

COMMONWEALTH OF MASSACHUSETTS

Superior Court **Suffolk, ss**

BENJAMIN EDELMAN,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 2384CV00395-BLS2
)	
PRESIDENT AND FELLOWS OF)	
HARVARD COLLEGE,)	
)	
Defendant.)	
)	

**AFFIDAVIT OF NITIN NOHRIA IN SUPPORT OF
DEFENDANT’S MOTION FOR SUMMARY JUDGMENT**

I, Nitin Nohria, hereby depose and state under oath and upon personal knowledge:

1. I am a tenured professor at Harvard Business School (“HBS”), where I have been a faculty member since July 1988. My full title is George Fisher Baker Jr. Professor of Business Administration.
2. I served as the Dean of HBS from 2010 to 2020.
3. As Dean, I had the sole responsibility for recommending to Harvard’s President whether or not an HBS faculty member should be tenured.
4. I was Dean in 2015 when Plaintiff Benjamin Edelman first sought tenure at HBS.
5. Because of the controversy created by Prof. Edelman’s Blinkx blog post and the intense negative publicity surrounding his interactions with Sichuan Garden in 2014, and the 2015 FRB’s conclusion that Prof. Edelman’s conduct in these two events did not meet the School’s criteria for Effective Contributions to the HBS Community, the 2015 Standing Committee recommended a two-year extension for Prof. Edelman’s tenure case. I approved this extension.
6. The purpose of this extension was to give Prof. Edelman time to demonstrate that he had learned the lessons from the events related to conflicts of interest, proper disclosure, and

outside activities. I had always understood that the FRB would need to reconvene at the end of this two-year period to review whether Prof. Edelman had indeed learned those lessons.

7. I was Dean in 2017 when Prof. Edelman re-submitted his candidacy for tenure and the FRB reconvened. As part of its investigation, the 2017 FRB learned that Prof. Edelman had decided to represent a tenured HBS faculty member in a class action lawsuit against American Airlines—without notifying or otherwise consulting me or my office—and that Prof. Edelman’s disclosures about his financial relationship with Microsoft in his written work and presentations about Google were inconsistent.

8. As part of my process for formulating a recommendation as to whether Harvard should grant tenure to Prof. Edelman or not, I reviewed the FRB’s 2017 report, including its determination that the FRB could not conclude that Prof. Edelman had demonstrated a satisfactory resolution to the issues raised in 2015 concerning conflicts of interest, proper disclosure, and outside activities.

9. I also reviewed the other materials available to me as part of a candidate’s tenure review, including the Standing Committee’s summary of its vote. The Standing Committee was not tasked with writing its own report on a tenure candidate and did not do so in Prof. Edelman’s case.

10. I also reviewed the Subcommittee Report and Recommendation and the Appointments Committee voting slips.

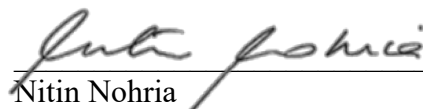
11. The materials generated by these committees were important to aiding my decision making in all tenure matters. However, as was always the case, the ultimate decision on whether to recommend that Harvard grant tenure was mine alone. I—or any other Dean—may choose to

recommend against a tenure appointment even when the majority of the Appointments Committee had voted in favor of a candidate's promotion.

12. After reviewing all of the evidence and recommendations before me, including information I obtained from Senior Associate Dean Paul Healy showing that tenure candidates in prior years who received as many negative Appointments Committee votes as Prof. Edelman did not receive tenure, I decided against recommending that Harvard grant tenure to Prof. Edelman.

13. The FRB's 2017 Report focused on two issues: "Respect for others inside the institution" and "Outside activities and conflict of interest." The second topic focused on Prof. Edelman's involvement in the American Airlines suit—in particular, his failure to engage with me or other members of the Dean's office—and on his inconsistent disclosures about his relationship with Microsoft in papers about Google. The FRB's concerns about Prof. Edelman's judgment around the American Airlines lawsuit and his insufficient disclosures—concerns which I personally shared—independent of the concerns about his respect for others inside the institution expressed in the FRB's 2017 report, were sufficient on their own for me to conclude to recommend against tenure and I would have decided not to recommend Prof. Edelman for tenure even if the FRB's 2017 report had not addressed any issues related to respect for others.

Signed under the pains and penalties of perjury this 23rd day of October 2025.


Nitín Nohria

CERTIFICATE OF SERVICE

I, Martin F. Murphy, hereby certify that on October 24, 2025, I caused a true and correct copy of this document to be sent, via email, to counsel of record for Plaintiff.

/s/ Martin F. Murphy
Martin F. Murphy