issued, instead of treating them as optional advice,” but Harvard refused to make such a commitment. Harvard’s creation of these advisory groups and task forces only reinforces that it pays, at most, lip service to dealing with its antisemitism problem and has no intention of taking any meaningful action to ameliorate the ongoing antisemitic hostile environment its Jewish students face.

195. On January 21, Kestenbaum returned to campus to find that antisemitic vandalism and graffiti had been plastered across several posters hanging in Harvard Yard dedicated to the Jewish hostages taken by Hamas. At least two posters were of ten-month-old baby, Kfir Bibas, who was kidnapped by Hamas; on that poster, someone had written, “HEAD STILL ON.” Written on several other posters were messages that “ISRAEL DID 9/11” and “GOOGLE THE DANCING ISRAELIS,” with a URL for a website called “911 TRUTH NOW,” which is a forum dedicated to the antisemitic conspiracy theory that Israel was behind the September 11, 2001 terrorist attacks. Others were defaced by comparisons of victims to pedophile Jeffrey Epstein. Dozens of students, including Kestenbaum, immediately sent emails reporting the vandalism to Interim President Garber, the Antisemitism Task Force, the Antisemitism Advisory Group, OEDIB, and Harvard Divinity DIB, along with pictures and videos.

196. When Kestenbaum next passed through Harvard Yard over fourteen hours later, not only were the graffitied posters still there but even more antisemitic graffiti had been scribbled across the same posters. Kestenbaum immediately sent another video of the vandalism to the same group of Harvard administrators. Rather than embrace the start of a new semester, Kestenbaum spent his first day missing class to attend to these horrific posters.

197. On January 24, Kestenbaum saw in a Harvard dining hall an announcement for an upcoming panel hosted by Harvard University’s Weatherhead Center for International Affairs with Leila Farsakh as one of the panelists. Kestenbaum reported the panel and its guest to Interim President Garber, DIB, the Diversity Office, the DIB Leadership Council, Harvard Divinity DIB Care Team, Harvard Divinity DIB, and Harvard Divinity Associate Dean for Enrollment and Student Services Timothy Whelsky. He reminded them that in response to October 7, Farsakh made a public statement celebrating the Hamas murderers:

The courage of those who broke through the barbed wire, sailed by boat to return to their ancestral homes, or flew with their hang-gliders over the wall of the largest open-air prison has shown that Palestinians will continue to defy the gravity of settler colonialism to be free, whatever the cost.

Kestenbaum did not receive a response, and on January 31, Farsakh came to campus as Harvard planned.

198. On January 25, Harvard GS4P hosted an event with Rabab Abdulhadi, a founding member of the U.S. Campaign for the Academic and Cultural Boycott of Israel and the keynote speaker at two of the annual National SJP conferences. On October 7, she wrote:

“#PalestineUnderAttack are merely defending themselves. Are you saying that #Palestinians should be exceptionalized from the right to defend themselves against colonial & racist violence? Check your facts! #FreePalestine #IsraeliCrimes.” Three days before the event, Kestenbaum warned Interim President Garber, the Antisemitism Task Force, the Antisemitism Advisory Group, OEDIB, Harvard Divinity DIB, and the Diversity Office and provided sources explaining Abdulhadi’s history of antisemitism. Again, not one of these recipients responded to Kestenbaum, nor did they prevent the student group from hosting Abdulhadi.

199. On January 25, Kestenbaum was horrified to open his Harvard email account to see an email from Gustavo Espada, a Financial and Systems Coordinator at Harvard, with the subject line “invitation to debate Israeli role in 9/11.” Espada’s email implicitly took responsibility for the vandalism on hostage posters in Harvard Yard, which Kestenbaum had posted about on X on January 21, 22, and 23. In his email, Espada interpreted Kestenbaum’s tweets about the vandalism as if they were directed at Espada:

Your tweet on X [regarding the vandalized posters] is getting a lot of attention! That’s fantastic. As such, I invite you to debate me today at the Cambridge Street overpass 12-1, don’t miss it! If you don’t show up I will use a puppet or potted plant to represent you!

[smiley face emoji] We can always schedule a more formal one in large venue on campus. . . .

PS stop saying I hate Jews unless that is something you want. I hate Israel and Zionism with a passion and you know full well they are two different things. The Crimson is already too far gone and will probably be defunded by lawsuits in due course. Perhaps you and your allies want to start acting in better faith, starting with a public correction of the false claims you have made about the posters, and an apology to the community for inflaming passions at this difficult time with false statements?

200. Throughout that day, Espada replied to Kestenbaum’s posts on X about the vandalism from his verified account, “9/11 Guy.” One such reply encouraged others to come to campus: “Claudine was being pressured to fly the Israeli flag outside of [University] Hall and refused, after which plagiarism allegations coincidentally emerged. We have witnesses lined up for depositions, what about you? . . . Those wishing to examine evidence of the plagiarism and the false exoneration are invited to the science center from 12-1 today!” Another read: “you didn’t show up for our debate!” with a frowny face emoji.

201. Even a cursory review of Espada’s social media history demonstrates his anti-Jewish obsession, that he poses a serious risk to Jews, and that he should not be permitted on Harvard’s campus or to interact with students. For instance, on January 20, he posted from his “9/11 Guy” X account:

Why, because I think Israel should be wiped off the map for what it’s done around the world? I think what I am is an “anti-Semite” because I have no problem with Jews per se, just the ones who think there’s a different set of rules for them.

On January 21, he wrote: “What if any part of 10/7 is real?” On January 25, in a TikTok post titled “ENDGAME!”, Espada issued the following threat against Jews: “there’s enough of you out there who see what an opportunity we have to bring down the Zionist mafia once and for all. . . . [I]f we have to break some eggs or snowflakes to make this omlette [*sic*] so be it. We

didn't start this \$hit but we're going to end it." On January 26, Espada posted on TikTok a video on Harvard's campus standing among Harvard students while brandishing a plastic machete, and then a video of Harvard police approaching him as he was harassing two community members with signs reading "free the hostages."

202. Later that day, several Jewish students at Harvard alerted Kestenbaum that Espada had posted a threatening video on his TikTok account where Espada showed off his machete, and said:

[I]t sends the messages that we are ready to fight, win . . . anyways, nothing, I won't enter into more details, but everything is going according to the plan. So stay with us cause things are happening here.

The end of Espada's video features a series of superimposed images of prominent Jews like Justice Elena Kagan and Alan Dershowitz, and concludes with images of Kestenbaum's X posts concerning the vandalized Israeli hostage posters.

203. Kestenbaum was deeply concerned about his physical safety as a direct result of this unhinged Harvard employee, who has direct access to Kestenbaum's and other students' personal information, and engaged personal security for several days. Harvard was notified of Espada's dangerous social media commentary and targeted harassment of Kestenbaum, but failed to inform Kestenbaum of any steps it would take to protect him—even though Espada continued to harass Kestenbaum on social media throughout the semester. On April 27, Espada posted on X, "Introducing a site dedicated to @shabbosk [Kestenbaum's X username] for fans and foes alike to discuss this important public figure's past, current, and future work on behalf of Zionism, to be preserved in perpetuity," with a link to a website called, "Thoughts on Shabbos Kestenbaum." On May 4, Espada posted on Twitter, "@ShabbosK, watch your back . . . I'm

coming for much more than blood—I'm coming for Zionism, and I have a posse[.] . . . We are burying you.”

204. Kestenbaum immediately reported this threat to Harvard Divinity Dean of the Faculty Marla Frederick, Dean Whelsky, OEDIB, and other administrators, and told them that “not a single person on this email thread or anyone from Harvard has confirmed his employment status, whether he’s allowed in campus, or what Harvard will do to protect me from their own employees threatening my life.” He followed up on his inquiry on May 7, but again received no response. As Kestenbaum later discovered, Espada had already been terminated. Kestenbaum was extremely distressed that no one at Harvard told him of this.

205. On January 27 and 28, Professor Hanson held a conference about corporate influence over the legal system at Harvard Law and invited his students, including SAA Member #1. One of the event’s speakers was Rhiannon Hamam whose social media accounts are filled with antisemitism. On October 7 and the days following, Hamam reposted several posts including: “what did y’all think decolonization meant? vibes? papers? essays? losers.”; and “Glory to the resistance and the people of Palestine. . . . I could not be more proud of my people who continue to demonstrate unthinkable bravery in their struggle for liberation”; “Tfw you are with your homies and you realize that you are all hamas.” SAA Member #1 reported both the upcoming conference and Hamam’s posts to Sasha Tulgan and Deans Manning, Soban, Claypoole, and Coates the day before the event started, but received no response. After the event, Professor Hanson posted a photo of himself smiling with Hamam, and noting how “grateful” he felt.

206. On or about January 27, a Harvard Divinity student, one of Kestenbaum’s classmates, posted a barrage of Instagram stories filled with antisemitism and thinly veiled

threats against Jewish and Israeli people. One such story encouraged and justified Hamas's use of violence: "When all other efforts in a cause fall short, It is just righteous to the sword to resort." Another read: "DECOLONIZATION IS NOT A METAPHOR AND PALESTINE WILL BE FREE BY ANY MEANS NECESSARY." Several students reported these messages to Harvard.

207. On January 30, Harvard's Center for Middle Eastern Studies invited Rashid Khalidi—the former Palestine Liberation Organization spokesperson who blamed Jews for Hamas's October 7 attack—to speak at Harvard once again, this time on "Gaza: A Colonial War?"

208. On February 1, Harvard Interim President Garber admitted that Harvard has "a very serious [antisemitism] problem." Former Antisemitism Advisory Group member Horn has admitted the same, claiming that the problem is "clear from the avalanche of documentation deposited at [her] feet."

209. On February 2, in an Instagram post, Harvard PSC praised and "commemorate[d]" Ahed Tamimi—who was arrested for inciting violence and terrorist activities—and Hanan Ashrawi—a former member of the Intifada Political Committee—for their "resistance" and "deep resiliency and fight for a Free Palestine." After the October 7 massacre, Ahed Tamimi had stated on Instagram: "Come on settlers, we will slaughter you. We are waiting for you in all the cities of the West Bank. What Hitler did to you was a nothing. We will drink your blood and eat your skulls. We are waiting for you." Hanan Ashrawi, former Minister of Education of the Palestinian National Authority, similarly praised October 7 on her X account. That day, Kestenbaum reported the post to Interim President Garber, the Antisemitism Task Force, the Antisemitism Advisory Group, and OEDIB but received no response.

210. In early February, Professor Tarek E. Masoud, the director of the Middle East Initiative at Harvard Kennedy’s Belfer Center for Science and International Affairs, announced that Dalal Saeb Iriqat was scheduled to speak at the Center’s “Middle East Dialogue” event on March 7. The announcement was met with intense criticism, not only from inside the Harvard community—Kestenbaum filed a report with Interim President Garber, the Antisemitism Task Force, the Antisemitism Advisory Group, and OEDIB on February 4—but from the public as well. While the October 7 massacre was still ongoing, Iriqat, a professor at the Arab American University Palestine, posted several hateful messages on X: “Today is just a normal human struggle 4 #Freedom”; “we will never forgive the Israeli right wing extreme government for making us take their children and elderly as hostages”; and the “Israeli public need to realize that their own government had caused all this bloodshed and they remain the ones responsible for this escalatin [*sic*] and losses of civilians lives.” Rather than prevent Iriqat from coming to its campus and jeopardizing Harvard’s Jewish and Israeli communities, Harvard disclaimed responsibility for the event, emphasizing that Professor Masoud “chose and invited the speakers for the series himself.” Despite Harvard’s awareness of the event and of Iriqat’s hateful history, Harvard allowed the event to proceed as planned.

211. On February 5, Kestenbaum notified Interim President Garber, the Antisemitism Task Force, the Diversity Office, Harvard Divinity DIB, and the Diversity Inclusion & Belonging Leadership Council about an upcoming rally on February 8. Harvard PSC, HOOP, Harvard GS4P, Harvard BDS, and Harvard Afro scheduled and promoted the event in Science Center Plaza calling for an end to “Israel’s genocide of Palestinians,” “Israel’s “occupation of historic Palestine,” and “Harvard’s financial and intellectual investment in Israel.” Kestenbaum explicitly told the administrators that he will have to pass the rally on his way to class and



begged them to do something to prevent the antisemitism he would inevitably be forced to endure. He explained that not only do these on-campus rallies impact his ability to focus in class due to the stress of being openly discriminated against, but often make him fear for his physical safety. But by February 7, Harvard failed to respond to Kestenbaum, let alone take any preventive measures, so Kestenbaum notified the same administrators that he and other Jewish students had made plans to avoid the event set for the following day.

212. On February 7, HOOP posted stickers of its logo all over Harvard Yard on Harvard property. The group claimed responsibility for the vandalism on its Instagram, posting photos of its logo plastered on a Harvard Hall sign, on HUID card tap boxes, on doorways, and other locations. Kestenbaum reported this to Interim President Garber, the Antisemitism Task Force, the Diversity Office, Harvard Divinity DIB, and the DIB Leadership Council that day.

213. On February 7, Harvard GS4P sent its first newsletter of the spring semester, in which it called Israel an apartheid regime, and advertised the February 8 rally in Science Center Plaza and a February 11 rally demanding that Elizabeth Warren stop accepting money from “the Zionist lobby.”

214. Despite his many reports and requests for intervention, Kestenbaum did not receive a response to any of the emails he sent during the first week of February until February 8, when only the “OEDIB team” responded to inform Kestenbaum that OEDIB was unable to assist him because it is “not the appropriate place at Harvard to lodge complaints.” Yet when Kestenbaum asked on February 9 for clarification as to who that might be, no one offered a response. Kestenbaum has still not received an answer.

215. On February 10, a Harvard Divinity student and graduate assistant at the Harvard Religion and Spiritual Life Department (“RSL”) removed Kestenbaum from the Harvard

Divinity “All Students” WhatsApp group chat after Kestenbaum responded to a student’s message that promoted an event at which participants were encouraged to call congressional representatives to demand a ceasefire from Israel.

216. Later that day, Kestenbaum reported this exclusion to Harvard Divinity Dean Frederick, Harvard Divinity DIB, Harvard Divinity Assistant Dean for Diversity, Equity, Inclusion, and Belonging Steph Grayson Gauchel, the Antisemitism Task Force, Interim President Garber, and the Diversity Office. In a series of messages, Kestenbaum made it clear he wanted to understand what the administration will do to combat antisemitism, but no one provided him a substantive response.

217. On February 10, a video was posted of Elom Tettey-Tamaklo—the Harvard Divinity proctor who assaulted a Jewish student during the October 18 Die-In—quoting a Nazi theologian, sharing a poem with blood libels accusing Israelis of being “vipers [] who siphon the lifeblood of the innocent,” and inciting violence against Israel. Kestenbaum was deeply disturbed by this video, of which Harvard was made aware, but Harvard has taken no action.

218. On February 12, a Harvard Divinity student posted a flyer promoting an “emergency die-in” in the Harvard Divinity ’22 WhatsApp group chat to demand Israel stop the “ongoing genocide” in Gaza. Kestenbaum responded, asking students to call on Hamas to both surrender and release the Jewish babies they kidnapped. In a group chat of all Kestenbaum’s classmates, the Harvard Divinity student responded: “I believe that we’re kind-of taking a ‘don’t engage with Shabbos’ approach now-a-days . . . . Shame on you for believing and sharing this.” Kestenbaum emailed Associate Dean Gauchel, Interim President Garber, the Antisemitism Task Force, and others, sharing screenshots of these messages to show how Harvard has “created an atmosphere where Jewish students are bullied, intimidated, and ostracized.”

219. As scheduled, Harvard PSC, Harvard BDS, HOOP, and other student groups held the February 12 “emergency die-in.” Hundreds of Harvard students laid down on the Widener Library steps displaying massive banners reading, “STOP THE GENOCIDE IN GAZA,” among others, and chanting in Arabic, “Palestine will be Arab.” Kestenbaum submitted video evidence of this to Dean Frederick, OEDIB, Assistant Dean Gauchel, the Antisemitism Task Force, Interim President Garber, and the Diversity Office. He also sent in a screenshot of messages from a fellow Jewish student asking whether anyone knew if it was safe to leave Widener Library. To date, Kestenbaum has not received a response from Harvard.

220. Also on February 12, for the second time this academic year, Harvard hosted Francesca Albanese. Albanese has made a number of public antisemitic statements, including comparing Israel to the Nazis and the war in Gaza to the Holocaust, and claiming that the Jewish people’s connection to the land of Israel is a “fake identit[y].” In February 2024, after an interviewer played a recorded call from a Hamas terrorist during the October 7 massacre gleefully telling his father, “Your son killed Jews!”, Albanese remarked that the October 7 attack was not motivated by “aggression against the Jews.” She has perpetuated antisemitic tropes, including a 2014 public statement that “America is subjugated by the Jewish lobby.” Albanese refers to Israel as a settler-colonial enterprise and has repeatedly justified violence against Israelis, sympathized with terror groups, and dismissed Israel’s right to self-defense. Before the February 12, 2024 event, Kestenbaum notified several Harvard administrators of Albanese’s antisemitic statements, but he received no response, and the event went on as planned.

221. On February 13, several student groups, including HOOP, posted to Instagram “an early valentine’s love letter” targeting “Zionists on Harvard’s campus,” and singling out students who have spoken up against antisemitism on campus. The post, rife with sarcasm and

intended to inflame, suggested these students should “get a life.” This post was reported to Harvard administrators, but Harvard has taken no action.

222. On February 14, Harvard Law Justice for Palestine hosted an event in Caspersen Lounge for students to “write a message of love + solidarity.” In reality, messages written at the event included “Harvard loves genocide.” Harvard Law Justice for Palestine was warned by administrators before the event that “the lounge is not a reservable space, and events may not be held there.” Nonetheless, on February 14, Harvard PSC posted photos of the event on Instagram, and promised that their and similar groups’ members would continue ignoring Harvard’s policies and warnings.

223. On or around February 14, a whiteboard in Emerson Hall was defaced with “Liquidate the Gaza ghetto,” and a reference to the Israeli Prime Minister as “Führer Netanyahu.” Kestenbaum reported this antisemitic graffiti to Interim President Garber, the Antisemitism Task Force, the Antisemitism Advisory Group, and various diversity offices at Harvard, among others, asking “[w]hat specifically will Harvard do[] to prevent Jewish students from walking into classrooms and seeing horrific antisemitism as just happened this morning in Emerson Hall,” and explaining that Jewish students “feel neither included or a sense of belonging at Harvard in the face of such persistent and vicious.” Kestenbaum did not receive a response.

224. Around that same time, HOOP hung posters throughout campus, in violation of Harvard policies, stating “no Valentine’s day under brutal occupation” and accusing Harvard of “pinkwashing,” a reference to a disingenuous strategy employed by the BDS movement to accuse Israel of false progressiveness.

225. On February 15, Kestenbaum emailed Harvard administrators to report more antisemitic vandalism in Harvard Yard—yet again in the form of the defacement of hostage posters with red paint. Again, Kestenbaum received no response.

226. On February 19, the newly created Harvard FSJP Instagram page posted an antisemitic cartoon depicting a hand branded with a Jewish star with a dollar sign in it gripping a rope connected to two nooses around the necks of an Arab and a Black man. The cartoon originally appeared in a 1967 Student Nonviolent Coordinating Committee newsletter, in which it appeared in a feature that promoted various antisemitic conspiracy theories, such as “the famous European Jews, the Rothschilds, who have long controlled the wealth of many European nations, were involved in the original conspiracy with the British to create the ‘state of Israel’ and are still among Israel’s chief supporters,” and “THE ROTHSCHILDS ALSO CONTROL MUCH OF AFRICA’S MINERAL WEALTH.” The post was shared by Harvard PSC and Harvard Afro.

227. Rabbi Wolpe commented on the post that day, writing: “This was posted today by ‘Harvard faculty and staff for justice in Palestine.’ The cartoon is despicably, inarguably antisemitic. Is there no limit?” Also that day, SAA Member #4 reported the post by submitting a bias report and uploading a list of Harvard FSJP’s members. SAA Member #4 did not receive a response until nine days later, when Chief DIB Officer Barbosa reached out to schedule a meeting to obtain more information about the incident. SAA Member #4 pointed out that any such information should already be known to Harvard and noted that Barbosa ignored SAA Member #4’s request for updates about the many complaints they had already initiated. Kestenbaum also reported the post.

228. Facing backlash, on February 21, Harvard PSC and Harvard Afro reshared the post with the antisemitic cartoon removed. However, the groups replaced the cartoon with a picture of Kwame Ture, who often inveighed that “the only good Zionist is a dead Zionist.” The backlash was so severe that Harvard PSC’s faculty advisor, Professor Johnson, resigned from that position—although he continues to regularly attend these groups’ events.

229. On February 19, SAA Member #4 reported unrecognized student and faculty organizations that were “posting on social media with the word ‘Harvard’ in their name and organizing and holding events on campus” to the Harvard Trademark Program, a program in the Office of the Provost charged with protecting Harvard’s trademarks. Nevertheless, organizations like HOOP have continued using the official Harvard name.

230. On February 19, a person held a poster that said, “Free America From AIPAC” with a swastika during a rally in Harvard Square co-sponsored by Harvard Afro.

231. On February 22, Harvard Graduate Student Union-Boycott, Divestment, Sanctions and Harvard Afro hosted an online event featuring Marc Lamont Hill, who has spoken in support of antisemites, such as Louis Farrakhan (who called Adolf Hitler “a very great man” and Judaism a “dirty religion”), whom Hill refers to as “my brother,” and terrorists such as Ali Jiddah (who was convicted of planting bombs in downtown Jerusalem), whom Hill hailed as a “true revolutionary and a beautiful spirit.”

232. On February 27, Harvard Graduate Students for Palestine hosted an unsanctioned phone banking event in the Harvard Divinity Commons, calling for Harvard to “end all academic partnerships with Israeli universities.” Kestenbaum reported the planned event to the Antisemitism Task Force, Interim President Garber, Harvard Divinity DIB, among others, before it occurred, but did not receive a response until well-after the scheduled start time, once

Kestenbaum had made arrangements to avoid the Commons. Harvard took no preventive measures to stop the event from happening.

233. On February 27, Harvard Chabad and Harvard Law Alliance for Israel hosted an event at Harvard Law on “reporting on the Israel-Hamas war” that was disrupted by anti-Israel students who blocked the audience’s view of the invited speaker with signs. SAA Member #5 attended this event. Even though the event was for law students only and thus “closed” under Harvard Law policies, at least one of the disruptors was a Harvard Divinity student. SAA Member #1 reported the violation to various administrators and the Antisemitism Task Force and Antisemitism Advisory Group, identifying the student disruptors by name, citing to the specific Harvard policies violated—including Harvard Law’s Protest and Dissent Guidelines, which prohibit “substantial[] interfere[nce] with a speaker’s ability to communicate or an audience’s ability to see and hear the speaker,” and protests inside “closed” meetings—and noting that Harvard’s “failure to discipline these students adequately is interfering with Jewish students’ ability to host events and be students.” SAA Member #1 merely received a response stating that the report would be referred to the Harvard Law Administrative Board. SAA Member #1 has received no update on the status of the report.

234. On February 29, the House Committee held a “Bipartisan roundtable with Jewish students to discuss antisemitism at postsecondary institutions.” Jewish students from nine universities, including Harvard, the University of Pennsylvania, and Columbia University, participated in the discussion. Chairwoman Foxx stated that “[t]hese students are dealing with antisemitism at their respective universities on a daily basis.” Among the students “dealing with antisemitism . . . on a daily basis” was Kestenbaum.

235. During the roundtable, Kestenbaum shared some of his experiences with antisemitism at Harvard, including social media posts from his peers such as “too many damn Jews run this country,” defacement of hostage posters, rampant antisemitic conspiracy theories, including that the Jewish people orchestrated the September 11 terrorist attacks, and targeted threats against Jews. Kestenbaum stated that he is aware of “Jewish students at Harvard who do not wear their kippahs publicly anymore, who have changed their major due to hostile anti-Zionist and anti-Jewish environments, and have been spat on for their religious identity.”

236. On March 2, 2024, Harvard student groups, including Harvard PSC, Harvard Afro, and Harvard GS4P, co-organized a rally near campus, during which thousands of rally goers chanted “resistance is justified,” “globalize the Intifada,” and, in Arabic, “from water to water, Palestine will be Arab.” Kestenbaum reported the event and the student groups’ role to Interim President Garber, the Antisemitism Task Force, the Antisemitism Advisory Group, and various Harvard diversity offices, among others, but received no response, and Harvard has taken no action.

237. On March 3, after Kestenbaum noted at the House Committee roundtable that he reported antisemitic incidents to the Antisemitism Task Force on more than forty occasions without response, the task force finally contacted Kestenbaum, not to provide updates on his reports but to disclaim responsibility for addressing antisemitic incidents, writing: “It’s important to note that the task force’s charge does not extend to investigating or commenting on specific incidents on or off campus, nor does the task force possess the authority to enforce University policies.”

238. On March 4, the Harvard Center for Middle Eastern Studies hosted an event in the Science Center titled “We Charge Genocide: The Potential and Limits of International Law,”



featuring Noura Erakat. In 2020, Erakat participated in a workshop with a Hamas leader who has since promised an “October 7, October 10, October one-millionth” until Israel’s eradication. On February 25, 2024, Kestenbaum reported the event to Interim President Garber, the Antisemitism Task Force, the Antisemitism Advisory Group, Harvard diversity offices, and others, but received no response.

239. On March 5, a number of student organizations hosted an event in Caspersen Lounge, promising “radical student activism” about Palestine. SAA Member #1 reported the event on March 4 to various administrators and the Antisemitism Task Force, and reminded them that Harvard “has made it clear that [Caspersen Lounge] is not a space for demonstrations.” SAA Member #1 expressed concerns about classes being disrupted by the event, but did not receive a response, and Harvard did not prevent the event from proceeding as planned. Instead, a large group of students and faculty members, including Harvard Law Professors Nikolas Bowie—several SAA Members’ Constitutional Law professor—and Ryan D. Doerfler, occupied Caspersen Lounge, with students flouting Harvard’s policies by posing for photos in front of a sign stating: “This space is for personal or small group study and conversation only.” Attendees also covered the walls of the lounge with sticky notes with antisemitic messages and their demands, including a demand that a Jewish Israeli professor be fired. SAA Member #1 and SAA Member #5 were in the Caspersen Lounge at the time, and were prevented from using the lounge as a study space because of the protest.

240. On March 8, Harvard J4P, an unrecognized student group, shared a post “honoring women in the history of Palestinian resistance,” including Fatima Bernawi who in 1967 was convicted for attempting to bomb a Jerusalem movie theater. The post also honored the Palestinian women involved in the First and Second Intifadas. Kestenbaum reported this post

to Interim President Garber, the Antisemitism Task Force, the Antisemitism Advisory Group, and diversity offices at Harvard, among others. Three days later, Harvard Divinity's DIB office responded to Kestenbaum's email, discussing the "We Charge Genocide: The Potential and Limits of International Law" event, which was not the subject of the email, and incorrectly suggesting the event was permissible because "it was not mandatory for any student."

241. From March 20 to March 22, the Bell Collective for Critical Race Theory at Harvard Law held its Censorship & Consciousness conference. The conference featured "a conversation with the incredible" Adnan Barq. On March 18, 2024, Kestenbaum followed up on his unanswered email to express concern about Barq's role at the conference, noting that Barq "was on the 'Long Live the Intifada' podcast to glorify violent armed resistance, discuss how Jews study Nazis to oppress Palestinians, and are 'fucking creepy.'" This report went unanswered. During the conference, Ryna Workman was also a featured panelist on "repression and resistance." Workman, as president of the New York University School of Law Student Bar Association, posted on its online newsletter on October 10, 2023 that "Israel bears full responsibility for this tremendous loss of life." Soon after, on October 24, Workman was caught defacing Israeli hostage posters.

242. On March 29, Harvard PSC, Harvard GS4P, and others held an unsanctioned event in Caspersen Lounge to celebrate the passing of a secret BDS resolution by Harvard Law's student government designed to urge Harvard Corporation to divest from Israel. SAA Member #5 and others warned Harvard administrators including Deans Soban and Ball before the planned demonstration, but they did nothing to prevent it from occurring. During the event, one student speaker yelled that by refusing to divest from Israel—which she called a "death machine"—Harvard is a "breeding ground for profiteers of global oppression" that needs to "step

away from its blood lust.” SAA Member #5 was horrified as he listened to this student’s speech and the audience cheering.

243. On March 30, Harvard PSC was allowed to install its annual “Wall of Resistance”—more commonly referred to as an “apartheid wall”—a twelve-panel installation full of discriminatory messaging accusing Israel of apartheid and genocide. The wall stood in Science Center Plaza for one week as planned, but rather than taking it down after, the group moved it to Harvard Divinity to “celebrate their recent divestment resolution win” for another week. The freestanding panels, which stood at least eight feet high and three feet wide each, were dedicated to “the ongoing genocide and ethnic cleansing of Palestinians.” One panel featured a quote from Ghassan Kanafani, a well-known terrorist from the Popular Front for the Liberation of Palestine (a foreign terrorist organization), who was linked to the massacre of twenty-six civilians at Israel’s Ben Gurion Airport in 1972. Another panel depicted an Israeli soldier, with the Harvard crest painted on his uniform, holding a machine gun over a man kneeling with an infant. Many Jewish students felt even more isolated and abandoned that Harvard allowed—and actively protected—the apartheid wall, like Kestenbaum, who explained to Harvard administrators the “deep pain and brokenness over Harvard’s failure to act to stop this hatred.” Harvard responded by providing 24/7 security to protect the apartheid wall—which stands in stark contrast with Harvard forcing Harvard Chabad to hide its menorah at night because it could not guarantee its safety.

244. On April 5, Harvard PSC, Harvard Afro, HOOP, Harvard GS4P, and other recognized and unrecognized groups co-sponsored a student rally outside Harvard Yard to celebrate Al Quds Day—an annual day of resistance first celebrated forty-five years ago by Islamic revolutionaries in Iran, when Ayatollah Khomeini prayed for “the victory of the Muslims

over the infidels.” Hundreds gathered in Science Center Plaza, chanting “from the river to the sea, Palestine will be free,” among other familiar chants. Many gave speeches, including students and outsiders like Cornel West—who has compared the IDF to Hamas and argued that Israel was founded because “Jews jumped out of the burning buildings of Europe in a Jew-hating Europe led by a gangster named Hitler [and] landed on the backs of some Arabs in 1948 when they founded their state.” Harvard failed to do anything to stop the Harvard Yard rally, nor discipline the groups involved. Harvard Afro co-sponsored another event later that same day, the advertisements for which read, “ZIONISTS ARE NOT WELCOME HERE!”

245. On April 8, Harvard PSC posted an Instagram story praising Walid Daqqa, who had been convicted in 1987 of commanding a terrorist cell that mutilated a 19-year-old Israeli Jew, Moshe Tammam, before killing him. Harvard PSC’s post read, “glory to the revolutionary Palestinian political prisoner and martyr,” with the caption “Rest in power.” This post was detailed in *The Harvard Crimson*.

246. On April 18, Harvard’s Center for Middle Eastern Studies hosted an event on campus, “Gaza As Epicenter: An Alternative Reading,” featuring Tareq Baconi, a professor who regularly blames Israel for October 7 and denies that Hamas is a terrorist group. In November 2023, he hosted a teach-in on “Palestinian Resistance,” at which he argued that calling for the destruction of Hamas is calling for a genocide, and that “Jews, Israeli Jews, [can’t] feel safe while apartheid persists.” Just two weeks before Harvard’s event, he argued for a “single state from the river to the sea” and called a two-state solution “unjust.” Yet Harvard granted Baconi a platform on its campus.

247. On April 22, Harvard purportedly suspended Harvard PSC. Yet this suspension was limited to the rest of the “Spring 2024 Term,” ending a mere few weeks later, and limited to

the group itself instead of its leaders or individual members—many of whom belong to or have leadership positions in the other problematic student groups. As a result, Harvard PSC’s nominal suspension has done nothing to stem the tide of antisemitism on campus.

248. On April 25, the Harvard Divinity RSL Department sent its weekly email to Harvard Divinity students, which included a “Reflection” written by an RSL graduate assistant. In it, the student quoted Alice Walker, who endorses the views that Jews are “lizard people” who funded the Holocaust, are pedophiles, and control the KKK. Concerned Jewish students notified Harvard Divinity administrators, but no apology or retraction was ever made.

**viii. Pro-Hamas Antisemitic Demonstrators Occupy Harvard Yard**

249. In April 2024, Kestenbaum, SAA’s Jewish student members, and other Jewish Harvard students’ fears for their physical safety increased, when a new wave of highly organized antisemitic protests at college campuses around the country began, involving tent encampments students and others erected in outdoor public spaces. These encampments were hotbeds of flagrant conduct policy violations and intimidation, harassment, and physical assault of Jewish students, including blocking Jewish students from access to those spaces and campus buildings.

250. Harvard was aware of the risk that an encampment would be erected on its campus, as reflected by its email announcement that Harvard Yard would remain restricted indefinitely to only Harvard affiliates, and signs Harvard affixed on April 22, 2024, to the gates of Harvard Yard that read:

Harvard Yard will be closed today. . . . Harvard affiliates must produce their ID card when requested. Structures, including tents and tables, are not permitted in the Yard without prior permission. Blocking pedestrian pathways or access to building entrances is prohibited. Students violating these policies are subject to disciplinary action.

SAA Member #1 saw these signs on April 22 as he passed through Harvard Yard on his way to Harvard Chabad. On April 24—the first day of the Jewish holiday of Passover—the purportedly suspended Harvard PSC, HOOP, and other groups announced on Instagram an “emergency rally” in Harvard Yard that day at 12:00 p.m. By 12:30 p.m., approximately 500 students and faculty had gathered in front of the John Harvard statue in Harvard Yard. They lined the walkways through Harvard Yard before revealing their true intentions: to establish the Harvard encampment. People with backpacks, tents, suitcases, and carts of food dove under the ropes that outline the grassy areas of Harvard Yard and began setting up tents, yelling, cheering, and utilizing noisemakers. The demonstrators, now inside the ropes designed to keep people off the grass, designated the area the “Liberated Zone,” and began policing entry right away.

251. Near the John Harvard statute, SAA Member #1 saw HUPD officers standing by, watching but never intervening—much like SAA Member #1’s experience at the October 19 stampede. As reported by *The Harvard Crimson*, HUPD officers were “instructed to keep students safe and allow protests to proceed unless they become violent or destructive.” However, they did nothing when a visibly Jewish teaching fellow at Harvard College was charged by one of the occupiers, who proceeded to physically push him away from the area. Several HUPD officers were protecting the entrance to Massachusetts Hall, where Interim President Garber and other top administrators have offices. But Jewish community members on the ground were left unprotected.

252. Hundreds of students and faculty were participating in the rally, and about thirty to forty had set up tents in front of the John Harvard statue. Several posters had been hung, including a massive banner that read, “from the river to the sea, Palestine will be free.” SAA Member #1 was particularly concerned after seeing three people in the crowd: Bharmal and

Tetty-Tamaklo, who had physically assaulted a Jewish Israeli student on October 18, and Sadaf Kahn, a Harvard College senior who had recently taken to Instagram to call himself a “terrorist” and post a picture of himself holding a knife.

253. On the first day of the encampment, students and faculty members put up twenty-two tents in Harvard Yard. Attendees chanted, “there is only one solution, Intifada revolution,” and “Intifada revolution, Intifada revolution.” Despite the blatant disregard of Harvard policies prohibiting the encampment and evidence that an extended takeover was planned, Harvard allowed demonstrators to continue entering the Yard. HOOP continued to recruit people on social media: “Today was just the beginning. Keep showing up. Support the campers.”

254. Many members of Harvard’s faculty and staff participated in the encampment. One of the first tents was labeled the “Faculty Tent.” Harvard FSJP published a statement, “Solidarity with Harvard Gaza Solidarity Encampment,” offering the disruptors its “unwavering support.” A Harvard Divinity dean wore her full regalia and clapped proudly while the occupiers erected the encampment—which Kestenbaum reported to Harvard Divinity administrators; they took no action. Another Harvard professor, Vijay Iyer, delivered a statement on Harvard FSJP’s behalf to the 500-person crowd through a bullhorn, urging the “administration to refrain from any retaliation against the students” and rejecting its “use of . . . safety to stifle protest.” Professor Johnson, whom SAA Member #1 saw in those first few minutes, was “acting as the police liaison on behalf of the protestors,” despite his resignation from his position as Harvard PSC’s faculty advisor. Professor Bowie was also among the attendees.

255. At the end of the first day, Dean Dunne told the campers at nearly 10:00 p.m. that they must abide by “quiet hours,” should notify him if non-Harvard affiliates arrive so he can “work to address” the situation, and may not light open flames, but otherwise said nothing to

indicate Harvard would do anything to stop the encampment. SAA Member #1 and other SAA student members rightly feared that Harvard did not intend to enforce its own policies and would let the encampment continue to grow.

256. On April 24, Kestenbaum notified Dean Frederick, OEDIB, and others that the campers included Harvard Divinity students, told them the encampment put his physical safety at risk, and informed them that Jewish Harvard community members had already reported being physically confronted and verbally harassed. Kestenbaum asked how Harvard would ensure his and his classmates' safety, but the administrators refused to respond.

257. By April 26, the encampment had expanded to over thirty tents. The campers, making clear their intentions to restrict free access to the campus, posted a large sign at the encampment entrance which read: "Welcome to the liberated zone! Make sure to talk to one of us before entering." The organizers designated student "safety marshals," who patrolled the encampment and refused visibly Jewish people access to the grounds it occupied. These "marshals" wore bright neon vests and repeatedly followed and harassed Jews walking through or around Harvard Yard.

258. Every time Kestenbaum tried to walk through Harvard Yard since the encampment began, he was followed closely by the "marshals." For example, when, on May 2, Kestenbaum walked through Harvard Yard to go to Widener Library, no fewer than seven marshals followed him, including four Harvard Divinity students he recognized. One of the Harvard Divinity students—who participated in the assault on the Jewish student at the October 18 Die-In—was given the honor in early May of being named by Harvard Divinity as "class marshal" for commencement, and was awarded an academic prize on May 8 by Harvard Divinity. Kestenbaum reported the incident to Dean Frederick, Professor Holland, Dean



Whelsky, and OEDIB, among others, on May 4, and asked what would be done to prevent this sort of harassment. He received no response.

259. Various Harvard administrators confirmed that the encampment violated Harvard policy. Harvard Graduate School of Arts and Sciences Dean Bill Stackman and the Harvard Law Dean of Students Office emailed students, confirming that the encampment's unauthorized actions "[were] a violation of rules" and stating that: "Interference with the academic mission or business functions of the University will not be tolerated. Disruption or interference that hinder members of our community from performing their normal duties and activities will be regarded as an unacceptable obstruction of the essential processes of the University and will lead to disciplinary consequences[.]" In blatant violation of this warning, on May 8, the occupiers refused to submit to HUID checks and surrounded the administrators chanting "shame!" and banging on drums and buckets.

260. On April 27, Dean Dunne emailed Harvard College students confirming that "the encampment in Harvard Yard has continued and grown in direct violation of Harvard policies," and that their "[m]aintaining and participating in this extensive encampment of tents in Harvard Yard constitutes an ongoing violation of University rules," and stating that the "[a]mplified sound and other noise regularly coming from the encampment has disrupted the living spaces of first-year students in adjacent dormitories during . . . a critical juncture in the academic year when students study and prepare for examinations and complete end-of-term projects." Dunne's email was forwarded to Harvard Law students by the Dean of Students Office on April 28.

261. On May 2, SAA Member #2 and other Jewish students met with Title IX Officer Tulgan and the Senior Director of Student Affairs Lakshmi Clark to discuss the possibility of

taking their exams remotely because of safety concerns from the encampment. The administrators informed them that they would be unable to do so.

262. On May 2, Kestenbaum and other Jewish Harvard students placed 1,200 small Israeli and American flags near Harvard Divinity to honor the 1,200 victims of October 7. The installation also included a poster of those kidnapped by Hamas. Though HUPD had taken no steps to stop hundreds of student protesters and those camping on Harvard Yard, HUPD officers quickly approached Kestenbaum while he was placing flags and took a photo of his identification. Kestenbaum reported this incident to Professor Holland, Dean Frederick, Dean Whelsky, and others, and requested information on “who called the police [on him,] for what purpose, and what will be done as a result.” Kestenbaum has not received a response.

263. Over the next two days, vandals ripped the flags out of the ground and scattered them across campus and destroyed the hostage poster. Kestenbaum reported this to several administrators on May 4, and included a video of one of the vandals in action, but no one acknowledged his complaint.

264. On May 3, the encampment expanded to the side of Harvard Yard in front of Widener Library—where commencement is scheduled to take place on May 23—and set up another eight tents there.

265. Also on May 3, SAA Member #2, who is visibly Jewish based on her Star of David necklace and similar jewelry, was denied entry to Harvard Yard by a Harvard security guard. She was trying to get to Professor Bowie’s final exam review session and followed the same route she had traveled all year, from the subway exit through Harvard Yard to the Harvard Law building. She watched a Harvard security guard stationed at the gate allow someone else into the Yard just moments before she handed that guard her HUID card. However, the security

guard told her she was not permitted to enter. SAA Member #2 had to walk outside the perimeter of the Yard to get to her review session. Despite reporting this incident to Title IX Officer Tulgan, SAA Member #2 has not been given any explanation for why she was denied entry. SAA Member #2 later left the review session through Harvard Yard but was followed by one of the encampment “marshals” until she exited the Yard. Shaken by this experience, she avoided walking through Harvard Yard when she returned to campus to take her final exams.

266. On May 3, Kestenbaum and Harvard Hillel Rabbi Davis met with Dean Whelsky to discuss the numerous incidents of antisemitism he had been reporting for months. Whelsky refused to tell Kestenbaum what, if anything, Harvard was doing about the Harvard Divinity students who had published an article in which they called Kestenbaum a “Zionist doxxing crybaby,” or identify any concrete step anyone at Harvard had taken or would take to address the antisemitism he had been long reporting to Harvard. When Kestenbaum asked what the administration would do to combat antisemitism, Whelsky responded in *faux* ignorance of months of widely reported antisemitism at Harvard and Kestenbaum’s own reports: “How have you seen antisemitism manifesting?” Whelsky also told Kestenbaum that there was “no problem” with faculty members, even deans, participating in the encampment, which Harvard administrators had already admitted violated Harvard policy, or with chanting “globalize the Intifada.” Whelsky also dismissed Kestenbaum’s concerns regarding FSJP’s publication of the antisemitic cartoon on February 19.

267. On May 6, Holocaust Remembrance Day, Interim President Garber addressed the encampment for the first time. He sent a University-wide email in which he “call[ed] on those participating . . . to end the occupation of Harvard Yard,” and acknowledged that the “continuation of the encampment presents a significant risk to the educational environment of

the University.” He then explained that those who “participate in or perpetuate [the encampment’s] continuation will be referred for involuntary leave from their Schools.” In response, Professor Johnson—the former Harvard PSC faculty advisor who resigned after allowing them to post the blatantly antisemitic cartoon—gave a speech in support of the students during which he spewed harmful and false rhetoric. Using a megaphone, for example, Johnson falsely claimed that “the International Court of Justice has declared that there is plausible evidence that a genocide is occurring in Gaza.” Hours later, HOOP organized a rally of over 400 Harvard students and Cambridge residents to march from the gates of Harvard Yard to Garber’s house. Before beginning the march, organizers made speeches, including one by a student who posed the question: “Does Harvard think this is going to stop? The student Intifada has engulfed the entire country.”

268. The following day, on May 7, over 300 faculty members signed a public letter urging Garber to negotiate with the students.

269. On May 8, Interim President Garber met with members of HOOP to ask that they end the encampment in exchange for a meeting with more top Harvard officials. They rejected his offer. On May 10, at the end of the encampment’s second week, Garber offered to waive the disciplinary actions against participants if they ended the occupation. The students again refused, demanding confirmation that Harvard would disclose and divest from all investments in Israel.

270. Even as Garber offered to let the student campers off scot-free in exchange for ending their occupation of Harvard Yard, their violations of Harvard’s policies continued to mount. For example, on May 7, the encampment students gathered to chant “there is only one solution, Intifada revolution,” as they banged drums and other noisemakers. Kestenbaum

watched as HUPD officers in Harvard Yard allowed the disruptive event to occur on the eve of final examinations. On May 8, the protestors removed the American flag flying above the John Harvard statue and replaced it with a Palestinian flag—something they had already gotten away with on April 27.

271. On May 9, the campers hung a large banner over the encampment, which depicted Interim President Garber, who is Jewish, as a devil with horns and a tail—a classic antisemitic trope—sitting on a toilet, with a caption stating, “Alan Garbage funds genocide.” One of the Antisemitism Task Force members, Professor Boaz Barak, stated that he was “embarrassed for Harvard” that such an antisemitic trope had been used by its students. He also stated: “There is certainly antisemitism and hate among that movement.” Kestenbaum reported this banner to Dean Frederick, DIB, OEDIB, and other administrators that day, but again received no response.

272. On May 10, more than 200 students, faculty, and staff gathered at the encampment. Kestenbaum saw that several protestors were wearing neon orange vests reading “FACULTY AND STAFF.” The protestors chanted, among other things, “Intifada! Intifada!” Kestenbaum placed a single sign next to the encampment protestors’ signs near the John Harvard statue. Within a few seconds, Kestenbaum turned to see a “marshal” throwing his sign away. Kestenbaum asked the marshal to put it back, but the “marshal” refused. Professor Rantisi watched but refused to intervene. Kestenbaum reported this theft to OEDIB, Dean Frederick, among others, but again received no response.

273. On May 11, someone with a HUID (*i.e.*, a student or Harvard employee) used bolt cutters to cut a lock securing Johnston Gate to allow roughly 150 protestors access to Harvard Yard for a Saturday afternoon protest. Harvard confirmed that “persons not affiliated and affiliated with the University” attended. On May 12, a crowd of protestors gathered at one of the

Harvard gates. At least five students climbed to the top of the gate to hang a banner reading “Welcome to the Liberated Zone.” By May 13, the encampment still had nearly fifty tents.

274. On May 14, Harvard capitulated to the unlawful occupiers, entering into an agreement with protest organizers from HOOP, an unrecognized student organization not permitted to conduct any activities on campus at all, let alone stage an occupation of Harvard’s main public space. Interim President Garber announced that Harvard schools should begin reinstating demonstrators who had been placed on involuntary leave, that Harvard would expedite Administrative Board hearings in line with “precedents of leniency,” and that HOOP would be offered meetings with Harvard’s governing boards about divestment from Israel.

275. HOOP announced that it will “re-group and carry out this protracted struggle through other means,” and that supporters should “rest assured” that the concessions it gained from Harvard would not “pacify” it. HOOP continued, “we can only come back stronger in our fight for Palestine,” and “Our fight for Palestinian liberation does not begin nor end with this encampment.” A key encampment organizer said: “This action, this movement, wasn’t just the finale of a semester, it was the beginning.”

#### **E. Harvard’s Double Standard Towards Addressing Antisemitism**

276. Harvard’s deliberate indifference in response to the egregiously hostile environment to which its Jewish and Israeli students are subjected stands in stark contrast to its swift and decisive actions to address bias-related incidents when the victims are not Jewish. This discriminatory double standard has created and exacerbated the discrimination and harassment that Kestenbaum, SAA’s Jewish student members, and other Jewish students are forced to endure at Harvard. Such deliberate indifference is demonstrated by Harvard’s choice to not address anti-Jewish harassment on campus—on the ground that Harvard values open expression above all else—even though Harvard moves decisively to address discrimination, harassment,

and bigotry when perpetrated against non-Jewish groups. Harvard's invidious and egregious double standard is reflected in, among other things, its: selective application of free expression principles, official statements and programs addressing bias or important social issues, disciplinary actions against faculty, and disciplinary actions against students and student groups.

277. Harvard's double standard in its enforcement of its own policies was highlighted in HJAA's May 2024 report (*see* Exhibit A), which encompassed reports from fifty Jewish members of Harvard's community. The report found that Harvard's hostile environment for Jews was already well-established before October 7, 2023, including numerous examples in classrooms and Harvard-sponsored speakers and events—such as the speaker who said that “American Jewish immigrants have always been a foundational building block for the white supremacist infrastructure.”

278. The report described Harvard “repeatedly ignor[ing] Jewish students’ complaints despite clear violations of” policy, so that there were “few to no consequences for the perpetrators of [antisemitic] hate speech and bullying,” and an example of Harvard's double standard, when Harvard Law sent an email the same day a “gay law school student was assaulted by another law school student” announcing that the attacker had been suspended, but Harvard failed to do the same thing when a Jewish student was assaulted by another student. The report quoted students on the “psychological effects” of the antisemitic rallies at Harvard, where repeated shouts of “Globalize the Intifada,” and “there is only one solution, Intifada revolution,” led them to feel that other students “want dead Jews,” and that they could not go into Harvard Yard or to Widener library because of a “stampede of people” shouting for death to Jews. Students recounted having to “be in class with someone who posted the day before that they are supportive of the murder and rape of my people.” Students talked about their intense fear at

Harvard: “I am scared to be a Jew here right now”; “I feel more safe in Israel than here”; “It’s pretty scary to walk around campus knowing someone who is comfortable physically assaulting a religious Jew is potentially still on campus”; “I was afraid to leave my [Harvard Yard dormitory] because there were people outside chanting [] ‘Globalize the Intifada.’”

**i. Harvard Only Embraces Free Expression Principles When It Can Use Them to Protect and Permit Antisemitic Harassment**

279. At the heart of Harvard’s double standard is its discriminatory application of free expression and other principles. Harvard’s campus is a safe space for students of all protected minority groups other than Jews.

280. Harvard’s invocation of free expression principles to justify permitting antisemitic harassment is both hypocritical and false, especially given that Harvard is ranked dead last on free speech—an “abysmal” rating—out of the 248 colleges assessed by the Foundation for Individual Rights and Expression. Harvard protects speech only when it espouses positions Harvard supports and prohibits speech adverse to the interests of other groups Harvard deems worthy of protection. Harvard’s double standard is apparent when one compares Harvard’s failure to discipline anti-Jewish harassment with its warning to freshmen—during the Title IX training—that “sizeism,” “fatphobia,” “cisheterosexism,” “racism,” “transphobia,” “ageism,” and “ableism” are prohibited because they “contribute to an environment that perpetrates violence.” Indeed, Interim President Garber has acknowledged this double standard exists, describing the “social shunning” of Jewish students and their complaints “that in some classes, only certain points of view on controversial issues are presented and seen as welcome.”

281. Harvard also has no problem censoring controversial speakers or discussions—unless they espouse antisemitic views, in which case Harvard insists it is obligated to permit them on free expression grounds. In 2021, for example, Harvard School of Engineering and



Applied Sciences canceled a course on a policing strategy involving military tactics after student organizations expressed concerns about the subject matter. And in 2022, the Harvard English Department disinvited Dr. Devin Buckley from speaking on campus because she is on the board of an organization that opposes incarcerating biological males with biological females or permitting them to participate in women’s sports. But, as alleged above, Harvard readily permitted El-Kurd and Hill to appear on campus spewing anti-Jewish rhetoric, Holocaust denial, and calls for Israel’s extermination.

**ii. Harvard Takes Decisive Action to Address Hate, Violence, and Harassment Unless Jews Are the Targets**

282. When bigotry impacts protected minority groups other than Jews—even when there is no actual harassment or violence—Harvard has issued forceful condemnations. For example, in 2016, Harvard Law abandoned its longstanding shield because it displayed the family crest of Isaac Royall, Jr., a slaveholder. Harvard Law leadership oversaw a public campaign to denounce the shield as a painful reminder of slavery, including forming a special committee, soliciting community involvement, providing regular updates, and seeking approval from Harvard’s governing body to retire the shield. That same year, Harvard changed the title of “house masters” to “faculty deans” because, it said, the former evoked slavery. In 2022, Harvard released “Harvard & the Legacy of Slavery,” a 132-page report on Harvard’s racist history that provided recommendations for combating its institutional racism, and committed \$100 million towards amelioration efforts.

283. Neither the recommendations in the “Harvard & the Legacy of Slavery” report, nor then-President Lawrence S. Bacow’s announcement of a plan to “address the persistent corrosive effects of those historical practices” identified therein, mentions an exception for “freedom of expression.” Yet Harvard now invokes free expression principles as a pretext to

retroactively justify tolerating antisemitism and marginalizing its Jewish community. For example, in Harvard's November 9 statement announcing the Antisemitism Advisory Group—as in many of its other statements concerning Hamas's October 7 terrorist attack and its aftermath—President Gay emphasized that Harvard is “at [its] strongest when [its members] commit to open inquiry and freedom of expression as foundational values of [Harvard's] academic community.” Even though the Antisemitism Advisory Group is toothless, over one hundred faculty members signed a November 13 letter criticizing Harvard's decision to create it as an attack on “intellectual freedom.”

284. Harvard has gone to great lengths to make its campus more “inclusive” over the last few years. Harvard's OEDIB, formed in 2021 as a “relaunch[.]” of its 2018 precursor office, for example, purportedly strives “to guide Harvard's culture toward inclusive excellence.” According to its website, “OEDIB views diversity, equity, inclusion, and belonging as the pathway to achieving inclusive excellence and fostering a campus culture where everyone can thrive.” Jewish students, however, are excluded from those efforts.

285. Harvard has selectively taken forceful stands on global conflict and social justice issues that it deems worthy. As a recent study by the AMCHA Initiative concluded, “there is a flagrant double standard in how the vast majority of school leaders treat Jewish students as compared to members of other student minority groups in the aftermath of group trauma.” Harvard embodies that double standard. For example, Harvard has regularly issued numerous strong statements and sponsored numerous events condemning racist police killings and Russia's invasion of Ukraine.

286. Harvard's response to Hamas's October 7 massacre was quite different. Rather than cancel its partnership with offending foreign institutions, as the Davis Center for Russian

and Eurasian studies did at the start of Russia's invasion of Ukraine, Harvard's FXB Center maintains its partnership with Birzeit University, which is inextricably intertwined with Hamas. When asked during the House Antisemitism Hearing about her denial of a request to fly Israel's flag in Harvard Yard following October 7, despite then-President Bacow's earlier decision to fly Ukraine's flag, President Gay merely demurred that the Ukrainian flag decision was "made by [her] predecessor as an exception to a long-standing rule."

287. Harvard's commitment to DIB and anti-racism initiatives does not include protecting or supporting Jewish students. Harvard's DIB efforts deem Jews to be "oppressors," rather than "oppressed," which explains why anti-Israel and anti-Jewish hate speech and harassment on campus is treated far differently than similar conduct against other groups. As Harvard Chabad Rabbi Zarchi has noted, Harvard has a "beautiful culture" where community members "don't remain silent when we experience or witness the slightest form of discrimination," but it is a "double culture in which, when it comes to matters of the Jewish community, there's nothing being said."

288. Harvard Medical School Professor Gabriel Kreiman recently echoed this sentiment when he told the *Washington Free Beacon* on March 19, 2024, that Harvard's "current version of DEI is full of double standards and is in many cases almost openly anti-Semitic." Professor Kreiman organized an Israel solidarity mission, and expressed that many Harvard faculty members were hesitant to participate for concerns of "being harassed or attacked or losing [career] opportunities." Others only joined on the condition of anonymity because of similar fears.

**iii. Harvard Does Not Hesitate to Discipline Faculty Members Who Make Racist or Unpopular Statements, Except When the Statements Are Antisemitic**

289. Harvard regularly disciplines faculty members who appear to support discrimination or harassment against groups other than Jews. For example, in 2011, Harvard removed courses taught by Professor Subramanian Swamy after he wrote an op-ed advocating that to “negate the political goals of Islamic terrorism in India,” India should “[e]nact a national law prohibiting conversion from Hinduism to any other religion,” “[r]emove . . . 300 masjids [mosques],” and “declare India a Hindu Rashtra [nation] in which non-Hindus can vote only if they proudly acknowledge that their ancestors were Hindus.” Professor Eck, who would later sign the November 13, 2023 faculty letter attacking President Gay’s statement against antisemitism, called for Professor Swamy’s discipline, arguing that his “op-ed clearly crosses the line by demonizing an entire religious community and calling for violence against their sacred places,” and that “[t]here is a distinction between unpopular and unwelcome political views.”

290. In 2020, Professor David Kane invited Charles Murray, a libertarian political scientist and sociologist whose controversial books and articles are viewed by many as racist, to give an online lecture. Backed by student campaigns against Professor Kane, then-Dean Gay announced an investigation into Kane and temporarily removed him from his position before he was ultimately ousted from Harvard.

291. Starting in March 2023, Harvard Public Health Professor Tyler VanderWeele faced extensive scrutiny after X users resurfaced his 2015 participation in an amicus brief urging the Supreme Court not to set forth a federal constitutional view on gay marriage. Harvard’s response was swift and decisive. Following student complaints, Professor VanderWeele’s department hosted “listening sessions,” and the dean of education and chief DIB officer made him participate in a “restorative practices process” to explain his views to the community.

Harvard Public Health’s deans and administrators sent multiple emails to department chairs, Harvard’s Council on Academic Freedom (a faculty organization devoted to promoting free inquiry, intellectual diversity, and civil discourse), and students, noting students’ feelings of harm and betrayal and setting eight “listening sessions.”

292. Harvard Public Health administrators sent more emails to large lists of community members, referring to Professor VanderWeele’s views as “reprehensible,” having “cause[d] deep hurt, undermine[d] the culture of belonging, and ma[d]e other members of the community feel less free and less safe,” and as being “in conflict with our . . . stated goals of advancing Equity, Diversity, Inclusion, and Belonging as well as our commitment to sound public health policy.” The Harvard Public Health dean defended his remedial approach as necessary to avoid upsetting the students.

293. Similarly, on November 28, 2023, Dr. Joan Donovan, an expert on social media disinformation, submitted a whistleblower declaration to Harvard, DOE, and the Massachusetts Attorney General’s Office, accusing Harvard of terminating her position as a Harvard Kennedy research director because she sought to publish internal Facebook messages that purported to show Facebook’s knowledge of the public harm it allegedly causes. Dr. Donovan alleged that when Harvard learned of her plan, it was processing its largest donation ever: \$500 million from the founder of Facebook’s philanthropic organization. Harvard thereafter began to systematically restrict Dr. Donovan and her work until ousting her in August 2023. Dr. Donovan accused Harvard of stifling her free speech and abusing its commitment to academic freedom to protect Facebook, as Dean Elmendorf told her: “I want you to know that you have no academic freedom. . . . I want to remind you that you’re staff here.”

294. But Harvard does nothing to protect Jews in response to complaints concerning its faculty, including Harvard Public Health professors' antisemitic coursework and tweets, or Professors Wispelwey's and Krieger's exclusion of Jewish students from the benefits of class. Professor Wispelwey went so far as to co-author an article, "As Genocide Rages, Doctors Must Choose: Care or Collaborationism," published on November 25, 2023, in which he argues that "we should refuse to nuance or debate preventable atrocity or to permit the fantasy of a middle ground for those who wish to abstain from 'taking a side' . . . . The only ethical stance for physicians—or anyone else—is to demand a permanent ceasefire, an immediate end to ethnic cleansing in both Gaza and the West Bank, and the dismantling of the apartheid system that ensures an unending stream of both perpetual and punctuated violence." Even after receiving countless reports through Harvard's anonymous bias reporting hotline, including one against Harvard FXB Center's Abdulrahim—who tweeted a graphic glorifying a Hamas terrorist paraglider a day after Hamas's massacre and who continues to tweet messages glorifying the Intifada—Harvard continues to do nothing. Nor has Harvard acted to protect Jewish students from Professor Johnson, the former faculty advisor for Harvard PSC, who, in addition to his active participation in many students' acts of discrimination and policy violations, was the first signatory of the November 13 faculty letter, signed a 2022 statement supporting BDS, and signed a 2014 letter urging speakers to avoid the University of Illinois which had rescinded an offer to a professor because of his antisemitic tweets.

**iv. Harvard Punishes Students for Policy Violations That Do Not Involve Antisemitism**

295. Harvard does not hesitate to discipline students who engage in discrimination or otherwise violate its policies when the targets are not Jews. For example, while Harvard ejected students who stormed University Hall during a 1969 building takeover in protest of the Vietnam War, and arrested many participants, the students who took over University Hall in November

2023 have faced no true consequences; in fact, they were feted with burritos and candy. In 2016, Harvard canceled the remainder of one of its men's soccer team's seasons for producing sexist "scouting reports" rating female soccer recruits. In 2018, Harvard placed a Christian student group on administrative probation for asking a female student leader to resign after she started dating another woman. In 2019, Harvard rescinded the acceptance of a mass-shooting survivor because of his past use of racial slurs. In 2020, Harvard dismissed three freshmen for hosting a party in their campus house in violation of COVID-19 social distancing rules. And in 2022, Harvard warned its freshmen class that "sizeism" and "fatphobia," among other harmful discriminatory behavior, perpetuate "violence" in violation of Harvard policy.

296. On January 23, 2023, Harvard Law Deans Ball and Monroe sent out an email to all Harvard Law students informing them about a "security incident that occurred" on campus that day, where an "individual affiliated with [Harvard Law] entered our campus and is reported to have punched a student while also uttering a homophobic slur." The deans demonstrated Harvard's ability to take swift action when they told all students that "[t]he individual is no longer at large and is barred from our campus," further noting that "[w]e condemn unconditionally all violence, hatred, and homophobia."

297. On March 1, 2024, climate protesters disrupted a talk by Senator Joe Manchin at a Harvard Institute of Politics event. According to a Harvard spokesperson, "[a] Harvard University police officer ordered the protesters to leave the Kennedy School campus." Yet Harvard and HUPD have done virtually nothing to prevent antisemitic students and faculty from disrupting events and academic activities. For instance, on October 19, 2023, SAA Member #2 watched as HUPD officers observed, but took no action against, protesters, including non-HUID

cardholders, who bypassed card scanners and infiltrated a Harvard Law building to engage in an antisemitic takeover.

298. Meanwhile Harvard tolerates not just the incitement of violence against Jewish and Israeli students, but actual violence. Harvard has not taken any meaningful disciplinary action against students for their repeated use of antisemitic tropes or participation in antisemitic harassment and intimidation. For example, though Harvard purportedly began to issue disciplinary notices to students involved in the Harvard Yard encampment, it soon capitulated, with the president announcing that constituent schools should begin reinstating demonstrators who had been placed on involuntary leave, that Harvard would expedite Administrative Board hearings in line with “precedents of leniency,” and that HOOP would be offered meetings with Harvard’s governing boards about divestment from Israel.

**F. Plaintiffs Are Being Denied Equal Access to Harvard’s Educational Opportunities**

299. Kestenbaum and SAA’s Jewish student members at Harvard are acutely aware that, solely because of their Jewish identities, Harvard views and treats them as second-class citizens in the Harvard community, undeserving of the protections that Harvard affords non-Jewish students. Because of Harvard’s persistent refusal to comply with its obligations to stop discrimination and harassment against Jewish students, Kestenbaum, SAA’s Jewish student members, and other Jewish students are deprived of the benefits that non-Jewish students enjoy, including, but not limited to, physical protection; emotional support; a sense of inclusion and belonging; participation in educational, extracurricular, and Harvard-sanctioned social activities; the ability to freely express their Jewish identity in class, written coursework, and on campus; and their right to express their support for and attachment to Israel, their ancestral homeland, where many, including Kestenbaum and SAA’s Jewish Harvard student members, have friends and family.



300. To the contrary, as a result of Harvard's actions and inactions alleged herein, Kestenbaum and SAA's Jewish student members at Harvard are treated differently from, and made to feel less important than, other non-Jewish students. Students, along with Harvard faculty members, are able to taunt, demonize, assault, harass, intimidate, ostracize, and discriminate against Kestenbaum, SAA's Jewish Harvard student members, and other Jews with impunity. Kestenbaum, SAA's Jewish Harvard student members, and other Jewish students do not feel physically safe on Harvard's campus or in its classrooms and other facilities and avoid certain areas of campus. Harvard permits Kestenbaum's and SAA's Jewish Harvard student members' classmates to praise Hamas, celebrate the slaughter of Israeli citizens, deny the rape and abduction of Israeli women, and call for the annihilation of Israel and its citizens.

301. As Antisemitism Advisory Group member Horn has acknowledged, since October 7, "Jewish students [at Harvard] could no longer expect to be able to study in the library, eat in dining halls, or attend class without being repeatedly told by their classmates sometimes through a bullhorn, that Jews are genocidal murderers deserving of perpetual intifada." Horn has further admitted that "[t]he mountain of proof at Harvard revealed a reality in which Jewish students' access to their own university (classes, teachers, libraries, dining halls, public spaces, shared student experiences) was directly compromised."

302. Kestenbaum and SAA's Jewish Harvard student members also justifiably fear the harassment, discrimination, and intimidation they face, on any given day, from professors and Harvard leadership—who are supposed to teach and guide them—and from their fellow students, all of whom are required to treat them with respect and dignity pursuant to Harvard's policies. As a result of Harvard's deliberate indifference to its hostile educational environment, Kestenbaum and SAA's Jewish Harvard student members are often unable to focus, study, or

perform their course work to the best of their ability, thereby inhibiting their ability to take full advantage of their Harvard education.

303. Harvard's refusal to stand against antisemitism has also inhibited Kestenbaum, SAA's Jewish Harvard student members, and other Jewish students' ability to take full advantage of non-classroom activities. As the sole Orthodox Jewish student at Harvard Divinity, Kestenbaum made it his mission when he joined Harvard to be a model representative of Orthodox Jews and an active citizen of the Harvard community. For example, Kestenbaum often attended events hosted by groups with different beliefs, including the weekly Halaqa hosted by one of the Muslim Harvard Divinity professors, where students and faculty would gather to read Islamic poetry and engage with the Quran. Harvard's refusal to stand against antisemitism has left Kestenbaum too afraid to continue to participate in Jewish activities, much less those of other cultures; many of the classmates and professors he tried so hard to befriend now shun him because he is Jewish; and he has been driven to avoid public spaces like Widener Library, fearful of unregulated antisemitic rallies and disruptions. Harvard has abandoned Kestenbaum, treating him as a second-class citizen and an appropriate target of abuse and harassment because he is Jewish. Kestenbaum—who regularly wears recognizably Jewish garb—never hid his Jewish identity and should not need to do so now (as many of his Jewish friends have done, trading kippot for baseball hats). But he is followed through Harvard Yard by the encampment attendees, harassed on social media, and bullied by his classmates for being proud of his Jewishness and standing up for what he believes in.

304. SAA's Jewish student members are also not shy about their Jewish identities. SAA Member #5 always wears, and SAA Member #1 often wears, a kippah, and SAA Member #2 proudly wears a Star of David necklace and an Israel bracelet, and displays pro-

Israel pins and stickers on her backpack and laptop cover. SAA Member #3 used to frequently speak in Hebrew and discuss Israel with classmates. But during their time at Harvard, their Jewish identities have made Kestenbaum and SAA's Jewish student members targets for harassment, physical violence, and other acts of antisemitism perpetrated by students and faculty members.

305. SAA Member #1 has been deeply affected by the antisemitism on campus and the administration's failure to respond. As a Jew with family in Israel, and who has lived and worked there as an emergency medical technician, he fears for his safety at Harvard, and has withdrawn from his classmates and schoolwork. He is ostracized for being Jewish, with some of his classmates encouraging others to shun him. Since October 7, SAA Member #1 has not been able to fully engage in his studies or Harvard's social experiences, because nearly every day, he is forced to confront his fears concerning uncontrolled antisemitic mobs on campus or the antisemitic ravings of his teaching fellow or professor. As he has reported to his professors and the Dean of Students Office, he missed approximately half of his classes during the fall 2023 semester, and could not participate in many class discussions for the lectures he did attend. Rather than focus on his studies, SAA Member #1 had to argue with Professor Hanson and the administration about whether his Torts final exam would require students to take an anti-Israel stance. To make matters worse, Professor Hanson threatened SAA Member #1 for having to miss class, even though Hanson's refusal to avoid discussions of the war during his Torts class was a large contributor to the student's fear of, and inability to focus on, school. Not only that, but because of the administration's refusal to remove Bharmal from his teaching fellow position, SAA Member #1 could not take advantage of the review session and educational resources in yet another one of his first-year courses, Civil Procedure. When SAA Member #1 reported specifics

on how he had been denied those educational opportunities, Harvard not only dismissed his concerns, but refused to pass his complaint to the Harvard Law Administrative Board.

306. SAA Member #2 feels extremely isolated on campus, as her only connections now are to Harvard's small Jewish community. She feels vulnerable walking on campus by herself because she knows at any given moment, a protest could turn violent and she could become a victim of harassment or worse. SAA Member #2 missed nearly ten lectures during the fall 2023 semester out of safety concerns over antisemitic protests. Her fears continued into the spring 2024 semester, so much so that she remained off campus even after Passover ended because of her and her family's concerns over the encampment. She was followed by a student "marshal" simply for being a Jew in Harvard Yard, causing her to change the path she took to get to the law school. The encampment—and Harvard's failure to address it—led to a constant stream of harassment of her fellow Jewish classmates, which was extremely distracting during finals. When the administration refused to allow her to take her finals remotely, avoiding the fallout from the encampment became impossible.

307. SAA Member #3 likewise feels isolated because of Harvard's lack of interest in protecting Jewish students from the daily antisemitic disturbances and harassment. The incessant antisemitic protests have caused SAA Member #3 to miss classes and change her study locations, which previously included Caspersen lounge. When she cannot avoid being on campus, SAA Member #3 is forced to wear headphones to drown out the noise from the protests lest the genocidal chants interfere with her ability to focus on schoolwork.

308. SAA Member #4 has faced years of inaction by the administrators to whom they have repeatedly reported incidents of anti-Jewish bias. They have now given up hope that

Harvard will ameliorate antisemitism after being told by Chief DIB Officer Barbosa that his office does not have expertise in antisemitism.

309. SAA Member #5, who considers himself an outgoing and approachable person, has been marginalized, as many classmates refuse to speak to or engage with him since the October 7 massacre. He feels ostracized for wearing a kippah, fears for his physical safety, and has missed nearly a dozen lectures because of the antisemitic climate on campus. His isolation has been made even more pointed since the encampment. As he walks through Harvard Yard, the student “marshals” watch him intently and take notes on his movements, despite the fact that he completely ignores them. He is targeted so heavily because of his kippah or other indicia of his Jewishness.

310. These students have had to spend their time at Harvard fearing for their physical safety, enduring anti-Jewish abuse and harassment, and communicating with Harvard administrators over antisemitism that Harvard is doing nothing to stop. They have been unable to focus on their coursework or otherwise enjoy their Harvard experience. SAA Member #1 summed up the student experience in a November 16, 2023 email to Harvard Law’s Title IX program officer, following Harvard’s repeated failure to stop unauthorized antisemitic student protesters from “blatantly ignor[ing]” the deans: “I’m having a really hard time attending this school as are many other Jewish students. I used to hope that the administration will do better but today I lost all hope. . . . [The administration] should know that [its] failure to do so is deeply hurting so many of the Jewish students on this campus.”

311. Harvard’s actions and inactions described above not only deprive Kestenbaum and SAA’s Jewish Harvard student members of their right to the educational and extracurricular opportunities afforded other students—which have led and will continue to lead to academic,

social, and professional consequences—but also severely impact their health, mental well-being, and sense of security.

**COUNT I**

**Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*  
(Intentional Discrimination and Hostile Environment Towards Jewish Students)**

312. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as though fully stated herein.

313. Harvard receives financial assistance from the United States Department of Education and is therefore subject to suit under Title VI of the Civil Rights Act of 1964.

314. Discrimination against Jews and/or Israelis—including based on actual or perceived ancestry, race, ethnic characteristics, or national origin—is prohibited under Title VI, as reflected not only in decades of Title VI jurisprudence, but also in the written policies of the Office of Civil Rights of the United States Department of Education.

315. Kestenbaum is and identifies as Jewish, and his status and identification as a Jew brings him within the scope of Title VI's protections. SAA's members include Jewish students at Harvard, who are also within the scope of Title VI's protections.

316. Title VI prohibits a recipient of federal funds from intentionally treating any individual worse, even in part, because of his or her ancestry, race, ethnic characteristics, or national origin.

317. The acts and omissions of Harvard and its administrators subjected, and continue to subject, Kestenbaum and SAA's Jewish student members at Harvard to discrimination and harassment on the basis of their actual and/or perceived Jewish ancestry, race, ethnic characteristics, or national origin.

318. Harvard and its administrators had actual notice that such discrimination and harassment, over which Harvard has substantial control and the authority to remediate, was and

continues to be so severe, pervasive, and objectively offensive that it created and continues to create a hostile environment based on Jewish ancestry, race, ethnic characteristics, or national origin that deprives Kestenbaum and SAA's Jewish Harvard student members of full access to Harvard's educational programs, activities, and opportunities.

319. Harvard and its administrators intentionally discriminate against Kestenbaum and SAA's Jewish Harvard student members on the basis of their actual and/or perceived Jewish ancestry, race, ethnic characteristics, or national origin, as exhibited by Harvard and its administrators' deliberate indifference to the antisemitic abuse, harassment, and intimidation of Kestenbaum and SAA's Jewish Harvard student members, in violation of Title VI. Specifically, Harvard and its administrators clearly and unreasonably failed, and continue to fail, to cure or otherwise adequately, appropriately, and meaningfully address, ameliorate, or remedy the discrimination against Kestenbaum and SAA's Jewish Harvard student members and the hostile environment that they and other Jewish students are forced to endure at Harvard because of their race, ethnic characteristics, or national origin. Additionally, Harvard continues to grossly fail to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring. Such unlawful deliberate indifference causes Kestenbaum and SAA's Jewish student members to be subjected to a hostile educational environment.

320. The environment at Harvard, which has been rendered hostile for Kestenbaum and SAA's Jewish members as a result of their Jewish ancestry, race, ethnic characteristics, or national origin, is sufficiently severe, pervasive, persistent, and offensive such that it deprives Kestenbaum and SAA's Jewish Harvard student members of equal access to the educational opportunities and benefits that Harvard provides to non-Jewish students.

321. Harvard and its administrators actively and intentionally engage in this pattern of severe and/or pervasive discrimination.

322. Harvard and its administrators also directly and intentionally discriminate against Kestenbaum and SAA's Jewish Harvard student members, with their actual or perceived Jewish ancestry, race, ethnic characteristics, or national origin a substantial or motivating factor in Harvard's actions.

323. Harvard continues to unreasonably fail to act, or to act grossly inadequately and discriminatorily, and with leniency, tolerance, deliberate indifference, and/or unjustifiable delay, in applying its policies to known or reported incidents involving antisemitism or where the victim or complainant is a Jewish and/or Israeli student, including Kestenbaum and SAA's Jewish Harvard student members. As detailed above, Harvard's actions, inactions, and conduct were, and continue to be, intended to treat Kestenbaum and SAA's Jewish Harvard student members differently as Jewish students as compared to other similarly situated non-Jewish and/or non-Israeli students.

324. Harvard's acts and omissions were the actual, direct, and proximate causes of Kestenbaum and SAA's Jewish student members' injuries.

325. As a result of the foregoing, Kestenbaum and SAA's Jewish Harvard student members have suffered, and continue to suffer, substantial damages, in amounts to be determined at trial.

326. Kestenbaum and SAA's Jewish Harvard student members have been and will continue to be injured because Harvard has and will continue to deny them equal access to the educational opportunities, benefits, and full value provided to other students, and has and will



continue to intentionally discriminate against them on the basis of Jewish ancestry, race, ethnic characteristics, or national origin.

327. Plaintiffs are entitled to appropriate injunctive relief under Title VI, because Harvard has knowledge of, and has been and continues to be deliberately indifferent to, a hostile environment that is severe, persistent, and pervasive; there is no adequate or speedy remedy at law to prevent Harvard from continuing to discriminate against its students on the basis of Jewish ancestry, race, ethnic characteristics, or national origin in violation of Title VI; and the harm Kestenbaum and SAA's Jewish Harvard student members will otherwise continue to suffer is irreparable.

328. Plaintiffs are entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

**COUNT II**  
**Breach of Contract**

329. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as though fully stated herein.

330. At all relevant times, an express contractual relationship existed between Harvard, on the one hand, and each of Kestenbaum and SAA's Jewish Harvard student members, on the other hand, by virtue of their enrollment at Harvard and as defined by and through Harvard's written codes, policies, and procedures governing student and faculty conduct, including, but not limited to, the: Non-Discrimination Policy, Statement on Rights and Responsibilities, Protest Rules, Student Organization Policies, and Harvard's various student handbooks, which often adopt and expand on University-wide policies. Through the documents and materials it publishes and provides to students, Harvard makes contractual commitments to its students concerning safety, bias-related abuse, harassment, intimidation, and discrimination.

331. Under those contracts, Kestenbaum and each of the SAA Jewish Harvard student members agreed, among other things, to pay Harvard tuition, and Harvard agreed, among other things, to provide them a discrimination-free environment to be achieved by Harvard abiding by, and adequately and appropriately enforcing Harvard's policies.

332. Kestenbaum and SAA's Jewish Harvard student members have complied and continue to comply with their obligations under these contracts.

333. Harvard breached and continues to breach its contracts with Kestenbaum and SAA's Jewish Harvard student members by, among other things, its continued failure to comply with its obligations under these contracts, including by, among other things, failing to take measures to ameliorate, prevent, and punish the discriminatory and harassing conduct that Kestenbaum and SAA's Jewish Harvard student members have endured and continue to endure, failing to enforce numerous provisions of Harvard's policies, failing to meet Kestenbaum and SAA's Jewish Harvard student members' reasonable expectations of the educational benefits to which they are entitled, all of which includes Harvard's failure to comply with the following provisions, among others:

- “Discrimination on the basis of . . . any [] legally protected basis[] is unlawful and is prohibited by this Policy.” (Non-Discrimination Policy.)
- “Bullying, hostile and abusive behavior, and power-based harassment directly threaten the ability of community members to engage in the free exchange of ideas and pursue their educational and professional goals. Such behaviors, as defined in this Policy, are prohibited at Harvard.” (Non-Discrimination Policy.)
- “Interference with [freedom of speech, academic freedom, freedom from personal force and violence, and freedom of movement] must be regarded as a serious violation of the personal rights upon which the community is based.” (Statement on Rights and Responsibilities.)
- “[I]nterference with members of the University in performance of their normal duties and activities must be regarded as unacceptable obstruction of the essential processes of the University.” (Statement on Rights and Responsibilities.)

- “Theft or willful destruction of the property of the University or its members must also be considered as unacceptable violation of the rights of individuals or of the community as a whole.” (Statement on Rights and Responsibilities.)
- “It is implicit in the language of the Statement on Rights and Responsibilities that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights on which the University is based.” (Statement on Rights and Responsibilities.)
- “It is implicit in the University-wide Statement on Rights and Responsibilities that any unauthorized occupation of a University building, or any part of it, that interferes with the ability of members of the University to perform their normal activities constitutes unacceptable conduct in violation of the Statement and is subject to appropriate discipline.” (Statement on Rights and Responsibilities.)
- “[I]t is the responsibility of officers of administration and instruction to be alert to the needs of the University community; to give full and fair hearing to reasoned expressions of grievances; and to respond promptly and in good faith to such expressions and to widely expressed needs for change.” (Statement on Rights and Responsibilities.)
- “Any act or threat of physical violence must be regarded as a complete lack of respect for the deepest values that unite the community.” (Faculty of Arts and Sciences Free Speech Guidelines.)
- “A disrupter who resists removal and persists in causing disruption should be subject to severe disciplinary measures.” (Faculty of Arts and Sciences Free Speech Guidelines.)
- “In cases of obstruction, . . . the offenders should be punished for breaking the law of trespassing or rules against interfering with freedom of movement.” (Faculty of Arts and Sciences Free Speech Guidelines.)
- “Yet our commitment to freedom of expression by its nature entails tolerating some speech that members of the community may receive as offensive or harmful. Although this expression may feel deeply injurious to some who hear it, it is nevertheless protected and permissible speech, unless it takes on a character that violates University or School policies on harassment, discrimination, or bullying.” (Public Health Guidelines for Free Expression, Open Debate, Protest, and Dissent.)
- “Using or threatening force or violence, such as defacing a sign or assaulting a speaker or a member of the audience, is never permitted. Any interference with freedom of movement or with freedom from personal force or violence is a serious violation of personal rights.” (Harvard Law Protest and Dissent Guidelines.)

- “[A]ny form of protest that disrupts the conduct of a[] [] class would violate the University-Wide Statement of Rights and Responsibilities’ prohibition against interference with ‘the performance of the normal duties and activities’ of [Harvard].” (Harvard Law Protest and Dissent Guidelines.)
- “When a meeting is closed, dissent by non-attendees is limited to activity outside the meeting that does not impede access to the meeting or substantially interfere with the communication inside.” (Harvard Law Protest and Dissent Guidelines.)
- “Chanting or making other sustained or repeated noise in a manner which substantially interferes with the speaker’s communication is not permitted.” (Harvard Law Protest and Dissent Guidelines.)
- “[A]ll may participate freely within a climate of openness, trust, and sensitivity.” (Harvard Divinity Statement of Community Values.)
- “[I]n seeking the long-term welfare of all, we endeavor to accept responsibility for the impact of [their] actions on our community, our environment, and the world. We hold ourselves and each other accountable for our behavior and our use of resources.” (Harvard Divinity Statement of Community Values.)
- “Organizations defined as non-Harvard or as unrecognized organizations are not permitted to conduct any activity at Harvard even though their activities involve Harvard undergraduates.” (Student Organization Policies.)
- “Student organizations may not co-sponsor on-campus events with external or unrecognized organizations.” (Student Organization Policies.)

334. As a direct, proximate, and foreseeable consequent of the foregoing breaches, Kestenbaum has been damaged and continue to sustain substantial damages, in amounts to be determined at trial.

### **COUNT III**

#### **Breach of the Implied Covenant of Good Faith and Fair Dealing**

335. Plaintiffs repeat and reallege the allegations of the preceding paragraphs as though fully stated herein.

336. Harvard has breached the implied covenant of good faith and fair dealing implied in its contracts with students, including Kestenbaum and SAA’s Jewish Harvard student members. Among other things, Harvard selectively applies or enforces its student handbooks,

guidelines, policies, procedures, course catalogs, registration materials, bulletins, circulars, and regulations in bad faith and in a discriminatory way—improperly motivated by shared ancestry, race, ethnic characteristics, or national origin bias—treating incidents of abuse, harassment, intimidation, or discrimination against Jewish students, including Kestenbaum and SAA’s Jewish Harvard student members, in a more lenient, tolerant, forgiving, and nonchalant manner than it treats similar incidents against other minority groups.

337. As a direct, proximate, and foreseeable consequence of the foregoing breaches, Kestenbaum has been damaged, and continue to sustain substantial damages, in amounts to be determined at trial.

**JURY TRIAL DEMANDED**

Plaintiffs hereby demand a jury trial for all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiffs pray and request that a judgment be entered in their favor, and against Harvard awarding them:

- A. Injunctive relief enjoining Harvard and its agents from establishing, implementing, instituting, maintaining, or executing policies, practices, procedures, or protocols that discriminate against Jewish students on the basis of their Jewish ancestry, race, ethnic characteristics, or national origin, including Kestenbaum and SAA’s members, and ordering Harvard to take all necessary and appropriate remedial and preventive measures against antisemitic discrimination and harassment, such as the following: (i) disciplinary measures, including termination, against deans, administrators, professors, and other employees responsible for the antisemitic abuse permeating the school that Kestenbaum and SAA members experience, whether because they engage in it or permit it; (ii)

disciplinary measures, including suspension or expulsion, against students who engage in such conduct; (iii) declining and returning donations, whether from foreign countries or elsewhere, implicitly or explicitly conditioned on the hiring or promotion of professors who espouse antisemitism or the inclusion of antisemitic coursework or curricula; (iv) adding required antisemitism training for Harvard community members; and (v) appointing a neutral expert monitor to oversee compliance with this Court's order.

- B. Compensatory and consequential damages in amounts to be determined at trial;
- C. Reasonable attorneys' fees, costs of suit, and expenses;
- D. Pre-judgment interest and post-judgment interest at the maximum rate allowable by the law; and
- E. Such other and further relief as the Court deems just and proper.

Dated: May 28, 2024

Respectfully submitted,

ALEXANDER KESTENBAUM and STUDENTS  
AGAINST ANTISEMITISM, INC.

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# **EXHIBIT A**





HARVARD  
JEWISH  
ALUMNI  
ALLIANCE

# The Soil Beneath the Encampments: How Israel and Jews Became the Focus of Hate at Harvard

by the Harvard Jewish Alumni Alliance (HJAA)

May 2024



# **The Soil Beneath the Encampments: How Israel and Jews Became the Focus of Hate at Harvard May 2024**

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## The Soil Beneath the Encampments *How Israel and Jews Became the Focus of Hate at Harvard*

### A Report by the Harvard Jewish Alumni Alliance (HJAA) May 2024

*“Harvard signals that Jews are only acceptable so long as they don’t fully embrace Judaism and choose to practice their religion. The second half of the year taught me that the only hope of surviving Harvard as a Jew was to not dress “too Jewish,” request the university accommodate Jewish holidays, speak Hebrew, or, God forbid, actually support Israel’s right to exist.”*

*- Anonymous former student*

*“I can hear the protesters chanting “globalize the intifada” in the morning from my bed... Students can call zionists blood-thirsty vipers, and that’s okay... We keep meeting with the Administration, and nothing happens. They are not enforcing their time, place, and manner restrictions. These students are getting a pass which leads me to wonder: what’s going to happen next year?”*

*– Charlie Covit, Freshman*

## Executive Summary

### Background on the Harvard Jewish Alumni Alliance (HJAA) and Report

On October 8<sup>th</sup>, as the terrorist attack on Israel that murdered 1,200 people was still ongoing, more than 30 Harvard student groups signed a statement that “h[e]ld the Israeli regime entirely responsible for all unfolding violence.” In the following weeks, many Harvard students rallied in support of a genocidal terrorist group that had just committed crimes against humanity while simultaneously condemning Israel as a racist, apartheid, and genocidal state worthy of elimination.

**This paradox was a wake-up call:**

**Something was profoundly wrong at our beloved alma mater.**

**Hence, the [Harvard Jewish Alumni Alliance](#) was formed. We now have 3,000 members.**

Shortly after HJAA launched, a small group of HJAA members—none of whom knew each other in advance—came together to research the day-to-day experiences of Jewish and Israeli Harvard students and to examine and explore the root causes of the hatred on display.

To do that, we—professionals in the fields of education, executive search, literature, medicine, social work, and software development—had extensive conversations with 50 current and former Jewish students and faculty members about their experiences at Harvard, both inside and outside the classroom. These discussions mainly took place between November 2023 and February 2024.

At the same time, seven HJAA members studied Harvard's educational program. Although we had limited access, we examined course catalogs for the past two school years, school and department websites, event calendars, the offerings of various centers and programs, and selected syllabi.

**While considerable focus in the media has been on student-generated antisemitism, we wanted to explore if and how Harvard as an institution - its faculty and educational programs - might be fueling the hatred we were witnessing.**

This report is not intended to be definitive or exhaustive. That would require full access to classrooms and a year, if not more, of effort. However, as the crisis at Harvard has been unfolding rapidly, we felt the imperative to release our findings—not as a final document, but to spur more research and action to counter the degradation of standards and alleviate the pain felt by too many.

**What we found was worse than we had anticipated.**

## Main Findings

**Harvard Has Been a Hostile Environment for Many Jewish Students, Including in the Classroom Since and Before October 7<sup>th</sup>**

**Through conversations with 42 Jewish students, we learned that they had been systematically targeted and excluded *not only by other students but also within classrooms and by professors*. Every student we interviewed, except one, discussed feeling alienated and excluded, if not outright harassed.**

While we realize that 42 students may seem like a small sample (roughly 6% of the Jewish population at Harvard), it is nonetheless informative that their feelings were so similar. We recognize not every Jewish student is affected. As a former student stated, "It is ok to be Jewish, but any student who is 'too Jewish' suffers." "Too Jewish," she explained, means showing any external sign of being Jewish or expressing support for Israel. (Student A)

What follows are some of the remarks from students, starting with their experiences in the classroom. All the students except for two insisted on anonymity because they feared academic, social, and even physical retribution if their identity became known. In fact, those students insisted we scrub any information that might even potentially identify them.

- "[The professor] said, 'Where are you from?' I said, 'Israel.' He looked at me and said ... 'I need to ask you to leave the class.' No other visiting student was asked to leave." Kim Nahari, Sophomore
- "I attempted to attend the History department's Palestine event but was turned away by an organizer who recognized me, despite my having registered, with him giving the excuse of a lack of space." (Student B)
- "[T]here's a big class on the Holocaust that's like a general education class, so it's not just for people in a major. My friend took this class, and there was a teaching fellow who ... was



saying things like it really wasn't that bad. And look at all the ways that Jews contributed to the Holocaust happening.” (Student C)

- “I took a class in the Spring of '23 called *Religion, Nationalism and Settler Colonialism* [at Harvard Divinity School].... The class was just a 12-week hate fest.” (Student D)
- “On October 11<sup>th</sup>, the Religion and Public Life department [of the Divinity School] released their statement trying to contextualize and rationalize the violence.... The professor offered no apologies. She is inviting a Palestinian speaker next week who publicly said that Israel made up the stories about babies being beheaded and women being raped.” (Student D)
- “Almost everybody I know, including myself, does not represent their true attitudes in the classroom.” (Student E)
- A faculty member echoed this student: “It’s indoctrination, not education. The last place you will have a free, interesting discussion is a Harvard classroom.” (Faculty A)

**Jewish students also were harassed, bullied, and excluded by other students well before October 7<sup>th</sup>. Since then, it just got louder, prouder, and more visible.**

- “It’s so much harder for the students who are visibly Jewish. I have a friend who wears a kippah who was physically cornered by a group of students demanding he denounce the so-called genocide.” - Charlie Covit, Freshman
- “Last year, I had a mezuzah outside my dorm, which was taken down.” (Student F)
- “Israelis are the only people where their nationality is held against them. Doesn't happen to my friend who is Russian.... [My Israeli friend] was called a war criminal.” (Student G)
- “‘A Zionist state cannot happen without apartheid, ethnic cleansing, and colonialism.’ That was on the wall during apartheid week. And they get people to believe them.” (Student G)
- “No other group gets compared to the Nazis... Because of my Jewish and Zionist identity, people think I am a monster. I have heard people say, ‘Zionists should be slain.’” (Student H)
- “All the ... [orthodox] guys on campus have started wearing baseball caps.” (Student I)
- “They use the word Zionist so they can say that they’re not antisemites....” (Student J)

**Jewish students feared for their safety.**

- “They are saying, ‘I am scared to be a Jew here right now.’” (Student E reporting on the sentiment of fellow Jewish students.)
- “This felt to me like they wanted dead Jews.” (Student H)
- “All the protests are right outside Mass Hall.... There were days I was afraid to leave my room.” (Student I)

### **Harvard, Through its Curriculum and Faculty, Planted and Spread the Seeds of Hate Well Before October 7<sup>th</sup>**

**Our research found that when student protesters rally for Hamas as freedom fighters and lob at Israel labels that represent the world’s worst evils, they are repeating what they are taught in classrooms and at department-sponsored events.**

**It begins with a distorted, often inaccurate recurring narrative—practically a script—taught across departments, courses, events, and faculty advocacy. That narrative**

promotes the view that Israel—a tiny country with half of the world’s Jewish population—is the last remaining colonial settler power embodying the world’s worst evils: racism, apartheid, and genocide. The narrative promotes the view that the Palestinian people are innocent victims of Jewish (white) oppression and that known terrorist groups are simply [“political movements.”](#)

**Many Harvard programs and departments, in all or part, promulgate this narrative.**

The Center for Middle Eastern Studies (CMES) is out in front, followed by the School of Public Health and the Divinity School. Faculty promoting this narrative also span the departments of Anthropology, African American Studies, English, Ethnicity, Migration and Rights, Government, History, Music, Near Eastern Languages and Civilizations, Social Studies, Sociology, Studies of Women, Gender, and Sexuality, and Visual Arts, as well as Harvard’s Kennedy School, Law School, Medical School, Carr Center for Human Rights, the Charles Warren Center for Studies in American History, and the Weatherhead Institute of International Affairs

**In 2022-23, Harvard held at least 20 events that spread the virulently anti-Israel narrative.**

Examples include:

- Jerusalem: Examining Settler Colonialism and Undoing Colonial Knowledge Production
- Settler Colonialism, Structural Racism and the Palestinian Right to Health
- Palestine Trek: Bearing Witness to Apartheid, Military Occupation, and Settler-Colonialism
- Colonial Cartography in Palestine-Israel and the Decolonising Potential of Counter-Maps

**In January 2024, [112 faculty joined the new Harvard Faculty and Staff for Justice in Palestine](#) (FJP). Under the umbrella of [the US Academic and Cultural Boycott of Israel \(USACBI\)](#), this new faculty group calls for a boycott of Israel and all companies that “sustain Israeli apartheid, settler colonialism, and systematic human rights.”**

Faculty have the right to voice their opinions and sign documents as individuals. They don’t have the right to [post an indisputably antisemitic cartoon](#), as FJP did in February 2024. While that cartoon was taken down after being criticized, those responsible were never penalized, and the group put an equally offensive post in its place. In protests and the recent encampments, FJP’s faculty and staff have linked arms with Harvard’s version of Students for Justice Palestine to drive the anti-Israel narrative and - intended or not - the subsequent hostility to Jews on campus.

**Partnerships and visiting speakers and professors magnify false narratives and hate.**

- The School of Public Health partners with the terrorist-supporting **Birzeit University** in the West Bank. Birzeit [prohibits Israeli Jews from campus](#), [hosts military parades for Hamas](#), and posted [“Glory for Martyrs”](#) three days after October 7<sup>th</sup>. Harvard students can take a three-week course at BIRZEIT.
- In 2022-23, Harvard hosted Emad Shahin, CMES Shawwaf Visiting Professor, who taught five classes on the modern Middle East, including [Jihad, War and Peace in Islamic Law and Practice](#). (Previously, Shahin had been convicted in absentia of "conspiring with foreign armed groups, including Hamas and the Lebanese group Hezbollah," to destabilize Egypt.) Shahin’s course describes terrorist groups as “contemporary political movements.” A cursory

look found this excerpt from the required reading: “[T]he suicide bomber belongs in an important sense to a liberal tradition of armed conflict.”

- Harvard opens its classrooms and event spaces to a steady stream of speakers and fellows with a paper trail of unchecked antisemitism. The views of these speakers include:
  - “Fascists. Terrorists. Colonizers. There is no morally defensible argument for supporting Zionism. [It’s blood-thirsty and violent.](#)”
  - “It’s also a historical fact that [American Jewish immigrants have always been a foundational building block for the white supremacist infrastructure](#) in this country....We know that from the data.”
  - “[Israel tests its weapons on Palestinian children.](#)”
  - “[What happened on 10/7? The burnt bodies were Hamas militants](#) & now we learn Israeli helicopter fire may have killed ravers!”

In rejecting this narrative, one student noted: “In terms of our education... people don't understand what Zionism is. They think it's white settler colonialism. People need to understand the history, not just the Holocaust, but of the Jewish people and why it's so important for there to be a Jewish state.” (Student E) But many students, Jewish and otherwise, don't know this information—and they aren't going to learn it at Harvard. When Harvard's instructors make Israel the world's worst oppressor while omitting facts disputing their claims, students, understandably, believe the one-sided narrative.

**Our review found only a few faculty and programs offering a more balanced or alternative perspective on the Hamas/Israel war or the Israeli/Palestinian conflict.** We found a few at the Belfer Center for Science and International Affairs and some (largely before October 7<sup>th</sup>) at the Law School. An independent auditor will need to find if there is a critical mass of other examples.

**The Center for Jewish Studies (CJS) seems to prefer looking away.** In 2023-24, only one of its 40 courses (besides Hebrew courses) even partially focused on Israel. Between October 7, 2023 and April 2024, only three of CJS' [34 events](#) were on the Israel-Hamas war or the crisis facing Jews worldwide.

### **The Social Media Platform Exclusively Used By Harvard Students is Replete with Unchecked Antisemitism**

This year, Sidechat, Harvard's anonymous social media platform requiring a Harvard email address to log on, included posts like:

- “Gas the Jews”
- “stfu pedo lover! All of you Zionists are the same. Killers and rapists of children.”
- “Pro-genocide soph0more... looks just as dumb as her nose is crooked.”

Posts like these spurred Harvard, in January 2024, to ask Sidechat to better moderate content and restrict access only to undergraduates. After that, un-coded Jew hate perhaps tamped down some. There still is plenty of “life would be better if Zionism did not exist” and “Zionist Nazis.”

## Harvard's Administration Continues to Be Unresponsive to Most Attacks on Jewish Students

The Administration has repeatedly ignored Jewish students' complaints despite clear violations of Harvard's [non-discrimination and anti-bullying policies](#). There have been few to no consequences for the perpetrators of hate speech and bullying. And now we have learned [there will be no consequences for those students, faculty, and staff in the protests and encampments](#) who have made Jews feel physically unsafe, disrupted and imperiled the wider Harvard community, and broken Harvard's own code of conduct.

As one student told us, "The double standard of the Harvard administration is very jarring. A gay law school student was assaulted by another law school student. An email went out to every student at the law school the same day saying that they were suspending the person. It has been three weeks since the assault [of a Jewish student at Harvard Business School], and only one of the people has been removed from an official Harvard position [but not suspended]."

As Freshman Charlie Covit observed: "There have been so many meetings, but nothing has happened....Why can you scream 'globalize the intifada' outside my dorm room, and there is no punishment? What's going to happen next year when they are choosing not to enforce their rules now?"

The Israeli student who was kicked out of a class for being Israeli said, "First, I reached out to Hillel, and I asked them what I should do. They told me to file a complaint through the DEI [office]. I had a conversation with my Resident Dean and Dean Khurana.... Everyone said, 'Hey, I hear you.' But, there was no follow-up."

We, too, never received a response to an earlier draft of this report, which we shared with Interim President Alan Garber, Dean of the College Rakesh Khurana, and Executive Vice President Meredith Weenick on January 22, 2024. President Garber said he wanted to share the report with his Task Force on Antisemitism. In April 2024, the Task Force's co-chair, Professor Derek Penslar, said he never got a copy.

## In Conclusion

In presenting this report, HJAA has no intention of stifling free speech or academic freedom. Our objective is to advocate for (as is stated in Harvard's own code of conduct) "a community that is open, welcoming, and inclusive and that supports all community members in pursuit of the University's mission of learning, teaching, research, and discovery." Harvard's mission also requires a safe learning and non-hostile work environment.

**We reject how the University is balancing free speech and academic freedom with Jewish students' rights to access an education free from harassment and hate.**

Harvard's double standard in applying its code of conduct is the basis for HJAA's first stated request: that the Administration and Corporation "take swift, concrete and public action to enforce the



University’s codes of conduct *uniformly and without exception*, and discipline students, faculty and staff who violate them.” A complete list of HJAA objectives is at the end of the report.

We prepared this report to help repair, restore, and strengthen Harvard. We hope it spurs further bipartisan—that is, nonpartisan—investigations at #Harvard and other educational institutions.

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## PART I: Jewish Students in Their Own Words

### Harvard Has Been a Hostile Environment For Many Jewish Students, Including in the Classroom, Before October 7<sup>th</sup>.

We felt compelled to listen to students because no one else was. Between mid-October 2023 and February 2024, one intrepid HJAA leader interviewed 22 current or former Harvard students and six Harvard faculty members. Four other HJAA members had conversations with roughly 20 other students. We also spoke with four additional faculty members. Most of the students we interviewed were not Israeli students.

We conducted our education audit at arm's length, but Harvard's Israeli and Jewish students shared their experiences in their own words. Their testimonials capture the bullying, harassment, exclusion, and even outright hate students face throughout their lives at Harvard.

**Through these discussions, we learned that Jewish students had been systematically targeted and excluded *not only by other students - which we expected to find based on early media coverage – but also within classrooms and by professors.* Every student we interviewed discussed feeling alienated and excluded if not outright harassed.**

There are two points to make before turning to the testimonials. First, when we spoke to students about sharing their testimonies, many started retracting their statements or insisting on anonymity (including that we scrub from their testimonies all possible identifying information). They had come to an understandable conclusion: *We've been asking for help from the administration for months to no avail; why should this time be different? And therefore, why should I open myself up to academic, social, and even physical retribution?* On a university campus, this fear is alarming.

The faculty members were even more afraid of speaking with us on the record; they worried it could get them fired or undermine a promotion. At Harvard, in the 21st century.

***The faculty members were even more afraid of speaking with us on the record; they said it could get them fired or undermine a promotion.***

Second, we do not claim that every Jewish student is affected. For, as one student clarified for us, “It’s ok to be Jewish at Harvard, as long as you aren’t ‘too Jewish.’” She went on to explain, “The only hope of surviving Harvard as a Jew was to not dress “too Jewish,” request the university accommodate Jewish holidays, speak Hebrew, or God forbid, actually support Israel’s right to exist.”

As more recent theoretical frameworks recycle antisemitic tropes to cast all Jews as the worst of “white” oppressors, many more Jewish students are caught in the crosshairs. As another student told us, “The pro-Palestinians see Israel as the white colonizer oppressor. It’s the same thing they say about ‘the white Jews: They bought their way into the school, they have money, they have connections. It’s the same mindset.”

*“It’s okay to be Jewish at Harvard, as long as you aren’t ‘too Jewish.’” The only hope of surviving Harvard as a Jew was to not dress “too Jewish,” request the university accommodate Jewish holidays, speak Hebrew, or God forbid, actually support Israel’s right to exist.”*

## 1. It Starts in the Classroom Where Faculty and Teaching Fellows (TFs) Don’t Hide Their Extreme Bias and Hostility.

Students see the bias in the differential treatment of students, faculty statements, and class cancellations.

- “I am taking a class with Professor Penslar, *Modern Jewish History*. Penslar signed the letter ... [that] calls Israel an apartheid state .... What I have been surprised by in the class is one of the TFs is vehemently anti-Israel, showing only one side.” (“TFs” or teaching fellows are often called “teaching assistants” at other universities)”
- “I took a class in the Spring of '23 called *Religion, Nationalism and Settler Colonialism* [at Harvard Divinity School]....The class was just a 12-week hate fest.... One of the classes was titled ‘The Holocaust and Ongoing Nakba.’ It was just a way to compare the treatment of Palestinians to the way Jews were treated during the Holocaust.”
- “[T]here’s a big class on the Holocaust that’s like a general education class, so it’s not just for people in a major. My friend took this class, and there was a teaching fellow who ... was saying things like it really wasn’t that bad. And look at all the ways that Jews contributed to the Holocaust happening.”

- “[In March 2023] I joined one of my best friends for her Middle Eastern class because she was presenting and invited me to watch her presentation. [There were about] 30 students [in the class], and there were other people in the class who were [also] coming to see their friends present. In the middle of the class, the professor stopped the lecture .... He asked me if I was a student [in his class], and I said, ‘No, my friend invited me to watch her present.’ Then he said, ‘Where are you from?’ I said, ‘Israel.’ He looked at me and said . . . ‘I need to ask you to leave the class’.... People are uncomfortable because I am from Israel. This means that he had to ask [only] me to leave a class where others were also ... there to listen to their friends....”

*“Then [the professor] said, ‘Where are you from?’ I said, ‘Israel.’ He looked at me and said ... ‘I need to ask you to leave the class....”*

- “On October 11<sup>th</sup>, the Religion and Public Life department [of the Divinity School] released their statement trying to contextualize and rationalize the violence. Saying there are two sides. This was so horrible that the interim dean had to come the next day and say it was so horrible, and it only reflects the views of those who signed it. The professor offered no apologies. She is inviting a Palestinian speaker next week who publicly said that Israel made up the stories about babies being beheaded and women being raped.”
- “Post-October 7<sup>th</sup>, there was a really unsettling section.... It was mostly an effort to contextualize why Hamas' actions were justified.”
- “I can tell you right now that I'm currently in a class on Ottoman history taught by Professor Cemal Kafadar.... I've basically stopped going. I mean, Professor Kafadar also signed that letter and has been pretty vocal, and the TF has told us all to go to these teach-ins [e.g., Evolving War in Israel/Palestine, a teach-in sponsored by CMES].
- “One of the TFs canceled class to go protest with the Palestinian Solidarity Committee.”

*“One of the TFs canceled class to go protest with the Palestinian Solidarity Committee.”*

- “Literally three days ago, [during the] EC 10 lecture [large introductory economics course].. there was a walkout.... [PSC supporters] used EC 10 as the central location to begin this rally. These people were not students of the class and walked into the class with their own agenda [and] with megaphones. ‘If you support us, free Palestine, come walk with us.’ About five people stood up and walked out. The professor... afterward... said, ‘If anyone feels that they need to leave, this class is being recorded.’”

### Sometimes, Faculty Antisemitism is Blatant

- In 2023, after students filed a complaint, Harvard [conceded](#) that a Kennedy School Lecturer intentionally discriminated against three Israeli students in his class.
- In January 2024, the first visible action of the newly formed [Harvard Faculty and Staff for Justice in Palestine](#) was to [create an Instagram post with a horrific antisemitic picture](#). While that cartoon was taken down after being criticized, the group put another offensive post in its place. Harvard rebuked the faculty and removed a professor from his role as the advisor of Harvard's student pro-Palestine group, Palestine Solidarity Committee (PSC). No other consequences ensued.

## 2. The Lack of Viewpoint Diversity and Debate Seeds Hate

**The absence of viewpoint diversity and debate enables false and inflammatory labels to be weaponized in and outside the classroom.**

- “Jewish history is routinely pushed under the rug.”
- “In terms of our education, that is the most important thing. People don't understand what Zionism is. They think it's white settler colonialism. People need to understand the history, not just the Holocaust, but of the Jewish people and why it's so important for there to be a Jewish state.”
- “[S]uch a significant percentage of the student body think Israel is a colonialist apartheid state.”
- Obviously, we're talking about Jews and Muslims in this time in this place. Muslims colonized ... and imprisoned all the Jews there and murdered a bunch of people, and we're just glossing over that part....”

## 3. Jewish Students Lack Full Academic Access

**Israeli and Jewish students also don't have full academic access to Harvard. They avoid certain classes and majors because of the hostilities they would face, don't participate in class discussions for fear of academic retribution, and are excluded by those who hope to fill events and lecture halls with like-minded peers.**

- “My older sister went to Harvard. She took a Middle East politics course. When she expressed her opinions on Israel [in her assignments], her grade would suffer. She had a terrible experience. Because of her experience, I never wanted to take a class about Middle East politics.”
- “When I came to Harvard, I really wanted to study Middle Eastern studies. I took a class in the Middle East department, and I wanted to take more, and both [my brother] and his boyfriend said, “You can't concentrate on Middle Eastern studies, you will suffer.”

*“You can't concentrate on Middle Eastern studies, you will suffer.”*

- “Israelis are not in these Middle Eastern studies classes. There were lots of times I felt weird and uncomfortable saying I was from Israel in my section when I took a Middle Eastern Studies class. That is the only reason why I'm *not* pursuing [Middle Eastern studies] as my concentration.”
- “[I am] dropping my NELC [Near Eastern Languages and Civilizations] department class because it's a hostile environment for me.”
- “I haven't challenged my TF, I don't feel comfortable. I'm not going to change my TF's opinion. It's not worth it. The section is a small class. The way the grading in the classes works, it is so heavily dependent on participation that it leaves room for interpretation....
- I don't make arguments that the TFs disagree with because they don't seem to grade based on the validity of the argument.”

**Jewish students who attend one-sided events can be marginalized and publicly ridiculed—or even blocked from entry.**

*“I attempted to attend the History department's Palestine event but was turned away by an organizer who recognized me, despite my having registered, with him giving the excuse of a lack of space.”*

- “I attempted to attend the History department's Palestine event but was turned away by an organizer who recognized me, despite my having registered, with him giving the excuse of a lack of space.” [The organizer continued allowing other students to enter.]
- “Last year, the PSC invited Mohammed el-Kurd to speak. I decided that I was going to listen to him because we have free speech and I wanted to hear what he had to say. I decided to

ask a question of him: ‘Mr el-Kurd, do you condemn the killing of innocent Israeli, Jews, American civilians across the world as a form of resistance and liberation?’ He said, ‘I’m not going to dignify that racist question with a response.’ 200 of my fellow peers were clapping for him.”

- “I attended this Mohammed el-Kurd event last year. A few days later, this proctor [resident advisor] came up to me at Annenberg and said, ‘You had a really interesting question. I’d love to find time to chat with you.’ He said, ‘Let’s grab a meal next week.’ And I said, ‘Okay.’ I have never heard someone praise terrorists like he did. He’s a proctor, so you say yes when he asks you for lunch. I thought he was an authority figure.... I had a crazy conversation with him over lunch. I just remember the trauma of that conversation. It made me realize for the first time that there are some people who truly are so crazed in their beliefs that freedom fighters are the solution to a problem. That really jarred me.”

*“I have never heard someone praise terrorists like he did.... I thought he was an authority figure.... I just remember the trauma of that conversation.”*

#### 4. Hostility and Exclusion Also Pervaded Students’ Lives Outside the Classroom Before October 7<sup>th</sup>, 2023

Students told us it starts during Convocation and the First-Year International Program (“FIP”), before students enter their first class as freshmen. And it permeates every aspect of their supposed new home: where they study, sleep, eat, and socialize. Sometimes, it’s harassment. Sometimes, it’s pure hate. To be clear, while Israeli students still face the most abuse (i.e., they are called “murderers” to their face), the isolation, harassment, and hostility extend far beyond them.

##### Before Day 1 of Class

*“From day one at the First Year International Program, people heard that I was from Israel, and some people stopped talking to me, including some of the leaders [of the orientation program].”*

- “Convocation freshman year is the first week. My entire convocation was corrupted—hijacked by the PSC [Palestine Solidarity Committee].... At convocation, I felt like these people really, really don’t want me here. They want me to feel unwelcome. My

being a Zionist and a Jew is contrary to their values, and they will use inflammatory rhetoric and tactics that are intentionally designed to hurt me.”

- “[At] my very first experience at Harvard, there was an anti-Israel protest at our convocation. The head of FIP was very unkind to me. He didn't say anything, but he treated me differently from other people. Then I saw him demonstrating during convocation, and then I was like, ‘Oh, it makes sense.’”
- ‘From day one at the First Year International Program, people heard that I was from Israel, and some people stopped talking to me, including some of the leaders [of the orientation program]. There is an ice breaker event where you divide up by country, and it's known among the Israelis to stay in your room or go [join the] Europe [group]. That is from Day 1 [at Harvard].’”
- “I remember that [at the] First Year International Program during pre-orientation ... one specific student turned around and left after I answered that I was from Israel. I see her a lot. That was an unforgettable moment.”

*“My being a Zionist and a Jew is contrary to their values, and they will use inflammatory rhetoric and tactics that are intentionally designed to hurt me.”*

### **What Israeli and Jewish students see when they walk around their campus home**

- “Last year during apartheid week, I had to walk by a wall with an image comparing Israel to the Nazis with an image of cattle cars going into a gate. I was appalled that there would be Nazi comparisons; no other groups get compared to the Nazis. I ended up switching my walk to class so I could avoid walking by the wall.”
- “‘A Zionist state cannot happen without apartheid, ethnic cleansing, and colonialism.’ They had that on the wall during apartheid week. And they get people to believe them. People know and understand racism, apartheid, and colonialism, and [the PSC have used those words] to get them to believe [that they are true about Israel].’”
- “[They] have managed to put the Palestinian context within a very American context using language like white supremacy etc. [They are] great at [creating their own] narrative.”

### **Where they sleep and eat and with whom they socialize**

- “Last year I had a mezuzah outside my dorm, and that was taken down.”



- “Someone carved a swastika on the bulletin board at Currier House. It was in 2022, around the time of apartheid week and The Crimson BDS movement.”
- “What I find most distressing, and what influences my happiness most, is that when I walk into the house dining hall, and I say, ‘hi,’ people won’t say hi back just because I was born in Israel and served in the Israeli military. That goes a long way with [affecting] your feeling of belonging.”
- “You can’t eat in Adams, literally. I ate there once and I was like, ‘I am never going back there.’ They all know what Israelis look like. They actively stare at us.... [They] know I’m Israeli and hate me for it. Some of them stop talking when I walk near them. Someone from my NELC [Near Eastern Languages and Civilizations] department class looks away when she sees me.”
- “This one girl who wasn’t in our blocking group but also was invited [to the Dominican Republic] wouldn’t come because I was going. I am Israeli, and she didn’t want to be pictured with someone who is Israeli. She wasn’t shy [about it], she was public about it....”

#### **And what student organizations and causes they can join**

- “It’s what happens when Black Lives Matter, which everyone agrees with and supports, says that in order to support this cause, you also have to support the Palestinian cause. It’s that. And then on campus where it’s like everything is advocacy, everything is social movements that I actually care a lot about, but then I get excluded from these spaces.”
- One of my best friends is one year older and invited me to the first [PSK punch] event. The punch master is from Egypt and told his friends that I can’t come because I don’t adhere to PSK values because I served in the IDF beyond the mandatory requirement. I tried to talk to him [the Egyptian co-punchmaster] and he won’t even exchange a word with me. The PSK kids said, “it was your decision to stay in the IDF post your mandatory term.”

## **5. The Jew Hate Became Louder, Prouder, and Visible to the World**

We conducted our interviews from mid-October 2023 to February 2024, during the period when there were constant anti-Israel, pro-Hamas protests but before the encampments had yet to take over the Yard (which occurred in April.)

### **“They want dead Jews”—the psychological effects of the ongoing protests.**

- “As a first year, we’re based in Harvard Yard, and most of what is going on takes place there. Even if I didn’t want to involve myself, I can’t avoid it. If I want to go to Widener [the main

campus library], there are times that I can't go because there is a stampede of people on the steps. Hard to avoid because of where we're located.”

- “Today they were screaming, ‘There is only one solution, Intifada revolution.’ And saying ‘Globalize the intifada....’ One of the most crazy things I have seen - this is the first time I heard people say something that felt to me that they want dead Jews.”
- “Two days after I came back to campus [from being home in Israel], I saw a protest [being] led by the PSC in Harvard Yard. There was a huge sign that said, ‘Stop the Genocide in Gaza.’ I was just back to campus [having gone] to the funeral of my best friend who was brutally murdered by Hamas terrorists at the Nova music festival. And I just got emotional seeing such provocative and hateful signs.”
- “I have this flight or fight reaction when waking up in the morning and hearing the protestors chanting. I can't always tell what they're chanting, but I always feel that fear, feel triggered, and I [don't want to] walk through them to find out what they're saying.”

*“[T]his is the first time I heard people say something that felt to me that they want dead Jews.”*

#### **The harassment and hate ramped up.**

*“Israelis are the only people where their nationality is held against them. Doesn't happen to my friend who is Russian....”*

- “We all knew people who were just murdered. And to see this [statement with all the student groups], [on October 8<sup>th</sup> or 9<sup>th</sup>], we couldn't believe it. We know people at these organizations, we are in classes with them. It didn't make sense [to us]. It was an extreme way of exposing what people think. It was disgusting for us.... We couldn't take the space to mourn.”
- “Someone I know was studying in [xxx] library. He couldn't focus because he was sitting next to ~15 people in Keffiyehs who wanted to write an op-ed in support of that proctor who had been let go. My friend didn't want to stick around and study for the math exam. They had severely skewed what had happened, and how they were presenting it wasn't even rooted in fact. It was just a mishmash of claims that the proctor had made. They said there were no complaints against the proctor, but that's not true, there were at least three complaints.”

- “Someone living in my [house] is friends with some other Israelis. At some point, [my friend] told me that this girl was talking to someone on my floor, and the girl on my floor said [that] I ‘murdered people....’ This girl on my floor asked this person I don't know well (but we're now friends) if she knew me and then said, ‘Did you know she was in the IDF, and therefore she murdered people.’”
- “They see [Israelis] as murderers.... People are actively telling people to not be friends with [Israelis]. Israelis are the only people where their nationality is held against them. Doesn't happen to my friend who is Russian.... [My Israeli friend] was called a war criminal.”
- “We all knew people who were just murdered. And to see this [statement with all the student groups], [on October 8<sup>th</sup> or 9<sup>th</sup>], we couldn't believe it. We know people at these organizations, we are in classes with them. It didn't make sense [to us]. It was an extreme way of exposing what people think. It was disgusting for us.... We couldn't take the space to mourn.”
- “[Students on campus] are saying we're lying.... How am I supposed to be in class with someone who posted the day before that they are supportive of the murder and rape of my people? I could've been that person.”

#### **Jewish students feared for their physical safety.**

*“It's pretty scary to walk around campus.... And I'll tell you that he and pretty much all the other [orthodox] guys on campus have started wearing baseball caps.”*

- “I'm engaged and my fiancé [who wears a kippah] was walking on campus on October 9<sup>th</sup>, and someone who [my fiancé] believed to be another student came up to him and spit in his face, oh my God, just on campus... I'll tell you that he and pretty much all the other [orthodox] guys on campus have started wearing baseball caps.”
- “I am scared to be a Jew here right now.”
- “I think I feel more safe in Israel than here. I just think everyone knows my identity, and the only thing that protects me from people hurting Israelis is that they have too much to lose because they are Harvard students.”
- It's pretty scary to walk around campus knowing someone who is comfortable physically assaulting a religious Jew is potentially still on campus.... And I'll tell you that he and pretty much all the other [orthodox] guys on campus have started wearing baseball caps.

- “I felt very afraid even walking to Annenberg because, outside the science center, there would be protests or people asking me a question you can't say no to - like, ‘Did you condemn the murder of Palestinian children?’”
- “All the protests are right outside Mass Hall. A lot of the time, they are on the side where the dorm entrance is. There were days I was afraid to leave my room because there were people outside chanting, ‘End the occupation’ and ‘globalize the intifada.’”
- “It's scary to walk through the protest. I usually walk through the back doors [or the] side entrances at [the] science center.”
- “Since October 7<sup>th</sup>, there are certain things [I] notice that I didn't notice before. There is a police car constantly parked in front of Hillel. [It makes you think], are we in a state of danger if they have to place that kind of protection outside?”

**Students understand that “Zionist is a code word for Jew.”**

- “They use the word Zionist so they can say that they’re not antisemites....”
- “Because of my Jewish and Zionist identity, people think I am a monster. I have heard people say, ‘Zionists should be slain.’ I have heard people say, ‘You can’t possibly believe an Israeli, they are all settlers.’”
- “It's very clear at HDS [Harvard Divinity School] that Zionism is a very dirty, insulting word. To be called one is an insult. [It is] certainly not something you self-identify [as] publicly.”
- “What's disappointing is that they are smarter, and Zionist is a code word for Jew. You can't say Judaism is wrong, or the Jews control the media, but you can say Zionists control the media. And that's what is so hard [because they use the word Zionist so they can say that they’re] not antisemites....”

## PART II: What the Education Has to Do with It

### Harvard, Through its Curriculum and Faculty, Planted and Spread the Seeds of Hate Well Before October 7<sup>th</sup>

#### 1. The Israeli/Palestinian Conflict Across Harvard Schools, Departments, and Programs

The educational focus on the Israeli-Palestinian conflict is notable given the fact that Israel is [a tiny country \(the size of New Jersey\)](#) whose total population is 9 million, 7 million of whom are Jewish. Coverage of other world disputes and suffering appears to pale in comparison.

The Center for Middle Eastern Studies (CMES) is out in front, followed by the Divinity School and the School of Public Health.

#### **The Israeli-Palestinian conflict saturates the Center for Middle Eastern Studies (“CMES”)**

- CMES doesn’t offer courses because it is not an academic department but sponsors dozens of events annually.
  - Last school year (2022-23), [close to 20% of CMES events](#) (10 of 56) addressed the Israeli/Palestinian conflict—the same number of CMES events on Iran, Iraq, Saudi Arabia, and Egypt combined. During the same period, CMES held no events on the genocide in Sudan.
  - CMES gave equal focus to only one other topic: the Ottoman Empire (which lasted 600 years and spanned Southeast Europe, West Asia, and North Africa).
  - In 2015, the bloodiest year of the Syrian civil war when 110,000 people were killed, [CMES held only 3 Syrian-focused events.](#)
  - From October 7, 2023 to April 2024, CMES sponsored 17 events on the Israeli/Palestinian conflict, 25% of all of its events.
- After October 7<sup>th</sup>, CMES joined [a collaboration of other universities and Birzeit University](#) to organize fourteen “teach-in” sessions to put “Gaza in context.”
- CMES has announced that “Palestine” will be [one of its two themes](#) for its 2024 - 2025 visiting research program.
- CMES also has an office in Tunisia.

*In 2022-23, roughly 20% of CMES events focused on Israel and the Palestinian Territories—equal to the number of events on Iran, Iraq, Saudi Arabia, and Egypt combined.*

The School of Public Health has a program exclusively devoted to the Palestinians, the [Palestine Program for Health and Human Rights](#), in partnership with Birzeit University.

- This program offers the [Palestine Social Medicine Course](#), a three-week course at Birzeit University in the West Bank that [“introduces students to the social, structural, political, and historical aspects that determine Palestinian health.”](#)
- Birzeit University [prohibits Israeli Jews from campus, hosts military parades for Hamas](#) featuring children wearing mock explosive vests, names buildings and events after convicted terrorists involved in plotting attacks against Jewish civilians around the world, and posted [“Glory for martyrs”](#) three days after October 7<sup>th</sup>.
- Another public health course, [“GHP 264: The Settler Colonial Determinants of Health,”](#) makes Palestine/Israel one of three case studies.
- The School of Public Health has also sponsored these events [here](#).

*Harvard has a partnership with a West Bank university, Birzeit, which prohibits Israeli Jews from campus, holds rallies honoring Hamas, and posts “Glory for martyrs” 3 days after October 7<sup>th</sup>.*

At Harvard Divinity School, the [Religion, Conflict, and Peace Initiative](#) (RCPI) appears to [focus entirely on the Palestinians](#). (RCPI is part of the [Religion and Public Life](#) Program.)

- Between 2019 and 2023, RCPI’s [fellowship program](#) brought roughly 23 fellows to Harvard, the vast majority of whom were engaged in projects related to the Palestinians.
- Divinity School courses include [Religion, Nationalism, and Settler Colonialism: the Case of Israel/Palestine](#) (HDS 3337) and [Learning in Context: Narratives of Displacement and Belonging in Israel/Palestine](#) (HDS 3335).
- HDS 3335 also offers a [trip to the West Bank and Gaza](#).

Harvard faculty members have also spearheaded and/or signed four anti-Israel university-wide statements/petitions since May 2021.

- [Statement by Harvard Faculty in Support of Palestinian Liberation](#), 80 faculty signers (May 2021).
- [Statement in Support of The Harvard Crimson and Palestinian Liberation](#), 49 signers (May 2022). This statement follows the Crimson's endorsement of BDS, the Boycott, Divestment, and Sanctions movement against Israel.
- [Faculty Open Letter to President Claudine Gay](#), 79 signers (October 19, 2023).
- [Harvard Faculty and Staff for Justice in Palestine](#) (FJP), 111 signers (posted initially with signatories in January 2024). Revised and reposted [here](#) on February 21, 2024). This faculty group is under [the US Academic and Cultural Boycott of Israel \(USACBI\)](#).

Note that **this report does not challenge the rights of faculty members and others to voice their opinions and sign documents as individual scholars.** Understanding how faculty members joining this group bring their political views into their hiring decisions and course offerings is important. Moreover, when joining protests and then the encampments, faculty and staff have linked arms with Harvard's version of Students for Justice Palestine to drive the anti-Israel narrative and - intended or not - the subsequent hostility to Jews on campus.

While the above four statements have 174 independent signers, **a core group of roughly 47 Harvard faculty members takes the lead in driving the Palestinian-focused programs, courses, and events, writing in the popular press, helming trips to the Palestinian territories, creating and/or signing the petitions/statements, and [joining \(or leading\) protests](#).**

- 15 of the 47 faculty members are full professors, 10 are associate/assistant professors, 13 are lecturers, 2 are visiting professors, and 7 are instructors.<sup>1</sup>
- In addition to CMES, the Public Health School and the Divinity School, these faculty span the Faculty of Arts and Sciences (FAS), Kennedy School, Law School, and Medical School. Other affiliations include the Carr Center for Human Rights, the Charles Warren Center for Studies in American History, and the Weatherhead Institute of International Affairs.
- FAS departments include the departments of Anthropology, African American Studies, English, Ethnicity, Migration and Rights, Government, History, Music, Near Eastern Languages and Civilizations, Social Studies, Sociology, Studies of Women, Gender, and Sexuality, and Visual Arts, Government, History, Sociology, Music, Visual Arts,

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<sup>1</sup> This number only includes Harvard faculty with clear teaching responsibilities. 35 of the 47 joined the new [Harvard Faculty and Staff for Justice in Palestine](#) in January 2024; 11 others aren't members of this new group but actively promote the narrative described in the next Section. We don't include the 14 teaching fellows who joined the Faculty and Staff for Justice in Palestine even though they, too, may be teaching students.



Anthropology, English, African American Studies, Near Eastern Languages and Civilizations, Ethnicity, Migration, and Rights, and Studies of Women, Gender, and Sexuality.

## 2. The Narrative: Israel as the Embodiment of the World's Worst Evils

**When Harvard's protesters rally for Hamas as freedom fighters and lob at Israel labels that represent the worst evils, they are repeating what they are being taught in classrooms and at campus events.**

It begins with a distorted, often inaccurate, recurring narrative, practically a script, taught across departments, courses, events, and faculty advocacy. That narrative promotes the view that Israel—a tiny country with half of the world's Jewish population—is the last remaining colonial settler power embodying the world's worst evils: racism, apartheid, and genocide. The narrative presents the Palestinian people as innocent victims of Jewish (white) oppression and known terrorist groups, such as Hamas, as [“political movements.”](#) The narrative's omissions are as significant as its distortions and inaccuracies.

Once Harvard's instructors make Israel the top perpetrator of the world's evils while omitting facts disputing their claims, Harvard's students accept that one-sided narrative.

*Israel is the last remaining colonial settler power embodying the world's worst evils.*

Because we lacked access to classrooms and to most course syllabi, we could only identify potentially relevant courses by searching for words such as “Israel” and “Palestine” in Harvard's course catalog's titles and descriptions. This is why HJAA is insisting that an independent, third-party auditor with full access to the educational offerings and classrooms be appointed to identify the full range of courses with lectures or units promoting either the anti-Israel narrative or a more balanced one.

These are examples of courses we found that either clearly address the conflict or may have relevant lectures/readings:

- *Religion, Nationalism, and Settler Colonialism: The Case of Israel/Palestine* ([HDS 3337](#) - Professor Diane Moore). “[E]xamines the conceptual logic of using a **settler-colonial** lens to interpret the history and politics of Israel/Palestine ... [and] identify the relevance of **global anti-racism** and social movements....”



- *Learning in Context: Narratives of Displacement and Belonging in Israel/Palestine* ([HDS 3335](#) - Atalia Omer, Diane Moore) examine[s] a diversity of narratives regarding displacement and belonging in and about Israel/Palestine, centering concerns with human rights, historical justice and accountability, and critical religious literacy....
- *The Settler Colonial Determinants of Health* ([GHP 264](#), School of Public Health - Professor Bram Wispelwey) introduces students "...to the **concept of settler colonialism** and its health equity implications for **indigenous and settler populations**...[u]tilizing case studies from the United States, South Africa, and **Palestine/Israel**.
- *Palestine Social Medicine Course* (School of Public Health - Yara Asi, Weeam Hammoudeh, David Mills, Osama Tannous, Bram Wispelwey) offers both conceptual and practical engagement with the structural determinants of health affecting Palestinians in the West Bank, Gaza Strip, Israel, and the Diaspora. "The Palestine Social Medicine Course occurs annually at Birzeit University in the West Bank, occupied Palestinian territories."
- *Middle East Ethnography: Discourse, Politics, and Culture* ([Anthropology 2690](#) - Professor Steven C. Caton). "The discursive construction of culture and its complex politics are examined in a wide range of ethnographies that have been written recently on countries in the Middle East, including ... Israel/Palestine.... Among the theoretical topics to be considered are **orientalism, colonialism and post-colonialism**, nationalism, self, **gender**, and tribalism."
- *Political Violence and Power* ([Freshman Seminar 720](#), FAS - Dr. William Whitham) "explore[s] the ethics, psychology, and sociology of political violence over the past 150 years. We'll examine fin-de-siècle anarchists, communist regimes across Eurasia, German Nazism and Italian fascism, anti-colonial struggles in Algeria and **Palestine**, and the rise of jihadi networks and far-right 'lone wolves.'"
- *A Critical Introduction to the Study of the Middle East Course* ([Hist 1800](#) - Professor Jesse Howell) "introduces students to the medieval and modern history of the Middle East. Readings and discussions will also focus on **key Harvard University 856 of 1891 categories of analysis such as orientalism, modernity, capitalism, gender, (post)colonialism, nationalism, anthropocene.**"
- *The Making of the Modern Middle East (Late-18th Century to the Present)* ([Hist 1009](#) - Professor Rosie B'sheer). The diverse themes... include... **the formation of modern nation states, colonialism and imperialism**—past and present—social and intellectual movements, gender politics, petro-states in global perspective, and Islam and politics.
- *Coloniality, Race, and Catastrophe* ([Ethnicity, Migration, and Rights 139](#) - Professor Mayra Rivera). "[E]xplores the relationship between **coloniality, race, and ecology** through the lens of "catastrophe."
- *Re-mediating Colonialism* ([English 90RC](#), Pamela Klassen). "This seminar focuses on the public memory of **settler colonialism** and Indigenous dispossession in North America and Turtle

Island...” (Turtle Island is a name for North and Central America, used by some Indigenous peoples, as well as by some Indigenous rights activists who are making the case that [Palestine’s and Turtle Island’s liberation are entwined](#)).

**In 2022-23 and 2023-24, Harvard held many events that spread the virulently anti-Israel narrative** (see Appendix A for more examples and Part 2, Section 3 for more balanced events.)

- Examples before October 7, 2023
  - Harvard Law School sponsored an event for students who had traveled to the Palestinian territories to “[bear witness to the \*apartheid, military occupation, and settler-colonialism\* firsthand.](#)”
  - [Rethinking Statehood in Palestine: Self-Determination and Decolonization beyond Partition](#) (Leila Farsakh, Maha Nassar, Susan Akram). “Shows how notions of citizenship, sovereignty, and nationhood are being rethought within the broader context of *decolonization*.” (CMES)
  - [Settler Colonialism, Structural Racism, and The Palestinian Right to Health Special Edition: A Conversation with the Authors](#) (Osama Tanous, Ben Bouquet, Maria Helbich, Ghada Majadli, Razzan Quran, Emily Schneider). “[E]xplore[s] the conceptual and material connections between **settler colonialism, structural racism, and human rights** approaches to Palestinian health.” (School of Public Health)
  - [Colonial Cartography in Palestine-Israel and the Decolonising Potential of Counter-Maps](#) (Zena Agha). “Examines the ways we have (re)imagined and (re)drawn the land over the past 100 years, particularly around the partition of Palestine in 1948... and examines what counter-mapping and return look like in a destroyed place.”(CMES)
  - [Palestine Trek Bearing Witness to apartheid, military occupation, and settler-colonialism](#). This year, 170+ Harvard graduate students went on a spring break trek to occupied Palestine. They met with Palestinian activists, lawyers, academics, students, artists and witnessed apartheid, military occupation, and settler-colonialism firsthand. (Harvard Law School)
- After October 7, 2023, it was more of the same.
  - [Israel-Hamas War? Tackling the Root Causes](#) (Israel's settler-colonial and carceral occupation). Francesca Albanese (CMES)
  - [Palestine and the Historian: A History Department Symposium](#), included a Panel: “**Borders, Apartheid, and Carcerality.**” (History Department)

- [\*The South Africa ICJ Genocide Case Against Israel: Implications for Palestinian Health\*](#), Timothy Fish-Hodgson, Katherine Iliopoulos, Tlaleng Mofokeng, Rania Muhared (CMES, Public Health)
- [\*We Charge Genocide, the Potential and Limits of International Law\*](#) (Nora Erakat).
- [\*"Colonizing Palestine: The Zionist Left and the Making of the Palestinian Nakba,"\*](#)<sup>2</sup>(Areej Sabbagh-Khoury).
- [\*Palestinian Women in Gaza: War, Health, and Feminist Solidarity\*](#), (Zahra Ali, Lila Sharif, Sara Ihmoud).

CMES's recommended [Readings and Digital Resources on Palestine](#) doesn't seem to include a single resource providing a more balance or an alternative perspective.

- Professor [Cemal Kafadar](#) (CMES Director) and Professor [Rosie Bsheer](#) (CMES Associate Director) curated a list of roughly 60 resources with the expressed purpose to “offer analyses and histories of expulsion, **occupation, settler colonialism**, forced evictions, home demolitions, and annexation that situate the current struggle as part of the ongoing **Nakba of 1948 and in relation to the Naksa of 1967.**”

The demands by the [Harvard Faculty and Staff for Justice in Palestine](#) in its January 24 statement also repeat the narrative.

- “The US government, media, and other institutions of knowledge production have long provided financial, military, moral, and political cover for the Israeli **occupation** and its **colonial, racial violence.**”
- “We call on the university to withdraw investments from the State of Israel and all companies that sustain Israeli **apartheid, settler colonialism**, and systematic human rights abuses against Palestinians.”
- “As educational workers, we are focused on boycotts of Israeli academic institutions that support **apartheid** and **colonial occupation.**”

Some Harvard courses/faculty appear to excuse or even valorize violence against Israel.

*Some courses/faculty appear to excuse or even valorize violence against Israel*

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<sup>2</sup> The meaning of “the Nakba” is hotly debated. In Arabic, “Nakba,” which means “catastrophe,” is the term Arab countries use to describe the 1948 Arab-Israeli War. Israel and others call this war “the War of Independence.” As with everything else related to this subject, there are multiple perspectives on the evolution of the word's meaning.

- [CMES' website](#) references Hamas 15 times without using the word terror or terrorism.
- Roughly a decade ago, Sara Roy, a Harvard lecturer and associate of the Center for Middle Eastern Studies, published [a book claiming Hamas had “emphasized not political violence but rather community development and civic restoration...”](#) The lecturer still hasn't acknowledged any contradiction with her previous claim.
- [Jihad, War and Peace in Islamic Law and Practice](#) (MODMDEST 207), taught by Emad Shahin, describes terrorist organizations (Al-Qaeda and ISIS) as **“contemporary political movements.”** Excerpts from a required reading: “[T]he suicide bomber belongs in an important sense to a liberal tradition of armed conflict for the establishment or defense of a national community.”
- In [her EdX course](#), Professor Diane Moore, Associate Dean of the Religion and Public Life Program at the Divinity School, describes the terrorist group Hamas as **“a Palestinian Islamic movement, founded with the goal of establishing a Palestinian state that includes the West Bank.”**
- A now-removed October 13, 2024 statement by the Divinity School's Religion and Public Life Program after Hamas' massacre of Israelis acknowledged the “losses on both sides.” It went on to say, **“Start with the rockets fired into Israel by Hamas on October 7, 2023, and not with the illegal occupation of Palestinian land by Israel and the blockade of Gaza since 2007, and you have an entirely different story.”** The passive-voice mention of “rockets fired into Israel” is the stand-in for the self-reported (and self-recorded) massacre and the murdering of over 1000 Israeli civilians, including Palestinian Muslims.

Some students understand that these narratives are false. As one student noted: “In terms of our education... people don't understand what Zionism is. They think it's white settler colonialism. People need to understand the history, not just the Holocaust, but of the Jewish people and why it's so important for there to be a Jewish state.” But many students, Jewish and otherwise, don't know this information. Once Harvard's instructors make Israel the top perpetrator of the worst evils while omitting facts disputing their claims, Harvard's students accept that one-sided narrative.

*Once Harvard's instructors make Israel the top perpetrator of the worst evils while omitting facts disputing their claims, Harvard's students accept that one-sided narrative.*

### The Source of the Narrative's Labels

### Soviet Union Cold War Propaganda Disseminated to Western Academics

There is now substantial literature, including [here](#), [here](#), and [here](#), on how many of the anti-Israel slogans were the brainchild of the Soviet Union during the Cold War. The Soviets wanted to weaken and divide Israel, Jews, and America and unify the Arab world under Soviet leadership. Still, they also recognized that overt antisemitism wouldn't fly so soon after the Holocaust.

So, they made antisemitism respectable through “anti-Zionism.” Soviet apparatchiks applied age-old antisemitic tropes to Israel, invented new ones to resonate with left-wing Western academics, and then packaged and disseminated the propaganda directly to the European and American Left and the developing world. Its staying power is due, in part, to [elder Arab leaders](#) who were educated and financed by the USSR.

We can thank Soviet propaganda for many of the slogans we hear across Harvard's campus today, including:

- **“Zionism is Racism.”**
- **“Zionists weaponize antisemitism.”**
- **“Anti-Zionism is not equal to antisemitism.”**
- **“Israel is conducting genocide.”**
- **Israel is a “settler colonial state.”** (This was coined in 1965 by a Syrian-Palestinian academic/diplomat, [Fayez Sayegh](#), before Israel controlled the Palestinian territories.)

This history explains why, according to Einat Wilf, Israeli scholar, former politician, and Harvard graduate, every time someone repeats these slogans, [“a Soviet angel claps its wings.”](#)<sup>3</sup>

*We can thank Soviet (KGB) propaganda during the Cold War for many of the slogans we hear on Harvard's campus today.*

### 3. In Search of Alternative Perspectives, Including from the Center for Jewish Studies (CJS)

Given Harvard's mission [“to advance new ideas and promote enduring knowledge,”](#) we would have expected that the University would prioritize preparing its students to research, analyze, debate, and grapple with the most complex topics and problems of our time.

<sup>3</sup> Labeling Israel an “apartheid state” began at an NGO Forum in 2001 in Durban, South Africa (during the UN's [World Conference against Racism](#)).

Some Harvard offerings seem to present greater balance or another perspective on the Israeli/Palestinian conflict.

### 2022-23 School Year

- Harvard Law School sponsored a number of events that provide another perspective.
  - The four events in February 2023 included [Progressive Case for Israel](#) (Former NYC Mayor Bill de Blasio), [Deconstructing Apartheid: International Humanitarian Law & Israel](#) (Anne Herzberg), [Diversity in Israel](#) (Anne Herzberg), and [an event with Ambassador Dan Shapiro](#).
  - In the Spring of 2023, the Law School, in partnership with the Center for Jewish Studies, also offered [a series of lectures on Jewish and Israeli law](#), although the nature of the content isn't clear.
- In the spring of 2023, the Belfer Center for Science and International Affairs at the Kennedy School held a 5-session study group, [Frozen Conflict: Discussing Israel/Palestine with Ambassador Edward P. Djerejian](#); Another Belfer Center seminar departing from the narrative was Daniel Sobelman's event in April 2023, [Asymmetric Coercion and Rules of the Game: Theory and Evidence from the Israel-Hamas Conflict in the Gaza Strip](#).
- Professor Derek Penslar offers a course, [Jews in the Modern World \(History 1017\)](#) that includes lectures on Jews in Israel.

### Since October 7, 2023

- The following events/series seek better balance:
  - Law Professor Noah Feldman offered an [event about the war](#) in November 2023.
  - One of [14 post-October 7<sup>th</sup> events](#) sponsored by the Law School rejects the anti-Israel narrative.
  - Kennedy School Professor Tarek Masoud hosted a series, [Middle East Dialogues](#), to [engage diverse speakers](#). (One of the speakers, unfortunately, had previously [claimed that Israelis were the October 7<sup>th</sup> perpetrators](#) and Hamas militants were the victims.)
  - Some speakers in a [series by the Weatherhead Center](#) about the war appear more neutral (although at least one speaker focused mainly on Israel's transgressions leading up to October 7th).

**There certainly isn't a critical mass of faculty or events offering a more balanced or alternative perspective on the Hamas/Israel war or on the Israeli/Palestinian conflict and its history.**

It is essential that an independent third-party auditor who knows the ample and highly regarded peer-reviewed literature on Israel, the Palestinians, Hamas, and the Middle East—and has full access to Harvard's curricula and classrooms—be appointed who can identify who is teaching students a diversity of views. (See Appendix B)

There are two possibilities. Either Harvard's professors know this peer-reviewed literature and choose to ignore it, or they do not even know about it. Either way, it is not a good look for Harvard.

*Either Harvard's professors know this peer-reviewed literature and choose to ignore it, or they do not even know about it. Either way, it is not a good look for Harvard.*

We expected that the Center for Jewish Studies (CJS) would be pushing back against the narrative. Instead, CJS seems to want to avoid the topic of modern Israel almost entirely.

*The Center for Jewish Studies (CJS) seems to want to avoid the topic of modern Israel almost entirely.*

- In 2023-24, only one out of 40 CJS courses (excluding language courses) even partially relates to Israel. See [here](#) and [here](#). Instead, it is teaching such subjects as:
  - *Medicine in Nazi Germany and the Holocaust—Anatomy as Example for Changes in Medical Science*
  - *Zombies and Spirits, Ghosts and Ghouls: Interactions between the Living and the Dead*
  - *Early Christian Apocrypha*
  - *Jewish Mysticism: From the Spanish Expulsion to the New Age*
  - *Advanced Topics in Jewish Law: The Law of the Messiah*
  - *Jewish Law and Critical Theory Seminar*

*In 2023-24, only one out of the 40 courses offered by Harvard's Center for Jewish Studies focuses even partially on Israel.*

- Between October 7, 2023, and April 2024, it appears that only 3 of the [34 CJS-sponsored events](#) focused on the war between Israel and Hamas or on the crisis facing Jews worldwide. Among the other events:
  - *Ethiopian Jewish Identity: A Journey through the Prism of Scientific Knowledge*
  - *Black & Jewish, a Talk Series, I was not black, I became black here:" Formation of Blackness in*



*Israel*

- *Jews and Crypto-Christianity in 18th-Century Europe: The Case of Rabbi Jonathan Eibeschiütz*
  - *Disastrous Diseases and Ritual Resilience: Early Modern Jews Confront Plague*
  - *The Missing Link? Early Modern Jewish Scholasticism*
  - *From the Four Corners of the World: Judeo-Arabic Journalism in 19th-20th Century North Africa*
  - *Jewish Prayers for Divine Vengeance*
  - *It Could Lead to Dancing*
  - *Jews in Modern Europe Seminar*
  - *Israel at its Finest Hour: Emotional Management on the Eve of the 1967 War*
  - *Seeing Another People: Historical American Jewish Encounters with Palestinians*
- CJS Professors hired by Harvard since 2000 seem to have other priorities.
    - [One](#) has expertise in “critical theory and gender and sexuality studies.”
    - [Another](#) focuses on “the interplay between Yiddish, Russian, and Hebrew language and literature in modern, secularizing Jewish culture ... especially as they relate to queer and gender studies, multilingualism, ex-Orthodoxy, and migration.”
    - [A third CJS professor](#) is a “critical theorist and a historian of modern European philosophy and social thought, specializing in Frankfurt School critical theory, phenomenology, existentialism, and Western Marxism.”
  - [Visiting professors/lecturers](#) do not appear to fill the gap.
    - In 2022-23, CJS brought in an Israeli historian to teach two courses: one on the Eastern European Jews 1700-1939 and the other on modern Jewish politics (which addresses “Israel/Palestine” through the twentieth century but focuses on Central and Eastern Europe).
    - In 2023-24, one visiting lecturer’s focus is “diversity-focused journalism,” while another’s course is on Jews in the medieval period.
    - CJS’s 2023-24 fellowship theme is “Jewish migration in the 16th-21st centuries.”

## 4. Event Speakers/Visiting Professors with a Public Paper Trail of Antisemitism

Professors, lecturers, and event speakers whom Harvard invites to campus celebrate violence (against Israel and the West) and traffic in antisemitic tropes (including the [blood libel](#) claim that Jews kill non-Jews to use their blood for their ritual food and drink.) More recently, speakers have denied the October 7<sup>th</sup> massacre or blamed it entirely on Israel.

### Examples of Harvard’s Event Speakers

**Dalal Saeb Iriqat, speaker at Kennedy School**



- [“What happened on 10/7?”](#) The burnt bodies were Hamas militants & now we learn Israeli helicopter fire may have killed ravers!”

**Rashid Khalidi**, Columbia University professor who has presented at multiple Harvard talks/conferences (and, according to numerous sources, was the [former spokesman for the Palestinian Liberation Organization](#) (PLO) in the 1970s)

- Referring to “a group of people, a lot of them in Israel and some in the United States,” said, “Unfortunately, these people infest the Trump transition team; these people are going to [infest our government](#) as of January 20.”

**Mohammed el-Kurd**, a frequent guest of the Palestine Solidarity Committee (PSC), who has spoken at HLS in 2021, 2022, and 2023

- Claimed that “they [Israelis] [harvest organs](#) of the martyred [Palestinians], feed their warriors our own.”
- Stated that [Zionists have an “unquenchable thirst for Palestinian blood.”](#)
- [Celebrated the Second Intifada](#) (five years of Palestinian terrorism against Israel): “Today marks 21 years since the start of the Second Intifada. Glory to those who resisted and sacrificed. Glory to the martyrs.... The struggle continues until liberation.”

**Francesca Albanese**, UN Special Rapporteur, Palestinian territories, speaker at HLS event:

- Her [2014 open letter](#) said: “America and Europe, one of them subjugated by the Jewish lobby, and the other by the sense of guilt about the Holocaust.”

**Taurean Webb**, a Harvard Divinity School Religion and Public Life Fellow, event speaker:

- [Said/wrote the following comments](#) about American Jews: “It’s also a historical fact that [American Jewish immigrants have always been a foundational building block for the white supremacist infrastructure in this country....We know that from the data.](#)”
- [“Israel uses the idea of ‘chosenness’](#) and the European Jewish Holocaust as a tactic of racial control.”

*“It’s also a historical fact that American Jewish immigrants have always been a foundational building block for the white supremacist infrastructure in this country....We know that from the data.” - Harvard fellow*

#### Harvard’s recent visiting professors/scholars

- [Emad Shahn](#), CMES Shawwaf Visiting Professor, taught [five Harvard classes](#) on the modern Middle East during the 2022-23 school year. (Before that, Shahn had been

[convicted in absentia of "conspiring with foreign armed groups, including Hamas and the Lebanese group Hezbollah,"](#) to destabilize Egypt.) He is the professor who kicked an Israeli visiting student out of class when he allowed other visiting to stay in class.

- [Nadera Shalhoub-Kevorkian](#), a 2023-24 Religion and Public Life Visiting Scholar in Conflict and Peace at the Divinity School:
  - In 2019, [claimed](#) that the Israeli military was using Palestinian children to test its weapons.
  - [Denied the rape of Israelis by Hamas](#) on October 7<sup>th</sup> (despite live footage).
- [Yael Berda](#), a Harvard visiting scholar since 2020, described Israel's permit system for allowing Palestinians to enter Israel as follows: "[\[I\]t's not about security! It's about segregation, separation, and containment.](#)"

## 5. Anti-Democratic Middle Eastern Countries Picking Up the Tab

*From 2020 to 2023, Harvard's Center for Middle Eastern Studies (CMES) allegedly received \$1.5 billion from foreign entities and governments.*

- [Between 2014 and 2019, Harvard received \\$894 million](#) from Middle Eastern anti-democratic governments. During those same years, Harvard's five [gifts from Israel](#) totaled [\\$3.1 million](#).
- From 2020 to 2023, Harvard's Center for Middle Eastern Studies (CMES) allegedly received [\\$1.5 billion](#) from foreign entities and governments.
- Although Harvard won't publicize how it spends these funds, it sometimes is obvious—e.g., the [Prince Alwaleed Bin Talal Islamic Studies Program](#) and the four [Prince Alwaleed Bin Talal Professorships](#). Otherwise, it is a black box.
- A recent report connects the total amount of foreign funding by authoritarian countries to US colleges with the erosion of free speech and an [increase in antisemitic events on their college campuses](#).

## PART III

### Sidechat: Where No One Knows Your Name

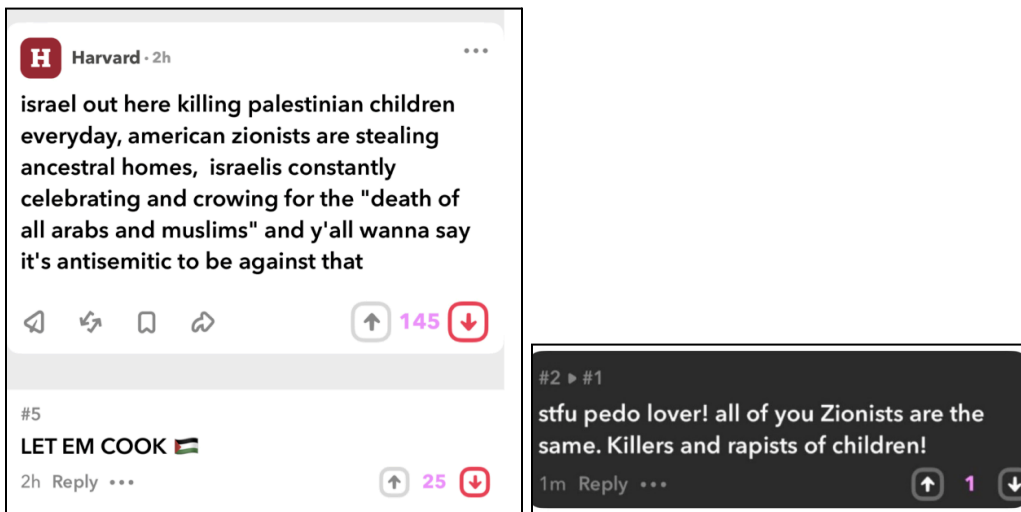
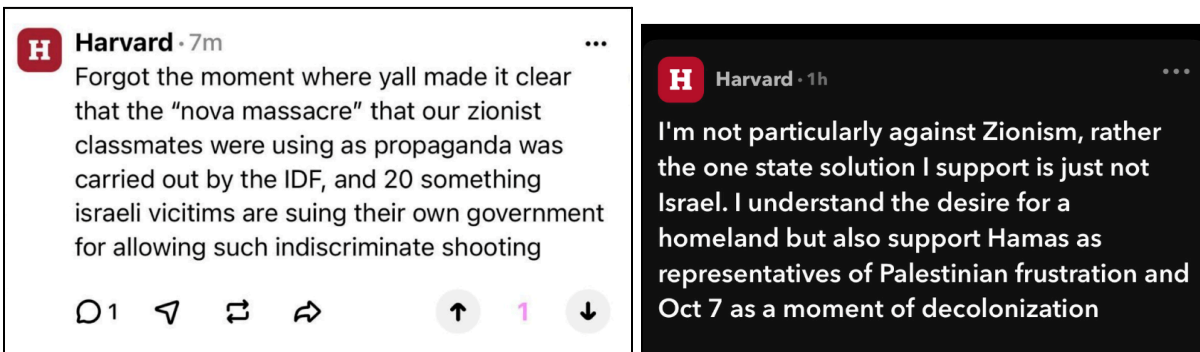
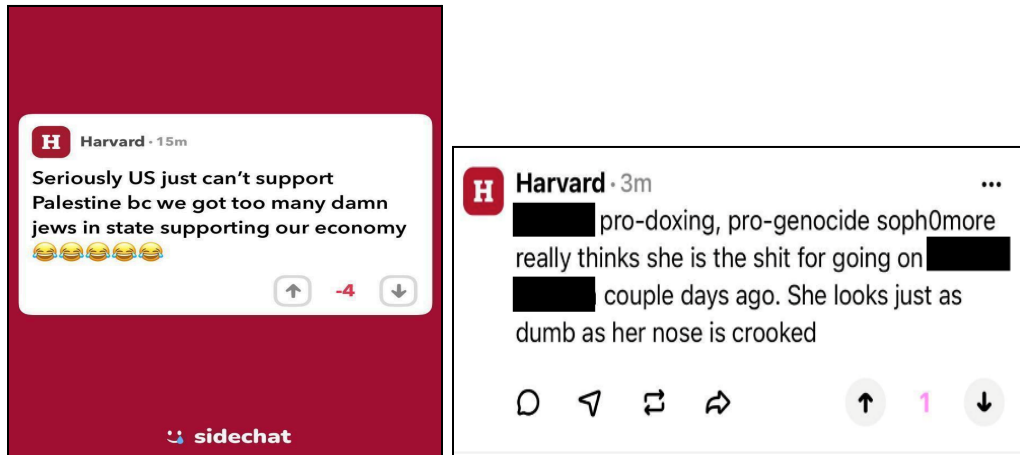
#### The Social Media Platform Exclusively Used By Harvard Students is Replete with Unchecked Antisemitism

**Harvard's very own anonymous social media platform, Sidechat, which requires a Harvard email address to log on, has exploded with antisemitic tropes and posts.**


- “When you see posts [on Sidechat] that are so vehemently anti-Israel and false and are getting 500 - 700 upvotes, [it's clear that] we've lost the information war on this campus because you see such a significant percentage of the student body think Israel is a colonialist apartheid state - just look at the upvotes.”
- “Sidechat is always gross, and I typically like it because a lot of it's funny, and you just sort of ignore the gross parts, but I had to delete it because it was just too much. I couldn't handle it emotionally. But one thing that I saw, and I actually reported it to the moderators for being antisemitic, and then they didn't take it down, they didn't agree.... They were basically saying, ‘I don't understand why, I really don't get how, okay, so some white Germans killed some white Jews a while ago, and now they get a whole country [because of the] Holocaust....’ People saw it and were like, ‘yes, I agree with this. This makes sense.’”
- Two friends and I wrote an article for the Crimson.... I was very proud to be a part of that. There were no repercussions in person, but it was a different story on Sidechat. They always claim they aren't antisemitic, but the truth of [how they feel can be seen] on Sidechat. [After our article was published], we were called Zionist puppets.”



*“[On Sidechat] they were basically saying... ‘I really don't get how, okay, so some white Germans killed some white Jews a while ago, and now they get a whole country [because of the] Holocaust....’”*

**Although there are too many Sidechat posts to share in this one document, below are some examples.**



Posts like the ones above spurred Harvard, in January 2024, to ask Sidechat to better moderate content and restrict access only to undergraduates. The un-coded antisemitism reputedly has tamped down some since, but that is little comfort to Jewish students.

 **#2** ▶ **OP** 17m ...  
Oh well I would never say these things with my name attached... I have a brain. And I also have a filter... I can compartmentalize during interactions and become friends with Jews even 😭 but I honestly have no desire to be friends or even acquaintances with somebody who actively takes credit for supporting Israel, I view that as being equally sick in the head and that is where I draw a personal line. Jew or non-Jew.

Reply  -3 

 **Harvard** 1m ...  
Life would be so much easier if Zionism didn't exist

     0 

 **OP** ▶ **#1** 1h ...  
Hezbollah, Houthis, Iraqis, Syrians... it's not gonna be just Iranian guns. The intifada is rising habibti 🤝

Reply  -2 

 **#1** ▶ **OP** 1h ...  
Israel, US, EU...yea sry to burst your bubble but a second holocaust won't be happening anytime soon. Cry harder

Reply  -2 

The confidence students must have to post and like these posts, likely because they are anonymous, exposes a deep-seated and pervasive hatred of Jews—and a serious education crisis—at Harvard.

## PART IV

# Harvard's Nonresponse

### Harvard's Administration Continues to Be Unresponsive to Most Attacks on Jewish Students

The Administration has repeatedly ignored Jewish students' pleas for help (and their formal complaints) despite clear violations of Harvard's [non-discrimination and anti-bullying policies](#). There have been few to no consequences for the perpetrators of hate speech and bullying. And now we know [there will not be consequences for those students, faculty, and staff in the protests and encampments](#) who have made Jews feel physically unsafe and disrupted and imperiled the broader Harvard community.

Although we tried but failed to get information about the number of complaints/reports Jewish students submitted and the resolutions, here is what we heard from students.

*"The double standards of the Harvard administration is very jarring."*

- From the student who was kicked out of a class for being Israeli: "First, I reached out to Hillel, and I asked them what should I do. They checked, and they told me to file a complaint through the DEI [office]. I had a conversation with my Resident Dean and Dean Khurana.... Everyone said, 'Hey, I hear you.' There was no follow-up."
- From the student who discussed the swastika in Currier House: "All Harvard did to address it was that the faculty deans of Currier put out a statement that said, 'We deplore hate.' The statement went to the Currier House email listserv. It was never addressed more broadly. I have a friend who lived there and was very angry, and so that's how I knew about it."
- "The double standard of the Harvard administration is very jarring. A gay law school student was assaulted by another law school student. An email went out to every student at the law school the same day saying that they were suspending the person. It has been three weeks since the assault [of a Jewish student at Harvard Business School], and only one of the people has been removed from an official Harvard position [but not suspended]."
- "At the talk, one of the moderators was an HDS [Harvard Divinity School] student, and that student is under FBI investigation for the now infamous protest at HBS [Harvard Business School; this student participated in the assault on a Jewish student].... He got fired from

being a proctor but is still a student. I saw him in class today, wearing his Keffiyeh. HDS students have written countless letters saying that they kicked him out because he's black and because he's pro-Palestinian.”

- We keep meeting with the Administration, and nothing happens. They are not enforcing their [First Amendment] time, place, and manner restrictions. These students are getting a pass which leads me to wonder: what's going to happen next year?”
- “[A University] administrator ... said that ‘intifada’ is a 2 out of 10 in terms of hate speech.”

We, too, never received a response to an earlier draft of this report, which we shared with Interim President Alan Garber, Dean of the College Rakesh Khurana, and Executive Vice President Meredith Weenick on January 22, 2024. On February 25<sup>th</sup>, President Garber asked us if he could share our report with his Task Force on Antisemitism. Two months later, on April 25<sup>th</sup>, the Task Force’s co-chair, Professor Derek Penslar, requested a copy of the report from us because he had yet to receive one from the Administration.

Harvard’s double standard when it comes to protecting its Jewish students is the basis for HJAA’s first stated request: For the Administration and Corporation to “take swift, concrete and public action to enforce the University’s codes of conduct *uniformly and without exception*, and discipline students, faculty and staff who violate them.” Here is a complete list of HJAA’s objectives and requests.

### **HJAA Objectives and Requests**

As concerned alumni of Harvard University, we, the Harvard Jewish Alumni Alliance (HJAA), advocate for “a community that is open, welcoming and inclusive and that supports all community members in pursuit of the University’s mission of learning, teaching, research and discovery” per Harvard’s anti-bullying policy.

We believe that achieving the University's stated mission requires an environment that encourages informed dialogue, critical thinking, mutual respect, empathy, academic integrity, and academic freedom. Harvard’s mission also requires a safe learning and non-hostile work environment.

To restore such a community, we request that the administration promptly:

- Take swift, concrete, and public action to enforce the University’s codes of conduct uniformly and without exception, and discipline students, faculty, and staff who violate them. Disrupting classes and occupying buildings should not be tolerated.
- Adopt the globally accepted International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism, including its examples, as part of the official Harvard policies for identifying and investigating alleged incidents of antisemitic discrimination, harassment, intimidation, and other behavior.
- Adopt University-wide a set of clear principles on academic freedom and institutional neutrality, such as those promulgated by The Council on Academic Freedom at Harvard.



- Initiate an independent, third-party investigation tasked with creating a public report of various practices at each Harvard school, including curriculum, events, admissions policies, and student, faculty, or administrator behavior that may violate Harvard's anti-discrimination policy and/or its anti-bullying policy and/or IHRA definition.
- Launch a transparent inquiry, followed by a public report, about the Diversity, Equity, Inclusion and Belonging (DEIB) office objectives and practices at each Harvard school, in light of their failure to sufficiently include Jews and antisemitism in their mission and programming.
- Mandate that all faculty, staff, and offices whose responsibility is to address issues of discrimination receive ongoing training on the IHRA definition with all its examples, and the use of social media and other platforms to spread hate and bigotry.

## Conclusion: Harvard, Are You Listening?

Denied equal access to an education and experience. Denied equal application of the code of conduct. Afraid for their physical, emotional, and intellectual safety. Victims of a pervasive cancel culture. Subject to a pervasive hostile environment, even within classrooms.

We will leave it to the academics to debate theoretically whether anti-Zionism equals antisemitism. In practice, the [impact for Jews at Harvard is what it has always been](#) when any community, academic or otherwise, obsessively demonizes and delegitimizes the only Jewish state.

*The impact for Jews at Harvard is what it has always been when any community, academic or otherwise, obsessively demonizes and delegitimizes the only Jewish state.*

As HJAA members, we started by examining the impact of Harvard's education on Israeli and other Jewish students. We now understand that the problem is far deeper. One faculty member explained why: ***"Yes, students are under attack. But mainly, all of them should feel ripped off.... It is indoctrination, not education."*** A student with whom we spoke concurred, "Almost everybody I know, including myself, does not represent their true attitudes in the classroom."

Once again, Jewish and Israeli students are the proverbial "canaries in the coal mine." What they are experiencing reflects the failure of education writ large. Yes, they came for us Jews first, but democratic, liberal values are at risk.



*Yes, they came for us Jews first, but democratic, liberal values are at risk.*

But it doesn't have to be this way. Harvard, are you listening?

**Appendix A**  
**Harvard Events Perpetuating the Anti-Israel Narrative**

**September 2022 - June 2023**

**Work in Progress**

**Center for Middle Eastern Studies (CMES)**

**April 2023**

**Decolonizing Israel: The Potential Contribution of the Palestinian Citizens**

**Nadim Rouhana**, Professor of International Negotiation and Conflict Studies, Fletcher School of Law and Diplomacy, Tufts University; Discussant: Atalia Omer, Professor of Religion, Conflict and Peace Studies, Keough School of Global Affairs, University of Notre Dame, and the T. J. Dermot Dunphy Visiting Professor of Religion, Violence, and Peacebuilding, Harvard Divinity School  
Co-sponsors: CMES/WCFIA Middle East Seminar, CMES Middle East Forum

Co-sponsor: Weatherhead Center for International Affairs

\* \* \*

**March 2023**

**Jerusalem: Examining Settler Colonialism and Undoing Colonial Knowledge Production**

The WCFIA/CMES Middle East Seminar is pleased to present

**Nadera Shalhoub-Kevorkian**, Lawrence D Biele Chair in Law, Institute of Criminology-Faculty of Law, The Hebrew University of Jerusalem; and Chair in Global Law, Queen Mary University of London; Discussant: **M. Brinton Lykes**, PhD, Professor of Community-Cultural Psychology and Co-Director of the Center for Human Rights and International Justice, Boston College  
Nadera Shalhoub-Kevorkian's research focuses on trauma, state crimes and criminology, surveillance, gender violence, law and society. She studies the crime of femicide and other forms of gendered based violence, violence against children in conflict ridden areas, crimes of abuse of power in settler colonial contexts, surveillance, securitization and social control.

Co-sponsor: Weatherhead Center

\* \* \*

**March 2023**

**American Public Views Towards the Middle East: The Political Psychology of Racialization**

**Karam Dana**, Alyson McGregor Distinguished Professor of Excellence and Transformative Research at the University of Washington Bothell. Karam Dana is a Palestinian American academic. Dana is one of the earliest scholars of Islam and Muslims in the US, and served as the co-PI of the Muslim American Public Opinion Survey (MAPOS), which was one of the earliest national surveys of American Muslims. He also studies the question of Palestine, the impact of Israeli occupation on Palestinian society, and Palestinian transnationalism.

Co-sponsor: Weatherhead Center

\* \* \*

**February 2023**

**Crossing a Line: Laws, Violence and Roadblocks to Political Expression - Book Event with Amahl Bishara**

**Amahl A. Bishara**, Associate Professor of Anthropology at Tufts University

*Moderator/Respondent:* **Raef Zreik**, Religion and Public Life Visiting Scholar in Conflict and Peace,

Co-Sponsor Harvard Divinity School

\* \* \*

**November 2022**

**Book event: "Rethinking Statehood in Palestine: Self-Determination and Decolonization beyond Partition"**

**Leila Farsakh**, Associate Professor of Political Science at University of Massachusetts, Boston;

**Maha Nassar**, Associate Professor, Modern Middle East History, Islamic Studies at University of Arizona; **Susan Akram**, Clinical Professor of Law, Boston University

*Moderated by:* **Rabea Eghbariah**, RCPI Topol Fellow

Co-sponsor: Harvard Divinity School Religion, Conflict, and Peace Initiative

\* \* \*

**November 2022**

**Colonial Cartography in Palestine-Israel and the Decolonising Potential of Counter-Maps**

**Zena Agha**, PhD Candidate, Newcastle University; Visiting Fellow, CMES

This talk examines the geographical imaginaries of mapping practices in Palestine-Israel and the potential of counter-mapping in a project of decolonisation.

Zena Agha is a Palestinian-Iraqi writer, poet and multi-disciplinary artist from London.

\* \* \*

**October 2022**

**Book talk: "Light in Gaza: Writings Born of Fire"**

The CMES Middle East Forum, Harvard University, the Religion, Conflict, and Peace Initiative, Religion and Public Life, Harvard Divinity School, and The FXB Center for Health & Human Rights present a tour of the newly released book

***Light in Gaza: Writings Born of Fire***

with contributors **Asmaa AbuMezied**: author of "Lost Identity: The Tale of Peasantry and Nature;"

**Yousef Aljamal**: author of "Travel Restrictions as a Manifestation of Nakba: Gaza, the Path Backward is the Path Forward; **Jehad Abusalim**, co-editor and author of the introduction to

*Light in Gaza*, will provide concluding remarks.

\* \* \*

October 2022

Viruses Remaking Borders? Unwanted Organisms in Palestine/Israel from Covid-19 to Climate Change

**Natalia Gutkowski**, Postdoctoral scholar, The Society of Fellows, The Hebrew University of Jerusalem

Moderator: **Steven Caton**, Khalid Bin Abdullah Bin Abdulrahman Al Saud Professor of Contemporary Arab Studies, Department of Anthropology, Harvard University

**Natalia Gutkowski** is a social anthropologist and a political ecologist working on interfaces of state governance and power in the agrarian environment in Palestine/Israel and beyond.

\* \* \*

**September 2022**

**Hamas in Cyberspace: Social Media and New Forms of Political Expression**

The CMES Middle East Forum is pleased to present **Mohammedwesam Amer**, Fulbright Scholar and Visiting Researcher, Centre For Middle East Studies, Harvard University; Dean, Faculty of Mass Communication and Languages, Gaza University, Palestine

**School of Public Health**

**May 2023**

**Escalating Violence and Restrictions on Health in Palestine: An On-The-Ground Perspective**

**Dr. Abdulsalam Khayyat**, Vice President for Academic Affairs, An-Najah National University;

**Yara M. Asi**, PhD, Assistant Professor at the University of Central Florida in the School of Global

Health Management and Informatics; **Benjamin Bouquet**, PhD, Technical Officer for Public Health and Human Rights with the World Health Organization in the occupied Palestinian territory;

**Maryam Mustafa**, Community Health Worker, health program coordinator in the Balata refugee

camp; **Ossama Mustafa**, Yafa Cultural Center Director of International Relations and Projects; **Dr. Fouad Nafaa**, Head of Rafidia Hospital Surgical Department in Nablus.

Join the FXB Center's Palestine Program for Health and Human Rights, the An-Najah National University Virtual Exchange Collaborative, and the An-Najah Global Health Institute for a panel discussion around the escalating violence and restrictions on health in Palestine with speakers offering perspectives from their work in the region.

\* \* \*

**December 2022**

**Settler Colonialism, Structural Racism, and The Palestinian Right to Health Special Edition: A conversation with the Authors**

**Carmel Williams**, PhD, executive editor of Health and Human Rights, the FXB Center's flagship publication; **Osama Tanous**, MD, pediatrician and public health scholar based in Haifa and a

clinical instructor of pediatrics in the Technion, Haifa; **Benjamin Bouquet**, PhD candidate in

health and human rights and medical doctor in Palestine; **Maria Helbich**, MSc, clinical

psychotherapist (Psychodrama) from Vienna, Austria, specializing in gender-based violence and

trauma; **Ghada Majadli**, director, department of The Occupied Palestinian Territory at Physicians

for Human Rights Israel (PHRI); **Razzan Quran**, Doctoral Student in Psychodynamic

Psychotherapy, Palestinian social justice organizer; **Emily Schneider**, Assistant Professor of

Criminology and Criminal Justice, Northern Arizona University.

\* \* \*

October 2022

### **The Embodiment of Protest: Hunger Strikes, Human Rights, and the Health of Palestinian Political Prisoners**

The FXB Center for Health & Human Rights, the Religion, Conflict, and Peace Initiative, Religion and Public Life at Harvard Divinity School and the Middle East Forum, Center for Middle Eastern Studies are pleased to present:

**Dr. Lina Qasem Hassan**, Physician and Chairperson, Physicians for Human Rights-Israel  
**Sahar Francis**, Director General, Addameer Prisoner's Support and Human Rights Association  
Moderator: **Randa Wahbe**, Department of Anthropology, Harvard University


Hunger strikes have been used as means for non-violent resistance and protest over the past several decades by Palestinian political prisoners in Israel/Palestine. The featured panelists will draw on their expertise and experience in the fields of health and human rights to explore various legal, medical, and human rights dimensions of hunger strikes being staged by Palestinian political prisoners.

### **Divinity School**

May 2023 Video

#### **The Palestinian Question as a Jewish Question**

**Raef Zreik**, Religion and Public Life Visiting Scholar in Conflict and Peace

Zreik interrogates the ways questions of war and peace, borders, security, or the 'two state' solution become more and more internal to Israel. Related intimately to the state's identity, character and constitutional structure and democratic nature, these questions highlight the merging conversation of existence and essence.  [The Palestinian Question as a Jewish Question](#)

\* \* \*

September 2022

#### **"Learning in Context: Narratives of Displacement and Belonging in Israel/Palestine"**

HDS students from the 2022 trip, in an evening of storytelling, poetry, and photography, discuss their experiences of joy and resistance from their summer in Israel/Palestine.

<https://rpl.hds.harvard.edu/news/2023/4/8/video-displacement-and-belonging-israelpalestine>

\* \* \*

### **Harvard Law School**

April 2023

#### **Palestine Trek Bearing Witness**

170+ Harvard graduate students went on a spring break trek to occupied Palestine. They met with Palestinian activists, lawyers, academics, students, artists and witnessed apartheid, military occupation, and settler-colonialism firsthand. Now, they're back, and they'd like to share their experiences with the rest of the Harvard community. Come join PalTrek's Bear Witness share-back session to learn about what they saw while in occupied Palestine, how it affected them, and how their experiences connect to the broader struggle for Palestinian liberation.

\* \* \*

### **April 2023**

#### **Graduate Students 4 Palestine: Go Back and Tell Them What You Saw**

Curious about what it is like to spend your summer living in Israel/Palestine? Join graduate students across the Harvard schools . . . as they share their experiences of joy and resistance from their summer and how graduate students can get involved in the newly launched Graduate Students 4 Palestine.

\* \* \*

### **March 2023**

#### **Settler Logics: The Israeli Settlement Movement in Context**

**Sivan Hirsch-Hoefler**, Assoc. Prof. at the Lauder School of Government, Diplomacy and Strategy, Reichman University (IDC Herzliya) and **Oded Haklai**, Prof. of Political Science and Director of the Laboratory for Ethnic Conflict Research at Queens University.

A discussion of the Israeli settler movement in light of current legal and political developments in Israel and in comparison with other settler systems around the world.

\* \* \*

### **February 2023**

#### **Litigating Palestinian Rights in the Israeli Supreme Court: Legitimation or Resistance**

This talk explores cause lawyering and strategic litigation of Palestinian rights before the Israeli Supreme Court. It reflects on the fundamental question of bringing Palestinian cases before the Israeli Court: is it a strategy that ultimately contributes to legitimizing fundamentally unjust policies, or is it a medium of legal resistance?

\* \* \*

### **October 2022**

#### **A Conversation with Omar Shakir, Israel-Palestine Program Director at Human Rights Watch**

**Omar Shakir**, Director of Human Rights Watch's Israel-Palestine Program will speak with students about his work at HRW, apartheid in Israel, and global solidarity movements.

\* \* \*

### **Harvard Kennedy School**

### **February 2023**

#### **Colonial Bureaucracy and Contemporary Citizenship**

**Dr. Yael Berda**, MEI Fellow and Associate Professor of Sociology and Anthropology at Hebrew University, will discuss her new book, *Colonial Bureaucracy and Contemporary Citizenship*, which examines how the legacies of colonial bureaucratic structures continue to shape political life after empire, with a focus on the former British colonies of India, Cyprus, and Israel/Palestine, with MEI Senior Fellow and journalist **Rami Khouri**.

Sponsored by the Belfer Center for Science and International Affairs

## The Weatherhead Center for International Affairs

See CMES

\* \* \*

## The Carr Center for Human Rights Policy

### [Nathan Thrall's "A Day in the Life of Abed Salama"](#)

A book talk with author **Nathan Thrall** as he discusses his latest book, *A Day in the Life of Abed Salama*, with Carr Center Senior Fellow, **Kenneth Roth**.

Sample from the 2022 - 2023 School Year

## Appendix B

### The Narrative's Inaccuracies, Distortions, and Omissions

**There is a large and highly regarded peer-reviewed body of literature exposing the prevailing narrative's inaccuracies, distortions, and omissions.**

- Jews were indigenous to the land of Israel and have had a continuous presence there for over 3000 years, with a Jewish kingdom by 900 BCE. (See [here](#) and [here](#).) Jews who came from Eastern Europe to Israel after World War II moved to Israel as bedraggled, displaced refugees, often having languished in displaced person camps for years after WWII because no country would take them.
- Less than half of Israelis are white. [Israel is a multi-ethnic society](#). More than half of Israelis are descendants of Jews coming from other Middle Eastern countries, having been expelled (often violently) after Israel was established; more than 20% of Israelis have an Arab or Druze identity. The conflict between the Israelis and the Palestinians is not a racial one.
- Unlike in Gaza, Arab citizens of Israel have the same political rights as Jewish Israelis and have served in the Israeli [government, in parliament](#), and [as judges](#).
- Hamas is not a grassroots movement of freedom fighters acting out a desperation; it is a [well-established and very well-funded franchise](#) of a global network of armed organizations devoted to [global jihad](#), eliminating Israel, and [killing as many Jews as possible](#). (Even its more PR-friendly [Charter in 2017](#) (a revision of [its 1988 Charter](#)) calls for eliminating Israel.)

**The anti-Israel narrative omits vital facts about and the complexities of the Middle East.**

- Israel's violence against Palestinians and supposed desire to absorb the Palestinian Territories anchor the narrative. What the narrative doesn't cover:
  - There is no acknowledgment that, after living across the Middle East for 2500 years, [roughly 900,000 Jews were persecuted](#), lost their property, and faced severe violence in Algeria, Egypt, Iraq, Libya, Morocco, Syria, and Yemen before many of them came to Israel.
  - Israel has offered, and the Palestinians have repeatedly ([1937, 1948, 2000, 2008](#)) refused to accept a nation-state for themselves if it meant Israel would have a state of its own.
  - During the most ambitious peace negotiations, the Palestinians launched the [Second Intifada](#). From 2000 to 2005, over 100 Palestinian suicide bombings maimed or killed Israelis in Israeli buses, cafes, and streets.
  - Hamas launched significant attacks against Israel in [2008, 2009, 2014, 2021](#), and then on October 7<sup>th</sup>. And, in between, it has fired [tens of thousands of rockets](#) into southern Israel with the intent of maximizing civilian harm.



- Israel is the size of [New Jersey](#) (8,600 square miles) and has a population of 9 million people. Israel is surrounded by 22 Arab states which [encompass 5 million square miles and have over 450 million people](#). (See [here](#))
- Harvard's programs describe Gaza as occupied even though Gaza has not been occupied since 2005 when [Israel forcibly removed all Israelis living there](#). There was a ceasefire in Gaza on October 6, 2023.
- Israel is the [only democracy](#) in the Middle East, with free elections, an open press, and the protection of minority rights. Certainly, Gaza isn't a democracy. In Gaza, Hamas persecutes minorities, including [women](#) and [Christians](#), and [kills anyone who is LGBTQ](#). As such, Israel is an essential strategic ally and friend to the US and Western democracies.
- Prior to October 7<sup>th</sup>, Israel [employment](#) an estimated 140,000 Palestinians from the Palestinian Territories; Israel also offered [health care](#), [including to the October 7th mastermind](#), which saved his life.

# **EXHIBIT B**



# Investigative Update

## The Antisemitism Advisory Group and Harvard's Response: Clarity and Inaction

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### EXECUTIVE SUMMARY

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On October 27, 2023, Harvard University's then-President Claudine Gay announced the formation of an eight-member Antisemitism Advisory Group (AAG, or the Group) amidst considerable scrutiny of the University's response to increased antisemitism on its campus following Hamas' October 7, 2023, terrorist attack on Israel(1). The AAG was composed of Harvard faculty, alumni (including the Vice-Chair of Harvard's Board of Overseers), and a student representative. In a November 9, 2023, statement, Gay emphasized the importance of the AAG's work, saying, "This group's wisdom, experience, and moral conviction will help lead us forward. The Advisory Group will work closely with me, guided by Provost Alan Garber and with the help of the School deans, to develop a robust strategy for confronting antisemitism on campus"(2).

The Committee on Education and the Workforce investigation has found that in mid-December 2023 the AAG presented Harvard's leaders with a robust set of significant recommendations on combating antisemitism at Harvard, which were not made public and remain unimplemented.

These recommendations include "zero tolerance" of classroom disruptions; protecting shared learning environments; holding student organizations accountable for adhering to University rules; countering antisemitic speech; reviewing the academic rigor of classes and programs with antisemitic content; reviewing Harvard's Office of Equity, Diversity, Inclusion, and Belonging's (OEDIB) inadequacy in addressing antisemitism; increasing intellectual diversity; and investigating the potential influence of "dark money" from Iran, Qatar, and associates of terrorist groups on campus(3).

Additionally, the impetus for Gay's November 9 statement touting the AAG was a letter from five of the eight AAG members, warning that they could not continue in their advisory roles without significant concrete actions by university leadership, given these members' dissatisfaction with Harvard's response to antisemitism and Harvard's leaders' failure to clarify the AAG's remit.

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1. Miles J. Herszenhorn, et al., *Harvard President Gay Forms Advisory Group to Combat Antisemitism on Campus*, THE HARV. CRIMSON (Oct. 30, 2023), <https://www.thecrimson.com/article/2023/10/30/gay-hillel-speech/>.

2. Letter from Claudine Gay, President, Harv. Univ., to Harv. Community (Nov. 9, 2023), <https://www.harvard.edu/president/news-gay/2023/combating-antisemitism/> [hereinafter Letter].

3. Antisemitism Advisory Grp., *Potential Statement of Goals and Steps to Address Antisemitism Issues* (Dec. 18, 2023) (unpublished doc.) (on file with Committee) [hereinafter *Antisemitism Advisory Group Recommendations*].

The failure to implement the AAG's advice did not come from a lack of engagement by Harvard's senior most leaders. Harvard's then-Provost and current Interim President Alan Garber attended and led each AAG meeting. Gay herself attended nine of 15 AAG meetings. Unfortunately, this involvement, even if well-intentioned, did not translate to taking the actions required to address the explosion of virulent antisemitism at Harvard in a meaningful way.

**The following are some of the Committee's findings in this investigative update:**

- In December 2023, Harvard's AAG presented Harvard's leadership with significant recommendations on goals and steps to address antisemitism at the University.
- The AAG found antisemitic harassment to be a significant problem at Harvard.
- The AAG found there to be pervasive ostracization of Israeli students at Harvard.
- A majority of the AAG threatened to resign over concerns about the inadequacy of Harvard's response to antisemitism and a lack of clarity on the AAG's charge and future work.
- The AAG had limited engagement with the deans of Harvard's various schools.
- The AAG had limited engagement with Harvard's ultimate governing board, the Harvard Corporation.
- There was a lack of clarity regarding plans and a timeline for the AAG to be succeeded by an Antisemitism Task Force.
- Harvard's leaders failed to consult the AAG in advance of President Gay's congressional testimony on antisemitism.
- The AAG's members identified numerous issues of concern for action to Harvard's leaders. These included the following:
  - The need to share more information on disciplinary outcomes publicly.
  - The importance of condemning antisemitic rhetoric as antithetical to Harvard's values.
  - The insufficiency of Harvard's response to reports of antisemitic incidents.
  - Concern regarding dramatic declines in Jewish enrollment at Harvard.
  - The need to examine terror financiers' potential influence at Harvard.
  - The need to address masked protest on campus.

The above findings, which are detailed further below, are based on documents produced to the Committee in response to its February 16, 2024, subpoena, including detailed contemporaneous notes of each AAG meeting recorded by the Harvard Provost's Office, as well as the Committee's March 18, 2024, interview with AAG Member Dr. Dara Horn. The Committee continues to receive documents from Harvard in its ongoing investigation and in response to its subpoena.

While the Committee believes there is a substantial and compelling public interest in releasing the AAG's recommendations and other findings, we also are mindful of the fact that the Group's members offered their advice on a confidential basis. As such, we will not be identifying statements by individual members of the AAG from records of the Group's activities. The Committee will identify statements made by Gay and Garber (and other senior administrators such as Vice Provost Peggy Newell and Dean of Students Thomas Dune), given their positions as Harvard's leaders responsible for determining the University's response to antisemitism. This Investigative Update will be followed by additional releases on the Committee's findings from its investigations of Harvard and other postsecondary institutions.

**FINDING: In December 2023, Harvard's AAG presented Harvard's leadership with significant recommendations on goals and steps to address antisemitism at the university.**

The AAG presented a set of recommendations to Harvard's leadership in a December 18, 2023 document titled "Potential Statement of Goals and Steps to Address Antisemitism Issues"(4). Horn described this document as a "comprehensive list of [the AAG's] recommendations"(5). Horn further explained, "It was my understanding that this would be sent to a task force to implement, although it was clear that that would be at the discretion of the future members of the task force"(6).

**Several notable goals and steps outlined in the document include:**

- *The goal:* "Ensure safety of all people in the university community" including "physical safety" and "[f]reedom from verbal harassment..."(7).

**Steps to implement this goal included:**

- "Zero tolerance of disruption of classes and learning environments."
  - "Shared spaces including classroom buildings, libraries and dining halls, should minimize permission for banners, marches, sit-ins, leafletting, group protests or other behavior or organized campaigns to ensure that individual students do not need to forgo using such spaces in order to be free of protest, disturbance and advocacy (similar to restrictions on advocacy in or near polling places)."
  - "Collect concerns about selective or unequal enforcement, and rectify."
  - "Student groups must adhere to university regulations concerning protests and other group activities. Failure to comply may result in the removal of recognition"(8).
- *The goal:* "Ensure student freedom from discrimination on the basis of race, color, or national origin/shared ancestry as well as full participation in classrooms and other activities on campus" and "[p]revent and if necessary, sanction or terminate recognition for student organizations that exclude or harass Jewish or Israeli students"(9).

**Steps to implement this goal included:**

- "Review academic rigor of classes, panels, forums and other academic programs reported to have antisemitic content."
- "Undertake a review of why the [OEDIB] and other Harvard offices were ill-equipped to address issues of exclusion and harassment of Jewish and Israeli students arising before and after October 7, 2023"(10).
- "Reform structural approaches to inclusion and diversity that may have inadvertently encouraged antisemitism, and replac[e] them with materially different approaches"(11).

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4. *Antisemitism Advisory Group Recommendations*, supra note 3.

5. Horn Tr. 90, Mar. 18, 2024.

6. *Id.*

7. *Antisemitism Advisory Group Recommendations*, supra note 3, at 1.

8. *Id.* at 2.

9. *Id.*

10. *Id.* at 3.

11. *Id.*

- *The goal:* “Identify and counter speech that dehumanizes, threatens, or potentially incites violence against members of groups; this could include a review of course offerings and student activities. Aside from direct incitement, actively educate the community about what Harvard considers demonizing, false, and hateful antisemitic and anti-Israel rhetoric, rather than banning it”(12).
  - *The goal:* “Promote understanding of Jewish history, culture, the Holocaust, history of Israel, and the roots and evolution of antisemitism/hatred of Jews”(13).
  - *The goal:* “Consistent with academic freedom, increase the intellectual diversity of the faculty as well as the rigor of academic classroom instruction”(14).
  - *The goal:* “Ensure free and rigorous inquiry and independence of the university from outside control by donors, regardless of their identities, or disruption of activities and mission of the university by outside actors”(15).
- Steps to achieve this goal included:** “Investigate the flow and impact of external ‘dark money’ (from Iran, Qatar, or individuals, or entities associated with terrorist groups as identified by the State Department)” to campus(16).
- *The goal:* “Devise means to ensure accountability and continuous work to advance these goals” including *the step* to “[d]evelop scorecard for the university and within individual schools to track efforts and results with regard to each of the goals”(17).

The goals and steps outlined in the document are meaningful recommendations that would have had a substantial impact on Harvard’s antisemitism problem had they been implemented. They address pressing needs, including ensuring physical safety, preventing discrimination and harassment, enforcing University rules, enhancing academic rigor, addressing problematic components of the University, countering antisemitic expression without infringing on protected free speech, improving education about antisemitism and the Jewish people, and enhancing viewpoint diversity. Unfortunately, Harvard’s leaders failed to follow the roadmap drawn for them by their own chosen experts.

The AAG’s goals and steps recognized factors that contributed to antisemitism at Harvard, such as “structural approaches to inclusion and diversity that may have inadvertently encouraged antisemitism”(18) and a lack of programs and courses that cultivate and encourage capacities and skills in civil discourse and evidence-based argument(19).

The AAG’s recommendations included many goals and steps that Harvard’s leaders could implement on an expedited basis, such as requiring student groups to adhere to university regulations,(20) minimizing protests in shared spaces in a manner that is “similar to restrictions on advocacy in or near polling places,”(21) and clarifying bullying and harassment standards by providing examples(22).

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12. *Id.* at 4.

13. *Id.* at 5.

14. *Id.* at 6

15. *Id.* at 7.

16. *Id.*

17. *Id.*

18. *Id.* at 3.

19. *Id.* at 4.

20. *Id.* at 2.

21. *Id.* at 1.

22. *Id.*

The AAG found antisemitic harassment to be a significant problem at Harvard. In her transcribed interview, Horn noted that as she gained a fuller understanding of antisemitism at the University from hearing about student experiences, she realized that direct harassment of Jewish students was a bigger problem than antisemitic chants at public rallies:

**Q.** You mentioned that you later gained a more complete understanding of the issue and the problem. Could you elaborate on what you meant by that and what you came to understand?

**A.** Yes. After it became public that I was participating in this committee, students began approaching me directly with their accounts of their experiences with anti-Semitism on campus.

And at that point it became more clear to me that the real issue was less about what was going on at a public rally, or what kind of slogans that were being used. That wasn't really the issue. The issue was direct harassment of Jewish students on campus. And that was of grave concern to me, and that was my -- yeah(23).

For example, part of Horn's and the AAG's understanding of the "real issue" came from hearing about harassment endured by certain Jewish students and about Harvard's leaders' failure to take action in response. In its November 20 meeting, the AAG discussed three disturbing incidents of antisemitic harassment that appear to have gone without discipline. The official meeting notes detail how an AAG member relayed these incidents to the Group:

two students filed request through guidelines, taken aback by it; senior at College was spat on, wearing a kippah, on Mt Auburn St; reported to HUPD and other channels, didn't receive any answers; he and his partner seem terrified, people don't feel comfortable wearing a yarmulke or kippah; wrote email with more detail; another instance happened before the attack, student who is now a sophomore who joined a different class, close friend, to see her friend presenting, and professor asked where she was from, and asked her to leave because some people feel uncomfortable that you're here; she complained and didn't receive a full answer; refiled complaint and talking to Sherri about it; incident that everyone in Jewish community talks about

■■■■, similar situation raised by Getzel, student who was chased back to House, followed and screamed at, student doesn't eat in the dining halls anymore because scared; clear this is affecting academic decisions, participation in activities; first-year faculty dinner protest, etc.; no discipline and things escalating

(24)

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23. Horn Tr. 26 Mar. 18, 2024.

24. Antisemitism Advisory Group Meeting (Nov. 20, 2023), at 2. In this excerpt "Getzel" refers to Harvard Hillel's Campus Rabbi Getzel Davis, who was not a member of the AAG.



Not only did these incidents inform the AAG about the severe nature of antisemitic harassment on Harvard's campus but they also revealed to the AAG that the Harvard institutions that should have protected all students' rights to a non-hostile educational environment failed Jewish students. With respect to the student who was wearing a kippah (religious head covering) and was spat upon, the AAG learned this student had not received answers from Harvard reporting channels or from the Harvard University Police Department. With respect to the second, an Israeli student who was ejected from a class by the professor after the professor asked "where she was from," the AAG learned the student filed two complaints yet had not received a full answer<sup>(25)</sup>. (Additional detail also provided in the section below, Ostracization of Israeli Students). Finally, with respect to the third student, who was followed and chased back to the student's residential College House and screamed at by a Resident Tutor,<sup>(26)</sup> the AAG learned that no discipline had been imposed and the situation was "escalating"<sup>(27)</sup>. Importantly, this incident also provided the AAG with evidence that antisemitic harassment limited this student's access to a non-hostile educational environment as the "student doesn't eat in the dining halls anymore because scared; clear this is affecting academic decisions, participation in activities"<sup>(28)</sup>.

The AAG also discussed how power structures at Harvard contributed to antisemitic harassment and the University's handling of complaints by Jewish students, highlighting that authority figures such as teaching assistants and faculty were engaging in such behavior:

██████████, this should be the top we discuss, power structures in the classroom; I'm most concerned about this, e.g., TA saying canceling class to be part of protest; professor or teacher singles you out for your ethnic background; what is the immediate resolution to that? That process should be short and quicker than the other things when you don't know who the perpetrator is; under what structure does that action fall?

██████████, the person chasing the student was a residential tutor, couldn't report because of power structures

(29)

An email chain produced to the Committee further corroborates these accounts, showing that a Harvard undergraduate reported these or similar incidents to Harvard College Dean Rakesh Khurana and then-President Gay on October 13, 2023. The document serves as additional evidence of a terrifying atmosphere for Harvard's Jewish students.

The student wrote, "Harvard college students and affiliates are openly calling to bring the 'Intifada'--a violent uprising against Israeli civilians--to Cambridge, openly threatening Harvard Hillel, openly suggesting that people 'gas all the Jews' and 'let em cook' (this post had 25 net upvotes), openly saying 'gotta get em all,' 'get got or leave,' and 'violence is the only answer' all in reference to the murder of Jewish civilians"<sup>(30)</sup>.

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25. *Id.*

26. Harvard College's Dean of Students Office explains that "[t]utors oversee a part of the House (e.g., floor, entryway); they are the College Officer for their designated community." See *Proctors and Tutors*, HARVARD COLLEGE, <https://dso.college.harvard.edu/proctors-tutors>.

27. Meeting, *supra* note 24.

28. *Id.*

29. *Id.*

30. Email from Undergraduate Harvard Student to Claudine Gay, President Harv. University & Rakesh Khurana, Dean, Harv. College (Oct. 13, 2023, 3:44 PM) (On file with Comm.).



The student recounted how he or she and a friend had been subjected to shocking antisemitic incidents that were reported to the University, writing, "The dangerous speech cited above is already being turned into action by Harvard affiliates. I have been followed in the streets, as has at least one other Jewish student. A kippah-wearing friend was spit on by another student. Every incident I've cited has been reported to the college, and all relevant ones have also been reported to HUPD"(31). The student questioned the insufficiency of the University's response to the endangerment of its Jewish students, writing, "I do not understand what steps the university is taking to prevent these students who want to kill us from taking action. These threats are coming from other Harvard college students--requiring Harvard IDs to get into the yard or Shabbat 1000 will not help"(32).

However, I am writing because I fear the higher levels of the Harvard administration may be unaware of the current threats facing Jewish students, particularly Israeli students, on campus. I, of course, understand that people can and will disagree politically and even morally. However, that is entirely distinct from what is happening right now, which is that Harvard college students and affiliates are openly calling to bring the "Intifada"—a violent uprising against Israeli civilians—to Cambridge, openly threatening Harvard Hillel, openly suggesting that people "gas all the Jews" and "let em cook" (this post had 25 **net** upvotes), openly saying "gotta get em all," "get got or leave," and "violence is the only answer" all in reference to the murder of Jewish civilians. I'm happy to share anonymized screenshots of all these comments and more if it would help anyone realize that we are being physically threatened. Some of these people are using the anonymous social media app Sidechat, which requires a verified [college.harvard.edu](mailto:college.harvard.edu) email address. Others are proudly posting with their names attached. Others still are making these comments in person, whether in Harvard dining halls, on sidewalks, or at Cambridge city hall rallies. I cannot even begin to **imagine** the horrors that are being discussed privately, and that's coming from someone who has unfortunately had to see many images and videos of children being kidnapped, killed, and burned alive this week. I didn't seek these images out; people are openly viewing them in Harvard classes. I don't expect Harvard to be able to stop Hamas. I do, however, expect the administration to take action to keep people from killing us like that at Harvard.

The dangerous speech cited above is already being turned into action by Harvard affiliates. I have been followed in the streets, as has at least one other Jewish student. A kippah-wearing friend was spit on by another student. Every incident I've cited has been reported to the college, and all relevant ones have also been reported to HUPD. The social media posts have been reported to the sites where they're posted. These incidents and more are also being reported to resident deans, chaplains, CAMHS, and every other pathway the university provides. I appreciate the HUPD presence outside of Hillel and the mental health check-ins from my resident dean, but I do not understand what steps the university is taking to prevent these students who want to kill us from taking action. These threats are coming from other Harvard college students—requiring Harvard IDs to get into the yard or Shabbat 1000 will not help.

(33)

Dean Khurana referred the incident to the Associate Dean for Inclusion & Belonging in the Harvard Dean of Students Office, copying Dean of Students Thomas Dunne(34). However, Harvard's attorneys have to date been unable to identify any disciplinary actions the University took in response to these incidents.

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31. *Id.*

32. *Id.*

33. *Id.*

34. Email from Rakesh Khurana, Dean, Harv. College to Student, Harv. College & Thomas Dunne, Dean of Students, Harv. College & Alta Mauro, Assoc. Dean for Inclusion & Belonging, Harv. College (Oct. 15, 2023, 2:01 PM) (on file with Comm.).

Another email chain documents a Harvard student's parent who wrote to Gay and Harvard University Police Department Chief Victor Clay on October 9, 2023, and reported an incident in which her son was chased by a Harvard University employee, including information identifying the perpetrator(35):

Are there really these evil terrorist supporters on campus wearing keffiyehs every day to support Hamas? I could not believe it. Anyway, one of your employees, not a student, chased him down and photographed him in order to try and intimidated him, (possibly publish his face to all the terror supporters,) making him believe she is threatening his life as they just supported murdering our families in their PSC statement and side chat. He is now afraid for his life at Harvard and has removed his name from his dorm door. (36)

This is the person who did this. Chased a student and took his picture and made him feel unsafe. If this was a student, I would not have emailed you and the police. But this is an employee chasing down a student and intimidating him, who is just documenting what is going on at the campus for his father to understand his fear.

Redacted - PII

Redacted - PII

(37)

Gay's Chief of Staff Katie O'Dair forwarded the email to Khurana and Dunne, and Dunne said he knew the student and would reach out to him(38). However, attorneys have to date been unable to identify any personnel or disciplinary actions the University took in response to the incident.

An AAG member also noted concern that Jewish students found it disturbing that anti-Israel protests were crossing into academic and personal spaces, such as a dinner for first-year students with faculty, as documented in official meeting notes:

on this journey; **what's on people's minds most is protest**; last week there was a first-year faculty dinner in Annenberg during which there was a protest, students find it distributing that protest is crossing into the classroom and personal spaces (39)

In short, the AAG had gathered evidence establishing that antisemitic harassment was a significant problem at Harvard: it spanned from the classroom to residence halls, the University failed to resolve complaints regarding antisemitic incidents in a satisfactory manner, authority figures engaged in antisemitic conduct, and collectively this created an environment of fear and intimidation for Jewish students who experienced antisemitism.

35. Email from Harv. Parent to Claudine Gay, President Harv. University & Victor Clay, Chief, Harv. University Police Dept. (Oct. 9, 2023, 10:58 PM) (on file with Comm.).

36. *Id.* at 1.

37. Email from Katherine O'Dair, Chief of Staff to Harv. President Claudine Gay to Rakesh Khurana, Dean, Harv. College & Thomas Dunne, Dean of Students, Harv. College (Oct. 10, 2023, 3:11 PM) (on file with Comm.).

38. *Id.* at 1.

39. Antisemitism Advisory Grp. Meeting (Nov. 13, 2023) (on file with Comm.) at 1.

The AAG identified the ostracization of Israeli Harvard students as a significant issue of concern. Even in the AAG’s first meeting, Garber observed, “a lot of the problem we have is about shunning of Israeli students, have heard independently from a lot of students, pervasive problem though maybe not universal; certainly in the College if not every School; not antisemitic speech but voting off the island”(40).

An AAG member found this deeply disturbing and indicated that to address the problem the “deepest element is needing to come out and say that anti-Zionism is antisemitism”(41). The AAG member noted the lengthy historical record of antisemitic actors such as the Bolsheviks passing their antisemitism off as merely “anti-Zionist.”

AG, antisemitism at Harvard, in the past we would have thought about American Jews, but a lot of the problem we have is about shunning of Israeli students, have heard independently from a lot of students, pervasive problem though maybe not universal; certainly in the College if not every School; not antisemitic speech but voting off the island; how do we begin to address this; not overt acts that people often talk about; it's not wanting to hear from the students, involve them in social activities

- o [REDACTED], deeply disturbed by this because that's news to me; not just protesting but ostracism; **deepest element is needing to come out and say that anti-Zionism is antisemitism**; it's 1000% true and not debatable; paper trail to slogan dating to Bolsheviks in 1918, waging civil war over Russian empire, want Jews on their side, created Jewish sections of the communist party to spread Bolshevik prop; selling point is we're not antisemitic but antizionist; 30 years before Israel; Bolsheviks also anti religion; also imprisoned and murdered 1000s of Jews, becomes popular in Arab world, made to UN in 1972 and dealt with this then; can follow slogan to progressive groups in the US; history of this goes even further back, in book two forms of antisemitism in Jewish, Purim, biblical book of Ester, Holocaust, but Hannukah, Hellenized empire that is cultural imposition, we decide what aspects of Judaism is OK, editing how Judaism is OK, 80% of American Jews identify as Zionist, imagine if you say to LGBTQ, not homophobic and delighted you're here in community, never bring your partner with you, editing how you could be gay; if you're antizionist are you OK with killing half of the world's jews; don't see a way through this without that acknowledgment; can have understanding about Palestinians and not dismiss Palestinian national identity, but then you're not addressing antisemitism

(42)

Horn provided a troubling example of this ostracization in her transcribed interview, explaining that an Israeli Harvard student visiting a class to watch a friend’s presentation was asked by the professor to leave because of the student’s Israeli identity:

**Q.** In the October 23rd meeting, Provost Garber discussed how a lot of the problem that Harvard had was about the shunning of Israeli students, which he called pervasive but not universal. You called this deeply disturbing.

Can you please elaborate on this issue of ostracizing Israeli students?

**A.** ... It became clear to us later that Israeli students were being harassed and ostracized by their peers and, in some cases, by faculty...(43).

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40. Antisemitism Advisory Grp. Meeting (Oct. 23, 2023) (on file with Comm.) at 2.

41. *Id.*

42. *Id.*

43. Horn Tr. 22, Mar. 18, 2024.



**Q.** Can you provide an example?

**A.** One example that was shared with me was actually from pre-October 7th, from the spring of 2023, when an Israeli student was asked by a professor she was visiting a class. She was not a student in the class. She was visiting a class to watch a friend's presentation. The class was open to guests to watch the friend's presentations. And the professor, knowing nothing about her, asked where she was from, and she said, "I'm from Israel." And the professor told her to leave the class because she was making people uncomfortable(44).

Harvard's attorneys corroborated that they understand such an event (based upon the description in the AAG notes) took place in March 2023, but they have provided no further information to date indicating what response, if any, the University took.

The AAG also discussed the ostracization of Israeli students in Harvard international students' orientation experience. In a November 15 meeting, an AAG member identified Harvard's First Year International Student Orientation Program (FIP) as being "organized to platform an extraordinary amount of stridently anti-Israel material; with the result that Israeli students have been effectively (or explicitly) excluded"(45). Another member noted "FIP student leaders and participants ostracized Israeli students, they're [sic] pressure to boycott Israel and they have incorporated this into the programming" and that FIP leaders threatened that if students participated in the university's I-Trek Israel trip that they would not be able to be leaders in FIP(46). The Group discussed the source of and potential paths to remediate the "pervasive" ostracization of Israeli students at Harvard:

■, one point I'm struck by is the way in which **first year international student orientation program (FIP) has been organized to platform an extraordinary amount of stridently anti-Israel material**; with the result that Israeli students have been effectively (or explicitly) excluded; FIP is a program Harvard funnels students towards and publicizes; will need to think about this organization and how Harvard is or is not acting as conduit for student programming; different from issues ■ is raising but overlap in some way; **how should Harvard think about publicizing, promoting, or steering students to organizations funded externally and not put on by Harvard but that we might have legitimate concerns about**

- ■, College offers pre orientation programs, this program is run by students, they're chosen to be leaders and select other student leaders; it has become a challenging place for Israeli students; hundreds of students enter Harvard for the first time through this program; **student leaders and participants ostracized Israeli students**, they're pressure to boycott Israel and they have incorporated this into the programming; leadership threatened students who considered going on I-Trek, if they go on I-Trek they couldn't be leaders in FIP; Harvard is beautiful in letting students allow programming and independence, but these times put forward questions about **how independence can lead to discrimination**;
- AG, that's a great framing;

(47)

The pervasive ostracization of Israeli students at Harvard serves as further evidence of the extent of Harvard's antisemitism problem and why decisive actions to address antisemitism at the University are necessary.

44. Horn Tr. 23, Mar. 18, 2024.

45. Antisemitism Advisory Grp. Meeting (Nov. 15, 2023) (on file with Comm.).

46. *Id.*

47. Antisemitism Advisory Grp. Meeting (Nov. 15, 2023) (on file with Comm.), at 3.

On November 5, 2023—less than two weeks after the AAG’s first meeting—five of the Group’s eight members, including Horn, wrote to Gay and Garber due to frustration with the inadequacy of Harvard’s leaders’ response to increasing antisemitic harassment and a lack of clarity regarding the Group’s charge and future work. The AAG signatories called on Harvard’s leaders to implement a series of specific measures to counter antisemitism that they believed “any plausible vision of the University response to antisemitism will have to include”(48). The signatories warned that if Harvard’s leaders refused to implement these measures, the signatories would not be able to continue in their roles and would resign(49):

CONFIDENTIAL

Dear Claudine and Alan,

The five of us listed below have conferred as a group and agreed that we will not be in a position to continue in our advisory roles unless Harvard broadly reconsiders the ways in which it is confronting the antisemitism crisis on campus. The immediate institutional response to widespread harassment of our Jewish students across schools seems to us deeply unsatisfactory thus far, and we feel that the lack of clarity about the charge and future work of our advisory committee has become a serious problem. We are particularly mindful that some of our members occupy positions of leadership in the Jewish community. These colleagues should not be expected to forfeit their professional standing by accepting responsibility for an inadequate program of action (or inaction) that they had no meaningful role in shaping.

It seems to us that any plausible vision of the University response to antisemitism will have to include the following measures. (We hope you will accept the below as an initial reply to Peggy Newell’s recent message, which we look forward to discussing in greater detail.)

(50)

The measures these members identified were categorized into short term (within 48 hours), medium-term (before spring break), and long-term time frames(51). The requested short-term measures included publicly announcing that antisemitic incidents are being actively investigated, including the notorious assault of an Israeli MBA student; acknowledging that chants such as “from the river to the sea” and “intifada” are antisemitic calls for violence and Israel’s elimination; banning masked protest; addressing protests in academic spaces and prohibiting teaching staff from pressuring students to engage in political activism; and, more practically, providing the AAG with a virtual drop box and staffing(52). Medium-term measures included creating a university definition of antisemitism and examining financial support from state financiers of terror(53). Long-term actions included examining Harvard’s dramatic decline in Jewish enrollment and having a task force serve as a “forceful reckoning with the appalling present” rather than a retrospective historical examination(54).

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48. Letter from Antisemitism Advisory Grp. members to Claudine Gay, President, Harv. Univ. (Nov. 5, 2023) (on file with Comm.), at 1.

49. *Id.*

50. *Id.*

51. Letter from Antisemitism Advisory Grp. members to Claudine Gay, President, Harv. Univ. (Nov. 5, 2023) (on file with Comm.).

52. *Id.*

53. *Id.*

54. *Id.*

Short Term (the next 48 hours):

-A public announcement that the students who were filmed harassing a Jewish HBS student are currently under investigation by law enforcement and that Harvard will conduct its own investigation into their conduct in due course.

-A public announcement that widely reported acts of online antisemitic abuse on Harvard platforms are under active investigation.

-A public acknowledgment that the chanting of “from the river to the sea”; “intifada”; and/or “by any means necessary” constitute a call to violence and the elimination of the Jewish state, which Harvard condemns.

-A ban on masked protests. Student groups that do not comply will lose their Harvard recognition.

-A restatement of policies forbidding protest marches in classroom buildings, dormitories, libraries, etc., as well as prohibiting the pressuring of students by teaching staff to engage in political activism (including the canceling of class to promote attendance at campus protests).

-A University-wide announcement of the creation and composition of our advisory committee, complete with a clear statement of our remit and the creation of a virtual “drop box” of some sort (55) for community input (at the moment we are being flooded with individual emails). We will also need appropriate staffing for our work. This announcement should be accompanied by some version of Claudine’s important speech at Hillel.

-The confidential launching of an investigation into the conduct of the HMS dean of students, who (among other things) is alleged to have participated in an event featuring antisemitic speakers and neglected to intervene when antisemitic statements were made at that event.

Medium term (before spring break):

-Formulation of a University definition of antisemitism.

-An exploration of the principles that should govern the funding of Harvard student groups by outside organizations.

-Antisemitism training for all staff who interact with Harvard students.

-Broader initiatives to educate Harvard students and faculty about antisemitism.

-An examination of financial support to Harvard and Harvard affiliates from state actors that finance antisemitic speech and terrorist organizations.

Long term:

-A commitment to study, understand, and address the precipitous decline in Jewish enrollment, particularly at Harvard College.

-We agree that there should be a long-term task force focusing on antisemitism at Harvard, but we question whether the “Legacy of Slavery” committee is the right model for it. What we need is not so much a historical exploration of antisemitism in the remote past as a forceful reckoning with the appalling present.

If you share this vision, as we hope you do, we are eager to remain in our current roles and assist you in this important work. But if our visions diverge, we are perhaps not the advisors you need. (56)



A. There were a number of situations on campus that had come to our attention that we had raised to the administrator's attention and that they didn't seem to be responding to in any meaningful or public way. So, briefly, the harassment of the Jewish business school student, which had sort of been a viral video online, that was one incident that was very public and seemed to demand a really public response. That was one of them.

Another one was -- this was shortly after this meeting with the deans, and other members of this Group shared my dismay and that it didn't seem like the deans at the various schools were taking this particularly seriously or if they weren't -- not that they weren't taking it seriously, but they didn't seem to be taking any kind of concrete actions. There was Claudine Gay's speech at Harvard Hillel, which was supposed to be sort of this public announcement of our group, and its work was -- wasn't -- had never been sort of shared with the entire university community. And there were -- we were at this point sort of being inundated with requests or not requests but sort of, you know, concerns from students sharing their experiences, and we didn't really know what to do with these -- this, you know, flooding of student complaints that we were getting. It was clear that something needed to be done, and we were -- we had shared that with them a number of times at this point, and it didn't seem like anyone was taking any concrete action, and that was concerning to us(57).

The following day, November 6, 2024, an AAG meeting took place in which Gay, Garber, and Harvard Corporation Senior Fellow Penny Pritzker participated. In the meeting, Gay apologized for the chaos and lack of clarity of the AAG's work and emphasized that she took the matter seriously(58). She asked the members to continue their work with the Group and expressed her concern that a mass resignation "would be explosive, and would make things even more volatile and unsafe," as detailed in the meeting notes(59):

- CG, Thank you all for being here, want to share a few thoughts but have a conversation and take things from there; I understand that all of you care enough about Harvard and Harvard getting this right that you're willing to work with us and me; understand that your reputations are on the line and your communities need to see action; last two weeks have been chaotic; if that chaos has raised doubts about whether we're serious, if I'm serious, I understand; I apologize for the chaos and for thrusting you into these public roles before they were defined, staffed, and supported; apologize for not giving you my time that you deserved in these early days; not how I have operated so regret this is where we've found ourselves; I am serious, and the work that we need to do is of the utmost importance and we cannot do that work without you; when I received your letter this morning, I looked at it and immediate reaction was that it conveyed a sense of urgency about problem that I share; the actions are things I'm willing and want to do but had also identified as priorities in my own mind and things underway; but you can't read my mind and we've had too few opportunities to talk, so here tonight so you can know what's on my mind and we can talk; other reason is that areas of common ground have come attached with an ultimatum, one that if interpreted literally leaves me with 24 hours and puts me and the university in a terrible position; you serving is to be helpful, and you're trying to be helpful; resigning en masse if you don't get these things in 48 hours would be explosive, and would make things even more volatile and unsafe; hope we can talk through common ground and recognize it, and give each other the time to do the work together; how I'd like to proceed
- CG, you asked that we regularize the work, staff the group, etc; yes, in a normal world we would have done that before publicly announcing you; with all deliberate speed we want all that done; Peggy who will be your main senior staff person will make that happen

(60)

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57. Horn Tr. 38-39, Mar. 18, 2024.

58. Antisemitism Advisory Grp. Meeting (Nov. 6, 2023), at 1.

59. *Id.*

60. *Id.*

As a result of the November 6 discussion, Gay issued a November 9 statement to the Harvard community, which addressed several of the demands in the November 5 letter(61). In her statement, Gay acknowledged that the October 18 incident at Harvard Business School (which was explicitly identified in the letter) was being investigated by the FBI and the Harvard University Police Department, condemned phrases such as “from the river to the sea,” and established an email inbox for the AAG(62). However, Harvard’s response to antisemitism did not fundamentally change. In her transcribed interview, Horn explained that she remained frustrated that Harvard’s leaders’ response remained lacking on many issues:

**Q.** And did the university's response to anti-Semitism materially improve after that?

**A.** I continued to be frustrated with some of the lack of response as we moved forward with our work(63).

Horn further explained that the AAG signatories’ request for a written charge clarifying their remit was never fulfilled:

**A.** ...We repeatedly asked them for a written charter or charge delineating what our responsibilities would be and, you know, what our remit was, and they did not provide that to us. We had no kind of written – no written agreement about what our purpose was and what our responsibilities and the limits and possibilities of our Group were.

**Q.** Was that ever rectified?

**A.** It was not(63a).

\* \* \*

**Q.** And the public statement was, to the best of your recollection, the November 9th statement that President Gay issued?

**A.** Correct.

**Q.** And was the clarity on the group's charter or role ever provided?

**A.** No(64).

Despite the threat by the majority of the AAG to resign as a consequence of Harvard’s leaders’ failure to respond with urgency to the pervasive antisemitism at Harvard, and despite their identification of specific measures to be taken to remediate that antisemitism, the response of Harvard’s leaders remained lacking. Members of the AAG remained frustrated by the inadequacy of Harvard’s leaders’ response beyond Gay’s initial public statement.

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61. Letter, *supra* note 2.

62. Letter, *supra* note 2.

63. Horn Tr. 74-75, Mar. 18, 2024.

63a. Horn Tr. 39, Mar. 18, 2024.

64. Horn Tr. 74, Mar. 18, 2024.



Gay's November 9 statement indicated that the AAG would work to develop its strategy "with the help of the School deans"(65). Such engagement with the deans was significant, given the deans' autonomy in running their respective schools. However, the deans of Harvard's various schools (e.g., Harvard College, Harvard Law School) only met with the AAG once and in that meeting the AAG members were not given the opportunity to present their own views; rather, the deans provided the AAG a "one way" presentation on antisemitism at their individual schools, as documented in the below excerpt of the official notes of the November 9 meeting:

## Notes

### Prep Meeting with Advisers

Attendees: Geraldine, Nim, Tom, Peggy, Dara, Claudine, Alan, Eric, Martha

- This meeting is for deans to share what they're seeing. We'll need another meeting so the deans can hear from you all.

(66)

Horn's account of the meeting in her transcribed interview confirmed this statement on the nature of the meeting. Horn said, "This was presented as a one-way meeting where the deans were presenting to us. There was not an opportunity in that meeting to respond to them – maybe to ask fact questions or something – but it was not a dialogue with the deans. It was presentation"(67). According to Horn, each dean "presented their overview of how this issue of anti-Semitism was being expressed in their – at their school or in their program"(68).

Despite Harvard having indicated to the AAG that a later meeting would provide an opportunity for the AAG members to share their thoughts with the deans, Horn confirmed that such a meeting did not ever take place(69). Horn also explained, "Harvard is quite decentralized, and each school at Harvard seemed to have its own policies and procedures. I'm told that a number of these schools maybe had their own groups or task forces that were working on this issue"(70). According to Horn, the AAG "did not" engage with these school-specific groups or task forces and "[o]nly heard about it from – at this one meeting with deans"(71).

In her interview, Horn noted that she found the meeting itself "disturbing," given that some of the deans themselves did not appear disturbed by the flagrant examples of antisemitic conduct discussed:

**Q.** And what was your assessment of what the deans said or your main takeaways?

**A.** I found it extremely disturbing.

**Q.** What did you find disturbing?

**A.** I found that the things that these deans were mentioning going on in their campuses were very disturbing, and they didn't really seem disturbed by these things that were happening. And that disconnect was something that was disturbing to me(72).

65. Letter, *supra* note 2.

66. Antisemitism Advisory Grp. Meeting (Nov. 9, 2023), at 1.

67. Horn Tr. 35, Mar. 18, 2024.

68. Horn Tr. 34, Mar. 18, 2024.

69. Horn Tr. 37, Mar. 18, 2024 ("Q. Do you think, was there -- was there another such meeting or any other further engagement with any of the deans? A. Not with our Group, no.).

70. Horn Tr. 37, Mar. 18, 2024.

71. *Id.*

72. Horn Tr. 34, Mar. 18, 2024.

**Q.** And what do you mean when you say that the deans didn't appear to be disturbed?

**A.** To be fair, this was, like I said, 13 or 15 people, and not every person was identical to every other person. But I recall – and I'm not going to recall which individual dean said what.

**Q.** Sure.

**A.** But there were a lot of comments that were made describing what to me clearly seemed like harassment of Jewish students and that were then presented as, "Well, I can see why students would be bothered by that and might perceive that as harassment."

And the things they were describing were things like students being chased through buildings; students being followed on campus; students being directly confronted in class; students being – there were a number of other examples.

And it was not presented as like, "Well, yes, we have a problem with harassment on our campus," and it was presented as like, "Well, I can see why some people might see this as harassment."

And, again, I don't want to paint with a very broad brush. Some deans – this isn't to speak to every single person in that meeting. But the overall impression was disturbing to me for that reason(73).

Horn noted that she did not believe the deans' reactions were malicious but rather that they were perplexed: "It was less that I thought they were trying to excuse it. It was, if anything, they seemed perplexed by the situation. And, if anything, I regarded that as a positive in that it seemed possible that people – we could have a conversation and explain this issue and educate people"(74). If correct, Horn's assessment suggests that Harvard's leaders' failure to schedule the originally promised second meeting for school deans to hear from the AAG meant that Harvard's leaders missed an opportunity to improve the university's response to antisemitism by educating the leaders of its various schools. A more substantive discussion between the AAG and the deans could have also resulted in the deans better understanding changes that needed to happen within each of their schools to ensure all their students felt safe. In the end, the limited nature of the AAG's interactions with the deans of Harvard's various schools inhibited the AAG's ability to present recommendations to the deans, enhance the deans' understanding of antisemitism and its manifestations at Harvard, and build a collaborative strategy to combat antisemitism, as Gay had indicated would occur.

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73. Horn Tr. 35-36, Mar. 18, 2024.

74. Horn Tr. 36, Mar. 18, 2024.

**FINDING: The AAG had limited engagement with Harvard's ultimate governing board, the Harvard Corporation.**

The AAG's interactions with the Harvard Corporation, Harvard's ultimate governing board, were extremely limited. The only participation by the Corporation's fellows (board members) in the AAG's work was Senior Fellow Penny Pritzker's attendance at a single AAG meeting on November 6, immediately following a majority of the group threatening to resign(75). Horn confirmed in her interview that the AAG had no other engagements with the Harvard Corporation Fellows:

**Q.** Did other members of the Harvard Corporation attend – did senior fellow Pritzker or other members of the Harvard Corporation otherwise engage with the advisory group, to the best of your knowledge?

**A.** No(76).

Not only did the Harvard Corporation engage minimally with the AAG but also that single interaction was with one fellow and took place after the majority of the AAG had threatened to resign. Given the Harvard Corporation's role in governing the university and its fellows' active involvement in responding to Harvard's antisemitism crisis, the AAG's lack of opportunity to engage with the fellows raises questions.

**FINDING: There was a lack of clarity regarding the plans and timeline for the AAG to be succeeded by an antisemitism task force.**

On January 19, 2024, Harvard's Interim President Alan Garber announced a new presidential task force on antisemitism as well as one on anti-Muslim and anti-Arab bias. The announcement came without a clear explanation of either what had happened to the AAG or why a new and separate task force was necessary. Horn's interview indicated that the AAG was unclear about Harvard's leaders' reason, plans, and timeline for succeeding the AAG with a separate task force and found the plan for such a transition concerning. The University's explanations that a task force was procedurally necessary were also contradicted by its actual practices.

***There was a lack of clarity regarding the AAG's scope and the potential transition to a task force dating back to early in the Group's tenure***

In its first meeting on October 23, 2023, it was explained to the Group that Harvard's leaders purposively chose to create an 'advisory group' rather than a 'task force' to yield "action now in a much more compressed timeline" and that a task force by contrast could take "a year" to complete its work, as the official meeting notes indicate(77):

Initially thought about Task Force to look at history of antisemitism and how it manifests today and make recommendations; slow process, might get started in a few months and finish a year from now; need action now in a much compressed timeline; you will shape this in many ways'; need to hear from you about the charge esp in conversation with each other

(78)

75. Antisemitism Advisory Grp. Meeting (Nov. 6, 2023) (on file with Comm.), at 1.

76. Horn Tr. 19, Mar. 18, 2024.

77. Antisemitism Advisory Grp. Meeting (Oct. 23, 2023) (on file with Comm.), at 1.

78. *Id.*

Significantly, Horn explained in her transcribed interview that Harvard's leaders did not communicate that the AAG would eventually be replaced by a task force at the outset of the AAG's work. When Harvard's leaders indicated partway through the AAG's work that the AAG may be followed by a task force,(79) they did not offer a clear timeline for this to take place:

**Q.** Was it communicated to you from the outset that the Advisory Group would be followed by a task force, or was this indicated later?

**A.** That was indicated later.

**Q.** When was that first communicated?

**A.** I'm not sure of the exact date, but I believe the people in the administration started mentioning that possibility, probably about a month into our work(80).

\* \* \*

**Q.** Was an anticipated timeframe for the Advisory Group to complete its work communicated at the start of the process before the task force was communicated?

**A.** No(80a).

\* \* \*

**Q.** When Harvard administrators first informed the Advisory Group that there would be a task force, did they present the timeline in which the Advisory Group would complete its work and the task force would begin its work?

**A.** Not that I recall. Toward the very end in December -- I actually would say no. At some point in December, they started talking about wrapping up our work with these recommendations that would be passed to a task force(81).

Horn further explained that, while Gay's December 5 testimony before the Committee did not have an explicit impact on the timing of the transition, there was a clear interest by Harvard administrators in collecting the AAG's recommendations and moving on from the AAG following the hearing:

**Q.** And did the December 5th testimony have any impact on the timing of when the transition would be made from the dissolution of the Advisory Group and the standing up of the new task force?

**A.** Not explicitly, but it seemed quite clear that there was an interest in getting our recommendations and moving on.

**Q.** An interest by whom?

**A.** By the administrators(82).

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79. Horn recalled discussion of a potential task force approximately a month into the group's work. The reference to a task force in the November 5 letter indicates that the notion of one had been discussed.

80. Horn Tr. 10, Mar. 18, 2024.

80a. Horn Tr. 11, Mar. 18, 2024.

81. Horn Tr. 12, Mar. 18, 2024.

82. Horn Tr. 88, Mar. 18, 2024.

Horn found the move by Harvard's leaders to replace the AAG with a task force not only to have been unclear but also to be concerning and perplexing:

**Q.** Did it raise concerns among the Advisory Group members when it was communicated that they would be succeeded by a task force?

**A.** I was concerned. I don't know that I can speak for other members.

**Q.** Why were you concerned?

**A.** I didn't really understand why we were creating a committee to create another committee. And I sort of chalked that up to my -- perhaps as a writer who works by herself, I chalked that up to my lack of understanding of large organizations.

But I also was concerned that we were putting a lot of time and effort into our work with the administration, and I didn't really see how our recommendations would be transferred to a future group(83).

***Harvard's leaders' reasoning for transitioning from the AAG to a task force was unclear and inconsistent with actual practice***

The reasoning for bifurcating the University's efforts between an initial advisory group and a subsequent task force was also unclear. According to Horn, Harvard's leaders suggested that the AAG would provide recommendations for a future task force to pursue and claimed that it was a standard practice for an advisory group to precede a task force:

**Q.** What was the intended relationship between the Advisory Group and the task force?

**A.** There was a suggestion that our Group's purpose was to give recommendations to a future task force. That was something that the administrators started to articulate, yeah, about a month into the process, but had not really been addressed before.

**Q.** Did the administrators present a rationale for why they were choosing to split the efforts in this manner?

**A.** They at one point -- I questioned it. I was curious why -- what the purpose of that was. And it was claimed by the administrators that this was always how they created task forces(84).

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83. Horn Tr. 11, Mar. 18, 2024.

84. Horn Tr. 10, Mar. 18, 2024.

Horn noted that Harvard's leaders' explanation to her that task forces were always preceded by advisory groups did not seem to be accurate:

**Q.** Did you have any indications as to whether that was accurate or not?

**A.** At the time, I pointed out that that didn't seem to be accurate, because they had immediately created -- shortly after October 7th, they had very quickly created an anti-doxxing task force for students who were subjected to doxxing.

**Q.** And there was no advisory group preceding that?

**A.** Not that I was aware of(85).

Notably, there also did not seem to be any advisory group preceding Harvard's creation of the Presidential Task Force on Combating Anti-Muslim and Anti-Arab Bias in January 2024. Horn stated that was her understanding as well:

**Q.** In addition to the Anti-Semitism Advisory Group, was there an Islamophobia advisory group?

**A.** There was not. Or if -- I mean, if there was, I didn't know about it(86).

If accurate, this distinction undercuts the justification offered to Horn and other group members for succeeding the AAG with a separate task force.

***Horn was disturbed by Garber's appointment of Task Force co-chair Derek Penslar, who had made public statements that reports of antisemitism at Harvard had been "exaggerated."***

In her transcribed interview, Horn questioned the later decision by Harvard's leaders to appoint history professor Derek Penslar to co-chair the antisemitism task force, given his previous public statements that reports of antisemitism at Harvard had been "exaggerated"(87):

**Q.** So on January 19th, Alan Garber, then Harvard's newly appointed interim president, announced the Presidential Task Force on Combating Antisemitism, as well as a parallel one focused on Islamophobia.

What was your reaction to that announcement? ...

**A.** Well, there were two things that were -- that I thought were -- that sort of -- two things that disturbed me a little bit. Or I should -- one thing that disturbed me a little bit.

[REDACTED] that they had appointed was someone who had publicly stated that anti-Semitism on campus was an exaggerated problem, and I thought that that was an odd choice for someone to lead a task force on this topic who was going into it with his only public statement about this issue being that he felt it was exaggerated. I thought that that was a strange choice.

85. Horn Tr. 10-11, Mar. 18, 2024.

86. Horn Tr. 93, Mar. 18, 2024.

87. Hilary Burns & Mike Damiano, *At Harvard, 'Israel did 9/11' scrawled over poster of baby kidnapped by Hamas*, THE BOS. GLOBE (Jan. 22, 2024), <https://www.bostonglobe.com/2024/01/22/metro/harvard-university-trouble/>; Andrew Silow-Carroll, *Many Jews criticized Harvard's Oct. 7 response. Fewer are applauding President Claudine Gay's resignation.*, JEWISH TELEGRAPHIC AGENCY (Jan. 5, 2024), <https://www.jta.org/2024/01/05/united-states/many-jews-criticized-harvards-oct-7-response-fewer-are-applauding-president-claudine-gays-resignation>.

Q. That was Derek Penslar?

A. Correct. And to be clear, yeah, my concern was not – was about his public statements about anti-Semitism on campus(88).

Horn’s criticism of Penslar’s appointment was shared by other members of Harvard’s Jewish community. Six Harvard students wrote in an opinion editorial in the Harvard Crimson, “We find Penslar’s belief that claims of antisemitism on campus have been exaggerated – an argument he has repeated on multiple occasions – disqualifying for a number of reasons,” including that Penslar’s comments indicated he would be “more focused on downplaying the issue of antisemitism than confronting it” and that faculty who make such comments “only embolden those who deny the problem of antisemitism here and provide the University cover to do nothing about it”(89).

Former Harvard President Larry Summers tweeted that, “given [Penslar’s] record, he is unsuited to leading a task force whose function is to combat what is seen by many as a serious anti-Semitism problem at Harvard”(90). Summers found the announcement of the new task force and Penslar’s appointment as co-chair so troubling that he said, “I have lost confidence in the determination and ability of the Harvard Corporation and Harvard leadership to maintain Harvard as a place where Jews and Israelis can flourish”(91).

**FINDING: Harvard’s leaders failed to consult the AAG in advance of President Gay’s congressional testimony on antisemitism.**

Despite Gay’s indication to the Harvard community that the AAG would guide Harvard’s response to antisemitism on its campus, she failed to consult the AAG for advice regarding her December 5, 2023, testimony before Congress. This failure is particularly remarkable since the AAG was a natural place for her to go for guidance, as the centralized entity tasked with understanding the factors enabling antisemitism at Harvard and that it was developing goals and steps to address it and presented to Harvard’s community as guiding the University’s response in close collaboration with the President. The AAG meeting notes recorded by the provost’s office document the AAG’s “troubled” reaction to Gay’s failure to seek its “advice” before giving congressional testimony from the Advisory Group stood up to address the precise subject of the testimony (92):

### Reflections on House Committee Hearing

- Troubled that advisory group was not asked for advice on Claudine’s testimony;

(93)

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88. Horn Tr. 92-93.

89. Rishi Goel, Dissent: *Penslar Minimizes Antisemitism. He Can’t Lead the Fight Against It.*, THE HARV. CRIMSON (Jan. 30, 2024), <https://www.thecrimson.com/article/2024/1/30/dissent-penslar-antisemitism-taskforce/>.

90. Lawrence H. Summers (@LHSummers), TWITTER (Jan. 21, 2024, 2:43 PM), <https://twitter.com/LHSummers/status/1749155870284693775>.

91. *Id.*

92. Antisemitism Advisory Grp. Meeting (Dec. 7, 2023) (on file with Comm.), at 1.

93. *Id.*



In her transcribed interview, Horn explained that she was disappointed by the lack of consultation. “Yeah. I mean, yes, I was disappointed not to be consulted and also thought it was strange not to be consulted”(94). She also expressed extreme disappointment with Gay’s testimony itself, and in particular Gay’s lack of acknowledgment that antisemitism was a “pervasive” and “systemic” problem at Harvard:

**Q.** What was your reaction to President Gay's testimony before the committee?

**A.** I was extremely disappointed.

**Q.** Why?

**A.** I was extremely disappointed because -- the sort of moments that went viral from that hearing were as disappointing to me as they were to many, many other people. But, in addition to that, I was disappointed that she did not say that this was a problem that was pervasive at -- on Harvard's campus.

I felt that the way that this was presented in her testimony was as though this were about rallies and free speech and this difficult line with rallies and free speech, and that sort of there were maybe some individual incidents where things had crossed a line.

And to me, that did not capture the extent to which this was a pervasive, I would say, systemic problem on campus. And I felt that she could've -- I felt that her testimony did not acknowledge that, and that was disappointing to me and to others on the committee(95).

The AAG members met internally prior to their next formal meeting following Gay’s congressional testimony and discussed their disappointment with her testimony. One member, Rabbi David Wolpe, publicly resigned on December 7, writing that “both events on campus and the painfully inadequate testimony reinforced the idea that I cannot make the sort of difference I had hoped”(96).

At the AAG’s first formal meeting after the hearing on December 7, Harvard’s leaders did not explain why the AAG had not been consulted regarding Gay’s hearing testimony nor did they apologize for the lack of consultation. Horn recounted these events in her transcribed interview:

**A.** We met – we – before – we met ourselves, not with – and just the members of us who were not part of the administration, to be clear. We were all extremely disappointed.

At that point, Rabbi Wolpe made the decision to resign. I thought about resigning. We talked about what our next steps would be.

And that was prior to our next meeting, which I believe was the 7th of December.

**Q.** And when you met on December 7th, was there any discussion of the President's testimony?

**A.** We expressed our disappointment that we had not been consulted.

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94. Horn Tr. 86, Mar. 18, 2024.

95. Horn Tr. 86-87, Mar. 18, 2024.

96. David Wolpe (@RabbiWolpe), Twitter (Dec. 7, 2023, 2:39 PM), <https://twitter.com/RabbiWolpe/status/1732847411175796747>.



Q. And how did the Harvard leaders in attendance react?

A. They kind of wanted to move on to actionable things.

Q. Did they explain why the Advisory Group was not consulted?

A. Not at that meeting.

Q. Did they explain later?

A. No.

Q. Did they offer any apology for the lack of consultation?

A. Not at that meeting.

Q. Did they do so later?

A. No(97).

Harvard's leaders' failure to consult the AAG regarding Gay's testimony is shocking given that the publicly stated purpose of the group was to guide the University's response to antisemitism. The lack of acknowledgment of this disconnect by Harvard's leaders following the disastrous hearing is further evidence of their unwillingness to acknowledge—even to their own advisors—the inadequacies of their response.

**FINDING: The AAG's members identified numerous issues of concern for action to Harvard's leaders.**

Over the course of its work, the AAG's members identified many issues of concern relating to antisemitism at Harvard to the university's leaders, including the need to provide more information on disciplinary outcomes to the Harvard community, the importance of condemning antisemitic rhetoric as antithetical to Harvard's values, the insufficiency of Harvard's leaders' response to reports of antisemitic incidents, the dramatic decrease in Jewish enrollment at Harvard, the need to examine concerns of potential terror financing connected to Harvard, and the need to address masked protest on campus (98).

***The need to share more information on disciplinary outcomes publicly***

The AAG raised the need for Harvard to share more information on antisemitic incidents and disciplinary outcomes, in order to demonstrate to the Harvard community that the University was taking meaningful actions to address antisemitic violations of university rules. However, Harvard administrators did not do so, citing only privacy concerns. Horn explained that the AAG members were confident that an appropriate solution could be found, but Harvard's leaders failed to find one, instead resorting to excuses:

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97. Horn Tr. 87-88, Mar. 18, 2024.

98. *Antisemitism Advisory Group Recommendations*, *supra* note 3, at 1–6.

**A.** There were a number of recommendations that we made throughout the process that they would often give us reasons why they were unable to implement. And we found that very -- we often found that very frustrating at various points in this process.

**Q.** Could you provide several examples?

**A.** Yes. One example is that they -- there were certain egregious incidents of students that were openly violating code of conduct with what we felt was anti-Semitic behavior of harassing Jewish students. We repeatedly asked them to make this public to the university community, that, number one, that these incidents had happened; and, number two, that the students who participated in those incidents were being disciplined by the university.

And their response to that was that the disciplinary procedures were confidential. And we repeatedly tried to tell them that there were surely ways that they could make clear to the university community that these incidents were happening, that they were anti-Semitic incidents, and that action -- that serious action was being taken in terms of disciplining students who participated in anti-Semitic harassment of Jewish students.

And they never really did that, in my opinion. I mean, they continuously said that it was, you know, had to be, you know, confidential(99).

The AAG persisted in raising the need to release disciplinary outcomes. In one meeting, Gay, Garber, and Vice Provost Peggy Newell discussed the possibility of releasing information on disciplinary cases in a manner informed by Harvard's Title IX reporting(100):

- █████, point about that, talked about how people know about whether something's being done; reasons for confidentiality; there has to be some way to make volume of complaints and nature of complaints available to the public with redacted names and details; █████ raised about whether something is a problem; there is no where for us to share this; how we're collecting and reporting; Getzel has hired someone to work on streamlining and collecting in a professional manner; even if it's just a sampling of complaints, that's gotta be made public or else you have continuous questioning; through line is denial, pretending what's happening is not happening, like women with sexual assault, need to prove pervasive environment, met with skepticism; only way to change climate is that this is happening;
- Claudine, is approach around TIX helpful here?
- Peggy, we do public TIX statistics, and NDAB policy said data would be kept with intent to publish; hard when starting policy and if we don't have enough we can't deidentify; within those constraints I'm sure it's in Sherri's plan to track that data; we do keep data because we want to use this data; want to know if there is a problem and want to take action if there is a problem in that area; not because public is forcing us
- Alan, we should do this the right way, but there are ways to report that information and track it so the public can know; have dealt with small sample sizes, with lots of TIX complaints, aggregate across Schools;

(101)

99. Horn Tr. 15-16, Mar. 18, 2024.

100. Antisemitism Advisory Grp. Meeting (Nov. 27, 2023) (on file with Comm.), at 3.

101. *Id.*

Despite the repeated pleas by the AAG to provide disciplinary outcomes for antisemitic incidents and discussion with Harvard's leaders regarding avenues for doing so that were consistent with Harvard's release of similar sensitive information, such as Title IX reporting, more than six months after October 7, Harvard's leaders still have failed to share meaningful information on antisemitic incidents and disciplinary outcomes with the University community.

### ***The importance of condemning antisemitic rhetoric as antithetical to Harvard's values***

The AAG noted the proliferation of hateful and eliminationist antisemitic rhetoric, such as the slogan "from the river to the sea," and the need to condemn it as antithetical to Harvard's values(102). One member explained the motivation for proposing this step: "if we can't come out and say that is who we are, the rest of this doesn't much matter"(103). The discussion by the AAG on this point was robust. For example:

- o [REDACTED], been a terrible time around here; world of people interested in antisemitism at Harvard are those who are here and those have not been here; as someone who has been here, agree with [REDACTED]; have been at Harvard since 1995 with one four-year hiatus; walked through campus last Saturday and there were 100s of people in keffiyehs and masks on steps of Widener chanting from the river to the sea Palestine will be free, that's a Hamas slogan, eliminationism, Israel is to be destroyed, **if we can't come out and say that is who we are, the rest of this doesn't much matter**
  - o [REDACTED], remarkable how unsubtle it is, not a lot of nuance, zero nuance in Hamas's goal
  - o [REDACTED], lots of students in community that don't realize that's what it means, they're a group of students; so ingrained, **anti Israel has woven into the intersectionality conversation**; being pro Israel anything is not acceptable on campus; spending lots of time with students in Hillel, [Redacted - PII] some stories are true and happening last year, [Redacted - PII]
- Redacted - PII**

can't talk to each other; it's disturbing, raised this last year but nothing happened because it's uncomfortable; now after Hamas massacre, **students not acknowledging it was horrific, when OK killing civilians there is no moral compass there**; that's where we are; how we move forward with this group will be challenging; [REDACTED] and [REDACTED] are right, it's not nuanced it's straightforward; Zionism is part of Jewish identity, it's in the Torah, can't separate that; there are some definitions out there, IHRA; it's a big deal that we even acknowledge this exists (a la [REDACTED]), overlaying of progressive ideals onto the Jewish experience, terms like colonialism, racism, not knowing that people in Israel are not #sowhite

102. Antisemitism Advisory Grp. Meeting (Oct. 23, 2023) (on file with Comm.) at 1.

103. *Id.* at 3.

104. *Id.* at 2.

105. *Id.* at 3.

In her transcribed interview, Horn elaborated on why AAG members believed it was important for Harvard's leaders to condemn this hateful rhetoric, and she emphasized that the AAG was not seeking to suppress free expression:

**A.** These rallies were not a critique of Israeli policy. They were calling for the destruction of the State of Israel. And they were celebrating the Intifada. There was a lot of, "Globalize the Intifada. Long live the Intifada. There is only one solution. Intifada revolution."

The Intifada was, of course, the campaign of terrorism against Israeli Jews that resulted in the murders of over a thousand Israeli Jews about a generation ago. And we do not regard that as political critique, we regarded that as a call for the murder of Israeli Jews.

I want to be clear that we were not – not even – not at that point and not at any point, we were not asking the university to ban these slogans or anything like that. We were asking the university to condemn these slogans.

And I think that's an important distinction. We wanted it to be clear that it was not about suppressing students' expression. Students can say what they want. But it was that we wanted the administration to be clear on how they felt about these or what they believed about these kinds of eliminationist rhetoric(106).

Once the AAG recognized the proliferation of hateful and eliminationist antisemitic rhetoric on Harvard's campuses, the AAG put forth that Harvard's leaders should condemn it with strength and clarity. This guidance presents a notable contrast from President Gay's widely-criticized language in her December 5 testimony.

### ***The insufficiency of Harvard's response to reports of antisemitic incidents***

AAG members discussed the insufficiency of Harvard's institutional response to reports of antisemitic incidents. One member noted that Jewish students who complained of antisemitic harassment or disruptions to the learning environment were merely told to "phone in a complaint" and felt they had "no one to go to other than Jewish students or to me or [AAG member]" and that the "University has not publicly provided anything publicly supportive or helpful other than president's statement"(107). Another AAG member observed that "students have seen inaction from the University, sense that someone has to prove their case that something is antisemitic, when you have students coming into classroom shouting that Jews should die, it's not subtle" and that "Jewish students don't feel like we're taking this seriously; pervasive atmosphere here on campus; don't see University responding to this in any manner other than remember to follow the rules" (108).

- o [REDACTED], just what I've experienced is Jewish students who say they're in Clover where protests, Widener protests, in classroom about children of Gaza, then told can phone in a complaint; no one to go to other than Jewish students or to me or [REDACTED]; University has not publicly provided anything publicly supportive or helpful other than president's statement; not backed up by anything where I went to this and it was reinforcing of my experience; hasn't happened and abysmal that Harvard wants to protect Harvard students (109)

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106. Horn Tr. 26, Mar. 18, 2024.

107. Antisemitism Advisory Grp. Meeting (Dec. 4, 2023) (on file with Comm.), at 3.

108. *Id.*

109. *Id.*



- █████, don't think issue is they don't know where, but students have seen inaction from the University, sense that someone has to prove their case that something is antisemitic, when you have students coming into classroom shouting that Jews should die, it's not subtle, no one is accepting that this is what students are chanting; professors are also promoting this idea; this is a profound thing that they're saying in these protests; when we talk about belonging, Jewish students feel like they're surrounded by people saying half the world's jews should die; no response to that reality; there are students who don't want to eat in dining halls or go to library anymore; why are people coming to █████ and to me; students see that this is acceptable to walk through the Yard or through the classroom; the intifada is about the slaughter of Jews; no ambiguity, students have to prove this over and over again; Jewish students don't feel like we're taking this seriously; pervasive atmosphere here on campus; don't see University responding to this in any manner other than remember to follow the rules;

(110)

In an AAG meeting, an AGG member observed that Harvard's existing Non-Discrimination and Anti-Bullying policies (NDAB) covered much of the conduct that was of concern, but that it was not being enforced(111). It was not just the AAG members who concluded that the NDAB policies applied. Garber acknowledged that on October 8, he, Gay, and Harvard College Dean Rakesh Khurana visited Harvard Hillel and heard students provide examples of what appeared to be clear NDAB violations (112).

- █████, finally had a chance to read through policies (NDAB), seems clear that so much of what we're concerned about is covered by the policies [citing examples from the policy]; FAS free speech guidelines, citing examples; what we've seen seems obvious; maybe we just need to enforce what we have
- █████, NDAB talks about severity vs frequency; this is becoming a wall-to-wall experience; affecting students from day 1; repetitive behaviors makes the climate
- Alan, on Oct 8, Claudine, Alan, Rakesh went to Hillel, █████ spoke and others, described examples that seemed like clear violations of NDAB, will hear more from Sherri; important for her to hear concerns about how policy plays out; just reporting this will be influential in our thinking; not every solution will include individual punishment, but more focused attention to how to change environment in the Houses and other places; how we change our culture on campus

(113)

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110. *Id.*

111. *Id.*

112. *Id.*

113. *Id.*

Both the AAG and Harvard's leaders concluded that many of the antisemitic incidents could be addressed simply by enforcing existing NDAB policies. But Harvard's OEDIB, which is responsible for implementation of NDAB policies, did not do so. In her interview, Horn provided an example of how OEDIB failed to assist a Jewish student with concerns related to antisemitism by a professor:

There was a student who shared that she was concerned about certain things that were going on in classrooms in her -- in the school she was in. And she had -- she shared with me her whole exchange with ODEIB, or whatever the abbreviation is, she shared with me her whole exchange with whoever the dean of students was at the school that she was in.

And she shared with me the emails in which the school had, I believe, recommended that she meet with the professor. It was like -- she's like, the dean was -- I forget who said what, but it was like: How about if we have a meeting with student, dean, professor you're -- who you're complaining about, and some other administrator, where we talk this out?

And the student said: Well, this is like a three on one admin versus me, and it didn't -- and with the person who she was -- who she was concerned about in the room as one of the people on the admin side.

And she didn't feel that that was an adequate response to her concerns. That didn't -- that seemed to her a way of trying to eliminate her concern.

So that would be one example of the kind of thing that was coming at me from students(114).

Though the AAG and Harvard's leaders determined the NDAB policies could be used to improve the sufficiency of Harvard's response to reports of antisemitic incidents, Harvard's leaders have yet to apply these policies effectively in responding to reported antisemitic incidents.

### ***Concern regarding dramatic declines in Jewish enrollment at Harvard***

The AAG discussions raised concerns regarding the "dramatic decline" in the percentage of Jewish undergraduates at Harvard, noting "25-30% were Jewish when [Alan Garber] was a student." The AAG noted the impact of this decline:

concerns of Jewish community in dramatic decline of pct of undergrads that identify as Jewish; 25-30% were Jewish when AG student; Hillel was also a more active place; one of many areas of Jewish concern; speech issues and antisemitic speech come to light in a new way though not new of course

(115)

The AAG's concern regarding the decline of the percentage of Jewish students within the undergraduate population matches public estimates of Jewish undergraduate enrollment decreasing dramatically. Estimates from Hillel International indicate Harvard's Jewish undergraduate population has fallen from approximately 1,675 students in 2013 to 700 in 2023 (116). This represents a decrease from 25 percent of the undergraduate student body to only 9.8 percent(117). A 2023 survey by The Harvard Crimson found 5.4 percent of the class of 2027 identified as Jewish(118). The Committee is continuing to investigate these trends.

114. Horn Tr. 81, Mar. 18, 2024.

115. Antisemitism Advisory Grp. Meeting (Oct. 23, 2023) (on file with Comm.).

116. Union for Reform Judaism, Insider's Guide to College Life (Jul. 12, 2013), [https://issuu.com/reformjudaism/docs/college\\_reprint\\_cropped/15?e=5480200/4019908/](https://issuu.com/reformjudaism/docs/college_reprint_cropped/15?e=5480200/4019908/); Hillel International, Harvard University, <https://www.hillel.org/college/harvard-university>.

117. *Id.*

118. *Meet the Class of 2027*, THE HARV. CRIMSON, <https://features.thecrimson.com/2023/freshman-survey/beliefs/>.

The AAG was concerned by the contrast between the swiftness with which Harvard had responded to claims of “doxxing” by signatories of the October 7 letter blaming Israel for the Hamas terror attack that day and the school’s lethargic response to the attack and the antisemitic conduct that followed it on campus. On October 24, 2023, Harvard announced the formation of a “task force to support students experiencing doxxing, harassment, and online security issues following backlash against students allegedly affiliated with a statement that held Israel ‘entirely responsible’ for violence in the Israel-Hamas conflict,”(119).

To one AAG member, it appeared as if the school’s “first major response to [its] antisemitism crisis” was “handing out milk and cookies to antisemites” by quickly standing up resources to assist students responsible for promoting hatred on campus. The AAG member expressed having “no patience for doxing” but was concerned by the message the announcement sent and by the lack of consultation with the AAG(120).

- [REDACTED], understand these concerns and have them, but **have them more today than yesterday**, difficult to be in a position where we will appear publicly as standing in advisory capacity to leadership on antisemitism crisis, if we're **blindsided by the announcement of the formation of the doxing task force**; I have no patience for doxing, but the idea that the **first public institutional response is to offer support to antisemites**, the optics of it are obtuse, could not believe what I was reading,

dealing with another eruption; first major response to antisemitism crisis is handing out milk and cookies to antisemites

(121)

Though the school claimed the Doxxing Task Force was intended to be a resource for all students, it was clear to members of the AAG and the student body that it was widely perceived as having been formed to support antisemitic and anti-Israel student signatories of the October 7 letter:

- Tom, that Task Force is for all students, also shared with Rabbi Getzel to communicate to Jewish students; not conceptually for a subset of students, for all students; that's the way we approached it;
- [REDACTED], that's not how it's perceived by the student body

(122)

The swift and sympathetic reaction by the school to assist students promoting hatred against their peers stood in stark contrast to Harvard’s conspicuous failure in addressing antisemitic incidents.

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119. Michelle N. Amponsah, *Harvard Creates Task Force for Doxxed Students Amid Backlash Over Israel Statement*, THE HARV. CRIMSON (Oct. 25, 2023), <https://www.thecrimson.com/article/2023/10/25/doxxing-task-force/>.

120. Antisemitism Advisory Grp. Meeting (Oct. 23, 2023) (on file with Comm.) at 1.

121. *Id.* at 2.

122. *Id.*



AAG members raised significant concerns about potential influence by financiers of terrorism at Harvard following November 2023 testimony before Congress on the nexus between terror finance and antisemitism at American universities by expert Dr. Jonathan Schanzer(123). An AAG member noted that one of the groups discussed in Schanzer's testimony, American Muslims for Palestine, funded "PalTrek" trips for Harvard students to visit the West Bank and was involved with the Arab Conference at Harvard. Garber told the AAG that Harvard's Office of General Counsel would investigate the matter. The Group discussed the issue in-depth:

█████, pretty critical, congressional testimony, attention to testimony from Jonathan Schanzer from Foundation for the Defense of Democracies and former treasury official; **paper trail that clearly connects Hamas financing to American Universities**; testimony posted to the Ways and Means Committee website; goes back to 1980s/90s; shell charity corporations, raising money for Hamas in the US; organizations shut down by treasury, and those running the organizations went to prison; subsequently organizers set up disguised continuance (bankruptcy law); there are leaders of Hamas in the US, now giving money to organizers in the US, and these same people are running charities like the Islamic Association for Palestine; that organize was sued and given judgment about American teenager killed by Hamas in 1996; they didn't pay, said they were going bankrupt; but then reopened as American Muslims for Palestine (AMP), and traces all the same people; publicly speaking and advertised as operatives for the military wing of Hamas, founder is also involved in Student Justice for Palestine, which at Harvard is the Palestine Solidarity Committee; there is a communications and fundraising firm within the US giving financial support to Harvard students; specific Harvard connections were not detailed in testimony, but is seen in public documents; **AMP funding trips for Harvard students to meet with community activists and plan activism on campus**; sent documents where they're describing Pal Trek, they're advertising 150 students from Harvard meeting with community activists; see it on the HLS website an event after returning from spring break; American Muslims for Palestine previously held Arab Conference at Harvard in Memorial Church; this year the conference is scheduled April 19-21 in location TBD, one of their speakers was Immanuel Havatz(?), who is a fundraiser, few different connections between this, see Hamas affiliate sponsoring trips for students, and training and materials; do we want Hamas money on Harvard's campus; student demonstrations not organic but seeded; not saying students know who is organizing this behind the scenes; not saying students are Hamas operatives; we need to be thinking about Hamas funding and how it's affecting our students; est \$350K for spring break being spent by Hamas in the US; not about what students can or cannot say; it's about **what we're doing as a University to not have connection financial or otherwise with federally designated terrorist organization**; not students raising money for Hamas, it's the other way around; veterans of Hamas charities financing Harvard students going on press junkets, conferences at Harvard; **using Harvard name to gain credibility**; similar to 90's holocaust denier conference at Harvard; imprimatur of the University on them; is Harvard paying for part of this' (124)

As the above meeting notes reveal, the AAG discussed efforts by entities linked to terror finance to fund and influence Harvard students.

123. *From Ivory Towers to Dark Corners: Investigating the Nexus Between Antisemitism, Tax-Exempt Universities, and Terror Financing: Hearing Before the H. Comm. On Ways & Means*, 118th Cong. (2023) (statement of Dr. Jonathan Schanzer), <https://gop-waysandmeans.house.gov/wp-content/uploads/2023/11/Schanzer-Testimony.pdf>.

124. Antisemitism Advisory Grp. Meeting (Nov. 15, 2023) (on file with Comm.) at 1.



Can we rely on someone to give us a report on what eventually happens with Schanzer and the Hamas question

- Alan, **we should get OGC involved in this** (Peggy has followed up); let us do some investigation but we'll be in touch; we want to find out what's involved in setting something up; I personally would like to read what [REDACTED] sent before so we understand what other connections in DC that we would want to check in on too ([REDACTED])

(125)

AAAs these notes reflect, Garber seemed to understand the serious danger that potential malign foreign influence at Harvard posed, and he indicated he would task Harvard's Office of the General Counsel (Harvard OGC) to investigate. The Committee asked Harvard's attorneys to clarify whether such an investigation was undertaken as Garber had indicated. The Committee received a broad and generic response which included the statement that "Counsel identified information about contracts and gift agreements from middle eastern countries [sic], including UAE funders, and no issues were identified"(126). The response left ambiguous what actions Harvard OGC took to examine these specific concerns and how seriously they were investigated:

Harvard recognizes that some foreign (and domestic) actors may seek to influence through gifts or contracts for their own purposes or put the University's name or work behind agendas. Harvard has, over many decades, established policies and procedures to make sure the gifts and contracts it receives are lawful and consistent with the University's teaching and research missions, and with University policies. In this instance, Counsel identified information about contracts and gift agreements from middle eastern countries [sic], including UAE funders, and no issues were identified.

Harvard is committed to compliance with U.S. sanctions laws and regulations administered by the U.S. Department of the Treasury's Office of Foreign Assets Control. The University has protocols that are designed to address such laws and prevent Harvard from entering into arrangements with persons or entities who are designated as a Specially Designated National or Specially Designated Global Terrorist pursuant to Executive Order 13224(127).

Harvard's attorneys point to the University's established protocols to comply with U.S. sanctions laws and regulations. However, the University's existing compliance procedures would not necessarily have addressed the specific and credible concerns identified by AAG members regarding potential malign influence by entities or individuals with a nexus to terrorism. Given the lack of clarity on what specific steps Harvard OGC took in response to the AAG's concerns, it is uncertain whether Garber fulfilled his commitment to the AAG to genuinely examine whether such malign influence was or was not occurring.

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125. Antisemitism Advisory Grp. Meeting (Nov. 15, 2023) (on file with Comm.) at 4.

126. Email from Attorney, King & Spalding LLP to Comm. Staff (Apr. 30, 2024, 5:00 PM) (on file with Comm.).

127. *Id.*

**The need to address masked protest on campus**

Members of the AAG raised the need to address the proliferation of masked protests on campus. The five members who threatened to resign from the AAG in the November 5 letter called for a ban on masked protest within 48 hours as one of their conditions(128). In the November 6 meeting in which the letter was discussed, an AAG member argued that, despite there being legitimate concerns about a ban, “on balance we can’t have hundreds of students in masks marching through campus because it’s inherently dangerous,”(129).

Eric, adding to masked protest issue, frustrations is the circling around these issues; we've discussed issue of the masks; know what my view is and objections on the other side; reasonable person could say these are the reasons we don't want to take that step to issue ban on masked protest, they might raise doxing risk, privacy concerns; I hear you and understand and take it seriously but on balance we can't have hundreds of students in masks marching through campus because it's inherently dangerous; if there isn't consensus then it's good to hear that; we don't want to do it and here is why so we understand

(130)

Gay flatly rejected a ban on masked protest, citing concerns about free expression and stating that she believed it was not feasible to require a medical need for everyone who wears a surgical mask (131).

Claudine, we're not going to do that because some of those reasons you noted, also a slippery slope on what we're going to ban next on garb, don't want restrictions on expression, sometimes students wear surgical masks, we can't require health status for everyone who wears a surgical masks so how can that be enforceable; that is not a step that I'm willing to take as president

(132)

Notably, Massachusetts law prohibits wearing a mask or other disguise “with intent to obstruct the due execution of the law, or to intimidate, hinder or interrupt an officer or other person in the lawful performance of his duty, or in the exercise of his rights under the constitution or laws of the commonwealth, whether such intent is effected or not”(133). Despite the concerns about “hundreds” of masked protestors on campus and the illegality of wearing a mask while intending, for example, to intimidate, Harvard’s leaders have not taken steps to prevent masked protestors from harassing and intimidating Jewish students and evading accountability in their violations of university rules.

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128. Letter from Antisemitism Advisory Grp. members to Claudine Gay, President, Harv. Univ. (Nov. 5, 2023).

129. Antisemitism Advisory Grp. Meeting (Nov. 6, 2023), at 5.

130. *Id.*

131. *Id.*

132. *Id.*

133. MASS. GEN. LAWS ch. 268, § 34 (2024).

Faced with an unprecedented explosion of virulent antisemitism on its campus, Harvard's leaders assembled a group of carefully chosen advisors to guide their response and in then-President Gay's words "help lead us forward" and "develop a robust strategy for confronting antisemitism on campus"(134). The documents and information obtained by the Committee's investigation make clear that the AAG provided significant recommendations to Gay, Garber, and other leaders that could have had a real impact in combating antisemitism at the University and restoring a safer environment for Jewish students. However, Harvard's leaders failed to implement these recommendations.

The consequences of Harvard's leaders' continued failure to implement a strong response to antisemitism and violations of the University's rules are evident in the chaos that has erupted at the University in recent weeks. On April 24, students established an unlawful encampment in Harvard Yard, which caused significant disruptions of University life and became a hotbed for antisemitic incidents and even criminal conduct, including breaking the lock to a University gate(135). A sign proclaimed the encampment a "liberated zone" and demanded individuals obtain permission to enter(136). On May 6, 2024, Holocaust Remembrance Day, an encampment spokeswoman proclaimed, "the student Intifada has engulfed the entire country" and threatened to make each day "more costly than the last" and that "campuses will become ungovernable"(137). A poster in the encampment depicted Garber, who is Jewish, as a demon with horns and a tail, a well-known antisemitic trope(138). A display of 1,200 American and Israeli flags placed to honor the victims of the October 7 attack was vandalized multiple times(139).

On May 9, 2024, a group of more than 180 Harvard faculty and staff sent an open letter to Interim President Garber calling for the encampment to be removed "swiftly and as peacefully as possible" and stating that conduct rules "must be applied rigorously and fairly," that the "administration must not make concessions to protesters that would have not been granted had they followed the rules," and that "there can be no academic freedom in an atmosphere of lawlessness"(140).

Rather than clearing the encampment and holding encampment members responsible for their misconduct, on May 14, 2024, Harvard's leaders announced an agreement making concessions to the students responsible for the encampment in exchange for its disbandment. Harvard's leaders agreed to terms including reinstating at least 22 students from involuntary leaves of absence; recommending leniency and expediting disciplinary proceedings for more than 60 students facing conduct charges for involvement in the encampment; granting a meeting with members of Harvard's governing boards on divestment; and granting a meeting with Garber and Faculty of Arts and Sciences Dean Hopi Hoekstra to discuss the Israel-Hamas war, in which the protestors plan to raise their demand of a "center for Palestine studies"(141).

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134. Letter, *supra* note 2.

135. *LIVE UPDATES: Pro-Palestine Protesters Begin Encampment in Harvard Yard*, HARV. CRIMSON (Apr. 25, 2024), <https://www.thecrimson.com/article/2024/4/25/harvard-yard-protest-palestine/>; Sally Edwards & Asher Montgomery, *Police Say Harvard Affiliates Likely Cut Johnston Gate Lock During Saturday Protest*, HARV. CRIMSON (May 13, 2024), <https://www.thecrimson.com/article/2024/5/13/breached-lock-protest-harvard-police/>.

136. Shabbos Kestenbaum (@ShabbosK), TWITTER (Apr. 26, 2024, 2:38 PM), <https://twitter.com/shabbosk/status/1783928682794430922?s=46>.

137. *Id.*

138. *Id.*

139. *Id.*

140. Letter from Numerous Harv. Faculty and Staff to Alan Garber, Interim President, Harv. University & John Manning, Interim Provost, Harv. University (May 9, 2024), [https://docs.google.com/document/d/1pM171yKeO3zob6lY\\_GbgfBHEFTTDVPc5fw9JMnGMY0/edit](https://docs.google.com/document/d/1pM171yKeO3zob6lY_GbgfBHEFTTDVPc5fw9JMnGMY0/edit).

141. Joyce E. Kim & Jo B. Lemann, *Harvard Out of Occupied Palestine Ends Harvard Yard Encampment*, HARV. CRIMSON (May 14, 2024, 10:06 AM), <https://www.thecrimson.com/article/2024/5/14/harvard-encampment-ends/>.

These concessions came in the wake of particularly troubling conduct by encampment members. The day prior to the agreement's announcement, the Harvard Crimson reported that "Harvard affiliates used bolt cutters to cut a lock securing Johnston Gate [a main University gate] in an attempt to allow roughly 150 protesters access to Harvard Yard"(142).

Harvard's agreement follows other cases in which universities have conceded to encampment demands including Northwestern University; Brown University; Rutgers University; Evergreen State College; University of California, Riverside; Johns Hopkins University; and the University of Wisconsin-Milwaukee. These agreements reward students for flagrantly violating university rules and disrupting university life, and demonstrate a tolerance for antisemitic harassment, violence, intimidation, and hostile environments that is inconsistent with the Title VI obligations upon which universities' federal funding is contingent.

As Harvard and many other universities across the country confront crises on their campuses, the AAG's recommendations offer a potential agenda for how to address antisemitism in a serious manner, rather than capitulating to antisemitic rule breakers. The cost of Harvard's failure to do so has proven significant.

This initial investigative update is only the first in a series of releases of the Committee's findings from its investigations into rampant antisemitism on campus. The Committee will continue investigating the activities happening on campus at Harvard and at other universities, including the responses by university administrations to recent unlawful campus encampments. The Committee's investigation has also been expanded into a House-wide effort, and it has been joined in its investigations by five other congressional committees to date.

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142. *Supra*, Edwards & Montgomery, note 134.



APPENDIX 1

Potential statement of Goals and Steps to Address Antisemitism Issues

Updated Dec. 18, 2023

#	Goals	Steps to achieve goals
1	<p>Ensure safety of all people in the university community, including</p> <ul style="list-style-type: none"> <li>a) Physical safety;</li> <li>b) Freedom from verbal harassment, notably for students who should be able to have candid, and sometimes raw, discussions or brainstorm ideas in classrooms<sup>1</sup>;</li> <li>c) Advance knowledge of norms and equal and fair enforcement of rules across the entire university;</li> <li>d) Cultivate norms of respectful conduct by members of the community, including in both physical and digital spaces.</li> </ul>	<ul style="list-style-type: none"> <li>a) Speech and conduct rules and practices: review, revise and communicate as needed for clarity and consistency, including coordination across different schools and units, so that students, staff, and faculty all know and understand the scope of acceptable behavior and time-place-manner of speech on campus or through digital resources hosted by the university; ambiguity about “edge cases” should be addressed with examples/ Q&amp;A;</li> <li>b) There should be zero tolerance of disruption of classes and learning environments;</li> <li>c) Shared spaces including classroom buildings, libraries and dining halls should minimize permission for banners, marches, sit-ins, leafletting, group protests or other behavior or organized campaigns to ensure that individual students do not need to forgo using such spaces in order to be free of protest, disturbance and advocacy (similar to restrictions on advocacy in or near polling places);</li> <li>d) Orientation of students, staff, and faculty, and ongoing training and programs should reset and clarify expectations around respect for everyone in the community; Communication about disciplinary action, consistent with privacy concerns, should be shared to effectuate deterrence of misconduct and confidence in the university’s fairness and reliability;</li> <li>e) Collect concerns about selective or unequal enforcement, and rectify;</li> <li>f) Clarify standards for all members of the community with regard to harassment and bullying including by providing examples;</li> <li>g) Fund physical protection of Harvard Hillel and Harvard Chabad;</li> <li>h) The agreement that student organizations sign with the College or relevant graduate school Dean of Students should include: <ul style="list-style-type: none"> <li>▪ Non-discrimination: Organizations are prohibited from engaging in discriminatory practices based on religion, ethnicity or national origin during the admission process;</li> </ul> </li> </ul>

#	Goals	Steps to achieve goals
		<ul style="list-style-type: none"> <li>▪ Compliance with university regulations: Student groups must adhere to university regulations concerning protests and other group activities. Failure to comply may result in the removal of recognition;</li> <li>▪ Organizations are strictly prohibited from issuing calls for bullying, harassment, or physical violence;</li> <li>▪ Establish a procedure for issuing statements that requires members’ votes which prohibits club leaders from releasing statements on behalf of all of the members without the members’ awareness;</li> </ul>
2	<p>Ensure student freedom from discrimination on the basis of race, color, or national origin/shared ancestry as well as full participation in classrooms and other activities on campus<sup>2</sup>; and explore why the OEDIB infrastructure has found it challenging to deal with issues of anti-Jewish discourse and antisemitic behavior, and what it would take to build trust and go forward more successfully.</p>	<ul style="list-style-type: none"> <li>a) Prevent and if necessary, sanction or terminate recognition for student organizations that, as a matter of policy, exclude, harass, refuse to collaborate or shun students or student groups because they are Jewish or Israeli, or are perceived to be Jewish or Israeli;</li> <li>b) Review academic rigor of classes, panels, forums and other academic programs reported to have antisemitic content;</li> <li>c) Include antisemitism in required training about prohibited bullying or harassment for students, staff, and faculty; provide information and examples of how eliminationist anti-Israel rhetoric differs from legitimate political critique; Incorporate training for the following: student club presidents training at Harvard College (led by College Dean of Students Office), pre-orientation programs at Harvard College, particularly First-Year International Program, (led by First Year Experience Office), Peer advising fellows (PAF) at Harvard College (led by Advising Programs’ Office), Proctors and tutors at Harvard College, University leaders: deans, faculty deans, and ODEIB staff;</li> <li>d) Create an anti-harassment online module including an antisemitism portion for Harvard College students. The training should include examples of antisemitism on campus and a review of the process to report incidents;</li> <li>e) Grow greater student engagement with and trust in the Office of Equity, Diversity, Inclusion, and Belonging (OEDIB) or</li> <li>f) Devise alternative avenues for complaints and supports.</li> </ul>

#	Goals	Steps to achieve goals
		<p>g) Undertake a review of why the OEDIB and other Harvard offices were ill-equipped to address issues of exclusion and harassment of Jewish and Israeli students arising both before and after October 7, 2023, and what steps, either within or beyond OEDIB, existing Harvard offices need to take in the near and long-term to ensure sufficient ability to prevent, or if needed, capably and speedily address, such issues in the future.</p> <p>Consider:</p> <ul style="list-style-type: none"> <li>▪ Establish a system that protects Jewish and Israeli students against bullying: Hire an administrator who will address issues raised by the Jewish community, who can work within the provost's Office or OEDIB;</li> <li>▪ Better communication about responses to reported incidents of antisemitism;</li> <li>▪ Reform structural approaches to inclusion and diversity that may have inadvertently encouraged antisemitism, and replacing them with materially different approaches;</li> <li>▪ Investigate the source of distrust and work to strengthen the trust between DEIB and the Jewish community by ensuring that the composition and capacities of the DEIB student board sufficiently represent the entire community, including its Jewish and Israeli members and expanding the definition of EDIB to include Jewish community members;</li> </ul> <p>h) Undertake and repeat climate studies addressing whether Jewish and Israeli students are comfortable disclosing their identities to fellow students and to faculty and teaching fellows? Comfortable going to Hillel or Chabad, and having others know they participate in those programs? Comfortable disclosing personal connections or experiences in Israel? Comfortable enrolling in classes in Arabic, Middle Eastern studies, or any other course? Comfortable wearing yarmulkes, Star of David necklaces, or other clothing indicating they are Jewish or Israeli?</p>

#	Goals	Steps to achieve goals
3	Identify and counter speech that dehumanizes, threatens, or potentially incites violence against members of groups <sup>iii</sup> ; this could include a review of course offerings and student activities <sup>iv</sup> . Aside from direct incitement, actively educate the community about what Harvard considers demonizing, false, and hateful antisemitic and anti-Israel rhetoric, rather than banning it.	<p>a) Gather and analyze data on antisemitism on campus as reported;</p> <p>b) Turn the results of such study into updates for required training about bullying or harassment;</p> <p>c) Support students, faculty, and staff who report incidents of antisemitism with physical protection, advice, academic support.</p>
4	Protect freedom of speech and cultivate respectful exchange in a robust culture characterized by generous listening, fact and evidence-based discussion and debate, exploration of contrasting views even on controversial subjects, problem-solving and good-faith negotiation, and resistance to the reduction of complex issues into superficial or binary sound-bites <sup>v</sup> ;	<p>a) Revise speech and conduct codes and examples to clarify protected speech and debate;</p> <p>b) Cultivate and strengthen capacities and skills of students, staff, and faculty in civil discourse, evidence-based argument and counterargument, difficult conversations, listening generously, problem-solving mindsets, and intellectual vitality;</p> <ul style="list-style-type: none"> <li>▪ Consider whether FAS civil discourse initiative (to be led by Eric Beerbohm) can be extended across the university and/or support expansion of negotiation workshop tools (see <a href="#">Program on Negotiation</a>); see also <a href="#">Intellectual Vitality Initiative</a> and work with faculty with expertise on conflict resolution. Model debates and discussions around complex and tough issues in campus events, through collaborative teaching by faculty with different views and approaches, and through events elevating and honoring student efforts;</li> <li>▪ Develop programs for students and others on campus that cultivate capacities to listen, empathize, and gain understanding of views unlike their own as well as abilities to detect propaganda and peer pressure. Groups such as Facing History and Ourselves, MIT's Center for Constructive Communication, Fighting Antisemitism on Campuses Effectively (F.A.C.E.) and the ADL have resources along these lines;</li> <li>▪ At the College, Revamp Expository Writing (required first-year College course) as a module for training students in evidence-based argument and counterargument, and as a space for setting norms and expectations around identifying and defusing demonizing rhetoric,</li> </ul>



#	Goals	Steps to achieve goals
		<p>engaging productively across disagreement, and finding common ground. If this is not realistic within the Expository Writing format, consider adding a mandatory “Common Ground” instructional module or category via other course requirements. At other Harvard schools and programs, locate shared required instructional modules that can accommodate similar training;</p> <ul style="list-style-type: none"> <li>▪ Hold workshops on skill-building and also on the values of free speech to knowledge-building, democracy, and innovation<sup>vi</sup>;</li> <li>▪ Consider signaling for admissions: Harvard is looking to admit students who can have civil disagreements and not students who ostracize others, Harvard looks for students who can listen generously; consider asking during admissions: have you ever changed your mind and if so, when, and how? The University should encourage future leaders whose goal is to learn about and solve problems, not simply take stands;</li> <li>▪ Give awards, honorary degrees, other kinds of recognition to people inside and outside of the institution who exemplify the values of civil discourse and listening generously amid difficult conversations. Build scalable incentives such as fellowships where students (including graduate students) who demonstrate these skills are provided with leadership roles and opportunities to build these skills further, publicly model these skills, and train and influence others. Recognize and provide incentives for members of both the Arab and Jewish community who are engaged in constructive dialogue on campus. Acknowledge the importance of engaging in dialogue across differences rather than cancelling others in speeches and communications (i.e. commencement, graduation).</li> </ul>
5	Promote understanding of Jewish history, culture, the Holocaust, history of Israel, and the roots and evolution of antisemitism/hatred of Jews <sup>vii</sup> ;	<ul style="list-style-type: none"> <li>a. Strengthen resources of courses and for hiring faculty to build courses focused on Jewish History, roots and evolution of historic and modern-day antisemitism; Consider amplifying other kinds of programming, events, exhibits, and resources;</li> </ul>

#	Goals	Steps to achieve goals
		<ul style="list-style-type: none"> <li>b. Expand settings where people can learn how antisemitism thrives on well-meaning people who fall for lies and conspiracy theories—and how those theories are recreated and reshaped in different contexts, including contexts that span the political and ideological spectrum.</li> <li>c. Coordinate a university-wide Holocaust memorial ceremony and Holocaust programming in partnership with Jewish groups on campus. This initiative aligns with the Heritage Month workgroup’s resolution to incorporate Holocaust Remembrance Day and Jewish American Heritage Month observances into the official university-wide calendar.</li> <li>d. Establish exchange programs and collaborations for students and faculty with Israeli universities, similar to the programs with other universities in the region, in Europe, and elsewhere.</li> </ul>
6	Consistent with academic freedom, increase the intellectual diversity of the faculty as well as the rigor of academic classroom instruction to ensure grounding in facts, consideration of contrasting views, subjecting biases and assumptions to criticism and evaluation, and application of reason and logic rather than ideology or indoctrination;	<ul style="list-style-type: none"> <li>a. This would need to be addressed within schools, consistent with academic freedom;</li> <li>b. This has implications for faculty hiring and promotion;</li> <li>c. There can be addition of course options to counter courses that have a limited perspective or point of view related to Jews/Israel;</li> <li>d. Provide incentives for faculty who develop academic and intellectual cooperation and constructive projects across multiple viewpoints, particularly historically contentious viewpoints, and/or who model negotiation and problem-solving across ideological divides;</li> <li>e. Increase the intellectual diversity of faculty who teach on the Middle East by hiring faculty and incentivizing research and courses providing a balanced perspective on the Israeli-Palestinian conflict;</li> <li>f. Curriculum: Develop research, educational and/or programmatic opportunities to explore the dynamics of antisemitism, and to bolster studies of and courses about Israeli history and culture that ensure intellectual and viewpoint diversity.</li> </ul>

#	Goals	Steps to achieve goals
7	Ensure free and rigorous inquiry and independence of the university from outside control by donors, regardless of their identities, or disruption of activities and mission of the university by outside actors;	<ol style="list-style-type: none"> <li>Make clear and broadcast within and outside the institution code of conduct/terms of gifts ensuring that donors do not have control over the content of instruction or programming at the university;</li> <li>Investigate the flow and impact of external “dark money” (from Iran, Qatar, or individuals or entities associated with terrorist groups as identified by the State Department) to student groups, conferences, grants, academic programs, and other campus activities<sup>viii</sup>;</li> <li>Increase security against outside parties that sow discord or create disturbances on campus.</li> </ol>
8	Devise means to ensure accountability and continuous work to advance these goals.	<ol style="list-style-type: none"> <li>Develop scorecard for the university and within individual schools to track efforts and results with regard to each of the goals;</li> <li>Charge each school and department with assessing, for example, whether “dark funds” are received and used;</li> <li>Build advisory groups or focus groups of students with representation of Hillel, Chabad and students from across the different schools to address campus climate, classroom experiences, and other concerns;</li> <li>Engage directly with alumni and consult with others beyond the campus to gain insights and input and to explain ongoing efforts.</li> </ol>

### Questions:

- Should the item about agreement between student organizations and the College Dean of Students office remain under the first goal (Safety), or moved to the second goal (Discrimination)?
- Please review the items under 2e (recommendation for the OEDIB), which I slightly rearranged.

<sup>i</sup> Harvard Graduate School of Education/Harvard Initiative for Learning and Teaching, Why Psychological Safety Matters in Class (Sept. 30, 2022), <https://www.gse.harvard.edu/ideas/news/22/09/why-psychological-safety-matters-class>.

<sup>ii</sup> Title VI, Civil Rights Act of 1964 (“§2000d Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color or national origin: No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”)

<sup>iii</sup> United Nations, Hate Speech: Impact and Prevention, <https://www.un.org/en/hate-speech/impact-and-prevention/preventive-role-of-education>; UNESCO, Addressing Hate Speech through Education: A Guide for Policymakers (2023), <https://unesdoc.unesco.org/ark:/48223/pf0000384872>.

<sup>iv</sup> One advisor pointed to a School of Public Health course, *Global Health & Population 264*, “The Settler Colonial Determinants of Health”, taught by Bram Wispelwey, Instructor in Medicine at Brigham and Women’s Hospital and in Global Health & Population. An alum raised questions about antisemitism arising in courses marked also by indifference to empiricism, facts, and truth at AFVS (Art, Film, Visual Studies?).

<sup>v</sup> Pen America, ProActive Tips for Promoting Free Speech and Inclusion, <https://campusfreespeechguide.pen.org/resource/proactive-tips-for-promoting-free-speech-and-inclusion/>.

<sup>vi</sup> See, e.g., University of Oregon, The Balancing Act: Protecting Free Speech While Promoting Inclusion, <https://around.uoregon.edu/freedom-of-expression>

<sup>vii</sup> Note recent report that one in five young Americans Think the Holocaust is a myth, *The Economist* (Dec. 7, 2023), <https://www.economist.com/united-states/2023/12/07/one-in-five-young-americans-thinks-the-holocaust-is-a-myth>.

<sup>viii</sup> See US Department of Education, at <https://isgap.org/follow-the-money/>. Examine possible “**direct Hamas influence on Harvard students has come from American Muslims for Palestine**”, which, as was explained in Congressional testimony, is a 501c3 founded and run by the same individuals as Hamas’s previous 501c3 network in the United States, one of whom also founded National Students for Justice in Palestine. This 501c3 has invested money and training in American college students and likes to brag in its annual reports and public statements about its investments at Harvard. Students and faculty are largely unaware of this and are playing the role of what the Soviet regime once called Useful Idiots. Universities, however, are responsible for allowing Hamas to spend money and train students on campus and use their brands to legitimate antisemitic terror.”



November 5, 2023

CONFIDENTIAL

Dear Claudine and Alan,

The five of us listed below have conferred as a group and agreed that we will not be in a position to continue in our advisory roles unless Harvard broadly reconsiders the ways in which it is confronting the antisemitism crisis on campus. The immediate institutional response to widespread harassment of our Jewish students across schools seems to us deeply unsatisfactory thus far, and we feel that the lack of clarity about the charge and future work of our advisory committee has become a serious problem. We are particularly mindful that some of our members occupy positions of leadership in the Jewish community. These colleagues should not be expected to forfeit their professional standing by accepting responsibility for an inadequate program of action (or inaction) that they had no meaningful role in shaping.

It seems to us that any plausible vision of the University response to antisemitism will have to include the following measures. (We hope you will accept the below as an initial reply to Peggy Newell's recent message, which we look forward to discussing in greater detail.)

Short Term (the next 48 hours):

-A public announcement that the students who were filmed harassing a Jewish HBS student are currently under investigation by law enforcement and that Harvard will conduct its own investigation into their conduct in due course.

-A public announcement that widely reported acts of online antisemitic abuse on Harvard platforms are under active investigation.

-A public acknowledgment that the chanting of "from the river to the sea"; "intifada"; and/or "by any means necessary" constitute a call to violence and the elimination of the Jewish state, which Harvard condemns.

-A ban on masked protests. Student groups that do not comply will lose their Harvard recognition.

-A restatement of policies forbidding protest marches in classroom buildings, dormitories, libraries, etc., as well as prohibiting the pressuring of students by teaching staff to engage in political activism (including the canceling of class to promote attendance at campus protests).

-A University-wide announcement of the creation and composition of our advisory committee, complete with a clear statement of our remit and the creation of a virtual "drop box" of some sort for community input (at the moment we are being flooded with individual emails). We will also

need appropriate staffing for our work. This announcement should be accompanied by some version of Claudine's important speech at Hillel.

-The confidential launching of an investigation into the conduct of the HMS dean of students, who (among other things) is alleged to have participated in an event featuring antisemitic speakers and neglected to intervene when antisemitic statements were made at that event.

Medium term (before spring break):

-Formulation of a University definition of antisemitism.

-An exploration of the principles that should govern the funding of Harvard student groups by outside organizations.

-Antisemitism training for all staff who interact with Harvard students.

-Broader initiatives to educate Harvard students and faculty about antisemitism.

-An examination of financial support to Harvard and Harvard affiliates from state actors that finance antisemitic speech and terrorist organizations.

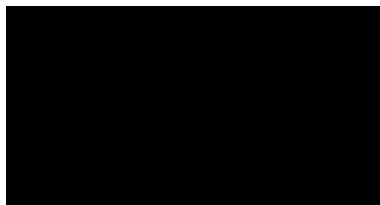
Long term:

-A commitment to study, understand, and address the precipitous decline in Jewish enrollment, particularly at Harvard College.

-We agree that there should be a long-term task force focusing on antisemitism at Harvard, but we question whether the "Legacy of Slavery" committee is the right model for it. What we need is not so much a historical exploration of antisemitism in the remote past as a forceful reckoning with the appalling present.

If you share this vision, as we hope you do, we are eager to remain in our current roles and assist you in this important work. But if our visions diverge, we are perhaps not the advisors you need.

Sincerely,



**APPENDIX 3**

The table below reflects our current understanding of the dates, times, and attendees for each meeting of Harvard's Antisemitism Advisory Group, which has been updated from the table we provided previously in our February 14 response letter.

Date	Time	Antisemitism Advisory Group and Other Attendees
October 23, 2023	7:30 p.m. – 8:15 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Kevin Madigan, Eric Nelson, Dara Horn, and David Wolpe  Other(s): Bank Chantaruchirakorn, Alan Garber
October 25, 2023	7:30 p.m. – 8:15 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Martha Minow, Eric Nelson, and David Wolpe  Other(s): Bank Chantaruchirakorn, Alan Garber
October 26, 2023	4:00 p.m. – 4:45 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Kevin Madigan, Eric Nelson, and David Wolpe  Other(s): Bank Chantaruchirakorn, Alan Garber and Claudine Gay
November 2, 2023	2:15 p.m. – 2:30 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Martha Minow, Eric Nelson, Nim Ravid, and David Wolpe  Other(s): Bank Chantaruchirakorn, Alan Garber, Claudine Gay, and Peggy Newell

November 2, 2023	2:30 p.m. – 3:15 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Martha Minow, Eric Nelson, Nim Ravid, and David Wolpe  Other(s): Tomiko Brown-Nagin, Sherri Charleston, George Daley, Srikant Datar, Emma Dench, Doug Elmendorf, Will Giannobile, Hopi Hoekstra, David Holland, Jane Kim, Rakesh Khurana, Bridget Long, John Manning, and Katie O'Dair, Bank Chantaruchirakorn, Alan Garber, Claudine Gay, and Peggy Newell
November 6, 2023	9:00 p.m. – 10:00 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Kevin Madigan, Martha Minow, Nim Ravid, Eric Nelson, and David Wolpe  Other(s): Bank Chantaruchirakorn, Alan Garber, Claudine Gay, Peggy Newell, and Penny Pritzker
November 13, 2023	6:00 p.m. – 6:45 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Kevin Madigan, Martha Minow, Eric Nelson, Nim Ravid, and David Wolpe  Other(s): Bank Chantaruchirakorn, Alan Garber, Claudine Gay, and Peggy Newell
November 15, 2023	6:00 p.m. – 6:45 p.m.	AAG: Tom Dunne, Dara Horn, Kevin Madigan, Martha Minow, Eric Nelson, Nim Ravid, and David Wolpe  Other(s): Bank Chantaruchirakorn, Alan Garber and Peggy Newell
November 20, 2023	6:00 p.m. – 6:45 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Eric Nelson, and Nim Ravid  Other(s): Bank Chantaruchirakorn, Alan Garber, Peggy Newell, and Claudine Gay
November 27, 2023	6:00 p.m. – 6:45 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Kevin Madigan, Martha Minow, Eric Nelson, and Nim Ravid  Other(s): Bank Chantaruchirakorn, Alan Garber, Claudine Gay, and Peggy Newell

November 29, 2023	6:00 p.m. – 6:45 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Kevin Madigan, Martha Minow, Nim Ravid, Eric Nelson, and David Wolpe  Other(s): Bank Chantaruchirakorn, Alan Garber, Claudine Gay, Peggy Newell, Meredith Weenick
December 4, 2023	7:00 p.m. – 7:45 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Kevin Madigan, Martha Minow, Eric Nelson, Nim Ravid, and David Wolpe  Other(s): Bank Chantaruchirakorn, Sherri Charleston and Peggy Newell
December 7, 2023	5:00 p.m. – 5:45 p.m.	AAG: Tom Dunne, Dara Horn, Kevin Madigan, Martha Minow, Eric Nelson, and Nim Ravid  Other(s): Bank Chantaruchirakorn, Alan Garber and Peggy Newell
December 12, 2023	7:00 p.m. – 7:45 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Kevin Madigan, Martha Minow, Eric Nelson, and Nim Ravid  Other(s): Bank Chantaruchirakorn, Alan Garber and Peggy Newell
December 18, 2023	6:00 p.m. – 6:45 p.m.	AAG: Geraldine Acuña-Sunshine, Tom Dunne, Dara Horn, Kevin Madigan, Martha Minow, Eric Nelson, and Nim Ravid  Other(s): Bank Chantaruchirakorn, Alan Garber, Claudine Gay, and Peggy Newell