

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:25-cv-11048-ADB

**DECLARATION OF STEVEN P. LEHOTSKY IN SUPPORT OF
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

I, Steven P. Lehotsky, declare as follows:

1. I am a partner at the law firm of Lehotsky Keller Cohn LLP and represent the President and Fellows of Harvard College (“Harvard” or “Plaintiff”) in this matter. I make this declaration in support of Plaintiff’s Motion for Summary Judgment. I have personal knowledge of the contents of this declaration and could testify thereto.

2. Attached to the SOF filed in this action as **Exhibit 1** is a true and correct copy of the e-mail from Josh Gruenbaum, Commissioner of the Federal Acquisition Service at the General Services Administration, to Alan M. Garber, President of Harvard University, dated March 31, 2025, with the subject line “Official notice: Task Force to Combat Anti-Semitism review of Federal Contracts and Grants Held by Harvard University.”

3. Attached to the SOF filed in this action as **Exhibit 2** is a true and correct copy of the letter from Harmeet K. Dhillon, Assistant Attorney General for the Civil Rights Division, to

Jennifer O'Connor, Vice President and General Counsel of Harvard University, dated April 11, 2025.

4. Attached to the SOF filed in this action as **Exhibit 3** is a true and correct copy of the letter from President Garber to Linda E. McMahon, Secretary of Education, dated May 12, 2025.

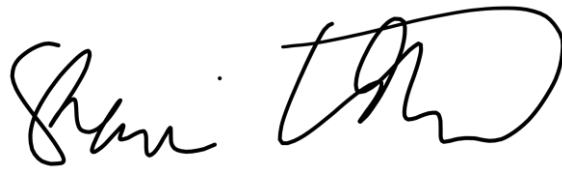
5. Attached to the SOF filed in this action as **Exhibit 4** is a true and correct copy of the Letter from Kristi Noem, Secretary of Homeland Security, to Maureen Martin, Director of Immigration Services, Harvard International Office, dated May 22, 2025.

6. Attached to the SOF filed in this action as **Exhibit 5** is a true and correct copy of the Letter from Craig S. Burkhardt, Deputy Under Secretary of Commerce for Standards and Technology and Deputy Director and Acting Director of the National Institute of Standards and Technology at the Department of Commerce, to President Garber, dated May 12, 2025.

7. Attached to the SOF filed in this action as **Exhibit 6** is a true and correct copy of the Letter from Jamie W. Legier, Director of the Office of Grants Services at the Centers for Disease Control and Prevention, to President Garber, dated May 19, 2025.

8. Attached to the SOF filed in this action as **Exhibit 7** is a true and correct copy of the Letter from Josh Gruenbaum to Agency Senior Procurement Executive, dated May 27, 2025.

Executed this 2nd day of June 2025, in West Newton, Massachusetts.

A handwritten signature in black ink, appearing to read "Steven P. Lehotsky", written over a horizontal line.

Steven P. Lehotsky

EXHIBIT 1

From: Josh Gruenbaum - Q <josh.gruenbaum@gsa.gov>

Sent: Monday, March 31, 2025 3:17 PM

To: Garber, Alan M <alan_garber@harvard.edu>

Cc: Alan M. Garber <president@harvard.edu>

Subject: Official notice: Task Force to Combat Anti-Semitism review of Federal Contracts and Grants Held by Harvard University

Dr. Garber,

Consistent with my role as the Commissioner of the General Service Administration's Federal Acquisition Service, and as a member of the Federal Government's Task Force to Combat Anti-Semitism, I am notifying you that GSA is leading a Task Force comprehensive review of all Federal contracts and grants held by Harvard University and its affiliates. This review is being conducted in support of President Trump's [Executive Order](#), "[Additional Measures to Combat Anti-Semitism](#)", on February 3, 2025.

Please find attached to this email the signed memorandum supporting this action. This memorandum includes additional requirements that Harvard University and its affiliates need to meet as part of this review.

Respectfully,

Josh Gruenbaum
Commissioner, Federal Acquisition Service
U.S. General Services Administration

EXHIBIT 2



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

April 11, 2025

VIA email to: jennifer_oconnor@harvard.edu

Harvard University
677 Huntington Ave.
Boston, MA 02115
c/o Jennifer O'Conner, Esq.
Vice President and General Counsel
617-495-1280

Dear Ms. O'Conner:

This is to inform you that the United States Department of Justice is commencing a compliance review investigation of Harvard University pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.* Title VI prohibits a recipient of federal financial assistance from discriminating on the basis of race, color, or national origin. 42 U.S.C. § 2000d. As you know, Harvard University currently receives federal financial assistance from the Department of Justice and other federal government sources and accordingly must abide by Title VI's anti-discrimination requirements. At this time, our investigation will focus on possible race discrimination in medical school admissions at Harvard University.

In conducting the compliance investigation, we will seek to determine whether Harvard University is violating Title VI. We have not reached any conclusions about the subject matter of the investigation. If we conclude that Harvard University is not violating Title VI, we will notify you that we are closing the investigation. 28 C.F.R. § 42.107. If we conclude that Harvard University is violating Title VI, we will inform you and work with you to secure compliance by informal voluntary means. 28 C.F.R. §§ 42.107 & 42.108. If we cannot secure compliance by voluntary means, we may take formal action to secure compliance, which could include suspending, terminating, or refusing to grant or continue your federal financial assistance, as well as commencing a civil action. 28 C.F.R. § 42.108.

We expect Harvard University to cooperate fully with this compliance investigation. The Department's Title VI implementing regulations require, among other obligations, that recipients of federal financial assistance permit access by the Department to sources of information and facilities as may be pertinent to ascertain compliance with Title VI and the implementing regulations. 28 C.F.R. §§ 42.106 & 42.108. These Title VI implementing regulations also require that every application for federal financial assistance be accompanied by an assurance that the program will be conducted in compliance with all requirements that Title VI and the implementing regulations impose. 28 C.F.R. § 42.105(a)(1). Pursuant to this requirement, Harvard University signed

contractual assurances agreeing to permit the Department to examine records and access other sources of information and facilities.

Pursuant to this authority, we request any and all documents guiding medical school admissions policies and procedures, including any documents related to the use or lack of use of race in evaluating applicants. We also request all documents regarding any changes in policies or procedures following the decision in *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 206 (2023), which found certain race-based admissions policies unlawful under Title VI and the Equal Protection Clause. We also request all admissions data for the past five academic years, including applicant test scores (MCAT), GPA, extracurricular activities, essays, and admission outcomes, disaggregated by race and ethnicity. Finally, we request any statistical analyses or internal reviews conducted by Harvard University regarding admissions trends or outcomes by race.

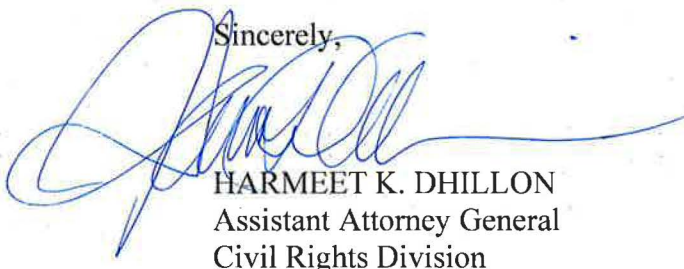
Please provide all responsive documents in an accessible electronic format (such as searchable PDF, Microsoft Word, or Excel) that preserves metadata and allows for efficient review. If electronic versions are available, we prefer these over paper copies to expedite the review process. If certain documents are only available in physical form, please indicate this in your response.

Please send the requested information by April 25, 2025. If you anticipate challenges meeting this deadline, contact us by April 21, 2025, to discuss a reasonable extension. If you have any questions as to formatting or concerns with the deadline, please contact us.

We recognize that some of the requested materials may contain student information protected under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g. Please be advised that the Department of Justice is authorized under 34 C.F.R. § 99.31(a)(3)(ii) to obtain such information without prior consent for the purpose of enforcing federal legal requirements, including Title VI. Any information disclosed pursuant to this request will be used solely for compliance review purposes and maintained in accordance with applicable federal confidentiality requirements.

If you have any questions about this letter, please contact this office at (202) 514-2151. Thank you in advance for your attention to and cooperation in this compliance investigation.

Sincerely,



HARMEET K. DHILLON
Assistant Attorney General
Civil Rights Division

EXHIBIT 3

HARVARD UNIVERSITY

OFFICE OF THE PRESIDENT
(617) 495-1502

MASSACHUSETTS HALL
CAMBRIDGE, MASSACHUSETTS 02138

May 12, 2025

The Honorable Linda E. McMahon
Secretary of Education
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Madam Secretary:

I write in response to your letter of May 5, 2025. As your letter suggests, we share common ground on a number of critical issues, including the importance of ending antisemitism and other bigotry on campus. Like you, I believe that Harvard must foster an academic environment that encourages freedom of thought and expression, and that we should embrace a multiplicity of viewpoints rather than focusing our attention on narrow orthodoxies. I also believe that Harvard cannot achieve these objectives if open debate undertaken in good faith is unwelcome. And you and I have a shared interest in ensuring that American universities continue to be global leaders in innovative and life-saving research that benefits all Americans, boosts the national economy, and serves the country's interests. Finally, there is no question that Harvard must follow the law.

Harvard's efforts to achieve these goals are undermined and threatened by the federal government's overreach into the constitutional freedoms of private universities and its continuing disregard of Harvard's compliance with the law. It ignores the many meaningful steps we have taken and will continue to take to live up to our principles and improve the lives of people across the country and throughout the world. That is why we have gone to court to address the government's unlawful attempt to control fundamental aspects of our university's operations. Consistent with the law and with our own values, we continue to pursue needed reforms, doing so in consultation with our stakeholders and always in compliance with the law. But Harvard will not surrender its core, legally-protected principles out of fear of unfounded retaliation by the federal government.

With respect for you and your office, I recount briefly what we have done and will do to uphold the highest standards of academic excellence, combat antisemitism and all forms of discrimination, ensure ethical governance, and continue our efforts to improve all of our activities. Our agenda touches on all aspects of university life with a view to making Harvard a better place for our entire community.

Harvard has had significant changes in its leadership and governance over the past year and a half. I was appointed interim president in January 2024. Since I took office, we have installed a new provost, new deans for four of our schools, and new fellows of the Harvard Corporation. In each instance, we have recruited exceptional leaders to guide our community going forward. We have also centralized and clarified our disciplinary structures and procedures to make them more consistent, fair, and effective.

Harvard has implemented a comprehensive, institution-wide strategy to combat antisemitism and other bigotry through policy and discipline reforms, academic investments, community support initiatives, and educational programs. These actions reflect our commitment to ensuring that Jewish and Israeli students, faculty, and staff experience a campus environment free from discrimination, harassment, or marginalization. As you are aware, last month Harvard released the *Report of the Task Force on Combating Antisemitism and Anti-Israeli Bias* and the *Report of the Task Force on Combating Anti-Muslim, Anti-Arab, and Anti-Palestinian Bias*. These reports detail an extraordinarily painful year for our community in the wake of the October 7, 2023, Hamas assault on Israel. The challenges of that academic year have led to meaningful reform and recommendations designed to eliminate antisemitism and other forms of hate from our campus, which [we have detailed publicly](#). As an institution of higher learning, we also understand that education is vital to fostering understanding and mutual respect on our campus and have made substantial investments in expanding the academic study of Judaism and related fields. These actions, from policy implementation to academic investment to community support, demonstrate Harvard's commitment to combating bigotry in all its forms.

I have also spoken out about the need for greater intellectual diversity on campus and have commenced initiatives to make Harvard a more pluralistic and welcoming place. Knowing that Harvard, like many universities, has more work to do on this front, we intend to implement and expand these initiatives in the coming months.

I must refute your claim that Harvard is a partisan institution. It is neither Republican nor Democratic. It is not an arm of any other political party or movement. Nor will it ever be. Harvard is a place to bring people of all backgrounds together to learn in an inclusive environment where ideas flourish regardless of whether they are deemed "conservative," "liberal," or something else, a place where assumptions and claims are tested and challenged, respectfully and thoughtfully, in pursuit of knowledge and truth.

For that reason, we are exploring approaches, consistent with law, to foster and support a vibrant community that exemplifies, respects, and embraces difference. As we do so, we are sharpening our focus on individuals and their unique characteristics rather than their race. Admission to any of Harvard's schools is based on academic excellence and promise, including measures such as grades and the standardized test scores required for undergraduate applicants. In the wake of the Supreme Court's decision in *Students for Fair Admissions* and before admitting the next class, we took additional steps across the university to ensure compliance with the law. We continue to refine our efforts to identify and admit students who will contribute to our academic community through their openness and capacity for constructive dialogue and civil discourse. We also seek to identify other aspects of talent and excellence. These ongoing efforts to foster an environment where open inquiry and mutual respect flourish, not only in classrooms but also throughout residential and social settings, are intended to build empathy and understanding, and to enhance all aspects of learning.

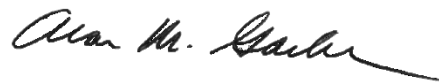
Our international students are vital members of our community who must meet the standards of performance and conduct we expect of our US students. They enrich our community in many ways. We are aware of no evidence for the allegation that they are collectively more prone to disruption, violence, or other misconduct than any other students. They come to this country and

to Harvard to learn and achieve at the highest levels, just as our US students do. Their presence, talents, and scholarly contributions enrich our campus community and our nation.

Employment at Harvard is similarly based on merit and achievement. We seek the best educators, researchers, and scholars at our schools. We do not have quotas, whether based on race or ethnicity or any other characteristic. We do not employ ideological litmus tests. We do not use diversity, equity, and inclusion statements in our hiring decisions. We hire people because of their individual accomplishments, promise, and creativity in their fields or areas of expertise, and their ability to communicate effectively with students, faculty, and staff. And we take all of our legal obligations seriously, including those that pertain to faculty employment at Harvard, as we seek to offer our students the most dynamic and rewarding educational experience that we can.

I hope you will take my response to your letter in the spirit in which it is intended: to convey Harvard's unwavering commitment to compliance with the law, to the elimination of antisemitism and other bigotry on our campus, and to academic excellence. These goals are not unique to Harvard, nor are we alone in confronting the challenge of achieving them. As is true of many other research universities, we have taken important steps to improve our campus and achieve our mission, while recognizing that our work will never be done. Research universities, including Harvard, have had a long and productive relationship with the federal government. That relationship has driven economic growth, innovation, and life-saving discoveries to the benefit of our nation and all humanity. We hope that the partnership between higher education and the federal government will be vibrant and successful for generations to come. As my colleagues and I have said, we welcome the opportunity to share further information with you about the important work we are undertaking to combat prejudice and to pursue our mission of excellence in teaching, learning, and research.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan M. Garber", with a long, sweeping horizontal line extending to the right.

Alan M. Garber

EXHIBIT 4



Secretary
U.S. Department of Homeland Security
Washington, DC 20528

**Homeland
Security**

May 22, 2025

Maureen Martin
School Code: BOS214F00162000
Harvard University
c/o Harvard International Office
1350 Massachusetts Ave., Rm. 864
Cambridge, MA 0213 8
Maureen_Martin@Harvard.edu

Harvard's Student and Exchange Visitor Program Decertification

I am writing to inform you that effective immediately, Harvard University's Student and Exchange Visitor Program certification **is revoked**.

As I explained to you in my April letter, it is a privilege to enroll foreign students, and it is also a privilege to employ aliens on campus. All universities must comply with Department of Homeland Security requirements, including reporting requirements under the Student and Exchange Visitor Program regulations, to maintain this privilege. As a result of your refusal to comply with multiple requests to provide the Department of Homeland Security pertinent information while perpetuating an unsafe campus environment that is hostile to Jewish students, promotes pro-Hamas sympathies, and employs racist "diversity, equity, and inclusion" policies, you have lost this privilege.

The revocation of your Student and Exchange Visitor Program certification means that Harvard is prohibited from having any aliens on F- or J- nonimmigrant status for the 2025-2026 academic school year. This decertification also means that existing aliens on F- or J- nonimmigrant status must transfer to another university in order to maintain their nonimmigrant status.

This action should not surprise you and is the unfortunate result of Harvard's failure to comply with simple reporting requirements.

On April 16, 2025, I requested records pertaining to nonimmigrant students enrolled at Harvard University, including information regarding misconduct and other offenses that would render foreign students inadmissible or removable. On April 30, 2025, Harvard's counsel provided information that he represented as responsive to my request. It was not.

As a courtesy that Harvard was not legally entitled to, the Acting DHS General Counsel responded on my behalf and afforded Harvard another opportunity to comply. Harvard again provided an insufficient response.

Consequences must follow to send a clear signal to Harvard and all universities that want to enjoy the privilege of enrolling foreign students, that the Trump Administration will enforce the law and root out the evils of anti-Americanism and antisemitism in society and campuses.

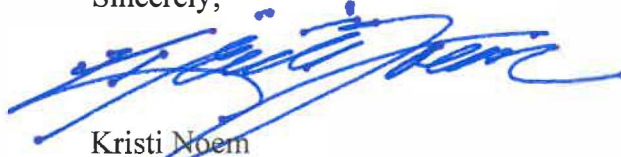
If Harvard would like the opportunity of regaining Student and Exchange Visitor Program certification before the upcoming academic school year, you must provide all of the information requested below **within 72 hours**.

Please be advised that providing materially false, fictitious, or fraudulent information may subject you to criminal prosecution under 18 U.S.C. § 1001. Other criminal and civil sanctions may also apply.

I expect full and complete responses to the following requests:

1. Any and all records, whether official or informal, in the possession of Harvard University, including electronic records and audio or video footage, regarding illegal activity whether on or off campus, by a nonimmigrant student enrolled in Harvard University in the last five years.
2. Any and all records, whether official or informal, in the possession of Harvard University, including electronic records and audio or video footage, regarding dangerous or violent activity whether on or off campus, by a nonimmigrant student enrolled in Harvard University in the last five years.
3. Any and all records, whether official or informal, in the possession of Harvard University, including electronic records and audio or video footage, regarding threats to other students or university personnel whether on or off campus, by a nonimmigrant student enrolled in Harvard University in the last five years.
4. Any and all records, whether official or informal, in the possession of Harvard University, including electronic records and audio or video footage, regarding deprivation of rights of other classmates or university personnel whether on or off campus, by a nonimmigrant student enrolled in Harvard University in the last five years.
5. Any and all disciplinary records of all nonimmigrant students enrolled in Harvard University in the last five years.
6. Any and all audio or video footage, in the possession of Harvard University, of any protest activity involving a nonimmigrant student on a Harvard University campus in the last five years.

Sincerely,



Kristi Noem
Secretary of Homeland Security

cc: Steve Bunnell
Raj Ferber, PLLC
1629 K Street NW, Suite 300
Washington, DC 20006

EXHIBIT 5



National Institute of Standards and Technology
100 Bureau Dr., Room A1134
Gaithersburg, MD 20899

May 12, 2025

Dr. Alan Garber
Office of the President
Harvard University
Massachusetts Hall
Cambridge, MA 02138

Dr. Garber:

The purpose of this letter is to notify you that the U.S. Department of Commerce (the “Department”) will cease funding for Award Number 70NANB24H116, “Interactive interface for machine learning-guided protein library design”, through the National Institute of Standards and Technology (“NIST”), pursuant to Section 200.340 of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (2 C.F.R. Part 200), which govern this award of Federal financial assistance. The applicable version of 2 C.F.R. § 200.340(a)(4) permits termination “[b]y the Federal agency or pass-through entity pursuant to the terms and conditions of the Federal award, including, to the extent authorized by law, if an award no longer effectuates the program goals or agency priorities.”

As part of efforts to streamline and reduce the cost and size of the Federal Government, the Department is reprioritizing funding and staff to support only those activities directly related to its current programmatic goals and mission priorities. The Department of Commerce is obligated to carefully steward grant awards to ensure taxpayer dollars are used in ways that benefit the American people and improve their quality of life in an efficient manner. Commerce is responsible for ensuring that its limited resources are appropriately allocated. Commerce policy is that grant dollars should support institutions that foster safe, equal, and healthy working and learning conditions conducive to high-quality research and free inquiry. This includes protecting the safety and rights of Jewish students, among others. Commerce policy is also that grant dollars should only support institutions that comply with these principles. Supporting research in an environment that has a lack of concern for the safety and wellbeing of students is plainly inconsistent with Commerce’s priorities and *raison d’etre* of funding and championing the very best American research and educational institutions. After careful review of this award, the Department has

determined that your project does not satisfy this criteria and is inconsistent with program goals or agency priorities because your university is insufficiently protecting the safety and rights of Jewish students, among others.¹ In addition, as part of this careful review, the Department has determined that this specific award is inefficient from a cost perspective when balanced against programmatic goals.

To this end, NIST Award Number 70NANB24H116 is terminated effective May 12, 2025. Should you or other employees of your institution decide to continue project activities beyond May 12, 2025, you, your employees and your institution do so at your own risk and will not be reimbursed for any project costs incurred after that date. You will be notified in writing concerning close-out instructions for this award.

Administrative Appeal (If Applicable)

If applicable, you may object and provide information and documentation challenging this termination.

You must submit a request for such review to Secretary Howard Lutnick no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, Secretary Lutnick may grant an extension of time.

The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.

Sincerely,



Craig S. Burkhardt
Deputy Under Secretary of Commerce
for Standards and Technology
Deputy Director and Acting Director of the
National Institute of Standards and Technology

¹ <https://www.harvard.edu/wp-content/uploads/2025/04/FINAL-Harvard-ASAIB-Report-4.29.25.pdf>

EXHIBIT 6



May 19, 2025

Via email at alan_garber@harvard.edu

Dr. Alan Garber
Office of the President
Harvard University
Massachusetts Hall
Cambridge, MA 02138

Dr. Garber:

The Centers for Disease Control and Prevention (CDC), as an agency within the Department of Health and Human Services (HHS), is hereby providing notice that funding for the projects listed herein will be terminated pursuant to the HHS Grants Policy Statement (GPS) and 45 C.F.R. Part 75.

CDC is responsible for ensuring that its limited resources are appropriately allocated. HHS policy is that grant dollars should support institutions that foster safe, equal, and healthy working and learning conditions conducive to high-quality research, and free inquiry.⁴ HHS policy is also that grant dollars should only support institutions that comply with principles and laws of nondiscrimination.

CDC is aware of recent events at Harvard University involving antisemitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Harvard's ongoing inaction in the face of repeated and severe harassment and targeting of Jewish students has ground day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and brought shame upon the University and our nation as a whole. Indeed, as the Harvard Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias concluded, actions at Harvard during the 2023-2024 academic year resulted in widespread abuse of Jewish and Israeli students by an institution "that mainstreamed and normalized what many Jewish and Israeli students experience as antisemitism and anti-Israeli bias."

Supporting activities consistent with CDC's mission in such an environment is plainly inconsistent with HHS' policies and *raison d'être* of funding and championing the very best of American public health practice.

Based on the above, no corrective action is possible here. That is because, upon being made aware of systematic institutional failures to address deeply rooted antisemitism and racial discrimination, the University has refused to take appropriate action. CDC perceives these categorical rejections to manifest the University's unwillingness to take corrective action or implement necessary reforms. Therefore, no modification of the projects could align the projects with agency priorities.

Costs resulting from financial obligations incurred after termination are not allowable. Nothing in this notice excuses either CDC or you from complying with the closeout obligations consistent with 45 C.F.R. Part 75. CDC will provide any information required by the Federal Funding Accountability and Transparency Act or the Office of Management and Budget's regulations to *USAspending.gov*.

Administrative Appeal

You may object and provide information and documentation challenging these terminations. The awards subject to termination are as follows:

- NU38PW000040
- NH78TU000001
- U19OH008861
- U54CK000611
- U48DP006376
- U48DP006785
- U48DP006873
- R21OH012626
- T42OH008416
- R01TS000315
- R01TS000318
- R01TS000338

You must submit a request for such review to Matthew Buzzelli, CDC's Chief of Staff and the Senior Official carrying out the duties of the CDC Director, no later than 30 days after this letter is received, except that if you show good cause why an extension of time should be granted, Mr. Buzzelli may grant an extension of time.

The request for review must include a copy of this decision, must identify the issue(s) in dispute, and must contain a full statement of your position with respect to such issue(s) and the pertinent facts and reasons in support of your position. In addition to the required written statement, you shall provide copies of any documents supporting your claim.

Sincerely,

/S/

Jamie W. Legier
Director, Office of Grants Services
Centers for Disease Control and Prevention
Department of Health and Human Services

EXHIBIT 7



May 27, 2025

Dear Agency Senior Procurement Executive:

Re: Review for Termination or Transition of Harvard University Contracts

The U.S. General Services Administration (GSA) is assisting all federal agencies in a review for termination or transition of their federal government contracts with Harvard University and affiliates. This review aligns with the Administration's directive that all federal contracted services steadfastly uphold and advance agency strategic priorities.

As you know, being a counterparty with the federal government comes with the deep responsibility and commitment to abide by all federal laws and ensure the safeguarding of taxpayer money. As fiduciaries to the taxpayer, the government has a duty to ensure that procurement dollars are directed to vendors and contractors who promote and champion principles of nondiscrimination and the national interest.

As relevant here, GSA understands that Harvard continues to engage in race discrimination, including in its admissions process and in other areas of student life. The statistical evidence of Harvard's racial discrimination in their admissions - as revealed in *Students for Fair Admissions v. Harvard* - is shocking, to say the least. For applicants in the top academic decile, admissions rates varied significantly by race. In this decile, admissions rates were: 56% for African Americans; 31% for Hispanics; 15% for Whites; 13% for Asians. The Supreme Court, in its decision on the case, rebuked Harvard's long-standing policy and practice of discriminating on the basis of race. Harvard has shown no indication of reforming their admissions process - to the contrary, Harvard now has to offer a remedial math course, which has been described as "middle school math", for incoming freshmen. These are the direct results of employing discriminatory factors, instead of merit, in admission decisions.

Since then, troubling revelations have come to light regarding Harvard and its affiliates' potential discriminatory hiring practices and possible violations of Title VII of the Civil Rights Act of 1964. Harvard is suspected of engaging in a pattern or practice of disparate treatment in hiring, promotion, compensation, and other personnel related actions.

Additionally, discriminatory practices have been exposed at the Harvard Law Review, where internal documents that have been made public detail the pervasive and explicit racial discrimination in the publication's article selection and editor appointment process.

GSA is also aware of recent events at Harvard University involving anti-Semitic action that suggest the institution has a disturbing lack of concern for the safety and wellbeing of Jewish students. Harvard's ongoing inaction in the face of repeated and severe harassment and targeting of its students has at times grounded day-to-day campus operations to a halt, deprived Jewish students of learning and research opportunities to which they are entitled, and profoundly alarmed the general public.

To wit, Harvard has endorsed troubling decisions by associated organizations, further indicating Harvard's lack of commitment to nondiscrimination and our national values and priorities. This includes a Harvard faculty committee reviewing and approving the decision by the Harvard Law Review to award a \$65,000 fellowship to a protester who faced criminal charges for assaulting a Jewish student on campus. A second protester, who was similarly charged for his role in the assault, was chosen by the Harvard Divinity School to be the Class Marshal for commencement. Harvard's actions in this case are a clear signal of tolerance for, if not outright endorsement of, student-on-student violence. At best, this sort of leadership suggests staggering incompetence; at worst, it's deliberate malice disguised as ignorance.

In light of this deeply troubling pattern, each agency should consider its contracts with Harvard University and determine whether Harvard and its services efficiently promote the priorities of the agency. Agencies should also, of course, consider various provisions of the Federal Acquisition Regulation (FAR), including, without limitation, provisions such as FAR 52.203-13(b)(2)(ii), which requires contractors to "otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law."

We recommend that your agency terminate for convenience each contract that it determines has failed to meet its standards, and transition to a new vendor those contracts that could be better serviced by an alternative counterparty. Going forward, we also encourage your agency to seek alternative vendors for future services where you had previously considered Harvard.

Please provide a report to the FAS Commissioner of your actions or intended actions with respect to each referenced contract by June 6, 2025 using the following intake form.

If your agency determines that any such contract cannot be terminated for convenience or an extension is needed for the transition period, please provide a reason in the space provided on the intake form with the name of the Senior Procurement Executive (non-delegable) making such determination.

We look forward to assisting you with terminating or transitioning these contracts.

Sincerely,

A handwritten signature in black ink, reading "Josh Gruenbaum". The signature is fluid and cursive, with the first name "Josh" and last name "Gruenbaum" clearly distinguishable.

Josh Gruenbaum
FAS Commissioner