

EXHIBIT 15

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE (HARVARD
CORPORATION),

Defendant.

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

Leave to file granted on July 31, 2018

**DECLARATION OF EMILY VAN DYKE
(NATIVE AMERICAN ALUMNI OF HARVARD UNIVERSITY)**

Emily Van Dyke, pursuant to 28 U.S.C. Section 1746, declares the following:

1. My name is Emily Van Dyke, and I am a 2003 graduate of Harvard College. I am currently the President of the Native American Alumni of Harvard University (“NAAHU”) and am submitting this declaration individually and on behalf of NAAHU.
2. NAAHU’s Board members have discussed this lawsuit and voted unanimously to participate as amicus curiae in support of Harvard’s race conscious admissions policy. NAAHU’s Board members also authorized me to submit this declaration on behalf of the entire organization.
3. NAAHU was created as an official Special Interest Group at Harvard in 2007 with the purpose of developing a network and sense of community among Harvard Native American, Alaska Native, and Native Hawaiian alumni and encouraging involvement with the current Native American, Alaska Native, and Native Hawaiian communities at the University.

4. NAAHU's stated mission is to maintain, expand, and promote a network of Harvard Native American, Alaska Native, and Native Hawaiian alumni; to develop a sense of community among alumni, faculty, staff and students; to encourage alumni involvement in University affairs that affect Native American, Alaska Native, and Native Hawaiian communities within the University; to increase alumni participation with and investment in undergraduate and graduate Native American, Alaska Native, and Native Hawaiian student communities; and to assist the University in recruitment and retention of Native American, Alaska Native, and Native Hawaiian candidates for undergraduate and graduate programs and faculty and administrative positions.

5. Issues of diversity have particular resonance to Native students and alumni of Harvard given our history with the University and the challenges that Native students face while on campus.

6. Harvard's Charter, dated May 31, 1650, specifically states that the college was established for the "education of the English and Indian youth of this country." Thus, from its very inception, Harvard was meant to be a place of learning for racially diverse students, including Native students.

7. Unfortunately, the number of Native students at Harvard is extremely small. Harvard Admissions reports that Native American student admissions grew marginally for the Class of 2022: 2% up from 1.9%. When I was at Harvard, I was generally the only student in my courses who spoke on behalf of Native issues. Only in my senior year, when I took an indigenous art class taught by a visiting professor, did I have the chance to take a course surrounded by other students who identified as American Indian/Alaska Native (there were four of us from all Harvard schools).

8. Due to our small numbers, Native students are often placed in the position of providing the “Native” perspective to faculty and fellow students. Given that there are 573 federally-recognized Native American tribes, it is impossible to represent all the different histories, experiences, and interests of Native people. However, having some Native American perspective is better than none at all. For example, I once had to ask an Economics professor if he would consider modifying his near-daily use of the term “areas of recent settlement” to refer to the Americas. This can be an exhausting and unfair burden to place on a young Native student at Harvard to try to speak to all those incidences in which indigenous peoples are erased from narratives.

9. Our small numbers can make Harvard a very isolating place to go to school, especially for Native students who have spent their entire lives on a reservation. It is, therefore, tremendously helpful and comforting to have a community of Native students to serve as a network and support system or to commiserate or laugh with when people say ignorant things about Native people.

10. An example of a Native student struggling at Harvard is a good friend of mine, Duane Meat, who was supposed to graduate in 2007. Duane was a member of the Ojibwe tribe, who came to Harvard from the Leech Lake Reservation near Minneapolis. He was a gifted and brilliant student and served as President of the Native Americans of Harvard College (“NAHC”), a student organization for Native American students, and co-chair of the Student Advisory Committee of the Harvard Foundation for Intercultural and Race Relations.

11. Despite Duane’s many leadership roles, however, he was struggling to feel he belonged in the Harvard community. This affected his schoolwork, and he was eventually placed on academic probation. While he was on probation, he was shot and killed in Minneapolis.

12. I often think about what Duane could have become had there been more support for him while he was at Harvard. It would have made a tremendous difference to have more Native Americans around him to help make him feel like he belonged at Harvard. Those of us active in Harvard's Native American community continue to honor his memory at the Harvard Powwow and other events. His story is a stark reminder of the importance of finding and building a support network for Native students during their time at Harvard.

13. What happened to Duane affected me deeply because he welcomed me into Harvard's small Native American community. My maternal grandfather is from the Siksika Nation, which is part of the Blackfoot Confederacy, but he was forcibly removed from his family and traumatized in boarding schools, where he was indoctrinated not to speak about his ancestry or to use the Blackfoot language. As a consequence, we have little official documentation of my family's connection to the Siksika Nation, so Duane's encouragement to become active with NAHC given my heritage and affinity for this group provided me with a home among Native students and support staff at Harvard.

14. In line with its mission, NAAHU is deeply concerned for current and future Native American, Alaska Native, and Native Hawaiian students should Harvard be prevented from considering race in its admissions policy. Harvard provides enormous and thrilling opportunities, yet it can be alienating if absolutely no one else in your class, cohort, or school has experienced life as you have. There are only a few Native students, if any, in any given class. Having even fewer Native students would be devastating.

15. The Harvard University Native American Program ("HUNAP") is an interfaculty initiative created to promote Harvard's academic work and curriculum on Native American issues; to encourage the Harvard community to conduct outreach in Indian Country on issues of pressing

concern; and to help recruit, retain, and graduate more Native American students at Harvard. While HUNAP has been an important focal point for Native students, it only has a staff of 2.5 individuals, and its continued existence can be precarious at times, especially with a widely fluctuating Native student population from year to year. For example, during my senior year at Harvard, the Provost questioned whether HUNAP should continue to exist. I participated in an extensive internal review that demonstrated HUNAP's importance to the university and helped ensure its survival. Yet these issues arise perennially with changes in Harvard leadership. Decreasing the number of Native students could potentially jeopardize HUNAP's existence again.

16. Removing race consciousness from Harvard's admission process would also detrimentally affect Native students' ability to apply to Harvard. If students cannot even discuss their home reservation (since that would likely identify their race), how can they possibly expect to give the Harvard Admissions Office a reasonably full picture of who they are in their admissions essays?

17. As alumni, the members of NAAHU vividly remember the education we respectfully provided to fellow students and, when appropriate, to professors, regarding indigenous history and current affairs. There is a burden and a privilege to being in the position to represent "the Native perspective." All students would lose if these perspectives are no longer represented at Harvard.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this day, July 25, 2018

s/ Emily Van Dyke

Emily Van Dyke