

# EXHIBIT 87



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I

5 POST OFFICE SQUARE, 8<sup>TH</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

JAN 11 2012

RECEIVED

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Dr. Drew Gilpin Faust  
Office of the President  
Harvard University  
Massachusetts Hall  
Cambridge, Massachusetts 02138

Re: Complaint No. 01-11-2078

Dear President Faust:

This letter is to inform you that on August 22, 2011, the U.S. Department of Education (Department), Office for Civil Rights (OCR) received the above-referenced complaint filed against Harvard University (University) alleging discrimination on the basis of national origin (Indian American/Asian American). The Complainants allege that the University discriminated against their son (Student) on the basis of national origin by denying the Student admission to the University's undergraduate class of 2015. Specifically, the Complainants assert that the Student was not admitted to the University because it limited the number of Asian American students admitted to the University and applied different (i.e., higher) standards to the Student's application as compared to applications submitted by White applicants. OCR is opening the Complainants' allegation for investigation, as described below.

OCR has accepted this complaint for investigation because it was filed timely and the allegation falls under the jurisdiction of Title VI of the Civil Rights Act of 1964, and its implementing regulation found at 34 C.F.R. Part 100 (Title VI). Title VI prohibits discrimination on the bases of race, color, or national origin. The University is subject to the requirements of Title VI because it is a recipient of Federal financial assistance from the Department.

Please note that opening this complaint for investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the Complainants, the University, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and dispositive of the allegation, in accordance with the provisions of OCR's *Case Processing Manual*, which can be found online at: <http://www.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>. For your information, we have also included an explanation of OCR's complaint processing procedures.

Based on the allegation presented, OCR will investigate the following legal issue:

- Whether the University discriminated against the Student on the basis of national origin by subjecting him to different treatment in the admissions process, in violation of 34 C.F.R. Section 100.3(a) and (b)(1).

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

To assist us in resolving this complaint, we are requesting that the University provide the information in the enclosed Data Request within fifteen (15) calendar days of the date of this letter. After receiving the requested data, OCR will review it and should we deem it necessary to conduct an on-site investigation to interview University staff and/or review records, we will notify you.

OCR's authority to gather information and conduct an investigation is found at 34 C.F.R. Sections 100.6(b) and (c) and 100.7(e) of the regulation implementing Title VI. Also, please be advised that civil rights statutes protect individuals who file complaints with our office, or who assist in our investigation, against harassment and intimidation or retaliation. Allegations of retaliation may form the basis of another complaint.

Thank you for your assistance in this matter. If you have any questions regarding this complaint and/or OCR's investigative process, please contact Civil Rights Investigator Linda Huynh, by telephone at [Redacted: PII/SPI] or via e-mail at: Linda.Huynh@ed.gov; or, Senior Civil Rights Attorney Nicole Merhill, by telephone at [Redacted: PII/SPI] or via e-mail at: Nicole.Merhill@ed.gov. If you have any other questions regarding this letter or any other matter, you may contact me directly at [Redacted: PII/SPI].

Redacted:

Sincerely,



Allen L. Kropp  
Acting Team Leader/Civil Rights Attorney

Enclosures