

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-DJC

**ANSWER**

Defendant President and Fellows of Harvard College hereby answers the Complaint.

Except as hereinafter expressly admitted, Defendant denies each and every allegation, statement, and matter contained in the Complaint and, in particular, denies that it has engaged in racial discrimination in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*

Many of the more than five hundred allegations in the Complaint—often stated in vague and general terms—concern Defendant’s historical admissions practices, dating back more than a century. Those historical allegations are legally immaterial to the claims pleaded in the Complaint, and none of Defendant’s current employees possesses personal knowledge that would be sufficient to enable Defendant to form a belief about the truth of those allegations.

Defendant responds to the numbered allegations in the Complaint as follows:

1. Paragraph 1 states conclusions of law and Plaintiff’s characterization of its claims, to which no response is necessary.

2. Paragraph 2 states conclusions of law, to which no response is necessary. To the extent a response is deemed necessary, Defendant lacks knowledge or information sufficient to

form a belief about the truth of the allegations in paragraph 2 and therefore denies those allegations.

3. Defendant denies the allegations in paragraph 3.

4. Defendant denies the allegations in paragraph 4, except to the extent they contain conclusions of law, which require no response.

5. Defendant denies the allegations in paragraph 5, except to the extent they contain conclusions of law, which require no response.

6. Defendant denies the allegations in paragraph 6.

7. Defendant denies the allegations in paragraph 7, except as to the third and fourth-to-the-last sentences which purport to raise vague, overbroad allegations as to all “[h]igh-achieving Asian-American applicants.” With respect to those allegations, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies them.

8. Defendant denies the allegations in paragraph 8.

9. Defendant denies the allegations in paragraph 9, except to the extent they contain conclusions of law, which require no response.

10. Defendant admits that Plaintiff brought this action under 42 U.S.C. § 2000d *et seq.* and that 28 U.S.C. §§ 1331 and 1343 authorize the Court’s subject-matter jurisdiction over such actions. Defendant denies that the Court possesses subject-matter jurisdiction over this case, however.

11. Defendant admits that venue is proper.

12. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12 and therefore denies those allegations.

13. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 13 and therefore denies those allegations.

14. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 14 and therefore denies those allegations.

15. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 15 and therefore denies those allegations.

16. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 16 and therefore denies those allegations.

17. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 17 and therefore denies those allegations.

18. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 18 and therefore denies those allegations.

19. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 19 and therefore denies those allegations.

20. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 20 and therefore denies those allegations.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 21 and therefore denies those allegations.

22. Defendant denies the allegations in paragraph 22.

23. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 23 and therefore denies those allegations.

24. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 24 and therefore denies those allegations.

25. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 25 and therefore denies those allegations.

26. Defendant denies the allegations in paragraph 26.

27. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 27 and therefore denies those allegations.

28. Defendant denies the allegations in paragraph 28.

29. Defendant admits that the Harvard Corporation is Harvard University's senior governing board. The Board of Overseers has been dismissed as a defendant by stipulation of the parties.

30. Defendant admits that Harvard University is a private educational institution with its legal address in Cambridge, Massachusetts.

31. Defendant admits that Harvard College is a component of Harvard University that offers undergraduate education. Defendant otherwise denies the allegations in paragraph 31.

32. Defendant admits that Harvard University's endowment was valued at \$36.4 billion as of June 30, 2014. Defendant further admits that Harvard University receives federal funds in various forms—including research funding—and that it received more than \$6.6 million from such sources in 2010, more than \$11.9 million in 2011, more than \$20.9 million in 2012, and more than \$13.4 million in 2013, and received federal funds from such sources in 2014. Defendant otherwise denies the allegations in paragraph 32.

33. Defendant admits that Harvard College enrolls a number of students who receive federal financial aid.

34. Paragraph 34 states a conclusion of law, which requires no response.

35. Defendant denies the allegations in paragraph 35.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 36 and therefore denies those allegations.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 37 and therefore denies those allegations.

38. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 38 and therefore denies those allegations.

39. Defendant admits that the number of enrolled freshmen has historically varied from year to year. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 39 and therefore denies those allegations.

40. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 40 and therefore denies those allegations.

41. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 41 and therefore denies those allegations.

42. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 42 and therefore denies those allegations.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 43 and therefore denies those allegations.

44. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 44 and therefore denies those allegations.

45. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 45 and therefore denies those allegations.

46. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 46 and therefore denies those allegations.

47. Defendant states that to the extent the allegations set forth in paragraph 47 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 47 are inconsistent with any such document, Defendant denies the allegations in paragraph 47. To the extent that paragraph 47 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 47 and therefore denies those allegations.

48. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 48 and therefore denies those allegations.

49. Defendant states that to the extent the allegations set forth in paragraph 49 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 49 are inconsistent with any such document, Defendant denies the allegations in paragraph 49. To the extent that paragraph 49 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 49 and therefore denies those allegations.

50. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 50 and therefore denies those allegations.

51. Defendant states that to the extent the allegations set forth in paragraph 51 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 51 are inconsistent with any such document, Defendant denies the allegations in paragraph 51. To the extent that paragraph 51 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information

sufficient to form a belief about the truth of such allegations in paragraph 51 and therefore denies those allegations.

52. Defendant states that to the extent the allegations set forth in paragraph 52 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 52 are inconsistent with any such document, Defendant denies the allegations in paragraph 52. To the extent that paragraph 52 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 52 and therefore denies those allegations.

53. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 53 and therefore denies those allegations.

54. Defendant states that to the extent the allegations set forth in paragraph 54 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 54 are inconsistent with any such document, Defendant denies the allegations in paragraph 54. To the extent that paragraph 54 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 54 and therefore denies those allegations.

55. Defendant states that to the extent the allegations set forth in paragraph 55 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 55 are inconsistent with any such document, Defendant denies the allegations in paragraph 55. To the extent that paragraph 55 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information

sufficient to form a belief about the truth of such allegations in paragraph 55 and therefore denies those allegations.

56. Defendant states that to the extent the allegations set forth in paragraph 56 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 56 are inconsistent with any such document, Defendant denies the allegations in paragraph 56. To the extent that paragraph 56 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 56 and therefore denies those allegations.

57. Defendant states that to the extent the allegations set forth in paragraph 57 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 57 are inconsistent with any such document, Defendant denies the allegations in paragraph 57. To the extent that paragraph 57 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 57 and therefore denies those allegations.

58. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 58 and therefore denies those allegations.

59. Defendant states that to the extent the allegations set forth in paragraph 59 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 59 are inconsistent with any such document, Defendant denies the allegations in paragraph 59. To the extent that paragraph 59 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information



sufficient to form a belief about the truth of such allegations in paragraph 59 and therefore denies those allegations.

60. Defendant states that to the extent the allegations set forth in paragraph 60 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 60 are inconsistent with any such document, Defendant denies the allegations in paragraph 60. To the extent that paragraph 60 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 60 and therefore denies those allegations.

61. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 61 and therefore denies those allegations.

62. Defendant states that to the extent the allegations set forth in paragraph 62 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 62 are inconsistent with any such document, Defendant denies the allegations in paragraph 62. To the extent that paragraph 62 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 62 and therefore denies those allegations.

63. Defendant states that to the extent the allegations set forth in paragraph 63 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 63 are inconsistent with any such document, Defendant denies the allegations in paragraph 63. To the extent that paragraph 63 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information

sufficient to form a belief about the truth of such allegations in paragraph 63 and therefore denies those allegations.

64. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 64 and therefore denies those allegations.

65. Defendant states that to the extent the allegations set forth in paragraph 65 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 65 are inconsistent with any such document, Defendant denies the allegations in paragraph 65. To the extent that paragraph 65 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 65 and therefore denies those allegations.

66. Defendant states that to the extent the allegations set forth in paragraph 66 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 66 are inconsistent with any such document, Defendant denies the allegations in paragraph 66. To the extent that paragraph 66 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 66 and therefore denies those allegations.

67. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 67 and therefore denies those allegations.

68. Defendant states that to the extent the allegations set forth in paragraph 68 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 68 are inconsistent with any such document, Defendant denies the allegations in

paragraph 68. To the extent that paragraph 68 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 68 and therefore denies those allegations.

69. Defendant states that to the extent the allegations set forth in paragraph 69 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 69 are inconsistent with any such document, Defendant denies the allegations in paragraph 69. To the extent that paragraph 69 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 69 and therefore denies those allegations.

70. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 70 and therefore denies those allegations.

71. Defendant states that to the extent the allegations set forth in paragraph 71 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 71 are inconsistent with any such document, Defendant denies the allegations in paragraph 71. To the extent that paragraph 71 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 71 and therefore denies those allegations.

72. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 72 and therefore denies those allegations.

73. Defendant states that to the extent the allegations set forth in paragraph 73 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 73 are inconsistent with any such document, Defendant denies the allegations in paragraph 73. To the extent that paragraph 73 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 73 and therefore denies those allegations.

74. Defendant states that to the extent the allegations set forth in paragraph 74 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 74 are inconsistent with any such document, Defendant denies the allegations in paragraph 74. To the extent that paragraph 74 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 74 and therefore denies those allegations.

75. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 75 and therefore denies those allegations.

76. Defendant states that to the extent the allegations set forth in paragraph 76 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 76 are inconsistent with any such document, Defendant denies the allegations in paragraph 76. To the extent that paragraph 76 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 76 and therefore denies those allegations.

77. Defendant states that to the extent the allegations set forth in paragraph 77 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 77 are inconsistent with any such document, Defendant denies the allegations in paragraph 77. To the extent that paragraph 77 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 77 and therefore denies those allegations.

78. Defendant states that to the extent the allegations set forth in paragraph 78 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 78 are inconsistent with any such document, Defendant denies the allegations in paragraph 78. To the extent that paragraph 78 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 78 and therefore denies those allegations.

79. Defendant states that to the extent the allegations set forth in paragraph 79 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 79 are inconsistent with any such document, Defendant denies the allegations in paragraph 79. To the extent that paragraph 79 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 79 and therefore denies those allegations.

80. Defendant states that to the extent the allegations set forth in paragraph 80 are from a written document, the document speaks for itself and, to the extent the allegations of

paragraph 80 are inconsistent with any such document, Defendant denies the allegations in paragraph 80. To the extent that paragraph 80 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 80 and therefore denies those allegations.

81. Defendant states that to the extent the allegations set forth in paragraph 81 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 81 are inconsistent with any such document, Defendant denies the allegations in paragraph 81. To the extent that paragraph 81 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 81 and therefore denies those allegations.

82. Defendant states that to the extent the allegations set forth in paragraph 82 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 82 are inconsistent with any such document, Defendant denies the allegations in paragraph 82. To the extent that paragraph 82 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 82 and therefore denies those allegations.

83. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 83 and therefore denies those allegations.

84. Defendant states that to the extent the allegations set forth in paragraph 84 are from a written document, the document speaks for itself and, to the extent the allegations of

paragraph 84 are inconsistent with any such document, Defendant denies the allegations in paragraph 84. To the extent that paragraph 84 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 84 and therefore denies those allegations.

85. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 85 and therefore denies those allegations.

86. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 86 and therefore denies those allegations.

87. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 87 and therefore denies those allegations.

88. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 88 and therefore denies those allegations.

89. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 89 and therefore denies those allegations.

90. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 90 and therefore denies those allegations.

91. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 91 and therefore denies those allegations.

92. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 92 and therefore denies those allegations.

93. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 93 and therefore denies those allegations.

94. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 94 and therefore denies those allegations.

95. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 95 and therefore denies those allegations.

96. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 96 and therefore denies those allegations.

97. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 97 and therefore denies those allegations.

98. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 98 and therefore denies those allegations.

99. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 99 and therefore denies those allegations.

100. Paragraph 100 states a conclusion of law, which requires no response. To the extent a response is required, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 100 and therefore denies those allegations.

101. Defendant admits that Mr. Gummere served as Chairman of its Committee on Admission between 1934 and 1952. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 101 and therefore denies those allegations.

102. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 102 and therefore denies those allegations.

103. Defendant states that to the extent the allegations set forth in paragraph 103 are from a written document, the document speaks for itself and, to the extent the allegations of



paragraph 103 are inconsistent with any such document, Defendant denies the allegations in paragraph 103. To the extent that paragraph 103 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 103 and therefore denies those allegations.

104. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 104 and therefore denies those allegations.

105. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 105 and therefore denies those allegations.

106. Defendant states that to the extent the allegations set forth in paragraph 106 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 106 are inconsistent with any such document, Defendant denies the allegations in paragraph 106. To the extent that paragraph 106 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 106 and therefore denies those allegations.

107. Defendant states that to the extent the allegations set forth in paragraph 107 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 107 are inconsistent with any such document, Defendant denies the allegations in paragraph 107. To the extent that paragraph 107 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 107 and therefore denies those allegations.

108. Defendant states that to the extent the allegations set forth in paragraph 108 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 108 are inconsistent with any such document, Defendant denies the allegations in paragraph 108. To the extent that paragraph 108 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 108 and therefore denies those allegations.

109. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 109 and therefore denies those allegations.

110. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 110 and therefore denies those allegations.

111. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 111 and therefore denies those allegations.

112. Defendant states that to the extent the allegations set forth in paragraph 112 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 112 are inconsistent with any such document, Defendant denies the allegations in paragraph 112. To the extent that paragraph 112 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 112 and therefore denies those allegations.

113. Defendant states that to the extent the allegations set forth in paragraph 113 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 113 are inconsistent with any such document, Defendant denies the allegations in

paragraph 113. To the extent that paragraph 113 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 113 and therefore denies those allegations.

114. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 114 and therefore denies those allegations.

115. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 115 and therefore denies those allegations.

116. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 116 and therefore denies those allegations.

117. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 117 and therefore denies those allegations.

118. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 118 and therefore denies those allegations.

119. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 119 and therefore denies those allegations.

120. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 120 and therefore denies those allegations.

121. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 121 and therefore denies those allegations.

122. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 122 and therefore denies those allegations.

123. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 123 and therefore denies those allegations.

124. Defendant admits that the admissions office used letter designations as shorthand for certain characteristics of applicants at some time after the 1960s, as one among many factors that the office evaluated holistically in determining whether to make an offer of admission. Defendant otherwise denies the allegations in paragraph 124.

125. Defendant denies the allegations in paragraph 125.

126. Defendant states that to the extent the allegations set forth in paragraph 126 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 126 are inconsistent with any such document, Defendant denies the allegations in paragraph 126. To the extent that paragraph 126 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 126 and therefore denies those allegations.

127. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 127 and therefore denies those allegations.

128. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 128 and therefore denies those allegations.

129. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 129 and therefore denies those allegations.

130. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 130 and therefore denies those allegations.

131. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 131 and therefore denies those allegations.

132. Defendant states that to the extent the allegations set forth in paragraph 132 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 132 are inconsistent with any such document, Defendant denies the allegations in paragraph 132. To the extent that paragraph 132 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 132 and therefore denies those allegations.

133. Defendant admits that Harvard University was one signatory to an amicus brief in *Bakke* (filed jointly on behalf of Columbia University, Harvard University, Stanford University, and the University of Pennsylvania) and that this brief included a copy of the Harvard College Admissions Program as an appendix.

134. Defendant states that to the extent the allegations set forth in paragraph 134 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 134 are inconsistent with any such document, Defendant denies the allegations in paragraph 134. To the extent that paragraph 134 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 134 and therefore denies those allegations.

135. Defendant states that to the extent the allegations set forth in paragraph 135 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 135 are inconsistent with any such document, Defendant denies the allegations in

paragraph 135. To the extent that paragraph 135 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 135 and therefore denies those allegations.

136. Defendant states that to the extent the allegations set forth in paragraph 136 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 136 are inconsistent with any such document, Defendant denies the allegations in paragraph 136. To the extent that paragraph 136 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 136 and therefore denies those allegations.

137. Defendant states that to the extent the allegations set forth in paragraph 137 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 137 are inconsistent with any such document, Defendant denies the allegations in paragraph 137. To the extent that paragraph 137 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 137 and therefore denies those allegations.

138. Defendant states that to the extent the allegations set forth in paragraph 138 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 138 are inconsistent with any such document, Defendant denies the allegations in paragraph 138. To the extent that paragraph 138 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or

information sufficient to form a belief about the truth of such allegations in paragraph 138 and therefore denies those allegations.

139. Defendant admits that Harvard University was one signatory to an amicus brief in *Grutter* (filed jointly on behalf of Harvard University, Brown University, the University of Chicago, Dartmouth College, Duke University, the University of Pennsylvania, Princeton University, and Yale University).

140. Defendant states that to the extent the allegations set forth in paragraph 140 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 140 are inconsistent with any such document, Defendant denies the allegations in paragraph 140. To the extent that paragraph 140 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 140 and therefore denies those allegations.

141. Defendant states that to the extent the allegations set forth in paragraph 141 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 141 are inconsistent with any such document, Defendant denies the allegations in paragraph 141. To the extent that paragraph 141 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 141 and therefore denies those allegations.

142. Defendant states that to the extent the allegations set forth in paragraph 142 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 142 are inconsistent with any such document, Defendant denies the allegations in

paragraph 142. To the extent that paragraph 142 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 142 and therefore denies those allegations.

143. Defendant admits that Harvard University was one signatory to an amicus brief in *Fisher* (filed jointly on behalf of Brown University, the University of Chicago, Columbia University, Cornell University, Dartmouth College, Duke University, Harvard University, Johns Hopkins University, the Massachusetts Institute of Technology, the University of Pennsylvania, Princeton University, Stanford University, Vanderbilt University, and Yale University).

144. Defendant states that to the extent the allegations set forth in paragraph 144 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 144 are inconsistent with any such document, Defendant denies the allegations in paragraph 144. To the extent that paragraph 144 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 144 and therefore denies those allegations.

145. Defendant states that to the extent the allegations set forth in paragraph 145 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 145 are inconsistent with any such document, Defendant denies the allegations in paragraph 145. To the extent that paragraph 145 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 145 and therefore denies those allegations.



146. Defendant states that to the extent the allegations set forth in paragraph 146 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 146 are inconsistent with any such document, Defendant denies the allegations in paragraph 146. To the extent that paragraph 146 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 146 and therefore denies those allegations.

147. Defendant admits that the admissions committee considers each applicant's background and personal characteristics, including—where relevant—the applicant's race or ethnicity as it bears on the holistic review, as one among many factors that it evaluates holistically in determining whether to make an offer of admission. Defendant otherwise denies the allegations in paragraph 147.

148. Defendant denies the allegations in paragraph 148.

149. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 149 and therefore denies those allegations. As to the allegations in the second sentence of paragraph 149, Defendant admits that it complied with the federal reporting requirements and otherwise denies the allegations.

150. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 150 and therefore denies those allegations.

151. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 151 and therefore denies those allegations.

152. Defendant states that to the extent the allegations set forth in paragraph 152 are from a written document, the document speaks for itself and, to the extent the allegations of

paragraph 152 are inconsistent with any such document, Defendant denies the allegations in paragraph 152. To the extent that paragraph 152 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 152 and therefore denies those allegations.

153. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 153 and therefore denies those allegations.

154. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 154 and therefore denies those allegations.

155. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 155 and therefore denies those allegations.

156. Defendant admits that the proportion of self-reported Asian-Americans among matriculating freshmen was 3.6% in 1976. Defendant otherwise denies the allegations in the first sentence of paragraph 156. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the second sentence of paragraph 156 and therefore denies those allegations.

157. Defendant denies the allegations in paragraph 157.

158. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 158 and therefore denies those allegations.

159. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 159 and therefore denies those allegations.

160. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 160 and therefore denies those

allegations. Defendant states that to the extent the allegations set forth in the second sentence of paragraph 160 are from a written document, the document speaks for itself and, to the extent the allegations of the second sentence of paragraph 160 are inconsistent with any such document, Defendant denies the allegations in the second sentence of paragraph 160. To the extent that the second sentence of paragraph 160 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in the second sentence of paragraph 160 and therefore denies those allegations.

161. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 161 and therefore denies those allegations.

162. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 162 and therefore denies those allegations.

163. Defendant states that to the extent the allegations set forth in paragraph 163 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 163 are inconsistent with any such document, Defendant denies the allegations in paragraph 163. To the extent that paragraph 163 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 163 and therefore denies those allegations.

164. Defendant admits that the Office of Civil Rights conducted an investigation of Harvard College's admissions practices, beginning in 1988 and ending in 1990. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 164 and therefore denies those allegations.

165. Defendant admits that the Office of Civil Rights conducted an investigation of Harvard College's admissions practices, beginning in 1988 and ending in 1990. Defendant otherwise denies the allegations in paragraph 165.

166. Defendant admits the allegations in the first sentence of paragraph 166. The remainder of the allegations in paragraph 166 purport to characterize a written document, which speaks for itself. To the extent the allegations of paragraph 166 are inconsistent with that document, Defendant denies the allegations in paragraph 166.

167. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 167 and therefore denies those allegations.

168. Defendant states that to the extent the allegations set forth in paragraph 168 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 168 are inconsistent with any such document, Defendant denies the allegations in paragraph 168. To the extent that paragraph 168 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 168 and therefore denies those allegations.

169. Defendant states that to the extent the allegations set forth in paragraph 169 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 169 are inconsistent with any such document, Defendant denies the allegations in paragraph 169. To the extent that paragraph 169 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 169 and therefore denies those allegations.

170. Defendant states that to the extent the allegations set forth in paragraph 170 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 170 are inconsistent with any such document, Defendant denies the allegations in paragraph 170. To the extent that paragraph 170 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 170 and therefore denies those allegations.

171. Defendant states that to the extent the allegations set forth in paragraph 171 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 171 are inconsistent with any such document, Defendant denies the allegations in paragraph 171. To the extent that paragraph 171 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 171 and therefore denies those allegations.

172. Defendant states that to the extent the allegations set forth in paragraph 172 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 172 are inconsistent with any such document, Defendant denies the allegations in paragraph 172. To the extent that paragraph 172 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 172 and therefore denies those allegations.

173. Defendant states that to the extent the allegations set forth in paragraph 173 are from a written document, the document speaks for itself and, to the extent the allegations of

paragraph 173 are inconsistent with any such document, Defendant denies the allegations in paragraph 173. To the extent that paragraph 173 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 173 and therefore denies those allegations.

174. Defendant states that to the extent the allegations set forth in paragraph 174 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 174 are inconsistent with any such document, Defendant denies the allegations in paragraph 174. To the extent that paragraph 174 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 174 and therefore denies those allegations.

175. Defendant admits the allegations in paragraph 175.

176. Defendant admits that applicants, on the Common Application, may choose to provide information about their race or ethnicity. Defendant otherwise denies the allegations in paragraph 176.

177. Defendant states that to the extent the allegations set forth in paragraph 177 purport to characterize a written document, the document speaks for itself and, to the extent the allegations of paragraph 177 are inconsistent with any such document, Defendant denies the allegations in paragraph 177. To the extent that paragraph 177 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 177 and therefore denies those allegations.

178. Defendant states that to the extent the allegations set forth in paragraph 178 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 178 are inconsistent with any such document, Defendant denies the allegations in paragraph 178. To the extent that paragraph 178 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 178 and therefore denies those allegations.

179. Defendant states that to the extent the allegations set forth in paragraph 179 purport to characterize a written document, the document speaks for itself and, to the extent the allegations of paragraph 179 are inconsistent with any such document, Defendant denies the allegations in paragraph 179. To the extent that paragraph 179 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 179 and therefore denies those allegations.

180. Defendant states that to the extent the allegations set forth in paragraph 180 purport to characterize a written document, the document speaks for itself and, to the extent the allegations of paragraph 180 are inconsistent with any such document, Defendant denies the allegations in paragraph 180. To the extent that paragraph 180 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 180 and therefore denies those allegations.

181. Defendant states that to the extent the allegations set forth in paragraph 181 are from a written document, the document speaks for itself and, to the extent the allegations of

paragraph 181 are inconsistent with any such document, Defendant denies the allegations in paragraph 181. To the extent that paragraph 181 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 181 and therefore denies those allegations.

182. Defendant states that to the extent the allegations set forth in paragraph 182 purport to characterize a written document, the document speaks for itself and, to the extent the allegations of paragraph 182 are inconsistent with any such document, Defendant denies the allegations in paragraph 182. To the extent that paragraph 182 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 182 and therefore denies those allegations.

183. Defendant states that to the extent the allegations set forth in paragraph 183 purport to characterize a written document, the document speaks for itself and, to the extent the allegations of paragraph 183 are inconsistent with any such document, Defendant denies the allegations in paragraph 183. To the extent that paragraph 183 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 183 and therefore denies those allegations.

184. Defendant denies the allegations in the first sentence of paragraph 184. Defendant states that to the extent the allegations set forth in the second and third sentences of paragraph 184 are from a written document, the document speaks for itself and, to the extent the allegations of the second and third sentences of paragraph 184 are inconsistent with any such



document, Defendant denies the allegations in the second and third sentences of paragraph 184. To the extent that the second and third sentences of paragraph 184 contain allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in the second and third sentences of paragraph 184 and therefore denies those allegations.

185. Defendant admits that the Harvard College admissions office considers for transfer admission students who have completed at least one continuous academic year in a full-time degree program at one college. Defendant otherwise denies the allegations in paragraph 185.

186. Defendant admits that the Harvard College admissions office considers applicants for transfer admission in a holistic manner and that, as with applicants for early or regular admission, it considers each applicant's background and personal characteristics, including—where relevant—the applicant's race or ethnicity as it bears on the holistic review, as one among many factors that it evaluates holistically in determining whether to make an offer of admission. Defendant otherwise denies the allegations in paragraph 186.

187. Defendant denies the allegations in paragraph 187.

188. Defendant denies the allegations in paragraph 188.

189. Defendant denies the allegations in paragraph 189.

190. Defendant denies the allegations in paragraph 190.

191. Defendant denies the allegations in paragraph 191.

192. Defendant denies the allegations in paragraph 192.

193. Defendant denies the allegations in paragraph 193.

194. Defendant admits that toward the end of the admissions process, the admissions committee is typically considering more candidates for admission than it has room to admit.

Defendant otherwise denies the allegations in paragraph 194.

195. Defendant denies the allegations in paragraph 195.

196. Defendant admits that the admissions committee considers each applicant's background and personal characteristics, including—where relevant—the applicant's race or ethnicity as it bears on the holistic review, as one among many factors that it evaluates holistically in determining whether to make an offer of admission. Defendant otherwise denies the allegations in paragraph 196.

197. Defendant admits that after May 1 of each year, to the extent the admissions committee anticipates having space to admit applicants from the waitlist, it reviews any new information pertaining to the applications of waitlisted students. Defendant otherwise denies the allegations in paragraph 197.

198. As to the first sentence of paragraph 198, Defendant admits that some waitlisted applicants may be offered deferred admission to a later class. Defendant otherwise denies the allegations in the first sentence of paragraph 198. Defendant denies the allegations in the second sentence of paragraph 198.

199. Defendant denies the allegations in paragraph 199.

200. Defendant denies the allegations in paragraph 200.

201. Defendant admits that Harvard annually publishes information on the number of admitted students and matriculating students who self-report as belonging to certain racial or ethnic groups. Defendant otherwise denies the allegations in paragraph 201.

202. Defendant denies the allegations in paragraph 202.

203. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 203 and therefore denies those allegations.

204. Defendant admits that Harvard annually publishes information about applications to Harvard College. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 204 and therefore denies those allegations.

205. Defendant denies the allegations in paragraph 205.

206. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 206 and therefore denies those allegations.

207. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 207 and therefore denies those allegations.

208. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 208 and therefore denies those allegations.

209. Defendant denies the allegations in paragraph 209.

210. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 210 and therefore denies those allegations.

211. Defendant denies the allegations in paragraph 211.

212. Defendant states that to the extent the allegations set forth in paragraph 212 are from a written document, the document speaks for itself. Defendant further states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 212 and therefore denies those allegations.

213. Defendant states that to the extent the allegations set forth in paragraph 213 are from a written document, the document speaks for itself. Defendant further states that it lacks

knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 213 and therefore denies those allegations.

214. Defendant denies the allegations in paragraph 214.

215. Defendant denies the allegations in paragraph 215.

216. Defendant states that to the extent the allegations set forth in paragraph 216 are from a written document, the document speaks for itself. Defendant further states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 216 and therefore denies those allegations.

217. Defendant denies the allegations in paragraph 217.

218. Defendant states that to the extent the allegations set forth in paragraph 218 are from a written document, the document speaks for itself. Defendant further states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 218 and therefore denies those allegations.

219. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 219 and therefore denies those allegations.

220. Defendant denies the allegations in the last sentence of paragraph 220. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 220 and therefore denies those allegations.

221. Defendant denies the allegations in the last sentence of paragraph 221. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 221 and therefore denies those allegations.

222. Defendant denies the allegations in paragraph 222 as to its own enrollment.

Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 222 and therefore denies those allegations.

223. Defendant denies the allegations in paragraph 223.

224. Defendant states that to the extent the allegations set forth in paragraph 224 are from a written document, the document speaks for itself. Defendant further states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 224 and therefore denies those allegations.

225. Defendant states that to the extent the allegations set forth in paragraph 225 are from a written document, the document speaks for itself. Defendant further states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 225 and therefore denies those allegations.

226. Defendant states that to the extent the allegations set forth in paragraph 226 are from a written document, the document speaks for itself. Defendant further states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 226 and therefore denies those allegations.

227. Defendant states that to the extent the allegations set forth in the first two sentences of paragraph 227 are from a written document, the document speaks for itself. Defendant further states that it lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first two sentences of paragraph 227 and therefore denies those allegations. Defendant states that to the extent the allegations set forth in the last sentence of paragraph 227 are from a written document, the document speaks for itself and, to the extent the allegations of the last sentence of paragraph 227 are inconsistent with any such document,

Defendant denies the allegations in the last sentence of paragraph 227. To the extent that the last sentence of paragraph 227 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in the last sentence of paragraph 227 and therefore denies those allegations.

228. Defendant states that to the extent the allegations set forth in paragraph 228 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 228 are inconsistent with any such document, Defendant denies the allegations in paragraph 228. To the extent that paragraph 228 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 228 and therefore denies those allegations.

229. Defendant denies the allegations in paragraph 229.

230. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 230 and therefore denies those allegations.

231. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 231 and therefore denies those allegations.

232. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 232 and therefore denies those allegations.

233. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 233 and therefore denies those allegations.

234. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 234 and therefore denies those allegations.

235. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 235 and therefore denies those allegations.

236. Defendant denies the allegations in paragraph 236.

237. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 237 and therefore denies those allegations.

238. Defendant denies the allegations in paragraph 238.

239. Defendant denies the allegations in the first sentence of paragraph 239.

Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the second sentence of paragraph 239 and therefore denies those allegations.

240. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 240 and therefore denies those allegations.

241. Defendant denies the allegations in paragraph 241 as to its own enrollment.

Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 241 and therefore denies those allegations.

242. Defendant denies the allegations in paragraph 242 as to its own enrollment.

Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 242 and therefore denies those allegations.

243. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 243 and therefore denies those allegations.

244. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 244 and therefore denies those allegations.

245. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 245 and therefore denies those allegations.

246. Defendant denies the allegations in the first sentence of paragraph 246.

Defendant states that to the extent the allegations set forth in the second sentence of paragraph 246 are from a written document, the document speaks for itself and, to the extent the allegations in the second sentence of paragraph 246 are inconsistent with any such document, Defendant denies the allegations in the second sentence of paragraph 246. To the extent that the second sentence of paragraph 246 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations and therefore denies those allegations.

247. Defendant denies the allegations in paragraph 247.

248. Defendant states that to the extent the allegations set forth in paragraph 248 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 248 are inconsistent with any such document, Defendant denies the allegations in paragraph 248. To the extent that paragraph 248 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 248 and therefore denies those allegations.

249. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 249 and therefore denies those allegations.

250. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 250 and therefore denies those allegations.

251. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 251 and therefore denies those allegations.



252. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 252 and therefore denies those allegations.

253. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 253 and therefore denies those allegations.

254. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 254 and therefore denies those allegations.

255. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 255 and therefore denies those allegations.

256. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 256 and therefore denies those allegations.

257. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 257 and therefore denies those allegations.

258. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 258 and therefore denies those allegations.

259. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 259 and therefore denies those allegations.

260. Defendant denies the allegations in the first sentence of paragraph 260. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 260 and therefore denies those allegations.

261. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 261 and therefore denies those allegations.

262. Defendant denies that it discriminates against Asian Americans. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 262 and therefore denies those allegations.

263. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 263 and therefore denies those allegations.

264. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 264 and therefore denies those allegations.

265. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 265 and therefore denies those allegations.

266. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 266 and therefore denies those allegations.

267. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 267 and therefore denies those allegations.

268. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 268 and therefore denies those allegations.

269. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 269 and therefore denies those allegations.

270. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 270 and therefore denies those allegations.

271. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 271 and therefore denies those allegations.

272. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 272 and therefore denies those allegations.

273. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 273 and therefore denies those allegations.

274. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 274 and therefore denies those allegations.

275. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 275 and therefore denies those allegations.

276. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 276 and therefore denies those allegations.

277. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 277 and therefore denies those allegations.

278. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 278 and therefore denies those allegations.

279. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 279 and therefore denies those allegations.

280. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 280 and therefore denies those allegations.

281. Defendant denies the allegations in paragraph 281.

282. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 282 and therefore denies those allegations.

283. Defendant denies the allegations set forth in the first sentence of paragraph 283. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 283 and therefore denies those allegations.

284. Defendant denies that it discriminates against Asian Americans. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 284 and therefore denies those allegations.

285. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 285 and therefore denies those allegations. Defendant denies the allegations in the second sentence of paragraph 285.

286. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first and second sentences of paragraph 286 and therefore denies those allegations. Defendant denies the allegations in the third sentence of paragraph 286.

287. Defendant denies the allegations in paragraph 287.

288. Defendant denies the allegations in paragraph 288.

289. Defendant denies the allegations in paragraph 289.

290. Defendant denies the allegations in paragraph 290.

291. Defendant denies the allegations in paragraph 291.

292. Defendant denies the allegations in paragraph 292.

293. Defendant denies the allegations in paragraph 293.

294. Defendant denies the allegations in paragraph 294.

295. Defendant denies the allegations in paragraph 295.

296. Defendant denies the allegations in the first and second sentences of paragraph 296. Defendant otherwise lacks knowledge or information sufficient to form a belief about the allegations in paragraph 296 and therefore denies those allegations.

297. Defendant lacks knowledge or information sufficient to form a belief about the allegations in the first sentence of paragraph 297 as they pertain to the admissions practices of

other institutions and therefore denies those allegations. Defendant denies the allegations in paragraph 297 as to its own practices.

298. Defendant denies the allegations in paragraph 298.

299. Defendant denies the allegations in paragraph 299.

300. Defendant denies the allegations in paragraph 300.

301. As to the first sentence of paragraph 301, Defendant admits that during the 2005-2006 academic year, 18% of the Harvard College student body self-reported as Asian-American. Defendant otherwise denies the allegations in paragraph 301.

302. Defendant denies the allegations in paragraph 302.

303. Defendant denies the allegations in paragraph 303.

304. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 304 and therefore denies those allegations.

305. The first sentence of paragraph 305 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in the first sentence of paragraph 305. Defendant denies the allegations in the second sentence of paragraph 305.

306. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 306 and therefore denies those allegations. The second sentence of paragraph 306 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in the second sentence of paragraph 306.

307. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 307 and therefore denies those allegations.

308. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 308 and therefore denies those allegations.

309. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 309 and therefore denies those allegations.

310. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 310 and therefore denies those allegations.

311. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 311 and therefore denies those allegations.

312. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 312 and therefore denies those allegations.

313. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 313 and therefore denies those allegations.

314. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 314 and therefore denies those allegations.

315. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 315 and therefore denies those allegations.

316. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 316 and therefore denies those allegations.

317. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 317 and therefore denies those allegations.

318. Defendant denies the allegations in paragraph 318.

319. Defendant denies the allegations in the first sentence of paragraph 319.

Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 319 and therefore denies those allegations.

320. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 320 and therefore denies those allegations.

321. Defendant denies the allegations in paragraph 321.

322. Defendant denies the allegations in paragraph 322.

323. Paragraph 323 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in paragraph 323.

324. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first two sentences of paragraph 324. The allegations in the third sentence of paragraph 324 state conclusions of law, which require no response. To the extent a response is required, Defendant denies the allegations in the third sentence of paragraph 324.

325. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 325 and therefore denies those allegations.

326. Defendant admits that its financial aid program is among the most generous in the country. Defendant denies the allegations in the first and second sentences of paragraph 326. As to the third and fourth sentences of paragraph 326, Defendant admits that Harvard University's endowment was valued at \$36.4 billion as of June 30, 2014 and admits that for the 2014-2015 academic year, Harvard College tuition and fees are \$43,938, exclusive of financial aid, which many students receive. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in the third and fourth sentences of paragraph 326 and therefore denies those allegations.

327. Defendant denies the allegations in paragraph 327.

328. Paragraph 328 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in paragraph 328.

329. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 329 and therefore denies those allegations.

330. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 330 and therefore denies those allegations.

331. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 331 and therefore denies those allegations.

332. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 332 and therefore denies those allegations.

333. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 333 and therefore denies those allegations.

334. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 334 and therefore denies those allegations.

335. Defendant denies the allegations in paragraph 335.

336. Defendant denies the allegations in paragraph 336.

337. Defendant denies the allegations in the first sentence of paragraph 337.

Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the second sentence of paragraph 337 and therefore denies those allegations.

338. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 338 and therefore denies those allegations. Defendant otherwise denies the allegations in paragraph 338.



339. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 339 and therefore denies those allegations.

340. Paragraph 340 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in paragraph 340.

341. Defendant denies the allegations in the first sentence of paragraph 341. The second sentence of paragraph 341 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in the second sentence of paragraph 341.

342. Defendant admits that the fact that a particular applicant is the child of an alumnus or alumna of Harvard College or Radcliffe College may be one among many factors that the Harvard College admissions committee evaluates holistically in determining whether to offer admission to the applicant. Defendant otherwise denies the allegations in paragraph 342.

343. Defendant denies the allegations in paragraph 343.

344. Defendant denies the allegations in the second sentence of paragraph 344 as to Harvard College. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 344 and therefore denies those allegations.

345. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 345 and therefore denies those allegations.

346. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 346 and therefore denies those allegations.

347. Paragraph 347 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in paragraph 347.

348. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 348 and therefore denies those allegations.

349. Defendant denies the allegations in paragraph 349.

350. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 350 and therefore denies those allegations.

351. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 351 and therefore denies those allegations.

352. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 352 and therefore denies those allegations. Defendant denies the allegations in the second sentence of paragraph 352.

353. Defendant denies the allegations in the first sentence of paragraph 353. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 353 and therefore denies those allegations.

354. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 354 and therefore denies those allegations.

355. Paragraph 355 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in paragraph 355.

356. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in the first sentence of paragraph 356 and therefore denies those allegations. As to the allegations in the second sentence of paragraph 356, Defendant admits that some waitlisted applicants may be offered deferred admission to a later class. Defendant otherwise denies the allegations in paragraph 356.

357. Defendant denies the allegations in paragraph 357.

358. Defendant denies the allegations in paragraph 358.

359. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 359 and therefore denies those allegations.

360. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 360 and therefore denies those allegations.

361. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 361 and therefore denies those allegations.

362. Paragraph 362 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in paragraph 362.

363. Defendant denies the allegations in paragraph 363 as to itself. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 363 as they may pertain to “early admissions” at any other institution and therefore denies those allegations.

364. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 364 with respect to other institutions and therefore denies those allegations. Defendant denies the allegations in paragraph 364 with respect to itself.

365. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 365 and therefore denies those allegations.

366. Defendant denies the allegations in the first sentence of paragraph 366. Defendant states that to the extent the quotation set forth in the second sentence of paragraph 366 is from a written document, the document speaks for itself, and, to the extent the allegations of the second sentence of paragraph 366 are inconsistent with any such document, Defendant denies the allegations in the second sentence of paragraph 366. To the extent that the second sentence

of paragraph 366 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations contained in the second sentence of paragraph 366 and therefore denies those allegations.

367. Defendant states that to the extent the quotation set forth in paragraph 367 is from a written document, the document speaks for itself, and, to the extent the allegations of paragraph 367 are inconsistent with any such document, Defendant denies the allegations in paragraph 367. To the extent that paragraph 367 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations contained in paragraph 367 and therefore denies those allegations.

368. Defendant denies the allegations in paragraph 368.

369. Paragraph 369 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in paragraph 369.

370. The first sentence of paragraph 370 states a conclusion of law, which requires no response. To the extent a response is required, Defendant denies the allegations in the first sentence of paragraph 370. Defendant denies the allegations in the second sentence of paragraph 370.

371. Paragraph 371 states a conclusion of law, which requires no response.

372. Paragraph 372 states a conclusion of law, which requires no response.

373. Defendant denies the allegations in paragraph 373.

374. Defendant denies the allegations in paragraph 374.

375. Defendant denies the allegations in paragraph 375.

376. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 376 and therefore denies those allegations.

377. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 377 and therefore denies those allegations.

378. Defendant admits that individual applicants differ from one another on multiple dimensions, including in some instances because their backgrounds offer unique perspectives and cultural experiences. Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 378 and therefore denies those allegations.

379. Defendant denies the allegations in paragraph 379.

380. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 380 and therefore denies those allegations.

381. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 381 and therefore denies those allegations.

382. Defendant denies the allegations in paragraph 382.

383. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 383 and therefore denies those allegations.

384. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 384 and therefore denies those allegations.

385. Defendant denies the allegations in paragraph 385.

386. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 386 and therefore denies those allegations.

387. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 387 and therefore denies those allegations.

388. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 388 and therefore denies those allegations.

389. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 389 and therefore denies those allegations.

390. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 390 and therefore denies those allegations.

391. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 391 and therefore denies those allegations.

392. Defendant denies the allegations in paragraph 392.

393. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 393 and therefore denies those allegations.

394. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 394 and therefore denies those allegations.

395. Defendant denies the allegations in the first sentence of paragraph 395.

Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 395 and therefore denies those allegations.

396. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 396 and therefore denies those allegations.

397. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 397 and therefore denies those allegations.

398. Defendant denies the allegations in paragraph 398.

399. Defendant denies the allegations in paragraph 399.
400. Paragraph 400 states a conclusion of law, which requires no response.
401. Paragraph 401 states a conclusion of law, which requires no response.
402. Paragraph 402 states a conclusion of law, which requires no response.
403. Paragraph 403 states a conclusion of law, which requires no response.
404. Paragraph 404 states a conclusion of law, which requires no response.
405. Paragraph 405 states a conclusion of law, which requires no response.
406. Paragraph 406 states a conclusion of law, which requires no response.
407. Paragraph 407 states a conclusion of law, which requires no response.
408. Paragraph 408 states a conclusion of law, which requires no response.
409. Paragraph 409 states conclusions of law, which require no response.
410. Paragraph 410 states conclusions of law, which require no response.
411. Paragraph 411 states a conclusion of law, which requires no response.
412. Paragraph 412 states conclusions of law, which require no response.
413. Paragraph 413 states conclusions of law, which require no response.
414. Paragraph 414 states a conclusion of law, which requires no response.
415. Paragraph 415 states a conclusion of law, which requires no response.
416. Paragraph 416 states a conclusion of law, which requires no response.
417. Paragraph 417 states a conclusion of law, which requires no response.
418. Paragraph 418 states a conclusion of law, which requires no response.
419. Paragraph 419 states conclusions of law, which require no response.
420. Paragraph 420 states conclusions of law, which require no response.
421. Paragraph 421 states conclusions of law, which require no response.

- 422. Paragraph 422 states conclusions of law, which require no response.
- 423. Paragraph 423 states conclusions of law, which require no response.
- 424. Paragraph 424 states conclusions of law, which require no response.
- 425. Paragraph 425 states conclusions of law, which require no response.
- 426. Paragraph 426 states a conclusion of law, which requires no response.
- 427. Defendant denies the allegations in paragraph 427, denies that it has violated Title

VI, and denies that Plaintiff is entitled to any relief whatsoever.

### **COUNT I**

- 428. Defendant incorporates its responses to paragraphs 1-427 of the Complaint.
- 429. Defendant denies the allegations in paragraph 429.
- 430. Defendant states that to the extent the allegations set forth in paragraph 430 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 430 are inconsistent with any such document, Defendant denies the allegations in paragraph 430. To the extent that paragraph 430 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 430 and therefore denies those allegations.

- 431. Paragraph 431 states a conclusion of law, which requires no response.
- 432. Paragraph 432 states a conclusion of law, which requires no response.
- 433. Paragraph 433 states a conclusion of law, which requires no response.
- 434. Defendant denies the allegations in paragraph 434.
- 435. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 435 and therefore denies those allegations.



436. Defendant denies the allegations in paragraph 436.

437. Defendant denies the allegations in paragraph 437.

438. Defendant denies the allegations in paragraph 438.

439. Defendant denies the allegations in paragraph 439.

440. Defendant denies the allegations in paragraph 440.

441. Defendant denies that Plaintiff is entitled to a declaratory judgment, a permanent injunction, or any other relief whatsoever.

442. Defendant denies that Plaintiff is entitled to attorneys' fees, costs, or any other relief whatsoever.

## **COUNT II**

443. Defendant incorporates its responses to paragraphs 1-442 of the Complaint.

444. Defendant denies the allegations in paragraph 444.

445. Defendant states that to the extent the allegations set forth in paragraph 445 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 445 are inconsistent with any such document, Defendant denies the allegations in paragraph 445. To the extent that paragraph 445 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 445 and therefore denies those allegations.

446. Paragraph 446 states a conclusion of law, which requires no response.

447. Paragraph 447 states a conclusion of law, which requires no response.

448. Paragraph 448 states a conclusion of law, which requires no response.

449. Defendant denies the allegations in paragraph 449.

450. Defendant denies the allegations in paragraph 450.

451. Defendant denies the allegations in paragraph 451.

452. Defendant denies the allegations in paragraph 452.

453. Defendant denies the allegations in paragraph 453.

454. Defendant denies that Plaintiff is entitled to a declaratory judgment, a permanent injunction, or any other relief whatsoever.

455. Defendant denies that Plaintiff is entitled to attorneys' fees, costs, or any other relief whatsoever.

### **COUNT III**

456. Defendant incorporates its responses to paragraphs 1-455 of the Complaint.

457. Defendant denies the allegations in paragraph 457.

458. Defendant states that to the extent the allegations set forth in paragraph 458 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 458 are inconsistent with any such document, Defendant denies the allegations in paragraph 458. To the extent that paragraph 458 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 458 and therefore denies those allegations.

459. Paragraph 459 states a conclusion of law, which requires no response.

460. Paragraph 460 states a conclusion of law, which requires no response.

461. Defendant denies the allegations in paragraph 461.

462. Defendant denies the allegations in paragraph 462.

463. Defendant denies the allegations in paragraph 463.

464. Defendant denies that Plaintiff is entitled to a declaratory judgment, a permanent injunction, or any other relief whatsoever.

465. Defendant denies that Plaintiff is entitled to attorneys' fees, costs, or any other relief whatsoever.

#### **COUNT IV**

466. Defendant incorporates its responses to paragraphs 1-465 of the Complaint.

467. Defendant denies the allegations in paragraph 467.

468. Defendant states that to the extent the allegations set forth in paragraph 468 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 468 are inconsistent with any such document, Defendant denies the allegations in paragraph 468. To the extent that paragraph 468 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 468 and therefore denies those allegations.

469. Paragraph 469 states a conclusion of law, which requires no response.

470. Paragraph 470 states a conclusion of law, which requires no response.

471. Defendant denies the allegations in paragraph 471.

472. Defendant states that to the extent the allegations set forth in the first sentence of paragraph 472 are from a written document, the document speaks for itself and, to the extent the allegations in the first sentence of paragraph 472 are inconsistent with any such document, Defendant denies the allegations in the first sentence of paragraph 472. To the extent that the first sentence of paragraph 472 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form

a belief about the truth of such allegations and therefore denies those allegations. Defendant denies the allegations in the second and third sentences of paragraph 472.

473. Defendant denies the allegations in paragraph 473.

474. Defendant denies the allegations in paragraph 474.

475. Defendant denies that Plaintiff is entitled to a declaratory judgment, a permanent injunction, or any other relief whatsoever.

476. Defendant denies that Plaintiff is entitled to attorneys' fees, costs, or any other relief whatsoever.

#### **COUNT V**

477. Defendant incorporates its responses to paragraphs 1-476 of the Complaint.

478. Defendant denies the allegations in paragraph 478.

479. Defendant states that to the extent the allegations set forth in paragraph 479 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 479 are inconsistent with any such document, Defendant denies the allegations in paragraph 479. To the extent that paragraph 479 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 479 and therefore denies those allegations.

480. Paragraph 480 states a conclusion of law, which requires no response.

481. Paragraph 481 states a conclusion of law, which requires no response.

482. Paragraph 482 states conclusions of law, which require no response.

483. Defendant denies the allegations in paragraph 483.

484. Defendant denies the allegations in paragraph 484.

485. Defendant denies the allegations in paragraph 485.

486. Defendant denies the allegations in paragraph 486.

487. Defendant denies that Plaintiff is entitled to a declaratory judgment, a permanent injunction, or any other relief whatsoever.

488. Defendant denies that Plaintiff is entitled to attorneys' fees, costs, or any other relief whatsoever.

### **COUNT VI**

489. Defendant incorporates its responses to paragraphs 1-488 of the Complaint.

490. Defendant denies the allegations in paragraph 490.

491. Defendant states that to the extent the allegations set forth in paragraph 491 are from a written document, the document speaks for itself and, to the extent the allegations of paragraph 491 are inconsistent with any such document, Defendant denies the allegations in paragraph 491. To the extent that paragraph 491 contains allegations neither set forth in a written document nor inconsistent with such a document, Defendant lacks knowledge or information sufficient to form a belief about the truth of such allegations in paragraph 491 and therefore denies those allegations.

492. Paragraph 492 states a conclusion of law, which requires no response.

493. Paragraph 493 states a conclusion of law, which requires no response.

494. Paragraph 494 states conclusions of law, which requires no response.

495. Paragraph 495 states a conclusion of law, which requires no response.

496. The first sentence of paragraph 496 states a conclusion of law, which requires no response. Defendant lacks knowledge or information sufficient to form a belief about the truth

of the allegations in the second sentence of paragraph 496 and therefore denies those allegations.  
Defendant denies the remaining allegations in paragraph 496.

497. Defendant denies the allegations in paragraph 497.

498. Defendant denies the allegations in paragraph 498 as to its own practices.

Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 498 and therefore denies those allegations.

499. Defendant denies the allegations in paragraph 499 as to its own practices.

Defendant otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 499 and therefore denies those allegations.

500. Defendant denies the allegations in paragraph 500, except to the extent they state conclusions of law, which require no response.

501. Defendant denies the allegations in paragraph 501, except to the extent they state conclusions of law, which require no response.

502. Defendant denies the allegations in paragraph 502, except to the extent they state conclusions of law, which require no response.

503. Defendant denies the allegations in paragraph 503.

504. Defendant denies that Plaintiff is entitled to a declaratory judgment, a permanent injunction, or any other relief whatsoever.

505. Defendant denies that Plaintiff is entitled to attorneys' fees, costs, or any other relief whatsoever.

### **RELIEF SOUGHT**

Plaintiff is not entitled to any form of relief.

**DEMAND FOR JURY TRIAL**

Plaintiff is not entitled to a jury trial.

**AFFIRMATIVE DEFENSES**

Defendant asserts the following affirmative defenses on the basis of its current knowledge and information, reserving the right to withdraw any of these defenses or to assert additional defenses as further information becomes available.

1. The Court lacks subject-matter jurisdiction over this action.
2. Plaintiff fails to state a claim upon which relief can be granted.
3. Plaintiff fails to allege irreparable harm or any other basis upon which injunctive relief would be available.

**WHEREFORE**, Defendant respectfully requests that the Court enter judgment in its favor and award it the costs of this action, together with attorneys' fees, expert fees, and such other relief as the Court may deem just and proper.

/s/ Seth P. Waxman  
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Dated: February 18, 2015

*Counsel for Defendant President and  
Fellows of Harvard College*



**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that paper copies will be sent to those indicated as non-registered participants on February 18, 2015.

/s/ Seth P. Waxman  
Seth P. Waxman