



January 29, 2024

Attn: U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100

Re: *Complaint filed by Muslim Legal Fund of America on behalf of more than a dozen Students at Harvard University, regarding harassment, discrimination and safety concerns of Palestinian, Muslim, Arab and supporting allied students which Harvard has failed to address*

We submit this Complaint on behalf of more than a dozen Harvard University students from multiple different schools of study within Harvard, all of whom allege harassment and intimidation based on their race, national origin, religion and perceived status, as set forth below.

Harvard fails to protect its Palestinian, Arab, and Muslim students and their allies from a steady onslaught of harassment, discrimination, abuse, and credible threats to their safety. Since at least October 7, 2023, these students endured death threats, physical and verbal abuse, and intimidation from other students, faculty, major donors and third-party actors on campus. Yet Harvard stands idly by. These Palestinian, Arab, and Muslim students voiced complaints to University administrators on numerous occasions. Instead of offering support and protection to these students and their perceived allies, Harvard officials referred them for disciplinary action, called the FBI to campus to investigate them, and outright dismissed their complaints.

We cannot overstate these students' fears. Doxxing trucks emblazoned with students' names, photos, and incendiary accusations drive around campus and park outside students' homes. Other students record Palestinian students on campus and send their personal information to hostile outside organizations for publication. Faculty and administrators openly dehumanize Palestinians and Arabs without reproach. This directed targeting and harassment, occurring with Harvard's knowledge and on its property, takes place within a national climate of growing racism against Palestinians and dehumanization with deadly consequences. A six-year-old boy was brutally murdered by his landlord in Illinois, and three college students, like the Complainants here, were shot in Vermont simply for being identified as Palestinian.

Harvard officials' inaction, and in some instances active contribution to, the threats and harassment directed toward Palestinian, Arab, and Muslim students result in a dangerous and hostile environment for these students. These students are afraid to walk to class alone and created a buddy system to protect each other. They are afraid to participate in class discussions or express their opinions on campus, for fear of being recorded and doxxed even further by fellow students. Several students considered dropping out of Harvard or switching schools due to this pervasive harassment and discrimination.

As detailed below, Complainants experienced this harassment and discrimination because of their actual or perceived identities as Palestinians, Arabs, and Muslims. Even after repeatedly complaining to Harvard officials for help, the University took no meaningful steps to protect the students or to prevent the recurrence of harassment and discrimination. Instead, Harvard permitted this hostile environment to fester, and seriously impede their educational opportunities. At the same time, Harvard extended public support to similarly-situated students of other backgrounds who raised complaints about discrimination and harassment, demonstrating differential treatment on the basis of race and national origin (including shared ancestry or ethnic characteristics, such as religion).

Harvard must comply with Title VI of the Civil Rights Act of 1964 and provide all students a school environment free from discrimination based on their race, national origin, or shared ancestry. We urge the Department of Education to promptly investigate Harvard University for these violations and failures to meet its obligations under Title VI to ensure the safety of Harvard's Palestinian, Arab, and Muslim students and allies on Harvard's campus.

I. Palestinian, Arab, and Muslim Students Experience Pervasive Discrimination and Harassment at Harvard

Since at least October 7, 2023, advocates for Palestine and Palestinian, Arab, and Muslim students face an avalanche of vitriol, physical abuse, and threats to their safety. Public sentiment from faculty, staff, administrators, donors, and fellow students showing racial animus against Palestine, along with harassing actions by bigoted outside organizations on or near campus, create a hostile and dangerous environment on campus for these students. This unrelenting campaign of harassment caused students to suffer physical and verbal attacks, credible threats to their safety, evictions from campus housing, FBI investigations at the invitation of Harvard officials, threats to their immigration status, and lost professional opportunities. Harvard's failure to condemn these harassing acts continues to embolden and prolong them.

The incidents below represent just some of what these students suffer on campus. While not exhaustive, these incidents depict the hostile and dangerous environment these students face each day at Harvard.

A. Actual/Perceived Palestinian, Arab, and Muslim Students Suffered Public Harassment on Campus

Several students experienced public harassment on campus after October 7, 2023. Many students experience harassment for appearing Muslim or Arab, or wearing keffiyehs (a traditional Palestinian scarf). Harvard fails to publicly condemn this harassment, in sharp contrast to its public condemnation of harassment against students of other religions and national origins, including Jewish and Israeli students.

On (b)(6); (b)(7)(A); (b)(7)(C), an (b)(6); (b)(7)(A); (b)(7)(C) undergraduate student (Student 1)¹ walked through the atrium of Widener Library when two students approached her and called her a terrorist, then laughed and walked away. She experienced and witnessed other students openly harassed in Harvard Yard, the center of Harvard's campus where undergraduate students live. She regularly gets asked if she supports Hamas or terror. In a popular (b)(6); (b)(7)(A); (b)(7)(C) class, she witnessed students make racist remarks against (b)(6); (b)(7)(A); (b)(7)(C) and at least one of those students knew her heritage. At a (b)(6); (b)(7)(A); (b)(7)(C) she witnessed faculty member (b)(6); (b)(7)(A); (b)(7)(C) yell at students who (b)(6); (b)(7)(A); (b)(7)(C)

¹ Upon request and under confidentiality, Counsel will further identify represented students as necessary.

This faculty member (b)(6); (b)(7)(A); (b)(7)(C) Student 1 isolated herself in response and (b)(6); (b)(7)(A); (b)(7)(C) She received little support from professors and teaching fellows, who refused to grant extensions on midterms scheduled only two weeks after October 7.

Student 2, a (b)(6); (b)(7)(A); undergraduate student and member of the (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) reported cyber harassment following October 7. On (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Accuracy in Media's doxxing trucks that drove around campus (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) started social media threads that publicized the names of (b)(6); (b)(7)(A); students who (b)(6); (b)(7)(A); (b)(7)(C) to promote a narrative that (b)(6); (b)(6); are indoctrinated by American universities to be (b)(6); (b)(7)(A); (b)(7)(C) Several (b)(6); (b)(6); (b)(7)(A); (b)(7)(C) specifically featured information on Student 2. Harvard's inaction against the use of doxxing trucks on its campus enabled continued harassment, leading to (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Student 2 received a text to her personal phone number calling her racial slurs, telling her to "go back to (b)(6);" and calling her a terrorist. She describes that "a racist, xenophobic text was sent to my personal phone number. I do not know who texted me and how they got my number, but they knew my ethnicity, so it could be someone who knows who I am." When she reported the text to Harvard administrators, she received no response. Harvard's ineffective anti-doxxing task force lacked knowledge of Canary Mission or doxxing at large, and Harvard failed to recognize (b)(6); (b)(6); being racialized and harassed by Islamophobes and caste-based discriminators for their pro-Palestinian advocacy. Due to the harassment, Student 2 now (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C)

On (b)(6); an (b)(6); student (Student 3), her husband, and a friend walked to (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) A man accosted them on (b)(6); (b)(7)(A); (b)(7)(C) yelling "Hey Hamas! Good job! You like killing babies?" He continued to berate the students, yelling louder as they walked away. He repeatedly yelled, "Do you love America?" After they attempted to walk away but the man continued to follow them, Student 3 told the man to "f off" and texted another friend not to come to the area. Student 3 believes the man to be affiliated with Harvard, and she reported the incident to her advisor. As she explains, "This is my (b)(6); (b)(6); year on Harvard's campus, and I have never experienced such vile and direct racism as I did on that day."

On (b)(6); (b)(7)(A); Student 4, a (b)(6); undergraduate student and (b)(6); (b)(7)(A); (b)(7)(C) worked at the (b)(6); (b)(7)(A); (b)(7)(C) One student harassed her about her (b)(6); This student asked her questions about her identity and complained to her boss that she did not belong in (b)(6); because she made other students "feel unsafe." On (b)(6); (b)(7)(A); while Student 4 was again at work, another student said in a raised voice that "as an (b)(6); student it makes me disturbed that a University employee is (b)(6);" and then tried to advance to Student 4, who was again (b)(6); (b)(7)(A); (b)(7)(C) until Student 4's boss intervened. Shortly after that incident, as Student 4 explains, "about 30 minutes later, I was told by a student who learned from other students that (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Another student (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) She filed an internal complaint against the students under Harvard's Nondiscrimination and Bullying Policy. Harvard denied her claim. Student 4 had previously been (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); Ever since, Student 4 has been easily identifiable and a target for harassment at school and

elsewhere. She also suffered harassment from an undergraduate student who (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) in violation of school policy. She complained about this student to Harvard, but Harvard's Title IX office took no action.

Student 5 is a (b)(6); undergraduate student well-known to fellow students as a (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); Student 5 reported public harassment on campus by visitors and fellow students. While in (b)(6); (b)(7)(A); (b)(7)(C) students and others on campus glared at him and made disapproving gestures when he identified as (b)(6); and when he (b)(6); (b)(7)(A); Professors and faculty racially profile him on campus, asking who he is and where he is going, while failing to ask similar questions of other students. On one occasion, an (b)(6); woman accosted him outside (b)(6); and asked him why he (b)(6); (b)(7)(A); As a (b)(6); he explained that he (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) The (b)(6); woman told him he was lying about (b)(6); (b)(7)(A); (b)(7)(C) After he increased his (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); the harassment against him on campus increased. At a (b)(6); (b)(7)(A); (b)(7)(C) he also witnessed faculty member (b)(6); (b)(7)(A); (b)(7)(C) yell at students who (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) On (b)(6); (b)(7)(A); he reported the harassment to various Harvard deans, including the Dean of Harvard College, Dean of Students, the Ivy Yard Dean, and the Chief Diversity and Inclusion Officer. When Student 5 complained to his resident Dean about harassment, the Dean told him to go to a different, (b)(6); (b)(7)(A); (b)(7)(C) solely because he was (b)(6); (b)(7)(A); The resident Dean also disparaged the phrase "from the river to the sea" because another student's family member apparently emphatically found the statement antisemitic and a call to genocide, despite the phrase's well-documented history as a slogan for a Palestinian state unoccupied by Israel.

Many other students, including those above and undergraduate student Student 12, have experienced harassment and (b)(6); (b)(7)(A); (b)(7)(C) on campus. Student 12, like many others, reported these actions to officials at Harvard. Yet those perpetrating the harassment, including (b)(6); (b)(7)(A); (b)(7)(C) received extensive advance warning and the opportunity to collectively collaborate before being questioned even when promptly identified.

B. Palestinian, Arab, and Muslim Students Get Doxxed on Campus by Accuracy in Media

Multiple reports document the doxxing, bullying, and blacklisting of Palestinian, Arab, and Muslim students at Harvard.² Most notably, on October 11, a truck operated by right-wing media outlet Accuracy in Media drove around Harvard's campus displaying the names and faces of Palestinian, Arab, and Muslim students under the text "Harvard's Leading Antisemites."³ Accuracy in Media then sent trucks to the homes of certain students, targeting their families and encouraging their communities to harass them.⁴ Accuracy in Media purchased domain names under the students' names and set up individual websites with similar

² Catherine Thorbecke, *Names and Faces of Harvard Students Linked to anti-Israel Statement were Plastered on Mobile Billboards and Online Sites*, CNN, (Oct. 12, 2023), <https://www.cnn.com/2023/10/12/business/harvard-doxxing-truck-israel-hamas-statement/index.html>; see also, Sarah Al-Arshani, *Harvard Student Groups Doxxed After Signing Letter Blaming Israel for Hamas Attack*, USA TODAY, (Oct. 12, 2023), <https://www.usatoday.com/story/news/nation/2023/10/12/harvard-doxxing-truck-accuracy-in-media/71151814007/>.

³ J. Sellers Hill, Nia L, Orakwue, *As Students Face Retaliation for Israel Statement, a 'Doxxing Truck' Displaying Students' Faces Comes to Harvard's Campus*, THE HARVARD CRIMSON, (Oct. 12, 2023), <https://www.thecrimson.com/article/2023/10/12/doxxing-truck-students-israel-statement/>.

⁴ See *id.*

incendiary accusations.⁵ Other bigoted websites published the students' names and personal information, along with unfounded accusations that they are "terrorist supporters" and " Hamas apologists."⁶

C. *The Same* (b)(6); (b)(7)(A); (b)(7)(C) Student Attempted to (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) – All Without Consequences from Harvard Despite Reports on the Incidents

1. Harvard (b)(6); Student Attempted to (b)(6); (b)(7)(A); (b)(7)(C)

On (b)(6); (b)(7)(A); Student 6 (a (b)(6); (b)(7)(A); (b)(7)(C) student (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) Since October 7, that (b)(6); (b)(7)(A); student we'll call Student X⁷ became well-known for (b)(6); (b)(7)(A); (b)(7)(C) Student 6 immediately recognized him.

As the (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) The whole time, Student X stared menacingly at Student 6 and Student 6 felt he had been targeted simply for (b)(6); (b)(7)(A); (b)(7)(C)

Student 6 raised this incident directly with then-President Gay on (b)(6); during the following (b)(6); (b)(6); (b)(7)(A); Gay attended. President Gay failed to acknowledge the severity of the incident and insisted that she felt satisfied with the way the University handled complaints by Palestinian, Arab, and Muslim students. Student 6 also shared this incident with the Dean of Harvard (b)(6); (b)(7)(A); on (b)(6); (b)(7)(A); who asked where it occurred to determine whether the incident took place in an area within his control; after hearing that University then-President Gay knew of the incident yet took no action, the Dean of the (b)(6); (b)(7)(A); also took no further action as far as Student 6 is aware. Student 6 then filed an official complaint with Harvard against Student X, but the University took no action there either.

2. (b)(6); Student Threatened (b)(6); (b)(7)(A); Students Who Were Then Doxxed

The same Student X (b)(6); (b)(7)(A); (b)(7)(C) student (Student 8) on October 9, 2023. Student X demanded to know whether Muslim students signed on to an October 8 statement issued by the PSC. The students ignored the email. On (b)(6); (b)(7)(A); (b)(7)(C) students including Students 7 and 8 became

(b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) Even after they (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) Student 7 had an (b)(6); (b)(7)(A); (b)(7)(C) and Student 8's (b)(6); (b)(7)(A); (b)(7)(C)

⁵ <https://www.nytimes.com/2023/10/18/us/harvard-students-israel-hamas-doxxing.html>

⁶ Canary Mission maintains a well-known blacklist created in 2014. Canary Mission uses its platform to engage in defamatory attacks against college students and professors who advocate for Palestinian human rights, threaten students' right to obtain an education free from harassment, and damage students' employment prospects. See Committee on Academic Freedom, Middle East Students Association of North America, "Exposing Canary Mission: A Resource for College and University Leaders," https://mesana.org/pdf/Exposing_Canary_Mission.pdf; see also Canary Mission, <https://canarymission.org/> ("Canary Mission documents people and groups that promote hatred of the USA, Israel and Jews").

⁷ Upon request and under confidential terms, Counsel will provide the identity of Student X.

(b)(6); (b)(7)(A); (b)(7)(C) As a result, Student 8 will no longer be (b)(6); (b)(7)(A); (b)(7)(C)
These students did not receive any advocacy from (b)(6); Office of Career Services (“OCS”), although OCS
(b)(6); (b)(7)(A); (b)(7)(C)

Student 8 met with Deans to ask for support via a public statement condemning the doxxing trucks, support with communicating to (b)(6); and safety measures for Muslim students. (b)(6); created a safety fund for students, and Student 8 asked (b)(6); to provide the same service. It refused.

Student 8 shared a (b)(6); (b)(7)(A); class with Student X, who is (b)(6); (b)(7)(A); than Student 8. He tried to speak to her during a morning class on (b)(6); - (b)(6); (b)(7)(A); (b)(7)(C) Student 8 told that professor she did not want to (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) The professor asked Harvard’s Office of Community Engagement, Equity, and Belonging (“CEEB”) for guidance on responding to a student who feels unsafe in class. To Student 8’s knowledge, CEEB provided no guidance. Student 8 (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) Student 8 could not (b)(6); (b)(7)(A); (b)(7)(C)
(b)(6); (b)(7)(A); (b)(7)(C) and that she will suffer for that while those promoting the harassment do not.

Student 9, a (b)(6); (b)(7)(A); (b)(7)(C) student, also (b)(6); (b)(7)(A); and believes this was the result of actions by another student, likely Student X, because of the incorrect information originally associated with her name. Student 9 served as one of the (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) While not targeted (b)(6); (b)(7)(A); (b)(7)(C) after October 7, she became distressed watching her friends endure unhindered doxxing on campus. She (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); from the Israel-Gaza war and the harassing environment on campus. She received an accommodation from (b)(6); Dean of Students to allow her to (b)(6); (b)(7)(A); (b)(7)(C) When she attended protests on campus while (b)(6); (b)(7)(A); (b)(7)(C) she received dirty looks from both students and faculty. On or around (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) She received no support from Harvard after (b)(6);

3. (b)(6); Student Harassed and Intimidated Palestinian, Arab, and Muslim Students on Campus

The same Student X showed up to (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); Palestinian, Muslim, and Arab students reported this student making them feel unsafe and that they feel they are always being watched. Student X also (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) administration. (b)(6) students then (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) Harvard has yet to take action against Student X, despite numerous violations.

D. A Harvard Professor’s Wife Stalked and Harassed Multiple Students in Palestinian Keffiyehs

On October 10, a Palestinian Ph.D. student wearing a keffiyeh (Student 10) walked through campus as Eve Gerber, the wife of Harvard Professor Jason Furman, approached him. Gerber expressed being upset that Student 10 wore a keffiyeh and was visibly Arab. She began yelling at Student 10 and followed him while recording him. She repeatedly called Student 10 a “terrorist” and an “antisemite.” She then yelled that he

was a “supporter of Hamas” and asked if he supported the destruction of mosques, implying that Palestinians bear the blame for Israel killing Palestinian civilians and the destruction of Gaza. Student 10 tried to calmly explain to her that the keffiyeh represents solidarity with Palestinian people, that it is a traditional scarf, and that the scarf does not represent hatred towards any group. Despite his efforts to diffuse the situation, Gerber continued to follow Student 10 and berate him, filming him even as he tried to walk away from her. Another student intervened to stop Gerber from escalating the harassment. Gerber told the other student “Thank you for taking the time to talk because it is really frightening to see signs of sympathy with terrorist organizations around here and it’s a frightening world.”

On December 14, Student 10 reported this incident to Sherri Charleston, the Chief Diversity and Inclusion Officer in the Office of Diversity, Inclusion, and Belonging. Charleston offered to meet, and on January 16 they did. She expressed concern and encouraged Student 10 to cooperate with Harvard’s investigation process. She assured him he would be connected with someone to assist him further; that did not happen for several weeks. Student 10 (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) The University took no action against Gerber or offered any additional support to Student 10 after she harassed him. Due to the hostility he experiences on campus, Student 10 (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C)

Four days later, on October 14, Eve Gerber again accosted a female Palestinian student—also wearing a keffiyeh—as she walked on campus. Upon seeing the student, Gerber exited her car and started following the student. “Hi, camera,” Gerber said, when the student began recording the interaction for her own safety. “Thank you for walking through neighborhoods and making families feel unsafe with your terrorist scarf.”⁸ Gerber continued yelling, accusing the student of wanting to “kill Jews.” A friend with the Palestinian student intervened so the student could safely walk away from Gerber. This incident was widely reported.

E. Palestinian, Arab, and Muslim Students Were Filmed and Harassed During a Protest on Campus

On October 18, a group of Palestinian, Arab, and Muslim students, including an (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) (Student 11) held a silent die-in on the grounds of Harvard Business School (“HBS”) to express solidarity with the Palestinian people. While one student read the words of a doctor killed by Israeli attacks on a hospital in Gaza and other students laid on the ground in mournful silence, an (b)(6); (b)(7)(A); (b)(7)(C) student started aggressively charging through the protest, filming students and stepping close to and over their heads. As protest safety marshals attempted to peacefully de-escalate the situation and direct the harassing student away from the protestors, he became agitated. Student 11 and other participants reported feeling threatened and scared for their safety.

Soon after the incident, an edited video of the interaction between safety marshals and the student filming became uploaded, and right-wing blogs seized on it to smear the Muslim students involved. One immediately became publicly identified, and the harassment and abuse poured in: he received death threats, was called a “jihadist,” and was accosted on campus by other students. Harvard affiliates called for him to

⁸ Sally E. Edwards, Azusa M. Lippit, *Harvard Graduate Student Harassed in Anti-Palestinian Tirade by Econ Professor Jason Furman’s Wife*, THE HARVARD CRIMSON (Dec. 14, 2023), <https://www.thecrimson.com/article/2023/12/14/furman-wife-backlash/>.

be expelled.⁹ Instead of condemning the Islamophobic vitriol he suffered, then-President Gay called in the FBI to investigate the Muslim students alongside HUPD.¹⁰ This incident also drew wide coverage, and Palestinian, Arab, and Muslim students filed complaints with the University and HUPD regarding the heightened threats they faced after the die-in. Harvard failed to act on their complaints.¹¹

F. *HLS Arbitrarily Changed Rules for Pro-Palestinian Activism on Campus*

Student 11 (b)(6); (b)(7)(A); (b)(7)(C) They convened in (b)(6); (b)(7)(A); (b)(7)(C) In (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C) On a day when Student 11 was with the group in (b)(6); (b)(7)(A); (b)(7)(C) Deans visited the group and told them their activities were not permitted. The Deans would not provide an explanation for why their activities were suddenly banned, with (b)(6); (b)(7)(A); (b)(7)(C) stating that she would not answer any questions from the group of students. Without an official reason to cease their activities, the group continued to (b)(6); (b)(7)(A); (b)(7)(C) (b)(6); (b)(7)(A); (b)(7)(C)

On November 15, 2023, HLS Deans sent the HLS community an email with new time, place, and manner restrictions on student events. Five minutes later, Student 11 received an email from the Deans to schedule an individual, time-sensitive meeting. Thirty minutes after she received the personal email, the Deans came down to again admonish the group for (b)(6); (b)(7)(A); (b)(7)(C) Student 11, along with a friend, met with two Deans who declared the group's (b)(6); (b)(7)(A); (b)(7)(C) planned for the following day could not go forward. The Deans did not cite any provision of Harvard's Handbook prohibiting their (b)(6); (b)(7)(A); (b)(7)(C) but threatened to report the students to (b)(6); (b)(7)(A); (b)(7)(C) Administrative Board. Student 11 asked why events by queer and black student groups in the same space proceeded earlier in the year, but received no response. The group modified its (b)(6); (b)(7)(A); (b)(7)(C) No action occurred regarding (b)(6); (b)(7)(A); (b)(7)(C)

In (b)(6); (b)(7)(A); (b)(7)(C) The Deans told the students that while they had not enforced rules prohibiting or regulating other student groups' actions in (b)(6); (b)(7)(A); (b)(7)(C) previously, they would now enforce these rules against this group in particular because "others" complained. (b)(6); (b)(7)(A); (b)(7)(C) On (b)(6); (b)(7)(A); (b)(7)(C) Student 11 received a letter from the (b)(6); (b)(7)(A); (b)(7)(C) Administrative Board notifying her that her group's activities were reported, but the Chair of the (b)(6); (b)(7)(A); (b)(7)(C) Administrative Board would not refer the matter to the full Board *at that*

⁹ Ellen Ginsberg Simon, An Open Letter to Dean John Manning of Harvard Law School from Concerned Alumni, Life Derailed, (Nov. 3, 2023), <https://ellenginsbergsimon.substack.com/p/an-open-letter-to-dean-john-manning>; Bill Ackman (@BillAckman), Post, X, <https://twitter.com/BillAckman/status/1720987581549080965> (Nov. 4, 2023) (arguing "the students involved in harassing and allegedly physically assaulting the HBS student on October 18th should be immediately suspended").

¹⁰ Claudine Gay, Combating Antisemitism, Harvard University, (Nov. 9, 2023) <https://www.harvard.edu/president/news/2023/combating-antisemitism/> ("I have heard from many community members about the incident on the Harvard Business School campus on October 18. That incident is being investigated by the FBI and the Harvard University Police Department").

¹¹ See NBC Boston, Minor Clash at Pro-Gaza Harvard Die-In, (Oct. 18, 2023), <https://www.nbcboston.com/news/local/video-minor-clash-at-pro-gaza-harvard-die-in/3163853/>.

time. The (b)(6); (b)(7)(A); (b)(7)(C) Administrative Board admonished her that further activities in the (b)(6); (b)(7)(A); (b)(7)(C) could result in the Administrative Board reopening its inquiry.

On (b)(6); (b)(7)(A); (b)(7)(C) at around 12:15 p.m., students (b)(6); (b)(7)(A); (b)(7)(C) including Student 11, took pictures outside the (b)(6); (b)(7)(A); (b)(7)(C). At 12:30 p.m., the students went to (b)(6); (b)(7)(A); (b)(7)(C) to decompress and informally discuss the event. (b)(6); (b)(7)(A); (b)(7)(C) came to (b)(6); (b)(7)(A); (b)(7)(C) and told the students their informal gathering in (b)(6); (b)(7)(A); (b)(7)(C) was improper, stating “I would hate to see you in front of the Administrative Board.” The students told her they were using (b)(6); (b)(7)(A); (b)(7)(C). (b)(6); (b)(7)(A); (b)(7)(C) responded that because the group (b)(6); (b)(7)(A); (b)(7)(C) it became an event. The group remained in (b)(6); (b)(7)(A); (b)(7)(C) but dispersed into smaller groups. (b)(6); (b)(7)(A); (b)(7)(C) took no further action.

G. *Harvard Chabad President Referred to Palestinian, Arab, and Muslim Students Supporting Palestinian Rights as “Animals” and “Supporting Terrorism”*

On November 4, 2023, Harvard Chabad President Rabbi Hirschy Zarchi gave a speech to community members in Harvard Yard. In that speech he made a distinction between humans and “four-legged animals.” He continued, referencing students who support Palestinian rights: “When you reduce or hijack your mind to fulfill your impulses, to connive, and to be philosophical, to justify murder and torture — you’re not just an animal. You’re below an animal. You’re a monster.” Palestinian, Arab, and Muslim students and their allies, including Student 4, reported Zarchi’s remarks to University administrators.¹² University officials took no action in response to his remarks. Harvard College spokesperson Jonathan Palumbo responded only that University chaplains are not Harvard employees.¹³

Zarchi’s racist statements against these students continued. On November 8, 2023, he sent an email to Harvard Chabad affiliates claiming that Palestinian, Arab, and Muslim members of PSC “support[] terrorism” and are “hateful bullies.”¹⁴ He wrote further in his email: “I think it’s time for the Harvard Jewish community, and good people everywhere, to demand that, at the minimum, Harvard revoke the organizational recognition of Harvard PSC.”¹⁵ In this same email, Zarchi identified (b)(6); (b)(7)(A); (b)(7)(C) and (b)(6); (b)(7)(A); (b)(7)(C).¹⁶ He suggested that (b)(6); (b)(7)(A); (b)(7)(C) should be removed immediately from (b)(6); (b)(7)(A); (b)(7)(C) because he participated in (b)(6); (b)(7)(A); (b)(7)(C) serious allegation heavily disputed by students present at the protest. As a result of Zarchi’s targeting, (b)(6); (b)(7)(A); (b)(7)(C) became (b)(6); (b)(7)(A); (b)(7)(C).¹⁷

¹² J. Sellers Hill, Joyce E. Kim, *Harvard Chabad President Rabbi Zarchi Calls on University to De-Recognize Palestine Solidarity Committee*, THE HARVARD CRIMSON, (Nov. 9, 2023), <https://www.thecrimson.com/article/2023/11/9/rabbi-zarchi-psc-statement/>; Harvard for Palestine, (@HarvardPSC), Post, X (November 7, 2023), <https://twitter.com/HarvardPSC/status/1722102271792603452>.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* (emphasis added).

¹⁶ J. Sellers Hill and Joyce E. Kim, *Harvard Proctor Indefinitely Relieved of Duties Following Confrontation at Pro-Palestine Protest*, THE HARVARD CRIMSON, (Nov. 11, 2023), <https://www.thecrimson.com/article/2023/11/11/thayer-proctor-relief-of-duties/>.

¹⁷ *Id.*

H. A Professor's (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C) at Harvard University, (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

This (b)(6); (b)(7)(A) deeply offended Palestinian and Muslim students. It (b)(6); (b)(7)(A); (b)(7)(C)

(b)(6); (b)(7)(A); (b)(7)(C)

I. Harvard Student Groups Hosted Bill Ackman, a Billionaire Donor Who Threatened to Doxx Palestinian, Muslim, and Arab Students

On November 1, 2023, Harvard Chabad hosted Bill Ackman, a billionaire donor who has used his wealth and platform to bully people at Harvard with whom he disagrees.¹⁸ Ackman, a Harvard alumnus, publicly called for the creation of a blacklist of Palestinian, Arab, and Muslim students and accused them of “supporting the actions of terrorists.” He encouraged Harvard to release the names of these and other students who signed the October 7 PSC statement so that companies would not hire them.¹⁹ After Ackman’s statements on X, formerly known as Twitter, a website called the Terrorism Watch List arose with the names and personal identifying information of Harvard students who were members of the student organizations that signed the PSC statement; this list went to numerous employers.

¹⁸ Harvard Chabad, A Conversation with Bill Ackman ‘88, MBA ‘92, November 1, 2023, Jewish Leaders Forum, (Nov. 1, 2023), <https://chabadharvard.org/programs/jlf/> (stating that the Jewish Leaders Forum hosts intimate lunch and dinner discussions, fireside chats, and a variety of mentoring opportunities for Harvard students to meet with and learn from exceptional Leaders from around the world. The leaders mentor and model leadership to our students, future leaders themselves, so they can help shape a better world.”); see also, Maureen Farrell, Rob Copeland, *Bill Ackman’s Campaign Against Harvard Followed Years of Resentment*, THE NEW YORK TIMES, (Dec. 12, 2023), <https://www.nytimes.com/2023/12/12/business/bill-ackman-harvard-antisemitism.html> (“The billionaire investor has mounted a high-profile battle against Harvard president Claudine Gay over antisemitism and threats to Jewish students on campus”).

¹⁹ Martha McHardy, Josh Marcus, *Bill Ackman Calls for Harvard Grads to be Blacklisted over Letter Holding Israel ‘Responsible’ for Attacks*, THE INDEPENDENT, (Oct. 12, 2023), <https://www.independent.co.uk/news/world/americas/israel-gaza-harvard-bill-ackman-ceo-b2427784.html>



On December 6, 2023, Harvard Chabad again hosted Ackman at an event where Harvard faculty—including top University administrators Harvard College Dean Rakesh Khurana and University Marshal Katherine O’Dair, who also serves as chief of staff to President Gay—were present.²⁰

Ackman’s bullying and harassment of these students was widely reported and publicly known prior to these events.²¹ Palestinian students reported these events to the anti-doxxing task force and made the University aware of their safety concerns as a result of Ackman’s presence on campus. The anti-doxxing task force took no action in response to student complaints.

J. Harvard Student Chat Groups Included Racist, anti-Palestinian, and Islamophobic Messages

On Sidechat, an internal chat solely for Harvard students, an anonymous student posted that “Radical Islam is evil,” which received 40 upvotes. The most popular response claimed that “100% Islam is an existential threat to women. It is utterly terrifying as a woman watching Islam spread and gain sympathy among liberals.” A follow-up comment from the same individual stated that Islamophobia “is a good thing. Yes, condemning oppressive ideologies is good. I don’t care if it’s a religion or political group or what.”

Harvard officials knew of this post and others like it, yet did nothing in response. Therefore, they allowed the messages to fester unchecked, and they continue to this day. Many students, including Students 2, 5 and 12, among others, have personally seen posts containing discriminatory and hateful language against Palestinians.

II. Harvard Created a Doxxing “Taskforce” Ill-Equipped to Address Students’ Concerns

On October 24, Harvard announced the creation of a temporary anti-doxxing “taskforce” to purportedly assist students facing doxxing and online harassment. But, as students learned, it was too little and too late. The University took more than two weeks to pull together this taskforce; during that time the worst of the harassment and intimidation against Palestinian, Arab, and Muslim students continued unabated. The University left students to fend for themselves in the interim, as even Dean of Students Thomas Dunne acknowledged.²² The students created their own guide for assisting those who faced doxxing and online harassment without assistance, while the University slow-walked the creation of its “taskforce.”

This doxxing taskforce was temporary and included serious flaws, but the doxxing remains ongoing with long-lasting repercussions not yet mitigated. The taskforce concluded its efforts at the end of November 2023, having taken no action and provided no assistance. Since then, students must individually reach out to their resident deans for resources, which takes additional time away from their educational experience. And unlike the Antisemitism Advisory Group announced in an email to all Harvard University affiliates

²⁰ J. Sellers Hill, John N. Pena, *Harvard Chabad Hosts Screening of Graphic Footage from Hamas’ Oct. 7 Attack on Israel*, THE HARVARD CRIMSON, (Dec. 6, 2023), <https://www.thecrimson.com/article/2023/12/6/chabad-screening-oct-7-hamas-attacks/>.

²¹ Cheryl Teh, *Bill Ackman Says It’s Not Harassment to Ask for the Pro-Hamas Harvard Students to be Named – it’s a CEO’s Due Diligence*, BUSINESS INSIDER, (Oct. 12, 2023), <https://www.businessinsider.com/bill-ackman-not-harassment-pro-hamas-harvard-students-2023-10>.

²² J. Sellers Hill, Nia L. Orakwue, *Harvard College Extends Task Force for Doxxed Students to End of November*, THE HARVARD CRIMSON, (Nov. 13, 2023), <https://www.thecrimson.com/article/2023/11/13/doxxing-task-force-extended/>.

and alumni, Harvard only communicated the existence of the anti-doxxing taskforce privately via email to known affected students.

III. This Harassing Conduct Severely Disrupts and Harms Students' Educational Opportunities at Harvard

This discrimination and harassment negatively impacts these students' learning experience and denies them equal access to education in violation of Title VI. Students avoid participating in classroom discussions out of fear other students will give their names to the press. Students fear coming to class, and refuse to walk alone or refuse to attend class at all. Students fear participating in large lectures because they might be identified, and students hesitate to go to events on campus about Palestine because they know they will be filmed or someone will take down their names, and they will suffer public and personal harm for attending.

IV. Harvard University Knew of The Hostile Environment Against Palestinian, Arab, And Muslim Students on Campus

Harvard students took it upon themselves to compile the incidents of harassment and discrimination they face. When they sent a compiled list of over 70 incidents to Harvard administrators, Harvard simply told the students they must go through official channels; these official administrators did not offer any support to the students for the harassment they face. Many students asked professors and teaching assistants to address concerns of the unsafe environment in the classroom when other students harass Arab, Muslim and Palestinian classmates, but these professors responded only that "they do not know how to deal with [these events] in the absence of institutional support for students and faculty of color."

When many students raised incidents of harassment and threats of violence to President Gay during her visit to a Friday prayer service, Gay did not acknowledge the incidents and instead simply kept reiterating that she felt satisfied with the University's response. Gay also compared the phrase "from the river to the sea," a phrase long associated with advocacy for a Palestinian state unoccupied by Israel, to a confederate flag--a flag associated with slavery, treason, and white supremacist violence. Not surprisingly, this offended the students. When they reported the doxxing truck to the doxxing taskforce, an administrator told them that "these were simply outside groups and that there was nothing they could do about it." Students who met with Deans of their respective colleges consistently find these meetings to be a "dead end," noting that the administrators will meet with students but refuse to take any action to stop the harassment or condemn it to the students who are the perpetrators.

Students who reached out to HUPD for assistance, including Student 4, met with ridicule from those who were supposed to help. At protests, students reported bystanders coming up to them and yelling at them, yet the University police present who witnessed the occurrences failed to intervene.

V. Conclusion

Harvard's Palestinian, Arab, and Muslim students deserve better. They cannot be touted as diverse faces featured on glossy recruitment brochures, who upon arrival to campus endure pervasive discrimination and harassment as Harvard turns a blind eye to appease the political views of donors. The differential treatment of Palestinian, Arab, and Muslim students at Harvard University is both morally reprehensible and legally indefensible. Harvard's continued failure to provide institutional support denies these students their right to an education free from harassment and discrimination on campus. We ask the Office for Civil Rights to promptly investigate these extremely troubling allegations of discrimination and hostile environment at Harvard, on behalf of its Palestinian, Arab, and Muslim students and their allies across multiple colleges within the University.

Respectfully submitted,

(b)(6); (b)(7)(A); (b)(7)(C)

Christina Jump
Civil Litigation Department Head

(b)(6); (b)(7)(A); (b)(7)(C)

Chelsea G. Glover
Civil Litigation Senior Staff Attorney

(b)(6); (b)(7)(A); (b)(7)(C)

Constitutional Law Center
for Muslims in America
Legal Division of
Muslim Legal Fund of America



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION I

CONNECTICUT
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NEW HAMPSHIRE
RHODE ISLAND
VERMONT

February 6, 2024

Interim President Alan Garber
By email: president@harvard.edu

Re: Complaint No. 01-24-2155
Harvard University

Dear Interim President Garber:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint filed against Harvard University (University). The complaint alleges that the University discriminated against students on the basis of their national origin (shared Muslim ancestry, and/or Palestinian, Arab) by failing to respond appropriately to incidents of harassment beginning on October 7, 2023.

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. Section 2000d *et seq.*, and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance from the U.S. Department of Education. Because the University receives federal financial assistance from the U.S. Department of Education, OCR has jurisdiction over it pursuant to Title VI.

OCR will investigate whether the University failed to respond to alleged harassment of students based on national origin (shared Muslim ancestry, and/or Palestinian, Arab) in a manner consistent with the requirements of Title VI.

Please note that opening the complaint for investigation in no way implies that OCR has made a determination on the merits of the complaint. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainant, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and fully responds to the allegation in accordance with the provisions of OCR's Case Processing Manual. Please also note that complainants may have the right to file a private suit in federal court whether or not OCR finds a violation.

When appropriate, a complaint may be resolved before the conclusion of an investigation after the recipient expresses an interest to OCR to resolve the complaint. In such cases, OCR obtains a resolution agreement signed by the recipient. This agreement must be aligned with the complaint allegations or the information obtained during the investigation, and it must be consistent with applicable regulations.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Attached is a request for data necessary to investigate this complaint. OCR requests that the University submit this information within 15 calendar days of the date of this letter. We prefer that you submit information electronically, if feasible. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us as provided below prior to the expiration of the 15-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

Please be advised that the University must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact the civil rights attorney assigned to this matter: Benita Brahmhatt (by email at benita.brahmhhatt@ed.gov or phone at 617-289-0055).

Sincerely,

(b)(6); (b)(7)(A); (b)(7)(C)

Kristi R. Harris
Chief Attorney
OCR Boston Office

Data Request
OCR Complaint No. 01-24-2155
Harvard University

Please submit the following information to the attorney assigned to this case, Benita Brahmhatt (benita.brahmbhatt@ed.gov), within 15 calendar days of the date of this letter. We prefer that you submit information electronically, if feasible. If you are sending a large electronic file, please contact OCR for directions on how to upload the file to OCR's secure file-sharing platform. Additionally, if any of the information is available online, you may provide the URL in lieu of hard copy documents. Please note that OCR is not requesting, and the University should not provide, any social security numbers in response to this data request. You can send the information via email to the addresses noted above, or to the mailing address on the enclosed letter, or fax it to (617) 289-0150. If any item in our request is unclear, or if you experience any difficulty complying with this request, please contact us prior to the expiration of the 15-day period. Please be aware that OCR may need to make additional requests for information in the future. If OCR needs to conduct an on-site investigation, we will notify you in advance.

Preservation of requested and relevant data and documents: OCR may request supplemental data and documents that are relevant to the allegation(s) under investigation. To ensure that OCR can assess the University's compliance with the statutory and regulatory obligations at issue in this investigation, please ensure that University employees preserve the data and documents requested below for any time-frame specified in these requests and going forward until OCR closes this case. The regulation implementing Title VI, at 34 C.F.R. § 100.6(b) and (c), requires that a recipient of federal financial assistance make available to OCR information that may be pertinent to reach a compliance determination. Please ensure that University employees preserve other data and documents that are relevant to the allegation(s) under investigation until OCR closes this case.

Please provide the following:

1. The name, title, and contact information of the University's:
 - a. Contact person for this complaint;
 - b. Person authorized to resolve this complaint; and
 - c. Person responsible for responding to Title VI complaints.
2. The University is invited, but not required, to provide a narrative response to the issue opened for investigation.
3. A copy of the University's policies and procedures, and/or a description of the University's practices, governing the investigation of complaints of discrimination, including harassment on the basis of national origin, including shared ancestry. Include a detailed description of the complaint process, including each level of the process, articulated timeframes for resolution, and the types of records maintained. Also identify the names and titles of University staff responsible for handling complaints of discrimination, including harassment on the basis of shared or perceived shared ancestry, at each level of the process.

4. For the 2022-23 and 2023-24 academic years, copies of all formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged discrimination, including harassment based on national origin, including shared ancestry, and the University's response to those complaints, including (but not limited to) correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes and notes generated for each complaint. For each complaint/report, provide:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report;
 - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
 - c. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
 - d. all actions the University took in response to the complaint/report;
 - e. the University's final determination regarding the complaint/report;
 - f. any corrective action taken;
 - g. the length of the process; and
 - h. any notice of the findings provided to the complainant.
5. Indicate whether the University conducts trainings and/or holds informational sessions with the student community and/or University staff regarding students' rights under Title VI, how to report possible violations of Title VI, and/or the University's obligation to respond to Title VI complaints. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.
6. Documentation of any efforts by the University during the 2023-2024 academic year to prevent or address race, color or national origin discrimination, including shared ancestry, at the University, including but not limited to a narrative description of the creation of the University's Anti-Doxxing Task Force, its work, and the University's decision to discontinue it.
7. The names and titles of all persons who assisted in the preparation of these data responses.
8. Any other information that the University believes will be helpful to OCR or relevant in this investigation.