

TRANSPERFECT
LEGAL SOLUTIONS



STATE OF ILLINOIS

Admissions Review Commission

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James R. Thompson Center

100 W. Randolph Street, 16-503

Chicago, IL 60601

1

2 OF 7.MP3]

3 MR. ABNER MIKVA: The commission will come

4 to order. We've got about 15 or 20 minutes

5 before the witnesses - - . I thought we'd - -

6 to go over the rest of the schedule. Also, I

7 apologize to some of you or all of you who I

8 know would like to get into this disparity

9 between the Chicago enrollment and the

10 enrollment in the rest of the state. As much as

11 I agree with the concern about it, I think that

12 it's outside the purview of this commission,

13 except as it spills into this - - . Some people

14 are getting - - . Obviously if there are some

15 people getting in who shouldn't be getting in,

16 there's obviously some - - . But even that

17 aside, we know that - - disparity. Sometime the

18 university is going to have to take a look at

19 it. But I'm afraid we'll have to - - from the

20 duties of this commission, what we can handle in

21 the time we've got.

22 [Crosstalk]

23 The other thing I wanted to talk about is I

24 would ask - - the scope of the other witnesses

25 that we hope to hear. We've got this week

1 pretty well scheduled. Ted, what have we got
2 for next week?

3 MR. THEODORE CHUNG: We're attempting to
4 line up some additional trustee witnesses. We
5 would like to be able to bring before the
6 commission Trustee Eppley, for instance;
7 potentially trustee Schmidt [phonetic],
8 potentially the current Chair of the Board,
9 Trustee Shaub [phonetic]. This morning we have
10 Trustee Carroll. In addition, I think, Your
11 Honor, we would like to invite additional people
12 from the General Assembly, from the House and
13 from the Senate, to provide testimony - - .
14 There may be an additional small number of
15 admissions officials; not just at the undergrad
16 level, but within the graduate school. I think
17 it provides useful testimony and potentially,
18 Judge, some people involved in accepting or
19 providing the donations to the foundation - -
20 touch upon category - - .

21 MR. MIKVA: What about officials from other
22 universities - - some other state universities
23 that would describe their - - ? Did we find
24 anybody that would be willing to share their
25 wisdom with us?

1 MR. CHUNG: Judge, - - walking in. We do
2 have a promising lead from one of the major - -
3 members - - .

4 MR. MIKVA: Good.

5 MR. CHUNG: We sent out a survey to dozens
6 of universities across the country, public and
7 private. We are starting to see back some
8 information, so I'm very hopeful that
9 Commissioner Scott and her colleagues - - will
10 be able to identify at least one, perhaps
11 multiple people, who can speak from their
12 perspective at their university.

13 MS. ZALDWAYNAKA SCOTT: If I can add to
14 that, the survey--we called before we sent the
15 surveys so the schools knew the surveys were
16 headed their way. We are following up with--
17 contacting them once they received the survey.
18 We do have one promising lead in terms of
19 response, and maybe further conversation.

20 MR. CHUNG: Judge, just one final category
21 of potential witnesses would be one or more
22 representatives of high school college
23 counselors who could provide their perspective
24 on college admissions, and specifically issues
25 involved in - - .

1 MR. MIKVA: President White [phonetic], in
2 an earlier conversation, indicated he would like
3 to testify to sort of wind up these hearings,
4 and I assume we'll make room for him at the
5 close of the hearing.

6 MR. CHUNG: Yes, Judge. We've been in
7 contact with - - .

8 FEMALE VOICE: Chairman, yes. I'd just like
9 to take a moment to thank Ted Chung for the
10 wonderful materials he's prepared. He and his
11 team have been doing a phenomenal job at getting
12 us information in a concise, helpful format with
13 detail there if we need it. So he's just been
14 wonderful, and I just want to commend him. The
15 other thing I'd like to acknowledge is a letter
16 in support of the Chancellor that Ted included--
17 counsel included in our last packet. How many
18 faculty members have supported? About 54, I
19 believe it was.

20 MR. CHUNG: It was certainly - - .

21 FEMALE VOICE: So dozens of faculty members
22 from the University of Illinois have written a
23 letter in support of Chancellor Herman
24 [phonetic]. I just think that should be entered
25 into the record.

1 MR. MIKVA: It will be. I noted it, and it
2 will be entered into the record. I just want to
3 add to what you said about Mr. Chung and his
4 staff. They've been phenomenal; very, very
5 high-quality work - - pushing them heavily to
6 get it out in time, and it's come out in a
7 timely fashion so that it's useful to us - - .
8 Thank you, along with other people who have - -
9 .

10 MR. CHUNG: Judge, I just want to also now
11 comment - - and Your Honor. Rob Ellis
12 [phonetic] has been very instrumental
13 [unintelligible] to Commissioner Scott and then
14 numerous other lawyers with the office - - .

15 MR. MIKVA: We're most grateful for the
16 voluntary effort. At the rate the state budget
17 is going, they will be joined by a lot of other
18 people who used to be paid for their efforts
19 that are going to become volunteers - - .
20 Anything further to come before the Commission
21 before we start our--let's take a moment or so -
22 - . We have - - next. We'll start at 9:30, and
23 we'll go to about 2:30. There's a memorial for
24 Judge Moran [phonetic] that I have to be at.
25 The day after his, after that, will be - - a

1 Tuesday the 14th starting at 1:30. And then - -
2 have any others that week? Ted, is that
3 possible that we might put in another day of
4 hearing next week?

5 MR. CHUNG: Judge, we certainly could do
6 that. My concern would be that we wouldn't have
7 sufficient witnesses from the - - Commission.

8 MR. MIKVA: But we do have them for the
9 following week, or what?

10 MR. CHUNG: We should. We certainly should.

11 MR. MIKVA: All right. Well, then maybe we
12 ought to set the dates for the following week;
13 say the 22nd?

14 MALE VOICE: 23rd.

15 MR. MIKVA: 23rd. Is there a problem with
16 the 22nd?

17 MALE VOICE: Those were our two tentative
18 dates, 22 and 23.

19 MR. MIKVA: 22nd and 23rd, right. And
20 possibly the 24th if we went over.

21 MALE VOICE: That's correct.

22 MR. MIKVA: Okay, so let's keep those dates,
23 and if we're running out of time, we'll try to
24 squeeze in another hearing or perhaps start
25 earlier. We'll keep that tentative schedule if

1 we can. - - our first witness that will be
2 heard?

3 MR. CHUNG: Judge, we had a slight revision
4 to the agenda. - - Hurd is going to go second
5 this morning. We would propose that Trustee
6 Carroll go first.

7 MR. MIKVA: By all means. - - thank you for
8 your thoughts. We appreciate your willingness
9 to cooperate, as well as your testimony.

10 MS. FRANCES CARROLL: Thank you for letting
11 me come. Next week I'll be out of town.

12 MR. MIKVA: - - ?

13 MR. CHUNG: I can handle that, Judge. Dr.
14 Carroll, can you please state your full name?

15 MS. CARROLL: Frances G. Carroll.

16 MR. CHUNG: And Dr. Carroll, you are a
17 trustee of the University of Illinois currently?

18 MS. CARROLL: I am.

19 MR. CHUNG: Would you briefly describe your
20 educational background?

21 MS. CARROLL: I have a doctorate degree in
22 education. I have a master's degree in special
23 education and a bachelor's degree in primary
24 education.

25 MR. CHUNG: Could you explain to the members

1 of the commission your professional background?

2 MS. CARROLL: I have been an educator in

3 Chicago public schools for 25 years - -

4 administrator, a principal, a director, and I

5 also have taught at the university level for

6 over 20 years. I taught at Roosevelt University

7 for 20 years. I taught at - - State, - - State

8 and City College. I retired in '99, and then I

9 was at DePaul [phonetic] University as a

10 coordinator and interim director - - education.

11 MR. CHUNG: Could you please try to make

12 sure you keep your voice up and speak into the

13 microphone?

14 MR. MIKVA: Speak into the microphone. Our

15 acoustics aren't that good.

16 MS. CARROLL: Thank you. Did you hear the

17 last thing I said, sir, that I worked at DePaul

18 University for five years after I retired and

19 before I became a trustee of the University of

20 Illinois?

21 MR. MIKVA: What were you doing at DePaul?

22 MS. CARROLL: I was a coordinator and

23 interim director in the school of education.

24 MR. CHUNG: And you said you taught at

25 Roosevelt University. What did you teach at

1 Roosevelt?

2 MS. CARROLL: I taught in the graduate
3 school, educational leadership. Can you hear
4 me?

5 MR. CHUNG: Yes. When did you become a
6 trustee of the University of Illinois?

7 MS. CARROLL: In 2003.

8 MR. CHUNG: Can you describe the
9 circumstances under which you became a trustee?

10 MS. CARROLL: What I explained to you was
11 that I had indicated when I retired to President
12 Jones [phonetic] that I would like to - -
13 education as a regent, and that was in 1999. In
14 2003 he approached me and said that he would
15 like to introduce me to the Governor, and that
16 he'd like for me to be a trustee at the
17 University of Illinois.

18 MR. CHUNG: And Trustee Carroll, when you
19 refer to Mr. Jones, you're referring to former
20 President Emil Jones?

21 MS. CARROLL: Yes.

22 MR. CHUNG: So in 2003, then President Emil
23 Jones introduced you to Governor Blagojevich?

24 MS. CARROLL: Correct, - - .

25 MR. CHUNG: Could you describe that event,

1 that meeting with Governor Blagojevich?

2 MS. CARROLL: I - - . I think it was a
3 dinner - - it was a dinner. And he brought
4 Governor Blagojevich over to me, and he said
5 that he would like to introduce me to him, and
6 he would like to recommend me for a trustee for
7 the University of Illinois. I indicated--I said
8 I don't want to be a trustee at the University
9 of Illinois. He said you need to consider that,
10 he being President Jones. So about three months
11 later I heard from the Governor's office that I
12 was being appointed as a trustee of the
13 University of Illinois. I had to fill out all
14 the papers and the background checks, etcetera,
15 so that took about three to four months. I
16 became a trustee and was confirmed in June of
17 2003.

18 MR. CHUNG: Dr. Carroll, when you were first
19 presented with the opportunity or the idea of
20 becoming a trustee of the University of
21 Illinois, you didn't want to do that?

22 MS. CARROLL: No, because there had been
23 some news on the front pages about the trustees
24 at the University of Illinois - - taking - - ,
25 and so it was kind of negative, and I didn't

1 want to be involved in that.

2 MR. CHUNG: Before you met Mr. Jones and
3 Governor Blagojevich at this social event in
4 2003, I think you said, had you ever met the
5 Governor before?

6 MS. CARROLL: No, I had not.

7 MR. MIKVA: What caused you to change your
8 mind?

9 MS. CARROLL: Well, I started doing some
10 research once the proposal was given to me. And
11 the research that I did indicated that the Board
12 of Trustees then--because prior to that it had
13 been the - - that the Board of Trustees had a
14 very important job and was involved in the
15 educational programs at the university. I
16 already knew that the university was a very
17 excellent institution. Having been a native
18 Chicagoan, the University of Illinois was like
19 in my back yard. When I did the research and
20 found out all the wonderful things that the
21 university did, that just left my mind
22 immediately.

23 MR. MIKVA: Were you aware as to whether the
24 university trustees had any kind of a policy
25 about accepting or giving undue favors like - -

1 ?

2 MS. CARROLL: I did not, sir.

3 MR. MIKVA: Pardon?

4 MS. CARROLL: No, sir.

5 MR. CHUNG: Dr. Carroll, you officially
6 joined the Board of Trustees in mid-2003?

7 MS. CARROLL: Correct.

8 MR. CHUNG: And you attended your first
9 Board of Trustees meeting in approximately June
10 of 2003?

11 MS. CARROLL: In June of 2003.

12 MR. CHUNG: Before June of 2003, in your
13 prior experience with educational institutions,
14 had you ever been involved in the admissions
15 process for those institutions?

16 MS. CARROLL: No, I was an adjunct
17 instructor for the institutions. I had done
18 recruiting for those institutions, but not
19 involved with any admissions policy.

20 MR. CHUNG: When you became a member of the
21 Board of Trustees, did you go through any type
22 of orientation?

23 MS. CARROLL: Most definitely. We were
24 introduced to the various components of the
25 university. And because of my interest in the

1 African-American community, I was aware that
2 there were not many African-Americans at the
3 University of Illinois, and I was concerned
4 about that. So one of my first - - was to the
5 bridge program, and - - assured me that there
6 were many - - made for African-American
7 students; students who were minority students,
8 whether they were Hispanic, African-American,
9 etcetera. I saw a beautiful program at the
10 University of Illinois - - where students were
11 given an opportunity to come in during the
12 summer and to receive extra support and help so
13 that they could - - during the regular part of
14 the year. I also met many of the officials at
15 the university - - responsibilities were. Many
16 of the buildings - - , and it was a one-day
17 orientation. After that, I asked to go to
18 different places - - . Also, the same identical
19 orientation was held at the University of
20 Illinois here in Chicago.

21 MR. CHUNG: If I can ask you, Dr. Carroll,
22 to make sure you speak into the microphone so
23 everyone can hear you.

24 MS. CARROLL: Yeah, I don't know if--can you
25 hear - - ?

1 MR. CHUNG: Dr. Carroll, I'm interested in
2 picking up on the question that Chairman Mikva
3 just raised. Is it fair to say, in the
4 orientation process to become a member of the
5 Board of Trustees, you never received any
6 training with respect to university admissions -
7 - ?

8 MS. CARROLL: We don't receive that kind of
9 training.

10 MR. CHUNG: You didn't receive any
11 information about university admissions. Is
12 that true as well?

13 MS. CARROLL: No, we did not receive that.

14 MR. CHUNG: Now is it fair to say that,
15 subsequent to this series of articles that the
16 Tribune and other papers had written about
17 admissions practices here at the University of
18 Illinois, you came to learn of a 1983 policy at
19 the university?

20 MS. CARROLL: Yes, after the articles in the
21 Tribune came out about admissions, I wanted to
22 know what the admission policy was. I called
23 the university to ask if we had a--what was our
24 admissions policy. It was indicated that there
25 was an admissions policy in 1983--that was the

1 last one, so I asked for that to be sent to me -
2 - .

3 MR. CHUNG: You'd never seen that before?

4 MS. CARROLL: No, sir.

5 MR. CHUNG: Did you have a chance to review
6 that 1983 policy?

7 MS. CARROLL: I certainly did.

8 MR. CHUNG: Did you have any understanding
9 after reviewing it that it was broad enough to
10 cover, for instance, the consideration of
11 political sponsorship as a factor in the
12 admission of Illinois students?

13 MS. CARROLL: No, there was no mention of
14 any kind of outside influence.

15 MR. CHUNG: Just to be clear, having read
16 the 1983 policy, it's your understanding that
17 the policy does not approve of or authorize the
18 consideration of outside influences?

19 MS. CARROLL: It does not mention it at all.

20 MR. CHUNG: Now you said that you had--you
21 attended your first Board of Trustees meeting in
22 June of 2003. How often did you meet as a
23 member of the Board of Trustees?

24 MS. CARROLL: We'd meet every other month.

25 MR. MIKVA: Usually in Springfield?

1 MS. CARROLL: No.

2 MR. MIKVA: I mean in Champaign?

3 MS. CARROLL: - - . They'd usually start

4 out in Champaign, and then we'd have our--in

5 fact, most of our meetings were in Chicago.

6 MR. CHUNG: So approximately six meetings a

7 year?

8 MS. CARROLL: Yeah, six Board meetings and

9 many, many - - .

10 MR. CHUNG: Now in the course of those Board

11 meetings, did the topic of admissions policies

12 or admissions practices ever come up?

13 MS. CARROLL: No. In my recollection, I did

14 not know of one time admissions came up.

15 Outside of the word admissions - - during the

16 time for an increase in tuition, and the

17 admissions policy was that students who started

18 had a four-year guaranteed tuition. So we had--

19 in order to generate funds, you had to generate

20 a stream of freshmen.

21 MR. CHUNG: But other than discussion about

22 tuition-related matters, do you recall any

23 discussion during the course of Board of

24 Trustees meetings regarding admissions?

25 MS. CARROLL: I really don't recall any.

1 MR. CHUNG: Trustee Carroll, in 2007 you
2 assumed a leadership position on a committee of
3 the Board of Trustees?

4 MS. CARROLL: Several committees.

5 MR. CHUNG: Was one of those committees the
6 Access Committee?

7 MS. CARROLL: Yes.

8 MR. CHUNG: What is the Access Committee?

9 MS. CARROLL: The Access Committee is a
10 committee that guarantees equal opportunity to
11 all students in the state of Illinois. I have a
12 document here that you might want to look at.
13 Can I read it to you, sir?

14 MR. MIKVA: Well, we'll take it - - long?

15 MS. CARROLL: No, about four lines. It says
16 "Access Committee; this committee provides
17 oversight for the university's commitment to
18 both excellence and access. In the university's
19 academic program, this means maximizing
20 opportunity for individuals who are able and
21 motivated to earn a University of Illinois
22 education." And then it goes on to talk about
23 employment. I was Chairman of--that committee
24 was formed in 2007, and I was named Chairman of
25 that committee.

1 MR. CHUNG: Who named you Chairman?

2 MS. CARROLL: The Chairman of the - - .

3 MR. CHUNG: Who was that at the time?

4 MS. CARROLL: Larry Eppley.

5 MR. CHUNG: Now did you understand that the
6 Access Committee had as part of their commission
7 the consideration of applicants who were backed
8 by influential people?

9 MS. CARROLL: No, sir.

10 MR. CHUNG: Do you know there to be any
11 committee that has as part of its charge or
12 commission consideration of issues related to
13 applicants backed by influential people?

14 MS. CARROLL: Absolutely not.

15 MR. CHUNG: And - - just to be clear,
16 Trustee Carroll, I'm referring to, for instance,
17 applicants who are backed by public officials
18 and applicants who are backed by donors to the
19 university. With that understanding, is it fair
20 to say that there are no committees, at least
21 that you're aware of, that deal with issues
22 relating to the admission of those that are - -
23 ?

24 MS. CARROLL: No, there aren't any
25 committees that deal with that, that have that -

1 - .

2 MR. MIKVA: You've heard of something called
3 the Category I, though, haven't you?

4 MS. CARROLL: Well, I heard of it through
5 the Tribune.

6 MR. MIKVA: Was that the first you heard of
7 it?

8 MS. CARROLL: That was the first time I was
9 aware of it.

10 MR. MIKVA: Now during the time you were on
11 the Board of Trustees, did you know some members
12 of the legislature--President Jones. I assume
13 you knew some others, perhaps?

14 MS. CARROLL: Did I know any members of the
15 legislature?

16 MR. MIKVA: Yes.

17 MS. CARROLL: I knew several.

18 MR. MIKVA: Did any of them ever ask you to
19 make inquiry about some student they were
20 interested in?

21 MS. CARROLL: No, sir. I don't think they
22 were asking--no, sir.

23 MR. MIKVA: President Jones never asked you
24 to look into somebody who was trying to get into
25 the university?

1 MS. CARROLL: No, not any time.

2 MR. MIKVA: The Governor's office never
3 asked you to--

4 MS. CARROLL: (Interposing) No, sir.

5 MALE VOICE: Why do you think the other
6 trustees were asked, then, because they did get
7 involved in getting students into the school?

8 MS. CARROLL: To tell you the truth, I
9 thought I was the only one asked about students
10 because that's my job. That's my nature of my
11 being. I was not - - until I saw it in the
12 Tribune that other trustees had asked about
13 students getting - - , and that's the honest
14 truth.

15 MR. MIKVA: Well, did you ask about
16 individual students?

17 MS. CARROLL: I had inquired about the
18 status of individual students; yes, sir.

19 MR. MIKVA: Who did you inquire of?

20 MS. CARROLL: Chancellor Herman.

21 MR. MIKVA: Chancellor Herman. And what
22 would cause you to inquire about some of these
23 students? How did you become aware of certain
24 students?

25 MS. CARROLL: Well, my status in the

1 community leads me to be involved in lots of
2 activities. And I have a tendency - - for
3 achievement. The University of Illinois has a
4 luncheon for outstanding students every year,
5 and 1,000 students attend that luncheon that are
6 qualified to enter the University of Illinois.
7 And I have gone to that luncheon since I have
8 been a member of the Board of Trustees. And
9 generally I'm the only trustee there. And when
10 I'm introduced at the end of the luncheon, I
11 have a line of people waiting to talk to me.
12 From that particular venue, I meet a lot of
13 people. Before I - - pass out my cards, and I
14 got quite a few inquiries about the University
15 of Illinois.

16 MR. MIKVA: What kind of inquiries? Just
17 about the status?

18 MS. CARROLL: The status. They had applied,
19 and naturally applied to many universities, but
20 there are some young people who would like to go
21 to the University of Illinois because their
22 friends go. And they would call to say they
23 hadn't heard from the--they hadn't received any
24 kind of notice from the university. If they
25 called me--if I couldn't handle this, if I

1 couldn't respond to them, I would ask Chancellor
2 Herman. And - - about five or six people that I
3 asked about over the last six years.

4 MR. MIKVA: Do you have any awareness of
5 what their qualifications were when you asked
6 about them?

7 MS. CARROLL: Yes, I did. I would ask them.

8 MR. MIKVA: Okay. - - ?

9 MS. CARROLL: The grade point average and
10 the ACT. What are some of the activities that
11 you've participated in, your community service;
12 so I could have a feel for the young person.

13 MR. MIKVA: Did you ever ask--make an
14 inquiry about somebody that had low ACTs and low
15 grade point averages?

16 MS. CARROLL: Well, not what I call low.

17 MR. MIKVA: What do you call low?

18 MS. CARROLL: Well, I call low lower than
19 18. The ACT--the University of Illinois accepts
20 students with an ACT of 18 and 17, and all the
21 way up to 35-36. So if they had a 13 or 15, I
22 would refer them to the historical black
23 colleges because they do a wonderful job with
24 students with a 13 who are not accustomed to the

25

1 tests, but they have other potential.

2 MR. MIKVA: So to your knowledge, you never
3 recommended anybody or inquired about anybody
4 who fell below the minimum standard?

5 MS. CARROLL: No, sir, I did not. The
6 university would not take them.

7 MR. MIKVA: And Chancellor Herman or nobody
8 else ever told you about the Category I?

9 MS. CARROLL: The first time I heard about
10 Category I--that's what I thought it was--
11 Category I was in the newspaper.

12 MR. CHUNG: Dr. Carroll, just to recap
13 briefly, given your status within the community,
14 you received a lot of inquiries and contact from
15 parents and from children wanting to apply to
16 the college, correct?

17 MS. CARROLL: Correct.

18 MR. CHUNG: And some of those you actually
19 passed on to Chancellor Herman, but not all of
20 them, correct?

21 MS. CARROLL: No, just some of them. I
22 would call him.

23 MR. CHUNG: The one thing you did not pass
24 along to Chancellor Herman were the ones that
25 you were able to deal with yourself?

1 MS. CARROLL: Correct.

2 MR. CHUNG: I think you said approximately
3 five or six times you took information you had
4 received from a parent or an applicant and then
5 provided that to Chancellor Herman?

6 MS. CARROLL: Yes. We had lots of
7 conversations about increasing the African-
8 American and the minority enrollment. I was
9 very comfortable talking to Chancellor Herman.
10 And if a student asked a question, he was really
11 good about responding to that question, to me.
12 So I would ask him about a student's
13 application, and in a couple days I'd get a
14 response.

15 MR. CHUNG: The people you were typically
16 dealing with--the applicants were minority
17 applicants?

18 MS. CARROLL: Well, it turned out not to be
19 just all minority applicants.

20 MR. CHUNG: There were some non-minority?

21 MS. CARROLL: Yes.

22 MR. CHUNG: Did you ever have occasion to
23 provide information about a non-minority
24 applicant to Chancellor Herman?

25 MS. CARROLL: Yes, I did.

1 MR. CHUNG: Could you describe the
2 circumstances of that - - ?

3 MS. CARROLL: Generally--the instance of the
4 non-minority?

5 MR. CHUNG: Correct. There was only one
6 instance.

7 MS. CARROLL: Yeah. Well, the non-minority
8 was a first-generation college student, and the
9 father had mentioned to me that his--that this
10 student wanted to go to the University of
11 Illinois. He was not a college person, and he
12 did not understand all of the requirements as
13 far as entering college. So this student did
14 not receive an application for the University of
15 Illinois from the - - . So I said to the
16 father, tell the student to go online to get an
17 application.

18 MALE VOICE: Dr. Carroll, in your opinion,
19 were any of your inquiries, in your opinion,
20 inappropriate?

21 MS. CARROLL: No, sir. They were not
22 inappropriate.

23 MALE VOICE: Do you think that any of the
24 inquiries that your fellow trustees made, were
25 they inappropriate?

1 MS. CARROLL: I only know what the newspaper
2 said, so I couldn't comment on that unless I
3 actually saw what the inquiries were.

4 MALE VOICE: But based on what you've read
5 in the newspaper, would you consider some of
6 those inquiries inappropriate?

7 MS. CARROLL: If you could be specific?

8 MR. MIKVA: If we could be what?

9 MS. CARROLL: Specific.

10 MALE VOICE: Specific.

11 MS. CARROLL: Which one you were talking
12 about.

13 MALE VOICE: For example, with Trustee Larry
14 Eppley and his asking the Chancellor to consider
15 a student that had--I think the word was at the
16 lowest kind of possible level to be accepted
17 into the law school, and kind of making it
18 almost seem like a directive that the student
19 should be accepted into the law school. Would
20 you consider that inappropriate?

21 MS. CARROLL: Being that I'm the only
22 educator on the Board, I'm not sure how lawyers
23 look at that. I would hesitate to comment on
24 the inappropriateness. If they felt that they
25 knew the student and the - - was a good student-

1 -in the educational field, we have certain
2 requirements. So I'd look at that first, and
3 maybe other people don't look at that.

4 MR. MIKVA: Did the Governor ever call you
5 about any admissions?

6 MS. CARROLL: I don't think the Governor
7 knows my name.

8 MR. MIKVA: If you were told by somebody
9 that the Governor, or G, wants this person
10 admitted, would you feel that was appropriate
11 for you to intervene?

12 MS. CARROLL: No, I serve students and
13 parents.

14 MR. MIKVA: Do you think it is appropriate
15 for the trustees to intervene in the admission
16 decisions at all?

17 MS. CARROLL: Not in the decisions, no.
18 It's not appropriate.

19 MR. MIKVA: You just think that it's okay to
20 inquire about the progress, about where they
21 stand?

22 MS. CARROLL: I think that we need to have
23 information so our constituents are served. I
24 think that's very important.

25 MR. MIKVA: But who do you think should

1 handle the decisions?

2 MS. CARROLL: The admissions department.

3 MR. MIKVA: Admissions?

4 MS. CARROLL: Yes.

5 MR. MIKVA: So that shouldn't include, then,
6 the trustees?

7 MR. CARROLL: No.

8 MR. MIKVA: Or the President of the
9 university, or the Chancellor?

10 MS. CARROLL: No.

11 FEMALE VOICE: Dr. Carroll, given what
12 you've read in the newspaper, because you
13 indicated - - matters covered by the newspaper
14 never came before the Board of Trustees, do you
15 have any concerns about what you've read in the
16 newspapers about the conduct of certain trustees
17 or the admission process in and of itself?

18 MS. CARROLL: When you say the admissions
19 process, - - look at the policy. I think the
20 admissions policy needs to be revisited. And
21 probably I think that after all of this, with
22 the great stature of the University of Illinois,
23 that we should have some kind of - - as to
24 appropriateness and approach to - - should be
25 handled.

1 FEMALE VOICE: You mean you should have had
2 some kind of training or exposure to this
3 process? Is that what you're saying?

4 MS. CARROLL: I think that we need to have
5 our in-service or some kind of presentation
6 about admissions and whose responsibility it is,
7 and just how--if you are interested as an
8 individual. Because just in my six years, I
9 have been inundated with requests for
10 information. People would come up to me and say
11 my son or daughter applied for the University of
12 Illinois. I think that--I don't know why the
13 visibility is so great, but especially in my
14 community, people feel really good now about the
15 University of Illinois, and having a
16 representative there. And so I think that we
17 need to know more--this admissions thing has
18 sort of caused the public to distrust the
19 university, and I don't like seeing that. I
20 think that the trustees might need to have a
21 workshop and talk about it because we can't meet
22 and talk as a group. It has to be a public
23 meeting. No more than three trustees can meet
24 at a time. So in order to have all the trustees
25 meet, it would have to be at an open meeting,

1 and then we could have a presentation so that we
2 can understand about that.

3 MR. MIKVA: Did legislators--I asked you a
4 version of this, but did legislators ever ask
5 you about students and their progress on their
6 admissions?

7 MS. CARROLL: Not about the students and
8 their progress. When I was confirmed, the
9 legislators had a lot to say.

10 MR. MIKVA: But President Jones, for
11 instance, never asked you about any student's
12 admission?

13 MS. CARROLL: No. President Jones, nor any
14 other legislator or politician, asked me
15 nothing.

16 FEMALE VOICE: How would you change the
17 policy?

18 MS. CARROLL: I haven't thought about it too
19 deeply because I'd like to talk to my
20 colleagues. But I can tell you how I as an
21 educator would--some parts that I would change.

22 FEMALE VOICE: Please?

23 MS. CARROLL: Well, the first thing--I think
24 that it ought to be very transparent, and that
25 everybody ought to know the policy. The

1 criteria for admissions--because it's more than
2 one criteria. It's not just the numbers. I
3 think that the public should have some idea of
4 what, or at least the trustees and the
5 legislators - - all the individuals that are
6 involved should have some idea of what the
7 admissions policy is. So I would make it very--
8 I would publish it. And then I would make sure
9 that the public understands that there is a
10 broad base for approving admissions. Because if
11 you're just talking about the numbers, and the
12 public sees one child going in with a 21, and
13 their son or daughter had a 32, they may think
14 that that person was getting in and knocking
15 their child out, while it's a whole
16 conglomeration of what the student has done
17 throughout his educational life, and - - that
18 made that student - - that would be successful,
19 and that the University of Illinois would want
20 to have in its program. So I think that that
21 ought to be spelled out very specifically as to
22 what are the criteria for admitting students. I
23 also think that it ought to be the hands-off of
24 outsiders making recommendations for students to
25 come in. And if - - follow the same rules, it's

1 not so bad. Other people won't think they're -
2 - .

3 MR. MIKVA: Do you think such
4 recommendations should be in writing?

5 MS. CARROLL: Well, probably so.

6 FEMALE VOICE: Should the university accept
7 letters of recommendations from individuals who
8 do not know the student, or for whom the student
9 has neither volunteer or worked?

10 MS. CARROLL: You can't do a recommendation
11 if you don't know the student.

12 FEMALE VOICE: Well, that's been done quite
13 a bit. - - Category I students that came at the
14 behest of people who didn't know them,
15 specifically, it's my understanding. So one of
16 the things that I would like the Commission to
17 consider is a rule that any letters of
18 recommendation that come from people who don't
19 know the student--and of course you have to
20 define know, but I'd say worked with,
21 volunteered for--would be disregarded.

22 MS. CARROLL: I would agree with that.

23 FEMALE VOICE: Okay.

24 MR. MIKVA: When a trustee calls up
25 Chancellor Herman or somebody in the admissions-

1 -first of all, do you think a trustee should
2 call up anybody in the admissions office?

3 MS. CARROLL: In admissions? I don't think
4 they should call up anybody in the admissions
5 office.

6 MR. MIKVA: When they call up Chancellor
7 Herman, don't you think there's at least the
8 appearance that you're trying to influence the
9 Chancellor's involvement in the decision
10 process?

11 MS. CARROLL: No, we're a pretty close
12 group. I don't--it's like a family. I don't
13 think that--I don't see that there's an
14 appearance of an influence.

15 MR. MIKVA: Who?

16 MS. CARROLL: That there is an appearance of
17 influence if a trustee calls Chancellor Herman.
18 I think that's what I'm addressing.

19 MR. MIKVA: Have you see the exchange of e-
20 mail between Trustee Eppley and Chancellor
21 Herman?

22 MS. CARROLL: I have.

23 MR. MIKVA: Pardon?

24 MS. CARROLL: I have.

25 MR. MIKVA: Do you think that suggests that

1 there was an effort to influence Chancellor
2 Herman's decision?

3 MS. CARROLL: I do.

4 MR. MIKVA: Do you think that was improper?

5 MS. CARROLL: I do.

6 MR. MIKVA: There is at least some--

7 MS. CARROLL: Yes.

8 MR. MIKVA: --appearance of--

9 MS. CARROLL: (Interposing) In that specific
10 instance, yes.

11 MR. MIKVA: Do you think that's the only
12 time that ever happened?

13 MS. CARROLL: I could not--I would hope so.

14 MR. MIKVA: You would hope so?

15 MS. CARROLL: Yeah.

16 MR. MIKVA: Do you think so?

17 MS. CARROLL: Well, I've been finding out
18 that all of this is happening, and I would think
19 that that should be happening.

20 MR. MIKVA: Don't you think that just the--
21 it portends of impropriety if the trustees, or
22 the bosses of the university who run the
23 university, are calling up about admissions,
24 even if it's just to inquire; that there's some
25 suggestion that there's interest in that student

1 and that the university people aren't taking
2 very seriously--

3 MS. CARROLL: I think that that can be
4 eliminated in the admissions policy. And then
5 the people won't think that they can go to a
6 trustee and ask them--I think that the
7 admissions policy can spell out how a person
8 could get information because that's what they
9 want.

10 MR. MIKVA: All right. So then the trustees
11 wouldn't have to be involved at all?

12 MS. CARROLL: Right, right.

13 MR. MIKVA: Except to hand out a little
14 sheet of paper.

15 MR. CARROLL: Right.

16 FEMALE VOICE: Let me ask you a very
17 difficult question, and that is in the absence
18 of any rules or policies that address this issue
19 specifically - - for a regulatory review, so
20 we're going to be looking at laws and such. But
21 at this point it doesn't appear that there have
22 been violations of a specific rule, policy or
23 law, with one exception. In the absence of
24 that, do you think there should be, going
25 backwards - - going backwards, should there be

1 any personnel changes as a result of this - -
2 Category I and the special interest category?

3 MS. CARROLL: Personnel changes?

4 FEMALE VOICE: Yes.

5 MS. CARROLL: Or added personnel?

6 FEMALE VOICE: No, personnel changes. In
7 other words, should people be held accountable
8 for what occurred historically?

9 MS. CARROLL: I think that we're all held
10 accountable. You always have to be held
11 accountable. But I don't think that--unless
12 there's some reason for the changes. If the
13 people were following the rules as written,
14 currently written, then I don't see how we could
15 hold them responsible for doing what they had to
16 do.

17 MALE VOICE: Two questions, Judge. Just
18 picking up on the last comment, Dr. Carroll, you
19 referred to people having to do what they had to
20 do, and then not holding them responsible.

21 MS. CARROLL: What they had to do was their
22 job. If - - about how the admissions department
23 allocates its work, but I'm going to assume that
24 each person in the admissions department has a
25 specific duty. If that duty is to look up

1 records and they're asked to look up the
2 records, then they do that. If that duty is to
3 rate the students, then they do that. Because
4 I'm sure that after looking at the one to five
5 rating, that there is a committee that does
6 that, and they probably base that on 30
7 criteria. So they do that. So if they're asked
8 to give that information, then I think that
9 that's what they do.

10 MALE VOICE: And if they're asked to admit
11 somebody that they deem inadmissible, is that
12 their duty?

13 MS. CARROLL: No, because are they asked to
14 do that? Who makes that decision?

15 MR. MIKVA: Suppose a trustee writes the
16 Chancellor and says this is important. It comes
17 from the G's office. Do you think the
18 Chancellor should intervene and - - that
19 personal - - ?

20 MS. CARROLL: Well, I'm sure that there may
21 be some other circumstances that he was looking
22 at. I think that there had to be. But if it's
23 just based on the number, one through five or
24 whatever, then you can't--it should be written
25 in the policy that there are no exceptions.

1 MR. MIKVA: Should there be an exception if
2 somebody important wants them admitted?

3 MS. CARROLL: I think that it should be
4 written in the policy that there are no
5 exceptions.

6 MR. MIKVA: Well, there are no exceptions.
7 You're saying you would go strictly by the
8 numbers?

9 MS. CARROLL: Well, I'd go strictly by the
10 criteria. And if the criteria--unless the
11 criteria--there was some additional information
12 that they didn't have. Because I know that in
13 my circumstance as an educator, there's
14 additional information that will help you to
15 know a student better than what's just - - on a
16 piece of paper.

17 FEMALE VOICE: But that's not what we're
18 talking about here. We're talking about
19 political influence.

20 [Crosstalk]

21 MS. CARROLL: I think that political
22 influence should not intervene.

23 MR. MIKVA: And when it does, should
24 somebody be held accountable?

25 MS. CARROLL: If there has been--sure, I

1 think that everybody's held accountable. I
2 don't think that we can say that - - . I think
3 that everyone is held accountable.

4 FEMALE VOICE: In what way should the
5 Commission recommend?

6 MS. CARROLL: - - . Well, first we need to
7 find out exactly what occurred, and then after
8 we've found out, we should issue some new
9 regulations for it not to happen again.

10 MR. MIKVA: You're not talking about
11 accountability in the past. You're talking
12 about accountability in the future.

13 MS. CARROLL: Yes.

14 MR. MIKVA: Do you think that it is the
15 present policy of the University of Illinois to
16 admit people based on political influence?

17 MS. CARROLL: You mean total policy? You
18 said the present policy?

19 MR. MIKVA: The present policy of the
20 University of Illinois--that some people will be
21 admitted because they have political influence.
22 Do you think that's their policy?

23 MS. CARROLL: Well, I was not aware that
24 that occurred until recently. But I will state
25 that--

1 MR. MIKVA: (Interposing) Forget about
2 whether it occurred or not. Do you think it was
3 ever the policy of the university?

4 MS. CARROLL: I don't know. I don't--not
5 from what I know.

6 MR. MIKVA: You would think that would be a
7 pretty bad policy?

8 MS. CARROLL: I do.

9 MR. MIKVA: And if somebody was doing that
10 without that policy, shouldn't they be held
11 accountable for what they did?

12 MS. CARROLL: Should I say what I believe?

13 FEMALE VOICE: Yes, absolutely.

14 MR. MIKVA: That's what we're trying to get
15 at.

16 MS. CARROLL: I believe it's the American
17 way for some people to have more influence than
18 others. And I think we can write every kind of
19 policy in the world, but I do believe that it's
20 the American way that some people will get in.
21 Now this is a public institution, and that's
22 where the line is drawn. So we're going to have
23 to come up with a fair way where--

24 MR. MIKVA: (Interposing) Just some people
25 get admitted because of - - ?

1 MS. CARROLL: No, because that's what the
2 public doesn't want. We know that it happens,
3 and it happened. But we have to come up with
4 some way of how to make it a level playing
5 field.

6 MR. MIKVA: Well, it should never be the--
7 the policy should always be imposed.

8 MS. CARROLL: That's right.

9 MR. MIKVA: And if you find a case like
10 that, you should do something about it,
11 shouldn't you?

12 MS. CARROLL: Correct.

13 MR. MIKVA: You don't want to punish the
14 student by pulling him or her out of school,
15 particularly if they're doing well.

16 MS. CARROLL: No, because the student
17 probably isn't even aware.

18 MR. MIKVA: He may not even have been aware.
19 But what about the person who caused that
20 political influence to be used?

21 MS. CARROLL: Well, there's a problem there.

22 MR. MIKVA: A problem?

23 MS. CARROLL: Yes, - - .

24 MR. MIKVA: Do you have a solution?

25 MS. CARROLL: I don't know whether I have a

1 solution, but there has to be a lot more
2 censure. Maybe - - has to be a censure for that
3 because--I guess I'm sensitive to practice - - .

4 FEMALE VOICE: Reality.

5 MS. CARROLL: Right.

6 MALE VOICE: Do you think schools get into--
7 you've been at Roosevelt and DePaul. Do you
8 think students get into those universities based
9 on political influence?

10 MS. CARROLL: I really don't. I have no
11 knowledge of that ever happening.

12 MR. MIKVA: Well, why is the University of
13 Illinois unique, then?

14 MS. CARROLL: Is it?

15 MR. MIKVA: Well, you just indicated--

16 MS. CARROLL: (Interposing) Well, when you
17 say unique, I'm thinking of a more global kind
18 of thing.

19 MR. MIKVA: Do you think it happens at
20 other--

21 MS. CARROLL: I sure do.

22 MR. MIKVA: --Big Ten universities? Do - -
23 ?

24 MS. CARROLL: I think - - , no. I think
25 they don't.

1 FEMALE VOICE: So the other universities
2 just institutionalize or formalize the - - ? Is
3 that what you're saying?

4 MS. CARROLL: Right.

5 FEMALE VOICE: Dr. Carroll, you're hitting
6 on some really interesting issues, and we hear
7 them in the hallways. But you're the one who--
8 you've said it out loud, that this is part of
9 political reality. When you say level--which is
10 very interesting, and it's--how do you take what
11 should be and change a culture? I think what
12 we're talking about is changing a culture going
13 forward, right?

14 MS. CARROLL: Right, yeah.

15 FEMALE VOICE: And I think that's the
16 important thing. I think we all agree that what
17 happened was wrong. Do you agree?

18 MS. CARROLL: Yes.

19 FEMALE VOICE: At least certain elements of
20 it were just dead wrong, and we're talking about
21 changing cultures. But when you say change the
22 playing field, level the playing field, how do
23 you propose to level the playing field?

24 MS. CARROLL: This is just off the top of my
25 head and my experience. The first thing

1 everybody often will go to is - - . Once we
2 remove the pressure of the higher-ups, I think
3 that the playing field can be leveled. That is
4 we know what the grooves are. We know if we
5 can--it may need to be a personal interview with
6 the student. That would - - because we have so
7 many students.

8 MR. MIKVA: 27,000 - - .

9 MS. CARROLL: Yeah. But we're only talking
10 about the students and freshmen as opposed to
11 all of the students, so that would be a smaller
12 number. Maybe there could be a - - with the
13 personal interviews. Then that would take the
14 pressure from officials trying to get someone in
15 if the student would have to go through that
16 panel, and they would be - - .

17 FEMALE VOICE: Dr. Carroll, do you feel that
18 this situation with Category I and other like
19 situations negatively impact in any way programs
20 like Project Promise or other initiatives that
21 might attempt to help students that don't have
22 fair access to - - school?

23 MR. CARROLL: I think it's - - because
24 Project Promise and those other programs that
25 reach out to students who may otherwise not be

1 admitted; they already have a process by which
2 to engage those students and allow them to come
3 in. - - use the newspaper word, it's a - - . I
4 think that that is the one that impedes the name
5 and the progress of the University of Illinois.

6 FEMALE VOICE: So it never--

7 MS. CARROLL: (Interposing) I don't think
8 that would prohibit any of those students - - .

9 FEMALE VOICE: Okay, that's good to know.

10 And you don't think that the slots that are
11 taken up by Category I candidates or applicants
12 in any way diminish or decrease the number of
13 slots available to the other students?

14 MS. CARROLL: No, I don't think--I know that
15 there is a maximum number. But we have been
16 discussing each year extending the number of
17 students that we accept at the University of
18 Illinois. Each year we try to increase the
19 number that we accept so - - can make sure that
20 we have room. So the numbers are increased, and
21 we have 22% of our students, international
22 students. Those slots can be given to those - -
23 that need to have--

24 FEMALE VOICE: Give your comment about this
25 being the American way, knowing that wherever we

1 go there is an unlevel playing field in many
2 instances--do you feel--because it has to start
3 somewhere, that knowing what you know about the
4 culture and the character of the leadership at
5 the University of Illinois, Champaign or - -
6 campus, that it is possible to move forward with
7 a new outlook, a new level of integrity where
8 people can stand up and say no to political
9 influence and actually create a new culture
10 where we don't have to be faced with this again;
11 given the shadow of clout in Illinois and
12 Chicago.

13 MS. CARROLL: You're absolutely correct.
14 And could I just say that when I came to the
15 University of Illinois, I was involved in
16 negotiating that we stop - - because of the
17 impact it had on minorities and negative impact
18 it had; and worked very hard to eliminate that
19 performance of - - . So I jumped in into the -
20 - working on that. I certainly think that, now
21 that this has become an issue, we can--we may be
22 able to make history by starting a proposal to
23 have students get into the University of
24 Illinois based on their own merits and
25 eliminating the clout that's involved.

1 FEMALE VOICE: And you believe the
2 leadership that's currently there is capable of
3 making this shift?

4 MS. CARROLL: I think after this, they are.

5 FEMALE VOICE: Okay.

6 MALE VOICE: Just a few questions to finish
7 up here. Trustee Carroll, I think you said that
8 your practice was not to make recommendations
9 for applicants to be admitted when you
10 communicated with Chancellor Herman.

11 MS. CARROLL: Correct.

12 MALE VOICE: In fact, I think you also said
13 that you are opposed generally to outsiders
14 making recommendations to try to influence the
15 admissions process.

16 MS. CARROLL: I would be.

17 MALE VOICE: So when you did communicate
18 with Chancellor Herman about particular
19 candidates, what information would you provide?

20 MS. CARROLL: Just what I said before. I
21 would say can you tell me the status of this
22 student? I would give the name of the student,
23 and also some information; the ACT score, what I
24 had learned--the ACT, the grade point average
25 and the activities.

1 MALE VOICE: Would you also advocate or work
2 in any way in your conversations with Chancellor
3 Herman the admission of that applicant?

4 MS. CARROLL: That would not be my purpose.
5 I needed to get information to give back to the
6 student or the parent.

7 MALE VOICE: So your recollection is you
8 never said anything to Chancellor Herman that
9 could be interpreted as a recommendation?

10 MS. CARROLL: Not from me. I don't know how
11 he would interpret it, but I certainly don't
12 think that anything that I would say in those
13 comments - - conversations. I don't think that
14 he would interpret that I was influencing him.

15 MALE VOICE: Well, you're anticipating my
16 very next question, then. Knowing what you know
17 now, do you think that perhaps Dr. Herman, when
18 he heard you talking about a particular
19 candidate and providing that information,
20 understood that you were also recommending that
21 that student be admitted?

22 MS. CARROLL: No, I know he didn't.

23 MALE VOICE: You say you know he didn't?

24 MS. CARROLL: I know he didn't think that I

25

1 was recommending. He never indicated that.

2 MALE VOICE: You do not know what would
3 happen within the university once you provided
4 Dr. Herman with information about a candidate.
5 Is that true?

6 MS. CARROLL: I do now because with the
7 trail of e-mails, there were so many people
8 involved. I just thought he could get the
9 information. But with the trail of e-mails that
10 I've seen, there are a lot of people that he had
11 to ask too.

12 MALE VOICE: Now having read all the e-mails
13 in the aftermath of this story breaking, you
14 understand what was happening - - .

15 MS. CARROLL: Right.

16 MALE VOICE: Is there anything surprising
17 about what was happening - - now that you have
18 read those e-mails?

19 MS. CARROLL: Surprising? A lot is
20 surprising.

21 MALE VOICE: - - ?

22 MS. CARROLL: All the communication that was
23 going on, and the fact that there were--I was
24 really affronted by some of the language, and
25 that was saying that a student had - - when the

1 student would have a 3.2 average. - - there was
2 another comment that--but it was in-house. This
3 was what - - you're talking to your group or
4 people - - whatever you want to say.

5 FEMALE VOICE: Was this about a student you
6 were directly involved with?

7 MS. CARROLL: Yes.

8 FEMALE VOICE: Why were they told that they
9 had a lower grade point average?

10 MS. CARROLL: The student wasn't told that.

11 FEMALE VOICE: Why would anybody from the
12 university say that they had a lower--

13 MS. CARROLL: (Interposing) It was in the e-
14 mail.

15 FEMALE VOICE: I saw that. I read that.

16 But you don't know why someone would say that?

17 MS. CARROLL: Well, 3.2. I guess it wasn't
18 up to what they wanted. It may not have fallen
19 into the area of where it was supposed to be,
20 but the grades were not terrible. Maybe it was
21 just--maybe - - at that time. It was kind of a
22 mindset that - - .

23 FEMALE VOICE: So do you think that--we had
24 some conversation with earlier witnesses about
25 that rating system of a one through 5, and we

1 found a lot of ambiguity between--I guess it was
2 the 2s and the 3s and the 4s, where that was
3 kind of a grade scale where decisions were made.
4 Again, there are no written rules as to why
5 decisions are made one way or another. Would
6 that be the type of student, with that grade
7 score, that would fall in that gray area where
8 we can't really determine why - - .

9 [Crosstalk]

10 MS. CARROLL: I would suppose that that
11 could happen. It's really difficult trying to
12 make those decisions for so many students. It's
13 difficult. I think that what happened, though,
14 is that even if they're--admissions has taken
15 care of it, what happens is at least the same
16 discrepancies occur because it's a - - when
17 other people are - - .

18 FEMALE VOICE: To promote the new club for U
19 of I, what is the Board doing? Has the Board
20 started the process of developing--

21

22 7.MP3]

23

24 OF 7.MP3]

25 FEMALE VOICE: --a policy? Has the Board

1 looked at personnel? What's the status?

2 MS. FRANCES CARROLL: Not as a group. There
3 have not been any efforts to do that. I'm sure
4 that individually and committee-wide, we've
5 talked about it because, you know, it's not a
6 good thing, but we have not come together as a
7 group yet because we're trying to wait for this
8 committee.

9 MR. ABNER MIKVA: Anything further, Mr.
10 Chung?

11 MR. THEODORE CHUNG: - - .

12 MR. MIKVA: Thank you very much, Justice
13 Carroll. We appreciate your time.

14 MALE VOICE: Mr. Chairman?

15 MR. MIKVA: Yes?

16 MALE VOICE: About Dr. Carroll, if all of
17 our witnesses were like Dr. Carroll, we wouldn't
18 be here because we'd have nothing to talk about.
19 There was no written policy, but you had a
20 policy that worked.

21 MR. MIKVA: Thank you.

22 FEMALE VOICE: Thank you for coming.

23 [Crosstalk]

24 MR. MIKVA: Are we ready to hear from - -
25 Hurd?

1 MR. CHUNG: Yes, Judge. - - document to be
2 discussed that I just got last night. Take one
3 and pass it down.

4 [Crosstalk]

5 MALE VOICE: Good morning.

6 MALE VOICE: Good morning.

7 [Crosstalk]

8 MR. CHUNG: You don't have enough papers?

9 Sorry about that.

10 MR. MIKVA: Good morning, Dean Hurd.

11 MS. HEIDI HURD: Good morning.

12 MR. MIKVA: - - be here.

13 [Crosstalk]

14 MR. CHUNG: Good morning, Dean Hurd. Would
15 you introduce yourself to the Commission and
16 state your current position at the College of
17 Law?

18 MS. HURD: Yes, good morning. It's Heidi M.
19 Hurd, and I am the - - University of Law.

20 MR. CHUNG: When did you come to the
21 university?

22 MALE VOICE: If it's okay, Dean Hurd has
23 just a few comments she'd like to make as an
24 introduction if that's all right.

25 MR. MIKVA: We've been discouraging opening

1 statements.

2 MALE VOICE: I wouldn't quite call it an
3 opening statement. These are just a few
4 remarks, along the lines of what Chancellor
5 Herman - - .

6 MR. MIKVA: Not more than a minute or so?

7 MR. CHUNG: That is correct, Your Honor.

8 MS. HURD: I would very much like to thank
9 the Commission for the opportunity to provide
10 testimony to you today. I'm very appreciative
11 of the importance of your work, and I'm very
12 grateful to each of you for the efforts that
13 you're making on behalf of the University of
14 Illinois, which is such an illustrious
15 institution. I was recruited to the deanship in
16 2002, with the exclusive mission of reversing
17 the college's multi - - spiral in the rankings,
18 and I'm very proud of the progress that we've
19 made since that year across all of the variables
20 that capture the excellence of an institution
21 and that realize what we call an agenda of
22 excellence; and specifically on the topic of
23 admissions. We took the national ranking of the
24 quality of the college of students from 34th in
25 the nation to 15th. Our students catapulted from

1 the 85th percentile to the 96th percentile, and
2 in 2006 we were ranked number one in the country
3 for having made the greatest improvement in
4 student quality.

5 MR. MIKVA: Was this by recommendations of
6 students by the Governor?

7 MS. HURD: Absolutely not, Judge. I am
8 aware of the matters being reviewed by this
9 Commission, and before we delve into them in
10 detail, I would like to make three points very
11 clear. First, during my time in office, the
12 University of Illinois College of Law never took
13 a student that was not qualified to study law or
14 to enter the profession. Second, the college
15 did not seek or receive any jobs in exchange for
16 the admission of any student. And third, the
17 college did not seek or obtain scholarship
18 dollars that went to any so-called special
19 interest - - . Now much has been made, of
20 course, in the media of certain e-mails that I
21 wrote in 2006. There is no question that I
22 regret the tone and the language that I used to
23 express my anger and my frustration with campus
24 admissions decisions. But I want to make clear
25 to you, and to the people of this state, that my

1 use of sarcasm in those e-mails was no attempt
2 at humor. Admissions decisions and their role
3 in the agenda of excellence that I've pursued
4 over the years were never joking matters to me,
5 and I - - trust that my testimony here today
6 with you will settle the true meaning and the
7 intended seriousness of those e-mails. I
8 welcome the questions that you have for me.

9 MR. MIKVA: Thank you.

10 MR. CHUNG: Thank you, Judge. You were
11 recruited to the deanship in 2002, Dean Hurd, is
12 that correct?

13 MS. HURD: That's right.

14 MR. CHUNG: When you first became Dean at
15 the College of Law, did you have involvement in
16 the admissions process generally, outside of the
17 special interest category - - ?

18 MS. HURD: No, I did not.

19 MR. CHUNG: You did, fairly soon after
20 becoming Dean, get involved in the admissions
21 process with respect to special interest
22 candidates, correct?

23 MS. HURD: Well, in my first year in the
24 deanship, I received instruction on what was
25 considered a quite well-oiled, well-greased

1 machine, a system that was in place at the
2 campus level to deal with designated special
3 interest applicants. That was a system that
4 systematically excluded College of Law
5 participation in those admission decisions. So
6 the system that I came to was a system in which
7 I was not involved, nor had previous deans been
8 involved. I did what I could after being
9 welcomed into such a system to in fact exert
10 counter pressure against the effects of that
11 system.

12 MR. CHUNG: So certainly by 2003 you were
13 involved in the process of dealing with special
14 interest candidates, correct?

15 MS. HURD: No, in 2003, in the spring when
16 these kinds of decisions are typically made, we
17 had asked whether we could have some
18 representation at what was part of the system,
19 the year-end meeting at which the Provost, the
20 Executive Director for Government Relations, and
21 the Vice-Chancellor for Public Engagement would
22 meet together as a threesome and make decisions
23 about who colleges would accept and who colleges
24 would be permitted to deny. We were excluded
25 from that meeting, and we simply received an e-

1 mail at the end of the year with two lists. The
2 text of the e-mail was, "The following law
3 decisions have been made; admit, deny." So in
4 the spring of 2003--

5 MALE VOICE: [Interposing] Who did that come
6 from?

7 MS. HURD: That e-mail came from Steve - - ,
8 who at the time was in the Vice-Chancellorship
9 of Public Engagement.

10 FEMALE VOICE: I'm sorry. Could you just
11 repeat the three people that were at that
12 meeting?

13 MS. HURD: Yes. The three people who made
14 these determinations were the Provost (at the
15 time, Richard Herman); the Executive Director
16 for Government Relations (at the time, Rick
17 Shell [phonetic]), and Steve Schaumberg
18 [phonetic], who became the Vice-Chancellor for
19 Public Engagement - - Associate Chancellor at
20 the time.

21 FEMALE VOICE: Can we just stop for a
22 second? Now this was given to you as a list of
23 people to admit to the university?

24 MS. HURD: We received an e-mail that looked
25 like that, and it said here are the law

1 decisions; letters to go out on Monday; admit,
2 deny.

3 MALE VOICE: How many names are on that
4 list?

5 MS. HURD: You know, I can't tell from this,
6 but as I recall there were three admits that
7 year. Let me think about this. The first year
8 there were ten on the list, so there were six
9 denials. But the college had actually been
10 required to admit three people back in January
11 of that year.

12 FEMALE VOICE: January of--

13 MS. HURD: January of '03, January of '03--
14 one of whom we were happy to have. But
15 effectively what that meant was that the college
16 was required to admit half of the people on the
17 college's special admit list that year.

18 MR. MIKVA: And those were people that in
19 the normal course of events you would not have
20 admitted?

21 MS. HURD: I think that's very fair to say,
22 Judge. We were very happy to admit one in
23 January whose credentials were amply competitive
24 with the kinds of credentials we sought.

25 MR. MIKVA: Who had just somehow not made it

1 in the regular course of events?

2 MS. HURD: Would have made it anyway on
3 maybe - - .

4 MR. MIKVA: These were all people who had
5 applied for admission to the law school?

6 MS. HURD: Yes, that's right.

7 MR. MIKVA: And this one you were very happy
8 to admit, so you're saying he either had been
9 admitted or would have been admitted in the
10 normal fashion.

11 MS. HURD: That's right.

12 MR. MIKVA: The other nine on the list would
13 not have been admitted in the normal process?

14 MS. HURD: That's probably the case,
15 although of course, because I wasn't invited
16 into the system involved in these kinds of
17 discussions, I can't say that for sure. I
18 think--and there is no record, of course, of the
19 kind of - - anticipatory to this meeting.

20 MR. MIKVA: But you probably had those nine
21 applications, right?

22 MS. HURD: We certainly had the
23 applications. In these kinds of cases, when the
24 campus took an interest in particular applicants
25 to the college, we would receive instruction to

1 take no action with regard to their application
2 until these year-end decisions were made.

3 MR. MIKVA: So you hadn't made a formal
4 decision about those nine?

5 MS. HURD: That's right.

6 MR. MIKVA: But your recollection is that
7 probably none of those nine would have been
8 admitted in the normal course?

9 MS. HURD: That's right. My records show
10 that at the time when Chancellor Herman was
11 Provost Herman--the Provost is a boss of the
12 Dean--and I was a new dean, and so we would meet
13 typically once a month just as he did with all
14 of his deans. My records certainly show that I
15 was grumbling as of January of February about
16 the prospect of having to admit students from
17 this list. I was already sort of stating my
18 frustration with--

19 MR. MIKVA: [Interposing] Do you remember
20 what he said to you or what you said to him at
21 that time?

22 MS. HURD: You know, I don't. I'm sure he
23 would have--you know, I'm sure he expressed
24 sympathy since he was very clearly seeking to

25

1 inspire me to pursue what we called our agenda
2 of excellence so as to lift the stature of the
3 law school, and these types of - - .

4 MR. MIKVA: [Interposing] So at that point--
5 that year you--the law school admitted two
6 persons at Chancellor Herman's direction?

7 MS. HURD: Well, yeah, total six, one of
8 whom we would have admitted anyway.

9 FEMALE VOICE: And who was the political - -
10 ?

11 MR. MIKVA: I'm trying to get the numbers.

12 MS. HURD: Yeah, three in January, three in-
13 -this is April. But the one in January we would
14 have been very happy to have.

15 MR. MIKVA: So five people were admitted to
16 the law school that you would not have admitted?

17 MS. HURD: That we would have--yeah, that we
18 would have preferred not to admit.

19 FEMALE VOICE: Who were the political
20 sponsors of the two that were admitted?

21 MS. HURD: I don't know who the political
22 sponsors were of the five we were less than
23 happy to admit. The one we were very happy to
24 admit was related to a Board of Trustees member.

25 FEMALE VOICE: Who was that? Which Board of

1 Trustees member?

2 MS. HURD: Trustee Lamont [phonetic].

3 FEMALE VOICE: You use words like direction
4 and instruction in framing your answers. I
5 don't want to put words in your mouth. Are you
6 saying that you felt you had no discretion in
7 admitting these candidates; that in fact the
8 admission decision had been taken from the law
9 school and in fact was coming from other
10 quarters?

11 MS. HURD: That was certainly my experience,
12 and it, in fact, really didn't change throughout
13 any of my years as much as I attempted to exert
14 influence on the decision making at the campus
15 level. This is very clear. Here are all the
16 law decisions.

17 MR. MIKVA: - - you're talking about five
18 admits out of - - class of how many?

19 MS. HURD: We would have had a class that
20 year of about--between 210 and 220.

21 MR. MIKVA: There were five admits out of
22 210-220. I assume that the reason you think
23 those five would not have been admitted in the
24 normal course is based on their LSATs and their
25 grade point and other things that you take into

1 account when you decide an admission?

2 MS. HURD: Yes, it would not have been just
3 their numbers.

4 MR. MIKVA: So it's certainly lowered for
5 that reason the admissibility, excellence of the
6 class.

7 MS. HURD: Well, that was certainly the
8 concern, was that these kinds of decisions were
9 inconsistent with the explicit mandate to lift
10 the profile of the college, which I'm happily--
11 for all College of Law deans and administrators
12 is subject to the tyranny of U.S. News and World
13 Report, which takes very seriously the numbers,
14 and less seriously - - .

15 MR. MIKVA: So that was the first year.
16 That year you weren't even at the meeting.

17 MS. HURD: Right.

18 MR. MIKVA: Excuse me. If you were going
19 ahead, that's fine.

20 MR. CHUNG: The next year, were you invited
21 into the process?

22 MS. HURD: Well, I don't know that I was
23 invited, but I--let's say I elbowed my way into
24 the process, yes. It was very clear after the
25 first year that, these decisions being as

1 inconsistent as they were with the meritocratic
2 goals that we had for the college, I was going
3 to have to push back at every turn. I sort of -
4 - Champaign early in the year to educate the
5 Provost, the Chancellor, the President, and
6 anybody who would listen to what it took to
7 build a great law school, including what it took
8 to bring in a high-quality class of students.
9 So that campaign started early, and by the end
10 of the year--I don't particularly remember a
11 meeting. It certainly wasn't that we had a
12 formal meeting of the sort they'd had the
13 previous year, and I simply got a seat at the
14 table. It just became the case that my voice
15 was heard a little more loudly at the campus
16 level.

17 MR. CHUNG: So the first year that you
18 elbowed your way into the process was, say, fall
19 and winter of 2003--what class would that be?

20 MS. HURD: Well, let's see. So we would
21 have been admitting students that would have
22 been starting in 2004.

23 MR. CHUNG: '07 class.

24 MS. HURD: '07 class.

25 MR. CHUNG: We've seen the December 2003 e-

1 mail that probably--although you tell me if I'm
2 wrong. Early in that effort to elbow your way
3 into the process, where you say that you'll do
4 your best to keep the number of - - admits to a
5 minimum and extract payment for them.

6 MS. HURD: Right.

7 MR. CHUNG: This is--the number at the
8 bottom is 32, UNIBER [phonetic] 32. What did
9 you mean by that, extract payment for them?

10 MS. HURD: So one of the things that had to
11 happen as a result of these decisions the
12 previous spring is that we had to scramble, as
13 Judge Mikva just recognized, to rescue our
14 numbers from the negative effect that these
15 admissions decisions had had on our targeted
16 goals for the following year. I went back to
17 then Provost Herman saying you know, now you've
18 put us in a hole. Now I can't hit my number.
19 Help us to get these numbers. When he received
20 a well-crafted case for excellence, a case - -
21 for excellence, he would reach into his
22 discretionary fund and aid that effort. We were
23 able to receive from the Provost discretionary
24 funds with which to go out and recruit students
25 whose credentials would have an offsetting

1 effect on the effect of the decisions that he
2 and others - - had made. So in this case--of
3 course, what I'm using is the language of the
4 marketplace - - for them, or to receive
5 scholarships for them. It's shorthand for
6 receiving scholarship dollars, so it's to offset
7 the effect of these unwelcome admissions
8 decisions on our targeted number.

9 FEMALE VOICE: Just for clarification, are
10 you saying that the three were less than
11 desirable?

12 MS. HURD: Yeah, the three that were
13 admitted in the previous April.

14 FEMALE VOICE: Are these the same three that
15 you demanded scholarships for?

16 MS. HURD: Out of that five, out of the
17 students admitted in the spring of 2003--or as a
18 result of those decisions with regard to the
19 2003 five applicants--

20 FEMALE VOICE: [Interposing] Five less than
21 desirable?

22 MS. HURD: Five less than desirable. I was
23 able to make the case to the Provost that we
24 would have to do supplemental recruiting to
25 offset the impact of their numbers on our

1 targeted incoming - - .

2 FEMALE VOICE: So my question is the three
3 less than desirable - - three of the five, were
4 there three of the five that you demanded
5 scholarships for?

6 MS. HURD: There weren't a particular three.
7 What we tried to do was establish how negative
8 the impact would be on our incoming class
9 statistics, and we tried to calculate how many
10 students we would have to recruit, and of what
11 caliber, in order to offset the - - .

12 FEMALE VOICE: Okay. I'm going to ask you
13 just to explain something real specific for me
14 because there's something here that's bothering
15 me because it's standing out. In your e-mail on
16 December 12th, you say - - the three?

17 MS. HURD: Should I negotiate the list down
18 to three.

19 FEMALE VOICE: Just one moment, please.

20 MS. HURD: I'm sorry.

21 FEMALE VOICE: Let me ask the question.

22 MS. HURD: Sure.

23 FEMALE VOICE: You say, "Then when we had
24 all the files at hand, I had two lengthy
25 meetings with the Provost and others, at which I

1 negotiated the list"--which I'm assuming is the
2 list of five--"down to three and demanded full-
3 ride scholarships for all of them (which we
4 got)." Now to me that's those three. That's
5 why I'm zeroing in on those three.

6 MS. HURD: We had admitted three in January,
7 and the remaining list was a list that my
8 arguments had brought down to the final three
9 that we received word about from Steve
10 Schaumberg. My meetings with the Provost were
11 my monthly meetings that I would go over to.
12 People would sit in on them. Sometimes I'd be
13 sort of tutored in various aspects of deaning.
14 These were sort of instructional to new deans.
15 So this was not suggesting that I was at this
16 final end-of-year meeting, at which these three
17 campus-level administrators made decisions
18 across all the colleges. So when I say I
19 negotiated the list down to three, what I mean
20 is I negotiated the list of special admits
21 remaining after the January admission decision.
22 And as a result of that, we were given the
23 decision, admit three and deny the following. I
24 had gone back to him after that decision saying
25 now we can't hit this target number for the

1 incoming class. Now we won't have the LSAT
2 median or the GPA, or both--I don't remember at
3 the time how these worked a negative effect on
4 our numbers--unless I can offset these numbers
5 by recruiting highly-credentialed students whose
6 credentials would have this, you know,
7 offsetting effect. So when I use the phrase
8 scholarships for them, it isn't that they're for
9 any particular named student. It's shorthand
10 for getting scholarships to mitigate the effects
11 of these admissions decisions on our overall - -
12 .

13 FEMALE VOICE: I understand the reason why
14 and your motivation. And maybe the other
15 Commissioners read this differently, but I read
16 this as a direct exchange of three scholarships
17 for those three students.

18 MS. HURD: In the sense that you're--you
19 read it as a quid pro quo.

20 FEMALE VOICE: Yes, absolutely.

21 MS. HURD: Well, it was certainly not that
22 because, as I say--and let me then back up to a
23 March communication from the assistant--it was
24 the assistant to the Provost.

25 FEMALE VOICE: What exhibit is this?

1 MS. HURD: 231. Here I m--

2 MS. MIKVA: [Interposing] Is this in the
3 white binder?

4 MR. CHUNG: It's not. It's a - - .

5 MS. HURD: No, it's one of your - - ,
6 000231. The subject is decision plan, and here
7 she was giving me the decision plan.
8 [Crosstalk]

9 MR. MIKVA: Did any of the three students
10 that you were required to admit get
11 scholarships--

12 MS. HURD: No.

13 MS. MIKVA: --to your knowledge?

14 MS. HURD: They did not. We have confirmed
15 that no student accepted at the campus level
16 under the so-called heading of a special admit
17 ever received scholarship dollars from the
18 University of Illinois. I've been informed that
19 they've received General Assembly [phonetic]
20 scholarships.

21 FEMALE VOICE: So what was the answer to
22 Steven for the pronoun "them"? "Them" was
23 referring to who?

24 MS. HURD: I'm sorry. I'm missing the - - .

25 FEMALE VOICE: Given to Commissioner Larry's

1 point, "them" was referring to who?

2 MS. HURD: The "them" in the--

3 [Crosstalk]

4 I negotiated the list down to three and

5 demanded - - scholarship for them.

6 MS. MIKVA: - - .

7 MS. HURD: Yeah. Well, for "them" is

8 shorthand for going out and recruiting other

9 students who would offset their numbers. We use

10 this--there are a number of other e-mails that

11 you will see in your file; one in particular

12 that I don't have here at hand, but which are

13 common--uses the same shorthand. Full-ride

14 [phonetic] scholarships for X and Y. He doesn't

15 mean that the scholarship dollars are going to

16 go to X and go to Y. What he means is--

17 MR. MIKVA: [Interposing] In exchange for

18 admitting--

19 MS. HURD: [Interposing] Well, not in

20 exchange for either; not in a quid pro quo sense

21 either. What he means is he's helping me out -

22 - .

23 MR. MIKVA: - - you don't have to use it.

24 But it had to do with the fact that these three

25 students had been admitted?

1 MS. HURD: Yes, absolutely.

2 MR. MIKVA: Some of us use quid pro quo as
3 if it's - - .

4 MS. HURD: Yeah, I - - quid pro quo because
5 - - an equal bargainer in an exchange.

6 FEMALE VOICE: We understand your
7 motivation, sure.

8 MR. MIKVA: - - quid pro quos are not done
9 by you.

10 FEMALE VOICE: So these students did get
11 scholarships from General Assembly, you said?

12 MS. HURD: I don't know that it was these.
13 Over the course of the five years in the
14 deanship, it is my understanding that there were
15 three special admit decisions made by campus
16 administrators to students who apparently
17 received General Assembly scholarships.

18 [Crosstalk]

19 MR. MIKVA: - - their tuition.

20 MS. HURD: And they - - .

21 MR. MIKVA: Which is a loss to the law
22 school.

23 MS. HURD: Which is a loss to the law
24 school, double loss.

25 MR. MIKVA: More than 3% of the law school

1 admitees were this special admitees while you
2 were the dean, and now the percentage is zero.
3 What happened? And it hasn't--in the last
4 class, the 2012 class, supposedly there's none,
5 and there was fewer in the 2011 class. What
6 happened? Why is that? Why - - did so many get
7 admitted and now there are none being admitted?
8 MS. HURD: Well, I actually am very proud of
9 the fact that none are now being admitted.
10 Because it's also the case that there were none
11 admitted in the last year of my deanship, and
12 that therefore--
13 MR. MIKVA: [Interposing] What year was
14 that?
15 MS. HURD: That would have been the 2006 and
16 2007. I finished in 2007. And by that point we
17 had been able to - - , making therefore the
18 number of special admits over the course of the
19 five years of my deanship more like closer to
20 2.5%. But as I say, when I came in, all
21 evidence suggested to me that nobody had ever
22 been pushing back, that the numbers had been
23 presumably considerably higher. So in that
24 first year when I had no role of a direct sort
25 at the table, half of the students on this list

1 - - . And over the years we were able to--

2 MR. MIKVA: [Interposing] And what happened
3 the following year? Can you tell us the numbers
4 the following year?

5 MS. HURD: Well, my numbers from my records
6 won't give you Paul Pless' 24, just because my
7 numbers are just drawn from the e-mail traffic
8 that is, of course, an imperfect indication of
9 all decisions made in the admissions office,
10 since I played a relatively marginal role with
11 those decisions on a daily basis.

12 MR. MIKVA: But if this number is right,
13 that sounds like it was about five each of those
14 years.

15 MS. HURD: If his numbers are right, one
16 would think so. My records reflect that in the
17 following year we took two. In the year after
18 that we took four. In the year after that we
19 took about three, and in the last year we took
20 none at all.

21 FEMALE VOICE: You mentioned your records.
22 What do you have?

23 MS. HURD: I just mean my own e-mail
24 records. I have not been afforded access to the
25 College of Law admissions office records, nor

1 have I had an opportunity to in any way talk
2 with Paul Pless. So you know, all I have in my
3 records are reminders of some ferocious arm-
4 wrestling with folks across campus over some of
5 the decisions that I thought were unwise in the
6 case of the law school.

7 MR. MIKVA: You indicated that Chancellor
8 Herman was, at least at the beginning, somewhat
9 sympathetic to your concerns. Is that an
10 accurate statement?

11 MS. HURD: Well, I think Chancellor Herman
12 was ambitious for the College of Law, and he
13 wanted to see it rise in stature and be restored
14 to former--

15 MR. MIKVA: [Interposing] So who was putting
16 pressure on him?

17 MS. HURD: You know, I don't know.
18 Sometimes I would know who was behind the
19 campus' interest in a particular applicant.

20 MR. MIKVA: Were they trustees?

21 MS. HURD: Often enough, yes.

22 MR. MIKVA: Were they outsiders altogether?

23 MS. HURD: Sometimes it would be a reference
24 to--sometimes I was told, and sometimes I wasn't
25 told. A number of times it was certainly--I was

1 certainly told that it was a trustee who was
2 behind the inquiry.

3 MR. MIKVA: Was it frequently legislators?

4 MS. HURD: It was sometimes legislators.

5 But as I say, quite frankly, much of the time
6 when I was told, I didn't know the people
7 anyway, and I didn't--I wasn't moved by
8 references to who lay behind these inquiries. I
9 was simply moved by the fact that my boss was
10 making decisions I thought whip-sawed my agenda.

11 MR. MIKVA: Was it - - that you did not know
12 whether it was the Governor's office, people in
13 the Governor's office?

14 MS. HURD: There are references in my e-
15 mails to some of these special admits being
16 pressed by the Governor's office, yes; more than
17 the one I'm sure we're going to talk about.

18 FEMALE VOICE: Should anybody lose their job
19 over this issue?

20 MS. HURD: You know, I trust this Commission
21 completely with the determination of how to fix
22 what - - to be a problem and what I - - to be a
23 problem. So that one is well beyond my
24 jurisdiction. I think there were a lot of
25 administrators - - with great good faith who

1 found themselves between rocks and hard places.

2 FEMALE VOICE: Well, who preceded you as
3 dean?

4 MS. HURD: The previous deans have been in
5 place for nine years. Tom Engler [phonetic],
6 who is now dean up at St. Thomas; he'd been on
7 the faculty.

8 FEMALE VOICE: So he's no longer at the U of
9 I?

10 MS. HURD: No, that's right.

11 MR. MIKVA: You say his numbers were higher?
12 That's what you're saying?

13 MS. HURD: My understanding is that there
14 really had been not any pushback. There had
15 been no opportunity for serious pushback.

16 MR. MIKVA: You don't know if his numbers
17 were higher.

18 MS. HURD: That's right. That was just my--
19 my impression was that this was a system that
20 just operated, and at the end of the year, these
21 decisions came down - - .

22 MR. MIKVA: You don't know what the number
23 of applications were at the law school during
24 that period?

25

1 MS. HURD: Prior to my arrival?

2 MR. MIKVA: If it was going up or going
3 down?

4 MS. HURD: No, I don't.

5 MR. MIKVA: - - during the years you've been
6 here, right?

7 MS. HURD: The number of applications? Do
8 you mean the number of applications of all
9 students for admission, or do you mean the
10 number of--

11 MR. MIKVA: [Interposing] - - admission to
12 the law school.

13 MS. HURD: You know, I don't know. I don't
14 know whether there were peaks in the past that
15 compare to our recent popularity.

16 MR. MIKVA: But you've had a peak during the
17 years you've been here.

18 MS. HURD: We worked very hard to increase
19 our applicant - - .

20 MR. MIKVA: What do you think would have
21 happened to you if you'd have said no? First of
22 all, did you have the authority to say no?

23 MS. HURD: I certainly did not take myself
24 to have the authority to say no at any point.

25 MR. MIKVA: So who do you think has the

1 authority to admit people to the law school?

2 MS. HURD: Well, I certainly took it to be

3 the case that the Provost, and then the

4 Chancellor, did because they issued such

5 decisions. They issued such directives.

6 MR. MIKVA: Do you know of a policy that

7 says that they should have authority over the

8 deans of the various colleges?

9 MS. HURD: Well, I do not know of any

10 documents that list them as having admissions

11 authority. But the Provost is the Chief

12 Academic Officer for our campus, and that is the

13 office to whom all deans report. That was

14 effectually my boss.

15 MR. MIKVA: So he was your boss?

16 MS. HURD: Yes.

17 MR. MIKVA: But as of this year and last

18 year, and you say the year before, there has

19 been no exercise of that authority by the

20 Provost.

21 MS. HURD: Yeah, I think that we have been--

22 one of the ways that we devised to beat back

23 this kind of pressure was to start keeping the

24 kinds of very careful correlation studies that

25 you have seen; that you heard, for example, Paul

1 Pless talk about. Paul is absolutely terrific
2 at being able to map the correlation between a
3 student's incoming credentials, their ability to
4 perform in law school, their ability to pass the
5 Bar and succeed. So what we tried to do was
6 develop statistics or metrics by which we could
7 say look, these students are adverse to the
8 interests of this institution.

9 MR. MIKVA: Would you say that now the
10 policy of the law school is that no one is
11 admitted except by the normal process as
12 approved by the dean of the law school?

13 MS. HURD: Well, I don't know what the
14 current policy is. I would never have thought
15 myself to have authority to write a policy that
16 deprived the Provost or the Chancellor of the
17 ability to trump my judgment with a judgment
18 that reflected considerations of the larger
19 institution.

20 FEMALE VOICE: But what about writing a
21 policy that had certain basic ethical
22 considerations in it?

23 MS. HURD: I certainly can imagine mission
24 statements and processes and protocols that
25 respond to our shared sense that when exercises

1 of power as opposed to exercises of judgment are
2 made, that those are to be resisted. I would
3 hope that this Commission is able to arm
4 administrators with these kinds of--

5 FEMALE VOICE: [Interposing] Well, one of
6 the things that perplexes me is this is a law
7 school, and you'd think that a law school would
8 be attentive to policy and procedure. And the
9 fact that they're in the absence of any policy
10 or code of conduct in the admissions process is--
11 -it just astounds me that there has been no code
12 of conduct or basic ethical rules in place
13 governing - - .

14 MS. HURD: Well, let me be clear. We never
15 took ourselves to have the authority to write
16 policies or procedures for those at the campus
17 level or those at the university level. I would
18 not presume to say, in many of the cases that we
19 are talking about today, that any unethical
20 behavior or deliberations took place that
21 resulted in the campus trumping my judgment
22 about what was in the best interest of the
23 College of Law.

24 MR. MIKVA: Is there anybody outside the
25 College of Law, assuming the admissions people

1 at the College of Law are doing their job--
2 obviously if somebody is selling admissions or
3 whatever. But assuming the people in the
4 admissions department of the law school are
5 doing their job, and the dean is doing his or
6 her job in reviewing that work, is there any
7 reason that anybody else in the university, from
8 the trustees on down, should have any say in the
9 admissions policy?

10 MS. HURD: I would love it if what came out
11 of this Commission--the answer to that question
12 is no. But I'm also well aware that people in
13 the Provost's office and the Chancellor's
14 office, and in the President's office, are
15 charged with making decisions in the best
16 interest of the larger institution.

17 MR. MIKVA: But what do they know about the
18 admissions, the equality of the admissions to
19 the law school?

20 MS. HURD: Well, they may in fact know and
21 trust the judgment of those who are pressing
22 them to reconsider our--

23 MR. MIKVA: [Interposing] - - a state
24 legislator or a fat-cat alumni or something like
25 that?

1 MS. HURD: It depends on, of course, whether
2 they're responding to judgment as opposed to
3 power. But there's no reason to think that in
4 some of these cases they weren't. I didn't
5 penetrate, because I didn't think I had the
6 ability to do so, the reasons that they brought
7 to the table in making these decisions. But I--
8 you know, just as I would say to a single one of
9 my administrators within the College of Law, I
10 understand that you would like me to make
11 decision X, but you're at 5,000 feet, not at
12 10,000 feet. And I can see from 10,000 feet
13 that there are other considerations that don't
14 bear on you that I have to take into account.

15 MR. MIKVA: If you were a senior partner in
16 a law firm, and the bank with which you had
17 lending relationships asked you to take in
18 another partner who was the brother-in-law of
19 the banker, would you do it?

20 MS. HURD: No, I would not.

21 MR. MIKVA: Why not?

22 MS. HURD: Because I wouldn't take that to
23 be reflective of the best interest of the
24 institution unless I was given some reason to
25 think there were real merits that I ought to

1 appreciate.

2 MR. MIKVA: Which institution, the bank or
3 the law firm?

4 MS. HURD: Well, the person being proposed,
5 the merits of the person being proposed.

6 MR. MIKVA: Is that far a step from what you
7 were in fact being asked to do and agreed to do
8 here at the law school?

9 MS. HURD: Well, I - - that the campus in
10 particular has--the campus administrators have a
11 theory of what will make for a lively
12 educational environment. They have a theory of
13 the kind of geographic representation students
14 should have. They have a theory of the
15 importance of diversity along racial lines,
16 gender lines.

17 MR. MIKVA: And the law school doesn't have
18 that?

19 MS. HURD: We have all that as well. But
20 there is no question that they have an
21 assessment of the variables of educational
22 excellence, and they have an assessment of what
23 will be in the interest of the larger
24 institution. I always took them to have the
25 authority.

1 FEMALE VOICE: Can you give us some examples
2 of what would be in the interest of the larger
3 institution that this process, this special
4 interest process, would serve?

5 MS. HURD: As I say, I wasn't party to - - .

6 FEMALE VOICE: So what would theoretically
7 be--for example, the - - of someone who is a big
8 funder - - on the special interest category? Is
9 that a legitimate 10,000-foot consideration?

10 MS. HURD: Well, if somebody is a big giver
11 to an educational institution, they clearly care
12 about education - - . They clearly take
13 excellence in education to be something that
14 they are willing to invest in. So if somebody
15 is investing in a university like the University
16 of Illinois, I would certainly hope that its
17 administrators would take heed of their views.
18 That said, of course, having taken heed of those
19 views, one should nevertheless be meritocratic
20 in one's decisions. I do take the donor to be
21 quite different from - - .

22 FEMALE VOICE: Okay. I was just going to
23 ask, is the same thing true of legislation?

24 MS. HURD: It's not the same thing.

25 [Crosstalk]

1 Donors are friends.

2 MR. MIKVA: They provide more money.

3 MS. HURD: Donors are friends of an

4 educational institution; are investors, are

5 stakeholders in admission. What they're

6 investing in is excellence. Their interests

7 coincide with--typically their interests

8 coincide with the interests of the institution.

9 That is not, of course, necessarily the case

10 with those in the legislative or executive

11 branch, which voted with their dollars.

12 FEMALE VOICE: Would you reconcile something

13 for me? Listening to your statements about your

14 recognition that the Provost, the Chancellor,

15 the President--they're charged with making

16 decisions that take into consideration the best

17 interest of the organization as a whole; and

18 that you understand that, based on you not

19 having or not feeling that you had the

20 authority, you trusted to leave that to them.

21 That's one scenario. What I'd like you to

22 reconcile that with is the tone of your e-mails

23 where there's such a level of disdain and

24 disrespect, if you will, for any decision making

25 that they had. I'm having trouble reconciling

1 these two.

2 MS. HURD: Sure, I would completely

3 appreciate that. When I say that I thought they

4 had the authority to make these decisions, and

5 that I did not have the ability to penetrate

6 their reasons for them, that is not to say that

7 I - - . I think the record shows years of

8 campaigning efforts to get them to take

9 seriously the impact of these kinds of decisions

10 on the particular goals of the College of Law.

11 Now the college is a small little unit; faculty

12 of a third the size of the psychology

13 department, and the psychology department is one

14 of 60 that report to the Dean of Arts and

15 Sciences. We recruit, you know, 200 students a

16 year out of 70,000 within the university system.

17 We're a small little unit. But nevertheless,

18 the records show some ferocious effort to

19 wrestle for ourselves autonomy, with which to

20 pursue what we took to be a really ferocious

21 meritocratic agenda. So - - .

22 FEMALE VOICE: [Interposing] If I can cut

23 you off for just a moment because I know that

24 you're going to specifically deal with certain

25 things. But my question gets more to your--on

1 the one hand it seems that you are very
2 willingly and respectfully willing to accept
3 that you don't have that authority, and that you
4 trust--and I use that word trust--your
5 authorities to make those decisions. You trust
6 them with that. But your tone of your e-mails
7 does not indicate that you trust them with that.
8 In fact, it indicates quite the opposite. So
9 I'm really getting to what you feel, your own
10 ethical feeling and understanding.

11 MS. HURD: Yeah. Being - - that we will
12 come to, in which I certainly adopt a very
13 disdainful tone, and that is exactly the right
14 description, are e-mails where I was trying to
15 shake somebody to get them to appreciate the
16 true cost of their decisions. When I thought
17 that they really appreciated the implications of
18 their decisions on the College of Law and were
19 reluctantly concluding that those interests had
20 to be sacrificed for larger interests that they
21 could glean and I couldn't, I pressed it. That
22 is, I deferred to them. I don't know that I--
23 you know, I'm hardly going to say that I came to
24 share their views of the merits. But I took
25 them to have the authority to trump my judgment

1 when doing so admitted students, all of whom
2 were fully qualified to study law, all of whom
3 were fully qualified to enter the profession.

4 FEMALE VOICE: So as much as you cared, you
5 never felt that it would be helpful to recommend
6 that policy be drafted or instituted that could
7 change things?

8 MS. HURD: I never saw there to be an
9 opportunity to - - with rules or protocols that
10 would insulate college-level decisions from
11 those who would have to write the protocols and
12 the policies to do that - - .

13 FEMALE VOICE: So no recommendations? You
14 never felt that you - - ?

15 MS. HURD: No, I just pushed back at every
16 turn. I tried to educate, and I tried to deter
17 these exercises.

18 FEMALE VOICE: I just want to clarify if
19 you'll just indulge me for one minute. You've
20 mentioned that when you first came in, you were
21 given instructions as to how to deal with this
22 well-oiled, well-greased system. Can you
23 explain to us what that is--how you received
24 that instruction and from whom?

25 MS. HURD: In an e-mail, for example, from

1 Lynn Schaefer [phonetic]. Again, this is the e-
2 mail that you have numbered 231. "In the past
3 the admissions coordinator"--from the law
4 school--"met in person with Rick Shell
5 [phonetic] to discuss each applicant." So what
6 she's describing here what was called at the
7 College of Law a pre-meeting meeting. So she
8 would--or somebody, some staff member from
9 admissions in the law school would sit down with
10 somebody in government relations and discuss the
11 applicants that government relations and the
12 rest of the campus had on their special admit
13 list. She goes on, "After that meeting, Rick
14 met with the Provost and with Steve Schaumberg
15 to discuss priorities. This year many of the -
16 - are coming from trustees, and that is why the
17 process is a little bit different." And she
18 goes--plus the fact, she says, that Dean Hurd
19 wanted to be more involved. This is an e-mail
20 that she's writing to the Associate Dean. "I
21 could see if you could join the meeting next
22 Friday, if that would help." That was the final
23 year-end meeting. We have--there was no, then,
24 preliminary meeting that year, and then we were
25 actually denied the ability to be at that - - .

1 FEMALE VOICE: I read that e-mail, but that
2 doesn't answer the question.

3 MS. HURD: Okay.

4 FEMALE VOICE: My question is the
5 instruction specifically--what instruction did
6 you receive on how to handle this well-oiled,
7 well-greased system?

8 MS. HURD: All I was educated to was that
9 the college would ask, as the year went on, to
10 take no action in the case of some application
11 because there was - - . In some of these cases,
12 I'm sure that it was benign in the following
13 sense. They simply wanted no surprises. They
14 simply wanted a heads-up.

15 FEMALE VOICE: Did you ever complain to a
16 trustee about this process?

17 MS. HURD: No, I did not.

18 FEMALE VOICE: And do you think in
19 retrospect you should have?

20 MS. HURD: I took the trustees to be many of
21 the pressure points [phonetic].

22 MALE VOICE: Dr. Carroll, who was a previous
23 witness, said it was unethical for clout to be
24 used, and that she would never do it, but you
25 accepted it?

1 MS. HURD: I didn't--I certainly wouldn't
2 think it would ethical for somebody to exercise
3 power in a way that affected meritocratic
4 decision making. I certainly never appreciated
5 the reason why these decisions were made in many
6 cases. What you see is my frustration in the e-
7 mails that I know we're coming to, and that
8 Commissioner - - .

9 MR. MIKVA: [Interposing] What I was just
10 asking you is whether it was ethical or not.
11 She said it wasn't, and you don't have that
12 dilemma.

13 MS. HURD: I would think that an exercise of
14 power by a governor, by a legislator, by a
15 trustee, would be highly unethical.

16 MR. MIKVA: No, she's talking about the
17 policy of getting a student in by--as a trustee,
18 she said it was unethical to put on pressure. I
19 would assume you'd have the same--as a dean, you
20 would have the same feeling that it's unethical
21 to bring in a student that doesn't belong there.

22 MS. HURD: If a student was brought in
23 because of an exercise of power as opposed to
24 judgment, I certainly think there is - - . I
25 certainly think that that is unethical.

1 MS. MIKVA: But you accept it.

2 MS. HURD: I accepted campus-level decisions
3 given to me by my boss, and I had no party in -
4 - .

5 MR. MIKVA: [Interposing] So you were
6 following orders?

7 MS. HURD: Well, no, I wasn't following
8 orders. I was pushing back.

9 MR. MIKVA: That's what you're saying.

10 MS. HURD: No.

11 MR. MIKVA: That's what you're saying.

12 MS. HURD: No, I was pushing back, but I
13 ultimately thought they had the authority.

14 MALE VOICE: Dean Hurd, did you ever ask
15 Chancellor Herman the reasons for the higher
16 decision making?

17 MS. HURD: No, I didn't. I would understand
18 that in the background were inquiries from
19 people who he felt had significant say.

20 MR. MIKVA: Significant what?

21 MS. HURD: Say. Significant say.

22 MS. MIKVA: Say in what?

23 MS. HURD: I'm sorry. Say in his
24 deliberations. But I didn't--I had no--I was
25 not party to what that meant.

1 MALE VOICE: Was there a reason why you
2 didn't ask what the higher reasons were?

3 MS. HURD: It didn't--it was never the case
4 that I was made to feel that that was
5 appropriate.

6 MALE VOICE: You didn't think it was
7 appropriate for you to ask what the higher
8 reasons were?

9 MS. HURD: Well, I never thought it was
10 appropriate to ask him to defend an all-things-
11 considered judgment about the interest of the
12 larger institution.

13 MALE VOICE: And why didn't you think it was
14 appropriate; because of who he was?

15 MS. HURD: Because of who he was and the
16 nature of the role he played. That is, I should
17 - - and I expect often in dean's meetings that
18 deans' jobs were to be sort of ferocious
19 advocates of their particular units. And then
20 those higher up the chain aggregated those
21 interests as they considered the larger
22 interests of the entire university.

23 MALE VOICE: When you went to the deans'
24 meetings, did you ask some of the other deans
25 whether they were experiencing similar pressure

1 from the higher decision-making authority?

2 MS. HURD: It was a commonly-shared--

3 MALE VOICE: [Interposing] Did you ever ask
4 them whether they knew the reasons behind the
5 higher authority?

6 MS. HURD: No.

7 MALE VOICE: Why not?

8 MS. HURD: I think we all felt that we were
9 supposed to champion our units and that, as I
10 say, these were sort of advocacy efforts that
11 somehow would sort of bear out at the larger
12 level.

13 MR. MIKVA: Do you think that it overall was
14 good for the university that this policy
15 existed?

16 MS. HURD: The policy?

17 MR. MIKVA: Of clouting kids in; that it was
18 otherwise admissible?

19 MS. HURD: I never thought of this as a
20 policy of clouting kids in.

21 MR. MIKVA: Well, what would you call it?

22 MS. HURD: I never thought of it that way at
23 all. All I knew--

24 MR. MIKVA: [Interposing] What were you
25 fighting?

1 MS. HURD: Well, I certainly appreciated it,
2 that behind these, it seemed to me, my bosses
3 were experiencing pressure themselves.

4 MR. MIKVA: Okay. Now you talked about
5 meeting with other deans who also felt that way.
6 Did you or the other deans ever express among
7 yourselves or to your bosses that you thought it
8 was bad for the university as a whole to be
9 engaging in this kind of practice?

10 MS. HURD: I think that we all felt that we
11 were pushing back against outside pressures that
12 were alien to the mission of excellence, but we
13 did not--

14 MR. MIKVA: [Interposing] Did you tell your
15 bosses that?

16 MS. HURD: Independently, yes. In the long
17 e-mail files you have from me--independently, we
18 certainly did.

19 MR. MIKVA: But as far as you know, none of
20 the deans, you included, ever asked the
21 university to issue a policy rejecting this kind
22 of--

23 MS. HURD: No, we didn't, but we certainly
24 didn't think of it as a policy that such
25 clouting existed. We took it to be an unhappy

1 reality against which we all--

2 MR. MIKVA: [Interposing] - - an unhappy
3 reality?

4 MS. HURD: Well, an unhappy reality that
5 sometimes pressure was brought to bear on those
6 above us from our vantage points looked
7 inconsistent with judgments of merit.

8 MR. MIKVA: And therefore - - to the
9 university.

10 MS. HURD: And therefore - - to the
11 university. But it was merely, you know, shared
12 impressions; each of us in our isolated
13 colleges.

14 FEMALE VOICE: Did you ever think of calling
15 the Inspector General's office?

16 MS. HURD: No, I didn't, because at least in
17 my case, as I say, all of the students admitted
18 were fully capable of studying law and fully
19 capable of entering the profession. And the
20 ones we tracked through all have. These were
21 not decisions that introduced students into the
22 system who could not do the work.

23 FEMALE VOICE: I think we've already covered
24 this, but just to make sure, are you aware of
25 any policy, law, regulation, any governing

1 authority that was violated?

2 MS. HURD: No, - - .

3 MALE VOICE: One of the students didn't
4 finish that was--you said they all had.

5 MS. HURD: I'm sorry. One of the students
6 left because of disciplinary reasons, not
7 because academically they couldn't compete.

8 FEMALE VOICE: What made them less than
9 desirable, if you say on the one hand they were
10 quite capable of doing the work and completing
11 law school?

12 MS. HURD: - - by definition have to - - ,
13 right? So one of the things we were anxious to
14 resist was some notion that, you know, if half
15 your class is below median or below average,
16 then treat them as fungible and choose one to
17 substitute in. But no, of course. As
18 admissions officers build the part of the class
19 that from the numbers one might think of as
20 predictably in the lower half of the class,
21 you're looking for life experiences. You're
22 looking for indications and what might be - -
23 mixed records that people have passions and
24 talents that will spike up and carry them to
25 excellence as they enter the profession. You're

1 looking for people who have traveled the globe,
2 were worldly, who invested in community service,
3 have been in military service. So the students
4 that we were resisting from the campus level
5 simply often failed to have these other
6 indicators of success that we were looking for
7 within our pool of - - .

8 FEMALE VOICE: Can you give us any specific
9 example of what left you with the impression
10 that you could not speak out in a formal fashion
11 against what you obviously, based on your own
12 indications, think was unethical?

13 MS. HURD: Well, again, I don't take it to
14 be unethical for those at the campus level to
15 trump those in the colleges with exercise of
16 authority made in the best interest of the
17 institution.

18 FEMALE VOICE: But you said it was unethical
19 that students would be admitted--

20 MS. HURD: [Interposing] I certainly take it
21 to be unethical that someone would exercise
22 power from the outside or the periphery of the
23 institution.

24 FEMALE VOICE: That's what we're talking
25 about. That's what this session - - .

1 MS. HURD: [Interposing] Yeah, that
2 certainly--I mean to the extent that these were
3 exercises of power from outside of the
4 institution--I took those exercising that power
5 to be unethical.

6 MR. MIKVA: But what about the--you draw a
7 line and say the university official who
8 responded to that exercise of power. It's not
9 really power; it's alleged power. Who does the
10 university President respond to?

11 MS. HURD: I would say that he would say the
12 Board of Trustees.

13 MR. MIKVA: Of course. And who does the
14 Chancellor respond to?

15 MS. HURD: The President.

16 MR. MIKVA: Do any of them respond to the
17 Governor in - - ?

18 MS. HURD: No, they don't.

19 MR. MIKVA: Do they respond to the
20 legislature?

21 MS. HURD: No, they don't.

22 MR. MIKVA: - - . Is it unethical for a
23 university official to respond to pressure from
24 inside or outside that makes them make a
25 decision other than on the merits?

1 MS. HURD: I would say that when a decision
2 has--is forced by pressures from the outside,
3 that is extremely regrettable. I do think those
4 people made what they thought was a best-
5 interest-of-the-institution decision they could
6 make under the circumstances. I leave their
7 ethics in the good hands of this Commission.
8 What I know was they didn't force decisions on
9 me that I thought, when implemented, were
10 unethical decisions. If I had thought that, I'd
11 have done something.

12 FEMALE VOICE: Just one quick question.
13 This is not your first job as a professor of
14 law. You were, I think, in San Diego?

15 MS. HURD: The University of San Diego, and
16 for 11 years at the University of Pennsylvania.

17 FEMALE VOICE: Were you aware of processes
18 within those law schools that are similar to the
19 processes that you confronted at U of I?

20 MS. HURD: I think there are analogous ones,
21 but those are private institutions, so they
22 don't have the same kind of public mandate, nor
23 do they feel the same kind of need for
24 responsiveness, as it were, to those in the
25 legislative and executive branch.

1 FEMALE VOICE: When you say analogous, can
2 you just give a general description?

3 MS. HURD: Sure. I am sure that people in
4 those systems as well felt that sometimes people
5 were trying to use power more than judgment to
6 affect their decisions.

7 FEMALE VOICE: Now you expressed sort of a
8 general unhappiness about some students you had
9 to admit as a result of the process we're
10 discussing today. Were there other processes
11 within your job--for example, hiring or
12 retention of professors, or the hiring or
13 retention of staff--that were influenced by
14 politics or unspoken policies of influence?

15 MS. HURD: No. - - .

16 MALE VOICE: Very quickly, you mentioned
17 conversations with other deans. Who were the
18 other deans that shared your views - - to ask?

19 MS. HURD: You know, it was just a general
20 theme that would run through hallway
21 conversations and so forth with all of the
22 deans.

23 MALE VOICE: Can you identify some of the
24 schools that they were from?

25 MS. HURD: I don't have any particular

1 memories of particular conversations. It was a
2 common topic of complaint.

3 MALE VOICE: The discussion that we've been
4 having so far is with respect to what's been
5 called the external special interest group of
6 candidates, correct? We also had a group of
7 what was referred to as the internal special
8 interest group. What classified somebody as
9 internal versus external?

10 MS. HURD: Yeah, we certainly thought of
11 what we designated as internal special interest
12 applicants quite differently than did the campus
13 because our internal designation--named what
14 they're named just because of a computer program
15 that all law schools across America use, where
16 there's a sort of ability to enter in
17 information about a particular applicant under a
18 title of special interest. It was principally a
19 designation that at least would allow me to get
20 out in front of negative admissions decisions in
21 instances in which we would know that a
22 stakeholder in the college would want a heads-
23 up.

24

25 7.MP3]

1

2 OF 7.MP3]

3 MS. HURD: --before they were surprised by
4 an unhappy denial that somebody in the
5 admissions office had made.

6 MR. CHUNG: So a large contributor to the
7 college of law would fall within--

8 MS. HURD: Sure.

9 MR. CHUNG: --the designation of internal
10 special interest.

11 MS. HURD: Sure. - - with staff. It wasn't
12 tracked by who they were. It was just--if
13 diplomacy would be needed in the event of a
14 denial decision, they were flagged so that I
15 could get out in front of the message.

16 MR. CHUNG: Were there instances where
17 internal special interest candidates were forced
18 on the college like the external candidates
19 were?

20 MS. HURD: No.

21 MR. CHUNG: I saw that in some of the
22 documents we looked at when we met last week
23 that there was some tracking of the performance
24 of special interest candidates. That was all
25 for the external - - admits, correct?

1 MS. HURD: That's my understanding from
2 reading what you've read, which is Paul's
3 studies to that effect. I think he says very
4 specifically that the study is external.

5 MR. CHUNG: Do you have any independent
6 recollection of tracking of special interest
7 candidates, either external or internal?

8 MS. HURD: I don't, and I don't remember
9 having particularly very many of them from
10 internal folks.

11 MR. CHUNG: As part of your effort to resist
12 campus-wide SI applicants from being forced on
13 the college, you did track their performance and
14 noted to Chancellor Herman that one of the ones
15 the campus required you to take was failing
16 legal writing, correct?

17 MS. HURD: Correct.

18 MR. CHUNG: And then also an effort was made
19 to track the job placement of special interest
20 candidates from the campus side, correct?

21 MS. HURD: I understand that that's the
22 case. Because we didn't start the tracking
23 until the second--or even the third year,
24 really--of my deanship, you know, those students
25 then just recently graduated. So we don't have

1 much at this point, and certainly not at the end
2 of my deanship that I would know that would have
3 tracked well into their professional
4 development.

5 MR. CHUNG: Now for most--a large number of
6 law students, by the time they're third-year,
7 they typically know whether they have a job when
8 they leave law school, correct?

9 MS. HURD: A lot of law students don't have
10 jobs at graduation - - .

11 MR. CHUNG: By the time they're third-years,
12 though, they know whether they have jobs.

13 MS. HURD: Certainly, sure.

14 MR. CHUNG: Okay. For the tracking you did
15 for the campus-wide--of the 3Ls, which is the
16 third-year students, most did not have a job at
17 that time, correct?

18 MS. HURD: I'm not sure I have a memory of
19 that.

20 MR. CHUNG: Okay. We have the document that
21 I think you have there that is 2954 that Mr.
22 Pless prepared, that shows the 3L student did or
23 didn't--who were listed as unemployed or
24 employed, correct?

25 MS. HURD: I'm looking at this - - .

1 [Crosstalk]

2 MALE VOICE: 2954?

3 MR. CHUNG: Yes. - - the ones that we were
4 given have the UNIVER and the number. Yeah, I
5 believe--I can't see that all the way through
6 here, but I think we're looking at the same
7 thing.

8 MALE VOICE: Okay.

9 MR. CHUNG: Just skip the ethics training.

10 [Crosstalk]

11 Do you have it in your packet?

12 MALE VOICE: No.

13 [Crosstalk]

14 MR. CHUNG: Is it true that on that chart
15 the majority of the 3L students who were
16 admitted as special admits did not have jobs and
17 were listed as unemployed?

18 MS. HURD: It's certainly clear from this.

19 MR. CHUNG: We understand that in connection
20 with efforts to resist campus-wide special
21 admits, there were discussions about the
22 inability to employ lower-ranking students or
23 students who were forced on the College of Law,
24 correct?

25 MS. HURD: That's right.

1 MR. CHUNG: Is that at least in part--that
2 exchange with Chancellor Herman and the campus-
3 wide folks is at least in part what generated
4 the string of e-mails that discusses Trustee
5 Eppley and jobs for the admission of special
6 interest candidates?

7 MS. HURD: If I may, in 2005-2006 we made
8 the employment of our students a principle
9 priority. We had made enormous gains in the
10 first--in the previous two years in improving
11 the quality of our students; as I say, taking
12 them from 34th in the nation to 15th in the
13 nation. It was time then to turn to another
14 attribute of greatness in the assessment of law
15 schools, and that is the employability of
16 students; the other significant driver of a
17 school's ranking. So this was the year when we
18 made employment a very significant priority.

19 MR. CHUNG: Okay. And when we had Assistant
20 Dean Pless [phonetic], who is responsible for
21 admission, here to chat with us, he discussed
22 the learning process that the Chancellor's
23 office went through in terms of responding to
24 your arguments and then adapting to them, to
25 advocate the admission of special interest

1 students. Did you experience that as well?

2 MS. HURD: Yes, I did.

3 MR. CHUNG: Okay. And that was also the
4 source of the suggestion that jobs be given in
5 order to offset the damage to the College of Law
6 caused by the admission of special interest--

7 MS. HURD: If I may, I'm going to ask for
8 the Commission's indulgence. I would like to
9 take you through those e-mails in order and walk
10 you through those so that we can clear up what I
11 take to be very serious misperceptions in this
12 interpretation. Would it be okay to do that, to
13 take you through those systematically?

14 MR. CHUNG: Yes, I think Judge Mikva has
15 said that that will be fine. But before we get
16 there, I just want to understand that that was
17 at least in part the genesis of your chain of e-
18 mails that discussed jobs in exchange for, or as
19 a result of, admitting special interest
20 candidates.

21 MS. HURD: Well, I'm certainly going to
22 resist that jobs were ever exchanged for, or
23 received as a result of. But it is very much
24 the case--

25 MR. MIKVA: [Interposing] Okay. Again, we

1 seem to get into the euphemisms all the time.

2 As I understand what you've said, and what
3 you've said extraneously - - , you didn't take
4 seriously that there was going to be this effort
5 to find jobs for some people in return for
6 taking in these subpar students?

7 MS. HURD: That's certainly true. I had
8 made job--

9 MR. MIKVA: [Interposing] But other people
10 did, didn't they?

11 MS. HURD: I don't know that--

12 MR. MIKVA: [Interposing] Mr. Eppley?

13 MS. HURD: I don't know.

14 MR. MIKVA: Didn't you know that from the e-
15 mails?

16 MS. HURD: No, I certainly do not.

17 MR. MIKVA: What about the Chancellor?

18 MS. HURD: I certainly do not.

19 MR. MIKVA: After the e-mails that he wrote
20 you?

21 MS. HURD: I have a very clear memory of how
22 I understood those e-mails.

23 MR. MIKVA: I understand what you--that you
24 said I was just funny or whatever you said.

25 MS. HURD: No, no, no, I'm never funny.

1 MR. MIKVA: Okay, that you were being
2 sarcastic. But didn't Chancellor Herman really
3 make an effort to get some jobs for students at
4 the law school?

5 MS. HURD: I do not believe so. But if I
6 could--can I walk you through what I think--

7 MR. MIKVA: [Interposing] Well, let's finish
8 the - - first and then go ahead with--

9 MR. CHUNG: Absolutely. That was the finish
10 of my preliminary questioning.

11 MR. MIKVA: Go ahead.

12 MS. HURD: All right. Well, it is--I think
13 it is extremely important to appreciate that
14 these e-mails in part--is - - a culmination very
15 late in a year in which I was indeed stressing
16 the importance of the employment of our
17 students. We had hired new staff into our
18 career services office. We had ramped up
19 efforts to place our students nationally. We'd
20 launched new programs. We'd brought our alumni
21 into the process. We'd made it a big issues
22 with our board of visitors [phonetic], with the
23 faculty, and I had table-pounded with Chancellor
24 Herman about the ways in which special interest
25 admits were inconsistent with the employment

1 goals we had in the same way that they were
2 inconsistent with the admissions goals we had.
3 Because just as Paul Pless would become incensed
4 at the thought that his entering class statistics
5 would plummet at the end of the year because of
6 these decisions, so my Assistant Dean for Career
7 Services saw that years hence, he was going to
8 have precisely this problem placing students.
9 So the message was clear, and it was clearly
10 repeated to the Chancellor, to the Provost, and
11 quite frankly to anybody who would listen. Now
12 we had in the spring of 2006, as this set of e-
13 mails demonstrates, a very contested special
14 interest applicant.

15 FEMALE VOICE: When you're referring to an
16 e-mail, can you just - - .

17 MS. HURD: I'm going to take you through the
18 e-mails and the--

19 [Crosstalk]

20 MR. MIKVA: - - over part of the - - .

21 MS. HURD: So these are the e-mails that I'm
22 talking about. And what these e-mails show is
23 that there was an application to the College of
24 Law by a prospective student who we did not
25 believe was in the best interest of the law

1 school, whose admission we thought was
2 inconsistent with our agenda of excellence, and
3 we pushed back against campus pressure to accept
4 this student. And I had numerous phone calls
5 with the Chancellor about this particular
6 student prior to the start of this e-mail chain.
7 I finally received word from him--I believe it
8 was by a telephone call--that he really did want
9 us to take this student, that this was really--
10 you know, he was just convinced that this is
11 what he had to--that this was the news he had to
12 deliver. So I delivered this bad news to Paul
13 Pless, and he was very unhappy. He was himself
14 incensed, and he saw that there would be a very
15 serious effect on the incoming class statistics
16 if we were in fact to take this student. And I
17 asked him to put his case in writing. I asked
18 him to draw up the portrait of how this would
19 have an adverse effect on the incoming class
20 statistics. What you have at tab 1 in your
21 white binder is the e-mail that he then crafted
22 and sent to me at 2:24 on Thursday, April 27th.
23 As he made clear, he received my message about
24 the Provost's decision in this particular case.
25 He says he can't state strongly enough the

1 negative impact that this will have on the
2 profile of the incoming class. He describes the
3 student's credentials as placing him well below
4 both of our 25 percentiles in the incoming
5 class, so it's an LSAT well below 162 and a GPA
6 well below 3.15. As he makes clear, with a
7 class of only 185 students, a single student can
8 have a major impact on class statistics. He
9 says, "Because we're being forced to admit this
10 student, I will have to admit at least two
11 additional students to ensure there is no
12 negative impact on the class profile, and I
13 can't say for certain that even that will be
14 enough. Since we're so late in the process, it
15 will be unlikely I'll be able to find any single
16 candidate that would help both the LSAT and the
17 GPA to counteract the number." So as he
18 sketches, this decision will put our ability to
19 bring in the GPA at 3.5, which we really very
20 much set for ourselves. He goes on to map his
21 concerns about whether the student will be
22 successful academically, whether the student
23 will be able to pass the Bar on the first try,
24 whether he'll go on to success in the
25 profession. And he reminds me that this will

1 be--we'd already admitted two special admits
2 that year, and that this would be number three.
3 Now Paul was highly respected by Chancellor
4 Herman, as he is by all of the administrative
5 staff at the College of Law. I very much hoped
6 that by sending this to the Chancellor we could
7 persuade him to back off, to reverse what we
8 took to be his preliminary decision in this
9 case. And so on Friday, April the 2nd at 11:14
10 a.m.--

11 MR. MIKVA: [Interposing] The 28th.

12 MS. HURD: I'm sorry, April 28th. Friday,
13 April 28th at 11:14 a.m., I sent Paul's e-mail to
14 Chancellor Herman. And what you see in tab 2 is
15 this e-mail from me to Richard Herman. "Can you
16 turn this around, Richard, please?" I was not
17 copied on the e-mail that appears at tab 3. But
18 as you can see, Chancellor Herman then forwarded
19 my plea and Paul's analysis to Trustee Eppley a
20 half-hour later. It was unbeknownst to me that
21 he passed this on. On Saturday morning I was in
22 the office, and I was in the office with a
23 number of the staff members. We were all
24 working overtime at that point in the year on
25 the kinds of year-end projects that always make

1 you burn both ends of the candle at that time of
2 the year. I received the e-mail that you see at
3 tab 4 at 9:38 that morning, April 29th. This one
4 is from Richard Herman, Saturday, April 29, 9:38
5 a.m., subject, this contested student. "Heidi,
6 straight from the G; my apologies. - - has
7 promised to work on jobs - - ." I was incensed.

8 MR. MIKVA: What does - - counts mean?

9 MS. HURD: I don't know. I was incensed. I
10 was incensed because we'd just been
11 steamrollered by what I took to be an abuse of
12 the position of official trust, the public
13 trust; an abuse of an official office at the - -
14 .

15 FEMALE VOICE: [Interposing] By whom?

16 MS. HURD: At the gubernatorial level.

17 FEMALE VOICE: Okay. So the bad guy here
18 is?

19 MS. HURD: Well, I took "the G" to mean the
20 Governor, and I took it to be the case that
21 there had been a top-down gubernatorial fiat.

22 FEMALE VOICE: So you were not incensed with
23 Trustee Eppley?

24 MS. HURD: I was incensed with Trustee

25

1 Eppley, and I was incensed with Chancellor
2 Herman for not muscling back under what seemed
3 to me a clear exercise of fiat, unethically so;
4 the clearest case we have on record. But I was
5 all the more incensed at Chancellor Herman for
6 introducing talk of jobs into what, until this
7 e-mail, had been a sustained dispute about the
8 admission of a student. Notice that this is the
9 first time jobs are raised in tandem with, or
10 coupled with, a dispute about a special admit.
11 It never happened before. It was not part of
12 the record before. All of a sudden he has the
13 gall to suggest that somehow--please understand,
14 I really have great fondness for him, but I was
15 incensed. I was so furious that he would think
16 that somehow there would be some connection
17 between talk of jobs with Larry Eppley and the
18 admission of this student that we were just
19 being stuck with. I took him to be trying to do
20 at the back end what he had done at the front
21 end. I took him to be trying to neutralize the
22 effect of this decision by saying well, I can do
23 at the back end what I did at the front end. At
24 the front end we offset the impact of an
25 admissions decision on the incoming class

1 statistics by giving dollars to recruit
2 offsetting students. Well, what would
3 neutralize the problem at the back end? Well,
4 you'd have to have a job, right? That would be
5 the only way you'd neutralize the predicted
6 effect of a special admit's failure to get a
7 job. So I took him to be trying to do at the
8 back end what he had done at the front end, and
9 this, quite frankly, enraged me. And so you get
10 tab 5, my response predicated on the notion that
11 there was no back-end fix here to this decision
12 that he had just shoved down our throats. All
13 right. So seven minutes later on that Saturday
14 morning at 9:45--my blood is now boiling; it
15 hasn't boiled that long--I fire off the response
16 to whatever he meant by - - , I wasn't having
17 anything of this. "Only very high-paying jobs
18 in law firms are absolutely indifferent to
19 whether the - - passed their law school classes
20 or the Bar." Now there are, of course, no law
21 firms that are absolutely indifferent to any of
22 this. My reply was designed to be a slap. But
23 be clear; I wasn't joking here.

24 MR. MIKVA: Yes, you were.

25 MS. HURD: No, I was using sarcasm.

1 MR. MIKVA: You said it's enough to make one
2 want to be a Republican.

3 MS. HURD: Yeah, that's for sure. But you
4 know, I wasn't even joking on that one. I was
5 furious. I was furious, and I used sarcasm to
6 try to shake somebody who had not been shaken by
7 an extremely serious analysis by Paul Pless of
8 how this was going to work an adverse effect on
9 our goals of excellence. He hadn't been moved
10 by that. He sent them on - - , but he hadn't
11 added his own muscle to that serious analysis by
12 a serious staff member.

13 FEMALE VOICE: Is this an aberration in the
14 Chancellor's behavior, or is this part of a
15 pattern of - - ?

16 MS. HURD: I don't know the answer to that
17 question. This is the time in my deanship where
18 the decisions starkly appeared politicized from
19 the Governor down to our office.

20 MALE VOICE: The only inconsistency that I
21 see is if I would have received this e-mail from
22 Paul Pless and I felt that strongly, I would
23 have maybe used strong language rather than
24 using "please." Maybe at that point one of your
25 first forwards to the Chancellor, I would have

1 said I strongly support what Paul Pless is
2 saying. You must do something about this. We
3 can't accept it. It's going to hurt the
4 rankings. It's going to hurt the university.
5 You chose to say "please."
6 MS. HURD: No, I had had multiple
7 conversations with Richard Herman about this
8 student. I had pushed back in phone call after
9 phone call. And so my "Turn this around,
10 Richard, please" was--
11 MR. MIKVA: Go on.
12 MS. HURD: So this was certainly designed to
13 be a slap. It was a use of sarcasm, but not
14 humor, to express my very serious unhappiness.
15 And three minutes later he returned the
16 following reply. "So government jobs don't
17 count to - - 's office?" Are you kidding, I
18 thought. I mean I took him to be implying that
19 students who might not be able to cut it in the
20 private sector might nevertheless find sinecures
21 in government. I teach government theory. My
22 father was a professor of government. I'm a
23 government employee. And my response to that
24 was a response designed to point out what I took
25 to be the insulting implication, which is that

1 these predictably bottom-of-the-class admits
2 could find a place in government if they
3 couldn't be hired by the kinds of firms he
4 initially asked about.

5 FEMALE VOICE: Would you repeat that?

6 MS. HURD: I took it to be insulting that
7 the implication of his e-mail here at tab 6 was
8 that students who couldn't perhaps cut it in the
9 private sector were nevertheless, as I put it,
10 good enough for government work. I don't think
11 there's anybody who's good enough for government
12 work who isn't exactly right for government
13 work. And to be exactly right for government
14 work, you have to have a passion for it, and you
15 have to have the skills of precisely the same
16 sort that somebody has to have--

17 MR. MIKVA: Okay. But he didn't get your
18 sarcasm because he went right out two hours
19 later--

20 MS. HURD: [Interposing] Well, I think he
21 got my sarcasm loud and clear.

22 MR. MIKVA: - - his next letter was to Larry
23 Eppley two hours later.

24 MS. HURD: But wait. This is part of the
25 story, if I could. When I had fired off these

1 two sarcastic responses, I was--as I say, my
2 blood was just boiling. I went jumping up out
3 of my seat. I strode out in the hallway.

4 MR. MIKVA: [Interposing] That doesn't show
5 up in the - - . Tell us what you did.

6 MS. HURD: Well, no, because of course--

7 MR. MIKVA: [Interposing] Tell us what else
8 you did.

9 MS. HURD: So I went out into the hallway,
10 and there was a sort of grouping of staff. I
11 remember Paul was there. I remember Ralph was
12 there.

13 FEMALE VOICE: This is on Saturday?

14 MS. HURD: This is on Saturday morning; the
15 end-of-the year sort of work that everybody's
16 then doing. I was just incensed, and I told
17 them about this. And we were standing around,
18 and we were sort of reinforcing each other's
19 agitation, and they were incensed as Paul was
20 incensed. We were so frustrated, and we were
21 sort of throwing up our hands.

22 MR. MIKVA: What did you do?

23 MS. HURD: Well, then the phone rang.

24 MR. MIKVA: It's a phone call; no more e-
25 mails?

1 MS. HURD: The phone rang, and it was
2 Richard Herman. Richard Herman called me quite
3 frequently. He was clearly doing to me what he
4 had said in his previous e-mail he intended to
5 do with Paul, which is pick up the phone and
6 call. He understood from my e-mail that I was
7 extremely unhappy, that I was angry. He called
8 me in an effort to sort of make nice. He was
9 trying to, as it were, mollify me. I remember
10 from this phone call saying Richard--he said
11 something about well, I think - - could get
12 jobs. I said Richard--I said don't bring me
13 jobs for people who can--you know, I mean
14 anybody who's going to prepared to give a job to
15 the University of Illinois--of course - - . But
16 anybody would be prepared to give a job to
17 University of Illinois, but I want to pick off
18 the top of the class. They want to pick off the
19 person who is the highest up that they can pick.
20 I said your decision has - - us with a student
21 that's going to be at the bottom of the class.
22 This is not a mitigation strategy. You can't
23 buy your way, as it were--
24 MR. MIKVA: [Interposing] Now you're not
25 being sarcastic; you're being serious.

1 MS. HURD: I'm being very serious with him.

2 MR. MIKVA: Okay.

3 MS. HURD: And I am very seriously telling
4 him--

5 MR. MIKVA: [Interposing] - - . Now let's
6 go back to the e-mails. So then he sends an e-
7 mail to Larry Eppley two hours later in which he
8 relays that - - , right?

9 MS. HURD: That's right.

10 MR. MIKVA: Okay.

11 MS. HURD: And I--and this one he blind-
12 copied me on. He blind-copied me on this e-
13 mail, and I can't say why he sent this e-mail
14 because notice that it is inconsistent with his
15 first e-mail to me about Larry having already
16 promised jobs.

17 MR. MIKVA: Okay, but then--go ahead.

18 MS. HURD: And it's inconsistent with my
19 telephone call with him.

20 MR. MIKVA: All right, let's go to 10.

21 MS. HURD: Sure, where I made it clear--

22 MR. MIKVA: [Interposing] You're not being
23 sarcastic there?

24 MS. HURD: No, I am very sarcastic in 10.

25

1 MR. MIKVA: In 10?

2 MS. HURD: I get this blind copy from him,
3 and I complete the - - of my staff, sharing with
4 them this preposterous notion--because I wasn't
5 able to finish my description of this phone
6 call. Richard Herman, during the course of a
7 phone call said, in response to my pointing out
8 that jobs wouldn't reach those of the caliber of
9 the student he just admitted. He said well, I
10 understand. You have to pick the students for
11 the job. You have to pick - - .

12 FEMALE VOICE: [Interposing] You're saying
13 you're sarcastic here and not serious?

14 MS. HURD: I'm very sarcastic here, and I'm
15 explaining what I'm doing here. On the phone,
16 Richard Herman said I understand you have to
17 pick the students for these jobs, that these
18 jobs wouldn't help you unless they were jobs for
19 people of the sort represented by this special
20 admit that he just shoved down our throats.

21 FEMALE VOICE: It sounds like a very serious
22 statement, especially with the "WE" capitalized.
23 "The deal is supposed to be that WE get - - ."

24 MS. HURD: And what I'm doing is sending
25 this ridiculous proposition, this ridiculous e-

1 mail that he's now - - to Larry Eppley, and I
2 don't know why. I can speculate about it, but I
3 don't know why he - - .

4 FEMALE VOICE: But at this point you still
5 considered him one of the good guys?

6 MS. HURD: Well, I am so incensed right now
7 by the thought that somehow he could cook up a
8 job scheme--

9 FEMALE VOICE: [Interposing] But you called
10 him one of the good guys.

11 MS. HURD: He's one of the good--I mean I
12 always thought that--look, I always thought that
13 Richard had the best interest of the larger
14 institution at hand. That doesn't--that is no
15 way inconsistent with my being ferociously upset
16 about a particular decision he had made or had
17 participated in, or has been willing to pass
18 down from above.

19 MR. MIKVA: Obviously you have to tell us
20 your state of mind there because the letter
21 doesn't show it. It just says--it sounds very
22 matter-of-fact. We're going to pick the jobs,
23 and they could be from the bottom of the class.

24 MS. HURD: Yeah, let me--

25 MALE VOICE: [Interposing] on the

1 conversation you had with - - .

2 MS. HURD: I'm trying to characterize this

3 as the final statement of the conversation that

4 I had with my staff. When I left my staff, we

5 were all incensed that someone thought they

6 could mollify us with a job scheme for students

7 at the bottom of the class who were going to

8 struggle. It was preposterous. I explained

9 this to Richard on the phone, and he said I

10 understand. You'd have to be the ones to pick

11 the students who would go to these jobs. I said

12 but Richard, that is preposterous. Who would

13 ever give a job and then allow us to fill that

14 job with someone right off the bottom - - ?

15 This is just absurd. When I received this e-

16 mail that he had sent to Larry, that no, this

17 was inconsistent with the one he previously sent

18 to me, I sent it on. Notice this is all in a

19 tight timeframe. I sent it on to my staff, who

20 I'd been in the hall commiserating about this.

21 I sent it to my staff, and I was so incensed.

22 The deal was supposed to be that we get to pick

23 the students. That's supposed to be an

24 indication of how preposterous it is to imagine

25 that they could be talking about jobs committed

1 for students at the bottom of a class filled by
2 the schools who had to place those students.
3 And they're supposed to be drawing from the
4 bottom of the class, take students who - - a
5 hell of a time passing the Bar and otherwise
6 getting jobs. This was my finishing the circle,
7 closing the loop with my staff, designed to show
8 that they seemingly did have in mind such a
9 preposterous scheme. Now let me be very clear
10 about what happened a day and a half later. A
11 day and a half later, we were all in the office
12 again, and it was Monday morning. The blood had
13 cooled, although I don't think it's ever really
14 cooled in the institution over this particular
15 state of affairs or set of events. But on
16 Monday morning the Associated Director of Career
17 Services--Joe Gouden [phonetic] at the time,
18 highly respected--sent out a very serious e-mail
19 asking for help for brainstorming about the
20 problem of placing the 3L students in the class
21 who had yet to find employment, either full-time
22 employment or summer jobs while they were
23 studying for the Bar. This is at tab 10, and
24 what you will see is this e-mail. On this list--
25 -we didn't attach the list - - named student.

1 But there are 66 students on this list of 3Ls
2 seeking employment, and this is a very serious
3 Monday-morning effort on his part to prompt the
4 rest of us to brainstorm about how these
5 students can find jobs. No one wrote back and
6 said we've got five in the bank from Saturday.
7 No one proposed that we should call up Larry
8 Eppley. No one proposed that we should follow
9 up with Richard Herman. On Wednesday, he sent a
10 similar plea, the list being now a list of 64
11 names. And all those whose recollections were
12 fresh from this Saturday exchange received this,
13 and no one thought that there was any fruit to
14 be had by following up on what we took to be a
15 preposterous exchange of e-mails, utterly non-
16 serious. Two weeks later, on May 15th, Joe
17 Gouden submits his year-end report of
18 activities. It's called the report of
19 activities and achievements. He summarizes all
20 of the efforts that he had made leading up to
21 that point to place all third-year students, and
22 all of the efforts he intended to make in the
23 coming months to place those students. Notice
24 that there is nowhere on his list a follow-up
25 effort with Richard Herman or Larry Eppley

1 concerning - - jobs, or any jobs at all.

2 MALE VOICE: Mr. Chairman, I believe that

3 Mr. Gavin [phonetic] would refer that he had no

4 understanding of any jobs that were--he

5 obviously agreed to interview them, but based on

6 my own conversations with him, he doesn't

7 remember any kind of Eppley-Herman job deal.

8 MR. MIKVA: Do you think that such an offer

9 of jobs in return for admissions would be

10 unethical, Dean Hurd?

11 MS. HURD: I think that if there was a quid

12 pro quo, you bet.

13 MR. MIKVA: I know. You're using terms

14 differently--different terms that I do. Do you

15 think it would be unethical to trade jobs for

16 admissions?

17 MS. HURD: Yes.

18 MR. MIKVA: So then if Mr. Eppley took that

19 seriously or Chancellor Herman took that

20 seriously, they really were engaging in

21 unethical behavior. Is that correct?

22 MS. HURD: I never believed any of this was

23 serious.

24 MR. MIKVA: None of it? Not to Mr. Eppley,

25 not to--

1 MS. HURD: [Interposing] I actually--well, I
2 didn't at the time, and I still don't. I
3 thought it was a charade. I thought he thought
4 he could make nice by sort of holding out
5 something that he knew I cared about on behalf
6 of the institution. I didn't--

7 MR. MIKVA: [Interposing] He wasn't going to
8 follow through?

9 MS. HURD: Absolutely. I certainly--

10 MR. MIKVA: [Interposing] Was he kidding?

11 MS. HURD: I thought he was insultingly
12 trying to appease me. I thought he was sort of
13 saying you know, here's some bad news, but while
14 I'm out here championing your cause, as is Larry
15 Eppley--I didn't think he was seriously
16 championing my cause - - .

17 MR. MIKVA: So when he wrote a second e-mail
18 explaining the first e-mail to Mr. Eppley, you
19 still thought he was just--

20 MS. HURD: You know, Judge, I don't know. I
21 don't know what went through his head when he
22 wrote that second, more serious-sounding e-mail,
23 particularly since the former e-mail - - that
24 they talked about jobs already, that there was
25 this premise of it.

1 MR. MIKVA: But he still was--

2 MS. HURD: [Interposing] I don't know.

3 Well, look. I think he always thought that he
4 was, you know, doing good for the sake of the
5 institution. He did so many, many times.

6 MR. MIKVA: - - that actually going ahead
7 and trading jobs in government for admissions
8 could violate not only ethics, but perhaps - -
9 laws?

10 MS. HURD: I would think so. I never
11 thought this was serious. I thought this was a
12 charade. I thought it was a charade when he e-
13 mailed back to Larry Eppley. I thought he was
14 trying to push back on Larry Eppley and make him
15 feel a little bit of the pain, as it were, of
16 the decision that had come down through Larry
17 Eppley and now had Richard trapped between an
18 irate dean and the Governor. I thought this was
19 a charade.

20 FEMALE VOICE: At the time this e-mail
21 exchange is going on, are you aware of Mr.
22 Eppley's identity as part of the Board of
23 Trustees of the university?

24 MS. HURD: Sure.

25 FEMALE VOICE: In your mind, was he acting

1 in the best interest of the university?

2 MS. HURD: I would not have thought so in
3 this case.

4 MR. MIKVA: You knew he spoke for the
5 Governor at that point. Is that correct?

6 MS. HURD: I didn't know. I didn't know
7 anything about who spoke for him. All I knew
8 was--

9 MR. MIKVA: [Interposing] Well, but the
10 previous e-mail said this comes from the G.

11 MS. HURD: Right from the G, right. It came
12 through Larry Eppley.

13 [Crosstalk]

14 Through Larry Eppley, very clearly.

15 MR. MIKVA: Right. So at least on this
16 occasion, he spoke for the Governor, right? Do
17 you think that was unethical?

18 MS. HURD: I certainly thought so.

19 MALE VOICE: You're an attorney, correct,
20 and you know--your whole career is based on the
21 written word, correct?

22 MS. HURD: Mm-mm.

23 MALE VOICE: You give me nine exhibit, and
24 you say don't believe the written word; believe
25 what I tell you. And then you give me the tenth

1 exhibit, and you say don't believe what anybody
2 said; believe the written word. Where's the
3 contradiction here?

4 MS. HURD: The tenth exhibit being the
5 serious memo by - - ?

6 MALE VOICE: I can believe those words, but
7 I can't believe the previous nine exhibits--
8 those words, those written words--because what
9 you said makes it all different?

10 MS. HURD: Well, I have a hard time
11 believing that anybody would think that I was
12 seriously saying I'll take an underqualified, as
13 it were, student that we're not particularly
14 enthusiastic if I could really have the
15 governorship.

16 MR. MIKVA: Well, you did take the
17 underqualified student.

18 MS. HURD: We were required to take the
19 student.

20 MR. MIKVA: And you've used that before.
21 But you took the--what you're saying is you took
22 it for free.

23 MS. HURD: I'm saying I took it for free?

24 MR. MIKVA: Yeah, not because of the offer
25 of jobs.

1 MS. HURD: I took myself to have been, yeah,
2 ordered to take this student under - - .

3 MR. MIKVA: [Interposing] So it was for
4 free. They got nothing in return?

5 MS. HURD: Right.

6 MR. MIKVA: Not even a promise of five jobs?

7 MS. HURD: No.

8 MR. MIKVA: Even though these other people
9 thought you were serious.

10 MS. HURD: What other people thought I was
11 serious?

12 MR. MIKVA: Mr. Eppley and Mr. Herman.

13 MS. HURD: I didn't raise jobs. They raised
14 jobs, and I slapped back.

15 MR. MIKVA: Forget about who raised them,
16 but they were pursuing them. At least that's
17 what their e-mails suggest, doesn't it?

18 MS. HURD: I never thought they were. I
19 thought that they were--

20 MR. MIKVA: [Interposing] Well, forget about
21 what you thought.

22 MS. HURD: Okay.

23 MR. MIKVA: Doesn't the e-mail suggest that
24 they were pursuing the jobs?

25 MS. HURD: It didn't, under the

1 circumstances, suggest it to me because I
2 thought--

3 MR. MIKVA: [Interposing] Because you didn't
4 believe what you read?

5 MS. HURD: I didn't believe that Richard
6 Herman was somehow designing with the Chair of
7 the Board a scheme to generate jobs that
8 somebody would allow us to place our lowest
9 students in. Who would do that, public or
10 private? I thought it was preposterous.

11 MR. MIKVA: The other--one other thing about
12 this is that each one of these special cases
13 that these clouted people that you've accepted
14 prevented a qualified student from attending the
15 law school.

16 MS. HURD: I do not believe that that's the
17 case.

18 MR. MIKVA: Why not? You wouldn't have
19 accepted them.

20 MS. HURD: Right.

21 MR. MIKVA: So you didn't accept somebody
22 else to accept them.

23 MS. HURD: I do not believe that's the case.

24 MR. MIKVA: What is the case then?

25 MS. HURD: I'll tell you. It was always my

1 intention and my understanding that we took our
2 scholarship dollars, and we took our energies,
3 and we built the best class we could build
4 according to the meritocratic goals we set for
5 ourselves. At the year-end when the Chancellor
6 or the Provost made decision about so-called
7 campus special admits, these were add-ons.
8 These were not students that displaced any
9 students we otherwise would have admitted. We
10 were out of scholarships. We'd built the best
11 class we could, and then these were add-ons at
12 the end. It's precisely because we deployed all
13 our scholarship dollars in the effort to build a
14 class - - .

15 MR. MIKVA: But they're not add-ons because
16 you said you got scholarship money when you
17 accepted these people.

18 MS. HURD: Well, this is what I'm saying.

19 MR. MIKVA: You can't say that you got the
20 scholarship money and they're add-ons, when in
21 fact you got scholarship money for these people
22 that you took.

23 MS. HURD: No, no. We had, up until the
24 time of these decisions, exhausted our
25 resources, our internal college resources, to

1 build a class based on merit. When we were told
2 at the end of the year that we were going to
3 have to take a special admit, then we were in a
4 position of figuring out how to mitigate the
5 harm. And so--

6 MR. MIKVA: [Interposing] Wait a minute.

7 Wait a minute. Hold on. Let's just hold on a
8 second. You said you didn't take the
9 scholarship money for these people at the end of
10 the year, and now you say you did take it.

11 MS. HURD: No, no, no.

12 MR. MIKVA: You're saying you did take
13 scholarship money for these people.

14 MS. HURD: No, no.

15 MALE VOICE: It's not for these people,
16 Commissioner, with all due respect. She's
17 saying in order to offset the people who were
18 admitted with the qualifications that they
19 didn't want to take, they got a scholarship to
20 recruit yet another student. And she's also
21 saying that these people were added onto a class
22 that they would have--they would have stopped.
23 They wouldn't have admitted more people, but
24 then the university forced them to take on these
25 people that they didn't want.

1 MR. MIKVA: All right. Now I see what
2 you're saying.
3 [Crosstalk]
4 So you're saying that you got a full class.
5 MS. HURD: We got a full class.
6 MR. MIKVA: And then you get these people
7 put upon you.
8 MS. HURD: We got special admit - - .
9 MR. MIKVA: And then you take the full class
10 and add another 10% to it?
11 MS. HURD: No, no, because for starters--I
12 mean we didn't want to build the class. We'd
13 gotten the class to where we wanted it, and
14 these were then required add-ons. Now it is
15 true that then we had to recruit some more to
16 offset their negative pull. And when we did
17 that, we were then effectively adding on again.
18 But not always, because what we would often try
19 to do is go back to those we had already
20 admitted, to those we were already recruiting
21 who were being wooed by other schools with more
22 generous scholarship dollars or offers that we'd
23 not been able to match. We would go back to
24 already admitted students and try to match
25 scholarship offers they already had from other

1 schools, so as to bring them in. So there was
2 no displacement.

3 MALE VOICE: So let me ask you another
4 question, then, based on the conversation, your
5 testimony. So then at the end of the year,
6 you've got a class of 200. You're done, right,
7 if they don't come up with a list?

8 MS. HURD: Right.

9 MALE VOICE: So there are no add-ons from
10 anywhere?

11 MS. HURD: Right.

12 MALE VOICE: So if you go in and--you must
13 have gone into the end of the year having
14 openings because you fill your class to capacity
15 to start with.

16 MS. HURD: Well, no, we don't--we have an
17 optimal size of a class. That doesn't correlate
18 with the number of chairs in classrooms. It has
19 to do with the optimal student-faculty ratio.
20 It has to do with study spaces in the library,
21 available lockers, the ability to have small
22 intensive discussion-oriented classes in the
23 first year, curriculum and so forth. So we had
24 the view originally that that class--we
25 originally had classes that - - 210 to 220. We

1 had the view that the optimal class was about
2 185. It wasn't a matter of how many chairs
3 there were in classrooms. It was a matter of
4 how many resources were available to those
5 students during their - - .

6 MR. MIKVA: So your optimal class of 185,
7 you went in before you got your clout list--that
8 could end up being 195 then. So it wasn't - - .

9 MS. HURD: But it didn't.

10 [Crosstalk]

11 MR. MIKVA: You've got six in one case,
12 right?

13 MS. HURD: Well, in the first year we were
14 required to take six.

15 MR. MIKVA: Well, how many in the second
16 year?

17 MS. HURD: As I say, my records only show
18 that we took two the second year. But my
19 records--my e-mail records just reflect pressure
20 points when we would really be doing battle over
21 a student.

22 MR. MIKVA: I think there's a little bit of
23 confusion about what the size of the class ends
24 up--you offer admission to a larger number than
25 end up in the class.

1 MS. HURD: Yes, absolutely.

2 MR. MIKVA: Because there are a number of
3 students who are offered admission who go
4 elsewhere.

5 MS. HURD: Right.

6 MR. MIKVA: And the addition to these
7 scholarships we were talking about might have
8 enhanced your opportunity to attract a couple of
9 those students who would have been wooed by
10 higher scholarships elsewhere to come into class
11 that you were trying to get.

12 MS. HURD: That's right. I mean if we could
13 go back to students who hadn't signed on, but
14 had already been admitted, and secure their
15 admission with these supplemental discretionary
16 dollars, then of course they were simply coming
17 to take a seat that we were very happy to have
18 them take.

19 MR. MIKVA: Right. Because all 210 or 225,
20 or whatever number you offered admission to,
21 never come to the law school in that number.
22 There's always--

23 MS. HURD: Sure. You always - - people go
24 elsewhere.

25 MR. MIKVA: You overbook - - .

1 MS. HURD: That's right, from the admissions
2 office - - that's right.

3 FEMALE VOICE: Dean Hurd, your testimony
4 today, and supported by e-mail traffic, has
5 established that the former Governor of this
6 state, the Chair of the Board of Trustees, and a
7 Chancellor in the university forced you to admit
8 a student into the law school that you otherwise
9 would not have accepted. It paints a picture of
10 an abuse of power and a misuse of power. Is
11 that correct?

12 MS. HURD: I certainly thought so. Again, I
13 didn't take myself to have all the variables,
14 and I didn't take myself to have authority to
15 countermand. But I thought it was pretty clear
16 that when the message came through on Saturday,
17 there hadn't been a whole lot of deliberation.
18 It was coming straight from the G. I certainly
19 took that to be the case.

20 MR. MIKVA: At least two of the three of
21 those actors thought that you could be
22 mollified, and perhaps the injustice could be
23 alleviated, by providing jobs for - - .

24 MS. HURD: That's how I read these e-mails.
25 I thought that this was a really insulting means

1 of - - that somehow I could be - - .

2 MR. MIKVA: - - out of the picture. As far
3 as the two of them are concerned, they were
4 operating on a presumption that if they got jobs
5 in the law school, that would somehow alleviate
6 the injustice, right?

7 MS. HURD: Maybe. As I say, I took this to
8 be such a charade, even on their part. Maybe,
9 you know. I can't tell you what was in Richard
10 Herman's mind. I don't know.

11 MR. MIKVA: That's all right. I'm not
12 asking you to tell us - - . I'm just asking you
13 to say what these e-mails said.

14 FEMALE VOICE: Just for the record, does
15 this have anything to do with your decision to
16 step down from the dean's position?

17 MS. HURD: I had--you know, I served a
18 standard five-year term--deanships are five-year
19 terms--and I was encouraged to renew. I thought
20 long and hard about it, but ultimately I have a
21 passion for teaching and writing, and I have 12-
22 year-old twins, and I was missing too much of
23 their lives. So those are principally the
24 reasons why I went back to faculty. But I will
25 tell you that this was a scary, very unpleasant

1 part of the job. It's certainly nothing that
2 would keep - - .

3 FEMALE VOICE: Just a procedural issue. Did
4 anybody else have access to the database of
5 candidates? You said you didn't have access,
6 but did anybody outside the school; for example,
7 did the legislative affairs group have access to
8 your database - - ?

9 MS. HURD: I wouldn't believe so. There's
10 no reason why they would, and they would
11 seemingly have to come through the dean to gain
12 access to admissions records. Those are highly
13 confidential.

14 FEMALE VOICE: Okay, and then another just
15 housekeeping matter. We talked a lot about
16 policies. Maybe I'm under a wrong assumption,
17 but does your college have the authority to
18 create a policy regarding admissions procedure?
19 I realize the trustees do the overarching
20 policies, but I also was under the impression
21 that each college had its own authority to
22 create policies. Am I mistaken in that?

23 MS. HURD: No, no, that's right. We could
24 certainly adopt more rigorous policies or
25 procedures internally to bind the hands of the

1 people of the admissions office. It's a very
2 small office. There's just two staff members
3 and two administrative assistants. And you're
4 absolutely right; the admissions decisions are
5 multi-factor decisions where there's no rules
6 that - - any given variables. There are no
7 cutoff points below which a student will be
8 automatically denied or above which students
9 will be automatically accepted.

10 FEMALE VOICE: The policy that I'm looking
11 for would be something more that imposes a code
12 of conduct; and not only on the outsiders, but
13 on the insiders. For example, Mr. Pless
14 mentioned that some of the special interest
15 students were referred by his college
16 classmates, his law school classmates. That's
17 not--I'm not rendering a judgment on that issue.
18 But the potential for abuse from an internal
19 control point of view doesn't necessarily have
20 to come from outside of the college. It could
21 come from internal. I remain very concerned
22 that there is not a code of conduct. I'm not
23 interested in restricting the college in any
24 given year from saying this year we want--we
25 talked about this yesterday--engineering

1 students versus general studies or political
2 science, etcetera. I think that is a dynamic
3 criteria. But I am still very concerned that
4 there is no code of conduct or ethical--issue
5 that covers ethics.

6 MS. HURD: Well, I think it's the case that
7 what one wants to do is ensure that decisions
8 are merit-based, and that recommendations are
9 expressions of judgment about the qualities of
10 candidates rather than expressions of raw power
11 or exploitations of - - . One could accomplish
12 that in any number of ways, and it would
13 probably take a number of things to ensure that
14 what's in front of an admissions officer really
15 is reflective of merit rather than somebody's
16 power. It makes a good deal of sense, for
17 example, to say people need to put their
18 judgments in writing, and we certainly weight
19 those that come from people who have worked with
20 and know personally the applicants that they are
21 commenting upon, for example. I think that
22 happens anyway, I mean certainly at the College
23 of Law. I think Paul Pless is particularly good
24 at being able to show when a letter is sort of
25 has boilerplate in it versus when it reflects

1 true judgment.

2 FEMALE VOICE: We've heard nothing but good
3 things about him, but - - personality driven?

4 MS. HURD: No, I wouldn't say--

5 FEMALE VOICE: [Interposing] Well, because
6 if he were to leave, you don't have the same--
7 you may not have the same confidence. Any
8 internal control expert will tell you that it
9 should not be personality-driven.

10 MS. HURD: That's - - .

11 MR. MIKVA: Do you have anything else?

12 MR. CHUNG: Dean Hurd, who is Donna Miller?

13 MS. HURD: Donna Miller was the Interim
14 Assistant Dean at the time, in 2005-2006, of the
15 career services office, and she worked with Joe
16 Gouden, who was also in that office. I believe
17 there were one or two other people in that
18 office at the time.

19 MR. CHUNG: And in career services, then,
20 her job is to help students get jobs.

21 MS. HURD: That's right. So notice that
22 that is a completely independent office from
23 admissions. We don't link admissions to jobs.
24 They occupy opposite - - .

25 MR. CHUNG: Understood. And so on your

1 exhibit 9 in your book, the one that says the
2 deal is supposed to be that we get to pick the
3 students, Donna Miller is one of the people
4 that's copied on that. Why was someone in
5 career services copied on that?

6 MS. HURD: She was just part of a--these are
7 the senior staff. The senior staff--again, it's
8 a very small college, and it has a small tight
9 little group of senior staff; meet every week,
10 talk about challenges, talk about problems. And
11 so she is one of the senior staff members on
12 this list and was very much party to the
13 conversations about the fact that these kinds of
14 special admit decisions were going to have
15 negative implications for her ability to meet
16 her goals in her office.

17 MR. MIKVA: How would she have known how
18 sarcastic you were in that e-mail?

19 MS. HURD: Because I told them. Now not all
20 of the people I e-mailed were sort of out in
21 this hallway meeting. But you know, I - - .

22 MR. MIKVA: But if you were Ms. Miller and
23 you got that e-mail from your dean, and you
24 hadn't been out in the hall hearing her, you'd
25 look at it and say well, I guess we've got five

1 jobs coming somewhere along the line. And
2 that's good because these are going to be hard
3 ones to place.

4 MS. HURD: No.

5 MR. MIKVA: Isn't that a way to read that e-
6 mail?

7 MS. HURD: She would not have read my e-mail
8 that way. She would have been--

9 MR. MIKVA: [Interposing] Everybody else
10 would have, but she would not?

11 MS. HURD: She would have read my e-mail as
12 being an expression of my enormous disdain for
13 any notion that there could be some concocted
14 scheme to place low-end people.

15 FEMALE VOICE: I don't know if you've worked
16 in any other government agencies, but some of us
17 don't see it as that preposterous. I mean not
18 that we would endorse that, but we've seen it.

19 [Crosstalk]

20 MR. MIKVA: - - don't use e-mail for
21 expressing your vehemence or sense of humor.

22 MS. HURD: Your Honor, I can't tell you how
23 cruel a lesson this has been - - electronic
24 penmanship of that sort.

25 MR. CHUNG: I did have one more question,

1 and that is there was one other exchange between
2 you and Ralph Brubaker [phonetic] about jobs,
3 correct, in connection with special interest
4 admits?

5 MS. HURD: I understand that I'm - - .

6 MALE VOICE: Is there a specific e-mail
7 you're referring to?

8 MR. CHUNG: Yes. This is in--so the
9 Commission understands, we did documents on a
10 rolling basis, and so I believe these are
11 documents that we got after - - .

12 [Crosstalk]

13 MALE VOICE: 2956?

14 MR. CHUNG: 2956.

15 MALE VOICE: Okay.

16 FEMALE VOICE: Yes. I'm copied on it. No,
17 I'm not.

18 MALE VOICE: Who is it to?

19 MR. CHUNG: This is from Mr. Brubaker. And
20 who is Mr. Brubaker?

21 MS. HURD: He was the Associate Dean for
22 Academic Affairs at the time, second in command.

23 MR. CHUNG: And this is Mr. Brubaker to you
24 about a year after the e-mail chain that we've
25 just been discussing, correct?

1 MS. HURD: Yes.

2 MR. CHUNG: And he says " - - the quid pro
3 quo on all special admits be a guaranteed full-
4 time job at graduation from the special
5 interest."

6 MS. HURD: Right.

7 MR. CHUNG: Was there any other discussion
8 with Mr. Brubaker about getting jobs in change
9 for--

10 MS. HURD: Yeah, and Paul Pless - - .
11 Notice that means there was no deal the year
12 before, right? And this is what--

13 MR. MIKVA: [Interposing] But what does that
14 mean?

15 MR. HURD: Well, and notice what this really
16 means is this became a sort of seething point in
17 the institution. I would say it seethes today.
18 This preposterous notion that somehow you could
19 make a decision that strapped an institution
20 with a student who could be predicted to have
21 serious problems at the employment point by
22 concocting some job for such a student became a
23 seething point. It entered into the vocabulary
24 of the senior staff. What you're seeing here is
25 the same exercise of disdain, the same exercise

1 of sarcasm, in a quite different context a year
2 later. But of course, it's an admissions
3 context. It's the context, again, in which we
4 have had an inquiry passed on by Ruth Watkins
5 [phonetic] who at the time was the Vice-Provost;
6 an inquiry triggered by a Board of Trustees
7 member, as Paul describes in his explanation to
8 Ralph and to me, keeping us in the loop about a
9 transfer student, middle of the class. I don't
10 know whether this student ever got in. I didn't
11 have any recollection of this chain of e-mails -
12 - . But notice that what it does is just
13 trigger a quick back and forth by the staff,
14 including Paul Pless, who clearly didn't take
15 any of this to be a joking matter; but clearly
16 reflecting the institution's enduring
17 frustration with these kinds of decisions.

18 MR. CHUNG: Nothing further, sir.

19 MR. MIKVA: Thank you very much, Dean Hurd,
20 for agreeing to come before the Commission.

21 MS. HURD: Well, thank you all. I very much
22 appreciate being given - - .

23 MR. MIKVA: Having - - commissioner five
24 minutes leeway, - - come to order. Mr. Smith,
25 we are happy to have you here. - - , do you

1 want to start?

2 MALE VOICE: Yes. Dean Smith, welcome.

3 Would you introduce yourself to the Commission

4 and give your current position with the law

5 school?

6 MR. BRUCE SMITH: My name is Bruce Smith.

7 I'm the Dean of the University of Illinois

8 College of Law. I'd simply say I'm very

9 grateful to be here, to appear before you and to

10 speak plainly about the college.

11 MALE VOICE: When did you become dean?

12 MR. SMITH: I became dean on February 16,

13 2009.

14 MALE VOICE: You were a member of the

15 faculty--are still a member of the faculty of

16 the law school--before you were dean as well,

17 correct?

18 MR. SMITH: I arrived on the Illinois

19 faculty in the fall of 2001. That's right.

20 MALE VOICE: For a period of time while you

21 were--prior to the time you were dean, you were

22 involved with the admissions committee. Is that

23 correct?

24 MR. SMITH: I served one year on the

25 admissions committee. That's correct.

1 MALE VOICE: Describe your role during that
2 year on the admissions committee.

3 MR. SMITH: During that year on the
4 committee, faculty members would typically
5 receive files or collections of materials,
6 information on a candidate. We would typically
7 receive those, perhaps in bundles maybe of 15 or
8 20. We would review those files in an effort to
9 determine which candidates would be best for the
10 College of Law, and then we would take our group
11 of files and distribute them to the next faculty
12 member down the line on the admissions
13 committee.

14 MR. MIKVA: How many were there on the
15 admissions committee:

16 MR. SMITH: Maybe a half-dozen. I can't
17 recall precisely.

18 MR. MIKVA: You reviewed all the files of
19 the applicants?

20 MR. SMITH: No, Judge. These were a certain
21 number of files that had been designated for
22 faculty review. My understanding was, before
23 that time, certain admission decisions may well
24 have been made in the admissions department.
25 These were certain files that were set aside for

1 what you might call additional faculty review.

2 MR. MIKVA: I take that this is - - the fact
3 that - - 1s and the 5s were sort of separated
4 out? The clear denials and the clear admits were
5 not distributed to the faculty - - make the - -
6 about the middle, right?

7 MR. SMITH: Whether these were the middle or
8 the ones where additional faculty input could be
9 appreciated. These were not candidates who were
10 clear admits or clear denials. They were ones
11 where a faculty member might look at a group of
12 files and say I think this student has great
13 promise. They have a strong undergraduate
14 major, great job experience, those types of
15 things.

16 MALE VOICE: During your time that year
17 working on the admissions committee, did you
18 ever learn of this category of applicants called
19 special interest or SI?

20 MR. SMITH: No.

21 MALE VOICE: Prior to the time that you
22 became dean in February of 2009, had you ever
23 heard of the special interest category of
24 applicants?

25

1 MR. SMITH: No.

2 MALE VOICE: Can you describe, now that you
3 are dean, your involvement in the admissions
4 process?

5 MR. SMITH: I work very closely with Dean
6 Pless, who is an individual, as you know,
7 responsible for admissions. Typically my
8 meetings with him would talk about the way we
9 would effectively recruit students going forward
10 and the way we would effectively identify ways
11 of expanding our pool. We also talked in some
12 instances about the ongoing composition of the
13 class.

14 MALE VOICE: Would you characterize that as
15 an overall setting of goals for the admissions
16 process?

17 MR. SMITH: Yes, - - ; that is, going into
18 the next admissions year--I'd met with him
19 extensively about the types of goals we might
20 have. Those goals might include expanding the
21 number of applicants, reaching out into areas
22 where we have not typically been recruiting in
23 the numbers we might like to see; perhaps from
24 liberal arts colleges or top-flight engineering
25 schools. These go towards our strategies for

1 recruiting the very best students we can get to
2 come to the University of Illinois. I would say
3 I probably discussed roughly a half-dozen such
4 strategies with him going forward.

5 MALE VOICE: Okay. Do you get involved as
6 the dean in individual decisions about
7 particular candidates?

8 MR. SMITH: I basically rely on the
9 discretion of Paul Pless. From time to time we
10 might have discussions about candidates along
11 the lines of here's a talented candidate with a
12 very high GPA. This would be a good recruit for
13 the University of Illinois. From time to time
14 if I'd meet with a candidate on the road, and
15 I'd meet with those candidates in many cities--
16 Chicago, Houston, San Francisco--we'd have
17 conversations about that admitted candidate in
18 relation to perhaps effective ways to convince
19 that talented student to come; maybe by, for
20 example, having a conversation with one of our
21 professors who might be in a position to say
22 this would be a great place for you to study
23 law. So yes, from time to time we do talk about
24 admitted candidates.

25 MALE VOICE: When's the first time that you

1 learned of the SI category?

2 MR. SMITH: I think the first time I learned
3 about the category was during this document
4 production.

5 MALE VOICE: Prior to that time, you had
6 never heard of or discussed with someone--

7

8 7.MP3]

9 [START TAPE PART 4]

10 MALE VOICE: --in Admissions, um, special
11 interests, candidates or candidates, um, being
12 admitted based on influence.

13 MR. SMITH: No, I was familiar at some point
14 that the chancellor that would contact Paul
15 Pless [phonetic], but I didn't understand
16 really, ah, what, ah the nature of those
17 discussions were.

18 MR. THEODORE CHUNG: Well, um, you started
19 your deanship in February of 2009 so you had at
20 least part of a role in building the class that
21 will join the college this fall, correct?

22 MR. SMITH: That is correct.

23 MR. THEODORE CHUNG: Um, and as far as you
24 know are there any special interest candidates
25 who have been admitted into that class?

1 MR. SMITH: I'm aware of no student in the
2 class of 2012, those who will start this fall at
3 the college; who was admitted because of
4 external pressure of any type and for that
5 matter internal pressure or any pressure.

6 MR. THEODORE CHUNG: And - and, how do you
7 know that?

8 MR. SMITH: I have had no such discussion
9 with any provost, chancellor, president, trustee
10 or anyone and my knowledge from speaking to Paul
11 Pless as that is the case with him as well.

12 MR. THEODORE CHUNG: Okay. Under your
13 deanship, um, is it fair to say that if not
14 written, you have a policy against admitting
15 special interest candidates?

16 MR. SMITH: Well I can tell you exactly what
17 I told my Assistant Dean for admissions and his
18 staff. It's a four person staff - - ?

19 MR. THEODORE CHUNG: Of Paul Pless?

20 MR. SMITH: An assistant to him and then two
21 long-serving, ah, faculty or actually
22 assistants, operating more in a secretarial
23 capacity. What I said to them is I have no
24 interest in special anything; special interest,
25 special admit, special categories, special

1 consideration. My view is that every candidate
2 needs to be treated equally and equally well.
3 I've also told them, ah, with respect to other
4 teachers that we will not be operating in this
5 manner. Crystal clear.

6 MS. MARIBETH VANDER WEELE: Alright, is that
7 directive in writing?

8 MR. SMITH: It's not in writing it was
9 delivered personally to the staff by me - - .

10 MS. MARIBETH VANDER WEELE: Do you have a
11 chance to put it in writing?

12 MR. SMITH: I think it would make good sense
13 --

14 MS. MARIBETH VANDER WEELE: Do you intend to
15 put it in writing?

16 MR. SMITH: I think it will make sense to
17 put it in writing, yes. I have ah, certainly,
18 ah, during the course of the university's
19 assessment of best policies and this
20 commission's assessments I think we would take
21 those considerations under advisement as well.
22 But I would have no trouble putting that in
23 writing, because I think it's the right thing to
24 do.

25 MR. BERNARD JUDGE: Do you think you need

1 approval of the rest of the university to put
2 such a policy in writing?

3 MR. SMITH: I do not think I need that
4 approval.

5 MR. BERNARD JUDGE: And given that then,
6 when -- have you received any calls from
7 anybody, the chancellor or the vice-chancellor,
8 or the provost or anybody else about the Law
9 School's admission since you've been briefed?

10 MR. SMITH: I have not. Not to my
11 recollection no. Certainly, I've felt no
12 pressure in bringing in this class to admit any
13 under qualified students or to give any students
14 consideration otherwise than on their merits.
15 Which is the way I think it should be
16 talk].

17 MR. BERNARD JUDGE: What would be -- what
18 would be your response if by some university
19 official, superior to you, a provost, a
20 chancellor or trustee said I wish you'd give
21 special consideration to candidate X.

22 MR. SMITH: I would say that's not
23 consistent with your procedures and with ah, all
24 due respect to the person making the inquiry I'm
25 not convinced it's consistent with our

1 university approach to ethics. That is we have
2 a policy that treats all in an even handed and
3 impartial manner. That would be my first line
4 of approach. To say no.

5 MR. BERNARD JUDGE: So you would not pass on
6 that request to Mr. -- to Dean - - .

7 MR. SMITH: My approach with respect to our
8 admission process if there is an inquiry
9 regarding a student applicant that inquiry could
10 be answered if the inquiry were made by the
11 student applicant him or herself. I think other
12 inquiries should not be answered.

13 MR. BERNARD JUDGE: So even parents or
14 legislators, maybe --

15 MR. SMITH: Not parents and not legislators
16 no. It seems to me and this is I think, ah,
17 something that perhaps the university ah, and
18 this commission will give us better guidance on.
19 But it seems to me that in the matters of
20 student applicants, inquiries should be answered
21 if they're from the applicant.

22 MR. BERNARD JUDGE: And that inquiry should
23 be addressed to the admissions, correct?

24 MR. SMITH: Yes, I think that the inquiry,
25 if a student has a question about his or her

1 application, it should be addressed to the
2 Admissions Dean and the response should be given
3 back to the applicant.

4 MR. BERNARD JUDGE: So as it stands now your
5 present policy is not only don't you - - not
6 receive any requests but you don't make any
7 requests of Dean Pless, about what the situation
8 is or about whether some particular student is
9 on the wait list - - or anything else or --.

10 MR. SMITH: I have a great amount of faith
11 in Dean Pless. We have conversation from time-
12 to-time where in the very late stages of an
13 admission cycle we are having discussions for
14 example about how large our class will be in the
15 coming year. We actually are expanding our
16 class size this year and that does lend itself
17 to discussions about how large are we, will we
18 have essentially admission capacity to handle it.
19 And we will.

20 MR. BERNARD JUDGE: But it's not about
21 individual applicants?

22 MR. SMITH: No. From time to time there
23 would be, ah, discussions along the lines we
24 have 240 students who have placed deposits. I
25 think we could perhaps send offers to find more.

1 Here are the five I think would be best. And I
2 -- relying on his good judgment would say,
3 sounds good to me. At this stage, at the late
4 end of the class those are nature of the
5 discussions and then a lot of talk about going
6 forward. What students will we recruit next
7 year? How will we get 200 students or 220
8 students of the highest caliber into the
9 University of Illinois? We've had many of those
10 discussions.

11 MR. BERNARD JUDGE: And so are you saying
12 now that the present policy, that nobody else in
13 the law school besides you and Dean Pless and
14 the people that work with him and any professors
15 that you put -- or ask to review some of these
16 applicants. That there's no indirect input or
17 output to the rest of the university or the rest
18 of the faculty.

19 MR. SMITH: Well there are occasions when
20 people send in let's imagine in a lot of the
21 college, might send in an inquiry or even a word
22 of support for a student.

23 MR. BERNARD JUDGE: Right.

24 MR. SMITH: My view on that is the proper
25 mechanism for words of support are letters of

1 recommendation which is the third aspect of what
2 I've instructed our staff. No special anything.
3 Inquiries are to be answered by applicants and
4 expressions of support through letters of
5 recommendation, which is our established policy.

6 MR. BERNARD JUDGE: And those would go to
7 Dean Pless' office.

8 MR. SMITH: They would go into the student's
9 admission file and then potentially to other
10 faculty if that file were under review. Those
11 are the procedures, if you will, as policies
12 that we are current, ah, using. That is in
13 light of, ah, our best judgment at the time.

14 MS. MARIBETH VANDER WEELE: So what would
15 your response be if you received, um, a letter
16 that was not "a letter of recommendation"
17 through the normal policies?

18 MR. SMITH: I have not yet received such a
19 letter with respect to the admissions - -
20 talk].

21 MS. MARIBETH VANDER WEELE: What would you -
22 -

23 MR. SMITH: My - my view I think would be
24 have some additional guidance by the commission

25

1 as to which such a letter was even proper. But
2 I would say that we have an established policy
3 for receiving input on students. It's called a
4 letter of recommendation - - .

5 MS. MARIBETH VANDER WEELE: But you would
6 respond to it?

7 MR. SMITH: Well if there's a reason to
8 question -- my stance is probably I would
9 respond by --. What could happen when you don't
10 respond is you can get a follow-on email and
11 then a follow-on email [cross talk].

12 MS. MARIBETH VANDER WEELE: Okay. Exactly.

13 MR. SMITH: And people can be somewhat
14 persistent. So I think guiding people to the
15 appropriate policy is, ah, strikes me as the
16 proper thing to do.

17 MS. MARIBETH VANDER WEELE: Right.

18 MS. ZALDWAYNAKA SCOTT: Dean Smith, could
19 you give us a little bit, ah, more about your
20 background. Have you since law school, ah, have
21 you -- did you work in private practice? Did
22 you go straight in academia?

23 MR. SMITH: I studied of what is called a
24 Joint Degree Program; I did a Law Degree and
25 then a PhD in History along side. And then I

1 practiced in private practice in Washington D.C.
2 for five years at Covington and Burling doing
3 litigation pre -- predominantly.

4 MS. ZALDWAYNAKA SCOTT: And then where did
5 you go after Covington?

6 MR. SMITH: I left Covington in 2001 and
7 came to the Illinois family.

8 MS. ZALDWAYNAKA SCOTT: Ah, one other
9 question. You talked about, ah, the
10 universities approach to ethics.

11 MR. SMITH: Yes.

12 MS. ZALDWAYNAKA SCOTT: And I'm sure prior
13 to your appearance here you have, ah, read ah,
14 the Tribune article and probably have also, ah,
15 taken the time to review some of the emails - -
16 . May not have included you but may relate to
17 past activity by, ah, other people associated
18 with the law school and maybe the university.
19 So you are fully informed on, ah, the background
20 that brings you here today. Is that right?

21 MR. SMITH: Well, I certainly read some of
22 the Tribune articles and I have been responsible
23 for producing the documents and I have produced
24 some of them, but I'm not sure that they have
25 reviewed all that you have.

1 MS. ZALDWAYNAKA SCOTT: Well, given what
2 you've seen and what you've reviewed and - and
3 we don't - we don't have to accept it as true.
4 But given what you've seen and what you've
5 heard, ah, in your opinion, does that conduct,
6 ah, is that conduct consistent with the
7 universities, ah, ethical guidelines that are in
8 place today?

9 MR. SMITH: The University's ethical
10 guidelines, ah, in part are contained in what's
11 called the University Code of Conduct. There
12 are a number of important aspects of that code
13 in conduct. One has to do with public trust and
14 confidence in the university's business.
15 Another aspect relates to integrity,
16 impartiality and even-handedness. I will say
17 under that code of conduct, ah, the events as
18 reported are troubling.

19 MS. ZALDWAYNAKA SCOTT: And in what is the -
20 - ah, I mean what are the potential penalties at
21 least within your structure for violation of
22 those codes of ethics and policies that you've
23 just mentioned?

24 MR. SMITH: Well I think that is, ah,
25 probably takes me beyond, ah, --

1 MS. ZALDWAYNAKA SCOTT: But you're a trial
2 lawyer.

3 MR. SMITH: Well, not actually --
4 [Cross talk - laughter]

5 MS. ZALDWAYNAKA SCOTT: Well that --

6 MR. SMITH: More in -- more in the mode of
7 settlement. Let me -- let me -- [cross talk].
8 [Laughter]

9 MR. SMITH: Maybe this will help things. If
10 I felt that I was put in a position to choose
11 between the University Code of Conduct and my
12 integrity in a decision I did not wish to
13 follow. I'd tender my resignation.

14 MS. ZALDWAYNAKA SCOTT: And given that --
15 you -- you know you're aware that predecessors -
16 - your predecessor was confronted with a
17 circumstance where the law -- she felt required
18 to - to take in a student over which there was
19 much discussion regarding that student's
20 qualifications. Ah, are you saying that you
21 would have made a different decision?

22 MR. SMITH: I think it's difficult to place
23 me in -- [interposing]

24 MS. ZALDWAYNAKA SCOTT: But hindsight is
25 always wonderful -- [interposing]

1 MR. SMITH: Well I - I like to fair, you're
2 asking - - case where I don't have the file in
3 front of me, the student's file. And with
4 respect to conditions I didn't live through.
5 What I can say is, I would rather tender my
6 resignation from the deanship and return to
7 teach students than do something that I thought
8 was unethical or for that matter admitted
9 students that I thought were under qualified.

10 BERNARD JUDGE: If you had a list of the
11 chancellor or provost that said, um, the
12 following ten students admit the three and deny
13 seven. What would your response me to such a
14 list?

15 MR. SMITH: No. To answer your question
16 Judge, no would be my response.

17 MR. BERNARD JUDGE: But you -- you don't
18 recognize such a list as having -- [interposing]

19 MR. SMITH: Well, I would -- I could imagine
20 consequences that might follow from saying no.
21 But you asked me, I would -- I would say no.

22 MR. BERNARD JUDGE: That you won't do what
23 the --

24 MR. SMITH: And if the response was, you

25

1 shall. Then I would say here is my resignation
2 letter. The college -- I've taught at the
3 college my whole life. This has been a very
4 difficult time for teachers and others at the
5 college including staff. I do not want to have
6 this happen again. At the university I care
7 about or the college I lead. And it seems to
8 me, clear guidance and a willingness to put that
9 statement clearly to anyone making such an
10 inquiry [background noise] is the best - -
11 [background noise - beep].

12 FEMALE VOICE 2: Um, --

13 MR. SMITH: Yes.

14 MS. MARIBETH VANDER WEELE: When you served
15 on the Law School Commission Committee?

16 MR. SMITH: Yes.

17 MS. MARIBETH VANDER WEELE: Um, where you
18 involved in any kind of conversations that dealt
19 with special interest students?

20 MR. SMITH: If I did I was not aware of
21 that. That is, I had conversations about
22 admission files; I indeed would talk about
23 admission files with Paul Pless and say I think
24 this is a very strong candidate. She has served
25 on, for example, a nuclear submarine, that might

1 be very good training for a future law student.

2 But I had no awareness as whether she was or
3 wasn't a special interest person. It was not
4 part of the discussion.

5 MS. MARIBETH VANDER WEELE: Where you a part
6 of the process at that time?

7 MR. SMITH: No, I was not.

8 MS. MARIBETH VANDER WEELE: You didn't know
9 there was any kind of a process of any kind even
10 by any other names?

11 MR. SMITH: No process. No machine, no
12 system. For all periods of time during document
13 production I referred to category I as Category
14 One. That's how little I know about it as a
15 faculty member. That's not the way faculty
16 matters work. That is, this is not part of the
17 way we review files on faculty at the College of
18 Law. We identified in essence the various - - .

19 MR. BERNARD JUDGE: And is that a letter,
20 email or letter or phone call from the, ah,
21 chancellor saying this request for admission
22 comes directly from the G.

23 MR. SMITH: I would be especially resistant.

24 MS. MARIBETH VANDER WEELE: [Laugh].

25 MR. SMITH: I wouldn't change my view. I

1 think that there are procedures to be followed
2 in the admission of candidates to a great
3 research university. And I think that they
4 should be followed. And they will be followed
5 under my deanship.

6 MALE VOICE 2: Um, a practical question. If
7 the policy said that these inquiries, other than
8 the student, um, had to be in writing, no
9 emails. Would that be difficult?

10 MR. SMITH: Well, I think given the nature
11 of email communication, people sometimes feel
12 quite free to fire off an email. It might well
13 be difficult in terms of preventing such emails
14 from coming in. But I don't think it would be
15 difficult to essentially channel, if the person
16 wished, those inquiries. Let's say words of
17 praise for an applicant into a letter of
18 recommendation. If they have first-hand
19 knowledge of an individual and wish to put it in
20 writing, we would consider it, I think in the
21 ordinary course of business. Yes, I think it
22 would be difficult to prevent the inquiries but
23 I would have no problem directing them to the
24 appropriate channels; which I view as a letter
25 of recommendation.

1 MR. BERNARD JUDGE: And you think -- you
2 would think that that would be a good part of a
3 written policy talking about if it said in there
4 any letters of recommendation shall be in
5 writing and on the merit.

6 MR. SMITH: Well, one virtue of styling this
7 as a letter of recommendation is it -- it makes
8 people, I think reflect on whether they have the
9 first-hand knowledge of the candidate to put
10 that in writing. First of all, we're not going
11 to give much attention to any letter that
12 doesn't have first-hand knowledge. It might
13 well direct people to the fact that we have
14 procedures; we are very serious about them. We
15 happen to think that letters of recommendation
16 in some cases can be helpful to people who say,
17 I served on an aircraft carrier or bridge with
18 this person. They are hard as nails under
19 pressure. This person has multiple languages.
20 That can be helpful. And I think we would be
21 well served to continue to receive those. But,
22 I think that's the way such input should come
23 in. If the tenor of formality, it makes people
24 think before they put a pen to paper. And I
25 think a channel; these types of informal

1 inquiries into way that may well detour some and
2 at the very least put the others into a
3 procedural form.

4 MR. BERNARD JUDGE: You fell that same way
5 if the inquiry was coming from a big fat donor
6 to the law school who -- [interposing]

7 MS. ZALDWAYNAKA SCOTT: As opposed to a
8 skinny donor.

9 MALE VOICE 2: [Cross talk] - - or a big fat
10 pocket.

11 MR. SMITH: We certainly receive letters of
12 recommendation from alumni. And in fact, in
13 some cases these alumni can speak very well of
14 candidates. Imagine a circumstance where the
15 alum is a managing partner of a law firm. They
16 work closely with the paralegal for three years.
17 I'm not, as a general policy, I don't think it
18 would be wise to exclude letters from alumni
19 even if they happen to be donors of the college,
20 if they have strong first-hand knowledge of a
21 candidate. So two sometimes we receive letters
22 from people in government. We've received
23 letters from Supreme Court justices; we might
24 receive letters from U.S. Senators. I don't
25 think a blanket prohibition on such letters

1 would serve the interests of students or the
2 college either. Sometimes those can be very
3 helpful. My judicial intern was very effective
4 in working through a complex, ah, case with me.
5 Those can be helpful. I think different
6 territory may enter when a letter or inquiry
7 comes from a trustee. Frankly, and on that
8 score, I think it's a little difficult to
9 disentangle an inquiry from influence from a
10 letter of recommendation. And I would -- I
11 think would have to await findings of the
12 commission to see what might be born out there.
13 But I think that that might come closer to the
14 line.

15 MR. BERNARD JUDGE: Do you have a legacy
16 policy at the law school?

17 MR. SMITH: I think to call it policy would
18 probably, ah, overstate things. We do ask on
19 the application form whether -- and I don't have
20 it in front of me. But I think, whether any
21 relative has attended the college. I believe
22 that is the phrase, I could produce the form.
23 We have produced the form in our document
24 production. But that may be, ah, the approach.
25 This is something that is done at, ah, both

1 private colleges and some public law schools.
2 I think, ah, a question of whether someone's
3 parent or grandparent or both attended the
4 college may have some, ah, some benefit in
5 determining the student is serious about the
6 college. That is, it may give some signal about
7 whether they have a connection and might choose
8 to come there rather than another school. But
9 frankly, I don't think it should merit much in
10 the decision on candidates.

11 MS. MARIBETH VANDER WEELE: You said you
12 would have no trouble putting this in writing,
13 now why hasn't it been put in writing to date?

14 MR. SMITH: Well I think the answer is, in
15 part, these, ah; discoveries about these
16 difficulties have been so new. That is, on the
17 one hand we are learning about a circumstance
18 and carved through some of the testimony we're
19 receiving about, ah, past events. That are
20 guiding our response to what the potential
21 problems, ah, are and what our responses should
22 be. I will say in a college as compact as the
23 law school, where I walk the halls everyday. Or
24 when I interact with the admission staff is just
25 as likely to be me walking in and saying, - -

1 where we're going. For now walking, stating the
2 policy, being sure that they followed it and
3 sensing the palpable relief that they experience
4 was quite clear to me that they got it. I have
5 no problem putting it in writing.

6 MS. MARIBETH VANDER WEELE: Dean, have you
7 ever made a statement to a member of your staff
8 that he's going to get contacted or when they
9 get contacted by an outsider or a trustee or
10 chancellor regarding a special interest student.
11 That you did not want to hear about? Have you
12 ever made any statements like that?

13 MR. SMITH: No, I actually think my guidance
14 would be to the contrary. I have met with, ah,
15 Paul Pless and I've met with him and I've said
16 to him that if he ever received a communication
17 that made him feel pressure, that made him feel
18 uncomfortable, that made him feel that he was
19 not going forward going to deal essentially
20 comfortable with the decision, he should come
21 see me immediately and then I would take care of
22 it. But no, I think the contrary instruction
23 was a given -- has been given.

24 MS. ZALDWAYNAKA SCOTT: You -- have you
25 talked to ah, Dean -- former Dean Hurd, ah,

1 about these events and ah, her current tenure as
2 the, ah, ah, Dean?

3 MR. SMITH: One of the challenges of being
4 the Dean during the course of this inquiry is
5 that I am a person who is in some ways
6 responsible for collecting the documents from
7 the college of law. And in some instances
8 actually coordinating schedules so people can
9 arrive. So in those contexts I have had some
10 conversations. I will say -- and this is
11 something I've said to every single person who
12 works in the college of law, I have no interest
13 in shaping people's testimonies. People should
14 testify truthfully. She's a tenured member of
15 the faculty and has a right to speak to these
16 issues. So I have been scrupulous about making
17 sure to the best of my ability, recognizing that
18 I'm interacting with them as a colleague and
19 interacting with them for purposes of the
20 commission. Not to have those types of
21 testimonies shaped in any manner.

22 MS. ZALDWAYNAKA SCOTT: But if -- but if -
23 if the - as the guy now in the chair.

24 MR. SMITH: Yes.

25 MS. ZALDWAYNAKA SCOTT: Have you talked

1 about her past experiences to inform you on how
2 you should shape the future for the university
3 law school?

4 MR. SMITH: I have not. I have listened to
5 her testimony this morning.

6 MS. ZALDWAYNAKA SCOTT: Is - is -- is the --
7 is there a reason why you haven't -- is there a
8 reason why you haven't tried to at least get the
9 benefit of her experience in shaping your own
10 tenure as Dean.

11 MR. SMITH: Well I think that would
12 overstate it. I certainly have sought the
13 experience of former Deans and among them I'd
14 include Tom Engler [phonetic] -- whose name was
15 mentioned earlier today -- on general matters of
16 how to be a Dean. And by the way I sought that
17 advice from Deans of great law schools across
18 the country, including the Dean of Yale Law
19 School at least the past, ah, Dean; they just
20 named a new Dean. I'm not shy in the world of
21 Dean's about adopting best practices. But it
22 seems to me for purposes of this testimony, my
23 view was I wanted to allow people to feel
24 completely comfortable testifying truthfully and
25 I was very -- at least concerned, that I not be

1 involved in any respect in shaping their
2 recollections or their testimony. I thought
3 that was a better course until the findings came
4 out.

5 MR. BERNARD JUDGE: Where you named interim
6 Dean immediately upon her, ah retirement as
7 Dean?

8 MR. SMITH: No Judge. There was an interim
9 Dean who followed Dean Hurd. His name was, ah,
10 Charles Taft. And then the law school had a
11 second interim Dean whose name was Ralph
12 Brubaker, put - - differently, we went through
13 two years or two cycles of Dean searches before
14 I was selected for the deanship.

15 MR. BERNARD JUDGE: You were never interim,
16 you were selected?

17 MR. SMITH: That's correct. My prior
18 position was a deanship called the Associate
19 Dean for Academic Affairs. And describing
20 earlier as the number two Dean, a bit more like,
21 ah, maybe the chief operating officer as opposed
22 to the chief executive officer. The - -
23 Academic Affairs Dean deals with lining up the
24 courses and I did that for a year.

25 MS. ZALDWAYNAKA SCOTT: But, even as

1 associate Dean you had no idea that this process
2 was operating within the admission cycle of the
3 university?

4 MR. SMITH: The Associate Dean's
5 responsibilities are not ones that relate to the
6 admission of students. The Associate Dean's
7 core responsibilities relate to in essence,
8 relate to establishing the curriculum. And for
9 what it's worth, I served as Associate Dean with
10 former interim Dean Ralph Brubaker. It's not
11 clear to me whether the record will indicate
12 that was occurring that year at all. So, no. I
13 had no knowledge and I have no knowledge that it
14 happened during that year.

15 MS. ZALDWAYNAKA SCOTT: Since you listened
16 to her testimony and you heard about the, ah
17 circumstance she was describing. I think you
18 might -- must have been in 2006 where there was
19 this, ah, ah, dialogue between her and ah,
20 Chancellor Herman over one particular candidate
21 and there was, ah, her immediate ah response to
22 her staff and others about the circumstance.
23 This never trickled to your office in any way?

24 MR. SMITH: Well firstly, when I was -- ah,
25 you're talking about events that occurred in the

1 spring of 2006. I was at the time a faculty
2 member going through the tenure process. And
3 she as I recall was describing a Saturday
4 morning conversation with her senior staff. No,
5 I wasn't part of that conversation and that
6 conversation did not trickle down to the level
7 to individual faculty members. At least not
8 this one.

9 MS. ZALDWAYNAKA SCOTT: When did you first
10 become aware of special interest students?

11 MR. SMITH: I became aware perhaps early in
12 the course of my associate deanship. That in
13 past years -- and I don't know the precise time,
14 Paul Pless had received calls from the
15 Chancellor in relation to students. The term to
16 my recollection special interest was not used in
17 reference to those. But I was under the
18 impression that Chancellor Herman had told Paul
19 Pless' telephone number. So I think that's
20 probably the first -- [interposing]

21 MS. ZALDWAYNAKA SCOTT: So the first time
22 you became aware of what -- when?

23 MR. SMITH: Well the term special interest
24 to my recollection was during the course of the
25 - - production.

1 MS. ZALDWAYNAKA SCOTT: Okay, let's -- I
2 don't want to focus on special interest then.

3 MR. SMITH: Right.

4 MS. ZALDWAYNAKA SCOTT: Student's that were
5 admitted because they had a sponsor.

6 MR. SMITH: During the course of the --
7 production.

8 MS. ZALDWAYNAKA SCOTT: During the course of
9 the -- production.

10 MR. SMITH: Yes, yeah.

11 MS. ZALDWAYNAKA SCOTT: Okay. How important
12 as Dean is the rating of the U.S. News and World
13 Report to you?

14 MR. SMITH: Well I think it's important.

15 It's not the only goal that U.S. -- consider.
16 But if you think about certain attributes of the
17 U.S. News rankings. For example, whether your
18 students are employed, I care about that as a
19 matter of being Dean at a school that is a pre-
20 professional school. That is we train people to
21 enter the law profession. So putting aside U.S.
22 News, I would care about such a thing, but U.S.
23 News also into consideration. That is, if I
24 think about job placement, it would be because I
25 think it's the right thing for a Dean of a pre-

1 professional school to care about and it's also
2 considered by U.S. News. It's certainly
3 something at great research university that
4 would be taken very seriously.

5 MS. ZALDWAYNAKA SCOTT: I do you feel about
6 this exchange of ah, jobs for applicants?

7 MR. SMITH: Well I think -- I would have to
8 say personally that's a characterization that I
9 don't whether that that's a - - characterization
10 or not. I do not think that there should be
11 under qualified applicants admitted to the
12 college of law. I don't know how to
13 characterize those past events, but it's not
14 something I would want to be a part of, if
15 that's were the - - [interposing]

16 MR. BERNARD JUDGE: With or without the
17 extension jobs.

18 MR. SMITH: Well I just think -- I - I think
19 my view is, the law school being -- as I would
20 sometimes say, I work in the area of sports law
21 and this maybe lost a little bit on ah, maybe in
22 translation. But I think you don't waste any of
23 your draft picks. Every slot in your class has
24 to be doing something valuable for your class.
25 That is, it has to be a person contributing to

1 the strength of the student body. Just like if
2 you were a general manager of a sports team, you
3 wouldn't wait -- wait around - - you care about
4 every single position. So when I talk to Paul
5 Pless about my goals for admissions I want not
6 just a certain, ah, group of students who are
7 engineers. I want the best engineers. What
8 about finding them Cal Tech and MIT rather than
9 in Illinois or some other place, if we just
10 expand our pool. Okay. When I talk about
11 getting students who might strengthen our, ah,
12 profile in other ways I'm talking about making
13 every slot in the class benefit the college.
14 That's the way I approach admissions.

15 MS. MARIBETH VANDER WEELE: How about
16 programs like Project Process, I believe it's
17 called?

18 MR. SMITH: Pardon me?

19 MS. MARIBETH VANDER WEELE: Is it Project
20 Process that was spoken about by Dr. Carroll?

21 MR. SMITH: I - it may well have been --

22 [interposing]

23 MS. MARIBETH VANDER WEELE: Project Promise?

24 MR. SMITH: It may well have been, but I did
25 not attend her --

1 MS. MARIBETH VANDER WEELE: Okay.

2 MR. SMITH: I did not attend her --

3 [interposing]

4 MS. MARIBETH VANDER WEELE: What -- how does
5 that program or programs like that fit into what
6 you just said?

7 MR. SMITH: I would have to hear a
8 description of the program.

9 MS. MARIBETH VANDER WEELE: You're not aware
10 of the program?

11 MR. SMITH: Not to -- not to my knowledge,
12 no.

13 MS. MARIBETH VANDER WEELE: Um.

14 MR. SMITH: There's a possibility it may
15 relate to undergraduate admissions, but I would
16 happy to hear more and answer your question.

17 MS. MARIBETH VANDER WEELE: So in your -- as
18 Dean, do you think that it's important to have
19 any students in your class. When you say the
20 best and the brightest and those that are
21 contributing, um, I'm not sure how you're
22 qualifying contributing.

23 MR. SMITH: Yes.

24 MS. MARIBETH VANDER WEELE: What I am
25 concerned about is your focus -- if it is and

1 I'm not saying that it is on scores, just
2 primarily.

3 MR. SMITH: No, and that's not the way I
4 read files when I was on the admission's
5 committee and that's not the way I approach this
6 as Dean. I think law school applicants are to
7 be assessed in the backdrop of their personal
8 achievements. Their academic achievements,
9 their life experiences, the talents that they
10 bring, their language ability, their innovation.

11 Some of our people may well write scientific
12 papers and have that. Some people come from
13 very disadvantaged circumstances. We've got
14 students who are war veterans in our class. We
15 have students who are first generation
16 professionals. My goal is to have a law school
17 where all people can have access and where we
18 recruit people who bring a great range of
19 experiences to their law school careers and into
20 their future profession. So no, I - I do not
21 view a file based on the numbers. We are
22 admitting people here. And people I know,
23 people I meet with and people whose parents, ah,
24 I meet with when they come to the school. This
25 is about the people and their qualities and

1 widely considered. So we have a number of
2 approaches to make sure that we are identifying
3 what I would just call the very best but that
4 can be measured in many, many different ways.
5 Is that clear?

6 MS. ZALDWAYNAKA SCOTT: - - .

7 MALE VOICE: Dean Smith very briefly I think
8 to clear up a question that Commissioner Vander
9 Weele asked you, um, this was I believe in
10 reference to Paul Pless', um, testimony about a
11 particular inquiry that he received that he
12 passed on to you. And I know that - that you
13 explained today that you didn't directly receive
14 any inquiries during the time - - Dean
15 [background noise], but perhaps just so
16 everybody understands and clear what we're
17 talking about you could relay the instance of
18 the one inquiry that Mr. Pless did receive that
19 was forwarded to you.

20 MR. SMITH: Yes. And this was not an
21 inquiry it was styled as special interest
22 inquiry. But I know of what you're speaking and
23 we produced the documents and I'll speak to you.
24 Ah, we had an alum and it's a person who holds a
25 governmental office. Ah, come to the college

1 for an event -- an event I attended it was a
2 marvelous event. Thereafter, the alum, ah wrote
3 an email to our Dean of Students. The Dean of
4 Students received an email along the lines of,
5 ah; the following potential law student
6 currently on the wait list is someone I fully
7 support. And that email came into our Dean of
8 Students, she sent it unsolicited to me, to Paul
9 Pless with an email that said, here you go. I
10 did not respond to the sender, my Dean of
11 Students. I did not respond to the person
12 making the inquiry and Paul Pless sent me an
13 email with information about the applicant which
14 I felt was essentially unwelcome. And I believe
15 as memory serves I told him as much. My view on
16 this was, it was not, ah, within the procedures
17 that I shot - - to you, it was an email inquiry.
18 Potentially welcomed to put in a letter of
19 recommendation, but not all that welcome and
20 forwarded to me in this manner. And I thought
21 that the way of handling the manner by giving me
22 information was not the way that such things
23 should be handled. So yes, I have had --
24 [interposing]
25 MS. MARIBETH VANDER WEELE: So in that case

1 you did tell him you didn't want to hear about
2 it, but did you clarify what you meant by that.
3 Are you saying that he should have ended this --
4 this came from the White House right?

5 MR. SMITH: Yeah it came from --

6 [interposing]

7 MS. MARIBETH VANDER WEELE: Yeah, so you
8 know, explain to me whether you gave him any
9 directives on how to handle such an inquiry.

10 MR. SMITH: Well, I think my directive to
11 him was I don't want to have information at the
12 Dean's - - that relates to these types of
13 inquiries. If anything these types of things
14 should be handled by way of letter of
15 recommendation coming to the admissions office.
16 I don't think I put quite that clearly.

17 MS. MARIBETH VANDER WEELE: Ah-huh.

18 MR. SMITH: I think I went in and said I
19 don't want to hear or receive these types of
20 emails.

21 MS. MARIBETH VANDER WEELE: And again, you -
22 you can probably understand my concern, my
23 concern is I don't want to hear about it -- you
24 handle it. You know -- if that was the tone or
25 whether you -- [interposing]

1 MR. SMITH: No, no. I don't think that was
2 the tone. I think the tone was this is not
3 something I'm interested in. I just thought I
4 don't know if we would characterize it as a
5 special interest, it was an alum with an
6 interest within a student. But I felt that it
7 was outside the normal procedural channel. I
8 had chosen not to respond to it and I thought
9 that should be the end of it.

10 MS. MARIBETH VANDER WEELE: Okay.

11 MR. SMITH: Yeah.

12 MR. BERNARD JUDGE: Do you think the best
13 practice would be that -- that a written policy
14 of the - - would be that all letters of
15 recommendation should be in writing to deal with
16 the relationship between the recommender and the
17 student, indicating what their experiences have
18 been, and should be directed to the Admission's
19 Dean.

20 MR. SMITH: Well I think all of those would
21 make a lot of sense. I think admissions are
22 best handled through the normal procedures of
23 the admissions office. I think the best
24 approach is to formalize input and for my case,
25 it should be based on some first-hand knowledge

1 of the applicant. Not something that would be,
2 you know, word of mouth or filtered through any
3 other type of - of -- yes, I think those are all
4 good things.

5 MS. ZALDWAYNAKA SCOTT: Ah, Dean Smith, I
6 just wanted to clarify a point. Ah, and I'm
7 looking at the email that came into the law
8 school. And it says, ah, the former alum -- and
9 that's who it's from. It's saying I'm writing
10 to you in my personal capacity as an alum and -
11 and - and doesn't appear to be at least try to
12 object the influence of their current office,
13 that's right.

14 MR. SMITH: And I think -- I think its worth
15 say, I have -- there's nothing wrong --

16 MS. ZALDWAYNAKA SCOTT: Right.

17 MR. SMITH: With an alum of the college
18 writing a letter or providing input on behalf of
19 a candidate. So to be clear, I don't think
20 there's anything wrong with -- we have letters
21 from alumni in our files ah, I can if we looked
22 I can produce such things, we would find them
23 frequently. So no, I'm not suggesting there was
24 anything improper in receiving input on a
25 candidate from an alum. Indeed as I suggested

1 before, alums can sometimes have very good
2 knowledge of candidates and we have some very,
3 very talented alums. So no, I'm not suggesting
4 that.

5 MS. ZALDWAYNAKA SCOTT: But in response to
6 the email, ah, ah, Virginia Vermillion
7 [phonetic] writes back thank you so much for
8 passing on the information. And encouraged the
9 writer by saying we're always interested in
10 learning more about those who are applying to
11 the college law.

12 MR. SMITH: Yeah.

13 MS. ZALDWAYNAKA SCOTT: Basically
14 encouraging this kind of communication. Ah,
15 regarding your applicant.

16 MR. SMITH: Yes.

17 MS. ZALDWAYNAKA SCOTT: Ah, and then Ms.
18 Vermillion then passes this message along to you
19 and Paul Pless. And Paul writes back, um, you
20 know is blanked out African American.

21 MR. SMITH: Yes.

22 MS. ZALDWAYNAKA SCOTT: Can you explain to
23 me why he felt it necessary or why you believe
24 he felt it necessary to identify the applicant
25 as African American?

1 MR. SMITH: No. And one reason I went to
2 see him as I do not want to see candidates as
3 presented as a boiled down, distillate of their
4 LSAT, GPA's and ah, their racial or ethicist. I
5 don't think that is helpful. We assess
6 candidates on the merit of their file. One
7 reason I thought this was, ah, unfortunate and
8 something I didn't want to see again because I
9 don't want candidates who are law school
10 referred to in that manner.

11 MS. ZALDWAYNAKA SCOTT: In fact the whole
12 exchange seems to go against every thing you've
13 said today regarding how you want your
14 admissions process to be handled in terms of
15 inquiries regarding students, ah, written
16 letters of recommendation rather than ah, you
17 know, singular emails that don't really address
18 the admission criteria. Ah, encouraging people
19 to handle this way and ethnicity presented as if
20 it's a qualifier.

21 MR. SMITH: And I agree with those and this
22 is one thing that has prompted me along with
23 some of the testimony before the commission to
24 have a much clearer, much more defensible
25 approach to admission. Just to be clear, I

1 think that alumni suggestions of candidates can
2 actually be welcomed. I think the most valuable
3 forum is in a letter. Secondly, I think we
4 should encourage people to put such things in
5 letters not by way of email. So to that extent
6 it is indeed inconsistent with what I would
7 think are the best practices moving forward.
8 And when I look at candidates and frankly when
9 college looks at candidates we assess them in
10 light of their complete life experiences. We
11 read the files -- when I was reading those
12 files, I would read the writing sample they put
13 in during their LSAT. Their reference letters,
14 their work experience. I do not view candidates
15 as a boiled down set of data or identifiers in
16 this manner and that troubled me. And that is
17 not the way we do business at the college.

18 MS. ZALDWAYNAKA SCOTT: So that we're clear,
19 ah, with once you received this you ah, had a
20 conversation with Ms. Vermillion?

21 MR. SMITH: Well I walked -- actually I
22 walked over to Paul Pless' office and said I
23 don't want to see these types of things.

24 MS. ZALDWAYNAKA SCOTT: And you said to Ms.

25

1 Vermillion you know rather than encourage, you
2 know, two line emails we'd like our letters --
3 letters to come in ah, as letters of
4 recommendation that are appropriate for the
5 file.

6 MR. SMITH: Yeah, I don't know if I had that
7 conversation with Ms. Vermillion I will have
8 that conversation with Ms. Vermillion. She's
9 the Dean of Students, her knowledge of the
10 candidates or the person writing, I think may
11 have grown out of that past relationship. So
12 this is a circumstance where a letter came in
13 through what might be styled a non-traditional
14 channel, not to the Dean, not to Admissions but
15 to a person that this recommender knew. To
16 prohibit all such, ah, letters from coming in to
17 our staff and prohibit all such responses, yes,
18 we should probably have a written policy. But I
19 have not yet disseminated that to the whole law
20 school. It might well be a good idea, because
21 these inquiries can come in through many
22 different ways.

23 MS. MARIBETH VANDER WEELE: Would you define
24 for me the ethnic code used? You have 02, 03,
25 04, 06 what do those codes mean?

1 MR. SMITH: I don't actually know. I know
2 that the law school -- what I understand is the
3 law school application form as used I believe
4 tracks certain data relating to candidates. But
5 I do not know how the numbers correlate to any
6 identifier. I - I believe they probably do, but
7 I don't know what the correlate to, those are
8 the kind of conversations I've had as Dean.
9 What is U6 or --

10 MS. MARIBETH VANDER WEELE: What's the
11 purpose of having it on a tracking form if
12 there's no purpose --

13 MR. SMITH: I - I don't know if it serves no
14 purpose. I'm saying I've not had conversations
15 about such things. I don't know if law schools
16 are, for example, ah, required by the ADA or the
17 AALS to track information related to the
18 applicant pool. Conceivably information to
19 students admitted to the school, but I could
20 certainly, ah, investigate that - - .

21 MS. MARIBETH VANDER WEELE: In your position
22 as Dean, ah, do you also use tracking charts for
23 students that are placed for employment?

24 MR. SMITH: We track employment, yes we do.

25 MS. MARIBETH VANDER WEELE: And you're aware

1 that there is a column there that indicates the
2 ethnicity of these students.

3 MR. SMITH: I actually don't know that to be
4 the case. I'm not saying it hasn't been that
5 way in the past, but I'm not sure that --

6 [interposing] -- I'm not sure that --

7 [interposing]

8 MS. MARIBETH VANDER WEELE: I'd just like to
9 know if this is the same form that you're using.

10 MR. SMITH: Well -- I'm [background noise].

11 MS. MARIBETH VANDER WEELE: What we just
12 looked at - at, ah, during this last session.
13 Does anybody have that?

14 MS. ZALDWAYNAKA SCOTT: Here - -
15 talk].

16 MS. MARIBETH VANDER WEELE: This form. And
17 I'll be happy to bring it to you. Do you mind?

18 FEMALE VOICE 3: I think - - should be put
19 on the record what the form says. I think
20 that's pretty --

21 MS. MARIBETH VANDER WEELE: I think you're
22 right. Is that the form that you use in your
23 office?

24 MR. SMITH: Well just to be -- I've been
25 presented -- [interposing]

1 MS. MARIBETH VANDER WEELE: Just the first
2 page there, just --.

3 MR. SMITH: Well this, University 2954
4 doesn't appear to have any file related -- I
5 don't the top lines are last name, first name,
6 discipline bar placement success. I - I don't -
7 -

8 MS. MARIBETH VANDER WEELE: Okay. Sorry
9 about that.

10 MR. SMITH: Not a problem.

11 MS. MARIBETH VANDER WEELE: Just that page
12 there.

13 MR. BERNARD JUDGE: - - [off mic].

14 MS. MARIBETH VANDER WEELE: - - .

15 MR. SMITH: The document is not dated, its
16 attached to --

17 MS. MARIBETH VANDER WEELE: But do you use
18 the form?

19 MR. SMITH: Not -- when I spoke to you about
20 the form we use to track job placements; it's a
21 form that looks at graduates of the law school.
22 And I would need the form in front of me but I
23 think it is named -- [interposing]

24 MS. MARIBETH VANDER WEELE: I wasn't
25 referring to anything you said before. We

1 received this form today so my question is do
2 you use that form --

3 MR. BERNARD JUDGE: - - [off mic]

4 MS. MARIBETH VANDER WEELE: Yeah, from the
5 last witness.

6 MR. BERNARD JUDGE: - - [off mic]

7 MALE VOICE: I believe, um, I believe what
8 that is part of the - - to track the um,
9 performance of SI students who are admitted
10 there at that time.

11 MR. SMITH: I'd have to count these, one,
12 two, my guess is there is going to be 24 names
13 and that this was some effort to track as Mr.
14 Allen says the performance of students during
15 some window period.

16 MR. BERNARD JUDGE: So you don't know if you
17 use that form correctly?

18 MR. SMITH: I don't -- I don't do special
19 interest period, so I'm not -- [interposing]

20 MR. BERNARD JUDGE: Have you ever seen that
21 form before?

22 MR. SMITH: No, I produced the document as
23 part of my responsibility as Dean. But, no, no.

24 MS. MARIBETH VANDER WEELE: Could you tell
25 the audience for the record, how many of those

1 students which are special interest students,
2 how many of them were employed? According to
3 that list, how many obtained employment after
4 the graduation - - .

5 MR. SMITH: Again, I'm not a list -- not to
6 be difficult this list which is the University
7 2944 and not a document I created and doesn't
8 have employment information on it.

9 MS. MARIBETH VANDER WEELE: Okay -- well --
10 [interposing]

11 MALE VOICE: I think she's now referring to
12 the next page, Dean Smith.

13 MS. MARIBETH VANDER WEELE: The original
14 page, because I think everybody should know how
15 many of those and -- do we know periods of times
16 that that refers to -- [interposing].

17 MALE VOICE: I don't think we do and one
18 thing to note that I'm sure that Dean Smith will
19 note is that um, for some there is an indication
20 of where they are in law school. So some are 1L
21 some are after their first year some are 2L so
22 it would be after their second year and this
23 would probably be summer jobs. And then 3L's as
24 they are about to graduate.

25 MS. ZALDWAYNAKA SCOTT: Okay, because we

1 need some interpretation because to us that
2 looks like horrible, those statistics look
3 horrible -- horrible.

4 MR. SMITH: Well the interpretation that I
5 can provide is 1L would refer to first year
6 students. I don't know if that means after
7 their first year, I would assume. Ah, 2L would
8 refer to the second year students and 3L are
9 people potentially in their third year. I don't
10 know when the document was made so I don't at
11 what point in the academic cycle they were. But
12 this is not a document -- [interposing]

13 MS. ZALDWAYNAKA SCOTT: So how many of those
14 students have - - outside of the university,
15 outside of working for a professor.

16 MR. SMITH: Commissioner, I - are you asking
17 me to count in this column.

18 MS. ZALDWAYNAKA SCOTT: Yes.

19 MR. SMITH: I think I will just have to read
20 it, if you --

21 MS. ZALDWAYNAKA SCOTT: Yes, that's what I'm
22 asking.

23 MR. SMITH: Ah, unknown. Let me say it this
24 way, 1L student unknown. 1L student still
25 looking. 1L student unknown no response. 1L

1 student turned down job for summer school to get
2 GPA up. 1L student line redacted. 1L student
3 looking. 1L student looking summer classes
4 extern. 1L student judge name redacted -- I
5 assume. 1L student looking/extern. 1L student
6 unknown. Then there's a line that says NA I
7 don't know what that means. Then 2L looking in
8 Chicago for public in -- turned down and then
9 redaction. You --

10 MS. ZALDWAYNAKA SCOTT: Yes, that's exactly
11 what I want to know and I'd like to know whether
12 there's --

13 MR. SMITH: 3L holding -- 3L holding offers
14 for redaction cop or coop I don't --. 3L
15 unemployed. 3L line redacted New York; I don't
16 know if that means they had employment in New
17 York, my expectation is that would it probably
18 means. 3L unemployed. 3L unemployed. 3L
19 unemployed/interviewing with a cook FA's office.
20 3L unemployed. 3L line redact and - - . 3L
21 unemployed. 2L no response and then a line that
22 says ill passed redaction (Champaign - pregrad).
23 And a line that says no results, final line
24 redaction A small z - pregrad.

25 MS. MARIBETH VANDER WEELE: And I appreciate

1 you doing that, now looking at those results
2 that tracking how does that compare with your
3 regular student size?

4 MR. SMITH: Again, commissioner we would
5 need to know at what stage in the cycle this
6 document was produced. Let's imagine a world
7 where this document was produced in January
8 before students had necessarily lined up their
9 post-graduation employment, then I would have to
10 compare -- I guess, apples-to-apples what our
11 students are doing in January. So I don't know
12 really what to say about this document. It's
13 not a document I created, but it is a document
14 that contains some data on it.

15 MS. MARIBETH VANDER WEELE: And that's fair,
16 I understand what you're saying.

17 MR. SMITH: Yeah.

18 MS. MARIBETH VANDER WEELE: Is it fair to
19 say that ah, this document there is someone ah,
20 within the law school ah, faculty that producing
21 or tracking the same data, this is an ongoing
22 tracking system.

23 MR. SMITH: I do not - no, I'm not sure if
24 that's the case. There is -- this is attached
25 to a series of emails. And I've not read them

1 through all the way. But there is an email,
2 this is University 2945 and I can again just
3 read it.

4 MS. MARIBETH VANDER WEELE: There's nothing
5 explosive in the email.

6 MR. SMITH: No, I don't -- it doesn't matter
7 to me, I'm just saying it says, ah, it's an
8 email from Heidi Hurd to Paul Pless and then
9 others CC recipients. Do we have any info about
10 bar passage and career prospects/difficulties?

11 That email was sent in March 8th, 2007 and I
12 don't know if the chart that followed was in
13 response to that.

14 MS. MARIBETH VANDER WEELE: Well my question
15 is, is there someone in your faculty who's
16 producing a tracking chart of students and their
17 appointments?

18 MR. SMITH: Yes, but it wouldn't look like
19 that, not that I'm aware of. The -- the one
20 that we would make and its one, ah, that I have
21 quite a degree of familiarity with because I'm,
22 ah, person who has seen this type of document is
23 I think probably an Excel spreadsheet. Student
24 name, student surname, ah, maybe what -- where
25 they've landed their job, maybe in what city

1 they might have - - [interposing]

2 MS. MARIBETH VANDER WEELE: And did you
3 create yourself when you became Dean?

4 MR. SMITH: It's created out of our Career
5 Services office, but I get a copy of it.

6 MS. MARIBETH VANDER WEELE: So is it
7 possible that there is a tracking system going
8 on that you're not aware of?

9 MR. SMITH: It would -- not likely, but I
10 guess --

11 MS. MARIBETH VANDER WEELE: But you're not
12 aware of that?

13 MR. SMITH: No, I'm aware that this document
14 was made back in 2007. I was not aware of it at
15 the time, I'm aware that we produced it, but I'm
16 not aware that we are currently tracking any
17 what might be styled special interest candidates
18 in the law school. We track employment for our
19 students.

20 MS. MARIBETH VANDER WEELE: Could you see
21 any reason why special interests or any other
22 candidates in the small numbers as being, ah,
23 tracked by race, ethnicity?

24 MR. SMITH: No. No, I don't see the value
25 of that. It doesn't -- it's not consistent with

1 my approach to admissions. It's not consistent
2 with my approach to employment. My approach is
3 students are dealt with as students. We try to
4 admit great students in Illinois. And I will
5 say the one coming next year are the best we've
6 ever admitted and I've met many of them and they
7 come from many different walks of life. And
8 it's not really of concern to me in this type of
9 spreadsheet or if - - purposes for employment
10 tracking to capture, you know, ethnic, gender or
11 racial ah definitions, no.

12 MS. MARIBETH VANDER WEELE: Do you see any
13 value in us having a chart for current - -
14 [interposing] [cross talking].

15 MS. ZALDWAYNAKA SCOTT: I would very much
16 like, ah, -- yes, I would like that analysis
17 with -- [cross talk].

18 MS. MARIBETH VANDER WEELE: - - .

19 MR. SMITH: Yeah --

20 MS. ZALDWAYNAKA SCOTT: So that would
21 clarify that -- so we don't have any
22 misperceptions.

23 MS. MARIBETH VANDER WEELE: Yes.

24 MR. SMITH: Again, I - I - I will be happy
25 to produce such chart as we have been producing

1 documents to the commission.

2 MS. ZALDWAYNAKA SCOTT: For the special
3 interest and then insert - - [cross talk]

4 MR. SMITH: Again, I'm not aware of charts
5 that track special interest beyond the ones
6 we've produced in the document introduction. So
7 I will produce a chart of our third year
8 graduates and where they got their jobs. That's
9 what I have.

10 MS. MARIBETH VANDER WEELE: Well, just to
11 clarify one thing. You mentioned that there are
12 no special interest students in this class -- in
13 this class.

14 MR. SMITH: My knowledge --

15 MR. BERNARD JUDGE: - - for this coming
16 year, class of 2012.

17 MS. MARIBETH VANDER WEELE: Okay.

18 MR. SMITH: I'm not aware of any students
19 admitted in the class of 2012 or admitted as a
20 response to any pressure. Put differently I
21 felt I had a free hand in fashioning that class.

22 MS. MARIBETH VANDER WEELE: Didn't you say
23 you haven't actually investigated that?

24 MR. SMITH: That is true, but I believe that
25 is something that either Paul Pless has

1 testified too or -- has been investigated.

2 MS. MARIBETH VANDER WEELE: So you don't see
3 the need to investigate that any further?

4 MR. SMITH: If we were asked to make that
5 investigation we would do -- [interposing]

6 MS. MARIBETH VANDER WEELE: I think you
7 should.

8 MR. SMITH: Then we could undertake it.

9 MS. ZALDWAYNAKA SCOTT: Well I would like to
10 see the tracking unless we have that and forgive
11 me if we don't -- if we do actually.

12 MALE VOICE: Just so I - I -- you tell me if
13 I'm interpreting this incorrectly. But, unlike
14 the class of 2012, which I believe is pristine
15 if you will from SI applicants. There is a
16 class of 2009 that just graduated that would
17 have been admitted in 2006.

18 CHAIRMAN ABNER MIKVA: Yes.

19 MS. MARIBETH VANDER WEELE: Yes.

20 MALE VOICE: During what we'll call the
21 Firestorm of email chain.

22 MR. SMITH: Yes.

23 MALE VOICE: And there will be a class of
24 2010 that would have been admitted in 2007. I
25 believe the commissioners are asking about

1 placement and job prospects for the class of
2 2009 or perhaps people graduating.

3 MR. SMITH: Right and I'm just -- I'm happy
4 to produce such information I - I can speak to
5 my interactions with students as Dean. I'm not
6 aware of any interaction in the class --

7 [interposing]

8 MS. ZALDWAYNAKA SCOTT: But what I'm asking
9 for is not a new chart, I'd like to see the
10 existing, whatever the existing tracking, ah,
11 is.

12 MR. SMITH: We'd be happy to produce that.

13 MS. ZALDWAYNAKA SCOTT: Okay.

14 CHAIRMAN ABNER MIKVA: Anything else?

15 MALE VOICE: No.

16 CHAIRMAN ABNER MIKVA: Thank you very much
17 Dean.

18 MR. SMITH: Dean Mikva, can I just offer two
19 sentences just about way of conclusion. I know
20 you have other witnesses. But, ah, long before
21 these events broke, I had the chance to speak
22 about my visions as Dean before my faculty,
23 before my students and before my wife and my
24 parents. And what I said in that time and I
25 don't waiver from it, is that this college will

1 be led with integrity, with honest, with respect
2 and with, ah, essentially those goals paramount.
3 And I make that pledge to you, I make that
4 pledge to the businesses and to Illinois and I
5 made that pledge consisting with the pledge I
6 made in front of my parents. So thank you very
7 much.

8 CHAIRMAN ABNER MIKVA: Thank you.

9 MALE VOICE: Thank you very much.

10 CHAIRMAN ABNER MIKVA: - - thank you very
11 much. [Coughing]

12 [Background noise and conversations off mic]

13 CHAIRMAN ABNER MIKVA: Thank you, Mrs.

14 Thompson for appearing before the commission - -
15 [background noise].

16 MALE VOICE: Ms. Thompson would you mind to
17 introduce yourself to the commission and give
18 your current position at the university?

19 MS. MICHELE THOMPSON: Yes, um, I'm Michele
20 Thompson, Secretary to the Board of Trustees and
21 Secretary at the University of Illinois. Um, I
22 am, ah, I've been in this position for the past
23 19 years. I've been at the University of
24 Illinois for 32 years in a variety of positions.
25 Um, from the - - campus to the University of

1 Administration, um, as Assistant Vice-Chancellor
2 and ah, Associate Vice-President for Human
3 Resources and [background noise] - - as
4 President.

5 MALE VOICE: Could you ah, - - through each
6 position. Prior to the time that you became
7 secretary to the Board of Trustees and - - since
8 then you also at that time became secretary for
9 the university as well?

10 MS. MICHELE THOMPSON: Yes, those two titles
11 are joined. Particular to the University of
12 Illinois and other institutions there is usually
13 one or the other used. And um, its just in the
14 tradition that this university - - .

15 MALE VOICE: Prior to the time that you
16 became secretary to the board and the
17 university, did you have any exposure to, ah,
18 category I or the admission of students based on
19 um, - - , political or donor or trustee?

20 MS. MICHELE THOMPSON: I did not know of
21 Category I until this inquiry started this
22 spring. Um, in my former position as assistant
23 to the executive, um, vice-president in 79'
24 through 81'; he supervised governmental
25 relations. So, um, my offices in Chicago, their

1 office is in Urbana, so I did not have much
2 interaction with them. Um, on one or two
3 occasions I would hear them say, a particular
4 legislator had inquired about admissions. And I
5 took that to mean they simply asked, um, if it
6 was complete -- um, if it was - - on track. Um,
7 I did not know what the inquiry might have been.

8 MALE VOICE: Did you have any experience
9 during that time with something greater than an
10 inquiry? Pressure to admit, direction to admit
11 a student.

12 MS. MICHELE THOMPSON: No. In fact, I heard
13 more often about denials and disappointments.

14 MALE VOICE: When you became secretary to
15 the board of trustees, did you have, um, an
16 understanding as to ah, whether trustees would
17 make inquiries through you about the admission
18 process?

19 MS. MICHELE THOMPSON: Yes, um, while in the
20 office the, um, associate secretary would then
21 interim secretary for a while informed me that,
22 ah, as a staff, um, service to the trustees the
23 secretary and he as staff, would take inquiries
24 from trustees and about applicants and ask the
25 admissions office if, ah, these had been

1 received. Um, if they were um, ah, complete and
2 ah, the report back was, ah, student's
3 application is complete or it's lacking a
4 transcript or the test scores have not been sent
5 in. And um, the student would probably hear by
6 March or April.

7 MALE VOICE: And during the time that you
8 have been secretary to the board of trustees,
9 have you received such inquiries?

10 MS. MICHELE THOMPSON: Yes. And I regularly
11 took them to an admission office assistant
12 director for a while, when that person was
13 identified. And then in the last five years,
14 four years maybe, um, I was ah, directed to the
15 Urbana Campus. Most of the inquiries come with
16 regard to the Urbana Campus.

17 MALE VOICE: And currently if you received
18 an inquiry from -- let me ask you this, ah, you
19 get them from current board members. Correct?

20 MS. MICHELE THOMPSON: Yes and some former
21 trustees.

22 MALE VOICE: Um, if you had an inquiry from
23 a current or former trustee where do you take
24 the inquiry?

25 MS. MICHELE THOMPSON: I take it now to the

1 Urbana Campus Chancellor or to Keith Marshall;
2 more often Keith Marshall. The Chancellor told
3 me about five years ago to send trustee comments
4 to the campus. Which made sense that's the
5 admission resource to the campus.

6 MALE VOICE: Prior to that time where did
7 you take the inquiry?

8 MS. MICHELE THOMPSON: I would directly to
9 the admission's office.

10 MALE VOICE: And was there a person at the
11 admissions office who you were directed to take
12 those kinds of inquiries?

13 MS. MICHELE THOMPSON: Well, yes it was Mr.
14 Montoya for several years. And a woman prior
15 ah, him, whose first name was Tony and I've
16 forgotten the last name.

17 MALE VOICE: Have you received inquiries
18 beyond the - - graduate school.

19 MS. MICHELE THOMPSON: I don't recall any
20 and if I did, I would have probably have sent
21 those to the campus. Because I - I don't deal
22 with that.

23 MALE VOICE: The campus?

24 MS. MICHELE THOMPSON: Yes, that's right.

25

1 Probably the chancellor's office or the provost
2 office. The chancellor's office and the provost
3 office both are involved in admissions at the
4 Urbana campus. There's -- at the Chicago Campus
5 there's much more collegial - - .

6 MALE VOICE: And if you, ah, had occasions
7 to have inquiries about ah, um, the, ah, Chicago
8 Campus?

9 MS. MICHELE THOMPSON: Very few.

10 MALE VOICE: What about the Med School?

11 MS. MICHELE THOMPSON: Ah, once in a while I
12 would um, I made one inquiry to the Dean there
13 because the student who had applied, um, had not
14 received word by the time she thought she was
15 going to hear. And it turned out that they had
16 the wrong address, so that was my experience
17 with the College of Medicine.

18 MS. ZALDWAYNAKA SCOTT: Can we backup just a
19 second. What exactly is your job description?

20 MS. MICHELE THOMPSON: Oh, my job
21 description is to ah, assist statute and it's a
22 combination of the recording and corresponding
23 secretary of the board of trustees. And that is
24 to keep a faithful record of the minutes of the
25 board meetings, to provide those transactions

1 for the public. It is to, um, ah, plan board
2 meetings, to um, notify the public of all
3 conditions of the Open Meetings Act with regard
4 to board meetings. To um, help with the agenda,
5 to work with each of the trustees. There are
6 ministerial functions, um, quite a lot of those
7 and they are along the lines of staff support
8 over a myriad of, um, responsibilities.

9 MS. ZALDWAYNAKA SCOTT: Would you keep a
10 record of, ah, board training materials as
11 secretary?

12 MS. MICHELE THOMPSON: We have training
13 materials, yes. Um, we have an orientation. We
14 don't have a formalized training for board
15 members. But we orient each new trustee, ah,
16 usually by a series of meetings with the
17 university officers. The President, the Vice-
18 President, the Chancellors and we try to have
19 time for each trustee to spend time at each
20 campus, touring, speaking with administrators on
21 those campuses.

22 [END TAPE PART 4]

23 [START TAPE PART 5]

24 MS. ZALDWAYNAKA SCOTT: Does the material
25 that you give the individual trustees include

1 the, the, the policies on ethics and ah,
2 conflicts of interest and --

3 MS. MICHELE THOMPSON: Yes, um.

4 MS. ZALDWAYNAKA SCOTT: Self dealing that
5 kind of thing?

6 MS. MICHELE THOMPSON: Well the trustees are
7 assigned as employees under the Illinois Ethics
8 Act, so they are trained and they take the
9 training that all employees of the university
10 are required to take, under the Ethics Act.

11 MS. ZALDWAYNAKA SCOTT: So do you have any
12 separate materials that you give those trustees,
13 ah, that explain the rules of ethics for the
14 university itself?

15 MS. MICHELE THOMPSON: Well, yes, in my
16 orientation of the trustees I have ah, reprinted
17 a Code of Conduct from a leading, ah, researcher
18 who does studies of boards in public
19 universities and -- in universities and
20 colleges, public and private.

21 MS. ZALDWAYNAKA SCOTT: And you -- so you
22 have a separate Code of Conduct just for
23 trustees, is that --

24 MS. MICHELE THOMPSON: Well, yes, it's a
25 national one, it's been devised by someone who's

1 written a great deal about expectations for
2 board members.

3 MS. ZALDWAYNAKA SCOTT: And has that Code of
4 Conduct been adopted as the Code of Conduct or
5 your expectations for your trustees?

6 MS. MICHELE THOMPSON: It has not been
7 formally adopted no. but I present it to every
8 new trustee including the student trustees. And
9 provide them with books, provided -- I mean,
10 prepared by our national association, the
11 Association of Governing Boards. Ah, effective
12 trusteeship and there are -- its really quite a
13 library of materials. One I give is the
14 Guardian, um.

15 MR. BERNARD JUDGE: Does the code say
16 anything about the, seeking to influence to
17 admissions to the university?

18 MS. MICHELE THOMPSON: I don't Judge that it
19 mentions admissions per say.

20 MR. BERNARD JUDGE: Does it say anything
21 about unduly attempting to influence decisions
22 at the university or what kind of decisions the
23 trustees should involve themselves in?

24 MS. MICHELE THOMPSON: Yes, it certainly
25 does speak to that. and the emphasis on, ah,

1 policy making as opposed to management. And
2 there are a number of, um, guidelines about ah,
3 avoiding insertion of a trustee into ah,
4 management at the university.

5 MR. BERNARD JUDGE: Do you think the code
6 makes it clear that positions policy is part of
7 the manners in which the university - - ?

8 MS. MICHELE THOMPSON: I would have to
9 review that. It is not exclusive, so that
10 probably should be made exclusive.

11 MR. BERNARD JUDGE: It would be a good idea
12 to have an exclusive code of conduct with the
13 board of trustees to adopt it?

14 MS. MICHELE THOMPSON: I - - . Yes, Judge I
15 just.

16 MS. MARIBETH VANDER WEELE: What's the name
17 of that governing board? You said?

18 MS. MICHELE THOMPSON: The National
19 Association of Governing Boards, for both
20 Colleges and Universities.

21 MS. MARIBETH VANDER WEELE: National
22 Association of Governing Boards of Colleges and
23 Universities.

24 MS. MICHELE THOMPSON: Yes.

25 MS. MARIBETH VANDER WEELE: And the

1 University of Illinois is a member of that
2 organization?

3 MS. MICHELE THOMPSON: Yes, yes,
4 Commissioner.

5 MS. MARIBETH VANDER WEELE: And you use that
6 as a resource for your trustees?

7 MS. MICHELE THOMPSON: I do. And um, I
8 subscribe to publications, I subscribe to their
9 publications for the trustees, there's a month -
10 - or quarterly called Presitge' which is
11 distributed to every trustee.

12 MR. BERNARD JUDGE: In light of all that's
13 come out, trustees as - - admissions process.
14 Do you think it would be a good policy to make
15 it clear that trustees should not, ah
16 participate in the admissions policy even to the
17 extent of tracking students?

18 MS. MICHELE THOMPSON: I think that's
19 probably wise. My understanding of the um, the
20 basis for inquiries about the progress of
21 students on the admissions application came
22 because our admissions office is beleaguered.
23 And during the time they're considering
24 applications it is extraordinarily difficult for
25 them to talk with the public. Um, I before I

1 identify with a person, who'd call, used to call
2 there and the phone would ring and ring and
3 sometimes there would be a voicemail. But um, I
4 believe our staff is ah, meager and unable to
5 field calls from the public about general
6 information. It is important for a student to
7 know that his or her file was complete;
8 particularly when their doing it electronically.

9 MR. BERNARD JUDGE: But it isn't important
10 that the trustee necessarily involve themselves
11 --

12 MS. MICHELE THOMPSON: Well.

13 MR. BERNARD JUDGE: In asking those
14 questions.

15 MS. MICHELE THOMPSON: This is -- this is a
16 quandary for them because as public servants
17 they've often told me they feel they should give
18 service to the --.

19 MR. BERNARD JUDGE: But suppose it was
20 ordained as part of the policy as a code of
21 ethics to the board of trustees that they do not
22 involve themselves in the admissions process.
23 Because the appearance of it looks like would
24 come into question.

25 MS. MICHELE THOMPSON: I think --.

1 MR. BERNARD JUDGE: Do you think that would
2 be a good idea?

3 MS. MICHELE THOMPSON: At this time they
4 would appreciate that because of the perception.

5 MS. MARIBETH VANDER WEELE: Just for the
6 record could we have a copy of this Code of
7 Ethics that you print. Is it one book, you said
8 it was a library --

9 MS. MICHELE THOMPSON: Well, we have yes; we
10 have an assortment of books for the trustees,
11 ah.

12 MS. MARIBETH VANDER WEELE: But the one that
13 you provide for orientation.

14 MS. MICHELE THOMPSON: It's a one page code
15 of conduct, yes.

16 FEMALE VOICE: Could we have a copy - - .

17 MS. MICHELE THOMPSON: Certainly.

18 MS. ZALDWAYNAKA SCOTT: In your -- I'm
19 sorry.

20 MS. MARIBETH VANDER WEELE: Just to add,
21 when you are um, conducting your role as
22 secretary, um, with communications between you
23 and Chancellor Herman's office, when you're
24 relaying information and I understand that
25 there's no decision-making on your part. Um,

1 were you aware when the trustee in the
2 communication about students between the
3 trustees and the chancellor's office that the
4 students are outside of the normal admission
5 process.

6 MS. MICHELE THOMPSON: No, I was not. In
7 fact, my interaction with the sitting trustees
8 [background noise] has become um, very sparse
9 with regards to admissions. Because the
10 practice is to go directly to the campus and to
11 the provost or chancellor's office now. The
12 only inquiries I get now basically are from a
13 few former trustees who simply want to know
14 about - - or one of their neighbors.

15 MS. MARIBETH VANDER WEELE: In the past five
16 years can you recall any instances where you're
17 taking minutes in a board meeting where you are
18 listening to any conversation or action um, that
19 you would consider unethical?

20 MS. MICHELE THOMPSON: No.

21 MS. ZALDWAYNAKA SCOTT: I have a related
22 question and that is do you believe that this
23 code of conduct that you've distributed to all
24 the trustees has been violated in light of the
25 revelations about the - - admissions by the

1 trustees?

2 MS. MICHELE THOMPSON: Well I don't know,
3 um, that -- if some reports are true, um, there
4 would be some problems. I -- as I say, I don't
5 think this code, I'd have to go back and study
6 it more carefully, does not refer to admissions.
7 But it certainly refers to general ethical
8 behavior and I don't know if there has been
9 unethical behavior. There have been, um,
10 discussions and assertions.

11 MS. MARIBETH VANDER WEELE: What types of
12 things have you heard that if true you would
13 deem to be --?

14 MS. MICHELE THOMPSON: Well the things I've
15 read in the newspapers.

16 MS. MARIBETH VANDER WEELE: Like?

17 MS. MICHELE THOMPSON: If there was pressure
18 to admit someone at the law school situation,
19 um, I think that if true that would be
20 unethical.

21 MS. ZALDWAYNAKA SCOTT: If you could rewrite
22 -- if you could -- the things that you've read,
23 um, what could you have done or what influence
24 could you have had in terms of training that
25 might have, uh, had some impact on the behavior?

1 MS. MICHELE THOMPSON: I have thought about
2 that at length and I don't really know what we
3 could have done. Like I said the training is a
4 team effort with all the presidents and vice-
5 presidents. Um, we certainly stress that there
6 are -- that the university is independent and
7 that the quality of the university is upper most
8 in everyone's mind. Um.

9 MS. ZALDWAYNAKA SCOTT: Where -- in your
10 opinion, if what you read is true, where have
11 there been or have there been a failure in
12 leadership?

13 MS. MICHELE THOMPSON: Oh my. I don't know
14 that it's a failure in leadership, I think its -
15 - if any of these facts are true there more
16 personal. I - I don't think that any leader um,
17 in the board of the university would have
18 thought about teaching about what not to do in
19 admissions.

20 MS. ZALDWAYNAKA SCOTT: But you've seen in
21 terms of what has been reported the behaviors
22 are coming from the very top of the university
23 and its leadership. Is that right?

24 MS. MICHELE THOMPSON: Well yes - - .

25

1 MS. ZALDWAYNAKA SCOTT: If the reports -- if
2 the reports are true they are from the very top
3 of your university.

4 MS. MICHELE THOMPSON: Yes.

5 MS. ZALDWAYNAKA SCOTT: And if they are
6 true, ah, if -- if I'm not going to focus on any
7 specific allegations, but if there have been an
8 issue with regard to ethics, ah, in your mind it
9 has been an individual issue as opposed as an
10 institutional issue?

11 MS. MICHELE THOMPSON: Yes, I do that.

12 MALE VOICE: Ms. Thompson, you did -- oh,
13 sure go ahead.

14 MS. MARIBETH VANDER WEELE: Ah, just --
15 would you -- would you feel that the leadership
16 has changed what, ah, twice in the last five or
17 six years?

18 MS. MICHELE THOMPSON: Well at what level,
19 we have a president who's in his fifth year.

20 MS. MARIBETH VANDER WEELE: And chancellor?

21 MS. MICHELE THOMPSON: And chancellor -- is
22 in his fifth year as well.

23 MS. MARIBETH VANDER WEELE: Okay, so you
24 feel that it's any different before those two,
25 the leadership before those two versus now if

1 you had to compare?

2 MS. MICHELE THOMPSON: Well I don't recall
3 ever hearing of problems such as we have now
4 before. Um, but these revelations are present
5 and I don't know if it happened before.

6 MR. CHARLES SCHOLZ: Ms. Thompson you've
7 been with the University for 32 years and one of
8 the reasons why we thought it would be helpful
9 for you to come and ah, speak with the
10 commissioners today were the thoughts that you
11 shared with me yesterday afternoon toward the
12 end of our chat. [Background noise]. Um,
13 specifically your views on ah, future procedures
14 that might avoid something like this in the
15 future. So I wonder if you wouldn't mind
16 sharing those same thoughts now with the
17 commissioners.

18 MS. MICHELE THOMPSON: All right. Ah, I've
19 also ah, employed at two other universities in
20 my career and at, ah, I take some um, of those
21 experiences into account and thinking about how
22 this, um, situation that has become so
23 problematic for the university might change and
24 might be done better. I concur with many of the
25 things that Dean Smith said. I think that

1 direction does need to come from the top. And
2 admissions are largely a collegial matter, so
3 the Deans are very important. In the -- my
4 experience was the evaluation and admission
5 process in the college of medicine where I once
6 was a faculty member. And that involved a
7 committee an admissions committee of about 15
8 people. And individual interviews, evaluation
9 of test scores and grades previous and um, I do
10 believe that in highly competitive, professional
11 schools, an admissions committee is extremely
12 important. We do have some precedence within
13 the University of Illinois. Ah, one is in the
14 College of Veterinary Medicine and now there is
15 the College of Medicine in Chicago; Veterinary
16 Medicine is at Urbana. Uh, these two colleges
17 highly selective, um, employ an admissions
18 committee. They are arduous, time consuming,
19 expensive, but doing this at the front-end is
20 very salutary as Dean Smith mentioned, um,
21 indicated for the makeup of a class. Ah, I also
22 think it is helpful when a group decides on
23 admission matters, because it is much more
24 difficult to pressure a group of people than one
25 person. If one person holds the power that

1 person is susceptible to all manner of pressure.
2 I think that is just a given. And so I do think
3 that committees are very helpful, particularly
4 in professional schools. Um, and I think that
5 those committees ought to function as
6 committees. In my experience it worked well. I
7 know something about --

8 MR. BERNARD JUDGE: Each decision should be
9 final?

10 MS. MICHELE THOMPSON: Yes and perhaps an
11 appeal could be built in, but I do think that
12 the decision should be final and made by that
13 body.

14 MS. MARIBETH VANDER WEELE: How was that
15 body selected?

16 MS. MICHELE THOMPSON: Well, I think it
17 should be selected up -- in several ways, the
18 Dean of the College, very important person. Um,
19 committees within the college, executive
20 committee members, um, nominations from the
21 faculty. I don't have a formula, but I think
22 that all of those means could be employed to
23 find a cross-section of faculty members who
24 would be appropriate and give the time.

25 MS. MARIBETH VANDER WEELE: Do you see any

1 value, um, to include any alumni in that group?

2 MS. MICHELE THOMPSON: That could be a very
3 helpful addition.

4 MS. ZALDWAYNAKA SCOTT: Are you aware that
5 the College of Law has gone down to, ah, almost
6 a process of one individual having almost
7 complete authority over the admissions process?

8 MS. MICHELE THOMPSON: I did not know that.
9 I have deduced that.

10 MS. ZALDWAYNAKA SCOTT: From the testimony?

11 MS. MICHELE THOMPSON: Of what I've read if
12 true it seems there is a tremendous amount of
13 responsibility invested in one person.

14 MS. ZALDWAYNAKA SCOTT: And in your opinion
15 that does not seem to -- to -- to -- its not
16 consistent with the process that you've
17 described that is more, ah, group lead, than -
18 than individual led.

19 MS. MICHELE THOMPSON: That's right.

20 MS. ZALDWAYNAKA SCOTT: And do you envision
21 any at least based on your experience, you
22 envision any problems with that process or?

23 MS. MICHELE THOMPSON: With a committee?

24 MS. ZALDWAYNAKA SCOTT: With the -- the

25

1 committee of one as opposed to a, a ah, process
2 that more --

3 MS. MICHELE THOMPSON: Oh, as I said I think
4 it's -- it makes that person the subject of --
5 it's easier to apply pressure if there is one
6 person.

7 MR. THEODORE CHUNG: You were describing Ms.
8 Thompson that Med procedure and I understand you
9 spoke with the Dean at that Med to discuss
10 whether something like we've been talking about
11 in these hearings could happen at that college
12 given that structure, is that correct?

13 MS. MICHELE THOMPSON: That's right.

14 MR. THEODORE CHUNG: What was the Dean's
15 view on that?

16 MS. MICHELE THOMPSON: Ah, one of the
17 colleges that we haven't heard anything about in
18 this recent, um, flurry of admission inquiries
19 is the College of Veterinary Medicine. And that
20 college has a very well established admission,
21 ah, procedure and that employs first of all a
22 review of the credentials, the test scores, the
23 grades of applicants. I think one of the
24 reasons the system exists by the way, is that
25 there are very few colleges of veterinary

1 medicine in this country, there is 22. And the
2 competition for admission is extraordinary. So
3 it is imperative that there be a system in a
4 school like that that is ah, final, it is
5 understood, it is clear and it is carried out
6 routinely. The, ah, phase I is review of
7 credentials; phase II is an interview with three
8 people. A faculty member, a student in the
9 college, an advanced student of the college and
10 a practitioner, professional. And um, they
11 interview I understand about 300 people and um,
12 based on their -- the academic credential's
13 review and the interview are separate. And so
14 the interviewers are not aware of the academic
15 backgrounds in terms of grades and test scores.
16 And um, this combination is, ah, is followed and
17 then the student's personal statements are
18 extremely important too. Each student summary
19 of his or her background, their goals, their
20 strengths, um, their determination to finish a
21 rigorous program.

22 MALE VOICE: Um, how would that work though
23 in where you have thousands of applicants?

24 MS. MICHELE THOMPSON: Well this is very
25 difficult and I thought about that with regard

1 to undergraduates. I - I think that the
2 undergraduate admissions process is really quite
3 good the way it works. Um, one thing I would
4 add and this is consistent with Dean Smith's
5 earlier comment and I think this might, um, help
6 the number of inquiries from outside too. I do
7 believe that even undergraduate students with
8 their application should be permitted two
9 letters of recommendation. We could restrict it
10 to a one page letter, but I do think that if
11 letters of recommendation are permitted it would
12 help those who have to deal with people who want
13 to call in from outside, just as Dean Smith
14 said. If you feel strongly about this person
15 you want to recommend them, you want to put in a
16 word that you have about your experience and
17 praise, please write a letter. And that is
18 something that could be told trustees,
19 legislators, um, anyone else who might send an
20 email or stop a chancellor or president at a
21 cocktail party. Um, if there is sincere
22 interest in helping an applicant, write a
23 letter.

24 MS. MARIBETH VANDER WEELE: And who would
25 that letter go to?

1 MS. MICHELE THOMPSON: It would go to the
2 admission's office. And it would be a lot of
3 work, I know the reason they do not have letters
4 now is that they don't have the staff to read
5 them. But that's our problem and that would
6 have to be addressed. Um, that - that gives a
7 person an opportunity and it gives a fairly
8 balanced opportunity to anyone who wants to - -
9 a student.

10 FEMALE VOICE: Could the admissions
11 committee then exclude any letter of
12 recommendation that came from an individual who
13 did not know the candidate either from an
14 employment standpoint or from a volunteer
15 standpoint? In other words, its one thing to
16 say to the deciders, the decision-makers, ah,
17 don't consider this letter from the Governor
18 we're not going to weigh it. It's another thing
19 to remove it from the file if the Governor did
20 not know that candidate personally or by
21 employment.

22 MS. MICHELE THOMPSON: Well that's a very
23 good point and if the letter of recommendation
24 should state personal acquaintance over some
25 time, either, ah the student applicant as an

1 employee, ah - a neighbor that they've seen
2 develop and grow up and ah, excel in certain
3 ways. But certainly not the son of my friend
4 that I went to college with 20 years ago, ah, or
5 someone ah, who's been ah well - well
6 recommended to me by someone I know.

7 MS. MARIBETH VANDER WEELE: I have a couple
8 of questions chairman about - - when we talk
9 about a code of - - and I think - - I feel
10 strongly that there should be strengthening of
11 the - - of conduct. But the next question then
12 is how to enforce. I know that a number of - -
13 inspector general. I know there is also an
14 inspector general for the State of Illinois.
15 What I can't recall and Z you can help me on
16 this. But I don't recall an inspector general
17 for the university system.

18 MS. ZALDWAYNAKA SCOTT: It's the inspector
19 general for the office of the Governor. It's
20 the inspector general - -

21 MS. MARIBETH VANDER WEELE: So I'd be right
22 in saying that there is no inspector general for
23 the educational system.

24 MS. MICHELE THOMPSON: Yes there's a --

25 MS. ZALDWAYNAKA SCOTT: There was a

1 movement, ah, to ah, push the state legislature
2 to recommend a -- an inspector general for the
3 public university that would just address their
4 interest of need. But that was not -- that went
5 no where. The --

6 MS. MARIBETH VANDER WEELE: Well maybe
7 that's something we should talk about at some
8 point. I don't know if it's a good idea or not,
9 if it's a bad idea, but maybe that's something
10 to put on the table as a mechanism of
11 enforcement. Because I think the enforcement in
12 what we heard from Dean Hurd is that she did not
13 want to go to the trustees because the trustees
14 were the ones who were doing the pressuring
15 [background noise] - - of going around that. If
16 the - the, ah, problem comes from the top. The
17 second question I have is if a trustee were to
18 violate or in some case has violated the
19 existing code of conduct or to violate a new
20 superposed code of conduct, what is the
21 mechanism for removal of a trustee currently for
22 - - , what is it -- can you describe that
23 process.

24 MS. MICHELE THOMPSON: Well, I don't know if
25 there is a process, but ah, trustees are

1 appointed by the Governor so it is -- it is
2 outside the prevue of any university authority.

3 MS. ZALDWAYNAKA SCOTT: But -- so you don't
4 know and maybe you're not the right person to
5 ask, but I think there's -- I would like to
6 understand what he removal process is. I - I
7 thought maybe as secretary even if it wasn't in
8 your curfew which I'm sure its not you would
9 know that mechanism is.

10 MS. MICHELE THOMPSON: I do not know, um,
11 other than, ah, the Governor removing that
12 person, personally.

13 MS. ZALDWAYNAKA SCOTT: I was just wondering
14 if [cross talk] - -

15 MS. MICHELE THOMPSON: I - I - -
16 talk] board of admissions --

17 MS. ZALDWAYNAKA SCOTT: I'd just like to
18 know that for our regulatory review perhaps. In
19 an instance any other mechanisms -- can you
20 think of any other mechanisms to enforce a code
21 of conduct?

22 MS. MARIBETH VANDER WEELE: I know the
23 Governor had the right -- I was reading about
24 that to um, remove trustees, ah, board members.
25 Ah, the - the president of the board is an

1 elected position.

2 MS. MICHELE THOMPSON: No, -- I'm sorry,

3 commissioner -- that's ah --

4 MS. MARIBETH VANDER WEELE: All appointees

5 are appointed --

6 MS. MICHELE THOMPSON: All trustees are

7 appointed accept for the students and they are

8 elected by the student body.

9 MS. MARIBETH VANDER WEELE: Well then who

10 would have the right to remove any of them - - .

11 MS. ZALDWAYNAKA SCOTT: That would be

12 interesting to see if there is any language that

13 says under these conditions, I guess that's what

14 I'm trying to say.

15 MALE VOICE 2: Excuse me, there -- there is

16 cause language and [cross talk].

17 MS. MARIBETH VANDER WEELE: Okay - - .

18 MALE VOICE 2: It is a legally affected

19 term, being for instance - - [off mic] something

20 like that. I think we can provide you with

21 something. [Cross talk] that - that describes

22 the standard, it doesn't necessarily describe

23 the process that you may need to achieve. To go

24 through any to meet that standard but we can

25 include that in - - .

1 MS. MARIBETH VANDER WEELE: Okay - - .

2 MR. BERNARD JUDGE: And the Governor's

3 Inspector General does have to jurisdiction over

4 the university and there's currently, ah, the

5 Inspector General has indicated an interest in -

6 - .

7 MS. MARIBETH VANDER WEELE: I actually have

8 one last question when you spoke about, um, um,

9 the one person decision-making that the law

10 school had reached now?

11 MS. MICHELE THOMPSON: I don't know if that

12 is true. I've heard of only person.

13 MS. MARIBETH VANDER WEELE: Well. Yeah. If

14 everything we're reading is true, it seems the

15 decision-making in the law school for admission

16 has come down to one person. Um, have you seen

17 a shift? Do you recall a time when there was --

18 when the admissions department was fully vested

19 with their responsibility and there was not any

20 one person who's competing with that.

21 MR. ABNER MIKVA: Are you speaking the

22 admissions of the law school or the admission's

23 policy of the college.

24 MS. MARIBETH VANDER WEELE: Of the law

25 school.

1 MS. ZALDWAYNAKA SCOTT: Because it used to
2 be committee structured it overwhelmed the - - .

3 MS. MICHELE THOMPSON: I'm not aware of the
4 -- [interposing]

5 MS. MARIBETH VANDER WEELE: I'm trying to
6 see how this happened.

7 MR. BERNARD JUDGE: Well I think we've heard
8 different -- we've heard the testimony
9 differently. I understood what Dean Pless he
10 continues to do - - for everybody except the
11 ones in the class.

12 MS. ZALDWAYNAKA SCOTT: I didn't -- I didn't
13 understand it.

14 MS. MARIBETH VANDER WEELE: I --

15 MR. BERNARD JUDGE: Well go back to
16 testimony.

17 MS. ZALDWAYNAKA SCOTT: I mean --
18 talk].

19 MS. MARIBETH VANDER WEELE: You - -
20 talk] even Dean White said that he no longer --
21 [interposing]

22 MR. BERNARD JUDGE: Who interviewed him, you
23 Ralph [phonetic]?

24 RALPH: I did.

25

1 MR. BERNARD JUDGE: What is the -- what did
2 she say the current policy.

3 RALPH: Whether there is any faculty to - -
4 anymore is a little unclear. However, it is - -
5 it definitely has evolved over time where
6 faculty involvement is minimized.

7 MS. MARIBETH VANDER WEELE: Right.

8 RALPH: So that -- so that I believe so that
9 the Paul can best shape the class to target the
10 immediate L-SAT and GPA and achieve the other
11 goals. And that way you don't have a bunch of
12 people - - there.

13 MR. BERNARD JUDGE: So then he is --

14 MS. MARIBETH VANDER WEELE: Yes - -
15 talk].

16 RALPH: I think - I think he functionally is
17 the guy and that there are two -- I think Judge
18 what we are calling is that there are two people
19 in his office that review files and ah, they
20 make recommendations to him. He often defers to
21 their conclusion but he does review them,
22 certainly, all the ones that are admitted.

23 MS. MARIBETH VANDER WEELE: But do you
24 recall any conversation about how that
25 conversation [background noise] or whether -- I

1 guess what I'm getting at is -- with this kind
2 of structure, ah, a directive or something they
3 did on their own.

4 MS. MICHELE THOMPSON: I do not know how the
5 decision was made to structure the admission
6 process in the College of Law.

7 MS. MARIBETH VANDER WEELE: Okay.

8 MS. MICHELE THOMPSON: I've never been, um,
9 associated with that in anyway.

10 MS. ZALDWAYNAKA SCOTT: And just -- I'm
11 sorry -- okay, and just so I'm clear what is the
12 mechanism for the enforcement of the code of
13 conduct, currently.

14 MS. MICHELE THOMPSON: Ah --

15 MS. ZALDWAYNAKA SCOTT: There is none?

16 MS. MARIBETH VANDER WEELE: What code of
17 conduct.

18 MS. ZALDWAYNAKA SCOTT: So she said there is
19 a code of conduct.

20 MS. MICHELE THOMPSON: - - something that
21 [cross talk] I distribute - -

22 MS. ZALDWAYNAKA SCOTT: - - formalized, you
23 distribute a code of conduct [cross talk].

24 MS. MICHELE THOMPSON: - - developed by the
25 National Association. It's a suggestion.

1 MS. ZALDWAYNAKA SCOTT: Okay, so it's not a
2 code of conduct then.

3 MS. MICHELE THOMPSON: It is assigned as a
4 code of conduct, it is something I distribute to
5 every new trustee as a suggestion made by the
6 association's that is concerned with training
7 and um, governance issues for all higher
8 education all over the country.

9 MS. ZALDWAYNAKA SCOTT: So you're saying
10 there is no binding code of conduct.

11 MS. MICHELE THOMPSON: No there isn't.

12 MS. ZALDWAYNAKA SCOTT: That governs the
13 conduct of trustees.

14 MS. MICHELE THOMPSON: No there is not. No
15 there isn't.

16 MS. ZALDWAYNAKA SCOTT: Wow.

17 MS. MARIBETH VANDER WEELE: And so in your
18 role as secretary of the board of trustees and
19 secretary of the university you're not aware of
20 any conversations, um, during those meetings
21 where they've discussed, ah, who makes decisions
22 about admissions.

23 MS. MICHELE THOMPSON: Well I don't think
24 we've had a discussion of admission policy at
25 the board meeting, um, other than an occasional

1 item on the agenda. That, ah, may change a
2 particular paragraph in an admissions process
3 for a particular college.

4 MS. MARIBETH VANDER WEELE: Like?

5 MS. MICHELE THOMPSON: An incremental change
6 to a policy, um, um, I can't think of anything
7 in particular but I - I suspect that in the last
8 20 years there have been amendments to the
9 admissions policy [cross talk].

10 MS. MARIBETH VANDER WEELE: Nothing that
11 stands out as dealing with anything we're
12 discussing.

13 MS. MICHELE THOMPSON: No.

14 MS. ZALDWAYNAKA SCOTT: How does one of the
15 nation's premiere institutions of higher
16 learning operate without a code of conduct?

17 MS. MARIBETH VANDER WEELE: From trustee.

18 MS. ZALDWAYNAKA SCOTT: From the trustee,
19 how does that happen?

20 MS. MICHELE THOMPSON: We certainly have,
21 um, ethics training and we have a - a book that
22 is, ah, ethical training for everyone including
23 trustees. So, um, we - we do have guidelines
24 for ethical conduct.

25 MALE VOICE: Can I - -

1 talk].

2 MS. MARIBETH VANDER WEELE: But no code, how
3 do you not have a code, I mean that's just a
4 basic compliance element of any compliance
5 program. Is a code of conduct of a good
6 organization part of the general con -- controls
7 I mean as nationally recognized as any best
8 practice or even minimal standard practice for
9 maintaining integrity in an institution. So,
10 why are they only guidelines?

11 MR. BERNARD JUDGE: - -

12 MS. MICHELE THOMPSON: I think you will find
13 our - our book on ethical behavior at the
14 university a code. I think this --

15 MS. MARIBETH VANDER WEELE: But you just
16 said it was a guideline and a code is something
17 that's mandatory.

18 MS. MICHELE THOMPSON: No -- the code for
19 trustees produced by the national association is
20 a set of guidelines. Okay. But the university
21 [cross talk] does have a - a handbook of ethical
22 behavior.

23 MS. MARIBETH VANDER WEELE: Oh a code that
24 does -- [interposing]

25 MR. CHARLES SCHOLZ: Can I ask for a - -

1 point of verification, with what Ms. Thompson
2 said was that the trustees defined as employees
3 under the Ethic Act and treated as such. So, I
4 would assume that that's the quote that you're
5 talking about.

6 MS. MICHELE THOMPSON: Yes, commissioner.

7 MR. CHARLES SCHOLZ: So they are treated as
8 such, would you expound on that a little bit,
9 what does that mean?

10 MS. MICHELE THOMPSON: Well the Illinois
11 Ethics Act defines trustees as employees for the
12 purposes of that act.

13 MS. MARIBETH VANDER WEELE: But then there
14 is a handbook that you - - .

15 MS. MICHELE THOMPSON: Yes.

16 MR. CHARLES SCHOLZ: And they sign off on
17 that?

18 MS. MICHELE THOMPSON: Yes.

19 MR. CHARLES SCHOLZ: Okay.

20 MS. MARIBETH VANDER WEELE: - - [cross talk]

21 MR. CHARLES SCHOLZ: So they have --
22 talk]

23 MS. ZALDWAYNAKA SCOTT: - - [cross talk]

24 MS. MICHELE THOMPSON: But there is no code
25 no. It is distributed to them, they are, ah,

1 aware of it, so it covers things.

2 MS. MARIBETH VANDER WEELE: And do you feel
3 that it's been violated in any way? If what
4 we're hearing is true?

5 MS. MICHELE THOMPSON: If what we're hearing
6 is true I would be concerned. But again, I
7 underline if all that's been referred to.

8 MR. BERNARD JUDGE: Thank you very much.

9 MS. MICHELE THOMPSON: Thank you.

10 MS. ZALDWAYNAKA SCOTT: Thank you very much.

11 MS. MARIBETH VANDER WEELE: Thank you.

12 MR. BERNARD JUDGE: I would think we could
13 start recess for 18 minutes we have one more
14 witness and - - get out of here earlier than
15 usual.

16 MS. MARIBETH VANDER WEELE: - -
17 noise].

18 [Break in tape]

19 MR. BERNARD JUDGE: It is now a quarter of
20 three I will start at five to three.

21 MR. CHARLES SCHOLZ: Alright, Judge this is
22 Chuck again, I will call back in.

23 MR. BERNARD JUDGE: Okay, thank you very
24 much.

25 MR. CHARLES SCHOLZ: Thank you.

1 [Beeping noise]
2 [Background noise - conversations]
3 MALE VOICE 3: Hello?
4 MR. BERNARD JUDGE: Yes.
5 MALE VOICE 3: Hello?
6 MR. BERNARD JUDGE: Yes.
7 MALE VOICE 3: Are you holding for someone?
8 MR. BERNARD JUDGE: No, no, no, no. He's
9 going to call back in.
10 MALE VOICE 3: I'm sorry.
11 MS. MARIBETH VANDER WEELE: He's going to
12 call back in.
13 MALE VOICE 3: Hello.
14 MS. MARIBETH VANDER WEELE: He's going to
15 call back in.
16 MALE VOICE 3: And may I ask who is going to
17 call back in?
18 MR. BERNARD JUDGE: Commission - - ,
19 Commission Scholz.
20 MS. MARIBETH VANDER WEELE: Commissioner
21 Scholz is going to call back in.
22 MALE VOICE 3: Well no is he holding for
23 this?
24 MR. BERNARD JUDGE: No, no, hang up.
25 [Beeping noise]

1 [Conversations in background during recess]

2 MR. BERNARD JUDGE: Alright - - yes. Mr.

3 Chung will you proceed with - - [beeping].

4 MR. THEODORE CHUNG: Yes, thank you. Ms.

5 Kostell, um, please state your name?

6 MS. STACEY KOSTELL: Stacey Kostell.

7 MR. BERNARD JUDGE: Would you - - [beeping]

8 the mic - - .

9 MS. STACEY KOSTELL: Stacey Kostell.

10 MR. THEODORE CHUNG: Ms. Kostell your

11 employed by - - [beeping].

12 MS. STACEY KOSTELL: Correct.

13 MR. THEODORE CHUNG: What is your position?

14 MS. STACEY KOSTELL: I'm the Director of

15 Undergraduate Admissions.

16 MR. THEODORE CHUNG: For how long have you

17 been a Director of Undergraduate Admissions?

18 MS. STACEY KOSTELL: [Beeping] July 2004.

19 MR. THEODORE CHUNG: Ah about five years.

20 MS. STACEY KOSTELL: Five years.

21 MR. THEODORE CHUNG: [Beeping] - - .

22 MS. STACEY KOSTELL: I oversee both

23 recruitment, admission and enrollment of the new

24 freshmen and new - - [beeping].

25

1 MR. THEODORE CHUNG: And before becoming the
2 Director of Admissions did you hold any other
3 positions with the university?

4 MS. STACEY KOSTELL: I did not [beeping].

5 MR. THEODORE CHUNG: Did you previously hold
6 any other commissions related to this position
7 with any other university?

8 MS. STACEY KOSTELL: Yes, I was um, employed
9 by Arizona State University [beeping] - - five
10 years as an Associate Director of Admissions and
11 I was employed by Purdue University as an
12 Assistant Director of Admissions for four years.

13 MR. THEODORE CHUNG: [Beeping] which job did
14 you hold first Purdue and --

15 MS. STACEY KOSTELL: Purdue.

16 MR. THEODORE CHUNG: [Beeping] - - Purdue
17 experience, um, in - in your work for Purdue
18 University did you come to [beeping] - - was in
19 any way similar to what we are now referring to
20 as - - .

21 MS. STACEY KOSTELL: [Beeping] - - no.

22 MR. BERNARD JUDGE: - - you're from never
23 followed up.

24 MS. STACEY KOSTELL: If they did I wasn't
25 [beeping].

1 [Audio stopped - Break in tape]

2 [Beeping]

3 MS. STACEY KOSTELL:

4 progress] but at no time was - was I aware of a
5 tracking process that was in place.

6 MR. BERNARD JUDGE: But Purdue was always a
7 fairly [beeping] active school, especially for
8 people pursuing an engineer career.

9 MS. STACEY KOSTELL: Correct.

10 MR. BERNARD JUDGE: Um, so you obviously you
11 probably [beeping] - - .

12 MS. STACEY KOSTELL: I think that's true and
13 if - if there was any kind of special
14 admissions, um, [beeping], you weren't aware of
15 it. I mean the director was, but we weren't
16 aware of it as staff members.

17 MR. BERNARD JUDGE: There was no [beeping] -
18 - or anything like that?

19 MS. STACEY KOSTELL: There was not.

20 MR. BERNARD JUDGE: Sure. No red stripes on
21 files coming through.

22 MS. STACEY KOSTELL: No, no red stripes.

23 MS. MARIBETH VANDER WEELE: Never any alarm
24 about the number
25 that came through your office?

1 MS. STACEY KOSTELL: That's true. And you
2 know, Purdue has a higher acceptance rate than
3 the University of Illinois [beeping] - - school.
4 Um, but it is more competitive currently than it
5 was to get in to Illinois.

6 MS. MARIBETH VANDER WEELE: Competitive
7 [beeping] - - .

8 MS. STACEY KOSTELL: Competitive admissions
9 - - . I mean, if you look at average, you know,
10 based on applicants versus percent admitted
11 there's [beeping] - - in Illinois. The average
12 test score rank, et cetera is higher um, for
13 Illinois. [Beeping]

14 MR. THEODORE CHUNG: Of you experience at
15 Arizona State, ah, let me ask you the same
16 question, when you were there did you [beeping]
17 - - similar to Category I process in Illinois.

18 MS. STACEY KOSTELL: Arizona State actually
19 has a for [beeping] - - so if you meet those
20 requirements basically you're admitted. If you
21 don't you receive information about how to fill
22 that position including [beeping] - - . Um, in
23 the time that I was there I was only aware of
24 one special request that was made. To the
25 admissions office [beeping].

1 MR. THEODORE CHUNG: Do you recall how that
2 special request in Arizona State was dealt with
3 by the Admissions Office.

4 MS. STACEY KOSTELL: I believe it went
5 directly to my boss [beeping].

6 MR. THEODORE CHUNG: - - with the
7 candidates?

8 MS. STACEY KOSTELL: They were.

9 MR. BERNARD JUDGE: They were not?

10 MS. STACEY KOSTELL: They were.

11 MR. THEODORE CHUNG: Where the candidates
12 [beeping] - - not be admitted?

13 MS. STACEY KOSTELL: They would not have
14 been admitted by the formula they could have
15 been admitted by, so I'm not sure if they went
16 through that process or not.

17 MR. THEODORE CHUNG: [Beeping] - - you were
18 aware of.

19 MS. STACEY KOSTELL: Yes.

20 MR. THEODORE CHUNG: At Arizona State.

21 MS. STACEY KOSTELL: Yes.

22 MS. ZALDWAYNAKA SCOTT: How long were you at
23 Arizona State?

24 MS. STACEY KOSTELL: Five years.

25 MR. ABNER MIKVA: [Beeping] - - now?

1 MS. STACEY KOSTELL: It is. Um, on the
2 Tempe Campus.

3 MR. BERNARD JUDGE: Are they [beeping] - - ?

4 MS. STACEY KOSTELL: Not at all. Not at
5 all.

6 MR. THEODORE CHUNG: Can you hold on for one
7 second. I think we're going to have to - -
8 technical problems. I believe we're having a
9 technical issue, so [beeping] - - we'll hold for
10 one second and then reconnect and then we should
11 be able to fix it. - - ?

12 MALE VOICE: Okay, I'm going to disconnect -
13 - again as host and then you can call back in.
14 Okay, thanks. [Beeping] - - so - - , okay,
15 thanks, bye.

16 [Beeping]

17 [Break in tape]

18 [Dial tone]

19 [Dialing]

20 RECORDING: Welcome to AT&T's teleconference
21 service [dialing]. There are three participants
22 on the call including you. You are joining your
23 conference as a participant. For a menu of
24 available commands, press "*" "#" [beeping].

25 MR. THEODORE CHUNG: Dean, are you on?

1 DEAN: Yes, I am [beeping]. We're still
2 getting a - - .

3 MR. THEODORE CHUNG: We're still getting
4 that.

5 MS. MARIBETH VANDER WEELE: Somebody else
6 had put the phone up, picked up the phone before
7 and I think they pressed the hold button
8 [beeping]. They weren't sure -- they picked up
9 the phone and they weren't sure what was going
10 on and I think they pressed the hold button.

11 DEAN: Um.

12 MS. ZALDWAYNAKA SCOTT: [Beeping] - - to
13 know.

14 DEAN: You disconnected the bridge right?

15 MR. THEODORE CHUNG: Yeah, I did.

16 MS. MARIBETH VANDER WEELE: - -

17 MR. THEODORE CHUNG: Um, has Chuck -- is
18 Chuck Scholz on there as well?

19 MR. BERNARD JUDGE: That's who we want --
20 that's who - - .

21 MR. THEODORE CHUNG: That's who we want, so
22 we.

23 MR. CHARLES SCHOLZ: No, I'm still here
24 Judge.

25 MR. BERNARD JUDGE: Oh, okay.

1 MR. THEODORE CHUNG: Okay, okay. Um, it
2 appears to have stopped yeah.

3 MR. BERNARD JUDGE: Great.

4 MS. ZALDWAYNAKA SCOTT: You fixed it
5 accidentally [laughter].

6 MR. THEODORE CHUNG: I think so.

7 MR. BERNARD JUDGE: Whatever you did.

8 MR. THEODORE CHUNG: Okay, great, sorry.

9 MS. MARIBETH VANDER WEELE: Are you
10 recording?

11 DEAN: Yes, I am.

12 MR. THEODORE CHUNG: Okay, thank you.

13 MR. BERNARD JUDGE: Alright.

14 MR. CHARLES SCHOLZ: Alright, I'm going to
15 back on mute.

16 MR. BERNARD JUDGE: Okay.

17 MR. THEODORE CHUNG: Thanks. Ms. Kostell
18 just to make sure we're all properly oriented,
19 you -- you're the Director of Undergraduate
20 Admissions right?

21 MS. STACEY KOSTELL: Correct.

22 MR. THEODORE CHUNG: And you have no role
23 with respect to professional graduate schools,
24 correct?

25 MS. STACEY KOSTELL: I do not.

1 MR. THEODORE CHUNG: And the person to whom
2 you report currently is whom?

3 MS. STACEY KOSTELL: Keith Marshall.

4 MR. THEODORE CHUNG: And Mr. Marshall is an
5 Associate Provost?

6 MS. STACEY KOSTELL: Yes.

7 MR. THEODORE CHUNG: Um, and you oversee his
8 staff within the undergraduate admissions
9 office, correct?

10 MS. STACEY KOSTELL: I do about 50 people
11 [cross talk].

12 MR. THEODORE CHUNG: About how man -- about
13 50?

14 MS. STACEY KOSTELL: Yeah.

15 MR. THEODORE CHUNG: And at one point in
16 time Able Montoya was on your staff, correct?

17 MS. STACEY KOSTELL: He was.

18 MR. THEODORE CHUNG: Now Able Montoya has
19 appeared before this commission and he provided
20 some background about the undergraduate
21 admissions process for instance he talked about,
22 um, some of the basic statistics, the numbers of
23 applicants, - - of those applicants, the timing
24 of notifications of acceptance and a process by
25 which applicants were given numeric scores.

1 Based upon among other factors, GPA and if
2 available class rank. Um, have you had a chance
3 to listen to -- you weren't present before the
4 commission when Mr. Montoya provided his
5 testimony correct?

6 MS. STACEY KOSTELL: I wasn't.

7 MR. THEODORE CHUNG: But have you since had
8 a chance to listen to his testimony through what
9 - - .

10 MS. STACEY KOSTELL: No.

11 MR. THEODORE CHUNG: Um, is there anything
12 that you would like to add by way of further
13 explanation about the admissions process to
14 either amplify or modify that Mr. Montoya had to
15 say.

16 MS. STACEY KOSTELL: Just a couple of really
17 modifications or maybe explanations about the
18 process. Um, if you look at where we were in
19 2005, um, when I - when I first began we had a
20 model where we were unrolling admissions. So as
21 students applied to the university we would
22 review their application and get them a
23 decision, really as quickly as possible -- as we
24 could. Um, but we had no rating system for
25 applicants so when Able talked and others have

1 talked about a rating system of 1 through 5 that
2 really wasn't in place. We, um, inputted the
3 decision directly into the system so the letter
4 to the applicants would automatically be
5 generated. Um, also the first year, no colleges
6 other than -- no college reviewed all
7 applicants. Um, since then when you -- if you
8 look at where we were then in 2007, um, what we
9 did was come up with a formula of rating sheets
10 where we had agreed upon criteria that we would
11 review applicants and this included um, of
12 course their ACT score, but their grades, the
13 rigor of their curriculum. Their essays, their
14 activities and then also pros and cons that
15 really were more college specific. We also have
16 colleges that review every single applicant,
17 regardless of their test score and regardless of
18 their GPA. Um, so there are some colleges that
19 have no automatic admit. So that includes the
20 College of Business, the College of Media and
21 our most competitive programs within the College
22 of Engineering. Um, as far as students who can
23 be admitted without a full review, um, that's
24 now only about 30%. And that means 70% of the
25 applicants go to a full committee review. Um,

1 there are other safeguards in place when even if
2 a student meets what we see as um, kind of the
3 minimum high school rank or GPA to be
4 automatically admitted, it has to be a weighted
5 rank. Um, there's also a quick review of the
6 transcript to make sure there are no C's. There
7 are some minimum test scores set to make sure we
8 don't need to put the student into, um, an
9 academic assistance program for example. So
10 there are a number of things in place even for a
11 student on the front-end that would deem
12 inadmissible. Um, we also went to two decision
13 dates. So when you apply by one date you get a
14 decision. You apply by November 1st you get a
15 decision by December 15th. You apply by January
16 1; you get a decision about February 15th. And
17 that also happened beginning in 2007. Um, and
18 all these decisions were made in collaboration
19 with our counselor advisory board which is made
20 up of about 14 high school counselors. They
21 serve a two year term. We put that in place in
22 2006, um and they have really been instrumental
23 in guiding us as far as what may work, what may
24 not work.

25 MS. MARIBETH VANDER WEELE: Question. You

1 said how many high schools?

2 MS. STACEY KOSTELL: Um, 14 and that varied
3 through the year.

4 MS. MARIBETH VANDER WEELE: Ah, at that time
5 do you know the list of those or can you provide
6 it for us?

7 MS. STACEY KOSTELL: Sure, sure.

8 MS. MARIBETH VANDER WEELE: For each year
9 from 2006 to now?

10 MS. STACEY KOSTELL: Yes.

11 MS. MARIBETH VANDER WEELE: Okay.

12 MR. BERNARD JUDGE: Did you choose the
13 schools in some kind of a, a random basis or
14 based on how many applicants?

15 MS. STACEY KOSTELL: We actually try to make
16 sure that we have counselors that represent the
17 entire State of Illinois.

18 MS. MARIBETH VANDER WEELE: So their not --

19 MR. BERNARD JUDGE: Geographically.

20 MS. STACEY KOSTELL: Geographically
21 represent the State of Illinois.

22 MR. BERNARD JUDGE: And culturally and --

23 MS. STACEY KOSTELL: Right. So we always
24 tried to have representation from you know, the
25 Chicago Public Schools, but we also want to have

1 representation from Southern Illinois and we
2 currently have, um, two counselors from out of
3 state as well. So, we try to look broadly at
4 all different places that we interact with.

5 [END TAPE PART 5]

6

7 OF 7.MP3]

8 FEMALE VOICE: And it's the undergraduate
9 school that has the feeder [phonetic] system,
10 right?

11 MS. KOSTELL: We certainly identify schools
12 as feeder schools based on the number of
13 applications we receive from those schools.

14 MALE VOICE: Some of the counselors are from
15 feeder schools?

16 MS. KOSTELL: Yes, definitely.

17 FEMALE VOICE: Now just a quick question.
18 You said based on the number of applications
19 that you get from those schools, but isn't it
20 also that there are relationships with those
21 schools that are courted?

22 MS. KOSTELL: The way that we work
23 admissions is every either state--every county
24 in the entire state has an admissions
25 representative assigned to them. Any student,

1 parent, counselor can go on our website, click
2 their county and find out who their admissions
3 representative is and receive their direct
4 contact information. For some counties that are
5 heavily populated--for example, Cook--that's
6 actually broken down by school or district. But
7 we try to have a system where we're trying to
8 outreach across the state and really service, as
9 a land grant university, the population of
10 Illinois and try to make us an open institution.

11 FEMALE VOICE: Do you know who initiated the
12 change from 2006 to 2007, because that's a major
13 admissions change, which probably is--

14 MS. KOSTELL: [Interposing] Going from - -
15 to direct decision dates?

16 FEMALE VOICE: In 2006--you said at that
17 time there was no rating system. None of the
18 colleges reviewed all the applicants. And since
19 then in 2007, you went to that - - rating system
20 where you included everything from ACT scores to
21 essays to transcripts. That time is also when
22 the counselor advisory board was enacted.

23 MS. KOSTELL: Let me--in 2006 the College of
24 Business decided they wanted to move to holistic

25

1 review and came up with the first rating sheet.
2 So they were kind of the pilot, in a sense. I
3 thought it worked well. I think our staff
4 thought it worked well. We got buy-in from the
5 admissions deans at each of the colleges. The
6 college structure at the University of Illinois
7 is--there is usually a staff member who's an
8 assistant dean--we refer to them many times as
9 the admissions dean--that works with our office.
10 So we talked with them. We talked with high
11 schools--certainly best practices across the
12 country--in trying to find a model that would
13 make it easier, really, for us to explain why we
14 made a particular decision. Now in 2005, that's
15 not to say we weren't reading essays. I just
16 don't believe that we were very structured in
17 how those decisions were being made, and I think
18 it was based more heavily on the numbers than
19 maybe it is today.

20 FEMALE VOICE: Who was that person at the
21 College of Business that initiated?

22 MS. KOSTELL: I believe it may have come
23 from their dean, but we worked directly with
24 Joel White [phonetic] and Shawn Hetteman
25 [phonetic].

1 FEMALE VOICE: And who was the dean at that
2 time?

3 MALE VOICE: Avigit Ghosh.

4 MS. KOSTELL: Yeah.

5 MALE VOICE: A-V-I-G-I-T is his first name.

6 The last name is G-H-O-S-H.

7 FEMALE VOICE: Still affiliated with the
8 school?

9 MALE VOICE: He's now the Vice President for
10 Technology and Economic Development.

11 FEMALE VOICE: Ms. Kostell, you said you
12 looked at admissions practices around the
13 country in developing the current admissions
14 process. How did you develop that benchmarking
15 system?

16 MS. KOSTELL: Well, the Big Ten is a very
17 close group, and I--you know, in the past I had
18 been a part of the Big Ten, so I already had
19 some internal connections. I'm also part of a
20 group called - - , which is basically the chief
21 admissions officer at your public flagship
22 school; so the University of California school,
23 University of Maryland, Connecticut. We all
24 meet once a year so you get the connections. So
25 I can easily reach out to colleagues and ask for

1 information, and we do that a lot - -

2 [Background noise - beeping]

3 --best practices, etcetera.

4 FEMALE VOICE: It's called ACAOPU?

5 MS. KOSTELL: It's called ACAOPU. A-C-A-O-

6 P-U, I believe.

7 FEMALE VOICE: Has the process that is the

8 subject of review by this commission ever come

9 up in your ACAOPU meetings?

10 MS. KOSTELL: It has not.

11 [Background noise - beeping]

12 Not formally.

13 FEMALE VOICE: Informally?

14 MS. KOSTELL: Well, I was there in June, so

15 it was a topic of discussion. But more of how

16 are things going, what do you think is going to

17 happen. I actually had a long conversation with

18 a colleague of mine that works--

19 [Background noise - beeping]

20 --for the University of California about

21 their statement, and I have it with me as a

22 suggestion of something that we might adopt.

23 MR. MIKVA: Did any of them have similar

24 problems that you could tell?

25

1 throughout recording]

2 MS. KOSTELL: Not that anyone was talking
3 about.

4 [Laughter]

5 FEMALE VOICE: So you say you brought with
6 you a statement that has been prepared by
7 California State University?

8 MS. KOSTELL: No, it's the University of--
9 it's the regents at the University of
10 California. They actually have a policy - - .

11 [Background noise - beeping]

12 --development considerations from
13 influencing admissions decisions. It was put in
14 place in 1998.

15 MR. MIKVA: We'd like to receive that.

16 MS. KOSTELL: Okay.

17 FEMALE VOICE: And in talking with your
18 colleague from California, - - statement develop
19 out of a circumstance that was similar to the
20 one that we're reviewing?

21 MS. KOSTELL: I believe so. She said that
22 there was a belief that either--I'm not certain
23 how their system works, but the chancellor was
24 believed to be holding spaces for - - whether
25 that be legislators, developers, etcetera. This

1 policy was put into place to make sure - - any
2 longer. From my conversations with my
3 colleagues at the UC campuses, it does not
4 occur.

5 FEMALE VOICE: Is this--the statement that
6 you want to share with us, is it in place in
7 both the undergraduate and professional schools?

8 MS. KOSTELL: I believe so, but I - - . It
9 uses admissions generically, so I'm going to
10 assume it's across the board.

11 FEMALE VOICE: And other than this sort of
12 statement you got from California at your ACAOPU
13 meeting, did you have general discussions with
14 other admissions directors beyond how are things
15 going in Illinois?

16 MS. KOSTELL: I think that we have a unique
17 system. To say that my colleagues don't get
18 phone calls, that they don't - - applicant would
19 be incorrect. I think many schools do. I'm not
20 aware of anyone that has quite the - - .

21 FEMALE VOICE: Well, back home in Illinois.

22 [Laughter]

23 MS. KOSTELL: Yeah, yeah.

24 FEMALE VOICE: We've formalized clout.

25 MS. KOSTELL: Right.

1 [Laughter]

2 I mean I'm not - - aware of anyone who does.

3 FEMALE VOICE: When you first became
4 involved in admissions, it was in the role of
5 director?

6 MS. KOSTELL: It was.

7 FEMALE VOICE: And day one on the job, were
8 you introduced to Category I?

9 MS. KOSTELL: No.

10 FEMALE VOICE: Was it day five?

11 MS. KOSTELL: To be honest with you, when I
12 first came, Keith [phonetic] was not my direct
13 supervisor. There was another supervisor - - he
14 was Associate Provost, I believe still, but had
15 a smaller portfolio than Keith currently has.
16 He really did some of the roles that I currently
17 do. So I don't think I was aware of Category I
18 - - when we were reviewing applications. I
19 started in July. I probably--someone mentioned
20 something about a red stripe to me - - .

21 FEMALE VOICE: When they introduced the red
22 stripe to you, is it because you looked at a
23 file and said what's this red stripe or - - that
24 process?

25 MS. KOSTELL: I don't recall. I think when

1 we were talking about the review process in
2 general--because remember I was new--we - - if
3 you review files that have a red stripe that
4 you're not going to admit--you know, review them
5 - - Abel [phonetic]. If you see--and we have a
6 different process for athletes; same thing, to
7 review as you always would. So it was just - -
8 .

9 FEMALE VOICE: And did you understand why
10 you were given the file to Abel?

11 MS. KOSTELL: I knew that we were tracking
12 to give back - - the decision. At that time I
13 wasn't aware that those decisions might be
14 overturned.

15 FEMALE VOICE: When did you become formally
16 - - that these decisions were subject to another
17 level of review?

18 MS. KOSTELL: Possibly - - year, to be
19 honest with you. And my first year was the year
20 that we--prior to my coming, we had made some
21 changes in the - - we took a large dip in
22 applications. I changed supervisors in
23 February, had a baby in February. So a lot of
24 the Category I process that may have taken
25 place, I probably wasn't fully aware of until my

1 second year on the job.

2 FEMALE VOICE: So when you became fully
3 aware, what did you understand?

4 MS. KOSTELL: That some decisions may be
5 overwritten that we make.

6 FEMALE VOICE: Did you understand how that
7 came to be that there was another committee;
8 there was another process? What did you
9 understand that process--the overriding process.
10 How did that occur?

11 MS. KOSTELL: The way that I understand the
12 process and the way it still works today, that
13 we - - I think more formally when Keith took
14 over our office was that if anyone has an
15 admissions inquiry that's of a special interest;
16 so not the basic - - we get on a daily basis,
17 they go to Keith. And to be honest with you,
18 people don't--legislatures don't call my office.
19 Board of Trustee members don't call the office
20 of admissions, so we rarely would get those
21 anyway. But if someone wanted some information
22 on an admissions candidate, those would all go
23 to Keith. Then Keith would just send a name to
24 our office that we would need to track. And if
25 we had information on that candidate currently,

1 we would go ahead and provide that information
2 to him. Sometimes those decisions - - we would
3 be ask to change them.

4 FEMALE VOICE: Was there an initiating
5 instance or was there a specific incident that
6 initiated the formalization of the process?

7 MS. KOSTELL: I think the process was formal
8 long before I got there. I mean you can go
9 back, and there's been this Category I tracking
10 process even in the 1990s, I believe. What I
11 think more formalized was Keith asked that
12 everyone go through him to make sure there was
13 no pressure put on our office.

14 FEMALE VOICE: But was there an incident
15 that - - ?

16 MS. KOSTELL: Not that I'm aware of.

17 FEMALE VOICE: Mr. Montoya [phonetic] said
18 there was a specific incident, and we're trying
19 to get to that.

20 MS. KOSTELL: The incident he talked about
21 was in 2002, and Keith didn't supervise our
22 office at that time. To be honest, I think that
23 Keith was being a good supervisor and letting us
24 do our job in making sure that that went through
25 him and not through us.

1 FEMALE VOICE: Was it your first or second
2 year that the admissions officers were
3 instructed to use the red stripe?

4 MS. KOSTELL: We've been using the red
5 stripe for a very long time.

6 FEMALE VOICE: Was it your first or second
7 year that you were instructed to use the red
8 stripe in a way that--if you had an applicant
9 that was a 1 or a 2, that you were instructed to
10 rate that person a 1?

11 MS. KOSTELL: We've never instructed
12 applicants--we've never instructed people to do
13 that.

14 FEMALE VOICE: Your - - then was not to
15 consider the red stripe at all?

16 MS. KOSTELL: Not to consider the red stripe
17 at all.

18 FEMALE VOICE: And it's your believe, then,
19 that that red stripe did influence decision
20 makers to change scores or to rate people that
21 were a 1 or a 2 to a 1?

22 MS. KOSTELL: It should not have.

23 FEMALE VOICE: But do you believe that it
24 did?

25 MS. KOSTELL: No. I hope that it did not.

1 I think that we tried to explain to staff that
2 this should not in any way affect their decision
3 making.

4 FEMALE VOICE: No, I understand from your
5 office.

6 MS. KOSTELL: Okay.

7 FEMALE VOICE: But I'm reading your
8 testimony that says that you believe that it
9 influenced other decision makers - - decision to
10 the extent the candidate was borderline, someone
11 between a 1 and a 2, that they would be given a
12 1.

13 MS. KOSTELL: I mean I believe that
14 sometimes people would--I mean you see a red
15 stripe - - .

16 [Crosstalk]

17 Certainly. I think that it certainly had
18 the potential to do that. It has the potential
19 to do that. We ask that people not do that.

20 Does it have the potential? Certainly.

21 [Crosstalk]

22 FEMALE VOICE: Can you tell me how
23 legislative affairs got access to the Banner
24 [phonetic] computer system?

25 MS. KOSTELL: I don't know. They had access

1 prior to my arrival in Illinois.

2 MR. MIKVA: Did they ever go through you?

3 Did they come and ask you for--

4 MS. KOSTELL: No.

5 FEMALE VOICE: So someone gave them a

6 password?

7 MS. KOSTELL: It's not--basically the way

8 that it works is many people on campus have

9 access to Banner, which is the student

10 information system, but you won't have access to

11 all information screens. So they happened to

12 have access, which I don't believe they do any

13 longer, to the admission screen. So they could

14 see information, but they could not change it.

15 FEMALE VOICE: Do you have any

16 interpretation in your office of - - and when

17 FRFA [phonetic] applies to applicants who are

18 not yet students?

19 MS. KOSTELL: We do not use FRFA for

20 applicants in our office.

21 FEMALE VOICE: Okay, so FRFA does not apply

22 to applicants?

23 MS. KOSTELL: It does not.

24 FEMALE VOICE: It only applies to students.

25 The fact that they were students in some

1 institution, which in this case would be high
2 school, doesn't that make them covered by FRFA?
3 Or it's just the releasing--it's just the
4 institution in which they're enrolled that's
5 responsible for keeping that information?

6 MS. KOSTELL: Correct.

7 FEMALE VOICE: Well, then it would not have
8 been a violation of FRFA for your legislative
9 affairs office to release information about a
10 student to a legislator, specifically a GPA or a
11 class ranking?

12 MS. KOSTELL: No. I mean--no, it would not
13 break FRFA. But the policy in our office is
14 that we provide information on the student
15 applicant only to the student, their parent or
16 their high school counselor.

17 FEMALE VOICE: Is that policy in writing?

18 MS. KOSTELL: I don't believe so.

19 FEMALE VOICE: So then it's not really a
20 policy; it's an unspoken--or I should say non-
21 written.

22 MS. KOSTELL: It's a procedure. It's an
23 unwritten procedure.

24 FEMALE VOICE: Okay. Now I just had a
25 couple questions. One of the trustees today

1 said that the reason she made some inquiries is
2 that your office is overwhelmed and that
3 students would try to get through and wouldn't
4 be able to get an answer. A, do you have enough
5 staff to handle the number of applications that
6 come in?

7 MS. KOSTELL: There is a point in time when
8 many of us are there very late at night, and
9 that's just a part of the cycle.

10 FEMALE VOICE: Would you ever--well, and you
11 don't beef up staff during those times to have
12 somebody who's just--you can't assign someone
13 who's there just to answer calls?

14 MS. KOSTELL: We have five receptionists
15 whose job is to answer phone calls.

16 FEMALE VOICE: Okay. But sometimes that
17 doesn't work because they're overwhelmed?

18 MS. KOSTELL: There are times when you will--
19 -we do not have voicemail in our office,
20 purposely, for the reception area. We do
21 personally, but when you call, our phone is
22 always picked up by a person. So if all of the
23 lines are full, then you'll get a busy signal.
24 But the day after we post decisions, we were
25 able to take over--I believe it's over 1,200

1 phone calls, people that we actually talk to.
2 So we try very hard to man the phones
3 appropriately. All of the student's information
4 on their application can also be found online.
5 So if they're just curious to know if their
6 application is complete, that is available for
7 them online, including what information we have
8 and don't have. They also have a contact. All
9 students have a direct contact in our office.
10 They don't have to dial the main line. They can
11 certainly send an e-mail, or if they have the
12 business card of the representative at their
13 school, they can call that person directly. So
14 all of our business cards other than mine have
15 the staff direct line.

16 FEMALE VOICE: And the 1,200 calls that are
17 coming in the day after the results are posted,
18 are they 1,200 candidates saying I was denied; I
19 want an appeal? What is the nature of those?

20 MS. KOSTELL: Well, it's typically parents.
21 Yeah, it's two things depending on the time of
22 the year. After the first post it's concerns
23 about being deferred and, you know, they want
24 some more information about their denial.
25 Because at that point, I mean all they have seen

1 is what's available online, which says denial.

2 FEMALE VOICE: Is there any way to--and

3 maybe this is not practical, and maybe it's a

4 bad idea. But is there any way to give a little

5 bit more of that information online; of course,

6 password-protected so only that student sees it?

7 Is there a technological solution to this being

8 overwhelmed with requests in order to level the

9 playing field, is what I'm trying to get at. I

10 don't know the route to that.

11 MS. KOSTELL: Yeah. I think when you go to

12 two decision dates, there's really no way to

13 take care of that. And because all of the

14 decisions have been made, for the most part,

15 holistically, especially if you haven't been

16 admitted, that's really going to vary. So we

17 actually pull the file for every single denied

18 student that calls us, and we will walk through

19 why that particular decision was made and give

20 them options.

21 FEMALE VOICE: So then if someone is coming

22 to a legislator or a trustee, are they getting a

23 tremendous advantage?

24 MS. KOSTELL: No.

25

1 FEMALE VOICE: Barring getting the ruling
2 overturned, are they getting a tremendous
3 advantage by getting more information than
4 someone who's calling your office directly?

5 MS. KOSTELL: I would give the same
6 information to anyone who called the office.

7 FEMALE VOICE: So the advantage they're
8 receiving really is--well, they're also getting
9 some advanced notification, and I'm still
10 perplexed why one student would deserve advance
11 notification.

12 MS. KOSTELL: None of them should receive
13 advance notification.

14 FEMALE VOICE: Well, their sponsors got it.
15 Presumably the sponsors told the student before
16 the date. And that, to me, is very perplexing;
17 why one person would deserve the courtesy of an
18 advance phone call and another has to read it
19 online.

20 MS. KOSTELL: Right, yeah, I agree. That
21 should not be happening.

22 FEMALE VOICE: And some of the things that
23 happened, do you agree that they were wrong?

24 MS. KOSTELL: Yes.

25 FEMALE VOICE: Okay. Did it ever occur to

1 you or any of your 60 staff members that they
2 should call the Inspector General's office about
3 what was going on?

4 MS. KOSTELL: No.

5 FEMALE VOICE: And just out of curiosity,
6 why?

7 MS. KOSTELL: I don't know without--I mean
8 you turn in a file without a decision. I don't
9 know how aware--other than the person who's
10 tracking the list; which is now Jennifer - -
11 with Abel--the rest of the staff was really
12 aware how often those decision were overturned,
13 or really what that looked like; how many were
14 on the list, what the decisions were, and if a
15 decision was changed, how often that happened.
16 So I think they knew it happened occasionally.
17 I don't know that there was an awareness that
18 students may have heard something early,
19 etcetera.

20 MR. MIKVA: Mr. Chung?

21 MR. CHUNG: Ms. Kostell, I just want to make
22 sure we understand the evolution between 2005
23 and 2007. In 2005 there was no rating system,
24 numeric rating system, in place?

25 MS. KOSTELL: Correct.

1 MR. CHUNG: At some point soon thereafter,
2 within two years, a rating system was
3 implemented. Is that correct?

4 MS. KOSTELL: That's correct.

5 MR. CHUNG: Was that connected to the
6 College of Business' approach, this more
7 holistic approach?

8 MS. KOSTELL: It was.

9 MR. CHUNG: Is it fair to say that when you
10 talk about undergraduate admissions, you're
11 really talking about working with a whole number
12 of separate undergraduate colleges, correct?

13 MS. KOSTELL: Correct.

14 MR. CHUNG: And they each have their own
15 criteria for reviewing - - applicants, correct?

16 MS. KOSTELL: Correct.

17 MR. CHUNG: There are some common
18 denominators in terms of what all colleges look
19 at for purposes of evaluating applications,
20 including GPA, class rank if available, ACT
21 information; and other factors that go into a
22 holistic approach.

23 MS. KOSTELL: Correct.

24 MR. CHUNG: Now starting with 2006 - - the
25 College of Business had a pilot, and then the

1 other colleges following suit. Did it come to
2 be that all colleges took on a holistic
3 approach?

4 MS. KOSTELL: Not every--there are still
5 applicants that can be admitted without full
6 review, and that's about--last year it was about
7 30%.

8 MR. CHUNG: And - - did talk about those
9 candidates who come from high schools that do
10 rank students. And then of course you have the
11 ACT scores. And based on those two numeric
12 factors, there are a group of 30% or so of
13 applicants who are automatically admitted?

14 MS. KOSTELL: Right.

15 MR. CHUNG: With regard to all of the other
16 70% of the applicants, they go through this
17 holistic review process?

18 MS. KOSTELL: Right.

19 MR. CHUNG: And the holistic review process,
20 is it intended to consider factors that go
21 beyond numeric criteria?

22 MS. KOSTELL: Certainly.

23 MR. CHUNG: Extenuating circumstances,
24 family circumstances, etcetera?

25 MS. KOSTELL: Yes. In fact, we ask them to

1 write two essays, and one is to learn more about
2 the applicant. The other is really about fit in
3 the particular college or program. We also--
4 again, depending on the college, they're going
5 to look differently at things. But business is
6 looking for leadership within their
7 organizations. Media is looking for writing
8 ability. - - is related to work, community
9 service activities related to major. So there
10 are some very specific things that we look at.
11 We do have a third essay that asks them--they
12 can explain extenuating circumstances. And as
13 all colleges and universities, we are looking to
14 build our class. So we do look to make sure
15 that we're representing the state of Illinois.
16 We certainly will look at the high school that a
17 student comes from. And really we're evaluating
18 that student based on what's available at their
19 high school and what they've taken advantage of.
20 So certainly some high schools have lots of
21 honors and lots of AP courses; some high schools
22 have very little. We certainly give plus
23 factors to students who come from a low-income
24 background, etcetera.
25 FEMALE VOICE: Can you reconcile that with

1 the system of ignoring the low class rank, where
2 you get the--where the admissions officers
3 review the status of an entire high school to
4 make sure that there are no outliers?

5 MS. KOSTELL: The way that works is before
6 we post decisions--we try to get all of our
7 decisions entered about a week prior to us
8 posting, make sure we didn't miss anyone, clean
9 those up. So about two days prior, we look at
10 really every high school in Illinois, and we
11 have a way to look at the lists. Really, you
12 can sort that in a variety of ways. You can
13 look at it based on the rank. You can look at
14 it based on the selection index, which is a
15 combination of--it's a rating, also called the
16 PGPA [phonetic], based on - - .

17 FEMALE VOICE: What's the rank portion of
18 it? What does that mean?

19 MS. KOSTELL: Two-thirds. They're class
20 ranks.

21 FEMALE VOICE: Okay.

22 MS. KOSTELL: So you can sort by PGPA. You
23 can sort by class rank. You can sort by
24 college. But what it allows us to do is a
25 couple of things. One thing is to make sure no

1 decisions were entered wrong. It's a rating,
2 and when you're entering 100 ratings at a time,
3 it's easy to hit a 5 when you meant to hit a 2,
4 and the wrong decision will have posted. So
5 there's a safety check in there, and that's easy
6 to find if it's a student who's ranked very high
7 in their class, and all of a sudden they're a
8 denial--we're going to pull that file--just as
9 if there's a student who's very low in their
10 class is admitted. So we make sure--

11 FEMALE VOICE: [Interposing] I'm sorry, I
12 have a question.

13 MS. KOSTELL: Sure.

14 FEMALE VOICE: Just because it's the first
15 time I've heard of this system. So if you could
16 just explain it to us? - - that way, where you
17 have a student that may rank in the low ranking.
18 Is it in ascending order or descending order?

19 MS. KOSTELL: You can set--it's flexible, so
20 it depends on how you want to do it.

21 FEMALE VOICE: Okay. So a 5 would be a
22 great student?

23 MS. KOSTELL: No, in that--that's a--1 is
24 the best; 5 is low.

25 FEMALE VOICE: 1 is the best?

1 MS. KOSTELL: Mm-mm.

2 FEMALE VOICE: So if you ranked--if you look
3 at the high school overall, and you find that
4 you have three students that are a 2--and you
5 said that's a good score, right?

6 MS. KOSTELL: Right.

7 FEMALE VOICE: Okay. Would they be
8 considered an outlier? I'm sorry, it's a 5. A
9 5 would be considered an outlier?

10 MS. KOSTELL: Right.

11 FEMALE VOICE: So they're then ignored.
12 What happens if it's two days before decision--
13 they've already gone through the review process--
14 -if the reviewing officers were looking at all
15 of these different things? That wouldn't
16 necessarily show up in their ranking in a high
17 school, would it?

18 MS. KOSTELL: At that point in time, the
19 ratings have converted - - decision. So we've
20 sat down--so now a 1, we've decided--okay, what
21 are we going to do with 1s? Okay, we're going
22 to admit our 1s. What are we going to do with
23 2s? We're going to admit or defer the 2s? So
24 the rating system, the 1 through 5 rating
25 system, is really a way for us to control the

1 numbers of the class. So if I am--

2 FEMALE VOICE: [Interposing] When you're
3 picking and choosing who gets ignored, there's
4 no review then of the applicant or his file?
5 It's just based on what's showing up on a
6 computer?

7 MS. KOSTELL: This is after we've gone
8 through the full review and we've inputted all
9 the decisions.

10 FEMALE VOICE: Right.

11 MS. KOSTELL: Okay. So at that point,
12 you're right. We are looking at the list
13 quickly, really as a safety mechanism, to make
14 sure that a decision wasn't entered incorrectly.

15 FEMALE VOICE: But how do you know if you're
16 not reviewing the file, just because it shows
17 this way on the screen?

18 MS. KOSTELL: Right. I mean you're going to
19 use your best judgment.

20 FEMALE VOICE: But how are you using--what
21 are you basing your judgment on if it's just a
22 number on a screen?

23 MS. KOSTELL: Academic criteria. Right,
24 academic criteria. We see their ACT score and
25 we see their class rank.

1 FEMALE VOICE: So it's based on a number on
2 the screen?

3 MS. KOSTELL: It is based on a number on a
4 screen.

5 FEMALE VOICE: So many people could fall
6 through the cracks--I mean if it's just based on
7 a number--right?

8 MS. KOSTELL: Right.

9 FEMALE VOICE: But we know that the Category
10 I people, regardless of whether--when they
11 showed up, they were not ignored like many of
12 the others would have been. They were just
13 sailed through, correct?

14 MS. KOSTELL: Right. And let's just say--I
15 mean we end up pulling 500-600 files during that
16 two-day period because we want to make sure that
17 someone wasn't especially harsh one day. If we
18 have two students that look similar and they've
19 applied to the same college, and there's two
20 different decisions, sometimes that's completely
21 justified, but we're going to pull those files
22 so when someone calls us, we'll say well, we
23 admitted Betsy over John because they had an
24 upward trend in their junior year and they took
25 better courses. So even though they have the

1 same class rank and the same ACT, there may be
2 different factors that led us to admit this
3 student. So it's really just a safeguard, in a
4 sense, to check those decisions. And there will
5 always be--you know, they're always going to be
6 scrambled. I mean that's the point of a
7 holistic review. But what we're trying to do
8 too, because we redirect about 3,000 applicants--
9 -we're making sure that there isn't a high-end
10 business or engineering applicant that they
11 forgot to refer to the division of general
12 studies.

13 FEMALE VOICE: And so at that point when
14 you're going through this review on the computer
15 system, how does the Category I applicant show
16 up so that you know to ignore them?

17 MS. KOSTELL: It doesn't. I mean I see them
18 in a list of applicants. But if I go to look at
19 the file, or I look them up on the Banner
20 system, if I see the attribute or the red
21 stripe, I ignore it. I'm not going to pull the
22 file and have a discussion because--

23 FEMALE VOICE: [Interposing] Because you've
24 been instructed - - ?

25 MS. KOSTELL: Right. I mean the decision

1 was made beyond the committee. I mean at times
2 you will out of curiosity, but I mean the
3 others--I mean people come to me on decisions
4 that I may have made and, you know, it's a
5 discussion. It's a two-day discussion as a
6 safety check to make sure that it wasn't 11:00
7 last week that we just didn't all get easy or
8 all get difficult.

9 FEMALE VOICE: Yeah, because they had a bad
10 day or something.

11 MS. KOSTELL: Right, right.

12 FEMALE VOICE: Okay, question on that.

13 Well, not on that, but on your ACAOPU, is that
14 the group that--of the Big Ten?

15 MS. KOSTELL: No, the Big Ten is just Big
16 Ten Directory.

17 FEMALE VOICE: Big Ten Directory?

18 MS. KOSTELL: Mm-mm.

19 FEMALE VOICE: What's the diversity, the
20 ethnic diversity, of that group?

21 MS. KOSTELL: They're all Caucasian except
22 for one African-American male.

23 FEMALE VOICE: Do you happen to know what
24 school they're with?

25 MS. KOSTELL: University of Michigan.

1 FEMALE VOICE: Okay.

2 FEMALE VOICE: I just have a question about
3 the appeal process. Right now there's not a
4 formal appeal process, right?

5 MS. KOSTELL: Right.

6 FEMALE VOICE: Okay. A number of people
7 have said why don't you create a formalized
8 appeal process? After talking to you, I'm
9 thinking well, there'll be 1,200 people in one
10 day calling and saying we want a formal appeal.
11 Can you recommend to the Commission an appeal
12 process that would be formalized, fair and
13 manageable?

14 MS. KOSTELL: They do that now. I mean they
15 call now and say what are my other options?
16 What we try to do with those candidates is talk-
17 -I mean you're seeing their file and you're
18 explaining it. If they are not telling you
19 there are other circumstances--you know, if they
20 don't have anything additional to share, that
21 decision is not going to be overturned. So we
22 tell them that. You can submit an appeal. It
23 will be unsuccessful unless you have new
24 information to share with us.

25 MR. CHARLES SHOLZ: I'm sorry. This is

1 Chuck Scholz. I hope the witness can hear me.
2 When they get a letter of denial, though, is
3 there a notice of appeal? It seems from
4 previous testimony that the only people that
5 found out they had any opportunity to appeal
6 were those that were either in Category I or
7 specifically asked about it.

8 MS. KOSTELL: No. And in fact, after--we're
9 not even sending denial letters any longer.
10 Students are finding out online, so there's no
11 reason to put salt in the wound and send them a
12 denial letter a week later. They all call our
13 office and we give them information. Again, the
14 reason that we don't tell them about the appeal
15 process unless they ask is because very few are
16 successful. We have done a full review on the
17 front end, so we feel that unless they've left
18 information out of their application, there
19 really isn't a reason for an appeal. We're not
20 going to start taking summer grades because we
21 would have to take summer semester grades for
22 23,000 applicants and completely redo the
23 process again. We state up front that we are
24 reviewing on your grades in your junior year,
25 your senior year schedule, and we always have

1 the stated date that we'll take the last ACT or
2 SAT test. So going and retaking the ACT to get
3 a better score in March--we're not going to use
4 that. You had to follow the deadlines of all
5 applicants.

6 MR. SCHOLZ: Well, I understand that, and I
7 think that the key issue is just to be
8 consistent and equitable so that everybody--if
9 there's no appeal process, that's fine. But
10 we've had some sort of an informal appeal
11 process, and it's just been on sort of an ad hoc
12 basis depending on--either they inquire or
13 someone makes an inquiry on their behalf. So
14 that was just my concern, that we treat all of
15 our applicants the same.

16 MS. KOSTELL: I agree. And actually, we had
17 already looked at online processes before this
18 even began, just because even though it doesn't
19 seem like this whole process is formalized, we
20 do get lots and lots of appeals, and those are
21 treated the same way as the applicants. They
22 still go to the Chair of the committee. Usually
23 the Chair, as well as a representative from the
24 college, sit down and review those together to
25 see if any are worthy of admitting.

1 FEMALE VOICE: What about an error? Like
2 for example, if the class ranking was wrong?
3 Somehow you--

4 MS. KOSTELL: I would change that without an
5 appeal. If we've made a mistake--

6 FEMALE VOICE: [Interposing] But how do you
7 know that without--unless the student appeals?

8 MS. KOSTELL: If they call and we pull the
9 file, and they say--if in talking to the
10 student--or the high school will call and say
11 I'm really surprised that you denied Johnny.
12 Well, you pull the application. You walk
13 through it, and you immediately recognize
14 there's a mistake. You apologize and change the
15 decision. I mean that happens probably twice a
16 year. Or all of a sudden you're like oh,
17 goodness, we entered the wrong number. You
18 know, when you're entering numbers you can
19 easily slide the wrong key. Again, we've tried
20 to put those checks in front. But if we've made
21 an error, there's no reason to appeal. We'll
22 change the decision.

23 FEMALE VOICE: When you're looking at the--
24 when you're doing that review--

25 [Phone ringing]

1 --after the--when you do the review of the
2 entire high school and you take out the lower
3 class ranking, at that point you've already done
4 the full review. This is two days before
5 decisions, right?

6 MS. KOSTELL: Mm-mm.

7 FEMALE VOICE: So at that point is it all 65
8 of the admissions officers?

9 MS. KOSTELL: It's select senior staff.
10 There's about ten of us.

11 FEMALE VOICE: About ten of you that are
12 involved in that review?

13 MS. KOSTELL: Mm-mm.

14 FEMALE VOICE: And what is the ethnic
15 diversity of those ten?

16 MS. KOSTELL: I think probably most are
17 Caucasian, two Latino.

18 FEMALE VOICE: All right. And then if you
19 have the guidance counselors that you talk to--I
20 don't know if you call them high school
21 counselors or guidance counselors. There are
22 some conversations that your office has with
23 them on an ongoing basis, right? Is there any
24 kind of an organization that brings you together
25 with the--

1 MS. KOSTELL: Yes.

2 FEMALE VOICE: What is that?

3 MS. KOSTELL: The - - of College and
4 Admissions Counselors, and there's a state
5 organization, which would be the Illinois
6 chapter, and then the national chapter.

7 FEMALE VOICE: Of College and Admissions
8 Counselors. How often do they meet?

9 MS. KOSTELL: I mean there's regular
10 communication, but there's a statewide meeting
11 once a year, and there's a national meeting once
12 a year.

13 FEMALE VOICE: And would you say that that's
14 a very diverse group?

15 MS. KOSTELL: Yes.

16 FEMALE VOICE: It is?

17 MS. KOSTELL: Yes.

18 FEMALE VOICE: Okay. Do you know where they
19 meet and when?

20 MS. KOSTELL: They meet usually in suburban
21 Chicago in early May for the state, and then the
22 national--we usually meet late September or
23 early October in different locations throughout
24 the country.

25 FEMALE VOICE: Mm-mm.

1 FEMALE VOICE: Where are you in terms of--
2 I'm sure that this might be beyond the scope of
3 the admissions committee, but in terms of
4 getting diverse input into your admissions
5 process, where is it coming from?

6 MS. KOSTELL: I mean if you look at our--we
7 actually have a fairly diverse staff.

8 FEMALE VOICE: Your executive team, the team
9 you talked about, and then the Big Ten that is
10 part of your sort of peer circle--where are the
11 diverse views coming from if it's all majority
12 Caucasian?

13 MS. KOSTELL: Well, I think if you look at
14 them--first, internally on our staff, I think we
15 do as a--if you look at campus - - and you look
16 at admissions, I think that we have made a real
17 effort to have diversity on our staff. But I
18 also think it's a belief and - - , and I think
19 that is really what drives us. It's not about
20 making decision based on ethnicity. It's about
21 making a decision based on access to the
22 university. I provide lots of data all the time
23 about ACT scores and who's advantaged and who's
24 disadvantaged. It's really certainly about low
25 income, and that's kind of the message that we

1 look at. So as we look at applicants or schools
2 for Illinois, it's really about where the
3 student is coming from more so than the
4 ethnicity that they've reported.

5 FEMALE VOICE: I'll tell you, in a public
6 university--I understand that the philosophy is
7 there, but you also have the perception. And
8 the perception of access and how decisions--who
9 decision makers are and how decisions get made.
10 While we appreciate the philosophy, there's also
11 a perception.

12 MS. KOSTELL: I agree with you. I will say
13 that we are the most diverse school within the
14 Big Ten.

15 FEMALE VOICE: Mm-mm.

16 MS. KOSTELL: And I know that there's been--
17 we've talked about only admitting 500 kids from
18 CPS. We actually admitted 1,100 kids from CPS.
19 We've increased CPS applications by - - . There
20 has been a real effort to reach out to students
21 who may not have had access to higher education.

22 MR. MIKVA: Mr. Chung?

23 MR. CHUNG: Ms. Kostell, let me just quickly
24 go over the rating system. After the holistic
25 process occurs on a college-by-college basis,

1 the college admissions committee assigns each
2 applicant a number score of 1, 2, 3, 4 or 5,
3 correct?

4 MS. KOSTELL: Correct.

5 MR. CHUNG: So you're able to--as a college,
6 you're able to look at your 1s, look at your 2s,
7 look at your 3s, etcetera, and compare that
8 against the rest of the applicant pool for that
9 college?

10 MS. KOSTELL: Correct.

11 MR. CHUNG: You can also, from your
12 position, make determinations on a school-by
13 school basis? The way I'd explain that is
14 you're able to look at Fenwick [phonetic] High
15 School. You're able to look at Lincoln Park
16 High School; go down the list and determine for
17 all of the applicants from that particular
18 school; here's your top candidate, here's your
19 second, and so on. Is that fair to say?

20 MS. KOSTELL: Right, but I think they'd be
21 more--I mean here's your top candidates, more
22 than here's the number one through number ten.
23 I mean it's really--we're admitting 17,000 kids,
24 so they're certainly not in rank order. I also
25 just want to say we don't have a minimum. If we

1 have 500 (3) applicants from a high school,
2 we're going to admit 500 of those kids. So we
3 don't have a quota by high school. The reason
4 that we go to the school is just for a checking
5 mechanism, not to say we've admitted too many
6 from - - and not enough from Fenwick. That does
7 not come into play.

8 MR. CHUNG: But in terms of looking at the
9 applicant pool from a particular high school,
10 are you able to determine--here is the top
11 group, here's the second group, and so on?

12 MS. KOSTELL: Yes.

13 MR. CHUNG: Can I just direct your attention
14 to the documents I gave you before, your
15 testimony - - , and specifically the second page
16 of that document, which is UNIVER001267?

17 MS. KOSTELL: Yes.

18 MR. CHUNG: As I explained to you, - - has
19 now become aware, this is not an e-mail that you
20 were copied on or that you yourself wrote,
21 correct?

22 MS. KOSTELL: Correct.

23 MR. CHUNG: I can assume you've never seen
24 this e-mail before today?

25 MS. KOSTELL: No, I have not.

1 MR. CHUNG: If I could just direct your
2 attention to the e-mail on the second page from
3 Keith Marshall [phonetic] to Abel Montoya
4 [phonetic] and copied to - - Kincaid [phonetic].
5 Who, by the way, is - - Kincaid?

6 MS. KOSTELL: He's the assistant. He's
7 Marshall's assistant.

8 MR. CHUNG: Would it be fair to say that--
9 and I'm asking you to interpret the document--
10 Keith Marshall is outlining for Abel Montoya on
11 a school-by-school basis certain admissions to a
12 particular school? Let's just start with that
13 proposition. He's talking to the--the e-mail
14 discusses the admission of certain students to
15 those particular - - high schools.

16 MS. KOSTELL: Correct.

17 MR. CHUNG: And in addition, on a school-by-
18 school basis, what Keith Marshall is doing is
19 indicating how many students at that particular
20 school - - admitted student was, in effect,
21 leapfrogging. Is that fair to say?

22 MS. KOSTELL: Yeah. And what's interesting
23 in this e-mail is Keith doesn't have access to
24 this. I mean this is something that Abel must
25 have provided to him originally. Keith doesn't

1 look at the school-by-school list as far as I
2 know. It looks like this is information that
3 would have been provided to Keith originally,
4 and then a decision had come back, it looks
5 like, as far as who should be admitted, knowing
6 the information on the students.

7 FEMALE VOICE: Just for clarification, was
8 it Keith who testified that his biggest concern
9 about this Category I system was his
10 relationship with these schools?

11 MR. CHUNG: He certainly talked about having
12 to manage the relationships with schools, and in
13 particular of having to explain - - .

14 FEMALE VOICE: But he wouldn't normally have
15 access to this?

16 MS. KOSTELL: I mean we consider this more
17 functional. It's information that we provide to
18 him if he needs it rather than him using on a
19 day-to-day basis.

20 FEMALE VOICE: Is it possible that he has
21 access to it that you don't know, that you're
22 unaware of?

23 MS. KOSTELL: Sure, I mean it's certainly--
24 he could have read his report to him.

25 MR. CHUNG: Ms. Kostell, I guess I go back

1 to the question I asked a few minutes ago. The
2 specificity of the numbers provided here--if you
3 look, for instance, at the first entry;
4 Glenbrook [phonetic] North, 26 students. The
5 next month - - 16, etcetera. I mean that to me
6 suggests that literally there is a numeric
7 ranking of 1 through however many students apply
8 from a particular high school to the University
9 of Illinois.

10 MS. KOSTELL: Actually what it represents
11 is--if you looked at the school list and you put
12 it in order by--I think what people have talked
13 about is the PGPA, which is made up of the class
14 rank and the ACT. Put them in that particular
15 order, and then you looked at all the decisions
16 of the students, you would find a decision that--
17 the students from Glenbrook North, for example,
18 is--obviously there's 26 students that have
19 academic criteria only higher than him. So
20 basically they have a class rank and an ACT
21 higher than the student we're going to admit.

22 MR. MIKVA: You understand the relevance of
23 this concern as far as Mr. Marshall is
24 concerned, right?

25 MS. KOSTELL: Yeah, I sometimes am the one

1 who calls the schools to let them know we just
2 did this.

3 MR. MIKVA: Yeah, and the school is not very
4 happy about it.

5 MS. KOSTELL: Correct.

6 MR. MIKVA: Sure. And the parents of the 26
7 aren't very happy.

8 MS. KOSTELL: And they all call and let us
9 know.

10 [Laughter]

11 MR. MIKVA: Now all the people--all the
12 names that are redacted here, are they - - are
13 they all red stripes?

14 MS. KOSTELL: Yes.

15 MR. MIKVA: Are they all Category I?

16 MS. KOSTELL: Yes. I'm going to make that
17 assumption. That's the only time Keith would
18 ever be admitting a student or directing us to
19 do so.

20 MR. MIKVA: So this one year--this is--yeah,
21 and these are all just the - - schools of Cook
22 County as far as--a couple of parochial schools.

23 MS. KOSTELL: Yes.

24 MR. MIKVA: There were 14 that were jumped
25 up over substantial numbers of students well

1 ahead of them.

2 MS. KOSTELL: Yeah.

3 MR. CHUNG: What kind of feedback did you
4 get on this?

5 MS. KOSTELL: We actually have the staff
6 member who is--I mean some of these schools are
7 assigned to me, so I would have called them.
8 Some of them are assigned to other staff
9 members. And if they have a positive
10 relationship with the school, then they would
11 call. Otherwise sometimes I will. And it
12 really--to be honest with you, sometimes they're
13 not surprised and sometimes they're really not.
14 Sometimes--and there is--it is well known that
15 this decision wasn't made by admissions; that it
16 was made--that we were told to admit the
17 student.

18 MR. MIKVA: And the counselors lived with
19 that? Don't they get irritated?

20 MS. KOSTELL: Yes, they get irritated, and
21 we hear about it, and we provide that feedback.

22 MR. MIKVA: Now they know who the students
23 are, obviously

24 MS. KOSTELL: Correct.

25 MR. MIKVA: So do you tell them who the

1 sponsors are?

2 MS. KOSTELL: We don't know. I have never
3 known who a sponsor was.

4 FEMALE VOICE: Well, what kind of
5 explanation do you give? You say well, you
6 know, Representative so-and-so called and
7 they're - - ?

8 MS. KOSTELL: We don't know. I just call
9 and say--the other thing that we do is we
10 provide a list to the school. They can log on
11 throughout the process--high school counselors
12 can--and they can see all of their applicants,
13 and they can even click on their applicant and
14 go oh, it looks like this applicant hasn't sent
15 in their transcript yet. And then when we post
16 the decisions, the high school counselors
17 automatically get access to all of the students
18 that have been admitted to their high school,
19 and it also shows them any scholarships that
20 they've received. That was new. We just put
21 that into place this year; again - - some
22 feedback from the advisory board. And so we try
23 to be very transparent with the high schools of
24 exactly what we're doing. And that's why we
25 have to call.

1 MR. MIKVA: The question is they see that 26
2 people were jumped over for this person. Now
3 what do you tell them about that person?
4 MS. KOSTELL: I say you know, you'll note
5 that we've admitted whoever the student's name
6 is, and I'm sure that that was unusual, and we
7 were asked to admit them.
8 FEMALE VOICE: So it seems like--
9 MR. MIKVA: [Interposing] We were asked to
10 admit them?
11 MS. KOSTELL: Mm-mm.
12 MR. MIKVA: And I'd say by whom?
13 MS. KOSTELL: We don't know. We say that--
14 FEMALE VOICE: Well, you know that Keith
15 asked you to.
16 MS. KOSTELL: Right, but I would never--I
17 know that Keith didn't make the decision.
18 FEMALE VOICE: Right.
19 MS. KOSTELL: So we just say we were asked
20 to admit them.
21 FEMALE VOICE: Would it be fair for us to
22 assume that--there's about six schools on this
23 list, maybe seven, and there could be more in
24 the scenario I'm going to paint for you. Would
25 it be fair for us to assume that the

1 relationship that Keith has with these schools,
2 the University of Illinois has with these
3 schools, is one such that they may be bothered
4 by this taking place, but that's all part of the
5 system that works between them? I mean these
6 are your feeder schools, so it's not as if these
7 are just any school. These are schools you have
8 ongoing relationships with that are nurtured in
9 many ways. So would it be fair to assume that
10 although they get upset, the reason they don't
11 get so upset that they call the newspaper or
12 that they complain to the Inspector General's
13 office themselves, even, is because it's part of
14 the system? They know that each year they're
15 going to face a certain number of one applicant
16 or two applicants or three applicants where
17 they're going to fall into this situation. Is
18 that fair?

19 MS. KOSTELL: I think that is fair, but I
20 also think that some of these schools, we're
21 probably not the only one calling.

22 FEMALE VOICE: Well, yeah.

23 [Crosstalk]

24 There are many others.

25 MS. KOSTELL: Right.

1 MR. MIKVA: If I were a school counselor and
2 I found this out, I'd be mad as hell, and I
3 would tell my bright students you don't want to
4 go to U of I because that's a - - school.

5 MS. KOSTELL: Which is the argument that we
6 have made in our office.

7 MR. MIKVA: To whom?

8 MS. KOSTELL: We have said--that's the
9 argument that I talk to Keith about, and I think
10 he understands. When we do something like this,
11 what message are we sending to the top
12 applicants of that high school that we really
13 want to enroll? And we're the--it's our office
14 that's going to talk to the 25 kids or 26 kids
15 above this student and try to explain.

16 MR. MIKVA: What year was this?

17 MS. KOSTELL: This was last year.

18 MR. MIKVA: Last year.

19 [Crosstalk]

20 FEMALE VOICE: For those students that had a
21 low ranking that were not admitted, but if
22 requests were open, there might have been more
23 consideration given.

24 MS. KOSTELL: That's a possibility. But
25 again, because we're admitting so many students,

1 we've never been in a position that we're saving
2 space. We've never had to say oh, well, you
3 know, six Category Is we were just told to
4 admit. We've got to back out six I
5 applicants. I mean with 17,000, we could be 300
6 or 400 over, and we'll still be fine. Or
7 sometimes even 200 or 300 under.

8 MR. MIKVA: Let's get back to the numbers.

9 If this is--what - - , 13?

10 MS. KOSTELL: Mm-mm.

11 MR. MIKVA: Out of a few schools on the
12 north shore, and two parochial schools, what--I
13 guess I misunderstood the total number of I
14 Category students that were admitted last year
15 who were not otherwise qualified. What would
16 you say that number was?

17 MS. KOSTELL: It was 33.

18 MR. MIKVA: Pardon?

19 MS. KOSTELL: 33.

20 MR. MIKVA: And 13 of them came from the

21 North Shore?

22 FEMALE VOICE: At least - - .

23 [Crosstalk]

24 MR. MIKVA: - - .

25 FEMALE VOICE: That's our point.

1 [Crosstalk]

2 That's why we keep pushing on that issue,
3 because these are privileged kids - - community.

4 MR. MIKVA: It's the privileged children I'm
5 - - try to get - - into other - - that I'm - - .

6 But doesn't that strike you as an odd number--I
7 mean a large number--to come from one grouping
8 of schools?

9 MS. KOSTELL: No. I mean these aren't--

10 [Crosstalk]

11 These are kids that are being admitted
12 because of power and money. That's not--I mean
13 that's in one portion of the state.

14 MR. MIKVA: That's where the power and money
15 is.

16 FEMALE VOICE: Right, and it sounds to me
17 like it's reflective of the whole admissions
18 process; I mean if you look at the demographics
19 of who you're admitting. And forgive me if I'm
20 overstepping my bounds here, but it's not
21 unusual--the Category I students who've been
22 admitted are reflective of the whole admission
23 process, which is biased towards privileged--

24 FEMALE VOICE: The wealthy and the powerful.

25 FEMALE VOICE: Would you agree with that?

1 MS. KOSTELL: I disagree with that.

2 FEMALE VOICE: Why? Based on what?

3 MS. KOSTELL: I think if you sat in my seat
4 and reviewed applications, you would see that
5 the opposite is--I mean I think that yes,
6 students have such an advantage at some of these
7 schools, but we give such an advantage to the
8 students who aren't.

9 FEMALE VOICE: Well, how can you say that
10 when you have only 550 Chicago public schools
11 within your--

12 MALE VOICE: 1,100 now.

13 [Crosstalk]

14 FEMALE VOICE: Admitted.

15 MS. KOSTELL: I think you have to look at -
16 - .

17 [Crosstalk]

18 FEMALE VOICE: We have 17,000.

19 [Crosstalk]

20 MR. MIKVA: Let me remind the Commission
21 again. There are problems of how high this
22 tuition is. There are problems of the fact that
23 the university is getting less and less money
24 each year. There are problems of the fact that
25 there hasn't been enough - - . We could spend

1 years investigating all the problems at the
2 University of Illinois. Our mandate was to find
3 out whether clout is having an influence on
4 admissions. - - ? Of course it does, but - - .
5 We're here to find out how - - .
6 [Crosstalk]
7 FEMALE VOICE: Speaking of that and
8 respecting our Chair and our Commission, I'd
9 like to see the diversity makeup of every single
10 clout-admitted student for the last six years.
11 MS. KOSTELL: And I think for--
12 MR. MIKVA: Sure.
13 MS. KOSTELL: --clout admissions, I think--
14 MR. MIKVA: As long as you can get it by the
15 federal law.
16 MS. KOSTELL: That report has already--I
17 have it by high school. We've already provided--
18 -
19 FEMALE VOICE: [Interposing] That would be
20 great.
21 MS. KOSTELL: We have provided that.
22 FEMALE VOICE: That would be great, yes.
23 MS. KOSTELL: I don't know - - to what
24 group; maybe the--we have provided the last five
25 years worth of data, applicants by high school,

1 admissions by high school, including Category I,
2 including acceptances. And you will find that
3 the school with the highest acceptance happens
4 to be in CPS.

5 MR. MIKVA: Happened to be what?

6 MS. KOSTELL: In CPS. It's North Side
7 college prep. So I think that we really try to
8 diversify our student body and get the best
9 kids.

10 FEMALE VOICE: Well, just if we can have
11 that. Unfortunately we won't be able to get all
12 the numbers.

13 MALE VOICE: How did you do this year with
14 the Category I?

15 MS. KOSTELL: That's the one I can probably-
16 -that's the one I have the most information on.
17 So what do you mean how do we--

18 MALE VOICE: [Interposing] How many?

19 MS. KOSTELL: There were 160 kids on the
20 list, and I believe about half--either 69 or 70
21 of those--were admitted without--on their own.

22 FEMALE VOICE: What was the 33 number?

23 MS. KOSTELL: 33 of those students were
24 initially recommended to be denied, and they
25 were admitted.

1 MR. MIKVA: Of the 150?

2 MS. KOSTELL: Of the 150, yes.

3 FEMALE VOICE: And you think that's fair?

4 MS. KOSTELL: No, I don't think any of them
5 should have been admitted.

6 MALE VOICE: And of the 33 denied that were
7 admitted, they're all from the North Shore?
8 They're all from this--where were they from?

9 MS. KOSTELL: This year?

10 MALE VOICE: Mm-mm.

11 MS. KOSTELL: Do you want the high school
12 name?

13 MALE VOICE: Yes.

14 MS. KOSTELL: Stevenson, New Trier, Whitney
15 Young, Lyons Township, - - , Naperville,
16 Central, Glenbrook North, Glenbrook South,
17 Evanston, Carl Sandburg, Deerfield, Barrington,
18 - - Loyola, St. Ignatius, Lincoln Park, Bennett,
19 York, Libertyville, Niles, Merris [phonetic],
20 Wheaton, Warrenville.

21 MR. MIKVA: Were there any that had more
22 than one?

23 MS. KOSTELL: Yes.

24 MR. MIKVA: Who? Which school?

25 MS. KOSTELL: Usually--okay, this is-- more

1 than one that was admitted?

2 MR. MIKVA: Yes.

3 MS. KOSTELL: Highland Park, New Trier,
4 Fenwick.

5 FEMALE VOICE: How many--can you give us the
6 name of the school and how many?

7 MS. KOSTELL: Yeah, and I can give you the--
8 I don't have the complete list. Highland Park,
9 10. And I don't know if those--some of those
10 kids completely got in on their own.

11 MR. MIKVA: Okay.

12 MS. KOSTELL: So in all fairness--

13 MR. MIKVA: [Interposing] So that isn't the
14 33?

15 MS. KOSTELL: No, no, no. I don't have that
16 broken down by high school.

17 MR. MIKVA: Can you give us the 33?

18 MS. KOSTELL: I don't have that with me.

19 MR. MIKVA: Could you get that by high
20 school?

21 MALE VOICE: Yes.

22 MR. MIKVA: That's the number we want.

23 MALE VOICE: There was a number they used,
24 that 77% of the people on the clout list could
25 have been accepted without being clouted. Do

1 you agree or disagree with that number, or do
2 you know how they arrived at it?

3 MS. KOSTELL: That was--I think that they
4 were looking--the way that they came up with
5 that figure, I believe, was they looked at how
6 many students were on the Category I list and
7 what the percent of those were admitted. And
8 then they looked at our total population and the
9 percent we admitted, and they actually used last
10 year's percent.

11 MR. MIKVA: Yeah, it sounds like the 33 is
12 23% of 150.

13 MS. KOSTELL: Correct. And what they--so
14 they said well, based on this, the Category I
15 list only has this percent higher admission
16 rate, which equals 13 students. So it wasn't--
17 and again, that didn't come from our office, but
18 that's how I believe that that was - - .

19 MR. MIKVA: What you're saying--as far as
20 your figures show, 33 students were admitted
21 from the I list last year who would not have
22 otherwise been accepted.

23 MS. KOSTELL: Correct.

24 FEMALE VOICE: And what you were going
25 through there was the 160?

1 MS. KOSTELL: Yes.

2 MR. MIKVA: Okay. Could you get us the high
3 schools from whom those 33 were admitted?

4 MS. KOSTELL: Yes.

5 FEMALE VOICE: And those.

6 MS. KOSTELL: This has been--but I'll find
7 out who has it.

8 MR. MIKVA: Mr. Chung?

9 MR. CHUNG: Yes, Judge. On the 33 number,
10 how did you arrive at the 33? Were those the
11 five that were admitted?

12 MS. KOSTELL: Right, and actually I--you
13 know, I talked to Jennifer, you know, and asked
14 her how many, and that's easy to do. We have
15 the original rating. We know what rating got
16 what decision, and then we have the original
17 decision there.

18 MR. CHUNG: Now did you count any of the 4s,
19 people that got 4s?

20 MS. KOSTELL: A 4 is a redirect. A 4 is a
21 redirect to another college. If they were a 4
22 and they were redirected and admitted, that - -
23 .

24 MR. CHUNG: I guess my question is were
25 there forms--

1

2 7.MP3]

3 [START TAPE 7]

4 MR. CHUNG: --First of all, were there fours

5 [phonetic] that you did not include in your 33?

6 FEMALE VOICE 1: Well □

7 MALE VOICE: Or 33, call me five. Just in

8 that way.

9 FEMALE VOICE 1: The, the 33 is students who

10 we had recommended for denial that were at that

11 end. I □ when you say a four, to me that means

12 that students who applied for a selective

13 program was redirected to another program and we

14 then admitted. If not, their rating would have

15 been changed. So it□s easy for me to look at the

16 list and know that.

17 FEMALE VOICE 2: Would this redirection

18 occur as a part of the category I process?

19 FEMALE VOICE 1: No, it occurs for □

20 FEMALE VOICE 2: [Interposing] Outside of

21 the □ yeah.

22 FEMALE VOICE 3: But now what about some of

23 those that said that they had category I

24 applicants that, that they couldn□t get into,

25 say, the law school so they were redirected to

1 the other jet five [phonetic]. What is it? What
2 do you call it? The liberal arts?
3 FEMALE VOICE: General Studies.
4 FEMALE VOICE: General Studies.
5 FEMALE VOICE: - - . And well, let's say
6 they applied to the College of Business. So they
7 applied to the College of Business. The college
8 is their is that committee's going to do a number
9 of things. They're going to either, you know,
10 make them a first choice of Med if Med, if
11 there's room. You know, denial. Or should be
12 redirected to another program. If they're
13 redirected to another program, you know, let's
14 say that's the Division of General Studies,
15 they're then reviewed. The Division of General
16 Studies then decides whether to admit or deny.
17 If it's a deny it goes back to Business, or the
18 Business denial.
19 FEMALE VOICE: So that, okay.
20 FEMALE VOICE: And so basically what it,
21 what happened then was, depending upon the time
22 of the year, they were saying okay, said the
23 student admits, admits is you know, isn't
24 admissible to, to business. Is there, would
25 they, have they been reviewed by the Division of

1 General Studies. Has that avenue been
2 considered? And if it was considered, you know,
3 by the committee and the committee said yes,
4 then I don't consider that a decision that was
5 overturned. If it was, you know, if it had been
6 considered by all avenues of admission and we
7 had all said no, and that decision was
8 overturned, then that would be considered for
9 that 33.

10 MALE VOICE: Am I - I may have misunderstood
11 whoever it was - Mr. Marshall [phonetic], I
12 think, testified. I thought that some of these
13 category I's, these red strikes [phonetic], that
14 the process was halted in the middle before a
15 total evaluation is made.

16 FEMALE VOICE: I don't know. We actually do
17 a full evaluation. We don't, we, we have the
18 decision on paper and we have the decision on
19 the category I spreadsheet, but it is not
20 entered in officially -

21 MALE VOICE: [Interposing] But you do go
22 through the full evaluation.

23 FEMALE VOICE: Correct.

24 MALE VOICE: So that you know that these 33
25 were all category I who under your initial

1 evaluation, whether it be the admissions
2 department evaluation would not have been
3 admitted.

4 FEMALE VOICE: Correct.

5 FEMALE VOICE: And is that for the purposes
6 of your own recordkeeping accountability? That
7 there's a full paperwork trail for each student
8 even though we knew they'd be admitted earlier
9 in the process? What's the purpose of taking
10 them through the whole process if you already
11 know they're being admitted?

12 FEMALE VOICE: We don't. I mean, a lot of
13 times there are students that are category I
14 that stay denied. I mean, it's our, you know,
15 it, it depends. I mean, their

16 MALE VOICE: [Interposing] It could be that
17 somebody is out there.

18 FEMALE VOICE: Someone's going to approve
19 that.

20 MALE VOICE: And you're going to get us the,
21 the, the high scores and the number of each of
22 the 33.

23 FEMALE VOICE: Yes.

24 FEMALE VOICE: Do you know how many students
25 applied to from the Chicago public schools

1 last year?

2 FEMALE VOICE: Yes. Seventeen □ 1,753.

3 FEMALE VOICE: Thank you.

4 MALE VOICE: And 1100 were admitted?

5 FEMALE VOICE: Yes.

6 MALE VOICE: That□ s a fairly high

7 percentage, isn□ t it?

8 FEMALE VOICE: Yeah. I mean, I don□ t, I

9 would have to do the math, but yeah, - -

10 overall, over our - - admission right [phonetic]

11 this year was a C five percent [phonetic].

12 MALE VOICE: John?

13 JOHN: I□ ve got a couple more questions on

14 number 33. Now, your □ you can say with

15 confidence that those 33, if left to the

16 admissions office, would not have changed data

17 for tran [phonetic]. But I don□ t, can you say

18 with confidence that the remaining 127, that

19 every single one of those would happen to be in

20 the □

21 FEMALE VOICE: Some of those students almost

22 were denied and stayed denied.

23 JOHN: You□ re the director of admissions and

24 there is, as you now know, a category I prop

25 that results in dozens of overrulings of

1 admissions office recommendations.

2 FEMALE VOICE: Right.

3 JOHN: But you yourself as the director were
4 not actively involved in these category I prop -
5 - . Why would that be?

6 FEMALE VOICE: I think originally when I
7 had, had started it had not been under the
8 director originally. And so, you know, I really
9 didn't question it. And when, and when Abel
10 [phonetic], you know, was, was moving to, to
11 Chicago and we need the jury [phonetic] is
12 finding peace [phonetic] and I did have a
13 conversation about it so it would be
14 appropriate. And his feeling was, and I agree,
15 it's very administrative. The person doing that
16 is really pulling files, you know, writing lots
17 to Kim [phonetic] and Ebro [phonetic] and
18 sending it in an e-mail to them. And their
19 they don't have any decision-making. I mean,
20 certainly they provide information and important
21 information to Keith, but it's not, you know,
22 Abel's not doing the review or Jennifer wasn't
23 doing the review, the committee did the review.
24 And that person is simply providing the input to
25 Keith to share with others about what the

1 committee recommended. And it's necessary.
2 Sometimes people say, you know, where does the
3 student fall in that pool, and that's when you
4 can look at that information and provide them to
5 say, you know, there's 20 kids higher than them
6 academically in the school and that's really a
7 mechanism we started using to kind of push back
8 a little bit to say, you know, this is where
9 going to have some explaining to do. And so, so
10 really, it would just be part of that is you
11 would have found it through another staff
12 member.

13 FEMALE VOICE: I have one of the last
14 questions. You went to a, you said you went to a
15 is one of your association meetings and posted a
16 revelation of the, this issue at U of I. What
17 was the sort of feedback from your colleagues
18 and other Big Ten schools on, on what's
19 happening in Illinois?

20 FEMALE VOICE: Supportive.

21 FEMALE VOICE: Supportive of, of what?

22 FEMALE VOICE: I think trying to be
23 supportive of our office. I mean, if you'd read
24 the articles it's clear the feedback, you know.
25 I think Illinois is respected by our peers. And

1 I, I think they were being supportive of the
2 fact that we have what we think is a very good
3 admissions system. And, you know, obviously,
4 some of the decisions we had made had been
5 overruled and now this, this thing that was kind
6 of private, you know, whether, you know,
7 regardless of how ugly you may think it is, you
8 know, it was kind of internal, has now become
9 very public. And, you know, that obviously
10 causes difficulty for my staff and for all of
11 us. And so there's a - - .

12 FEMALE VOICE: Were they outraged though?

13 FEMALE VOICE: No.

14 FEMALE VOICE: The transparency, the
15 transparency, the public nature of it basically
16 just exposes the process.

17 FEMALE VOICE: Right.

18 FEMALE VOICE: It doesn't excuse it. Is that
19 right?

20 FEMALE VOICE: [Long pause].

21 MALE VOICE: Let me say, Ms. Gustow
22 [phonetic] that I think the commission is
23 certainly not trying to take it out on you. As
24 far as we can see, you and Mr. Marshall
25 [phonetic] have been pushed back considerably.

1 FEMALE VOICE: I mean, we're here to, to
2 recommend solutions.

3 MALE VOICE: We're trying to find ways of
4 seeing to it that you are aware that this pressure
5 is removed from you and your colleagues so that
6 you can continue to do your job the way you
7 think it should be done. That's what we're all
8 trying to get at. And if you sense that there's
9 - sometimes our questions are asked in an
10 outrageous tone it's because we, like you, are
11 out there - - the rest of you point [phonetic]
12 to, to them.

13 FEMALE VOICE: Isn't - - an office that - -
14 Keith's had a great deal of pride in what we do.
15 And whatever is reported in the media and
16 whatever happens helps us to see we're the first
17 contacts. And

18 MALE VOICE: I understand. And you're
19 inheriting a lot of the blame -

20 FEMALE VOICE: [Interposing] And - - I
21 think

22 MALE VOICE: - that truly is a problem that
23 you didn't create.

24 FEMALE VOICE: And I think both of them,
25 they, they made the right decisions. They made

1 their decisions and I really kind of think it's
2 been so overblown in the media that the
3 admissions process doesn't have integrity, and
4 it very much does. I mean, we spent a lot of
5 time with those applicants. I think we really
6 treat those students as students and, you know,
7 I disagree with the fact that these 33 kids were
8 admitted. It doesn't mean that we don't think that
9 the admissions process is corrupt.

10 MALE VOICE: Well, and, and again,
11 obviously, you can turn [phonetic] that 17,000
12 students, 33 is a small percentage. The problem,
13 though, is you're a public university.

14 FEMALE VOICE: Right.

15 MALE VOICE: And there are 17 sets of
16 parents and a whole bunch of high school
17 counselors who are indignant about it even if it
18 was just one kid.

19 FEMALE VOICE: Right.

20 MALE VOICE: I think you can understand
21 that. And it doesn't impeach the entire process.
22 It certainly doesn't impeach the problem who
23 have been trying to do their job as you and Ms.
24 Countee [phonetic] and Mr. Marshall have. We, we
25 have not yet perhaps gotten to, to the bad guys

1 in this equation and I want to assure you we're
2 not trying to make you the scapegoats for
3 anything that you didn't do.

4 FEMALE VOICE: Yeah. And I'd like to say too
5 that, you know, the questions that we ask are
6 because they're - everybody obviously doesn't
7 agree that everything is pristine in the system.
8 And I expect that from where you sit, given your
9 purview, that you've done things based on a, a
10 formula that works, that has shielded you which
11 had to shield yourself from the ugly part of it,
12 and so I commend you for that. And I hope that
13 you understand that even within all that there
14 is a great deal of the public that questions the
15 way the system is run. And whether the playing
16 field is level for people who don't have
17 political access, who are not privy to political
18 influence, and many other factors. That they
19 were only dealing with this aspect. And
20 sometimes the truth hurts and it's not directed
21 at you, but it is directed at how things are
22 done and how that affects taxpaying - all the
23 taxpaying citizens.

24 MALE VOICE: John, do you have any - - ?

25 JOHN: I just want - - want that for - -

1 your office was a victim of improper influence,
2 improper pressure from external and internal
3 sources. Management has agreed with that. And
4 I'm not - - I agree with that. But I guess what
5 I would want to know from you is, given that you
6 were, and your office was experiencing some form
7 of pressure to accept people, you would not have
8 - - accepted. What would you do, going forward,
9 to make sure that professionals in the
10 admissions office □ your colleagues were doing
11 everything they can to make the right decisions,
12 are allowed to make them.

13 FEMALE VOICE: I mentioned in the beginning
14 that I think there are very few institutions
15 that have formal policies on this. I think the
16 University of California system is one that
17 does. And I think that's at least a starting
18 point for us to look at. And I □

19 MALE VOICE: Have you heard about the
20 University of Wisconsin in that respect? Do they
21 □ don't they have a written policy?

22 FEMALE VOICE: They may. I'm unaware of
23 that.

24 MALE VOICE: Right.

25

1 FEMALE VOICE: But I think - - California is
2 is very bold.

3 FEMALE VOICE: Bold, but to me it seems just
4 elementary. [Some laughter]. I must admit, I
5 don't see that as bold, I just see that as
6 basic.

7 MALE VOICE: Is there any reason why, why a
8 policy which said that no one outside the
9 admissions practice, which is your office, and
10 these are the colleges and whatever internal
11 admissions procedures they set up - there's no
12 one outside of the regular admissions practice
13 should have anything to do with the admission or
14 denial of students and that they keep -
15 outsiders can write letters of recommendation in
16 writing, but they shouldn't have anything else
17 to do about - with this - - whether it's called
18 tracking or, or watching or anything else. That
19 they really should be kept outside the process.
20 John, do you see a down side to that?

21 FEMALE VOICE: Not at all.

22 MALE VOICE: So that there should be no
23 reason for trustees or chancellors or presidents
24 to be - or legislators to be involved in this
25 process - - .

1 FEMALE VOICE: I agree. And I think there
2 is, there's too many inflections [phonetic]
3 made, and I think if you just look at one
4 factor, and you're not looking at all the
5 applicants, and then say - - I think that people
6 will hear - well, they got a 3.2 and a 4.0, you
7 know, how - how could they be denied. And if you
8 don't understand what a 4.0 means at a
9 particular school -

10 MALE VOICE: [Interposing] Right.

11 FEMALE VOICE: - I just think there's a lot
12 of misinformation. And I think without being
13 involved in this process, it's hard to kind of,
14 kind of insurge [phonetic] without really
15 understanding. And I think that, you know, I
16 think that's harder and harder to do.

17 MALE VOICE: So you're willing to take out
18 ever [phonetic] extra burdens there are if the
19 trustees unite on the business [phonetic],
20 right?

21 FEMALE VOICE: Right. And, and I would
22 mention certainly we haven't felt external
23 pressure. I mean, people don't contact our
24 office. Keith shields us from that. There are
25 some decisions of return and we don't like it.

1 And our fallout is talking to parents that don't
2 understand how their neighbor got admitted or
3 they're talking to a high school. But it's
4 certainly not from those external resources. I
5 mean, ours is just what happens and - - that.

6 MALE VOICE: So you feel that the staffing
7 that you have is adequate to deal with this,
8 right? Without the heat.

9 FEMALE VOICE: We have certainly explored
10 the possibility of, of if we do add some extra
11 staff, but it's more on the processing end to
12 get everything matched up and ready, than the
13 reading side. We certainly discussed the
14 possibility of maybe needing additional people
15 to help in that process. But how do you go about
16 that and train them is better left to the
17 university [phonetic] - - .

18 MALE VOICE: I had one other question. These
19 e-mails if you don't get e-mails, clout
20 [phonetic] e-mails yourself. So it would be
21 wonderful if internally that there were no e-
22 mails. That it's always in writing or not at
23 all. I mean, we're talking about writing letters
24 of recommendation, but Keith Marshall seems to
25 get a tremendous number of e-mails and I'm

1 wondering what your opinion is of him not
2 getting e-mails, his getting it in writing.
3 Which would reduce the correspondence by about
4 95%.

5 FEMALE VOICE: I think if you have a strong
6 policy that says that you're not going to
7 consider, you know, any, you know, you're not
8 going to consider outside influences, I think
9 all correspondence stops. And I know that
10 there's been recommendations, of letters of
11 recommendation, and currently I'm also opposed
12 to that because I just think that gives another
13 avenue for people for-

14 [END TAPE 7]

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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 __Karen E. Weaver__

7 Date_____7/24/09_____

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