



VIA ELECTRONIC MAIL

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Re: Notice of Violation: Harvard University (OCR Trans. No. DO-25-607541-RV-CRR-Rac)

Dear Counsel:

Pursuant to the authority delegated by the Secretary of Health and Human Services (HHS) to the Office for Civil Rights (OCR), this is to inform you that OCR is issuing a Notice of Violation under Title VI of the Civil Rights Act of 1964 (Title VI) against the President and Fellows of Harvard College (Harvard or Harvard University) based upon the discrimination documented below in the Findings of Fact, and Harvard's deliberate indifference towards that discrimination directed towards Jewish and Israeli students, as set forth in Section IV below.

I. Legal Standard

Title VI provides that 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 otherwise subjected to discrimination under, any program or activity that receives Federal financial assistance (FFA).¹ A recipient of FFA may not, based on race, color, or national origin, deny services or other benefits; provide a different service or other benefit, or provide services or benefits in a different manner from those provided to others under the program; or segregate or separately treat individuals in any matter related to the receipt of any service or other benefit under any covered program.²

A school may be held liable for its deliberate indifference to student-on-student harassment under Title VI if its response is “clearly unreasonable in light of the known circumstances.” *Davis ex rel. LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 648 (1999). Proving deliberate indifference “requires more than a showing that the institution’s response to harassment was less than ideal.” *Fitzgerald v. Barnstable Sch. Comm.*, 504 F.3d 165, 171 (1st Cir. 2007), *rev’d on other grounds*, 555 U.S. 246 (2009). Deliberate indifference means “affirmatively choosing to do the wrong thing, or doing nothing, despite knowing what the law requires.” *StandWithUs Ctr. for Legal Just. v. MIT*, 742 F. Supp. 3d 133, 142 (D. Mass. 2024). It must be pled that the school “either did nothing or failed to take additional reasonable measures after it learned that its initial remedies were ineffective.” *Porto v. Town of Tewksbury*, 488 F.3d 67, 74 (1st Cir. 2007). A deliberate indifference claim requires meeting five elements: (1) plaintiffs were “subject to ‘severe, pervasive, and objectively offensive’ ... harassment”; (2) the harassment “caused the plaintiff to be deprived of educational opportunities or benefits”; (3) the school “knew of the harassment”; (4) the harassment occurred “in its programs and activities”; and (5) the school “was deliberately indifferent to the harassment such that its response (or lack thereof) is clearly unreasonable in light of the known circumstances.” *Id.* at 72-73 (quoting *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 650 (1999)).

Courts have regularly found that antisemitic harassment against Jewish and Israeli students can amount to discrimination “on the basis of race or national origin,” particularly when such harassment is based on actual or perceived Israeli identity or on actual or perceived ancestry. *See Kestenbaum v. President & Fellows of Harvard Coll.*, 743 F. Supp. 3d 297, 308 (D. Mass. 2024); *Louis D. Brandeis Ctr. for Hum. Rts. Under L. v. President & Fellows of Harvard Coll.*, No. CV 24-11354-RGS, 2024 WL 4681802, at *4 (D. Mass. Nov. 5, 2024); *StandWithUs*, 742 F. Supp. 3d at 142.

¹ 42 U.S.C. § 2000d, and its implementing regulations at 45 C.F.R. Part 80.

² 45 C.F.R. 80.3(b).

II. Funding Jurisdiction

Recipients of FFA must comply with the nondiscrimination requirements of Title VI.³ Harvard University is a recipient of FFA from HHS. As of March 6, 2025, from fiscal years 2023 to fiscal year 2025, Harvard and its subrecipients have received over \$794 million in FFA from HHS.

III. Findings of Fact

The Findings of Fact in this letter are based upon OCR’s review of Harvard University’s policies, procedures, institutional statements, and complaints received by or against the University; publicly available accounts such as credible news reports and Congressional investigative findings; and Harvard University’s internal 2025 report issued by the “Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias” (2025 Task Force Report). It also takes into account Harvard’s response to OCR’s multiple data requests. This section sets forth the background, allegations, and facts relevant to OCR’s investigation.

A. Factual Background

1. Harvard University is an institute of higher learning in Cambridge, Massachusetts, comprised of thirteen schools. Approximately 24,596 students attended the university in academic year 2024.⁴
2. The antisemitism on Harvard’s campus from October 7, 2023, through the present is recounted in the sources outlined above, and taken together, they present a grim reality of on-campus discrimination that is pervasive, persistent, and effectively unpunished.
3. In approximately 50 listening sessions held with over 500 students, the team that drafted the 2025 Task Force Report recounted: “The hostility about which we heard has had significant consequences that are degrading to the University. Some Jewish students told us they turned down offers of admission at Harvard Schools. Some Jewish students completing PhDs said they decided to leave for private industry because of the perception and experience of academia being unfriendly to Jews. Some non-Jewish faculty told us that Jewish candidates turned down post-doctoral fellowships at Harvard. We also heard from Jewish medical school students that they shied away from residencies at Harvard’s hospitals because of the deep politicization of the climate. We have heard from many dozens of non-Jewish students, faculty, and staff who were profoundly troubled at what they described as an intolerance that has crept into higher education and that is also on display at Harvard.”⁵
4. According to the 2025 Task Force Report, almost 60 percent of the Jewish students surveyed reported experiencing “discrimination, stereotyping, or negative bias on campus due to [their]

³ 42 U.S.C. § 2000d-1, 45 C.F.R. § 80.2 and 34 C.F.R. § 100.2.

⁴ [About - Harvard University](#).

⁵ [Harvard Antisemitism Task Force Report](#) at 9.

views on current events,” and “[i]n virtually every category, Jewish students reported more negative experiences than their Christian or atheist/agnostic peers”⁶ An alarming 26 percent of Jewish students surveyed reported feeling physically unsafe and 44 percent reported feeling mentally unsafe.⁷ And 67 percent of Jewish students “expressed discomfort sharing their opinions *in general*, with that number rising to 73% when it came to expressing political opinions.”⁸ These surveys paint a stark picture of life for Jewish students at Harvard.

5. OCR finds that specific and repeated examples uncovered during our investigation establish a pattern of unlawful and unchecked discrimination at Harvard through:
- direct student-on-student harassment;
 - targeted harassment by student groups;
 - exclusion from campus spaces; and
 - institutional-level acceptance of antisemitism.

These findings are highlighted here in Section III and discussed at length in Section IV in OCR’s application of Title VI to the Findings of Fact.

6. **Direct student-on-student harassment.** *“Heil Hitler.” “Holocaust narrative is not ‘tasteful’ and ‘inherently one-sided.’”* Reports of Jewish and Israeli students being spit on in the face for wearing a yarmulke, stalked on campus, and jeered by peers with calls of “Heil Hitler” while waiting for campus transportation went unheeded by Harvard administration and resulted in Jewish and Israeli students constantly fearing for their physical safety.⁹

The grandchild of a Holocaust survivor was told by student organizers not to share their grandfather’s story of helping tens of thousands of Jews find refuge in Israel because their grandfather’s “rescue missions involve Israel,” and that their “family’s Holocaust narrative” was “inherently one-sided” and “not tasteful.”¹⁰

On October 19, 2023, a Jewish Israeli student was blocked by a group of students from accessing shared campus space, accosted with chants of “shame,” and physically assaulted for attempting to film a pro-Palestinian rally.¹¹ The incident was caught on video, but local prosecutors were stymied by a lack of cooperation from Harvard University police, who refused to help identify most of the participants on the video.¹² It was not until April 2025,

⁶ *Id.* at 26-27.

⁷ *Id.* at 26.

⁸ *Id.* at 27 (emphasis added).

⁹ *Id.* at 249.

¹⁰ *Id.* at 5.

¹¹ <https://www.thecrimson.com/article/2023/10/19/harvard-die-in-palestine/>; <https://www.thefp.com/p/attacking-jews-at-harvard-doesnt>.

¹² <https://www.thefp.com/p/attacking-jews-at-harvard-doesnt> (“Suffolk County assistant district attorney Ursula Knight told the court last fall that there were ‘additional individuals who had been identified to the Harvard police department. They, of course, were expected to investigate those individuals, but they have essentially refused to do

18 months after the video went public, that two students were charged with assault.¹³ Ignoring their criminal investigations, Harvard appointed one of the students as a class marshal for its 2025 graduation ceremony and awarded the other a \$65,000 Harvard Law School fellowship.¹⁴

Across campus, Orthodox Jewish students “started wearing baseball caps” to hide their kippahs.¹⁵ “Shunning” Jewish and Israeli students ran rampant, intended to drive them out of student life altogether, and involved “alarming stories of people walking away from them mid-conversation as soon as it came up that they were from, for instance, Tel Aviv.”¹⁶

Jewish students “didn’t even feel safe attending Harvard’s graduation ceremony on May 23, 2024,” because of the “[h]undreds of angry shouting anti-Israel and anti-America protestors [who] encircled the entire Harvard undergraduate campus before and during the morning commencement ceremony.”¹⁷

Calls to “gas all the Jews” and “let em cook” received upvotes on Sidechat, a social-media platform limited to students with Harvard email addresses.¹⁸

7. **Targeted harassment by student groups.** “*The only good Zionist is a dead Zionist.*” Harvard student groups and faculty groups posted to Instagram an antisemitic cartoon that included the Star of David, dollar signs, and nooses. The image depicted “a white hand, marked with a dollar sign inside a Star of David, tightening nooses around the necks of a Black man [Muhammad Ali] and an Arab man [Gamal Abdel Nasser].”¹⁹ This incendiary image was subsequently reposted on Instagram by Harvard Faculty and Staff for Justice in Palestine. The apology for these postings came with a photo of a figure known for saying, “The only good Zionist is a dead Zionist.”²⁰ A “series of anonymous acts” occurred on campus, including posters of Israeli citizens taken hostage by Hamas being vandalized with messages such as “Israel did 9/11.”²¹ There were also “instances of vandalism on campus and the posting of swastika stickers near Harvard Hillel’s Rosovsky Hall.”²²

In addition to posting antisemitic imagery, since October 2023, student groups repeatedly chanted during the protests, “Globalize the intifada,” a phrase “widely understood to be

that work, which is, as you might imagine, a surprise to the Commonwealth.’ Knight also said that ‘we have made several requests to them to look into this information. And they have been unwilling to follow up.’”).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ [Final HJAA Report. The Soil Beneath the Encampments.](#)

¹⁶ [Harvard Antisemitism Task Force Report](#) at 18.

¹⁷ On file with OCR.

¹⁸ [Committee on Education and the Workforce: Investigative Update, The Antisemitism Advisory Group and Harvard’s Response: Clarity and Inaction](#) at 6; [Harvard Antisemitism Task Force Report](#) at 112.

¹⁹ [Harvard Antisemitism Task Force Report](#) at 113.

²⁰ [The antisemitic cartoon roiling Harvard caused ‘60s firestorm - Los Angeles Times.](#)

²¹ [Harvard Antisemitism Task Force Report](#) at 113.

²² *Id.* at 26.

antisemitic.”²³ The American Jewish Community says of the phrase: “The most prominent expressions of intifada have been through violence so this phrase is often understood by those saying and hearing it as encouraging violence against Israelis, Jews, and institutions supporting Israel. While the intent of the person saying this phrase may be different, the impact on the Jewish community remains the same.”²⁴

Understandably, this recurrent harassment caused fear among many in the Jewish community. One student asked of the chants, “Are they calling for the killing of my family?”²⁵

8. **Exclusion from campus spaces.** *“My experience has been different before and after October 7th. Before October 7th, being Jewish was ... not a barrier.”* Being Jewish on Harvard’s campus came with “pressure,” “chaos,” and “hostility,” where Jewish students were welcome in certain places only if they aligned with protestors’ values but denied access to University spaces otherwise.²⁶ One Jewish student reported taking “a leave of absence after the chants from the protests shattered their sense of safety”; “others with a wide range of opinions on Israel reported they largely withdrew from campus life.”²⁷

As set forth chronologically in the Appendix, Jewish and Israeli students at Harvard were repeatedly denied access to classrooms, libraries, and common spaces due to protestors whom Harvard allowed to flout the university’s time-place-manner restrictions with impunity. Almost immediately after the attacks on October 7th, protestors continually broke the rules by, *inter alia*:

- occupying University Hall on November 16, 2023, which restricted student access to the building,²⁸ and disrupting classes with bullhorns and antisemitic chants on November 29, 2023²⁹;
- blocking the use of study spaces for students at least a dozen times in an 18-month period of time—at Widener Library on December 10, 2023³⁰, February 12, 2024³¹,

²³ *Id.* at 110.

²⁴ [What Does “Globalize the Intifada” Mean and How Can it Lead to Targeting Jews with Violence? | AJC](#)

²⁵ [Harvard Antisemitism Task Force Report](#) at 110.

²⁶ *Id.* at 123.

²⁷ *Id.* at 11, 123.

²⁸ [University Hall Occupied By Harvard Jews For Palestine, Group Demanding Ceasefire in Israel-Hamas War | News | The Harvard Crimson.](#)

²⁹ [9.23.2024 harvard disciplinary final.pdf.](#)

³⁰ [Harvard Students Hold Silent ‘Study-In’ at Widener Library, Rally at Mass. Hall to Call for End of War in Gaza | News | The Harvard Crimson.](#)

³¹ [Nearly 200 Harvard Students Hold ‘Die-In’ Protesting Airstrikes on Rafah | News | The Harvard Crimson.](#)

September 21, 2024³², September 25, 2024³³, October 16, 2024³⁴, October 30, 2024³⁵, November 8, 2024³⁶, and March 27, 2025³⁷, and Langdell Library on October 17, 2024³⁸ and November 12, 2024³⁹; and

- setting up a 20-day encampment in Harvard Yard, from April 24 through May 14, 2024, which President Garber acknowledged had “disrupted” students’ “ability to sleep, study, and move freely about campus” and where individuals within the encampment had “intimidated and harassed other members of our community.”⁴⁰ A Jewish faculty member did not feel safe going to Harvard Yard during the April-May 2024 encampment because the faculty member was “not comfortable being surveilled and targeted as a ‘Zionist’ by protestors using the label to be denigrating and derogatory, which is what happened when [the faculty member] walked over [one] Friday night in a spirit of learning.”⁴¹

9. **Institutional acceptance of antisemitism.** *“American Jews are guilty of ‘atrocities.’” “Because of their Jewishness.”* While Harvard has stated its commitment to combatting antisemitism, its own 2025 Task Force Report observed that “antisemitism has historically been absent from the forms of prejudice addressed in student orientation programs and other platforms where Harvard communicates its values.”⁴²

At Harvard, Jewish students reported being subject to “privilege trainings” in which they were told that they were privileged not only due to “being identified as White but also because of their Jewishness, which allegedly endowed them with an even higher level of privilege.”⁴³ “Some Jewish students were informed by peers, teaching fellows, and in some cases, faculty, that they were associated with something offensive, and, in some cases, that their very presence was an offense.”⁴⁴

³² [Harvard Warns of Consequences After Pro-Palestine ‘Study-In’ in Widener Library | News | The Harvard Crimson.](#)

³³ [Despite Disciplinary Threats, Pro-Palestine Protesters Return to Widener During Rally | News | The Harvard Crimson.](#)

³⁴ [Harvard Faculty Hold Widener Library ‘Study-In’ to Protest Student Activist Bans | News | The Harvard Crimson.](#)

³⁵ [More Than 70 Harvard Students Stage Pro-Palestine Study-In at Widener Library | News | The Harvard Crimson.](#)

³⁶ [No ID Checks, but Harvard ‘Determining Next Steps’ After Second Faculty Study-In | News | The Harvard Crimson.](#)

³⁷ [HOOP Holds ‘Die-In’ Outside Widener To Protest War in Gaza | News | The Harvard Crimson.](#)

³⁸ [HLS Students Hold Langdell Library ‘Study-in’ to Protest War in Gaza | News | The Harvard Crimson.](#)

³⁹ [Harvard Law School Students Protest in Library, Leave Before ID Checks | News | The Harvard Crimson.](#)

⁴⁰ [LIVE UPDATES: Pro-Palestine Protesters Begin Encampment in Harvard Yard | News | The Harvard Crimson; Harvard President Garber Breaks Silence on Encampment, Threatens ‘Involuntary Leave’ for Protesters | News | The Harvard Crimson; Encampment in Harvard Yard; Harvard Out of Occupied Palestine Ends Harvard Yard Encampment | News | The Harvard Crimson.](#)

⁴¹ [Harvard Antisemitism Task Force Report](#) at 136.

⁴² *Id.* at 19.

⁴³ *Id.*

⁴⁴ *Id.* at 5.

In one case, Harvard faculty reportedly took Jewish American students on study abroad trips to bear witness to alleged “atrocities” the students are told they shared responsibility for and were informed that “the Jewish tradition has become indistinct from a settler colonial nation-state project.”⁴⁵

In the classroom, Harvard faculty engaged in “[p]oliticization of instruction [which] ... effectively made a specific view on the Israel-Hamas conflict a litmus test for full classroom participation” and “mainstreamed and normalized what many Jewish and Israeli students experience as antisemitism and anti-Israeli bias.”⁴⁶

10. As the 2025 Task Force Report concluded: “The exclusion of Israeli or Zionist students from social spaces and extracurricular activities; the posting of threatening messages regarding Israel on social media; the attempts to persuade Jewish students not to enroll or to continue their education at Harvard; and the failure of some of our instructors to teach about Israel/Palestine with academic breadth and rigor are shameful acts.”⁴⁷

Despite the troubling pattern of antisemitism documented in this Notice, Harvard failed to respond in a time-sensitive and meaningful manner to protect Jewish and Israeli students. The Harvard board responsible for disciplinary action has been criticized for being “ineffective, too autonomous, and overly deferential to student protesters.”⁴⁸ Protection of Jewish students and rule enforcement against antisemitism was “uneven” and marked by a “failure” “to impose discipline.”⁴⁹

B. Harvard’s Response—initiated only after OCR opened its investigation—is too little, too late

11. On February 3, 2025, OCR initiated a compliance review of Harvard Medical School’s May 2024 commencement ceremony based upon allegations of antisemitism in violation of Title VI.
12. On April 7, 2025, OCR expanded its compliance review of antisemitism in violation of Title VI to include Harvard University as a whole and to extend the timeframe of review to include events and information from October 7, 2023, through the present.
13. In April 2025, Harvard finally allowed President Garber to empanel faculty members on the University Committee on Rights and Responsibilities (UCRR) “to investigate, find facts, and

⁴⁵ *Id.* at 9.

⁴⁶ *Id.* at 28.

⁴⁷ *Id.* at 10.

⁴⁸ Quoted in *The Harvard Crimson*, 11 November 2024, summarizing material submitted to the House Committee on Education and the Workforce and published in its November 2024 report.

⁴⁹ [Harvard Antisemitism Task Force Report](#) at 146.

impose discipline in cases involving students from multiple Schools and alleged violations of the University-wide Statement on Rights and Responsibilities”⁵⁰

14. In April 2025, Harvard again placed the Palestine Solidarity Committee (PSC) on probation and banned the group “from hosting any public events and activities until June 30, 2025, for co-sponsoring a rally that violated Campus Use Rules by using amplified sound and blocking ingress and egress to the University Hall in Harvard Yard.”⁵¹ This was after the PSC had been “suspended in April 2024 for the remainder of the spring semester for its role in organizing an unregistered ... rally where attendees marched and chanted outside the offices of administrators and on the steps of Widener Library,” before being allowed to return in the summer of 2024.⁵²
15. On June 5, 2025, Harvard submitted to OCR that, “[f]ollowing a review that began in October 2024, the Faculty of Arts and Sciences (‘FAS’) is working on updates to the disciplinary boards for Harvard College and GSAS (known as the ‘Administrative Boards’). The changes include training for disciplinary boards, increased participation by tenured or tenure track faculty, and regular review of the disciplinary boards by the FAS Dean.”⁵³ Harvard also submitted that “Harvard is actively working to improve its NDAB [Non-Discrimination and Anti-Bullying] policies and procedures and to ensure that Harvard community members understand how to report discrimination and access the support available to them. Beginning in the 2025–26 academic year, Harvard will conduct University community training that is focused on educating the community about the NDAB Policies and Title VI.”⁵⁴ Thus, over a year and a half after October 7, 2023, Harvard is still “working on” fixing its discipline problem.
16. After nearly two full academic years, Harvard appointed new leadership for the Religion and Public Life program effective July 1, 2025, and new leadership for the Center for Middle Eastern Studies, starting in the 2025-26 academic year.⁵⁵
17. Harvard described to OCR trainings on “antisemitism and anti-Israeli bias, with more specialized training offerings planned for the 2025-26 academic year,”⁵⁶ which are unlikely to remedy the deep structural issues OCR has identified.”⁵⁷ As explained in Section IV, Part 5.A, while this training is clearly needed, it has not even been provided yet despite the widespread antisemitic harassment on Harvard’s campus, will only be offered for the first time two years after Harvard’s nondiscrimination and anti-bullying policy was implemented, and was not

⁵⁰ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, p. 5.

⁵¹ *Id.* at 9.

⁵² *Id.*

⁵³ *Id.* at 10.

⁵⁴ *Id.*

⁵⁵ *Id.* at 11-12.

⁵⁶ *Id.* at 15.

⁵⁷ *Id.* at 15.

provided to OCR for its review. During the time covered by this investigation, it is obvious from the lack of reporting, and student and faculty statements, that there was no effective training or communication about how Jewish and Israeli students could protect themselves against Title VI discrimination.

IV. Notice of Violation

OCR's findings do not constitute a plenary determination of all potential Title VI violations against Jewish students from October 7, 2023, through the present at Harvard University. Harvard University has received civil rights complaints that remain pending at its internal offices. It is beyond the scope of this review to analyze each of those claims.

Rather, OCR's determination focuses on key events identified below that have been sufficiently verified through various sources, including Harvard's own findings from its 2025 Task Force Report, Harvard's response to OCR's data requests, reliable news sources, and OCR's review of Harvard's policies and procedures.

In particular, we note Harvard's "acknowledge[ment] that the recently released [2025 Task Force Report] includes concerning descriptions of the experiences of some Jewish and Israeli members of its community."⁵⁸ OCR also notes Harvard's creation of the 2025 Task Force Report. Finally, OCR acknowledges Harvard's request that it "recognize that the [2025] Task Force [R]eport reflects both a snapshot in time and the limitations under which the Task Force, which was a listening body and not an investigatory body, operated."⁵⁹

Notwithstanding these acknowledgements, OCR finds the 2025 Task Force Report to be credible and independently corroborated by other sources, including news accounts and Harvard's own responses to OCR's data requests, as set forth in OCR's Findings of Fact under Section III. To start, the 2025 Task Force Report was created by a team comprised of 15 members from Harvard's own faculty across multiple disciplines and schools, including several faculty members from the Harvard Law School, who are presumably familiar with legal evidentiary burdens of proof and findings of fact. Further, the 2025 Task Force Report entailed the expenditure of considerable resources in its investigation. As the 2025 Task Force Report noted, the team "started meeting in February 2024" and "convened some 50 listening sessions that reached approximately 500 students, faculty, and staff," taking place "over a period of two months."⁶⁰ "After the completion of the sessions, the team worked in subcommittees on the history of the Jewish experience at Harvard; current Jewish student life; University policies and procedures on complaints, protest, and discipline"⁶¹ The subcommittees "worked over Summer and early Fall 2024 before submitting their reports to the Task Force co-chairs, who drew on them along with other materials

⁵⁸ *Id.* at 2.

⁵⁹ *Id.*

⁶⁰ [Harvard Antisemitism Task Force Report](#) at 15.

⁶¹ *Id.*

when writing this report.”⁶² OCR understands that a draft of the 2025 Task Force Report was then circulated to the heads of Harvard’s different schools for review, where additional facts and data were provided and clarifications made by their respective administrations. Moreover, courts have previously taken the results of student surveys into account when evaluating hostile environment claims. See *K.R. by & through Proctor v. Duluth Pub. Sch. Acad.*, 591 F. Supp. 3d 418, 430 (D. Minn. 2022) (finding “ample evidence in the record that could support a finding of a racially hostile environment,” including the findings of a school commissioned survey and assessment). Finally, OCR has confirmed the contents of the 2025 Task Force Report through Harvard’s response to OCR’s Fourth Data Request, which provided Harvard with an opportunity to clarify or revise any of the contents contained therein. Accordingly, we find the 2025 Task Force Report credible and probative.

In this light, we address Harvard University’s liability under Title VI. As stated above, a school may be held liable under Title VI for its deliberate indifference to student-on-student harassment when it can be shown that: (1) students were “subject to ‘severe, pervasive, and objectively offensive’ ... harassment”; (2) the harassment “caused the [students] to be deprived of educational opportunities or benefits”; (3) the school “knew of the harassment”; (4) the harassment occurred “in its programs and activities”; and (5) the school “was deliberately indifferent to the harassment such that its response (or lack thereof) is clearly unreasonable in light of the known circumstances.” *Porto*, 488 F.3d at 72-73 (quoting *Davis*, 526 U.S. at 644). Based upon our investigation, OCR finds that Harvard University acted with deliberate indifference towards student-on-student harassment in violation of Title VI.

1. Jewish and Israeli students at Harvard University were subject to severe, pervasive, and objectively offensive harassment from October 7, 2023, through the present.

To determine whether severe, pervasive, and objectively offensive harassment occurred, courts look to a “constellation of non-dispositive factors: ‘severity of the conduct, its frequency, whether it [was] physically threatening or not, and whether it interfered with’ the student experience.” *Kestenbaum*, 743 F. Supp. 3d at 308 (quoting *Gerald v. Univ. of P.R.*, 707 F.3d 7, 18 (1st Cir. 2013)). This harassment can include protests that are, “at times, confrontational and physically violent,” and where students “legitimately fear their repetition.” *Id.* Here, Jewish and Israeli students at Harvard were subject to severe, pervasive, and objectively offensive harassment, from October 7, 2023, through the present, based upon antisemitic threats, intimidation, verbal and physical harassment, and discriminatory acts of vandalism.⁶³

⁶² *Id.*

⁶³ We recognize that a hostile environment alone does not create Title VI liability for Harvard—it is the school’s deliberate indifference to such harassment that imposes such liability. We discuss the “deliberate indifference” element at length in Section IV, Part 5. In this part, we focus on providing an analysis of whether there was a hostile environment for Jewish students at Harvard University, although we will also identify inaction on the University’s part, where appropriate, with the bulk of our analysis on “deliberate indifference” in Section IV, Part 5.

To start, OCR finds that the harassing speech directed towards, threats against, and intimidation of, Jewish and Israeli students at Harvard—including calls for genocide or the murder of Israelis, coupled with student-on-student acts of physical intimidation and violence—contributed to a hostile environment at the university from October 7, 2023, through the present. As the First Circuit has noted, the question of whether a hostile environment exists is “whether the bad acts taken in the aggregate are sufficiently severe or pervasive to be actionable.” *Gerald*, 707 F.3d at 18 (articulating standard for discriminatory harassment under Title IX). “There is no mathematically precise test that we employ to answer this question but several factors, none of which are individually determinative, are relevant: the severity of the conduct, its frequency, whether it is physically threatening or not, and whether it interfered with the victim’s work performance.” *Id.* In *Kestenbaum*, 743 F. Supp. 3d at 309, a Federal district court denied Harvard’s motion to dismiss a complaint filed by Jewish students, evaluating a similar set of facts during a co-extensive timeframe: “The protests were, at times, confrontational and physically violent, and plaintiffs legitimately fear their repetition. The harassment also impacted plaintiffs’ life experience at Harvard; they dreaded walking through the campus, missed classes, and stopped participating in extracurricular events.” Based upon its investigation, OCR agrees.

Immediately after Hamas’ deadly attack on October 7, 2023, the PSC released a statement, initially co-signed by 33 other Harvard student organizations, holding the “Israeli regime entirely responsible for all unfolding violence” that occurred against innocent Israeli civilians, including women and children.⁶⁴ Harvard’s own 2025 Task Force Report acknowledged that the joint statement “caught Harvard’s Jewish community in a moment of intense vulnerability and grief and created a horrifying split screen, as community members juxtaposed horrific videos of violence and assault on Israeli citizens, all while encountering media reports in which fellow Harvard community members appeared to be blaming the victims, whose blood was not yet dry, for their own deaths.”⁶⁵

This antisemitic statement was soon followed by threats and intimidation, and even physical violence, over the ensuing months. During this time, Jewish and Israeli students experienced multiple protests involving hundreds of protestors who threatened and harassed them, took over buildings, blocked access to the campus, and disrupted important student events. This environment was captured in one student account: “The barrage of antisemitic hate speech and protests outside of Harvard regulations (e.g. encampment) is nonstop and unrelenting. I feel completely unwelcome and out of place at Harvard now.”⁶⁶ Another student recounted: “I’m engaged and my fiancé [who wears a kippah] was walking on campus on October 9th, and someone who [my fiancé] believed to be another student came up to him and spit in his face, oh my God, just on campus...”⁶⁷

⁶⁴ [Harvard Antisemitism Task Force Report](#) at 105; [Harvard Student Groups Face Intense Backlash for Statement Calling Israel ‘Entirely Responsible’ for Hamas Attack | News | The Harvard Crimson](#).

⁶⁵ [Harvard Antisemitism Task Force Report](#) at 6.

⁶⁶ *Id.* at 249.

⁶⁷ [Final HJAA Report. The Soil Beneath the Encampments](#).

The following accounts highlight the hostile environment created for Jewish and Israeli students at Harvard, all of which violated Harvard's own time-place-manner restrictions or other University policies:

- On October 18, 2023, hundreds of Harvard students and affiliates staged a “die-in” at Harvard Business School, in violation of university rules, to demand an end to violence in Gaza.⁶⁸ When an Israeli Jewish student attempted to film the attendees, protestors tried to remove him and yelled “shame” as he left.⁶⁹ Videos of the incident appear to show the student being pushed, resulting in two Harvard students being charged with assault and battery and one of them being relieved of his proctorial duties at Harvard College.⁷⁰
- On October 19, 2023, approximately 500 supporters walked out of class and marched through multiple Harvard schools, using noisemakers to disrupt class and halt traffic in Harvard Square, in violation of university rules.⁷¹
- On October 27, 2023, more than 100 students staged another “die-in” demonstration in front of Memorial Hall, in violation of university rules, during welcome remarks for Family Weekend to protest what they described as Harvard's lack of support for Palestinian students, resulting in closure of the Harvard Yard to visitors, raising security concerns, and disrupting student life.⁷²
- On November 16, 2023, nine students occupied University Hall, in violation of university rules, prompting Harvard University Police to restrict access to the building and tighten security around Harvard Yard.⁷³
- On December 10, 2023, more than 100 Harvard students and affiliates staged a “study-in” at Widener Library, in violation of university rules, holding signs that read, “No normalcy during genocide. Justice for Palestine.”⁷⁴ “[T]hese protests disturbed many Jewish students,” but “the University administration

⁶⁸ [Hundreds of Harvard Protesters Stage ‘Die-In’ to Demand End to Violence Following Gaza Hospital Blast | News | The Harvard Crimson](#); [Harvard Antisemitism Task Force Report](#) at 108-09.

⁶⁹ [Hundreds of Harvard Protesters Stage ‘Die-In’ to Demand End to Violence Following Gaza Hospital Blast | News | The Harvard Crimson](#).

⁷⁰ [Harvard Antisemitism Task Force Report](#) at 109.

⁷¹ [Harvard Antisemitism Task Force Report](#) at 109; [Hundreds Disrupt Classes, March Through Harvard Law School, Kennedy School in Support of Palestine | News | The Harvard Crimson](#).

⁷² [Harvard Antisemitism Task Force Report](#) at 109; [Harvard Students Stage Die-In During Family Weekend, Alleging Lack of Support for Palestinian Students | News | The Harvard Crimson](#).

⁷³ [Harvard Antisemitism Task Force Report](#) at 109-10; [University Hall Occupied By Harvard Jews For Palestine, Group Demanding Ceasefire in Israel-Hamas War | News | The Harvard Crimson](#).

⁷⁴ [Harvard Students Hold Silent ‘Study-In’ at Widener Library, Rally at Mass. Hall to Call for End of War in Gaza | News | The Harvard Crimson](#).

and police seemed reluctant to intervene once a demonstration was underway, apparently fearing escalation into physical violence.”⁷⁵

- On February 12, 2024, nearly 200 students gathered at Widener to stage a “die-in,” laid on the steps of the library, blocking access to the library in violation of university rules, and demanded that Harvard disclose and divest its financial ties to companies complicit in human rights abuses in Palestine.⁷⁶
- On April 24, 2024, organizers began a 20-day encampment in Harvard Yard to protest the suspension of the PSC.⁷⁷ According to Harvard’s 2025 Task Force Report, “Some Jewish students reported feeling uncomfortable walking near the encampment, describing incidents of being followed and verbally harassed. Several Jewish first-year students residing near the encampment expressed distress over its proximity, noise level, and the nature of the chants. Additionally, a Jewish faculty member recounted walking through the encampment and receiving alarming calls from alumni warning them about being discussed in student demonstrator WhatsApp groups, causing this faculty member to fear for their physical safety. The appearance of a map within the encampment of Israel and the Palestinian territories without marking any Jewish communities implied that the ... students’ goal was the physical elimination of Israel.”⁷⁸ As recounted by Interim President Garber, “[W]e continue to hear reports of students whose ability to sleep, study, and move freely about the campus has been disrupted by the actions of the protesters. We are especially troubled by increasing reports that some within, and some supporting, the encampment have intimidated and harassed other members of our community. When Harvard staff have requested to see IDs in order to enforce our policies, supporters of the encampment have at times yelled at them, tried to encircle them, and otherwise interfered with their work.”⁷⁹
- On May 12, 2024, a crudely drawn image of Interim President Garber was also displayed depicting him as a devil with horns and a tail, recalling “medieval antisemitic tropes of Jews as Satan’s minions.”⁸⁰
- A Jewish 2024 graduate of Harvard Business School described her experience at the University-wide commencement, noting that she did not feel safe “due to the life-threatening bullying I faced by Harvard students in the days before because I stood up against antisemitism.” She did not sit with her class because

⁷⁵ [Harvard Antisemitism Task Force Report](#) at 112.

⁷⁶ [Nearly 200 Harvard Students Hold ‘Die-In’ Protesting Airstrikes on Rafah | News | The Harvard Crimson.](#)

⁷⁷ [LIVE UPDATES: Pro-Palestine Protesters Begin Encampment in Harvard Yard | News | The Harvard Crimson](#)

⁷⁸ [Harvard Antisemitism Task Force Report](#) at 114-15.

⁷⁹ [Harvard President Garber Breaks Silence on Encampment, Threatens ‘Involuntary Leave’ for Protesters | News | The Harvard Crimson.](#)

⁸⁰ [Harvard Antisemitism Task Force Report](#) at 115.

she felt unsafe and instead sat with her family, further demonstrating the negative impact of the hostile environment and the fact that it deprived her of the full benefit of the event.

- On October 16, 2024, Harvard professors participated in a silent “study-in” at Widener Library, in violation of university rules, to protest the library’s decision to temporarily ban students who held a similar demonstration on September 21, 2024.⁸¹
- On October 17, 2024, over 100 Harvard Law School students protested the war in Israel and Gaza and “Harvard’s complicity in Israel’s genocide” at a silent “study-in” in the Langdell Library, in violation of university rules, displaying poster with messages like “Israel is burning people alive” and “Israel bombed a hospital, again.”⁸²
- On October 30, 2024, more than 70 activists staged a silent study-in at Widener Library, in violation of university rules, to protest the University’s refusal to conduct a review of its investments for ties to human rights violations.⁸³
- On November 4, 2024, more than 55 graduate students called on the University to divest from Israel’s war in Gaza and end censorship on campus during a “pray-in” protest at the Harvard Divinity School’s library, which Harvard administrators characterized as a violation of University-wide guidelines intended to prevent students from feeling unsafe in spaces like libraries and classrooms.⁸⁴
- On November 12, 2024, more than 50 Harvard Law School students participated in a “study-in” at Langdell Hall’s library, making it the third study-in protest to occur at Harvard Law School, which ended without library administrators checking the IDs of participants.⁸⁵
- On March 27, 2025, more than 60 students wearing masks gathered on the steps of Widener Library, blocking access to the library in violation of university rules, to stage a “die-in” to protest the rising Palestinian death toll.⁸⁶

We find that these and other actions contributed to a hostile environment for Jewish and Israeli students at Harvard from October 7, 2023, through the present. As noted in the 2025 Task Force Report, “‘criticism’ does not justify intimidation, exclusion, bullying, or harassment of members

⁸¹ [Harvard Faculty Hold Widener Library ‘Study-In’ to Protest Student Activist Bans | News | The Harvard Crimson.](#)

⁸² [HLS Students Hold Langdell Library ‘Study-in’ to Protest War in Gaza | News | The Harvard Crimson.](#)

⁸³ [More Than 70 Harvard Students Stage Pro-Palestine Study-In at Widener Library | News | The Harvard Crimson.](#)

⁸⁴ [Students Stage Pro-Palestine ‘Pray-In’ Protest at Harvard Divinity School Library | News | The Harvard Crimson; Students Suspended from Harvard Divinity School Library After Pray-In | News | The Harvard Crimson.](#)

⁸⁵ [Harvard Law School Students Protest in Library, Leave Before ID Checks | News | The Harvard Crimson.](#)

⁸⁶ [HOOP Holds ‘Die-In’ Outside Widener To Protest War in Gaza | News | The Harvard Crimson.](#)

of our community, nor does it justify disruption of the University's functioning."⁸⁷ Here, we find that the threats, intimidation, and harassment of Jewish and Israeli students outlined above were severe, persistent, and objectively offensive across multiple school years, contributing to a hostile environment from October 7, 2023, through the present.

Further, Jewish and Israeli students at Harvard were also subjected to multiple acts of antisemitic vandalism throughout 2024 and as recently as March 3, 2025, which further contributed to a hostile environment. Courts have found that acts of vandalism can constitute harassment and are generally not afforded First Amendment protections. *See Gartenberg*, 765 F. Supp. 3d at 273 ("The act of tearing down posters drawing attention to the abduction of Israelis, just days or weeks after a horrific antisemitic terror attack, [sends] an unmistakable message of national-origin-based hostility to [the university's] Jewish students.").

Each of these antisemitic acts of vandalism contributed to the severe, pervasive, and objectively offensive hostile environment at Harvard University from October 7, 2023, to present:

- In late January 2024, posters memorializing Israeli citizens taken hostage by Hamas were vandalized with messages such as "Israel did 9/11."⁸⁸
- In February 2024, student and faculty groups at Harvard posted to Instagram an antisemitic cartoon "show[ing] a white hand, marked with a dollar sign inside a Star of David, tightening nooses around the necks of a Black man and an Arab man," which was copied from a newsletter published by students in the 1960s.⁸⁹ The groups later removed the image and apologized, but the post prompted a storm of criticism that Harvard is not doing enough to protect its Jewish community.⁹⁰
- In September 2024, a Jewish Harvard student reported that a mezuzah was deliberately removed from her doorway in Harvard's Thayer Hall dormitory.⁹¹
- On October 8, 2024, an individual smashed the ground-floor windows to University Hall and covered the John Harvard statue in red paint "as an 'act of solidarity with the Palestinian resistance,'" according to a video posted on social media.⁹²

⁸⁷ [Harvard Antisemitism Task Force Report](#) at 9.

⁸⁸ [Anonymous Posters, Vandalism Spur Tensions on Harvard's Campus | News | The Harvard Crimson](#); [Harvard Antisemitism Task Force Report](#) at 113.

⁸⁹ [The antisemitic cartoon roiling Harvard caused '60s firestorm - Los Angeles Times](#)

⁹⁰ *Id.*

⁹¹ [Harvard Police Investigating After Mezuzah Briefly Goes Missing From Student's Door | News | The Harvard Crimson](#).

⁹² [Windows Smashed, John Harvard Statue Vandalized in Act of 'Palestinian Resistance' | News | The Harvard Crimson](#).

- On October 15, 2024, multiple antisemitic stickers of swastikas were discovered around Harvard Square.⁹³ The stickers were reported to police after they were discovered near Harvard Hillel, the University’s largest Jewish center.⁹⁴ The antisemitic stickers portrayed the flag with Israel with a swastika instead of the Star of David.⁹⁵ The swastika stickers, which were posted on both city and Harvard property, also contained the text: “Stop Funding Israeli Terrorism.”⁹⁶

Antisemitic vandalism did not stop after the 2023-2024 academic year. Jewish and Israeli students at Harvard were subjected to troubling acts of antisemitic vandalism as recently as March 3, 2025, when a Harvard employee tore down posters depicting the faces of Israeli hostages, including the faces of the Bibas children, that were on display on Harvard Chabad kiosks in Harvard yard.⁹⁷

As noted above, such acts of vandalism constitute “*derogatory epithets* of marginal value” because they are “so persistent or patently harassing that it could not be reasonably designed to contribute to reasoned debate.” *Gartenberg*, 765 F. Supp. 3d at 268 (quoting *Fallon, supra*, at 47) (finding in favor of complainant’s allegation that defacement of Cooper Union windows with signs referring to Jews in Israel as “settlers” and that Hamas attacks were a mere “reaction” to “settler colonization” is speech that goes beyond criticism of Israeli government or policy, and instead sends a message that Jews as a class do not belong in Israel while justifying and encouraging violence against Jews who do live there). Here, we find that the repeated and ongoing acts of antisemitic vandalism set forth above were severe, pervasive, and objectively offensive, contributing further to a hostile environment for Jewish and Israeli students on the Harvard University campus. While we discuss deliberate indifference more fully below in Section IV, Part 5, we note here that Harvard acknowledges in its response that almost none of these incidents of vandalism (e.g., swastika stickering, defacement of public property) resulted in anyone being identified, held accountable, or disciplined, despite Harvard reporting these incidents to the Harvard University Police Department.⁹⁸

2. The discrimination and harassment Jewish and Israeli students experienced on its campus from October 7, 2023, through the present caused students to be deprived of educational opportunities or benefits.

The harassment and discrimination that Jewish students experienced at Harvard also denied them educational opportunities or benefits. Denial of an “educational opportunity or benefit” may take the form of a literal physical deprivation, such as when a victim is hospitalized due to injuries, but it may also include psychological deprivation of a benefit, as demonstrated by academic decline or developing behavioral or anxiety disorders. *See Roe ex rel. Callahan v. Gustine Unified Sch.*

⁹³ [Police Investigating Antisemitic Stickers Discovered Near Harvard Hillel | News | The Harvard Crimson.](#)

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ [At First Major Rally of the Semester, HOOP Protests Israeli Tanks in West Bank | News | The Harvard Crimson.](#)

⁹⁸ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, p. 32.

Dist., 678 F. Supp. 2d 1008, 1028 (E.D. Cal. 2009) (listing examples of deprivation, including accessing school-related resources, developing anxiety, and experiencing physical violence). Indeed, harassment that impacts a student’s “life experience,” such as “missed classes” or stopping “participating in extracurricular events” is enough to qualify as deprivation of an educational opportunity or benefit. *See also Kestenbaum*, 743 F. Supp. 3d at 309.

Here, Jewish and Israeli students were denied educational opportunities and benefits by protestors’ severe, persistent, and objectively offensive harassment. Indeed, Harvard’s 2025 Task Force Report collected numerous student accounts describing how Jewish and Israeli students were barred from accessing certain University resources, developed anxiety, and experienced physical assault on campus. One student explained that, after October 7, 2023, being Jewish on Harvard’s campus came with “pressure,” “chaos,” and “hostility,” where Jewish students were welcome in certain places only if they aligned with protestors’ values, but denied access to University spaces otherwise.⁹⁹ A Jewish faculty member claimed to not feel safe going to Harvard Yard during the April-May 2024 encampment because the faculty member was “not comfortable being surveilled and targeted as a ‘Zionist’ by protestors using the label to be denigrating and derogatory, which is what happened when [the faculty member] walked over [one] Friday night in a spirit of learning.”¹⁰⁰ Another Jewish student felt that the “pervasive use of ... violent language throughout the encampment created a hostile and intimidating environment for ... many ... Jewish first-year students who live in [Harvard] Yard.”¹⁰¹ A 20-day encampment disrupted Jewish and Israeli students campus life to the point where Dean of Students Thomas Dunne emailed the entire undergraduate class that the encampment disturbed freshmen trying to study for final exams.¹⁰² On May 6, 2024, Interim President Garber released a statement acknowledging that the encampment disrupted educational activities, and that the “disruptions from [the] encampment at the heart of the University have been numerous.”¹⁰³ He noted that Harvard College exams and other important activities and events were moved to different parts of campus, and that the University received reports of students whose ability to sleep, study, and move freely about the campus was disrupted by the protestors.¹⁰⁴ Interim President Garber was “especially troubled by increasing reports” that protestors “intimidated and harassed” other students, and that “passers-by [were] confronted, surveilled, and followed.” He called these actions “indefensible and unacceptable.”¹⁰⁵ But the encampment continued until May 14, 2024, and ended only after Interim President Garber struck a private deal with the encampment negotiators.¹⁰⁶

⁹⁹ [Harvard Antisemitism Task Force Report](#) at 123.

¹⁰⁰ *Id.* at 136.

¹⁰¹ *Id.* at 137.

¹⁰² [LIVE UPDATES: Day 2 of Harvard Yard Encampment | News | The Harvard Crimson.](#)

¹⁰³ [Harvard President Garber Breaks Silence on Encampment, Threatens ‘Involuntary Leave’ for Protesters | News | The Harvard Crimson.](#)

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ [Harvard Out of Occupied Palestine Ends Harvard Yard Encampment | News | The Harvard Crimson.](#)

This antisemitic campus environment was not limited to the April-May 2024 encampment. University spaces and even buildings, such as University Hall, were continually occupied by demonstrators advocating for the University to denounce Israel and its citizens. Circumstances became so dire on Harvard's campus that, according to a Jewish student who spoke with Harvard Jewish Alumni Alliance (HJAA), "pretty much all the [orthodox Jewish men] on campus [] started wearing baseball caps."¹⁰⁷ One Jewish student was physically assaulted (resulting in criminal charges for the two perpetrators), and another stated he was spit upon for wearing a kippah.¹⁰⁸ As noted in a report issued by the HJAA, "[t]he double standard of the Harvard administration is very jarring. A gay law school student was assaulted by another law school student. An email went out to every student at the law school the same day saying that they were suspending the person. It has been three weeks since the assault [of a Jewish student at Harvard Business School], and only one of the people has been removed from an official Harvard position [but not suspended]."¹⁰⁹ "After the organization Harvard Faculty and Staff for Justice in Palestine posted an antisemitic cartoon on Instagram, one Jewish student described experiencing increased anxiety, leading one to lose faith in Harvard's control over the situation and others to feel so apprehensive that they stopped attending Arabic language classes "because they didn't feel safe."¹¹⁰

On June 6, 2024, Harvard's Task Force issued preliminary findings and noted that it had "heard disturbing reports that faculty members and teaching fellows discriminate against or harass students because they are Israeli or have pro-Israel views."¹¹¹ Ultimately, through a comprehensive analysis of more than 2,000 student responses between May and August 2024, Harvard's 2025 Task Force Report found that 26% of Jewish students felt physically unsafe on campus; that 29% of Jewish students did not feel at home at Harvard; that 44% of Jewish students felt mentally unsafe at Harvard; and that 49% of Jewish students felt unsupported in their well-being at Harvard.¹¹² Finally, almost 60% of Jewish students reported experiencing "discrimination, stereotyping, or negative bias on campus due to [their] views on campus."¹¹³ During the Task Force's multiple listening sessions on campus, including with Jewish student groups like Hillel and Chabad, Task Force members heard firsthand how rampant antisemitism deprived Jewish and Israeli students from the enjoyment of the full educational opportunities and benefits offered at Harvard. For example, "[s]ubstantial numbers of Jewish students [felt] that since October 7th they have lived in an increasingly hostile atmosphere in their residences, classes, organizations, and clubs, as well as in the public spaces of Harvard Yard and the Science Center Plaza," and others experienced so much fear on campus that they were forced to "conceal their Jewish identity from classmates."¹¹⁴

¹⁰⁷ [Final HJAA Report.The Soil Beneath the Encampments.](#)

¹⁰⁸ [Harvard Alumni Condemn University Leadership Following Viral Video of Confrontation at Pro-Palestine Protest.](#)

¹⁰⁹ [Final HJAA Report.The Soil Beneath the Encampments.](#)

¹¹⁰ [Harvard Antisemitism Task Force Report](#) at 248.

¹¹¹ [June-2024-preliminary-recommendations-AS.pdf.](#)

¹¹² [Harvard Antisemitism Task Force Report](#) at 26-27.

¹¹³ *Id.* at 27.

¹¹⁴ *Id.*

Accordingly, we find that the harassment and discrimination that Jewish students experienced at Harvard University denied them educational opportunities or benefits in the form of attending classes, psychological and emotional well-being, participation in extracurricular activities, access to campus spaces like libraries and Harvard Yard, and even their physical safety.

3. Harvard University had actual knowledge of the harassment.

That Harvard University had “actual knowledge” of the harassment, for purposes of Title VI liability, cannot be disputed. As early as October 27, 2023, Harvard University announced the formation of an Anti-Semitism Advisory Group.¹¹⁵ On November 16, 2023, Harvard University Police restricted access to its buildings and tightened security in the surrounding area in anticipation of planned protests.¹¹⁶ Harvard has also been sued by multiple student organizations under Title VI for failing to protect Jewish students from discrimination and harassment.¹¹⁷ Harvard University has been subjected to multiple Congressional inquiries and investigations beginning in December 2023.¹¹⁸ On or about January 19, 2024, Interim President Garber announced formation of Presidential Task Force on Combatting Antisemitism and Presidential Task Force on Combating Islamophobia and Anti-Arab Bias.¹¹⁹ The University has had to revise its policies and procedures several times in response to protests. And on April 24, 2025, President Garber announced a unified discipline policy that would empower the President to call on a faculty panel of the UCRR to investigate, find facts, and impose discipline in cross-School cases involving alleged violations of campus rules, although only after OCR had opened its Title VI compliance review.¹²⁰ These facts and others make clear that Harvard University had “actual knowledge” of the discrimination and harassment against its Jewish and Israeli students for the relevant time period.

4. Harvard University exercised substantial control over the harassment and discrimination that Jewish and Israeli students experienced on its campus from October 7, 2023, through the present because the harassment occurred in its programs and activities.

Liability for deliberate indifference to known acts of peer harassment arises for third party institutions such as universities when the university “exercises substantial control over both the harasser and the context in which the known harassment occurs.” *Davis Next Friend LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 645 (1999). A school exercises substantial control over the circumstances of the harassment when it occurs “during school hours and on school grounds.” *Id.* at 646. Similarly, a school’s authority to take remedial action lies in its longstanding

¹¹⁵ [Combating Antisemitism - Harvard University President.](#)

¹¹⁶ [Harvard Antisemitism Task Force Report](#) at 109-10; [University Hall Occupied By Harvard Jews For Palestine, Group Demanding Ceasefire in Israel-Hamas War | News | The Harvard Crimson.](#)

¹¹⁷ [Harvard and Students Against Antisemitism Announce Settlement of Lawsuit - Media Relations; One Day After Trump Takes Office, Harvard Settles Two Antisemitism Lawsuits | News | The Harvard Crimson.](#)

¹¹⁸ [Congress Opens Investigation Into Harvard Over Antisemitism on Campus | News | The Harvard Crimson.](#)

¹¹⁹ [Announcement of Presidential Task Forces - Harvard University President.](#)

¹²⁰ [Update on University Committee on Rights and Responsibilities - Harvard University President.](#)

disciplinary oversight over its students. *See, e.g., New Jersey v. T.L.O.*, 469 U.S. 325, 342 n.9, (1985); *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 507 (1969).

In this case, Harvard University exercised substantial control over both the students who committed harassment and the context in which the harassment occurred because the harassment at issue in this finding occurred on school property and was committed by Harvard students. To start, Harvard University controls the physical property of its campus, including locations such as Harvard Yard, University Hall, Widener Library, and Langdell Hall, where protests and vandalism, such as tearing down posters depicting the faces of Israeli hostages, occurred. And Harvard University is able to maintain heightened security protocols and restrict access to parts of its campus.

Further, it was within Harvard University’s authority to physically remove protestors from its property, and Harvard regularly coordinated with local police, including Cambridge Police Department and the Boston Regional Intelligence Center, to advance public safety on campus.¹²¹ Harvard University also prescribes the conduct of its students and faculty through its University-wide Non-Discrimination Policy, which prohibits discrimination on the basis of protected categories, including religion, national origin, and ancestry.¹²² In addition, Harvard University had various restrictions in place for student protests through its University-wide Statement on Rights and Responsibilities, first adopted in 1970, which sets forth foundational principles relevant to protest and dissent to protect community members’ essential freedoms, including not only freedom of speech but also freedom from personal force and violence and freedom of movement.¹²³ Indeed, it is “implicit in the language of the University-wide Statement on Rights and Responsibilities that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights on which the University is based.”¹²⁴ On January 19, 2024, Harvard University’s Interim President Garber expressly mentioned that the University-wide Statement on Rights and Responsibilities forbade students from protesting in a way that “interfere[s] with members of the University in performance of their normal duties and activities,” including “any unauthorized occupation of a University building, or any part of it” and highlighted that “demonstrations and protests are ordinarily not permitted in classrooms and other spaces of instruction; libraries or other spaces designated for study, quiet reflection, and small group discussion; dormitories, residence halls, or dining halls where students live and take their meals; offices where the work of the University is carried out; or other places in which demonstrations and protests would interfere with the normal activities of the University.”¹²⁵

¹²¹ [How HUPD, City Police Departments Worked Together to Monitor Pro-Palestine Protests | News | The Harvard Crimson.](#)

¹²² [Frequently Asked Questions | Harvard University Office for Community Conduct.](#)

¹²³ [https://provost.harvard.edu/university-wide-statement-rights-and-responsibilities.](https://provost.harvard.edu/university-wide-statement-rights-and-responsibilities)

¹²⁴ [University-Wide Statement on Rights and Responsibilities | Office of the Provost.](#)

¹²⁵ [Statement of the Interim President and Deans of Harvard University on University Rights and Responsibilities | Office of the Provost.](#)

From October 2023 to present, Harvard University has repeatedly demonstrated its control over protestors, including by temporarily suspending students' access to Widener and Harvard Law School Library in October and November 2024,¹²⁶ and by restricting access to various parts of campus in at least October and November 2023 and April 2024. Accordingly, we find that Harvard had substantial control over the hostile environment created by student-on-student harassment during the relevant timeframe for purposes of establishing Title VI liability.

5. Harvard University acted with deliberate indifference because its response to the discrimination and harassment Jewish and Israeli students experienced from October 7, 2023, through the present was clearly unreasonable in light of the known circumstances.

An institution is liable for student-on-student harassment if its response to such harassment was “clearly unreasonable in light of the known circumstances.” *Davis*, 526 U.S. at 648. In Title VI cases, the government may establish deliberate indifference when the institution “either did nothing or failed to take additional reasonable measures after it learned that its initial remedies were ineffective.” *Porto*, 488 F.3d at 74. While institutions are not required to respond perfectly, repeated missteps can be themselves unreasonable. *See id.* at 75 (deliberate indifference can be shown where a school “continued to use the same ineffective methods to no acknowledged avail”) (quoting *Vance v. Spencer Cnty. Pub. Sch. Dist.*, 231 F.3d 253, 262 (6th Cir. 2000)). As the First Circuit has explained, the “court’s proper inquiry is limited to whether the school’s actions were so lax, so misdirected, or so poorly executed as to be clearly unreasonable under the known circumstances.” *Fitzgerald v. Barnstable Sch. Comm.*, 504 F.3d 165, 175 (1st Cir. 2007), *rev’d and remanded on other grounds*, 555 U.S. 246 (2009).

Institutions can be found to be deliberately indifferent to discrimination “when remedial action only follows after a lengthy and unjustified delay.” *Gartenberg*, 765 F. Supp. 3d at 274 (quoting *Hayut v. State University of New York*, 352 F.3d 733, 751 (2d Cir. 2003)). Harvard’s list of post-investigatory reforms that it intends to implement (or is still in the process of devising) only follows after a lengthy and unjustified delay, and the efficacy of these reforms remains to be determined. Harvard’s lax, contradictory, and poorly executed attempts to address antisemitism on campus were clearly unreasonable under the known circumstances and demonstrate that the university acted with deliberate indifference from October 7, 2023, through the present. Harvard’s failures are laid out succinctly in its own 2025 Task Force Report. In May 2025, 18 months after October 7th attacks, the Task Force concluded:

Due to aspects of their identity, including their religion and national origin, these students have faced bias, suspicion, intimidation, alienation, shunning, contempt, and sometimes effective exclusion from various curricular and co-curricular parts

¹²⁶ [4 HGSE Students Suspended from Library for Staging Pro-Palestine Study-In | News | The Harvard Crimson.](#)

of the University and its community—clear examples of antisemitism and anti-Israeli bias.¹²⁷

OCR finds three key areas of repeated ineffectual action and inaction by Harvard University that allowed severe and pervasive antisemitic harassment to continue within the institution, and that cast doubt over Harvard’s willingness or ability to curtail such harassment on its own. Stated differently, Harvard’s conduct was “clearly unreasonable in light of the known circumstances.” *Davis*, 526 U.S. at 648. *First*, Harvard failed to establish clear procedures and practices to report and remediate antisemitic harassment. *Second*, Harvard failed to implement disciplinary measures with any uniformity, resulting in a patchwork application of sanctions and reprieves that had no value as a meaningful consequence or deterrent of antisemitic harassment. *Third*, Harvard routinely allowed protesters to flout time, place and manner restrictions without consequence, predictably resulting in recurring unsanctioned protests that deprived Jewish students of full access to parts of campus where they studied and socialized. We discuss these three failures in detail below.

A. Failure to Establish Effective Reporting and Remediation

First, we find that Harvard acted with deliberate indifference in failing to establish effective reporting and remediation mechanisms for antisemitism. To effectively remediate discrimination on campus, a school must have a recognized, clear, and transparent process for students to report discrimination and for the university to effectively address it. Yet, the Task Force listening sessions revealed Harvard’s complaint process to be the opposite: “At present students suffer from a lack of transparency, clarity, and clear process for the submission of complaints of antisemitic or otherwise hostile behavior.”¹²⁸ In fact, “[c]oncerns about opaque processes for reporting complaints and seemingly inconsistent disciplinary responses were among the most common issues raised during the [Task Force] listening sessions.”¹²⁹

The theme of inconsistent, vague policies was echoed in findings from the 2025 Task Force Report on a survey by Harvard conducted between May and September 2024. The survey found that 47.8% of students rated Harvard University School Policies as a factor that contributed negatively to their experience on campus.¹³⁰ Less than 20% rated policies as a positive factor. The survey reported a major theme in responses was: “rules are vague, and enforcement of rules is inconsistent, and so students do not have a clear sense of what behaviors will be punished.”¹³¹

The consequences of Harvard’s failed policies were clear: “There were widespread perceptions that anti-Israeli and anti-Jewish expression are tolerated in a way that hostile rhetoric towards other groups would not be; that some of Harvard’s offices for Equity, Diversity, Inclusion, and Belonging have not taken antisemitism seriously; and that discipline against students who engaged in bullying, harassment, and intimidation has been lax.” Without effective reporting policies for

¹²⁷ [Harvard Antisemitism Task Force Report](#) at 173.

¹²⁸ *Id.* at 203.

¹²⁹ *Id.* at 128.

¹³⁰ *Id.* at 148.

¹³¹ *Id.*

antisemitism, students reported that responses to antisemitic harassment were “cumbersome and slow, ... often fueling [students’] perception of disparate treatment.”¹³²

This inconsistency is illustrated by Harvard’s response to OCR’s data request seeking “specific complaints that Harvard University received after October 7, 2023, from Jewish students regarding threats to physical safety.”¹³³ Despite the widely reported incidents of threats and physical intimidation against Jewish and Israeli students at Harvard during this time, Harvard’s response identifies the following calls to Harvard’s reporting hotline:

Between October 7, 2023, and March 31, based on analysis and interpretation of the reporting data, Harvard’s anonymous reporting hotline received 14 reports of alleged antisemitic behavior from individuals identifying themselves as students and indicating feeling some level of threat to their personal safety. All but one of these reports occurred during the 2023-24 academic year and the last report occurred in October 2024. Five reports were from individuals who indicated that they felt unsafe or physically threatened by conduct that appeared to be directed at them personally. The remaining nine related to antisemitic or pro-Palestinian online and/or social media content or public statements that did not target the reporter personally. Those reporters indicated the content made them feel unsafe or incited or called for violence toward Jews.¹³⁴

Thus, according to Harvard, at the height of campus protests, from multi-week encampments, to classroom disruptions, to staged “die-ins” at libraries and other public spaces, where protestors used bullhorns and carried antisemitic signs and posters, there were only a total of 5 calls made to Harvard’s hotline alleging antisemitism causing students to feel physically unsafe from what transpired on campus, and not a single call after October 2024. It may be the case that not a single Jewish student felt physically unsafe on Harvard’s campus (unrelated to social media) since October 2024, and only 5 for the entire period prior, to warrant a call to the Harvard campus hotline. But far more likely, the fault lies with Harvard’s hotline, which appears ineffective, as suggested by the Harvard Task Force in their recommendations: “There is a need for a channel through which complaints can be made anonymously, to protect a complainant from retaliation, and still reach University-level leaders.”¹³⁵

Likewise, Harvard’s response stated that, “[b]etween October 7, 2023 and March 31, 2025, Harvard received four complaints asserting violations of the NDAB policies from individuals who identified themselves as Jewish and/or Israeli students and indicated that they felt some level of threat to their personal safety. Three of these reports were filed in May 2024, and one report was filed in December 2024 but pertained to an incident which occurred in December 2023.”¹³⁶ Again, it may be the case that only 4 Jewish or Israeli students felt Harvard’s NDAB policy against

¹³² *Id.* at 129.

¹³³ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, p. 33.

¹³⁴ *Id.* at 34.

¹³⁵ [Harvard Antisemitism Task Force Report](#) at 188.

¹³⁶ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, p. 35.

antisemitic harassment and discrimination had been violated from October 7, 2023, through May 2024, and none after that. But the lack of reporting is far more readily explained by the fact that Harvard rolled out its NDAB policy in September 2023 with almost no effort to ensure uniform application between its thirteen schools. Despite documented statements from its own Task Force, Harvard struggled to establish a consistent protocol for reporting for multiple semesters. As of April 29, 2025, the Task Force needed to recommend basic training in how to report harassment:

Orient those in positions of advising students to the proper practices for reporting incidents. Ensure that students know who to approach with concerns, and that those designated people know how to guide students on reporting, and how to follow up to make sure that students are apprised of responses to their reports, even when it may not be possible for legal reasons to disclose some details.¹³⁷

Notwithstanding the concerns published by the Task Force, Harvard has not yet instituted university-wide training on recognizing and combating antisemitism. Indeed, it has announced plans to do so only in the 2025-2026 school year.¹³⁸ Clarification that Jewish and Israeli identity are covered by the September 2023 NDAB was not issued until March 2025, after the initiation of OCR's compliance review.¹³⁹

Perhaps most troubling and perplexing, as of May 2025, the 2025 Task Force Report stated that "Harvard is *in the process* of instituting an Action Plan and training to ensure that all personnel charged with reviewing and evaluating complaints of potential shared ancestry discrimination, whether anonymous or informal, are applying similar standards consistent with the Policies and Procedures. [emphasis added]."¹⁴⁰ Indeed, as noted in Harvard's responses from June 5, 2025, "the Deans of Harvard College and the Graduate School of Arts and Sciences ('GSAS') are still in the process of devising action plans "concerning admissions, appointments, curriculum, and orientation and training programs."¹⁴¹ Additionally, Harvard proffers in its response: "Beginning in the 2025–26 academic year, Harvard will conduct University community training that is focused on educating the community about the NDAB Policies and Title VI."¹⁴² While this training is clearly needed, it is being offered for the first time *two years* after the NDAB was implemented. During that time, it is obvious from the lack of reporting, and student and faculty statements, that there was no effective training or communication about how NDAB could protect against, and remediate, Title VI discrimination. Harvard's failure to provide training on the NDAB was clearly unreasonable. While Harvard's statements are offered as evidence of improvement, it indicates that training and multiple necessary reforms are not currently in effect to ensure the fair and consistent evaluation of complaints.

¹³⁷ [Harvard Antisemitism Task Force Report](#) at 183.

¹³⁸ *Id.* at 193.

¹³⁹ *Id.* at 198.

¹⁴⁰ *Id.*

¹⁴¹ Harvard June 5, 2025 Response to OCR's Fourth Data Request, p. 4.

¹⁴² *Id.* at 10.

Importantly, more than 18 months after the October 7th attacks, Harvard's own Task Force highlighted that Harvard had not done enough to establish foundational awareness of who could receive a complaint and how to report. This lack of training demonstrates Harvard's complaint and remediation procedures were ineffective. Harvard failed to take the necessary steps to ensure its students and faculty understood the process, let alone afford them the chance to use it effectively. In its responses to OCR's data requests, Harvard has flagged several changes to these processes. However, many of these procedures are still being developed or have yet to be implemented. Promises about future training on complaint and remediation procedures, or action plans that have not even been submitted yet to the President's Office for authorization, are insufficient, particularly when prior promises since the events of October 7, 2023, have failed to remediate the harm experienced by Jewish and Israeli students facing severe and pervasive harassment on Harvard's campus, much less prevent such harm from occurring in the first place. OCR therefore finds Harvard failed to take reasonable steps to counter antisemitic discrimination through its complaint process.

B. Failure to Consistently Discipline Students and Faculty

Second, Harvard failed to take reasonable measures to address antisemitism through its uneven, and at times contradictory, implementation of discipline when students and faculty violated university policy. OCR's investigation finds Harvard's inconsistent discipline to meet the First Circuit's description of actions "so lax, so misdirected, or so poorly executed as to be clearly unreasonable under the known circumstances." *Fitzgerald*, 504 F.3d at 175.

Through May 2025, Harvard lacked a centralized process for adjudicating discrimination complaints and determining consequences. The NDAB (September 2023) describes the disciplinary process as a school-specific matter:

Once any appeals are resolved, the Appropriate Official or designee(s) will determine actions to take based on the Determination Panel's findings and pursuant to local disciplinary policies. Sanctions or remedial measures for findings relevant to this Policy shall take into account the severity and impact of the conduct, the respondent's previous disciplinary history, and the goals of this Policy. While sanctions and remedial measures will vary, examples include but are not limited to counseling, warning, reprimand, suspension, probation, monitoring, community service, reduction in access to resources, reduction in oversight duties, reduction in salary, mandatory coaching and training, paid or unpaid leave, dismissal, expulsion, or termination, including possible recommendation of tenure termination. The Appropriate Official shall ensure that all sanctions and corrective or remedial measures are implemented.¹⁴³

On its face, the policy assumes "sanctions and remedial measures will vary," pursuant to "local disciplinary policies."¹⁴⁴ In practice, this policy meant that students from different schools within

¹⁴³ NDAB Policy, p. 21.

¹⁴⁴ *Id.*

Harvard whose same conduct violated the same NDAB policy faced a range of consequences, for participation in the same activity.

Beginning in the spring semester of 2024, the Task Force documented that “seemingly inconsistent” discipline was a major theme of listening sessions, as noted above.¹⁴⁵ In its Preliminary Recommendations, the Task Force stated:

G) At present, the policies of administrative boards and other disciplinary bodies vary widely across the University’s separate units, and there are significant disparities across units in the handling of disciplinary cases. There needs to be communication and a striving for consistency in disciplinary cases across the University’s constituent units.

H) The lack of follow-up after complaints regarding antisemitic expression or behavior causes many members of the Harvard community to doubt that the University is committed to imposing substantive consequences for antisemitic expression or action.¹⁴⁶

The preliminary recommendations were published on June 6, 2024.¹⁴⁷ Subsequently, multiple schools within Harvard would treat disciplinary sanctions for the Spring 2024 encampments in significantly divergent ways that only amplified the disparities in how different schools adjudicated violations of policy.

The range of consequences for students who participated in the April 2024 encampments is illustrative of the haphazard application of discipline for established violations. As Harvard stated in its response to OCR’s data request seeking disciplinary actions students received for their involvement in the protest encampments on Harvard’s campus in the spring of 2024: “A majority of those who were charged for participating in the encampment were at Harvard College and they all received disciplinary probation, which is a formal disciplinary action of the College and becomes part of the student’s official record. The GSAS Administrative Board charged 13 students for participating in the encampment and most were formally admonished or placed on disciplinary probation. For students enrolled in Harvard Schools other than the College and GSAS, most received an informal warning.”¹⁴⁸ Thus, students involved in the same or similar encampments, who violated the same university policies, were either placed on disciplinary probation or received an informal warning, simply by virtue of which of Harvard’s thirteen schools they happened to be enrolled in.

¹⁴⁵ [Harvard Antisemitism Task Force Report](#) at 127.

¹⁴⁶ *Id.* at 203.

¹⁴⁷ [June-2024-preliminary-recommendations-AS.pdf](#).

¹⁴⁸ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, p. 31.

In addition, OCR found the following disciplinary actions and reversals by Harvard:

- On May 14, 2024, when announcing the end of the encampment, Interim President Garber wrote that he would ask the boards to make disciplinary decisions “according to their existing practices and precedents.”¹⁴⁹
- On May 17, 2024, the Harvard College Administrative Board suspended five students and placed around 20 students on probation over their involvement in the 20-day encampment.¹⁵⁰
- On May 20, 2024, the Harvard Faculty of Arts and Sciences overwhelmingly voted to add 13 students back to the list of degrees recommended for conferral in May after the students were initially barred from graduating at Commencement.¹⁵¹
- On July 9, 2024, the Faculty Council concluded that the disciplinary sanctions against encampment protesters were too severe, and remanded the cases to the Harvard College Administrative Board, which downgraded the sanctions on five undergraduate students.¹⁵²
- On July 23, 2024, the Harvard Corporation voted to confer diplomas on 11 of 13 students previously barred from graduating.¹⁵³
- Harvard College’s Administrative Board later downgraded the sanctions of 35 students it initially voted to place on disciplinary probation from a period of six months or longer to periods of less than two months.¹⁵⁴
- The United States House of Representatives Committee on Education and the Workforce (HCEW) found, that, by Fall of 2024: “Of the 68 students against whom Harvard brought disciplinary cases related to the April 24 – May 14, 2024, Harvard encampment, none are suspended, 52 are in “good standing,”

¹⁴⁹ [Update on Encampment in Harvard Yard - Harvard University President.](#)

¹⁵⁰ [Harvard Antisemitism Task Force Report](#) at 115.

¹⁵¹ [Harvard Faculty Overwhelmingly Vote to Allow Seniors Disciplined Over Encampment to Graduate | News | The Harvard Crimson.](#)

¹⁵² [Harvard Reverses Decision to Suspend 5 Pro-Palestine Protesters Following Faculty Council Appeal | News | The Harvard Crimson.](#)

¹⁵³ [Harvard Corporation Releases Diplomas to 11 Students Who Participated in Encampment | News | The Harvard Crimson.](#)

¹⁵⁴ [Harvard Reverses Decision to Suspend 5 Pro-Palestine Protesters Following Faculty Council Appeal | News | The Harvard Crimson.](#)

fifteen are not in good standing due to disciplinary probation, and one is on leave.”¹⁵⁵

The issuance of disciplinary action, followed by reversal, by different levels of leadership and different schools was characterized by Harvard Corporation member Penny Pritzker as “uneven enforcement of the rules” in an August 2024 interview with the HCEW. She went on to say of the disciplinary process, “It’s not fair. It’s not right.”¹⁵⁶

Despite calls from its own leadership, Harvard has been slow to remedy the foundational disparities of allowing each school to develop its own investigative and disciplinary procedures. In July 2024, the Harvard Corporation allowed the UCRR to investigate and find facts, but not impose discipline, in cross-school cases.¹⁵⁷ In an accompanying statement, Harvard said, “To fully realize those commitments, the processes by which we implement them must be fair, effective, and evenhanded. In recent years, this goal has been challenged in a growing number of disciplinary cases involving students from different Schools who are involved in the same event or behavior but may be subject to quite different investigative and fact-finding processes.”¹⁵⁸ While this policy allowed for investigations, it still left discipline and sanctions to each school, the facet of Harvard’s discipline process that was directly causing disparate outcomes.

Finally, ten months later, in April 2025, after OCR had already initiated its investigation, President Garber announced a unified discipline policy, allowing the UCRR to “impose discipline in cross-School cases involving alleged violations of the University-wide Statement on Rights and Responsibilities or Campus Use Rules.”¹⁵⁹ That this change happened almost a full year after the Task Force highlighted how disparate and inconsistent discipline and follow through caused students “to doubt that the University is committed to imposing substantive consequences” for antisemitic discrimination. Indeed, “[f]ollowing a review that began in October 2024” and over a month after the final report was issued, Harvard is *still* “working on updates to the disciplinary boards for Harvard College and GSAS,” which includes “training for disciplinary boards, increased participation by tenured or tenure track faculty, and regular review of the disciplinary boards by the [Faculty of Arts and Sciences] Dean.”¹⁶⁰

Without consequences for violations, policies are ineffectual safeguards against harassment and discrimination in the university community. This is especially true because a close reading of Harvard’s June 5, 2025 responses to OCR suggests that Harvard mainly relies on pre-existing—not new or strengthened—policies. Harvard says that the August 2024 Campus Use Rules “centralize *existing* regulations”; the November 2024 FAQs “*reaffirm*[] the application of the USRR”; and maintains that it “*already* address[es] masking during protests.”¹⁶¹ The responses are

¹⁵⁵ [9.23.2024_harvard_disciplinary_final.pdf](#).

¹⁵⁶ [Committee on Education & the Workforce, Republican Staff Report: Antisemitism on College Campuses Exposed](#) at 108.

¹⁵⁷ [Harvard Antisemitism Task Force Report](#) at 118.

¹⁵⁸ [Update on University Rights and Responsibilities - Harvard University President](#).

¹⁵⁹ <https://www.harvard.edu/president/news/2025/update-on-university-committee-on-rights-and-responsibilities/>.

¹⁶⁰ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, p. 10.

¹⁶¹ *Id.* at 9 (emphases added).

vague about which updates were made when, and they shed no light on whether Harvard could reasonably think the policy changes would address the pervasive antisemitic harassment faced by its students after October 7, 2023—including after all of these documents were updated.

OCR finds that Harvard failed to consistently enforce its policies through disciplinary action. Both administrators and students expressed doubts that policies would be enforced, giving the policies little to no deterrent effect against the continued antisemitic discrimination on campus. Harvard’s disparate treatment of disciplinary cases was “so lax, so misdirected, or so poorly executed as to be clearly unreasonable under the known circumstances.” *Fitzgerald*, 504 F.3d at 175. In the context of Title VI, failure to enforce nondiscrimination policies through discipline has been noted as evidence of “deliberate indifference by effectively making an official decision not to remedy that hostile environment” that “could lead to a finding that school officials did not treat racism with appropriate seriousness, and instead downplayed, minimized, and even ignored the serious nature of the racist comments.” *K.R. by & through Proctor v. Duluth Pub. Sch. Acad.*, 591 F. Supp. 3d 418, 430 (D. Minn. 2022). Here, multiple schools “downplayed” and “minimized” the seriousness of harassment by dismissing, reversing, or downgrading sanctions against students who violated the NDAB policies.

Harvard’s April 2025 belated announcement of a unified discipline policy “only follows after a lengthy and unjustified delay.” *Gartenberg*, 765 F. Supp. 3d at 274. There is little evidence that Harvard’s newly enacted unified discipline policy will be executed with more rigor than prior policies, leaving Harvard free to return to its old ways. Indeed, Harvard’s history of lax enforcement and subsequent reversals and softening of discipline necessitates a finding of deliberate indifference.

C. Failure to Control Protests

Third, Harvard University acted with deliberate indifference in failing to control harassment and discrimination against Jewish students during protests on its campus from October 7, 2023, through the present. To start, Harvard University failed to enforce its own restrictions on student protest activity—particularly those governing the time, place, and manner of demonstrations. As early as January 2024, Harvard University began updating its event policies to reflect an awareness of the need for greater control over campus demonstrations. In January 2024, Interim President Garber and Harvard Deans released a statement clarifying University policy regarding the guarantees and limitations in campus protest, which forbids protest and dissent that amounts to “intense personal harassment” or “grave disrespect for the dignity of others,” or that interfere with the “normal duties and activities” of other University members.¹⁶² The email specifically called out the unauthorized occupation of University buildings, protests in classrooms, libraries, dormitories, dining halls, and offices unless a particular school makes an exception. The email made clear that protests must not block entrances to buildings, rooms or traffic and pedestrians,

¹⁶² [Clarifying the Rules of Protest | Harvard Magazine](#).

and that assaults, threats and intimidation and damaging or removing a properly posted sign are prohibited, as well disruptions of lectures by invited speakers.

Despite these claimed reforms, Harvard University failed to consistently or meaningfully enforce the time, place, and manner restrictions throughout the 2023–2025 academic years. Unauthorized protests—including those held inside academic buildings, residence halls, libraries, and during official university events—repeatedly disrupted classes, forced building evacuations, and created what many Jewish students described as an environment of fear and exclusion. Protestors set up encampments, staged walkouts, blocked access to buildings, vandalized property, and engaged in speech that glorified violence against Jews. For example, after the January 2024 clarification of policies, there continued to be posting of antisemitic signs and posters, die-ins, and an encampment which some reported as engaging in disruptive behaviors, including chanting slogans and loud music that disrupted students studying for final exams.¹⁶³ Most disturbingly during the encampment, Jewish students noted being confronted, followed, surveilled, and verbally harassed.¹⁶⁴

On April 25, 2024, the second day of the encampment, Dean of Students Tom Dunne sent an email to Harvard College affiliates, stating that a group of affiliates gathered in the Yard to protest and set up tents and, as the school had already noted, erecting structures, tents, and tables without authorization is a violation of rules.¹⁶⁵ Despite the Dean’s recognition that the activities represent clear violation of campus rules, the encampment continued. On the fourth day of the encampment, Dean Dunne sent a second statement that the encampment was disruptive and calling for its end and indicated that the College would proceed with disciplining students if it did not end.¹⁶⁶ It was not until May 6, 2024, that Interim President Garber issued a statement that acknowledged the encampment had disrupted educational activities and operations and that there are time, place and manner restrictions on the expression of free speech.¹⁶⁷ Similarly, during the 2024 commencement ceremony, there were disruptions that included walk-outs, chanting, and angry speeches. Even though Harvard made a contingency plan to handle the disruptive protests by enlisting residential tutors across the undergraduate houses to serve as “de-escalators,” it was clearly insufficient given the predictable range and intensity of protests that day, which caused some Jewish students such distress they did not participate in the ceremony fully and left early.¹⁶⁸

While administrative and disciplinary action was initially taken against protestors who violated campus policies, including placing students on involuntary leave of absences and placing charges

¹⁶³ [Anonymous Posters, Vandalism Spur Tensions on Harvard’s Campus | News | The Harvard Crimson](#); [Harvard Antisemitism Task Force Report](#) at 113.

¹⁶⁴ [Harvard Antisemitism Task Force Report](#) at 248.

¹⁶⁵ [LIVE UPDATES: Day 2 of Harvard Yard Encampment | News | The Harvard Crimson](#).

¹⁶⁶ [Dean of Students Dunne Again Threatens ‘Increased Sanctions’ for Students at Yard Encampment | News | The Harvard Crimson](#).

¹⁶⁷ [Harvard President Garber Breaks Silence on Encampment, Threatens ‘Involuntary Leave’ for Protesters | News | The Harvard Crimson](#).

¹⁶⁸ [Harvard Prepares for Commencement Disruptions, Enlists Tutors as ‘De-Escalators’ | News | The Harvard Crimson](#); [complaint on file with OCR](#).

before the Administrative Board, many of those actions were subsequently downgraded or reversed. The lack of clarity around the disciplinary measures that should be taken for violation of university policies across schools has led to different fact-finding and investigative processes and, as a result, unevenness in the University's response. As we discussed in Section IV, Part 5.B, board member Pritzker acknowledged that the "uneven enforcement of the rules" has posed a major challenge for University administrators,⁸⁸ which was further laid out in the September 26, 2024, Congressional report titled *Harvard University Failed to Discipline Antisemitic Conduct Violations*.⁹⁴

One notable example of Harvard's lack of effective enforcement of its own rules is with regard to the student group, the PSC, which issued the initial statement on October 8, 2023, blaming Israel for the October 7th terrorist attack.¹⁶⁹ Despite Harvard's initial condemnation of this statement, it continued to allow the PSC to freely operate on campus until it was finally "placed on probation pending the completion of an event planning training and social media consultation with the College's social media staff" for "organiz[ing] an unregistered 'die-in' event on the steps of Widener Library," which Harvard acknowledged violated university policy.¹⁷⁰ It was only "suspended in April 2024 for the remainder of the spring semester for its role in organizing an unregistered ... rally where attendees marched and chanted outside the offices of administrators and on the steps of Widener Library."¹⁷¹ But it was again allowed to return in the summer of 2024 and operated freely until April 2025, when it was again punished for the same type of behavior, being "placed on probation and banned from hosting any public events and activities until June 30, 2025, for co-sponsoring a rally that violated Campus Use Rules by using amplified sound and blocking ingress and egress to University Hall."¹⁷²

The PSC example is telling. The same organization received largely the same discipline two years in a row (April 2024 and April 2025) for substantially similar violations. If past is prelude, without federal enforcement of Title VI, PSC will again be allowed to freely operate on campus for almost all of academic year 2025-26, again engage in substantially similar violations, and again receive a proven-ineffectual punishment in April 2026, e.g., a pseudo-suspension that mainly consists of restrictions during only the summer months without meaningful limitation or suspension of PSC's activities during either the Fall or Spring semester. Indeed, on March 21, 2025, more than 200 Harvard affiliates and alumni signed an open letter to President Garber urging Harvard to permanently dissolve the PSC, which Harvard has failed to do.¹⁷³ Yet Harvard's June 5, 2025 response to OCR's Fourth Data Request makes no mention of this letter to dissolve the PSC at all. The need for federal intervention is clear; Harvard's lack of a "progressively punitive response," *StandWithUs*, 742 F. Supp. 3d at 142, is unreasonable.

¹⁶⁹ [Harvard Student Groups Face Intense Backlash for Statement Calling Israel 'Entirely Responsible' for Hamas Attack | News | The Harvard Crimson.](#)

¹⁷⁰ Harvard June 5, 2025 Response to OCR's Fourth Data Request, p. 24.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ [Harvard Faces Calls To Disband PSC for Violating New Antisemitism Policies | News | The Harvard Crimson.](#)

In sum, Harvard University’s lack of effective enforcement of its own policies and failure to establish effective procedures for protecting Jewish students is substantially responsible for its inability to control protests that predictably and repeatedly led to the severe and pervasive harassment of Jewish students—in other words, Harvard’s “response” in this regard certainly “ma[de] student[s] vulnerable to” antisemitic harassment. *M.L. by & through D.L. v. Concord Sch. Dist.*, 86 F.4th 501, 511 (1st Cir. 2023). Thus, we find that Harvard acted with deliberate indifference.

V. Procedure for Effecting Compliance

HHS regulations permit referral of matters to the United States Department of Justice if compliance under Title VI cannot be obtained voluntarily. 45 C.F.R. § 80.8(a). The regulations provide:

If there appears to be a failure or threatened failure to comply with this regulation, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by ... any other means authorized by law. Such other means may include, but are not limited to ... a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking

Further, “[n]o action to effect compliance by any other means authorized by law shall be taken until:

- (1) the responsible Department official has determined that compliance cannot be secured by voluntary means,
- (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and
- (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

45 C.F.R. § 80.8(d). This Notice of Violation constitutes official notice of Harvard University’s failure to comply with Title VI, as required by subsection (2). To secure compliance by voluntary means, the Federal government has engaged in extended discussions with Harvard University regarding the hostile environment on its campus for Jewish students since October 7, 2023, and its failure to appropriately respond to that hostile environment. OCR will make additional efforts to persuade Harvard to take appropriate corrective action, including through submission of a voluntary resolution agreement. But given Harvard’s failure to comply with Title VI, we have

ample grounds, under 45 C.F.R. § 80.3(d)(1), to determine that compliance cannot be secured by voluntary means. Given the length of time that has transpired since October 7, 2023, through the present, and the series of events that have demonstrated to us that Harvard has acted—and continues to act—with deliberate indifference, we will refer this matter to the Department of Justice as soon as possible after the mailing of this Notice absent voluntary compliance.

Sincerely,



Paula M. Stannard
Director
HHS, Office for Civil Rights

APPENDIX: Chronological Timeline

Immediate Aftermath of October 7, 2023

1. After the October 7, 2023 Hamas terrorist attack in Israel, on that same day, the Harvard Undergraduate Palestine Solidarity Committee (PSC) released a statement that held “the Israeli regime entirely responsible for all unfolding violence,” and asserted “[t]he apartheid regime is the only one to blame.”¹⁷⁴ The PSC’s statement was co-signed by 34 Harvard student organizations.¹⁷⁵
2. On October 14, 2023, approximately 1,000 demonstrators rallied on Harvard’s campus to condemn Harvard for complicity in what they described as “genocide.”¹⁷⁶ At least one Harvard instructor excused students from class so they could join the rally.¹⁷⁷
3. On October 18, 2023, “[h]undreds of Harvard students and affiliates^[178] marched to Harvard Business School and staged a ‘die-in’”¹⁷⁹ The protesters marched from outside President Gay’s office to Harvard Business School, where they “lay on the ground, chanting and holding up signs.”¹⁸⁰ When an Israeli Jewish student attempted to film the attendees, protestors removed him, “blocked his camera with their keffiyehs,” and yelled “shame” as he left.¹⁸¹ Videos of the incident show the student being pushed.¹⁸²
4. On October 19, 2023, approximately 500 protestors “walked out of class and marched through multiple Harvard schools.”¹⁸³ Protestors used “noisemakers, including drumsticks and buckets,” disrupted class, and “halted traffic” in Harvard Square.¹⁸⁴

¹⁷⁴ [Harvard Student Groups Face Intense Backlash for Statement Calling Israel ‘Entirely Responsible’ for Hamas Attack | News | The Harvard Crimson.](#)

¹⁷⁵ *Id.*

¹⁷⁶ [More Than 1,000 Rally on Harvard’s Campus to ‘Free Palestine’ Ahead of Expected Ground Invasion of Gaza | News | The Harvard Crimson.](#)

¹⁷⁷ [Harvard Antisemitism Task Force Report](#) at 108.

¹⁷⁸ As reported, “affiliates” refers to individuals associated with Harvard University, including faculty, staff, and students.

¹⁷⁹ [Hundreds of Harvard Protesters Stage ‘Die-In’ to Demand End to Violence Following Gaza Hospital Blast | News | The Harvard Crimson; Harvard Antisemitism Task Force Report](#) at 108-09.

¹⁸⁰ [Hundreds of Harvard Protesters Stage ‘Die-In’ to Demand End to Violence Following Gaza Hospital Blast | News | The Harvard Crimson.](#)

¹⁸¹ *Id.*

¹⁸² [Harvard Antisemitism Task Force Report](#) at 108-09.

¹⁸³ [Hundreds Disrupt Classes, March Through Harvard Law School, Kennedy School in Support of Palestine | News | The Harvard Crimson.](#)

¹⁸⁴ *Id.*

5. On October 27, 2023, “[m]ore than 100 students staged a ‘die-in’ demonstration in front of Memorial Hall during welcome remarks for Family Weekend.”¹⁸⁵ Harvard “closed the Yard to visitors at night and began offering another shuttle on the Quad-Yard Express from 8 p.m. to midnight from Wednesday to Sunday,” citing “security concerns.”¹⁸⁶
6. On October 30, 2023, Harvard Medical School Dean George Q. Daley issued a statement titled “Statement on Israel-Hamas crisis,” in which he acknowledged that “some members, particularly students, feel unsafe, having experienced hate speech, veiled and direct threats, doxing, ostracism, and other forms of targeting and harassment due to their fair, national origin, identities, or expressed opinions.”¹⁸⁷

November to December 2023

7. On November 9, 2023, President Gay announced an Antisemitism Advisory Group comprised of faculty, alumni, students, and leaders of Harvard’s Jewish community, tasked with examining antisemitism on campus and making recommendations.¹⁸⁸
8. On November 16, 2023, nine students affiliated with a student organization called Jews for Palestine occupied University Hall.¹⁸⁹ The demonstration prompted Harvard University Police “to restrict access to the building and tighten security around [Harvard] Yard throughout the day.”¹⁹⁰ Approximately 100 students assembled outside the building to support the protestors at different parts of the day.¹⁹¹ Harvard College Dean Rakesh Khurana gave the students an opportunity to leave without disciplinary consequences, but the student protestors refused unless Dean Khurana agreed to provide “a written response to the students’ demands, a meeting with University President Claudine Gay, and a guarantee that [they] would not be disciplined by the Ad[ministrative] Board.”¹⁹² At least one Harvard University professor spoke at the rally.¹⁹³ Dean Khurana rejected the students’ offer around 11:00 p.m.¹⁹⁴ The nine students received a written reprimand for occupying University Hall.¹⁹⁵

¹⁸⁵ [Harvard Students Stage Die-In During Family Weekend, Alleging Lack of Support for Palestinian Students | News | The Harvard Crimson.](#)

¹⁸⁶ *Id.*

¹⁸⁷ [Statement on Israel-Hamas crisis | Harvard Medical School.](#)

¹⁸⁸ [Combating Antisemitism - Harvard University President.](#)

¹⁸⁹ [University Hall Occupied By Harvard Jews For Palestine, Group Demanding Ceasefire in Israel-Hamas War | News | The Harvard Crimson.](#)

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² [University Hall Occupied By Harvard Jews For Palestine, Group Demanding Ceasefire in Israel-Hamas War | News | The Harvard Crimson.](#)

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, p. 22.

9. On November 29, 2023, the African and African American Resistance Organization (AFRO) organized a walkout.¹⁹⁶ During the walkout, AFRO organizers “entered and led students out of classrooms, chanting with megaphones, ‘from the river to the sea, Palestine will be free,’”—a phrase that some associate with a call to annihilate Israel.”¹⁹⁷ Subsequently, four undergraduate students faced disciplinary action before the Administrative Board Hearings for leading or participating in the event.¹⁹⁸ Five total students received a written reprimand for their participation in the classroom disruption.¹⁹⁹
10. On December 5, 2023, HCEW held a hearing titled, “Holding Campus Leaders Accountable and Confronting Antisemitism.” President Gay testified at this hearing that the University would not take action against student protesters unless their speech “crosses into conduct.”²⁰⁰ When asked whether a call “for the genocide of Jews violate[s] Harvard’s rules of bullying and harassment,” President Gay responded, “It can be, depending on the context.”²⁰¹ When pressed to give a yes or no answer, President Gay expanded, “Antisemitic speech when it crosses into conduct that amounts to bullying, harassment, intimidation – that is actionable conduct and we do take action.”²⁰²
11. On December 7, 2023, Rabbi David J. Wolpe announced that he had stepped down from Harvard’s antisemitism advisory group, citing his disappointment in President Gay’s December 5, 2023 Congressional testimony.²⁰³ He explained, “It was clear to me that [the advisory group] was not going to be able to make the kinds of changes that Harvard needed I’m talking about deep, really system-wide changes in the ideology and the procedures of the university.”²⁰⁴

On December 10, 2023, “[m]ore than 100 Harvard students and affiliates staged a silent ‘study-in’ at Widener Library.”²⁰⁵ The demonstrators donned keffiyehs “and entered Widener Library while holding signs that read ‘No normalcy during genocide. Justice for Palestine.’”²⁰⁶ After the hour-long demonstration, they left the library and circled Harvard Yard.²⁰⁷ “[T]hese

¹⁹⁶ [Four Harvard Undergrads Face Disciplinary Action Surrounding Pro-Palestine ‘Week of Action’ | News | The Harvard Crimson.](#)

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, p. 23.

²⁰⁰ [Five Takeaways from Harvard President Claudine Gay’s Testimony Before Congress | News | The Harvard Crimson; Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias](#) at 111

²⁰¹ [‘I Am Sorry’: Harvard President Gay Addresses Backlash Over Congressional Testimony on Antisemitism | News | The Harvard Crimson.](#)

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ [Rabbi Quits Antisemitism Task Force](#)

²⁰⁵ [Harvard Students Hold Silent ‘Study-In’ at Widener Library, Rally at Mass. Hall to Call for End of War in Gaza | News | The Harvard Crimson.](#)

²⁰⁶ *Id.*

²⁰⁷ *Id.*

protests disturbed many Jewish students” but “the University administration and police seemed reluctant to intervene once a demonstration was underway, apparently fearing escalation into physical violence.”²⁰⁸

12. A report from the Harvard Jewish Alumni Alliance detailed student accounts of events that occurred on campus between October 2023 and February 2024, including the following statement: “I’m engaged and my fiancé [who wears a kippah] was walking on campus on October 9th, and someone who [my fiancé] believed to be another student came up to him and spit in his face, oh my God, just on campus... I’ll tell you that he and pretty much all the other [orthodox] guys on campus have started wearing baseball caps.”²⁰⁹
13. With respect to the protesters (though the timing is unspecified), one student reported: “Literally have been stalked across Harvard Yard by protestors while walking my dog, had ‘Heil Hitler’ yelled at me twice while waiting for the M2, lost most of my non-Jewish friends and acquaintances on campus after posting about antisemitism I’ve been experiencing (nothing about Israel or politics). I’ve never felt less safe on a campus than I did this past year at Harvard.”²¹⁰

Spring Semester 2024

14. On January 2, 2024, President Gay announced her resignation and University Provost Alan M. Garber was selected as the interim president.²¹¹
15. On January 19, 2024, Interim President Garber announced the formation of the Presidential Task Force on Combatting Antisemitism.²¹²
16. That same day, “Interim President Alan M. Garber and Harvard’s deans released a statement clarifying University policy regarding ‘the guarantees and limitations’ in campus protest and dissent.”²¹³ The policy “forbids protest and dissent that amount to ‘intense personal harassment’ or ‘grave disrespect for the dignity of others,’ or that interfere with the ‘normal duties and activities’ of other University members.”²¹⁴ The policy provides that “demonstrations and protests are ordinarily not permitted in classrooms and other spaces of instruction; libraries or other spaces designated for study, quiet reflection, and small group discussion; dormitories, residence halls, or dining halls where students live and take their

²⁰⁸ [Harvard Antisemitism Task Force Report](#) at 112.

²⁰⁹ [Final HJAA Report. The Soil Beneath the Encampments.](#)

²¹⁰ [Harvard Antisemitism Task Force Report](#) at 249.

²¹¹ [Harvard President Claudine Gay Resigns | Harvard Magazine.](#)

²¹² [Garber Announces Presidential Task Forces on Antisemitism, Islamophobia at Harvard | News | The Harvard Crimson.](#)

²¹³ [Clarifying the Rules of Protest | Harvard Magazine.](#)

²¹⁴ *Id.*

meals; offices where the work of the University is carried out; or other places in which demonstrations and protests would interfere with the normal activities of the University.”²¹⁵ The policy also prohibits assaults, threats and intimidation and damaging or removing a properly posted sign are prohibited.²¹⁶ The statement reaffirmed that the University-wide Statement on Rights and Responsibilities bars protesters from preventing invited speakers from talking or audience members from hearing them.²¹⁷ As documented below, subsequent, repeated, and unresolved violations of these policies call into question whether Harvard complied with this policy.

17. In late January, a “series of anonymous acts” occurred on campus, including posters of Israeli citizens taken hostage by Hamas were vandalized with messages such as “Israel did 9/11.”²¹⁸
18. On February 12, 2024, almost 200 students gathered at Widener library to stage a “die-in,” laying on the steps of the library.²¹⁹ The event was publicized online by PSC, the “Boycott, Divestment, Sanctions” caucus of Harvard’s graduate student union, Law Students for a Free Palestine, and Harvard Jews for Palestine.²²⁰ “The PSC was placed on probation pending the completion of an event planning training and social media consultation with the College’s social media staff. The PSC was later suspended in April 2024 for the remainder of the spring semester for its role in organizing an unregistered rally where attendees marched and chanted outside the offices of administrators and on the steps of Widener Library, which violated the University-wide Statement on Rights and Responsibilities.”²²¹ As discussed below, the PSC was again allowed to return in the summer of 2024 and operated freely until April 2025, when it was again punished for the same behavior.²²²
19. In February 2024, student and faculty groups at Harvard posted to Instagram an antisemitic cartoon “show[ing] a white hand, marked with a dollar sign inside a Star of David, tightening nooses around the necks of a Black man and an Arab man,” which was copied from a newsletter published by students in the 1960s.²²³ The groups later removed the image and apologized, only to replace the cartoon with “a photo of Kwame Ture,” a “Black nationalist and former SNCC leader who has long been accused of antisemitism” and is “infamous for stating, ‘The only good Zionist is a dead Zionist.’”²²⁴

²¹⁵ [Statement of Interim President and Deans on University Rights and Responsibilities - Harvard University President.](#)

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ [Anonymous Posters, Vandalism Spur Tensions on Harvard’s Campus | News | The Harvard Crimson](#); [Harvard Antisemitism Task Force Report](#) at 113..

²¹⁹ [Nearly 200 Harvard Students Hold ‘Die-In’ Protesting Airstrikes on Rafah | News | The Harvard Crimson.](#)

²²⁰ *Id.*

²²¹ Harvard June 5, 2025 Response to OCR’s Fourth Data Request, at 24.

²²² *Id.*

²²³ [The antisemitic cartoon roiling Harvard caused ‘60s firestorm - Los Angeles Times](#)

²²⁴ *Id.*

20. On Match Day, March 15, 2024, Harvard Medical School students and others protested a speech by Jesse Ehrenfeld, a Jewish doctor²²⁵ and the President of the American Medical Association, citing “the AMA’s insufficient response to the war in Gaza.”²²⁶
21. Harvard’s 2025 Task Force Report reported concerns that protests at Harvard Medical School (HMS) in Spring 2024 may have pressured prospective students who were sympathetic to Israel from enrolling. As reported by one student regarding the medical school, “The overall message is — if you are a Jewish student with Israeli connections, you don’t have a place here. During Admitted Students Week, a lot of the current students made it clear they wanted to send a message to visiting students to discourage Zionist students from coming here. There are very few Jewish students in my class and few Jewish students feel comfortable at the Med School.” In a similar vein, a recently admitted HMS student was told “Zionists are not welcome at HMS.”²²⁷
22. On April 22, 2024, Harvard College suspended the PSC and ordered the group to “cease all organizational activities for the remainder of the Spring 2024 term” or risk permanent expulsion.²²⁸ The suspension was due to PSC’s unpermitted rally in Harvard Yard on April 19, 2024, in support of students who were arrested at Columbia University during demonstrations.²²⁹ PSC had previously been put on probation by Harvard College in March 2024.²³⁰ And as noted below, on September 10, 2024, the Dean of the Student’s Office restored the PSC’s “full privileges as an officially recognized student organization,” which provided the PSC the ability “to access Harvard mailing lists, reserve certain rooms and spaces across the University, and apply for funding through the Harvard Undergraduate Association.”²³¹

April - May 2024 Encampment

23. In anticipation of student protests, the University announced restricted access to Harvard Yard from April 22 until noon April 26, 2024, warning against bringing tents, tables, or blocking access to buildings, which were subsequently ignored.²³²
24. On April 23, 2024, Interim President Garber stated that he would not rule out a police response to encampment demonstrations, but noted that the University had a “very, very high bar”

²²⁵ [Jesse Ehrenfeld biography](#)

²²⁶ [Harvard Antisemitism Task Force Report](#) at 114.

²²⁷ *Id.* at 126, 145, 147.

²²⁸ [Harvard Suspends Palestine Solidarity Committee Amid Wave of Protests on College Campuses | News | The Harvard Crimson](#)

²²⁹ *Id.*

²³⁰ *Id.*

²³¹ [Harvard Reverses Palestine Solidarity Committee Suspension After 5 Months | News | The Harvard Crimson](#)

²³² [Harvard Yard Closed Until Friday in Anticipation of Pro-Palestine Protests | News | The Harvard Crimson](#)

before calling in law enforcement.²³³ He continued: “If our policies were violated—particularly, if we had concerns about violence or there were any threats to safety—we would not eliminate any option from consideration.”²³⁴ Police were not called to disperse the encampment or arrest protesters.

25. On April 24, 2024, “organizers began an encampment in Harvard Yard ... to protest the Monday suspension of the [PSC] and demand the University divest from Israel’s war in Gaza.”²³⁵ That evening, “Harvard Chabad Rabbi Hirschy Zarchi called on the University to clear out the encampment in Harvard Yard in a statement posted to Chabad’s X account just before 11 p.m., referring to the protesters as ‘Jew haters and Hamas lovers.’”²³⁶ “Zarchi wrote that he had heard from freshmen students who felt unsafe after hearing chants to ‘globalize the Intifada,’ referring to the Arabic term for uprising.”²³⁷ He also wrote that he had received calls from the parents of freshmen who were ‘frightened’ that the encampment was continuing ‘in brazen defiance to the university’s explicit guidelines.’”²³⁸

26. Harvard’s 2025 Task Force Report described the 20-day encampment that followed.²³⁹

While generally maintained in a clean and orderly fashion, the encampment generated complaints from some students regarding disruptive behaviors. These included chanting slogans, playing loud music, and, on one occasion, raising Palestinian flags over the John Harvard statue while placing a keffiyeh around its neck. Some Jewish students reported feeling uncomfortable walking near the encampment, describing incidents of being followed and verbally harassed. Several Jewish first-year students residing near the encampment expressed distress over its proximity, noise level, and the nature of the chants. Additionally, a Jewish faculty member recounted walking through the encampment and receiving alarming calls from alumni warning them about being discussed in student demonstrator WhatsApp groups, causing this faculty member to fear for their physical safety. The appearance of a map within the encampment of Israel and the Palestinian territories without marking any Jewish communities implied that the ... students’ goal was the physical elimination of Israel.

²³³ [Harvard President Garber Declines To Rule Out Police Response To Campus Protests | News | The Harvard Crimson](#)

²³⁴ *Id.*

²³⁵ [LIVE UPDATES: Pro-Palestine Protesters Begin Encampment in Harvard Yard | News | The Harvard Crimson](#)

²³⁶ *Id.*

²³⁷ *Id.*

²³⁸ *Id.*

²³⁹ [Harvard Antisemitism Task Force Report](#) at 114-15.

27. Other signs within the encampment included, “Not free, Arab; not coexisting w/ Israel, but eliminating it.”²⁴⁰
28. The encampment continued into April 25, 2024.²⁴¹ At around 1:50 a.m., volunteers arrived carrying additional tenting supplies and set up more tents.²⁴² Harvard Dean Thomas Dunne sent an email stating that erecting structures, tents, and tables without authorization is a violation of university rules.²⁴³ At around 2:47 p.m., Harvard Faculty and Staff for Justice in Palestine issued a statement detailing 30 faculty members’ participation and support of the encampment activities.²⁴⁴
29. On April 26, 2024, the encampment entered its third day.²⁴⁵ That morning, Dean Dunne “said protesters will have the option of having their ID photographed or their name recorded.”²⁴⁶ That afternoon faculty and staff for Justice in Palestine set up a tent at the encampment.²⁴⁷ At around 5:47 p.m., “[s]tudent protestors set up five new tents on a stretch of lawn just south of the main encampment, raising the total count to at least 40 tents.”²⁴⁸ At around 7:33 p.m., “Harvard Chabad Rabbi Hirschy Zarchi called for ‘urgent action’ from Harvard to address the encampment,” indicating “that freshmen who live in the Yard had trouble studying for final exams due to ‘hateful chants outside their homes.’”²⁴⁹
30. On April 26, 2024, “Harvard University Police Department Chief Victor A. Clay defended the rights of protesters staging an encampment in Harvard Yard and said the demonstration has remained peaceful in a Friday interview.”²⁵⁰
31. On April 27, 2024, “Dean of Students Thomas Dunne said in a Saturday email to undergraduates that the encampment in Harvard Yard has disturbed freshmen students trying to study for final exams and issued another warning that protesters will face disciplinary action.”²⁵¹ Dean “Dunne’s email, which comes on the fourth day of the occupation of the Yard, marked his second public statement about the protest and indicated that the College will soon proceed with disciplining students if the encampment does not end.”²⁵²

²⁴⁰ [X post by Stephen E. Sachs, the Antonin Scalia Professor of Law at Harvard Law School.](#)

²⁴¹ [LIVE UPDATES: Pro-Palestine Protesters Begin Encampment in Harvard Yard | News | The Harvard Crimson](#)

²⁴² *Id.*

²⁴³ [LIVE UPDATES: Day 2 of Harvard Yard Encampment | News | The Harvard Crimson](#)

²⁴⁴ *Id.*

²⁴⁵ [LIVE UPDATES: Day 3 of Harvard Yard Encampment | News | The Harvard Crimson](#)

²⁴⁶ *Id.*

²⁴⁷ *Id.*

²⁴⁸ *Id.*

²⁴⁹ *Id.*

²⁵⁰ [HUPD Chief Says Harvard Yard Encampment is Peaceful, Defends Students’ Right to Protest | News | The Harvard Crimson](#)

²⁵¹ [Dean of Students Dunne Again Threatens ‘Increased Sanctions’ for Students at Yard Encampment | News | The Harvard Crimson](#)

²⁵² *Id.*

32. On April 29, 2024, based upon their participation in the Yard encampment, more than 30 undergraduates were asked to appear before the Administrative Board.²⁵³ On May 10, 2024, Harvard placed only 20 of the students on involuntary leaves of absence for their involvement in the encampment.²⁵⁴
33. On May 6, 2024, Interim President Gerber released a statement that acknowledged the encampment had disrupted educational activities and operations and that protests are subject to time, place and manner restrictions.²⁵⁵ He expressed the following concerns: “The disruptions from this encampment at the heart of the University have been numerous. Harvard College exams and other important activities and events have had to move elsewhere. Safety concerns over the past two weeks, including those raised as a result of students sleeping outdoors overnight, have required us to sharply limit access to Harvard Yard. Although some community members have said they are undisturbed by these conditions, we continue to hear reports of students whose ability to sleep, study, and move freely about the campus has been disrupted by the actions of the protesters. We are especially troubled by increasing reports that some within, and some supporting, the encampment have intimidated and harassed other members of our community. When Harvard staff have requested to see IDs in order to enforce our policies, supporters of the encampment have at times yelled at them, tried to encircle them, and otherwise interfered with their work. We have also received reports that passers-by have been confronted, surveilled, and followed. Such actions are indefensible and unacceptable.”²⁵⁶
34. For example, one student reported “the students at the encampment refused to speak to me because, as one said, ‘I’m a Palestinian-hating Zionist.’ Maybe it was the fact that I wear a kippah that led them to believe that?”²⁵⁷
35. On May 6, 2024, over 400 Harvard students marched to Interim President Garber’s private residence after he threatened involuntary leave for the protestors and refused to negotiate with protestors about divestment from Israel.²⁵⁸
36. On May 7, 2024, “[m]ore than 300 Harvard faculty members signed a letter sent to [President Garber] that urged his administration to negotiate with the ... student protesters staging an encampment in Harvard Yard.”²⁵⁹ That same day, students participating in the encampment in

²⁵³ [More Than 30 Students to Appear Before Harvard College Ad Board for Pro-Palestine Yard Encampment | News | The Harvard Crimson](#)

²⁵⁴ [Harvard Places Encampment Protesters on Involuntary Leaves of Absence | News | The Harvard Crimson](#)

²⁵⁵ [Harvard President Garber Breaks Silence on Encampment, Threatens ‘Involuntary Leave’ for Protesters | News | The Harvard Crimson; Encampment in Harvard Yard](#)

²⁵⁶ *Id.*

²⁵⁷ [Harvard Antisemitism Task Force Report](#) at 246.

²⁵⁸ [Pro-Palestine Protesters March to Harvard President’s Residence | Multimedia | The Harvard Crimson](#)

²⁵⁹ [More Than 300 Harvard Faculty Urge Garber To Negotiate with Pro-Palestine Protesters | News | The Harvard Crimson](#)

Harvard Yard “refused to submit to ID checks.”²⁶⁰ Harvard Dean Michael Burke filmed “the faces of student protestors on his mobile phone while walking around the Yard in an attempt to identify members of the encampment.”²⁶¹

37. On May 9, 2024, more than 180 Harvard faculty urged Interim President Garber and Interim Provost John F. Manning to end the encampment in Harvard Yard.²⁶²
38. On May 10, 2024, “[m]embers of the ... encampment rejected a proposal from [Interim President Garber] to end their two-week occupation of Harvard Yard and avoid receiving involuntary leave of absence notices, according to an Instagram post published shortly after midnight on Friday by the group leading the encampment.”²⁶³
39. On May 11, 2024, “Harvard affiliates used bolt cutters to cut a lock securing Johnston Gate in an attempt to allow roughly 150 protesters access to Harvard Yard ... to ... condemn Harvard placing student protesters on involuntary leaves of absence.”²⁶⁴
40. That same day, “Harvard placed two more undergraduates on involuntary leaves of absence on Saturday morning for their involvement in the ongoing Harvard Yard encampment.”²⁶⁵
41. On May 12, 2024, a poster of Interim President Garber “depicted as a devil with horns and a tail appeared within the encampment, shocking many Jewish students, faculty, and staff for whom the image recalled medieval antisemitic tropes of Jews as Satan’s minions.”²⁶⁶ This incident prompted a member of the Task Force on Combating Antisemitism and Anti-Israeli Bias to write: “Make no mistake, while I stand by my characterization of many protesting students as good-intentioned, there is certainly antisemitism and hate among that movement.”²⁶⁷ The poster contained a caption that stated, “Alan Garbage funds genocide.”²⁶⁸
42. On May 13, 2024, Harvard University police entered the encampment and photographed students.²⁶⁹

²⁶⁰ [Harvard Encampment Members Refuse ID Checks, Raise Palestinian Flag as Tensions Rise | News | The Harvard Crimson](#)

²⁶¹ *Id.*

²⁶² [More Than 180 Harvard Faculty Sign Letter Urging Garber to End Pro-Palestine Encampment | News | The Harvard Crimson](#)

²⁶³ [Pro-Palestine Students Reject Harvard President’s Proposal to End Encampment | News | The Harvard Crimson](#)

²⁶⁴ [Police Say Harvard Affiliates Likely Cut Johnston Gate Lock During Saturday Protest | News | The Harvard Crimson](#)

²⁶⁵ [More Students Placed on Involuntary Leaves of Absence for Involvement in Pro-Palestine Encampment | News | The Harvard Crimson](#)

²⁶⁶ [Harvard Antisemitism Task Force Report](#) at 115.

²⁶⁷ [Encampment Protesters Remove Drawing of Harvard President as Devil After Backlash | News | The Harvard Crimson](#)

²⁶⁸ [Harvard University Police Enter Encampment, Photograph Protesters | News | The Harvard Crimson](#)

²⁶⁹ *Id.*

43. On May 14, 2024, Interim President Garber negotiated a private deal with protestors from Harvard Out of Occupied Palestine (HOOP) to end the encampment by agreeing to reinstate at least 22 students from involuntary leaves of absence and offering protestors a meeting with members of the University’s governing boards about divestment”; to “expedite Administrative Board cases for more than 60 students facing charges for their involvement in the encampment with ‘precedents of leniency for similar actions in the past’”; and for members of the encampment to meet with Garber and other Harvard faculty “to discuss their perspectives on the Israel-Hamas war.”²⁷⁰ As a result of these negotiations, HOOP negotiators “signaled in its Tuesday morning press release that it intended to raise the possibility of establishing a center for Palestine studies in its meeting with [Harvard administrators].”²⁷¹
44. On May 15, 2024, “Harvard Medical School professor Jerome E. Groopman, a member of the presidential task force to combat antisemitism and member of Harvard Faculty for Israel, wrote to other members of the group to express concern that [an agreement Harvard had reached with HOOP protestors and President Garber at the encampment] was ‘rewarding’ the protestors and would ‘incentivize more violations.’”²⁷²
45. On May 17, 2024, “[t]he Harvard College Administrative Board suspended five students and placed more than 20 students on probation ... over their involvement in the 20-day ... encampment.”²⁷³ Harvard brought a total of 68 students up on disciplinary charges related to the 2024 encampments.²⁷⁴ However, 22 students were immediately reinstated, as promised by Garber in his deal with HOOP negotiators, and hundreds of other participants faced no punishment at all.

Walkout at 2024 Commencement Ceremony

46. On May 19, 2024, HOOP hosted a “emergency rally” at the encampment.²⁷⁵ In a May 18, 2024 Instagram post, HOOP stated that the rally was “intended to ‘send Harvard a message: commencement will not proceed as normal while Harvard penalizes the students that speak against genocide.’”²⁷⁶

²⁷⁰ [Harvard Out of Occupied Palestine Ends Harvard Yard Encampment | News | The Harvard Crimson](#)

²⁷¹ *Id.*

²⁷² [Harvard Officials Wanted Harsher Discipline for Student Protesters, Report Shows | News | The Harvard Crimson](#)

²⁷³ [5 Harvard Students Suspended, More Than 20 Face Probation for Encampment Participation | News | The Harvard Crimson](#)

²⁷⁴ [9.23.2024 harvard_disciplinary_final.pdf](#)

²⁷⁵ [HOOP Warns Harvard of Commencement Disruptions, Denounces Suspensions During Rally at Garber’s House | News | The Harvard Crimson](#)

²⁷⁶ *Id.*

47. On May 20, 2024, “the Harvard Faculty of Arts and Sciences overwhelmingly voted to add 13 students back to the list of degrees recommended for conferral in May after the students were initially barred from graduating at Commencement over their participation in the ... encampment.”²⁷⁷ Overall, “15 seniors were barred from graduating ... by the [Administrative] Board for their involvement in the encampment,” although two were to graduate after the fall 2024 semester.²⁷⁸
48. On May 22, 2024, Harvard College “enlisted a number of residential tutors across the 12 undergraduate Houses to serve as ‘de-escalators’ during ... Commencement festivities.”²⁷⁹ Notwithstanding this measure, the next day (May 23, 2024), over “1,000 people walked out of Harvard’s Commencement” to indicate “mass discontent over the decision to bar 13 ... College student protesters from graduating.”²⁸⁰ HOOP organized a mock graduation ceremony during Harvard’s 2024 commencement for the seniors whose degrees were withheld for their involvement in the encampment.²⁸¹
49. Harvard’s 2025 Task Force Report describes the May 23, 2024 Commencement ceremony:²⁸²

The principal speaker at the 2024 Commencement exercises on Thursday, May 23, was Maria Ressa, a Filipino-American journalist and recipient of the Nobel Peace Prize in 2021. When her selection was announced earlier in that spring, Ressa, and the choice itself, drew backlash from some American media outlets and Congresswoman Elise Stefanik ‘06 for comments critical of the Israeli occupation and the bombardment of Gaza... Ressa’s ad-libbed remarks extended to praising student speakers who had addressed the topic of Palestine. She omitted a section from her prepared speech that gently challenged the ... protesters among the assembled students... Ressa deleted other conciliatory language from her speech as well ultimately delivering a message about confronting political opposition that was far more assertive and defiant than her prepared remarks suggested. Ressa also employed an anti-Semitic trope, stating that her anti-Israel views caused her to be “attacked by power and money because they want power and money.” Shortly after Ressa finished speaking, toward the end of the Commencement ceremonies, Rabbi Hirschy Zarchi of Harvard Chabad approached Ressa on stage and quietly requested clarification on the portion of her speech he found antisemitic. According

²⁷⁷ [Harvard Faculty Overwhelmingly Vote to Allow Seniors Disciplined Over Encampment to Graduate | News | The Harvard Crimson](#)

²⁷⁸ *Id.*

²⁷⁹ [Harvard Prepares for Commencement Disruptions, Enlists Tutors as ‘De-Escalators’ | News | The Harvard Crimson](#)

²⁸⁰ [Outrage at Decision to Deny Diplomas to 13 Pro-Palestine Students Overshadows Harvard Commencement | News | The Harvard Crimson](#)

²⁸¹ [HOOP Hosts ‘People’s Commencement’ to Honor 13 Harvard Seniors Denied Degrees | News | The Harvard Crimson](#); [Harvard Antisemitism Task Force Report](#) at 116.

²⁸² [Harvard Antisemitism Task Force Report](#) at 116.

to one media account, “Zarchi said he could not properly hear Ressa’s response due to the ongoing address but said that when he felt it was clear she would not oblige, he left early.” Zarchi went on to criticize Ressa in a statement for supporting protesters, “arguing that she had ignored how the students had ‘hijacked’ the Commencement ceremony to support protesters who had violated Harvard policies.”

50. A Jewish 2024 graduate of Harvard Business School described her experience in a complaint filed with OCR: “I didn’t even feel safe attending Harvard’s graduation ceremony on May 23rd, 2024. Hundreds of angry shouting anti-Israel and anti-America protesters encircled the entire Harvard undergraduate campus before and during the morning commencement ceremony. I had to sit with my parents in the family area because I did not feel safe to sit with my HBS section in the student area due to the life-threatening bullying I faced by Harvard students in the days before because I stood up against campus antisemitism. I had to walk out of the morning commencement ceremony early because of how scary the antisemitic neo-Nazi speeches of Harvard’s graduating students were and how threatening the thunderous student applause in reaction to their antisemitic commentary was.”²⁸³

Summer 2024

51. On June 5, 2024, “Harvard Yard reopened to members of the public [for] the first time” since April 21, 2024.²⁸⁴
52. On June 6, 2024, the Harvard University Presidential Task Force on Combating Antisemitism published six preliminary recommendations.²⁸⁵ The report stated: “We have heard disturbing reports that faculty members and teaching fellows discriminate against or harass students because they are Israeli or have pro-Israel views. Harvard should make clear that such behavior by instructional staff is contrary to University policy and will be subject to disciplinary action when it occurs. As teaching fellows are often very early on in their teaching career, antisemitism and anti-Israeli bias need to be included in training for these essential employees in the College. ... The lack of follow-up after complaints regarding antisemitic expression or behavior causes many members of the Harvard community to doubt that the University is committed to imposing substantive consequences for antisemitic expression or action. To restore the community’s trust in Harvard’s disciplinary processes, the University should—to the extent legally possible—reveal information about disciplinary cases (e.g., the number and outcomes of cases) in an aggregated and anonymized form.”²⁸⁶ As discussed throughout this

²⁸³ On file with OCR.

²⁸⁴ [Harvard Yard Reopened to the Public for First Time in 6 Weeks | News | The Harvard Crimson](#)

²⁸⁵ [June-2024-preliminary-recommendations-AS.pdf](#)

²⁸⁶ *Id.*

Notice, the overarching concern of the Task Force about the inconsistency or nonexistence of discipline for antisemitic harassment has still not been addressed.

53. On June 25, 2024, the “Harvard Graduate School of Arts and Sciences placed 10 graduate students on probation for participating in the ... encampment. ... Three graduate students were placed on probation for the academic year and seven students were placed on probation for six months.”²⁸⁷
54. On July 9, 2024, “[t]he Harvard College Administrative Board reversed its decision to suspend five students for participating in the ... encampment ... after the Faculty Council criticized its handling of the cases.”²⁸⁸
55. On July 18, 2024, the Harvard Corporation allowed the University Committee on Rights and Responsibilities (UCRR) to investigate and find facts, but not impose discipline, in cross-School cases.²⁸⁹ In a statement, Harvard leadership recognized that the lack of consistency undermined its disciplinary system:

Harvard’s University-wide Statement on Rights and Responsibilities (USRR) expresses our core commitments to advancing freedom of thought, open inquiry, and free speech; to protecting the safety and well-being of members of the Harvard community; and to ensuring that all within our community can pursue a shared mission of academic excellence through teaching, learning, and research. To fully realize those commitments, the processes by which we implement them must be fair, effective, and evenhanded. In recent years, this goal has been challenged in a growing number of disciplinary cases involving students from different Schools who are involved in the same event or behavior but may be subject to quite different investigative and fact-finding processes. Fully acknowledging that, at Harvard, each School is responsible for determining discipline for its own students, the facts informing discipline should not vary depending on what School a particular student attends.²⁹⁰

56. Harvard’s 2025 Task Force Report remarked that “[t]his modest measure may have indicated both the Central Administration’s awareness of the need to institute major reforms in Harvard’s disciplinary procedures and the difficulties it faces doing so.”²⁹¹ It noted that the “significant autonomy of each Harvard School in managing disciplinary matters” and “the varying outcomes of these cases contributed to a sense of unevenness when viewed across the University”—and that “[t]his unevenness, coupled with the failure of some Schools to impose

²⁸⁷ [Harvard Places 10 Graduate Students on Probation for Encampment Participation | News | The Harvard Crimson](#)

²⁸⁸ [Harvard Reverses Decision to Suspend 5 Pro-Palestine Protesters Following Faculty Council Appeal | News | The Harvard Crimson](#)

²⁸⁹ [Harvard Antisemitism Task Force Report](#) at 118.

²⁹⁰ [Update on University Rights and Responsibilities - Harvard University President](#)

²⁹¹ [Harvard Antisemitism Task Force Report](#) at 118.

discipline and the overall opacity of the process, reportedly frustrated Harvard's Central Administration, which includes the Office of the President and Provost.”²⁹² “The Harvard Crimson described the Central Administration’s view of the Schools’ administrative boards, responsible for handling disciplinary matters, as ‘ineffective, too autonomous, and overly deferential to student protesters.’”²⁹³

57. On July 23, 2024, the Harvard Corporation “conferred diplomas to the 11 of the 13 seniors who initially had their degrees withheld in May [2024] as they faced disciplinary action for participating in the ... encampment in Harvard Yard.”²⁹⁴
58. On August 1, 2024, the Office of the Executive Vice President announced updated rules on the use of campus spaces that will prohibit overnight camping, chalking on University property, and unapproved signage and displays.²⁹⁵
59. During a transcribed interview with HCEW on August 29, 2024, Corporation member Penny Pritzker acknowledged that the “uneven enforcement of the rules” has posed a major challenge for University administrators.²⁹⁶ “The Corporation finds that unacceptable,” Pritzker said. “It’s not fair. It’s not right. And so it’s something that we have—have been very clear about with the people who need to now rectify this.” “I don’t think it’s all fixed yet,” she added.²⁹⁷

Fall 2024 Semester

60. On September 3, 2024, the Harvard University Police Department opened an investigation “after a mezuzah went missing from the doorway of a Jewish freshman’s dorm in Thayer Hall.”²⁹⁸ The police later “recovered the mezuzah roughly three doors down from [the student’s] room and returned it to her”; the police investigated the incident as a “bias crime” but it is unclear whether anyone was identified for the theft or punished.²⁹⁹
61. On September 10, 2024, as noted above, the Dean of Students Office restored the PSC’s “full privileges as an officially recognized student organization.”³⁰⁰ As a recognized student group, the PSC was provided the ability “to access Harvard mailing lists, reserve certain rooms and

²⁹² *Id.*

²⁹³ [Harvard Officials Wanted Harsher Discipline for Student Protesters, Report Shows | News | The Harvard Crimson](#)

²⁹⁴ [Harvard Corporation Releases Diplomas to 11 Students Who Participated in Encampment | News | The Harvard Crimson](#)

²⁹⁵ [Rules for Use of Campus Spaces | Office of the Executive Vice President](#)

²⁹⁶ [Committee on Education & the Workforce, Republican Staff Report: Antisemitism on College Campuses Exposed](#) at 108.

²⁹⁷ *Id.*

²⁹⁸ [Harvard Police Investigating After Mezuzah Briefly Goes Missing From Student’s Door | News | The Harvard Crimson](#)

²⁹⁹ [Harvard Police Investigating Missing Mezuzah Incident as ‘Bias Crime’ | News | The Harvard Crimson](#)

³⁰⁰ [Harvard Reverses Palestine Solidarity Committee Suspension After 5 Months | News | The Harvard Crimson](#)

spaces across the University, and apply for funding through the Harvard Undergraduate Association.”³⁰¹

62. On September 21, 2024, approximately 30 student protesters organized by HOOP staged an “emergency study-in” at Widener Library.³⁰² As protesters entered, “library staff passed out sheets of paper to organizers stating that libraries are not permissible spaces for student protests.”³⁰³ Staff “took down the Harvard University ID numbers of several participants.”³⁰⁴ The day before the “study-in,” Harvard Dean Jason R. Meier sent an email warning that “the event as described is a violation of Harvard’s policies and participants may be subject to follow-up as appropriate.”³⁰⁵ Approximately “12 ... student protesters were banned from entering Widener Library for two weeks” for violating the University-wide Statement on Rights and Responsibilities.³⁰⁶
63. On September 26, 2024, the HCEW published an executive summary titled, “Harvard University Failed to Discipline Antisemitic Conduct Violations.”³⁰⁷ The executive summary notes, “Of the 68 students against whom Harvard brought disciplinary cases related to the April 24 – May 14, 2024, Harvard encampment, none are suspended, 52 are in ‘good standing,’ fifteen are not in good standing due to disciplinary probation, and one is on leave.”³⁰⁸ According to the summary, Harvard “only referred 12 students for discipline for conduct related to two antisemitic incidents: the November 16-17, 2023, occupation of University Hall and the disruption of classes with bullhorns and antisemitic chants on November 29, 2023.”³⁰⁹ The report notes that “[n]one of the students received any formal discipline and all remain in good standing.”³¹⁰ The summary also notes that Harvard College’s Administrative Board “downgraded the sanctions of 35 students it initially voted to place on disciplinary probation from a period of six months or longer to periods of less than two months.”³¹¹ All students who had their sanctions downgraded were in good standing by the Fall 2024 semester.³¹² Based on the information shared by Harvard, the Committee found: “Harvard investigated and documented student violations of its policies, some of which were deemed to warrant semesters-long suspensions but ultimately failed to enforce its own rules and impose meaningful discipline. Imposing such discipline would have been consistent with the Harvard

³⁰¹ *Id.*

³⁰² [Harvard Warns of Consequences After Pro-Palestine ‘Study-In’ in Widener Library | News | The Harvard Crimson](#)

³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ *Id.*

³⁰⁶ [Pro-Palestine Students Banned From Widener Library for 2 Weeks After ‘Study-In’ Protest | News | The Harvard Crimson](#)

³⁰⁷ [9.23.2024_harvard_disciplinary_final.pdf](#)

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ *Id.*

³¹¹ *Id.*

³¹² *Id.*

Corporation's pronouncement that 'calls for violence' and academic disruptions would 'not be tolerated.' The records, however, reveal that Harvard failed to fulfill this commitment and has permitted students to engage in such conduct with no real consequences."³¹³

64. On September 25, 2024, approximately "60 student protesters gathered outside the Science Center Plaza before walking through Harvard Yard and gathering in front of Widener Library during a rally on Wednesday" ³¹⁴ In assembling on the library steps, protesters violated the August 2024 "Campus Use Rules," which prohibits "imped[ing]... movement within and around campus buildings, classrooms, administrative offices, or other spaces" and blocking stairs.³¹⁵ Chanting on the steps of the library also interfered with "the ability of members of the University to perform their normal activities."³¹⁶
65. On October 8, 2024, an individual smashed the ground-floor windows to University Hall and covered the John Harvard statue in red paint, according to a video posted on social media.³¹⁷ The University "restricted" access to Harvard Yard overnight to Harvard University ID holders.³¹⁸
66. On October 11, 2024, approximately "15 Harvard faculty and staff members gathered beneath the steps of Widener Library on Friday to protest the temporary ban of more than 12 student protesters from Widener for holding a silent 'study-in' in the library's reading room."³¹⁹ "Faculty who attended the protest, which was organized by Harvard Faculty and Staff for Justice in Palestine, criticized the bans as an overreaction to the students' demonstration."³²⁰
67. On October 15, 2024, the Cambridge Police Department and the Harvard University Police Department investigated "an apparent act of 'religiously threatening' vandalism after multiple antisemitic stickers were discovered around Harvard Square."³²¹ "The stickers were reported to police after they were discovered near Harvard Hillel, the University's largest Jewish center."³²² "The antisemitic stickers portrayed the flag with Israel with a swastika instead of the Star of David."³²³

³¹³ *Id.*

³¹⁴ [Despite Disciplinary Threats, Pro-Palestine Protesters Return to Widener During Rally | News | The Harvard Crimson](#)

³¹⁵ [Campus Use Rules | Office of the Executive Vice President](#)

³¹⁶ Statement of the Interim President and Deans of Harvard University on University Rights and Responsibilities, January 19, 2024.

³¹⁷ [Windows Smashed, John Harvard Statue Vandalized in Act of 'Palestinian Resistance' | News | The Harvard Crimson](#)

³¹⁸ *Id.*

³¹⁹ [Harvard Faculty Protest Decision to Ban Pro-Palestine Activists from Widener Library | News | The Harvard Crimson](#)

³²⁰ *Id.*

³²¹ [Police Investigating Antisemitic Stickers Discovered Near Harvard Hillel | News | The Harvard Crimson](#)

³²² *Id.*

³²³ *Id.*

68. On October 16, 2024, approximately “25 Harvard professors conducted a silent study-in at Widener Library ... to protest the library’s decision to temporarily ban students who held a similar demonstration” on September 21, 2024.³²⁴ The protest violated Harvard protest policies.³²⁵ Security guards “recorded the participants’ names and Harvard ID numbers and distributed sheets of paper warning of possible penalties under the University’s January protest guidelines.”³²⁶
69. On October 17, 2024, over “100 Harvard Law School students protested the war in Israel and Gaza and ‘Harvard’s complicity in Israel’s genocide’ at a silent ‘study-in’ in HLS’ Langdell Library.”³²⁷ The protest violated Harvard protest policies.³²⁸ “During the demonstration, participants displayed posters on the backs of their laptops with messages like ‘Israel is burning people alive’ and ‘Israel bombed a hospital, again.’”³²⁹
70. On October 24, 2024, “Harvard Law School temporarily banned at least 60 students from its library,” which “prompt[ed] more than 50 other students to protest the suspensions by staging another ‘study-in’ protest at the library.”³³⁰
71. On October 24, 2024, University librarian Martha Whitehead published an essay on the Harvard Library website titled “Libraries are places for inquiry and learning” in which she argued that the study-ins are protests that disrupt academic life.³³¹ She noted, “In the study-ins in our spaces, we heard from students who saw them publicized and chose not to come to the library. During the events, large numbers of people filed in at once, and several moved around the room taking photos or filming.”³³²
72. On October 30, 2024, more than 70 activists protested for over 3 hours in a silent study-in at Widener Library in response to Harvard’s position on divestment from Israel.³³³

³²⁴ [Harvard Faculty Hold Widener Library ‘Study-In’ to Protest Student Activist Bans | News | The Harvard Crimson](#)

³²⁵ [Statement of Interim President and Deans on University Rights and Responsibilities - Harvard University President.](#)

³²⁶ [Harvard Faculty Hold Widener Library ‘Study-In’ to Protest Student Activist Bans | News | The Harvard Crimson](#)

³²⁷ [HLS Students Hold Langdell Library ‘Study-in’ to Protest War in Gaza | News | The Harvard Crimson](#)

³²⁸ [Statement of Interim President and Deans on University Rights and Responsibilities - Harvard University President.](#)

³²⁹ [HLS Students Hold Langdell Library ‘Study-in’ to Protest War in Gaza | News | The Harvard Crimson](#)

³³⁰ [HLS Banned 60 Students From Its Library for a ‘Study-In.’ Dozens Just Did It Again. | News | The Harvard Crimson](#)

³³¹ [Libraries are places for inquiry and learning | Harvard Library](#)

³³² *Id.*

³³³ [More Than 70 Harvard Students Stage Pro-Palestine Study-In at Widener Library | News | The Harvard Crimson](#)

73. In November 2024, the University issued Library Protest FAQs explaining how the University-wide Statement on Rights and Responsibilities applies to protests in Harvard's libraries.³³⁴ One FAQ read:³³⁵

What consequences have been issued for violating the rule?

Protest participants have received a two-week revocation of access to the particular library building in which they demonstrated, retaining other library access and privileges, including all collections, services, and access to other Harvard libraries. The notifications were shared with participants' deans. The notifications to protest participants indicated individuals should reach out as needed and would receive accommodations to ensure that the temporary revocation of access would not interfere with their ability to perform their academic responsibilities.

74. On November 4, 2024, more than 55 graduate students called on the University to divest from Israel's war in Gaza and end censorship on campus during a "pray-in" protest at the Harvard Divinity School's library.³³⁶ The demonstration lasted for roughly 45 minutes.³³⁷ Some of the student protestors were suspended from the library for two weeks as a result.³³⁸ Harvard administrators characterized the action as a protest, a violation of the University-wide guidelines that intend to prevent students from feeling unsafe or distracted in spaces like libraries and classrooms.³³⁹ Divinity School Dean Marla F. Frederick announced the suspensions in an email explaining that the pray-in was in violation of the University's rules against protests in libraries, which led to the suspensions: "They are the rules we currently have and as such we must uphold them."³⁴⁰
75. On November 8, 2024, over 30 Harvard faculty members protested in a silent study-in at Widener Library, opposing the temporary bans on students who staged similar protests.³⁴¹ For the approximate half hour that the study-in lasted, "no library staff or security guards checked participants' Harvard University IDs."³⁴²
76. On November 12, 2024, over 50 Harvard Law School students protested in another "study-in" in Langdell Hall's library.³⁴³ During the roughly 40 minutes protest, no library administrators

³³⁴ [Frequently Asked Questions: Protests in Libraries | Harvard Library](#)

³³⁵ *Id.*

³³⁶ [Students Stage Pro-Palestine 'Pray-In' Protest at Harvard Divinity School Library | News | The Harvard Crimson](#)

³³⁷ *Id.*

³³⁸ [Students Suspended from Harvard Divinity School Library After Pray-In | News | The Harvard Crimson](#)

³³⁹ *Id.*

³⁴⁰ *Id.*

³⁴¹ [No ID Checks, but Harvard 'Determining Next Steps' After Second Faculty Study-In | News | The Harvard Crimson](#)

³⁴² *Id.*

³⁴³ [Harvard Law School Students Protest in Library, Leave Before ID Checks | News | The Harvard Crimson](#)

checked the IDs of participants, prompting one student to claim that it “‘was clear that the administration gave up’ in enforcing its library use policy.”³⁴⁴

77. On December 9, 2024, Alan Garber was installed as Harvard’s 31st President.³⁴⁵

78. In December 2024, President Garber addressed a protest by Jews 4 Palestine outside Harvard Hillel, where students chanted “Zionists not welcome here.”³⁴⁶

Spring 2025 Semester

79. On January 21, 2025, more than a year after the protests and anti-Semitic harassment began, Harvard adopted the International Holocaust Remembrance Association’s (IHRA) definition of antisemitism as a part of a litigation settlement with Students Against Antisemitism, the Brandeis Center for Human Rights Under Law, and Jewish Americans for Fairness in Education.³⁴⁷

80. On January 24, 2025, the Office for Community Conduct revised its guidance for applying the University’s Non-Discrimination and Anti-Bullying policy (NDAB).³⁴⁸

81. On March 3, 2025, over 40 Harvard affiliates gathered to protest Israel’s deployment of tanks into the West Bank.³⁴⁹ During the protest, notwithstanding the revised NDAB policy from a month earlier, a protestor tore down a poster depicting the faces of Israeli hostages.³⁵⁰ Posted by Harvard Chabad on kiosks in Harvard Yard, the posters showed two Israeli children taken hostage by militants during Hamas’s October 7, 2023 attacks.³⁵¹ On March 4, 2025, the Harvard University Police Department announced it was currently investigating the matter as a “as a bias-related incident.”³⁵²

82. On March 6, 2025, over 100 protesters marched for a mile to protest a Harvard Business School event featuring former Israeli Prime Minister Naftali Bennett.³⁵³ The rally

³⁴⁴ *Id.*

³⁴⁵ [Garber installed as Harvard’s 31st president — Harvard Gazette](#)

³⁴⁶ [Garber Says Harvard Can and Should Condemn Hateful Speech Under Institutional Voice Policy | News | The Harvard Crimson.](#)

³⁴⁷ [The Brandeis Center and Jewish Americans for Fairness in Education Agree with Harvard to Settle Title VI Litigation - Media Relations](#)

³⁴⁸ [After Settlements, Harvard Revamps Non-Discrimination Guidelines With Focus on Israel-Palestine Conflict | News | The Harvard Crimson](#)

³⁴⁹ [At First Major Rally of the Semester, HOOP Protests Israeli Tanks in West Bank | News | The Harvard Crimson](#)

³⁵⁰ [Harvard Police Investigating Protester Who Tore Down Chabad Poster at HOOP Rally | News | The Harvard Crimson](#)

³⁵¹ *Id.*

³⁵² [Harvard Police Investigating Protester Who Tore Down Chabad Poster at HOOP Rally | News | The Harvard Crimson](#)

³⁵³ [Activists March a Mile To Protest Former Israeli Prime Minister’s Speech at HBS | News | The Harvard Crimson](#)

drew a significant police response, and Harvard erected metal fences to block protesters from entering the Business School campus.³⁵⁴ “Guards and campus staff handed out fliers warning passersby that ‘any demonstration today would be in violation’ of an HBS policy requiring rallies to be registered three business days in advance. Protesters marched onto the HBS campus despite the barricades and a warning on the fliers that ‘demonstrators may be subject to disciplinary action.’”³⁵⁵

83. On March 21, 2025, an open letter to President Garber urged Harvard to “permanently dissolve” the PSC.³⁵⁶ With around 3,470 signatures, the letter accused the PSC of “consistent and unrepentant antisemitism,” and argued that a PSC event with Palestinian writer Mohammed El-Kurd violated Harvard’s policies against antisemitism.³⁵⁷ According to the *Crimson*,³⁵⁸ the letter also alleged that, during the talk, El-Kurd defended posting a message to social media wishing that Zionists “perish.”³⁵⁹ El-Kurd declined to comment on the letter’s claims, but wrote in an email that “if Zionists do not want to be compared to Nazis, they should stop acting like Nazis.”³⁶⁰
84. On March 27, 2025, more than 60 protestors wearing masks participated in a “die-in” outside Widener Library.³⁶¹ The protest was hosted by HOOP and “announced in a Wednesday Instagram post, which required attendees to wear masks during the event.”³⁶²
85. In March 2025, the University posted FAQs, clarifying that both Jewish and Israeli identity are covered by the NDAB, and that the IHRA definition and examples will be used in applying NDAB.³⁶³ The FAQ stated:

“Does conduct that would violate the Non-Discrimination Policy if targeted at Jewish or Israeli individuals also violate the policy if targeted at Zionists?”

Yes, provided that the conduct meets the requirements for discriminatory disparate treatment or discriminatory harassment. The Non-Discrimination Policy includes among its protected categories religion, national origin, shared ancestry or ethnic characteristics, and political beliefs. For many Jewish people, Zionism is a part of their Jewish identity. Conduct that would violate the Non-Discrimination Policy if targeting Jewish or Israeli people can also violate the policy if directed toward

³⁵⁴ *Id.*

³⁵⁵ *Id.*

³⁵⁶ [Harvard Faces Calls To Disband PSC for Violating New Antisemitism Policies | News | The Harvard Crimson](#)

³⁵⁷ *Id.*

³⁵⁸ *Id.*

³⁵⁹ *Id.*

³⁶⁰ *Id.*

³⁶¹ [HOOP Holds ‘Die-In’ Outside Widener To Protest War in Gaza | News | The Harvard Crimson](#)

³⁶² *Id.*

³⁶³ [Frequently Asked Questions | Harvard University Office for Community Conduct](#)

Zionists. Examples of such conduct include excluding Zionists from an open event, calling for the death of Zionists, applying a “no Zionist” litmus test for participation in any Harvard activity, using or disseminating tropes, stereotypes, and conspiracies about Zionists (e.g., “Zionists control the media”), or demanding a person who is or is perceived to be Jewish or Israeli to state a position on Israel or Zionism to harass or discriminate.

Such conduct would need to meet the standards expressed in the Non-Discrimination Policy for discriminatory disparate treatment or discriminatory harassment, as described above. Zionists, anti-Zionists, and non-Zionists are all protected against discriminatory disparate treatment and harassment under the policy.”

86. On April 24, 2025, President Garber announced a unified discipline policy stating, “Governing Boards have approved a proposal that empowers the president to call on a faculty panel of the [UCRR] to investigate, find facts, and impose discipline in cross-School cases involving alleged violations of the [University-wide Statement on Rights and Responsibilities] or Campus Use Rules. As part of this change, the president will establish a process for creating and implementing procedures that will be reviewed at the end of two full academic years.”³⁶⁴

87. On April 29, 2025, Harvard University’s “Presidential Task Force on Combating Antisemitism and Anti-Israel Bias” issued its final report.³⁶⁵ The Task Force conducted an online survey, between May and August 2024. The survey received “2,295 responses from students, faculty, and staff, with likely high levels of participation among Jewish, Israeli, Muslim, and Arab affiliates relative to their numbers within the Harvard community. It revealed extensive levels of discomfort, alienation, and fear among students who identify with one or more of these categories. In virtually every category, Jewish students reported more negative experiences than their Christian or atheist/agnostic peers, although Muslim students reported even greater negative experiences than Jewish students. Among Jewish students, substantial numbers reported having the following feelings to at least some extent:³⁶⁶

- a. Not at home at Harvard (39%);
- b. Physically unsafe (26%);
- c. Mentally unsafe (44%);
- d. Unsupported in their well-being at Harvard (49%);
- e. Uncomfortable expressing their beliefs or opinions to people “whose political views may be in conflict with mine and/or go against my sense of identity/nationality” (46%);

³⁶⁴ [Update on University Committee on Rights and Responsibilities](#)

³⁶⁵ [Harvard Antisemitism Task Force Report](#)

³⁶⁶ Id. at 26-27

- f. Almost 60% of Jewish students reported experiencing ‘discrimination, stereotyping, or negative bias on campus due to [their] views on current events,’ and only 25% believed that there was no ‘academic or professional penalty’ at Harvard for expressing their views.”³⁶⁷

88. On October 19, 2023, a Jewish Israeli student was blocked by a group of students from accessing shared campus space, accosted with chants of “shame,” and physically assaulted for attempting to film a pro-Palestinian rally.³⁶⁸ The incident was caught on video, but local prosecutors were stymied by a lack of cooperation from Harvard University police, who refused to help identify most of the participants on the video.³⁶⁹ It was not until April 2025, 18 months after the video went public, that two students were charged with assault.³⁷⁰ Ignoring their criminal investigations, Harvard appointed one of the students as a class marshal for its 2025 graduation ceremony and awarded the other a \$65,000 Harvard Law School fellowship.³⁷¹

³⁶⁷ *Id.* at 26-27.

³⁶⁸ <https://www.thecrimson.com/article/2023/10/19/harvard-die-in-palestine/>; <https://www.thefp.com/p/attacking-jews-at-harvard-doesnt>

³⁶⁹ <https://www.thefp.com/p/attacking-jews-at-harvard-doesnt> (“Suffolk County assistant district attorney Ursula Knight told the court last fall that there were ‘additional individuals who had been identified to the Harvard police department. They, of course, were expected to investigate those individuals, but they have essentially refused to do that work, which is, as you might imagine, a surprise to the Commonwealth.’ Knight also said that ‘we have made several requests to them to look into this information. And they have been unwilling to follow up.’”).

³⁷⁰ *Id.*

³⁷¹ *Id.*