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<p>1 STATE OF ILLINOIS 2 ADMISSIONS REVIEW COMMISSION 3 4 NOTICE 5 Wednesday, July 29, 2009 6 7 Commission Meeting: 9:00 a.m. 8 9 James R. Thompson Center 10 100 West Randolph Street, Rm. 16-503 11 Chicago, Illinois 60601 12 13 AGENDA 14 I. CALL TO ORDER AND INTRODUCTORY REMARKS 15 16 II. PUBLIC TESTIMONY 17 A. Tom Livingston, University of 18 Illinois Alumni Association 19 B. Senator Kwame Raoul 20 C. Joseph Flaherty, Dean, University of 21 Illinois College of Medicine 22 D. Senator Chris Lauzen 23 24 III. DISCUSSION</p>	<p>1 TRANSCRIPT OF PROCEEDINGS 2 CHAIRMAN MIKVA: Scholz is on the phone. And 3 everyone else is here, except Ms. Lowry. 4 Do we know about her at all? 5 MR. CHUNG: Judge, I do expect her. 6 CHAIRMAN MIKVA: All right, well, let's get 7 started. She sometimes has problems getting in on, 8 in an early hour because of her family. 9 Commission will come to order. Our first 10 witness for the day is -- before we go into the 11 witnesses, let me just remind everybody of what our 12 schedule is for the rest of the week and hopefully 13 the rest of our tenure. 14 We're scheduled to meet today to hear four 15 witnesses, which will take us into the early 16 afternoon, I think. At that point the Commission 17 will recess with, for individual conversations with 18 the council as to what they, the Commissioner's 19 think ought to go into the report. We'll meet 20 Friday morning, I think the new time is 11:15, if 21 everybody can be here. 22 MR. CHUNG: 11:15, Judge? 23 CHAIRMAN MIKVA: 11:15 on Friday morning, to go 24 over what we hope will be a near perfect, near final</p>
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<p>1 2 IV. CONCLUDING REMARKS AND ADJOURNMENT 3 4 COMMISSIONERS PRESENT: 5 RICARDO ESTRADA 6 BERNARD JUDGE 7 ABNER MIKVA (CHAIRMAN) 8 ZALDAWYNAKA SCOTT 9 MARIBETH VANDER WEELE 10 CHUCK SCHOLZ (VIA TELEPHONE) 11 12 OFFICE OF THE GOVERNOR 13 PAT QUINN, 14 JRTC, 100 W. Randolph Street, Suite 16-100, 15 Chicago, Illinois 60601, 16 MR. THEODORE T. CHUNG 17 18 KIRKLAND & ELLIS LLP, 19 300 N. LaSalle Street, 20 Chicago, Illinois 60654, 21 MR. ROBERT B. ELLIS, P.C. 22 23 REPORTED BY: ELIA E. CARRIÓN, CSR 24 CERTIFICATE NO. 084.004641.</p>	<p>1 draft of the report by the staff, having taken into 2 account all of our ideas that we've given them 3 today, and tomorrow, and we'll vote on the report. 4 Hopefully we'll finish it. We may have to have 5 a final pro forma conference call to, if there's 6 final changes that have to be made, to be approved, 7 but I'm hoping that we'll met our deadline of next 8 week and that we won't have to have any further 9 in-person meetings after Friday. 10 Everybody with that? 11 COMMISSIONER JUDGE: Correct. 12 CHAIRMAN MIKVA: Okay, so let's start with this 13 morning's agenda. 14 We're going to hear from -- 15 MR. ELLIS: Tom Livingston. 16 CHAIRMAN MIKVA: Yes, Mr. Livingston. 17 MR. ELLIS: Tom, why don't you come forward. 18 CHAIRMAN MIKVA: Of the University of Illinois 19 Alumni Association. 20 MR. LIVINGSTON: Yes, good morning. 21 CHAIRMAN MIKVA: [Unintelligible] even I 22 remember. Mr. Livingston, thank you for being with 23 us and we appreciate your willingness to help. 24 MR. LIVINGSTON: Good morning, and thank you</p>

<p style="text-align: right;">Page 5</p> <p>1 all for your role in this. We thought, Judge, it 2 might be useful to describe the University of 3 Illinois Alumni Association very briefly up-front, 4 to define the questions or comments you might have 5 for us.</p> <p>6 And it really is a pleasure and an honor to 7 represent the University of Illinois Alumni 8 Association board and University of Illinois alumni. 9 Just a few facts about the Alumni Association.</p> <p>10 We were founded approximately 130 years ago. 11 We were founded to foster a spirit of loyalty among 12 graduates to the university and to promote the 13 welfare of the university.</p> <p>14 Today the association represents all three 15 campuses of the University of Illinois Springfield, 16 Chicago, and Urbana-Champaign, and we have some 17 630,000 graduates in our membership; approximately 18 350,000 in Illinois, among the largest of such 19 associations in the nation.</p> <p>20 The association is a separately incorporated 21 501(c)(3), and it is a self governing entity. It's 22 separate from the University of Illinois. It is a 23 30-member volunteer board, of which I am a member 24 of. It has a 65-member professional staff and it</p>	<p style="text-align: right;">Page 7</p> <p>1 then went on to put themselves up for the ballot and 2 were elected state wide.</p> <p>3 In the mid 1990s, that law changed, and 4 provided that appointment power to the governor, and 5 at least in the beginning our, our relationship was 6 undiminished in terms of contact with the governor 7 and the appointment process, but we felt that the 8 slating process did produce very high quality 9 candidates who had good perspective and temperament 10 and understanding about the role of governance at a 11 university, and including those early appointments 12 when it went to the governor's appointment.</p> <p>13 CHAIRMAN MIKVA: Did you say that the role of 14 the association has diminished in the last couple 15 three administrations in selecting trustees?</p> <p>16 MR. LIVINGSTON: Yes, I would say in the last 17 two administrations it went to a lights out 18 relationship, quite frankly.</p> <p>19 You know, there was a, each time in the 20 previous two administrations there was a hand 21 extended to offer ourselves as a resource. And we 22 understand that it is the governor's pick and that 23 there are many other avenues of people and 24 organizations that reach out to a governor to</p>
<p style="text-align: right;">Page 6</p> <p>1 directs and sets policies to that staff. It's a 2 very stable and well-run organization. We have 3 rotating chairman committees that involve 4 programming and membership and various functions of 5 the board, and we do take the long view, in terms of 6 our relationship with the university and, and how 7 that functions.</p> <p>8 The Alumni Association does not get involved 9 directly in admissions matters, but we have a long 10 history of partnership with the university, as far 11 back as the early 1900s. In terms of direct 12 references, you can find in our history to 13 legislative advocacy, so support for the 14 university's budget over the years, student 15 recruitment, trustee selections as important matters 16 of concern to us.</p> <p>17 CHAIRMAN MIKVA: Until fairly recently the 18 Alumni Association was directly involved in the 19 selection of trustees.</p> <p>20 Didn't you used to nominate the candidates that 21 ran, when it was an elective process?</p> <p>22 MR. LIVINGSTON: That's correct. We were part 23 of a slating process that existed for several 24 decades, almost 100 years, and those individuals</p>	<p style="text-align: right;">Page 8</p> <p>1 assist, but the association feels that it has a 2 remarkable collection of individuals that have gone 3 off in life and either run corporations or have good 4 perspective to understand that, at a world class 5 level. Really driving, not only the country, but 6 the globe in terms of their contributions, and at 7 least offer the governor a range of those people, 8 again, for him to make his own selection.</p> <p>9 To your question, Judge, particularly in the 10 previous, immediately previous administration, we 11 went to a lights out relationship. The association 12 was heartened when Governor Quinn, as one of these 13 early access governor, we commend him because he 14 really did work with us, we extended our humble hand 15 to him, and said here's a range of individuals we 16 think would serve well.</p> <p>17 One of my colleagues on the Alumni Association 18 board said, "We were about governance before 19 governance was cool," in terms of this whole 20 discussion, and so we feel we had a successful 21 relationship with Governor Quinn in this most recent 22 election, selection.</p> <p>23 COMMISSIONER JUDGE: What would your reaction 24 be to a, there's nine trustees, three students.</p>

1 MR. LIVINGSTON: Yeah.

2 COMMISSIONER JUDGE: Forgetting about the

3 students for right now, if it was a 6-3, and the

4 governor appointed three and the, from his own

5 committee, and then the remaining six came from a

6 list that was provided by the Alumni Association?

7 MR. LIVINGSTON: Well, we've seen a variety of

8 proposals that have come out of the testimony here,

9 and when I say we, Alumni, and so I've got to be

10 careful, I don't come up here as an individual and

11 endorse one plan over the other, but to your

12 question, I think Alumni would see merit in any one

13 of the proposals that's been suggested, either at

14 minimum on a go-forward basis, collaborate as we did

15 with Governor Quinn, and be a helpful global

16 resource to him, but any, the 6-3 plan or any of

17 those plans I think have merit.

18 I think the Alumni Association has the

19 stability and perspective and long view to be

20 successful in any of those categories, and so --

21 we're not the type of organization to come out front

22 and endorse or pass resolutions on those sort of

23 things, but we'll stand ready.

24 COMMISSIONER JUDGE: So you have no negative

1 feelings about it?

2 MR. LIVINGSTON: No.

3 CHAIRMAN MIKVA: What do you think, the

4 University of Pennsylvania has an actual election

5 process among the alumni for choosing the alumni

6 representatives on the, on their board of

7 governance.

8 What do you think of some variation on that?

9 First of all, would the Illinois Alumni Association

10 be capable of handling such a process?

11 MR. LIVINGSTON: Yes, I think we could manage a

12 process such as that. It does not exist within our

13 mechanism, but we would work with the Commissions

14 report and other interested parties to develop a

15 process of integrity, transparent progress. One

16 that I think a governor or a university could stand

17 next to and be proud of.

18 I personally don't know enough about the other

19 parts of the university of Pen -- or the Penn State

20 system, in terms of the other make up.

21 I know that when, in 1996, the appointment went

22 from elected to appointed for the trustees,

23 different systems were looked at and I think at the

24 time it was determined that this was, the

1 appointment process by the governor was the cleanest

2 and most manageable, without knowing what the future

3 would handle.

4 CHAIRMAN MIKVA: That can be dangerous, as we

5 find out from time to time.

6 MR. LIVINGSTON: Yeah, agreed.

7 So I think, in terms of the Alumni Association

8 involvement, it's probably appropriate and no

9 accident that we're coming to you towards the end of

10 the process, not because we don't care, we're very

11 passionate about governance, but we, again, have a

12 mission of promoting the welfare of the university

13 and we're not one to charge ahead of a process or,

14 because we've got such a diverse array of alumni

15 from different campuses from a variety of regions,

16 we tend, again, mostly to serve as a conduit, a

17 long-term system of integrity that we feel would be

18 sustainable under any recommendation the commission

19 would provide.

20 COMMISSIONER JUDGE: When you used to be part

21 of the slate-making process, did you pick candidates

22 so that the various professions were, whether there

23 was a need for them or they should play a role

24 carefully in that, did you pick carefully in that

1 area, like medicine and law and business?

2 MR. LIVINGSTON: Yes, that is very important.

3 And the chemistry and makeup of the board is

4 important, so you have to look at who is already on

5 the board often and then create balance.

6 And usually, and in our last case with Governor

7 Quinn, we looked at those aspects very carefully.

8 We looked at also geographic aspects, because of the

9 state wide nature of the university, and those,

10 those are very important qualities and something

11 that the Alumni Association has sweated over in the

12 past to make sure that we did it right.

13 COMMISSIONER JUDGE: Okay.

14 COMMISSIONER VANDER WEELE: What percentage or

15 what number of alumni were involved in the slate

16 making process?

17 MR. LIVINGSTON: That I don't know exactly. We

18 tend to operate by committee, so even the selection

19 of the committee is an arduous and well thought

20 through process. So we have nominating committees,

21 slating committees in that time period, and I would

22 suppose that on a go-forward basis we would have to

23 maintain the same kind of diversity and integrity

24 and collaboration with state holders, be it a

1 governor or public, and our memberships have fairly
 2 wide cross section then to go forward, but it was,
 3 it was a fairly routine process, and therefore
 4 predictable, I think.

5 COMMISSIONER VANDER WEELE: So how many people
 6 were on the committee?

7 MR. LIVINGSTON: I would have to forward that
 8 information to the committee. I don't recall --

9 COMMISSIONER VANDER WEELE: Approximately. Is
 10 it five, is it seven, is it nine, is it 15, is it
 11 30?

12 MR. LIVINGSTON: My recollection was it was
 13 approximately 15.

14 COMMISSIONER VANDER WEELE: So you're
 15 recommending or thinking, or we're thinking about 15
 16 people --

17 MR. LIVINGSTON: Okay.

18 COMMISSIONER VANDER WEELE: -- controlling the
 19 nomination of candidates, or six members of the
 20 board or four members. Is that, is that correct?

21 So isn't that really representative of all 300 --

22 MR. LIVINGSTON: Right, I think, if you were to
 23 do that, you would have to have a way of
 24 transparency and working through that process. I

1 think the 15 were there to facilitate a process.
 2 And I think the Alumni Association would be open to
 3 any recommendation or suggestion to make sure there
 4 was confidence and that process was accessible, but
 5 there's no emergent plan that the Alumni Association
 6 or we received letters on, that I'm aware of, that
 7 they're coalescing around, either all governor
 8 appointment or going back to exactly that process,
 9 pre-1996.

10 But those are the kind of questions we would
 11 have to ask ourselves. Is this a representative and
 12 functioning process, so.

13 COMMISSIONER SCOTT: When you earlier stated
 14 that the relationship between the association and
 15 the immediate past governor was lights out, can you
 16 describe for us what efforts or overtures the
 17 association made to bridge a relationship with the
 18 governor?

19 MR. LIVINGSTON: Surely. Well, as candidates
 20 for governor, we, in the, I believe that was the
 21 2002 campaign, the association extended a hand to
 22 both the republican nominee for governor and the
 23 democratic nominee for governor to talk about a
 24 variety of issues as an association under the broad

1 category of our advocacy mission, which is higher
 2 ed, and not just University of Illinois higher ed,
 3 but higher ed in the state.

4 And one of the candidates showed up on the
 5 republican side, in this particular case, and the
 6 other candidates, who eventually became governor,
 7 did not after, you know, moving it around, that
 8 happens. We understand campaigns.

9 However, after that person took the
 10 governorship, we then officially extended a hand, at
 11 first to staff, to say what I've expressed to you
 12 this morning, that we are a resource. Here's the
 13 kind of selection that we can offer to you and we
 14 have a process that makes, I think a governor proud.
 15 We would submit not one name. We're not a one name
 16 submission type of organization, take it or leave
 17 it.

18 Here's a range of individuals that you can look
 19 at, it is your pick. You might have another
 20 constituency outside of our awareness that could
 21 provide a better perspective, and we respect that.

22 But the dialogue never occurred, and we were
 23 used to dialogue with governors over the years on
 24 budget matters, on everything from food research to

1 Alumni Association issues to trustee selection. And
 2 so even at the staff level, that would have
 3 sufficed, but typically it went from just picking it
 4 up into the newspaper and in some cases just not
 5 knowing anything about the -- the appointee, in some
 6 cases the appointee not necessarily knowing they
 7 wanted to be on the University of Illinois board
 8 which was kind of a surprise, and that, that was a
 9 red flag for us, quite honestly.

10 COMMISSIONER VANDER WEELE: Respecting your
 11 role in the Alumni Association and the constituency
 12 you represent, and clearly it's a large
 13 constituency, but what about faculty? Should
 14 faculty have a voice or a representative on the
 15 board?

16 MR. LIVINGSTON: Well, I suppose under the
 17 current law they could, but if the governor would
 18 appoint them. I think, however, that's not our
 19 expertise. Our expertise is going out and getting
 20 that, that member who's run an organization, who's
 21 sat on a board, who has excelled in the law or
 22 excelled in some other profession. We can only
 23 speak to that.

24 And humbly, if we just don't know about the

1 inside of the university and the faculty and what
2 kind of decisions they would make vis-a-vis other
3 units on campus, you know, or -- that could be a
4 problem.

5 I suppose people in the higher ed profession
6 and the association of governing boards, which is an
7 organization I'm aware of about trustee boards, they
8 could speak to the hazards of faculty or staff being
9 appointed to those boards.

10 All we've ever wanted to do is extend a hand
11 from our alumni base and say, here are people who we
12 think can contribute with dignity and temperament
13 and perspective.

14 COMMISSIONER VANDER WEELE: You talked about
15 being a proponent of governance long before it was
16 cool.

17 MR. LIVINGSTON: Yeah.

18 COMMISSIONER VANDER WEELE: Does that mean your
19 association has its own internal code and conduct
20 and compliance program?

21 MR. LIVINGSTON: Well, yes. I mean, we take
22 that very seriously. Now, having said that, we
23 aren't operating university units so we're a
24 complicated organization but not the most

1 attachment to whatever application and it would be
2 the admissions professionals that would either say
3 this counts.

4 You know, I don't know personally how they
5 score those applications, as I sit here, so we know
6 that our folks act with integrity on the board, it's
7 something that's very important to us.

8 I think to answer your question, Commissioner,
9 it's the tone. If it's a muscling tone, that's
10 something outside of what we would support, clearly.
11 That's a very easy answer.

12 COMMISSIONER VANDER WEELE: Is there any way
13 you could reign in a member who might be a prominent
14 donor of your organization, who engages in that sort
15 of behavior?

16 MR. LIVINGSTON: I'm sure we could. I mean,
17 that typically would be an action of probably our
18 Executive Committee to say this person is out of
19 line. I'm sure we could forward to you, maybe our
20 bylaws to see if there's a specific sanction. We
21 just tend not to have that problem. That hasn't
22 come up since I've been on the board.

23 CHAIRMAN MIKVA: Chung or --

24 MR. ELLIS: It's me, Judge.

1 complicated organization, so we certainly have
2 conflict of interest, aspects and other standard.

3 COMMISSIONER VANDER WEELE: So if a member of
4 the Alumni Association is also a donor --

5 MR. LIVINGSTON: Uh-huh.

6 COMMISSIONER VANDER WEELE: -- and is
7 pressuring the university to admit his or her
8 daughter or son, would that be a violation of that
9 code of conduct?

10 MR. LIVINGSTON: I think one -- if you use the
11 word pressure, I think that is something that we
12 would have to -- that's not something we support.
13 Generally letters of recommendation don't, in our
14 world, necessarily create a problem. I think most
15 alumni you would talk to extend letters of
16 recommendation in their professional lives, people
17 reach out to their legislators, to their family
18 members, and other such things, and I think a lot of
19 that depends on the tone.

20 If those letters are extended into the inbox of
21 the university, I think those people from the Alumni
22 Association Board would expect that those letters
23 are treated fairly inside the admissions process.
24 You know, that they would be treated as an

1 Mr. Livingston, maybe it would be helpful to
2 explain a little bit about how the Alumni
3 Association is organized.

4 You were on the Executive Committee, is that
5 correct?

6 MR. LIVINGSTON: That's correct, yes.

7 MR. ELLIS: How many members of the Executive
8 Committee are there?

9 MR. LIVINGSTON: I believe there are
10 approximately five.

11 MR. ELLIS: And how are members of the
12 Executive Committee elected or appointed?

13 MR. LIVINGSTON: Typically each year in our
14 annual meeting we have an election of officers and
15 that's when that occurs. We have a nominating
16 committee that is also part of that process that is
17 involved with all the committees, including the
18 Executive Committee.

19 MR. ELLIS: Is the Executive Committee, then,
20 the ruling committee or the highest committee of the
21 association?

22 MR. LIVINGSTON: Yes, I would say it is. It's
23 the one that kind of meets in between meetings to
24 make sure that the basic functions of the

1 association are healthy and moving forward.
2 MR. ELLIS: Could you give the Commission a
3 sense of how the Executive Committee or another
4 portion of the association determines the intent or
5 desire or wants of the members of the association,
6 particularly given how many there are?

7 MR. LIVINGSTON: Well, our goal is really to
8 advance the communication of the alumni base and
9 really the, I'll call it friend raising to the
10 university. So that includes primarily
11 communications, so we've got a, you know, an
12 operating committee that deals with our magazines,
13 our e-mail blasts, you know, we have to update our
14 technology. A lot of it is fairly tactical in
15 nature, based on the strategic direction the board
16 wants to go.

17 So they -- that tends to be our focus is how
18 can we best reach our alumni to keep them engaged in
19 the health of the university, the welfare of the
20 university, and connect them with each other and to
21 help our alumni base in their professional lives or,
22 you know, beyond the campus.

23 MR. ELLIS: I understand that either on the
24 Executive Committee or as part of a different

1 committee, you personally have been involved, as
2 part of your work with the association, on the
3 trustee selection issues, is that correct?

4 MR. LIVINGSTON: That's correct yeah.

5 MR. ELLIS: Has that been in connection with
6 the Executive Committee or a different committee
7 that you sat in?

8 MR. LIVINGSTON: Well, I would say it's more in
9 connection with the Executive Committee. It's
10 really an overall concern of the entire board, so
11 when we met with the candidates, for example, we met
12 as a board at large.

13 I think the Executive Committee just simply
14 takes the will of the board and keeps those sort of
15 issues moving along, so I would say that is housed
16 in the Executive Committee, but it is a goal of a
17 broader, much broader group of alumni.

18 MR. ELLIS: Okay. And in terms of trustee
19 selection, so maybe using the last selection as an
20 example, can you give the Commission a sense of how
21 the Alumni Association went about getting
22 recommendations together or vetting of the
23 candidate?

24 MR. LIVINGSTON: Well, getting the

1 recommendations wasn't difficult. You know, there's
2 a lot of people that call, that write and express
3 their interest, not only to the Alumni Association,
4 but, but throughout the university community, and
5 our job is to really step back and open our arms and
6 collect that for as long a period of time as we can,
7 and we do make judgment calls on people that we know
8 that have either, in many cases won awards, national
9 awards, or Alumni Association awards, and try to
10 again take those aspects of perspective and
11 diversity and experience into account and it
12 ultimately is a judgment call.

13 And we try to produce not only a single
14 candidate, because that's really not what we do, but
15 a list that anyone, top to bottom of the list, I
16 think we do it in alphabetical order, could serve
17 honorably. It could be somebody that any governor
18 could stand next to and a university could stand
19 next to and say, I'm very proud of this selection.

20 We think this person can add value to the
21 university and is an appropriate pick.

22 MR. ELLIS: As I understand, is it an ongoing
23 process of receiving information and compiling or
24 modifying your list of appropriate candidates?

1 MR. LIVINGSTON: Yes. I would say it cools off
2 in the intermediate years, but as those vacancies
3 come up, we start to hear more.

4 MR. ELLIS: Okay, and so, for example, is there
5 a list now and --

6 MR. LIVINGSTON: No, not now, not at the
7 moment. No, I think we stand ready, in any case
8 after the Commission works through some of their
9 recommendations and would be happy to participate in
10 that process, too, if, as a resource, again, so, so,
11 no, there's no emergent list at this time.

12 COMMISSIONER VANDER WEELE: How long would it
13 take to create one?

14 MR. LIVINGSTON: Well, the long list wouldn't
15 take very long. I imagine they'll be, you know,
16 there's letters probably in the post office now.

17 MR. ELLIS: And these are people expressing
18 interest --

19 MR. LIVINGSTON: That's precisely the case.

20 In the earlier part of this year, we produced a
21 fairly rapid response to the governor's needs in
22 terms of filling a vacancy, because he did not want
23 a vacancy for too long, he wanted that to move
24 forward. So we can be pretty fast and we're open to

1 any suggestions on how to handle the process.
2 And we have not developed a new process because
3 I think we would -- it's in our nature to wait how
4 things emerge from this body and to respectfully
5 respond.

6 MR. ELLIS: Is the process that you have or
7 that you would employ as vacancies occur something
8 that could handle multiple vacancies?

9 MR. LIVINGSTON: Yes, yes, we've got experience
10 in that.

11 MR. ELLIS: I think it would be helpful for the
12 Commission to have a little bit of your earlier
13 background during your time with the Edgar
14 administration, because as I understand it, you were
15 involved with the process of moving from an elected
16 system to an appointed system, is that correct?

17 MR. LIVINGSTON: Yes. In 1996, there was a
18 series of legislative proposals to create boards of
19 trustees at individual universities, public
20 universities throughout the State of Illinois, and
21 so I was the higher education staffer at the time,
22 so the Illinois State eastern, western, et cetera
23 were part of a board of governors and a part of
24 regent system, and it was becoming more difficult as

1 each campus had their own issue; Chicago State or
2 Governor State or Western.

3 It didn't necessarily fit under the same
4 governing structure, so there was a large push and
5 we worked very closely at that time with the
6 association of governing boards to create an
7 on-campus board of trustees accountable to only that
8 campus.

9 Each one of those people, when they were
10 appointed, then had a training session on ethics on
11 taking really a nose-in-but-fingers-out approach to
12 trustee governance. That was very important and
13 probably the lead concept, you know, nose in,
14 fingers out; and that also included the Illinois
15 University of Illinois so that was part of that.

16 One of the main reasons for that is we were
17 finding that elective politics was changing and so
18 you could get a pack group and interest groups and a
19 really great website and get a single issue
20 candidate that perhaps wasn't, at least in some
21 people's opinion, ready to govern a \$3 billion
22 institution at that time.

23 So we thought that if a governor could go out
24 and really toil and add geography -- and that was

1 the other thing that was diminishing, you were
2 seeing consolidation, high voter areas of trustee
3 representation, and so, if you had an outstanding
4 person from central or Southern Illinois that could
5 add perspective and value, they might be at a
6 disadvantage.

7 So that was what occurred at the time and there
8 were outstanding appointees. Some of the elected
9 appointees were reappointed, and then there was a
10 new appointee, Roger Plummer, who has served with
11 distinction, and it was fine; and then I think as
12 governor's treated that responsibility differently,
13 either absconded it to a, you know, a member of the
14 legislature or picked a friend out just to kind of
15 ambling along at random, we saw that they certainly
16 didn't get the orientation they should have from the
17 governor's level saying, you know, good governance
18 counts, this is important here, a trustee, you have
19 a role, you're independent, you know, do your job.

20 Again, nose in fingers out, I think that was
21 lost and then again lights out more immediately.

22 CHAIRMAN MIKVA: Prior to this most immediately
23 past administration, the Blagojevich Administration,
24 was it common for trustees to be large contributors

1 to the governor's election campaigns? Is that --
2 was that one of the ways you got on the board of
3 trustees?

4 MR. LIVINGSTON: Not anecdotally to me, no. I
5 don't think that was the case, and I'm sure facts
6 could be, could either disagree with my statement,
7 'cause it's an anecdotal statement.

8 No, there was not that sort of direct
9 relationship. I really think it was more of an
10 emergent group of people from an alumni base that
11 were passionate, but not too passionate, in terms of
12 the welfare of the university.

13 CHAIRMAN MIKVA: But they could have had an
14 additional qualification? It could have been known
15 by them.

16 MR. LIVINGSTON: Could have been known. As I
17 think of the people immediately prior to when the
18 governor's appointments were made or even right
19 after, I don't get that feel. There was not that
20 sort of rhythm of dialogue or checking. It just
21 really was not part of it, I don't think.

22 COMMISSIONER VANDER WEELE: What percentage of
23 large donors are members of the Alumni Association,
24 if you have any idea at all?

1 CHAIRMAN MIKVA: Donors to what?

2 COMMISSIONER VANDER WEELE: Donors to the
3 university.

4 MR. LIVINGSTON: University of Illinois. Well,
5 I think that is really more the domain of the
6 foundation. To be a member of the foundation
7 there's a certain floor of giving and, and those
8 individuals tend to be part of the foundation
9 activities.

10 The Alumni Association, again, is more about
11 communicating, fundraising. Again, normally I speak
12 for everyone, but speaking personally, I don't, I
13 love to donate to the University of Illinois, but
14 with three children and a mortgage, I don't think I
15 would be considered a large donor, so I don't get
16 the feel from the Alumni Association that that is
17 the tenor or flavor, that it's a little bit more
18 arrayed.

19 COMMISSIONER VANDER WEELE: And the reason I
20 ask that question is I'm curious, in your opinion,
21 whether donations would drop, if the university took
22 a more ethical view and resisted pressure from
23 donors to sponsor search an applicant into the
24 university?

1 MR. LIVINGSTON: No, I don't think so. You
2 know -- no, I would clearly say not, because -- and
3 I say that from my experience both in a previous
4 governor's administration, but also just watching
5 trustees over the years, that's really not a driver.
6 And I'm sure some have given a lot and some haven't.
7 I know that to be the case, again, anecdotally.

8 I think it's really more of a, there's many
9 ways to give and serve at the university. And quite
10 frankly, a lot of the big donors, to attend 12
11 meetings a year and subcommittees of a board of
12 trustees, and -- it's not something as coveted as
13 some of them might want, so I get the feeling that
14 the process is manageable, that if there's a good
15 process on a go-forward basis, you won't have a
16 donor-drop off; or if they do, that's just going to
17 have to be their reaction. I really don't get that
18 sense.

19 COMMISSIONER VANDER WEELE: Because, as you
20 know, that was one of the justifications for this
21 Category I process. Although it was minor compared
22 to the legislative interference, I think that's one
23 of the things that was in the back of the minds of
24 some of the high level people trustees in this.

1 MR. LIVINGSTON: Yeah --

2 COMMISSIONER VANDER WEELE: Maybe not to a
3 great degree, but certainly to some degree.

4 MR. LIVINGSTON: I see. Well, again, I think
5 you go out and pick the best people that have great
6 experience, and some of them are going to tell you
7 that they can't serve and some can, but I've never
8 felt that you couldn't set aside a donor -- I'm sure
9 there were donors in this last exercise perhaps that
10 gave more that, but Mr. McMillan was picked, a man
11 of great integrity. That didn't enter into our
12 discussions.

13 COMMISSIONER VANDER WEELE: Well, I'm not
14 talking about trustee appointment.

15 MR. LIVINGSTON: Oh.

16 COMMISSIONER VANDER WEELE: I'm talking about
17 donors who are pressuring trustees or staff members
18 to accept their children or their sponsored
19 candidate, and the question is, are we going to lose
20 donors. If the answer is no for unqualified
21 candidate.

22 MR. LIVINGSTON: You know, that's going to be
23 an individual call on the donor, but it's not
24 something that should drive the decision about an

1 ethical process.

2 If the university brand needs to be repaired,
3 those who love the university will do the right
4 thing and I think that won't enter into our
5 thinking.

6 COMMISSIONER VANDER WEELE: Okay.

7 CHAIRMAN MIKVA: Mr. Ellis.

8 MR. ELLIS: Very quickly, Mr. Livingston, I'd
9 like to talk a little bit about the role of the
10 Alumni Association and the admissions process
11 itself.

12 What is that role?

13 MR. LIVINGSTON: Well, typically, it's my
14 understanding from our staff that we receive letters
15 like from many units and then we refer those on
16 generally.

17 The letters I'm told tend to be of two flavors.
18 More questioning about the process. You know, it's
19 a big university to some, the wall could be, it's
20 intimidating, it's a large institution, so how do I
21 do it, what's the process? And they tend to be a
22 lot of those kind of questions.

23 The other I'm told is, I'm a fourth generation
24 University of Illinois alum. My son or daughter has

1 been accepted at Purdue and Indiana, and why not
 2 Illinois? And it's more of kind of a policy
 3 question on percentage of out-of-state students and
 4 how, how is this? And typically, those are also
 5 referred on to, I suppose, and you could verify this
 6 with staff admissions and those type of things.
 7 We are at full capacity in terms of what we
 8 could handle so for us those kind of admission
 9 things become more of a routing issue. Can you, you
 10 know, handle that because we can't, we're not
 11 equipped to.
 12 MR. ELLIS: Now, I put two documents --
 13 MR. LIVINGSTON: Okay.
 14 MR. ELLIS: -- a collection of documents
 15 there in front of you. One is labeled Exhibit 1,
 16 one is labeled Exhibit 2, to facilitate our
 17 discussion.
 18 Take a look at Exhibit 1. Is this the kind of
 19 fourth generation alumni, my kid can't get in type
 20 of letter to which you're referring?
 21 MR. LIVINGSTON: And this is the letter --
 22 MR. ELLIS: Yeah.
 23 MR. LIVINGSTON: -- Exhibit 1? Okay.
 24 MR. ELLIS: And my question simply, is there a

1 procedure for handling that kind of document when it
 2 comes in at the Alumni Association?
 3 MR. LIVINGSTON: Yes. I believe, according to
 4 the staff, that those are then referred on to our
 5 admissions process, it's a routing process. We feel
 6 it's very important to be responsive to our alumni,
 7 when they've extended a hand to us, and part of our
 8 mission is the connectivity between our alumni and
 9 our university.
 10 So our job is, job number one is to get it to
 11 the right place, as far as I can tell.
 12 MR. ELLIS: Now, what about inquiries from
 13 legislators or trustees or large donors, in terms of
 14 specific requests for information about individual
 15 applicants, do those kind of requests come to the
 16 Alumni Association?
 17 MR. LIVINGSTON: I am sure they do. And again,
 18 the proper way to handle those tends to be a
 19 routing, a mail routing issue. And so it's really
 20 again constituent services, I would call it.
 21 Be responsive, be professional, be polite, be
 22 fair, and so that's, that's kind of the tone we set
 23 as a board, I think, and make sure that happens.
 24 MR. ELLIS: And if you could take a look then

1 at Exhibit 2 --
 2 MR. LIVINGSTON: Yeah.
 3 MR. ELLIS: -- which is a collection of, of
 4 e-mail chains, both of which originate from Amy
 5 Eichhorst.
 6 Is she a staff at the Alumni Association?
 7 MR. LIVINGSTON: Yes, she is.
 8 MR. ELLIS: And what is her position?
 9 MR. LIVINGSTON: She is the staff director of
 10 the Illinois Connections Program, which is our
 11 advocacy, Grassroots Advocacy group, when we have
 12 events in Springfield and Chicago and Urbana three
 13 times a year to promote the university, the budget,
 14 and supporting higher education.
 15 MR. ELLIS: This first and second page, it
 16 carries over to the second page of Exhibit 2, starts
 17 with the December 16, 2008 message from Amy
 18 Eichhorst to Rick Schoell, who is in government
 19 relations.
 20 Do you know who he is?
 21 MR. LIVINGSTON: Yes, I do.
 22 MR. ELLIS: She says Rick, per our
 23 conversation, Representative Danny Davis is
 24 inquiring about the following high school student

1 who applied for fall 2009 admission at the Urbana
 2 campus. And then it provides some information, some
 3 of which is blacked out for privacy concerns.
 4 Is this kind of inquiry from the Alumni
 5 Association to government relations something that's
 6 common from the Alumni Association?
 7 MR. LIVINGSTON: No. I would say this is an
 8 outlier generally. My sense is, this sort of thing
 9 from what I'm reading here is that Amy works with
 10 Rick Schoell on a variety of issues in her role as
 11 an advocate for the university or Grassroots Group,
 12 so it would be a natural, based on the rhythm of her
 13 conversation, to get a letter like this, see that
 14 it's a public official, and say, gee, this isn't
 15 something that should be on my desk. I'm going to
 16 hand it off to you to track, either I can respond
 17 back, but you need to be aware of this.
 18 But I would say we -- these kind of letters or
 19 e-mails are outliers, generally, the way we would
 20 work.
 21 MR. ELLIS: There has been discussion during
 22 this process of creating a firewall that would
 23 insulate the admissions professionals from outside
 24 inquiries from places such as government relations

1 or large donors or trustees or the president or
2 chancellor's office.

3 Does the Alumni Association have a view as to
4 whether that's a good thing or not?

5 MR. LIVINGSTON: Well, we don't have an
6 official review, because we haven't had a board
7 meeting, so I would suppose the Alumni Association,
8 what's most important to them is again the welfare
9 of the university, so if something can be
10 established that increases the integrity brand at
11 the university, we'd certainly work with or be
12 supportive as a resource.

13 I don't know enough about admissions mechanics
14 or industry standards. I certainly wouldn't want to
15 put the university at a competitive disadvantage,
16 but if it meant that such a system would restore the
17 integrity, I'm sure alumni would be supportive and,
18 again, extend a hand to help make that happen.

19 MR. ELLIS: Has the association gotten
20 communications from alumni on this process and this
21 topic of influence in the admissions process over
22 the past few months?

23 MR. LIVINGSTON: Yes. I can tell you that
24 anecdotally. I don't know the count, but it

1 wouldn't surprise me that we would have gotten
2 letters. We do get letters when big issues come up.
3 They can range from football coaches to, you know,
4 things we don't have control over, but they've got
5 opinions, and we are the collector of those opinions
6 and we take that responsibility seriously.

7 I think there was a proposal to increase the
8 out-of-state admissions percentage one year and the
9 mailbox was bursting at the seams.

10 Now, we don't take a policy. We don't pass
11 resolutions for or against. We don't endorse
12 candidates. We pass those along to the party and
13 then the policy was changed so, and so we're proud
14 to be a very strong conduit, but we don't add our
15 own, you know, notes to that.

16 MR. ELLIS: And in terms of trustee selection,
17 you've had a chance to give your views to the
18 Commission. I want to make sure we get all of the
19 Alumni Association's views, so if we've missed
20 anything.

21 The question I have is, does the recommendation
22 from the Alumni Association of a particular
23 individual, does that person have to be an alumni of
24 the University of Illinois?

1 MR. LIVINGSTON: No, I don't think so. I think
2 if the person has a quality or a gift of skill that
3 they can provide, it doesn't have to be an alum.

4 Now, probably the Alumni Association will only
5 be skilled in forwarding alums, unless somebody
6 writes and says that we'd like to be considered and,
7 and there's some special circumstance. I'm sure we
8 could manage to do that, but, no, I don't think that
9 we feel that it's a requirement generally. You
10 know, we like it when that occurs but.

11 COMMISSIONER VANDER WEELE: Help me understand,
12 based on these e-mails, how the Alumni Association
13 is different than any other sponsor, such as the
14 legislators, the donors, powerful lawyers, former
15 governors? I mean, the Association engaged in the
16 same process they did, but yet there's a suggestion
17 here that the Association has a higher level of
18 integrity, which I'm not doubting that --

19 MR. LIVINGSTON: Yes.

20 COMMISSIONER VANDER WEELE: -- but I don't
21 understand why when you're forwarding letters
22 promoting candidates who have not gotten -- how are
23 you any different than the other sponsors?

24 MR. LIVINGSTON: Well, I think we're more, we

1 consider ourselves more of a conduit, and I think we
2 also have a situation where, again, football coaches
3 come and go, administrators come and go, governors
4 come and go, but we take this longer view as
5 life-long advocates for the university, and so we
6 try to be a neutral balanced resource to the best of
7 our ability. We don't --

8 COMMISSIONER VANDER WEELE: But you're
9 advocating for alumni --

10 MR. LIVINGSTON: Yes.

11 COMMISSIONER VANDER WEELE: -- in these
12 letters, right?

13 And there's a number of us who have been
14 concerned about the racial differences in the
15 students who have been accepted, and alumni
16 presumably represent a historic racial composition
17 of the university.

18 When only 550 students from Chicago Public
19 Schools are, enter the university every year, which
20 is quite a, quite a low number, the alumni -- and
21 help me understand. I may be wrong in the way I'm
22 looking at this, but the way I'm looking at it is
23 that the alumni are there to keep the university the
24 way it has been, because you're representing the

1 demographics that have always been there.
2 So when you are advocating for alumni, it's
3 representing a certain group of people, as opposed
4 to first generation college students.

5 MR. LIVINGSTON: Oh, I see, no --

6 COMMISSIONER VANDER WEELE: So my concern is
7 that by, you know, Bernie talking about putting six
8 members from the Alumni Association, you've created
9 this imbalance. You're immediately discriminating
10 or tilting the balance against first generation
11 college students, and especially since you've taken
12 the same advocacy role as the legislators, the other
13 sponsors, and the other sponsors.

14 MR. LIVINGSTON: Yeah, no, I would, I would say
15 that the tone and tenor of what we discuss at our
16 board meetings and what we hear is really
17 forward-looking. We, we are constantly looking at
18 the next generation of alumni, the next generation
19 of ways to communicate with alumni.

20 We know that the Chicago campus has no majority
21 ethnic population at it, which is great. So when we
22 forward those letters or recommendations to the
23 governor, we, we are taking a future or
24 forward-looking perspective. How does the

1 COMMISSIONER VANDER WEELE: Yeah.

2 MR. LIVINGSTON: I'm trying to think who counts
3 on the executive board because President White, I
4 think is an ex-officio. I believe one out of the
5 five.

6 COMMISSIONER VANDER WEELE: One out of the
7 five.

8 And of the Alumni Association, what are the
9 racial demographics of that?

10 MR. LIVINGSTON: I'd have to have them provide
11 that to you, but it's a manageable number. We can
12 provide that.

13 CHAIRMAN MIKVA: Mr. Ellis.

14 MR. ELLIS: Nothing further, Judge.

15 CHAIRMAN MIKVA: Thank you very, very much.

16 MR. LIVINGSTON: Thank you for the opportunity.

17 CHAIRMAN MIKVA: We appreciate your comments.

18 Next witness is Senator Kwame Raoul.

19 MR. CHUNG: Judge, the senator is not in the
20 room at the moment. I did have conversations with
21 the staff yesterday and asked them to make him
22 available at 10:00, so we are right at 10:00.

23 CHAIRMAN MIKVA: Is Dean Flaherty here or
24 should we wait a few minutes?

1 University of Illinois compete with, with Beijing or
2 Jaipore, and how do we do that in a diverse and
3 enlightened format?

4 People that run corporations understand that,
5 people that have, have that perspective beyond the
6 university campus run that. The future of the
7 Alumni Association counts on future alumni who are
8 now students in, at this time, so I think we take
9 great care in doing that. I would not consider
10 ourselves a, an equal to the legislators. Sometimes
11 we're in agreement with legislators, shoulder to
12 shoulder, sometimes we're toe to toe.

13 With us it's, we are a, we're not a particular
14 flavor, we are a broad array, and there's no perfect
15 organization, but I think if you were looking for a
16 broad-based forward-looking organization that has
17 divergent opinions and health and debate that can
18 produce, I think, a quality set of individuals for
19 the future of the university, I would say that the
20 Alumni Association can do that and has done that in
21 the past when working with the government.

22 COMMISSIONER VANDER WEELE: Of your executive
23 board, how many are people of color?

24 MR. LIVINGSTON: One -- of the executive board?

1 MR. CHUNG: Judge, if we just break for a
2 couple of minutes, I expect the senator to be here
3 shortly.

4 CHAIRMAN MIKVA: We will break for five
5 minutes.

6 (WHEREUPON, a recess was had.)

7 CHAIRMAN MIKVA: Commission will come to order.
8 Senator Raoul, we're very grateful for your
9 willingness to be present. I need to remind you
10 that you have two constituents here in Commissioner
11 Scott and in me so, therefore, you're being
12 measured.

13 SENATOR RAOUL: I certainly don't want to let
14 you down.

15 CHAIRMAN MIKVA: Welcome.

16 SENATOR RAOUL: Thank you.

17 CHAIRMAN MIKVA: If you have anything you want
18 to say first, fine, if not, we'll ask either
19 Mr. Chung or Mr. Ellis.

20 MR. ELLIS: It's Mr. Chung.

21 SENATOR RAOUL: If I can make some brief, brief
22 statements, I will. I did prepare remarks, but I'll
23 just talk to you.

24 You know, I ran into one of the commissioners

1 perhaps about a month ago and I indicated at that
2 time that I had a desire and willingness to testify
3 before this commission because my name had been on a
4 long list of legislators and others who were
5 referred to as people trying to clout people into
6 the University of Illinois.

7 When I saw my name on a list, it reflected that
8 I had made clout requests for five individuals. And
9 when I saw that in the paper, for the life of me I
10 couldn't remember, remember having ever called the
11 University of Illinois for anything as a legislator,
12 so I called the University of Illinois for what I
13 thought was my first time ever to find out what my
14 five requests were.

15 They informed me that my office had in fact
16 made contact with the University of Illinois in
17 2005. And it was my district director under my
18 direction that had made such contact and they showed
19 me the names or they gave me the names of the
20 individuals I had made contact on behalf.

21 When I saw one of the last names, which was the
22 same last name for three of the individuals, I
23 immediately recognized the family from, from which
24 it came from. It's a constituent, which I must

1 was a student who apparently had received a
2 legislative scholarship from my predecessor and for
3 some reason had to leave school prematurely and was
4 trying to inquire as to whether they, as they were
5 returning, whether they could apply their
6 legislative scholarship. My office, I had no
7 knowledge of this, but I instruct my district
8 directors to try to serve the constituents and to
9 show some autonomy and my office contacted the
10 university to see what can be done to inquire as to
11 what the answer was in that situation.

12 Other than those five, I had not made any
13 inquiries to the University of Illinois. Now, what
14 I must say, though, is part of the reason I hadn't
15 made any inquiries is 'cause nobody asked. And had
16 someone asked and had I had information on a
17 particular student, I may have well may have made an
18 inquiry in situations that were less dramatic than
19 the situation that I made an inquiry in, as a
20 constituent server.

21 So I don't come here before you because I have
22 a unique story that distinguishes myself from my
23 colleagues who have been reported to have more
24 requests or inquiries than I have. I think it's

1 confess is also a friend, who's a Chicago police
2 officer, who had literally driven down to
3 New Orleans during Hurricane Katrina to literally
4 rescue his kids from Dillard and Xavier University,
5 respectively, had three children, young adults, at
6 those schools, and one had a boyfriend that came
7 back with, with him as well so he sent down three,
8 he came back with four. And called my office
9 because those students needed to get in school
10 somewhere.

11 I instructed my district director to call the
12 University of Illinois, Illinois State University,
13 Chicago State. I myself called Roosevelt University
14 as well as Loyola University directly. Two of the
15 students went to University of Illinois in Chicago,
16 two went to Roosevelt University.

17 All four of the students only temporarily
18 attended those respective universities and went back
19 down to New Orleans and finished and they all
20 obtained their degrees. One returned to the
21 University of Illinois at Chicago and obtained their
22 masters in urban planning.

23 There was one other student that I was informed
24 that my office had made a contact on behalf and this

1 natural that folks who have been in the legislature
2 longer than I have or who are more prominent than I
3 am or more, have more notoriety than I do, that more
4 people will likely go to them with their individual
5 situations and ask them to make an inquiry.

6 I do not condone any inquiry that rises to the
7 level of trying to make the university or any
8 university accept an unqualified student, based on
9 that undo influence, but I do also know that there's
10 a tension between how to balance objective criteria
11 versus subjective criteria.

12 I confess, I confessed to Chairman Mikva
13 outside of this room that I wasn't the best student
14 coming out of my high school class and people
15 advocated for me and told, told, were able to tell,
16 give testimony as to other things about me that may
17 not have been reflected in my GPA or my ACT score,
18 which I won't tell you what it was, but I will tell
19 you, it wasn't dismal, that allowed me to have the
20 career that I've had today.

21 As, as I instruct my, my committee that awards
22 legislative scholarships, I tell them not to solely
23 look at GPA and ACT scores. I actually ask that
24 each applicant write an essay to tell a story of

1 something that they have overcome and that may have
2 impacted them in a way, in a negative manner with
3 regards to their GPA or ACT scores.

4 That all to say, that I'd like to urge the
5 Commission to consider all of those things as
6 they're looking at the various, and I don't know
7 what all the evidence that, that you heard, is that
8 when you look at things in retrospect, e-mail
9 messages and other messages that have been recorded,
10 it's always easy to look back on those things and to
11 select words that could have been communicated
12 differently.

13 I'm certain that if somebody went through every
14 e-mail that I've sent out and, you know, they can
15 make me look like, like somebody who's trying to
16 exert undo influence. Not because I was trying to
17 do so, but because in a moment I've chose bad
18 language. I send e-mails out where I wish I could
19 reverse the send immediately after I sent it.

20 And so as you look at my colleagues, as you
21 look at the various trustees, few of them who I know
22 as very good people, very good people, who care
23 deeply about the University of Illinois, I ask that
24 you don't use a broad brush to characterize them

1 all.

2 Just a couple of months ago I voted no and
3 during a debate, I'd like to believe that I
4 influenced my colleagues to vote no to what was
5 called the Fumigation Bill that, that tried to draw
6 a broad brush to anybody who was appointed by either
7 Governor Ryan or Governor Blagojevich, not looking
8 at those people's individual performance by saying,
9 simply because they had been appointed, they should
10 be somebody who should be legislatively dismissed;
11 not to mention that crosses the separation of
12 powers.

13 So I mention that because I think you as the
14 Commission ought to look at these individuals, both
15 the trustees and legislators individually, and you
16 can't control what they do, what the media does. I
17 expect them to be unfair, I expect them to be on a
18 crusade, I expect them to take words and put them
19 out of context. I expect that my words today will
20 be parsed and put out of context.

21 But I can tell you, I serve with some very
22 honorable people who believe in public service and
23 who believe that when they have made inquiries to
24 the University of Illinois or probably each and

1 every university in this state, private and public,
2 and I believe such inquiries have probably been made
3 to every higher education institution in the
4 country, they do so in an effort to be of service to
5 somebody in need.

6 CHAIRMAN MIKVA: I think you've, Senator, I
7 think you've put your finger on something.
8 Obviously, the legislators in Illinois are not
9 unique in trying to serve their constituents. I'm
10 sure that similar letters are written in every other
11 state in the country and to every other public and
12 private institution, as you've suggested. I confess
13 I have written my share of them.

14 I think the difference really is the way those
15 letters are perceived by the institution. If the
16 university is willing to accept pressure and to
17 respond to pressure, then those letters are going to
18 have too much influence. If the university takes
19 those as letters of perhaps worth the paper they're
20 printed on and however much more they may or may not
21 be worth, the system could work pretty well.

22 Letters like that I'm sure are written to
23 Harvard University and hasn't interfered with
24 Harvard's reputation.

1 SENATOR RAOUL: And I think it's inherent in
2 the application process because each application
3 that I know of requires letters of recommendation.

4 COMMISSIONER SCOTT: Senator Raoul,
5 unfortunately, Illinois has a reputation of
6 sometimes putting influence ahead of other factors
7 in making, in decision making, and you have urged
8 this commission in making recommendations, not just
9 sweep the broom too broadly and, but we've heard
10 from university presidents, and I'm sure you are
11 much too busy to follow every piece of testimony
12 we've been presented with, but, you know, we've
13 heard from at least two former presidents of the
14 university who suggested that we recommend that the
15 governor call for the resignation of the current
16 members of the board of trustees, not because of,
17 you know, the failures of individuals, but the
18 failures of, more broadly, sort of a critical part
19 of the university.

20 And the perception of the public, possible
21 perception of the public that these individuals, not
22 as individuals but the institution itself, has
23 failed the public.

24 What do you think of those recommendations?

1 SENATOR RAOUL: I disagree with those
2 recommendations, and I think the same type of
3 recommendation could be made of all Illinois
4 government, government as a result of our past
5 governor and the failures of our past governor and
6 the corruption within his administration.

7 I was on watch during those four and a half
8 years so you can easily make the argument that I
9 should resign as a state legislator as a result of
10 Rob Blagojevich and other people in the state of
11 government. I haven't done so.

12 CHAIRMAN MIKVA: We won't put that up to a
13 vote, because I think if the people had a chance,
14 I'm not sure how our branch of government would
15 fare, so we'll take it as a point well made but not
16 to be accepted.

17 I think the question, though, really is
18 sometimes leadership of an institution becomes so
19 tainted, not because of the individuals, but because
20 of more of things they didn't do, that there was
21 nobody there who said, hey, let's look at what is
22 going on here, here are these admissions being
23 traded off for jobs, admissions being given to
24 people who clearly are not qualified.

1 There was nobody on the board of trustees that
2 said where to stop this and we're being part of the
3 problem, not the solution.

4 SENATOR RAOUL: You know, I don't know how
5 closely members of the board of trustees are
6 involved in deeming who is qualified and who is
7 unqualified and, and for the life of me I've tried
8 to, as I was preparing for testimony today, to try
9 to think of how you define qualified, and I don't
10 know the answer to that, because again, there's a
11 balance of objective and subjective criteria.

12 If it's all about a GPA and ACT, it's easy to
13 define qualified, but obviously it's not. You asked
14 for letters of recommendations, you ask for what
15 your involvement is in extracurricular activities,
16 you've ask for all sorts of things.

17 And trustees are people who have professions
18 away from the University of Illinois. They're doing
19 this because they love the university. And I think
20 it's unfair to, to expect them to be able to make a
21 comparative decision as to who was qualified versus
22 who is not.

23 You know, when I was reviewing this past week
24 my -- the legislative scholarships that my office is

1 awarding, and they're broad range. I have some
2 folks who -- and they've all been admitted on their
3 own right to their respective institution -- but
4 they range from a physician -- from a medical
5 student, who has excellent objective academic record
6 to somebody who's overcome mental illness problems
7 in the past to people who have come through gang
8 infested neighborhoods and survived that to, to be
9 able to be admitted to school, and so there are all
10 sorts of criteria, and I don't know what kind of
11 burden you're putting on the trustees.

12 I think if this same type of commission were to
13 review the e-mails and correspondence of any higher
14 education institution in this country, you could
15 find reason to call for the resignation of the
16 entire board of trustees of each and every higher
17 education --

18 CHAIRMAN MIKVA: It doesn't bother you that
19 members of the board of trustees were, viewed
20 themselves as emissaries of the governor and if the
21 governor wanted somebody in to the University of
22 Illinois, that a trustee took that as his personal
23 responsibility.

24 SENATOR RAOUL: That bothers me, yes.

1 That's --

2 CHAIRMAN MIKVA: Doesn't it bother that nobody
3 has ever said, hey, you shouldn't be doing that?

4 SENATOR RAOUL: I don't know the full knowledge
5 that each and every trustee had in each and every
6 situation. Certainly, you know, it would be naive
7 of me to think that nobody has known that Governor
8 Blagojevich was trying to exert muscle in, you know,
9 in ways that were objectionable over the past few
10 years.

11 CHAIRMAN MIKVA: Does it bother you that it
12 became almost common for, I don't know if it applied
13 to all of them, but the trustees who appeared before
14 us, that many of them giving six-figure amounts to
15 the governor's campaign, and then ended up on the
16 board of trustees?

17 SENATOR RAOUL: Oh, yeah, that's, that's, that
18 certainly bothers me, that's why I was a chief
19 co-sponsor of the Pay to Play Bill this past fall.

20 CHAIRMAN MIKVA: And what I don't understand
21 is, I suppose we could try to pretend we're a grand
22 jury and find the facts about which ones were, were
23 guilty and which ones weren't, but given the time
24 frame in which we're operating and the limitations

1 on our power, don't you think it is, it is
2 inappropriate for an investigating commission to
3 say, this is an institution that institutionally has
4 failed. I'm talking about the board of trustees
5 now, and you need new faces and new blood to
6 rejuvenate, to clear the air.

7 SENATOR RAOUL: I think that comes dangerously
8 close to what's being said in the Fumigation Bill.

9 CHAIRMAN MIKVA: Well, except that the
10 difference is, do you want to solve this problem or
11 not? You've got a public confidence problem here.
12 This is the --

13 SENATOR RAOUL: I know.

14 CHAIRMAN MIKVA: -- state university. If you
15 ask, if you took around a survey of people on the
16 street today, what do you think they would say about
17 the admissions process of the University of
18 Illinois?

19 SENATOR RAOUL: Well, one of the things that
20 they would say is that Kwame Raoul tried to exert
21 clout, 'cause the only way they would have learned
22 about it was reading it from the Chicago Tribune.

23 CHAIRMAN MIKVA: But the point is, if the
24 majority of the people, I don't know if it's

1 majority or not, but if a substantial number of
2 people feel that their state university is, is given
3 to clouting their admissions, that's bad, isn't it?
4 The university can't function --

5 SENATOR RAOUL: Yeah, I mean, this all depends
6 on what you say is clout. I was -- my situation was
7 described as clout.

8 CHAIRMAN MIKVA: Forget about what the
9 newspapers. I'm saying, how do the people feel
10 about their state university at this point? Do you
11 think they trust the processes at this point?

12 SENATOR RAOUL: They probably do not, but they
13 largely don't. They're not getting their
14 information, they're not in here. They're not
15 getting their information from you. They're getting
16 their information from the newspapers, and you know
17 how valuable the pages of the newspapers are today.

18 And so if we do everything based on a public
19 perception influenced by a media that's crusading to
20 survive, because online reporting is outdoing them,
21 I think that's a dangerous course to take.

22 CHAIRMAN MIKVA: I know that even in previous
23 times when the press were equally irresponsible on
24 occasions, the very distinguished gentleman that you

1 and I both admire, said if he had to choose between
2 a free press and a free legislature, he'd choose the
3 free press, right?

4 SENATOR RAOUL: Yeah, and I'd also choose a
5 responsible one.

6 CHAIRMAN MIKVA: Well, that wasn't the choice.

7 COMMISSIONER JUDGE: I'm going to say something
8 now. You've gone on the record saying that you
9 expect the press to be unfair. That was what you
10 said. I don't -- I take strong disagreement with
11 that. If I were to say about the legislators that I
12 expect them to be unfair, I would be saying
13 something that was wrong. That's what I want to get
14 on the record.

15 SENATOR RAOUL: Well, and let me clarify that.
16 My expectation is, is probably individually
17 directed, based on experience in this very, with
18 this very topic. That's what my expectation is
19 based on.

20 CHAIRMAN MIKVA: Senator, I have to say --

21 SENATOR RAOUL: Commissioner, your name was not
22 put on the clout list, as a result of trying to help
23 out some students that went through a tragedy that
24 nobody in this room went through.

1 CHAIRMAN MIKVA: I have to say, as one of your
2 very satisfied constituents, the press may have been
3 unfair to you on this matter, but overall, they have
4 given you the kind of bill of health that you
5 deserve, and it's a good one.

6 COMMISSIONER VANDER WEELE: Senator, I just
7 want to, first of all, say that I thank you for your
8 comments and agree with many of them, and I know
9 that's not a popular thing to say right now, but
10 there's two things that I think you really hit on.

11 One is integrity is being fair and, to
12 individuals, and I agree with you. I think that
13 this is a complex issue and that we should look at
14 the individual roles of each of the members, for
15 example, if members are not involved and have not
16 been involved. I'm not sure that that should be
17 part of the clean sweep, so I just would like to put
18 that on the record, and I apologize to my fellow
19 commissioners, if they disagree with me, but I
20 understand that.

21 The other thing that you hit on that has been
22 bothering me through this whole process is the role
23 of objective criteria, the ACT, and grade point
24 average, because in corporate America, and I am a

1 business woman, I know that when I hire, I am
2 looking for emotional intelligence.

3 And if you look at the research in corporate
4 America, emotional intelligence is, is more
5 important than some of these other factors, and I
6 include in that integrity, resilience, persistence,
7 okay.

8 And I am not sure how this whole admissions
9 process measures that without having letters of
10 recommendation. There are other ways to measure
11 those. Corporate America, we run people through
12 assessment tests, but I -- you've hit on something
13 that's been bothering me this whole time.
14 Particularly in the law school, where the law
15 school's goal is to rank people strictly by these
16 objective factors, which often reflect the
17 educational opportunity of those who achieve to
18 those levels.

19 They don't reflect, necessarily, the
20 persistence and the other, the other things. It
21 reflects often that they were gifted, they had a
22 privilege, and nobody wants to take away the
23 privilege, but we do want to give the privilege to
24 the other students who didn't get it and so the

1 system compounds the advantages.

2 So for example, to put donor status or to put
3 alumni status as a weighted factor as opposed to
4 veteran status or as opposed to first-generation
5 status as opposed to extracurricular activities or
6 jobs. What that does is it compounds the advantage
7 so I very much appreciate your statement today.

8 SENATOR RAOUL: Thank you.

9 COMMISSIONER ESTRADA: Senator, a couple of
10 things.

11 With the trustees, you were speaking about the
12 trustees earlier, you were talking about the
13 decisions that they had to make about admissions
14 criteria. I think all we're trying to do is say
15 they have nothing to do with admissions criteria,
16 they get to set policies, and then there are
17 admissions professionals at the university, who by
18 the way, I think are pretty terrific at doing their
19 job. They take into account all the things that you
20 and I are, think are important to admissions;
21 including the ACT, GPA, class rank, all those
22 things, and the other things that are important,
23 like leadership and the struggles that they had to
24 overcome. I think they do a terrific job at the

1 university admissions office.

2 I think what we're talking about, though, are
3 folks that had undue influence on that admissions
4 process, that they maybe twisted arms of those
5 people, making those decisions. I think that's what
6 this involves. I really appreciate you -- the
7 folks that you supported. That's a great thing that
8 you've done. I think, like you, there are other
9 legislators that have similar stories, because I've
10 heard some of them so I want to make sure that we,
11 that we differentiate between this, because there
12 are certainly some folks that clouted in a very
13 different way.

14 SENATOR RAOUL: And I appreciate that. And I
15 don't endorse that at all. And there's the other
16 factor that, you know, I mean, I looked at a
17 redacted list that I was provided that listed, you
18 know, the request that I had made and right above me
19 was Speaker Madigan and he had made a request for
20 another Katrina student and, you know.

21 I'm certain that officials at the University of
22 Illinois would look at the recommendation of Speaker
23 Madigan's differently than they would look at my
24 recommendation, but they were recommendations for

1 similarly-situated students. That's how -- that's
2 an internal problem. How it's, how it is received,
3 but both, both students were similarly situated.

4 COMMISSIONER SCOTT: Senator Raoul, I echo your
5 views on the need to consider a wider range of
6 criteria and admissions decision rather than a GPA
7 and an ACT score 'cause it does tend to favor those
8 who have privilege; and what we have learned through
9 this process is that the clout system that was in
10 place also tended to favor those same students, and
11 so we are left with a set of circumstances that will
12 require us to make hard choices, but I appreciate
13 your comments. To a certain degree, I also agree
14 with your comments.

15 SENATOR RAOUL: Thank you.

16 CHAIRMAN MIKVA: Chung.

17 MR. CHUNG: Yes, Judge.

18 And Senator Raoul, you covered a lot of
19 questions, frankly, I intended to ask you about, but
20 let me just, actually, take a big step back.

21 What legislative district do you serve, sir?

22 SENATOR RAOUL: It's the 13th legislative
23 district.

24 MR. CHUNG: And geographically, where is that?

1 SENATOR RAOUL: It's the Lakefront. I like to
2 say it's the Lakefront from the Gold Coast to the
3 Soul Coast, because I start roughly a little bit
4 north of Division and I go all the way to 98th
5 Street. So I have the communities of Gold Coast,
6 Streeterville, South Loop, Bronzeville, Woodlawn,
7 North Kenwood, Hyde Park, South Chicago Grand, a
8 very diverse district.

9 MR. CHUNG: And for how long, sir, have you
10 served in that district?

11 SENATOR RAOUL: Four and a half years.

12 MR. CHUNG: Who is your immediate predecessor?

13 SENATOR RAOUL: Then senator, now president
14 Barack Obama.

15 MR. CHUNG: We've heard of him, I think.

16 So in the years in which you've been in the
17 Illinois Senate, you've held a variety of different
18 committee posts?

19 SENATOR RAOUL: Yes.

20 MR. CHUNG: What are some of those committees?

21 SENATOR RAOUL: Well, I had served on Higher
22 Education for, I think for two, two General
23 Assemblies; I serve as chair of the Pensions and
24 Investment Committee. I'm also serving, next door

1 I'll be having a hearing in a few moments as chair
2 of the redistricting committee. I'm on the Criminal
3 Law Committee, the Judiciary Committee. What have I
4 left out? I used to be on the Commerce and Economic
5 Development committee, I used to be on the Public
6 Health Committee, and Telecom.

7 MR. CHUNG: Your Honor, as Senator Raoul has
8 indicated, he does have another engagement to get
9 to. I promised him we would get him on his way so I
10 will try to be very brief, sir.

11 And professionally, you, prior to joining the
12 Illinois Senate, you were an attorney and a
13 prosecutor.

14 Could you just provide a little bit of your
15 professional background pre-Senate?

16 SENATOR RAOUL: I started my legal career as a
17 prosecutor with the Cook County State Attorney's
18 office. I was there three and a half, four years.
19 I went into private practice, small private
20 practice. I call it a potpourri practice. I did
21 whatever somebody walked in the door needing. And
22 then I went in-house with the City Colleges of
23 Chicago, where I served all the way into my, my term
24 as state senator.

1 MR. CHUNG: And you've attended schools here in
2 the City of Chicago, beginning with grade school all
3 the way through law school?

4 SENATOR RAOUL: Correct, I -- my wife says I
5 have a boring existence 'cause all my schooling has
6 been in the City of Chicago.

7 CHAIRMAN MIKVA: Where did you go to law
8 school?

9 SENATOR RAOUL: Chicago-Kent College Law.

10 CHAIRMAN MIKVA: And your undergraduate was
11 where?

12 SENATOR RAOUL: At DePaul University. Oh, no,
13 I started at Illinois Institute of Technology. I
14 call myself an engineering drop out.

15 MR. CHUNG: And sir, you're no longer on the
16 Higher Ed Committee in the Senate?

17 SENATOR RAOUL: No, I'm not.

18 MR. CHUNG: Okay. But going back to your
19 experience on that committee, is it your sense that
20 the issues that have arisen before this commission
21 are the kinds of issues that could be dealt with in
22 a legislative higher ed-type committee?

23 We have heard from Representative Boland, who
24 sits on the House counterpart committee.

1 SENATOR RAOUL: To some extent, yes. One of
2 the things that I often criticize about the
3 legislature is legislature overreaching and putting
4 mandates on, not only higher education institutions,
5 but education institutions generally.

6 We're always mandating or trying to mandate
7 what ought to be taught in the classroom, and I
8 think we need to leave that to educators.

9 MR. CHUNG: Judge, I don't have anything
10 further.

11 CHAIRMAN MIKVA: Thank you, Senator, for coming
12 forward and being forthcoming.

13 SENATOR RAOUL: Thank you so much.

14 CHAIRMAN MIKVA: We appreciate your comments.

15 COMMISSIONER SCOTT: Thank you.

16 CHAIRMAN MIKVA: Our next witness is Dean
17 John --

18 DEAN FLAHERTY: Joe. You can call me John.
19 Good afternoon, sir.

20 CHAIRMAN MIKVA: Still morning, and we're glad
21 you're here, and be glad it's still morning.

22 We thank you very much for offering to
23 participate.

24 DEAN FLAHERTY: How can I help you?

1 CHAIRMAN MIKVA: Mr. Chung or Mr. Ellis.
 2 MR. CHUNG: Yes, Judge, it will be me.
 3 Dean, could you state your full name, sir?
 4 DEAN FLAHERTY: Joseph A. Flaherty.
 5 MR. CHUNG: And you're employed by the
 6 University of Illinois?
 7 DEAN FLAHERTY: Yes, I am.
 8 MR. CHUNG: In what capacity?
 9 DEAN FLAHERTY: I'm dean of the College of
 10 Medicine, which is, includes the Chicago,
 11 Urbana-Champaign, Peoria, and Rockford campuses of
 12 the College of Medicine.
 13 MR. CHUNG: For how long have you been dean of
 14 the College of Medicine?
 15 DEAN FLAHERTY: Five years.
 16 MR. CHUNG: And as dean, what generally are
 17 your duties and responsibilities?
 18 DEAN FLAHERTY: My duties are to find resources
 19 for the faculty to lead a, a quality medical
 20 education program for the largest medical school in
 21 the country, to coordinate the research, which is
 22 the mainstream of our existence and to oversee the
 23 clinical services provided by our physician groups
 24 on all our sides.

1 MR. CHUNG: What role, if any, do you have in
 2 admissions to the College of Medicine?
 3 DEAN FLAHERTY: I have an overview role in
 4 admissions, in that I review any revisions in the
 5 guidelines for the admissions process, I watch on a
 6 regular basis the numbers, not the names of the
 7 students coming in. We have a rolling admissions
 8 process so we're always fearful we'll admit too
 9 many, more than we can handle, and I sign the offer
 10 letters to the students.
 11 MR. CHUNG: Who, within the college has direct
 12 responsibility as, for oversight of admissions?
 13 DEAN FLAHERTY: I want to emphasize this, our
 14 admissions are really run and lead by the faculty, a
 15 committee of 25 faculty. I think that includes one
 16 or two students in the College of Medicine also.
 17 Those individuals review, in every applicant
 18 that meets a certain base criteria, reviews and
 19 assesses them, and that overall group is directed by
 20 Dr. Jorge Girotti.
 21 MR. CHUNG: And he's an associate dean?
 22 DEAN FLAHERTY: Yes, he is.
 23 MR. CHUNG: Does he also hold the title of
 24 director of admissions?

1 DEAN FLAHERTY: Yes, he does.
 2 MR. CHUNG: Okay. Sir, I do want to get into
 3 the process by which the College of Medicine
 4 evaluates individual applicants.
 5 But before doing so, I'm going to step back and
 6 ask you more about your personal background.
 7 When did you first, in any capacity, join the
 8 University of Illinois?
 9 DEAN FLAHERTY: When I finished high school in
 10 1964.
 11 MR. CHUNG: And what happened at that point?
 12 DEAN FLAHERTY: I went to Urbana as an
 13 undergrad, finished in three years there, came to
 14 medical school, finished my M.D. degree, and then I
 15 studied pediatrics and psychiatry in public health.
 16 MR. CHUNG: Where was that?
 17 DEAN FLAHERTY: All at the University of
 18 Illinois. I'm a career University of Illinois, for
 19 better and for worse, outside of some study at the
 20 university of London.
 21 So I then moved up the ranks of professorships,
 22 was vice chair of the department of psychiatry,
 23 chair of the department, and then dean of the
 24 medical school.

1 MR. CHUNG: Now, in approximately 1980, were
 2 you asked to take on any admissions role with
 3 respect to the college?
 4 DEAN FLAHERTY: Yes. About that time I wrote
 5 two papers on racial disparities in healthcare and
 6 was concerned about the number of minority
 7 applicants, the lack of numbers in minority
 8 applicants to the medical school. I was asked to
 9 chair a committee to revise the admission
 10 guidelines, which I did. They called for bringing
 11 in larger numbers of minority applicants and,
 12 actually, into the medical school.
 13 Given that task, I was asked, which I agreed to
 14 for only two years, to serve as associate dean for
 15 the college, oversee that part of the process as
 16 well as do something else I wanted the college to
 17 do, which is established an interview, so no one was
 18 admitted to medical school without having been
 19 interviewed, and we did that.
 20 MR. CHUNG: Now, is it fair to say that as a
 21 result of that two-year process, the College of
 22 Medicine put into place an admissions process that
 23 did include interviews?
 24 DEAN FLAHERTY: Absolutely.

1 MR. CHUNG: Let's talk about the process -- and
2 is it also fair to say that that process has
3 continued on in, at least general terms, is the same
4 process in effect today?

5 DEAN FLAHERTY: Yes, it is.

6 MR. CHUNG: Okay. And if we could talk about
7 the various components of that process.

8 Sir, when we met just yesterday, I believe it
9 was --

10 DEAN FLAHERTY: Yes.

11 MR. CHUNG: -- you discussed as one component
12 of the medical admissions process, something you
13 referred to as the cognitive index?

14 DEAN FLAHERTY: Yes, that's correct.

15 MR. CHUNG: And what is that?

16 DEAN FLAHERTY: Cognitive index is the standard
17 numerical things most places use. It's no different
18 than other medical schools, they have variations,
19 but it basically is a grade point average weighted
20 for the college, plus the medical college admission
21 test score, which is a nationalized examination.
22 They're all students at U.S. schools.

23 MR. CHUNG: And the result of that analysis is
24 a numeric score?

1 on a weighted scale, and it's all a fairly objective
2 process.

3 MR. CHUNG: Are the components of the cognitive
4 index and the components of the diversity index
5 written down anywhere?

6 DEAN FLAHERTY: Yes, they are.

7 MR. CHUNG: Okay. And then who within the
8 medical college conducts the cognitive and diversity
9 index analyses?

10 DEAN FLAHERTY: The cognitive analysis is just
11 a computer formula.

12 MR. CHUNG: Okay.

13 DEAN FLAHERTY: Okay, so that's -- and I want
14 to stress, we set a cognitive index. Basically,
15 it's going to be a certain grade point average

16 combined with the MCAT score. Real high MCAT score
17 might offset a lower grade point and vice versa, so
18 we set a cognitive index below which we think you do
19 not have a reasonable chance, high chance of
20 finishing medical school; above which we think you
21 have an excellent chance to complete medical
22 education.

23 So those below that index, we do not consider
24 no matter what, no matter what other non-cognitive

1 DEAN FLAHERTY: That is correct.

2 MR. CHUNG: Okay. You also yesterday told me
3 about the diversity index or what you referred to as
4 the diversity. What is that?

5 DEAN FLAHERTY: Essentially, the non-cognitive
6 index.

7 MR. CHUNG: Okay.

8 DEAN FLAHERTY: The non-cognitive index is
9 where we have to hand, go through each, each
10 applicant's record, and look at factors that may
11 have a special achievement or special disadvantage
12 that the senator described some of them.

13 Achievements being, has an additional Ph.D. or
14 something else, an engineering, for example. A lot
15 of applicants are interested in bioengineering, has
16 made great accomplishments. Maybe varsity sports in
17 college.

18 Or special disadvantages, which we include,
19 being a member of an underrepresented minority
20 group, but far more than that, having parents who
21 had less than a high school education, growing up in
22 a home without speaking English, the, having to work
23 more than 20 hours a week. The kind of things that
24 we try, imperfect as it is, to assess value; they're

1 factors or things they might have on their record.
2 So that's the first screening.

3 Then we go through the non-cognitive index.
4 That is a committee of the faculty that does that.
5 They look through the records at home, they bring
6 them back to a group, to have to justify every
7 point, if you will. An applicant is given a
8 non-cognitive consideration. That is then added to
9 the cognitive index.

10 It's all -- and we gave you also the minutes of
11 every admission committee meeting from 2002. It's
12 all on a scale from the highest to the next
13 applicant, and the committee makes a decision where
14 we're going to cut to make an offer this, this
15 month, knowing what numbers did we give out last
16 month, what numbers have accepted us.

17 There's no room for influence. You'd have to
18 have a conspiracy of 25. I could not get my own son
19 or daughter admitted. Say, you know, Flaherty, hold
20 it, she's way down here, how are you going to, you
21 know, why are you suggesting she go up? There's no
22 way to do it.

23 MR. CHUNG: Let me ask you a couple of quick
24 follow-up questions from that, doctor.

1 With regard to the cognitive index, you
2 indicated that the college sets on an annual basis a
3 floor under which, if you are in the under category,
4 the application will not be considered, you will be
5 denied?

6 DEAN FLAHERTY: That's correct, sir.

7 MR. CHUNG: Has it been your experience that
8 there's never been a situation of an applicant who
9 scored below that floor level and was in fact
10 admitted?

11 DEAN FLAHERTY: There has not been an
12 exception, to my knowledge.

13 MR. CHUNG: And so the cognitive --

14 DEAN FLAHERTY: I'm reasonably confident in
15 that.

16 MR. CHUNG: The cognitive index results in a
17 numeric score almost automatically because you're
18 dealing with numbers to begin with --

19 DEAN FLAHERTY: Yeah.

20 MR. CHUNG: -- GPA and MCAT?

21 The non-cognitive index score is also a numeric
22 score, is that fair to say?

23 DEAN FLAHERTY: It does end up in a numeric
24 score. We've had to revise how we do some of

1 these -- we started this in the post mock [phonetic]
2 era, we had to revise them in the post-Michigan era,
3 so, yeah, it ends up in a numeric score.

4 MR. CHUNG: And then the two scores, the
5 cognitive score and the non-cognitive score, are
6 combined?

7 DEAN FLAHERTY: That's correct.

8 MR. CHUNG: And they result in what you
9 referred to the other day as a composite score?

10 DEAN FLAHERTY: Yes, yes.

11 MR. CHUNG: Are the cognitive and non-cognitive
12 scores weighted equally, if you understand that
13 question?

14 DEAN FLAHERTY: Let me put it this way: I'm
15 just giving you rough, because I'm not involved in
16 the day to day -- I don't sit on the admissions
17 committee nor do I look at individual applicants to
18 decide about admissions.

19 The cognitive index is going to give you a
20 score in the range of, let's say, 65 to 80. The
21 non-cognitive index is going to end up in adding
22 points in the range of 1 to maybe 15, 20. So
23 depending on the applicant, it'll have a varying
24 weighting, but roughly, I'm just guessing now, it's

1 about one-third. You know, I have not added the
2 interview yet to that equation but, yeah.

3 MR. CHUNG: We'll get to the interview in a
4 second.

5 There is additional supplemental information as
6 well that's taken into account, including a personal
7 statement?

8 DEAN FLAHERTY: Yeah, this is, first the MCATs,
9 the American Medical College Admission system is a
10 national system, all medical schools use it.
11 There's -- all letters of recommendation have to go
12 through there.

13 So if I get a letter, an e-mail from a trustee
14 recommending someone, that does not go into their
15 file. In fact, none of the e-mails that I've
16 received from trustees or other people about, this
17 is a great applicant, is seen by the admissions
18 committee. I'm the buffer for that. They don't,
19 they don't have that information.

20 But getting to your point, the -- if the
21 students make the basic, tri-tier, they're an
22 eligible applicant, even before we figured out the
23 cognitive index. Then we ask for a supplemental, as
24 do most medical schools, where they provide a

1 personal statement and complete some other things
2 relevant to our medical school.

3 For example, we're looking also for a very
4 small number interested in rural medicine. We have
5 a national center for rural medicine in Rockford.
6 We have a very robust MB Ph.D. program in both
7 Urbana and Chicago campuses, so we're -- but so we
8 ask for supplemental information.

9 All that information, along with the letters
10 that are in their record, is available for review
11 when that non-cognitive index is set.

12 MR. CHUNG: And before we get to the interview,
13 just a couple of questions on the letters which
14 you've referred to now.

15 Is it a requirement for individuals who are not
16 screened out in the cognitive review process to
17 provide letters of recommendation as part of their
18 application?

19 DEAN FLAHERTY: It's required to be an eligible
20 applicant. So at the very beginning, it's required
21 by the American Medical College system, so they have
22 to have those letters on file in the national
23 system.

24 Those letters, by the way, are the same letters

1 when they apply to us as when they apply to
2 Northwestern or Rush or wherever, so, so it's not
3 like they can have an Illinois letter or a, you
4 know -- and that's all, they have to have those
5 letters to be considered an eligible applicant.

6 MR. CHUNG: And so if a trustee, for example,
7 sent you a letter on behalf of a medical college
8 applicant and that same letter did not get routed
9 through this national process that you've described,
10 what would happen typically with the trustee letter
11 that you received.

12 DEAN FLAHERTY: It stays in my office. I
13 checked with Dr. Girotti to make sure, because I see
14 three on file. They did not get into the record of
15 the applicant.

16 CHAIRMAN MIKVA: Do you respond to the trustee?

17 DEAN FLAHERTY: Oh, of course, I do.

18 CHAIRMAN MIKVA: And say, thanks for writing
19 me.

20 DEAN FLAHERTY: Yeah. That's right, we're
21 reviewing it.

22 CHAIRMAN MIKVA: Can I ask a question?

23 DEAN FLAHERTY: Yes, sir.

24 CHAIRMAN MIKVA: 'Cause this is very key to our

1 deliberations. Did I understand you to say that if
2 the cognitive review indicates a number -- this is
3 strictly mathematical at this point.

4 DEAN FLAHERTY: Yes.

5 CHAIRMAN MIKVA: -- below which you think those
6 candidates will not be successful medical students?

7 DEAN FLAHERTY: That's correct.

8 CHAIRMAN MIKVA: But in the college, the
9 undergraduate have been called non-admits, that's
10 the end of the ballgame?

11 DEAN FLAHERTY: That's completely, yeah,
12 there's no appeal.

13 CHAIRMAN MIKVA: But also there's nothing else
14 to consider?

15 DEAN FLAHERTY: No.

16 CHAIRMAN MIKVA: And you don't consider the
17 non-cognitive, even though they had 15
18 non-cognitive, you couldn't get that --

19 DEAN FLAHERTY: That is absolutely correct,
20 sir.

21 MR. CHUNG: Sir, you referred to a couple of
22 letters of recommendation that you have now seen in
23 connection with the work of this commission.

24 Were they all from Trustee Schmidt, do you

1 recall?

2 DEAN FLAHERTY: I think -- no, I think there
3 were two from Trustee Vickrey and then there was
4 correspondence between the chancellor and Trustee
5 Eppley.

6 MR. CHUNG: Is it your understanding that those
7 correspondences and letters were not in fact routed
8 through this national process?

9 DEAN FLAHERTY: Oh, that's correct.

10 MR. CHUNG: So they came to you?

11 DEAN FLAHERTY: Right.

12 MR. CHUNG: And what you're saying is they
13 never actually made it into the admissions
14 application?

15 DEAN FLAHERTY: That's correct. We receive a
16 number of testimonials. They don't -- we received
17 one from Governor Blagojevich, totally benign
18 testimonial to a student he knew, but those don't go
19 into the folder.

20 MR. CHUNG: Let's talk about the interview
21 process. So you've now gotten the composite score,
22 you've got supplemental information in the file.

23 Is there an analysis of that aggregated
24 information for purposes of determining who gets

1 interviews or are all people at that point in time
2 afforded interviews?

3 DEAN FLAHERTY: No. Then we look at the
4 numbers and say, what does our pool look like this
5 year? The average medical school will interview
6 about twice, or rather give admissions offers to
7 about twice the size of their class, and we're in
8 that same category.

9 So to fill 300 students, we'll offer 600
10 students places. So to have a comfortable buffer to
11 make those 600 offers, we'll probably interview 800
12 students. Meaning, if you get interviewed, you have
13 an excellent chance of getting into medical school.

14 MR. CHUNG: How many total -- typically, how
15 many total applications do you get to then be able
16 to interview 800 people for 600 offers?

17 DEAN FLAHERTY: We have about 6500 to 7,000
18 people apply to medical school. It's gone up
19 steadily in the last 5 or 6 years. That represents
20 about one-sixth of the national pool. About
21 95 percent of people applying to medical school in
22 the State of Illinois apply to, citizens of the
23 state apply to our medical school.

24 MR. CHUNG: If I could just back up for a

1 second, out of the 6500 to 7,000 total applicants,
2 how many get screened out at the cognitive index
3 stage?

4 DEAN FLAHERTY: Oh, I'd be guessing 'cause I
5 haven't seen the numbers lately, but a significant
6 number. Less, but maybe a quarter to a third.

7 Bearing in mind, that those that actually
8 complete the MCATs application, about 50 percent of
9 those are admitted to a medical school in the
10 United States, so you already screened out many who
11 didn't like organic chemistry or whatever and, or
12 who know their grades are not close.

13 MR. CHUNG: Who conducts the interviews?

14 DEAN FLAHERTY: Faculty.

15 MR. CHUNG: Are they faculty members on the
16 admissions committee?

17 DEAN FLAHERTY: Not necessarily, but mostly
18 faculty members on the -- other faculty that
19 volunteer to do the interviews and students,
20 although the students don't do the rating, students
21 also interview.

22 But the interviewers do not have access to any
23 of the other information, so they go in without a
24 folder. They just have, as you were alluding to,

1 just the information in front of them, their
2 conversation with the student.

3 MR. CHUNG: So at this point in your admissions
4 process, is there any role whatsoever from anyone
5 outside the College of Medicine plays in the review,
6 for instance, of cognitive scores, of non-cognitive?

7 DEAN FLAHERTY: No.

8 MR. CHUNG: It's all internal to the College of
9 Medicine?

10 DEAN FLAHERTY: Absolutely.

11 MR. CHUNG: And is that true of the entire
12 process, even beyond the interview stage?

13 DEAN FLAHERTY: Yes, it is true.

14 MR. CHUNG: And early on you mentioned that the
15 College of Medicine does rolling admissions.

16 Could you describe for the members of the
17 Commission what you meant by that?

18 DEAN FLAHERTY: That is, you can't wait until
19 May and take a look at your entire pool and then
20 make your offers. You have to admit on a monthly
21 basis. It does mean that if you are late in getting
22 your application, if we admitted more in September,
23 October, potentially you might reach the point where
24 a slightly better student is denied because he or

1 she applied late but, in other words, it's pretty
2 much standard in medical schools. You start
3 accepting as the applica -- once the date is set,
4 you start accepting when the application --

5 MR. CHUNG: What is -- in a typical year, what
6 is the admission season?

7 DEAN FLAHERTY: It's September through May.

8 MR. CHUNG: And in that time period, are there
9 committee meetings, admissions committee meetings to
10 consider individual applications?

11 DEAN FLAHERTY: Yes, every month.

12 MR. CHUNG: On a monthly basis?

13 DEAN FLAHERTY: Every month.

14 MR. CHUNG: And even as early as September --

15 DEAN FLAHERTY: They're usually made in August
16 to review the admission guidelines to see if any
17 changes, before they start seeing actual applicants,
18 then they, in September they usually begin in
19 earnest looking at the pool.

20 MR. CHUNG: And in a given meeting, could you
21 describe for the members of the Commission how it is
22 that the members actually review and decide on
23 individual applications?

24 DEAN FLAHERTY: Well, they've got the cognitive

1 indices so they've got the, they've met all the
2 other criteria, completing the application, so that
3 they look, they look at historical trends to begin
4 with before they get our own numbers coming into the
5 year; and say people above this, we're going to send
6 the supplemental to them.

7 People who's supplemental we've reviewed and
8 then we get the non-cognitive, it is truly rolling
9 and, as they come in. So the committee will be
10 considered in any meeting who to interview, who to
11 accept, who to deny, who to put on hold.

12 MR. CHUNG: Now, let's talk about inquiries
13 from donors, inquiries from trustees, inquiries from
14 legislators --

15 DEAN FLAHERTY: Yeah.

16 MR. CHUNG: -- inquiries from outside sources,
17 generally.

18 DEAN FLAHERTY: Yeah.

19 MR. CHUNG: Do you have an understanding as to
20 whether the College of Medicine receives such
21 inquiries with regard to particular applicants in
22 any given year?

23 DEAN FLAHERTY: Yes. I checked with
24 admissions, before I think I was interviewed by the

1 media on this. They receive about 3 or 400
2 inquiries every year. It is on our website. It is
3 also in a letter we send every applicant; who to
4 call, whether to check on a, where you are in the
5 process, who to call if you want a counseling
6 interview, in terms of your suitability for medical
7 school or, et cetera, so they receive 3 or 400, and
8 they take care of those -- I receive --

9 MR. CHUNG: I'm sorry, before you go into the
10 ones you receive. When you say 3 to 400 inquiries,
11 you're talking also about just regular students or
12 applicant inquiries?

13 DEAN FLAHERTY: Yeah.

14 MR. CHUNG: On their own behalf?

15 DEAN FLAHERTY: Most of those are, yeah,
16 exactly. I'm sorry. You -- they're outside, as of
17 right now.

18 But the -- in terms of people outside of the
19 students and their parents themselves --

20 MR. CHUNG: Correct.

21 DEAN FLAHERTY: -- making inquiry? I don't
22 know how many. I think there are faculty that make
23 inquiry because they know the number to call and we
24 have to tell them your son and daughter has to get

1 permission for us to do that, as I mentioned.

2 Sometimes the child's test scores are not, what
3 they tell their parents are not in sync with what
4 they actually got so we don't want to get caught in
5 the middle on that, but I don't know the answer to
6 that question, though, in terms of how many other
7 inquiries they receive.

8 MR. CHUNG: Let's talk about --

9 CHAIRMAN MIKVA: Is it a big piece of your day
10 or?

11 DEAN FLAHERTY: No, sir.

12 MR. CHUNG: I think the Judge Mikva anticipated
13 where I'm heading here. In your own personal
14 experience with receiving inquiries, in any given
15 year, how many inquiries do you receive, related to
16 admissions from legislators, trustees, or donors?

17 DEAN FLAHERTY: Maybe 8 or 10, not very many.

18 MR. CHUNG: And the breakdown of, with regard
19 to the 8 or 10, between legislators, trustees, and
20 donors, are the vast majority of those coming from a
21 particular type of source or if you could explain?

22 DEAN FLAHERTY: I think a combination of
23 trustee and faculty members, some alums. I don't
24 believe I've received any from any members of the

1 General Assembly.

2 MR. CHUNG: Let's talk about the trustees.

3 From which trustees have you personally
4 received inquiries related to particular admissions
5 applications?

6 DEAN FLAHERTY: Well, my recollection is
7 largely influenced by the e-mail that, the data we
8 have, but certainly Trustee Schmidt was the most
9 common. He's the physician member of the board
10 alum, he's an extremely supportive person of the
11 medical center, so he would send more.

12 Vickrey, who chaired the Hospital Committee,
13 sent a, maybe two or three inquiries.

14 MR. CHUNG: And with regard to, let's say,
15 Trustee Schmidt first, could you describe what the
16 nature of those inquiries were or did they depend
17 on --

18 DEAN FLAHERTY: First, it was made very clear
19 that for a medical school, I made very clear,
20 admitting people with political favor of any kind is
21 a third rail of medical school, you just can't do
22 it.

23 Some privates have been rumored to have done
24 that in the past. It's terrible for your school,

1 it's the wrong thing, it's also wrong in its own
2 right, so I wasn't getting any pushback from
3 anybody, so the nature of the inquiry was, where
4 does this student stand, does this student have a
5 chance, can you talk to this student. And I would
6 then find out where they were in the process, and
7 that was it.

8 MR. CHUNG: And what about with respect to
9 Trustee Vickrey, was it -- would it be the same?

10 DEAN FLAHERTY: Very much the same. My
11 recollection is he asked me about a couple of
12 students, and I think as the record show here, of
13 these inquiries that you had me look at, I think
14 eight out of the ten were denied total.

15 So it's -- when I -- my, my task is getting
16 back to them as quickly as I can. It's more
17 customer service. I take an inquiry as an inquiry.

18 If you take an inquiry as a request or you take
19 an inquiry as an opportunity to gain favor, then
20 it's a different situation. I think that part is
21 wrong.

22 MR. CHUNG: And then quickly, donor requests,
23 do you recall ever getting requests or inquiries
24 from individuals you understood to be donors to the

1 university --

2 DEAN FLAHERTY: Well --

3 MR. CHUNG: -- into the medical college,
4 specifically?

5 DEAN FLAHERTY: Very rare. I can think of a
6 couple of instances of people that were not donors
7 but said they would be donors.

8 MR. CHUNG: Can you describe for the members of
9 the Commission how those came about and your
10 reaction to those?

11 DEAN FLAHERTY: One person called me, one
12 person sent me a handwritten note. And you know,
13 those are easy to handle. No, we cannot -- these
14 are separate processes.

15 MR. CHUNG: And what was the substance of those
16 communications?

17 DEAN FLAHERTY: That they could make a sizable
18 donation. I think one listed the amount that they
19 could make, and I don't -- it's rare. I'm sure it's
20 not unusual for medical schools nationally.

21 MR. CHUNG: Just to be clear, you understood
22 that those communications were linking a prospective
23 sizable donation with the requested admission of the
24 children of those particular parents?

1 DEAN FLAHERTY: Absolutely.

2 MR. CHUNG: And your reaction was what, again,
3 sir?

4 DEAN FLAHERTY: That's wrong, that's wrong. We
5 can't do that. We wouldn't do that.

6 MR. CHUNG: Do you know what happened with
7 those particular prospective applicants?

8 DEAN FLAHERTY: I don't think either of them
9 applied. I don't recall, because I never saw it, I
10 never got another request. I communicated directly
11 we do not do that.

12 MR. CHUNG: Can I ask you about, sir, the life
13 cycle of an inquiry, a particular trustee inquiry
14 that you received, and sort of trace that out,
15 figure out to whom you sent it, with what, if any,
16 additional communication and then where it went from
17 there and how information flowed back to you.

18 You would receive an inquiry from a trustee and
19 then what would you do with it?

20 DEAN FLAHERTY: I would usually ask my
21 assistant to forward it to Dr. Girotti's assistant
22 to find out where they stood or send it with a note
23 to Dr. Girotti, where does this person stand or, you
24 know, what chances do they have, something of that

1 nature.

2 On some of the e-mails it was more common when
3 I first took over as dean, I made clear to
4 Dr. Girotti, who I want to stress is a very, man of
5 high integrity anyhow, made it clear that nothing
6 was changing. I would add at the bottom there is,
7 you know, there's no need for any special
8 consideration. In other words, to make it clear to
9 him, this is not coming as a request or -- he would
10 then tell me, he's very straightforward, this
11 student has got this or has that, they're in this
12 process.

13 If they are non-cognitive assessment is higher,
14 they may have a chance or they've been interviewed,
15 they were denied was commonly the case. On some, on
16 two or three, the reply was, this applicant has not
17 applied, but somebody was already making the
18 request.

19 MR. CHUNG: Dr. Girotti, he's the director of
20 admissions, correct?

21 DEAN FLAHERTY: Yes, sir.

22 MR. CHUNG: And is it your understanding that
23 he typically sat in on the monthly admissions
24 committee meetings?

1 DEAN FLAHERTY: Yes, he did.

2 MR. CHUNG: Do you know whether Dr. Girotti,
3 having received information about an inquiry from
4 you that originated with a trustee, in turn,
5 provided that information to other members of the
6 admissions committee?

7 DEAN FLAHERTY: I'm relatively certain he did
8 not. I've asked him. It was our mutual
9 understanding and agreement that we wanted to buffer
10 the admissions committee from any of that outside
11 influence, so if he made a slip one time or
12 something, I don't know. I doubt it.

13 MR. CHUNG: I'm sorry, doctor, do you recall
14 specifically having conversations with Dr. Girotti
15 about this very topic?

16 DEAN FLAHERTY: Yes, I do.

17 MR. CHUNG: And could you state for the members
18 of the Commission what transpired in those
19 conversations?

20 DEAN FLAHERTY: Well, I had a couple of
21 conversations since I had been, you know, 15 years
22 since I was heavily involved in admissions, or 20,
23 really, I asked him has anything changed in terms,
24 and we went through that.

1 I said, we're not getting -- are we getting any
2 more pressure? He says not really, and then I
3 discussed how I would act in that function as a
4 buffer, and then I wanted to make sure the, the
5 faculty committee on admissions did not receive
6 these communications.

7 MR. CHUNG: When did you have that conversation
8 with him?

9 DEAN FLAHERTY: Oh, I would say probably
10 January 2005.

11 One, one situation came up shortly after I
12 became dean that we discussed yesterday, and I just
13 wanted to be sure, both that he knew as well as the
14 chancellor of the university understood, because
15 there was communication between a trustee and the
16 chancellor. I want to make sure this all got
17 corralled into the medical school.

18 MR. CHUNG: So you would provide the
19 information to the director of admissions, he would
20 in turn provide information back to you, and your
21 understanding is, even the fact of an inquiry from a
22 trustee would not get known by other members of the
23 admissions committee?

24 DEAN FLAHERTY: Absolutely. That is my

1 understanding. I believe, I would say a hundred
2 percent, except I was never at those meetings.

3 MR. CHUNG: Would it be fair to say that that
4 procedure was important to you because you
5 understood that the mere fact that a trustee was
6 inquiring, even if it was purported to be a status
7 request and only that, potentially could influence
8 members of the admissions committee?

9 DEAN FLAHERTY: Yes, that is correct.
10 Although, if I could just for a second.

11 MR. CHUNG: Sure.

12 DEAN FLAHERTY: If you really leave a lot of
13 this to the faculty on any campus, and I can't speak
14 for Urbana, the faculty have a very democratic
15 attitude. They, in general, are not going to look
16 favorable upon inquiries by General Assembly or
17 trustees.

18 They're going to go for the, what they think
19 are the best students, but still, the extent that
20 people might be influenced by the governor or
21 whoever, I think we have to keep them, because the
22 potential is there.

23 MR. CHUNG: You -- I'm sorry, Judge.

24 CHAIRMAN MIKVA: Go ahead.

1 MR. CHUNG: Go ahead.

2 CHAIRMAN MIKVA: Is there any reason to assume
3 that this procedure that you follow, I realize
4 you're speaking only of the medical school, but is
5 there any reason to think that this procedure that
6 you follow couldn't work certainly at the other
7 professional schools?

8 DEAN FLAHERTY: Oh, yeah, I think it could. I
9 know they use committees in Urbana. I think it's
10 important that, that the faculty committees actually
11 do the work, not just oversee the work, in my view.

12 It does take time.

13 CHAIRMAN MIKVA: And could it work at the
14 undergraduate?

15 DEAN FLAHERTY: I think it could, yeah, but I'm
16 speculating, sir.

17 COMMISSIONER VANDER WEELE: Could you mentor
18 the deans in the business and the law school for us,
19 please? They need some mentoring. You're doing it
20 right. You're the first person I know of who is
21 doing the process right.

22 DEAN FLAHERTY: Well, thank you very much.

23 I will say I believe the nursing school and
24 some of the other professional schools at UIC do it,

1 they're fairly tight in their processes, too, but.

2 COMMISSIONER VANDER WEELE: Did you ever have a
3 discussion with the dean of the law school and the
4 dean of the business school about your process, and
5 did they ever communicate to you that they were
6 under pressure to administer and should not have --

7 DEAN FLAHERTY: No, they did not, but my office
8 is in Chicago. I get to Urbana 15, 20 times a year,
9 mostly related to medical center business so.

10 CHAIRMAN MIKVA: Did you ever hear of the
11 "I" list prior to it breaking?

12 DEAN FLAHERTY: Never heard of it. No, it, it
13 was upsetting to hear.

14 COMMISSIONER VANDER WEELE: Did any of the
15 trustees understand your process, as compared to the
16 process of the business school and the law school?

17 DEAN FLAHERTY: I never heard any comparisons,
18 so I was a little surprised by the information.

19 Certainly Trustee Schmidt understood our
20 process as time went on, as he hesitated to ask me
21 about candidates that were very unlikely. I think
22 he got familiar with the numbers and the process.

23 Although, I have to say none of the trustees
24 pushed me. I never felt pushed by the trustees to

1 admit a student, but I could see where you could be.
 2 COMMISSIONER VANDER WEELE: What about any of
 3 the members of the executive management team?
 4 DEAN FLAHERTY: No.
 5 COMMISSIONER VANDER WEELE: President,
 6 chancellor?
 7 DEAN FLAHERTY: No. Chancellor and the
 8 president never pushed me to take a student.
 9 COMMISSIONER VANDER WEELE: Have you ever had a
 10 discussion with any of them about best practices in
 11 admissions?
 12 DEAN FLAHERTY: I had one discussion with
 13 Sylvia Manning, who was chancellor at the
 14 university, and I don't know exactly how it went,
 15 but she and I were in agreement on this, basically.
 16 You don't change your standards, you don't
 17 admitted under pressure. You do customer service.
 18 Whether that's with donors or the board of trustees,
 19 we get back to them, that's it.
 20 COMMISSIONER VANDER WEELE: What do you think
 21 the difference is between what you are doing and
 22 what Downstate was doing? What created this best
 23 model practice versus this worst model practice?
 24 Why were you -- I'm not articulating very well, but

1 I'm saying, what's the underlying clauses, why were
 2 you doing it right and they weren't?
 3 DEAN FLAHERTY: I'd be speculating. I will for
 4 a minute, if you want me to, Judge, 'cause I don't
 5 know Urbana, but, 'cause I don't think we were doing
 6 anything exceptional, but public office is a public
 7 trust, you have to do it, there's certain things you
 8 should do.
 9 You know, I don't think there's any secret.
 10 That -- to use a phrase from 35 years ago, we've had
 11 a cancer in the governor's office for five to ten
 12 years, and that metastasized and it changes the
 13 culture of the state in ways that are very insidious
 14 that, and non-apparent.
 15 I think this board of trustees, in general, has
 16 been an excellent group of people; dedicated,
 17 non-paid, committed, but where the process of calls
 18 and inquiries and things like that come, I think
 19 Urbana, more of them are Urbana graduates, more of
 20 them are specifically Urbana law school graduates,
 21 and it's a fine law school, but I, you know, so I'd
 22 be speculating any further, but I think, if you
 23 looked at any state agency, you'd probably see more
 24 political influence.

1 I think the University of Illinois was
 2 relatively spared, but we're a great public
 3 university, we are, and we have to have a higher
 4 standard. We can't -- we shouldn't have anything
 5 like this. We really shouldn't.
 6 COMMISSIONER VANDER WEELE: I hope this is the
 7 beginning of chemotherapy.
 8 DEAN FLAHERTY: Well, maybe not to make a pun
 9 out of your name, Judge, we need a Mikvah here.
 10 CHAIRMAN MIKVA: Chung.
 11 MR. CHUNG: You used the term conspiracy of 25
 12 a few minutes ago. What did you mean by that?
 13 DEAN FLAHERTY: That means, if one wanted to
 14 get a particular student admitted, say the governor
 15 said, please admit this student, and that student
 16 wasn't already due to be admitted, even if they
 17 were, had met basic criteria, there's a long list,
 18 and that list is ranked, based on all these
 19 evaluations.
 20 Somebody would say, I think John Doe ought to
 21 be moved from 150th on the list up to 25. It's rare
 22 somebody would say that, but there are people that
 23 will make a case -- I have never heard of anything,
 24 a jump like that, but a few places will say, well,

1 hold it, this student really, you know, both their
 2 parents died their first year of college, got those
 3 grades, the fact that she did this, she deserves a
 4 little more boost than we've already done.
 5 Well, unless the person, the governor is
 6 requesting, actually had those conditions documented
 7 and persuaded the interviewer, totally unaware of
 8 the governor, otherwise -- I'm not making my case.
 9 If someone's trying to sneak one in, how do
 10 they convince 25 other people? It just would not
 11 happen. The faculty would not allow that to happen.
 12 MR. CHUNG: So the committee of 25 is able to
 13 make decisions, it's not death by committee?
 14 DEAN FLAHERTY: No, it actually, it actually
 15 works. It's a rarity in academia. Gets things
 16 done.
 17 COMMISSIONER VANDER WEELE: But you've also
 18 managed to objectify a subjective process?
 19 DEAN FLAHERTY: Yes.
 20 COMMISSIONER VANDER WEELE: And we've heard
 21 from one of the people that subjective, that's
 22 objective, but you're giving points for all these
 23 different categories which are in the, as I said,
 24 the emotional intelligence range, the

1 extracurricular, presumably, job, and all those
2 kinds of things, and I think that's very laudable,
3 because it meets both goals.

4 CHAIRMAN MIKVA: But only after people have
5 otherwise been found admissible.

6 DEAN FLAHERTY: That's right, that's right.
7 And I agree. I think it's always taking subjective
8 material and assigning numbers is a, is a difficult
9 test, but you have to do something.

10 COMMISSIONER VANDER WEELE: Right.

11 DEAN FLAHERTY: Many South American medical
12 schools, for example, will set the cognitive index
13 and will say, you know, the data doesn't support
14 anything -- which I don't believe -- but the data is
15 soft. They say, above this index do a lottery, you
16 know, or we'll accept one out of three.

17 I think we have to keep striving to find a
18 better cognitive index 'cause the evidence also
19 exists, as you alluded to further, that many of
20 these non-cognitive indices greatly influence the
21 practice of medicine.

22 The thing you mentioned, emotional
23 intelligence, has been directly related to lawsuits,
24 so physicians with greater amounts do get fewer

1 DEAN FLAHERTY: That's correct.

2 MR. CHUNG: So you have a -- you as an
3 applicant would have a specific number ascribed to
4 you in the overall list?

5 DEAN FLAHERTY: Every month, if you follow the
6 rolling admissions, in other words, it keeps on
7 rolling.

8 MR. CHUNG: So if, hypothetical -- is there a
9 wait list for --

10 DEAN FLAHERTY: Yeah, definitely.

11 MR. CHUNG: -- admissions?
12 If this college has made its admissions and
13 thereby created a wait list, is it typically the
14 case, then, that to the extent college accesses the
15 wait list, that individuals are admitted off the
16 wait list in order of rank?

17 DEAN FLAHERTY: Exactly.

18 MR. CHUNG: There's been some testimony, with
19 regard to other admissions offices within the
20 university, that as long as you are able to succeed
21 then, frankly, it doesn't matter where you might fit
22 in relation to the other people who potentially
23 could succeed at the college as well, so you have
24 kind of this large grouping of individuals that are

1 lawsuits.

2 CHAIRMAN MIKVA: But if they don't know their
3 anatomy, they're still --

4 DEAN FLAHERTY: You got it. You got it.

5 CHAIRMAN MIKVA: -- you still don't want them
6 on you.

7 DEAN FLAHERTY: That's exactly right. No
8 matter how nice they are, if they can't find your
9 gall bladder, it's not a good thing.

10 COMMISSIONER JUDGE: Did you grow up in
11 Chicago?

12 DEAN FLAHERTY: What's that?

13 COMMISSIONER JUDGE: Did you grow up in
14 Chicago?

15 DEAN FLAHERTY: I grew up in Chicago and a farm
16 downstate. First half here and next half there.

17 COMMISSIONER JUDGE: So you didn't graduate
18 from a Chicago high school, then?

19 DEAN FLAHERTY: I did not.

20 COMMISSIONER JUDGE: Okay.

21 MR. CHUNG: Dean, did I understand you
22 correctly, is it true that the committee, that the
23 admissions committee ranks applicants in order, one
24 through whatever?

1 deemed capable of succeeding and you can sort of
2 choose among them and justify the, the selection.

3 Do you agree with that?

4 DEAN FLAHERTY: No, no. I mean, I understand
5 it, but I don't agree with it. There's a fairness
6 issue, otherwise, what is it going to be based on,
7 random? The other obvious thing is it's then
8 subject to potential interference or arbitrariness,
9 really.

10 MR. CHUNG: How many -- roughly, how many
11 admissions committee meetings have you sat in on?

12 DEAN FLAHERTY: I've sat in on none since I've
13 been dean.

14 MR. CHUNG: But previously, you've sat in on
15 some?

16 DEAN FLAHERTY: I was a member of the committee
17 20 years ago.

18 MR. CHUNG: Do you have any understanding of
19 whether in the meetings there is ever a discussion
20 about the fact that an applicant is supported by a
21 prominent public individual?

22 DEAN FLAHERTY: The -- my recollection from
23 20 years ago is sometimes they would know an
24 applicant's -- if an applicant was the son or

1 daughter, say, of the president of the university,
2 the admissions committee would know that. It was
3 rare that we knew that.

4 And the one case I alluded to, I know the
5 applicant was denied. I think they took almost a
6 perverse pleasure in denying, which I don't think
7 was good PR, but they let it fall where they may.

8 Faculty are going to be --

9 MR. CHUNG: Sir, I want to ask you about a few
10 specific documents.

11 What is your position, if you have one, about
12 whether trustees should have a role in the decision
13 making with regard to applicants to the College of
14 Medicine?

15 DEAN FLAHERTY: They should have no role.

16 MR. CHUNG: What about university
17 administrators above the level of dean, do you think
18 they should have any role, whatsoever, in the
19 admissions process?

20 DEAN FLAHERTY: Well, let me -- they should
21 have no role in the decision making on applicants.

22 I will say that administrative officers of the
23 university and the trustees can have a role in what
24 is the policy. We have the, we have the largest

1 minority enrollment of any medical school in the
2 United States. We're very proud it. Number one in
3 Latinos and number three in African-Americans, after
4 Howard and Hering.

5 I think the trustees, the administration should
6 be able to weigh in on what is our policy towards
7 diversity in general. I think that's their role,
8 but to get down to, should this candidate be
9 admitted over this candidate, there's no role.

10 MR. CHUNG: Sir, if I could approach you and
11 just hand you a few documents.

12 DEAN FLAHERTY: You have a whole new set,
13 right?

14 MR. CHUNG: Dean, if I could begin with the
15 document that is identified as Flaherty Exhibit 6.
16 If you could take a second just to quickly look at
17 that, and I'll have a few questions for you.

18 DEAN FLAHERTY: Yes.

19 MR. CHUNG: A few minutes ago you testified
20 that there was an incident of sorts soon after you
21 became the dean of the medical college in 2005
22 that -- I'm sorry?

23 DEAN FLAHERTY: 2004.

24 MR. CHUNG: -- 2004, and that that incident

1 precipitated your conversation with the director of
2 admissions during which you made clear that you
3 didn't want outside influences injected into the
4 admissions process.

5 Do you recall that testimony?

6 DEAN FLAHERTY: Yes, I do.

7 MR. CHUNG: Is Flaherty Exhibit 6, does that
8 reflect the incident that you were referring to?

9 DEAN FLAHERTY: This is one of them, and I
10 can't -- because I said I had that conversation with
11 Girotti in January of 2005, so I'm not a hundred
12 percent sure of the dates, but this I know was an
13 incident that made me, my ears prick up that I'd
14 better check to see, is there any dialogue beyond
15 the college that is taking place that I'm not aware
16 of.

17 MR. CHUNG: And just generally speaking, does
18 Flaherty Exhibit 6 relate to an inquiry from the
19 governor's office brought by Trustee Larry Eppley
20 concerning a medical college applicant?

21 DEAN FLAHERTY: Yes, sir.

22 MR. CHUNG: And could you, for the benefit of
23 the commissioners, kind of describe your -- what
24 occurred there, as you best can recollect?

1 DEAN FLAHERTY: As I recall primarily from the
2 e-mail chain, since the chancellor's no longer with
3 the university, that Larry approached the chancellor
4 or perhaps Larry approached President White
5 regarding an applicant that was not a U.S. citizen.

6 Most public medical schools do not take
7 international students for two reasons. One is,
8 they're not eligible for financial aid and they
9 could get into serious financial trouble. And
10 second is the cost of the medical education, far
11 beyond what the state gives us is, is we feel
12 reserved for U.S. students, collectively, as a
13 public medical school.

14 So I thought the issue was, when I became aware
15 of it, was strictly an issue of, do we take
16 international students or not. And so I did look
17 into it and found that this, this applicant would
18 not have been acceptable based on their academic
19 record, in addition to their citizenship status.

20 MR. CHUNG: And what was it about this
21 particular application, the circumstances
22 surrounding it that gave you some concern, if, if
23 you did experience concern?

24 DEAN FLAHERTY: Well, the concern was this: I

1 was not aware that the president, the chancellor,
2 and the trustees were in a dialogue about an
3 applicant to medical school and, you know, I wanted
4 to be in the loop. Fortunately, I believe Manning
5 saw that I was in the loop, but I wasn't aware that
6 there was consideration of another pathway to
7 medical school; and it turns out there was not
8 because they were talking to Girotti and outside of,
9 you know, he reports to me, Girotti is of the same
10 mind, he would not have admitted the person.

11 MR. CHUNG: Is it fair to say, then, that your
12 concern, at least initially, was that your process
13 potentially would have been circumvented?

14 DEAN FLAHERTY: That the potential was there, I
15 thought.

16 MR. CHUNG: Did you have any understanding of
17 the nature or extent of Trustee Eppley's interest in
18 this particular applicant?

19 DEAN FLAHERTY: No, I didn't. I did remember
20 having a conversation with him, and he said, it
21 doesn't seem fair that people seeking asylum in the
22 U.S. should not be considered, and I understood his
23 point.

24 He did not ask me to change our position or to

1 take this applicant, but I understood his point. I
2 said, but this is our policy. It's something we
3 could reconsider, but we're not going to reconsider
4 in mid cycle of the year.

5 MR. CHUNG: Do you know if the fact that the
6 governor's office and/or Mr. Eppley was identified
7 with this applicant ever became known to members of
8 the admissions committee?

9 DEAN FLAHERTY: I'm reasonably certain that did
10 not happen, as I mentioned yesterday. This
11 applicant was denied admission.

12 MR. CHUNG: Sir, if I could ask you to turn to
13 the next document. It should be document, the
14 document labeled Flaherty 1.

15 DEAN FLAHERTY: Mm-hmm.

16 MR. CHUNG: Can you take a second and look at
17 that?

18 DEAN FLAHERTY: Yes. Mm-hmm.

19 MR. CHUNG: And just for the record, it is an
20 April 16, 2003 e-mail from Sylvia Manning.

21 Who is Sylvia Manning?

22 DEAN FLAHERTY: Chancellor of the University of
23 Illinois Chicago.

24 MR. CHUNG: To Larry Eppley with a copy to

1 Donna Knutson.

2 Who is Donna Knutson?

3 DEAN FLAHERTY: The administrative assistant to
4 the chancellor.

5 MR. CHUNG: Okay. Just so the record is clear,
6 the medical college as a whole reported to the
7 Chicago campus, not to the Champaign campus,
8 correct?

9 DEAN FLAHERTY: I report to the Chicago campus
10 and all the other regional campuses of the medical
11 school report to me.

12 MR. CHUNG: So when you say chancellor, the
13 chancellor you're typically referring to would be
14 Chancellor Manning, not Chancellor Herman?

15 DEAN FLAHERTY: That is correct.

16 MR. CHUNG: Flaherty Exhibit 1, the first
17 paragraph that reads, "Dear Larry, We can offer the
18 student as follows. He is currently enrolled in a
19 year-long program at Finch. If he gets the grades
20 he expects in that program, we will recognize those
21 grades," and then, et cetera.

22 Is it fair to say that that first paragraph
23 sets forth certain conditions that, if met, might
24 permit the applicant that's at issue here to be

1 enrolled at the College of Medicine?

2 DEAN FLAHERTY: That is my understanding of
3 this.

4 MR. CHUNG: Okay.

5 DEAN FLAHERTY: Now, this is before I was dean.
6 I don't know the full story on it, but I think, it's
7 a carefully finessed letter that not, certainly did
8 not admit the student to the College of Medicine.
9 Two, outlined conditions under any which any student
10 might apply for admission or be transferred from
11 another medical school.

12 MR. CHUNG: And sir, you were interviewed about
13 this particular applicant, correct?

14 DEAN FLAHERTY: Mm-hmm.

15 MR. CHUNG: By the Chicago Tribune?

16 DEAN FLAHERTY: Yes, I was.

17 MR. CHUNG: Do you recall what you told the
18 Tribune at that point in time?

19 DEAN FLAHERTY: I said to the extent that we
20 altered our processes to make a kind of special
21 quasi offer letter based on pressure is wrong.

22 MR. CHUNG: And do you know whether or not that
23 actually occurred, that the offer, the quasi offer
24 letter was in fact issued based on some perception

1 of pressure?

2 DEAN FLAHERTY: My understanding is -- first,
3 if I can say, the student never was admitted, not
4 then, or not two years later to the College of
5 Medicine.

6 Second, yes, that a letter, not an acceptance
7 letter, but a letter that outlined the conditions
8 upon which he would be able to transfer. Now, it
9 was a tailored letter. It was not, it was not an
10 accept -- you will be transferred, but the condition
11 under which.

12 Those conditions are the same that would apply
13 to any student at any U.S. medical school that wants
14 to transfer, but it was made to look like a special
15 consideration, I think.

16 CHAIRMAN MIKVA: This was consumer relations
17 with the trustee, really.

18 DEAN FLAHERTY: I think it was. I was quoted
19 as saying it's wrong in this sense. It was clearly
20 pressure by a trustee to kind of alter the process,
21 but in the end it just, it was customer service to
22 the trustee.

23 CHAIRMAN MIKVA: Did you feel that the
24 chancellor was backing you up, though?

1 this applicant, as far as you know, sir?

2 DEAN FLAHERTY: No, no.

3 MR. CHUNG: Marching through these documents,
4 only have two more to ask you about, sir.

5 The next one should be Flaherty Exhibit 4.

6 DEAN FLAHERTY: Yes, sir.

7 MR. CHUNG: And this appears to have been
8 pulled from an e-mail database of Jacqueline Taylor.

9 Who's Jacqueline Taylor?

10 DEAN FLAHERTY: She's my administrative
11 assistant.

12 MR. CHUNG: Okay. The e-mail is January 17,
13 2007 e-mail from you, sir, to Mr. Girotti,

14 Dr. Girotti, copy to Jacqueline. And the subject of
15 the e-mail is: "That student that we are bringing

16 in for admission counseling"; and then, for the
17 record, the e-mail in short reads: "Make sure I

18 have a 20-minute chat with him to and I also want

19 Jackie to Trustee Schmidt when we have the date and
20 time he is coming in as Speaker Madigan is asking

21 about him.

22 Be clear, there is no pressure from anyone to
23 accept him, just do the admissions counseling but
24 get a hold of him soon - today or tomorrow."

1 DEAN FLAHERTY: Absolutely.

2 CHAIRMAN MIKVA: Okay.

3 DEAN FLAHERTY: Chancellor Manning was very
4 clear on this and so was Chancellor Allen-Meares.

5 MR. CHUNG: So would it be fair to say, just in
6 summary, that the inquiry by the trustee in this
7 instance resulted in a deviation from the medical
8 school procedure with regard to applicants like
9 this, that there would not have been, for instance,
10 any letter --

11 DEAN FLAHERTY: There wouldn't have been a
12 special communication, you're correct.

13 MR. CHUNG: But there wasn't --

14 CHAIRMAN MIKVA: It didn't alter --

15 DEAN FLAHERTY: It didn't alter the outcome,
16 right.

17 COMMISSIONER VANDER WEELE: Just to clarify
18 which trustee.

19 MR. CHUNG: Which trustee was involved in this
20 applicant?

21 DEAN FLAHERTY: Eppley.

22 COMMISSIONER JUDGE: Former trustee.

23 DEAN FLAHERTY: Former, former, I just read it.

24 MR. CHUNG: Was Trustee Schmidt involved in

1 DEAN FLAHERTY: Correct.

2 MR. CHUNG: Let me ask you a couple of
3 questions.

4 Admissions counseling, you've talked about that
5 just very briefly. What is that?

6 DEAN FLAHERTY: That is bringing students
7 usually that are not being admitted. This student,
8 as you know, was denied, or we know are going to be
9 denied. Bringing them in and discussing their whole
10 profile, their record, their grades, what they might
11 do to get their medical college admission test
12 scores up, what courses they might take, options for
13 international study, this kind of thing.

14 MR. CHUNG: Is that a part of the normal
15 applications process, that type of service?

16 DEAN FLAHERTY: It's absolutely, on our
17 website. Many students take advantage of it.

18 MR. CHUNG: And you personally have been
19 involved in the counseling sessions?

20 DEAN FLAHERTY: I maybe do 10 or 12. And to
21 make a clear point, if somebody calls me about it, I
22 try to do it, if I can. Fortunately very few call
23 me.

24 It's the same as with patient referrals.

1 People call me from Highland Park or Pilsen or
 2 Tiskilwa, Illinois, I'm going to try to get them to
 3 a doctor. Fortunately, most of them call directly
 4 to the clinical chiefs, but so, if they do -- and
 5 then customer service, you know.
 6 MR. CHUNG: In this particular instance --
 7 DEAN FLAHERTY: Madigan, I want to make clear,
 8 'cause it's misleading, certainly never called me.
 9 He maybe called Schmidt. That's what that referred
 10 to.
 11 MR. CHUNG: Is it fair to say that in this
 12 particular instance, the counseling that was
 13 requested, the session that was requested was at the
 14 behest of Trustee Schmidt?
 15 DEAN FLAHERTY: And the student, I believe.
 16 MR. CHUNG: And the student, okay.
 17 DEAN FLAHERTY: Right.
 18 MR. CHUNG: Do you feel that it was appropriate
 19 for Trustee Schmidt to evoke the name Speaker
 20 Madigan in connection with an applicant?
 21 DEAN FLAHERTY: You know, probably not. I
 22 think Trustee Schmidt by that time knew it was not
 23 going to have an influence. On the other hand, why,
 24 why bring it up then?

1 COMMISSIONER VANDER WEELE: Do you think the
 2 onus to maintain integrity in the process is
 3 primarily on the trustees or on the deans?
 4 DEAN FLAHERTY: It's a great question. First,
 5 without passing the buck, it is certainly on us to
 6 maintain the process; the chancellor, the president,
 7 the deans.
 8 You know, outside influence, et cetera. Et
 9 cetera, you just have to be clear an inquiry is just
 10 an inquiry. Now, you can pass the blame also,
 11 because there is a fair amount at stake, trustees
 12 have a lot of responsibility.
 13 COMMISSIONER VANDER WEELE: I have another
 14 question.
 15 How do you measure, if you do, integrity in an
 16 applicant, in an application?
 17 DEAN FLAHERTY: You know, there's no real good
 18 way. The -- there are pencil and paper tests that
 19 would probably be ruled out in courts as being too
 20 arbitrary for medical school admission.
 21 There's ways of finding if a student cheated
 22 during college or if something comes up in a record
 23 or lied in the application, there's only the gross.
 24 COMMISSIONER VANDER WEELE: Do you ever do a

1 criminal background?
 2 DEAN FLAHERTY: We do, we do a criminal
 3 background check on all applicants.
 4 COMMISSIONER VANDER WEELE: And no drug
 5 testing, I suppose?
 6 DEAN FLAHERTY: We don't do drug testing.
 7 COMMISSIONER VANDER WEELE: Just curious.
 8 MR. CHUNG: And dean, one final question on
 9 Exhibit 4. The last sentence "Be clear, there is no
 10 pressure from anyone to accept him, just do the
 11 admissions counseling but get a hold of him soon -
 12 today or tomorrow."
 13 DEAN FLAHERTY: Yeah.
 14 MR. CHUNG: I think you stated that that is
 15 sort of a standard practice of yours, to make that
 16 sort of notation?
 17 DEAN FLAHERTY: Yeah, early on I did it more
 18 often, just in case anybody else reads these in the
 19 admissions office and thought, oh, Dean Flaherty
 20 wants us to give a special consideration or, you
 21 know. No, I used to add that caveat, no need for
 22 any special consid -- no, you know.
 23 Girotti understands it so.
 24 MR. CHUNG: Is it fair to say that the process

1 that you helped establish was intended to keep
 2 e-mails like this entirely out of the admissions
 3 process?
 4 DEAN FLAHERTY: Oh, yeah, this would never go
 5 into his record, including this e-mail.
 6 MR. CHUNG: Would it have been your expectation
 7 that this e-mail would not have been forwarded on by
 8 anybody to anyone who would have had a role in the
 9 decision-making process?
 10 DEAN FLAHERTY: That's absolutely correct.
 11 MR. CHUNG: Do you know if, in fact, in light
 12 of the story that has come out, that individuals
 13 within the College of Medicine were in fact
 14 forwarding on e-mails that you were involved with
 15 that you didn't know at the time were being
 16 forwarded on?
 17 DEAN FLAHERTY: Let me --
 18 MR. CHUNG: Tough question, I know.
 19 DEAN FLAHERTY: Not that I know of. I became
 20 aware of a president, the chancellor, and the
 21 trustee correspondence. None of them would have
 22 been able to do -- there's no way the student could
 23 have been admitted without going through the
 24 college, ultimately, so I don't see how our system

1 could have been breached but, you know, I wanted to
2 be alert.

3 MR. CHUNG: For instance, you haven't seen
4 e-mail chains that begin with an e-mail of yours and
5 then ends with an e-mail that penetrated the
6 admissions process?

7 DEAN FLAHERTY: I have not.

8 MR. CHUNG: Okay. One final document, sir.

9 DEAN FLAHERTY: Now, with the exception of what
10 you mentioned, Girotti, as dean of admissions or
11 director of admissions, sits on the admissions
12 committee so, and it all gets down to human error;
13 you have to trust him, which I do, that he is not
14 going to bring in a paper or influence into it.
15 He's the guy that knows what I know.

16 MR. CHUNG: So Girotti is the link between the
17 medical school administration, namely you, and the
18 admissions committee?

19 DEAN FLAHERTY: Right.

20 MR. CHUNG: And if he's performing his job as
21 you've instructed him to do so, he is not passing on
22 information about sponsorship?

23 DEAN FLAHERTY: That is correct, and I'm
24 certain. And if I've ever felt any pressure, I do

1 not tell him I feel the pressure. I just say, as I
2 say here, make sure we do this.

3 MR. CHUNG: Would you be in favor of a formal
4 written process or policy that would, in fact,
5 outline that type of arrangement to make sure people
6 understood all along the way, at every point that
7 ultimately information like sponsorship should not
8 be provided, much less considered --

9 DEAN FLAHERTY: I think that --

10 MR. CHUNG: -- to the committee?

11 DEAN FLAHERTY: -- that would be a good thing.

12 MR. CHUNG: Final document is Flaherty
13 Exhibit 3, sir. And if you look, if you can focus
14 on the e-mail that begins in the bottom half of the
15 first page and then spills over.

16 DEAN FLAHERTY: Right. Yeah.

17 MR. CHUNG: Would it be fair to say -- it's a
18 lengthy e-mail. Would it be fair to say that the
19 e-mail appears to be an e-mail sent by a highly
20 disgruntled person connected to an applicant who was
21 denied admission, sent to Trustee Schmidt --

22 DEAN FLAHERTY: Yes.

23 MR. CHUNG: -- in March of 2008?

24 DEAN FLAHERTY: Mm-hmm.

1 MR. CHUNG: If I could, just for the record,
2 read a paragraph on the second page. "When I can't
3 understand things at our U of I you know I have
4 always come running to YOU." And then you, of
5 course, is the recipient here Ken Schmidt. "This
6 time, I'm not only running, I'm coming galloping to
7 your doorstep in hopes that you can solve what to me
8 is a more than egregious error on the part of the
9 admissions committee for the U of I Medical School.
10 I am very hurt and very puzzled. Let's talk."

11 And what's received then is more of a
12 fashionable description of the applicant himself or
13 herself.

14 This e-mail apparently is forwarded on to you,
15 is that correct?

16 DEAN FLAHERTY: Mm-hmm.

17 MR. CHUNG: Do you recall receiving this
18 e-mail?

19 DEAN FLAHERTY: Yes, I do.

20 MR. CHUNG: Okay, and what was your reaction
21 upon receiving it?

22 DEAN FLAHERTY: That I have to give the
23 information back to Trustee Schmidt as to where this
24 applicant stands and, you know, none of these --

1 they're all human stories of people interested, I'm
2 not immune to it, but I mean nothing, there's no,
3 was no special significance, other than I wanted to
4 find out what happened here.

5 Often there's cases where, you know, as I said,
6 there's a discrepancy between what the parents think
7 and what the student thinks. That was not the case
8 here.

9 MR. CHUNG: Now, there doesn't appear to be any
10 message of any sort that Ken Schmidt provided in
11 forwarding on this e-mail, is that correct?

12 DEAN FLAHERTY: To the best of my knowledge, I
13 think Ken was partly telling me there's a, there's a
14 group that feels disaffiliated, you know what I
15 mean, which is true.

16 If the University of Illinois is always thought
17 of being a league only because people expect that
18 you should be accepted at the University of
19 Illinois, where in fact our acceptance is the same
20 as UFC or Northwestern, in terms of medical school,
21 and Urbana's very competitive too.

22 You know, I'm not sure why, but, but I didn't
23 feel any need to, you know, do anything other than
24 find out the information.

1 MR. CHUNG: So you didn't feel, for instance,
2 that in passing this information along to you
3 without any note at all, that Trustee Schmidt was
4 nevertheless trying to communicate to you that it
5 would be a good thing if this applicant were
6 admitted?

7 DEAN FLAHERTY: Nothing I can tell from his
8 e-mail.

9 MR. CHUNG: You didn't take it that way?

10 DEAN FLAHERTY: He never called me up and said
11 that. Let me put it another way. One could take
12 that inference. I didn't. I take an inquiry as an
13 inquiry.

14 MR. CHUNG: And what ultimately happened, with
15 regard to this applicant, do you know?

16 DEAN FLAHERTY: This student was denied. I
17 checked on all these that you had signaled. He was
18 denied. There was a little confusion that the
19 student had been rejected, he had not been rejected.
20 Being not rejected does not mean being admitted. So
21 when his application was complete, meaning
22 non-cognitive and interview and everything, he was
23 denied admission.

24 MR. CHUNG: Is it your understanding --

1 DEAN FLAHERTY: Twice, twice.

2 MR. CHUNG: Twice.

3 DEAN FLAHERTY: Yeah.

4 COMMISSIONER VANDER WEELE: And why?

5 DEAN FLAHERTY: Two years, two years.

6 COMMISSIONER VANDER WEELE: And why? No, but
7 why was he denied?

8 DEAN FLAHERTY: Basically, you know, it was
9 close. This was a good candidate. It was a -- but
10 you get up right to the top, there are many good
11 candidates denied, so all, you know, he had good
12 grades but, you know, people get denied with, with
13 very good grades and MCAT scores, so I don't know
14 the specifics, but his point total did not, he
15 didn't make the cut, came close to the cut.

16 COMMISSIONER VANDER WEELE: Probably the
17 non-cognitive.

18 DEAN FLAHERTY: Could have been. I don't know.
19 I'm just -- I wouldn't guess.

20 COMMISSIONER VANDER WEELE: Judging by the
21 letter of events.

22 DEAN FLAHERTY: Could be.

23 MR. CHUNG: Judge, I have nothing further.

24 COMMISSIONER VANDER WEELE: I have a question.

1 When you designed the admissions process, did
2 you need to obtain the approval of the chancellor to
3 do that?

4 DEAN FLAHERTY: No. I was asked by the dean at
5 that time. I had a much more rigorous approval to
6 get to the faculty of the College of Medicine.

7 There was, there was ongoing debate about the extent
8 that, you know, we wanted to do interviews, the
9 extent that we would put weight on underrepresented
10 minority applicants. You can't do something without
11 the support of the college, your faculty, and that
12 was the junior faculty, then it went up.

13 COMMISSIONER VANDER WEELE: Did the chancellor
14 and the president have to sign off?

15 DEAN FLAHERTY: I don't believe so. I don't
16 think --

17 COMMISSIONER VANDER WEELE: Could the other
18 deans have implemented a process that mirrors yours
19 without the approval of the chancellor and the
20 president?

21 DEAN FLAHERTY: Yeah, I don't think that there
22 is any -- to my knowledge, unless Urbana's
23 different, but I don't think so. I think they're in
24 charge of their own admissions.

1 Now, I don't know exactly how undergraduate
2 works. I only know the professional schools,
3 including law and business. I think they could have
4 done their own, but I don't know that.

5 COMMISSIONER VANDER WEELE: What should happen,
6 what should be the repercussions for a dean that
7 bows to political pressure?

8 DEAN FLAHERTY: That's a very hard one,
9 Commissioner. As I said, you're dealing with a
10 complex system of influence and kind of a ubiquitous
11 influence of culture. There are many good people in
12 the system, and what's bowing and -- it's above my
13 pay grade, I'm sorry.

14 COMMISSIONER VANDER WEELE: Are you aware of
15 anyone who has been fired for refusing to bow to
16 political pressure?

17 DEAN FLAHERTY: No, I am not. I think it's an
18 important point. I think it would be hard to
19 believe that that could happen so I think people
20 could say no, and --

21 COMMISSIONER VANDER WEELE: Okay, thank you.

22 CHAIRMAN MIKVA: Thank you very much, Dean
23 Flaherty. You've been very, very helpful, and your
24 ideas and modus operandi is going to be very useful

1 to us in what we consider what to do.
 2 DEAN FLAHERTY: Thank you, Judge. Thanks to
 3 all of you.
 4 MR. CHUNG: Judge, Senator Lauzen was scheduled
 5 to be here at around 12:30. He was not able to free
 6 up before that so I guess my suggestion would be if
 7 we could break, take our break a little bit earlier
 8 today and reconvene.
 9 CHAIRMAN MIKVA: Be back here by 12:30.
 10 COMMISSIONER VANDER WEELE: What?
 11 CHAIRMAN MIKVA: But you have set up meetings
 12 with --
 13 MR. CHUNG: The idea is that we would be able
 14 to convene in small groups, less than three,
 15 immediately after we break.
 16 COMMISSIONER VANDER WEELE: Okay.
 17 COMMISSIONER SCHOLZ: Judge, I will give you my
 18 input on the report this afternoon.
 19 CHAIRMAN MIKVA: Okay. I'll be here most of
 20 the afternoon because I'm meeting with university,
 21 yeah, university counsel at three o'clock, is
 22 meeting with me, so I'll be here all afternoon. You
 23 can give it to me or to Mr. Chung or Mr. Ellis.
 24 COMMISSIONER SCHOLZ: Thank you.

1 CHAIRMAN MIKVA: Thank you. Have a good lunch.
 2 (WHEREUPON, a recess was had.)
 3 CHAIRMAN MIKVA: Commissioner Estrada is going
 4 to be gone for a while and I think Commissioner
 5 Scott is going to be gone for a while, so why don't
 6 we start, if Senator Lauzen is ready, we'll be ready
 7 for him.
 8 SENATOR LAUZEN: Thank you very much.
 9 CHAIRMAN MIKVA: Senator Lauzen, thank you very
 10 much for appearing here today, participating with
 11 us. We appreciate your doing so. We welcome your
 12 comments.
 13 Do you have any particular statement you want
 14 to make, if not, I ask Mr. Chung or Mr. Ellis to
 15 start the inquisition.
 16 SENATOR LAUZEN: Well, I appreciate that very
 17 much. You know, I believe that the reason why I'm
 18 here is the article that appeared in the whole
 19 series that appeared in the Tribune.
 20 My background is, I graduated with honors from
 21 Duke University back in '74. Came back home, helped
 22 my brother with his accounting practice, earned a
 23 CPA, went back to the Harvard Business School,
 24 graduated from there in '78.

1 Professionally, I taught 300 accountants how to
 2 go into business for themselves in a franchise
 3 organization, and after about five years of tripling
 4 the size of that organization to 450 offices around
 5 the country, 22,000 clients, and doubling the pretax
 6 profit, I bought one of the franchises.
 7 It was such a good product and service that I
 8 bought one of the franchises, my wife and I, and
 9 then built it to 200 clients, so my background is
 10 basically serving small businesses.
 11 Mary Lou Cowlshaw, who may have served with
 12 you in the General Assembly, was just a wonderful
 13 lady, from Naperville, served -- let's see, I served
 14 along with her for about the first ten years that I
 15 was in the Senate, she represented part of the area
 16 that I represented in the House.
 17 And she used to have a favorite expression that
 18 went something like "no good deed will be left
 19 unpunished," and so I'm very grateful for the time
 20 that you would take to listen to another point of
 21 view.
 22 There were, there were three factual errors in
 23 the Tribune report about my call to the University
 24 of Illinois. It then, those three inaccuracies then

1 set up an inaccurate inference that somehow I tried
 2 to politically muscle an unqualified candidate into
 3 the University of Illinois, past more qualified
 4 applicants.
 5 The three errors were -- first of all, I called
 6 asking for information, rather than to ask for
 7 admission. Actually, I have called other times into
 8 the University of Illinois over the 17 years and it
 9 is always about what the status of an application
 10 is, not to somehow interfere with the process of
 11 admission.
 12 I have seen in my life applicants for both
 13 personal and professionally where applicants enter
 14 an admission or financial aid process without
 15 complete applications. In fact, the first time that
 16 I personally applied out of undergraduate school to
 17 Harvard Business School, when I found out why I was
 18 wait listed, it was because one of my professors,
 19 who was going to send a letter of recommendation, I
 20 had an incomplete application. So I, I know from
 21 those and the legislative scholarship committee that
 22 it's possible to have incompletions.
 23 I consider myself an effective advocate for my
 24 constituents, and I'm consistently requested to be

1 an intermediary with various state agencies, to try
 2 to make, try to tame the bureaucracy for people;
 3 whether it's the university or the Department of
 4 Revenue or Human Services or Corrections.
 5 And I do, you know, I draw the line that I
 6 don't call Corrections on anybody who has had any
 7 kind of a violent crime, but transportation, where a
 8 sign goes.
 9 You know, in all the hard work that, Judge, you
 10 know that we do in the General Assembly, and all
 11 that's behind the scenes 175 miles away from our
 12 constituents, the thing that's probably done the
 13 most good for reputation back in my district is
 14 getting a sign put on an interstate where there have
 15 been a couple of deaths, but employment security,
 16 calls into there, children and family services.
 17 In fact, this is just one of the binders among
 18 25 that were the quickest that I, you know, grabbed
 19 last night, 8:30, as I'm heading off to come here
 20 this morning. These are full of those types of
 21 calls that we have worked on for 17 years.
 22 The laziest thing that I could do when someone
 23 calls and asks for help is to do nothing, it would
 24 be the easiest, but that hasn't been my consistent

1 habit for 17 years.
 2 Second, I did not call the University of
 3 Illinois lobbyists. To this day, I don't know who
 4 those folks are, and I don't mean any offense to
 5 people who are working hard as lobbyists, I don't
 6 even know who they are.
 7 I called Dianna Barrows, who is the legislative
 8 liaison. That's the proper channel between the
 9 General Assembly and the university, and so when I
 10 have a question about what's the status on this
 11 application, I called the proper channel.
 12 Finally, I don't think that the full, the full
 13 description of what was going on from what I
 14 understand now, and I didn't know any of this was
 15 going on behind the scenes, but the exchange between
 16 the two administrators, the dean of the law school
 17 and then either a Provost or, chancellor, I wasn't
 18 aware of all those, but I'm under the impression,
 19 and I think that it would be worth if you want the
 20 whole dynamic of what was occurring there, when I
 21 read through the e-mail of, you know, one person was
 22 seeking and competing for promotion sometime in the
 23 next two years, so I can't take responsibility for
 24 what their deeper thoughts and feelings are, I

1 haven't talked to either of them.
 2 COMMISSIONER VANDER WEELE: I'm sorry, who was
 3 seeking promotion?
 4 SENATOR LAUZEN: I understand that the dean of
 5 the law at some point was --
 6 COMMISSIONER VANDER WEELE: Which dean are you
 7 speaking --
 8 SENATOR LAUZEN: The law school.
 9 COMMISSIONER VANDER WEELE: No, which --
 10 SENATOR LAUZEN: Heidi Hurd.
 11 COMMISSIONER VANDER WEELE: Heidi Hurd, she was
 12 seeking promotion to what position?
 13 SENATOR LAUZEN: Some vice president position,
 14 if I'm not mistaken.
 15 COMMISSIONER VANDER WEELE: Thank you, that's
 16 very helpful.
 17 SENATOR LAUZEN: I don't know firsthand, but I
 18 mean, that to me, when I read that and I'm asked to
 19 respond to something in, you know, I think that
 20 maybe, you know, next time the reporter calls me,
 21 maybe I don't volunteer an opinion after just
 22 reviewing. I think that the President, maybe within
 23 this week, had that experience the other night.
 24 In the end, this student applied and was

1 uncomplicatedly admitted to another fine Big Ten law
 2 school; did wonderful work academically and is now
 3 very productively employed in her profession, and so
 4 in this specific case, in terms of just my personal
 5 involvement, I believe that the newspaper did a
 6 disservice not only to my reputation but far more
 7 importantly what they've done to the University of
 8 Illinois is amazing.
 9 17 years of public service, I have never taken
 10 one inappropriate cent from taxpayers, have come
 11 from a successful business background where my
 12 clients paid me seven times what my constituent
 13 payments, pay me. And by the way, my clients, when
 14 I advise them to do something either on, you know,
 15 their financial situation or their taxes, they
 16 followed my advice. That has not been my experience
 17 in the 17 years in the General Assembly.
 18 I have no family members, either directly or
 19 indirectly employed in any government agency at any
 20 level. I've passed reform legislation against most
 21 odds that, actually, for instance, just this year
 22 cut pay for politicians.
 23 And I just wonder when, you know, when my
 24 family has to take a look at this and when fellow

1 colleagues in the Senate go, hey, Chris, what in the
2 world did you do to have a headline "how politicians
3 pressured U of I to admit students," and then my
4 picture. And then later on somebody goes, Chris,
5 they have you as one telephone call versus these
6 folks who have 40, you know, 30, 40 calls. How did
7 you get top billing? And so I appreciate your
8 allowing me to kind of get that off my chest.

9 CHAIRMAN MIKVA: Okay, let me ask you a
10 philosophic question, because I shared your fate
11 earlier in my career. I was a member of the General
12 Assembly, and very proud of it, but I do know that
13 the onslaught of people who are asking you, you to
14 be an omnibus of the state government, and yes,
15 that's part of the proper role.

16 I used to try to cover my butt when I did that,
17 but whenever I would write a letter, I would put
18 consistent with your policies, and so on.

19 SENATOR LAUZEN: Ah.

20 CHAIRMAN MIKVA: But given the light of this
21 current set of exposures that have come about, about
22 the "I" list and so on, would you distinguish
23 between the admissions policy of the university, in
24 terms of advocacy by a legislator, as opposed to

1 putting up a highway sign or getting a, some other
2 state agency to behave more properly?

3 SENATOR LAUZEN: I do see the difference. If
4 it had to do with the admissions process, as you
5 stated in the, I don't know what you call those
6 premise, 'cause I'm a finance guy and not a legal
7 guy, but philosophically, I think that there is a
8 big difference between asking for a status report --

9 CHAIRMAN MIKVA: Right.

10 SENATOR LAUZEN: -- through the proper channel.

11 CHAIRMAN MIKVA: Right.

12 SENATOR LAUZEN: I have no interest at all in
13 interfering or even influencing --

14 CHAIRMAN MIKVA: Right.

15 SENATOR LAUZEN: -- the admissions process.
16 That's for those folks to do who are experts, and I
17 recognize I'm not expert.

18 CHAIRMAN MIKVA: You would agree that if the
19 university could establish a firewall around the
20 admissions process, that then the request and
21 legislators or anybody else about status could be
22 handled through --

23 SENATOR LAUZEN: Yes.

24 CHAIRMAN MIKVA: -- some process, some --

1 SENATOR LAUZEN: Yes.

2 CHAIRMAN MIKVA: -- transparent process, but
3 the admissions people should do the admissions?

4 SENATOR LAUZEN: Absolutely.

5 CHAIRMAN MIKVA: And that the trustees, the
6 legislators, and the president of the university
7 shouldn't interfere with that?

8 SENATOR LAUZEN: Absolutely. And thank you
9 very much for helping me clarify my thoughts.

10 CHAIRMAN MIKVA: I learned a long time ago,
11 don't ever try to speak for the whole legislative
12 body, but do you think that most of your colleagues
13 would agree with you, if that was the clear stated
14 policy at the university --

15 SENATOR LAUZEN: Absolutely.

16 CHAIRMAN MIKVA: -- they would understand it
17 and they would live with it?

18 SENATOR LAUZEN: Absolutely.

19 I had a conversation with one colleague, when,
20 you know, as we go through and some of the, you
21 know, kidding and ribbing. But one was, you know,
22 Chris, I've made those calls, too, but I know that
23 if they say no, it's no, it's time we go on.

24 Which, actually, it's one of the things that I

1 especially value in having created a professional
2 relationship with the legislative liaison over all
3 these years, Dianna Barrows. I trust that she
4 wouldn't move anything around and that she'd just
5 tell me no. And then I called back and give the
6 status that the person was declined or that there
7 was this piece or that piece that needed to
8 submitted, and then I'd go back to either the
9 candidate, constituent, or the parent, and I'd just
10 take care of that business.

11 COMMISSIONER VANDER WEELE: Why couldn't that
12 candidate get that information from the admissions
13 office?

14 SENATOR LAUZEN: Because it's an intimidating,
15 complex environment. Now, for you and me, maybe it
16 wouldn't be so much, and maybe you and I would be
17 more aggressive, maybe we wouldn't be intimidated.

18 I find that a lot of my clients are afraid of
19 our government, in all those different agencies.

20 COMMISSIONER VANDER WEELE: Did the candidate
21 pick up the phone and call the admissions office?

22 SENATOR LAUZEN: I don't know. You know, maybe
23 you call your --

24 COMMISSIONER VANDER WEELE: Should you be in

1 law school, if you're afraid to pick up the phone
 2 and call the admissions office?
 3 SENATOR LAUZEN: I understand. I'm -- if I
 4 were on the admissions, that might be a qualifier,
 5 that you have to be adequately aggressive.
 6 COMMISSIONER VANDER WEELE: I don't consider
 7 that particularly aggressive, making a phone call.
 8 SENATOR LAUZEN: I hear you.
 9 COMMISSIONER SCOTT: Senator Lauzen --
 10 SENATOR LAUZEN: Yes.
 11 COMMISSIONER SCOTT: -- now that you've -- I'm
 12 assuming you've seen the entire text of the e-mail?
 13 SENATOR LAUZEN: I have the portion that I was
 14 sent that had several -- yes. I don't know if it's
 15 the entire text. I have maybe three or four pieces.
 16 COMMISSIONER SCOTT: But now that you have
 17 appreciation for what happens when you make an
 18 inquiry, I mean, you are a sitting senator in
 19 Illinois, you make an inquiry on behalf of a student
 20 who has been rejected, whose credentials have been
 21 reviewed --
 22 SENATOR LAUZEN: Oh, no, wait listed.
 23 COMMISSIONER SCOTT: As I see it here, it says
 24 the --

1 SENATOR LAUZEN: On hold.
 2 CHAIRMAN MIKVA: Wait listed --
 3 SENATOR LAUZEN: And so not rejected and highly
 4 qualified.
 5 COMMISSIONER SCOTT: But you understand that
 6 the university views -- how the university views
 7 your inquiry --
 8 SENATOR LAUZEN: I do now.
 9 COMMISSIONER SCOTT: -- and that a number of
 10 people began to put in motion a series of
 11 communications that led to a favorable decision that
 12 was prompted by your inquiry?
 13 SENATOR LAUZEN: Well, and, you know, if it was
 14 a favorable decision, you know, the person didn't
 15 end up going there.
 16 COMMISSIONER SCOTT: But it was a --
 17 SENATOR LAUZEN: So it became irrelevant.
 18 COMMISSIONER SCOTT: But whether it was -- it
 19 is relevant.
 20 SENATOR LAUZEN: No, I mean, for the process,
 21 for the process, it's relevant. For this candidate,
 22 it was irrelevant. They moved on with their life --
 23 COMMISSIONER SCOTT: But --
 24 SENATOR LAUZEN: -- while all this is going on

1 behind the scenes.
 2 COMMISSIONER SCOTT: Absolutely, but it is
 3 relevant to the University of Illinois.
 4 SENATOR LAUZEN: Oh, absolutely.
 5 COMMISSIONER SCOTT: But the person whose
 6 inquiry, who you inquired about has moved on, but
 7 meanwhile, back at the law school, back at the
 8 chancellor's office, they are doing something they
 9 otherwise would not have done, because you made an
 10 inquiry.
 11 SENATOR LAUZEN: Yes, I do realize that. I do
 12 realize that now and --
 13 COMMISSIONER SCOTT: And now knowing that, what
 14 would you do in the future, with regard to
 15 applicants or inquiries from your constituents?
 16 Would you change your behavior in any way?
 17 SENATOR LAUZEN: That is a very interesting
 18 question, because my call was not to, of a, you
 19 know, influence the -- and I know that what the
 20 story from the newspaper is, you know, using clout,
 21 you know.
 22 I'm sorry, I'm just trying to get information
 23 in a very -- as I do times 25 times --
 24 COMMISSIONER SCOTT: But whether you appreciate

1 it or not, you have clout, you have access that
 2 people typically do not have, because you are an
 3 elected official in the State of Illinois, and when
 4 you pick up the telephone and call someone, you are
 5 going to get a response --
 6 SENATOR LAUZEN: Okay.
 7 COMMISSIONER SCOTT: -- and that call is going
 8 to have influence.
 9 So now knowing what you do, do you change your
 10 behavior in any way in this instance?
 11 SENATOR LAUZEN: What I would suggest is that a
 12 firewall is established around the admissions
 13 process.
 14 How I would change my behavior is I would be
 15 happy to support any kind of reforms that will cause
 16 the internal folks to feel insulated from any type
 17 of, you know, so-called pressure, which, not my
 18 intention.
 19 And I would be frozen -- I mean, think about
 20 it, when I call the Department of Corrections to try
 21 to get, for a non-violent offender, somebody a
 22 little bit in a facility closer to home or when I
 23 call the IRS -- I just got a telephone -- not the
 24 IRS, but the equivalent of the IRS in the State of

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1 Illinois, Illinois Department of Revenue, I mean,
2 should I stop making those calls? What good am I?
3 CHAIRMAN MIKVA: Well, again, I appreciate it,
4 and I hope you are not changing your answer. There
5 is a difference between advocating with the state
6 agencies where there is a direct relationship
7 between the legislative branch and the executive
8 branch and the university, which is not a state
9 agency.
10 I know that you send 17 percent of the costs to
11 the university, but that's it. You're not -- I
12 don't think it's a healthy idea that the legislature
13 should direct educational policies of the
14 university, I don't think that you should do the
15 hiring at the university, and I don't think you
16 should do the admissions at the university.
17 SENATOR LAUZEN: I agree.
18 CHAIRMAN MIKVA: It is a difference -- at least
19 you agree.
20 SENATOR LAUZEN: I do agree with you. I have
21 to say that I have served on the Appropriations
22 Committee for 17 years, and when the University of
23 Illinois comes, we talk about a lot of -- not the
24 specific -- you're right, that the, I guess it's the

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1 board of trustees sets the policies and, you know,
2 just one -- I'll tell you that I hear the question
3 practically every year, how many of the people who
4 are admitted are like, for instance, foreign
5 students.
6 CHAIRMAN MIKVA: I understand. How many are
7 from out of state. There is a little bit of
8 xenophobia in Illinois. I'm sure you found that to
9 be so.
10 When a policy that made it clear that the
11 legislators did not interfere with the admissions
12 process and that all your letters, whatever you
13 intended, were perceived to be inquiries about
14 status and would go to some status official in the
15 admissions process, who also didn't have any control
16 over.
17 SENATOR LAUZEN: Perfect, much better.
18 CHAIRMAN MIKVA: And that doesn't bother you in
19 any way, that doesn't interfere with your --
20 SENATOR LAUZEN: My duties?
21 CHAIRMAN MIKVA: Your duties as a --
22 SENATOR LAUZEN: I think that's what my duties
23 are. My duties are not to set admission policy or
24 influence individual.

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1 I do wonder now, you know, today, I have a
2 person who's a volunteer, a college student who's a
3 volunteer, Shane Hunt, who came today. Shane, would
4 you stand up? Okay.
5 Shane, he has volunteered for a couple of weeks
6 in my offices. He's a freshman at Duke University,
7 and I have seen in his work already that he's got a
8 spark, in both the intellect and his ability to
9 communicate. If he were to ask me, write a letter,
10 you know, of recommendation, I would.
11 COMMISSIONER VANDER WEELE: But there's a
12 difference in writing a letter of recommendation for
13 a relative or a business associate.
14 SENATOR LAUZEN: I agree, I agree.
15 COMMISSIONER VANDER WEELE: I mean, I think
16 we've all written letters of recommendation for
17 people we know. I don't think that's inappropriate.
18 CHAIRMAN MIKVA: Perfectly legitimate, and you
19 probably didn't hear Dean Flaherty testify, but they
20 have established a process in the medical school
21 where they welcome those letters of recommendation
22 but only after the person is found otherwise
23 admissible on a number of things --
24 SENATOR LAUZEN: Very good.

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1 CHAIRMAN MIKVA: -- and those letters of
2 recommendation do influence those extra --
3 SENATOR LAUZEN: It's a good idea that came out
4 of these hearings.
5 And the transparency of it I understand is very
6 important. I certainly have always, always
7 supported that.
8 COMMISSIONER VANDER WEELE: And even handed.
9 SENATOR LAUZEN: And even handed.
10 COMMISSIONER VANDER WEELE: So some don't get
11 the privilege of letters of recommendations while
12 others don't.
13 SENATOR LAUZEN: You are right.
14 CHAIRMAN MIKVA: You don't get special
15 privileges because you're republican.
16 SENATOR LAUZEN: Oh, shoot.
17 Actually, I have learned, I have learned that
18 lesson in the minority for the last seven years.
19 COMMISSIONER VANDER WEELE: How do you feel
20 about creating an office of Inspector General for
21 educational institutions, specifically higher
22 education?
23 SENATOR LAUZEN: I'd give that some
24 consideration. Actually, Z. Scott I thought

1 provided all of us -- but you're sitting at a
2 different -- Ms. Scott, I know that you testified at
3 either an Appropriations or an NFI Commission, but
4 you have provided the perfect example for the rest
5 of us, in my, in my understanding of some of your
6 just personal, professional conduct, in that you
7 wrote a report that was very illuminating for a lot
8 of people and somehow you then ended up deciding
9 that I'm in a bind.

10 For instance, rather than saying to a
11 supervisor or a person who appointed you, well, I
12 won't forget, you know, when you do something that
13 you say, well, I don't think they're qualified, even
14 though the agreement in here is that, well, the
15 person is qualified, not just, you know, alter
16 stuff, but you walked away.

17 You said -- you, with your actions, you proved
18 your philosophy, so I think that you have a person
19 on this board who has demonstrated what the standard
20 that I'd like to live up to and that we all ought to
21 live up to.

22 CHAIRMAN MIKVA: If the legislature and the
23 board of trustees has all Z. Scott's, we wouldn't be
24 here.

1 COMMISSIONER VANDER WEELE: But then on the
2 other hand, and I totally agree with the stand she
3 took, don't get me wrong, but the dilemma is, then,
4 who is left running government?

5 SENATOR LAUZEN: That's so true.

6 See, that's when --

7 COMMISSIONER VANDER WEELE: That's what makes
8 this a complex issue.

9 SENATOR LAUZEN: Yes, ma'am.

10 COMMISSIONER VANDER WEELE: Because as you
11 know, I'm facing the same issues as Inspector
12 General. Do you leave and leave a vacuum or do you
13 stay and do the good that you can?

14 I have a friend who's a legislator in another
15 state and he says "many a man has sold his soul to
16 do good." At what point? What do you call selling
17 your soul?

18 CHAIRMAN MIKVA: Mr. Chung.

19 MR. CHUNG: Thank you, Judge.

20 Senator, you've covered a lot and I don't want
21 to keep you much longer 'cause I know you do have an
22 engagement that you need to get to.

23 SENATOR LAUZEN: One o'clock, try to solve the
24 pension problem.

1 MR. CHUNG: Okay. Small problem.

2 SENATOR LAUZEN: Actually, Judge, I think
3 that's your next assignment. You're a very
4 competent board.

5 COMMISSIONER SCOTT: You have five minutes.

6 MR. CHUNG: Senator, you serve the 25th
7 legislative district. Where is that, sir?

8 SENATOR LAUZEN: It's Kane, Kendall, and a
9 portion of LaSalle County.

10 MR. CHUNG: For how long have you been the, a
11 senator for that particular district?

12 SENATOR LAUZEN: Seven years. Before that, ten
13 years for DuPage and Kane, before the redistricting
14 moved me further west.

15 MR. CHUNG: And I think the record would
16 support that you did not have a lot of contact with
17 university officials concerning individual
18 applicants.

19 SENATOR LAUZEN: Correct.

20 MR. CHUNG: Could you just estimate roughly how
21 often you did communicate with folks at the
22 university regarding applicants?

23 SENATOR LAUZEN: In 17 years, I would guess
24 that I had a handful of constituents or parents who

1 called me to ask about status.

2 MR. CHUNG: And in turn, you would communicate
3 with someone in the Governmental Affairs Office?

4 SENATOR LAUZEN: Yes. Always through the
5 proper channel, the legislative liaison.

6 Actually, it's a pretty easy thing because in
7 all these agencies, the right answer is always call
8 the legislative liaison. They're the person whose

9 responsibility it is to answer questions for folks
10 who are trying to serve a quarter of a million
11 people. And it's just, it's me and an

12 administrative assistant. So quarter of a million
13 people and there's thousands of cases, thousands of
14 telephone calls, so.

15 Well, Judge you know just as well as I do.

16 MR. CHUNG: So sir, you didn't have any contact
17 with any of the admissions officials, to your
18 knowledge?

19 SENATOR LAUZEN: No.

20 MR. CHUNG: And Ms. Barrows is the person that
21 was your contact, correct?

22 SENATOR LAUZEN: Yes.

23 MR. CHUNG: I think what some of the confusion
24 about the term lobbyist is that some of the internal

1 Governmental Affairs officers are sometimes referred
 2 to as lobbyists or sort of the internal lobbying
 3 shop for the university, but they're university
 4 employees.
 5 You don't know someone named Terry MacLennan?
 6 SENATOR LAUZEN: I don't mean any offense, and
 7 maybe I shook hands, maybe in some meeting, but I
 8 don't, I'm sorry. I don't mean to be impolite. Is
 9 that one of the lobbyists?
 10 MR. CHUNG: He, as I understand, I think the
 11 record will show this, he reports to Ms. Barrows who
 12 heads state in our Governmental Affairs and then
 13 Ms. Barrows in turn reports to Rick Schoell, who
 14 oversees the entire Governmental Affairs Office,
 15 although he's soon to be retired, I think.
 16 And Mr. Schoell, you didn't really know
 17 Mr. Schoell either?
 18 SENATOR LAUZEN: No.
 19 MR. CHUNG: So it was really your contact with
 20 Ms. Barrows?
 21 SENATOR LAUZEN: It sounds so ignorant, sorry,
 22 I don't.
 23 MR. CHUNG: So if I could just focus your
 24 attention on the one particular case that we've

1 The senator is leaving the country Monday of
 2 next week and would like an answer so he can follow
 3 up with the applicant before he leaves?
 4 Is there anything I can relay to him about the
 5 applicant status? I would appreciate any
 6 information you have," et cetera.
 7 So this is a situation where the recipient of
 8 your communication is interpreting that
 9 communication as indicating some level of anxiety,
 10 the word anxious is used; and so recognizing that
 11 we're going back in time five years or four years or
 12 so, do you have a recollection of what it was that
 13 you said to Ms. Barrows in connection with this
 14 particular applicant?
 15 SENATOR LAUZEN: It sounds from this -- I
 16 don't, I don't, but it sounds from this letter that
 17 it might have been a second call in, and because,
 18 because I was traveling out of the country and
 19 because people have to make decisions in their lives
 20 on these admissions, my guess is that I placed a
 21 second call and asked for the status again and they
 22 even say status.
 23 A person's characterization of my call being,
 24 that I'm anxious, perhaps that's just because I

1 already talked somewhat, the law school example, and
 2 that's the same case about what you ultimately wrote
 3 the letter to the editor in response to the article
 4 that came out.
 5 Sir, do you have the e-mail in front of you
 6 that I've previously provided you with?
 7 SENATOR LAUZEN: Yes.
 8 MR. CHUNG: If I could direct your attention to
 9 the second page of that e-mail, which is the e-mail
 10 that I think sets off the chain of e-mails involving
 11 Heidi Hurd at the law school, Paul Pless is copied
 12 on these e-mails, and then Richard Herman, the
 13 chancellor.
 14 So the record is clear, you aren't anywhere on
 15 any of these e-mails, but it does appear as though
 16 some communication you had with Ms. Barrows
 17 triggered the e-mails.
 18 The very beginning e-mail says, "Richard,
 19 thanks for talking with me. Heard that the
 20 admission case of, and then the applicant's name is
 21 blacked out. Senator Lauzen has called me again
 22 today as he is anxious to have a response from us
 23 about whether [blank] can be reconsidered for
 24 admission.

1 have, you know, I have a deadline, I have to follow
 2 up on stuff. I can't leave them to pile up on the
 3 desk, especially if I'm going to be gone several
 4 days.
 5 MR. CHUNG: So you don't remember advocating
 6 for admission or supporting admission?
 7 SENATOR LAUZEN: I know that I didn't do that,
 8 because I never do that.
 9 MR. CHUNG: And this is, just to be clear, this
 10 was not a relative of yours, the applicant --
 11 SENATOR LAUZEN: No.
 12 MR. CHUNG: -- but it was a constituent?
 13 SENATOR LAUZEN: Yes.
 14 MR. CHUNG: Sir, do you remember knowing the
 15 applicant or the family or what, if any, connection
 16 did you have?
 17 SENATOR LAUZEN: When people call in, typically
 18 I'm going to ask the standard -- I thought that it
 19 was an interesting, when Judge Mikva mentioned about
 20 the numbers and then letters of recommendations
 21 being supplementary, I usually ask folks, because,
 22 you know, there's a certain amount of sorting you
 23 can do, if the applicant had a, you know, 13 on an
 24 SAT, ain't going to get in, I can take care of that,

1 I don't have to bother anybody with the status on
2 that, so I would have known from the first
3 conversation, you know, good GPA, I don't remember
4 what school, undergraduate school it was, but good
5 school.

6 Because I know I wouldn't have asked about a
7 status, if it wasn't on-the-surface numbers,
8 generally good, although I know I'm not an expert.

9 MR. CHUNG: So you understood that the
10 candidate was at least in the ballpark?

11 SENATOR LAUZEN: Qualified.

12 MR. CHUNG: Here -- there's a reference to
13 reconsidered for admission and then later there's a
14 reference to on hold.

15 Do you recall if it was a situation where the
16 candidate had already been denied or was a wait
17 listed candidate?

18 SENATOR LAUZEN: My recollection is wait listed
19 candidate.

20 MR. CHUNG: Okay. The follow up e-mail from
21 that is from Richard Herman to Heidi Hurd, and this
22 is on same day, June 9, 2005. Richard Herman
23 writes, "Heidi, this was the case, just let me know
24 where you are on this one."

1 Had you had any contact with Richard Herman,
2 the chancellor, about this candidate?

3 SENATOR LAUZEN: No, I had not. Actually, I
4 also don't know Chancellor Herman so well, so --
5 it's possible that he would have testified at an
6 Appropriations Committee, but I don't know him well
7 enough to call him.

8 MR. CHUNG: You've never spoken with him about
9 any applicants to the university?

10 SENATOR LAUZEN: Correct, I have not.

11 MR. CHUNG: And then just following the string
12 out, the next day, June 10th, 2005, Dean Hurd
13 responds to Richard Herman, "She's on hold," which
14 again might be an indication as a wait list. "She
15 won't hurt us terribly, but she certainly won't help
16 us. She will almost certainly be denied admission
17 if our process unfolds as we predict. But she can
18 probably do the work. If you tell me we need to do
19 this one, we will. We'll remember it though!"

20 Again, just so we're clear, you had no role in
21 any of this e-mail string but, of course, since the
22 story broke, you've had occasion to read this
23 e-mail, and I think you wrote as part of your
24 editorial, your letter to the editor, you actually

1 commented on this back and forth between Dean Hurd
2 and Richard Herman, and you had pretty strong views
3 about that, don't you.

4 SENATOR LAUZEN: I do, I do. I think again
5 using Ms. Scott's example, if the candidate was
6 unqualified, the only answer, the only answer is no,
7 and we get on with it.

8 But this idea, well, I'll go along, but I won't
9 forget, and especially if I am somehow competing for
10 a -- I, I have to say that if one of my employees --
11 I had 350 employees at the franchisor organization
12 or if one of my employees, who there are ten of them
13 in my accounting practice, if they tried to hold me
14 up over something, I would have said, you and I
15 should not be working together, that person wouldn't
16 be working in my office.

17 CHAIRMAN MIKVA: But Dean Hurd was not always
18 known for the most delicate language, but let's get
19 to a more basic problem. From what Dean Hurd said
20 there, this candidate was admissible.

21 SENATOR LAUZEN: Yes.

22 CHAIRMAN MIKVA: And probably could do the
23 work.

24 Now, there are 20 people that are in that

1 category, there's room for only one, should your
2 letter make a difference?

3 SENATOR LAUZEN: I have no letter, but --

4 CHAIRMAN MIKVA: Should your call make a
5 difference?

6 SENATOR LAUZEN: No, it should not.

7 CHAIRMAN MIKVA: So that's what the insulation
8 is needed for.

9 SENATOR LAUZEN: You're right.

10 CHAIRMAN MIKVA: So that whatever, however they
11 choose, whether it's by lottery or by other factors,
12 it should not be on the basis of --

13 SENATOR LAUZEN: Absolutely not.

14 CHAIRMAN MIKVA: -- Senator Lauzen's interest?

15 SENATOR LAUZEN: Correct. I had no idea. And
16 actually, when I first read this -- and I think that
17 part of my reaction it, and it wasn't in my letter
18 after consideration, it was in the reaction when I
19 first got the call, where basically, I understood
20 that the reporter was basically suggesting that I
21 would do something unethical, that I would somehow
22 use muscle.

23 People have to, people who know me know what my
24 record has been for practically two decades, so it's

1 especially offensive, sort of got the blood going.
 2 CHAIRMAN MIKVA: But that's part of the problem
 3 of public life because neither --
 4 SENATOR LAUZEN: It is.
 5 CHAIRMAN MIKVA: -- Dean Hurd nor Chancellor
 6 Herman were friends of yours, if you knew them at
 7 all --
 8 SENATOR LAUZEN: Right, right.
 9 CHAIRMAN MIKVA: -- and they assume that when a
 10 state senator writes, it's either his way or the
 11 highway.
 12 SENATOR LAUZEN: Well, that's -- I have not
 13 conducted myself, I know that the majority of my
 14 colleagues don't conduct, I bet you didn't conduct
 15 yourself, I bet you that your, yours was gentle
 16 persuasion, as opposed to threats and intimidation.
 17 It's just everything I know about your public
 18 service.
 19 CHAIRMAN MIKVA: You're kind. I --
 20 SENATOR LAUZEN: And sincere.
 21 CHAIRMAN MIKVA: I was fortunate enough to live
 22 at a time when the University of Illinois wasn't
 23 quite as hard to get into and so this was not a
 24 problem.

1 SENATOR LAUZEN: It's a wonderful gift for
 2 Illinois.
 3 COMMISSIONER VANDER WEELE: You made a comment
 4 about your staff. Are you suggesting that Dean Hurd
 5 should have been terminated for what she did?
 6 SENATOR LAUZEN: I can only speak for myself,
 7 and, you know, I don't know what's going on in these
 8 people's mind, and I was told by the reporter who
 9 gave this to me. All I can tell you is the decision
 10 that I would make with my employee, in my business,
 11 where my house is up for a second mortgage in order
 12 to make payroll, I would not have that -- I would
 13 have let that person go. I would have fired my
 14 employee --
 15 COMMISSIONER VANDER WEELE: So are you
 16 saying --
 17 SENATOR LAUZEN: -- who would have conducted
 18 himself or herself that way.
 19 COMMISSIONER VANDER WEELE: So the onus should
 20 be on the university to resist these inquiries, if
 21 they turn into influence and pressure?
 22 SENATOR LAUZEN: Well, I would have -- yes, I
 23 believe that it is. But I have a more complete
 24 understanding, as we go through this process, that

1 real life is that when you get a call from a
 2 representative or a senator, there are people who
 3 are going to be operating, doing their best within a
 4 bureaucracy, who are just going to take that as some
 5 kind of pressure, right.
 6 So that's why I think that the suggestion that
 7 was made right at the beginning of the meeting,
 8 Judge, I think you're absolutely right. How do we
 9 go about insulating folks from any -- and how to
 10 make everything open and even-handed in the process,
 11 transparent, that if all communication with even
 12 status, and I noticed how precisely you laid that
 13 out, that all of those have to be documented and
 14 open to the public, wonderful. But I agree that
 15 folks on the inside should never feel pressure from
 16 an elected official.
 17 COMMISSIONER VANDER WEELE: You know, I didn't
 18 hear your answer to the question about whether you
 19 would favor an Inspector General for higher
 20 education.
 21 SENATOR LAUZEN: We have so many, we have so
 22 many -- the answer to your question is I don't know.
 23 I'd have to think about it some more.
 24 The first thing that occurs to me is that I

1 know we've had some -- we've had quite a few
 2 Inspector Generals. That's why I went automatically
 3 to Ms. Scott's example is that how frustrating --
 4 and I'm reading a lot of things into it, some day
 5 over a beer, a cup of coffee, I'll probably learn
 6 more as we read the history. I don't know how
 7 effective that's been, if that solves the problem.
 8 I know, like, for instance, another thought
 9 occurs to me is my constituents, some of my
 10 constituents' concerns about these czars, that
 11 there's these czars, 17 of them now, and how do
 12 those folks fit into the structure?
 13 COMMISSIONER VANDER WEELE: I will tell you my
 14 experience is extremely effective, because I'm a
 15 former Inspector General, we chatted just briefly
 16 before the meeting. I work in Fortunate 500
 17 companies for departments that are akin to Inspector
 18 General, and it really, really promotes a culture of
 19 integrity --
 20 SENATOR LAUZEN: Wonderful.
 21 COMMISSIONER VANDER WEELE: -- when people have
 22 an alternative route to make compliance. I can't
 23 tell you how often I have seen cultures change
 24 overnight, when someone is removed that was not

1 removed by management but was removed after an
 2 investigation.
 3 SENATOR LAUZEN: I appreciate that experience.
 4 I appreciate that.
 5 MR. CHUNG: Senator, maybe I've already asked
 6 you this, but in case I haven't, do you know Dean
 7 Hurd or did you know Dean Hurd, as of June 2005?
 8 SENATOR LAUZEN: No, and I'm sorry, I don't
 9 mean to sound insensitive, but I don't know her now.
 10 MR. CHUNG: You never met her, never talked to
 11 her?
 12 SENATOR LAUZEN: Correct.
 13 MR. CHUNG: So therefore, you wouldn't have
 14 talked to her in connection with this application at
 15 all?
 16 SENATOR LAUZEN: Correct.
 17 MR. CHUNG: If you follow the e-mail chain all
 18 the way through, the -- based on the e-mail, Richard
 19 Herman does instruct the admission of this
 20 applicant, and Heidi Hurd forwards that admission
 21 decision on to Paul Pless within the law school, who
 22 was in charge of admissions at that time, and
 23 frankly, still is.
 24 Do you recall, Senator, how you heard, if at

1 MR. CHUNG: Senator, we've talked to your
 2 colleague, Senator Raoul in the Senate, who was on
 3 the Higher Ed Committee, and then we've talked to
 4 Representative Michael Boland, who's on the House
 5 Higher Ed Committee, and I recognize you're not on
 6 the Higher Ed Committee within the Senate --
 7 SENATOR LAUZEN: They wouldn't even put me on
 8 lower ed.
 9 MR. CHUNG: I guess my question would be,
 10 though, do you see any opportunity for the
 11 legislature, and specifically your body, to address
 12 the issues that have come to light with this
 13 Category I story in any kind of formal way?
 14 Do you see, for instance, the opportunities to
 15 come up with policies that would provide guidance
 16 for your colleagues about how to deal with the
 17 university on admissions?
 18 SENATOR LAUZEN: First of all, I'm very much
 19 looking forward to, you know, what you recommend
 20 from this, because you've taken the time to study
 21 it. I'm looking forward to -- well -- and so I know
 22 you're just asking me for a small part of the
 23 contribution, and my guess is that you've heard all
 24 of these already.

1 all, about the decision on the applicant?
 2 SENATOR LAUZEN: I don't, I don't, and it's
 3 possible that I didn't find out -- oh, no, actually,
 4 what I think I found out was that the constituent
 5 was going to a different school. And I -- that is
 6 how I heard, because I remember, well, why did I go
 7 on -- why did I call, if it was going to be
 8 unproductive?
 9 MR. CHUNG: And it was at that point in time
 10 that you learned that the applicant had actually
 11 already been admitted to the school but was going to
 12 a different school?
 13 SENATOR LAUZEN: No, I don't -- actually, I'm
 14 sorry, I don't know, I don't recall whether I even
 15 knew that she had been admitted.
 16 I have to say, that when there's a quarter
 17 million of, of your constituents and only you and an
 18 administrative assistant, I am moving through stuff
 19 so fast, there is not time to go back and say, well,
 20 now, how did this one go? You know, you just don't
 21 do it. You just get on to the next one, because
 22 there's ten people waiting at the door.
 23 So I don't think I ever did know, and then I
 24 get the call five years, four, five years later.

1 One of the thoughts is elect rather than
 2 appoint the trustees. I remember I voted no, when
 3 we went from the election to the appointed.
 4 Although, I hate to say this, if people are
 5 already setting up, well, yeah, that's the way to
 6 solve this, is somebody going to be more prone to
 7 one of either status or, you know, you know, get
 8 involved if they're elected by, you know, hundreds
 9 of thousands of people or -- but I, I still think
 10 that there's an accountability. More democracy,
 11 when in doubt, more democracy.
 12 I think that the discontinuing the legislative
 13 scholarships, I think that that is very important.
 14 I have sponsored that back in "Babe" Woodyard's
 15 time, who I think, Judge, you would have served with
 16 him. And I'm, I'm currently sponsoring that with
 17 Senator Dillon, I believe we're both co-sponsors on
 18 that. The letter of recommendations being all, you
 19 know, documentation and open. But I think that you,
 20 Judge, you summarized it with the insulate.
 21 Whatever system we need to put together --
 22 CHAIRMAN MIKVA: Before you leave this idea of
 23 electing the trustees, I'm shocked to find out you
 24 were old enough to vote at that time, when we

1 changed it. You haven't shown your age yet.
 2 SENATOR LAUZEN: The trustees?
 3 CHAIRMAN MIKVA: The trustees, but.
 4 SENATOR LAUZEN: That's very kind of you.
 5 CHAIRMAN MIKVA: You know, that was considered
 6 a reform.
 7 SENATOR LAUZEN: Yes.
 8 CHAIRMAN MIKVA: And again, it's true that not
 9 all reforms work the way they're supposed to, but
 10 one of the problems with the old elected system was
 11 that we could never get people interested in the
 12 trustee election, and we used to use those measuring
 13 sticks for --
 14 SENATOR LAUZEN: Exactly.
 15 CHAIRMAN MIKVA: What makes you think it would
 16 help? Why would it work any better now?
 17 SENATOR LAUZEN: I think that that's a good
 18 direct accountability.
 19 You know, the other thing that was a problem
 20 of, not only getting people interested, but how does
 21 a voter know?
 22 CHAIRMAN MIKVA: Right.
 23 SENATOR LAUZEN: You know, how do you go
 24 through that process? That's why I temper my -- the

1 suggestion.
 2 CHAIRMAN MIKVA: Okay. Please, go on with
 3 whatever other suggestions you have.
 4 SENATOR LAUZEN: I think we've already
 5 talked -- there was something -- you know, naturally
 6 when my constituents find that I have an opportunity
 7 to meet with a panel, a commission, they bring some
 8 ideas forward.
 9 One person was telling me a horror story of
 10 their child not being admitted, who was qualified,
 11 because there were too many people already admitted
 12 from their zip code. You know, the geographic.
 13 Now, again, I know I'm not competent in the
 14 area of establishing some kind of admission. That's
 15 for people who are expert and have devoted their
 16 political -- or their professional careers to that.
 17 So I say give it to those folks, and I want to
 18 support the reforms.
 19 MR. CHUNG: Nothing further, Judge.
 20 CHAIRMAN MIKVA: Anybody?
 21 COMMISSIONER SCOTT: No.
 22 CHAIRMAN MIKVA: Thank you very, very much,
 23 Senator. You've been quite helpful.
 24 SENATOR LAUZEN: What a pleasure to be here.

1 Thank you for your good example, lifetime. What a
 2 pleasure to meet you. And Ted, thanks very much for
 3 all your support for the commission. You're one of
 4 the most thorough guys I've seen in 17 years.
 5 MR. CHUNG: Thank you, Senator.
 6 CHAIRMAN MIKVA: We go down, we have a list of
 7 78 legislator recommendations for you to work on.
 8 SENATOR LAUZEN: I'll get right on them.
 9 CHAIRMAN MIKVA: Thank you.
 10 I believe this concludes our list of witnesses
 11 for today. I would propose we adjourn at this
 12 point. I trust, Mr. Chung and Mr. Ellis, that you
 13 have made arrangements to meet with the
 14 Commissioner, to talk with the Commissioner, by
 15 phone or otherwise, we'll have all their input, put
 16 it all into a three-page report by Friday.
 17 MR. ELLIS: It may take four.
 18 CHAIRMAN MIKVA: Anybody else?
 19 Commissioner Scott, anything further?
 20 Commissioner Scholz, anything further?
 21 COMMISSIONER SCHOLZ: No, that's fine, Judge.
 22 I would just wait for Ted or Rob to call me back
 23 after you get my --
 24 CHAIRMAN MIKVA: Okay, good. Then we'll stand

1 in recess until Friday morning at 11:15.
 2 MR. CHUNG: Thank you, Judge.
 3 CHAIRMAN MIKVA: Thank you.
 4 COMMISSIONER SCHOLZ: Thank you.
 5 COMMISSIONER VANDER WEELE: Thank you.
 6 (WHEREUPON, the Commission
 7 Meeting was adjourned until
 8 11:15 a.m., July 31, 2009.)
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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
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5 I, ELIA E. CARRIÓN, a Certified Shorthand
6 Reporter of the State of Illinois, do hereby certify
7 that I reported in shorthand the proceedings had at
8 the hearing aforesaid, and that the foregoing is a
9 true, complete and correct transcript of the
10 proceedings of said hearing as appears from my
11 stenographic notes so taken and transcribed under my
12 personal direction.

13 IN WITNESS WHEREOF, I do hereunto set my
14 hand at Chicago, Illinois, this 31st day of
15 July, 2009.

16

17

18 Certified Shorthand Reporter

19

20 C.S.R. Certificate No. 084.004641

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