



## CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

### Asian American Groups Request Investigation of Harvard University's Admission Practices

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A coalition of 64 Asian American Associations filed an administrative complaint with the federal Departments of Education and Justice against Harvard University, requesting an investigation of Harvard's admission practices, specifically accusing Harvard and other Ivy League institutions of unlawfully discriminating against Asian American applicants. The administrative complaint buttresses a lawsuit filed last November by the Students For Fair Admissions, Inc. against Harvard in the Federal District Court for the District of Massachusetts, containing the same allegations of racial discrimination against Asian Americans.

The crux of the Coalition's claims is that Harvard intentionally discriminates against Asian Americans by hiding behind its "holistic" policy of looking at all aspects of an applicant, including his or her race. The Coalition argues that an Asian American applicant is held to much higher standards than any other race and that, if applicants were evaluated on a totally race-neutral basis, there would be a much higher percentage of Asian American students at Harvard, and that it is race alone that is preventing those Asian Americans access. The Coalition accuses Harvard of relying on certain negative stereotypes of Asian Americans as a basis for setting the bar higher for Asian American applicants, like: Asian Americans lack creativity and critical thinking; Asian Americans lack leadership skills; and, Asian American students spend too much time on study and not enough time on extra-curricular activities.

Ultimately, the Coalition wants to ban Harvard from considering race at all, effectively ending affirmative action there. The outcome will affect all minority groups, not just Asian Americans. The DOE and DOJ have previously investigated claims of Harvard discriminating against Asian Americans between 1988 and 1990, with no findings against Harvard.

**Client Tip:** Colleges and universities should review their admissions policies with legal counsel to ensure that they are in compliance with the strict affirmative action standards.