Investigative Update
The Antisemitism Advisory Group and Harvard's Response: Clarity and Inaction

EXECUTIVE SUMMARY

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.

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 seniormost 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).

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).

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.*

FINDING: The AAG found antisemitic harassment to be a significant problem at Harvard.

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
> [redacted], 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)

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(25). (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,(26) the AAG learned that no discipline had been imposed and the situation was "escalating"(27). 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"(28).

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:

> [redacted], 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?
> [redacted], 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"(30).

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 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.

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 blieve 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
>
> 
>
>
> (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.

FINDING: The AAG found pervasive ostracization of Israeli students at Harvard.

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
>
> - [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).

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:

[redacted], 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 [redacted] 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**

- [redacted], 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.

FINDING: The AAG found pervasive ostracization of Israeli students at Harvard.

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):

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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).

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.*

Many of the measures were accompanied by explanations:

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. (55)

-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)

55. *Id.* at 1.
56. *Id.* at 2.

In her March 18 transcribed interview with the Committee, Horn explained that the November 5 letter was prompted by a lack of "concrete actions" by the administration:

> **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)

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.

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.

FINDING: The AAG had limited engagement with the deans of Harvard's various schools.

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.

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).

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).

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?

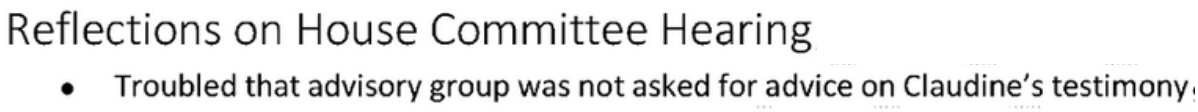
A. Correct. And to be clear, yeah, my concern was not – was about his public statements about anti-Semitism on campus(88).

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):



(93)

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.

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:

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):

- [redacted], 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; [redacted] 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 contnuous 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:

- [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**
- [redacted], **remarkable how unsubtle it is,** not a lot of nuance, zero nuance in Hamas's goal
- [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

(104)

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

(105)

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).

> - [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)

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.*

- [redacted], 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 [redacted] 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).

- [redacted], 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
- [redacted], 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, [redacted] 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)

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/; 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/.

Harvard's Doxxing Task Force Rollout Sent the Wrong Message

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 yesterda**y, 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.

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.*

The need to examine terror financiers' potential influence at Harvard

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:

> [redacted], 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.

- [redacted], 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.

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.

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).

CONCLUSION

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).

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/1pM17l1yKeO3zob6IY_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.

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	Ensure safety of all people in the university community, including a) Physical safety; b) Freedom from verbal harassment, notably for students who should be able to have candid, and sometimes raw, discussions or brainstorm ideas in classrooms[i]; c) Advance knowledge of norms and equal and fair enforcement of rules across the entire university; d) Cultivate norms of respectful conduct by members of the community, including in both physical and digital spaces.	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&A; b) There should be zero tolerance of disruption of classes and learning environments; 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); 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; e) Collect concerns about selective or unequal enforcement, and rectify; f) Clarify standards for all members of the community with regard to harassment and bullying including by providing examples; g) Fund physical protection of Harvard Hillel and Harvard Chabad; h) The agreement that student organizations sign with the College or relevant graduate school Dean of Students should include: ▪ Non-discrimination: Organizations are prohibited from engaging in discriminatory practices based on religion, ethnicity or national origin during the admission process;

#	Goals	Steps to achieve goals
		▪ 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; ▪ Organizations are strictly prohibited from issuing calls for bullying, harassment, or physical violence; ▪ 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;
2	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[iii]; 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.	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; b) Review academic rigor of classes, panels, forums and other academic programs reported to have antisemitic content; 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; 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; e) Grow greater student engagement with and trust in the Office of Equity, Diversity, Inclusion, and Belonging (OEDIB) or f) Devise alternative avenues for complaints and supports.

#	Goals	Steps to achieve goals
		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. Consider: ▪ 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; ▪ Better communication about responses to reported incidents of antisemitism; ▪ Reform structural approaches to inclusion and diversity that may have inadvertently encouraged antisemitism, and replacing them with materially different approaches; ▪ 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; 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?

#	Goals	Steps to achieve goals
3	Identify and counter speech that dehumanizes, threatens, or potentially incites violence against members of groups[iii]; this could include a review of course offerings and student activities[iv]. 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.	a) Gather and analyze data on antisemitism on campus as reported; b) Turn the results of such study into updates for required training about bullying or harassment; c) Support students, faculty, and staff who report incidents of antisemitism with physical protection, advice, academic support.
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[v];	a) Revise speech and conduct codes and examples to clarify protected speech and debate; 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; ▪ 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 Program on Negotiation); see also **Intellectual Vitality Initiative** 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; ▪ 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; ▪ 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,

#	Goals	Steps to achieve goals
		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; ▪ Hold workshops on skill-building and also on the values of free speech to knowledge-building, democracy, and innovation[vi]; ▪ 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; ▪ 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).
5	Promote understanding of Jewish history, culture, the Holocaust, history of Israel, and the roots and evolution of antisemitism/hatred of Jews[vii];	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;

#	Goals	Steps to achieve goals
		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. 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. 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.
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;	a. This would need to be addressed within schools, consistent with academic freedom; b. This has implications for faculty hiring and promotion; c. There can be addition of course options to counter courses that have a limited perspective or point of view related to Jews/Israel; 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; 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; 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.

#	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;	a. 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; b. 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[viii]; c. Increase security against outside parties that sow discord or create disturbances on campus.
8	Devise means to ensure accountability and continuous work to advance these goals.	a. Develop scorecard for the university and within individual schools to track efforts and results with regard to each of the goals; b. Charge each school and department with assessing, for example, whether "dark funds" are received and used; c. 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; d. Engage directly with alumni and consult with others beyond the campus to gain insights and input and to explain ongoing efforts.

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.

[i] Harvard Graduate School of Education/Harvard Initiative for Leaning 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.

[ii] 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.")

[iii] 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.

[iv] 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?).

[v] Pen America, ProActive Tips for Promoting Free Speech and Inclusion, https://campusfreespeechguide.pen.org/resource/proactive-tips-for-promoting-free-speech-and-inclusion/.

[vi] See, e.g., University of Oregon, The Balancing Act: Protecting Free Speech While Promoting Inclusion, https://around.uoregon.edu/freedom-of-expression

[vii] 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.

[viii] 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." [redacted]

APPENDIX 2

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.

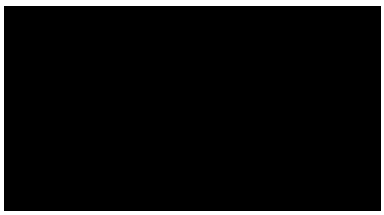
Long term:

-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