

EXHIBIT 217

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE
(HARVARD CORPORATION),

Defendant.

Civil Action No.
1:14-cv-14176-ADB

DECLARATION OF LEE CHENG

I, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am an individual over eighteen years old and of sound mind, who has never been convicted of a felony, is capable of making this declaration, and is fully competent to declare as to matters stated herein.

2. I am a member of Students for Fair Admissions (“SFFA”).

3. I am an alumnus of Harvard who currently resides in Santa Ana, California.

4. I have been an alumni interviewer for Harvard since Fall 1993.

5. In my capacity as an alumni interviewer, I have interviewed candidates for Harvard’s incoming freshman class from California high schools for the last 23 years.

6. Alumni/ae interviewers evaluate applicants for admission in a number of respects. Harvard has historically provided a form that asks alumni/ae interviewers to evaluate students based on: (1) Academics; (2) Extracurricular Activities; (3) Personality; and (4) a composite, overall rating.

7. For each category, and overall, interviewers are asked to provide a score from 1-5 based on the interviewer's assessment, with 1 being the best and 5 being the worst and not suitable for Harvard. Each score in each category is defined in detail, and interviewers also are allowed to give "-" and "+" for each numerical score, e.g. "1-" or "2+" to provide more granularity in assessments. For instance, a "1" in Academics would require a near perfect grade point average and near perfect SAT/ACT scores, and the interviewer would need to consider the student a rare talent capable of graduating from Harvard *summa cum laude* (highest honors). By comparison, a "2" would mean the applicant had near perfect grades and test scores and have *magna cum laude* (high honors) potential. Contrary to assertions that non-academic criteria are hard to compare, Harvard's definitions for Extracurricular Activities and Personality scores, as set forth in the instructions Harvard provides to alumni/ae interviewers, describe in detail exactly what achievements or traits should be awarded which score. For instance, a "1" in Extracurricular Activities would mean the student is a rare talent and prizewinner at the national or international level, and a "2" would mean demonstrated achievement at a regional or state level. In addition to the numerical scores, Harvard requests interviewers to provide details and justifications in writing, particularly for higher scores. Finally, there are a few boxes to permit and solicit entries for describing special circumstances or disadvantages overcome.

8. In recent years, interview evaluation forms are completed online through the Harvard Alumni Association web site. They are accessible through a password-protected portal, and once completed, can be submitted to the Admissions Office electronically through the portal.

9. In my 23 years of interviewing Harvard applicants, I have interviewed numerous applicants from a variety of ethnic groups who have demonstrated extraordinary achievements in all areas.

10. However, I believe that the Asian-American applicants I have interviewed have been, on average, stronger applicants for admission than applicants of any other racial group in the Academic and Extracurricular Activities categories. As to the Personality category, which is more subjective, it has been my experience that Asian American applicants, as a group, are no less appealing than applicants from any other ethnic group.

11. Yet, in my experience, Harvard has routinely rejected or disfavored Asian-American applicants with very high levels of Academic and Extracurricular Activities achievements, and favored and admitted other applicants, particularly Hispanic or African-American candidates, who have had on average lower, and sometimes much lower, academic and extracurricular qualifications. I have personally never seen an Asian American candidate admitted with Academic qualifications that are typical for the African American or Hispanic candidates I have seen admitted. Studies appear to show that Asian American candidates also have higher average Academic achievements than white candidates, but I was not able to discern any difference in the applicant pool I interviewed.

12. The Asian American candidates I interviewed may or may not have had better "Personalities," but on average, they were no less appealing than the white, Hispanic or African-American candidates I interviewed.

13. On several occasions, it was made clear to alumni/ae interviewers, including me, that certain African-American or Hispanic candidates were of special interest to Harvard, and that we should make every effort to recruit and convince those candidates to matriculate at Harvard. No such directive, instruction or guidance, to my recollection, was ever given for any Asian-American candidate.

14. In my experience, it is abundantly clear that Asian-American applicants who do not have near perfect test scores and GPAs, and superlative extracurricular activities, have little chance of gaining admission. In contrast, students from groups considered “underrepresented” are considered strong candidates notwithstanding lower grade point averages and SAT scores, regardless of socioeconomic circumstances.

15. For example, I interviewed two candidates of the same gender, with one being clearly superior in terms of Academics and Extracurricular Activities. Based on Harvard’s definitional instructions for the evaluation criteria, the gap was at least 1 whole number (basically a “2” versus a “1” in all evaluation categories and overall). Yet I was told that admissions officials at Harvard were highly interested in the candidate with clearly lower qualifications. This candidate was not disadvantaged in any way I could determine based on my interview or review of his/her record in terms of socioeconomic background. Moreover, this candidate could not be easily identified as an “underrepresented” minority—I would not have known had the candidate not made the declaration on his/her application and essay. The candidate’s application essay, however, explicitly minimized one aspect of his/her bi-/multi-racial heritage, and explicitly emphasized membership or connection with an “underrepresented” group. On inquiry, it turned out that the claimed connection was not based on a blood relationship. This candidate, and not the other who was objectively more qualified in every way, was the one Harvard asked to be put in a group for alumni/ae interviewers to review and try to make a special effort to recommend for acceptance.

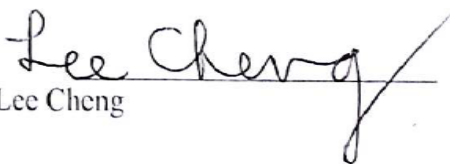
16. I informed Harvard about my dismay that the university would make its racial preference so obvious and clear that young people would feel that it was necessary to deny, suppress, or repudiate part of their own heritage, and to emphasize the other part, clearly in an

effort to gain advantage in the admissions process, and that Harvard would identify a candidate as more desirable than another for no discernible reason other than his or her race.

17. Based on my experience, Harvard has been and continues to discriminate against Asian-American applicants for admissions on the basis of race.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Executed on this day, August 4, 2017.


Lee Cheng