



U.S. Department of Justice

Civil Rights Division

DJ 169-36-72

Assistant Attorney General
950 Pennsylvania Ave, NW - RFK
Washington, DC 20530

November 17, 2017

Via email

Seth P. Waxman
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006

Dear Mr. Waxman:

I write to notify you of the United States' determination that Harvard is not complying with its Title VI access requirements, and that Harvard's actions indicate that this noncompliance cannot be corrected by informal means. *See* 28 C.F.R. § 42.108(a). At Harvard's request, several Department of Justice attorneys met with you and other representatives of Harvard on September 11, 2017. At that meeting, Harvard's representatives offered to work collaboratively to provide the United States with access to materials to which it is entitled under Title VI, the implementing regulations, and the governing law. Harvard, however, subsequently responded to the Department's informal attempts to obtain documents with delays and challenges to the Department's authority. The Department therefore sent a formal document request on October 19, 2017, with a deadline for compliance of November 2. You sent a belated response on November 7 that again challenged our authority to investigate Harvard and proposed providing the United States only restricted access to limited documents in contravention of Harvard's Title VI obligations. We responded separately to that unacceptable proposal today.

More than two months have passed since our September meeting, and Harvard has not yet produced a single document. We sincerely hope that Harvard will quickly correct its noncompliance and return to its collaborative approach. In a further effort to secure voluntary compliance, the Department will give Harvard until December 1, 2017, to comply with its October 19 document request. As we indicated in our separate response letter today, Department lawyers are willing to travel to your law firm or Cambridge to copy and download all of the documents and information that the Department requested in the formats in which it requested them. Please be advised that if Harvard does not comply with the document request in full by that deadline, we may file a lawsuit to enforce Harvard's Title VI access obligations. 28 C.F.R. § 42.108(d).

Sincerely,

A handwritten signature in blue ink that reads "John M. Gore". The signature is written in a cursive style with a large initial "J" and "G".

John M. Gore
Acting Assistant Attorney General
Civil Rights Division

cc via email: Felicia H. Ellsworth
Robert N. Driscoll