

**Introduced by Senators Huff, Bates, Fuller, Gaines, Nielsen, and  
Runner**

May 14, 2015

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Senate Resolution No. 28—Relative to Asian American students.

1 WHEREAS, Harvard University, one of the nation’s oldest,  
2 most prestigious postsecondary educational institutions, employs  
3 unconstitutional race-based admissions policies that disadvantage  
4 Asian American student applicants; and

5 WHEREAS, Statistical evidence shows that Harvard University  
6 holds Asian American student applicants to a far higher standard  
7 than other student applicants in the student enrollment process and  
8 that Harvard University uses racial classifications to engage in the  
9 same brand of invidious discrimination against Asian Americans  
10 that it formerly used to limit the number of Jewish students enrolled  
11 in its student body; and

12 WHEREAS, A recent lawsuit filed against Harvard University  
13 by Students for Fair Admissions cites an Asian American student  
14 applicant who was denied admission to Harvard University despite  
15 being valedictorian of a competitive high school, achieving a  
16 perfect ACT score and a perfect score of 800 on two of the SAT  
17 II subject exams, and participating in numerous extracurricular  
18 and volunteer activities; and

19 WHEREAS, This highly qualified student applicant was denied  
20 the opportunity to compete for admission to Harvard University  
21 on equal footing with other student applicants due to his race; and

22 WHEREAS, Harvard University has maintained roughly the  
23 same proportion of Asian American students to other ethnic groups  
24 for years despite changes in application rates and qualifications,  
25 and only the use of race or ethnicity as a dominant factor in

1 admissions decisions could account for the remarkably low  
2 admission rate for high-achieving Asian American student  
3 applicants; and

4 WHEREAS, In 2013, the Supreme Court of the United States  
5 affirmed in *Fisher v. University of Texas at Austin* that an  
6 applicant's race should only be considered in the admissions  
7 process when student body diversity cannot be achieved through  
8 other means; and

9 WHEREAS, There are race-neutral policies that Harvard  
10 University can use to achieve diversity in its student population,  
11 including limiting legacy preferences, increasing financial aid to  
12 attract minority students, and giving preference based on  
13 socioeconomic measures or ZIP Codes; and

14 WHEREAS, Other postsecondary educational institutions have  
15 acknowledged that if they used a race-neutral plan by which they  
16 automatically admitted the top 10 percent of each high school class  
17 in their state, they would actually increase their minority  
18 enrollment; now, therefore, be it

19 *Resolved by the Senate of the State of California*, That the Senate  
20 calls upon Harvard University to end its focus on a student  
21 applicant's race in its student enrollment process and to instead  
22 consider the overall individual contribution of each student  
23 candidate in a manner that does not have the practical effect of  
24 capping the number of Asian American students enrolled in its  
25 institution; and be it further

26 *Resolved*, That the Secretary of the Senate transmit copies of  
27 this resolution to the author for appropriate distribution.