

## The Alliance for Equity in Higher Education



The members of the Alliance for Equity in Higher Education (the Alliance), a 20-year formal collaboration between the American Indian Higher Education Consortium (AIHEC), the Asian Pacific Islander American Association of Colleges and Universities (APIACU), the Hispanic Association of Colleges and Universities (HACU) and the National Association For Equal Opportunity in Higher Education (NAFEO), are writing on behalf of our members, 800 of the Nation's most diverse colleges and universities -- Tribal Colleges and Universities (TCUs), Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs), Hispanic-Serving Institutions (HSIs), Historically Black Colleges and Universities (HBCUs), and Predominantly Black Institutions (PBIs). We are writing to share with the Students for Fair Admissions, their sponsors and supporters, information that we hope will assist them in understanding that while it is clear that they do not support the important mission of Harvard University of fostering the educational benefits of diversity consistent with the law, or its holistic student review process, the solution is not to attempt to force the University to change its mission, or its legally acceptable student selection process, but rather, to explore other colleges and universities whose missions are aligned with the students' visions of the type of institution they want to attend. A successful challenge to the Harvard admissions program by the Students for Fair Admissions and its sponsors, would seriously undermine not only excellence and equity at Harvard, but also, in higher education in America, generally. It would run counter to law and would be inimical to the national interest of educating and training more excellent and diverse students: the growing populations of the nation who are disproportionately low-income persons, first generation persons, and traditionally underrepresented racial and ethnic minorities.

Members of the Alliance for Equity in Higher Education represent Asian American and Pacific Islander students, the fastest growing ethnic population in the United States; Hispanics, the largest, youngest and second fastest growing ethnic population of the country; African Americans, the second largest component of students in higher education; and Native Americans to whom we are grateful for sharing their native land with the richly diverse populations who now call America their homeland. Collectively, the "minority students" we represent are more than 50 percent of all primary and secondary public-school students in the United States. This makes the students we represent an increasingly important component of higher education, and the future workforce in the country. Some of us are also writing as alumni of Harvard University.

Harvard University, like other American colleges and universities who embrace the important educational benefits of diversity as part of their missions, delicately crafts and carefully and fairly implements diversity programs, as central components of its excellence in education programs, and of its admissions program, that includes a holistic review of its applicants. These programs are in recognition of the fact that today's American colleges and universities must prepare students to work and live in a richly diverse nation, and in a globally interdependent world. To Harvard and the majority of American colleges and universities whose missions include attaining the educational benefits of diversity, institutional climate and responsiveness to diversity closely correlate with academic excellence and equity. Through institutional diversity

students can benefit from the intellectual, cultural, civic, religious, socio-economic, and personal experiences of a range of students, reflecting the richness of this heterogeneous, pluralistic society. Through diversity, students also benefit from the life experiences of others resulting from the accidents of their birth, such as race, color, ethnicity, gender, and their being differently-abled. Higher education institutions, like Harvard, and those represented by The Alliance for Equity in Education, see themselves as deliberative pedagogical spaces that also attempt to create learning environments to teach the tolerance, coexistence and the ecumenical spirit of shared values and common destinies among all, that make America strong.

One of the great things about the American higher education system, is its diversity. There are more than 3,000 non-profit higher education institutions to which prospective college students may apply. Among these institutions are those, that like the Students for Fair Admissions, do not appreciate the centrality of diversity to the attainment of an excellent education, and that eschew the totality of the measures the Supreme Court has stated may be taken to attain diversity, including racial and ethnic diversity. The Students for Fair Admissions and any future applicants who do not believe that the Harvard admissions approach that considers both race-conscious and race-neutral considerations along with many academic, psycho-socio-economic, wealth, civic, cultural, capacity, linguistic, artistic, athletic, pedigree, legacy and other considerations unrelated to race or ethnicity, does not yield the type of student body they prefer, should apply to one of the colleges or universities that have a student body more in line with that which they prefer, and a process more to their liking.

The Supreme Court has consistently recognized diversity in education as a compelling state interest that can justify the use of race-conscious admissions, among a range of other considerations. Harvard has found its narrowly tailored use of race and ethnicity among a wide range of other criteria, to be the best way for it to achieve the educational benefits it seeks for all of its students. Time and data have proven that the most effective and efficient education diversity programs include the use of race and ethnicity, among a range of other criteria, similar to that at Harvard.

Where part of an institutional mission and the fabric of an institution is to provide students the best learning environments in which to prepare for citizenship in peaceful, sustainable, diverse environments that foster educating students about the interconnectivity and interdependence of humankind, it should be expected that the institutions find, as does Harvard, that test scores and grade point averages, alone, or primarily, are not the best approaches to identifying the students these institutions want for admission. And, colleges and universities have the right to make these decisions, consistent with the law.

Within the Higher Education arena there is the recognition that each institution has a constitutionally protected right to determine who may teach, what may be taught, how it shall be taught, and who may be admitted to study. This concept of Academic Freedom has, through the years, been deemed a legal right, derived from the First Amendment to the U.S. Constitution. Democrats and Republicans, most of the nation's Fortune 100 and 500 Companies, the National Association of Manufacturers, the United States Armed Forces, and a broad and diverse group of others have supported *amicus curiae* briefs favoring the Harvard-type of race- and non-race conscious considerations in a holistic approach to deciding who to admit to higher education institutions, especially when an institutional mission includes educating students who will lead the Nation in overcoming racism, becoming and remaining strong, globally eminent, peaceful and just. In an era when the value of an educated citizenry has never been greater, institutional diversity, as much as academic research and social service, must characterize great education institutions. A school's responsiveness to diversity closely correlates with its standards of academic excellence and equity.<sup>1</sup>

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<sup>1</sup> Baskerville, Lezli. Included in several speeches

The Supreme Court has found that diverse student bodies on campuses lead to better learning outcomes and greater preparation for work, citizenship, and civic engagement and that because race and ethnicity disproportionately affect the experiences and perspectives of people living in America, race and ethnic diversity must be important aspects of the diversity initiatives of colleges and universities. For the students and sponsors who do not agree, perhaps Harvard is not the institution for them.

One sure sign that the current approach Harvard is using in pursuit of its goal of attaining an excellent diverse cohort of students is working, is that it has raised the ire of those who deny the educational benefits of diversity, such as the Students for Academic Freedom, and those who believe passionately in the educational benefits of diversity. Witness the 2014 student produced and acted play, "I, Too, Am Harvard," in which black, brown, mixed-race and international students brought awareness to the micro-aggressions and aggressions many students of color experience once accepted and while successfully matriculating at Harvard. That some of the students who enter Harvard fully supportive of its approach to ensuring that all students benefit from diversity, and accepting of its holistic student review admissions, find challenging the manner in which its well-intended and carefully crafted diversity efforts manifest themselves in the classrooms and in other academic, civic and social spaces, is proof that Harvard has not yet gotten its diversity initiatives right, but it is still striving. Its diversity admissions program aligns with the best diversity programs, and is consistent with the law of the land as articulated by the United States Supreme Court for more than 30 years. Its climate still needs work, but that is no reason whatsoever to uproot its admissions program that "flexibly and contextually" considers both race-conscious and race-neutral options to affording all students the vitally important benefits of campus diversity at a time when the Nation, the workforce, entrepreneurship corps, and armed forces are more diverse than ever. Nor does the fact that the Harvard admissions procedures does not give one group of students a leg up based on a very narrow, archaic, and statistically indefensible definition of "best qualified," give those who fare exceptionally on standardized tests and attain enviable grade point averages, an entitlement to a seat in an institution whose vision of excellence and whose mission necessitate a much broader and comprehensive snapshot of its applicants, consistent with the law.

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<sup>2</sup> The Alliance for Equity in Higher Education is a twenty-year formalized collaboration among the chief executive officers of the National Association for Equal Opportunity in Higher Education (NAFEO), the Hispanic Association of Colleges and Universities (HACU), the American Indian Higher Education Consortium (AIHEC), and the Asian American & Pacific Islander Association of Colleges and Universities (APIACU). Collectively, these institutions enroll more than 4.8 million undergraduate students in the U.S. – one-quarter of all students -- and represent over 800 richly diverse American universities: 106 Historically Black Colleges and Universities (HBCUs), 50 Predominantly Black Institutions (PBIs); 523 Hispanic-Serving Institutions (HSIs), 37 Tribal Colleges and Universities (TCUs), and over 200 Asian American and Native American Pacific Islander-Serving Institutions (AANAPISIs).