

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

-----X

ALAN JOSEPH BAUER, Ph.D.; DOUGLAS S. RABIN,
M.D.; VIVIAN STEIR RABIN; RODDY TEEPLE;
ANDREW NEFF; NANCY NEFF; RICHARD
SANDERS POLIN, M.D.; TAMMIE PUROW; MIMI
JANKOVITS; and DAVID GENET,

Case No: 24-cv-10404

COMPLAINT

Plaintiffs,

Jury Trial Demanded

-against-

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION); and THE
HONORABLE AND REVEREND THE BOARD OF
OVERSEERS,

Defendants.

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Plaintiffs, complaining of Defendants, by their attorneys, THE BERKMAN LAW
OFFICE, LLC, alleges for their complaint, upon information and belief, as follows:

PRELIMINARY STATEMENT

1. “Jew hate and antisemitism is thriving on [Harvard’s] campus,”¹ making Harvard a “bastion of rampant anti-Jewish hatred and harassment.”² These are but some of the appalling descriptions of what has become of Harvard University (“Harvard”), supposedly recognized internationally as an elite educational institution with a purported commitment to diversity and inclusion.

2. Over the last years and especially in recent months, Harvard has despicably failed to address, prevent, and rectify the prevalence of antisemitism, hate, and discrimination on its campus.

3. This is a civil action brought by Harvard alumni requesting an injunction ordering Harvard to take concrete and affirmative steps to end antisemitism on its campus and hold accountable those who allowed antisemitism to fester and seeking restitution for the devaluation of their Harvard degrees caused by Harvard’s abject failure to address its antisemitism problem.

4. Plaintiffs all attended Harvard for their higher education with the expectation that Harvard would strive to uphold its reputation as one of the highest-ranking universities in the world with a strong commitment to its values.

5. On October 7, 2023, some 3,000 terrorists crossed into Israel from the Gaza Strip, massacred 1,200 people, wounded thousands more and took 240 hostages back into the Gaza Strip (the “October 7 Attacks”). A majority of the victims of this terrorism were civilians, including,

1 “Feeling Alone and Estranged, Many Jews at Harvard Wonder What’s Next,” *The New York Times*, December 16, 2023, available at: <https://www.nytimes.com/2023/12/16/us/jews-harvard-antisemitism-israel-war.html>.

2 “Students Sue Harvard, Calling It a ‘Bastion’ of Antisemitism,” *The New York Times*, January 11, 2024, available at: <https://www.nytimes.com/2024/01/11/us/harvard-antisemitism-lawsuit.html>

infants, women, children, and elderly, and mass rape of Israeli women has been documented. Simultaneously Hamas launched hundreds of rockets aimed at Israeli civilians. October 7, 2023 was the deadliest day for Jews since the Holocaust. Following the October 7 Attacks, Israel responded militarily by air and, eventually, with a ground invasion to defend Israelis, to destroy Hamas' military capabilities in the Gaza Strip and to return all of the hostages.

6. The October 7 Attacks and Israel's response to it ignited Jewish hatred at Harvard that the university had already allowed to fester for years. Mobs of pro-Hamas students and faculty have rioted and marched on Harvard's campus, shouting antisemitic slogans and calling for the death of Jews and the destruction of Israel. Those mobs have harassed and assaulted fellow students and anyone on campus who they thought is Jewish or supports Israel. For days and weeks on end, those mobs occupied buildings, classrooms, libraries, student lounges, plazas, and study halls. This hatred incubated, in part, via Harvard faculty, who have promoted antisemitism in their courses and via student organizations that have invited and lauded antisemitic speakers, spreading hate and conspiracies about the Jewish people and Israel.

7. While the campus devolved over the years from one of tolerance to its present state, Harvard has done nothing to address and halt this egregiousness and stop the rampant antisemitism on campus and in classrooms. Harvard, instead, has permitted, even sanctioned, pro-Hamas rallies at which antisemitic slogans were shouted and refused to enforce its policies to protect Jewish students. Harvard has hired professors who spread antisemitic propaganda and has ignored Jewish students' pleas for protection. Indeed, since the October 7 Attacks, Harvard has become one of the worst campuses for Jewish students. In an unrelated action, six current Harvard students have sued the university for its failure to protect them in the present antisemitic environment.

8. Harvard's transformation did not go unnoticed, as various businesses, companies, and law firms have stated that they will no longer hire from Harvard. The University has been

shunned in many circles and vehemently criticized for allowing what has transpired on its campus. Large-scale donors have pulled their funding to Harvard.

9. Plaintiffs have been harmed as a direct result of Harvard's abject failure to address and prevent antisemitism and the shameful harassment of Jewish students and those who dare speak out for them. The value of a Harvard degree has been significantly diminished, rendering it functionally damaged in the professional and academic spheres. Plaintiffs are in a situation they never imagined: they are ashamed to say they went to Harvard.

10. Plaintiffs seek an injunction requiring Harvard to rehabilitate the value of a Harvard degree by taking remedial measures, including: (i) terminating deans, administrators, professors, and other employees who facilitate or fail to respond to the antisemitism permeating Harvard; and (ii) suspending or expelling immediately students who participate in hate speech and antisemitic conduct.

11. Plaintiffs also seek restitution for the financial costs associated with having attended Harvard and compensatory damages for the reputational damage to and thus reduced value of their Harvard degrees. Plaintiffs also seek punitive damages to address the systemic failure of the institution to provide an environment free of discrimination and prejudice.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over the claims in this action pursuant to 28 U.S.C. § 1332 due to diversity of citizenship among Plaintiffs and Defendant.

13. This Court has personal jurisdiction over Harvard because it is based and operates in Cambridge, Massachusetts.

14. Venue in the District of Massachusetts is proper under 28 U.S.C. § 1391 because it is the judicial district in which a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred and where Harvard is located.

PARTIES

15. Defendants, the Harvard Corporation and Harvard Board of Overseers govern Harvard University (collectively “Harvard”).

16. Harvard University is a private educational institution based in Cambridge, Massachusetts and is organized and existing under the laws of the State of Massachusetts.

17. Harvard College is a component of Harvard University that offers undergraduate, graduate, professional, and research programs in the fields of arts, science, medicine, business, design, and public health.

18. Harvard University has historically been an esteemed institution of higher education, renowned for its academic programs and prestigious reputation.

19. Plaintiffs are alumni of Harvard University.

20. Plaintiff ALAN JOSEPH BAUER, Ph.D. studied at Harvard University from 1983-1987 and received an A.B. degree in Biochemical Sciences, and is a resident of Jerusalem, Israel.

21. Plaintiff DOUGLAS S. RABIN., M.D. studied at Harvard University from 1969 - 1973 and received an A.B. degree in Economics, and is a resident of Jerusalem, Israel.

22. Plaintiff VIVIAN STEIR RABIN studied at Harvard University from 1977-1981 and from 1984-1986 and received AB and MBA degrees, and is a resident of Jerusalem, Israel.

23. Plaintiff RODDY TEEPLE studied at Harvard University from 1983-1988 and received an A.B., and is a resident of Laguna Beach, California.

24. Plaintiff ANDREW NEFF studied at Harvard University from 1980-1982 and received an MBA degree in, and is a resident of Jerusalem, Israel.

25. Plaintiff NANCY NEFF studied at Harvard University from 1979-1981 and received an MCP degree, and is a resident of Jerusalem, Israel.

26. Plaintiff RICHARD SANDERS POLIN, M.D. studied at Harvard University from 1983-1987, received an A.B. in Chemistry, and is a resident of Portland, Oregon.

27. Plaintiff TAMMIE PUROW studied at Harvard University from 1993-1996 and received a J.D. degree, and is a resident of the State of Florida.

28. Plaintiff MIMI JANKOVITS studied at Harvard University from 1985-1986 and received an M.P.A. degree, and is a resident of Hollywood, Florida.

29. Plaintiff DAVID GENET studied at Harvard University from 1984-1989, and received a D.M.D. degree in, and is a resident of Ft. Lauderdale, Florida.

30. All of the Plaintiffs have been harmed by Harvard's failure to address antisemitism on its campuses.

UNDERLYING FACTS

A. The October 7 Attacks and Aftermath

31. On October 7, 2023, some 3,000 Hamas terrorists crossed into Southern Israel from the Gaza Strip and proceeded to brutally massacre, rape, burn alive, and torture thousands of people, with 1,200 murdered, most of whom were civilians, including infants, women, children, and elderly. The terrorists also kidnapped more than 240 people and forcibly took them into the Gaza Strip where they held them against their will in horrific conditions for more than 50 days in the case of those that have been rescued. 132 hostages are still held in Gaza. Hamas simultaneously launched thousands of rockets at civilian targets in Israel.

32. Following the October 7 Attacks, Israel responded with a military air and ground campaign in the Gaza Strip with the purpose of defending its citizens by destroying Hamas's military capabilities, eliminating or arresting Hamas operatives, and rescuing the hostages—albeit drawing criticism from those concerned over civilian casualties in Gaza.

33. Hamas has been listed by the State Department as a Foreign Terrorist Organization since October 8, 1997. Hamas has also been designated as a “Designated Foreign Terrorist Organization” by the State Department under Executive Order 13224 since October 31, 2001.

34. Hamas is a murderous terrorist organization, whose charter demands Israel’s destruction and the murder of Jews worldwide.

B. Harvard Has a History of Antisemitism

35. Harvard’s diversity and inclusion statement on its website states: “We all belong here. Together, we strive to create an environment that values diversity, promotes an inclusive culture, and establishes a profound sense of belonging for each member of our community.” Disturbingly, when it comes to Jews, Harvard does not live up to own diversity and inclusion statement.

36. On the contrary, Harvard has long been fostering and permitting antisemitism. In the 1920s, it was official Harvard policy to “diminish the Jews” being admitted and restore Harvard as a “gentile” college. In the 1990s, Harvard’s student body was nearly a quarter Jewish. Those identifying as Jewish in Harvard’s 2023 class are only 5.3%.

37. Over the last decade in particular, Harvard has enabled antisemitism in manifold ways as set forth throughout this complaint.

38. The AMCHA Initiative—a non-profit organization dedicated to documenting and combating antisemitism—released several alarming reports in recent years reflecting the systemic antisemitism at Harvard and even found that Harvard is the most antisemitic university in the United States.

39. An AMCHA Initiative report from 2014 explained how a leading Harvard newspaper—the Harvard Crimson—published editorials affirming that its board was “broadly and proudly supportive” of the Boycott, Divestment, Sanctions (“BDS”) mission and the activism of

the Harvard College Palestine Solidarity Committee (“Harvard PSC”). The following month, 49 Harvard faculty signed a “statement” in support of the BDS movement. There is no BDS movement for any country other than Israel. In 2015 and 2016, the Center for Middle Eastern Studies at Harvard sponsored six BDS speaker events. BDS uses divisive and inaccurate terms like “apartheid,” “genocide,” “settler colonialist,” and “supremacists” to refer to various Israeli actions and policies, thereby demonizing the Jewish state and those who support its existence. Countries with truly appalling human rights records are not subjected to BDS treatment.

40. The Institute for the Study of Global Antisemitism and Policy (“ISGAP”) conducted a seven-year assessment of foreign funding of leading American universities by Middle Eastern autocratic regimes, foundations, and affiliated corporations. The ISGAP research was presented to the Department of Justice in July 2019, and showed that Harvard did not identify and report donations and contracts with foreign governments, including autocratic Middle Eastern regimes, amounting to millions. ISGAP found “a direct correlation between the funding of universities by Qatar and the Gulf States and the active presence at those universities of groups such as Students for Justice in Palestine (SJP), which foster an antisemitic and aggressive atmosphere on campus.”

41. A 2022 AMCHA report showed that Harvard ranked top in three measures of campus antisemitism among hundreds of colleges across America. Harvard had more incidents of antisemitism in each of three categories than any other school in 2021-2022.³ The report also revealed that Harvard faculty played a significant role in fomenting and contributing to antisemitism.

³ The three categories are (1) denigration of Jewish students; (2) Jewish students feeling like they need to suppress their identity; and (3) Jewish students needing to redefine their Jewish identity to make it acceptable (for example, not being pro-Israel).

C. Harvard's Campus Was Rife With Antisemitic and Anti-Israel Propaganda Even Before October 7, 2023

42. On May 10, 2018, a swastika was discovered on a bulletin board at Harvard Public Health. Harvard took no disciplinary action in response. A few months later, on December 2, 2018, a man intentionally toppled the menorah at Harvard Chabad, a center of Jewish life and faith. Harvard did not condemn or punish the perpetrator.

43. Harvard PSC hosts an Annual "Israel Apartheid Week" which has historically featured various BDS supporters as speakers promulgating antisemitic rhetoric, blood libels, and conspiracy theories about Jews and Israel. During the 2017 Israel Apartheid Week, a Harvard dormitory was covered with mock detention notices targeting Jewish students for their alleged mistreatment of "Palestinians in Israel-Palestine."

44. The 2021 Israel Apartheid Week featured Palestinian activist Yamila Hussein-Shannan, who blamed the oppression of Palestinian women on Israel's "occupation" and declared that Zionism is a "white supremacist, European, patriarchal, heterosexist, you name it, . . . when you read Zionism, it is white supremacy." The 2017 Israel Apartheid Week also featured Marc Lamont Hill, a former CNN commentator whom CNN fired for saying "from the river to the sea"—a call for the destruction of Israel and its inhabitants. Yet another featured panelist was Sumaya Awad, who has expressed support for violent protests in Israel and has promoted hatred against the Jewish state.

45. In May 2021, the building of Harvard Hillel—a Jewish on-campus organization—was vandalized twice. Masked individuals tied a Palestinian flag emblazoned with an anti-police slogan to Hillel's door, after which Hillel's windows were shattered. While Harvard claims to have investigated these incidents, no one was ever disciplined.

46. In October 2021 and again in October 2022, Mohammed El-Kurd, a controversial Palestinian activist widely known for his antisemitism was invited to speak at an event hosted by PSC. The event focused on the BDS movement against the State of Israel. El-Kurd is famous for his demonization of Jews and blood libels that accuse Israelis of eating the organs of Palestinians and having a thirst for Palestinian blood.

47. In August 2022, Harvard PSC members disrupted Harvard's new student convocation by chanting and displaying a banner that read: "Harvard Supports Israeli Apartheid." Harvard did nothing about this hateful disturbance, and later shared on social media images from the convocation that prominently displayed the banner.

48. The 2023 Annual Israel Apartheid Week featured an "apartheid wall"—an art installation proclaiming that "[T]HERE IS NO ZIONIST STATE WITHOUT RACISM COLONIALISM ETHNIC CLEANSING" and "Boycott Divest Sanction," referring to the Jewish state.

49. Also in the Spring of 2023, a discrimination complaint was filed by three Israeli graduate studies against Professor Marshall Ganz, who did not permit them to use the term "Jewish democracy" for Israel as part of a project. Ganz compared a project promoting Jewish democracy to a project touting white supremacy. After a third-party investigator found that Ganz subjected the students to anti-Israel and antisemitic discrimination, Harvard did not publicly reprimand the professor. Instead, the professor was applauded for his civil rights work in the Harvard Gazette, the university's official news website. The discrimination complaint was not mentioned in the piece.⁴

⁴ <https://www.washingtontimes.com/news/2023/oct/30/harvard-lionized-professor-marshall-ganz-after-fin/>

50. On September 21, 2023, Harvard Divinity School invited former Palestine Liberation Organization spokeswoman Diana Buttu to speak in Harvard Divinity School’s main building at a screening of *Israelism*, a film that argues American Jews raise their children with pro-Israel indoctrination. Buttu claimed that Jews are trained to mistreat Palestinians, a behavior, she said, they learned facing Nazi extermination at Auschwitz.

51. Students for Justice in Palestine (“SJP”)—which has a recognized chapter at Harvard in addition to its affiliate, Harvard PSC—likewise sponsors antisemitic events, hosts antisemitic speakers, and organizes BDS campaigns against Israeli businesses. SJP uses confrontational tactics to target Jewish students, including disrupting Jewish events and disseminating anti-Jewish propaganda laced with falsehoods and blood libels. A recent study by the Network Contagion Research Institute, an information verification think tank, found the presence of SJP on campuses “significantly correlated with antisemitic activity.” Several leading universities, but not Harvard, have banned SJP and other such hate organizations from their campuses because of their harassment of Jewish students and support for Hamas.

D. Harvard Allowed Terrifying Antisemitism to Balloon Since October 7, 2023

52. Following the October 7 Attacks, antisemitism and Harvard reached unprecedented heights.

53. Initially, Harvard did not make a public statement about the October 7 Attacks and atrocities committed against Jews and Israelis on that day. And, ever since October 7, 2023, Harvard has permitted daily antisemitic protests calling for the destruction of Israel during which students are verbally and physically harassed if they appear to be Jewish or supportive of Israel in any way.

54. On October 8, 2023, a coalition of student groups at Harvard signed a letter (the “October 8 Letter”) stating that they hold “the Israeli regime entirely responsible for all unfolding

violence.” The letter was authored by PSC and co-signed by 33 other Harvard student organizations.⁵

55. The October 8 Letter received almost immediate backlash—but not from Harvard itself. A Computer Science professor, Boaz Barak, called for the removal of the organizations who signed the October 8 Letter. He said, “I have a lot of criticisms of Israeli policies, but everyone who signed this statement is condoning terrorism, rape, and murder.” Former University President Lawrence Summers called the letter “morally unconscionable.” He stated in a post on X, “In nearly 50 years of @Harvard affiliation, I have never been as disillusioned and alienated as I am today.” Several federal lawmakers also denounced the October 8 Letter.

56. On October 9, 2023, then-President Claudine Gay and other Harvard administrators issued a statement that they are “heartbroken by the death and destruction unleashed by the attack by Hamas.” The statement did not address the October 8 Letter. On October 10, Gay issued another statement in which she finally condemned the atrocities perpetrated by Hamas, but failed to condemn the students’ reprehensible October 8 Letter, noting only that they did not speak for Harvard or its leadership but affirming that they “have the right to speak for themselves.”

57. On October 14, 2023, hundreds of Harvard students gathered for a pro-Palestinian rally on the front steps of Harvard’s Widener Library. Organizers distributed cloth masks to protect the students’ identities. A member of Harvard’s African American Resistance Organization, which was a signatory on the October 8 Letter, delivered remarks comparing the Palestinian cause to the resistance movement in apartheid South Africa. He said, “The West vilified the people and labeled them terrorists...Today, we call them liberators.”

⁵ <https://www.theguardian.com/education/2023/oct/12/harvard-letter-israel-hamas-calls-name-students>

58. On October 18, 2023, hundreds of Harvard students marched to Harvard Business School to stage a “die-in” to demand an end to the war in Gaza. The protesters also harassed and assaulted Jewish students. A disturbing video from the die-in demonstration shows an Israeli Harvard Business school student assaulted by pro-Palestinian demonstrators screaming, “Shame, shame” in his face.⁶ Several demonstrators, including an editor on the Harvard Law Review, brandished keffiyehs in the student’s face as they surrounded him and blocked his path. The video showed the student saying, “don’t grab me” and “don’t touch my neck.” Ibrahim Bharmal, a Civil Procedure teaching fellow, and Elom Tettey-Tamaklo, a residential proctor, were among the assailants. Harvard has not imposed any discipline on Bharmal and has done nothing to sanction Tettey-Tamaklo other than relieving him of his proctor responsibilities.

59. On November 27, 2023, Harvard sophomore Kojo Acheampong led students in chanting, “Long live Palestine; long live the intifada; intifada, intifada; globalize the intifada.” “Globalize the intifada” is a reference to violent Palestinian uprisings against Israel, specifically acts of terrorism against civilians by terrorist groups, including suicide bombings in buses and restaurants.

60. On October 19, 2023, hundreds of protesters marched through Harvard’s main campus, chanting the genocidal “from the river to the sea,” accusing Israel of “genocide,” and demanding that Harvard “divest[] from Israeli apartheid that is funding genocide in Gaza.”

61. On October 30, 2023, PSC organized yet another take-over of a common area in one of Harvard’s buildings during which protesters accosted Jewish students. One of the protesters was Bharmal, who had assaulted a Jewish Harvard Business School student on October 18 and was recorded while doing so. Bharmal has not faced any disciplinary action to date.

⁶ <https://twitter.com/MattWallace888/status/1719747295422365757>

62. On November 16, 2023, protesters held an event during class hours called “vigil for martyrs” during which they screamed “glory to the martyrs.”

63. On November 29, 2023, Harvard College students had classes disrupted by a coordinated protest using bullhorns to yet again blast calls to “globalize the intifada,” and demands for the elimination of the Jewish state “from the river to the sea.”

64. On November 29, 2023, the Office for Civil Rights of the U.S. Education Department announced an investigation into allegations of antisemitism at Harvard. Harvard has failed to adequately cooperate with the investigation and has been criticized for its unacceptable response to the investigation.⁷

65. On December 5, 2023, then-President Gay testified before the House Committee on Education and the Workforce. When questioned by Congresswoman Stefanik about whether calling for the genocide of Jews violates Harvard’s rules of bullying and harassment, Gay responded: “It can be depending on the context.” When pressed about whether such statements, when targeted at Jewish students and individuals, violated Harvard’s rules, Gay once again stated: “Again, it depends on the context.” Gay’s testimony caused a rippling shockwave of astonishment around the world.

66. In a video released on December 14, 2023, Rabbi Hirschy Zarchi, founder and president of Harvard Chabad, addressed the antisemitism on Harvard University’s campus and revealed that he had been instructed by the school to hide the Chanukah menorah after it was lit due to fears of vandalism or other criminal activities. The Rabbi explained how instead of making

⁷ <https://www.dailywire.com/news/harvard-faces-threat-of-compulsory-measures-in-house-anti-semitism-probe>

it clear that vandalizing the menorah would not be tolerated, Harvard canceled Jewish celebrations and warned Jewish students to conceal their Jewish identity.

E. Harvard Has Done Nothing to Stop the Antisemitism Being Openly Promulgated on Its Campus

67. The Harvard administration has done nothing to squash the rampant antisemitism on campus and in classrooms in the aftermath of the October 7 Attacks.

68. Jewish students at Harvard have experienced emotional distress, academic setbacks, and a pervasive sense of marginalization due to the ongoing atmosphere of antisemitism on campus. In fact, six current Harvard students sued the university on January 10, 2024, stating that the university has become “a bastion of rampant anti-Jewish hatred and harassment.” *Alexander Kerstenbaum and Students Against Anti-Semitism v. President and Fellows of Harvard College*, Case No. 1:24-cv-10092 (D. Mass. 2024) (the “Student Complaint”). The Student Complaint is replete with detailed accounts of how Harvard administrators and faculty did nothing despite specific and repeated pleas by Jewish students to take action against disruptive protests during which Jewish students were harassed and against constant antisemitic rhetoric being publicized and promulgated across Harvard’s campus. The Student Complaint plaintiffs’ repeated pleas to Harvard faculty and staff demonstrate that Harvard has knowledge of, and, in fact, was complicit in fostering an environment of antisemitism, hate, and violence.

69. On November 9, 2023, then-President Gay issued what she called “concrete steps” for “combating antisemitism” at Harvard. Gay’s “concrete steps” were comprised of only vague and unspecified plans to examine antisemitism and address its complex history, educate community members on antisemitism, make students aware of how to report bias, ensure physical and psychological safety, have community sessions with the diversity office, and look for external partnerships that would assist with efforts. Then, on November 13, 120 Harvard professors

shockingly wrote a letter to Gay complaining that the plan to combat antisemitism was an assault on academic freedom. The letter asked Gay to resist calls to suspend Harvard PSC even though it had regularly engaged in activities that violate Harvard's policies.

70. In January 2024, Harvard created a purported "Presidential Task Force on Combating Antisemitism." Yet, incredibly, Harvard appointed as a co-chairman history professor, Derek Penslar, who teaches that Israel is "settler colonialist" and compares its establishment to that of France's colonial takeover of Algeria.⁸ In August 2023, Penslar signed a petition endorsing the conspiracy theory that Benjamin Netanyahu's judicial reform proposal is a masked plan to "ethnically cleanse all territories under Israeli rule of the Palestinian population." In early January, before he was named co-chair of the "Presidential Task Force on Combating Antisemitism," Penslar went as far as to accuse "outsiders" of "exaggerate[ing] [the] scope" of Harvard's antisemitism problem.⁹

F. Employers Stated Their Intent Not to Hire Harvard Graduates Anymore; Harvard Degrees Are Devalued

71. Various business, companies, law firms, and other employers have publicly announced they will no longer hire Harvard graduates following the events and incidents that transpired at Harvard after the October 7 Attacks.

72. For example, several prestigious law firms stated they would not participate in Harvard's on-campus interviewing program, which is the main way for Harvard law students to get hired by such firms. Several law firms also rescinded outstanding offers to students who were

⁸ <https://www.wsj.com/articles/harvard-antisemitism-task-force-derek-penslar-israel-hamas-67391846>; https://www.wsj.com/articles/no-task-force-can-save-harvard-antisemitism-higher-education-db4caa72?mod=opinion_lead_pos5.

⁹ <https://jewishinsider.com/2024/01/new-harvard-antisemitism-task-force-under-fire-for-controversial-co-chair/>

members of the organizations that signed on to the infamous October 8 Letter blaming Israel for the atrocities committed by Hamas.

73. The CEOs of companies and hedge funds, including Sweetgreen and EasyHealth, have demanded that Harvard release the names of students who signed onto the October 8 Letter so that they could blacklist them from any recruiting or hiring efforts. Even those students and Harvard graduates who did not sign onto the letter are bound to face obstacles in the job market.

74. Harvard has been ridiculed publicly and continues to be shunned with every day that passes. In the words of a Wall Street Journalist and Harvard graduate: “I paid good money for my Harvard master’s degree. My principal is dwindling by the day. My children aren’t applying to Harvard[.]”¹⁰

75. The below cartoons summarize the current sentiment against Harvard in the professional world.



Cartoon publicized on X by Scott Adams, December 11, 2023¹¹

¹⁰ https://www.wsj.com/articles/no-task-force-can-save-harvard-antisemitism-higher-education-db4caa72?mod=opinion_lead_pos5

¹¹ <https://twitter.com/ScottAdamsSays/status/1734245097183879326/photo/1>



Cartoon publicized by Steve Kelley on December 12, 2023.¹²

76. People have explained that while other universities have had similar antisemitism problems, Harvard “ought to be” better. Indeed, given its persistent ranking among the top three universities in the United States for an undergraduate degree and among the top five for a law degree or MBA, Harvard must hold itself to a higher standard than other universities. It has failed to do so and caused severe repercussions for its alumni to whom Harvard made a commitment when it enrolled them. Harvard Alumni Association (HAA) website specifically describes the relationship between Harvard and its graduates as “a lifelong journey with countless avenues to explore.” It continues, “Harvard is here for you during every stage in your career.” HAA further states, “As a Harvard alumnus/a, you are entitled to benefits and services from across the University...”

¹² <https://www.creators.com/read/steve-kelley/12/23/361669>

COUNT I

(Breach of Contract)

77. Plaintiffs repeat and re-allege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

78. Plaintiffs have an implied contractual relationship with Harvard by virtue of their enrollment at Harvard and graduation from Harvard's programs. This student-university contract is created both explicitly and implicitly through handbooks, regulations, codes, policies, and procedures promulgated by Harvard, as well as through Plaintiffs' enrollment at Harvard.

79. Defendant Harvard impliedly committed and agreed to uphold a certain standard of higher education and reputability such that Plaintiffs would enjoy the life-long prestige of having graduated from Harvard.

80. Harvard breached and continues to breach its contractual obligation to Plaintiffs by failing to adequately address antisemitism on its campus. Harvard has directly caused the value and prestige of Plaintiffs' Harvard degrees to be diminished and made a mockery out of Harvard graduates in the employment world and beyond. The value of a Harvard degree is measured by the university's standing today and not judged by the year in which an applicant for a job graduated.

81. As a result of Harvard's breach, Plaintiffs have been damaged and continue to sustain damages in an amount to be determined at trial.

COUNT II

(Breach of Implied Covenant of Good Faith and Fair Dealing)

82. Plaintiffs repeat and re-allege each of the foregoing allegations with the same force and effect as if more fully set forth herein.

83. Defendant Harvard has breached the implied covenant of good faith and fair dealing implied in its contract with students who become alumni such as Plaintiffs. Implied in Harvard's contract with its students and alumni is that it will act in good faith to uphold the values and morals

that historically made it an elite institution and eliminate, or at least, not condone antisemitism and harassment. Also implied in Harvard's contract with its students and alumni is that it will uphold a certain standard of higher education and reputability. HAA promises, "Through the Harvard Alumni Association (HAA) and each of Harvard's Schools, alumni like you have access to opportunities to expand your network, meet professionals in your field, and grow your skill set."

84. Harvard breached and continues to breach its implied covenant of good faith and fair dealing by failing to adequately address antisemitism on its campus and thereby destroyed Plaintiffs' reasonable expectations regarding the fruits of the contract.

85. As a result of Harvard's breach, Plaintiffs have been damaged and continue to sustain damages in an amount to be determined at trial.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court grant the following relief:

(1) Injunctive relief requiring Harvard to: (1) take disciplinary measures, including the termination of administrators, professors, faculty, and other employees responsible for antisemitic propaganda, discrimination, and harassment, whether because they engage in it or permit it; (ii) disciplinary measures, including suspension or expulsion, of students who engage or have engaged in antisemitic conduct.

(2) Monetary damages in the form of restitution for the financial costs associated with having attended Harvard University, to be determined at trial;

(3) Compensatory damages for the reputational damage to Plaintiffs' Harvard degrees and to Plaintiffs for having such degrees, to be determined at trial;

(4) Punitive damages to address Harvard's systemic failure to provide an environment free of discrimination and prejudice, to be determined at trial;

(5) Reasonable costs and attorneys' fees; and

(6) Such other further relief that this Court may deem appropriate.

JURY DEMAND

Plaintiffs hereby demand a trial by jury of all issues.

Dated: Brooklyn, New York
February 20, 2024

Yours,

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