

Ivy Day for me was definitely very stressful and disappointing. One of my classmates got Harvard and another got Princeton. I got rejections from all of them. So I was like, Where is mine? Where is my acceptances? My name is Michael Wang. I personally filed a complaint against three of the top universities in the US about affirmative action. The fear of not going to an Ivy League at that point is I was wondering who would know my school if I don't attend an Ivy League when I'm going to an employer into an interview and they're asking me, what school did you go to? And they don't recognize the school. There was a fear in my head that, you know, I'd had to explain myself more, that I'd have to prove myself more. And I think me being an Asian American already, I already have so much I need to prove. I don't want to have more to prove that I'm capable at that point.

Ivy Leagues are notorious for their hyper selectivity and low acceptance rates of just 4 to 10% annually. Since the 1970s, students and education reform activists have alleged that universities use unfair admissions practices, particularly around how they consider race. Affirmative action or race conscious admissions policies was put in place after the 1964 Civil Rights Act in an effort to integrate populations that had been historically excluded.

“Affirmative action with the power of the federal government behind it, was able to encourage institutions to begin to show from year to year that they are enrolling African American students, in particular.”

This created unprecedented education and employment opportunities for marginalized ethnic communities, and studies published in the early 1990s also indicated white women were benefiting from affirmative action the most.

“Race conscious admissions made a huge difference, especially for the most selective institutions.”

Affirmative action has been a battleground topic since the 1970s and underwent reform due to several landmark federal court cases. The first case was filed against University of Washington Law School by a white student who was rejected and claimed the university prioritized less qualified students of color. Similar lawsuits filed by white students followed in 1978, 2003 and 2016, resulting in the Supreme Court ruling which upholds that race can be kept as one of many factors but not used as a quota system.

“When all things being considered are equal, affirmative action is used as a tiebreaker.”

But some Asian American students don't see it that way.

“Even the fact that when an Asian-American student is applying to these universities and there's a slight doubt in their head that maybe my race might be used against me, maybe I didn't work hard enough. Just even that thought being there is dangerous.”

Michael was rejected from his top choice universities, but he was accepted to two Ivy League schools. However, he chose to attend Williams College for undergrad instead. Michael believed his race may have been used against his application and wrote to three universities asking how race was used in admissions. He ultimately filed a formal complaint to the Department of Education when he didn't receive an answer addressing his question.

“You know, I found here that most of what they stated here was that they don't disadvantage Asian American students in their compliance, but they didn't really answer my question here.”

In a statement to CNBC, Yale says its admissions practices adhere to Supreme Court precedent, and Yale College will continue to consider race and ethnicity as one part of its careful whole person review of applications. Yale will never waiver in its commitment to assembling a diverse student body.”

“In my complaint, I brought up that one of my main concerns was that, is the fact that I am Asian-American something that actually benefits me or something that actually disadvantages me? My dad ended up joining this fight as well, so my dad and a bunch of other leaders in the Asian-American community formed the Asian American Coalition of Education. With that coalition together, they together filed a joint complaint against Harvard University.

“Since 2014, we have a lot of progress and I always ask my son, and well, contribute to community, service for the community. I encourage Michael to speak out. That's not just for me and for us. It's a for the community, for fairness for everyone.”

Michael and his dad are not alone in the fight against affirmative action. In October 2022, the Supreme Court will review two lawsuits against Harvard and UNC that could end race based admissions practices altogether. And

what makes these cases different from the affirmative action cases in the past, the plaintiffs are overwhelmingly Asian American.

“It is our hope that the justices will end the use of race and ethnicity, not only at Harvard and UNC, but at every college and university in the United States.”

Representing a group of anonymous students in these cases is the nonprofit Students for Fair Admissions, which has grown to over 20,000 members. In their case against Harvard, they claim affirmative action illegally uses race against them in admissions. Even if you don't think your kid will be affected because he's not applying to Harvard, he is. You know, this is your fight. So sign up to be members of SFFA.

“Asian-Americans have the highest grades, SATs and the most fulsome extracurricular activities, but they are downgraded. They're given demerits on their personality by Harvard's admissions officers. They are deemed less likable, less courageous, less honest, have fewer leadership capabilities. Harvard denies discrimination in its admissions process.”

In a court filing, Harvard defended its use of personality ratings as a methodically sound and race neutral approach to evaluating a candidate, indicating there is no evidence, statistical or otherwise, that the personal rating is discriminatory. And Asian American applicants were not held to a higher standard. Harvard did not respond to interview requests for this story. As the future of affirmative action hangs in the balance this fall, some proponents of the practice believe there may be more at stake for Asian Americans if it's deemed unconstitutional.

“There's an irony here when it comes to Asian American students, and the elimination of race conscious admissions isn't going to necessarily increase the chances of Asian-American applicants in gaining admissions.”

Mitchell Chang, who testified for UNC in the case heading to the Supreme Court, says getting rid of race-based affirmative action could ultimately hurt Asian Americans in college admissions. He says more universities could eliminate standardized testing to help level the playing field for Black and Latin students, whom studies have shown are at a disadvantage. However, Asian-Americans are known to score the highest on standardized tests, which the Ivies made optional at the start of the pandemic.

“In the long run, when you eliminate race conscious admissions, we may also be eliminating strongest aspects of an application from an Asian American applicant, especially from an immigrant population.”

So what should colleges and universities use to level the playing field for all students of color. Socioeconomic status, or SES, but when we only consider it without considering race, what we see is a drop in the enrollment of underrepresented student populations, especially African American students. As expert witnesses and activists prepare their arguments for the Supreme Court, it's young students who are left in the throes, whose futures could be determined by these rulings.

“In theory, I support affirmative action because I think it's necessary to take intentional action to rectify historical discrimination.”

“Race, first of all, is not the only diversification factor that we should consider. We should also consider a socioeconomic background.”

“If colleges didn't look at race, we probably have student bodies full of white people.”

“I feel without something to intentionally counteract that that discrimination and those inequalities are going to continue to exist.”

“Brown and Black students wouldn't have the same opportunities as white students.”

“The process is not right. It's not individualized. It doesn't consider me as an individual. It considers me part of this larger group that I may or may not share the same characteristics with.”

And for Michael, he's studying to become a lawyer to help the next generation of students in the fight for equity.

“I certainly hope that with my pursuit into the legal field that I can help out other students in the future if they suffer from the same situation I did by feeling discriminated against.”