

Exhibit 13

TRIAL EXHIBIT

P434

SFFA v. Harvard

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EXPERT REPORT OF PETER S. ARCIDIACONO

**Students for Fair Admissions, Inc. v. Harvard
No. 14-cv-14176-ADB (D. Mass)**

Table 4.1: Admission/Rejection Shares by Application Rating and Race/Ethnicity

	White			African American			Hispanic			Asian American		
	Reject	Admit	Total	Reject	Admit	Total	Reject	Admit	Total	Reject	Admit	Total
Academic rating												
<3-	10.52	0.00	10.08	55.41	0.11	51.84	38.33	0.00	36.31	8.74	0.00	8.39
=3-, 3, or 3+	46.66	12.09	45.21	39.57	41.68	39.71	48.46	37.92	47.91	34.09	7.08	33.02
>3+	42.82	87.91	44.71	5.02	58.21	8.45	13.21	62.08	15.78	57.18	92.92	58.59
Extracurricular rating												
<3-	3.79	0.77	3.66	7.93	0.87	7.48	6.02	1.15	5.76	2.11	0.14	2.03
=3-, 3, or 3+	74.53	25.87	72.49	79.57	48.05	77.53	79.90	41.35	77.87	73.02	23.04	71.04
>3+	21.68	73.36	23.85	12.50	51.08	14.99	14.08	57.50	16.37	24.87	76.82	26.93
Athletic rating												
<3-	33.76	33.04	33.73	43.94	35.83	43.41	43.45	41.61	43.36	47.01	49.26	47.10
=3-, 3, or 3+	54.04	46.23	53.72	49.82	50.28	49.85	49.57	42.91	49.22	48.34	43.64	48.16
>3+	12.20	20.73	12.55	6.25	13.89	6.74	6.98	15.48	7.42	4.64	7.10	4.74
Personal rating												
<3-	0.45	0.00	0.44	0.51	0.00	0.48	0.53	0.00	0.50	0.50	0.00	0.48
=3-, 3, or 3+	81.77	15.90	79.01	85.22	25.49	81.37	84.73	21.76	81.42	85.10	25.84	82.76
>3+	17.78	84.10	20.56	14.26	74.51	18.15	14.74	78.24	18.08	14.40	74.16	16.76
Teacher 1 rating												
<3-	0.59	0.00	0.57	1.16	0.00	1.07	0.89	0.00	0.84	0.53	0.00	0.51
=3-, 3, or 3+	70.64	22.44	68.56	83.62	39.74	80.48	78.75	37.23	76.38	70.81	25.15	68.96
>3+	28.77	77.56	30.87	15.22	60.26	18.44	20.36	62.77	22.78	28.66	74.85	30.53
Teacher 2 rating												
<3-	0.49	0.00	0.47	0.80	0.00	0.73	0.87	0.00	0.81	0.53	0.07	0.51
=3-, 3, or 3+	69.46	22.07	67.10	82.48	40.67	78.77	77.69	31.94	74.60	70.45	24.35	68.38
>3+	30.05	77.93	32.43	16.72	59.33	20.50	21.44	68.06	24.58	29.02	75.58	31.11
School counselor rating												
<3-	0.65	0.00	0.62	2.05	0.00	1.90	1.33	0.00	1.25	0.67	0.00	0.65
=3-, 3, or 3+	75.56	23.37	73.27	86.51	42.70	83.37	83.51	41.44	81.11	76.29	27.80	74.30
>3+	23.80	76.63	26.10	11.44	57.30	14.73	15.16	58.56	17.63	23.04	72.20	25.06
Alumni Personal rating												
<3-	7.55	0.37	7.17	10.77	0.99	9.93	10.26	0.23	9.53	8.59	0.21	8.18
=3-, 3, or 3+	31.64	5.83	30.28	35.75	8.24	33.39	35.80	6.28	33.65	31.97	6.50	30.73
>3+	60.81	93.80	62.55	53.48	90.77	56.68	53.93	93.49	56.82	59.44	93.29	61.09
Alumni Overall rating												
<3-	18.75	0.93	17.80	41.51	2.31	38.06	34.41	1.86	31.97	17.42	0.42	16.58
=3-, 3, or 3+	37.60	10.00	36.13	35.22	21.81	34.04	36.95	17.00	35.46	35.02	7.84	33.68
>3+	43.65	89.07	46.07	23.27	75.88	27.90	28.64	81.14	32.56	47.56	91.74	49.74
N	50,347	2,201	52,548	13,418	926	14,344	15,728	873	16,601	35,358	1,455	36,813

* Constructed using results from sumStatsSubRatTablesPoolRej.do

For each rating measure, more highly rated applicants are more likely to be admitted. This can be seen because the fraction of admits assigned to the lowest category (<3-) in each racial/ethnic group is almost always smaller than the fraction of total applicants assigned to the lowest category, while the fraction of admits assigned to the highest category (>3+) are always higher than the fraction of total applicants assigned to the highest category. For some of the rating categories in the baseline dataset, the probabilities are incredibly small—if not zero—if the applicant is rated in the lowest category. The share of admits is 0.1% or less for those who are in the lowest category for the academic, personal, either teacher rating, or the counselor rating.

Consistent with the objective measures in both the baseline and expanded datasets, Asian-American applicants rank higher than any other group based on their academic rating. For example, in the baseline dataset, 58.6% of Asian-American applicants are in the highest category (>3+), compared with 44.7% of whites, 14.7% of Hispanics, and 7.3% of African Americans. Almost 93% of Asian-American admits

were in the highest academic rating, compared to 88% of whites, 62% of Hispanics, and 58% of African Americans.

Asian-American applicants are substantially stronger in other dimensions as well. Compared to white applicants, Asian-American applicants have better extracurricular ratings and overall alumni ratings, similar teacher 1 ratings, but slightly lower ratings than whites on counselor, teacher 2, and alumni personal ratings. Asian-American applicants are stronger than African-American and Hispanic applicants on all these dimensions except two: the athletic and personal ratings). As shown in Section 2.4., the athletic rating is relatively unimportant.

For Harvard's personal rating, however, the difference is more striking and consequential. Asian-American applicants have the lowest share of applicants receiving 2- or better on the personal rating. These scores diverge significantly from the personal rating scores given by alumni interviewers, where Asian-American applicants fared better than African-American and Hispanic applicants and only slightly worse than white applicants. They also are inconsistent with testimony from Harvard's own admissions personnel, who firmly rejected the idea that Asian-American applicants were somehow lacking in personal qualities compared to other applicants.⁴⁷

It is worth pausing to note that the opportunity for racial penalties and preferences is least present in academic and extracurricular ratings for two reasons. First, both are easily measured. For the academic rating, Harvard's files contain information on the test scores of the students, their grades, number of AP exams taken and the scores on these AP exams, etc. For the extracurricular rating, lists of activities are included that specify the type of activity, the years the student participated in that activity, and the number of hours per week devoted to the activity. Second, they are specific, reflecting how an applicant scored on a particular set of tasks.

This is in contrast to the personal rating, which is difficult to measure directly, and the various ratings that reflect agglomerations of another individual's rating of a candidate along many dimensions (*e.g.*, the counselor and teacher ratings, as well as

⁴⁷ See, *e.g.*, Fitzsimmons Depo. at 347:10-348:2; Donahue Depo. at 165:17-167:12.

the overall ratings of the reader and the alumni interviewer). Harvard's Reader Guidelines illustrate why it would be easy to manipulate the personal rating. While the guidelines provide detailed instructions for the various other ratings, for the personal rating, the guidelines list only the following: "1. Outstanding. 2. Very strong. 3. Generally positive. 4. Bland or somewhat negative or immature. 5. Questionable personal qualities. 6. Worrisome personal qualities."⁴⁸

Harvard's OIR researchers in fact recognized racial differences in the assignment of personal ratings in 2013. Using data over ten years, they found that Harvard's admissions officers assigned substantially lower personal ratings to Asian-American applicants versus white applicants, especially when compared to the ratings assigned by teachers, counselors, and alumni interviewers.⁴⁹

These component ratings all contribute to the separate overall rating Harvard assigns to each applicant.⁵⁰ Here, I am using the ratings assigned by the last reader of the applicant file. Unlike the component ratings, Harvard's data also provide more detailed overall ratings for all years that include any pluses and minuses. For the purposes of this descriptive analysis, I aggregate the overall ratings of the final reader into four groups: 3- or less, 3, 3+, all 2's, and 1.

Table 4.2 shows the share of each racial/ethnic group that received a particular overall rating and, conditional on that rating, the probability of being admitted for the baseline and expanded dataset. Higher overall ratings are associated with higher probabilities of admission. Those who have an overall score of 3- or worse are almost always rejected: the admit rates for each group are below 0.03% in both the baseline and expanded datasets. In contrast, those who receive an overall rating of a 1 are always accepted (in both datasets).

⁴⁸ See HARV00000803-04.

⁴⁹ See HARV00065745.

⁵⁰ See McGrath Depo. at 159:2-5.