

December 23, 2025

Alan M. Garber, President of Harvard University
c/o Ara Gershengorn, General Counsel
Harvard University Office of the General Counsel
Smith Campus Center, Suite 980
1350 Massachusetts Avenue
Cambridge, MA 02138

RE: Request for Meeting Regarding Harvard's New Alumni Interviewer Policy

Dear President Garber:

The NAACP Legal Defense and Educational Fund, Inc. (LDF) is deeply concerned by the recent changes that Harvard College has made to its alumni interviewer policies. Harvard's new policy reportedly requires alumni interviewers to remove all references to an applicant's race, ethnicity, or national origin from post-interview reports to the admissions office. Harvard's censorship policy disadvantages those Black, Asian and Pacific Islander, Latinx, and Indigenous American applicants as well as immigrants of color whose applications are more likely to discuss personal experiences that are inextricably intertwined with their race, ethnicity, or nationality.

Harvard's actions are not required by *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College (SFFA)* or any other aspect of constitutional, federal, or state law.¹ On the contrary, Harvard's actions conflict with *SFFA* itself and potentially run afoul of Title VI of the Civil Rights Act of 1964,² the Massachusetts Equal Rights Act,³ and Chapter 151C of the Massachusetts Fair Educational Practices Act,⁴ which forbid racially disparate treatment and actions with the effect of "limit[ing] or otherwise discriminat[ing]" based on race in admissions.⁵ In light of the persistent history of discrimination against Black people as well as other people of color and immigrants of color, Harvard's policy of removing any reference to race, ethnicity, or national origin from post-interview reports is far more likely to harm these student applicants. Harvard's censorship policy will serve to deny these students the ability to have the full breadth of their experiences included in their application materials. Because Harvard's policy mandates the disproportionate censorship and distortion of the stories of students who are Black, people of color, or immigrants of color, Harvard is now likely engaged in racial and national origin discrimination and must immediately rescind this unlawful and discriminatory policy.

Nationally, over two-thirds of Black, Latino, and Asian college applicants wrote about their experiences with race in the 2022-23 and 2023-24 admissions cycles, the cycles immediately before and after the *SFFA* decision.⁶ In contrast, less than half (45%) of white applicants wrote

¹ *SFFA*, 600 U.S. 181 (2023).

² Civil Rights Act of 1964 § 601, 42 U.S.C.A. § 2000d.

³ Mass. Gen. Laws ch. 93 § 102.

⁴ Mass. Gen. Laws. ch. 151C § 2.

⁵ *Id.*

⁶ See Sonja Starr, *Admissions Essays After SFFA*, 100 Ind. L.J. 847, 877-78.

about their racial experiences.⁷ And, on average over both cycles, 42% of Black and 37% of Latino applicants wrote about experiencing racial discrimination as compared to only 22% of white applicants.⁸

These patterns are unsurprising: it is well-established and well-known that students of color are substantially more likely to experience racial discrimination in education and other areas than white students. For example, Black and Latino elementary and secondary students are consistently disciplined more severely and more frequently than their similarly situated white peers.⁹ Educators are also more likely to have lower expectations for Black, Latino, and some Asian students.¹⁰ And Black students are more likely to attend underfunded schools.¹¹ Harvard's censorship policy thus disproportionately targets these Black and other students of color with the alteration of their applications materials, whereas white, non-immigrant, and other applicants are free to disclose different aspects of their identities without facing the same levels of censorship.

Throughout Harvard's admissions process, students are encouraged to describe how their backgrounds and experiences have shaped their perspectives. Yet, Harvard's censorship policy serves to erase certain narratives and penalize those students who are most likely to invoke their racial or cultural identity in admissions interviews. Harvard's policy in practice mandates the disparate treatment of Black applicants, immigrants of color, and other people of color whose racial and ethnic identities and experiences with discrimination impact their lives. Their experiences cannot be fully and accurately conveyed without reference to race or nationality. Harvard's censorship policy therefore disproportionately disadvantages Black, Latino, and Asian applicants and immigrants of color by denying them the ability to comply with Harvard's own requirement that the interviewees explain how their backgrounds have shaped their perspectives.

To the extent that Harvard's censorship policy extends beyond alumni interviews, its discriminatory effect is compounded. For example, if Harvard's policy extends to supplemental statements, letters of recommendation, or other evaluative criteria, the materials of applicants of color will be harmed throughout the application process. The result is that Black applicants and other applicants of color will be disparately and disproportionately denied an equal opportunity to present the complete personal narrative that is required by Harvard's application process.

⁷ *Id.*

⁸ *Id.* at 880.

⁹ Darling-Hammond, S. & Ho, E., *No Matter How You Slice It, Black Students Are Punished More: The Persistence and Pervasiveness of Discipline Disparities*, 10 AERA Open (finding that Black students were 3.6 times more likely to receive an out-of-school suspension and 3.4 times more likely to have been expelled than white students during the 2017-2018 school year); Nicholas A. Gage et al, *Exploring Disproportionate Discipline for Latinx Students With and Without Disabilities: A National Analysis*, 47 Behavioral Disorders 3, 9 (2021) (finding Latino students are two times more likely to experience exclusionary discipline than their white peers).

¹⁰ Harriet R. Tenenbaum & Martin D. Ruck, *Are Teachers' Expectations Different for Racial Minority Than for European American Students? A Meta-Analysis*, 99 J. Educ. Psych. 253, 271 (2007) (finding that teachers held lower expectations for and were less likely to offer encouragement to Black and Latino students compared to white students); Anna Chiang et al., *(Mis)Labeled: The Challenge of Academic Capital Formation for Hmong American High School Students in an Urban Setting*, 10 J. Se. Asian Am. Educ. & Advancement 1, 10 (2015) ("Some researchers have found that Hmong American students have been tracked into lower level courses and were held to low expectations by their teachers.").

¹¹ Bruce D. Baker, Matthew Di Carlo & Mark Weber, *The Adequacy and Fairness of State School Finance Systems* 18, Sch. Fin. Data Database (6th ed. 2024), <https://www.schoolfinancedata.org/the-adequacy-and-fairness-of-stateschool-finance-systems-2024/>.

Harvard's choice to adopt this policy with full awareness of its negative impact on Black, Asian and Pacific Islander, Latinx, and Indigenous American applicants and immigrants of color amounts to Harvard giving preferential treatment to white and other applicants who are much less likely to describe their racial identity, ethnicity, or nationality in their applications and interviews.

There is no legal requirement mandating Harvard's censorship policy. Indeed, in *SFFA*, the Supreme Court made clear that "nothing in this opinion should be construed as prohibiting universities from considering an applicant's discussion of how race affected his or her life, be it through discrimination, inspiration, or otherwise."¹² Thus, *SFFA* does not bar an applicant from discussing their own experiences with race. Rather, *SFFA* expressly allows Harvard to consider information provided by applicants about their own experiences with discrimination or affiliation with particular racial or ethnic groups.¹³ The Massachusetts Attorney General and State Executive Office of Education's recent guidance reinforces this point: "it is not unlawful for a school generally to take race into account in its operations and programming," and "a school may lawfully consider the ways in which a particular student's qualifications are related to their race[.]"¹⁴

LDF represented twenty-five Harvard student and alumni organizations comprised of more than 18,000 Asian American, Black, Latinx, Native, and white Harvard students and alumni as amici curiae in *SFFA*.¹⁵ Our former clients testified that their narratives in both interviews and personal statements can only be properly understood within the context of their race, culture, or national origin.¹⁶ For the same reasons, current students and alumni are calling on Harvard to repeal this policy. As the editors of the Harvard Crimson recently noted, Harvard's policy "substantially disadvantage[s]" applicants with racialized experiences by rendering their applications "less cohesive" and severely undermining the value of their alumni interviews.¹⁷

Worse, Harvard appears to have undertaken this policy without informing applicants.¹⁸ Harvard's assistant director of admissions reportedly stated in a training that, "[w]e don't want students to be debriefed on this kind of update and [alumni interviewers'] limitations in writing the report."¹⁹ Thus, an applicant may spend their entire interview recounting an experience that is incomprehensible absent the context of race without knowing that Harvard's censorship policy will render their interview incomprehensible. For example, Harvard's policy would make it difficult (if not impossible) to grasp the import of a young Black American's experiences facing

¹² *SFFA*, 600 U.S. at 230.

¹³ *Id.* at 230-31.

¹⁴ Ma. Office of the Attorney General & Executive Office of Education, Joint Guidance Clarifying Current Federal and State Laws Impacting the Commonwealth's Institutions of Higher Education and K-12 Schools (Sep. 23, 2025).

¹⁵ Brief of 25 Harvard Student and Alumni Organizations as Amici Curiae Supporting Respondents, *SFFA*, 600 U.S. 181 (2023) (No. 20-1199).

¹⁶ *Id.* at 29-31 (highlighting instances where applicants discussed their racial and ethnic identities in their applications). For example, one student testified that "she 'wrote very directly about how being the daughter of Chinese immigrants and being a kind of translator and advocate for them across barriers of cultural and linguistic difference . . . shaped [her] views on social responsibility.'" *Id.*

¹⁷ Crimson Editorial Board, *What Harvard Won't Let Interviewers Say*, THE HARVARD CRIMSON (Nov. 4, 2025), <https://www.thecrimson.com/article/2025/11/4/editorial-harvard-alumni-interview/>.

¹⁸ Cassidy M. Cheng & Elias M. Valencia, *Harvard Bans Alumni Interviewers From Writing About Applicants' Race, Ethnicity* (Oct. 27, 2025), <https://www.thecrimson.com/article/2025/10/27/admissions-alumni-interviews-race/>.

¹⁹ *Id.*

attacks from his peers based on the color of his skin or with bullying because he speaks Gullah Geechee creole.²⁰ Similarly, a Haitian immigrant's story of being inspired to enter public service after hearing the President baselessly accuse his community of eating cats and dogs would lose all its meaning. And an applicant's account of becoming the first Black student government president at their all-white school would be stripped of its significance without the mention of race.

Harvard's policy is contrary to the letter and spirit of federal and state civil rights laws. We ask Harvard to resolve these concerns immediately. To this end, we respectfully request a meeting to discuss this policy and its consequences. We look forward to working with you to restore compliance with civil rights laws and ensure that all applicants are afforded an equal opportunity to compete for admission.

If you have any questions, please contact Katrina Feldkamp (kfeldkamp@naacpldf.org) and Michael Turnage Young (mturnageyoung@naacpldf.org).

Sincerely,



Janai S. Nelson
President & Director-Counsel
NAACP Legal Defense & Educational Fund, Inc.

CC: Penny Pritzker, Senior Fellow of the Harvard Corporation
William R. Fitzsimmons, Dean of Admissions

²⁰ Cf., e.g., Clarence Thomas, *My Grandfather's Son: A Memoir* at 2, 29-30 (2007).