

CAUSE NO. D-1-GN-19-002739

STUDENTS FOR FAIR
ADMISSIONS INC.,

Plaintiff,

v.

UNIVERSITY OF TEXAS AT AUSTIN
and GREGORY L. FENVES, in his
official capacity as the President of the
University of Texas at Austin,

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

53rd JUDICIAL DISTRICT

INTERVENOR-DEFENDANTS’ PETITION IN INTERVENTION

Intervenor-Defendants Adaylin Alvarez, Morgan Bennett, Alexis Carr, T’Jae Freeman, Marlie Ashton Harris, Angela Kang, Brianna Mallorie McBride, Desiree Ortega, and Texas Orange Jackets (collectively, “Intervenors”) respectfully file this Petition in Intervention as a matter of right pursuant to Tex. R. Civ. P. 60. By this filing, Intervenors appear in the above-captioned case as defendants. In support of this Petition in Intervention, Intervenors respectfully plead as follows:

I. BACKGROUND

1. Defendant University of Texas at Austin (“UT-Austin”) has a holistic admissions policy for incoming first-year students that considers several important factors of student achievement and personal characteristics, including the consideration of race in a portion of the admissions decisions (the “Policy”). In 2016, the United States Supreme Court upheld the Policy following an eight-year challenge by Abigail Fisher under the equal protection clause of the U.S. Constitution and Title VI of the Civil Rights Act of 1964. *Fisher v. Univ. of Tex. at Austin*, 136 S. Ct. 2198 (2016) (“*Fisher II*”).

2. Plaintiff Students for Fair Admissions (“SFFA”) alleges in its Original Petition that it has “multiple members” who were denied admissions to UT-Austin’s 2018 and 2019 classes. SFFA Orig. Pet. ¶ 4. SFFA also alleges that its members who were denied admission would be willing and able to transfer if the Policy is repealed. *Id.*

3. SFFA alleges that UT-Austin violates the Texas Constitution in two main ways. First, SFFA alleges that UT-Austin violates Article I, Section 3 of the Texas Constitution by using race as a factor in admissions. *Id.* ¶¶ 32-33. Second, SFFA alleges Constitutional violations for intentional discrimination against particular racial groups, namely “Whites and Asians.” *Id.* SFFA seeks a permanent injunction to prevent UT-Austin not only from using race as a factor in future undergraduate admissions decisions, but also from allowing admissions officers to be aware of the race or ethnicity of any applicant. *Id.* ¶ 21.

4. UT-Austin contends that SFFA’s claims fail, including because they are barred by claim and issue preclusion, standing, mootness, and sovereign immunity. *See* Defendant’s Answer at 9-10.

5. Intervenors seek to defend the Policy against Plaintiff’s claims. Intervenors each have justiciable interests in this litigation that permit them to intervene as of right. As described below, each Intervenor continues to benefit from the Policy and elimination of the Policy would cause substantial harm to their educational experience.

II. INTERVENORS

6. Intervenor Adaylin Alvarez is a Junior studying English and Biology at UT-Austin who identifies as Mexican-American. Decl. of Adaylin Alvarez (Ex. 1) ¶¶ 2-3 (fully incorporated herein). Intervenor Alvarez graduated from Pharr-San Juan-Alamo Southwest Early College High School in San Juan, Texas, in the top seven percent of her graduating class. *Id.* ¶ 3.

7. Intervenor Morgan Bennett is a Junior studying Radio, Television and Film at UT-Austin who identifies as Black. Decl. of Morgan Bennett (Ex. 2) ¶¶ 2-3 (fully incorporated herein). Intervenor Bennett graduated from a Texas high school in Columbus and was admitted to UT-Austin through the holistic admissions policy. *Id.* ¶ 10.

8. Intervenor Alexis Carr is a Sophomore studying Psychology at UT-Austin who identifies as an African American female. Decl. of Alexis Carr (Ex. 3) ¶¶ 2-3 (fully incorporated herein). Intervenor Carr graduated from Manor High School in Manor, Texas and did not graduate in the top ten percent of her graduating class. *Id.* ¶ 3. Intervenor Carr attended community college for two years and transferred to UT-Austin. *Id.* ¶ 6.

9. Intervenor T’Jae Freeman is a Junior studying Sustainability at UT-Austin in the College of Liberal Arts who identifies as Black of African American descent. Decl. of T’Jae Freeman (Ex. 4) ¶¶ 2-3 (fully incorporated herein). Intervenor Freeman graduated from Cesar E. Chavez High School in Houston, Texas, in the top seven percent of her graduating class. *Id.* ¶ 8.

10. Intervenor Marlie Ashton Harris is a Junior studying Human Development and Family Sciences at UT-Austin who identifies as Black. Decl. of Marlie Ashton Harris (Ex. 5) ¶¶ 2-3 (fully incorporated herein). Intervenor Harris graduated from Bishop Dunne High School in Dallas, Texas and was admitted to UT-Austin through the holistic admissions policy. *Id.* ¶ 7.

11. Intervenor Angela Kang is a Senior studying Biology in the Dean’s Scholar Program at UT-Austin who identifies as Asian, East Asian and Korean American. Decl. of Angela Kang (Ex. 6) ¶¶ 2-3 (fully incorporated herein). Intervenor Kang graduated from Bowie High School in Austin, Texas in the top seven percent of her class. *Id.* ¶ 7.

12. Intervenor Brianna Mallorie McBride is a Junior at UT-Austin who identifies as African American. Decl. of Brianna Mallorie McBride (Ex. 7) ¶ 2 (fully incorporated herein).

Intervenor McBride is pursuing two majors: Communications and Leadership as well as Government. *Id.* ¶ 2. She is also pursuing a minor in African and African Diaspora Studies. *Id.* Intervenor McBride graduated from Harmony High School in Houston, Texas and was admitted to UT-Austin through the holistic admissions policy. *Id.* ¶ 10.

13. Intervenor Desiree Ortega is a Junior studying Neuroscience and Mexican American Studies at UT-Austin who identifies as Mexican American, Puerto Rican American and Latina. Decl. of Desiree Ortega (Ex. 8) ¶¶ 2-3 (fully incorporated herein). Intervenor Ortega graduated from Cypress Ranch High School in Cypress, Texas and did not graduate in the top seven percent of her graduating class. *Id.* ¶ 8. Intervenor Ortega attended community college for two years and transferred to UT-Austin. *Id.* ¶ 4.

14. Intervenor Texas Orange Jackets (the “Orange Jackets”) is a student organization at UT-Austin founded in 1923. Decl. of the Texas Orange Jackets (Ex. 9) ¶ 2 (fully incorporated herein). The Orange Jackets is composed of a diverse membership who serve as the official hosts for UT-Austin. *Id.* ¶¶ 4-7. The Orange Jackets empower students to be leaders in their community and promote a lifelong pursuit of three core tenets: service, leadership and scholarship. *Id.* ¶ 2. Among its duties and responsibilities, members greet new students and help them gain comfort and familiarity with UT-Austin. *Id.* ¶ 12. The Orange Jackets as an organization directly benefits from the Policy by giving it a more diverse pool of applicants, which in turn allows it to cultivate a more diverse organization, enabling the Orange Jackets to connect with a much broader array of incoming students and alumni. *Id.* ¶¶ 6-8. The Orange Jackets would be harmed if the Policy is overturned. *Id.* ¶ 10. Additionally, the Orange Jackets has members who individually would be harmed by the elimination of the Policy. *Id.* ¶ 7.

15. Each individual intervenor is uniquely well-qualified to attend UT-Austin. Each has achieved notable accomplishments in spite of the many barriers confronting them, their families and their communities. Each intervenor and intervenor member of the Orange Jackets contributes meaningfully and substantially to the University's academic and social climate.

III. BASIS AND GROUNDS FOR INTERVENTION

16. A party with a justiciable interest in a pending suit is entitled to intervene in the suit as a matter of right. Tex. R. Civ. P. 60; *In re Union Carbide Corp.*, 273 S.W.3d 152, 154 (Tex. 2008).

17. "A party seeking to intervene must show a legal or equitable interest such that he would be entitled to recover in his own name to the extent of relief sought, or, if he were the original defendant, he would be able to defeat recovery in part or in whole." *Jenkins v. Entergy Corp.*, 187 S.W.3d 785, 797 (Tex. App.—Corpus Christi 2006, pet. denied).

18. While that interest must be greater than a mere contingent or remote interest, a party has a justiciable interest in a lawsuit, and thus a right to intervene, when his or her interests will be affected by the litigation. *Id.*; see also *In re Estate of Webb*, 266 S.W.3d 544, 548 (Tex. App.—Fort Worth 2008, pet. denied).

19. Intervenors each have a justiciable interest in this action. Their interest flows directly from the survival of the UT-Austin's Policy, which ensures the diversity of UT-Austin's student body.

20. The United States Supreme Court has repeatedly emphasized the "educational benefits that flow from a diverse student body," including encouraging cross-racial understanding, enabling students to better understand persons of different races, preparing students for an increasingly diverse workforce and society, promoting learning outcomes, lessening racial isolation, and diminishing stereotypes and beliefs regarding minority students. *Fisher II*, 136 S.

Ct. at 2210-11 (citations omitted); *Fisher v. Univ. of Tex. at Austin*, 570 U.S. 297, 310 (2013) (“*Fisher I*”); *Grutter v. Bollinger*, 539 U.S. 306, 330-33, 354 (2003); see *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 306 (1978) (controlling opinion of Powell, J.) (recognizing interest in “obtaining the educational benefits that flow from an ethnically diverse student body”).

21. The individual Intervenors experience these benefits from the Policy, and will be directly and negatively affected if the Policy is declared unconstitutional. See Decl. of Adaylin Alvarez, Ex. 1 ¶ 11 (“having students from a diverse range of backgrounds made me draw new connections”); Decl. of Morgan Bennett, Ex. 2 ¶ 11 (recognizing the cross-cultural understandings they have experienced but the need for more “Black students on campus so this work can be more spread out, and thus less exhausting”); Decl. of Alexis Carr, Ex. 3 ¶ (“As a result of UT’s racially diverse student body, my perspectives and world views have broadened substantially and I have become more confident about my identity as an African American woman.”); Decl. of T’Jae Freeman, Ex. 4 ¶¶ 10-12 (“learned about the wide range of experiences, challenges, and perspectives within the Black community” from diverse students in some classes while also fearing, in classes where there were only a few Black students, that classmates expected her to speak for all African American students); Decl. of Angela Kang Ex. 5 ¶¶ 15-16 (noting experiences of racism by women of color at the University but how increasing racial and ethnic diversity “has allowed me to seek positive experiences and spaces” and “interact with students of so many different identities,” impacting her career track decisions); Decl. of Desiree Ortega, Ex. 6 ¶¶ 9-10 (“being around students from diverse racial backgrounds has improved my ability to empathize with others because the friends I have made here were willing to share their experiences with me” and improved her learning, especially in “smaller seminar classes”); Decl. of Brianna Mallorie McBride, Ex. 7 ¶ 17 (diversity on campus provides a “diverse array of perspectives on today’s

most challenging issues”); Decl. of Marlie Ashton Harris, Ex. 8 ¶¶ 10, 12 (a “broad range of diversity ... made me more comfortable connecting with people from all racial and ethnic backgrounds” and helped her in her role as a Resident Assistant) (respective declarations fully incorporated by reference herein).

22. The organizational intervenor, Texas Orange Jackets, has justiciable interests both in its own right, and by association through its members.

23. An organization has standing to intervene when it will have its rights as an organization affected by the outcome of the litigation. *See OCA-Greater Houston v. Tex.*, 867 F.3d 604, 610-12 (5th Cir. 2017). An organization has standing by association when “(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization’s purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Tex. Ass’n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440, 447 (Tex. 1993).

24. Texas Orange Jackets rely on UT-Austin’s diverse student body to have a membership that allows them to connect with incoming students. Decl. of the Texas Orange Jackets, Ex. 9 ¶ 6. One of Texas Orange Jackets’ main functions is to make incoming students feel welcomed and appreciated on the UT-Austin campus. *Id.* ¶ 12. These efforts are enhanced by having a diverse set of members who can connect with students from many backgrounds. *Id.* If the Policy is eliminated, Texas Orange Jackets would have to expend additional resources recruiting a diverse membership, and they may not be able to achieve those aims even with those efforts.

25. Texas Orange Jackets also institutes a service agenda, which includes the For Texas Endowment. *Id.* ¶ 10. This endowment provides a scholarship to an incoming freshman woman or non-binary student with underrepresented identities. *Id.* A decrease in underrepresented students

of color would hinder the Texas Orange Jackets' ability to advance its service agenda, including the dissemination of the endowment. *Id.*

26. Additionally, Texas Orange Jackets members benefit from the Policy because it provides them individually with all of the benefits of diversity, both within the organization and on campus. *Id.* (diversity allows students to “bridge differences and find commonalities”). This individual harm would grant Texas Orange Jackets members each an interest in their own right. These interests are directly germane to the organization's purpose, and this claim does not require the participation of individual members.

27. Because Texas Orange Jackets have justiciable interests both as an organization and on behalf of its membership, its intervention by right is appropriate in this case.

28. Intervention will not complicate the case by multiplying the issues before the Court. Intervenors do not seek to add causes of action, and the case is at an early stage. Intervenors will more fully develop the record and present alternative arguments, particularly in areas where Defendants may be unwilling or unable to do so, and provide the Court an important and different perspective on the issues presented.

29. Further, allowing Intervenors to fully litigate counterarguments and alternative legal theories will serve judicial efficiency. *See Metromedia Long Distance, Inc. v. Hughes*, 810 S.W.2d 494, 498 (Tex. App.—San Antonio 1991, writ denied) (“interventions are favored to avoid a multiplicity of suits.”). In the event UT-Austin was to settle or there was an adverse judgment, Intervenors would likely have to bring a separate action to protect their interests in the Policy. Allowing Intervenors to present defenses and adduce arguments for why the Policy should remain in place allows the issues to be fully litigated in a single forum and reduces the likelihood that additional lawsuits would be necessary.

30. Intervention is essential here because UT-Austin's interests diverge from Intervenor's interests in significant ways. For example, under the Policy, UT-Austin must balance racial and ethnic diversity against other admissions goals. Accordingly, UT-Austin sometimes must subordinate racial and ethnic diversity to other aspects of the Policy, including extracurricular activities, recommendations, and test scores. In contrast, Intervenor need not defend other aspects of UT-Austin's admissions policies and can advocate for the Policy's constitutionality of a race-conscious admissions policy without competing considerations.

31. Unlike UT-Austin, Intervenor will likely develop evidence and arguments that not only support a finding that the existing admissions process is permissible under the applicable constitutional and statutory provisions, but also that the current admissions process is *necessary* to comply with minority students' rights under the United States Constitution and Title VI of the Civil Rights Act of 1964.

32. Intervenor, for example, will present unique evidence showing that UT-Austin's current admissions Policy is necessary, in part, because it helps remedy the long history of segregation and discrimination in Texas, including within the University itself. *See, e.g.,* Asher Price, *A Secret 1950s Strategy to Keep Out Black Students*, *The Atlantic*, Sept. 19, 2019 (discussing UT-Austin's history of implementing admissions factors to keep out African American students); *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 439 (2006) (noting District Court's recognition of "the long history of discrimination against Latinos and Blacks in Texas") (citation omitted). This history is inextricably linked to UT-Austin's compelling interest in student body diversity, and Intervenor are best positioned to present evidence of the disparate impact of test scores on admissions. Intervenor will also present evidence related to continuing racial tensions on campus, which reflect the ongoing need for diverse perspectives and racial backgrounds within

the campus community. *See, e.g.*, Decl. of Brianna Mallorie McBride, Ex. 7 ¶ 15 (discussing recent white supremacist action on campus); Decl. of T’Jae Freeman, Ex. 4 ¶¶ 14, 13 (expressing discomfort and angst with white professor’s use of the n-word in class and another professor’s practice of calling Black athletes to the front of the class but not doing the same to White athletes); Decl. of Adaylin Alvarez, Ex. 1 ¶¶ 15-16 (noting distress from xenophobic dialogues on UT-Austin campus and racially hostile incidents on campus, including the throwing of bleach balloons at Black students); Decl. of Angela Kang, Ex. 6 ¶ 13 (discussing her experiences with micro-aggressions at UT, not being taken seriously as an Asian woman and being discouraged from running for student government because she was told “that no one would ever vote for an Asian student”); Decl. of Desiree Ortega, Ex. 8 ¶ 14 (explaining how UT’s academic culture does not always take into account her complex, diverse make-up with some professors suggesting she drop out, transfer to an “easier” major, or change her career choice).

33. While UT-Austin certainly has an interest in defending its own policy, it may be reluctant to discuss its own history, ongoing problems with race relations, or the particulars of its attempts to achieve racial and ethnic diversity because of the political controversy surrounding these issues. UT-Austin’s position on all of these issues may be affected by concern over its public perception or by the need to serve myriad constituencies such as alumni, faculty, the academic community, and political leaders. UT-Austin may also consider offering different evidence than Intervenor to contest the allegations involving discretionary holds for admission seats by the Office of the President as reflected in the Kroll Report. *See* Orig. Pet. ¶¶ 28-30. Intervenor, on the other hand, have a definitive, concrete interest in defending zealously the ability and need to consider race in admissions and to ensure diversity on campus. Intervenor may present evidence of how the University has not gone far enough to diversify its students along race and ethnicity

and how some of its admission decisions may have disparately impacted students of color. It is therefore necessary to allow Intervenors to bring before the Court every relevant consideration to ensure their interests are fully represented in this litigation.

34. For example, Intervenors will further develop and present evidence that a critical mass, or meaningful representation, of certain racial and ethnic groups – which is necessary to produce the educational benefits that diversity is designed to produce – has not yet been created on campus. *See Grutter*, 539 U.S. at 318, 328-30; *see, e.g.*, Decl. of Marlie Ashton Harris, Ex. 6 ¶ 15 (having fewer people of color in classes makes it more difficult to raise racial issues in class); Decl. of Morgan Bennett, Ex. 2 ¶ 11 (noting that a smaller number of Black students on campus creates situations where they are the only Black student in many situations, forcing them to perform under extra pressure as a representative of their race); Decl. of T’Jae Freeman, Ex. 4 ¶ 12 (explaining how being one of only three African-American students in a class of approximately 100 students intimidated her from speaking out in class).

35. In addition to putting forth additional arguments to protect their interests, it is crucial to protecting Intervenors’ interests that this Court be presented with a full and complete record.

36. In cases before the United States Supreme Court, the development of the record in the lower courts has been essential in deciding cases involving race-conscious admissions policies. For example, in *Grutter*, the trial court permitted intervenors to participate fully in discovery and at trial. *Grutter v. Bollinger*, 137 F. Supp. 2d 821, 856 (E.D. Mich. 2001). The intervenors offered significantly more evidence than any other party. *See William C. Kidder, Affirmative Action in Higher Education: Recent Developments in Litigation, Admissions, and Diversity Research*, 12 Berkeley La Raza L.J. 173, 176 & n.14 (2001).

37. In another recent case involving Students for Fair Admissions, the District Court in Massachusetts relied on evidence developed by students in upholding Harvard’s admission policy. *See Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll. (Harvard Corp.)*, 397 F. Supp. 3d 126, 178, 194 (D. Mass. 2019), appeal docketed, No. 19-2005 (1st Cir. Oct. 11, 2019). The court in that case explicitly looked to testimony from students to reinforce that “race and ethnicity” is a “critical aspect of [the students’] life experiences and applications.” *Id.* at 194. The court went on to specifically acknowledge the importance of the students’ participation in the trial, stating, “[a]s the court has *seen and heard*, race can profoundly influence applicants’ sense of self and outward perspective.” *Id.* at 194-95 (emphasis added).

38. The evidentiary record is critical in cases involving race-conscious admissions programs because courts must conduct a detailed review of that record. A race-conscious admissions program must be justified with tangible evidence as to a number of factors, including the compelling interest that justifies considering race, the success of the program in meeting that interest, the justifications for why alternative race-conscious programs would not sufficiently satisfy that interest, and the experiential effect of the program on all affected participants. *See, e.g., Bakke*, 438 U.S. at 307, 310 (rejecting argument as to compelling interest because there was “virtually no evidence in the record” on that point); *Fisher I*, 570 U.S. at 313 (courts must give “close analysis to the evidence of how the process works in practice”).

39. In addition, the court may consider the nature of the public institution and the residency of the intervenors. In *Students for Fair Admissions v. Univ. of N. Carolina*, the federal district court noted that UNC-Chapel Hill, as a public institution, is subject to state funding and regulations, and admits over 80% of its freshman class from the state. 319 F.R.D. 490, 496-97 (M.D.N.C. 2017). The court also cited that state’s history of discrimination and segregation. *Id.*

Here, too, UT-Austin is subject to state funding and regulations and all of the individual Intervenors graduated from a Texas high school. As noted earlier, Texas has had a sordid history of segregation and discrimination against African American and Latino students.

40. Because Intervenors have differing interests in the Policy and will litigate unique arguments that UT-Austin would not advance and produce additional evidence that UT-Austin would not produce, intervention is essential to protect Intervenors' interests.

IV. DEFENSES

41. Intervenors adopt and incorporate by reference UT-Austin's Answer, and hereby assert the special exceptions, general denial, and affirmative defenses contained therein as if set forth in this Petition in Intervention in their entirety. In addition, if not addressed, Intervenors affirmatively defend on the grounds that other laws in Texas, including but not limited to Tex. Educ. Code § 51.803 and Tex. Civil Practice and Remedies Code § 106.001(b), explicitly or implicitly authorize UT-Austin to consider race in the manner it does under the Policy.

V. ATTORNEYS' FEES

42. Intervenors respectfully request that they be awarded reasonable attorneys' fees and costs under Texas Civil Practice and Remedies Code § 106.002 and other laws as permitted.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, Intervenors respectfully request the following relief: (1) that, upon trial/hearing, the Court enter a judgment pursuant to the Declaratory Judgment Act that Plaintiffs take nothing, and deny their requested relief, declaring that the Policy is valid and enforceable and in harmony with the Texas Constitution, Article I, § 3; (2) that Plaintiffs' application for temporary and permanent injunction be denied; (3) that Intervenors be awarded their costs and attorney's fees to the full extent permissible by applicable

law; and (4) that Intervenors be awarded all such other relief in law or equity as Intervenors may show themselves entitled.

12/09/2019

By: /s/ David Hinojosa

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ATTORNEYS FOR INTERVENORS

CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2019, a true and correct copy of the foregoing has been served on counsel of record for Plaintiff via the Court's electronic filing and service system and also via email service as indicated below.

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EXHIBIT 1

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ **IN THE DISTRICT COURT**
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§
§ **53RD JUDICIAL DISTRICT**
§
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§ **CAUSE NO. D-1-GN-19-**
§ **002739**
§
§

Declaration of Adaylin Alvarez

I, Adaylin Alvarez declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I identify as Mexican-American.
3. I am currently a junior at the University of Texas at Austin (“UT”), studying both English and Biology.
4. Race has had a role in shaping my experiences since I born. My mother immigrated to the U.S. from Mexico. She experienced multiple barriers navigating the immigration system, in part due to the distinct challenges faced by lower-resourced Mexican immigrants in this country who do not have the same pathways to citizenship and who routinely face

different prejudices within our immigration system and other state social systems from healthcare, to education, to housing programs. When she was pregnant, she did not have access to routine medical care. She gave birth to me in a maternity center in Texas because she did not have access to a hospital.

5. Once I was born, my experiences continued to be directly affected by the distinct prejudices and difficulties faced by immigrants from Mexico like my mother. For example, her employers would take advantage of her by paying her less than minimum wage because they presumed that she would not file a complaint. This created additional financial challenges for my family. My mother also routinely sent money to our family in Mexico due to the economic hardships they faced, placing additional strain on our finances.
6. These financial strains and disconnect from state support systems, which were partially due to my family's ethnicity, presented constant challenges. When my mother hurt herself, she was advised to take six months off from work but only took off three months because we needed financial support. When I broke my arm in 8th grade, we did not have insurance or money to continue to pay for physical therapy which forced me to stop physical therapy before my arm was completely healed. I still have physical problems with my arm.

7. These challenges often upset me but watching my mom overcome each and every barrier made me even more determined to succeed and help others who faced similar types of barriers. I intimately knew that our immigration system needed to be fixed, and that we also needed to fix our provision of various social services to make sure that all hard-working families like mine – regardless of their ethnic and immigration background – could access basic resources and report employer abuses. I knew this type of additional support would improve individual lives and broader society since more talented individuals could meet their full potential.
8. I applied to UT in the fall of 2016. I applied because I wanted to be the first in my family to go to college and eventually become either a lawyer or doctor. I wrote my essay on my mom’s experiences immigrating to this country and how this impacted my own life path from birth through high school. I explained how my drive to succeed academically and professionally drew from being raised by parents who did not receive an education in the U.S.; how it drew from my mom’s constant support no matter what the circumstances; and how it drew from my commitment to serving other families such as mine across Texas and the country.
9. Because I was in the top 7% of my class, I was automatically admitted to UT.

10. While I was not admitted through UT's holistic, race-conscious program, it still mattered to me that the college considered race as one of many factors in the admission of some students because it honors my own experience. If UT did not consider race in its holistic admissions process, it would disadvantage other students of color in that process who – like me – can only fully capture their strengths and potential contributions with some reference to their race. Ignoring race and ethnicity undervalues many minority students' talents and it risks decreasing the number of minority students across all different backgrounds on UT's campus.

11. During my time attending UT, my educational experience has directly benefitted from having higher numbers of minority students of all racial and ethnic backgrounds and beliefs. For example, during my freshman year, I partook in conversations organized by the Palestine Solidarity Committee. These conversations involved students from a broad cross-sector of racial and ethnic backgrounds, including those who identified as Palestinian, Native American, Jewish, and Mexican-American like me. Having students from a diverse range of backgrounds made me draw new connections in new ways between the walls being built in Palestine, to the walls that were built in Berlin, to the walls now being called for

at the U.S. Mexico border. It also made me think more deeply about how we treat Native Americans in the U.S., both historically and today.

12. I have also benefitted from racial diversity in several of my classes. For example, I took a class called African American Literature in the fall of 2018. At first, I was surprised that the professor was white, but it ended up being one of my favorite courses. The professor made it clear that she was not speaking for people of color. We set ground rules for the discussion at the beginning of the semester. It made a big difference that the class was racially diverse with many Black, Latinx, and white students. Some of my classmates who identified as Black shared their preference that racially pejorative words should not be said, that we should not speak for someone else's experiences, and we should not erase anybody's experience. Everyone in class agreed with these ground rules and we engaged in very rich conversations throughout the semester where students expressed a variety of viewpoints and perspectives.

13. I found these ground rules very helpful because classmates have previously ignored my experiences by expressing disbelief that my accounts about my family's interactions with the immigration or healthcare system "can't be true." I felt grateful that my classmates of color taught me more tools for engaging in these difficult conversations,

such as requesting certain ground rules. With these tools, I've been better able to share my perspective with other classmates.

14. My academic and social experience at UT has also greatly benefitted from the Multicultural Engagement Center (MEC) which is a student resource office committed to supporting a culturally diverse campus. MEC houses six student-run agencies, provides leadership development opportunities, presents peer-facilitated social justice and education trainings, offers a number of support services to student organizations, and hosts community outreach programs such as culturally relevant campus tours and student panels. MEC helped me find a place where I feel like I belong. I found a study space and friends who are supportive and keep me going and on track every day. Hearing from other students of color during MEC's events and informal conversations makes me know that I'm not alone in my struggles at UT. When I'm exhausted, it's the only space where I feel like I can rest. It allows me to re-energize myself so I'm better able to express myself and succeed in the other spaces across UT's campus which tend to be predominantly white and where I often feel judged and tokenized based on my ethnic identity.
15. UT still has a long way to go to fully support students of color on campus. For example, UT should keep improving the cultural

competency of the academic and emotional support services for students on campus. As a Mexican-American, I have often felt emotionally distressed by xenophobic dialogues that are happening nationally and on UT's campus. These conversations wear on me, often making it harder to focus on schoolwork. For a while, I did not reach out to UT's student support services because I did not know they existed. When I did see their brochures and advertisements, I did not see other people of color who looked like me and this made me more wary of reaching out. I finally reached out after encouragement from friends I made at the MEC and different organizations like Texas Orange Jackets, an honorary service organization for women and non-binary individuals.

16. There are still racially hostile incidents on UT's campus that make me feel unsafe. For example, I recently learned that there were bleach balloons being thrown at Black students on campus. I have also been called "terrorist" by white students at different protests on campus. These types of inhumane, racially-motivated attacks saddened and angered me. It painfully reminded me that UT remains an unwelcoming place for black and brown students. I think UT's history of excluding Black students emboldens others to target such groups so they feel like unwelcome outsiders.

17. Students of color have worked hard to improve the campus climate so black and brown students feel more welcome on campus. I know that students of color and white allies fought for the removal of confederate statues on campus in 2015. Students of color have also led sit-ins to protest sexual harassment by professors, efforts to change the names of buildings named after confederate leaders, counter-speech rallies to push back on cries to “build a wall” separating the U.S. from Mexico, and countless student events that build greater cross-cultural awareness and dialogue on topics ranging from poetry, to art, to lectures on various topics. These type of efforts led by students of color have made me feel exceedingly more welcome on UT’s campus and have also cultivated collaborations amongst students who identify with a wide range of racial and ethnic backgrounds.
18. Altogether, it is important that UT continue to consider race as part of its holistic admissions process. No other factor can fully capture the lived experiences and potential contributions of students like me whose lives are daily touched by their ethnic identity which intersects with – but is also distinct – from various other identities such as being an immigrant, being of a lower socioeconomic status, and much more. It is equally important that UT cultivate racial diversity and sufficient numbers of

students of all racial backgrounds on campus because it allows for an equal playing field between privileged and non-privileged applicants, difficult dialogue to be discussed, and a more inclusive and diverse student body.

My name is Adaylin Alvarez, my date of birth is 4/24/1999, and my address is 2215 Rio Grande St, Austin, Texas, 78705, the United States of America. I declare under the penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on November 14 2019.

A handwritten signature in black ink, appearing to read 'Adaylin Alvarez', written over a horizontal line.

Adaylin Alvarez

EXHIBIT 2

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ **IN THE DISTRICT COURT
OF
TRAVIS COUNTY, TEXAS**
§
§
§ **53RD JUDICIAL DISTRICT**
§
§ **CAUSE NO. D-1-GN-19-
002739**
§
§

Declaration of Morgan Bennett

I, Morgan Bennett, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I identify as a Black, bisexual and queer, non-binary individual.
3. I am currently a junior at the University of Texas at Austin (“UT”). I am majoring in Radio Television and Film.
4. My racial identity impacted many of my experiences, especially in high school in Columbus, Texas. Though the school was racially mixed – about 50% white and 50% students of color – I was often the only Black student in my honors classes and only one of three students of color. One of my

English teachers told the whole class, “as you’ll notice, Black kids don’t value education.” This statement caught me off guard and I didn’t know how to respond. Being one of the few students of color in class held me back in that there was no one else to back me up if I did speak up. When I began applying to colleges, one of my teachers tried to encourage me and told me I would be able to get into a good school because I was Black. These types of comments frustrated me because they reduced me solely to my race. Race-conscious admissions does not do this. It considers race as one of many factors. Racism underlies these types of stigmatizing comments, not race-consciousness. It is important to have more Black students on college campuses so they can reverse these types of assumptions by showing classmates and faculty that they are admitted based on impressive credentials, not just race.

5. My high school did not offer that many Advanced Placement (AP) or Honors classes, even though I was in that track. There were no efforts offered by the school to prepare us for college. I did not take a SAT prep course.
6. I began taking honors or AP courses my sophomore year out of my own initiative. No teacher or counselor encouraged me to take the more advanced classes. I also felt isolated in my honors classes as the only Black

student. My white classmates sometimes seemed surprised that I did well in school. My friends who were Black or Latinx weren't encouraged to take advanced coursework.

7. UT was one of my top college choices because of the affordable in-state tuition, it offered the degree program I was interested in, and the level of diversity was something that made me feel comfortable.
8. I was ranked 12 out of 113 students in my graduating high school class. This put me in the top 11% of my class. I knew UT had a holistic admissions policy when I applied which made me feel more confident when I applied even though I did not qualify for the top 7% to get into UT. I felt like I was a strong candidate because of my writing based extracurricular activities, my 1300 or so SAT score, and my essays. I worked at the county newspaper and competed in University Interscholastic League (statewide academic competitions) writing events such as ready writing, editorial writing, and feature writing.
9. In my essays, I wrote about my family dynamic where I am mixed-race and raised in a white household by my white mother, my white sister, and her white father. Having a Black father and a white mother has definitely shaped my identity. Growing up in a white household as a Black individual made my own race stand out more because I was in direct contrast to the

people living in my home where I experienced micro-aggressions from my own family members. It also made me more capable of bridging cultural divides, seeing multiple perspectives, and unpacking every layer of complex situations where race is often one dynamic among many others. This has increased my ability to identify multiple paths towards resolving complicated issues and challenges.

10. I was accepted to UT through the holistic admissions policy.
11. At UT, I am often the only person of color in my classes. I have had many interactions with white students who make awkward efforts to not be offensive. A white male student in my French class was afraid to say Niger which I presume is for fear of saying the “n-word.” Other white students will approach me to share their stories of anti-black racism with me. This makes me feel uncomfortable in that I am the only Black person they are familiar with and they want to show some form of solidarity. I know these types of cross-racial interactions are important in that they help to develop cultural competency among white people. But they are also exhausting and place a large amount of pressure on students of color at UT. It is important that UT has enough Black students on campus so that this work can be more spread out, and thus less exhausting. Having a sufficient number of same-race peers also allows me to find safe spaces to process these

experiences, recover, and find energy to re-engage in student activities and classes every day.

12. I have been able to meet other students of color of different racial backgrounds from my own. My high school did not have any Asian or African students. I have been able to meet Asian and African students at UT which has helped me expand my worldview and be exposed to cultures different from my own. Before college, I had never met anyone who was an African immigrant, for example, and efforts to include students of color on campus have made this possible, which has had the effect of helping me become more considerate of other people's experiences.
13. I feel more comfortable in classes that have a higher number of students of color because experience has taught me that I will be less likely to hear something that is offensive in these classes. I can also speak up in class without feeling the burden of speaking on behalf of my whole race. Without having Black professors or professors of color, I would never have considered graduate school.
14. I would like more opportunities to talk about race across a broad population. If there were more students of color on campus at UT, those discussions would be more dispersed and white students would not have to reach out to their "token" friend.

15. UT's history of not combatting discriminatory incidents on campus and punishing students of color reacting to racist events is a major contributing factor to racist events continuing to happen. A greater number of students from diverse racial backgrounds would make addressing racism seem less like focusing on the needs of a special interest group but resolving racist incidents because it impacts so many students.
16. Decreasing the racial diversity at UT would make the current students of color feel more uncomfortable on campus because of the lack of community which could affect our grades. White students would not be able to learn as much if there were fewer students of color to engage with them inside and outside of the classroom, and if those students felt less comfortable speaking up.
17. Having friends of my racial background and from backgrounds different from my own helps to build a community with a safety net to support me if I ever experienced a traumatic and/or racist event. Decreasing the number of students of color would mean the community would not be able to provide the same level of support and students of color would flounder during traumatic events. For all the above reasons, I support UT's ability to consider race as part of its holistic admissions process to support greater levels of diversity across the student body, and within each racial group.

My name is Morgan Bennett, my birth date is 12/1/1998, my address is 1109 S. Pleasant Valley Road #310, Austin, Texas, 78741, the United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County in the State of Texas on 11-15-19.

A handwritten signature in black ink, appearing to read "Morgan Bennett", written over a horizontal line.

Morgan Bennett

EXHIBIT 3

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ IN THE DISTRICT COURT
§ OF
§ TRAVIS COUNTY, TEXAS
§
§ 53RD JUDICIAL DISTRICT
§
§
§ CAUSE NO. D-1-GN-19-
§ 002739
§
§

Declaration of Alexis Marie Carr

I, Alexis Carr, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I identify as an African American female. My family has lived in the U.S. for generations and I am a descendant of human beings forced into bondage through the transatlantic slave trade and the US chattel slavery system. My racial identity intersects with my socioeconomic background. I am a first-generation college student and I do not come from a wealthy family.

3. I am a transfer student from Austin Community College (“ACC”) and I am currently a sophomore at the University of Texas at Austin (“UT”), Class of 2022. I am majoring in Psychology.

4. My racial identity impacted how I approached the college admissions process and my studies. I grew up in Austin, Texas and attended Manor High School in Manor, Texas. Throughout high school, I was involved in numerous extra-curricular activities including track and field. I also actively participated in a program called Peer Assistance and Leadership (PALs) where we mentored local elementary and middle school youth. When I graduated, my GPA around a 3.5, which placed me in the top 11% of my class. I initially applied to colleges throughout Texas during my senior year.

5. I wanted to attend a college that had higher levels of diversity, that was affordable, and that offered strong academic coursework in Psychology. At that time, I did not apply to UT partly because I did not think that the university was diverse and I did not want to be racially ostracized. I knew about the Top Ten Percent plan, but I did not know of UT’s commitment to diversity and holistic review. In addition to my initial impression that UT lacked diversity, I was also sensitive to my family’s financial constraints. The combination of my concerns about racial isolation

and socioeconomic barriers dissuaded me from applying to UT during high school.

6. I started attending ACC in 2017. In my second year, I started to explore my options for transfer. I did more research on UT and other colleges to explore their demographics, academic offerings, and supports for students. After learning about UT's commitment to diversity, I became more comfortable with the prospect of attending and I applied to transfer. I was accepted in the summer of 2019 and began attending in August of 2019.

7. Learning about UT's holistic admissions process, which includes race as one factor, convinced me that the full breadth of my identity and accomplishments would be considered in my application. UT's willingness to consider the importance of race to an individual's life experiences demonstrated to me that the institution had a true commitment to the importance of diversity.

8. As a result of UT's racially diverse student body, my perspectives and worldviews have broadened substantially and I have become more confident about my identity as an African American woman. I have met many people from different racial, ethnic, religious and geographic backgrounds. For example, I am part of "Intervarsity"—a Christian

organization with multiethnic members. Sharing our experiences helps all of us in the organization grow in our faith identity as a result of understanding the lives of those with different racial, ethnic or geographic backgrounds. Also, in my coursework, because there are other African American students present, I have been able to share my experiences without feeling uncomfortable or isolated.

9. Wider UT-community diversity has been important to me during my transition to the university. For example, I was very nervous about a required psychology class because the majority of students in the class were white, with a few Latino and Asian students; I was the only Black student. It gave me a sense of comfort to know that the professor was Black and that there was a wider Black community at UT that I could go to for support during my transition to UT.

10. The Black affinity groups at UT ensured that incoming students knew of the inclusive spaces available for students of color who may have been struggling with transitions to college life, or who may have felt isolated due to issues of identity—including race.

11. At UT, I feel more comfortable being in spaces that are welcoming to people of color, such as the Malcolm X lounge, and the Multicultural Engagement Center. While Blacks are not a monolith, collectively we

understand what it is like to go to a predominately white institution, and we can support each other through any issues of racial hatred, discrimination, microaggressions, and other forms of racial animus often targeted against Blacks. Considering UT's exclusionary racial history, these inclusive spaces are critical to the success of Black students, including me.

12. UT has made progress over the years in cultivating a more inclusive campus for students of color, but these efforts are ongoing. Additional steps are still needed. For example, UT should continue to explore developing curricular programs and structures that value the contributions and insights of all racial and ethnic groups. I recently learned that my course on "Psychology and the African American Experience" will not provide credit for my major because it is not a "pure psychology class." I encourage UT (and other colleges) to critically examine the rationale behind which courses are valued and why; and I encourage UT to continue developing its curriculum in ways that make it more inclusive.

13. UT's holistic admissions process, commitment to diversity, and diverse student body all encouraged me to apply and sustained me through a challenging transition period as a transfer student.

14. Without UT's commitment to diversity and thriving minority communities on campus, I would feel like I had less of a voice, the quality

of the university experience would diminish, and important perspectives would be missing from the classroom.

15. As a commuter student, a decrease in racial diversity would leave me further isolated from campus culture without the support systems that have helped me transition to UT.

16. If I had been prohibited from discussing race in my college application, it would have made me feel like a critical component of my identity as an African American woman was not considered important by UT.

17. Removing race from consideration would erase an entire aspect of my story which makes me a full human being, and deny the role that race plays in how I navigate the world around me.

My name is Alexis Marie Carr, my date of birth is August 24, 1999, and my address is 4801 Craigwood Drive, Austin, Texas, 78725, the United States of America. I declare under penalty of perjury that the foregoing is true and correct. Executed in Travis County in the State of Texas on 12/06/2019.



Alexis Marie Carr

EXHIBIT 4

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ **IN THE DISTRICT COURT**
§ **OF**
§ **TRAVIS COUNTY, TEXAS**
§
§ **53RD JUDICIAL DISTRICT**
§
§
§ **CAUSE NO. D-1-GN-19-**
§ **002739**
§
§

Declaration of T’Jae Freeman

I, T’Jae Freeman, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.

2. I identify as Black of African American descent. My racial identity intersects with my identity as a woman.

3. I am currently a junior at the University of Texas at Austin (“UT”), studying Sustainability in the College of Liberal Arts.

4. My racial identity has always been a core part of my identity. I became aware of my race in Kindergarten when a Mexican-American girl refused to play with me because I was Black. It shaped my perspective by making me hyper-aware of people’s prejudices and discrimination.

5. Students at my high school were predominantly of Hispanic descent. The proportion of African Americans was much smaller, and there were few students of other racial backgrounds. I often felt isolated at my high school without many other students who looked like me. Sometimes my race made me feel self-conscious in classes, but I overcame this nervousness and spoke up often in class. I was determined to overcome these internal struggles and excel in high school.

6. I applied to UT in the fall of 2016. I was motivated to apply because it was the number one public university in the state of Texas. It was also meaningful to me that UT recruiters who were African American visited my high school and encouraged my classmates and me to apply. Seeing other African Americans associated with UT strengthened my impression that the school provided a welcoming campus for minority students who looked like me. It provided me with extra encouragement to apply.

7. My application essays discussed my determined mindset and unique perspective. I was one of approximately five African-American women in my high school, I came from a single-parent household, and my family had very limited income. These circumstances sometimes posed challenges, but I stayed focused on achieving high grades and test scores. These challenges also gave me a broader perception of what it feels like to be an outsider. It

made me more tolerant of people from different cultures and backgrounds. It made me want to work with people who live at the margins of society and have fewer resources due to societal prejudices.

8. Because I was in the top 7% of my class, I was automatically admitted to UT.

9. While I was not admitted through UT's holistic, race-conscious program, it still mattered to me that the college considered race as one of many factors in the admission of some students. My race affected my own path prior to college and has also affected my experiences while at UT. As such, it's important that any individualized admissions process consider the intersectionality of people's different identities, including their ethnic or racial identity.

10. I have benefitted from the higher proportions of Black students on UT's campus as compared to my high school. Thanks to having higher numbers of Black students, I have learned about the wide range of experiences, challenges, and perspectives within the Black community. One of my friends has parents of African descent. She has taught me that Black immigrants face a distinct set of struggles in this country. For example, language barriers add an extra layer of complexity to the prejudice that

Black immigrants encounter based on skin color as they navigate the school system or health care system. This distinct set of struggles necessitates different, culturally-sensitive solutions. These conversations have made me sensitive to the wide range of needs within the Black community and shown be the problems with blanket assertions about people solely based on race.

11. I have also been affected by the levels of racial diversity in classrooms. I have felt much more comfortable participating in classes with higher proportions of students of color. For example, I took a course called “Intro to the sociology of health and well-being.” The class was diverse across various characteristics, including racial diversity. Many different viewpoints were expressed. I remember an African American woman sharing about how healthcare providers had often presumed she did not have healthcare based on her skin color and, as a result, had sometimes failed to provide her with her full options. This led to a fruitful discussion about racial biases in the healthcare industry. The conversation transitioned to exploring other forms of bias in medicine, including the treatment of women and the trans community. It was a rich conversation with input from students across a wide range of backgrounds. It made me more aware of how practitioner training and system design can significantly impact a patient’s experience.

12. In contrast, some of my classes have had very few African American students. For example, I took a class my sophomore year called “Medicine and Ethics” where I was one of approximately three African American students in a class of nearly one hundred students. I felt uncomfortable sharing about my experiences with medicine and the healthcare system. I feared that classmates expected me to speak for all African Americans, something which I cannot do.

13. UT still struggles with subtle and explicit forms of racial hostility. For example, many classmates and professors stereotype Black Americans as less-intelligent athletes. I’ve seen classmates presume that somebody is an athlete just because they are Black. I’ve also seen professors treat Black athletes with more skepticism than white athletes. One of my professors would always force the Black athletes to come sit at the front of the classroom and make them answer questions, but the professor never subjected the white athletes to such questioning or increased scrutiny.

14. There was also an incident where a white professor repeatedly used the N-word in class. The use of this word upset and alienated many Black students, including me. This is a word that has repeatedly been used to terrorize and unleash physical harm on Black communities. Its unapologetic

use by a white professor recreates a sense of racial subjugation, particularly on a campus which has a long history of racial exclusion and segregation.

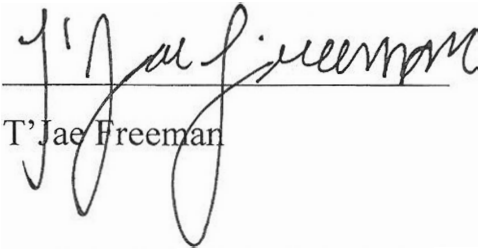
15. UT has a racialized history that continues on campus today. There are a lot of statues of confederate soldiers and buildings named after them.

These daily reminders of UT's confederate past make it even harder for students of color to feel welcome on UT's campus. It also increases the sting of hearing white professors, and other students, using racial slurs that target African Americans. With these environmental factors, Black students need a strong support network of same-race peers so they may respond to, and recover from, intended and unintended racial hostility on campus.

16. Altogether, it is important that UT continue to cultivate racial diversity and sufficient numbers of students of all racial backgrounds including African American students. A reduction in racial diversity would problematically lessen discourse in classrooms and create a more exclusive culture on campus. I would feel less comfortable voicing my opinions with others and doing group work due to fears of being tokenized and judged based on my race. This is why I support UT's ability to use a variety of means – including race-conscious admissions – to promote racial diversity within the student body.

My name is T'Jae Freeman, my birth date is 11/04/1998, my address is 2704 Rio Grande St., Austin, Texas, 78705, the United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County in the State of Texas on November 13th.



T'Jae Freeman

EXHIBIT 5

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ **IN THE DISTRICT COURT**
§ **OF**
§ **TRAVIS COUNTY, TEXAS**
§
§ **53RD JUDICIAL DISTRICT**
§
§ **CAUSE NO. D-1-GN-19-**
§ **002739**
§
§

Declaration of Marlie Ashton Harris

I, Marlie Ashton Harris, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I identify as a Black woman.
3. I am currently a junior at the University of Texas at Austin (“UT”). I am majoring in Human Development and Family Sciences. I want to get a PhD in Counseling Psychology.
4. My high school experience was impacted by my race. I attended a Catholic high school. While the school was predominantly Black and

Latinx, I was one of only a few Black students enrolled in the Advanced Placement courses. I often felt racially isolated from my classmates. Some classmates derisively viewed me as an “oreo,” a phrase meaning that I was only black in appearance and that my cultural identity did not match my racial one. Even though the person who said it meant no harm, it made me feel ostracized from my own racial identity. Classmates asked me if my headband was a “durag.” A white classmate once told me that “Black kids must be stupid” when we were discussing educational disparities in class. These experiences made me much more sensitive to how our education system treats people differently based on how they look.

5. I was ambitious and hardworking throughout high school: My SAT was 1350 out of 1600; my GPA was 4.16; I was student body president and participated in numerous extracurricular activities including varsity volleyball; I did a summer research program focusing on cancer research at UT’s MD Anderson Cancer Center. There were 93 students in my senior class. I ranked 16 out of 93, placing me in the top 17% of my graduating class.

6. I applied to UT in the fall of 2016, along with several other schools. I wrote my personal essay about my grandma who had Alzheimer’s and how I had to take care of her growing up because we could not afford nursing

care. I shared that my high school experiences were shaped by her cognitive decline.

7. I was admitted to UT through the holistic admissions process.

8. It was important to me to attend a racially diverse college. I was admitted to more than one college. I chose UT over other colleges, in part, because it offered higher levels of racial diversity.

9. My freshman year, I took part in a program operated by University Housing and Dining called Longhorns for a Culturally Competent Campus because I wanted to interact with people who were different from me. The program teaches students that bridging differences goes beyond just meeting “in the middle”; rather, it requires traveling all the way to somebody else’s side to see their perspective. The program taught us how to communicate with people from different cultural backgrounds. It was a racially diverse group of students and it opened my eyes in talking to people from all different perspectives.

10. This training in cultural competency has helped me in my role as a Resident Assistant (“RA”). As an RA, I’m responsible for students of all different backgrounds. To be effective, I need to appeal to every student’s distinct cultural background.

11. I have learned a lot from my conversations with classmates from different racial backgrounds. My friends of Asian American descent have taught me about geo-politics of Asia and how that's relevant to their family in Vietnam and Korea. These conversations have revealed cultural differences. But just as importantly, they have shown me the many similarities across cultures such as how we view family.

12. I also love that UT's student body diversity allows me to learn about additional cultures and go to different cultural fairs. For example, I am part of Latin Dance. I attended the Day of the Dead celebration organized by the Mexican American Culture Committee. I also attended a giant cultural fair organized by Asian American organizations, which included a lion dance and swords. My exposure to different cultures at UT inspired me to visit China last summer and learn a little Chinese. This broad range of diversity has greatly enriched my experience at UT and made me more comfortable connecting with people from all racial and ethnic backgrounds.

13. While UT is culturally diverse in some respects, I initially struggled during my first year at the college when I pursued the pre-med track. It was hard in classes of 500 students and my GPA was low my first year. My struggles were due, in part, to feeling judged by others based on my race. I worried that classmates saw me simply as a Black girl with dreads and

would make assumptions about me, so that would cause me to be afraid to even ask questions in class because I felt as though I would be fulfilling a stereotype if my questions were not intelligent enough. Even in these classes of 500 students, there were only a sprinkling of black students here and there.

14. My experience significantly improved when I met Black faculty. They seemed like they cared about me and believed in me. It made my college experience so much better.

15. I have had mixed experiences raising issues around race in my classes. In some situations – particularly when there are fewer people of color in the classroom – I feel anxious about bringing up how racism plays a role in the issue because I worry people will look at me like a “poor Black girl” or charity case. My classes that lack faculty and students of color have also ignored or underemphasized how the issue being discussed has distinct impacts on racial minorities. For example, my class on gender and sexuality has not focused on how perpetrators of hate crimes have disproportionately targeted trans women of color. My science classes with few people of color have also failed to discuss how most of the research focuses on white populations.

16. We need more diversity at all levels: faculty, graduate students, and undergraduate students. Greater racial diversity at every level can better ensure racial disparities and nuances are thoroughly explored.

17. We also need sufficient diversity across departments and programs. Currently, levels of diversity are very inconsistent. In the education psychology department, I encounter a lot of Black Teaching Assistants, graduate students, and professors. But in the psychology department, I have only encountered one Black professor and not a single black graduate student. The psychology department gets more funding, making these racial disparities more problematic.

18. Black students on UT's campus need more support, not less. Right now, Black students and student organizations are doing a substantial amount of the work to make UT more inclusive and welcoming for students of color. A decrease in the number of Black students on UT's campus would, therefore, be problematic. Fewer numbers would make it even harder to have our voices heard by the administration. This would make the quality of life go down for Black students. It would also reduce our voices across classroom dialogues and across campus, thereby reducing rigorous dialogue and harming the educational environment for all students.

19. Class is not a good proxy for race in admissions or evaluating the benefits of diversity. Racism plays a part no matter what socioeconomic status you have. Even if you are privileged financially, you can still experience hardship based on your race. As such, considerations of class cannot address all forms of inequality, nor can it cultivate all forms of diversity.

20. In sum, it is important for UT's holistic process to consider race as one of many factors in admissions because race continues to matter in the lives of many applicants, including mine. It also increases diversity across and within racial groups. This diversity is essential for learning and for transforming UT into a university that is truly inclusive of students from all backgrounds and supports them across all program areas. I wasn't able to succeed until I had mentors that showed me that they believed in me. While it should not have been the case, because everyone should reach out a helping hand, the people who showed me that support were the people that looked like me. If the diversity in the campus was lower, there was a chance I may have become just another statistic that ultimately failed. However, I have a strong network of people keeping me going and it is UT's diversity that is the foundation of that network.

My name is Marlie Ashton Harris, my date of birth is 9/15/1998, and my address is 204 East 21st St., 78705, the United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County in the State of Texas on 11/15/2019.

A handwritten signature in black ink, appearing to read "Marlie H.", written over a horizontal line.

Marlie Ashton Harris

EXHIBIT 6

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ **IN THE DISTRICT COURT**
§ **OF**
§ **TRAVIS COUNTY, TEXAS**
§ **53RD JUDICIAL DISTRICT**
§ **CAUSE NO. D-1-GN-19-**
§ **002739**
§
§

Declaration of Angela Kang

I, Angela Kang, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I identify as Asian, East Asian, and as a Korean American cis-gendered woman. Because Asian women are often fetishized and stereotyped subservient, I frame my racial identity as an Asian woman.
3. I am currently a senior at the University of Texas at Austin (“UT”), pursuing a Bachelor’s of Science in Biology Honors in the Dean’s Scholars Honors Program. I am also pursuing a certificate in Social Inequality, Health and Policy with a concentration in Public Health.

4. Race has influenced my life experience in such impactful ways that I cannot think of life without it. My Asian identity has informed the way I have been brought up, the way I think, and the way I view myself and grow into my identity. It informs my experiences with racism and sexism, which I wrote about in my admissions essay.

5. In my application, I explored how my racial identity is often what is judged first, much like a figurative Hester Prynne with an “A” on my chest for “Asian.” Others’ perception of my race frames my identity.

6. I grew up in Austin and attended Bowie High School in South Austin. I hoped UT would reflect the diverse population of Texas.

7. I knew race would be a factor in admissions but I also knew it would not be the only thing considered in my application. I appreciated that UT valued race in admissions because race was such an important part of my identity. While I was admitted under UT’s top 7% policy, I felt comfortable talking about race.

8. At UT, I am challenged to think differently because of interacting with students of different backgrounds, including different racial backgrounds. I was not nearly as informed about people’s struggles as I am now. Through

this learning process, I have also grown my sense of empathy and passion for justice.

9. Some East Asian families feel that college admissions consider race in a way that negatively impacts Asians and that scores such as the SAT and GPA should be considered more. However, not considering race and putting more of an emphasis on numbers does a disservice to someone's identity. I have developed this perspective from talking to students of diverse backgrounds, since numbers can be biased by privileged access.

10. My classroom education has been enriched by the conversations I have with the people around myself. It has allowed me to advocate for other people in empathic ways.

11. Asians are often grouped as a monolith but the struggles of East Asians, for example, vary from the struggles and experiences of other Asian groups. Therefore, Asian Americans belong in conversations about diversity because even this racial group holds such diversity. We are people of color who have experiences with racism, whether it be individual or systematic, and there are Asian American ethnic groups who are less represented and resourced, such as Vietnamese and Hmong Americans, that should be represented at UT.

12. Universities should also not perpetuate Asians monolith ideal or use the model minority myth to pit minority groups against each other to keep Brown and Black students out of these spaces. Asians and other minority groups deserve representation at universities. Admissions officers should also talk about Asians and minorities in more humanizing ways, as all minority groups deserve representation at universities. We should not be a talking point or a point of contrast to other minority groups in arguing against diverse spaces on campus.

13. I have witnessed and experienced many micro-aggressions at UT associated with race. Oftentimes, I am not taken seriously as an Asian woman. For example, if I am next to a white man, I have been completely ignored at predominately white- and male-dominated meetings even though I am the one talking. In the STEM field where there are noticeably fewer students of color and women of color, I am also not taken seriously and lumped together with other Asian students. I have sometimes tempered my own academic curiosity for fear of being diminished as an Asian stereotype rather than someone who works hard.

14. When I considered running for a Student Government position, a peer told me that no one would ever vote for an Asian student. As an Asian woman, it is difficult to see myself in and represented in positions of power.

15. I believe I have had fewer experiences with overt racism thanks to the overall diversity of UT's campus. I choose to go to spaces that are diverse and where I feel safe as a woman of color. I know that my experience is not representative of all Asians or all women of color. Many if not all of my friends of color have experienced racism at UT, but UT's racial diversity – which is supported by race conscious admissions – has allowed me to seek positive experiences and spaces. I also believe that UT has much more progress to make in terms of racial diversity and representing and supporting all minority students.

16. The diversity at UT has allowed me to interact with students of so many different identities, and this has in turn, shaped not only my identity, but also my career track. I started college as a Biology major wanting to be a doctor, but have since then realized my passion to address health inaccessibility as I have taken classes pertaining to medical racism and the relationship between identity and health.

17. It is naïve to talk about inequity without race. When addressing the persistent effects of systematic racism in admissions and society, we must not leave race out of the conversation.

18. Reducing the number of students of color on campus would impact me because I have directly benefitted from the conversations and experiences I have had with individuals of racially diverse backgrounds. If the university does not validate the identities of people, it would suggest to me that the university also does not support me and my identity. If UT did not explicitly state it supports a racially diverse student body, it would make me feel that UT does not value those experiences as much as I value them.

20. Class is not a good proxy for race because class and race can intersect and should be evaluated together. While it is important to admit students who are socioeconomically diverse, that should not be an argument against admitting individuals from a diversity of racial and ethnic backgrounds. If only class is used and race is removed, an important part of a person's identity is taken away and diminished.

21. Race is an inseparable part of one's identity. UT already recognizes that race is an important part of one's experiences since the Multicultural Engagement Center (MEC) exists with agencies for every racial identity group – Asian Desi Pacific Islander Collective, African American Affairs, Native American and Indigenous Collective, Latinx Community Affairs, and Queer and Trans People of Color Agency. The MEC's existence is a testament to how UT rightly values the ways in which race and identity can

be integral to a college student's experience. This commitment to diversity should continue.

My name is Angela Kang, my date of birth is 8/31/1998, and my address is 709 W. 22nd St., Austin, Texas, the United States of America. I declare under the penalty of perjury that the foregoing is true and correct. Executed in Travis County, State of Texas, on 11/14/19.

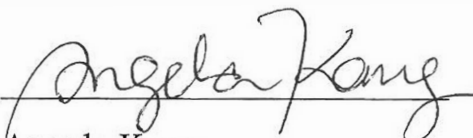

Angela Kang

EXHIBIT 7

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ **IN THE DISTRICT COURT**
§ **OF**
§ **TRAVIS COUNTY, TEXAS**
§
§ **53RD JUDICIAL DISTRICT**
§
§
§ **CAUSE NO. D-1-GN-19-**
§ **002739**
§
§

Declaration of Brianna Mallorie McBride

I, Brianna Mallorie McBride, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I identify as an African American female. My family has lived in the U.S. for generations and I am a descendent of slaves.
3. I am currently a junior at the University of Texas at Austin (“UT”), class of 2021. I am pursuing two majors: Communications and Leadership as well as Government. I am minoring in African and African Diaspora Studies.
4. My racial identity impacted all my educational experiences growing up, influencing how others viewed and treated me. From third grade

through high school, I attended a small charter school system in Houston, Texas called Harmony Public Schools. Teachers, administrators, and classmates often viewed me in stereotypical ways because I was African American. Classmates often told me I was “funny” even though I did not act like a class clown. One teacher repeatedly told me and other Black students to “try out for the track team” even though we had no special interest in athletics. While quick to see me an athlete or jokester, teachers and classmates were less likely to see me as smart. Whenever I participated or spoke up in my Psychology class, the teacher didn’t take me seriously and just thought I was making jokes.

5. I had to work extra hard to prove myself academically and overcome these stereotypes. Thanks to my hard work, I managed to qualify for the highest academic track and advanced coursework at my school. But relatively few Black students qualified for these advanced courses. I constantly felt judgment from others and added pressure to prove that I belonged in the accelerated track.

6. My high school did not provide a welcoming environment for Black students. Administrators often confused me with other African American students. They discouraged and censored our advocacy to promote Black history month and express that Black lives matter. They shamed us for

using African American vernacular, rather than recognizing our skills in code switching.

7. I applied to UT in fall of 2016. I was a good student and strong academically. I had scored a 1330 out of 1600 on the SATs. I had taken 8 Advanced Placement courses in high school, along with four college-level dual credit courses. I had a 4.06 GPA.

8. Since my high school focused on college readiness, it was a highly competitive academic environment with many high-achieving students. I was ranked 23 out of 127. I knew that I fell outside the top 7%. This did not worry me because I knew my credentials were strong and I applied to several out-of-state private institutions as well.

9. I wrote one of my personal essays about my family. I talked about the lessons that I learned joining a jazz band run by my great uncle. To authentically share my story, I used phrases that are prominent in the Black community. I talked about how my dad took me out of classical piano classes and sent me to my uncle so I could learn to “feel flavor.” I shared how these jazz lessons in “flavor” extended to larger life lessons from my uncle. My teacher suggested removing my family’s phrasing. But I decided to leave it in because captured my story and what I would bring to college.

10. I was admitted to UT through the holistic admissions process. Initially, UT was not my first choice college. When I visited, I did not see very many Black students. I initially felt that UT did not have the diversity that I wanted. I was accepted into several other schools, including NYU. Initially I was leaning towards NYU, but UT offered me an academic scholarship on top of my federal aid. It also helped that I knew many students of color who were planning to attend UT in the fall, including several of my friends who were also African American.

11. As a student at UT, I am grateful that we have a strong Black student community on campus. We are not the largest group. But we have many programs to support Black students, including more than thirty student organizations. We also have events to recruit Black students. This includes a Black student weekend where we welcome incoming Black students and provide them with mentorship and information on how to navigate campus as a Black student. We have a presence at UT, even though classes still lack a sufficient numbers of Black students.

12. I would not be able to thrive as a student without the strength of the Black community.

13. Even with current levels, it is often difficult to be a Black student at UT. In many classes, there are few or no other Black students. This makes

speaking up uncomfortable because you are viewed as a spokesperson for your race. When I have been the only Black student in a group project, classmates will assume that I will not contribute but to combat this I am the first to speak or contribute my opinion on how to complete the assignment. As one of the few Black students in my classes, it has also made it harder to find classmates who will share notes with me and it makes me feel more alienated in classes.

14. I currently work as a Student Ambassador for the Admissions Office where I conduct tours to prospective students. Out of sixty student tour guides, there are currently only seven who identify as Black. This sometimes makes me feel isolated, but I also know that I have an important role to play in recruiting more students of color to attend UT. In my experience, admitted applicants of color are more likely to choose UT when they see sufficient numbers of other minority students on campus and believe UT offers a racially diverse, inclusive learning environment. I have also had admitted students tell me that they are choosing to enroll in another college because UT does not have enough Black students.

15. Having a sufficient number of Black students on campus and in leadership has also been important to recover from racially isolating incidents on campus. In the winter of my freshman year, a white

supremacist group marched with tiki torches through the Main Mall of campus around 10pm on a Friday night. This march understandably alarmed many students of color since such groups have historically terrorized Black and Brown communities in this country. But university officials did not provide support to students during the incident and did not alert students about the incident until the next day. As an African American, the episode made me feel more isolated and alienated on UT's campus.

16. I have felt more supported on UT's campus by seeing more Black students rise to positions of power in campus organizations over the past several years. For example, the current student government president and vice president both identify as Black. This type of visible representation helps show that UT is becoming a college where Black students are welcome and full participants in the academic community.

17. I support considering race in holistic admissions because it promotes a more racially diverse applicant pool and a more racially diverse student body. If the number of students of color decreased, it would hurt UT's community overall. It would also make it harder to recruit students of color who need to feel like they would have a family once arriving on campus. It would also hurt learning inside and outside of the classroom, which benefits from the perspectives of students from every racial background. More racial

diversity better ensures there is a diverse array of perspectives on today's most challenging issues. It also better expands opportunity for students from all racial and ethnic backgrounds. For all these reasons, race-conscious admissions remains critical for educating students at UT and the Texas's next generation of leaders.

My name is Brianna Mallorie McBride, my date of birth is 12/30/1998, and my address is 2100 Nueces Street #508A, Austin, Texas, 78705, the United States of America. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County in the State of Texas on November 15, 2019.

A handwritten signature in black ink, appearing to read "Brianna R. McBride", written over a horizontal line.

Brianna Mallorie McBride

EXHIBIT 8

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ **IN THE DISTRICT COURT**
§ **OF**
§ **TRAVIS COUNTY, TEXAS**
§
§ **53RD JUDICIAL DISTRICT**
§
§
§ **CAUSE NO. D-1-GN-19-**
§ **002739**
§
§

Declaration of Desiree Ortega

I, Desiree Ortega, declare the following:

1. The facts set forth in this declaration are based on my personal first-hand knowledge, and if called as a witness, I could and would competently testify to the following matters under oath.
2. I identify as Mexican-American and Puerto Rican-American and as a Latina.
3. I am currently a third-year student at the University of Texas at Austin (“UT”), studying Neuroscience and Mexican-American Studies with a pre-med focus and a certificate in Health Professional Spanish.
4. I am the first in my family to attend college and I am a non-traditional student. I initially attended community college beginning in August 2014 before transferring to UT in January 2016.
5. My racial identity intersects with where I grew up. Because the schools in my neighborhood of the South Side of Chicago were academically low-

performing, my mother worked hard to pay for my tuition to a predominantly white private school so that I could increase my chances of attending college. When my mom had a chance at a better paying job, she relocated our family to live in a higher income area because the public schools were better funded and therefore higher performing but also predominantly white student body. If I stayed in the area that I grew up in, which were predominantly Latino, my chances of going to college would have been more limited due to the lack of resources and my access to better academic opportunities.

6. Race has shaped my experiences and my choices to attend college. Traditionally, Latinas are the primary caregivers at home while Latinos generate the household income. Therefore, it is statistically challenging for Latinas to pursue a college education, especially in a STEM setting. My mom originally planned to go to college. However, she got pregnant in high school and it was expected of her to focus on raising her child rather than go to college.
7. My family moved to a suburb in Houston when I was 12 years old. My zoned public high school was also low-performing with predominantly students of color and had policies such as students passing through a metal detector to enter the school. My mom transferred me to a higher-performing

public high school where I think we had to pay a fee to attend. This new school was predominantly white with families of higher socioeconomic status but did not have policies making students going through metal detectors even though it was only fifteen minutes from my zoned school.

8. I was not in the top 7% of my graduating class. I did not take the SAT because I didn't have the money to take the exam or to take a prep course. If I had known UT had a holistic admissions process, I would have applied. Instead I went to community college in San Antonio and Houston for about a year and a half. Even though my high school had a college counselor, they didn't fulfill my needs of being a first generation college student who was also Latina.
9. Being around students from diverse racial backgrounds at UT has improved my ability to empathize with others because the friends I made here were willing to share their experiences with me. I would not have these experiences if I went to a less diverse college anywhere else. Meeting students from a different background from mine made me become more aware of various social justice issues I would have never been aware of before.
10. Interacting with students from different racial and ethnic backgrounds has also improved my learning, especially in my smaller seminar classes. In

these classes, group discussion is encouraged so students from different racial backgrounds have the opportunity to share their thoughts and perspectives on the topic of discussion. For instance, I have spoken up in class to provide my perspective of what it's like to grow up in an inner-city neighborhood.

11. I have taken several Mexican-American and Latino studies classes with predominantly Latinx students and professors. I feel more comfortable in those classes because I am with people who identify similarly to me even though our experiences can differ with how we were brought up such as citizenship status, gender identity, sexual orientation, hometown, and language fluency among many other factors.
12. Making friends in the Latinx community at UT has helped me navigate my identity as a Latina, especially because I grew up in a predominantly White space and away from my family and parts of my culture in Chicago.
13. I learned that resources for first generation college students have marginally improved over the past 20 years after I met a UT Latina alumna who graduated in 2000. I believe these small improvements were a result of the top 10% policy that increased the number of students of color on campus to advocate for these important issues.

14. I struggle with mental health issues and am a survivor of dating violence. In addition to being low-income, Latina, first generation student, and a non-traditional student, these have all influenced my academic success. I feel like the academic culture at UT does not take these factors into consideration during course advising, classroom lectures, and office hours. For instance, I struggled with managing coursework and working part-time because no one else in my family has been to college so I had to figure it out when I got here. When I tell that to my professors, they do not consider all of my identities and some tell me to figure it out, drop out of UT, transfer to an “easier” major, or change my career choice. Professors who have listened to my needs are either professors of color or are culturally competent and able to empathize with my identities.
15. Removing race as a factor in the admissions process is erasing me as a student at UT as well as other students whose race has affected their whole lives. UT should continue using race as a factor in admissions to not only maintain its diversity but also increase the number of students of color on campus.

My name is Desiree Ortega, my date of birth is 12/22/95, and my address is 5106 N. Lamar Blvd. Apt. 273, Austin, Texas, 78751, the United States of America. I declare under the penalty of perjury that the foregoing is true and correct.

Executed in Travis County, in the State of Texas on NOV. 14, 2019.

A handwritten signature in black ink, appearing to be 'D. Ortega', written over a horizontal line.

Desiree Ortega

EXHIBIT 9

**STUDENTS FOR FAIR
ADMISSIONS INC.,
Plaintiff,**

v.

**UNIVERSITY OF TEXAS AT
AUSTIN and GREGORY L. FENVES, in
his official capacity as the President of
the University of Texas at Austin,
Defendants.**

§ **IN THE DISTRICT COURT**
§ **OF**
§ **TRAVIS COUNTY, TEXAS**
§ **53RD JUDICIAL DISTRICT**
§ **CAUSE NO. D-1-GN-19-**
§ **002739**
§
§

Declaration of Texas Orange Jackets

I, Angela Kang, declare the following:

1. I am the current President of the Texas Orange Jackets and I am submitting this declaration on behalf of the Texas Orange Jackets in support of race consciousness in UT's holistic admissions process.
2. Orange Jackets is traditionally the oldest women's honorary service organization on campus, which was founded in 1923. Its members are women and nonbinary individuals who collectively seek to better the University of Texas and the City of Austin, to empower everyone to be leaders in their respective communities, and to promote a lifelong pursuit of three core tenets: service, leadership, and scholarship. The Orange Jackets serve as official hosts for the University of Texas at Austin.

3. Orange Jackets is comprised of approximately 57 members and overseen by a 11-person Executive Board. Each fall, Orange Jackets accepts approximately twenty to thirty members through a selection process. New members are selected on the core three tenets (service, leadership, and scholarship) as well as a desire to further the goals and vision of Texas Orange Jackets and the University of Texas at Austin (UT).
4. In recent years, the Orange Jackets has made tremendous efforts to increase diversity and inclusion regarding our membership and our organizational activities. We have also increased our recruitment efforts to reach a broader range of students from all backgrounds. For example, in the past year, we changed our Constitution and recruitment language to include gender-neutral pronouns and include non-binary students. We also created the position of an Inclusion Director whose focus is diversity and inclusion.
5. Over the last several years, there has been a significant increase in Orange Jacket members who identify as people of color and diverse gender identities. Students of color at UT now see that they are represented in Orange Jackets membership, which has made Orange Jackets a more attractive and reflective organization for students of all racial and ethnic backgrounds.

6. Having a diverse membership and inclusive space for dialoguing about race, gender, and class is critical to our organizational mission. This type of rich diversity allows us to better understand complex issues, engage deeply in discussions about today's challenges, and improve the effectiveness of our service projects. Since Orange Jackets are the official hosts of the university, it is important that our organization aims to reflect the broad, multifaceted diversity of both the university and the state of Texas.
7. Our members have strongly expressed that Orange Jackets' diversity and inclusion efforts matter to them. Our members often say that Orange Jackets stands out from other UT service organizations because of its impressive depth of diversity across members, including racial and ethnic diversity. Members appreciate interacting with people of vastly different parts of the state and different identities in terms of race, gender, and class. This interactive dialogue across difference is a huge aspect of what Orange Jackets offers to members and enables Orange Jackets – individually and collectively – to better pursue the core tenets of our mission. For example, this racially diverse membership improves members' ability to talk about challenging experiences sometimes tied to racial identity, reflect on how our racial identity shapes our own service,

- and improve our approach to serving the surrounding community which is racially diverse.
8. As a service organization, it is particularly important that our membership is racially, ethnically, and socioeconomically diverse so we can be mindful of how to serve communities which may differ from our own day-to-day experiences. This racial diversity provides distinct benefits because of the cultural richness that it lends to our membership and our discussions. One of our membership requirements include Scholarship Circles, which are internal discussions where we often discuss issues related to diversity and identity.
 9. Orange Jackets operates closely with the UT administration and alumni groups. This visual and substantive engagement means that the diversity across Orange Jackets' members has amplified the voices of traditionally underrepresented voices, and better ensured administrators and alumni hear those voices. At hostings, we interact with administrators and alumni who can see the racial and ethnic diversity of the student body and Texas represented in Orange Jackets.
 10. Orange Jackets would be negatively impacted by a reduction in the number of students of color on UT's campus because it would make it significantly more challenging to ensure our membership represents the

broadest array of backgrounds. This would harm the quality of Orange Jackets' service efforts since conversations would be less informed and members would be less equipped to bridge differences and find commonalities. This would also hinder Orange Jackets' ability to advance our current service agenda which includes the For Texas endowment, which would provide a scholarship to an incoming freshman woman or non-binary student with underrepresented identities.

11. In addition, such a drop in underrepresented minority students would negatively impact many of our members' daily experiences on campus. Members of color have already expressed facing racial isolation and alienation during our organizational discussions and Scholarship Circles. A drop in such numbers would worsen the community that this campus is striving to foster. It would place greater strain on the Orange Jackets to provide greater levels of support to our members to make sure they feel welcome at UT.

12. From our recruitment practices, Orange Jackets has realized that cultivating sufficient levels of diversity requires making sure students of color – and other historically marginalized groups – feel welcomed and supported in their various identities. Race-conscious admissions serves to support students in their identities. It allows them to talk about their life

- experiences, which often intersect with race, and how that contributes to their learning and future ambitions.
13. Orange Jackets supports race-conscious admissions because ignoring race in an otherwise holistic process sends an implicit, but clear message to Texas applicants that UT doesn't equally value the personal stories of applicants who feel race is an important part to understanding them as applicants. This is a feeling held by many Orange Jacket members of color.
 14. Orange Jackets believes that biases are still embedded into an admissions system that was initially designed to exclude Black Americans and other people of color at UT. We also believe that all people, including admissions officers, have implicit biases with regard to race, gender, and class. Race-conscious admissions serves to counteract these systemic and subconscious biases.
 15. The value of a UT education extends far beyond just academics: it provides a space for students to become better leaders by learning how to collaborate across difference, understand what unites us, and leverage our diverse perspectives to address today's most important issues and better serve our communities. Race-conscious admissions allows UT – and the

Orange Jackets – to better pursue this development of leadership and service.

My name is Angela Kang, I serve as the current President of the Texas Orange Jackets, my birth date is 8/31/1998, my address is 709 W. 22nd Street Apt. 202, Austin, Texas, 78705, the United States of America. I declare under the penalty of perjury that the foregoing is true and correct.

Executed in Travis County in the State of Texas on 11/14/19.


Angela Kang