

EXHIBIT D

DECLARATION OF LORENA GRUNDY, Vice-President, AAUP-Penn

I, Lorena Grundy, DECLARE as follows:

1. I am employed by the University of Pennsylvania (“Penn”) as a member of the faculty, to wit, as a Practice Assistant Professor in Chemical and Biomolecular Engineering.
2. I also serve as Vice-President of the Penn Chapter of the American Association of University Professors (“AAUP-Penn”).
3. The AAUP is a nationwide organization that since 1915 has advocated for university professors’ academic freedom and shared governance. AAUP works to center meaningful faculty and staff participation in university decision-making processes and aims to build worker solidarity across campuses in the United States. It represents academic employees of universities and colleges in labor disputes, contributes research and policy on crucial issues in higher education, and fights for the economic security of the profession through direct advocacy and the creation of chapters.
4. AAUP–Penn is a Chapter of the national AAUP. It is a membership organization that advocates for the interests of Penn faculty in all aspects of their relationship with the University and for a just university that meets its obligations to the city and the community. The organization welcomes members from all departments and all schools at Penn. This includes all those employed primarily in research and/or teaching at a professional level regardless of title, including standing faculty, contingent faculty, graduate researchers and instructors, postdocs, and librarians, archivists, curators, and technicians whose work involves or substantially contributes to research or teaching. AAUP-Penn’s goals include promoting academic freedom and meaningfully shared university governance; improving working conditions; and building solidarity among university workers across ranks and job categories at Penn and across institutions.
5. AAUP-Penn has significant concerns about how a federal legal action filed on November 18, 2025, by the U.S. Equal Employment Opportunity Commission (“EEOC”) against the University of Pennsylvania, will impact its members, especially those of the Jewish faith and those who belong to Jewish-affiliated professional and other groups at Penn. *U.S. Equal Employment Opportunity Commission v. The Trustees of the University of Pennsylvania*, 2:25-cv-06502 (E.D.Pa.).

6. On November 19, 2025, AAUP-Penn's executive committee publicly issued a statement supporting the Penn administration's "actions to protect the privacy and safety of Jewish faculty, students, staff, and all members of the Penn community by reportedly declining to create and share lists of names and personal information of Jewish employees with the federal government." The full statement is available at <https://aaup-penn.org/statement-of-the-aaup-penn-executive-committee-on-the-eeoc-investigation-of-penn/>.
7. AAUP-Penn has members who would be impacted directly if Penn were forced to disclose information requested in EEOC's current subpoena.
 - a. AAUP-Penn's members are active in campus affairs, and the organization likely has members whose privacy would be compromised by the disclosure of complaints about "discrimination based on Jewish religion, faith, ancestry/National Origin and/or complaints of antisemitism from November 1, 2022, to the present," Subpoena request No. 1.
 - b. AAUP-Penn has members who are Penn employees and belong to "clubs, groups, organizations and recreation groups (hereinafter referred to as 'organizations') related to the Jewish religion, faith, ancestry/National Origin." Subpoena request No. 2 (parenthetical in original).
 - c. AAUP-Penn has members who are faculty and leaders in the Jewish Studies Program. Subpoena request No. 3.
 - d. AAUP-Penn has members who are "staff and faculty members who participated in the Listening Sessions held in March 2024 as part of the University of Pennsylvania Task Force on Antisemitism (TFAS)." Subpoena Request 4.
 - e. AAUP-Penn has members who both participated in and led the aforementioned March 2024 Listening Sessions. Session leaders assured participants that the discussions would be kept confidential. Disclosure of participants' identity and any notes describing the discussions would violate the assurances of confidentiality, significantly compromising the trust that is essential to the integrity of such important and delicate information-exchange sessions. Subpoena request No. 5.
 - f. AAUP-Penn has members who received the "University of Pennsylvania Task Force on Antisemitism's online Qualtrics Survey...." Subpoena request No. 6.

8. AAUP-Penn's members do not wish to have their identities and associations disclosed to the EEOC by the University, nor do they want to be forced to intervene individually in this litigation because of the time, expense, and risk of exposing themselves.
9. AAUP-Penn also has been forced to divert limited organizational resources to conducting research on the effects of the EEOC's request on members, fielding and responding to concerns from members about their privacy, advising members encompassed by the information requests, conducting informational meetings, communicating with affected organizations, and communicating with the Penn administration to protect the rights of members.
10. AAUP-Penn strongly supports combatting antisemitism and all forms of discrimination but believes that such efforts can and must be accomplished without sacrificing the safety, privacy, and academic freedom of any member of the Penn community. AAUP-Penn opposes any forcible and non-consensual disclosure of AAUP-Penn members' – and other non-member faculty, staff and employed students' – identity or private personal information to the EEOC because it is likely to endanger employees' privacy and safety; chill free speech, academic freedom, religious liberty and freedom of association; and violate employees' constitutional rights to privacy, associational freedom, speech, and religious liberty.
11. AAUP-Penn members have a protected interest in privacy, associational freedom, speech, and religious liberty that is personal to each of them. These potential harms from non-consensual disclosure of identity and private personal information are separate and distinct from Penn's interests. Employees are the real parties in interest in this litigation since it is their private personal information that is sought by the federal government. Non-consensual disclosure of AAUP-Penn members' private personal information to the federal government will impair their rights, and is likely to do so irreparably.
12. History demonstrates that transmitting the names and other personal information of Jews to governments can be highly dangerous. The Nazis set out to compile a total registry of Jews that included assimilated Jews who did not practice the religion and even "half-Jews," Christians who happened to have two Jewish grandparents. To develop such a registry, the Nazis relied in part on information provided by churches, teachers, librarians and genealogists working in cooperation with government ministries. Librarians, for

example, examined dissertations and other academic sources for information that was passed to the government and used to identify scholars as Jews subject to elimination. See Götz Aly, and Karl Heinz Roth, *The Nazi Census: Identification and Control in the Third Reich* (2004).

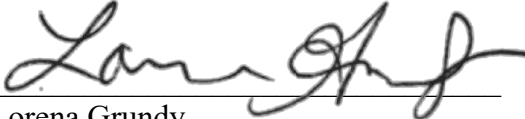
13. While this kind of danger may seem inconceivable in the United States, there too, information gathered by the Federal government has been used to the detriment of Jews. During the 1930s, a federal agency known as the Home Owners' Loan Corporation surveyed and rated different urban neighborhoods according to how hazardous they were perceived to be, and the association's assessments were based in part on information gleaned about the racial and ethnic identity of an area's residents. The government's assessment of neighborhoods inhabited by African American, Jews and other immigrant groups became known to lenders whose subsequent discriminatory denial of loans to such areas stymied homeownership and investment in Black neighborhoods and pushed Jews from urban centers. Government efforts to identify Jews within a larger population need not be motivated by an intent to cause harm.
14. Given the inherent insecurity of data and rising antisemitism, the creation and disclosure of a list of Penn's Jewish and Jewish-affiliated employees risks these employees' present and future safety and security. Regardless of the EEOC's intent, that risk is heightened by the government's history of data mismanagement and security breaches. See, e.g., Inspector General, U.S. Department of Defense, *Evaluation of the Secretary of Defense's Reported Use of Commercially Available Messaging Application for Official Business*, Rpt. No. DODIG-2026-021 (Dec. 2, 2025), https://media.defense.gov/2025/Dec/04/2003834916/-1/-1/1/DODIG_2026_021.PDF; *Protected Whistleblower Disclosure of Charles Borges Regarding Violation of Laws, Rules & Regulations, Abuse of Authority, Gross Mismanagement, and Substantial and Specific Threat to Public Health and Safety at the Social Security Administration* (Aug. 26, 2025), <https://whistleblower.org/wp-content/uploads/2025/08/08-26-2025-Borges-Disclosure-Sanitized.pdf>. Cf. E.O. 14243, 90 Fed. Reg. 13681 (March 20, 2025) (ordering the "intra- and inter-agency sharing and consolidation" of data). Unlike AAUP-Penn, the University is reportedly dependent on the federal government for over \$1 billion of financial support and is subject to a wide

variety of other forms of federal regulation and oversight that together create a risk that Penn might compromise the interests of AAUP-Penn members for reasons having nothing to do with the merits of this dispute. *See* University of Pennsylvania, Fiscal Year 2026 Operating Budget 20-21 (June 12, 2025).

15. Penn has already yielded to pressure from the federal government by changing its policy on transgender athletes. *See, e.g., Penn to ban trans women from women's sports, ends case focused on Lia Thomas*, Associated Press (July 1, 2025), https://www.espn.com/college-sports/story/_/id/45634254/penn-ban-trans-athletes-ending-lia-thomas-civil-rights-case. In 2024, the University disclosed information about its faculty under pressure from a Congressional investigation. *See* Middle East Studies Ass'n, *Letter to the University of Pennsylvania denouncing its collaboration with the House Committee on Education and the Workforce's investigation of faculty members* (Aug. 26, 2024), <https://mesana.org/advocacy/committee-on-academic-freedom/2024/08/26/letter-to-the-university-of-pennsylvania-denouncing-its-collaboration-with-the-house-committee-on-education-and-the-workforces-investigation-of-faculty-members>. Thus, it is possible that Penn will again yield to federal government pressure in this litigation.
16. Since AAUP-Penn members' interests are threatened directly by the EEOC subpoena, they should have a voice in the resolution of this litigation to ensure that third parties do not compromise their rights.
17. In conclusion, AAUP-Penn opposes non-consensual disclosure by Penn to the EEOC or any other government agency of the following private personal information of its members:
 - a. the identities and personal information of complainants who made confidential reports of antisemitism;
 - b. membership lists and member contact information (including personal phone number, email address, and mailing address) of "all clubs, groups, organizations and recreation groups related to the Jewish religion, faith, ancestry/National Origin";
 - c. a list of employees in the Jewish Studies Program and their contact information;

- d. a list of staff and faculty members (including personal phone number, email address, and mailing address) who participated in the Listening Sessions held in March 2024 as part of the University of Pennsylvania Task Force on Antisemitism (TFAS);
- e. Notes taken at the March 2024 Listening Sessions, where participants were assured confidentiality and anonymity; and
- f. “a list of all faculty and staff members who received the University of Pennsylvania Task Force on Antisemitism’s online Qualtrics survey” and their contact information (again including personal phone number, email address, and mailing address).

I, Lorena Grundy, hereby DECLARE under penalty of perjury on this 6th day of January 2026, that the foregoing statements are true and correct to the best of my information, knowledge and belief, and that I am authorized to so represent by AAUP-Penn’s governing body.


Lorena Grundy