

# US Department of Justice (DOJ) Accuses Harvard University of Racial Bias in Admissions

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*In November 2014, a Students for Fair Admissions (SFFA) accused Harvard of “employing racially and ethnically discriminatory policies and procedures in administering the undergraduate admissions program” – citing harm to Asian-American applicants.*

The lawsuit claimed Harvard uses racial “quotas” and “racial balancing” in admitting undergraduates, adding:

The university “uses ‘holistic’ admissions to disguise the fact that it holds Asian Americans to a far higher standard than other students and essentially forces them to compete against each other for admission.”

Since 2000, Asian-Americans applying to Harvard had the lowest admission rate of any racial group despite higher test scores.

SFFA head **Edward Blum** said findings “expose(d) the startling magnitude of Harvard’s discrimination against Asian-American applicants,” adding:

“We believe that...further...evidence (will show) Harvard is in deliberate violation of Title VI of the Civil Rights Act.”

SFFA accused university officials of attempting to suppress data revealing its discriminatory practices.

Treating university applicants and other individuals differently based on race, ethnicity, and/or religion is clearly discriminatory.

In 2013, Harvard’s Office of Institutional Research (OIR) found that college admissions policies produce “negative effects” for Asian-Americans – along with advantaging legacy students and athletes over their low-income counterparts.

OIR findings showed Asian-American applicants ranked significantly better in test scores, academics, and alumni interview evaluations.

White students ranked higher only in personal qualities, assigned by the admissions office.

On August 30, the Justice Department filed a Statement of Interest, supporting the plaintiff

in *Students For Fair Admissions, Inc. (SFFA) v. President And Fellows Of Harvard College* in US District Court for the District of Massachusetts.

SFFA seeks relief from Harvard's discriminatory practices under Title VI of the Civil Rights Act of 1964 – prohibiting discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.

Following a complaint by over 60 Asian-American organizations, the DOJ initiated a Title VI investigation into Harvard's admissions practices.

According to the DOJ's August 30 Statement of Interest issued,

“Harvard has failed to show that it does not unlawfully discriminate against Asian Americans.”

“As a condition of receiving millions of dollars in taxpayer funding every year, Harvard specifically agrees to not discriminate on the basis of race in its admissions decisions.”

“(T)he students and parents who brought this suit have presented compelling evidence that Harvard's use of race unlawfully discriminates against Asian Americans.”

“In today's filing, the United States urges the court to grant the plaintiffs the opportunity to prove these claims at trial.”

The DOJ's statement rejected Harvard's motion for dismissal of the suit before going to trial. DOJ lawyers criticized university officials for failing to act on the OIR's report, revealing discrimination against Asian-American applicants.

University spokeswoman **Anna Cowenhoven** denied charges by the plaintiff and DOJ that Harvard's admissions practices are discriminatory, a statement saying:

“We are deeply disappointed that the Department of Justice has taken the side of Edward Blum and Students for Fair Admissions, recycling the same misleading and hollow arguments that prove nothing more than the emptiness of the case against Harvard.”

As part of its investigation, the DOJ had access to applicants' admissions files, rating procedures, and internal university correspondence.

Harvard admitted using race in its admissions process. It failed to show how it's weighed against other factors in judging applicants (including grades, test scores, extracurricular activities, etc.).

Nor did it show how it assures no illegal discrimination occurs. Supreme Court rulings require university assurances. Harvard failed to do it in this case.

It uses a possibly biased against Asian-Americans “personal rating,” based on an applicant's file.

It rates candidates for admission on “likability,” “human qualities,” being a “good person,” and other “subjective” factors – admitting it scores Asian-Americans lower on “personal ratings” than candidates of other races.

The DOJ also cited evidence showing university “admissions officers and committees consistently monitor and manipulate the racial makeup of incoming classes...result(ing) in (admissions practices assuring) stable racial demographics...”

The Supreme Court ruled against attempts to “racially balance” student bodies, calling the practice “patently unconstitutional.”

The DOJ also said Harvard

“never seriously considered alternative, race-neutral ways to compile a diverse student body, which it is required to do under existing law.”

The case has yet to go to trial. It remains ongoing until resolved judicially at the district or higher court levels.

Resolution could affect admissions practices at all US colleges and universities.

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