

EXHIBIT 117

STATEMENT OF FINDINGS

BACKGROUND

During the past few years, there has been growing concern within the Asian American community over the possibility of discrimination in the selection of applicants for admission by some of the most prestigious colleges and universities in the country. As articulated in numerous media reports and journal articles, the basic thrust of the concern has been that, despite superior academic credentials in terms of high school performance and standardized test scores, Asian Americans have been admitted to selective schools at a rate lower than white applicants and other minority group applicants. Charges that schools are setting quotas to limit the number of Asian American students admitted in the face of their growing numbers of applicants, have been leveled by community leaders and reported in the media. Although administrators at most private, selective universities deny discriminatory practices or the use of quotas, at least two, Brown and Stanford, formed committees to review their own policies and practices. Brown concluded that there was evidence of discrimination in their admissions process which adversely affected Asian American applicants. At Stanford, a committee found that they could not completely explain why Asian Americans were admitted at a lower rate than white applicants, although they found no evidence of conscious bias or implicit quotas.

While the possibility of discriminatory admissions practices continues to be debated, there is general consensus that, since the mid-1970s, the number of Asian Americans applying to colleges and universities has nearly doubled. Further, it is recognized that Asian Americans collectively represent a highly qualified group of applicants; in some areas such as Scholastic Aptitude Test (SAT) Math, Asian American students score higher than white students.

At Harvard, interest in the admission of Asian American students dates back to the mid-1970s, when Asian American and other minority groups sought to increase the recruitment and admission of minority applicants. A major objective of the Harvard Asian American student group then was to be recognized by Harvard as a minority group, and included in the affirmative action programs of the Admissions Office. By 1983, student concerns included their belief that stereotypes of Asian Americans held by Admissions Officers contributed to the low percentage of applicants admitted, a rate below that for all other ethnic groups, including whites. A further concern was the small number of Asian Americans from disadvantaged backgrounds who were admitted.

In the Spring 1987 issue of The Public Interest, Bunzel and Au suggested, based primarily on their review of published SAT scores, that the lower Asian American admission rate at institutions including Harvard could not be explained by a less qualified Asian American applicant pool. Further, they asserted that there was insufficient evidence that Asian American applicants scored lower on other criteria, such as extracurricular activities and other non-academic areas, which might account

for the lower admission rate. Similarly, they were not persuaded that special consideration given to certain groups of applicants, such as geographical preferences, children of alumni or faculty, or minorities sought through affirmative action programs, fully explained the disparity between white and Asian American admit rates.

In January 1988, Harvard, through the Dean of Admissions and Financial Aid, issued a "Statement on Asian American Admissions at Harvard-Radcliffe" which, in part, responded to concerns raised about "under-representation" of Asian Americans at Harvard and rumors of quotas. In light of the vigorous efforts to recruit Asian Americans, and the new record set each year of the last decade in the number of Asian American students admitted, Harvard felt that claims that the school might be limiting Asian American opportunities were unfounded. The difference in admission rates for Asian Americans and whites, about 3.7% (13.3% vs. 17.0%) over a 10 year period, including the Classes of 1982 through 1991, was explained as follows:

While Asian Americans are slightly stronger than whites on academic criteria, they are slightly less strong on extracurricular criteria. In addition, there are very few Asian Americans in our applicant pool who are alumni/ae children or prospective varsity athletes. When all these factors are taken into account, the difference in admission rates for the two groups disappears. Those with comparable extracurricular and athletic credentials are admitted at the same rates. This is also true for Asian American alumni/ae children.

The issue of possible discrimination against Asian American applicants to selective colleges and universities came to the attention of the Office for Civil Rights (OCR) from a number of sources, including various individuals and Asian American organizations, the multitude of media reports, and articles contained in scholarly journals. In addition, specific concerns about the undergraduate admissions program at Harvard were raised directly to the Department of Education (Department) and to OCR. Consequently, OCR decided to initiate a compliance review to determine whether Harvard was complying with Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the bases of race and national origin by institutions receiving Departmental funds.

In this review OCR first sought to determine whether Asian Americans were admitted to Harvard at a significantly lower rate than whites. If true, we would then seek to explain why the disparity existed, and whether any explanations, or the admissions process itself, indicated discrimination against Asian Americans, in violation of Title VI. Included in our review was an examination of the alleged quota issue, and also the general treatment of Asian Americans in the admissions process.