

## H.R. \_\_\_\_\_ The Sunshine in Academic Admissions Act

(a) *Findings.*--The Congress finds the following:

(1) Citizens and taxpayers have a right to know whether Federally-funded institutions of higher education are treating student applications differently depending on the student's race, color, or national origin, and, if so, the way in which these factors are weighted and the consequences to students and prospective students of these decisions.

(2) Title VI of the Civil Rights Act of 1964 codified this right, forbidding in statute discrimination on the basis of race, color, or national origin by Federally-funded institutions, which includes nearly all colleges and universities.

(3) This prohibition has largely been ignored by the Supreme Court, which has allowed racially discriminatory admissions.

(4) However, in *Fisher v. University of Texas*, the United States Supreme Court in 2013 affirmed that strict scrutiny should be applied to universities admissions programs to ensure diversity is not defined as “mere racial balancing,” but has a compelling state interest to achieve diversity. The *Fisher* case clarified that any such discrimination is only permitted if it is necessary to achieve the educational benefits of a racially diverse student body.

(5) Therefore, colleges and universities must reevaluate their use of racially selective admissions policies. The costs of such policies cannot outweigh the supposed benefits. If a less discriminatory means could achieve similar results, the discrimination is not permissible.

(6) In order to ensure that these limitations are followed, colleges and Federally-funded institutions of higher education must make public through annual reports their use of race, color, and national origin, for admissions decisions so that Federal and State enforcement agencies and interested persons can monitor the schools.

(7) Additionally, college and universities must provide evidence sufficient to demonstrate that any such discrimination does not exceed the limits imposed by the *Fisher* case.

(8) Academic “mismatch” refers to a significant discrepancy between in academic qualifications between various groups within a student body, and is encouraged when universities lower their academic standards to artificially achieve a particular composition.

(9) Mismatch works a harm because it sets particular students up for lower than average achievement, higher dropout rates, less competitive majors and, perhaps most damaging, a disproportionately large student loan burden.

*(b) Reports on Admissions Process Required.--*

(1) **REPORT REQUIRED.**--Every academic year, each institution of higher education that receives funds from the Federal Government shall provide to the Office for Civil Rights of the Department of Education a report regarding its students admissions process, and the report shall be made publicly available.

(2) **DISCLOSURE OF CONSIDERATION OF RACE, COLOR, OR NATIONAL ORIGIN.**--

(A) **DISCLOSURE.**--The report required by this section shall begin with a statement of whether race, color, or national origin is given any weight in the student admissions process.

(B) **DEPARTMENTAL DISCLOSURES.**--If different departments within the institution have separate admission processes and any of those departments give any weight to race, color, and national origin, then the report shall provide the information required by subparagraph (A) of this paragraph and paragraph (3) for each department separately.

(3) **ADDITIONAL DISCLOSURES.**--If the disclosure required by paragraph (2) states that race, color, or national origin is given weight in the student admission process, then the report under this section shall also provide the following information:

(A) The racial, color, and national origin groups for which membership is considered a plus factor or a minus factor and, in addition, how membership in a group is determined for individual students.

(B) A description of how group membership is considered, including the weight given to such consideration and whether targets, goals, or quotas are used.

(C) A statement of why group membership is given weight, including the determination of the desired level claimed and, with respect to the diversity rationale, its relationship to the particular institution's educational mission.

(D) A description of the consideration that has been given to racially neutral or less discriminatory alternatives as a means for achieving the same goals for which group membership is considered.

(E) A description of how frequently the need to give weight to group membership is reassessed and how that reassessment is conducted.

(F) A statement of the factors other than race, color, or national origin that are collected in the admissions process. Where those factors include grades or class rank in high school, scores on standardized tests (including the ACT and SAT), legacy status, sex, State residency, economic status, or other quantifiable criteria, then all raw admissions data for applicants regarding these factors, along with each individual applicant's race, color, and national origin and the admissions decision made by the school regarding that applicant, shall accompany the report in computer-

readable form, with the name of the individual student redacted but with appropriate links, so that it is possible for the Office for Civil Rights or other interested persons to determine through statistical analysis the weight being given to race, color, and national origin, relative to other factors.

(G) An analysis, and also the underlying data needed to perform an analysis, of whether there is a correlation--

(i) between membership in a group favored on account of race, color, or national origin and the likelihood of enrollment in a remediation program, relative to membership in other groups;

(ii) between such membership and graduation rates, relative to membership in other groups;  
and

(iii) between such membership and the likelihood of defaulting on education loans, relative to membership in other groups.

(4) **RULE OF CONSTRUCTION.**--Nothing in this Act shall be construed to allow or permit preference or discrimination on the basis of race, color, or national origin.