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ORAL STATEMENT

**International Human Rights Association of American Minorities (IHRAAM)
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THE THREAT TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

The survival of over 100 Historically Black Colleges and Universities (HBCUs) in the United States is presently threatened by US government policy, Supreme Court decisions, and failure to enforce existing laws mandating their equal status survival with traditionally white institutions.

Established during the period when African Americans lived under Jim Crow laws (a legal system of apartheid, officially termed segregation), HBCUs testify to the fact that the US government for a period of over 100 years regarded African Americans as a distinct people, and established a distinct system for their education that was stated to be “separate but equal” – though it rarely was the latter.

When the Civil Rights Movement led to a systemic change in the legal relationship between African Americans and the US government, ending segregation, all were agreed that HBCUs should be maintained due to their particular efficacy in educating African Americans, their location in heartland African American communities, and the economic boost they gave to the latter. They have been regarded as an historical entitlement, and major civil rights organizations have contributed to their funding, since the heyday of the latter. HBCUs receive substantial support from African Americans and presently provide 40-60% of African American higher education in STEM (Science, technology, engineering, medicine) subjects, plus the training of a majority of African American teachers.

They also reflect African Americans’ right, as a national minority, to institutions.

However, recent government changes to lending criteria of the federal Parent PLUS student loan program have disproportionately impacted African American students, leading to a precipitous decline in African American enrollment in HBCUs and imperiling the survival of many.[1] There was no official consultation with the African American national minority As required by the Declaration on the Rights of Minorities, Article 2:3:

“Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.”

prior to the passing of legislation which has directly and disproportionately impacted them, and failed to address their protest afterwards. While the government-established White House Initiative for HBCUs has monitoring powers, it failed to alert HBCUs to their diminishing prospects. Its Chair is appointed by the White House, and it has no policy-making powers.

While heretofore HBCUs received funding from Title III grants, these one-time allocations must be repeatedly applied for, and are not an entrenched funding source. For the year 2014, due to sequestration, HBCUs received no funding from this source.

The Department of Education has allocated accreditation authority to private institutions whose rulings can have pernicious impact on HBCUs, allowing them to close an institution without the direct review and approval of the USDOE.

Furthermore, state funding programs are not providing parity between state land-grant institutions and land-grant HBCUs as required by the 1890 Morrill Act: clear discrimination against HBCUs in favor of Traditional White Institutions (TWIs).

The Supreme Court United States v. Fordice decision, which notably upheld the right to equality between HBCUs and historically white institutions (HWIs), sought subsidizing white students to attend HBCUs as a financial remedy, [30] thereby not only discriminating by financial favoring of white students, but also possibly impacting the identity, direction and goals of HBCUs in guise of helping them. This SCOTUS ruling reflects a range of purported solutions to HBCU funding which entail a dilution of their identity as African American institutions, inter alia by creating conditions to promote non-African American enrollment but not African American enrollment, and by re-termining them “minority- serving” institutions. Such solutions set the stage for future removal of existing HBCUs federal funding on the grounds that these institutions are now no longer “black”.

Achieving equality between HBCUs and HWIs would address both discrimination issues and African Americans’ minority right to educational institutions. Here we favorably cite a case [32] directed at the University of Maryland addressing the duplication of programs in HBCUs and HWIs (another factor negatively impacting HBCUs), resulting in a favorable ruling that such duplication should cease, with equity to be established by creation of exciting new programs for HBCUs to increase their student draw.