
Office for Civil Rights Discrimination Complaint Form: Submission #735995

1. Enter information about yourself

First Name:

Last Name:

Address:

City:

State:

Zip Code:

Best Time to Call You: Day

Primary Phone Number:

Alternative Phone Number: {Empty}

Your Email Address:

2. Who else can we call if we cannot reach you?

Contact's Name: {Empty}

Daytime Phone Number: {Empty}

Relationship to you: {Empty}

3. Who was discriminated against?

Yourself or Someone else Someone else?

If someone other than yourself please include:

Injured Person's Name: {Empty}

Daytime Phone Number: {Empty}

Evening Phone Number: {Empty}

Relationship to You

(eg. son or daughter) {Empty}

Injured Person's Address: {Empty}

City: {Empty}

State: {Empty}

Zip Code: {Empty}

4. What institution discriminated?

Institution Name: Harvard University

Address: Massachusetts Hall

City: Cambridge

State: Massachusetts

Zip Code: 02138

School or department involved: Harvard Law School, Harvard Kennedy School

5. Have you tried to resolve the complaint through the institution's grievance process, due process hearing, or with another agency?

Have you tried to resolve the complaint? No

6. Describe the discrimination

OCR enforces regulations that prohibit discrimination on the basis of race, color, national origin; sex; disability; and/or age.

(You may select more than one.)

On what basis were you discriminated against? race or color, national origin

In the space provided below please describe each discriminatory action separately. For each action, you need to provide the following information: Ever since Hamas brutally murdered, raped, burned alive, and kidnapped over a thousand Israeli civilians, Harvard students have engaged in protests against Israel. Many of these anti-Israel protests have devolved into physical attacks against bystanders who are or appear to be Israeli or Jewish, because of their actual or perceived national origin or shared ancestral history. For example, current Harvard Law student Ibrahim Bharmal and Harvard Divinity School student Elom Tettey Tamaklo were identified as among those assaulting an Israeli Harvard Business School student--an assault that was captured on video. You can read an article about the assault and watch the video here: <https://freebeacon.com/campus/israeli-harvard-business-school-student-accosted-and-harassed-amid-gaza-die-in-on-campus/>

Harvard University President Claudine Gay recently acknowledged at Harvard Hillel that antisemitism has a "continuing presence" at Harvard (<https://www.harvard.edu/president/speeches/2023/remarks-at-harvard-hillel/>). Since Messrs. Bharmal and Tamaklo are apparently still on campus, that is undoubtedly true.

Do you have written information that you think will help us understand your complaint?

yes or no No

7. Your complaint must be filed within 180 days of the discriminatory action

The laws that we enforce require that complaints be filed with our office within 180 days of the alleged discriminatory event. If any of the alleged discriminatory actions took place more than 180 days before the postmark or receipt date of this complaint, you may request a waiver of the 180-day limit. When did the last act of discrimination occur?

When did the last act of discrimination occur?

Enter the date: Wed, 10/18/2023 - 00:00

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

Are you requesting a waiver of the 180-day filing time limit for discrimination that occurred more than 180 days before the filing of this complaint?

yes or no No

Reason for not filing complaint before 180 days: {Empty}

8. What would you like the institution to do as a result of your complaint?

What remedy are you seeking? Expel Messrs. Bharmal and Tamaklo, and others that assault or harass Jewish and Israeli students.

9. Option to Participate in OCR's Early Mediation Process

I am interested in participating in early mediation: No



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

8TH FLOOR, 5 POST OFFICE SQUARE
BOSTON, MA 02109-3921

REGION I

CONNECTICUT
MAINE
MASSACHUSETTS
NEW HAMPSHIRE
RHODE ISLAND
VERMONT

November 28, 2023

President Claudine Gay

By email: president@harvard.edu

Re: Complaint No. 01-24-2053
Harvard University

Dear President Johnson:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) is opening for investigation the above-referenced complaint filed against Harvard University. The Complainant alleges that the University discriminated against students on the basis of their national origin (shared Jewish ancestry and/or Israeli) when it failed to respond appropriately to reports of incidents of harassment in October 2023.

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

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

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

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

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

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

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

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

If you have any questions, you may contact the civil rights attorneys assigned to this matter: Daniel Beauchemin (by email at daniel.beauchemin@ed.gov or phone at 617-289 -0007) and Christine Marinello (by email at Christine.Marinello@ed.gov or phone at 617-289-0199).

Sincerely,

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

Kristi R. Harris
Chief Attorney
OCR Boston office

Data Request
OCR Complaint No. 01-24-2053
Harvard University

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

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

Please provide the following:

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

for handling complaints of discrimination, including harassment, on the basis of national origin/shared ancestry at each level of the process.

4. Copies of all formal and informal reports/complaints, including records of oral reports/complaints, regarding incidents that occurred during a “die in” in front of the University’s Business School on October 18, 2023, and the University’s response to those reports/complaints, including (but not limited to) correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes and notes generated for each complaint. For each complaint/report, provide:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report, as well as the names (and titles if applicable) of all who reported it;
 - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
 - c. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
 - d. all actions the University took in response to the complaint/report;
 - e. the University’s final determination regarding the complaint/report;
 - f. any corrective action taken;
 - g. the length of the process; and
 - h. any notice of the findings provided to any individuals who were involved in the incident.
5. For the 2022-23 and 2023-24 academic years, copies of all formal and informal reports/complaints, including records of oral reports/complaints, concerning alleged discrimination, including harassment, based on shared ancestry and the University’s response to those complaints, including (but not limited to) correspondence, internal and external memoranda, investigative reports, witness statements, logs, forms, meeting minutes and notes generated for each complaint. For each complaint/report, provide:
 - a. the name(s) and title(s) of the individual(s) to whom the complaint/report was made, and the date of the complaint/report;
 - b. a detailed description of the complaint processing procedures employed to resolve the complaint/report;
 - c. the name(s) and title(s) of the individual(s) involved in the handling of the complaint/report;
 - d. all actions the University took in response to the complaint/report;
 - e. the University’s final determination regarding the complaint/report;
 - f. any corrective action taken;
 - g. the length of the process; and
 - h. any notice of the findings provided to the complainant.
6. State whether the University conducts trainings and/or holds informational sessions with the student community and/or University staff regarding students’ rights under Title VI, how to report possible violations of Title VI, and/or the University’s obligation to respond to Title

VI complaints. If so, provide the dates of such events, a description of the attendees, and any materials presented and/or distributed.

7. Documentation of any efforts by the University during the 2023-2024 academic year to prevent or address race, color or national origin discrimination at the University, including a narrative description of the creation of the University's Antisemitism Advisory Group, as well as a description of its intended work.
8. The names and titles of all persons who assisted in the preparation of these data responses.
9. Any other information that the University believes will be helpful to OCR or relevant in this investigation.