

COMMONWEALTH OF MASSACHUSETTS

Superior Court

Suffolk, SS

BENJAMIN EDELMAN,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Defendant.

Civil Action No. 2384CV00395-BLS2

**HARVARD'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S
THIRD SET OF INTERROGATORIES TO DEFENDANT**

President and Fellows of Harvard College (“Harvard” or “Defendant”) hereby responds to Benjamin Edelman’s (“Edelman” or “Plaintiff”) Third Set of Interrogatories as follows:

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. Harvard objects to the definition of “document” to the extent it is broader in scope than the term is defined in Mass. R. Civ. P. 34(a)(1).
2. Harvard objects to the use of the terms “Harvard” and “Defendant,” and the definitions of “you,” “your,” and “agent[s], contractor[s], and/or employee[s]” to the extent that they include former employees, partners, contractors, vendors, consultants, persons, or entities who provided service to Harvard, or predecessors in interest.
3. Harvard objects to the term “possession, custody or control” to the extent it includes former agents, servants, representatives, attorneys, retained consultants, or experts.
4. Harvard objects to the General Instructions to the extent they require Harvard to go beyond what is required by Mass. R. Civ. P. 26 and 33 and Superior Court R. 30A.

OBJECTIONS AND RESPONSES TO INTERROGATORIES

Harvard acknowledges its responsibility to supplement or amend its Responses as set forth in Mass. R. Civ. P. 26(e). Outside of its specific obligations under that Rule, Harvard in addition reserves the right to supplement or amend these Responses as discovery continues.

INTERROGATORY NO. 18:

State whether and to what extent the P&P authorized the Subcommittee and/or Standing Committee considering Plaintiff's tenure application in 2017 to consider the substance of the 2017 FRB report in preparing its report and recommendations to the Appointments Committee in light of the provision in the P&P that its "report and recommendation, including its vote" should be "based on the criteria *excluding* colleagueship and adherence to Community Values," and state the basis for your answer.

RESPONSE TO INTERROGATORY NO. 18:

Harvard objects to this Interrogatory to the extent that it seeks information that is not relevant to the subject matter involved in the pending action. Harvard further objects to the extent it seeks information protected by the attorney client privilege, work product privilege, and any other privilege or immunity. Harvard further objects to the Interrogatory's use of the term "authorized" as vague, ambiguous, and argumentative. Subject to and without waiving the foregoing objections, Harvard responds as follows:

The FRB Principles state in part:

The FRB's conclusions on whether a candidate has upheld the School's Community Values will be provided to the Appointments Subcommittee or Standing Committee, and included with that group's report to the full Appointments Committee. In these cases, the Subcommittee or Standing Committee will prepare its report and recommendation, including its vote, based on the criteria *excluding* colleagueship and adherence to Community Values.

The reference to “Standing Committee” in the paragraph above is not a reference to the Standing Committee that considered plaintiff’s tenure application in 2015 or 2017. That Standing Committee did not exist at the time the FRB Principles were adopted by the HBS Faculty and was not charged with preparing a report. The reference to the Standing Committee in the paragraph above is a reference to the Standing Committee on Professors of Management Practice and Term Faculty, a committee that considers appointment and reappointments of non-ladder faculty with term appointments.

The paragraph quoted above imposes no restrictions on what information may be considered by the Standing Committee that considered plaintiff’s tenure application in 2015 or 2017 because the reference to “Standing Committee” in that paragraph is a reference to a different committee.

Consistent with FRB Principles, the Appointments Subcommittee in 2017 did not consider the substance of the 2017 FRB report in preparing its report and recommendations to the Appointments Committee; indeed, the 2017 FRB report was not provided to the Appointments Subcommittee that considered plaintiff’s application for tenure.

INTERROGATORY NO. 19:

State whether and to what extent the Subcommittee and/or Standing Committee considering Plaintiff’s tenure application in 2017 complied with the P&P in its consideration of the 2017 FRB report, and state the basis for your answer.

RESPONSE TO INTERROGATORY NO. 19:

Harvard objects to this Interrogatory to the extent that it seeks information that is not relevant to the subject matter involved in the pending action. Harvard further objects to the extent it seeks information protected by the attorney client privilege, work product privilege, and any

other privilege or immunity. Harvard further objects to the Interrogatory's use of the term "complied" as vague, ambiguous, and argumentative. Subject to and without waiving the foregoing objections, Harvard responds as follows:

Harvard incorporates its Response to Interrogatory No. 18, and further states that in 2017, the Appointments Subcommittee prepared its report, and made a recommendation regarding Plaintiff's tenure application that excluded consideration of colleagueship and Community Values. This report and recommendation was eventually submitted to the full Appointments Committee, along with the 2017 FRB Report, as contemplated by the FRB Principles.

The undersigned hereby swear and sign under the pains and penalties of perjury this 2nd day of May 2025, that the foregoing, in certain instances based on information provided by others, is true and correct.

[Redacted]
Jean Cunningham

Associate Dean for Faculty and
Administrative Affairs
Harvard Business School
*On behalf of President and Fellows of
Harvard College*

As to objections:

[Redacted]
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CERTIFICATE OF SERVICE

I, Martin F. Murphy, hereby certify that on May 25, 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