



March 29, 2023

**VIA Electronic Mail**

Lawrence Bacow, President  
Office of the President  
Harvard University  
Massachusetts Hall  
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Douglas Elmendorf  
Dean of Faculty, Harvard Kennedy School  
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Re: *Discrimination and Bias in Professor Marshall Ganz's course*

Dear President Bacow and Dean Elmendorf:

We are attorneys at the Louis D. Brandeis Center for Human Rights Under Law, a national non-profit legal advocacy organization that works to combat anti-Semitism in higher education and protect the rights of Jewish students. We are advising three Israeli graduate students in the Kennedy School's Mid-Career Master's in Public Administration program: Amnon Shefler, Matan Yaffe, and Gilad Neumann, all of whom experienced anti-Israel and anti-Semitic bias and discrimination in Marshall Ganz's course ("Organizing: People, Power, Change").

This is not the first incident involving hostility toward Jews and/or Israelis at Harvard this month. Recently, McKinsey & Company withdrew its sponsorship of the Arab Conference at Harvard after learning of the deeply anti-Semitic views of one of its advertised speakers, Linda Sarsour, who encouraged listeners to oppose "apartheid" Israel.

The three Israeli students were enrolled in the Spring 1 Module of Professor Ganz's course (MLD 377, 02/21/23 through 03/05/23), which was advertised as one in which "students learn to work as leadership teams to reach out to constituents to design an organizing campaign," and "learn as reflective practitioners of leadership of their campaign: building relationships committed to common purpose; turning values into

motivated action through narrative; strategizing to turn resources into the power to achieve outcomes; taking effective action; and structuring leadership collaboratively.”

The three Israeli students were eager to take this course to develop a plan “to harness and unite a majority of diverse and moderate Israelis to strengthen Israel’s liberal and Jewish democracy” at a time of division and civil strife in their country. The students articulated their purpose as “organizing a growing majority of Israelis, that act in harmony, building on a shared ethos of Israel as a liberal-Jewish-democracy, being a cultural, economic and security lighthouse.”

Professor Ganz, who is himself Jewish, initially welcomed the three students to his class. But after the first weekend, Professor Ganz called the three to his office to discuss their project’s “purpose.” He urged them to change their purpose by eliminating any reference to Israel as a “liberal-Jewish-democracy.” Seeking to accommodate the professor’s concerns, the students proposed modifying their purpose statement to say “liberal democracy in the Jewish homeland” instead of “liberal Jewish democracy.” This too was nixed by the professor, who informed the students that the word “Jewish” was the problem. He told them that it would be “wise” for them to remove the word “Jewish” and not use it in conjunction with the State of Israel. Professor Ganz said the phrase “creates an unsafe space” and compared their use of the words “Jewish State” to a student trying to characterize America as a country led by “white supremacy.”

Three days later, on March 2, at 1:28 am, Professor Ganz emailed the three students<sup>1</sup> and informed them that their “statement of ‘purpose’ [was] not acceptable going forward.” Professor Ganz told them that the term “liberal Jewish democracy” is “highly controversial” and that it was “disrupting the learning opportunity” for the class. When the students replied that they did not understand, and requested further clarification, the Professor told them in a subsequent March 2 email that they could not complete their work as proposed because “many people enrolled in the class [find] [the] term ‘Jewish democracy’ deeply offensive.”

Professor Ganz’s assertion that the word “Jewish” in connection with the State of Israel is “deeply offensive” is itself deeply offensive. It is, in fact, blatantly anti-Semitic, demeaning the Israeli students both as Israelis and as Jews, and denying the Jewish people’s right to self-determination. Professor Ganz freely admitted that he has never told any other student to change his or her statement of purpose. Only the Israeli

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<sup>1</sup> We include the full email exchange between Professor Ganz and the three Israeli students in the appendix attached to this letter.

students were asked to do so because their very identity as Jews and Israelis—their very presence in the class—was deemed “offensive.”

In light of the professor’s admonition, the three students sent him an email later the same evening (March 2), explaining that the project was important to them and that they were excited to have the opportunity (over the coming weekend) to present their ideas to him and the class. They told the professor that his “course offer[ed] students a unique and valuable opportunity to develop organizing strategies based on their stories of self, of us and of now,” and advised him that they only wanted to have the same opportunity as any other students.

They added, “As you know, Israel identifies as a Jewish and democratic state and, for many Israelis like us, the idea of Jewish democracy is not just an idea. It is deeply woven within our identities as Israelis and as Jews. It is part of who we are as a people.” The students explained that the professor’s insistence that they change their project’s purpose demeaned them by sending “the unmistakable message that as Jewish Israelis we must forego opportunities available to all the other students in the class.” In closing, the students stated that they had “entered into this workshop with curiosity, humility and integrity” and in this spirit were planning to work over the weekend to present the project to which they had already devoted so much time and effort.

Professor Ganz responded in an email an hour later, stating that, “It’s unfortunate that you are choosing to ignore the provocative nature of your claims.” And he closed his email by telling the students they would bear “responsibility for the consequences.”

The students asked what the professor meant by “consequences.” The professor replied, “With respect to consequences, I can only speak to fulfillment of course requirements. You may also want to consider how responsive others may be to your approach,” implying that the students’ educational opportunities at Harvard could be impacted.

After meeting with one of the teaching fellows (TFs), who urged the students to change their project and be mindful of the class’s sensitivities if they were going to present on their original topic, the three students decided to stick with their original plan, to which they had devoted significant and meaningful work. On Saturday, March 4, they presented their project in their small working group and received universal praise from students and teaching fellows, and even from the professor—in private. Despite this praise, the Israeli students were not among those chosen to present their work to the entire class.

On Sunday March 5, the last day of class, Professor Ganz made clear what he meant by “consequences.” Although there were no projects by any students in the class dealing with Palestinians, Professor Ganz deliberately selected “Palestinian solidarity” as the topic for a “fishbowl” session that was designed to teach the entire class recruiting skills. Professor Ganz could have selected any topic to demonstrate this skill set to the students. Despite this, being fully aware that the topic would generate strong anti-Israel sentiment in the class, Professor Ganz directed two of the TFs to teach a lesson on how to recruit support for Palestinians that included blaming Israelis for the Palestinians’ plight.

As could be anticipated, the TFs’ presentation prompted a student to speak up immediately after the TFs finished their lecture. This student made anti-Israel remarks, which, although inappropriate to the class, were not addressed by the teaching staff.

Later in the day, one person from each small group was selected by the teaching team to present their group’s final work. The student who made the anti-Israel remarks was among the ones chosen. Before discussing her team’s work, she told a story about a Palestinian who travelled to Turkey to help earthquake victims and then after his return died during riots in the Palestinian city of Hawara.

The student suggested that *all* Israelis were responsible for the riots and invited the other students and teaching staff to demonstrate support for Palestinians suffering at the hands of Israelis by posing for a class picture wearing keffiyehs (a traditional Middle Eastern scarf/headaddress often worn to demonstrate Palestinian solidarity). The picture was taken at the end of the class, with many students and TFs wearing the keffiyehs provided by the student, who had brought them with her to class, suggesting she was aware ahead of time how events would unfold.

Before class ended, the three Israeli students approached Professor Ganz and requested an opportunity to respond to the anti-Israel presentation and rhetoric before the class ended. They sought to defend the attack on their Israeli identity and provide a different perspective, so that the class could consider a more comprehensive story. Professor Ganz responded by losing his temper. He told them that they “had caused enough problems already” and that they would have to go elsewhere to make their points.

Professor Ganz thereby orchestrated and created an environment that he knew in advance would generate hostility toward the Israeli students. He permitted only the hostile, anti-Israeli rhetoric to be heard, and silenced the Israeli students when they

sought to defend themselves from the attacks made on them as Jewish Israelis. No other students in the class were singled out for such opprobrium.

The professor's conduct during the final class demonstrated for the three students that they would not be welcome in the next session of the course—which they had planned to join. One of the three had already registered for the next class. As a result of the professor's harassing, discriminatory conduct, this student dropped the class, and the other two students decided not to register out of concern that they would be subjected to similar discriminatory treatment in the next session.

In sum, Professor Ganz told the three students to eliminate the word “Jewish” from their project's stated purpose and threatened them with “consequences” if they refused. He then arranged for a hostile presentation by his teaching staff on the last day of class, and angrily refused to let the three students respond to the bullying session that ensued.

In a course designed to teach mature students from different nations to work “collaboratively,” Professor Ganz instead engaged in and encouraged harassment and marginalization of the three Israelis.

As you may be aware, Title VI of the Civil Rights Act (Title VI) protects Jews and Israeli nationals against harassment and discrimination on the basis of their national origin and their shared ethnic and ancestral identity.<sup>2</sup> Indeed, guidance issued by the Department of Education's Office for Civil Rights (OCR) and the Department of Justice in 2004, 2010, and 2017 clarifies that Title VI covers discrimination against Jews on the basis of their “actual or perceived shared ancestry or ethnic characteristics.”<sup>3</sup>

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<sup>2</sup> 42 U.S.C. §2000d *et seq.*; Executive Order 13899, Combating anti-Semitism, December 11, 2019, 3 C.F.R. §§68779-68780, available at <https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism> (“EO 13899”).

<sup>3</sup> See *Know Your Rights: Title VI and Religion*, U.S. DEP'T EDUC.—OFFICE FOR C.R., January 17, 2017, available at <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>. See also Letter from Assistant Secretary for Civil Rights Russlyn Ali, U.S. DEP'T OF EDUC.—OFFICE FOR C. R., October 26, 2010, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf> (“2010 Dear Colleague Letter”); Letter from Thomas E. Perez, Assistant Att’y Gen., U.S. Dep’t of Just.—C.R. Div., to Russlyn H. Ali, Assistant Sec’y for C.R., U.S. DEP'T OF EDUC.—OFFICE FOR C.R., *Re: Title VI and Coverage of Religiously Identifiable Groups*, September 8, 2010, available at [https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810\\_AAG\\_Perez\\_Letter\\_to\\_Ed\\_OCR\\_Title%20VI\\_and\\_Religiously\\_Identifiable\\_Groups.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf); Kenneth L. Marcus, *Title VI and Title IX Religious Discrimination in Schools and Colleges: Dear Colleague Letter*, U.S.

According to Executive Order 13899, which has been incorporated into OCR's current policy guidance, Title VI must be enforced "against prohibited forms of discrimination rooted in anti-Semitism as vigorously as against all other forms of discrimination prohibited by Title VI."<sup>4</sup>

As recently as January 2023, the Department of Education affirmed its commitment to the Executive Order, which incorporates the International Holocaust Remembrance Alliance's Working Definition of Anti-Semitism (the IHRA Definition). [<https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-shared-ancestry-202301.pdf>] As the IHRA Definition tells us, criticism of Israeli policies is not anti-Semitism. But demonizing the Jewish State, denying the Jewish people the right to self-determination—and/or subjecting Israel to double standards are another thing altogether. These are classic earmarks of anti-Semitism.

Title VI requires all entities receiving federal funding to respond immediately to discrimination and/or harassment that "negatively affect[s] the ability and willingness of Jewish students to participate fully in the school's education programs and activities."<sup>5</sup> A university "*must* take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment, and prevent the harassment from recurring."<sup>6</sup> Further, OCR has explained that a university may violate Title VI if peer harassment "is sufficiently serious that it creates a hostile environment and such harassment is encouraged, tolerated, not adequately addressed, or ignored by school employees."<sup>7</sup>

Here, Professor Ganz marginalized and belittled the three Jewish Israelis on the basis of their Israeli national origin and Jewish identity. He also limited their ability to participate fully in the program. And he actively engaged in creating a hostile environment for them. This is not only discriminatory, it makes a mockery of academic

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DEP'T OF EDUC.—OFFICE FOR C. R. (Sep. 13, 2004), available at <https://www2.ed.gov/about/offices/list/ocr/religious-rights2004.html>.

<sup>4</sup> EO 13899, §1. *See also Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR's Enforcement of Title VI of the Civil Rights Act of 1964*, U.S. DEP'T EDUC.—OFFICE FOR C.R., January 19, 2021, available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>.

<sup>5</sup> *See* Russlyn H. Ali, Dear Colleague Letter, Dept. of Educ. OCR (2010), p. 5-6 [hereinafter 2010 Dear Colleague Letter] <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>; *see also Id.* at p. 2 ("[Under Title VI, a] school is responsible for addressing harassment incidents about which it knows or reasonably should have known")

<sup>6</sup> *See* 2010 Dear Colleague Letter, *supra* note 1, at 2-3 (emphasis added).

<sup>7</sup> *See* 2010 Dear Colleague Letter, *supra* note 1, at 1; *see also See Know Your Rights: Title VI and Religion*, U.S. DEP'T EDUC.—OFFICE FOR C.R. (Jan. 17, 2017), <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>.

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freedom and violates the very mission of the Kennedy School, which pledges in its Mission statement, *inter alia*, “[r]espect for all members of our community” and for “different opinions and cultures,” and a commitment to “truth, learning, and freedom of expression.”

The professor’s deplorable conduct must be addressed by Harvard and the Kennedy School. The schools should require Professor Ganz to apologize to the Israeli students for the hostility he demonstrated towards them and consider sanctioning the professor for his unprofessional and discriminatory conduct. Going forward, Professor Ganz must agree to treat Israeli and Jewish students—and all students—with respect if he wishes to continue teaching at the Kennedy School or at Harvard. The same message should be made clear to the entire faculty of the Kennedy School through formal anti-Semitism training and through informal organized group discussions to ensure that all teaching staff honor the university’s Mission.

Please let us know whether you will take these proposed steps.

We are available to discuss this issue at your convenience.

Sincerely,



Kenneth L. Marcus  
*Chairman and Founder*



L. Rachel Lerman  
*General Counsel*



Alyza D. Lewin  
*President*