

TEACHING CASE

APRIL 12, 2024

PARTHA P. BOSE

ROBERT G. ECCLES

The Harvard Corporation and President Claudine Gay (A)

Harvard University is one of the world's best-known elite institutions of higher education. Its total student body numbers over 25,000, with over 400,000 living alumni.¹ Harvard has almost 14,500 staff and about 5,000 faculty. It has an annual operating budget of \$6 billion and, despite falling for two consecutive years, the largest endowment of any university in the world at \$51 billion.²

Harvard University was founded in 1636. In 1650, at the request of Harvard's first president, Henry Dunster, the Great and General Court of Massachusetts issued the university a charter, which established the Harvard Corporation (the Corporation) as the governing board of the university. Its first members were the president, five fellows, and the treasurer. The Corporation has the ultimate oversight of Harvard, which today is characterized as "the fiduciary responsibility" concerning the "University's academic, financial, and physical resources and overall well-being."³ The Corporation, formally called the President and Fellows of Harvard College, is the legal entity that owns Harvard—every building, logo, trademark, copyright, document, and report that the university owns or issues.

¹ <https://www.harvard.edu/about/>

² Krishi Kishore and Rohan Rajeev, "Harvard Ended Fiscal Year 2023 with \$186M Budget Surplus," The Harvard Crimson (October 20, 2023)

³ Harvard website, "Governing Boards"

Partha P. Bose, a former partner at McKinsey & Company, Monitor Deloitte, and Oliver Wyman, advises boards and top executive teams on strategy, reputation, and crisis management. Robert G. Eccles has a Ph.D. in sociology from Harvard University, was a full professor at Harvard Business School, and is now a visiting professor of management practice at Said Business School, University of Oxford.

This case was developed as a teaching tool to generate discussion in the classroom, particularly in courses on strategy, leadership, governance, crisis management, and internal and external communications in university, pro bono, or corporate settings. It is important to note that this case does not aim to provide a specific analysis, advocate a particular viewpoint, or offer any endorsement.

For permission to use this case, to receive the latest version, or for any other matter, please email CorporationTeachingCase@gmail.com.

This Teaching Case is not published or authorized by Harvard University, Harvard Business School, or Harvard Business Publishing.

Governance at Harvard

While every decision that the University makes falls within the Corporation's purview, in practice "the only decision that's obvious that resides in the Corporation is the selection of the president"⁴ and "the ultimate check is the loss of confidence that the Corporation has in the president. Historically, there's no question that the Corporation has played a role in these terms. (Nathan) Pusey's (tenure) was clearly ended by the Corporation. They thought it was time for a change, right or wrong."⁵ Of course, the Corporation also provides annual performance feedback to the president and approves the overall university budget. The 1650 charter remains the basic premise on which Harvard has been governed for the past almost 375 years.

The larger Board of Overseers (Overseers), the older of the two governance bodies, was initially set up with six magistrates and six ministers to "oversee" the affairs of the college; it was only after the end of the Civil War in 1865 that its members were elected by its alumni.⁶ The Overseers play a consultative role, and while it does not have the fiduciary responsibility for Harvard, it does have "power of consent" over major decisions that the Corporation makes. The Overseers, with 30 Harvard degree holders elected by its alumni, "is the less powerful of the University's two governing boards."⁷ The Overseers' "principal responsibility is the oversight of the visitation process, "which is the primary means for periodic external assessments of Harvard's schools and departments. The goal of these assessments, conducted through the Board's various committees, is to ensure that Harvard remains true to its charter as a place of learning"⁸

A document titled "Harvard University Board of Overseers Expectations of Service" lays out the roles and responsibilities of the overseers. The document also identifies fundamental principles, for example, "recognizing that the Overseers' role is one of oversight, not management, and exercising that responsibility in ways that respect the difference between serving as a board member and serving in an executive capacity."⁹

No such document laying out the roles and responsibilities of the Corporation's fellows exists, at least not in the public domain. "The University's governance thus depends on who the Corporation members are and how they view their role. ... There (are) no checks and balance on the Corporation qua Corporation. There is no faculty senate; there is no representative alumni organization; or any other body that plays that role."¹⁰

Deciding who becomes a fellow is also shrouded in mystery and secrecy. "A carefully curated mix of prominent academics, lawyers, and business magnates make up the Corporation's membership. True to its secretive reputation, the group is self-selecting; members decide on

⁴ Ron Daniel interview at 2006 Roundtable hosted by Harvard Magazine titled "Governing Harvard" (May – June 2006)

⁵ Henry Rosovsky interview at 2006 Roundtable

⁶ Encyclopedia Britannica

⁷ Brandon J Dixon and Claire E Parker, "The Harvard Corporation, Explained," The Harvard Crimson (June 27, 2017)

⁸ Harvard website, "Governing Boards" <https://www.harvard.edu/about/leadership-and-governance/>

⁹ Harvard University Board of Overseers Expectations of Service, May 25, 2016, Harvard website, "Governing Boards"

¹⁰ Daniel, 2006 Roundtable

candidates to replace their outgoing colleagues, and a majority vote of approval from the Board of Overseers, Harvard's larger and less powerful governing body, seals the deal."¹¹ The president, who is a non-voting member of the Corporation, also influences the selection of new fellows.

The Harvard Corporation is also unique in that it had been (until its 2010 reforms) "formally self-perpetuating ... members serve(d) without specific term limits."¹² Charles Slichter, the eminent physicist who taught at the University of Illinois Urbana-Champaign, served as a fellow for 25 years, including 10 as senior fellow, which was not an uncommon length of service for fellows for the first 360 years of the University. Slichter's Harvard classmate, Robert Stone, Jr., served for 27 years as a fellow (1975-2002), seven of which were as senior fellow.

The senior fellow is billed as "a first among equals," leading the body's major initiatives and interfacing frequently with top Harvard officials. The demands of the role can be onerous on the Corporation's members, who generally also have a "day job" as deans, professors or researchers, senior executives, senior public officials, or investors. Today, the Corporation has 13 members, a diverse group in terms of race, gender, and occupation. An analysis by *The Harvard Crimson* of the political donations of the members of the Harvard Corporation found that they "contributed more than \$1.5 million in political donations to federal candidates and political committees in 2021 and 2022. Of that number, just \$12,900.00 (from Treasurer Paul J. Finnegan) went to Republican political causes."¹³

2010 Reforms

In a Faculty of Arts and Sciences (FAS) meeting in mid-December 2009, President Drew Faust spoke about the long-term strategic issues confronting Harvard. Reflecting on the decision by Senior Fellow James R. Houghton, the CEO and Chairman of Corning, to step down from the Corporation at the end of the academic year after 15 years of service, she said that she and Houghton had several discussions over the fall about the role of the Corporation. She added that they both felt it important that the Corporation look closely at how it conducted "its work and what practices would be most sensible: the sort of reflective review any such entity ought to undertake from time to time, and especially now, in light of changes in the University itself and in the larger world."¹⁴ *Harvard Magazine* commented: "Given that the Corporation rarely, if ever, discloses anything about itself or its work, her remarks were unusual."¹⁵

The weekend before her meeting at FAS, two Harvard professors, Fred Abernathy and Harry Lewis (who had also served as Dean of Harvard College), eviscerated the Corporation in an op-ed in *The Boston Globe* over the \$11 billion in losses in long-term investments, another \$1.8

¹¹ Brandon J Dixon and Claire E Parker, "The Harvard Corporation, Explained" *The Harvard Crimson* (June 27, 2017)

¹² *Ibid*

¹³ Miles J. Herszenhorn and Claire Yuan, "Harvard Corporation Members Donated Heavily to Democrats Ahead of 2022 Midterm Elections," *The Harvard Crimson* (February 2, 2023)

¹⁴ John Harvard's Journal, "The Corporation Changes," *Harvard Magazine* (March-April 2010)

¹⁵ *Ibid*

billion lost by "top management speculating in cash accounts and a further \$0.5 billion gone in an untimely exit from a debt rate gambit."¹⁶ Their conclusion:

The Harvard Corporation is a dangerous anachronism. It failed its most basic fiduciary and moral responsibilities. Some of its members should resign. But the Corporation's problems are also structural. It is too small, too closed, and too secretive to be intensely self-critical, as any responsible board must be. Until the board can be restructured, the fellows should voluntarily share their power with the Overseers. And Harvard should reveal the risks of its business plans, as would be required if it were a publicly held corporation. That exercise in transparency would surely serve Harvard well.¹⁷

Toward the end of 2010, Harvard President Drew Faust and Senior Fellow Robert Reischauer (former director of the Congressional Budget Office and president of the Urban Institute) announced a set of changes to the makeup and functioning of the Corporation.¹⁸ Henceforth, the size of the Corporation will nearly double from seven to 13.

- Members other than the president will serve for limited terms (maximum of two 6-year terms).
- Several new committees will be formed for finances, facilities and capital planning, and governance.
- The Corporation and its members will pursue ways to engage more closely with the Harvard community, including with the Deans of the schools as well as the Board of Overseers, to promote transparency.

Crucially, the Corporation would also select the senior fellow instead of inviting (as was tradition) the longest-serving member to assume the role.¹⁹ The senior fellow would play a greater role in guiding the Corporation's discussions and decisions, setting agendas, guiding priorities, and liaising with internal and external stakeholders such as faculty, administrators, students, and alumni. The senior fellow would also chair the governance committee and be responsible for reviewing the president and delivering the collective feedback from the fellows.

Addressing the demand from external stakeholders for greater knowledge about the Corporation's work, the governance review made a case for greater communication. "We're committed to communicating more regularly," Faust told *The Harvard Gazette*, "so sometimes we will be communicating through me, sometimes through the Senior Fellow, sometimes, perhaps through several members, or through the whole group."²⁰

¹⁶ Fred Abernathy and Harry Lewis, "Shrouded in Secrecy, Decision Makers gambled and Harvard Lost," *Boston Globe*, December 12, 2009

¹⁷ *Ibid*

¹⁸ Q&A on Harvard's Changing Corporation, *Harvard Gazette* (December 6, 2010)

¹⁹ Cara J Chang and Isabella B Cho, "A New Chapter for the Oldest Corporation," *The Harvard Crimson* (May 26, 2022)

²⁰ Q&A on Harvard's Changing Corporation, *Harvard Gazette* (December 6, 2010)

The review of Harvard's governance had been a long time coming. Since the Vietnam War in the 1960s through the murder of an unarmed Black man, George Floyd, by three Minneapolis police officers in 2020, the response of the school's president and the Corporation to tragic external events that have shaken people to their very core has come under sharpened focus.

The Search for Harvard's 30th President

On July 8, 2022, one month after President Lawrence Bacow informed the Corporation he planned to retire at the end of June 2023, "the University named the search committee charged with finding Harvard's next leader."²¹ The committee (see Appendix 1) would have 12 fellows (Bacow, as the outgoing president, would not be on it) plus three overseers. "As the senior fellow on the Corporation – 'the first among equals' on Harvard's most powerful governing body – Chicago billionaire Penny S. Pritzker will spearhead the presidential search," *The Crimson* reported.²²

Pritzker was the first woman to be appointed as senior fellow of the Corporation. Pritzker, according to *The Crimson*, "enumerated an array of qualities the panel would be looking for in Harvard's next president, including a distinguished academic pedigree, devotion to Harvard's educational mission, and commitment to embracing multiple forms of diversity."²³ "We aim to identify a president who, like past Harvard leaders, will bring not only a deep devotion to Harvard's excellence but also a passion for how Harvard — through its myriad programs and extraordinary people — can be a force for good in the world," she wrote."²⁴

During the initial stage of the search, according to *The Crimson*, the search committee would solicit possible names from students, faculty, staff, alumni, and major donors. This typically leads to a starting list of hundreds of candidates (during the search for Lawrence Summers, it was reported that there were 500 names submitted, and for Faust some 750 names). These are shortlisted to some 20 or so candidates (which was the number during the search that selected Bacow) by December. The final recommendation is made "to the Board of Overseers in January or February to ensure a smooth transition to the end of the academic year."²⁵

According to higher education experts consulted by *The Crimson*, while members on search committees were never explicit about what qualities or criteria they were looking for in a new president, observing appointments over the past 30 years, there were some patterns. All recent presidents had some combination of a Harvard degree (Derek Bok, Neil Rudenstine, Summers, and Bacow), service on the Corporation (Bacow), experience as a president of another university (Bacow had served for 10 years as president of Tufts and before that as chancellor of MIT), was at Harvard as a professor (Summers and Rudenstine), and/or served as a dean (Bok and Faust). According to Harvard Professor of Education Richard Chait, who studies the governance of

²¹ Cara J. Chang and Isabella B. Cho, "How Harvard Picks Its Presidents," *The Harvard Crimson* (September 9, 2022)

²² *Ibid*

²³ *Ibid*

²⁴ *Ibid*

²⁵ *Ibid*

universities and colleges, the selection requires "a judgment on the part of the search committee that this individual knows enough firsthand about scholarship, research, and teaching to be president of an institution which is in the business of scholarship, research, and teaching."²⁶

The Selection of Claudine Gay

On December 15, 2022, Professor Claudine Gay (52), was selected as Harvard's 30th president. The search committee considered more than 600 nominations over five months, making it, according to *The Crimson*, the shortest Harvard presidential search in almost 70 years.²⁷ She was the first president of color and the second woman to be appointed to the position at America's oldest and wealthiest school of higher learning.

Gay was born in New York to parents who had immigrated from Haiti. A profile of her in *Harvard Magazine*, titled "A Scholar's Scholar: President Claudine Gay," said that "Gay also grew up in Saudi Arabia, where her father, Sony Gay Sr., worked for the U.S. Army Corps of Engineers. She attended school in the Kingdom from second through ninth grade."²⁸ Gay later moved back to the U.S., living in Georgia and Colorado before attending the elite preparatory school, Phillips Exeter Academy, in New Hampshire.²⁹ She ran track and served as director of circulation for the *Exonian*, the school's newspaper, before graduating from there in 1988.³⁰

Gay started her college career at Princeton. She transferred to Stanford at the end of her freshman year and graduated in 1992 with a degree in economics and "winning the Anna Laura Myers Prize for the best senior thesis in the department."³¹ She then moved to Harvard for her graduate studies and earned her Ph.D. in 1998, "receiving the Toppan Prize for best political (science) dissertation."³² Her dissertation, published in 1997, was titled "Taking Charge: Black Electoral Success and the Redefinition of American Politics."

Upon receiving her degree, Gay became an assistant professor in political science at Stanford (2000-2005) and was made a tenured associate professor in 2005. In 2006, she moved to Harvard as a tenured full professor in government. In 2008, she was appointed as a Professor of African and African American Studies. Gay was named the Wilbur A. Cowett Professor of Government in 2015 when "she became dean of social science, overseeing more than one-third of the FAS faculty,"³³ which amounted to over 250 faculty members. Gay also became head of a new Inequality in America Initiative, designed to "strengthen the University's work on economic, political, and social inequality across disciplines."³⁴

²⁶ Ibid

²⁷ Cara J. Chang and Miles J. Herszenhorn, "How Harvard's Presidential Search Committee landed on Claudine Gay," *The Harvard Crimson* (December 16, 2022)

²⁸ John S. Rosenberg, "A Scholar's Scholar: President Claudine Gay," *Harvard Magazine* (September – October 2023)

²⁹ Miles J. Herszenhorn and Claire Yuan, "The Scholar Everyone Sought: Claudine Gay, Harvard's New President," *The Harvard Crimson* (January 27, 2023)

³⁰ Ibid

³¹ Ibid

³² Ibid

³³ John S. Rosenberg, "John Harvard's Journal: Claudine Gay, President-Elect," *The Harvard Magazine* (March-April 2023)

³⁴ Marina N. Bolotnikova, "FAS's Inequality in America Initiative," *Harvard Magazine* (October 17, 2017)

In mid-2018, newly appointed Harvard President Bacow announced Gay as the next Edgerley Family Dean of the Faculty of Arts and Sciences, taking over from Michael D. Smith on August 15.³⁵ It was Bacow's first major appointment after taking over as president.³⁶

"With Gay's appointment, the University has recently welcomed something of a decanal youth movement. She joins an increasingly diverse group of academic leaders who include Michelle Williams at public health, Bridget Terry Long at education, and Tomiko Brown-Nagin at the Radcliffe Institute," *Harvard Magazine* commented.³⁷ *The New York Times* noted that "as a proponent of increased diversity in hiring, as well as an expert on minority representation and political participation in government, Dr. Gay may be ideally suited to the task of maneuvering through the challenges Harvard faced, her supporters said."³⁸ Professor Henry Louis Gates Jr., the director of Harvard's Hutchins Center for African and African American Research said that Harvard made academic history with the appointment, and that "this is a victory for diversity and excellence."³⁹

At an event introducing the president-elect on December 15, 2022, *Harvard Magazine* reported that Gay addressed the gathering, reminding those there that Harvard's mission "calls us to take a leap into the unknown, to have the bravery, the drive, the unbridled curiosity to search for answers to the questions that really matter."⁴⁰

She went on to add: "The idea of the ivory tower is the past, not the future, of academia. We don't exist outside of society but as part of it. And that means Harvard has a duty to lean in and engage and to be in service to the world. Our people, our collections, our research, how we use our convening power in business and law and public policy, for all of that, our commitment must be to openness and engagement."⁴¹

Two days before Gay took office on Saturday, July 1, the Supreme Court struck down affirmative action in college admissions.⁴² In a public video she recorded, Gay promised: "The Supreme Court's decision on college and university admissions will change how we pursue the educational benefits of diversity. ... But our commitment to that work remains steadfast, is essential to who we are, and the mission that we are here to advance."⁴³

October 7 Attack by Hamas

On the early morning of Saturday, October 7, 2023, Hamas militants hit more than 20 targets in southern Israel, killing more than a thousand civilians, including women and children, and

³⁵ "Claudine Gay named FAS Dean," *Harvard Gazette* (June 23, 2018)

³⁶ John S. Rosenberg, "Claudine Gay Named Dean of the Faculty of Arts and Science," *Harvard Magazine* (July 23, 2018)

³⁷ *Ibid*

³⁸ Stephanie Saul and Vimal Patel, "Harvard Names a New President, an Insider and Historic First," *The New York Times* (December 15, 2022)

³⁹ *Ibid*

⁴⁰ John S. Rosenberg, "Claudine Gay, President-Elect," *Harvard Magazine* (March-April 2023)

⁴¹ *Ibid*

⁴² Miles J. Herszenhorn and Claire Yuan, "Claudine Gay Takes Office, Officially Becoming Harvard's First Black President," *The Harvard Crimson* (July 2, 2023)

⁴³ *Ibid*

abducting 240 as hostages. Many innocent civilians were killed attending a music festival, others waiting for buses and cars, and still others sheltering and hiding in their homes. Many corpses were mutilated, and the attackers were found to have committed sexual violence.⁴⁴

On Harvard's campus, as students woke up to news coverage out of Israel, a group of pro-Palestinian students started composing "'an emergency statement' on behalf of Palestinian allies on campus."⁴⁵ It held Israel "entirely responsible for all unfolding violence."⁴⁶ On the evening of October 7, the statement was issued on Instagram by the Harvard Graduate Students for Palestine and the Palestine Solidarity Committee (PSC), with signatures from more than 30 other campus organizations.⁴⁷

By Monday, October 9, the statement had ignited outrage beyond Harvard's campus for not acknowledging Hamas's responsibility for the violence or expressing sympathy for the innocent victims of the carnage.

Senator Ted Cruz (R-Texas) and Representative Elise M. Stefanik (R-N.Y.), both Harvard graduates, expressed outrage. Stefanik called on the Harvard administration to condemn "these vile anti-Semitic statements,"⁴⁸ and Cruz asked on X: "What the hell is wrong with Harvard?"⁴⁹ The reprobation of Harvard's silence wasn't just from one side of the political aisle. U.S. Representative Seth Moulton (D-MA), also a Harvard graduate, blasted the student statement as morally repugnant, and wrote on X that "the university's silence is complicity."⁵⁰

On Monday evening, a statement from the Harvard University leadership to the Harvard community signed by Gay, Provost Alan Garber, EVP Meredith Weenick, and all the 15 deans of the various schools, was issued:

"We write to you today heartbroken by the death and destruction unleashed by the attack by Hamas that targeted citizens in Israel this weekend, and by the war in Israel and Gaza now underway."⁵¹

The reaction to the above statement from Harvard's leadership, which did not condemn the Hamas attack nor the PSC statement, was near universal denouncement from within and outside Harvard.

Considering the criticisms, on Tuesday, October 10, Gay issued a stronger statement, with only her name on it, in which she condemned Hamas's attack as terrorism:

⁴⁴ Matthew Mpoke Bigg, "Key Moments in 2 Months of War Between Israel and Hamas," New York Times (December 7, 2023)

⁴⁵ Eren Orbey, "The Anguished Fallout from a Pro-Palestinian Letter at Harvard," The New Yorker (October 20, 2023)

⁴⁶ Mike Damiano and Hilary Burns, "Harvard president addresses Israel-Hamas war after blowback over university's response," Boston Globe (October 10, 2023)

⁴⁷ Orbey

⁴⁸ Miles J. Herszenhorn and Claire Yuan, "Harvard Affiliates, Politicians Slam University Leaders Over Late, 'Word Salad' Statement on War in Israel," Harvard Crimson (October 10, 2023)

⁴⁹ Ibid

⁵⁰ Damiano and Burns

⁵¹ For full statement: <https://www.harvard.edu/president/news-gay/2023/war-in-the-middle-east/>

"Let there be no doubt that I condemn the terrorist atrocities perpetrated by Hamas. Such inhumanity is abhorrent, whatever one's individual views of the origins of longstanding conflicts in the region."⁵²

This statement was posted on Harvard's website and X. In contrast, the previous statement from Harvard leadership had been emailed to the entire Harvard community.

Events at Harvard were quickly spiraling out of control. On Wednesday, October 11, a billboard truck, financed by the conservative group Accuracy in Media, pulled up in Harvard Square flashing names and photos of the leaders of the organizations who were co-signatories to the Palestinian student statement under the headline "Harvard's Leading Antisemites." Several of the organizations began to retract their names from support for the statement, as did many individual students whose names were published by at least four websites along with other personal details "including full names, class years, past employment, social media profiles, photos, and hometowns."⁵³

There were calls for naming names from some wealthy alumni donors like William A. Ackman, CEO of Pershing Square Capital, a hedge fund management company. "I have been asked," Ackman wrote on X, "by a number of CEOs if @harvard would release a list of the members of each of the Harvard organizations that have issued the letter assigning sole responsibility for Hamas' heinous acts to Israel, so as to insure that none of us inadvertently hire any of their members."⁵⁴

On Thursday, October 12, rejecting calls to name and punish students who had signed the Palestinian student statement, Gay released a video condemning the "barbaric atrocities perpetrated by Hamas" and reiterating "the University's commitment to free expression."⁵⁵

Criticisms of Harvard's reaction to the Hamas attack continued as media platforms reported a dramatic rise in both antisemitism and Islamophobia across college campuses, including at Harvard. At a Shabbat dinner at Harvard Hillel on October 27, Claudine Gay announced that she "was establishing an advisory group to guide her efforts to combat antisemitism on campus."⁵⁶

Not everyone was convinced. "Everyone is terrified. It's not a free-speech culture," reflected Sam Lessin, a Harvard College graduate and venture capitalist, who launched a campaign (with support from his college classmate Mark Zuckerberg of Facebook) to join the Harvard Board of Overseers.⁵⁷ "The irony is Gay is speaking about free speech but there is anything but free speech at Harvard."⁵⁸

⁵² Ibid

⁵³ J. Sellers Hill and Nia L. Orakwue, "Harvard Students Doxxed, Groups Withdraw Signatures Amid Continued Backlash to Israel Statement," *The Harvard Crimson* (October 11, 2023)

⁵⁴ Ibid

⁵⁵ Herszenhorn and Yuan

⁵⁶ Peter Beinart, "Harvard Is Ignoring Its Own Antisemitism Experts," *Jewish Currents* (December 11, 2023)

⁵⁷ Matt Egan, "Harvard has 'never been weaker' ex-Facebook executive warns, *CNN Business* (December 29, 2023)

⁵⁸ Ibid

On November 3, Gay issued another statement⁵⁹ titled "Our Shared Responsibilities," where she said: "While free inquiry remains a bedrock academic value, Harvard will not tolerate any activity that violates the safety of our community members, and we will not hesitate to enforce our policies and hold those who engage in such conduct accountable." Six days after this missive, Gay followed up with another statement, titled "Combating Antisemitism," where she reaffirmed the university's "commitment to meeting antisemitism head-on with the determination it deserves."⁶⁰

All through October, November, and December of 2023, prominent donors either stopped or threatened to stop their donations to the University. The Wexner Foundation ended its partnership with Harvard and its Kennedy School, citing "the University's response to Hamas' attack on Israel as a 'dismal failure.'"⁶¹ Kenneth C. Griffin, whose \$300 million recent donation "to the Faculty of Arts and Sciences in April led the school to rename the Graduate School of Arts and Sciences in his honor"⁶² had called Penny Pritzker, *The New York Times* reported, to urge "the University to come out forcefully in defense of Israel."⁶³ Ackman, who had donated \$26 million in 2014, had already emerged as a vocal critic of Gay.⁶⁴ Billionaire Leonard V. Blavatnik, who had donated at least \$270 million to Harvard, including \$200 million for the medical school, announced in December that he was putting a pause on his donations.⁶⁵

By the end of November, Gay and senior Harvard administrators had released "eight additional messages to the community" and "established an advisory group to combat antisemitism on campus."⁶⁶ There was also worry within the administration about the financial drain that these events could cause on a university where "philanthropy accounts for 45 percent of its annual revenue."⁶⁷ Considering that fundraising is one of the important roles that a university president plays, and with "Harvard expected to launch a capital campaign at some point over the next few years,"⁶⁸ the concerns were especially poignant. Further concerns stemmed from the need for a capital raise amid what Provost Garber had called "Harvard's worst crisis in more than a decade"⁶⁹ and in the backdrop of the Harvard endowment tumbling two years in a row, "the first time such occurrence in 20 years," reported *The Crimson*.⁷⁰

⁵⁹ Harvard University, Office of the President, <https://www.harvard.edu/president/news-gay/2023/our-shared-responsibilities/#:~:text=While%20free%20inquiry%20remains%20a,is%20not%20a%20new%20one>.

⁶⁰ Harvard University, Office of the President, <https://www.harvard.edu/president/news-gay/2023/combating-antisemitism/>

⁶¹ Emma H. Haidar, Miles J. Herszenhorn, and Cam E. Kettles, "Harvard's Gift Officers Are Worried about Backlash Over the School's Israel-Hamas Ties. Here's Why." *The Harvard Crimson* (November 29, 2023)

⁶² *Ibid*

⁶³ Rob Copeland, "Warning of 'Grave' Errors, Powerful Donors Push Universities on Hamas," *The New York Times* (October 15, 2023)

⁶⁴ Haidar, Herszenhorn, Kettles

⁶⁵ Emma Haidar and Cam E. Kettles, "Major Harvard Donor Len Blavatnik to Pause Donations to Harvard, Report Says," *The Harvard Crimson* (December 22, 2023)

⁶⁶ Haidar, Herszenhorn, Kettles

⁶⁷ *Ibid*

⁶⁸ *Ibid*

⁶⁹ *Ibid*

⁷⁰ *Ibid*

Congressional Hearing on Antisemitism on Campus

On November 28, the House Committee on Education & the Workforce, chaired by Representative Virginia Foxx (R-NC), announced that it planned to convene a hearing on December 5, titled "Holding Campus Leaders Accountable and Confronting Antisemitism," with the presidents of Harvard, University of Pennsylvania (Mary Elizabeth Magill), and Massachusetts Institute of Technology (Sally Ann Kornbluth).⁷¹

A statement by Foxx said: "Over the past several weeks, we've seen countless examples of antisemitic demonstrations on college campuses. Meanwhile, college administrators have largely stood by, allowing horrific rhetoric to fester and grow."⁷² She went on to add: "College and university presidents have a responsibility to foster and uphold a safe learning environment for their students and staff. Now is not a time for indecision or milquetoast statements. By holding this hearing, we are shining the spotlight on these campus leaders and demanding they take the appropriate action to stand strong against antisemitism."⁷³

On Tuesday, December 5, Gay, Magill, and Kornbluth testified for four hours, and "for much of the day, the presidents of some of the country's most prestigious universities found themselves on the defensive in the face of mostly hostile questioning," reported *The New York Times*.⁷⁴ All of them repeatedly used the word "context" to offer "nuance" in answering questions about whether calling for genocide would violate each university's code of conduct. "If the speech becomes conduct, it can be harassment," said Magill.⁷⁵ "Antisemitic speech when it crosses into conduct that amounts to bullying, harassment, intimidation – that is actionable conduct and we do take action," said Gay.⁷⁶

The presidents pointed to the remedial steps that had been taken by their schools since the protests over the October 7 attack by Hamas to address the fears of Jewish students and protect their campuses against violence of any kind. They reiterated their individual school's codes of conduct, launched antisemitism taskforces, and defended freedom of expression — but "the Republican members on the House Committee on Education and Workforce seemed to have very little interest in speaking the language of academia. They yoked rising antisemitism on college campuses to other hot-button issues that have helped animate GOP politics for the last several years."⁷⁷ These included topics as diverse as the definition of "intifada," and the use of that term in the context of the Israeli-Arab conflict to "the influence of diversity, equity and inclusion

⁷¹ <https://edworkforce.house.gov/news/documentsingle.aspx?DocumentID=409778>

⁷² Ibid

⁷³ Ibid

⁷⁴ Anemona Hartocollis, "Republicans Try to Put Harvard, MIT and Penn on the Defensive About Antisemitism," *The New York Times* (December 5, 2023)

⁷⁵ Miles J. Herszenhorn, Nia L. Orakwue, and Claire Yuan, "As It Happened: Harvard President Claudine Gay Testifies Before Congress on Antisemitism," *The Harvard Crimson* (December 5, 2023)

⁷⁶ Ibid

⁷⁷ Hartocollis

programs, the inclusion of trans athletes, foreign funding for Middle Eastern studies, the paucity of conservative faculty, and the declining percentage of Jewish students on campuses."⁷⁸

The reaction to the testimony was outrage and blowback across the board. *The Crimson's* headline the next day on a story covering the testimony captured the feeling: "Harvard President Gay Traveled to Washington to Quell the Backlash. Her Testimony Only Made It Worse."⁷⁹ White House spokesperson Andrew Bates commented, "It's unbelievable that this needs to be said: Calls for genocide are monstrous and antithetical to everything we represent as a country."⁸⁰ Even prominent liberal scholars like Harvard Law School Professor Emeritus Laurence H. Tribe wrote on X: "I'm no fan of @RepStefanik but I'm with her here. Claudine Gay's hesitant, formulaic, and bizarrely evasive answers were deeply troubling to me and many of my colleagues, students, and friends."⁸¹ U.S. Senator Kirsten Gillibrand (D-NY) called for all three presidents to resign.

The reaction from wealthy donors was fierce, and many promised to withhold their funds, including Ross Stevens, Founder and CEO of Stone Ridge Asset Management, who pulled a gift valued at \$100 million from UPenn.⁸² So astounding was the testimony that some of the exchange went viral and was even parodied by "Saturday Night Live."⁸³

In an interview with *The Crimson* two days after the hearing, Gay reflected: "I got caught up in what had become at that point, an extended, combative exchange about policies and procedures."⁸⁴ She added: "What I should have had the presence of mind to do in that moment was return to my guiding truth, which is that calls for violence against our Jewish community — threats to our Jewish students — have no place at Harvard, and will never go unchallenged."⁸⁵

Her apologies failed to allay concerns on campus. Rabbi David J. Wolpe announced that he was stepping down from the antisemitism advisory group that Gay had announced, which was to serve as a guiding force in "eradicating antisemitism from the (Harvard) community."⁸⁶ He cited her testimony and an ideology that "places Jews as oppressors"⁸⁷ as among his reasons for stepping down.

As many wondered what preparations the three presidents had and who might have been involved in preparing them, on Friday, December 8, *New York Times* reporter Lauren Hirsch broke the story⁸⁸ that one law firm, WilmerHale, with separate teams, had prepared Gay and

⁷⁸ Ibid

⁷⁹ Miles J. Herszenhorn and Nia L. Orakwue, "'Harvard President Gay Traveled to Washington to Quell the Backlash. Her Testimony Only Made It Worse.'" (December 7, 2023)

⁸⁰ Ibid

⁸¹ Ibid

⁸² Miranda Nazzaro, "Penn loses \$100 million donation after antisemitism hearing," *The Hill* (December 7, 2023)

⁸³ <https://www.youtube.com/watch?v=Ep-OnsDieFQ>

⁸⁴ Miles J. Herszenhorn and Claire Yuan, "I Am Sorry": Harvard President Gay Addresses Backlash Over Congressional Testimony on Antisemitism," *The Harvard Crimson* (December 8, 2023)

⁸⁵ Ibid

⁸⁶ John H. Pena and Elias J. Schisgall, "Rabbi Wolpe Steps Down from Harvard Antisemitism Advisory Group After President Gay's Congress Testimony" *The Harvard Crimson* (December 8, 2023)

⁸⁷ Ibid

⁸⁸ Lauren Hirsch, "'One Law Firm Prepared Both Penn and Harvard for Hearing on Antisemitism,'" *The New York Times* (December 8, 2023)

Magill. The law firm also had a meeting with MIT's Kornbluth. Harvard and UPenn "each independently hired WilmerHale, and the firm created separate teams to prepare each president. The firm already had ties with all three schools."⁸⁹

Steven Davidoff Solomon, a professor at the University of California, Berkeley, School of Law, said that the presidents appeared to be "prepared to give answer in the court – and not a public forum."⁹⁰ Their role was to present the "vision of the university," and "not to give legal answers."⁹¹ Edward Rock, a professor of law at New York University, said that "once they were in that box, I think they stuck with their preparation. ... That's why they came across so wooden. And then, afterward, they realized it was a terrible answer."⁹²

Some experts also reminded reporters that we might never learn what advice WilmerHale might have given because of their "privilege obligations to their clients."⁹³ It was "too simplistic to say Wilmer wasn't doing its job properly" a lawyer who specializes in congressional investigations was quoted as saying.⁹⁴

On December 29, *The Crimson* reported that "former Harvard Corporation Senior Fellow William F. Lee and a team of lawyers from his firm, WilmerHale, played a major role in prepping University President Claudine Gay ahead of her disastrous congressional testimony, according to three people familiar with the situation."⁹⁵ It further reported that "Harvard sidelined their outside public relations consultants and crisis communications experts."⁹⁶ These included public relations firm Edelman, crisis communications management firm Risa Heller, and media strategy firm A. H. Levy & Co, who had been retained by Harvard's Public Affairs and Communications team, but who "were overshadowed by the lawyers."⁹⁷

"Lee's involvement in Gay's preparation suggests that — since stepping down from the Corporation in June 2022 — he has continued to exert significant influence among Harvard's top leadership, including senior administrators, members of the Corporation, and his successor, Senior Fellow Penny S. Pritzker (Harvard Class of 81)"⁹⁸ *The Crimson* commented. "Lee's dual role — acting simultaneously as lawyer and senior fellow, and his continuing legal work for the University — blurs lines in the relationship between counsel and client"⁹⁹ the piece went on to assert.

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ Ibid

⁹² Ibid

⁹³ Ibid

⁹⁴ Abigail Adcox, "Wilmer in Spotlight After Clients in Testimony Give Terrible Impression," Law.com, December 13, 2023

⁹⁵ Emma H. Haidar and Cam E. Kettles, "Former Harvard Corporation Head William Lee '72 Helped Prepare Gay Ahead of Testimony, Highlighting Complex Dual Roles," The Harvard Crimson (December 29, 2023)

⁹⁶ Ibid

⁹⁷ Ibid

⁹⁸ Ibid

⁹⁹ Ibid

Charges of Plagiarism

Although, reportedly, rumors had circulated for some time, on Sunday, December 10, Christopher Rufo, a conservative activist and fellow at the Manhattan Institute for Policy Research, and Christopher Brunet, an editor at *The American Conservative*, published on their Substack feed an article titled "Is Claudine Gay a Plagiarist?"¹⁰⁰ The article alleged that Gay, when a doctoral candidate at Harvard, had plagiarized parts of her dissertation.¹⁰¹ They pointed to several passages in her 1997 Ph.D. dissertation, "Taking Charge: Black Electoral Success and the Redefinition of American Politics," which "would violate Harvard's stated policies on academic integrity."¹⁰²

Rufo wrote on X that he had been "waiting for the precise moment of maximum impact," and that "the plagiarism scandal could be the final nail in Gay's coffin."¹⁰³

Sunday, December 10, was when the Harvard Corporation and the Board of Overseers convened for "regularly scheduled meetings" that would continue into Monday.¹⁰⁴ On Monday evening, however, "the *Washington Free Beacon*, a conservative news outlet, alleged that Gay had plagiarized passages in four of her publications, including the Ph.D. thesis."¹⁰⁵ The documents that Rufo and Brunet obtained and posted on X "juxtapose political scientist Gay's paper with earlier works of several authors and academic scholars, which in some passages are replicated nearly word-for-word."¹⁰⁶ Rufo's X thread was shared by Ackman, garnering more than 2.3 million views in less than 24 hours, *The New York Post* reported. "In his post, Ackman said he had asked a 'senior member' of Harvard's faculty to look over the plagiarism allegations against Gay. He claims the school staffer 'found them to be credible.'"¹⁰⁷

On Monday, Gay issued a statement saying that she stood by the integrity of her scholarship. "Throughout my career, I have worked to ensure my scholarship adheres to the highest standards."¹⁰⁸

To counter the drumbeat of calls asking Harvard to remove her, a faculty letter, containing over 500 signatures, addressed to the President and Fellows of Harvard College, had been circulating, arguing "the critical work of defending a culture of free inquiry in our diverse community cannot proceed if we let its shape be dictated by outside forces," and calling on the Corporation "in the strongest possible terms to defend the independence of the university and to resist political pressures that are at odds with Harvard's commitment to academic freedom, including calls for

¹⁰⁰ Christopher F. Rufo and Christopher Brunet, "Is Claudine Gay a Plagiarist?" <https://christopherrufo.com/p/is-claudine-gay-a-plagiarist> Substack (December 10, 2023)

¹⁰¹ Sophia Nguyen, "The plagiarism allegations against ex-Harvard president Claudine Gay, explained," *The Washington Post* (January 4, 2024)

¹⁰² Rufo, Brunet

¹⁰³ Ibid

¹⁰⁴ Daniel Kool and Hilary Burns, "Hundreds of Harvard faculty sign letter in support of President Gay," *Boston Globe* (December 10, 2023)

¹⁰⁵ Mike Damiano and Hilary Burns, "Top oversight board, former presidents back Harvard University leader," *Boston Globe* (December 12, 2023)

¹⁰⁶ Chris Nesi, "Embattled Harvard president Claudine Gay accused on plagiarism – but stands by her work amid calls for resignation after antisemitism hearing," *The New York Post* (December 11, 2023)

¹⁰⁷ Ibid

¹⁰⁸ Ibid

the removal of President Claudine Gay."¹⁰⁹ By Monday, the number of faculty signing the letter had climbed to over 700.¹¹⁰ These included many prominent Harvard faculty, including critics of her testimony like Tribe.¹¹¹

All five living former presidents of Harvard also came out with a statement saying, "As former Presidents of Harvard University, we offer our strong support for Claudine Gay as she leads Harvard into the future. We look forward to supporting President Gay in whatever ways we can as Harvard faces this challenging moment for higher education and the wider world."¹¹²

On Tuesday morning, December 12, exactly after "a week of silent secrecy"¹¹³ since the Congressional hearing, the Corporation released a statement to the Harvard community, "unanimously stand(ing) in support of President Gay."¹¹⁴ It began:

As members of the Harvard Corporation, we today reaffirm our support for President Gay's continued leadership of Harvard University. Our extensive deliberations affirm our confidence that President Gay is the right leader to help our community heal and address the very serious societal issues we are facing.

On the charges of plagiarism, it stated:

The University became aware in late October of allegations regarding three articles. At President Gay's request, the Fellows promptly initiated an independent review by distinguished political scientists and conducted a review of her published work. On December 9, the Fellows reviewed the results, which revealed a few instances of inadequate citation. While the analysis found no violation of Harvard's standards for research misconduct, President Gay is proactively requesting four corrections in two articles to insert citations and quotation marks that were omitted from the original publications."¹¹⁵

The statement did not put the issue to rest. On Tuesday evening, *The New York Post* published an article titled, "Harvard Covered Up Secret Plagiarism Probe into President Claudine Gay During Antisemitism Storm."¹¹⁶ It claimed that the Corporation's statement "did not tell the full story – including how Harvard called in bulldog attorneys to protect Gay."¹¹⁷ "The Post contacted the university on October 24," the article went on, "asking to comment on more than two dozen instances in which Gay's words appeared to closely parallel words, phrases or sentences in

¹⁰⁹ Ibid

¹¹⁰ Ibid

¹¹¹ Daniel Arkin, Hundreds of Harvard faculty members urge university not to oust embattled president," NBC News (December 11, 2023)

¹¹² <https://www.harvard.edu/president/news-faust/2023/statement-by-former-presidents-of-harvard-university/>

¹¹³ Emma H. Haidar and Cam E. Kettles, "88 days: The Unraveling of Claudine Gay's Harvard Presidency," *The Harvard Crimson* (January 17, 2024)

¹¹⁴ <https://www.harvard.edu/blog/2023/12/12/statement-from-the-harvard-corporation-our-president/>

¹¹⁵ <https://www.harvard.edu/blog/2023/12/12/statement-from-the-harvard-corporation-our-president/>

¹¹⁶ Isabel Vincent, "Harvard covered up secret plagiarism probe into President Claudine Gay during antisemitism storm – threatened the Post," *New York Post* (December 12, 2023)

¹¹⁷ bid

published works by other academics."¹¹⁸ The article specified that the newspaper had identified 27 instances "in two academic papers published in two peer-reviewed journals between 2011 and 2017, and an article in an academic magazine in 1993."¹¹⁹

"When The Post brought the allegations to Harvard, Jonathan Swain, its senior executive director of media relations and communications, asked for more time to review Gay's work. A day later Swain, who was part of the Biden-Harris transition team and a one-time Hillary Clinton aide, said he would "get back in touch over the next couple of days. But he did not. And two days later, on Oct. 27, The Post was sent a 15-page letter by Thomas Clare, a high-powered Virginia-based attorney with the defamation law firm Clare-Locke, who identified himself as defamation counsel for Harvard University and Gay."¹²⁰ *The Post* stated that "The bare-knuckled law firm Harvard employed to try to keep the plagiarism allegations from ever coming to light told The Post it would sue for 'immense' damages."¹²¹

Contacted by *The Post*, the academics whose work Gay was alleged to have plagiarized had a range of reactions: One said that while she might have been "technically plagiarized," she "did not want to see this get blown out of proportion;" another said she did "not see anything alarming, and I see no evidence of plagiarism;" Professor Lawrence D. Bobo, Harvard's Dean of Social Sciences, was quoted as saying he was "unconcerned."¹²²

Carol M. Swain, a Black Republican who had run for Mayor of Nashville and is a senior fellow at the Institute for Faith and Culture, was less charitable. In an op-ed in *The Wall Street Journal* titled "Claudine Gay and My Scholarship,"¹²³ she wrote:

I write as one of the scholars whose work Ms. Gay plagiarized. ... Ms. Gay's damage to me is aggravated because her early work was in the area where my research is considered seminal. ... Ms. Gay had no problem riding on the coattails of people whose work she used without proper attribution. Many of those whose work she pilfered aren't as incensed as I am. They are elites who have benefited from a system that protects its own.

As time went on, more accusations of plagiarism surfaced. "Following recent reports of alleged plagiarism in Gay's dissertation, which the University wrote was not included in The Post's initial comment request, the (Corporation's) subcommittee also reviewed her dissertation."¹²⁴ *The Washington Post*, which created a detailed timeline of the plagiarism accusations and how each was dealt with, wrote that "on December 21, Harvard announced that its review of Gay's dissertation found three cases of 'inadequate citation,' including two instances of 'duplicative

¹¹⁸ Ibid

¹¹⁹ Ibid

¹²⁰ Ibid

¹²¹ Isabel Vincent, "Revealed: Harvard cleared Claudine Gay of plagiarism BEFORE investigating her — and its lawyers falsely claimed her work was 'properly cited,'" *The New York Post* (December 22, 2023)

¹²² Tilly R. Robinson and Neil H. Shah, "Harvard President Claudine Gay Faces Additional Plagiarism Allegations," *The Harvard Crimson* (December 14, 2023)

¹²³ Carol M. Swain, "Claudine Gay and My Scholarship," *The Wall Street Journal* (December 17, 2023)

¹²⁴ Tilly R. Robinson and Neil H. Shah, "Harvard President Claudine Gay to Submit 3 Additional Corrections, Corporation Says Improper Citations Fall Short of Research Misconduct," *Harvard Crimson* (December 21, 2023)

language without appropriate attribution,' according to a summary provided by the university. Gay submitted three corrections to Harvard's Provost Office, to change the archived physical and digital copies of her thesis."¹²⁵

While some students interviewed by *The Crimson* felt that the charges against Gay had been overblown and overstated, there were others who argued that "Gay was being held to a lower standard than Harvard's (own) students."¹²⁶ One said that it was "hypocritical for the university to apply one standard to students and another standard to faculty – and perhaps even a third standard to Claudine Gay."¹²⁷ According to *The Crimson*, "in a six-year high, 27 students were forced to withdraw from Harvard College during the 2020-2021 academic year due to academic dishonesty"¹²⁸ quoting a report released in November 2022. "An additional 56 students were put on probation for various reasons of academic dishonesty."¹²⁹

Not only were donors, faculty, students, and others — openly or behind closed doors — seeking Gay's resignation, but some also were questioning the Corporation's decision processes in selecting someone with a "publication record as too thin to have earned consideration for the presidency," reported *The Wall Street Journal*.¹³⁰ "She has published 11 papers and no books, her H-Index, which attempts to measure both the productivity and impact of the published work of a scientist or scholar, is an 11, according to Elsevier, an academic publishing company. By comparison, Dartmouth President Sian Beilock, who is younger than Gay, has an H-Index of 54."¹³¹ Beilock was 47 when she became President of Dartmouth in 2023, after serving six years as President of Barnard College.

In another article in *The Journal*, "several professors interviewed said the board's run of avoidable errors began with Gay's selection as president last December."¹³² "They worried," the paper went on to report, that "she was hired without the proper vetting or experience."¹³³

"It's a risky choice to elevate somebody who has not had years and years of experience in a presidential or presidential-like role," said Jennifer Hochschild, a Professor of Government and African and African American Studies at Harvard, and longtime supporter of Gay."¹³⁴ Two sentences from the acknowledgment section of Hochschild's 1996 book, *The New York Times* reported,¹³⁵ where Hochschild thanked a mentor who "showed me the importance of getting data right and of following where they lead without fear or favor" and "drove me much harder than I

¹²⁵ Sophia Nguyen, "The plagiarism allegations against ex-Harvard president Claudine Gay, explained" Washington Post (January 4, 2024)

¹²⁶ Michelle N. Amponsah and Joyce E. Kim, "'Overblown' or 'Hypocritical?'" Harvard Students Offer Mixed Takes on President Gay Plagiarism Allegations," *The Harvard Crimson* (December 28, 2023)

¹²⁷ *Ibid*

¹²⁸ Vivi E. Lu and Leah J. Teichholtz, "In Six-Year High, 27 Undergraduates Forced to Withdraw from Harvard in 2020-2021 Due to Honor Code Violations" *Harvard Crimson* (November 8, 2022)

¹²⁹ *Ibid*

¹³⁰ Douglas Belkin, "Behind the Campaign to Take Down Harvard's Claudine Gay," *The Wall Street Journal* (December 29, 2023)

¹³¹ *Ibid*

¹³² Douglas Belkin and Melissa Korn, "As Pressure on Harvard President Increases, University Board Feels the Squeeze," *The Wall Street Journal* (December 25, 2023)

¹³³ *Ibid*

¹³⁴ *Ibid*

¹³⁵ Jennifer Schuessler, "Harvard Finds More Instances of 'Duplicative Language' in President's Work," *The New York Times* (December 20, 2023)

sometimes wanted to be driven," appeared in Gay's dissertation acknowledgment and were part of the more recent charges of plagiarism and also the source of much online ridicule.

Kit Parker, Professor of Bioengineering and Applied Physics, said the school is at an inflection point and, to change the trajectory, members of the Corporation need to step down. "The big question now is, how arrogant is Harvard? And when I say Harvard, I mean the Harvard Corporation. Do they think this is going to go away?"¹³⁶

In the middle of December, the school reported that early applications at Harvard had declined by 17% to four-year lows.¹³⁷ "Harvard College accepted 692 students for the Class of 2028 from a pool of 7,921 applicants."¹³⁸ The acceptance rate was 8.7%, up from 7.6% last year.¹³⁹ Lessin said to *CNN*¹⁴⁰ that he believed the university "has never been weaker." He added: "The Harvard brand is deeply embattled. Gay has demonstrated extreme weakness as an administrator and as a leader. The Harvard Corporation has not communicated well with the outside world."¹⁴¹

Gay's Resignation

On January 2, 2024, Harvard President Claudine Gay announced her resignation and returned to full-time teaching as a professor at Harvard.

The response on campus to her resignation ranged from a sense of relief to one of sadness. Professor Alison Frank Johnson, professor of history and chair of the Department of Germanic Languages and Literature, who was one of the leaders of the faculty campaign in support of Gay, said: "This is a sad day for Harvard and for all of us who were looking forward to years of benefitting from Claudine's leadership."¹⁴²

Harvard Professor of Education Richard Chait "noted a 'troublesome implication' from the controversies surrounding Gay."¹⁴³ He explained that "too many people are going to generalize from this one set of events – about African American leaders in higher education, both current and prospective leaders." He went on to add that "people who already have a bias will use this incident to reinforce that bias."¹⁴⁴

"Attacks against Claudine Gay have been unrelenting, and the biases unmasked," wrote Janai Nelson, the president and direct-counsel of the NAACP Legal Defense Fund on X. "Her resignation on the heels of (UPenn president) Liz Magill's set dangerous precedent in the

¹³⁶ Douglas Belkin and Melissa Korn, "As Pressure on Harvard President Increases, University Board Feels the Squeeze," *The Wall Street Journal* (December 25, 2023)

¹³⁷ Matt Egan and Laura Dolan, "Harvard early applications fall 17% to four-year lows," *CNN Business* (December 15, 2023)

¹³⁸ *Harvard Gazette*, "College accepts 692 under Early Action Program," (December 14, 2023)

¹³⁹ Matt Egan, "Harvard early applications fall 17% to four-year lows," *CNN Business* (December 15, 2023)

¹⁴⁰ Matt Egan, "Harvard has 'never been weaker,' ex-Facebook exec warns," *CNN Business* (December 29, 2023)

¹⁴¹ *Ibid*

¹⁴² Liz Neisloss and Kirk Carapezza, "Facing mounting pressure, Claudine Gay steps down as Harvard president," *GBH* (January 2, 2024)

¹⁴³ Joyce E. Kim, Tilly R. Robinson, and Neil H. Shah, "'Caving to a Mob,' 'Inevitable': Harvard Faculty Express Disappointment, Relief as Gay Steps Down," *The Harvard Crimson* (January 3, 2024)

¹⁴⁴ *Ibid*

academy for political witch hunts. The project isn't to thwart hate but to foment it thru vicious takedowns. This protects no one," he added.¹⁴⁵

Others were convinced that Gay had to leave. Daniel J. Jacob, a professor of environmental science and engineering, wrote in an email to *The Crimson* that he was "relieved" because of her "lack of moral clarity about antisemitism at Harvard." He continued, "The evidence of repeated plagiarism in her scholarly work — plagiarism that I would not tolerate from my students and that my research colleagues would not tolerate from me — disqualified her as Harvard leader and made her resignation unavoidable."¹⁴⁶

The Harvard Corporation issued a statement that included the following: "While President Gay has acknowledged missteps and has taken responsibility for them, it is also true that she has shown remarkable resilience in the face of deeply personal and sustained attacks." It also noted, "while some of this has played out in the public domain, much of it has taken the form of repugnant and in some cases racist vitriol directed at her through disgraceful emails and phone calls. We condemn such attacks in the strongest possible terms."¹⁴⁷

On January 3, *The New York Times* published an op-ed titled "Claudine Gay: What Just Happened at Harvard is Bigger Than Me."¹⁴⁸ Referring to her decision to resign, she added:

For weeks, both I and the institution to which I've devoted my professional life have been under attack. My character and intelligence have been impugned. My commitment to fighting antisemitism has been questioned. My inbox has been flooded with invective, including death threats. I've been called the N-word more times than I care to count.

My hope is that by stepping down I will deny demagogues the opportunity to further weaponize my presidency in their campaign to undermine the ideals animating Harvard since its founding: excellence, openness, independence, and truth.

John McWhorter, a Black Columbia University associate professor of English and comparative literature and frequent commentator on race relations and Black culture, wrote an opinion piece in *The New York Times* on January 8, 2024, called "Claudine Gay Was Not Driven Out Because She Is Black." He pointed out that Ruth Simmons, the first Black female president of an Ivy League school, Brown University, was appointed to the role in 2001 after six years as the president of Smith College, the largest women's college in the United States. He went on to add:

Yet I am aware of no conservative crusade against her during her decade-plus in that office — despite the fact that she led a yearslong campuswide examination of the school's role in the slave trade.

¹⁴⁵ Adria R. Walker, "'Racist, vicious': academics decry rightwing attacks on Claudine Gay, *The Guardian* (January 3, 2024)

¹⁴⁶ Ibid

¹⁴⁷ <https://www.harvard.edu/blog/2024/01/02/statement-from-the-harvard-corporation-president-gay/#:~:text=Her%20own%20message%20conveying%20her,We%20do%20so%20with%20sorrow>

¹⁴⁸ Claudine Gay "What Just Happened at Harvard Is Bigger Than Me," *The New York Times* (January 3, 2024)

The idea that a menacing right-wing mob sits ever in wait to take down a Black woman who achieves a position of power is a gripping narrative. But its connection to reality is — blissfully — approximate at best. It is facile to dismiss opposition to modern D.E.I. as old-school bigotry in a new guise. The lessons from what happened to Professor Gay are many. But cops-and-robbers thinking about racial victims and perpetrators will help answer few of them.¹⁴⁹

With Gay's resignation, the spotlight moved to the Corporation, and the work of its fellows, and especially the leadership of its senior fellow.

"Former Harvard President Claudine Gay's resignation on Tuesday put the spotlight on the Harvard Corporation and Senior Fellow Penny S. Pritzker as calls grew for members of the University's top board to follow suit," commented *The Crimson*.¹⁵⁰

The Corporation — the University's highest governing body — is facing increased scrutiny over its role in the most significant leadership crisis to face Harvard in decades, including how it handled allegations of plagiarism against Gay and the wider backlash against her leadership."¹⁵¹

Jeff Flier wrote an op-ed on January 3, 2024, in *The Crimson* titled "I Led Harvard Medical School. With Gay's Resignation, the Corporation Must Rethink Its Approach to Governance."¹⁵² In it, he said:

As dean of the Harvard Medical School, a position I held from 2007 to 2016, I expected I would come to know the Corporation well. I was wrong.

Though I met regularly with then-University President Drew G. Faust, I quickly learned that the Corporation — the only fiduciary body tasked with oversight of the Medical School — had precious little involvement in its operation.

As I recall, I met with the Corporation at their request only once a year for between 30 and 45 minutes.

Flier went on to add that each time, several months before he was to appear before the Corporation, he was asked to provide an update on the school in an "eight-to-ten-slide" deck "that was, to my surprise, pre-reviewed and often modified by individuals in the Office of the Governing Boards. I received little or no feedback from the Corporation subsequent to these brief annual presentations."¹⁵³

¹⁴⁹ John McWhorter, "Claudine Gay Was Not Driven Out Because She Is Black," *The New York Times* (January 8, 2024)

¹⁵⁰ Emma H. Haidar and Cam E. Kettles, "As Harvard President Claudine Gay Resigns, Spotlight Moves to Harvard Corporation," *The Harvard Crimson* (January 3, 2024)

¹⁵¹ *Ibid*

¹⁵² Jeffrey S. Flier, "I Led Harvard Medical School. With Gay's Resignation, the Corporation Must Rethink Its Approach to Governance," *The Harvard Crimson* (January 3, 2024)

¹⁵³ *Ibid*

Appendix 1 Members of the Search Committee for Harvard's 30th President

Name (year of election/years of service)	Experience
Fellow	
Timothy R. Barakett (2019)	Chairman of TRB Advisors L.P., former Chairman and CEO of Atticus Capital.
Kenneth I. Chenault (2014)	Chairman of General Catalyst, and former CEO and Chairman of American Express (2001-2018).
Paul J. Finnegan (2012–2014)	Current Treasurer, Co-Founder, and Co-CEO of Madison Dearborn Partners.
Mariano-Florentino "Tino" Cuellar (2019)	President of the Carnegie Endowment for Peace; Former Justice of the Supreme Court of California (2015-2021). He worked in the Clinton and Obama White House.
Carolyn A. Biddy Martin (2018)	Outgoing President of Amherst College (2011-2022); former Chancellor of the University of Wisconsin-Madison (2008-2011) and Provost of Cornell University (2000-2008).
Karen Gordon Mills (2014)	Former Administrator of the Small Business Administration under President Obama, and President of MMP Group, a private equity firm.
Diana L. Nelson (2020)	Co-Chair of Carlson Holdings, which, through its subsidiaries, offers hospitality and commercial real estate services.
Tracy "Pun" Palandjian (2022)	CEO of Social Finance, Director of the Boston Foundation.
Penny Pritzker (2018; elected senior fellow in February 2022, to take over on July 1 from Senior Fellow William Lee, whose term was expiring on June 30, 2022)	Billionaire business executive, philanthropist, Democratic party fundraiser. Early backer of Mr. Obama's candidacy for president. ¹⁵⁴ Served as President Obama's secretary of commerce from 2013–2017 and as a member of the President's Council on Jobs and Competitiveness. (Appointed US Special Representative for Ukraine's Economic Recovery, September 2023.) ¹⁵⁵
David M. Rubenstein (2017)	Co-Founder and Co-Executive Chairman of Carlyle Group. Rubenstein wanted off the Corporation at the end of his first term, which ended in June 2023.
Shirley M. Tilghman (2016)	Former President of Princeton University (2001-2013), Professor of Molecular Biology and Public Policy at Princeton.
Theodore V. "Ted" Wells Jr. (2013)	Partner and Co-Chair of Litigation at Paul, Weiss, Rifkind, Wharton & Garrison.

¹⁵⁴ Colbi Edmonds, "Who Are the members of the Harvard Corporation?" The New York Times (December 25, 2023)

¹⁵⁵ The White House, Statement from President Biden, September 14, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/14/statement-from-president-joe-biden-announcing-the-new-u-s-special-representative-for-ukraines-economic-recovery/>

Name (year of election/years of service)	Experience
Overseer	
Paul L. Choi (2017–2023)	President of the Board of Overseers (2022), Partner at Sidley Austin.
Carla A. Harris (2017–2023)	Senior Client Advisor at Morgan Stanley, former Chair of the Board of the Morgan Stanley Foundation.
Tyler E. Jacks (2019–2025)	Koch Professor of Biology, MIT, President, Break Through Cancer.

Sources: Colbi Edmonds, "Who Are the Members of the Harvard Corporation," *The New York Times* (December 23, 2023) and <https://www.harvard.edu/about/leadership-and-governance/harvard-corporation/>

Appendix 2 Suggested Study Questions

This teaching case can be used to explore the corporate governance challenges facing colleges and universities, as well as the leadership qualities needed in their Presidents and senior leadership. It's also a teaching case that can be used to delve into the rights and responsibilities of governing boards and trustees and the way they interact with other stakeholder groups.

Here are some suggested study questions, although instructors should adapt them based on the course and for who the students are that are being taught.

1. What is your evaluation of governance at Harvard University?
2. Did the Corporation make the right choice in selecting Claudine Gay as President?
3. How well did Gay manage the challenges she faced in her time as President?
4. How well did the Corporation manage these challenges?
5. Could the Corporation have prepared Gay in any different manner?
6. Do you think Gay should have resigned? Why or why not?
7. What are the attributes Harvard should be looking for in selecting its next President?
8. What advice do you have for the Corporation?