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COMMITTEE ON  
EDUCATION AND WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2176 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

June 10, 2025

Alan Garber  
President  
Harvard University  
Massachusetts Hall  
Cambridge, MA 02138

Dear President Garber:

The Committee on Education and Workforce (Committee) is investigating and gathering information about discrimination in hiring and employment. Title VII of the *Civil Rights Act of 1964* (Title VII) prohibits employment discrimination because of an individual's race, color, religion, sex, or national origin. The Committee is concerned about recent reports that Harvard University (Harvard) may be discriminating in hiring and employment on these bases.<sup>1</sup> These reports are especially concerning following *Students for Fair Admissions v. President and Fellows of Harvard College*, in which the United States Supreme Court held that Harvard discriminated in student admissions on the basis of race in violation of Title VI of the *Civil Rights Act of 1964* and the Equal Protection Clause of the Fourteenth Amendment.<sup>2</sup> While Title VII and employment discrimination were not at issue in *Students for Fair Admissions*, the principle of equal treatment under the law certainly applies to Title VII as well.

Numerous publicly available documents produced or published by Harvard suggest that Harvard may have been and may still be unlawfully discriminating with respect to its hiring and employment practices. For example, Harvard's "Best Practices for Conducting Faculty Searches" document, copyrighted by the President and Fellows of Harvard College in 2023, recommends that when developing an applicant pool, administrators should "ensure that the early lists include

<sup>1</sup> See Christopher F. Rufo & Ryan Thorpe, *Inside Harvard's Discrimination Machine*, CITY J., May 14, 2025, <https://www.city-journal.org/article/harvard-university-discrimination-dei-hiring-trump>; Aaron Sibarium, *Trump Administration Launches Civil Rights Probe of Harvard's Hiring Practices*, WASH. FREE BEACON, May 12, 2025, <https://freebeacon.com/campus/exclusive-trump-administration-launches-civil-rights-probe-of-harvards-hiring-practices/>.

<sup>2</sup> 600 U.S. 181 (2023).

women and minorities.”<sup>3</sup> Anticipating an objection to quotas while acknowledging placement goals for women and minorities, the document states, “A goal is by no means a quota. But in searches with a placement goal for women and minorities, it is that much more important that the committee conduct robust outreach.”<sup>4</sup> The document also states, “Under University guidelines, the committee chair … can see the confidential individual, self-identified demographic data, including gender, race, and ethnicity ….”<sup>5</sup> The chair should “use this information to encourage diversity in the applicant pool ….”<sup>6</sup> Moreover, “[p]articularly when there are placement goals, the Chair should consider reading the applications of women and minorities first ….”<sup>7</sup> The chair “should continually monitor [the applicant list’s] composition. How diverse is it?”<sup>8</sup> The chair also “should bring forward women or minority applicants who might deserve a ‘second look,’ particularly when there are placement goals” and “should attend to all women and minorities on the long list.”<sup>9</sup>

Further, since 2021, Harvard seems to have provided to those who were interviewing job candidates “Diversity-Related Sample Interview Questions” to “assist in assessing a candidate’s understanding and commitment to diversity, inclusion, and belonging.” One of the sample questions states, “Explain how diversity played a role in your career.”<sup>10</sup>

In addition to the above, on April 25, 2025, Andrea R. Lucas, Acting Chair of the U.S. Equal Employment Opportunity Commission (EEOC), filed a commissioner’s charge with EEOC alleging that Harvard may have violated and may be continuing to violate Title VII.<sup>11</sup> The charge cites public documents from Harvard touting its success in sharply changing the demographics of tenured and tenure-track faculty.<sup>12</sup> The charge also points to multiple hiring and training programs at Harvard that seem to discriminate.<sup>13</sup> For example, Harvard Medical School’s “Summer Training in Academic Research and Scholarship Program (STARS Program)” has a “paid, full-time, summer internship and training program for ‘underrepresented minority (URM) undergraduate and first-year medical students.’”<sup>14</sup> Harvard’s “Mellon Mays Undergraduate

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<sup>3</sup> OFF. OF THE SENIOR VICE PROVOST, HARVARD UNIV., FACULTY DEVELOPMENT & DIVERSITY, BEST PRACTICES FOR CONDUCTING FACULTY SEARCHES 6 (2023), <https://media4.manhattan-institute.org/wp-content/uploads/sites/5/Faculty-Searches.pdf>.

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 12.

<sup>8</sup> *Id.* at 13.

<sup>9</sup> *Id.* at 14.

<sup>10</sup> HARVARD HUM. RESOURCES, CTR. FOR WORKPLACE DEVELOPMENT, DIVERSITY-RELATED SAMPLE INTERVIEW QUESTIONS (revised Jan. 28, 2021), <https://media4.manhattan-institute.org/wp-content/uploads/sites/5/sample-interview-questions.pdf>.

<sup>11</sup> OFF. OF THE CHAIR, EEOC, COMMISSIONER’S CHARGE AGAINST HARVARD UNIV. (Apr. 25, 2025), <https://freebeacon.com/wp-content/uploads/2025/05/2025.04.25-Commissioner-Charge-Against-Harvard-University.pdf>.

<sup>12</sup> *Id.* at 2-3.

<sup>13</sup> *Id.* at 4-5.

<sup>14</sup> *Id.* at 4.

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Program (MMUF)” has a “paid two-year fellowship program for undergraduate students” for which “[a]pplications are particularly encouraged for students of color ....”<sup>15</sup>

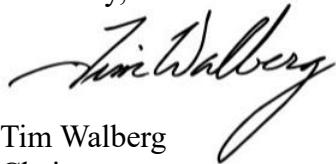
To assess whether Harvard has been or may be violating Title VII, the Committee requests that you provide the following information no later than June 25, 2025:

1. Since January 20, 2021, any written policies or guidance documents that encourage or require the consideration of race, color, religion, sex, or national origin with respect to recruiting for potential employment, actual employment, or hiring. For any policies or guidance which has since been rescinded, please provide documentation of such rescission, and provide any replacement policies or guidance.
2. An explanation of whether and how Harvard or its employees may consider race, color, religion, sex, or national origin with respect to recruiting for potential employment, actual employment, or hiring.

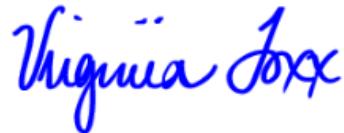
The Committee has jurisdiction over “labor generally,” including Title VII, and it “shall review and study on a continuing basis the application, administration, execution, and effectiveness of laws and programs addressing subjects with its jurisdiction” as set forth in House Rule X.<sup>16</sup> In addition, your responses to the Committee’s requests may provide important assistance to Congress in determining whether legislative changes are warranted.<sup>17</sup> The Committee’s requests and any documents created as the result of these requests will be deemed congressional documents and property of the Committee.

If you have any questions about this request, please contact Committee staff at 202-225-4527. Thank you for your prompt attention to this request.

Sincerely,



Tim Walberg  
Chairman



Virginia Foxx  
Member of Congress



Glenn Grothman  
Member of Congress



Elise M. Stefanik  
Member of Congress

<sup>15</sup> *Id.*

<sup>16</sup> RULES OF THE U.S. HOUSE OF REPRESENTATIVES, Rule X cl. 1(e)(6); cl. 2(b)(1)(A) (119th Cong.) (2025).

<sup>17</sup> See *Trump v. Mazars USA*, 591 U.S. 848, 863 (2020) (internal citations omitted).

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Burgess Owens  
Member of Congress



Robert F. Onder  
Member of Congress



Mark B. Messmer  
Member of Congress



Mary E. Miller  
Member of Congress



Ryan Mackenzie  
Member of Congress

Enclosure

## **Responding to Committee Document Requests**

1. Harvard University's (Harvard) response to questions and request(s) should be answered or provided in a separate document and not included inside a narrative response.
2. In complying with this request, you should produce all responsive documents that are in Harvard's possession, custody, or control, whether held by you or other past or present employees of Harvard, or a representative acting on your behalf. Your response should also produce documents that you have a legal right to obtain, that Harvard has a right to copy or to which you have access, or that you have placed in the temporary possession, custody, or control of any third party.
3. Records, documents, data, or information that have been requested and/or are related to underlying requests should not be destroyed, modified, removed, transferred, or otherwise made inaccessible to the Committee on Education and Workforce (the "Committee").
4. If any entity, organization, or individual denoted in this request has been, or is also known by any other name, than that herein denoted, the request shall be read also to include that alternative identification.
5. The Committee's preference is to receive documents in electronic form (i.e., email, CD, memory stick, or thumb drive) in lieu of paper productions. To the extent responses are provided in paper form, any documents that are stapled, clipped, or otherwise fastened together should not be separated. Documents produced in response to a request should be produced together with copies of file labels, dividers, or identifying markers with which they were associated when this request was issued.
6. Regardless of format, documents produced pursuant to this request should be produced in the order in which they appear in your files and should not be rearranged. Indicate the office or division and person from whose files each document was produced.
7. Regardless of format, documents produced to the Committee should include an index describing the contents of the production and a total page count for the entire production. To the extent more than one CD, hard drive, memory stick, thumb drive, box, or folder is produced, each CD, hard drive, memory stick, thumb drive, box, or folder should contain an index describing its contents. Documents produced in electronic format should also be identified and indexed electronically.
8. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.

- (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.

9. All documents shall be Bates-stamped sequentially and produced sequentially.
10. When you produce documents, you should individually identify the paragraph, question number, or request number in the Committee's request to which the documents respond.
11. It shall not be a basis for refusal to produce documents that any other person or entity—either inside or outside of Harvard—also possesses non-identical or identical copies of the same documents.
12. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), Harvard's staff should consult with the Committee staff to determine the appropriate format in which to produce the information.
13. If compliance with any request cannot be made in full, compliance shall be made to the extent possible and shall include a written explanation of why full compliance is not possible.
14. If Harvard does not expect to produce all documents responsive to a request by the date requested, Harvard's staff shall consult with the Committee as soon as it is known Harvard cannot meet the deadline, but no later than 24 hours before the due date to explain:
  - (a) what will be provided by the due date;
  - (b) why Harvard believes certain materials cannot be produced by the due date; and
  - (c) Harvard's proposed timeline for providing any omitted information.
15. If any document responsive to this request was, but no longer is, in your possession, custody, or control, or has been placed into the possession, custody, or control of any third party and cannot be provided in response to this request, you should:
  - (a) identify the document, including its date, author, subject, and recipients;
  - (b) explain the circumstances under which the document ceased to be in your possession, custody, or control, or was placed in the possession, custody, or control of a third party;
  - (c) state how the document was disposed of;
  - (d) identify the name, current address, and telephone number of the person who currently has possession, custody, or control over the document;
  - (e) state the date of disposition; and
  - (f) identify the name, current address, and telephone number of each person who authorized said disposition or who had or has knowledge of said disposition.

16. If any document responsive to this request cannot be located, identify the document and describe with particularity the efforts made to locate the document and the specific reason for its disappearance, destruction, or unavailability.
17. In the event that a document or portion of a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document or redaction:
  - (a) Bates number(s);
  - (b) the privilege asserted and the grounds therefor;
  - (c) the type of document;
  - (d) the general subject matter;
  - (e) any other description necessary to identify the document;
  - (f) the date, author, and addressee; and
  - (g) the relationship of the author and addressee to each other.

If a claimed privilege applies to only a portion of any document, that portion only should be withheld and the remainder of the document should be produced.

18. Any objections or claims of privilege are waived if you fail to provide an explanation of why full compliance is not possible and a log identifying with specificity the ground(s) for withholding each withheld document prior to the request compliance date.
19. In complying with the request, be apprised that (unless otherwise determined by the Committee) the Committee does not recognize: any purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative-process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
20. Any assertion by a request recipient of any such non-constitutional legal bases for withholding documents or other materials, for refusing to answer any deposition question, or for refusing to provide hearing testimony, shall be of no legal force and effect and shall not provide a justification for such withholding or refusal, unless and only to the extent that the Committee (or the chairman of the Committee, if authorized) has consented to recognize the assertion as valid.
21. If a date or other descriptive detail set forth in this request referring to a document, communication, meeting, or other event is inaccurate, but the actual date or other descriptive detail is known to you or other Harvard employees, or is otherwise apparent from the context of the request, you should produce all documents that would be responsive as if the date or other descriptive detail were correct.
22. The time period covered by this request is included in the attached request. To the extent a time period is not specified, produce relevant documents from January 20, 2021, to the present.

23. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery. Such submission shall include an explanation as to why the information was not produced originally.
24. If physical documents are to be delivered, two sets of documents should be delivered, one set to the Majority Staff in Room 2176 of the Rayburn House Office Building and one set to the Minority Staff in Room 2101 of the Rayburn House Office Building during Committee office hours (9am-5pm Eastern Daylight Time, unless other arrangements are made) and signed by members of the respective staffs upon delivery.
25. Upon completion of the document production, Harvard's written response should include a written certification, signed by President Alan Garber or his designee, stating that:
  - (a) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and
  - (b) all documents located during the search that are responsive have been produced to the Committee.

### **Definitions**

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings, and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.

2. The term “documents in your possession, custody or control” means documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, or representatives acting on your behalf; documents that you have a legal right to obtain, that you have a right to copy, or to which you have access; and/or documents that have been placed in the possession, custody, or control of any third party.
3. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document, or otherwise, and whether in a meeting, by telephone, facsimile, email, regular mail, telexes, releases, or otherwise.
4. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
5. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; and (b) the individual’s business address and phone number.
7. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “entity” includes any lawful association, corporation, partnership, proprietorship, trust, institution, or individual that has the legal capacity to: (1) enter into agreements and contracts; (2) assume obligations; (3) incur and pay debts; (4) sue and be sued in its own right; and (5) be accountable for illegal activities.
9. The term “privilege” includes, but is not limited to, any claim that a document either may or must be withheld from production pursuant to any statute, rule, or regulation.
10. The term “employee” means agent, borrowed employee, casual employee, consultant, de facto employee, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, contract employee, contractor, or any other type of service provider.
11. The term “Harvard” means Harvard University, including (i) its predecessors, successors, wholly or partly owned direct or indirect subsidiaries, divisions, affiliates, boards, and joint ventures and any (ii) any current, past, or future partners, officers, directors, employees, representatives, or agents of any of the above entities.