



(EXECUTIVE SUMMARY)

COMPLAINT

of the

ASIAN AMERICAN COALITION FOR EDUCATION

v.

**YALE UNIVERSITY, BROWN UNIVERSITY,
AND DARTMOUTH COLLEGE**

**FOR UNLAWFUL DISCRIMINATION AGAINST ASIAN-AMERICAN
APPLICANTS IN THE COLLEGE ADMISSIONS PROCESS**

Submitted to:

**Office for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC, 20202**

**Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Educational Opportunities Section, PHB
Washington, D.C. 20530**

May 23, 2016



I. Objective: file a complaint with the Department of Education and the Department of Justice, protesting the discrimination by Yale, Brown and Dartmouth against Asian-American applicants during the college admissions process.

More than 130 concerned Asian-American organizations, on behalf of their constituents, join with the Asian American Coalition for Education (“AACE”) in filing a complaint with the Office for Civil Rights, U.S. Department of Education (“OCR”), and the Civil Rights Division, U.S. Department of Justice (“DOJ”), protesting the unlawful discrimination against Asian-American applicants by Yale University (“Yale”), Brown University (“Brown”) and Dartmouth College (“Dartmouth”). As studies demonstrate, these institutions have been and are engaged in systematic and continuous discrimination against Asian-American applicants during their so-called “Holistic” college admissions processes. This complaint parallels the complaint that the founders of AACE, joined by more than 60 Asian-American organizations, filed against Harvard University on May 15, 2015.¹

II. Background facts.

- The Asian-American college-age (18-21) population of the United States has grown from 2.5% in 1995 to 5.1% in 2011. In the same period, the percentage of Asian-Americans at Yale and most other Ivy League colleges has *declined*. This is because of negative stereotyping coupled with racial quotas and caps, maintained by racially differentiated standards for admission that severely burden Asian-American applicants.
- In the past two decades, the pool of highly qualified Asian-American college applicants has doubled and has achieved impressive academic qualifications, as measured by scholastic grades and representation in academic and other merit attainments, including: National Merit Scholarship semifinalists (25-30%), U.S. Math Olympiad Teams, U.S. Physics Olympiad Winners, Science Olympiad Winners, Siemens Science AP Winners, Intel Science Talent Search Finalists, and the U.S. Presidential Scholars (>31%)—a prestigious award based on rounded evaluations of qualified high school students.
- Despite the above achievements, multiple studies show that racial biases, often coupled with a lack of understanding of Asian cultures, plague the college admissions process and have led to “just-for-Asians” admissions standards that impose unfair and illegal burdens on Asian-American college applicants. With no factual support and ignoring the diverse background of Asian-American applicants, admissions officers base admissions decisions on stereotypes and racial biases, with apparent immunity. They often treat Asian-American applicants as a monolithic block rather than as individuals, and denigrate these applicants as lacking in creativity/critical thinking and leadership skills/risk taking. The racial stereotypes that are applied to Asian-American applicants are patently false and are contradicted by the achievements of Asian-Americans in many diverse fields—12 Nobel laureates, many scientists and innovators, artists and designers, world-class musicians and performers, and entrepreneurs and business leaders in virtually every field of industry.

- The college admissions process at Yale, Brown, Dartmouth and other Ivy League institutions has been shown, as far as Asian-American applicants are concerned, to be highly subjective and discriminatory, with the admissions decisions consistently based on the illegal use of race as a determinative factor. The result is that, while the number of highly-qualified Asian-American applicants has risen dramatically over the past 20 years, the Asian-American percentage of the student bodies at elite colleges such as Yale, Brown and Dartmouth has remained “capped” at essentially the same levels throughout the period.
- The so-called “Holistic” evaluation of applicants by Ivy League colleges disproportionately penalizes Asian-American applicants during the admission process, allowing admissions officers to unreasonably perceive Asian-Americans’ academic strengths as weaknesses and to unjustifiably give Asian-American students low scores in non-academic areas.
- The discrimination against Asian-Americans does not help disadvantaged individuals. At Ivy League colleges, race-based preferences mainly result in the admission of applicants from privileged, rather than disadvantaged, backgrounds.

III. AACE’s view on college admissions.

Asian-Americans have contributed significantly to progress in American education and care deeply about education in disadvantaged communities. However, as a community that has been adversely and unlawfully affected by race-based affirmative action in college admissions, we do not support its continuation. We believe the best way to increase diversity in higher education is to improve K-12 education in disadvantaged communities. This could be supplemented with economic-condition-based affirmative action in college admissions, which is a better alternative to the current race-based approach because it would be fair and would target individuals who are actually disadvantaged (rather than just members of a particular race).

IV. The discrimination by Yale, Brown and Dartmouth against Asian-Americans.

In recent years, numerous studies have uncovered overwhelming evidence that Yale, Brown, Dartmouth and other Ivy League institutions are engaged in systematic and continuous discrimination against Asian-Americans in the college admissions process:

- **Golden (2007)**²—Daniel Golden found racial discrimination against Asian-Americans by elite universities so severe that in his book, *The Prices of Admission, How America’s Ruling Class Buys Its Way into Elite Colleges—and Who Gets Left Outside*, he dedicated a special chapter, “The New Jews,” to compare it to the discrimination suffered by Jewish Americans in the 1920’s and 1930’s. He found that, “*most elite universities have maintained a triple standard in college admissions, setting the bar highest for Asians, next for whites and lowest for blacks and Hispanics.*” He provides quantitative evidence that Yale, Brown, Dartmouth and other elite schools use various stereotypes to discriminate against Asian-American applicants. He cites numerous examples of Asian-American students who overcame dire family poverty, immigrant adversity and other enormous personal hardships to achieve stellar

academic performance and extracurricular triumphs, only to be rejected by all their top university choices.

- **Espenshade & Radford (2009)**³—Asian-Americans have the lowest acceptance rate for each SAT test score bracket, having to score on average approximately 140 point higher than a white student, 270 points higher than a Hispanic student and 450 points higher than a black student on the SAT, in order to gain admission. *See Exhibit 2-3.*
- **Unz (2012)**⁴—The percentage of Asian-Americans at Yale peaked at 16.8 percent in 1993, then dropped by about 3 points to a roughly constant level, despite the fact that the Asian-American college-age population has more than doubled since 1993. Unz found similar patterns at Brown, Dartmouth and other Ivy League colleges. *See Exhibit 1.*
- **Sander (2014)**⁵—No other racial or ethnic group at “three of the most selective Ivy League colleges” is as underrepresented relative to its application numbers as are Asian-Americans.
- **French (2015)**⁶— “[U]nless admissions committees gave rich black and Latino kids dramatic advantages, they wouldn’t be able to hit their diversity targets. At the Ivy League level, affirmative action is an enhanced-opportunity program for favored rich kids....It was sobering to see the immense achievement gap between most of the black and Latino applicants and their white and especially Asian counterparts.”
- **Harberson (2015)**⁷—Former dean of admissions: “[H]olistic admissions can allow for a gray zone of bias at elite institutions, working against a group such as Asian Americans that excels in the black-and-white world of academic achievement.”
- **Individual Cases.** There are numerous cases of highly qualified Asian-American applicants denied admission to Yale, Brown, Dartmouth and other elite schools while less qualified class members of other races were accepted. In just one example, of over 700 Class of 2015 graduates of Western High School in Davie, Florida, the top four students were Asian-American, with outstanding academic and extracurricular achievements (unweighted GPA 4.0; average SAT score 2350/2400). Yet, none of them were accepted by Ivy League colleges, while six non-Asian class members, all ranked lower or even unranked, were accepted by Ivies, including Yale, University of Pennsylvania, Brown, and Cornell.

Based on data from the Department of Education (see following table),⁸ *de facto* racial quotas have been imposed on Asian Americans at Yale University and Brown University for more than 20 years, and at Dartmouth College for more than 10 years. In particular, among all Ivy League Colleges, Brown and Dartmouth have the lowest admission rates for Asian-American students.

**Percentage of Asian American Undergraduate Enrollment
U.S. Department of Education Data**

Year	Brown University	Dartmouth College	Yale University
1995	15.30%	8.70%	16.10%
1996	15.60%	8.70%	16.80%
1997	15.30%	9.10%	16.50%
1998	15.20%	10.20%	16.10%
1999	14.70%	9.80%	14.60%
2000	14.90%	10.20%	14.50%
2001	14.50%	10.50%	13.80%
2002	13.70%	11.60%	13.50%
2003	13.60%	12.20%	13.40%
2004	13.50%	13.40%	13.60%
2005	13.70%	13.50%	13.69%
2006	13.90%	13.40%	13.50%
2007	15.30%	13.60%	13.69%
2008	15.90%	13.60%	13.76%
2009	15.40%	14.50%	14.33%
2010	14.58%	14.50%	14.17%
2011	13.51%	14.13%	15.26%
2012	12.13%	14.21%	16.14%
2013	12.26%	13.83%	16.49%
2014	12.87%	13.91%	16.58%

The most rational conclusion supported by overwhelming empirical evidence is that the Ivy League Colleges actively discriminate against Asian-Americans and that such discrimination is ongoing.

The discriminatory practices by Yale, Brown, Dartmouth and other Ivy League colleges have caused tremendous harm to students in the Asian-American community, including stress/mental health issues; pressure to study more as the bar is raised higher; lack of trust in American institutions; self-identification crises; and fortification of racial barriers. For each and every Asian-American college applicant, such discrimination engenders a feeling that, being Asian-American, he or she is somehow less American than peers of other racial backgrounds.

In its ugliest essence, such discrimination is in the same vein as historical measures that discriminated against Asian-Americans, such as laws preventing their children from attending “white” schools, the Chinese Exclusion Act of 1882, and the internment of Japanese-Americans during World War II. Shockingly, America’s elite universities, even today, are still violating the civil rights of Asian-American applicants on a continuous and systematic basis, and have been able to carry out their patently unconstitutional activities with little or no governmental intervention. It is therefore imperative for the federal government to intervene in a forceful

manner to protect the constitutional rights of Asian-American applicants from continued infringement by Yale, Brown, Dartmouth and other elite universities.

As early as 2006, Asian-American students began to file individual complaints with the Office for Civil Rights (OCR), Department of Education, regarding discrimination by Ivy League colleges against Asian-American students in the admissions process. During the ensuing decade, multiple research papers and studies, including those cited above by Daniel Gordon, Thomas Espenshade, Ron Unz, Richard Sander and others, have been published, all substantiating the existence of such discrimination. However, to date, government agencies, including the OCR and DOJ, have done very little to vindicate and protect Asian-American students' constitutional rights.

In June 2015, the OCR rejected a joint complaint by AACE's founders and over 60 Asian-American organizations against Harvard University, citing procedural reasons. In September 2015, based on a flawed investigation, the OCR issued a report stating it had found no discrimination by Princeton against Asian-American applicants.

Because of wide-spread disappointment within the Asian-American community over previous handling of complaints of discrimination against Asian-American students in Ivy League college admissions, in order to rebuild the trust of the Asian American community, AACE strongly urges that the OCR and DOJ set up oversight committees, including delegates from AACE to represent the Asian-American community, to demonstrate to all the objectivity and rigor of their investigations into the complaints of discrimination against Asian-American applicants by Yale, Brown and Dartmouth.

V. Specific Laws Violated.

The discrimination against Asian-American applicants by Yale, Brown and Dartmouth violates Title VI of the Civil Rights Act of 1964, and the Fourteenth Amendment to the U. S. Constitution. Because these Ivy League colleges maintain *de facto* quotas for Asian-Americans, their use of race cannot be justified under relevant Supreme Court decisions. *See, e.g., University of California Regents v. Bakke*, 438 US 265, 289, 320 (1978).

VI. Prayer for Relief.

Complainants request that the Department of Education and the Department of Justice grant and enforce the following remedies:

- 1) Require the Office of Civil Rights (OCR) of the U.S. Department of Education, and the Educational Opportunities Section of the Department of Justice's Civil Rights Division to launch objective investigations into the racial discrimination complained of herein.
- 2) Establish oversight committees to ensure the objectivity of the investigations, including delegates from AACE to represent the Asian-American community.

3) Require Yale University, Brown University and Dartmouth College to immediately cease and desist from using stereotypes, racial biases and other discriminatory means in evaluating Asian-American applicants during the admissions process.

4) Require Yale University, Brown University and Dartmouth College to immediately cease and desist from using racial quotas or racial balancing in the admissions process.

5) Require Yale University, Brown University and Dartmouth College to immediately cease and desist from using race in the admissions process; OR, in the alternative, require these institutions to strictly limit use of race to the extent permissible under relevant Supreme Court decisions.

6) Require Yale University, Brown University and Dartmouth College to limit the subjective components in the applicant evaluation process, using them only to the extent justified by the goals of education, not racial balancing.

7) Require Yale University, Brown University and Dartmouth College to disclose the qualifications of their applicant pools, at least at a level comparable to such data disclosed by elite public universities, given that they, too, are the recipients of significant federal funding.

8) Require the Office of Civil Rights, Department of Education and/or Civil Rights Division, Department of Justice to take proper measures as are necessary to ensure that Yale University, Brown University, Dartmouth College and other Ivy League colleges never again discriminate against Asian-American applicants or applicants of other races.

Respectfully submitted,

Asian American Coalition for Education

Exhibit 1: Trends of Asian enrollment at Caltech and the Ivy League colleges, Compared with growth of Asian college-age population (by Unz):

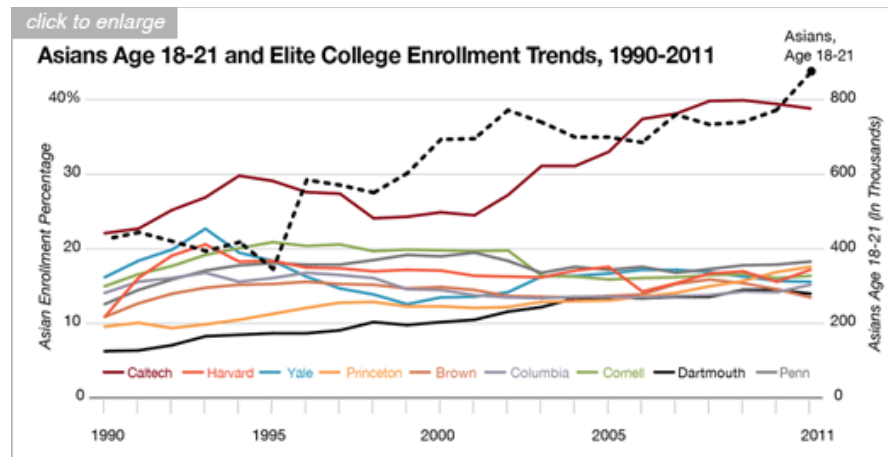


Exhibit 2: College Admission Rate by Race by SAT Bracket
(by Espenshade, Thomas J. & Alexandra Radford):

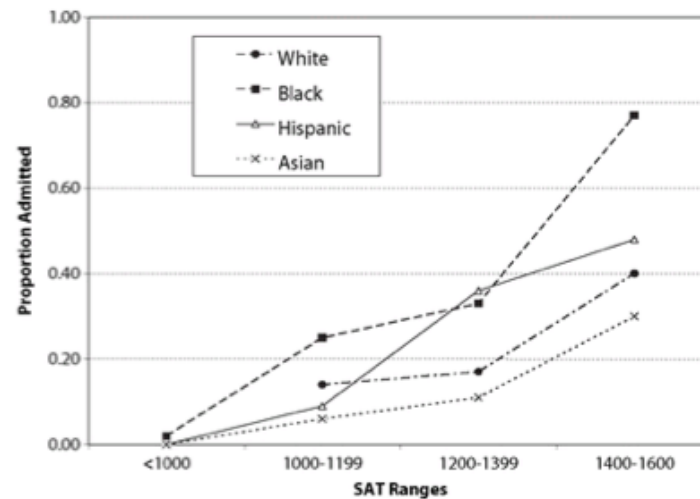


Exhibit 3: College Admission Equivalent SAT Score by Race

(by Espenshade, Thomas J. & Alexandra Radford):

Item	Public Institutions	Private Institutions
	ACT-Point Equivalents (out of 36)	SAT-Point Equivalents (out of 1600)
Race		
(White)	—	—
Black	3.8	310
Hispanic	0.3	130
Asian	-3.4	-140
Social Class		
Lower	-0.1	130
Working	0.0	70
(Middle)	—	—
Upper-Middle	0.3	50
Upper	0.4	-30

References:

1. Complaint filed by founders of AACE, joined by more than 60 Asian-American organizations, against Harvard University, on May 15, 2015, with the Office for Civil Rights, U.S. Department of Education, and the Civil Rights Division, U.S. Department of Justice.
2. Golden, Daniel, *The Prices of Admission, How America's Ruling Class Buys Its Way into Elite Colleges—and Who Gets Left Outside*, New York: Three Rivers Press, 2007.
3. Espenshade, Thomas J. & Alexandra Radford, *No Longer Separate, Not Yet Equal: Race and Class in Elite College Admission and Campus Life*, Princeton University Press, 2009.
4. Unz, Ron. *The Myth of American Meritocracy: How corrupt are Ivy League admissions?* The American Conservative, Nov. 2012, at 14-51, found at <http://www.theamericanconservative.com/articles/the-myth-of-american-meritocracy/>.
5. Sander, Richard & Medha Uppala, *The Evolution of SES Diversity in the Applicant Pool of Highly Selective Universities*, 1994-2012.
6. French, David. *What Ivy League Affirmative Action Really Looks Like — from the Inside*, National Review, May 18, 2015.
7. Harberson, Sara. *The Truth About 'Holistic' College Admissions*, Los Angeles Times, June 9, 2015.
8. See National Center for Education Statistics, found at <https://nces.ed.gov/ipeds/datacenter/>.