

TRANSPERFECT
LEGAL SOLUTIONS



STATE OF ILLINOIS

Admissions Review Commission

Monday, June 29th 2009

James R. Thompson Center

100 W. Randolph Street 16-503

Chicago, IL 60601

1 [START TAPE 1 SIDE A]

2 MR. ABNER MIKVA: Good afternoon. Mr.
3 Montoya, thank you very much for cooperating
4 with us. We appreciate your cooperation and - -
5 very forthcoming and [background noise]. So why
6 don't you just tell us your name and what your
7 duties have been at the University of Illinois.

8 MR. ABEL MONTOYA: Sure, my name's Abel
9 Montoya. I work at the University of Illinois
10 from - - March '94 through October 2008. I
11 worked in the admissions office in different
12 capacities, started off as a regular general
13 admissions counselor and when I was - - left I
14 was the Associate Director of Undergraduate
15 Admissions helping oversee a variety of
16 different duties in the office - - , etc.

17 MALE VOICE: I wonder if you may come up
18 here to one of the microphones. I'm not sure
19 they may hear you otherwise. - - .

20 MR. MIKVA: Judge, may I proceed?

21 MALE VOICE: Please.

22 MR. MIKVA: Mr. Montoya please let the
23 members of the commission know for how long have
24 you been involved in the admissions process
25 referred to - - category I.

1 MR. MONTOYA: I believe it goes back to 2001
2 when I took that role over.

3 MR. MIKVA: And what is your understanding
4 generally speaking of what Category I is?

5 MR. MONTOYA: Sure. Category I from my
6 perspective is basically tracking measurements
7 of ways in which we could track certain cases in
8 which an inquiry was made from someone on
9 campus, off campus and then monitor the
10 applications to be reviewed process. Eventually
11 when the decision was made, inform the parties
12 who had made inquiry on that application, what
13 the decision was going to be or what is
14 recommended from the review committee.

15 MR. MIKVA: And you use the term we track
16 applicants, who are you referring to?

17 MR. MONTOYA: Well, I was the primary
18 person. I was on this - - actually on the - -
19 information system. What we would do is - -
20 once I was - - would put the - - on the system
21 so I could track it through the system because
22 we get a lot of applications. - - pretty good -
23 - around 1890 - - growing and growing and the
24 only way to make sure that none of these - - any
25 cases for that - - would track them and this is

1 one mechanism by putting an actuating system, I
2 would track it so I can run reports and get
3 status reports to the people that inquired as to
4 where they were at.

5 MR. MIKVA: Just so I'm clear, when you used
6 - - .

7 MR. MONTOYA: In the banner system we
8 referred to - - 1025 which - - a red - - would
9 go through the mail, someone would scan out some
10 other applications.

11 MR. MIKVA: And specifically with regard to
12 Category I applicants starting with 2001 what
13 was your role with - - ?

14 MR. MONTOYA: With those applicants what I
15 would do is I would - - the committee chair to
16 then - - application - - and relay it to whoever
17 made the inquiry or whoever asked me to track
18 the application.

19 MR. MIKVA: In the end - - individuals get
20 substantial involvement with tracking and
21 monitoring Category 1 applicants?

22 MR. MONTOYA: Well it depended really on the
23 year. What I mean by that is that at the end if
24 was mostly - -. Those were the two individuals
25 with whom I'm interested the most. Primarily

1 Keith Marshall - - Keith kind of taking over the
2 role of him being my contact person,
3 communications - - different folks on campus
4 themselves. Everything from the Governor of
5 Relations Office, to the alumni to Provost
6 office and Chancellors Office, - -, a variety of
7 different people.

8 FEMALE VOICE: - - there's a lot of
9 interference coming in over our microphone.

10 MR. MIKVA: That's the out of towners.

11 FEMALE VOICE: Can she put that on mute, can
12 we ask her to put her

13 MR. MIKVA: Commissioner could you put your
14 phone on mute?

15 MALE VOICE: Yes, yes, sure I'm sorry. I
16 can hear real well but I'll hit the mute. Thank
17 you.

18 MR. MIKVA: Thank you. Mr. Montoya if we
19 can step back just for a second can you provide
20 the members of the commission with an overview
21 of specific criteria generally used by
22 admissions officers like yourself in reviewing
23 applicants in the ordinary course?

24 MR. MONTROYA: Sure. What an application
25 comes in to be processed it's - - by, first of

1 all we get an application - - labyrinth of US
2 mail or whatever form, form that they sent the
3 application. So we will get that, we would get
4 an official high school transcript and we would
5 get an ACT - -. Those are the main criteria at
6 enrollment.

7 MALE VOICE: ACT or what?

8 MR. MONTOYA: ACT report SAT.

9 MALE VOICE: SAT.

10 MR. MONTOYA: Yes. Either one of those
11 standardized exams along with the essays
12 required by the application itself. Those are
13 the factors or the qualities that we use when
14 reviewing an application. So we look at the
15 academic record to see how he or she had
16 performed, actually when they did really well
17 and had good test scores, they would be
18 admitted. There are cases where the two
19 factors, really when it gets to the full picture
20 in a sense that maybe they have good grades but
21 poor test scores for a variety of different
22 reasons and in those cases we looked at other
23 things like scheduling, take honors or regular
24 courses. We will look at the essays to see what
25 they had to say about themselves so they can

1 round out the picture. Because sometimes come
2 from all over the □ well they did come from all
3 over the state and some - - are very tough
4 situations, obstacles that we had to consider
5 went over when reviewing the application,
6 whether they are a first generation student,
7 long distance, - - people coming from homes
8 where home life was anything but a life. All
9 kinds of different things. So we use those
10 subjective factors in reviewing the application.

11 MR. MIKVA: So - - at the very top end of
12 the spectrum with regard to applicants. Certain
13 applicants they were automatically admitted to
14 the University based on their scores?

15 MR. MONTROYA: Yes, they either had high test
16 scores, high class ranking, they were admitted,
17 yes. Automatically.

18 MR. MIKVA: Without subsequent review at all
19 by admissions committee members?

20 MR. MONTROYA: Not for the admissions
21 process. The applications that - - there is an
22 initial review to make sure all the documents
23 were there. It was just basically to make sure
24 that transcripts are there, the tests are there,
25 - - high school □ pattern and we have the essays

1 just to gather all of the information. And
2 after that if they came from a school that
3 ranked their students and everything was you
4 know high ranking, high test score, they would
5 be automatically admitted. If a student came
6 from a school that did not rank their students
7 if there was a manual review just to make sure
8 that we have committed to class rank properly
9 just because every school has different - -
10 every school has different GPA systems. Some
11 are 100 scale and some schools in - - are like 7
12 points - - other school they did a rank - -
13 weighted off. So we took those things into
14 account when we review cases from schools that
15 did not rank.

16 MALE VOICE: What percentage of students in
17 a typical year were automatically admitted based
18 on scores? Roughly?

19 MR. MONTROYA: I would, maybe 40% or so.
20 That's just a guess. I do actually have to look
21 at the numbers to determine how many were
22 automatically admitted but it was a good
23 portion. What happened more recently is a lot
24 of schools stopped ranking and these were
25 schools that traditionally sent us a lot of

1 different applications so we did a lot more of
2 manual review. Now granted, some of them are
3 no-brainers. We have straight A's, all honors,
4 32 ACT, we'll just take them. Others - - a
5 little more - - which they applied and what
6 their overall financials were in regards to the
7 transcript and the test scores.

8 MR. MIKVA: How were the students that were
9 not automatically admitted reviewed by the
10 admissions office?

11 MR. MONTROYA: What this application came to
12 was just and say - - or the - - level which we
13 automatically admit. In those cases the people
14 would be given to a review committee. Now all
15 the admissions decisions are done through the
16 admissions office or coordinated through the
17 admissions office and what you would have would
18 be review committees for every specific college.
19 Like college engineering, college and business,
20 project - -. Each committee was comprised of
21 admissions counselors along with some top
22 representation whether is - - or two or maybe a
23 faculty member to provide input. So those cases
24 that were not automatically admitted would be
25 put forth to the committee for them to review

1 the application, look at the credentials and
2 then make a recommendation using the - -.
3 Pluses or negatives that you may have on the
4 application along with a ranting. A one through
5 five.

6 MR. MIKVA: Can you explain a little bit
7 more about the rating of one to five? What do
8 the numbers signify?

9 MR. MONTROYA: A one is an automatic admit, a
10 five was an automatic denial. Two, three and
11 four, if you depended on the year you could
12 depend on the college. And what I mean by that
13 is that some years were we were really, really
14 be tied - - with who do I admit. So if we had a
15 lot of really good qualified applicants, maybe
16 we would just take the ones and maybe - -. If
17 some year we hardly had any applicants say for a
18 specific college maybe that particular college
19 or - -. It's a way to kind of sort out the - -
20 and these reviews would be done by two people in
21 most case. The only time it would only be
22 review would be like at the - - committee, tell
23 him his experience, he's been doing it a lot of
24 years and it was a no-brainer. - - two weeks
25 maybe three weeks in some bases.

1 MR. MIKVA: The committee members were
2 reading if there had been any of these students
3 had been placed in Category I that was already
4 indicated on the record by the strike or
5 something. Is that correct?

6 MR. MONTOYA: Yes, that is correct.

7 MR. MIKVA: So that everybody in the
8 evaluation process would know that this person
9 was striked from the time that somebody called?

10 MR. MONTOYA: Yes, that is correct. Even, I
11 would tell them treat this as you would any
12 other - -.

13 MR. MIKVA: But the strike was in there?

14 Mr. MONTOYA: But the strike, yes, that is
15 correct.

16 MR. MIKVA: I think I know your answer but I
17 just want to make sure. When you say that it
18 was a tracking system that you're trying to keep
19 track of people about these inquires made, that
20 wasn't all inquires was it? If a student called
21 up himself or he and wanted to know what the
22 status was, they wouldn't go in Category I.

23 MR. MONTOYA: That is correct.

24 MR. MIKVA: Or if the parent called.

25 MR. MONTOYA: That is absolutely correct,

1 MR. MIKVA: Who □ what kind of inquiry would
2 go on Category I, were there any standards for
3 it?

4 MR. MONTROYA: They had to be important
5 basically or at least important for the
6 perspective of the person inquiring on their
7 behalf and what I would do is I we would have
8 liaisons in each office so not everybody could
9 call from - - foundation to say I want you to
10 track such and such and such. There would be
11 one person who - - made a liaison who - -
12 instructed which ones that we - -.

13 MR. MIKVA: So the sources of inquires were
14 not outsiders?

15 MR. MONTROYA: That□ s correct.

16 MR. MIKVA: They were people connected with
17 the University and they were either the □ and
18 they were the liaisons from the Governmental
19 Affairs office, the - - foundation, trustees,
20 who else?

21 MR. MONTROYA: Foundation, the dean, the
22 deans of other colleges - -. So foundation,
23 alumni, government relations, the dean, the
24 transfer office, the Provost Office, the Board
25 of Trustees, those are the ones that have - -.

1 MR. MIKVA: Can you give us any kind of
2 indication of where the largest quantity came
3 from?

4 MR. MONTROYA: The largest quantity typically
5 came from the Government Relations Office.

6 MR. MIKVA: Government Relations office and
7 then who would be the next?

8 MR. MONTROYA: The next would typically be,
9 well at the end there's - -. He was a soldier
10 which they came to me - - I thought after awhile
11 there was too many of them. But prior to that I
12 would have to say I had quite a bit from Board
13 of Trustees and - - Chancellors, Provost Office,
14 although sometimes it's a little murky because
15 prior to Keith being the one that would filter
16 them, - - integrated in the same center from a
17 couple different - - and so I never really know
18 who made the who the contact was at that
19 university I just knew that who were the people
20 contact me so what I would do is when somebody
21 was, when there was a student who this
22 individual was recognized or whatever it may be
23 - - I would relay that to the people that had
24 made the inquiry.

25 MR. MIKVA: Thank you.

1 MALE VOICE: Can I ask a question?

2 MR. MIKVA: Sure.

3 MALE VOICE: Just Category Five is a denial.

4 MR. MONTOYA: A rating of a five yes would
5 be a denial. - -

6 MALE VOICE: And how many Category fives got
7 admitted to the years that you were involved?

8 MR. MONTOYA: honestly I don't think I could
9 I don't know what the exact number is. If I
10 had to guess, if you wanted me to guess, every
11 year it was five, ten, maybe a dozen, 15, 20
12 cases depending on the year.

13 MALE VOICE: That are fives?

14 MR. MONTOYA: Yes, people that we wanted to
15 deny that we were - -, yes.

16 MALE VOICE: And were they all Categories I?

17 MR. MONTOYA: The ones that went five to
18 one?

19 MALE VOICE: Just the ones that were I yes.

20 MR. MONTOYA: Okay, the ones that went five
21 to one, yes. Now just to make sure I understand
22 the question right, there were occasions where
23 we denied an individual and the admissions
24 officer reversed the decision but that was
25 specifically for having the wrong information,

1 say we got the wrong class ranking or there was
2 an error in transcript or we didn't have the
3 highest test score or there's some extenuating
4 circumstances there that were never made known
5 to us at the time of review. Aside from that
6 the ones that were recommended for denial that
7 were made - - were all Category I. - -

8 MALE VOICE: Student athletes?

9 MR. MONTOYA: Correct.

10 MALE VOICE: They're not Category I though?

11 MR. MONTOYA: No, they had a different
12 category.

13 MALE VOICE: So a dozen at least.

14 MR. MONTOYA: I would say so yes.

15 MALE VOICE: That's a dozen out of 17,000.

16 MR. MONTOYA: The last year we had 22,000
17 applications and what we do - -.

18 MALE VOICE: 17,000 are admitted though.

19 MR. MONTOYA: Correct, I was going to say
20 what we do is - - because we know people make
21 false applications, they have - - and then we'll
22 chose to enroll at the year - - specifically we
23 would make twice as many as we could enroll. So
24 when I was there last year I think the target

25

1 was around 7100 freshman and we admitted a
2 little over 15,000 or so if my numbers are
3 correct. It's close to that.

4 MALE VOICE: Okay. Thank you.

5 FEMALE VOICE: Is the rating system in
6 writing, the one through five?

7 MR. MONTROYA: Well the documentation of what
8 we gave the rating to the applicant yes, it's in
9 writing. You circle it - - you're talking about
10 how you determine the rating?

11 FEMALE VOICE: In other words is there a
12 policy or procedure that explains the one, two,
13 three, four and five rating?

14 MR. MONTROYA: Yes and if I could explain
15 real quickly on that. What would happen is that
16 each review committee would handle their own
17 internal ratings - -. A one was an admit, a
18 five was denial. So the two, three and the
19 fours meant there are some things to review for
20 example, the college business and the college
21 engineering which - - much higher levels because
22 they have very high quality applicable, they
23 would refer cases over to review for revision
24 general studies or prior to that - - because we
25 have some good citizens that went in the - -

1 engineering but we wanted to offer them some
2 type of ambition so we referred them. So those
3 cases a three would be referral, two - - general
4 studies, but business engineering we won't take
5 them.

6 FEMALE VOICE: And how much of that is in
7 writing. In other words if the one through five
8 is in somehow your procedures is it also in
9 writing a procedure to override the five? And
10 let's just focus on the five for a moment.

11 MR. MONTOYA: The procedure to override the
12 five?

13 FEMALE VOICE: Right.

14 MR. MONTOYA: there really isn't anything in
15 writing just about that.

16 FEMALE VOICE: So then when a five is
17 overridden is that a violation of you versus the
18 policy and procedures?

19 MR. MONTOYA: Well it's a recommendation by
20 the committee. This in most cases is not - -
21 because I remember there have been a category -
22 - so I had - - committees and - - you need to
23 forward the cases to me so I can review them and
24 talk to whomever made the inquiry, and the
25 university. So in those cases I help the cases

1 but there wasn't anything in writing that a
2 category - - some of the category I's that have
3 a rating of five - - that I can over turn for
4 now.

5 FEMALE VOICE: So it a violation policy and
6 procedure for someone to override the rating of
7 five for a Category I student?

8 MR. MONTROYA: I don't think we really had a
9 very well written explained out process of how
10 the procedures and policies about what you need
11 to do with all the cases through the review
12 process because every situation is that somebody
13 recommended somebody be a five and another
14 person recommended a two, or three or four and
15 then the decision would then come to a
16 consensus.

17 FEMALE VOICE: Okay, so in your opinion it
18 was not a violation of any policy or procedure
19 of the university?

20 MR. MONTROYA: In my opinion no?

21 MR. MIKVA: Am I correct that the twos,
22 threes, fours, and fives were red strikes as you
23 say?

24 MR. MONTROYA: - - were red strikes too.

25 MR. MIKVA: Pardon?

1 MR. MONTOYA: Some ones were red strike.

2 MR. MIKVA: I understand but ones were
3 automatically admitted.

4 Mr. MONTOYA: The twos, threes, fours, and
5 fives who were not admitted then came to you
6 automatically if they were red striked>

7 MR. MONTOYA: Correct.

8 MR. MIKVA: So I assume that on the twos the
9 two I assume are the people who almost were
10 admitted.

11 MR. MONTOYA: Correct, they were very close,
12 yes.

13 MR. MIKVA: On the twos □ what happened on
14 the twos? Did you resolve those or did you call
15 somebody or did you ask the deans or the
16 admitting policy to take another look at it and
17 see if they couldn't stretch the two to a one.

18 MR. MONTOYA: before I answer that, can I --
19 let me just explain the notification process
20 because I think that will - - your question.
21 The - - what we did is we went to notification
22 dates. Late December and mid - -. So, correct
23 - - and then December there were three
24 decisions, admit, deny or defer. The defer
25 would be students who are not only say okay

1 we're going to hold off making a decision until
2 February and at that time in February we had an
3 admit, or deny or a - -. And then - - somebody
4 was admitted to their first choice, admit the
5 second the choice. So in December when we were
6 releasing decision, maybe those two, threes,
7 fours and fives, were deferred that we were
8 going to defer the decision until February and
9 then in February they were either admitted or
10 denied.

11 MR. MIKVA: So the first notice they got was
12 deferred?

13 MR. MONTROYA: Many cases yes, its in
14 December. Some we were able to deny.

15 MR. MIKVA: And you got those, you get those
16 and again we're talking about - -. Did you
17 get all those before they were sent out in
18 December or after or?

19 Mr. MONTROYA: I had all the cases before the
20 December notification.

21 MR. MIKVA: Okay, what did you do with them
22 at that early point?

23 Mr. MONTROYA: I kept them - - and then I
24 sent a spreadsheet near the end luckily to - -
25 later on that this is the - - since they were

1 holding they're a Category I in their
2 credentials - - where they came from and what
3 the committee recommended.

4 MALE VOICE: If I may pick up from here I
5 think I know where you're getting at and I can
6 answer a lot of questions that will help you
7 drive the point home. - - it's fair to say that
8 throughout the admissions cycle in a given year
9 there were meetings held specifically to address
10 on a case by case basis Category I applicants.

11 MR. MONTOYA: Yes.

12 MALE VOICE: How many such meeting would
13 typically occur in a given year?

14 MR. MONTOYA: Well, I just knew of two
15 official meetings - well I don't know if
16 official if the right word but I know of two
17 meetings that actually did occur because prior
18 to those meetings I would be requested to put
19 the names in the Category - - Excel spreadsheet
20 and then I forward - - talk to whomever - - and
21 then he would come back and tell me what the
22 decisions were going to be for most of it. I
23 dud that prior to December and prior to
24 February.

25 MALE VOICE: Now those Category I meetings

1 coincided with what we were - - before the actual
2 notification - -.

3 MR. MONTOYA: Correct, they weren't before
4 the notification dates.

5 MALE VOICE: And if you get that the
6 decisions were made at - - those meeting that
7 you were then able to take action on then.

8 MR. MONTOYA: Correct.

9 MR. MIKVA: Anybody else at those meetings
10 besides you and Marshall.

11 MR. MONTOYA: No, actually I didn't go the
12 meetings. I prepared the information, correct I
13 speed information, key him the keys, emailed it
14 to him and then he would email it back to me
15 what I was supposed to do.

16 MALE VOICE: Do you know whether he had a
17 formal meeting about it or does he just talk to
18 the individuals?

19 MR. MONTOYA: Even if says that you have to
20 talk to the Chancellors office - - students. I
21 think Greg was involved in some of the meeting.

22 MR. MIKVA: There was a number that was used
23 last meeting and I think that 77% of these
24 Category I would have been admitted if they
25 weren't categories if they'd just applied.

1 MR. MONTOYA: I have no idea how they would
2 have provide such a number.

3 MR. MIKVA: Can you enlighten me in that at
4 all?

5 MR. MONTOYA: I'll try my best. With regard
6 to that I think they were referring to a
7 decision to Category I and how they actually end
8 up being admitted versus how many of the regular
9 applicable was admitted percentage points. But
10 if we had - - that Category I's that would be
11 100% - - they weren't. So I don't know, I think
12 we're just comparing apples to oranges when
13 we're talking about percentage rates because you
14 know everyone can apply to admissions but not
15 everyone was a Category I.

16 MR. MIKVA: No they said that 77% of the
17 Category I people, had they not been in Category
18 I they would have been admitted. Anyway, do you
19 have any idea how they arrived at that number
20 because

21 MR. MONTOYA: No I do not.

22 FEMALE VOICE: Do you agree with that
23 number?

24 MR. MONTOYA: I don't know. Probably not
25 just because I don't know how you come up with

1 that number. But I haven't been in admissions
2 for awhile so.

3 MALE VOICE: How many people were on the I
4 list at any given year?

5 MR. MONTROYA: It kept growing the last
6 couple of years. When I took over it was
7 usually a little bit over 100, 110 or so. In
8 fact in '01, and then when it was all said and
9 done, I think the last year we had 165 or so.
10 So the last two or three I would say between 150
11 and 165.

12 FEMALE VOICE: And I understand that from
13 your interview reports that 2002 approximately
14 or around that time frame the system became more
15 formalized because of an inquiry from someone
16 super important. Can you tell us about that?

17 MR. MONTROYA: Sure. Well back to the
18 original statement we don't want anybody to
19 fall through the cracks with basically meant
20 that someone is going to be tracked, we should
21 track - - to know where the - - be, what the
22 decisions going to be. And in one case the
23 decision went out - - frankly so. And then we
24 had to overturn the system and my director at
25 that time was apt to do that and call the family

1 and make the change. From that point on I've
2 made it very clear to everybody, do not enter
3 anything but an admit decision and now that the
4 other temporary, you can move to me and then we
5 eventually also we have to - - different folks
6 on campus to let them know that I was going to
7 be the one that was going to be the official
8 contact. So instead of people calling over and
9 talking to two or three different people and
10 everybody looking for the same application.

11 It's always streamline and also a period away
12 from my staff members to continue on with other
13 things.

14 MR. MIKVA: - -.

15 MR. MONTROYA: Martha Moore.

16 MR. MIKVA: Martha Moore?

17 MALE VOICE: And Mr. Montoya could you
18 provide some more details to the circumstances
19 under which the admissions office was directed
20 to reverse a decision. Was Ms. Moore called,
21 was someone else called, who called her and - -.

22 MR. MONTROYA: She was called directly and I
23 believe that was from the Provost. - - at the
24 time and was told to call the family and tell
25 them it was a mistake.

1 MALE VOICE: Did that happen as far as you
2 know?

3 MR. MONTOYA: Yes, no the student was
4 admitted - - I understand that is exactly how it
5 happened.

6 MALE VOICE; Do you recall if that applicant
7 had been rated one, two, three, four five?

8 MR. MONTOYA: It was actually □ actually at
9 that time I think it was before the rating
10 system was in place and it□ s - -.

11 MALE VOICE: Do you have an understanding of
12 who the sponsor was for that particular
13 applicant?

14 MR. MONTOYA: I□ m not exactly sure who the
15 sponsor is or who made the - - student.

16 MALE VOICE: Was that□

17 MR. MONTOYA: I don□ t know who made the
18 specific in terms of - -. I understand - -
19 Government.

20 MR. MIKVA: He was related to someone□

21 FEMALE VOICE: In your interview you named
22 someone.

23 MR. MONTOYA: Yes, I did. It was the former
24 governor.

25 FEMALE VOICE: Could you just name that

1 governor?

2 MR. MONTOYA: I believe it was - - Tom.

3 MR. MIKVA: You didn't have any

4 conversations with the Governors office?

5 MR. MONTOYA: No I did not.

6 MR. MIKVA: Who did?

7 MR. MONTOYA: I do not know who made the

8 conversation with the Governor's office. But

9 Martha Moore - - you'd have to ask her.

10 MR. MIKVA: - - you ultimately made the call

11 to - -?

12 MR. MONTOYA: Correct.

13 MALE VOICE: Mr. Montoya could you describe

14 for the commissioners the appeals process

15 generally and the appeals process for Category

16 I?

17 MR. MONTOYA: Sure. Anytime a student is -

18 - admission they could appeal the decision if

19 they so desire. We didn't really publicize it

20 just because they very rarely ever work. When

21 somebody was well first of all, when we go to

22 presentations at the high schools, talk to high

23 school counselors, when they would ask we would

24 talk about the appeals process and explain that

25 typically under these very compelling - - then

1 if someone would call the admissions office, a
2 parent or student calls and complains about the
3 decision - - what they have to do - - appeal the
4 decision we would tell them yes you could appeal
5 but we're going to have to tell you that very
6 rarely does it work. It has to do with some
7 really compelling information, it has to be new
8 information and we don't consider - - to be new
9 because we wouldn't be able to do that for all
10 students.

11 MALE VOICE: And with respect to Category I
12 applicants, was the appeals process different?

13 MR. MONTROYA: With the slightly different
14 I would say in the sense that well if I could
15 just back track for a little bit. The students
16 become a Category I anytime during enrollment.
17 It can be at the beginning of the year, it could
18 be at the middle of the cycle, it could be after
19 someone's been denied, it could be - - someone's
20 been on the waitlist so it could be pretty much
21 anytime. So in some cases some students would
22 be denied admission and then they would,
23 somebody would make an inquiry, someone of
24 influence or importance and I would get the call
25 and ask the review and I say well, if you're

1 really - - about this person because - - have an
2 appeal and then we'll take it from there. But I
3 this isn't someone that's going to be that
4 important I wouldn't recommend it because the
5 decision's really not going to change.

6 MALE VOICE: Can you estimate for the
7 members of the commission what percentage of
8 appeals were successful for the normal applicant
9 pool?

10 MR. MONTOYA: Maybe one out of ten, maybe.

11 MALE VOICE: What about for the Category I
12 applicants?

13 MR. MONTOYA: They were much more successful
14 I would say depending on how important that case
15 was. Maybe half, I don't know.

16 MR. MIKVA: I know this is going to be hard
17 but did you have any who was the one that
18 decided the importance of the - - that were

19 MR. MONTOYA: No, it wasn't me. It was - -
20 because I never knew who the sponsor was. I
21 knew which person at campus contacted me about
22 that individual.

23 MR. MIKVA: So who would decide whether that
24 was important?

25 MR. MONTOYA: The people that asked me to

1 track that individual.

2 MR. MIKVA: So that would be□

3 MR. MONTOYA: Like Keith Marshall prior to

4 Keith Marshall it would be like the - -.

5 MR. MIKVA: - -

6 MR. MONTOYA: Correct.

7 MR. MIKVA: Herman□

8 MR. MONTOYA: - - he never emailed me

9 directly. - - it would be secretary of someone
10 in the office.

11 MR. MIKVA: So you really don□ t know who the
12 sponsors were for - - people who actually were
13 pushing - -.

14 MR. MONTOYA: Very rarely did I know who
15 they were. In the times that I did know was
16 because I got an inverted email with the
17 sponsors name in it or I recognized the last
18 name or something like that.

19 MR. MIKVA: Did you get that □ so what the
20 categories were? You indicated before where the
21 sources came from so some of them were trustees
22 themselves which they have in turn come from
23 somebody else and then when the trustees - -.

24 MR. MONTOYA: It could be the trustees; it
25 could be the legislators who feel this

1 constituent is very important.

2 MR. MIKVA: - -, the state officers.

3 MR. MONTOYA: Correct, donors.

4 MR. MIVKA: Donors.

5 MR. MONTOYA: Yes, - - alumni.

6 MR. MIKVA: Federal officials, congressman.

7 MR. MONTOYA: - - when I say legislators I'm

8 thinking state and the federal. Yes. I never

9 knew who those people were - -.

10 MR. MIKVA: - - category. - - various

11 towns.

12 MR. MONTOYA: I don't know about all the - -

13 mayors. They don't really have direct role with

14 the university as much - - they don't have as

15 much influence I guess.

16 MALE VOICE: What about legacies?

17 MR. MONTOYA: Legacies, now.

18 FEMALE VOICE: What about former Governor

19 Thompson. What was his involvement with the

20 university that gave him the clout to get his

21 grants - -?

22 MR. MONTOYA: Well I do need to - - I don't

23 know that it was him indirectly that called.

24 FEMALE VOICE: Yes, but it was his grandson.

25 MR. MONTOYA: Yes, that is what I was told.

1 FEMALE VOICE: And so what kind of influence
2 did he have at the university at that time?

3 MR. MONTOYA: Well - - but then there was
4 someone else who called and - - and talked to my
5 director and they changed it.

6 FEMALE VOICE: That really wasn't my
7 question. My question was what did he offer the
8 University of Illinois, I mean what kind of
9 contribution was he making to the University of
10 Illinois that gave him that kind of clout?

11 MR. MONTOYA: I don't know of any
12 contribution that was made.

13 MR. MIKVA: When you say there were alumni,
14 were these alumni active in the university
15 affairs, donors or just again everybody who came
16 through the alumni office?

17 MR. MONTOYA: I'm sure alumni - - we don't
18 know which alum was inquiring.

19 FEMALE VOICE: Who told you that it was
20 Governor Thompson's grandson?

21 MR. MONTOYA: My director.

22 FEMALE VOICE: - -

23 MR. MONTOYA: Martha Moore.

24 FEMALE VOICE: Which college was that in?

25

1 MR. MONTOYA: - - College.

2 FEMALE VOICE: Was it undergraduate or?

3 MR. MONTOYA: Yes, it was undergraduate.

4 MR. MIKVA: Were there occasions in any
5 given year where Category I applicants were
6 admitted late, very late in the process, in the
7 June timeframe?

8 MR. MONTOYA: Yes.

9 MR. MIKVA: Can you describe how those
10 decisions and those notifications came about?

11 MR. MONTOYA: There's a couple situations
12 where that occurred. Either someone was asked
13 to be tacked late who had been denied and we
14 changed the decision in June. Often times there
15 was somebody who they wanted to admit but wanted
16 to wait until the very end so when - - better
17 credentials - -.

18 MR. MIKVA: With respect to the General
19 Assembly Scholarships, when we met we talked a
20 little bit about those. Did you see any
21 relationship between Category I applicants and
22 General Assembly Scholarships?

23 MR. MONTOYA: Sometimes Category I - -
24 scholarship and that was an extra plus factor.
25 Anytime someone gets a scholarship to come to

1 Illinois whether it's General Assembly or ROTC
2 and applied scholarship or whatever - - but
3 whatever it may be it's an added plus, we
4 consider that an added plus for the applicant.

5 MALE VOICE: How is that considered an added
6 plus?

7 Mr. MONTOYA: Well obviously they had to
8 qualify for the scholarship in some regards to
9 their actions, academics, community service, so

10 MALE VOICE: What would they do?

11 MR. MONTOYA: Well there's a lot of really
12 good students - - average from - -.

13 MALE VOICE: I thought you were going to
14 answer that, that's even though the admissions
15 policy is economics blind if you knew that
16 somebody was going to be no drag on the
17 university in terms of having to provide money
18 that there would be money coming in from this
19 outside source that, that was considered a plus.

20 MR. MONTOYA: No, I actually take it the
21 other way in a sense that a lot of citizens that
22 are low income or first generation and that's
23 considered a plus because they have other
24 obstacles to over come versus students that
25 weren't in the situation. Sometimes

1 scholarships for types in need other times there
2 were not, other times they were a type two,
3 academic merit or competition or participation
4 in military forces.

5 MALE VOICE: Were there instances where
6 students who would not a Category I student who
7 had not have gotten in, got in because of the
8 General Assembly scholarship?

9 MR. MONTOYA: Yes.

10 MALE VOICE: roughly how many times did that
11 occur?

12 MR. MONTOYA: It didn't happen that often.
13 I would say a handful of times; you know two or
14 three times a year maybe.

15 MALE VOICE: Mr. Montoya did it make you
16 uncomfortable to admit that Category I
17 applicants that you considered substandard?

18 MR. MONTOYA: Many times I do.

19 MALE VOICE: What did you do about that?

20 MR. MONTOYA: Well I complained. I would
21 complain to my superiors and say that this isn't
22 right, this - - this sucks. And then in some
23 cases I would - -.

24 MALE VOICE: Even though you were told?

25 Mr. MONTOYA: Yes.

1 MALE VOICE: Did those students still get
2 admitted?

3 MR. MONTOYA: Yes.

4 MALE VOICE: How did that come about?

5 MR. MONTOYA: Well there were certain
6 students that I felt that were not going to get
7 along on our campus. We look at their
8 credentials and test scores and their class
9 ranking and grade to determine whether they will
10 be successful on our campus. The ones that we
11 know are going to be successful you know that
12 just have - - because I knew they were going to
13 succeed. There's only so much I can do if they
14 got in but they were going to do well - - at
15 least they're going to be successful - - or
16 another. Well there's some sense where I
17 thought we were setting up for failure where I
18 thought that their grades indicated they were
19 going to flunk out or their quantifiable - -
20 were pretty low I would, I didn't feel
21 comfortable admitting those so I would send to
22 my director to admit or tell her - - to talk to
23 my director and she would work with - - whomever
24 to - -.

25 MR. MIKVA: Were there any negative

1 consequences from the result of you not
2 recommending an admission - - and the second
3 part of the question in the original testimony
4 you - - you know we want to - - and I'll deal
5 with consequences later. Was there any later
6 consequences?

7 MR. MONTROYA: Not for me. I don't think
8 that - - because I thought I was in the right by
9 saying this is - - not going to succeed here.
10 I've been there for many years and I've had good
11 work there so I thought I was respected by, well
12 I believe I was respected by other people with
13 whom I worked so I was never scared in that
14 regard with those students because I thought I
15 was looking out for the best interests of the
16 students. I was actually looking - - at times
17 when Keith Marshall was out or I had to work
18 with her and that's a good lead to get the
19 decisions out because they're waiting because we
20 were in some cases passed the target - -
21 timeline - - we can add them or wait list them -
22 -. And then she would deal with it and
23 sometimes it sucked and sometimes I had to go
24 back and change decisions.

25 MR. MIKVA: You never followed up on any of

1 these did you on ones that were admitted that
2 you didn't think should have been admitted to
3 see if they made it or not?

4 MR. MONTROYA: Unfortunately no I did not. I
5 had other that were more pressing.

6 MR. MIKVA: Absolutely, I was just curious.

7 FEMALE VOICE: - - the number five rating?
8 Just for clarification can you explain the
9 designation two, there and four, what the
10 difference? I mean you spent a lot of time on
11 what the ones and the fives but what other
12 factors that designate the twos, threes and
13 fours?

14 MR. MONTROYA: The twos, threes and fours are
15 just a - - because within their - - policies
16 that they have their reviewing and - - and then
17 when we came to the final decision timeframe,
18 the twos, threes and fours, depended on how many
19 people we could take. We would take some and
20 deny the others and wait list some.

21 FEMALE VOICE: I know but I want to know
22 what two is for, what three - what the factors
23 for, for two, for three, four because if you
24 decide at any given time what - - you were tight
25 on you might decide you want all threes, the

1 reason for taking threes or not twos or picking
2 twos and not fours I would imagine.

3 MR. MONTOYA: That was just a scale that we
4 used there wasn't any legal associated with the
5 two, the three and the four. It was just the
6 twos are better than the threes, - - better than
7 the fours. That's all it really meant.

8 FEMALE VOICE: Was that based on school test
9 scores, was it based on grade point averages?
10 What made one better than the other?

11 MR. MONTOYA: It should be based on all of
12 the above because what happens when we take - -
13 there are some counties from which we don't get
14 any students so obviously those, we're going to
15 give them a plus and - - we want to admit those
16 students. So then those are the test scores - -
17 lower than some of the other - - you get a
18 higher rating just because they come from a
19 county in Illinois from which we don't get any
20 students. Students who are - - campus, African
21 American, Native American students, those are
22 pluses. Students, they may be first generation
23 and/or low income. Those are pluses because
24 they have to overcome - - we have schools, large
25 suburban schools and the - - little schools,

1 small schools, - - schools so it really varied
2 on the situation. It's very subjective, very
3 holistic in that regard. Those are the cases
4 that got multiple reads because we knew that we
5 wanted so come to type of consensus and try and
6 sort them out and all of those twos, threes and
7 fours in many cases were very similar - -.

8 FEMALE VOICE: I have a question. We were
9 given testimony in the previous hearing - - the
10 primary - - system that the freshman class came
11 from North Shore Western Suburb and high school.
12 Do you agree with that?

13 MR. MONTOYA: Those are the large schools,
14 so yes - - we get a lot of applicants.

15 FEMALE VOICE: And just to clarify the
16 number for Chicago Public Schools region, would
17 you agree of out the state 17 plus thousand
18 students that were admitted in the freshman
19 class, there were approximately 500 students
20 from the Chicago Public Schools?

21 MR. MONTOYA: From CPS?

22 FEMALE VOICE: Yes.

23 MR. MONTOYA: That sounds about right, about
24 500 or so, yes. Some of those CPS were also - -
25 schools like Lane Tech [phonetic], - -.

1 MR. MIKVA: I'd like to go back to clear
2 something up. You never spoke to Governor
3 Thompson.

4 MR. MONTOYA: No I did not.

5 MR. MIKVA: You know, we don't want to know
6 the identity but I think they might be confused
7 about who the identity is, where did they come
8 up - - grants on them - -.

9 MR. MONTOYA: I asked - - and my director
10 told me.

11 MR. MIKVA: - - I don't think that - - had
12 their grants on - - that time.

13 MR. MONTOYA: Well then maybe, well this is
14 the information that I got earlier. I'm little
15 hesitant to bring it up and I brought it up
16 because they asked me what I thought. But you -
17 - Martha Moore - -.

18 MR. MIKVA: I just want to if we can make
19 the record clear just that we don't know - -
20 grant - -.

21 MR. MONTOYA: Yes.

22 FEMALE VOICE: Is Martha Moore still at the
23 - -?

24 MR. MONTOYA: She's retired.

25 FEMALE VOICE: That's good to know. We

1 certainly don't want to ruin anybody's
2 reputation - - so.

3 MALE VOICE: Thank you very much...

4 FEMALE VOICE: I'd like to follow another
5 question about commissioner started. Most
6 Category I applicants were from what area?

7 MR. MONTOYA: If I had to guess most were
8 probably from suburban high schools in Chicago.

9 FEMALE VOICE: Which suburb, suburb and
10 region?

11 MR. MONTOYA: They kind of came all over the
12 place actually. Are you asking about which high
13 schools?

14 FEMALE VOICE: Well in your interview report
15 you said in your interview you said that most
16 come from the North Shore.

17 MR. MONTOYA: Affluent high schools most
18 come from the affluent high schools because we
19 have affluent high schools in different parts of
20 the state.

21 FEMALE VOICE: And you talked about that if
22 the child was a certain demographic then that
23 was a plus but yet how do you reconcile the only
24 500 children from Chicago Public Schools are
25 entered every year. That seems like a

1 tremendously low number.

2 Mr. MONTOYA: Well it is a low number.

3 We've tried everything we could to get more

4 students to apply and we consider every single

5 avenue for admission for students from CPS from

6 rural counties, from areas where demographics

7 really - - compared to the school population.

8 Now CPS, just like every school, every school

9 has its challenges and obstacles to overcome,

10 some are greater than others. We have a

11 satellite office in Chicago that we're specific

12 with the CPS - - and try to get north of - - and

13 graduate because we can't get - -.

14 FEMALE VOICE: Okay, so the 500 that were

15 admitted, how many applied?

16 MR. MONTOYA: I couldn't tell you that

17 number off the top of my head - - but every

18 single student that applied from the CPS was

19 capable of doing well we tried to admit.

20 FEMALE VOICE: Of the students, of the

21 17,000 students that are admitted every year but

22 I know that number fluctuates give or take a

23 hundred or so, how many would you think will

24 graduate? What percentage?

25 MR. MONTOYA: Well the six year graduation

1 runs about 80%.

2 FEAMLE VOICE: Okay, so there's a 20% that
3 may not graduate.

4 MR. MONTOYA: Or go an alternate - -
5 graduate or graduate after six years. Yes.

6 FEAMLE VOICE: But they don't stay there and
7 graduate?

8 MR. MONTOYA: Some do not, some come back
9 after they take some time off, come back a few
10 years later or - institution or finish up
11 their courses at another school and get their
12 degree online.

13 FEMALE VOICE: Okay. So you think 20% is a
14 rather high number for just given the previous
15 statement that graduation factor is such an
16 important decision making factor when it comes
17 to looking at the Category I students and the
18 CPS students.

19 MR. MONTOYA: The 80% graduation rate is
20 actually pretty high within the state of
21 Illinois.

22 MALE VOICE: I don't want to go off on a
23 tangent because we're not checking - - general
24 admissions - - I think the - - I don't - -.

25 FEMALE VOICE: Yeah. Actually for

1 MALE VOICE: Most people whoever went to my
2 school do not have an undergraduate degree.

3 FEAMLE VOICE: I think for me there is an
4 interest in the line of questioning,
5 specifically as it regards the Chicago Public
6 School students because if we look at this
7 Category I section I think it is important for
8 the people of Chicago to know that this is a
9 state school which is supposed to be acceptable
10 to everyone in the state, all of the citizens
11 and if there is a steering process in place that
12 excludes certain regions of the state, then we'd
13 want to know that. So I think it's important to
14 understand

15 MALE VOICE: Do you know of such a steering
16 policy that excludes people from Chicago?

17 MR. MONTOYA: No actually the opposite. We
18 try to include as many people from Chicago.

19 MALE VOICE: Did you do anything in official
20 - - of this document indicate when you would
21 admit students.

22 MR. MONTOYA: Yes. First of all when ever I
23 admitted a student I always put my initials and
24 the date I admitted the students - - the
25 admission. Now that as a - - as a admissions

1 representative - - competitive and - -. If it
2 was somebody who was a Category I who I was
3 instructed to admit I listed who instructed me
4 to admit that individual and my initials and the
5 date. Every student who was not admitted by me
6 per say had the notes as to who requested that
7 person be admitted.

8 MALE VOICE: Why did you do that?

9 MR. MONTROYA: So they know who wanted this
10 person admitted.

11 MALE VOICE: Did you have any concern that
12 your initials would be associated with
13 candidates that you considered to be
14 substandard?

15 MR. MONTROYA: I didn't really approach it
16 from that perspective. I approached it from the
17 perspective that if someone ever asked - - I
18 could open up the docket and see who told me to
19 admit, I would have email, and I would have
20 never been - - put it in writing or send me an
21 email so I could follow the documentation and
22 explain it to - - individual. I was never
23 really concerned that, that was tied to me
24 because like I said the ones that I admitted
25 were the ones that I felt were going to do okay

1 once they got to campus.

2 MR. MIKVA: Mr. Montoya you talked a little
3 bit about complaints that you yourself made
4 concerning applicants admitted to Category I.
5 To whom did you make complaints and what did you
6 say?

7 MR. MONTOYA: Well, I would complain off
8 hand to my director, I would complain to Keith,
9 I would complain to Ruth, basically people knew
10 that I wasn't exactly thrilled to be working
11 with these people but I worked with them so.

12 MR. MIKVA: When you say them, who are you
13 referring to?

14 MR. MONTOYA: Working with them, the
15 Category - -.

16 MR. MIKVA: And what was the response that
17 you received from people that you communicated
18 your concerns about?

19 MR. MONTOYA: They were like yeah, we know
20 Abel but we got to do this.

21 MR. MIKVA: Did you have occasion to hear
22 complaints from other university officials
23 concerning the admissions category on applicant?

24 Mr. MONTOYA: On occasion other officials
25 would say you know this isn't right or something

1 I'm must paraphrasing here this isn't right or
2 I don't know about this and I said well this is
3 what we can do. Either we can admit the
4 students or you can tell me no and I won't admit
5 and I'll have the chancellor or the Provost or
6 whomever or their office call you to talk - - to
7 admit the student. I would say it like that and
8 - - well never mind, just go ahead and admit
9 them.

10 MR. MIKVA: You refer to the deans. How
11 many deans did you have communications with
12 about the admission Category I students you
13 thought were substandard?

14 MR. MONTROYA: Well all the deans knew that I
15 worked with these cases and I would tell them
16 that we had someone who was relatively low and I
17 would call them so they would know - - I would
18 try to call, I'd try to call every dean at one
19 point or another throughout the year.

20 MR. MIKVA: Did any of them push back at
21 all?

22 MR. MONTROYA: Some did. Some - - one dean -
23 - this well I'll talk to - - one who never - -
24 call me and I'll talk to him. So that was the
25 extent of it and then I got - - or denial or

1 whatever.

2 MR. MIKVA: Just a couple more questions

3 your honor. With respect to other schools have

4 you in the course of your work become familiar

5 at all with practices at other state

6 universities concerning tracking applicants?

7 MR. MONTROYA: Well at other state

8 universities across the countries it's a fairly

9 common process in the sense that there's always

10 people of influence who are going to advocate

11 for a student. So they track them one way or

12 another - -.

13 MR. MIKVA: Have you had conversations with

14 specific individuals from specific institutions

15 where the topic of tracking - -?

16 MR. MONTROYA: Yes, those conversations have

17 been informal when we talked about that but

18 never official.

19 MR. MIKVA: With what institutions did you

20 have - -?

21 Mr. MONTROYA: Other Big Ten schools.

22 MR. MIKVA: Can you identify them?

23 MR. MONTROYA: Do I really too? I had

24 conversations with Upper Lake Michigan, Michigan

25 State.

1 MR. MIKVA: And the final question your
2 honor that I have Mr. Montoya is what is your
3 personnel opinion on Category I and if your were
4 in a position to make changes what changes would
5 those be?

6 MR. MONTOYA: I'm not in a position to make
7 changes but if I was I would get away with - -
8 system, do away with it. Every student that we
9 admit to the University of Illinois or when I
10 was an admissions counselor we try to - -
11 freshman. A class that was talented that was
12 diverse that really brought a lot of potential
13 to the university. When we talk about what we
14 learn from the classroom and textbook,
15 instructor, that's one thing. But when - -
16 classroom - -. That's where we try to work - -
17 variety of background both economically,
18 socially culturally, geographically so that
19 discussion is enhanced and we really truly have
20 a well international university. So ever since
21 - - we kind of see one - - back to the table,
22 what perspective - - also want to create some
23 diversity. With the Category I sometimes I
24 failed to see what we brought to the table and
25 that's the reason I would - - get away with the

1 system. Whether that actually occurs or not
2 that's yet to be seen.

3 MALE VOICE: What other universities - - as
4 far as you are concerned because none of them
5 have a category I. Is that correct?

6 MR. MONTOYA: Well - - I think we had a
7 pretty standardized system of tracking just
8 because we had so many applicants. I never
9 inquired if they had - - system. They said well
10 you know they keep a list or they talked to such
11 and such in the office about that and I would
12 know what those other people, how they tracked.
13 I couldn't speak to them and see how they
14 tracked their students or what they did if
15 anything with those students.

16 MALE VOICE: I sense from your answer - -
17 that you thought that other schools had a
18 similar - - Illinois system is - -.

19 MR. MONTOYA: Well, yes I don't know what
20 system they use. I don't know.

21 MALE VOICE: Do you, could you give us an
22 example of an university that follows a policy
23 that you said you would like to see happen?

24 MR. MONTOYA: I couldn't.

25 MALE VOICE: You don't know a university

1 that does it?

2 MR. MONTOYA: Well not first hand in the
3 sense that I'm not intimate with their
4 admissions process that I am with where I work.
5 I tend to - -. Perhaps there are some schools
6 that have a very, very equitable system that - -
7 not exist and maybe there is. I don't know.

8 MALE VOICE: Thank you.

9 MR. MIKVA: Thank you very much - - very
10 forthcoming and we appreciate it.

11 MR. MONTOYA: You're welcome.

12 MR. MIKVA: - - Let's take a 10 minute break.
13 Give us 10 minutes to - -. Also we're going to
14 - - is Rick Schoell with the University. He's
15 an official in the Governmental Affairs office
16 for the University and he is now here today for
17 the commission represents the university
18 counsel.

19 MALE VOICE: Very good. John you want to
20 proceed?

21 MR. MIKVA: Yes, sir. Mr. Schoell could you
22 for the commissioner's state your full name?

23 MR. RICHARD M. SCHOELL: Yes, Richard M.
24 Schoell.

25 MR. MIKVA: And how do you spell your last

1 name?

2 MR. SCHOELL: S C H O E L L.

3 MR. MIKVA: Who is your current employer?

4 MR. SCHOELL: University of Illinois.

5 Mr. MIKVA: How long have you been a

6 University of Illinois employee?

7 MR. SCHOELL: Nearly 22 years.

8 MR. MIKVA: Could you describe, in the same

9 fashion what you had done for the university

10 over those 22 years and what your current

11 position?

12 MR. SCHOELL: Yes I started the university

13 as Associate Director for Federal Relations,

14 later became the Director Federal Relations and

15 is responsible in guiding the Federal Lobbying

16 efforts for the University of Illinois at the

17 national level and approximately 11 years ago I

18 was promoted to Executive Director for

19 Government Relations and the Director of Federal

20 Relations. In that capacity I direct the

21 Government Relations program for the university

22 at three campuses. I work extensively on the

23 university operating capital budget of the state

24 level and the federal level I work on basically

25 research funding and policy and student

1 assistance issues.

2 MR. MIKVA: Could you describe the office in
3 general. Like how many employees work within
4 the office, how many people report directly to
5 you, those sorts of things.

6 MR. SCHOELL: Under me are a Director of
7 State Relations, that's Diana Barrels [phonetic]
8 and Assistant Director of State Relations, Terry
9 McLennand. There is an Assistant Director of
10 Government Relations, that position is presently
11 vacant. It was formerly held by Jim Jebson
12 [phonetic]. I have an administrative assistant
13 and a secretary 4.

14 MR. MIKVA: You got into this a little bit
15 in terms of the name, purpose and function of
16 the Office of Government Affairs, could you
17 describe what that means?

18 MR. SCHOELL: Certainly. I lead the
19 university as the principle liaison for the
20 university between state and federal government
21 meaning I'm the primary interface between public
22 officials at the state and federal level and all
23 those issues that can impact a university from
24 budgetary considerations to operating concerns.
25 Basically all those matter that would affect the

1 funding and operations of the institutions and
2 three campuses.

3 MR. MIKVA: Can you describe the nature and
4 frequency of the contacts you personally have on
5 behalf of the university with state legislators?

6 MR. SCHOELL: They are regular contacts with
7 state legislators, public officials at the state
8 level, regular given the fact that you know, I'm
9 in the state capital a lot and I would - - same
10 thing with our federal officials as well,
11 particularly our - - congressional delegation.

12 MR. MIKVA: - - here today as well. Between
13 the two of you, is one of you the primary
14 contact for state legislators or do you equally
15 share in that responsibility?

16 MR. SCHOELL: Terry clearly is in
17 Springfield more than I am and Diana Barrels
18 would be as well.

19 MR. MIKVA: In terms of the federal
20 officials, specifically elected federal
21 officials, do you have much of any contact?

22 MR. SCHOELL: Yes I would say pretty regular
23 contact although with certain members more than
24 others.

25 MR. MIKVA: How about at the local level?

1 MR. SCHOELL: No my responsibilities do not
2 extend to local government issues. Although to
3 be clear there are times I've interacted with
4 mayors of different cities and - - legislative
5 issues we have interacted with the mayor of the
6 city of Chicago - - as well - -.

7 MR. MIKVA: Sir, I'd like to focus on
8 governmental affairs and how it connects to the
9 category I process. First of all when you came
10 to the university several years now was there in
11 place some form of Category I whatever it was
12 called.

13 MR. SCHOELL: it's been - yes there was a
14 tracking, we would track inquiries that would
15 come from public officials.

16 MR. MIKVA: And generally speaking, when you
17 first started the university how was that
18 tracking being done?

19 MR. SCHOELL: Pretty much in a similar
20 matter that it is now. I would always, if I got
21 an inquiry from a public official I would make
22 sure that the leadership of the university was
23 aware of that and I would ask the campus
24 jurisdiction to monitor the case so that I could
25 communicate back to that elected official.

1 MR. MIKVA: And then if you could carry - -
2 forward in time, is it fair to say that
3 throughout the course of your tenure at the
4 university that governmental affairs working
5 with other university officials has tracked
6 applicants who are now called Category I - -.

7 MR. SCHOELL: Yes, yes. I think at
8 different levels but yes, definitely Category I
9 is a designation that your - - campus gets to
10 tracking those cases.

11 MR. MIKVA: So that has continued
12 uninterrupted throughout the time that you've
13 been with the university, some form of tracking.

14 MR. SCHOELL: Some form of tracking, yes,
15 although Category I you know, as I said came
16 into existence the early part 2000, 2001.

17 MR. MIKVA: And what brought about that
18 Category I coming into existence?

19 MR. SCHOELL: that's sort of the campus
20 mechanism. I think we had changed out computer
21 system. Whatever the designation was before
22 special cases or whatever I think Category I - -
23 campus designation they used to identify these
24 special interest cases.

25 MR. MIKVA: And what does the Governmental

1 Affairs, or how does governmental affairs refer
2 to what the admissions office called Category I>
3 MR. SCHOELL: Well what I do in my office is
4 we get a lot of requests from public officials
5 which I mentioned earlier. We - - I went back
6 and looked a little bit, we did - - it could be
7 □ I□ ll give you somewhere between last year
8 somewhere between 150 and 200 inquires. They
9 vary in nature but we get at least that many and
10 they vary in nature. We maintain a log of those
11 inquiries to ensure that we try to get back to
12 the member promptly and professionally when we
13 address their issues and concerns. And those
14 then, when they□ re an admission case, when they
15 deal with admissions in any fashion, those are
16 then communicated to the campus and incorporated
17 into the campuses Category I.

18 MALE VOICE: So the 150, 200 would not all
19 be Category I cases?

20 MR. SCHOELL: For those most part on our
21 blog that deals with any admissions question,
22 they□ re on there. So it□ s a pretty
23 comprehensive list in my office. Yes. There□ s
24 a specific request from my member that may deal

25

1 with something other than an admissions it
2 wouldn't be on there but any admissions inquiry
3 we get and sometimes that is related to housing
4 or a student aid from our student aid office so
5 we would include that on Category I yes. I
6 rarely conclude that in our list.

7 MALE VOICE: I'm trying to get us a quantity
8 of Category I cases a year. Would you say if
9 they come from your office would you say that
10 about 150 or is that

11 MR. SCHOELL: I think that's pretty
12 accurate.

13 MALE VOICE: Now is this a written log that
14 you keep?

15 MR. SCHOELL: Right.

16 MALE VOICE: And has that been turned over?

17 MR. SCHOELL: Yes it's been made available,
18 yes.

19 MALE VOICE: - -

20 MR. MIKVA: Mr. Schoell you touched on this
21 is sounds like but what is the purpose behind
22 your office having any role whatsoever in
23 Category I - -.

24 MR. SCHOELL: My practice is the principal
25 liaison and interacting with elected officials.

1 I believe it's my role to be responsive to
2 member's requests as they come in because the
3 interests they have in the University of
4 Illinois. Accordingly I think it's important to
5 keep our leadership informed of those inquiries
6 and it also enables us to make sure that we're
7 getting back to the members that we work with on
8 a day to day basis or those public officials on
9 a prompt and factual manner.

10 MR. MIKVA: - - two main purposes. One with
11 respect to the outside world, legislators for
12 instance, and then one with respect to what you
13 refer to as leadership, the internal world.

14 MR. SCHOELL: Yes.

15 MR. MIKVA: So leadership is not, state
16 leadership - -.

17 MR. SCHOELL: I think both; we want to keep
18 both informed, yes.

19 MR. MIKVA: So typically when you refer to
20 the university - - who is it that it's important
21 to keep informed about applicants?

22 MR. SCHOELL: I've always worked in my
23 university, I've always worked very closely with
24 the Chancellors office and then that includes
25 the admissions office and with the President's

1 office as well.

2 MR. MIKVA: And then focusing on the
3 inquiries from legislators, when we met a few
4 days ago we talked about - - of inquiries and
5 you said that an admission is described - -.

6 MR. SCHOELL: Yes. On our log I think if we
7 were to break it out we'd get the very simple
8 inquiry in which is to monitor the status of an
9 application. I think that's probably maybe 50
10 or 60% of the inquiries we get. There would be
11 another category that's just a very simple
12 request from a particular member - - constituent
13 about a curriculum question and then I would say
14 15 to 20% would fall into the individual
15 promoting a student or advocating on behalf of
16 student that somebody that they would think
17 would be a great addition to the University of
18 Illinois.

19 FEMALE VOICE: I don't know if you realized
20 it but we received other information to an
21 interview that it's more like 50%. That 50%, is
22 that why would there be a discrepancy between
23 your estimates and one of your staff members?

24 MR. SCHOELL: My log may not be exactly
25 consistent with Category I cases and it's kind

1 of an evolutionary process as I would say.
2 There may be cases that deal precisely with
3 admission that would end up being looked at in a
4 category after we sort of close some cases
5 earlier. It's a very - -question. I can't
6 answer that. I can only speak from our log and
7 I think I just gave you some estimates to the
8 best of my knowledge.

9 MALE VOICE: So the logs have - -. For how
10 many years?

11 MR. SCHOELL: I know we've been maintaining
12 some kind of log for the years that I've been at
13 least as Executive Director. Prior to that
14 time, I think we did monitor those cases and
15 probably had a similar log I just couldn't speak
16 to that, I wasn't in that role.

17 MR. MIKVA: Could you describe more
18 specifically what a typical inquiry or contact
19 would be for status? If let's say we're calling
20 for status, how might the legislator articulate
21 are characterize that?

22 MR. SCHOELL: That would be along the lines
23 that they have a particular student that has
24 applied to the University of Illinois and they
25 want to make sure that their application has

1 been received, it's complete. They may have
2 some questions about time table in terms of when
3 announcements or notifications would be made and
4 they would ask us to keep them informed just as
5 a courtesy, keep them informed about the status
6 of that application.

7 MR. MIKVA: What about with respect to
8 advocacy where a member or sponsor would call
9 and the promotion the admission - -. Could you
10 give an example of how that would come about?

11 MR. SCHOELL: Sure. I think in several
12 forms. One would come in the form of a phone
13 call or a face to face contact where the member
14 would say this individuals applying to the
15 University of Illinois and particularly in their
16 band of campus and as I said earlier, a great
17 addition to the body there. They may follow
18 that up with a letter of recommendation. They
19 may also get other letters or support material
20 to us or the admissions office with respect to
21 that candidates qualifications.

22 MR. MIKVA: When you obtain this information
23 what do you do with it or does it depend on
24 whether it's a status or advocacy call?

25 MR. SCHOELL: Just about everything we would

1 get from a member I send it over to the campus,
2 and the chancellor's/admissions office. I just
3 forward it on over there typically.

4 MR. MIKVA: And who is if anyone the
5 principle point of contact in the chancellors
6 and/or the admissions office that received your
7 information?

8 MR. SCHOELL: We work in the chancellors
9 office with I'll say three people so we would
10 send it to Cindy Curtis [phonetic] who is a
11 secretary and basically working for Kate Rawls
12 [phonetic] and also Keith Marshall just to keep
13 them in the loop on that material is coming in.
14 It would presumably get to one of those three
15 places. I do them synonymously.

16 MR. MIKVA: Maybe this is too difficult to
17 generalize but did you have a general practice
18 of providing your own information for your own
19 characterization of information that you have
20 received from a sponsor and were then providing
21 - - admissions office? The example would be you
22 received an email, would you provide a cover to
23 it saying something to the affect of here is an
24 applicant from X, Y, or Z - -?

25 MR. SCHOELL: Yes, yes. We probably fax

1 over, we could also say in a certain instance,
2 yes we got an inquiry today, make sure that it's
3 incorporated on the Category I list.

4 MALE VOICE: Do you ever characterize the
5 importance of the sponsor or the inquiry?

6 MR. SCHOELL: Yes sir, I have. And in
7 generally I try to treat every case on its merit
8 individually and professionally but clearly in
9 certain cases we have communicated and I have
10 done that where I would say important, very
11 important. Yes sir.

12 MALE VOICE: So then if for example, the - -
13 office - - contact you about somebody you would
14 make it clear that, that was - -.

15 MR. SCHOELL: I would indicate yes that we
16 need to make sure that's on there and pay
17 attention to - -.

18 MALE VOICE: Governor's office. - - .

19 MR. SCHOELL: Sure, yes sir.

20 MR. MIKVA: In what other cases would there
21 be in your own mind - - particular applicant as
22 more important, highly important, just different
23 than the other applicants.

24 MR. SCHOELL: One of the things that I've
25 learned because you've been to the other end of

1 this, is if I don't keep our leadership informed
2 and they were to get a call about the particular
3 individuals interest, particularly in an
4 advocacy situation where an individual felt
5 strongly about it. They may pick up the phone
6 and call our leadership via the chancellors
7 office particularly if we're dealing with that
8 campus and I want to make sure they're informed
9 of that because I want them to know that this
10 individuals has made an inquiry as both a
11 courtesy to those the chancellor and to the
12 member inquiring that there were - -.

13 FEMALE VOICE: Do you see anything wrong
14 with the Category I process?

15 MR. SCHOELL: Yes.

16 FEMALE VOICE: Tell me what that would be.

17 MR. SCHOELL: I think I struggled in this
18 role. First of all I think it's very
19 appropriate and proper to take input from our
20 public officials, I mean that's what I do. When
21 you're in the business I'm in you're interfacing
22 with these ladies and gentlemen all the time. I
23 think it has lacked a policy and it's lacked
24 clarification. So I think there's been arguably
25 good intentions but I think it's if I were to

1 look back now in hindsight it's truly — we need
2 a policy and maybe a more effective protocol in
3 terms of dealing with such inquiries.

4 FEAMLE VOICE: And how to you define
5 constituent's services? This is part of
6 constituent service. I presume you believe
7 that.

8 MR. SCHOELL: Sure, I believe. Again coming
9 from the environment that I work in I believe—

10 FEMALE VOICE: Sure, and that's what we're
11 trying to understand.

12 MR. SCHOELL: Absolutely. All public
13 officials particularly elected representatives
14 who work in the legislative body who interface
15 with the constituents on a regular basis, I
16 think it is appropriate and proper for them to
17 raise inquiries or even advocate on behalf of a
18 particular individual. And we get requests — I
19 should also mention we get requests that go far
20 beyond admissions cases too that might be
21 related to coming to campus to learn about a
22 particular program. So the interest in the
23 university if genuine and I think they see their
24 role also in interfacing their constituism and

25

1 the university.

2 FEMALE VOICE: Is there at any point where
3 that crosses the line and becomes wrong?

4 MR. SCHOELL: Yes, there is.

5 FEMALE VOICE: What would that point be?

6 MR. SCHOELL: I think that point when a
7 particular member tries to exert unnecessary
8 influence in a particular manner that would
9 either be threatening to the institution or it's
10 people. That would be totally inappropriate.

11 FEMALE VOICE: So you feel that you'd be I'm
12 sorry I just, before you go to bed I just want
13 to piggy back on that. Do you feel that you've
14 ever willingly or been forced to just by nature
15 of your position, been forced to participate in
16 any actions that would be perceived as
17 threatening to the university.

18 MR. SCHOELL: No, I am not.

19 MALE VOICE: Oh legislators ever told you
20 why you don't get this kid in.

21 MR. SCHOELL: Well I've had some difficult
22 conversations Judge, yes. I guess when you're
23 in the business I'm in there are days where we
24 have a lot of spirited conversations with our
25 officials and it can be in a variety of ways.

1 I've had some very good supportive members who
2 have communicated a denial decision or whatever
3 but I view that as my role. If I felt it was
4 the members would pursue me of course it could
5 be threatening. I would certainly let our folks
6 know like I never felt I had an inappropriate
7 conversation with a member, no I have not.

8 MALE VOICE: - - Do you think that a student
9 is entitled to any extra consideration for
10 admission because a legislator intervened?

11 MR. SCHOELL: I think a student has a right
12 if they feel there was a wrong in the decision.
13 I think if they go to their legislator, it is
14 appropriate for that case potentially to be
15 revisited by the university.

16 MALE VOICE: You have an appeals process.

17 MALE VOICE: Correct and I think that's
18 where

19 MALE VOICE: Talk to you about the way they
20 normally do admissions, goes on the I list. A
21 legislator comes to you to - - whoever and says
22 I appreciate your help. Should that student get
23 any extra consideration because the budgets - -.

24 MR. SCHOELL: I firmly believe that simply
25 because a legislator associated with the case

1 that the legislators name should have no impact
2 on the outcome. I agree with that. If the case
3 itself, if the individual had a hardship or
4 extenuating circumstance, the member was
5 intervening on their behalf, we should review
6 that case on the - - of the appeal or not - -.

7 MALE VOICE: It wouldn't matter whether a
8 member intervened or a citizen intervened.

9 MR. SCHOELL: I agree with that. I agree
10 with you sir.

11 FEMALE VOICE: What would you think given
12 what you just stated in the current filings that
13 we've reviewed what would be the purpose of the
14 inclusion of statements like a legislator may be
15 considering drafting legislation that would
16 require automatic admission to the university as
17 a response to not getting what they want if it's
18 just based on the merit.

19 MR. SCHOELL: I'm aware of the email you're
20 referring to. I don't like the connection of
21 legislation in anyway to an admission policy.
22 Terry's here and you can address that and I'll
23 be forthcoming with you, Terry.

24 FEMALE VOICE: Well actually I'd really like

25

1 to know your opinion because you were copied on
2 it - - any other emails associated with that
3 case where you're speaking against the language.

4 MR. SCHOELL: No. I think and Terry can
5 explain this, I think in moments we do things
6 that are arguably as we look back, things we
7 shouldn't have done. I take some of the
8 responsibility in some of the emails I've see
9 since your work has begun in particular and I
10 realize I should have probably exercised more
11 oversight about some of the tone in content in
12 these emails. And that takes some
13 responsibility for that so I think we have to be
14 very careful and there should never be any
15 connection between he two. It's very proper to
16 have a discussion about legislation as it
17 relates to admission policy but in now way
18 should that ever be linked to a particular case
19 of request.

20 FEMALE VOICE: And the same would be true
21 for funding for medical school facility. The
22 records show - - school.

23 MR. SCHOELL: Yes, and I'm aware of that one
24 as well. That one, I would agree with my
25 comment there. I think that email is to the

1 best of my recollection, I think - - okay, I
2 think there were - - separate the two issues try
3 to communicate to two people but I absolutely
4 agree with you, there should never be a
5 connection. I as copied on that and I agree
6 with it that there should not ever be the
7 appearance and part of what we're dealing with
8 today is the appearance of something along the
9 nature of the admission type to some of the
10 constituents. I agree with you, we should be
11 very careful as we move forward. Learn from the
12 past. I believe that is appropriate.

13 MALE VOICE: If a student who has otherwise
14 made it a five and who the evidence is clear
15 would not have been admitted except that they
16 were on the I list. That was an improper
17 decision made by the university.

18 MR. SCHOELL: No unqualified student - -
19 should be admitted to the universities. I agree
20 with that.

21 MALE VOICE: Whether it's a legislator or
22 governor or

23 MR. SCHOELL: I have to agree with that.

24 MALE VOICE: And in your capacity overseeing
25 the very important officers that you see - -

1 what did you think your role was to please - -
2 are your subordinates are concerned how far is
3 your relationship the rest of the university,
4 how did you make it clear to the admissions
5 office when you had someone be put on the
6 Category I list that didn't mean that you wanted
7 them to be - - university.

8 MR. SCHOELL: That's a very, very good
9 question and one that as I look back having
10 never heard complaints I didn't address. And
11 then part of it is because you're getting into a
12 regular working routine - - apologize for the
13 busy schedules we all have but in terms of the
14 admission issues we never had a discussion about
15 problems and as I look back it probably would
16 have been good to sit down with the principles
17 and talk through some of these things. But again
18 as I've learned through accounts recently there
19 are some folks that felt the system had been
20 compromised and I took that very seriously and
21 they took it to heart. That's part of the
22 reason as I look back I should have exercised a
23 little more oversight I think in the tone of
24 emails. I can't speak to the ultimate decision
25 because I don't know when we go to a weightless

1 or when we go to particular students, I don't
2 know ultimately how those decisions are arrived
3 at in the final analysis. Clearly, clearly you
4 know early on some of the emails I could have
5 done a much better job in terms of policing
6 those and maybe putting some standards for my
7 own folks in.

8 FEMALE VOICE: Question, I understand if you
9 could have done a better job policing the ton in
10 these emails which really would have just meant
11 that we wouldn't have a question to speak to,
12 would it have actually changed what happened or
13 the process that's in place with Category I.
14 Moving forward, do you see any reason at all why
15 the Office of Governmental affairs would be
16 involved in any questioning with the admissions
17 process and if so why?

18 MR. SCHOELL: I think the process of
19 government relations does not have to be. I
20 will make one recommendation if it's
21 appropriate. I know you're having a very
22 important charge before you. I think we have a
23 great admissions office over all. I mean I've
24 worked with them over the years and they've
25 always treated me respectfully and at the same

1 time I think one of the reasons we're involved
2 with this is they prefer me and my royalty
3 interface with Public Office and I've accepted
4 that responsibility and I think I've done an
5 incredible job of it. Somebody has a right to
6 make inquiries about the process and maybe an -
7 - or some individual or panel separate from my
8 office could certainly handle inquiries, where
9 the admissions office could have an individual
10 that is designated just sort of handled the
11 inquiries that might come in from the public or
12 any individual just to make sure that folks have
13 an avenue to talk to the admissions office.

14 FEMALE VOICE: But my question deals
15 specifically relations, not with citizens, not
16 with parents, not with other people.
17 Specifically talking about governmental
18 relations. So what purpose moving forward would
19 you think that Government Relations would have
20 what purpose would they have to be involved in
21 the admissions process?

22 MR. SCHOELL: I think we don't have to have
23 any role on it as long as there's some place at
24 the University of Illinois where an individual
25 can go and express a concern about this issue or

1 an issue. It doesn't have to be government
2 relations. It could be the admissions office.

3 FEMALE VOICE: The normal process

4

5 MR. SCHOELL: the normal process that
6 they're - I don't think it's a large office and
7 I better questions addressed to our admissions
8 folks but there is I think a need to make sure
9 that we have good customer service and good - -
10 I used that term just to make sure that if an
11 individual calls they get a prompt and good
12 answer to their question.

13 FEMALE VOICE: Well I really, I want to stay
14 with this for a moment because earlier you gave
15 testimony that indicated that you did not
16 believe that there should be special
17 consideration given to students who were being
18 highlighted by important or influential people
19 and if that's the case then why should they be
20 given any special treatment when it comes to
21 responses than anybody else.

22 MR. SCHOELL: I agree with you, no I agree
23 with that. I just want to make sure that people
24 know they can go to a place and then have a
25 question answered and let me just simply say I

1 agree with your point. It doesn't have to be
2 our office. As long as people know there's a
3 place they can go and get these questions
4 addressed.

5 FEMALE VOICE: But shouldn't a parent have
6 the same hope and expectations as did speaker?

7 MR. SCHOELL: Yes ma'am, yes ma'am.
8 Absolutely.

9 FEMALE VOICE: You categorized some of this
10 constituent service, what about the children
11 that's doing - - denied. They didn't get in
12 because they didn't have - -. Was there
13 something wrong with that denying and a more
14 highly qualified applicant for the sake of
15 someone of the category I - -.

16 MR. SCHOELL: Certainly.

17 FEMALE VOICE: Could you elaborate.

18 MR. SCHOELL: Well I think again, you know I
19 don't make admission decisions so I can't quite
20 decide who denied and who's admitted and who,
21 and all these different variations that we've
22 talked though in term of different curriculum,
23 But I think as we've heard today from the
24 previous gentlemen and others, there may be a
25 need for people to understand exactly what the

1 criteria are. To your question no if someone is
2 denied and someone didn't qualify to be admitted
3 to the University of Illinois the corrector
4 answer is no. Nobody should get in who does not
5 qualify for the University of Illinois.

6 FEMALE VOICE: But then how do you explain
7 the candidates who were ranked five getting in
8 the University of Illinois as a result of the
9 Category I process?

10 MR. SCHOELL: To the best of my ability to
11 talk to that and - - and you know we go to a
12 wait list at the end, intuitively I believe
13 those students are less qualified than obviously
14 those who are admitted early on in the process
15 that we described earlier. I don't know for a
16 fact that those individuals always are
17 inadmissible or whatever. I don't know what
18 criteria qualifications were considered so let
19 me just answer your question. If it was purely
20 because of clout it should not have happened.

21 FEMALE VOICE: Also I'd like to, although we
22 did do some clarification about the grandson,
23 the lack of a grandson of a former politician,
24 can you explain to me who it was that prompted

25

1 the more formalized Category I process because
2 we understand from the interviews that □ holy
3 hell□ was raised and that prompted the more
4 formalized Category I process? Who was that and
5 what happened?

6 MR. SCHOELL: I don□ t know the specific
7 situation that you□ re talking about. I□ m very
8 happy to go back and check on it. I do know
9 that Category I believe, we went to a new
10 computer system called Banner and I think
11 Category I was the designation the campus used
12 to handle these inquiries in that new software
13 computer system and I□ m not an expert on that in
14 any way but I believe that was the case. There
15 were several reforms that the admissions office
16 adopted in the last few years that I think were
17 very, very helpful, very helpful.

18 FEMALE VOICE: Okay, you□ ve been an advocate
19 for more funding for the university obviously,
20 how does this□ you know part of our mandate is
21 to determine impact of the Category I process.
22 How does this scandal affect funding for the
23 university in the future?

24 MR. SCHOELL: First of all I think the work
25 - - commission and all of us to restore

1 confidence and credibility in the institution is
2 paramount. It's a wonderful place. I've spent
3 22 years here and I have the greatest affection
4 for the people and what it's done. If we don't
5 address this and again the first obligation we
6 have is to restore confidence in whatever we're
7 doing with the citizens of this state and if we
8 don't do that I think anything else beyond is -
9 -. I can't speculate what it means in terms of
10 funding. I mean I've been through the last few
11 years in terms of overall support for university
12 and higher education and I do know that this
13 situation, the gravity of it is extremely
14 serious and it would be - - that the work of
15 this body - I don't think there's anything more
16 important for the University of Illinois right
17 in than what you're doing and I think if we can
18 resolve this and get something in place that
19 restores the confidence to the public I think
20 the University will then enjoy the kind of
21 respect that it's traditionally had from the key
22 policy makers who provide support for the
23 institution.

24 FEMALE VOICE: And a related question, do
25 you know of any instances in which funding was

1 revoked are threatened to be revoked because a
2 sponsor of a Category I student was not
3 successful in sponsoring a candidate?

4 MR. SCHOELL: No.

5 MALE VOICE: I have a quick - - I just want
6 to make sure that for the purpose of the hearing
7 the politician that we talked about earlier that
8 we do have official check on that name.

9 MR. SCHOELL: I'll be delighted to do that.
10 Thank you.

11 MALE VOICE: You said that you were happy to
12 get rid of Category I, they should get rid of it
13 and what do you want in its place - - that you
14 want in its place? I mean what are you
15 suggesting that - how would it work after its
16 gone?

17 MR. SCHOELL: Those are good mechanical
18 questions and that goes back and reflect on what
19 we do and my belief in what I do as the Director
20 of Government Relations for the University of
21 Illinois we get an inquiry into the office, you
22 try to - you got to be factual and timely in
23 getting back to these members who have very,
24 very busy lives. Sometimes its just that kind
25 of a unique - somebody, somewhere who can handle

1 questions who can handle questions related to
2 admissions with that kind of temperament so for
3 - - government officials, I mean anybody. So I
4 think some office or individual, once we get a
5 process - - delegated and in place that can be
6 seen as the point person for the university I
7 think that could be very, very constructive.
8 And then widely notify on the website and so
9 forth so people know exactly where to go. I
10 think transparency and awareness would be key to
11 that, sir.

12 MALE VOICE: So another layer of
13 bureaucracy, you couldn't just tell the person
14 that you really can't do anything other than the
15 forward it?

16 MR. SCHOELL: I want to avoid bureaucracy
17 but I appreciate your comment because I know
18 what new entities can do. I think if a person
19 feels that they really have a hardship or an
20 extenuating circumstance and they call the
21 admissions office, I just want to make sure that
22 they're getting a full hearing of their point of
23 view and if it's no then it's no.

24 MR. MIKVA: There was testimony from the
25 prior witness about a couple meetings that would

1 take place during the course of an admission - -
2 concerning - -Category I applicants. Were you
3 one of the attendees of those meetings?

4 MR. SCHOELL: Yes I've attended several
5 forums or meetings and the two that were
6 referred to and those are important meetings for
7 me, they're sort of a general review of all the
8 cases that are on the governor relation blog and
9 there are two sort of important junctures in
10 this. There's the December and then there's
11 subsequent February notification periods and the
12 meetings were basically to go over to make sure
13 we have the same list, the Category I list
14 reflected what was on ours and then we'd go
15 through and make sure we have a sense of where
16 the campus might be headed and then subsequent
17 to that Mr. Marshall would communicate those
18 decisions and let us know when it was an
19 appropriate time to notify people.

20 MALE VOICE: - -

21 MR. SCHOELL: They vary but for the most
22 part sir it would have been myself, the
23 Chancellor, Keith Marshall, - - and sometimes
24 Terry would join in.

25 FEMALE VOICE: You mentioned inquiries on

1 housing. Was there any - - a typical inquiry
2 did it have anything to do with a waiting list
3 on housing? For example for Category I students
4 given other special privileges besides
5 admissions?

6 MR. SCHOELL: I don't in terms of housing,
7 a lot of the subsequent inquires are after an
8 individuals notified and let's assume they were
9 admitted, they get a packet and in that packet
10 there tends to be housing, student aid, special
11 student services and things like that. It's not
12 uncommon for there to be some follow-up with our
13 office to ask questions about that. Individuals
14 for instance have different you know want to
15 know what particular dorm I have more privacy or
16 - - activities. Those are the nature of the
17 questions. I haven't to my recollection I
18 haven't run in to too many questions - - where I
19 want that over that. But I'd have to go back

20 FEMALE VOICE: But did you have any
21 requests?

22 MR. SCHOELL: For housing?

23 FEMALE VOICE: Yes.

24 MR. SCHOELL: Yes, yes I did.

25 FEMALE VOICE: And is that for housing that

1 has a waiting list?

2 MR. SCHOELL: Could be. I can't answer for
3 certain but I will check for you and I will do
4 that.

5 FEMALE VOICE: Yes, it would be very
6 interesting to know whether any Category I
7 students in particular received special
8 treatment in the order of housing and bypassed
9 students who were on the waiting list and went
10 to the head of the list.

11 MALE VOICE: - -

12 MALE VOICE: Now going back to these
13 meetings again, the meetings - -, what was your
14 purpose in actually being present at the
15 meeting? Why would governmental affairs be
16 represented?

17 MR. SCHOELL: Those are rights. As I said I
18 wanted to go in a very general way where we were
19 and then I needed to make sure they had all the
20 particular identified individuals where
21 decisions would be forthcoming because we're
22 getting close to that notification deadline and
23 as I said earlier it's real important for me to
24 make sure people are aware at the appropriate
25 time. They sort of do that general survey of

1 where we were and then subsequent to that
2 meeting we would get confirmation, usually from
3 Keith Marshall that these would be the
4 decisions, the postings would go up at a
5 particular time and we could feel free to notify
6 people at a certain given point - -.

7 MALE VOICE: But just to be clear, during
8 the course of these meetings, individuals
9 applicants would be - -, correct?

10 MR. SCHOELL: On occasion yes.

11 MALE VOICE: And in the context of
12 discussing an individual applicant, are there
13 times where you and or Terry would discuss the
14 sponsor behind the applicant?

15 MR. SCHOELL: Possibly and I'm not trying to
16 be - - these were pretty short meetings and I
17 don't mean that in lack of detail here. The
18 subsequent follow up there may be but for the
19 most part in those meetings we didn't discuss
20 individual members, it was really to get a sense
21 of where we were in the general context of the
22 folks on the list and when the notifications
23 would go out.

24 MALE VOICE: Would there be occasion where
25 you would discuss the relative importance or

1 lack of importance of particular candidates as
2 you were going through candidates?

3 MR. SCHOELL: That may be done throughout
4 the cycle and not necessarily in that meeting so
5 I don't - - clear. Those discussions could take
6 place yes.

7 FEMALE VOICE: Understand that when we're
8 asking these types of questions it's not to pin
9 you down.

10 MR. SCHOELL: I understand.

11 FEMALE VOICE: To be what you might have
12 done right, wrong. It's really so that we have
13 a real idea of even sometimes the uncomfortable
14 circumstances that you may be placed in so that
15 if we look at the recommendations that we can
16 offer they're real recommendations based on real
17 circumstances.

18 MR. SCHOELL: Right. And I appreciate that.
19 I think from about December until May there are
20 regular interactions with the admissions office
21 and the two meetings that we're referring to
22 here for my benefit were to make sure that
23 everybody - we had a sense of where - with
24 everybody included and then subsequent to that
25 they would let us know exactly okay, here's

1 your, this Category looks to be admitted, these
2 will be deferred, these will denied or whatever
3 and then Mr. Marshall would give us, okay
4 gentlemen or ladies you now may notify people
5 because the postings will go up. The meetings
6 were clearly general and comprehensive in nature
7 but there were also discussions □ it□ s a rolling
8 process. So it may be that subsequent to the
9 February time table we would have to deal with
10 another question about a candidate who came in
11 who was denied in February. I just want to be
12 clear on that.

13 FEMALE VOICE: Were there any special
14 meetings that were called to deal with the
15 sponsors or inquirers of □ given just the emails
16 that we□ ve seen there had to have been meetings
17 where these things were discussed. I mean□

18 MR. SCHOELL: I don□ t think meetings as much
19 as there were discussions, yes but there were
20 not formal meetings to go over that, no. Not to
21 my knowledge, no.

22 FEMALE VOICE: Just on a case by cases
23 basis□

24 MR. SCHOELL: Sure and if a particular case
25 came up and we heard from a member and that

1 member may have called the Chancellor, yes,
2 absolutely and that's what I want to point out.

3 MALE VOICE: So would you agree that the
4 university had a natural incentive to admit
5 applicants sponsored by state public officials?

6 MR. SCHOELL: My pause is not - - it's a
7 very good question, very good question. One
8 concern we presume that the very people who
9 provide your life line of operating capital
10 support are important and should be given that
11 special consideration. So yes.

12 MALE VOICE: And would that same - - extend
13 to candidates that were deemed to be borderline
14 or worse by your own admissions office?

15 MR. SCHOELL: - - admissions office
16 standpoint I don't think they would look at it
17 this way. I think they would feel that no,
18 there should be no weight given to a particular
19 officials recommendation or sponsorship or
20 interest.

21 MALE VOICE: And that's why I'm very - -
22 using the term university.

23 MR. SCHOELL: I understand and I'm being
24 careful with my answer.

25 MALE VOICE: So in terms of the university

1 is it your opinion that you university as a
2 national incentive to admit sub standard
3 applicants on the basis of the sponsorship by
4 state public officials?

5 MR. SCHOELL: Well that's a -- that's the
6 heart of the issue and it's a very good
7 question. In addressing that I would say the
8 natural inclination would be to give some extra
9 weight to the state. It is our obligation to
10 make sure that we give fair consideration but
11 not predicate that solely on the member's
12 interest.

13 MALE VOICE: Not solely but -- partial --.

14 MR. SCHOELL: I'm going to even clear up, it
15 shouldn't at all. It shouldn't at all.

16 MALE VOICE: and that's a statement looking
17 forward. Looking backwards, has it been the --
18 candidates by the state public officials in your
19 view, know what you know now improperly
20 influence the decision making process as to
21 substandard applicants?

22 MR. SCHOELL: I think it has. I think the
23 question is in the end I don't know it depends
24 on how you look at these particular cases, who
25 rates those and ultimately those decisions or

1 decisions made where substandard applicants, and
2 I can't comment on what substandard and - -
3 admissions office. I don't feel I'm appropriate
4 but to the extent that was done, - - look inward
5 and find a way that, that doesn't happen.

6 MALE VOICE: Now I want to go from the
7 university to Government Affairs and focus on
8 Government Affairs. Is it fair to say that
9 Government Affairs try to influence the decision
10 making process with respect to Category I
11 applicants in favor of admissions?

12 MR. SCHOELL: No. I don't think we have as
13 liaisons, ambassadors, whatever clearly, clearly
14 I take an awful lot of cases forward and I don't
15 apologize for them in context of knowing the
16 members and we've always asked for reviews and
17 on each individual basis there have been
18 discussion and I don't apologize for that.

19 That's the job I do. I'm in that environment;
20 it's my job to move it forward. To the extent
21 those - as you said earlier, to the extent
22 there's some way of looking at that where you
23 want to try to provide some assistance or help
24 beyond the normal criteria, you know it appears
25 that was done and I can't speak to that but it

1 appears it was and that's wrong. So

2 MALE VOICE: - - as far as I'm concerned. I

3 think you've indicated and I would agree with

4 you that there's nothing wrong with a legislator

5 or a government official as part of his

6 constituent services seeking the find out the

7 status and trying to put in a good word for a

8 particular student. Now did I hear you say now

9 that there's nothing wrong with the government

10 affairs office taking up that cause and you then

11 putting in a good word saying that legislator X

12 really has an interest in this student, yes he's

13 a good, we hope you'll give it a good hard look.

14 Do you think that's appropriate on your part?

15 MR. SCHOELL: I think what's appropriate on

16 our part is to make sure that, that request is

17 conveyed to the Chancellors office but

18 MALE VOICE: With or without advocacy?

19 MR. SCHOELL: I think it has to be without

20 advocacy and if we did it

21 MALE VOICE: Are you just a carrier - -?

22 MR. SCHOELL: Well I think the role if we

23 had it would be a carrier pigeon but I think the

24 perception is, no there's no way that we can do

25 that and I've come over the recent weeks to

1 realize that perception is a big problem here
2 and I don't think that me or my staff - I know,
3 I don't think we ever did anything, in fact I
4 know I can speak for myself I never said to
5 anybody, you must take this kid but I do agree
6 that if I look back, that the appearance of that
7 or just the role I have could have compromised
8 the situation.

9 MALE VOICE: And I'm not saying your wrong.

10 - - you're wrong for the future, we may have to
11 - - admissions but then if you do that and you
12 take it up to the next level whether it's Mr.
13 Marshall or the Chancellor - - and here you are
14 a good advocate of the university, you're the
15 liaison, you keep smooth relations between the
16 government and the university, you say this
17 important, then does he have an advocacy role
18 there too or is he just - -. What does he do?

19 MR. SCHOELL: Well I agree. I think that
20 Mr. Marshall would transmit it. I think
21 ultimately the Chancellor and complications with
22 his folks would - - that.

23 MALE VOICE: But somebody on the line has to
24 say I'm speaking the university and the fairness
25 to all these students - - and I can't take an

1 advocates role. Now who should that be? - -

2 MR. SCHOELL: No, in fact I think that's a
3 very good point and I think you've got to have
4 some mechanism to control that so that it
5 doesn't get out of control or inappropriate. So
6 I think the admissions office is the right place
7 for it and I think the role I should or should
8 not have in that. I think if I look back, my
9 answer to the answer of the question now, I
10 think it's probably wise to strongly consider
11 getting Governmental Relations completely out of
12 this process for the reason. I think there are
13 articulated very well - - and I feel that way
14 now.

15 MALE VOICE: Most of you would be a - -.

16 MR. SCHOELL: Even then I don't. I'm just
17 being, to get to the ultimate solution there
18 should be some broad. I mean we should have a
19 card or a contact if somebody says I have a
20 question about admissions - - from a member and
21 they could innocently - - because they're going
22 to see us all the time because we work with
23 them, they're good colleagues and that's the
24 nature of the business but we should - - any
25 admissions questions here's where you go. And I

1 actually think that would be great and I think
2 most of the members would welcome that.

3 FEMALE VOICE: If we have a process in place
4 legally that says that members are allowed a
5 certain number of scholarships that go along
6 with constituent services, is there any reason
7 why outside of that they should be inquiring
8 making any inquiries at all? I guess what I'm
9 getting to is, outside of the normal process
10 that any parent or student has to go through,
11 why would we want to give members a special
12 place or special consideration to go to? Why?

13 MR. SCHOELL: I think if a constituent goes
14 to a member and they have a genuine hardship,
15 and I mean that, I don't mean in just going to
16 their member to get in the University of
17 Illinois. I mean it's a genuine hardship. You
18 know they've have to work two jobs to take care
19 of an ailing parent and there are these. I hear
20 these all the times. Sometimes they're right on
21 the mark and sometimes maybe they're slightly
22 exaggerated but fundamentally there are
23 individuals out there that would meet the
24 criteria and Mr. Montoya said earlier there are
25 considerations, different parts of the state.

1 Sometimes those people don't know where to go.
2 The University of Illinois is some massive
3 place. I want to make sure that those
4 individuals do have an opportunity to tell their
5 story. That doesn't mean they get admitted and
6 Government Relations doesn't have to be in this
7 but there needs to be some way to and look with
8 the websites now, with the open transparency to
9 me a very constructive outcome would be to get to
10 you know you got a question about the University
11 of Illinois, here you go. You applied, you
12 didn't get in, here's our policy and protocol
13 and make sure people know they can go there.

14 FEMALE VOICE: Do you think there's any
15 value in having an ongoing committee that's
16 appointed by the Governor or the general
17 assembly that would monitor this whole process
18 from time to time?

19 MR. SCHOELL: Yes, there was a point I read
20 in the paper recently and I'll just refer to it
21 and that is when we turn the - - and whatever
22 comes out of this commission, whatever
23 subsequent changes are adopted - - articulate -
24 - I think there needs to be oversight to make
25 sure we don't slip back into another problem and

1 I have □ there are many, many good people trying
2 to address this now and to me it is absolutely
3 critical that whatever we put in place remains.
4 And so some oversight, I believe in oversight
5 and I think yes there should be some □ and it
6 probably should be more than just the University
7 if Illinois. It should be at all of our public
8 universities.

9 FEMALE VOICE: Just so we□re absolutely
10 clear, you□ve never had a situation which a
11 legislator has even threatened to withhold
12 funding or threatened to adopt legislation that
13 maybe peaks your interests if you did not
14 advocate for a specific student?

15 MR. SCHOELL: No ma□am.

16 FEMALE VOCIE: Never had that situation?
17 Okay.

18 MR. SCHOELL: I have not.

19 FEMALE VOICE: And then you talked about
20 letters of recommendation. Are these letters of
21 recommendation for applicants that the
22 legislators know or they don□t know personally?

23 MR. SCHOELL: I□d have to go back and check
24 those. Usually there□s some familiarity I think
25 with the candidate they□re recommending.

1 FEMALE VOICE: Okay, what percentage of the
2 applicants came from districts in which □ can
3 from Chicago districts? In other words was one
4 group of legislators more active in this than
5 others?

6 MR. SCHOELL: I □ and I have to watch this
7 as carefully as I do it, it may be a good
8 question for my colleagues as well. I have seen
9 a change somewhat in the pattern of the high
10 schools and those that have an interest in the
11 University of Illinois so I have seen some
12 increase in maybe inquiries or whatever
13 predicated on where students reside, what high
14 school they went to in their interest in the
15 university. But I want to stop there because I
16 don't really have that data and I think either
17 better we can get it for you and I think there
18 is somebody who can give you a much clearer
19 answer than I could.

20 FEMALE VOICE: Okay. What are the inquiries
21 that came across the website from the public - -
22 whether there was any change since Governor - -
23 took office and I though I'd ask you that
24 question given the subpoenas that are out there.

25 MR. SCHOELL: Not with me. I mean my work

1 has pretty much has been the same so no, I
2 didn't. Pretty much the same sort of inquiries
3 I've had over my experience in the role. No
4 real significant change.

5 MALE VOICE: Mr. Schoell I think you talked
6 about the other day that you much prefer to
7 have notification about admission decisions
8 before the university officially posted that
9 decision. Two questions about that. How much
10 time before or how quickly before do you prefer
11 to have that notification and then when you get
12 the notification what do you do with that
13 information?

14 MR. SCHOELL: The notification and that's to
15 be the final decision when I get that
16 notification so anything prior to that to me is
17 speculative and it should never be shared. Once
18 I get the okay from the admissions office, and
19 they're very good about this, it's okay to make
20 that call, it's usually the day of the posting
21 and sometimes I'm very careful to do that even
22 after the posting. I've become very sensitive
23 making sure that we went online and it used to
24 be a little different because it was all letters
25 but now they post that on the website at a

1 particular time and I'm aware of that and then I
2 can let the individuals who made the inquiry
3 that the decision on those particular candidates
4 - - may be posted.

5 MALE VOICE: And you also let those
6 individuals know the actual decision - -.

7 MR. SCHOELL: I used to be more forthcoming
8 than I am now. I'm much more general now and
9 the reason is just for concern over - - and
10 making sure that students that I don't know say
11 something that I shouldn't say so I will usually
12 just now tell the member, track the case the
13 decision on that individual is going up and kind
14 of leave it at that and tell them if they have
15 any questions they can call me back on Monday or
16 whatever. And sometimes I can't get a hold of
17 them the day I really make no calls until the
18 very day until I get that note from Keith and
19 it's usually the day of the posting.

20 MALE VOICE: And the calls that you make
21 then are not to the applicant's they are to the
22 - -.

23 MR. SCHOELL: - - that's correct.

24 MALE VOICE: And why do you do that?

25 MR. SCHOELL: They've asked me to track the

1 case, they've asked me to keep them informed and
2 I do it out of my responsibility and obligation
3 to that.

4 FEMALE VOICE: You said you consider them
5 the final decision but weren't there a number of
6 cases in which that final decision was
7 overturned?

8 MR. SCHOELL: There are those examples of
9 different situations like through the appeal
10 process or a redirect of an application to
11 another curriculum and after that point, yes
12 there are times when a denial will go onto our
13 Category I list after that - - student so we'll
14 say hey - - should have gotten that and they
15 might go through - -.

16 FEMALE VOICE: Why do you consider that a
17 final decision if there is an appeals process?
18 - - based on political considerations.

19 MR. SCHOELL: Based on what information I
20 got from Mr. Marshall on that particular day - -
21 those postings go up. That doesn't mean that
22 there won't be subsequent inquiries from members
23 on different cases and so forth but on that
24 particular time and it is - - but at that
25 particular time and that's when I make those

1 phone calls.

2 FEMALE VOICE: So it's a semi final

3 decision.

4 MR. SCHOELL: I think - -.

5 MALE VOICE: Mr. Schoell, one final area

6 that I would want to inquire into. - - a little

7 bit, some emails indicate that you or members of

8 your staff would characterize a particular

9 applicant as a priority, very important,

10 critical other similar types of adjectives. The

11 question I have for you is - - the day, how

12 would it be that you would come to designate

13 someone as very important, high priority,

14 critical in comparison to any other Category I

15 applicants?

16 MR. SCHOELL: As I said I try to treat all

17 cases as fair and partial. On the case of a

18 very important case, it could be leadership it

19 could be one of our federal congressman that I

20 feel might reach to the leaders of our

21 institution. I want to ensure that when that

22 when that inquiry comes in that it's logged in

23 our log and that it's communicated to the

24 category I people immediately in the event that

25 there's any follow-up and I want to make sure

1 that I am able to track that case accordingly.
2 So you know it's a little bit of an - - term
3 there, very important or important but I just
4 want to make sure it's on the list and then I
5 make sure that it's incorporated into the campus
6 system.

7 MALE VOICE: How do you think that term will
8 be perceived by the recipient?

9 MR. SCHOELL: As I look, as I look back and
10 the points that were made about how the
11 admissions office would perceive that, I would
12 not use those terms any longer. I would not, not
13 at the time I was, felt that it was my
14 obligation to know that leadership knew and
15 you're right it would be a perception is very
16 important.

17 MALE VOICE: - - clear Mr. Schoell, what
18 you're saying, and correct me if I'm wrong is
19 that from time to time the importance of the
20 applicant was really the product of the
21 importance of the sponsor?

22 MALE VOICE: You didn't know the applicant?

23 MR. SCHOELL: Right exactly.

24 MALE VOICE: - -

25 MR. SCHOELL: I'll be honest with you, yes,

1 yes, yes.

2 MALE VOICE: Thank you very much Mr.

3 Schoell, you've done a hard job and we

4 appreciate you being forthcoming but as you

5 point out the university reputation is affected

6 by this and we have to find a way - -. Thank

7 you.

8 MR. SCHOELL: - - thank the members of the

9 commission and applaud you for the work - - any

10 more I can do to assist you please let me know.

11 MALE VOICE: We have one more witness.

12 MALE VOICE: - - panel office Government

13 Affairs as it - -.

14 MR. MIKVA: - - Mr. McLennand would you

15 please pronounce your - - and spell your last

16 name and I keep - -.

17 MR. TERRANCE B. MCLENNAND: Terrance B.

18 McLennand. M C L E N N A N D.

19 MR. MIKVA: Is there - - you hold at the

20 University?

21 MR. MCLENNAND: I'm the Assistant Director

22 of State Relations.

23 MR. MIKVA: For how long have you been in

24 that role and what does that job entail?

25 MR. MCLENNAND: I've been there just a

1 little bit over nine years beginning in March of
2 2000. My job primarily would be responsible for
3 the view tracking and dealing with all state
4 legislation, dealing with the general assembly
5 which would include contacts they may have with
6 our office on behalf of constituent relations.

7 Do you report directly to Mr. Schoell?

8 MR. MCLENNAND: No my immediate supervisor
9 is Diana Barrel, she is the Director of State
10 Relations but she is - - in UIC or based in the
11 Chicago area so Rick and I naturally have a lot
12 of daily communication.

13 MR. MIKVA: In terms of before you joined
14 the university did you have other prior
15 experience working with the state general
16 assembly?

17 MR. MCLENNAND: Yes.

18 MR. MIKVA: Can you describe what those
19 roles were?

20 MR. MCLENNAND: Sure. For several years as
21 Legislative Liaison for Professional regulation.
22 Prior to that I was Chief Clerk in the House of
23 Representatives. Prior to that I was Assistant
24 Clerk of the House and prior to that I was on a
25 legislation - - house republican - -.

1 MR. MIKVA: Did you have any role whatsoever
2 with respect to Category I applicants?

3 MR. MCLENNAND: As far as the constituent
4 cases that have come to us from the members,
5 either receiving them in person or by phone or
6 if they fax something over and then forwarding
7 those cases that dealt with admissions over to
8 the campus, the appropriate campus office.

9 MR. MIKVA: When we met the other day sir we
10 talked about different categories of inquiries
11 or contacts that you in your professional
12 responsibility would have with legislators
13 concerning Category I applicants. Do you
14 remember that?

15 MR. MCLENNAND: Yes, and if - - I mean as
16 far as received some dealing with just again as
17 Rick described it and - - ACT in, do you have
18 the right information, is the application
19 complete, can we get a status, does their
20 transcript been sent to housing issues. Usually
21 the housing was after they've been admitted to
22 financial numbers, numerous questions financial
23 process, campus visits, anything along those
24 lines.

25

1 MR. MIKVA: Were there occasions in which
2 the member would attempt to advocate on behalf
3 of a particular applicant - - ?

4 MR. MCLENNAND: Yes.

5 MR. MIKVA: In communications with you?

6 MR. MCLENNAND: Yes.

7 MR. MIKVA: But also - - where the member
8 would provide you with either a complete
9 application or a portion of a completed
10 application for you to provide the admissions
11 office?

12 MR. MCLENNAND: Yes.

13 MR. MIKVA: Can you estimate in terms of
14 general breakdown of these various contacts.
15 How many were the purpose of the advocating on
16 behalf of the candidate, how many were about
17 status, etcetera?

18 MR. MCLENNAND: It's hard and listening to
19 your earlier discussion and it's off of
20 recollection. I've never really counted it up.
21 I think it was more along the lines - - probably
22 about 50% was dealing with what you would term
23 advocacy, calling on behalf of somebody in
24 support of their application. Most of the rest
25 would be checking their status, - - or the

1 housing or financial aid.

2 MR. MIKVA: And we're talking about the
3 undergraduate exclusively or were they occasions
4 when you would also deal with inquiries of sorts
5 about graduate programs?

6 MR. MCLENNAND: Various, yes, various - - of
7 out you know - - 185 or 10 at most in any given
8 year would be out of a graduate program.

9 MR. MIKVA: When you arrived at the
10 university was it your sense that there was
11 already ongoing, some form of Category I
12 process?

13 MR. MCLENNAND: Yes.

14 MR. MIKVA: And there's been one since you
15 arrived as well, correct?

16 MR. MCLENNAND: Correct.

17 MR. MIKVA: Do you have any understanding of
18 other universities, public or private that have
19 something similar to Category I?

20 MR. MCLENNAND: No, I can't be really
21 talking about it - -. Within Illinois, no - - I
22 don't think the other universities necessarily
23 see the same inquiries or not inquiries. I
24 don't think so, no I don't think so. I mean
25 they may received one or few but I don't think

1 they receive the same quantities - - .

2 MALE VOICE: Can you make a guess as to why
3 that would be?

4 MR. MCLENNAND: We're much more selective.
5 I think and we're much more selective so they -
6 - anybody we've denied, they've accepted.

7 MR. MIKVA: - -

8 MR. MCLENNAND: No I was answering within
9 the state of Illinois.

10 MALE VOICE: I thought you has - -.

11 MR. MCLENNAND: I never really talked about
12 it.

13 MR. MIKVA: You made one comment with
14 respect to the University of Wisconsin when we
15 met the other day. Can you provide that as well
16 for the commission?

17 MR. MCLENNAND: Sure. I think in there it
18 was a general - - take me back it was more a
19 general comment that Wisconsin seemed to have or
20 tried to create a very arms length and I'm sure
21 a purpose for it, I'm not sure what brought it
22 about. But seeing them and talking to them and
23 it could even go beyond certainly the
24 institution or university but that any lobbying
25 contacts would be very arms length, very

1 distant. That's the sense that I've gotten in
2 talking with my counterparts up there at the
3 University of Wisconsin.

4 MALE VOICE: How do you mean a sense you got
5 from talking to people?

6 MR. MCLENNAND: Just as far as you know when
7 we would talk about you know that we would even
8 get a call as far as somebody would want to come
9 to a basketball game or take it somebody else -
10 - somebody for dinner in Springfield and they
11 all know that we can't do that. We can't even
12 you know if they come to the university that day
13 or actually as they drop a check in the basket
14 and hit the door. So very, they have to have a
15 very, the members legislators have to stay very
16 distant from anything implied.

17 MALE VOICE: Okay.

18 MR. MIKVA: When we talked to the Category
19 the advocacy category of inquiries are there
20 occasions where you receive letters, written
21 letters of recommendation from members?

22 MR. MCLENNAND: Yes.

23 MR. MIKVA: And what do you do with those?

24 MR. MCLENNAND: We normally forward those to
25 the admissions office. Yes.

1 MR. MIKVA: Is it fair to say that prior to
2 Category I becoming public story you did not
3 understand that the university discouraged
4 submission of letters of recommendation.

5 MR. MCLENNAND: Yes, correct.

6 MR. MIKVA: So you understand why the
7 written letters of recommendation were
8 officially part of the undergraduate admissions
9 process.

10 MR. MCLENNAND: I had never been told
11 otherwise. I don't know officially but I'd
12 never been told not to send them over, not to
13 forward them.

14 MR. MIKVA: With respect to the appeals
15 process that's been subjected on one subject of
16 the commission, did you have an understanding
17 that the appeal process was a transparent
18 process and openly available to all applicants
19 or not?

20 MR. MCLENNAND: I'm not sure I understand -
21 -.

22 MR. MIKVA: You read - - talked about this
23 issue of Category I applicants being afforded
24 the ability to appeal denials.

25 MR. MCLENNAND: Yes.

1 MR. MIKVA: My question is did you have any
2 understanding before the Category I issue arose
3 publicly that perhaps other candidate non-
4 Category I candidates did not know of an appeal
5 process themselves.

6 MR. MCLENNAND: Only prior to this, no. I
7 mean my understanding was that students would
8 appeal on denials.

9 MR. MIKVA: Category I □

10 MR. MCLENNAND: Yes, I mean just in a
11 general sense could appeal.

12 MR. MIKVA: Can was talk just briefly about
13 some meetings that - - told me about.

14 FEMALE VOICE: Before you move on I want to
15 ask a question about this last subject. If you
16 looked at your encounters with Category I one
17 appeal there were some who were recommended for
18 the appeals process due to extenuating
19 circumstances that might have dealt with
20 financial issues. Can you recall any encounter
21 with a student, a student application where they
22 have financial difficulty and were substandard
23 academically and were then admitted?

24 MR. MCLENNAND: No, I can't. I can't recall
25 any. I can't recall.

1 FEMALE COICE: So would you say that simply
2 because you can't recall any that there probably
3 were none or you just can't recall?

4 MR. MCLENNAND: If I understand you as far
5 as what you are saying so - - that had lower
6 academic, lower standing and financial
7 difficulties?

8 FEMALE VOICE: Right, part of what we know
9 for Category I is that a lot of these students
10 were rated number five so they were substandard
11 academically. Did any of them also have
12 financial issues?

13 MR. MCLENNAND: I would certainly the
14 chances are some of them certainly did I'm just
15 not aware of any.

16 FEMALE VOICE: Do you know if any of them
17 were awarded scholarships? Were there any
18 Category I students that were awarded
19 scholarships?

20 MR. MCLENNAND: There certainly were some I
21 don't have any idea the numbers - - general
22 assembly waivers. I don't know of any other
23 type of waivers.

24 FEMALE VOICE: in the appeals process, after
25 the appeals process?

1 MR. MCLENNAND: No. Normally a legislator
2 because for most, not all legislators award
3 general assembly waivers.

4 FEMALE VOICE: I'm not talking about the
5 general assembly waivers.

6 MR. MCLENNAND: I don't know of any had
7 heard or I don't know of any other financial
8 aid.

9 FEMALE VOICE: Would there be a record of
10 Category I students or applicants that had
11 received scholarships regardless of whether it
12 was before the appeals process or after the
13 appeals process?

14 MR. MCLENNAND: Certainly not within our
15 office but from what I've seen of how the list
16 was Category I cases processed and went through,
17 I don't think so. I mean I think those are two
18 separate, as far as how I felt, were two
19 separate process. Financial aid was not a part
20 of the admission.

21 FEMALE VOICE: So in your involvement, all
22 of the applicants that were Category I had no
23 financial issues. That was not one of the

24 MR. MCLENNAND: No, no.

25 FEMALE VOICE: Okay.

1 FEMALE VOICE: Were any of the requests from
2 legislators regarding financial aid?

3 MR. MCLENNAND: Yes, I mean as far as some
4 that I received, yes.

5 FEMALE VOICE: Right, so they were
6 advocating not only for category I students
7 being admitted but they were also advocating for
8 students who get financial aid?

9 MR. MCLENNAND: No, the questions that we
10 received were in light of our discussion on
11 advocacy and such were true constituent,
12 students that families that couldn't understand
13 the process, couldn't understand bureaucracy,
14 who to call in light of other questions maybe -
15 - have one person. The financial aid office
16 does have one person, let me think, I can't
17 think of his name right. But - - where we refer
18 to families or to legislators to resolve
19 questions so they can get - - one person who's
20 very good at dealing with the families.

21 FEMALE VOICE: And did the sense the of the
22 child, was the student with the Category I
23 student in the financial aid office. Was that
24 flagged on the student application?

25 MR. MCLENNAND: No, financial aid questions

1 I think I've said here came to us predominantly
2 after. I can't really think of many questions
3 other than, where do they go to find their FAFSA
4 form, the financial aid form that they need to
5 fill out. Almost all financial aid questions
6 came after.

7 FEMALE VOICE: Well and I'm still interested
8 in knowing and I don't know if any other
9 commissioner is but whether the Category I
10 students received any other types of
11 preferential treatment for example in the
12 housing we talked a little bit about wait lists
13 for specific dorms. If you were aware I think
14 financial, I think - - me to know whether these
15 students were the recipients of financial aid
16 when otherwise they might not.

17 FEMALE VOICE: That's exactly the question.

18 MR. MCLENNAND: As far as from our office I
19 think - - no. It just, they didn't it just
20 doesn't transpire, or didn't transpire or hasn't
21 transpired that way.

22 FEMALE VOICE: - - keep those records. What
23 office would keep those records?

24 MR. MCLENNAND: I think you're going to have
25 to, I don't know.

1 MALE VOICE: - - it was it□ d be the
2 Chancellors office.

3 FEMALE VOICE: As it relates to the Category
4 I students particularly.

5 MR. MCLENNAND: I don□ t think there, the
6 definitive has to be the answer.

7 FEMALE VOICE: Okay, and the same question
8 is what - - are you aware of any Category I
9 students that received preferential treatment at
10 housing.

11 MR. MCLENNAND: No, I mean those came to us
12 generally once a student was accepted and if I
13 guess for clarification here as far as I□ m
14 certainly aware there would be no accepted
15 students who were brought to our attention that
16 would be placed on Category I. They would make
17 the - - but we wouldn□ t forward that over.

18 Category I just simply dealt with admissions.

19 FEMALE VOICE: Okay, so let□ s ask any former
20 Category I students who may have received
21 preferential treatment, even financial aid or
22 housing, or any other type of university
23 service?

24 MR. MCLENNAND: No.

25 MALE VOICE: Sir do you think in the effort

1 to prioritize Category I applicants, - -.

2 MR. MCLENNAND: Possibly both of them points
3 to the member or lots of - - admissibility of
4 the students. If they seemed to have an - - as
5 far as they had other mitigating circumstances
6 that they overcame or factors such as that.

7 Mr. MIKVA: Can you describe when you say
8 member, what do you mean?

9 MR. MCLENNAND: If a member contacted me and
10 said Terry this is a very important case, this
11 kid - - look at it. I know his family, I got a
12 call from the principle, I got a call from his
13 counselor or whatever and they really feel that
14 this student deserves to be in or this family is
15 just calling, they got a denial, they don't
16 understand it, they know a kid down the street
17 who got in and can we look at this. - - and
18 they all understand that would add as opposed to
19 if I got a call just saying can you check on
20 this kid. His family just stopped in, can you
21 check on it? Yes, if they give me factors that
22 seem indicate that they thought the student was
23 worthwhile I'd give an effort.

24 MR. MIKVA: Generally speaking if it meant a
25 lot to the sponsor then it meant a lot to you.

1 Is that a fair statement?

2 MR. MCLENNAND: Yes.

3 MR. MIKVA: And if it meant a lot to you how
4 would you communicate that back to the people
5 who were part of the admissions process.

6 MR. MCLENNAND: Either - - retrospect,
7 established the notion then those cases were
8 important. Those cases are the ones that needed
9 monitoring.

10 MR. MIKVA: To begin with I mean - -
11 admission they're important but my question is
12 more about once they're on the list how do you
13 determine which folks on the list deserve
14 greater attention than others.

15 MR. MCLENNAND: Sometimes we did sometimes
16 we didn't.

17 MR. MIKVA: And when you did do it how did
18 you do so?

19 MR. MCLENNAND: Either through contacting an
20 assistant in our office or notifying Mary and
21 saying we sent Keith a note that this is one we
22 need to watch or sometimes we get or send an
23 email myself especially if - - potentially in
24 Springfield and just trying to get several
25 things done at one - - with an email.

1 MR. MIKVA: So you indicated that you would
2 prioritize from time to time based on how much -
3 - member. Do you every prioritize Category I
4 applicants and Category applicants based on who
5 is the member of what?

6 MR. MCLENNAND: Only in that some members
7 might, be a little but more, they really thing □
8 I guess it□ s human nature. One person is saying
9 hey this kid to check on versus somebody who□ s
10 saying I□ m really advocating, I□ m really
11 stepping up on behalf of this student. I think
12 that they are good, I think they□ ve really shown
13 and accomplished something I guess. Does that
14 matter or whether I□ ve know these legislators
15 for 25, 20 years and worked closely with them
16 probably carried some weight, yes.

17 MALE VOICE: What about majority leader,
18 minority leader in the house and senate.

19 MR. MCLENNAND: No in talking to them and
20 not knowing the, as you can appreciate for the
21 number of years, they - -. This student you
22 know I really feel need to be working and had
23 the, again I know of a principle at the school
24 and they think this student would really be but
25 probably we shouldn□ t - - but not necessarily on

1 his.

2 FEMALE VOICE: At what point does this cross
3 the line for being a constituent service to just
4 wrong?

5 MR. MCLENNAND: I would think as far as
6 certainly in the war as far as quid pro quo
7 something was expected. If there was a regret
8 of something not being done to the purpose that
9 it's done just because we can do it.

10 MALE VOICE: - - I guess I just want to - -.

11 FEMALE VOICE: What about the chance that
12 students were denied application who may have
13 been, may have had better qualifications than
14 those who were accepted.

15 MR. MCLENNAND: I think to that I would, I
16 think it was the Chancellor at some point of
17 seeing some quote attributed to him by the shear
18 numbers and we admit seven years □ we have begun
19 to enroll 7500 students a year. This year
20 there were 28,000 applications and we offered
21 admission to about 17,000 and about 7500
22 enrolled. We probably deny probably 10,000
23 students that anywhere in that pool can succeed.
24 And to the extent that I feel the majority of
25 these students fall within that pool. The vast

1 majority of these students in - - and my
2 estimation would fall into that pool. - - high
3 end that's easy admit to bad end then there's a
4 very large segment that's in the middle.

5 FEMALE VOICE: To your knowledge is a
6 definition of - - constituent service and - -
7 general assembly?

8 MR. MCLENNAND: A definition that's
9 acceptable, no.

10 FEMALE VOICE: Are there any rules or laws
11 or policies that apply to this process?

12 MR. MCLENNAND: Not in any way meaning this
13 - - but I would say it's the ethics act, it's
14 the procurement act, it's all the state
15 officials act, all the laws that we are supposed
16 to follow.

17 FEMALE VOICE: And do you feel that any laws
18 have been broken?

19 MR. MCLENNAND: No.

20 FEMALE VOICE: I noticed that the phrase
21 extenuating circumstances is used quite often in
22 the appeals process. Would you say that
23 personally you are willing to stand behind every
24 case that's been labeled extenuating
25 circumstances and the integrity of its use?

1 MR. MCLENNAND: I mean when you use the word
2 every case, I'd guess I'd have to go back and
3 review every case. I feel for most of those - -
4 to the best that I could recollect I felt they
5 were all worth while.

6 FEMALE VOICE: How do you feel - what is the
7 basis of your feeling?

8 MR. MCLENNAND: Knowing that in the majority
9 of cases that - - that since I've been there,
10 since the university period of time - - if you
11 want to say became hyper selective in its
12 admission policy and most of the cases just by
13 sheer looking at it and as you can imagine most
14 of the legislators that call that I received or
15 contacts were on behalf of students from our
16 traditional - - schools whether it be - -
17 whatever the case may be York, Finely
18 [phonetic]. So you had a lot of families that
19 were saying my son didn't get in, my daughter
20 didn't get in but their brother got in three
21 years ago with lesser scores because the numbers
22 have just shot up as far as the ACT's. It was
23 not uncommon for very certainly, very
24 competitive ACTs. Automatic admission to any
25 other state school - - the students did the

1 families and the legislators felt that those
2 students had a fair case to make that maybe they
3 were overlooked on the - - .

4 FEMALE VOICE: So personally in your role
5 did you have a process for measuring
6 authenticity of this phrase extenuating
7 circumstances?

8 MR. MCLENNAND: No, no. I'd have to do a
9 case by case.

10 FEMALE VOICE: And so it's then just based
11 on simply information that is given to you by
12 the inquirer or the sponsor?

13 MR. MCLENNAND: And based on experience or

14 FEMALE VOICE: Or relationship that you have
15 with them.

16 MR. MCLENNAND: I'm sorry I didn't really
17 finish. Relationship I have with who?

18 FEMALE VOICE: Whoever it is that's giving
19 you this information?

20 MR. MCLENNAND: As far as the legislator - -
21 yes. I mean the simple notion that it's your
22 more likely to have an extensive dialogue with
23 someone you've known for a long time versus
24 somebody you've known for a year or so. But I
25 certainly had cases come forward to me from new

1 legislators.

2 FEMALE VOICE: And do you stand behind every
3 one of these?

4 MR. MCLENNAND: To the extent that I can
5 remember them, yes.

6 FEMALE VOICE: How do you explain that 33
7 Category I applicants were rated five or below,
8 or five I should say and admitted?

9 MR. MCLENNAND: I don't know. I would
10 think, I think as Mr. Montoya offered that
11 depends on that was a subjective, those numbers
12 were subjective to begin with. I mean I don't
13 know.

14 MALE VOICE: Mr. Montoya seemed to be
15 definitive about the ones that were fives. It
16 would be twos, threes and fours that he talked
17 about being a little more - - just in reading
18 through your written testimony there were
19 several things that frankly is a little bit of
20 concern. - - was the Chancellor, Mr. Marshall,
21 you advocated for some of those applicants and
22 such and prioritized the applicants based on - -
23 factors - - the relationship - - you make sure,
24 you - - obviously you've stated you also stating
25 you have no, you have not objected something - -

1 over a non - - candidate and to me somebody who's
2 who's working in education I just think about
3 two kids - - you're advocating - - that comes
4 from the affluent suburban schools and then you
5 have a kid with a 28 - - one of the less
6 affluent public schools in any part of the
7 state. I just have a problem with that. You
8 know - - reconciling those thing?

9 MR. MCLENNAND: When you put it in that
10 context yes I do see a problem. I think - -

11 MALE VOICE: What other context could you
12 put it in?

13 MR. MCLENNAND: - - some other discussions
14 for factors as explained to me by Mr. Marshall
15 as we were talking about it that sometimes it
16 was almost as legislator bring me somebody from
17 - - that's giving me - - high school, they
18 probably would have been admitted because they
19 were in a competitive school and they had been
20 with their same scores but the fact that they
21 were up against, they were being compared to
22 other qualified students from that high school
23 that lead against them. I mean that's just as
24 far as legislator - - brought something to me or
25 brought a keys to me that thought that's who

1 deserved a second look. That's part of my
2 responsibilities and I bring that forward - -.

3 FEMALE VOICE: Do you think it's part of
4 your job to wear these type of blinders where
5 you might see the wrong in something on the one
6 hand but your job is to simply deal with your -
7 - schools and those relationships that will
8 allow you not to raise the red flag or voice any
9 concerns?

10 MR. MCLENNAND: Absolutely not. I mean we
11 did not - - I don't feel as though we wore
12 blinders because there were plenty of time I had
13 to tell legislators no, I mean that student - -
14 the ones that didn't even make it to the
15 candidate list because it just wasn't, it was -
16 - to begin, students was just not competitive,
17 was not going to succeed. - - put in apposition
18 knowing how difficult it is for student to go -
19 - would suggest that the legislator

20 FEMALE VOICE: But yet they were admitted.

21 - -

22 MR. MCLENNAND: Some were but that again I
23 didn't have the final say on that. I just would
24 bring forth what the concerns were.

25 FEMALE VOICE: Who is the politician who

1 raised the hole hell prompting the more
2 formalized Category I process?

3 MR. MCLENNAND: I don't know as far as that.
4 I listened to you earlier and I really didn't
5 even know about the - -.

6 MR. MIKVA: Just to recap on this point that
7 we've been covering now, so no one - - with
8 regards to people rated number one - -
9 automatically got in without any review that
10 appropriate, correct? - -.

11 MALE VOICE: Repeat your question, I thought
12 you were going somewhere else.

13 MR. MIKVA: The students that were
14 automatically admitted or they were rated number
15 one should be admitted, correct?

16 MR. MCLENNAND: Yes.

17 MR. MIKVA: And you talked about the
18 majority of applicants that fall, and the using
19 the scale that we've been using it's two, three
20 or four, correct? And you see that - -

21 MR. MCLENNAND: - - but I think - -.

22 MR. MIKVA: So if we were to define the
23 twos, threes and fours as the middle ground,
24 right in your position, and once your in the
25 middle ground then some of them get the high end

1 of the middle ground and some of them get the
2 low end of the middle ground, they're all
3 qualified in some respects so they can all be
4 admitted. Is that?

5 MR. MCLENNAND: Yes.

6 MR. MIKVA: Once you get down to number five
7 where there's any determination by admissions
8 professionals - - those people often get denied,
9 would you agree in principle, those people ought
10 to be denied?

11 MR. MCLENNAND: In principle. A perfect
12 example and it's - - couple emails is - - I can
13 not tell you where that student was in a one
14 through five. At applied - - appealed - - that
15 in case was brought to representative - -. At
16 that point the student was admitted and it's such
17 - - looking back in all fairness the student
18 probably wasn't a number five. It probably
19 would have been a two three or four.

20 MR. MIKVA: I guess my question is at the
21 end of the entire process when all of the
22 information has been brought fourth and there is
23 still a five designation or a applicant, would
24 you agree that, that applicant ought to be
25 denied from all the information?

1 MR. MCLENNAND: All the information, yes.

2 MALE VOICE: - -

3 MR. MCLENNAND: It would appear so.

4 Mr. MIKVA: And then a question which I

5 assume the answer to but I want to ask you that

6 is who is the appropriate body or person within

7 the university to make the designation of five?

8 The governor there have any role whatsoever

9 whether someone ought to be a one, two, three,

10 four or five.

11 MR. MCLENNAND: No.

12 MR. MIKVA: It should be the admissions

13 office?

14 MR. MCLENNAND: It would certainly be the

15 initial processing or the admissions office,

16 yes.

17 FEMALE VOICE: When a Category I student is

18 rated number five and then they are admitted or

19 for whatever reason you say they may be perhaps

20 should have been a two three or four and there

21 was some error, who determines that, who does

22 the review?

23 MR. MCLENNAND: I'm not exactly sure.

24 FEMALE VOICE: You just gave an example.

25 MR. MCLENNAND: Can you repeat your

1 question. I thought you were asking for in the
2 admissions office.

3 FEMALE VOICE: you just made a statement
4 indicating that sometimes there may be a student
5 who's rated number five but there was an error
6 in it, they should have been a two, three or a
7 four. Who determines that there was an error?

8 MR. MCLENNAND: Under the current process it
9 may be information we're bringing forth but it
10 will still be change on behalf, to the extent I
11 don't know if they ever that designation, I do
12 not know that. That may still be on the records
13 somewhere that student is still whatever a
14 number five. I don't know that, that is changed
15 to the extent that I think I'm understanding, if
16 we brought forth information which has to be - -
17 office that would change that - -.

18 FEMALE VOICE: So if you say in all fairness
19 they probably were a two, three or a four and
20 not a five, what do you base that one?

21 MR. MCLENNAND: That's just my personal
22 opinion.

23 FEMALE VOICE: I see.

24 MR. MIKVA: Sir, you refer to the - -
25 candidate and - - some emails - - emails,

1 correct? - - what we want to do is just go over
2 some of the - - email and ask you some questions
3 based on your own language - - . I'm referring
4 sir to an email dated

5 MR. MCLENNAND: Could I get a copy - -.

6 MR. MIKVA: - - page 31 on the right hand
7 corner and it's an email dated Monday, February
8 23, 2009 from you to Richard - - and he's - -.

9 MR. MCLENNAND: Correct.

10 MR. MIKVA: First of all do you recognize
11 this being an email that you sent?

12 MR. MCLENNAND: Yes.

13 MR. MIKVA: And skipping the first paragraph
14 the second paragraph reads - - just called to
15 say that the family received a new letter
16 indicating UIUC which is - - . As reviewed his
17 appeal and he is still denied I would
18 respectfully say that our actions on this case
19 do not sit well with several members and then
20 you added a - - also called on this case.

21 MR. MCLENNAND: Also the constituents - -
22 for that area - - .

23 MR. MIKVA: Okay. Just one question that I
24 have is we've - - particularly in reference to
25 the language I would respectfully say our

1 actions on this case do not sit well with
2 several members. Why did you feel it necessary
3 to write that sentence in this email?

4 MR. MCLENNAND: Just as far as in my opinion
5 when you look at this student's--and the parents
6 had started to contact other legislators.

7 People do that. They'll contact multiple
8 legislators if they feel there is an injustice.

9 The extent that I looked at this student's case
10 on its face it just seemed to be such--how in
11 the world did we deny this kid. Strong scores,
12 good high school and my goodness, look at what
13 he did. They had legislators saying basically
14 that. What were you guys thinking? I mean,
15 what are you guys--what in the world were you
16 thinking when you denied this kid? It
17 shouldn't-

18 MALE VOICE: Was this student five?

19 MR. MCLENNAND: I don't know if this was
20 student 5. This student very well could have
21 been a two but for whatever reason they were
22 denied. I do not--I don't know if I ever
23 looked, Judge, at that, to see what he was
24 ranked on the list. I'm not sure he ever
25 actually made it on to that to review because it

1 was just on his face I don't think there's
2 anybody sitting in this panel that thinks this
3 student should have been denied. So there were
4 a number of members who were questioning what in
5 the world we were thinking.

6 MALE VOICE: And actually it was regarded -
7 - lion's share of higher education being also
8 called on the case, specifically the reference
9 of share - - higher education. Why did you
10 include that in your-

11 MR. MCLENNAND: It's how I communicate and I
12 don't--I don't take anything for granted. I'm
13 personally not very good at names and that and
14 that I included just so people would know I
15 don't take for granted anyone knowing who I am.
16 Nobody knows who I am or, you know, and I want
17 to make sure they know who Senator Malloy is.

18 MALE VOICE: But if he was the lowest
19 ranking member in the Agriculture Committee
20 would you put that on there too?

21 MR. MCLENNAND: Well, he wasn't--he wouldn't
22 have a title then. He would just be Senator Ed
23 Malloy, with all due respect.

24 MALE VOICE: What if he was a ranking member
25 of the Aeronautics?

1 MR. MCLENNAND: Yes. I'd have-

2 MALE VOICE: You will admit it's an odd
3 coincidence that it happened to be higher
4 education-

5 MR. MCLENNAND: Sure.

6 MALE VOICE: -as to which committee the
7 University of Illinois had the most interest,
8 right?

9 MR. MCLENNAND: Judge, with all due respect,
10 and knowing who this is with Senator Malloy, if
11 I was going to really try and make a point I
12 wouldn't have put that or I may have said chair
13 but also had been a guidance counselor and
14 admissions counselor at Maris High School. He
15 had quite a bit of experience in this field of
16 high school and college admissions.

17 FEMALE VOICE: Would you say that what made
18 this case unique was because many of us sitting
19 on the panel would have looked at the fax also
20 and said, of course he should have been
21 admitted?

22 MR. MCLENNAND: Yes. To me--yes.

23 FEMALE VOICE: So then why in the response
24 on the 24th, if you look at the first email on
25 that page, you quote the word reminder in

1 referring to white cases as if this was a common
2 situation.

3 MR. MCLENNAND: In my opinion I thought
4 there were a number of cases that needed review.
5 This is certainly one that's unusual in the
6 clarity of the error but in my opinion there
7 were a number of students that have mitigating
8 factors that should have been considered to the
9 extent that they were brought forth.

10 MALE VOICE: What happened to that kid? Do
11 you know?

12 MR. MCLENNAND: This one?

13 MALE VOICE: Yes.

14 MR. MCLENNAND: He was admitted. He was.
15 And the chancellor, I think it's further up, to
16 the extent you wish to know, the student wrote
17 after he was denied on appeal, that's when he
18 went to Representative Brosnahan [phonetic], a
19 much higher member, and then they told me what
20 the circumstances were and I said have you
21 brought that forth and he said no. He was
22 embarrassed and then he did and the chancellor
23 said why didn't he do that at the very
24 beginning.

25 FEMALE VOICE: What form did you send that

1 reminder list in?

2 MR. MCLENNAND: Probably an email.

3 FEMALE VOICE: I'd like to have you submit a
4 copy of that email.

5 MR. MCLENNAND: I'm sure--we'll try to find
6 it. I'm sure it has been.

7 FEMALE VOICE: With that list?

8 MR. MCLENNAND: Okay.

9 FEMALE VOICE: And also include the
10 mitigating circumstances of each one of those
11 students on that list, given that that's what
12 you've stated for the record is the purpose of
13 them being on that list, is because they should
14 be granted an appeal because of mitigating
15 circumstances. Is that fair?

16 MR. MCLENNAND: That's fair.

17 FEMALE VOICE: Okay.

18 FEMALE VOICE 2: I think that brings a point
19 that I'd like to ask and that is why are the
20 GPAs and ACT scores redacted in these emails.
21 As long as we don't have the students' names
22 what's the harm in seeing what the class rank
23 and the-

24 MALE VOICE: We're still in a controversy
25 with the counsel both inside and outside the

1 university who maintain that it violates federal
2 law to give that information because it could be
3 traced to the name. They have requested an
4 opinion from the Department of Education, which
5 is still pending. We have asked for the ACT
6 scores and the class rankings. I don't know
7 what the Department of Education is going to
8 say. I do not want to get into a spitting
9 contest with the Department of Education on this
10 but on the other hand we're going to continue to
11 press the university on this until the federal
12 authorities tell them that they can't. At that
13 point - - it's a higher pay grade to decide
14 who's right.

15 FEMALE VOICE 2: Are there any instances
16 which legislators threatened to change their
17 vote on specific legislation or withhold funding
18 or any other legislative action if you did not
19 support or advocate for one of their candidates?

20 MR. MCLENNAND: No.

21 FEMALE VOICE 2: And this candidate in the
22 Representative - - case, what was his
23 relationship to the representative?

24 MR. MCLENNAND: I don't think any. I think
25 just constituent. I don't think the

1 representative knew the family at all prior to
2 them coming to him.

3 FEMALE VOICE 2: And what purpose did this
4 whole program serve in your view, if any? The
5 whole category I? What's the--how does it
6 benefit the university?

7 MR. MCLENNAND: I'm not sure on its face it
8 has a benefit. I mean as far as--I, again, just
9 a category one, I, I heard that and took it as
10 intergovernmental or inquiry list. On its face
11 I felt and I don't think it necessarily brings
12 itself a value. The fact that it certainly, to
13 the extent that members contact us with
14 constituent request, which from the legislator
15 perspective is no different when they get a call
16 saying somebody--I can't get my tax refund, can
17 you help get that dug out of the pile. I mean
18 that--to the extent that we can answer, help
19 them, assist it helps our relations with the
20 general assembly.

21 FEMALE VOICE 2: Okay. There is a little
22 bit of a difference there.

23 MR. MCLENNAND: I agree. Just as far as an
24 inquiry, if they bring us an inquiry and we have
25 an outcome that helps our relationship with the

1 general assembly.

2 FEMALE VOICE 2: I have to admit I'm a
3 little disturbed by your comment that you knew
4 of legislature for many years that child would
5 be moved up on your prioritization list. Did I
6 understand you correctly and how-

7 MR. MCLENNAND: No.

8 FEMALE VOICE 2: -is that fair?

9 MR. MCLENNAND: No. If I said that then I
10 mischaracterized that if that's how you took it.
11 I'm saying from the fact that a legislator
12 that's been there--that I've worked with for
13 twenty years is going to be more likely to
14 contact me. That's just the nature of liaison.
15 A liaison that's been around for a long time is
16 going to call rather than a liaison that's been
17 around for a few years. To the extent that they
18 were comfortable they'd call me and say is this
19 student--I know this family and I think this
20 kid, you know, really deserves a chance. I
21 think they'd be fine, you know. He had a couple
22 of off grades his sophomore year but he's really
23 picked it up his junior year. That's-
24 FEMALE VOICE 2: I appreciate that
25 clarification. That makes a big difference.

1 MALE VOICE: I just want to pick up on that
2 same email we've been talking about.

3 MR. MCLENNAND: Yes.

4 MALE VOICE: You brought your attention here
5 to underline part of the top. Now, you sent the
6 first email we discussed. Mr. Herman gets back
7 to you and says we'll check - - sponsored
8 applicants and part of your response back to Mr.
9 Herman is thank you for your assistance. These
10 cases do matter. Just in the last week I've had
11 discussions with your legislators who have
12 considered drafting legislation with some form
13 of automatic admissions standards for the
14 university. What I want to do is give you a
15 possible interpretation of that statement and
16 then ask you if you agree with it or disagree
17 with it. The interpretation I would give would
18 link your reference to these cases do matter
19 with the rest of the sentence. One way of
20 looking at this statement is legislators pay
21 attention to admissions decisions made by the
22 university and if they like admissions decisions
23 made by the university they will act favorably
24 with regard to legislative matters concerning
25 the university. That's what I mean by a

1 linkage. One action on the university's side
2 can influence a different action on the
3 legislation side. How would you react to that?

4 MR. MCLENNAND: Well, first, because I've
5 been asked about this and it's been--I want to
6 make sure it's clear. Two legislators talking
7 about legislation is not representative of - -
8 and Senator Malloy.

9 MALE VOICE 2: Then why did you put them in
10 the same email?

11 MR. MCLENNAND: Now in retrospect I
12 certainly wouldn't. I mean they're two separate
13 conversations. I mean as far as-

14 MALE VOICE 2: And you just happened to
15 mention that conversation in the same email
16 where you're talking about the - -?

17 MR. MCLENNAND: Yes.

18 MALE VOICE 2: If you were somebody reading
19 that email who didn't know you wouldn't you say
20 you were sending a message to the chancellor?

21 MR. MCLENNAND: It could certainly be
22 interpreted that way.

23 MALE VOICE 2: It certainly could

24 MR. MCLENNAND: Yes, sir. I do not
25 disagree.

1 FEMALE VOICE: So what did you say your
2 purpose for writing that was?

3 MR. MCLENNAND: There had been-

4 FEMALE VOICE: Let me not derail you. I
5 would really like to hear your response to Mr.
6 Chung's [phonetic] question.

7 MR. MCLENNAND: As far as I believe, right
8 about that time there had been a recent article
9 dealing with criticism of the university for
10 instate and out of state student mix. We were
11 admitting too many and certainly in terms of the
12 constituents complaining through their
13 legislators we were admitting too many out of
14 state students. So to the extent that these
15 cases matter to show they were considering
16 students that's important, to show that we're
17 not just admitting out of state students.

18 MALE VOICE: Did you put any out of state
19 admissions on the I list?

20 MR. MCLENNAND: None that I'm aware of.
21 None that I'm aware of. And then, second, as
22 far as the legislation, if there was--I think a
23 word was used earlier. I'm not sure by who--
24 that we have a holistic approach to admissions,
25 that if we went to just legislation dealing with

1 automatic admissions--some proposal has been
2 that every B student gets admitted. If you
3 receive an Illinois state scholar designation
4 you get admitted automatically. That would
5 certainly take away from the ability to be able
6 to do a holistic approach towards admissions.
7 So I was letting the chancellor, because we had
8 talked about that, I was letting him know that.
9 FEMALE VOICE: If you're aware, about how
10 many of these proposals have been presented for
11 any type of automatic admission?
12 MR. MCLENNAND: Roughly, a couple a year.
13 FEMALE VOICE: A couple a year for-
14 MR. MCLENNAND: It's--no, going back--I
15 would say going back in the last five years,
16 because again we've become much more selective.
17 FEMALE VOICE: Did you agree with any of
18 these proposals?
19 MR. MCLENNAND: Do I personally agree? The
20 university has opposed them or taken a neutral
21 position.
22 FEMALE VOICE: Do you personally agree with
23 any of these proposals?
24 MR. MCLENNAND: I think there are some that
25 need to be more thought out. There are some

1 that need to be more practical because we can't
2 accept 17,000 students.

3 FEMALE VOICE: Well, if you looked at any of
4 them, given the problem that we have with
5 category I and knowing that we're trying to re-
6 establish integrity and credibility in the
7 process as a school, are there any--is there
8 anything in any of those proposals that you
9 think hold merit and could share with us that
10 you think would help in the--if Category I is
11 totally eliminated?

12 MR. MCLENNAND: I think you would--I
13 appreciate that opportunity. I think you would
14 honestly have to--the state could not afford it.
15 We would have to be the size of the University
16 of Ohio State--the Ohio State, I mean just for
17 the sheer size. Most of these bills that have
18 been brought forth are certainly very
19 politically popular bills, but just for the size
20 of our institution where it is, we just could
21 not handle those numbers.

22 FEMALE VOICE: So that being, is there any
23 part of any of those bills that you think hold
24 any value? No?

25 MR. MCLENNAND: They're just not practical.

1 They're not very practical for the size. If we-
2 -if size was not a factor, yes. I mean because
3 there are some that look at, you know, just look
4 at as far as maintaining grades and such--I'm
5 sorry. There is one dealing with more financial
6 aide. That's not actually dealing with
7 admission. The admission ones, no, because we
8 just can't accommodate that many students. I'm
9 sorry.

10 MALE VOICE: - - final if you had the
11 chance to provide all of your reform ideas and
12 we talked a little bit about that. I know
13 you've already talked about some of them. If
14 you have additional ones to share that would be
15 very helpful.

16 MR. MCLENNAND: I think, Judge, and you made
17 it very--no matter that the fact that the
18 general assembly that personally I feel
19 legislators have had the responsibility to come
20 forth on behalf of their constituents. But we
21 need to have a process that is open and
22 accessible to all. I do think there is a value
23 in a legislator writing a letter of reference
24 but I think that same value goes to a business
25 leader, a pastor, a high school principal.

1 Should one be weighted more than the other? I
2 don't know. I am not going to debate that but
3 maybe the idea that I kicked around with my
4 friends is maybe the idea of a three person
5 appeals panel, whether it be in the admissions
6 office or in the chancellor's office or outside,
7 possibly with the faculty members, possibly with
8 a dean, possibly with someone from admissions.
9 Then they could look at some of these cases that
10 I think on their face most people say you know,
11 we can't go this one just by the numbers. That
12 would be the only personal thing I'd really be--
13 I hear what you're saying commissioner, as far
14 as looking at it but I think sometimes you look-
15 -you just can't judge the kids just by the
16 numbers. There are going to be students--one
17 thing we produced - - we sent it now to--I think
18 it's going to be getting to you. That was last
19 year, just informally on my own, no set process.
20 I just had my secretary look at all these kids
21 since I've been here in 2000, so it's all
22 through kids that would have graduated in the
23 class of '04 or '05. Just those that were
24 admitted, how did they do.
25 MALE VOICE: You're talking about Category

1 I?

2 MR. MCLENNAND: Or anyone that came to our
3 office, came to our office. They have graduated
4 or been retained, recognizing that not all
5 students graduate in four years, but it seems
6 like our members do. They are graduated or
7 retained higher or at university average. The
8 ends do not justify the means, not by any--but
9 those students, does that say they were any less
10 qualified? I don't know. I mean that's--that's
11 experience. I do not expect our office to be
12 having involvement in the future. I think, you
13 know, we need to look at that very carefully. I
14 think we need to look at that very carefully.
15 The law - - probably need to be changed in this
16 state somewhere.

17 FEMALE VOICE: Just--you said your review
18 indicated that the students that had come
19 through your office graduated at--what did you
20 say?

21 MR. MCLENNAND: At or were retained,
22 recognizing not all students, not all students,
23 so at or retained, meaning they were still in
24 the school, at or above, never below, at or
25 above university average, as publicized by the

1 university. There is a website you can go to.

2 FEMALE VOICE: Why do you have access to
3 student data like that?

4 MR. MCLENNAND: I personally do not, but our
5 office--actually looking back I'm not sure how
6 we--I know that we compiled that in our office.
7 I think we may have actually forwarded those
8 names. I don't know if it was Mr. Montoya, I
9 think we actually forwarded the names to the
10 Chancellor's office or the admissions office to
11 ask what their status was.

12 FEMALE VOICE: What did you mean, just for
13 clarification sake by--you first said Category I
14 and then you said the ones that came to our
15 office. Is there a subset or another group of
16 students that are not labeled Category I that
17 still come to your office?

18 MR. MCLENNAND: No. No. Category I, again,
19 is the chancellor's--it's their--Category I
20 would have our legislative cases, could have
21 foundation cases with the alumni, whatever the
22 case may be.

23 FEMALE VOICE: Okay. I see.

24 MR. MCLENNAND: Just talking about

25

1 governmental relations.

2 FEMALE VOICE: What's the purpose of the red
3 stripe on the admissions folder if this is just
4 a tracking system?

5 MR. MCLENNAND: Other than listening to Able
6 talk about that I probably heard that only once
7 or so before and I figured it was probably Able
8 telling me about it, you know, just as far as
9 how did we know which these cases are.

10 FEMALE VOICE: I didn't understand that just
11 now. The difference between what comes through
12 your office for governmental affairs versus
13 category I?

14 MR. MCLENNAND: Category is not--Category I
15 is not governmental relations. Governmental
16 relations we have--we have a lot of inquiries
17 that come into our office. Category I was a
18 designation used by the Urbana Campus.

19 FEMALE VOICE: Are these the same students
20 though? These are different--this is a
21 different list of students?

22 MR. MCLENNAND: It included--the Category I
23 included our list as we forwarded them to the
24 campus.

25 FEMALE VOICE: So they became Category I.

1 MR. MCLENNAND: Became Category I. I'm
2 sorry. I didn't understand it.
3 MALE VOICE: Thank you very much.
4 MR. MCLENNAND: Thank you, sir.
5 MALE VOICE: We appreciate your testimony.
6 Before we adjourn, we have a couple of
7 housekeeping. Chad you'll be able to--now the
8 way we've got this schedule we won't have
9 anything this week but on the 6th of July we will
10 be going in the afternoon and on the 8th we'll be
11 going all day. You'll be able to provide
12 witnesses for us for that time.
13 CHAD: I think that's right.
14 MALE VOICE: I would suggest we meet a
15 little earlier on the 8th, at 9 o'clock. We'll
16 start the witnesses at 9:30 but go over where we
17 are and see what further dates we need.
18 CHAD: 9 o'clock is fine with me.
19 MALE VOICE: Is that okay with everybody? 9
20 o'clock. All right. Anything else to come
21 before the commission at this point? Do you
22 have any words before we close and adjourn for
23 the day?
24 MALE VOICE 2: No.
25 MALE VOICE: Thank you all for your

1 participation. I hope the - - does not continue
2 to enlarge as we go on.

3 [END TAPE 1 SIDE A]

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1 C E R T I F I C A T E

2 The prior proceedings were transcribed from
3 audio files and have been transcribed to the
4 best of my ability.

5

6 Signature __Heidi M. Porter ____

7 Date__July 25, 2009 _____

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