

EXHIBIT 118

From: Bernhard, Robin [robin_bernhard@harvard.edu]
Sent: Tuesday, April 29, 2014 3:31:13 PM
To: McGrath, Marlyn
Subject: RE: letter to President Faust from high school student re admissions, diversity Apr14

I hope [REDACTED] really is a high school student and will be happy to get her A on her paper and will not even pursue the issue with your office. I think Jeff suspects otherwise – time will tell.

No need to respond – though I always enjoy your responses.

From: McGrath, Marlyn [mailto:mmcg@fas.harvard.edu]
Sent: Tuesday, April 29, 2014 11:24 AM
To: Bernhard, Robin
Subject: RE: letter to President Faust from high school student re admissions, diversity Apr14

Sounds just right—no going on the record. And we are always happy to give our own dumb answer if she contacts us. Thanks very much for your care with this.
Best, M

From: Bernhard, Robin [mailto:robin_bernhard@harvard.edu]
Sent: Tuesday, April 29, 2014 10:45 AM
To: McGrath, Marlyn
Subject: FW: letter to President Faust from high school student re admissions, diversity Apr14

Dear Marlyn,

I'm writing to share Jeff Neal's response (below) with you in case [REDACTED] contacts Admissions after she gets our letter. I'll also bcc you on the outgoing.

Thanks again for your help.

Best,
Robin

From: Neal, Jeff A.
Sent: Tuesday, April 29, 2014 10:24 AM
To: Bernhard, Robin
Subject: RE: letter to President Faust from high school student re admissions, diversity Apr14

Hi Robin,

This is a tough one. Seems extraordinarily well written for a high school student.

In any case, this question includes a number of different pieces. First, we have standard responses to the question of Asian-American quotas, most of which she's anticipated (and has noted me giving to the Times a few years back). Second, there is the issue of affirmative action (and the threatened law suit). Here is the response I've provided to the media on that question.

In his seminal opinion in *Regents of University of California v. Bakke*, Justice Powell specially cited the Harvard College admissions plan in describing a legally sound approach to admissions. Then and now, the College considers each applicant through an individualized, holistic review having the goal of creating a vibrant academic community that

exposes students to a wide-range of differences: background, ideas, experiences, talents and aspirations. There are no quotas or limits of any kind at any point in the admissions process. All students are considered in the same pool for all places in the incoming class. The University's admissions processes remain fully compliant with all legal requirements and are essential to the pedagogical objectives that underlie Harvard's educational mission.

We also have the language from our amicus brief in the Fisher case, which discusses in greater detail our commitment to a diverse learning environment.

More broadly, Harvard was in fact investigated by OCR for just this allegation in the 1980s. OCR found that -- adjusting for legacy and athletics -- the percentage of Asian American students admitted to Harvard College was in line with what would be expected. That is not a fact that we point to regularly (largely many folks would also disagree with our policies around admitting athletes and giving a tip to sons and daughters of alums), but it is true that we have been exonerated of these charges, that our athletic and legacy admissions policies are perfectly legal, and nothing has substantially changed since that time.

Frankly, I worry that this letter is a bit of a straw man for the folks seeking to stage an anti-affirmative action law suit against Harvard.

With all that in mind, I'd be fine with you punting to Admissions. I'm not sure that the President should be creating for the record new words on this topic.

Thanks,
Jeff

From: Bernhard, Robin
Sent: Tuesday, April 29, 2014 9:39 AM
To: Neal, Jeff A.
Subject: letter to President Faust from high school student re admissions, diversity Apr14

Dear Jeff,

I'm working on a response to the attached letter, and Marlyn McGrath suggested that I get in touch with you, as you are already dealing with the issue [REDACTED] writes about. I've drafted a rather generic response from Amy Fantasia saying that the President's Office is not involved in admissions, and [REDACTED] should contact the Admissions Office. If you have language or a statement that addresses the student's concerns head on, we could send a more responsive letter from either Drew or Amy. Or, if you think the President's Office shouldn't be involved in the response, we could send the generic acknowledgement, and the Admissions Office could send something more specific.

Would you let me know if you have any suggestions/advice/language? I have a feeling this issue is going to come up more and more in our correspondence, and it would be great to have a strategy for handling it.

Many thanks,
Robin

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