

TRANSPERFECT
LEGAL SOLUTIONS



State of Illinois

Admissions Review Commission

July 13, 2009

James R. Thompson Center

100 W. Randolph Street, 16-

503

Chicago, IL 60601

1 [START admissions-review-071309 Part 1 of 3]

2 MR. ABNER MIKVA: Commission will be in
3 order. We're going to hear from three witnesses
4 today, two of them by phone. Unfortunately,
5 this is never as satisfactory as seeing them in
6 person. But I think they're going to have
7 valuable information that they can give us. And
8 the first one is Mr. Portch. Portch, you on?

9 MR. STEPHEN PORTCH: Good morning. Yes, I
10 am.

11 MR. MIKVA: Good morning, sir. Thank you
12 very much for agreeing to talk to us. We
13 appreciate your help with your information.
14 I'll ask Mr. Chung [phonetic] to start the
15 questioning. I'm sure the commissioners will,
16 will break in as they see fit.

17 MR. PORTCH: Very good.

18 MR. MIKVA: - - .

19 MR. CHUNG: First, please, state your full
20 name.

21 MR. PORTCH: Stephen R. Portch.

22 MR. CHUNG: And, sir, how do you spell your
23 last name?

24 MR. PORTCH: P-O-R, as in Roger, T-C-H.

25

1 MR. CHUNG: Could you describe your
2 educational background for the commission, sir?

3 MR. PORTCH: My own background is received
4 my undergraduate degree in England. And then my
5 graduate degree is from Penn State, Ph.D. in
6 English, became a faculty member in the
7 University of Wisconsin system in the mid-'70s,
8 stayed in that system 18 years, became head of
9 one of their smaller campuses, then Chancellor
10 of 13 of their campus. And my final position in
11 Wisconsin was as the Chief Academic Officer for
12 the system housed in Madison.

13 Following that position, I became Chancellor
14 of the 35 colleges and universities in Georgia
15 in 1994 and held that position for nearly eight
16 years 'til 2001, when I stepped down and began
17 working as an advisor, consultant, and speaker
18 on higher-ed policy and practice.

19 MR. CHUNG: And, sir, with respect to your
20 University of Wisconsin experience, you referred
21 to being the Chancellor of 13 campuses there.
22 Could you just briefly describe the
23 organizational structure with respect to the
24 various campuses in Wisconsin?

25 MR. PORTCH: Sure. Wisconsin has a number

1 of four-year campuses, each headed by a
2 Chancellor. It has an extension operation
3 headed by a Chancellor. And then it has a
4 series of freshman-sophomore transfer
5 institutions headed by a Chancellor, 13 of those
6 which have sense been combined with [coughing].
7 I was the Chancellor of those 13 before becoming
8 the Chief Academic Officer.

9 MR. CHUNG: And so what years, again, were
10 you Chancellor in the University of Wisconsin
11 system?

12 MR. PORTCH: I was Chancellor there--let me
13 see--I believe it was from approximately '85 to
14 '90.

15 MR. CHUNG: And then from 1994 through 2001
16 Chancellor in the University of Georgia system?

17 MR. PORTCH: That is correct. And that's a
18 single governing body, a constitutional Board of
19 Regents over all 35 colleges and universities in
20 the state.

21 MR. CHUNG: And you use the term
22 constitutional to describe the Georgia system.
23 Could you explain what you mean by that?

24 MR. PORTCH: Yes, a constitutional board,
25 there are a few in the country. The other--the

1 one in the Big 10, which might be of relevance,
2 I believe the University of Michigan is also a
3 constitutional board. Essentially, what a
4 constitutional board means is that the state
5 legislature essentially cannot pass any statute
6 or bill directing the operation of the
7 university. The board has constitutional
8 separation for its policymaking. Clearly, the
9 legislature of governors still has the budget
10 authority. But they do not have policy
11 authority over the board.

12 And also, the budget allocation for the 35
13 colleges and universities comes as a single
14 allocation to the Board of Regents. It's not
15 line item by each of the colleges and
16 universities.

17 MR. CHUNG: Okay. So your understanding,
18 Dr. Portch, that the University of Illinois does
19 not operate inside a constitutional system as
20 you've described it.

21 MR. PORTCH: That's, that's my
22 understanding, yes.

23 MR. CHUNG: Now, sir, what is your current
24 work?

25 MR. PORTCH: I work a lot with universities

1 and colleges around the country, both private
2 and public, both systems and states and
3 individual institutions. The primary focus of
4 my work is being on strategic planning and board
5 governance and some work around presidential
6 transitions.

7 On the board governance front, I do a lot of
8 work with boards in, for example, retreat
9 sessions, annual retreat sessions, on assessing
10 the performance of the board and in working with
11 them on case studies and board development.

12 Increasingly, especially since Sarbanes-Oxley, a
13 number of boards have realized their
14 responsibilities have become greater. And the
15 best boards in the country are regularly
16 assessing their own performance, their own
17 culture and actually setting aside time each
18 year to improve themselves.

19 MALE VOICE: Am I correct that the trustees
20 of Wisconsin are selected by the Governor? Is
21 that correct?

22 MR. PORTCH: That is correct, except I
23 believe there are two constitutional positions,
24 the State Superintendent of Schools and the Head
25 of the Technical Institutes, who are on the

1 board by virtue of their positions. The other I
2 believe it's 14 members if my memory's correct
3 are gubernatorially appointed. And that is the
4 most prevalent form of appointment nationally is
5 gubernatorial appointment.

6 MALE VOICE: In your duties at Wisconsin,
7 you obviously were involved in admissions
8 policies and practices during the time you were
9 there.

10 MR. PORTCH: Correct.

11 MALE VOICE: Were you in charge of
12 admissions policies during any of those times?

13 MR. PORTCH: No, not in charge, though
14 admissions, when I was the Chancellor of those
15 13 campuses, obviously ultimately that reported
16 to me.

17 MALE VOICE: What was the process there as
18 far as the chain of command? You have a Dean of
19 Admissions or a Chancellor of Admissions or
20 what?

21 MR. PORTCH: Essentially a Director of
22 Admissions who reported to a Vice Chancellor.

23 MALE VOICE: And the Vice Chancellor in turn
24 reported to you?

25 MR. PORTCH: That's correct.

1 MALE VOICE: You have a legislature in
2 Wisconsin, obviously.

3 MR. PORTCH: Yeah, we most certainly did and
4 just down the street in fact.

5 MALE VOICE: That's right, same town.

6 MR. PORTCH: We looked at each other from up
7 and down State Street.

8 MALE VOICE: Did they--from time to time,
9 were there attempts to influence the admissions
10 policy by members of the legislature?

11 MR. PORTCH: Yeah, I believe that's going to
12 be true virtually every state. You're going to
13 have legislators and other interested parties
14 who are going to seek to intervene on behalf of
15 students. I mean, I think that is not an
16 unusual practice and also true in private
17 institutions as well. I think--

18 MALE VOICE: [Interposing] How, how did
19 Wisconsin handle the process?

20 MR. PORTCH: Well, certainly the one I was
21 directly involved in was usually handled pretty
22 low down the scale. A person doing governmental
23 relations would typically relay to the
24 Admissions Officer or make an inquiry usually
25 just on the status of the student so they could

1 be responsive. I'm sure--I was not directly
2 responsible for UW-Madison, which would clearly
3 be the comparable institution to Illinois. But
4 certainly I worked when I was the Chief Academic
5 Officer very closely with their Chancellor and
6 Provost.

7 And I don't recall that, you know, that it
8 was a major issue in Wisconsin at all. I'm sure
9 from time to time there were inquiries. And I'm
10 going to make the assumption that most of those
11 were handled really on a sort of inquiry basis.
12 And for example, I--we used to meet with all the
13 Chancellors, 15 Chancellors. And any item of
14 significance that was impacting them we would
15 have on a monthly agenda. And I don't recall in
16 my time in Wisconsin ever, you know, this topic
17 ever becoming--reaching the levels where
18 Chancellors would even need to discuss it at a
19 system level. So my assumption is it was--we
20 were probably talking a handful of inquiries
21 rather than the sort of volume I've been reading
22 about in your instance.

23 MALE VOICE: And they were, they were
24 genuinely inquiries, not--

25 MR. PORTCH: Well, [laughter] I'm sure there

1 were levels of interest varied in the way they
2 were expressed. And I'm sure there were times--
3 I did not have one that I recall that I would
4 call, you know, an aggressive direct attempt to
5 influence admission decision. Did that happen
6 in Wisconsin over that period, particularly at
7 Madison? I suspect it probably did, but not to
8 the sort of formalized aggressive level that
9 I've read about in your instance.

10 MALE VOICE: And this sort of - - the
11 graduate schools, the law schools, medical
12 schools--

13 MR. PORTCH: [Interposing] Again, I'm sure
14 there were inquiries, both from legislators,
15 donors, and others. But again, I do not recall
16 any sort of culture in Wisconsin where that was
17 particularly pervasive, certainly would've
18 happened. But I don't think it was an extensive
19 or pervasive or we would've been discussing it
20 at a system level on a regular basis.

21 MALE VOICE: There's a story of one of the
22 Governor's of Wisconsin who's son was denied
23 admission to the law school in Wisconsin. And
24 an effort was being made to--was made to put him
25 in and rejected very abruptly. He finally went

1 on to the University of Chicago and
2 distinguished himself very well. Is that a true
3 story? Do you know? Have you heard that story?

4 MR. PORTCH: I don't know that story, no,
5 not directly.

6 MALE VOICE: John [phonetic]?

7 JOHN: Dr. Portch, how long have you been
8 consulting with boards of trustees for
9 universities?

10 MR. PORTCH: About just over seven years.

11 JOHN: And in that time period who are some
12 of your--who have some of your clients been?

13 MR. PORTCH: In terms of board work,
14 University of North Texas, University of
15 Houston--let me see--University of Richmond,
16 Virginia Commonwealth University. There'd
17 probably be six, seven, eight that I've done,
18 Clark Atlanta University. But I've done board
19 governance and board development and board
20 assessment at work.

21 JOHN: And, sir, is it true that you have
22 personal experience with a university facing
23 allegations that it gave special treatment to a
24 public official?

25 MR. PORTCH: Yeah, there were two very

1 prominent cases over the last 18 months. And
2 interestingly, neither was to do with
3 admissions. Both were to do with the awarding
4 of the--the improper awarding of a degree. One
5 of those was at West Virginia University. I was
6 not directly involved in that one. But I
7 believe it involved a master's degree for the
8 daughter of the Governor. And that one was a
9 very major issue. And as one of the cautions I
10 would make to your commission that, you know,
11 influence does not just occur at the admission
12 level. It can occur at the degree level.
13 Virginia Commonwealth University, the former
14 Chief of Police of the city was found to have
15 been awarded his degree improperly. And the
16 allegations were that there was undue influence
17 asserted to get him his degree, not following
18 proper procedures or requirements. So those
19 were two very prominent cases in the last 18
20 months.

21 JOHN: And the Virginia Commonwealth
22 example, is that the one that you were directly
23 involved with, sir?

24 MR. PORTCH: That is correct.

25 JOHN: Okay. And what were the--was there

1 an investigation or inquiry of any sort launched
2 as a result of those allegations?

3 MR. PORTCH: Yes, the board itself launched
4 the investigation and used their internal
5 auditor, who got some assistance from the state.
6 It was a very--and I provided some advice in
7 that investigation. The same is true at West
8 Virginia. They in fact brought in an external
9 panel of academics and administrators to review
10 their processes and procedures. So both of
11 those instances I gave you did result in pretty
12 major investigations.

13 JOHN: And the Virginia Commonwealth example
14 involved the awarding of a degree through a
15 former police chief. And then the West Virginia
16 example involved the awarding of a degree to the
17 Governor's daughter?

18 MR. PORTCH: I believe that's correct on
19 West Virginia. Not being directly involved, I
20 don't want to state that as fact. But that's my
21 memory.

22 JOHN: Do you know what the outcome of the
23 West, West Virginia and the Virginia
24 Commonwealth investigations were?

25 MR. PORTCH: At Virginia Commonwealth, the

1 determination was made that the degree would
2 stand because their policies at the time did not
3 allow the rescinding of a degree, except for
4 academic misconduct. There was no evidence that
5 the student himself sought any special
6 treatment. And so the degree stood. Since that
7 time, they have changed their policies to allow
8 the rescinding of a degree for other
9 circumstances. Two deans who were involved in
10 the case were--one resigned and left the
11 university. The other retired. And so those
12 were the essential outcomes.

13 JOHN: And what about West Virginia? Do you
14 know about the outcome there, sir?

15 MR. PORTCH: I believe, as I recall, the
16 President was replaced. The President, as I
17 recall, was a controversial appointment in the
18 first place because I believe he was closely
19 associated with the Governor and did not have a
20 strong academic background. They have since
21 filled that position with somebody with a strong
22 academic background. And that's about all I
23 recall on that case.

24 FEMALE VOICE: And I believe the Chancellor
25 in that case was moved to a different position?

1 MR. PORTCH: I'm not sure if they had a
2 Chancellor per se.

3 FEMALE VOICE: Or perhaps it's the Provost.

4 MR. PORTCH: I believe the Provost also
5 resigned because the Provost was directly
6 involved in the process. I believe that's the
7 case. But please don't take as fact anything I
8 say on that particular case. But it's well
9 documented.

10 MALE VOICE: From time to time, we read
11 about athletes getting special consideration on
12 grades and special consideration on admission
13 and special consideration on graduation. I
14 recall living in Washington that we had a very
15 good professional football player who was a
16 graduate of the university literally could not
17 read or write. Any of those occur on your
18 watches, either Wisconsin or Georgia or any of
19 the consulting activities you've been doing?

20 MR. PORTCH: Well, certainly, there was a
21 period at the University of Georgia under a
22 particular basketball coach where there were
23 some I'd have to say questionable admits in
24 terms of the quality of admits. And ultimately,
25 that coach resigned. And his son, who was also

1 an assistant coach, was found to have been
2 giving credit to basketball players
3 inappropriately. So yes, there was a specific
4 case on my watch. And I believe those, those
5 admits, you know, did--were controversial at the
6 time and did reach a pretty high level.

7 MALE VOICE: In your consulting with boards
8 of trustees, is this a common problem, athletic
9 favoritism in various institutions?

10 MR. PORTCH: You know, my focus is more on--
11 has been on the overall undue influence. When I
12 do workshops with boards, I do focus on the--I
13 don't believe that's probably a board in this
14 country, private or public, where there aren't
15 board members whose friends, relatives, workers
16 haven't asked them to try and help them get a
17 student admitted. And so I specifically--when I
18 do workshops with boards, I do case studies of
19 particular situations. I provided Ted
20 [phonetic] I think an example this morning of
21 the types of case studies I would work through
22 with the board, for a couple of reasons. One, I
23 think it's terribly important that board members
24 establish a pretty consistent culture across the
25 board about how they handle such situations.

1 And I think it's very important to prepare
2 especially new board members for the pressures
3 they're going to come under and to provide them
4 a response so that they know how to respond when
5 the first one comes because it will come. There
6 is no question.

7 MALE VOICE: What do you recommend as the
8 appropriate response? Should the trustees get
9 involved in these matters?

10 MR. PORTCH: My first line is that it would
11 be helpful for there to be a clear board policy
12 and university policy that the board's role in
13 admissions is upon the recommendation of the
14 institution setting admission policy. The
15 separation of policy and management should be a
16 clear as possible line. And once you get
17 involved in mission cases, in my mind, you have
18 crossed into the management role. And so--

19 MALE VOICE: [Interposing] And so you're
20 concerned the Board of Trustees should help set
21 an admissions policy and then should keep hands
22 off of any individual--

23 MR. PORTCH: [Interposing] That is the
24 purest and the single best sort of theoretical
25 way to handle it. And I think it provides a

1 board member with the response when they get
2 contact they can say, you know, I wish I could
3 help you. But I need to explain to you my role
4 is limited to setting policy. I really can't
5 get involved in individual cases. So that, that
6 would be my advice to boards, recognizing that
7 sometimes, you know, they get under enormous
8 pressure from friends and so on or legislators
9 or others. Another approach is for them to send
10 the letter but--and copy the constituent who has
11 asked them to do it to send a letter to the
12 Admissions Office saying I've had an inquiry
13 about the following student. I do not wish for
14 any special treatment for this student. I
15 simply wish to--that you would inform me of the
16 status of this student at the appropriate time
17 so I can inform the person who made the contact.
18 I mean, that's another possible approach.
19 But in a workshop, we talk through--we go
20 around the room and ask each member who's been
21 there awhile how do you do it? How do you
22 respond to these? And then we sort of go from
23 there and try and get a consensus about the best
24 way to handle it. Who should referrals go to
25 within the institution? At what level of the

1 administration should those referrals go to? So
2 there's a standard protocol established, ideally
3 in writing. But there's a standard protocol how
4 the board handles--how board members handle such
5 inquiries.

6 MALE VOICE: What has been your experience
7 with the undue influence from university alumni
8 associations?

9 MR. PORTCH: I'm not sure that--I had not
10 seen much undue influence from alumni
11 associations, frankly, because it may well be
12 that they don't have as much influence to use.
13 And they are a supportive organization. And
14 clearly, they're donors within the alumni
15 association. But typically, alumni associations
16 don't have, for example, the power and authority
17 that say a Board of Trustees has. And so you
18 don't see as much--you certainly see examples
19 from individual major donors. That certainly
20 can happen.

21 FEMALE VOICE: In the schools that you've
22 worked with, are the alumni associations
23 involved in the appointing of trustees?

24 MR. PORTCH: Not very many. Some are. I
25 believe, for example, Penn State has a couple,

1 maybe more seats which come via the alumni
2 association. There are some institutions out
3 there that have. I--you know, I'd have to look
4 at it more closely. But the gubernatorial
5 appointment is still the most predominant model,
6 I would think.

7 FEMALE VOICE: Do you have an opinion--I
8 know about three or four schools that do have
9 that division of appointee. The gubernatorial
10 may have slightly more than an alumni
11 association. But there are several schools that
12 do use the alumni association to appoint. Can
13 you think of what the advantage would be to have
14 an alumni association involved in appointing
15 trustees?

16 MR. PORTCH: Well, I think as in any
17 appointment process or methodology, there are
18 going to be pros and cons. And regardless of
19 what approach you use, at the end of the day,
20 it's the quality of person who's appointed, not
21 the methodology of appointing.

22 I think certainly the pros would be that the
23 alumni association would certainly forward
24 somebody who was extremely knowledgeable and
25 deeply committed to the institution. And that

1 would be the sort of--typically, that would be
2 the sort of driving motivation for that person
3 to be on the board to give back to an
4 institution they care and love deeply.
5 The con on it, of course, is exactly the
6 same as the pro. Sometimes alumni care too
7 deeply and love their institution too deeply.
8 And the love the institution and care about the
9 institution that they went to. And it's no
10 longer that same institution.
11 So you know, if there were some balancing
12 that there were some appointees that way, I
13 know--the ones I know have the trustees from the
14 alumni association, I believe Penn State's is
15 elected by the alumni. They actually have an
16 election. People, you know, have bios and sent
17 out to all the alumni and people vote. You
18 know, I'm not, I'm not sure that's necessarily
19 the best way to get to the best alumni.
20 So I see an example of where alumni board
21 members are extremely good and effective and, as
22 I say, have a deep love and commitment. And
23 that's their motivation. And so it's usually
24 the purest of motivations. But I certainly have
25 also seen examples where alumni have tried to

1 dominate and try and keep the institution
2 unchanged from the institution they knew. So
3 you know, I think there are both pros and cons.

4 FEMALE VOICE: You mentioned earlier that
5 you thought the Board of Trustees should help to
6 set policy.

7 MR. PORTCH: Correct.

8 FEMALE VOICE: Right. Do you feel that the
9 Board of Trustees should be involved in helping
10 to set policy along with legislatures that have
11 any governing authority in that same
12 institution?

13 MR. PORTCH: Such as?

14 FEMALE VOICE: Well, typically--I guess the
15 first question should be--typically, are
16 legislatures involved in setting policy for the
17 university?

18 MR. PORTCH: Well, it varies by state. In
19 Georgia, definitely not because of the
20 constitutional separation. In Wisconsin,
21 definitely yes. And in Wisconsin, for example,
22 I spend a lot of my time in the legislature
23 trying to quite frankly prevent harmful policy
24 setting at the legislative level. I'll give you
25 one specific example, which I think's still in

1 play. The tourist industry had lobbied very
2 hard with the legislature that they did not want
3 classes to begin until after Labor Day because
4 they didn't want to lose their summer workers
5 over that busy weekend. We in the university
6 thought that was--academically put the first
7 semester in some serious jeopardy of being a
8 really good - - academic semester. But the
9 legislature passed that as a statute in
10 Wisconsin. And so they were setting, you know,
11 a policy about when the semester began, which to
12 me is--was inappropriate. In Georgia, that
13 could not happen because of the constitutional
14 separation.

15 So legislatures that have policy-making
16 authority frequently exercise it in the states
17 where that's the case. In the majority of
18 states, that is the case. And so you really
19 need to have a very good partnership with the
20 legislature and with the Governor, especially if
21 you might need a veto at a certain point, to
22 make sure that the policy setting coming out of
23 the legislature is at the appropriate level.

24 FEMALE VOICE: I'd like to take a moment to
25 go back to the issue of policy. In what areas

1 besides those that we mentioned is there the
2 potential for undue influence? So we're talking
3 about admission. We're talking about timeliness
4 of notification of admission decision. Housing
5 is another. Credits is another. Getting a
6 student into a specific class that may be shut
7 to other--

8 MR. PORTCH: [Interposing] Absolutely.

9 FEMALE VOICE: --other students. What are
10 some of the other areas that - - should
11 encompass when we discuss undue influence.

12 MR. PORTCH: Certainly all the business
13 operations of the university.

14 FEMALE VOICE: Contracting.

15 MR. PORTCH: Contracting, absolutely.

16 There's certainly--

17 MALE VOICE: [Interposing] What about--?

18 MR. PORTCH: There's certainly a lot of
19 examples of undue influence trying to be exerted
20 to [beeping] secure contracts.

21 FEMALE VOICE: And then I have a question
22 about enforcement. We've discussed briefly the
23 idea of creating an Inspector General for the
24 state educational institutions of higher
25 learning. What do you think about that idea?

1 MR. PORTCH: Well, there are states who have
2 done that. I'm not aware of any who've done it
3 exclusively for higher education. There may
4 well be. But certainly institutions have
5 increasingly done so following Sarbanes-Oxley.
6 And states certainly have done it and made it
7 available to education institutions.
8 I think one of the keys is however you
9 structure it is to--you know, how effectively is
10 it communicated? In Virginia Commonwealth, for
11 example, they in fact did have a whistleblower
12 policy and procedure at both the university and
13 the state level as I recall. But the
14 whistleblower for some other reasons chose to go
15 directly to the media, which kind of undercut
16 really the effectiveness of the whistleblower
17 process.
18 But I think post Sarbanes-Oxley, some sort
19 of ability to, for example, for a low-level
20 admission person to be able to reveal that they
21 believed they were under tremendous pressure to
22 do something that was unethical, some mechanism
23 needs to be in place. But I would suggest you
24 might want to research and see if any state has
25 one simply for higher ed alone or what other

1 states have--and universities--have perhaps done
2 around this area. But it is an increasing
3 practice.

4 FEMALE VOICE: Okay. So in addition to and
5 content of the policy and the mechanism for
6 enforcement, I believe this commission will also
7 be looking at the repercussions for violation of
8 that policy. What in your experience are the
9 repercussions for violating the policy on undue
10 influence?

11 MR. PORTCH: Well, first of all, you've got
12 to be sure that there's a clear policy.

13 FEMALE VOICE: Understood, understood.

14 MR. PORTCH: And in a lot of instances, you
15 know, there have not been as clear of policies
16 as you would want written clearly defined so
17 that you could actually say somebody has
18 violated a policy. I mean, if you had a clearly
19 defined policy and it was clear that that policy
20 had been deliberately violated and that there
21 was gain to--involved in that violation, either
22 institutional gain or personal gain, you know, I
23 think the examples that I have seen have led to
24 resignations and removals of people from
25 positions of authority.

1 FEMALE VOICE: Okay. And you discussed
2 exactly the situation we have here in Illinois,
3 where there was not a specific policy about
4 undue influence. And when a policy is missing,
5 what should be the repercussions of exercising
6 undue influence in specifically the admission
7 process?

8 MR. PORTCH: I think that's a much harder
9 one to answer because absent a policy, when does
10 a practice cross [beeping] a line that violates
11 basic ethical standards. And again, when I do
12 not know the specifics sufficiently of your
13 circumstances--I've only read some selected
14 press reports and so on. The thing that I guess
15 surprised me about what I read was the sheer
16 volume and the formalization of a system to
17 handle that volume. But if you took each of the
18 cases that I read individually and you said
19 maybe there's four or five like that a year, I
20 would not say that--you know, there are not many
21 universities which you're dealing with, you
22 know, handfuls of cases like that a year. They
23 probably are handling them either through a
24 formal protocol or informally at much lower
25 levels than what I saw here.

1 So again, I think you have a fairly complex
2 situation for your current circumstance because
3 of the absence of statute, absence of policy,
4 and how this evolved and the scale and intensity
5 of it.

6 FEMALE VOICE: And should there be
7 repercussions for those who were responsible for
8 creating a policy and did not do that?

9 MR. PORTCH: Well, again, to be honest with
10 you, I would say there are probably very--a
11 significant number of very good institutions
12 around the country who have no policy in this
13 area. And I was only contacted on Friday. So
14 I've not had a lot of time to look into this.
15 But I went and looked at some codes of conducts
16 and some ethical standards coming out of
17 national associations in higher ed. And it was
18 very interesting to me that financial--undue
19 influence for financial gain dominate most of
20 the current conflict-of-interest policies.
21 And so I think there's a--probably a gap in
22 higher education policy, a little more widely
23 than we would've--which I read a discussion
24 paper out of a national association, about ten
25 pages long, which actually didn't reference

1 admissions as one of the areas where there might
2 be a conflict of interest.

3 So I think this is a wake-up call to us in
4 higher ed. But increasingly, institutions are
5 developing conflict-of-interest and ethical
6 policies. And good boards are required to read
7 them and individual board members sign and
8 submit them on an annual basis, not just
9 financial disclosures, but ethical and conflict-
10 of-interest statements. But again, not--I don't
11 recall seeing one which was explicit about the
12 admission policy or practice.

13 FEMALE VOICE: How do you believe that a
14 trustee would view the difference between a
15 quote-unquote policy regarding this undue
16 influence versus a code of conduct and ethics
17 training?

18 MR. PORTCH: I think you need all of that.
19 I think if you have a policy which is very clear
20 that the board's role in admission is upon the
21 recommendation of the university to set
22 admission policy at the highest and broadest
23 level, basically the policy of, you know,
24 setting the admission standards, which obviously
25 they wouldn't do alone but would get

1 recommendations from the university to do, and
2 that explicit as part of that policy is that
3 they do not have a role in individual
4 admissions. That would be a very good place to
5 start. But I don't think--

6 FEMALE VOICE: [Interposing] I want to get
7 closer to the--looking at the importance of the
8 three. You've got those--say you're lacking in
9 the policy but the trustees have been given
10 ethics training and there is a code of conduct
11 given to each. Do you feel that because there
12 is no quote-unquote policy in existence, even
13 though they had ethical training and received
14 the code of conduct that because there's no
15 policy therefore there should be no
16 repercussion?

17 MR. PORTCH: Well, again, not talking to the
18 specific case, but in general, I think a board
19 member should realize that, that high levels of
20 contact regarding admissions and, and/or
21 business transactions and/or other things where
22 they're trying to influence something other than
23 policy is inappropriate. I mean, I think even
24 without training board members should be aware
25 that that's not why they were put on boards to

1 try and deal with individual instances and
2 cases. They're there to set policy. I mean,
3 even the most basic reading of any governance
4 journal would tell you that. It also--

5 [Crosstalk]

6 FEMALE VOICE: --on corporate boards, you
7 see that, that type of training. And you've
8 been involved in training--

9 MR. PORTCH: [Interposing] Right.

10 FEMALE VOICE: --board. But is that a
11 standard? Do you think that most university
12 boards go through this type of training?

13 MR. PORTCH: I think too few do. Increasing
14 numbers are going through it now. I think there
15 are two elements to this I would speak very
16 strongly to and I hope your recommendations
17 speak to. First of all is orientation of board
18 members. That's where you set the standard.
19 That's where you set the culture. Most
20 orientations around the country at boards is
21 totally inadequate for the responsibility. This
22 is a multimillion dollar board appointment. And
23 I'm a very, very strong believer that the sort
24 of one-shot one day where each Vice President or
25 Vice Chancellor comes in with a huge ring folder

1 and dumps it in front of you. And all you're
2 wanting to know is how do I not make a fool of
3 myself at my first meeting.

4 So I'm a tremendous advocate of a year-long
5 orientation. I call it just-in-time orientation
6 that you do what's essential and that you do
7 four to five sessions over a year. You do case
8 studies. You do things which prepare a board
9 member for the very things you know they're
10 going to face. Virtually all--a large number of
11 board orientations are wholly inadequate for the
12 level of responsibility.

13 Secondly, I would very strongly urge that
14 each board have an annual meeting retreat at
15 which board assessment, board development, and
16 board training is a critical part of it. Texas
17 I believe requires that at the state level of
18 all of its boards for higher education. They
19 come together for I believe a two-day training
20 session annually each year run by their higher
21 ed commission in Texas. I think it's absolutely
22 essential to ask people to serve on these boards
23 with the sort of fiduciary and personnel and
24 student life issues with the level of training
25 and so on that we provide is wholly inadequate.

1 FEMALE VOICE: I would like to point out--
2 I'd like to read two sentences if I may from the
3 ethics training that all state employees
4 receive, although it's not specific to higher
5 education. It says a conflict of interest
6 occurs when the interests of an appointee are
7 those when the appointee's friend, relative, or
8 business associate come into conflict with the
9 interests of the state. This might occur, for
10 example, when a decision or recommendation that
11 an appointee makes either affects or is affected
12 by his or her personal interests or those of a
13 family member, friend, or business associate.
14 So I assume that when we receive from the
15 lawyers their review of policy and procedure, I
16 would hope that that clause would be highlighted
17 in the analysis because I do think it is
18 applicable.

19 MR. PORTCH: Yeah, it's critical. And it's
20 clear. But I would also say it needs to be
21 reinforced with case studies, that board members
22 have the opportunity to sit around a table and
23 say what happens if this circumstance is--and I
24 think, Ted, I don't know if you've had a chance
25 to hand out the case studies that I used at the

1 other institutions.

2 FEMALE VOICE: They were very helpful.

3 MR. PORTCH: But that's the sort of thing--I
4 mean, it's one thing in ethical training to sit
5 there and be told and shown language--and I must
6 say that language is particularly clear. But
7 oftentimes, you know, it can get lost. And
8 people can't translate it to what does this
9 mean. So to reinforce it, it's absolutely
10 essential that they have it, that it's clear,
11 that it's legally sound. But then to reinforce
12 it with actual real, live case study training I
13 think's essential.

14 FEMALE VOICE: And, Dr. Portch, would you
15 recommend that each agency in the state have its
16 own code of conduct that's consistent, of
17 course, with the statewide code of conduct?

18 MR. PORTCH: Yeah, I think--you know, I
19 don't really think about universities as state
20 agencies. So that reinforces my answer that I
21 think it's essential that higher ed have its own
22 code of conduct and--but that is entirely
23 consistent with the state's. But the
24 circumstances and the type of things that people
25 are going to be dealing with need to be explicit

1 to higher education.

2 MALE VOICE: Dr. Portch, I do want to get
3 into the case study in some specific. Before we
4 do that, though, I wanted to sort of make clear
5 kind of what's at stake here. And we had I
6 think a nice impression yesterday over the
7 phone. I wanted to get back to that a little
8 bit, Dr. Portch. First of all, you have--is it
9 fair to say you have for a long time been an
10 admirer of the University of Illinois?

11 MR. PORTCH: Yeah, absolutely,
12 unquestionably. The Big 10 in general is a very
13 strong set of institutions. In higher
14 education, we have something that is produced we
15 all look at called the top American research
16 universities, which is a sort of annual
17 publication with nine measures of quality. I
18 looked at that last night. And in the first
19 grouping of the top research universities of the
20 country are seven institutions. Urbana-
21 Champagne is one of those. The others are
22 Berkeley, UCLA, Florida, Michigan, North
23 Carolina, and Wisconsin-Madison. Those are the
24 top seven public universities. Illinois in
25 particular is very, very strong in the quality

1 of its faculty. The two measures which look at
2 faculty quality have Illinois in the top ten in
3 both of those measures.

4 When I have visited, as I revealed to you--I
5 did some work there four or five years ago as
6 part of a team looking at responding to the
7 strategic plan--I was struck by the continued
8 quality of the place, the long-term commitment
9 the people of Illinois have made to that
10 institution. And in talking to the Provost at
11 the time about, you know, what had led to that,
12 it's really the ability to stockpile talent, to
13 attract very, very fine faculty to come frankly
14 to a place which is removed from a lot of the
15 urban settings and trappings that a lot of
16 people look to when they go looking for a job.
17 But they would go to Urbana-Champaign and to
18 University of Illinois because of its
19 reputation.

20 And that's why the work of this commission
21 in my mind is extremely important. We are a
22 reputation-driven business. And harm to
23 reputation is a serious matter and can have
24 repercussions in terms of attracting top faculty
25 and so on.

1 But I did want to say, as I said to you,
2 that, you know, this, this is hopefully an
3 aberration in the reputation of what is truly a
4 world-class university and will continue to be
5 so because of the quality of its faculty and
6 programs.

7 MALE VOICE: Let's start going down a little
8 bit more in terms of the trustee work that you
9 do, beginning with the most basic question.
10 What in your mind is the proper role of trustees
11 within an institution of higher education?

12 MR. PORTCH: Well, they have sort of two or
13 three absolutely crucial responsibilities. The
14 first is the selection, development, and if
15 necessary removal of the Chief Executive. The
16 second is to working with the university to
17 establish mission, vision, and strategic
18 direction for the university. And then I think
19 the third is to set broad-based policy across a
20 wide spectrum of areas, usually upon the
21 recommendation of the appropriate academic
22 leadership. But those are three sort of--of the
23 most important and broadest responsibilities.
24 And much of the work I do with boards is
25 trying to help them understand the distinction

1 of their roles and responsibilities versus the
2 roles and responsibilities of the university
3 leadership because that is where most often
4 confusion, conflict, and ambiguity arises.

5 MALE VOICE: And how would you describe that
6 line of demarcation between university
7 leadership and the board?

8 MR. PORTCH: Well, the university leadership
9 is supposed to execute the policies established
10 at the board level. And so in the instance
11 we're talking about here, the board ought to be
12 setting broad admission policy. And by that, I
13 would mean, you know, in University of Illinois,
14 you have three campuses. What are the admission
15 criteria for each of those three campuses? What
16 is the SAT range or ACT range which you're
17 seeking to have? What are you seeking to have
18 in sort of rank--high school class rank? What
19 is the sort of composition of the class that you
20 seek to have in each of those three
21 institutions? That's broad university policy.
22 The individual application of that policy
23 ought to be exercised by the leadership and the
24 management of the university. And that will be
25 true in virtually every area we talk about,

1 financial, academic, and student life issues.

2 FEMALE VOICE: What was the language that
3 you used, the board should use--the board should
4 be stating the broad policy. And the leadership
5 should be stating what type of policy?

6 MR. PORTCH: The leadership should be
7 involved in the implementation and execution of
8 that policy and reporting back to the board on
9 their implementation and being accountable to
10 the board for successful implementation.

11 So let me give another example. Say that
12 retention and graduation rates are not at the
13 level that one wants for the institution. I
14 think the board policy would be that we wish to
15 improve the six-year graduation rate. And the
16 administration might recommend what an
17 appropriate six-year graduation rate ought to be
18 for each of the three campuses and ought to
19 recommend to the board some policies that would
20 help improve retention. And then they should be
21 left to go and execute increasing retention
22 rates according to the best practices at each of
23 the three quite distinctive institutions that
24 you have. And the administration should then
25 report back to the board perhaps on an annual

1 basis on the progress made and the successes and
2 failures of trying to improve the six-year
3 graduation rate.

4 That would be an example of the sort of
5 classic separation of a broad policy being set
6 by the board, implementation, and details of
7 implementation being executed by the leadership
8 and then accountability back to the board in
9 terms of results.

10 FEMALE VOICE: And that shows a really
11 strong partnership with the board being informed
12 by the day-to-day experience of the leadership.

13 MR. PORTCH: Correct.

14 FEMALE VOICE: And the faculty.

15 MALE VOICE: Dr. Portch, let's now talk
16 about the case study that I provided the
17 commissioners with. - - on case study number
18 one, which is in four subparts.

19 MR. PORTCH: There's probably not a public
20 board out there today who does not have to deal
21 with this issue. And so getting prepared to
22 deal with it is the best favor that you can do
23 any board because--and especially a new board
24 member who's fresh into this, excited about
25 getting on a board, but not really knowing what

1 they're doing. They are going to get a call.

2 So it's good to get it sorted out.

3 MALE VOICE: And, Dr. Portch, could you

4 explain to the members of the commission what

5 you learned and what the trustees in this

6 instance learned as you took them through this

7 case study?

8 MR. PORTCH: Well, I think one of the

9 interesting things they learned when we went

10 through the case study was the fairly wide range

11 of their own current behaviors with regard to

12 this example. And so it was an opportunity.

13 And there were some brand new board members. So

14 it was particularly instructive. But there was

15 an opportunity to work through and establish a

16 better consensus of what the board culture and

17 approach would be to this, rather than having a

18 rather wide range of individual reactions to

19 such queries. And so I--that was the first

20 value right there that they sat in a room, all

21 of them together, and said how they, they had

22 been up to this point handling these situations.

23 MALE VOICE: And out of that session, did

24 there arise any kind of shared understanding

25 about the best way to go about deal with--?

1 MR. PORTCH: [Interposing] Yeah, I think
2 with, you know, some range to allow for
3 individual differences, yeah, I think they did
4 come out with a, with a shared understanding.

5 MALE VOICE: And you know, doctor, we've now
6 talked about the case study. We've talked about
7 your philosophy on aggressive training and
8 continued training and the necessity of having a
9 clear policy. For the benefit of the
10 commissioners, are there any other suggestions
11 or forms that you think this commission ought to
12 consider - - for with its system?

13 MR. PORTCH: Well, the ones you've talked
14 about I think are very sound, you know, the
15 Inspector General, the training, the
16 orientation. And those are two distinctive
17 things. I think at the end of the day--a couple
18 of cautions I guess I would add if I might--one
19 is, you know, in circumstances like this and
20 especially when you need an aggressive response,
21 it's important to be aware that some things
22 which may make--appear to make sense may have
23 some unintended consequences.
24 And one of the areas which I think you ought
25 to perhaps be cautious over changing without

1 going through perhaps another process is any
2 change in sort of governance in terms of
3 composition of boards and how they're
4 constituted and so on. That's pretty
5 complicated. There are pros and cons for
6 virtually every approach. And states, cultures,
7 and so on make a difference.

8 So you know, at the end of the day, I've
9 studied governance in every state. And it
10 varies extremely widely. At the end of the day,
11 what matters most about the quality of an
12 institution and the quality of its board and the
13 quality of the institution is leadership,
14 vision, and, you know, persistent and consistent
15 commitment to a set of values. You have--and
16 that can exist under virtually any structure.

17 But I do think also, you know, having protocols
18 which are well identified, clearly articulated
19 and quite transparent for how you handle cases
20 of inquiries would certainly be beneficial.

21 MARYBETH: Dr. Portch, this is Marybeth
22 [phonetic]. And I'd like to just add to the
23 list of bullets that we started hiring. We
24 didn't mention hiring in that list. We heard
25 from a trustee, Trustee Frances Carroll, who

1 talked about the context she had with students
2 in the community, high school students in the
3 community, most of them being underprivileged.
4 So she made it her business to get that
5 information and to get their information to the
6 admissions department. And that seems to be a
7 lot different than the situations in which it
8 was--the student was crowded in at the behest of
9 a legislator or was a student that had, you
10 know, unremarkable background, et cetera.

11 MR. PORTCH: Right.

12 FEMALE VOICE: Do you distinguish between
13 those two? And should a policy distinguish
14 between those two? One is networking and
15 recruitment. And the other seems to be
16 favorable treatment for students who have not
17 done anything on their own to merit the special
18 attention other than to be connected with
19 someone.

20 MR. PORTCH: However well intentioned it
21 might be, I don't think the recruitment of
22 individual students, whatever their
23 circumstances, is a board role. Here's a great
24 example I think for a distinction against--
25 between the roles and responsibilities. If

1 there's a board member who feels that they're
2 underprivileged students who are not receiving
3 enough attention from the university, that ought
4 to be addressed at the policy level. That ought
5 to be brought to the board and the
6 administration be asked to develop practices and
7 procedures to do a better job of recruiting
8 underprivileged students. Set that as a policy.
9 Have goals, measurable goals, and hold the
10 administration accountable for strengthening the
11 recruitment of other underprivileged students.
12 But I do not thing, whatever the reason, well
13 meaning or not, individual board members ought
14 to be advocating for individual students
15 regardless of the circumstances.

16 FEMALE VOICE: Thank you. That's very
17 helpful.

18 MALE VOICE: - - .

19 MR. MIKVA: Thank you very, very much, Mr.
20 Portch for your participation and help. We
21 appreciate it. Your suggestions will be taken
22 at heart here. We're looking for - - very much
23 appreciate your helping us to do this. Thank
24 you, sir.

25 MR. PORTCH: Thank you, sir, and appreciate

1 the work you're doing on behalf of the
2 university.

3 MR. MIKVA: Next, I think we'll be hearing
4 from Joyce Smith.

5 [Beeping]

6 MALE VOICE: Yes, judge. Ms. Smith, are you
7 on the phone?

8 MS. JOYCE SMITH: Yes, I am.

9 MR. MIKVA: Good. [Pause] Ms. Smith,
10 welcome to the commission meeting. We
11 appreciate very much your willingness to take
12 the time and offer the kind of help and
13 guidance. Your association sounds like it is
14 right in the heart of what we're trying to find;
15 that is for appropriate procedures for
16 university admissions practices to avoid undue
17 influence. And so we look forward to your
18 testimony. With your permission, I'll ask Mr.
19 Chung to initiate it. I'm sure the
20 commissioners will intervene when they have
21 questions.

22 MR. CHUNG: Thank you, judge. Ms. Smith,
23 please state your full name.

24 MS. SMITH: My full name is Joyce Elaine
25 Smith.

1 MR. CHUNG: And, Ms. Smith, where are you
2 today? Are you in BP?

3 MS. SMITH: My office is based in Arlington,
4 Virginia.

5 MR. CHUNG: And for whom do you work?

6 MS. SMITH: For the National Association for
7 College Admission Counseling, a nonprofit
8 membership association.

9 MR. CHUNG: So how long have you--and does
10 that association go by the acronym NACAC?

11 MS. SMITH: Yes.

12 MR. CHUNG: And for how long have you been
13 with NACAC?

14 MS. SMITH: I started my tenure with NACAC
15 as Assistant Executive Director in 1991 and have
16 served as Executive Director for the past 10 or
17 12 years.

18 MR. CHUNG: And if you could try to keep
19 your voice up so people can hear you, you're on
20 a conference call here.

21 MS. SMITH: Sure.

22 MR. CHUNG: So you've been with NACAC since
23 1991. Prior to joining the organization, did
24 you have experience in university admissions?

25 MS. SMITH: Absolutely. In fact, starting

1 in 1976 at Kansas State University, I worked
2 there as an Assistant Director. And that's
3 where I started in admissions. I've worked at
4 Amherst College, which is the total opposite of
5 Kansas State in terms of the admissions process.
6 I worked for seven years with the college board
7 in their headquarter office in New York City
8 involved in the admissions testing program, test
9 development programs, products, and services
10 around college transition. Then I worked for
11 the City University of New York at Queens
12 College and from there to NACAC.

13 MR. CHUNG: Talk a little bit more about
14 NACAC. What is its membership?

15 MS. SMITH: We have a membership which is
16 institutionally and individually based with over
17 11,000 members. We have representation from all
18 accredited four-year, postsecondary
19 institutions. And on the secondary school
20 level, we have within our membership
21 institutions sending 50% or more of their
22 students onto college.

23 MR. CHUNG: And what is its mission?

24 MS. SMITH: Our mission is to serve the
25 professions who serve students seeking

1 postsecondary options. And so we're focused on
2 helping those who help students and families
3 make decisions about high school, college,
4 military, so forth.

5 MALE VOICE: What kind of individuals take
6 membership in [background noise]?

7 MS. SMITH: Well, because it's--it can be
8 institutionally and individually based--

9 MALE VOICE: [Interposing] Right.

10 MS. SMITH: --we have, for example, folks
11 from the University of Illinois who have been
12 longstanding members the institution has. And
13 as the individuals working within admissions
14 transition in and out, they will maintain their
15 membership.

16 MALE VOICE: So it'll be the admissions
17 officers of the various universities.

18 MS. SMITH: We have admissions and financial
19 aid officers included in our membership on the
20 postsecondary side. And on the high school
21 side, it's primarily high school counselors.
22 And outside of the institutions, we have a group
23 called independent counselors, many of whom were
24 former admissions or high school counselors
25 decided to work independently helping families.

1 MALE VOICE: Ms. Smith, with respect to the
2 University of Illinois, is it fair to say you
3 have individual employees who are members of
4 your association as well as the institution as a
5 whole?

6 MS. SMITH: Yes.

7 [Crosstalk]

8 MALE VOICE: Let's talk generally about
9 admissions offices and higher education. Is
10 there a general organizational structure within
11 which admissions officers generally fit?

12 [END admissions-review-071309 Part 1 of 3]

13 [START admissions-review-071309 Part 2 of 3]

14 MS. SMITH: Well, on the issue of structure-
15 -and you'll hear terms relating to enrollment
16 management, admission, recruitment, or outreach.
17 There are various models around the country
18 where institutions have structured themselves to
19 reflect the best way that they want to conduct
20 their business.

21 I noticed they're--one of the officers who
22 spoke at a hearing has enrollment management in
23 his title. That might suggest that they are
24 structured having recruitment, admission,
25 registrar, orientation, financial aid. All of

1 those student services functions may report to
2 one position. And that position may then report
3 to a Provost in Academic Affairs or a Vice
4 President in Student Affairs. It just depends
5 on the model that the institution finds works
6 best for them.

7 MALE VOICE: And in Illinois, the Director
8 of Admissions reports to the person you were
9 just referring to. And that is Keith Marshall
10 is Provost--

11 MS. SMITH: [Interposing] Right.

12 MALE VOICE: --for enrollment management.

13 MS. SMITH: Right.

14 MALE VOICE: He then reports up to the
15 Provost. Is that model then something that's
16 relatively common in your experience?

17 MS. SMITH: Yes, it is with the exception at
18 some smaller institutions. For example, when I
19 was at Queens College, I was a part of the
20 President's cabinet because admission [beeping],
21 the status of students was critical to the
22 success of the institution. And the President
23 wanted to hear the status of what was going on
24 in the landscape of education as well as trends
25 having to do with the institution. So often at

1 smaller, primarily private perhaps,
2 institutions, the admission position may be a
3 part of the President's cabinet.

4 MALE VOICE: And, Ms. Smith, do you see
5 substantial variation among universities when it
6 comes to the various requirements of, for
7 instance, submitting an application and
8 admissions criteria, such as the reliance on GPA
9 and test scores?

10 MS. SMITH: Well, our association has for
11 the past 20 years conducted trends reports on
12 the factors colleges use in making some
13 determination of admission. And interestingly
14 enough, the top two or three haven't changed.
15 It's grades in college prep courses, strength of
16 the curriculum, admission test scores, ACT, SAT,
17 grades in all courses, all courses, and most
18 recently in the last five or ten years writing
19 samples or an essay, then class rank and then
20 student's demonstrated interest in the
21 institution, extracurricular activities, and so
22 forth. But those top variables have changed
23 from the one--the first, second, or third slot.
24 But they've always been within the top five.
25 And it's really up to the institutions to set

1 those parameters.

2 I heard Dr. Portch speak a few moments ago.

3 And he was saying that the board should set

4 admission policy. I hope that would be informed

5 by validity studies from the institutional

6 researchers, where they might look at

7 quantitative and qualitative [beeping] measures

8 of success for students. You know, you can name

9 a SAT or ACT score out of the blue or you want a

10 4.0. But when you look specifically at your

11 campus and the type of students you attract,

12 those admitted, those who persist, those who

13 drop out, all of those things should inform the

14 institution's policy for criteria.

15 MALE VOICE: Do you set out a best-practices

16 procedure for your member schools?

17 MS. SMITH: Best practices on a number of

18 different levels--we do have a document called

19 Statement of Principles of Good Practice. And

20 this is something that every NACAC member signs

21 off on when they join as members. And we

22 revisit this document annually because, needless

23 to say, there are a lot of things happening in

24 the college transition process that we could not

25 have anticipated when this document was first

1 started in 1937 when a handful of Midwestern
2 institutions got together to create a code of
3 ethics. So there's something that does govern
4 how our members, high school and college, treat
5 students, how they work with one another, and
6 how they represent the college transition
7 process to families and students.

8 MALE VOICE: Mr. Chung, do we have a copy of
9 that?

10 MR. CHUNG: Yes, judge. It should--I think
11 the first two pages of that should be attached
12 to the materials for Ms. Smith. And, Ms. Smith,
13 that's also referred to in short hand as a code
14 of conduct?

15 MS. SMITH: Yes.

16 MR. CHUNG: Okay. And the two of us, Ms.
17 Smith, we walked through that yesterday. And
18 there didn't appear to be anything related to
19 what Dr. Portch described as undue influence
20 dealt with in the code of conduct.

21 MS. SMITH: No, but as we talked about, I
22 think that when our association added core
23 values and member convention statements to this
24 document, about two or three years ago, after we
25 did a comprehensive review, most of the

1 statements that you don't have are--they're
2 mandatory statements about how we will work with
3 one another and interpretations of those
4 mandatory statements. So if someone wants to
5 file a complaint about something a college may
6 have done, we actually monitor the behavior of
7 our members. And we'll follow up on a
8 complaint.

9 The statement of core values,
10 professionalism, collaboration, trust, fairness
11 and equity, social responsibility, those are all
12 things assumed that we as educators have
13 assumed. And we realized we needed to put them
14 in a very visible part of this document and not
15 assume that people will know what we mean by
16 values, respecting student rights, those kinds
17 of things as a part of the college transition
18 process.

19 FEMALE VOICE: Ms. Smith, have you received
20 any complaints regarding the University of
21 Illinois?

22 MS. SMITH: Normally, I would say about the
23 specific situation no. But what we do try to
24 honor as a part of the process is a bit of
25 confidentiality while we follow through on

1 complaints. And it can be everything from my
2 child wasn't admitted to something that--you
3 know, if students were admitted and then
4 rejected. Those are the kinds of complaints
5 that we follow up with on with the admission
6 office and then bring the President. So I--
7 there's no complaint against the University of
8 Illinois. But normally, that would not be
9 something that I would disclose until we follow
10 through and would not name the institution but
11 would say this is the type of violation.

12 Most of them aren't legal violations.

13 They're violations of professional conduct or
14 the institution's policies.

15 FEMALE VOICE: I hope that this wasn't
16 covered. In the recent years when ethical
17 issues have begun to arise, could you give us an
18 approximate? Would you say that it's in the
19 last five years or the last three years that
20 you've noticed any--an increase in the
21 influences by marketplace forces that raise
22 issues regarding ethical questions?

23 MS. SMITH: The thing that I've learned--and
24 I told Ted that--I've been involved with our
25 Admissions Practices Committee since I started

1 with NACAC 19 or 20 years ago. And so the kinds
2 of things over time that have changed,
3 particularly in recent years I think are
4 reflective of the greater pressures being
5 applied, both to students, counselors, and
6 institutions. We're now in a position where
7 there are--we've peaked at the numbers of
8 students who are in the pipeline seeking
9 postsecondary opportunity, hopefully graduating
10 from college and seeking postsecondary
11 opportunity. And as such, colleges have indeed
12 in the last 10 or 15 years become more
13 competitive.
14 They're introducing different kinds of
15 models and marketing. They've raised their
16 standards so it is tougher for some students to
17 get in. I wanted to say that when I started in
18 admissions in 1976, admission to Kansas State
19 was you graduated from a high school, period.
20 And it wasn't about all of the other kinds of
21 trappings that we're involved in now.
22 Now many flagship institutions have had to
23 raise their admission criteria. That is not a
24 violation of ethics. That's often what people
25 complain about. But many of our institutions

1 just cannot handle the sheer numbers of
2 applicants.

3 I read where the University of Illinois had
4 26,000 applications. That is in no small
5 measure an easy process to manage. So in answer
6 to your question, we've been trying to make the
7 distinction between ethical violations and
8 professional practice. Most of the recent cases
9 are about violations of what we refer to as May
10 1, the national candidates' reply date. More
11 and more colleges are pushing students to commit
12 to their institutions earlier, whereas we have
13 language that suggests that students should be
14 allowed until May 1 to receive all of their
15 offers of admission and make informed decisions
16 about ultimately where they'd like to attend.
17 So most of the cases I've seen in the last
18 ten years in particular are the pressures
19 colleges are applying to students to make
20 commitments earlier.

21 FEMALE VOICE: In the Statement of
22 Principles of Good Practice that--

23 MS. SMITH: [Interposing] Yeah.

24 FEMALE VOICE: --that you submitted for that
25 was approved in 2008--

1 MS. SMITH: Yes.

2 FEMALE VOICE: --there's a sentence in the
3 introduction that says, in more recent years,
4 however, the application process has become
5 increasingly influenced by marketplace forces
6 that raise new and complex ethical questions.
7 Specifically, what type of--well, specifically,
8 what ethical questions have been raised?

9 MS. SMITH: The--I read it in some of--an
10 example would be some of the types of comments
11 that have been made about this case with
12 undergrad and grad admissions. Are colleges
13 applying stronger standards to improve their
14 rankings? Okay? Or some of the kinds of
15 pressures applied to school counselors to have
16 them give colleges the names of their best or
17 brightest students so they can sort of take the
18 cream-of-the-crop kids and not have to deal with
19 all the other kids.
20 The way colleges are marketing themselves--
21 you know, at no point five or ten years ago
22 would we have expected colleges to be on YouTube
23 or Facebook or my place or your place or any of
24 those kinds of things that now exist. And so a
25 part of what we were trying to recognize in an

1 introductory statement is there's no way that we
2 can anticipate what's coming down the pipeline.
3 That never would've been a part of the landscape
4 in college admission. Never would I have
5 imagined we would be using YouTube to recruit
6 students or checking students' Facebook accounts
7 to see if they have some inappropriate pictures.
8 These are all the kinds of things that are
9 coming up in the marketplace that we couldn't
10 have imagined even five years ago. But we were
11 trying to acknowledge that things continue to
12 change.

13 And what used to be perhaps viewed as
14 crossing the line in terms of appropriateness,
15 all of those things have been crossed. And
16 we're--I think it has given the wrong impression
17 to students and families about the whole
18 educational process involved in college
19 admission.

20 FEMALE VOICE: Well, what, what do you at
21 NACAC do or recommend for--to eliminate
22 situations where programs like category I's get
23 instituted or other groups of trustees feel the
24 necessity to begin to circumvent the system in
25 order to identify and promote underprivileged

1 students to avoid, to avoid this whole issue of
2 schools looking at putting together systems that
3 help them with their ratings? What do you
4 recommend?

5 MS. SMITH: Well, I, I heard Dr. Portch
6 speak to this briefly when I joined the call a
7 little early. All of this is about power and
8 power relationships. And I so respect what he
9 said about governing boards governing
10 themselves. And I think that has to be the
11 start, that the leadership of institutions,
12 admissions people--and I would speak
13 specifically to what I'm aware of, the people
14 who are in admissions in Illinois--they're doing
15 their job. They visit high schools. They read
16 folders. They're dedicated, trying to do the
17 right thing on the part of students.
18 But when those in power, be it a President,
19 a Chancellor, a Trustee, or someone in an
20 elected position, applies direct power related
21 to specific students, that's so inappropriate,
22 very inappropriate. And I, like everyone else
23 who's commented, have been aware all my working
24 career that outside people, whether it's alums,
25 donors, the rich and famous, or those who might

1 be in positions of power, might act on behalf of
2 an individual student. That's not news. I
3 think what's been said is the magnitude of what
4 we've observed here. We're a special category.
5 And an admissions person and a government
6 relations office was involved. That just feels
7 so inappropriate that I was stunned that this
8 didn't register on the radar for anyone to say
9 this is not appropriate. It's intrusive.
10 I mentioned to Ted that I was also very
11 concerned about the level of confidentiality of
12 student records. The integrity was violated.
13 Even if you take out a student's name, you can't
14 tell me that the students at those high schools
15 don't know who they were talking about when you
16 say the swimmer, the this, the that. And so in
17 many ways, I felt that the whole interest of
18 students--it wasn't the students making the
19 calls. It was parents and perhaps some other
20 people. But in doing so, we stepped over a line
21 in terms of violating student rights to privacy
22 and confidentiality.
23 But all in all, most admissions people don't
24 sit and talk about these category I or category
25 one kinds of things. The magnitude at the

1 University of Illinois is what shocked me.

2 [Crosstalk]

3 MS. SMITH: Go ahead. I'm sorry.

4 FEMALE VOICE: You might've heard us discuss
5 a little bit about the need for ethics training.

6 MS. SMITH: Yes.

7 FEMALE VOICE: --trustees. Do you find or
8 have you found in your work with the
9 universities that you've worked with as Director
10 of Admissions for undergraduate and graduate
11 admissions any need for the admissions
12 department faculty to undergo ethics training?
13 I understand that this is a group that
14 traditionally is doing their job. And when
15 they're placed in a position to do something,
16 it's--unethical--it is because they're directed
17 to do so. Do you think it would be advantageous
18 to have them undergo ethical training as well so
19 that--?

20 MS. SMITH: [Interposing] Well--

21 FEMALE VOICE: I'm sorry?

22 MS. SMITH: In both the secondary and the
23 postsecondary side, and speaking on behalf of my
24 members, they feel under siege by their
25 supervisors. If a President says take--if a

1 President says raise the caliber and quality, if
2 a headmaster says we need stronger students, the
3 admissions office has to honor what their
4 supervisors say. So my folks have the training.
5 They know about our code of ethics. And often
6 when, when I mentioned to you that we monitor
7 the mandatory statements included in the
8 Statement of Principles of Good Practice, all I
9 get back from the Dean or Director or the Vice
10 President for enrollment management is you're
11 squeezing me. I'm being pushed by my President,
12 by my board to do X, Y, and Z. And then you're
13 sort of pushing me in harm's way if you try to
14 expose that we're doing something that's
15 unprofessional, unethical, or inappropriate in
16 the eyes of the profession.
17 They feel under siege by the added pressure
18 to raise the rank, raise the caliber of students
19 to get only the cream of the crop. So that's
20 what the pushback that I get from my members.
21 They know professionally what smells right, what
22 feels right, or what the high school counselors
23 perceive as inappropriate.
24 So we have training. We have opportunities
25 for them to go through training at both our

1 affiliate level as well as the national level.
2 It's the people they report to who usually get
3 short shrift and have been quoted as saying
4 what's this organization telling me what I can
5 do on my campus. So that's where the
6 professional standards and ethical training
7 should hopefully be a part of some of the
8 leadership and governing board training.

9 FEMALE VOICE: And of course, we all know
10 that when we talk about the cream of the crop,
11 we're talking about as measured by test scores
12 and ACT.

13 MS. SMITH: Yes.

14 FEMALE VOICE: I'm not talking about things
15 such as emotional intelligence and persistence
16 and--

17 MS. SMITH: [Interposing] Right.

18 FEMALE VOICE: --a sense of ethics. You did
19 raise one interesting question. And I just want
20 to address it momentarily. And that was on
21 Facebook. Are you seeing trends in admissions
22 policy that incorporate students' Facebook
23 entries in the analysis of whether to enter them
24 into--admit them into colleges?

25 MS. SMITH: Well, in fact, this spring, we

1 had commissioned a study done independently from
2 our association to find out how prominent the
3 use of social media is affecting the admissions
4 process. It's on our website. It's called
5 Reaching the Wired Generation, How Social Media
6 is Changing College Admission. And it was
7 conducted by Nora Barnes, Ph.D. at the
8 University of Massachusetts at Dartmouth,
9 because we've also heard more and more colleges
10 are looking at this and using this as a part of
11 the admission process. And in all candor, if
12 you are the University of Illinois with 26,000
13 applications or Stanford or Harvard or anybody
14 else, you don't have the time to quite frankly
15 peruse some of these websites to find out about
16 individual students.
17 Many are familiar with it. And I would
18 presume that from the study that we conducted--I
19 just grabbed a copy of the report--more and more
20 admissions people are aware of it. But I think
21 it comes into play perhaps when you're looking
22 quote at some of the top students or the award
23 recipient. Scholarships are something that
24 colleges don't want to have the embarrassment of
25 admitting or awarding scholarships to students

1 who may have some detrimental kinds of
2 representation through social media. But none
3 of them have the time to use this as a critical
4 part of the admissions process. They don't have
5 the staff. And they don't have the time. But
6 they might selectively look at some student
7 records. If there's some sort of a flag in an
8 essay or something that someone might right
9 about them that they might just Google and see
10 what pops up.

11 MALE VOICE: Ms. Smith, let me just go
12 quickly back to the Statement of Principles of
13 Good Practice. There's a listing on the second
14 page of the document that I provided to the
15 commission of the various core values. And I
16 will just quickly run through them--
17 professionalism, collaboration, trust,
18 education, fairness and equity, and finally,
19 personal responsibility. And focusing in on
20 fairness and equity, the particular core value
21 there states we believe our members have a
22 responsibility to treat one another and students
23 in a fundamentally fair and equitable manner.
24 First of all, with respect to the core
25 values, is it fair to say that when a member

1 organization signs up and then continues to
2 maintain its membership in NACAC that it is
3 agreeing to abide by these core values?

4 MS. SMITH: Yes.

5 MALE VOICE: Okay. And with respect to the
6 member conventions that are laid out below,
7 there's eight--there are nine enumerated member
8 conventions that in some respect track the core
9 values. Do you have the document in front of
10 you?

11 MS. SMITH: Yes, I do.

12 MALE VOICE: Okay. One of which states
13 members will make protecting the best interests
14 of all students a primary concern in the
15 admissions process. As I looked through this
16 document and read the fairness and equity core
17 value and then the particular member convention
18 that I just related, it occurred to me that the
19 focus of your organization is really protecting
20 the best interests of the student. Is that a
21 fair generalization?

22 MS. SMITH: Correct.

23 MALE VOICE: Okay. Could you elaborate for
24 the members of the commission what that really
25 involves when it comes to looking at admissions

1 processes and systems across the country?

2 MS. SMITH: Sure. The follow-up pages of

3 this document outline, as I mentioned, mandatory

4 statements. It can be something such as members

5 agree that they will not publicly announce the

6 amount of need-based aid awarded to any student

7 without his or her permission, that you'll not

8 make disparaging comparisons of secondary or

9 postsecondary institutions, that you accurately

10 represent and promote your school institution,

11 blah, blah, blah. These are some of the kinds

12 of mandatory statements that are used as the way

13 to frame complaints that if someone--and this

14 did occur several years ago in another state--

15 that the public and private schools were having

16 a public battle, where the private schools were

17 presenting the public institutions as these huge

18 impersonal kinds of places on their website.

19 And just they basically were making negative

20 comparisons of public institutions as compared

21 to private.

22 We got involved. We wrote to the

23 organizations and institutions and said please

24 don't confuse families. There are pros and cons

25 to both sides. That's how we intervene or get

1 involved.

2 If in the case of individual students or
3 families--and this has happened also, where a
4 college may have mailed rejection letters to
5 some portion of their class that they should've
6 admitted and they have to pull it back and
7 apologize. And we might get complaints from
8 families or counselors when something like that
9 takes place.

10 But our entire document includes, as I
11 mentioned, mandatory practices outlined and then
12 explained through a section called
13 Interpretations of the Mandatory Statements.
14 And then we have a whole list of best practices.
15 These are preferred or requested behaviors that
16 we do not monitor but give examples of how we
17 should work with one another, how we should
18 treat students and families and so forth.

19 And I would just make the point--and Ted and
20 I talked about this, this weekend--the notion of
21 the protection of students or trying have your--
22 our primary concern be that of the best
23 interests of students, a lot of our member
24 institutions don't agree because they speak to
25 the level of autonomy that they need to conduct

1 their type of admission operation, often under
2 the pressures of get a quality class, get a
3 stronger class, get the right size class. And
4 often they've shared that it's hard to keep the
5 best interests of the student in mind when
6 you're trying to do your job. And that is bring
7 in a good class of students.

8 MALE VOICE: And, Ms. Smith, let me just
9 focus on one more member convention. It's
10 number five. Members will be ethical and
11 respectful in their counseling, recruiting, and
12 enrollment practices.

13 MS. SMITH: Mm-hmm.

14 MALE VOICE: If you look at that and you
15 also go back to the fairness and equity core
16 value, I guess the question I would have for you
17 would be--based on what you know of what has
18 occurred here in Illinois, do you have an
19 opinion as to whether - - admissions practice is
20 consistent with the core values and member
21 conventions of your organization?

22 MS. SMITH: I would say that it is not. And
23 I'll tell you why. What struck me about all of
24 this argument--and in fact this is what is in
25 the media from September to June every year--is

1 the whole focus on getting in, not about being
2 successful, not about being happy with a good
3 match, but getting in. And I think the notion
4 of what's in the best interests of the student,
5 perhaps the families felt that it was important
6 for their child to be at the University of
7 Illinois, period. Maybe it was just a quote
8 safe school for some of them in terms of I want
9 that in my pocket while I go after something
10 else. But the whole notion of getting in at any
11 cost is a part of what struck me about the whole
12 process, not about whether the student could do
13 the work. And I think most of the admissions
14 people--and again, my--we call it SPGP or this
15 code of ethics or the statements pertain to the
16 members who work with students and families.
17 The folks in the admission office at the
18 University of Illinois know this. And after
19 listening from the testimony from the folks--
20 particularly the emotional testimony of the
21 Director, she knows professionally what she's
22 there to do. And that's a part of her training.
23 And they work hard at it. When you have to
24 respect your relationship with high school, when
25 you're working with peer institutions and

1 competing for some of the same students, you are
2 sort of honor bound in the way that you conduct
3 your business that reflects some integrity and
4 hopefully the public trust. And those are some
5 of the things that I think Phil violated in
6 what's come to the forefront with the University
7 of Illinois case.

8 MALE VOICE: And, Ms. Smith, you talked
9 about the Admissions Director, her testimony.
10 Let me just put it to your right. Based on your
11 experience, do you think that admissions
12 offices, admissions directors are in a position
13 to pushback against authority with respect to
14 individual applications?

15 MS. SMITH: I must admit in reading through
16 how so much of this unfolded in emails and so
17 forth, I found that the Vice Provost and the
18 Director and others who were quoted would say
19 this student is not qualified or this student
20 would have a tough time. And I felt that they
21 were informing the leaders or the powers that be
22 that this is not a good decision or match. And
23 it's my--would be my experience to say that you
24 either deal with so much of this for so long and
25 if there's pushback you make a personal decision

1 to leave. Or as they did here, where a whole
2 category was set up and managed based on the
3 recommendations or advice or counsel from the
4 leadership of the institution or the system, I
5 felt that they were carrying out in a structured
6 way what they were being asked to do. And those
7 who chose not to honor this would pushback in a
8 respectful way. But if that's what you're--you
9 have to deal with, you deal with it or you
10 leave.

11 And I gather the person who testified who
12 was managing this category left the institution
13 last fall I believe?

14 MALE VOICE: Mr. Montoya [phonetic] - - that
15 he was an admissions officer who was involved in
16 the category I process. He voluntarily left the
17 university as I understand it for personal
18 reasons related to his family and to leave and
19 come to Chicago.

20 One final set of questions, Ms. Smith--I've
21 also provided for the members of the commission
22 that the City University of New York conflict of
23 interest policy--

24 MS. SMITH: Mm-hmm.

25 MALE VOICE: --which we talked about

1 yesterday. And rather than go through any of
2 the language because it does deal with ethics at
3 a higher level without specifically addressing
4 undue influence in admission, I did find
5 interesting what you described as the effect of
6 this policy on the conduct of your colleague who
7 is subject to the policy. Could you for the
8 benefit of the commissioners describe that?

9 MS. SMITH: Yes, I have one of the--the
10 Director of the Central Admission Processing--
11 City University of New York processes
12 applications for all 20 of its campuses. And
13 there's a Central Office for Admission. And
14 that person serves on my Board of Directors.
15 And his leadership signed off on him being a
16 part of our Board of Directors. But anything
17 that this gentlemen does--we pay for his travel
18 to attend our conferences and meetings. I can't
19 give him a thank you gift or anything, a book.
20 Anything that seems inappropriate in terms of
21 influencing him in any way I cannot do. And
22 this man is a volunteer member of my board. Or
23 we have to sign off on a number of things
24 periodically. So to the letter of the law, he
25 is--and most of this I believe had its genesis

1 in financial kinds of reimbursements. And I
2 heard Dr. Portch say that often a lot of these
3 conflict of interest statements don't drill down
4 to some of the admissions issues that have come
5 up. But a lot of this was based on financial--
6 maintaining integrity in the process, not being
7 influenced in any way as a City University New
8 York employee.

9 So it has been an interesting one or two
10 years with this gentleman being on my board.
11 We've had to be very careful about anything that
12 felt inappropriate, even if I could do that for
13 the rest of my board members, a thank you note,
14 a gift, a book, a card, a basket, none of that.

15 FEMALE VOICE: Ms. Smith, would you say
16 that--as I read this general statement of policy
17 that was submitted by the City University of New
18 York, their conflict of interest--

19 MS. SMITH: Uh-huh.

20 FEMALE VOICE: --even though it doesn't
21 drill down to specifics that deal with
22 admissions, you know, when I look at this and I
23 see very clear language that, that deal with the
24 highest standards of integrity and ethics--
25 behavior will not reflect or appear to reflect

1 adversely on the university's credibility,
2 objectivity, or fairness. Even with this kind
3 of strong language, do you feel that
4 universities should get a pass because they
5 don't have specific language that deals--that
6 speaks particularly to admissions?

7 MS. SMITH: Well, the--on the second page, I
8 think it's 2.6, there's some language about
9 shall not by his or her conduct give reasonable
10 basis for impression of any person improperly
11 influencing, yadda, yadda, yadda. As Dr. Portch
12 mentioned during his portion of testimony, this
13 feels like it's something new that needs to be
14 introduced in training and in--through case
15 studies because, as we've all said, having
16 someone call and say, oh, I know this great kid.
17 You should take them or whatever. That feels
18 like it's not anything that's been new. And so
19 the fact that this is moving to the forefront of
20 some activity that this will become perhaps a
21 training piece for boards, governing boards and
22 trustees and regents and others, I don't know
23 that any ramifications should occur until
24 there's greater training and understanding or
25 policy that's overtly stated and agreed upon.

1 FEMALE VOICE: Okay. So I understand that.
2 Is this 2.6 new? Or is that pretty standard
3 language?
4 MS. SMITH: Well, again, I just became
5 familiar with this document through my board
6 member joining two years ago. When I was at
7 City University of New York many years ago, over
8 19 or 20 years ago, this was not something that
9 we were aware of or had to sign off on or any of
10 those kinds of things. And in fact, I emailed
11 my board member to say do members of the CUNY
12 employees or board, do they have to sign off on
13 something saying I have received a copy of this?
14 And he wrote back and said, no, they did not
15 have to sign off acknowledging, getting to your
16 point about should there be repercussions if
17 they don't follow the policy.
18 So I think the policing part, they have to
19 be accountable by virtue of their financial
20 things. But anything beyond that, I'm not
21 aware. And nor was my board member aware of any
22 way in which someone would say you've stepped
23 over. And as such, there should be some
24 repercussions.
25 FEMALE VOICE: Is it--one last question on

1 this--is it your professional opinion that if a
2 trustee read the--even the general language of
3 number one, general statement of policy
4 regarding integrity and ethics, that given what
5 you have heard that took place here at the
6 University of Illinois, do you, do you believe
7 that if a trustee read that general language in
8 number one that they could in any way feel that
9 it would not apply to some of the charges that
10 have been leveled here?

11 MS. SMITH: I think what resonates with me
12 is if there is a culture accepting of this
13 practice that they may not feel--I think that's
14 what's blatant to me--that they may not feel
15 that this applies to that. I think what struck
16 me, there was one gentleman who said he
17 advertised in his district newsletter that he
18 will be an advocate or something having to do
19 with college admission. And I think that was
20 being compared reporting a pothole or a
21 streetlight or something. I'm advocating on
22 behalf of my constituents. That just seems so
23 inappropriate. And where that person's compass
24 was in terms of appropriateness or
25 inappropriate, that's what strikes me as you can

1 have this language. And I heard Dr. Portch say
2 but sometimes you have to take people through
3 case studies or examples for this point to
4 resonate with them that you've stepped over a
5 line. And so I'm reading this just as you are.
6 But if it's been a part of the culture, an
7 accepted part of the culture, there's a process
8 set up, you know, then that's not what this
9 means is my read on, on this. But this language
10 would certainly help I'm sure.

11 MR. ABNER MIKVA: John?

12 JOHN: Nothing further, judge.

13 MR. MIKVA: Thank you very much, Ms. Smith
14 for your kind cooperation here. We appreciate
15 your input and will be taken to good cause.

16 MS. SMITH: Okay. Well, thank you very
17 much.

18 MR. MIKVA: I propose we take a ten-minute
19 break and then come back with our third witness
20 - - break. Thank you.

21 [Background noise][beeping]

22 MR. CHUCK SCHULTZ: Judge, this is Chuck
23 Schultz [phonetic]. Can you hear me?

24 MR. MIKVA: I can. Thank you.

25 MR. SCHULTZ: Yeah, I was just wondering

1 about next week. I had tentatively the 22nd and
2 23rd. And I thought I'd come up for those two
3 days. But is that still tentative?

4 MR. MIKVA: It's very tentative. The 22nd I
5 can, I can do. But I can't do the 23rd or 24th.

6 MR. SCHULTZ: Okay. Alright. I'll just
7 think in terms of 22nd then.

8 MR. MIKVA: Yeah, 20th, 21st.

9 [Break in audio]

10 MR. MIKVA: Alright. Now we'll hear from
11 our third witness.

12 MS. MARY MACMANUS RAMSBOTTOM: Good morning.

13 MR. MIKVA: Good morning. Thank you very
14 much - - Ramsbottom?

15 MS. RAMSBOTTOM: That's correct, Mary
16 Macmanus Ramsbottom.

17 MR. MIKVA: Thank you very much for
18 appearing here at the property of the
19 commission. We appreciate it. - - procedure,
20 I'll let Mr. Chung start the questioning. And
21 the commissioners will - - . Commissioner - -
22 had to go to another engagement. He will be
23 here tomorrow. But we do have a quorum. Mr.
24 Chung?

25 MR. CHUNG: Thank you, your honor. Please

1 state your name.

2 MS. RAMSBOTTOM: Mary Macmanus Ramsbottom.

3 MR. CHUNG: And Ms. Ramsbottom, you're
4 employed by the University of Illinois?

5 MS. RAMSBOTTOM: That is correct.

6 MR. CHUNG: What is your position?

7 MS. RAMSBOTTOM: I'm and Associate Dean in
8 the College of Liberal Arts and Sciences.

9 MR. CHUNG: So how long have you been an
10 Associate Dean in that college?

11 MS. RAMSBOTTOM: I was hired in 2001, began
12 in the summer of 2001, completing my ACU there,
13 came from outside the state of Illinois - - .

14 MR. CHUNG: So you started with University
15 of Chicago.

16 MS. RAMSBOTTOM: That's correct.

17 MR. CHUNG: Previously, where were you?

18 MS. RAMSBOTTOM: I was at Truman State
19 University in Missouri for--which used to be
20 Northeast Missouri State University--for
21 approximately 14 years as a faculty member and
22 administrator. I started - - . I'm not sure
23 why. - - .

24 MR. CHUNG: We'll keep talking - - . So
25 from 2001 to the present, to the present, what

1 exactly have you done in your position as

2 Associate Dean - - your job - - ?

3 MS. RAMSBOTTOM: Sure. I'll try to be very

4 brief. As Associate Dean, I'm one of the group

5 of several associate deans working for the Dean

6 of the college. And I entered Student Academic

7 Affairs. So my particular responsibility is the

8 undergraduate student body. And I head a unit

9 [background noise]. I head a unit of

10 approximately 20 - - was 30 and before that was

11 40 people called Student Academic Affairs. And

12 within that unit, we have also assistant deans,

13 directors of programs. We are responsible for

14 the auditing of student academic progress. We

15 are responsible for overseeing academic advising

16 in the college for the application of academic

17 rules and regulations that ensure the integrity

18 of the Illinois degrees they are awarded. And

19 we have many programs like honors and special

20 advising programs.

21 MR. CHUNG: Who is the Dean?

22 MS. RAMSBOTTOM: The current Dean is Ruth

23 Watkins. She's been in that position since

24 January. I've served two other Deans and an

25 Interim Dean in the time that I've been in my

1 position.

2 MR. CHUNG: And who are they?

3 MS. RAMSBOTTOM: Jesse Delia 2001 to 2004,

4 Sarah Mangelsdorf 2004 to August of 2008,

5 Interim Dean Phil Best [phonetic] from August

6 2008 I believe until January. And - - Watkins -

7 - last January.

8 MR. CHUNG: And you report directly to the

9 Dean?

10 MS. RAMSBOTTOM: Yes, I do.

11 MR. CHUNG: Is the College of Liberal Arts

12 and Sciences - - LAS?

13 MS. RAMSBOTTOM: Yes, sir.

14 MR. CHUNG: Could you describe generally

15 LAS?

16 MS. RAMSBOTTOM: Wow.

17 MR. CHUNG: Number of students.

18 MS. RAMSBOTTOM: Yes, LAS is the largest

19 undergraduate college on campus. It's height of

20 enrollment at--during the time I've been there

21 was almost 13,000 students. The census is

22 decreasing now, slightly down to probably about

23 11.5 because undeclaring students now go into a

24 separate unit rather than within LAS called the

25 Division of General Studies. We encompass 52

1 departments or so with LAS, the largest
2 proportion of students on campus, over 40% of
3 the undergraduates, big, diverse, wonderful.

4 MR. CHUNG: And the Division of General
5 Studies, for how long has it been a part of LAS?

6 MS. RAMSBOTTOM: Well, Division of General
7 Studies is the name of a unit that is no longer
8 part of--

9 MR. CHUNG: [Interposing] I'm sorry.

10 MS. RAMSBOTTOM: That's okay. It's
11 confusing.

12 MR. CHUNG: Okay.

13 MS. RAMSBOTTOM: It used to be the general
14 curriculum center within the College of Liberal
15 Arts and Sciences. It was part of my unit.
16 Okay? And then administratively, it hides off
17 from my unit in the fall of 2007. I think --
18 right 2007. They were the first entering class
19 in the Division of General Studies that would've
20 been -- admission -- fall of 2008. The
21 administrative separation of the unit occurred
22 prior to when they actually became involved in
23 our admissions. So now it's separate, it's
24 separate from LAS.

25 MR. CHUNG: Is it freestanding? Or is it

1 part of some other college?

2 MS. RAMSBOTTOM: It's freestanding. And
3 it's Director is an Assistant Provost who
4 reports to the Office of the Provost.

5 MR. CHUNG: I should ask you why was that
6 decision made to make it a freestanding unit if
7 you know?

8 MS. RAMSBOTTOM: Oh, yeah. The strategic
9 planning process in which the whole university
10 was engaged in 2005 and 2006, LAS, in fact
11 monument made recommendations for embracing the
12 kind of campus-wide mission that was already
13 being exercised by this unit, even though it was
14 - - in LAS. And ultimately, the decision was
15 made that it could best thrive and achieve its
16 ambition for serving the whole Illinois and
17 greater student body by being separate from any
18 of the - - colleges and on its own. And that's
19 a model that is--you will find at a couple of
20 the other - - universities.

21 MR. CHUNG: Does LAS have its own admissions
22 office?

23 MS. RAMSBOTTOM: No.

24 MR. CHUNG: Is it--but does it have its own
25 admissions committee - - ? No.

1 MS. RAMSBOTTOM: No.

2 MR. CHUNG: How--generally speaking, how are
3 admissions handled with respect to LAS?

4 MS. RAMSBOTTOM: Okay. We do have
5 representatives in LAS who are part of my unit
6 who work collaboratively with the Office of
7 Undergraduate Admission and certain areas of
8 admission decisions. And I personally am
9 involved in a very specific area of
10 undergraduate admissions. I think the best way
11 for you to conceptualize this is to remember
12 that this is a college that at least, certainly,
13 while we had general curriculum with us was
14 renewing all 12,000 applicants a year from 4,000
15 spots. So most of the heavy lifting is done by
16 the Office of Undergraduate Admission. But when
17 you're in the area where you've got lots of
18 qualified students who need to be vetted by
19 someone because you do not have enough seats for
20 all of them, the college is important in
21 bringing in special insight into what's going to
22 help certain students be successful in certain
23 majors. And therefore we come into the, into
24 the game.

25 MR. CHUNG: And how in particular did the

1 college have input in the consideration of this
2 vast volume of applicants?

3 MS. RAMSBOTTOM: Well, now I can--I'm
4 telling you this kind of way outside the
5 process. Okay? And I believe it's evolved over
6 time. I feel I have a little bit less touch
7 with the process now than I did maybe five years
8 ago. But in general, all students receive full
9 file review. But it's clear that a certain
10 proportion of students, based on the strength of
11 their records--and this group is in the first
12 instance identified by quantitative measures,
13 ACTs, GPAs, high school academic or high school
14 rank--are ones that for whom the decision is
15 almost automatic. - - and you're going to say
16 yes.

17 LAS--our LAS representatives would not see
18 those students at all. They're automatically
19 admitted. There also are a certain group I
20 believe that are pretty much almost in the
21 automatic denial group - - . Where we worked,
22 the Assistant Dean in my office, who is our
23 recruitment and admissions person, part of her
24 portfolio, what she does is she will go to the
25 Office of Undergraduate Admissions on appointed

1 Fridays and sit down with the committee, the LAS
2 Admissions Committee of the Office of
3 Undergraduate Admissions--
4 [Crosstalk]
5 MR. CHUNG: --separate committee within--?
6 MS. RAMSBOTTOM: It's a review committee
7 within the Office of Undergraduate Admission.
8 MR. CHUNG: Who are they? Who are they?
9 They're people who are in the admissions office?
10 MS. RAMSBOTTOM: Yes, sir. Yes, sir. This
11 is an admission function. We're there as a
12 visitor and a consultant coming in to say, okay,
13 of this group of files, if we have
14 hypothetically 20 files here and we only have
15 spots for ten, which are the ones we should
16 take. And then we bring, you know, - - . So in
17 essence, we always informally in our office
18 would think of that as the students who are in
19 the gray area, the students who are perfectly
20 admissible that we believe are competitive and
21 will succeed. But we don't have room for all of
22 them. So the college helps to make that
23 decision.
24 The decision with respect to transfer
25 students, we have a more salient role than we do

1 for first years because, again, what we're
2 trying to bring is expertise from individual
3 disciplines and reviewing any individual
4 candidate's background and how it's mapped onto
5 what we have to offer.

6 MALE VOICE: Tell me more about this general
7 studies. You'll have to educate me as to what,
8 what is the difference between it and LAS?

9 MS. RAMSBOTTOM: Well, the Division of
10 General Studies is not a degree-granting unit,
11 sir. It is best thought of I think as an
12 enrollment unit. It's not a college. It's an
13 enrollment unit. So it--what it does is it
14 provides--it has no curricular function. It has
15 no faculty. It does not award degrees. It's
16 primary - - say sole purpose is to provide very
17 rich, attentive advising services for students
18 who come to the university undeclared, unsure
19 about which pathway they want to take and to
20 provide a place for students who come in one
21 discipline and decide that they wish to be doing
22 something else and need somewhere to get expert
23 advice.
24 So and it's a natural thing for most of the
25 students--I believe--and again, that might not

1 be good. But two-thirds to three-quarters of
2 those students historically would end up in LAS
3 because it's a perfectly natural thing for a
4 liberal arts student to start out undeclared.
5 But this is a very rich advising environment to
6 help students to work through their multiple
7 options.

8 MALE VOICE: And do--are they take--when do
9 they get admitted to general studies?

10 MS. RAMSBOTTOM: As freshmen. But it's as
11 incoming first-year students. But it is
12 possible for a student, for example, who's
13 decided they don't want to be in engineering
14 anymore or any other discipline to do what's
15 called intercollegiate transfer into DGS to get
16 - - general advising for awhile and then set off
17 in any direction.

18 MALE VOICE: So how long do they stay in
19 general studies?

20 MS. RAMSBOTTOM: Typically four semesters.
21 It's possible to--they may stay as long as four.
22 Some leave after two.

23 MALE VOICE: So they have classes during
24 this time.

25 MS. RAMSBOTTOM: Yes, sir. Their classes

1 are--they're--most of the classes probably
2 you'll see on any given student's schedule are
3 going to be liberal arts and science offered
4 classes in the early years regardless of what
5 their formal college affiliation is.

6 MALE VOICE: So they just--they, they study
7 in LAS. But they're assigned--

8 [Crosstalk]

9 MS. RAMSBOTTOM: --affiliation. Yes, sir.

10 MALE VOICE: Affiliation.

11 MS. RAMSBOTTOM: They're advising. Mm-hmm.

12 MALE VOICE: And how big is that group now
13 you said?

14 MS. RAMSBOTTOM: That group is--by the fall,
15 everyone who's advised over there should be in
16 fact belong to them. And it'll be about
17 probably 2,500 students.

18 MALE VOICE: Are these necessarily marginal
19 students?

20 MS. RAMSBOTTOM: Absolutely not.

21 MALE VOICE: Some of them may be the very
22 best?

23 MS. RAMSBOTTOM: That's absolutely true.

24 MALE VOICE: And they end up in engineering
25 and business school and LAS.

1 MS. RAMSBOTTOM: Yep. And some of those
2 students--again, you know, many other private
3 elite university--colleges and universities, no
4 one declares until they're a sophomore. So I
5 believe when they were still part of LAS, about
6 40% of those students were honor students.
7 You've got students in there whose multiple
8 talents or multiple interests is what's standing
9 in the way of them declaring a major, nothing
10 deficient about them.

11 MALE VOICE: - - .

12 MALE VOICE: And then just to pick up on
13 some other questions from the judge, there has
14 been information put forth in the context of
15 this commission that talked about less stringent
16 academic criteria for admission into general
17 studies. And maybe I'm overcharacterizing the
18 information. But we've seen emails, for
19 instance, that have talked about DGF as an
20 alternative to admission to a college that might
21 have higher academic requirements for admission.
22 Is that a fair statement? Or am I misstating?

23 MS. RAMSBOTTOM: I can understand why you're
24 making - - you are. I don't think it--if that's
25 your precise understanding, if you wish me to

1 try to elaborate--

2 MALE VOICE: [Interposing] Please.

3 MS. RAMSBOTTOM: --I will. I know you're

4 aware that the admission standards that

5 individual colleges on campus vary. They also

6 vary from year to year based on the

7 competitiveness of the applicant's school. - -

8 something a little bit predictive from the

9 previous year and set sort of a - - standard.

10 Even within LAS, we have some majors, like

11 chemical engineering, where we look for a higher

12 quantitative reading of a student coming in - -

13 most of our majors.

14 DGS as an administrative unit but also as a

15 place for undeclared, when--it has a special

16 role to play on campus, just as it did when it

17 was - - within LAS and the general curriculum

18 center. Students who are perfectly capable of

19 being--and in the University of Illinois. Okay?

20 Engineering is a very, very high bar to meet,

21 extremely high bar to meet. And a student

22 cannot be competitive for engineering and still

23 be, you know, within the top 10% of our

24 applicant pool. Okay? So let's say a student

25 has not been picked up by engineering. But we

1 want that quality student to be at the
2 University of Illinois. That student
3 historically would be redirected and offered the
4 option of starting in as an undeclared student
5 instead, either within LAS and then later within
6 DGS. Okay?

7 So this kind of system of redirect ensures
8 that in a landscape where you have some very
9 highly competitive programs and students who are
10 also highly competitive - - that they have a
11 home to go to from which to wash in their
12 Illinois career. Does that make sense?

13 MALE VOICE: It makes sense. But now that I
14 know how it works, do you know about category I?

15 MS. RAMSBOTTOM: Yes, sir.

16 MALE VOICE: Did it turn out that most of
17 the category I people ended up in general
18 studies?

19 MS. RAMSBOTTOM: Oh, I, first of all, would
20 have no way of knowing that. And I would be--
21 okay. Let me think about that for a minute. I
22 would have no way of knowing that because I
23 never, I never was aware of what the size of
24 category I was. In fact, when category I was
25 first talked about in the press recently, I told

1 my husband, well, gee, shouldn't somebody tell
2 them that category one that it's roman numeral?
3 I mean, they just didn't have kind of--I think
4 that in general a student who is redirected from
5 a primary program, that's where they're going to
6 be put. And so--
7 [Crosstalk]
8 MS. RAMSBOTTOM: --and LAS is where you're
9 going to be put.
10 MALE VOICE: That suggests - - someplace
11 else. - - .
12 MS. RAMSBOTTOM: I honestly have no
13 knowledge that--where I could - - answer that.
14 MALE VOICE: Let me see if I can - - .
15 MS. RAMSBOTTOM: Sure.
16 MALE VOICE: You have this student who is
17 marginal or even submarginal, who is having
18 trouble under--getting in under the general
19 admissions--
20 MS. RAMSBOTTOM: [Interposing] Mm-hmm.
21 MALE VOICE: --standards.
22 MS. RAMSBOTTOM: Mm-hmm.
23 MALE VOICE: He's put--he/she is put in
24 category I because somebody--they know. And the
25 student may be totally - - . Now if that person

1 ends up admitted--

2 MS. RAMSBOTTOM: [Interposing] Mm-hmm.

3 MALE VOICE: --they're not likely to be end
4 up admitted in the engineering school, are they?

5 MS. RAMSBOTTOM: No, they're not.

6 MALE VOICE: Or in any of the other more
7 selective schools, right? And it sounds to me
8 like general studies would be someplace that
9 would end up getting most of those.

10 MS. RAMSBOTTOM: That may be the case. But
11 in all honestly, sir, I would, I would be
12 interested to see--one would actually have to
13 look at the evidence and see if the proportion
14 of the category I students placed in DGS was in
15 fact higher than the proportion of students
16 placed in DGS - - . I just--I don't know that
17 as a matter of fact. Is it true that DGS has a
18 more - - definition of what its mission is, who
19 it's supposed to be serving? Is it the place
20 historically where we redirect students? Yes,
21 that is, that is the case. But I do believe
22 that it is also perfectly possible for someone
23 to direct maybe - - a student who is category I
24 be present in an LAS discipline, particularly an
25 LAS discipline that doesn't have a--which has an

1 admissions criteria more like - - DGS. And so I
2 think there is considerable--there might be
3 considerable variability there. But I honestly
4 don't know because I've never seen those kind of
5 records. I'm sorry. I hope that that - -
6 question, sir?

7 MALE VOICE: Who makes the decisions about
8 where the category I students go?

9 MS. RAMSBOTTOM: Whoever makes the decisions
10 about admitting them.

11 MALE VOICE: Well, I--

12 MS. RAMSBOTTOM: And--

13 [END admissions-review-071309 Part 2 of 3]

14 [START admissions-review-071309 Part 3 of 3]

15 MALE VOICE: We've heard that sometimes it
16 comes all the way from the G's office. So
17 somebody makes a decision--I assume it's the
18 Chancellor--that this person must be admitted.
19 Then it goes back to the Personnel Office and
20 the Provost - - Marshall this person shall be
21 admitted. He doesn't decide where that person
22 shall be admitted to, does he?

23 MS. RAMSBOTTOM: He may. He may.

24 MALE VOICE: Without telling the Dean of the
25 college to which the person's going to be

1 admitted?

2 MS. RAMSBOTTOM: I don't know the extent to

3 which that kind of consultation goes on or has

4 gone on in the last two years. I know that when

5 I first started, I was aware that cases would

6 come forward. You know, there are phone calls

7 sometimes - - or a department head. And what I

8 understood at that time is that there was--and I

9 would be in touch with Able Montoya [phonetic]

10 as the point for LAS. And what I thought was

11 going on at that point was that simply you were

12 putting a flag on file, okay, that a special

13 inquiry had been made. And that inquiry could

14 be as innocent as someone asking what does a DSR

15 mean on a student. What does, what does

16 deferred mean? And again, something that the

17 faculty don't know the answer to. But in those

18 early days, if you will, maybe 2001 to 2003 when

19 I would kind of bump into some of these things,

20 I thought it was about flagging. And I thought

21 it was about making sure that if someone wanted

22 to bring a case to the attention of the Dean

23 that it was my role to tell the Dean that an

24 inquiry had been made and to try to get

25 information from the Office of Admissions and

1 Records, like any other staffer would.
2 It is my impression that at that point in
3 time special decisions were made about add
4 submissions, special in a sense that a Dean's
5 opinion was asked or a Dean was involved, that
6 the Dean had some say. I don't know how it's
7 operated in recent years. There is--I have not
8 known in fact even where some of the referrals
9 go. And the only place where you would see
10 footprints of me in this process is if someone
11 contacted me because the Dean was unavailable
12 and I therefore said we need to make sure that
13 the Dean is aware of this case before anybody
14 acts on it. And I'm basically saying time out
15 to somebody. And the right way to say time out
16 is just call them category I, call them category
17 I. But I'm grateful frankly at this point to
18 not knowing extent to which - - how many
19 students are enrolled, who's definitely made
20 decisions about it, and on what basis.

21 FEMALE VOICE: How many calls would you say
22 you've received, say, last year that dealt with
23 category I students?

24 MS. RAMSBOTTOM: I can remember, I can
25 remember two. And the only reason I can

1 remember two is because those are in emails that
2 have been sent to - - . But if I--I didn't know
3 they were category--I mean, they weren't
4 category I at the time, right? It was just an
5 inquiry about students.

6 FEMALE VOICE: Is that normal that you would
7 receive a call about a--
8 [Crosstalk]

9 MS. RAMSBOTTOM: I mean, in both of those
10 cases, one was--it wasn't a direct call to me or
11 - - on my staff and then referred it to me. And
12 the other, it was a call to me by a department
13 head because the Dean was absent. Okay? So I,
14 I think my first year in my position, I probably
15 heard more calls, maybe three or four. But it--
16 they took me by surprise. I had no idea that
17 anybody talked--I might have an answer - - over
18 admissions. And I very quickly at that point
19 chose to be the messenger of information if
20 somebody made inquiries to the Dean or simply to
21 take calls as a courtesy and explain the
22 process. You know, I mean, we're willing to do
23 that - - do that.

24 FEMALE VOICE: Can you help me? I'm just a
25 little confused still about the distinction

1 between LAS and general studies. I understand
2 that your athletes that come in have a different
3 type of a criteria and that generally athletes
4 are placed in LAS. Now given that these
5 athletes that are placed in LAS, often it's
6 because they have distinguished ability in their
7 sport but not necessarily in academics. What
8 other types of students are placed in LAS for
9 the same reason?

10 [Pause]

11 MS. RAMSBOTTOM: If at some point we go back
12 and - - here about the student athletes, I think
13 that might be helpful to your understanding of
14 the process. But I'll deal with the LAS other
15 students first.

16 [Crosstalk]

17 MS. RAMSBOTTOM: That's where your question
18 ended up I guess, right? You want me to talk
19 about other students.

20 FEMALE VOICE: Yeah. Yeah.

21 MS. RAMSBOTTOM: Okay. [Pause] I have no
22 personal knowledge of how many students might
23 have been placed either in LAS general
24 curriculum, the undeclared unit, or into DGS as
25 a result of being category I. Okay. So on this

1 historical continuum, before 2007, the general
2 curriculum was in LAS. After 2007, it's a
3 separate entity. I have no, no knowledge of how
4 many category I students were placed there. So
5 all I know is that the general way of
6 approaching redirects on campus for as long as I
7 have been there is that if students who are
8 students who should be admitted by the regular
9 standards to the University of Illinois can't be
10 taken into their first-choice discipline, they
11 would go to the undeclared unit. Okay?

12 FEMALE VOICE: So are you saying that LAS
13 would typically take students simply because
14 they're undeclared and not for the same reasons
15 they take the athletes, which are because they
16 perform less than standard academically?

17 MS. RAMSBOTTOM: Absolutely. Well, first of
18 all, most of the students who are in undeclared
19 status are there by choice. Okay? They come in
20 by choice as undeclared. And then others are
21 placed there, as I said earlier, because they
22 applied to engineering or applied to business or
23 applied to kinesiology or applied to chemical
24 engineering and have not met to the really,
25 really high bar that's set for those applicants.

1 [Crosstalk]

2 FEMALE VOICE: You explained that so

3 eloquently. I appreciated that earlier.

4 MS. RAMSBOTTOM: I'm sorry. I'm not

5 understanding your--

6 FEMALE VOICE: [Interposing] But in your

7 earlier statement, you didn't mention--you

8 mentioned all the levels. But you didn't

9 mention the percentage or even the fact that

10 there were another group of students, which are

11 the athletes that are also admitted into LAS.

12 MS. RAMSBOTTOM: Right. Would you like to

13 talk about--?

14 FEMALE VOICE: [Interposing] Well, what I

15 want to know before we go into the athletes is--

16 other than the group you spoke about--

17 MS. RAMSBOTTOM: Yes, ma'am.

18 FEMALE VOICE: --and other than the

19 athletes, is there any other group that is

20 admitted into LAS that performs substandardly?

21 MS. RAMSBOTTOM: Okay. Where an admission

22 category that would've been below the norm?

23 FEMALE VOICE: Yeah.

24 MS. RAMSBOTTOM: That's what you mean by

25 performed substandardly. Well, we do, we do

1 have particular--we have the President's Award
2 Program--

3 FEMALE VOICE: Mm-hmm.

4 MS. RAMSBOTTOM: --is a well-defined group
5 of students, first generation, - - larger
6 school, - - larger schools and Chicago public
7 schools and are - - represented group. That's a
8 group of students that's come into all colleges
9 across the campus.

10 FEMALE VOICE: And that's all under the
11 President's Award Program?

12 MS. RAMSBOTTOM: The President's--I am
13 defining the President's Award Program right
14 now, yeah. And that's done by holistic review
15 to make sure that you're looking at all
16 considerations. And those students are found--
17 we have a disproportionate number of those
18 students - - and LAS - - , which in the past
19 would've included some of the undeclared, too.

20 FEMALE VOICE: Mm-hmm.

21 MS. RAMSBOTTOM: And again, sometimes these
22 things are explained by if you have a candidate
23 who's applied in biology or chemistry for whom
24 you don't think the record in high school
25 suggests that they can be successful in those

1 disciplines. We would put them in undeclared so
2 that they have the advising they need to explore
3 other opportunities. Does that get closer to
4 what you were looking for?

5 FEMALE VOICE: Yeah, it does. Thank you
6 very much.

7 MS. RAMSBOTTOM: I'm sorry.

8 [Crosstalk]

9 MS. RAMSBOTTOM: Yeah.

10 MALE VOICE: You suggested - - . And I
11 didn't know about that. So what about the
12 athletes?

13 MS. RAMSBOTTOM: Okay. The one formally
14 assigned role in admissions that came with my
15 position is to represent the College of Liberal
16 Arts and Sciences in what's colloquially known
17 as CASA, which is the Committee on the Admission
18 of Student Athletes. Okay? And as I understand
19 the history of that group, it was formed by the
20 Chancellor in the early 1980s as a means of
21 coordinating, making transparent how we handle
22 admission cases for student athletes who didn't
23 automatically meet numerical, numerical
24 parameters or for other reasons were not in the
25 regular admissions stream. What would be

1 another reason? Let's say a student got their
2 application in after the deadline. Therefore,
3 they had to go to a special, a special review.
4 Or let's say that in order to be an NCAA
5 qualifier they had to - - get their 11th
6 semester grades in. So that holds it up. Okay?
7 So as I understand it--again, this is long
8 before I came to Illinois--this group was put in
9 place. And there's an Associate or an Assistant
10 Dean representative from each undergraduate
11 college plus now the Division of General
12 Studies, so anyone who's in a position to bring
13 in a student as a first-year student. And that
14 group meets every two weeks if necessary,
15 sometimes only once month, between December and
16 May to consider cases brought forward by the
17 Office of Admissions.
18 I guess technically speaking at this point
19 the Associate Provost for enrollment management
20 Keith Marshall is the person who charges that
21 group. But - - his role - - .
22 So the purpose of that committee is to get a
23 holistic review to recruit an athlete who for a
24 variety of reasons might not be able to be
25

1 reviewed thoroughly through the regular
2 admissions process. And the goal there is
3 actually to have a great deal of vetting of
4 student athletes before they are brought to that
5 committee.

6 Every three years--it's a very transparent
7 process. Every three years, the Office of
8 Undergraduate Admissions or perhaps it's
9 technically Keith Marshall now reports data
10 about that committee for--to the faculty senate,
11 which includes not only information about the
12 admissions piece but also reports data on
13 student - - graduation.

14 MALE VOICE: At least--I think the
15 commissioner's question is that most of these
16 athletes that are admitted specially do end up
17 in LAS.

18 [Pause]

19 MS. RAMSBOTTOM: In the normal course of
20 events, if you took 100 students, 45 of them
21 would be in LAS, period. That's the size of
22 LAS.

23 MALE VOICE: Right.

24 MS. RAMSBOTTOM: Okay? So if - - which you
25 still see a disproportionate number of student

1 athletes coming into LAS, probably yes and
2 probably yes, including undeclared. Now that
3 there is DGS that's separate from LAS, you're
4 going to see them having many of them. And
5 again, that's because if a student athlete
6 applies to a program for which the thought is
7 that they are not suited in terms of their
8 background, the natural place to have them
9 admitted is to DGS now.

10 We also do have--and these would be LAS
11 students. LAS has been the host for 20 years,
12 20 years plus, to programs, intensive academic
13 support programs for students that student
14 athletes do participate in, not only student
15 athletes. It's the transition program. It's -
16 - program that is involved here. A hundred
17 students a year come in, in the transition
18 program. And - - athletics, it is guaranteed a
19 certain number--I think it may be three--but
20 they never use--we never have maybe more than 15
21 in my time there actually, student athletes. So
22 that's another reason students would be in LAS
23 because we've got an actual support program to
24 assist them.

25 FEMALE VOICE: How many--you are what I

1 would call the numbers woman. You are the
2 person that knows the numbers for pretty much
3 all the demographics for what one would need.
4 Am I right?

5 MS. RAMSBOTTOM: Well, that's--I'm only
6 smiling. Anybody on my staff would say, wow,
7 that's scary [laughter] 'cause I'll only deal
8 with the numbers if I have it in front of me.

9 FEMALE VOICE: Mm-hmm.

10 MS. RAMSBOTTOM: I think it's fair to say
11 that I'm someone who tries to understand what
12 the numbers are telling me rather than simply
13 going on the basis of impressions.

14 FEMALE VOICE: Oh, yeah, sure. No, the data
15 comes to you. But it's your job to--

16 [Crosstalk]

17 FEMALE VOICE: --take that information and
18 make recommendations based on the numbers that
19 you see and interpret, right?

20 MS. RAMSBOTTOM: Yes, but basically, I only
21 do that in areas that are under my direct
22 concern and program.

23 FEMALE VOICE: Okay. And what would that
24 be? It's LAS. But you play an informal role in
25 other areas that are outside of the--your

1 direct--

2 MS. RAMSBOTTOM: Well, the main way in which
3 I'm a numbers person in involved admissions is
4 as follows.

5 FEMALE VOICE: Mm-hmm.

6 MS. RAMSBOTTOM: That there is a weekly
7 report that comes out from the Office of
8 Undergraduate Admissions, which lists in a
9 summary manner the total number of applicants to
10 each of the colleges, the total number of
11 admits. - - and then in due course the total
12 number of acceptances.

13 That data broken down by some of the - -
14 reporting categories, which involve rates,
15 standards, resident/nonresident. We also get a
16 breakdown that allows us to see for applicants,
17 admits, and acceptances how that is playing out
18 across time in admission - - for each of our
19 disciplines.

20 So I have I guess developed as one of my
21 assists to the Dean over time once I understood
22 that the Dean was looking to me to provide such
23 information. I try each week to look at those
24 numbers so that I can report back on any trends
25 that I'm seeing. Are applicant numbers ahead of

1 where they were last year - - ? Do we have many
2 more people coming in - - than we did a year
3 ago? Did--do we have more economics majors
4 coming in? And why that--I'm interested in the
5 data from a data point of view. But what I
6 real--my real interest in the data comes from
7 trying to anticipate how I can help the college
8 in serving the students better. So if we know
9 we have a large number of econ majors, that
10 translates into needing certain kinds of courses
11 in the fall. So I can alert the Associate Dean
12 to say do we have enough ECON 102? Okay? So
13 that is the nature of my interest in - - .

14 FEMALE VOICE: Either before or after this
15 investigation began, did you ever look at the
16 category one or I number students in LAS to look
17 at how they did after they were admitted, what
18 their progress was?

19 MS. RAMSBOTTOM: No, I in fact--no, this
20 report does not break down by--I mean, it
21 doesn't have a category I, you know, the number
22 of category I's coming in at any given--they're
23 not on there. Okay?

24 FEMALE VOICE: Any other report. Really,
25 the question is--before or after this

1 investigation started--

2 MS. RAMSBOTTOM: Mm-hmm.

3 FEMALE VOICE: --have you taken it upon
4 yourself or had anyone else look at the progress
5 of category one or category I students to see
6 how they fared academically once they were
7 admitted into your area?

8 MS. RAMSBOTTOM: No. I can tell you that I
9 had no idea at the numbers of students who were
10 potentially in this category until I read about
11 it in the press.

12 FEMALE VOICE: And then--

13 MS. RAMSBOTTOM: [Interposing] Because my
14 only acquaintance with this category would've
15 suggested to me that the number of inquiries
16 that ended up there were maybe two to three a
17 year in the whole of LAS. So that was a
18 complete--

19 FEMALE VOICE: [Interposing] But, Dean, can
20 I just--do you mind if I interrupt you? In your
21 email of February 2008, you mentioned--you were
22 advocating for a student whose grandfather was a
23 university professor. And you were saying,
24 well, he's--this is much easier a case than the
25 category I students foisted--

1 MS. RAMSBOTTOM: Mm-hmm.

2 FEMALE VOICE: --on by governmental
3 relations. These emails suggest that you had a
4 broader knowledge of category I than just two or
5 three.

6 [Crosstalk]

7 MS. RAMSBOTTOM: I was glad to respond to
8 that. Okay? And the first thing I would say,
9 as I said to the group I talked to the other
10 day, is that the parenthetical remark which uses
11 the word foisted is--and uses the word admits in
12 plural is a beautiful example of where when I
13 feel in a passionate way about an issue and its
14 principles that I'm likely to engage in
15 hyperbole. Okay? And I respond--tell you that
16 in this case--so thank you for introducing this.
17 And I'll be glad to interpret it for you. Okay?
18 This indicates--you can see in that email I
19 reference that that disparate - - development
20 trip and not back until Monday. Okay? So the
21 context of this and my being involved at all was
22 that a faculty--the department head was
23 concerned about knowing what was going on with a
24 student, found out the Dean was out of town, so
25 contacted me instead. And he expressed great

1 anxiety about the fact of what was going on with
2 this case. And I was attempting to get the
3 folks who do the category I assignment. Okay?
4 I was told by the admissions office that the
5 only way we could make room for the Dean to be
6 made aware of this case and decide if she wanted
7 to do anything about it was for the category I
8 to be put on there. Otherwise, the train would
9 leave the station. Okay?

10 So this is me trying to say please put the
11 student in this category so that we can leave
12 room until--so Sarah can come back and look at
13 this. Okay? Now I use this as a place to vent
14 in parentheses because this student in my view
15 was a strong student, okay, was a strong student
16 who if they went through our holistic review, we
17 would've seen good reasons to admit them. I was
18 frustrated that I had to go some other route to
19 even get the student looked at by the Dean or
20 have the Dean aware of the department head's
21 concern and that I mentioned the fact that there
22 had been other admits that I knew were not
23 qualified that had been foisted on.

24 The reason I use the word government
25 relations, that had historical reference from me

1 because when I first came to the institution,
2 the first time I was made aware that sometimes
3 students were flat that - - and they went
4 somewhere to be decided, someone referred it
5 with Able. And it's in the hands of the same
6 government relations now. So that's how I - -
7 government relations is something that kind of
8 got - - things and makes decisions around it so
9 that that's--that is where--that is what the
10 burden of my language is there and showing
11 frustration that in this case I can't even get
12 people to just give us a minute for me to report
13 this to Sarah that--that's what that's about.
14 Now as it turned out, in this case, the
15 student--let's see if I - - . The student was
16 admitted. The student should've been admitted
17 in my view. And the student was admitted. And
18 the student earned - - grades his first year.
19 So I can understand why you're reading out of
20 this a particular way since you read this out of
21 the blue and without perhaps a full
22 understanding of context of certainly - - . But
23 that's what--
24 [Crosstalk]
25 FEMALE VOICE: It certainly refers to more

1 students than two or three a year. And you also
2 mentioned in your interview that government
3 relations admitted a student independent of the
4 admissions office. And that seems like a
5 bizarre occurrence. Could you explain that,
6 please?

7 MS. RAMSBOTTOM: Yeah. Okay. Again,
8 government relations is an old way of--that's--
9 that refers - - now I think category one is what
10 this is. I don't know. I think category one -
11 - what used to be referred to as government
12 relations cases. I believe that was the case.
13 Are you asking--okay. You asked me did I have
14 sort of this--excuse me, ma'am - - was asking me
15 about sort of the mega picture and the
16 statistical picture and did I have an
17 understanding of that. No. But can I--had I
18 personal experience with a student having been
19 admitted as category I who I believe never
20 should've been admitted to the university? Yes,
21 I do.

22 FEMALE VOICE: Okay. Could you please
23 describe the occurrence in which government
24 relations admitted a student independent of the
25 admissions office, which was described in your

1 interview with the - - office.

2 MS. RAMSBOTTOM: Okay. Again, I don't mean
3 to be pedantic about this. But government
4 relations to me is a way of talking about
5 anything that's category one. Okay.

6 [Crosstalk]

7 MS. RAMSBOTTOM: I don't--

8 FEMALE VOICE: [Interposing] Let's call it--

9 MS. RAMSBOTTOM: Okay. Category I. I do
10 not know for a fact who admitted the student. I
11 don't - - admitted outside of--I don't know who
12 made the decision. Alright. So let me--

13 FEMALE VOICE: [Interposing] So when you say
14 that a student showed up on the first day of
15 school and no one was aware that--and they said
16 it's a government relations admit--

17 MS. RAMSBOTTOM: They said it was a category
18 one admit. We're talking about the same case
19 now. And this--I think we're maybe - - two
20 different cases. But if it's the one where the
21 student showed up and missed orientation and all
22 those sorts of things, I believe that's a
23 category one.

24 FEMALE VOICE: As my colleague here looks to
25 the specifics about that person, I just want to

1 clarify something because up to this point, your
2 testimony has been rather vague about your
3 knowledge of category one or category I. You
4 said as far as you're concerned it's - - . It's
5 flagging. It's--you're not aware of this.
6 You're not aware of that. But I'm looking a
7 host of emails. Some you're copied on. Some
8 you're--they're directed to you. And category
9 I, category one, whichever you want to call it,
10 is frequently referenced. And it seems to me
11 from looking at these emails that you're very
12 familiar with category one.

13 MS. RAMSBOTTOM: What host of emails? I
14 have two emails in front of me, ma'am. I'm
15 sorry.

16 FEMALE VOICE: Well, I'm looking at one
17 email that says, dear Dean Ramsbottom. I'm
18 writing regarding blackout who has applied, et
19 cetera, et cetera. The very last sentence - - .

20 MS. RAMSBOTTOM: Mm-hmm.

21 FEMALE VOICE: --is given the holistic
22 review of this case, I would like to advocate
23 for this case to be turned into category one. I
24 would be happy to discuss if you have additional
25 questions.

1 MS. RAMSBOTTOM: I think in the emails that
2 I was shown, okay, there are basically--there
3 were two steps from this year. And there were
4 multiple emails involving one particular case.
5 And that would be the one that--alright, now
6 either - - figure out which one's which. The
7 one with - - cover--

8 FEMALE VOICE: There's no date on it.

9 MS. RAMSBOTTOM: Okay. I honestly don't
10 believe that there are a host of emails. I
11 think basically there were two cases - - last
12 year that had to do with category one. I'm
13 trying to understand which one you're looking
14 at.

15 FEMALE VOICE: Regardless of the number, if
16 there's one, two, three, or four, frankly, the
17 tone of these emails speaks loudly that you're
18 very familiar with category one. And you seem
19 to be presenting yourself as a witness that's
20 not familiar with it. And I just want to
21 clarify what your position is.

22 [Crosstalk]

23 MS. RAMSBOTTOM: I would be happy to clarify
24 this.

25 FEMALE VOICE: I don't want to, I don't want

1 to assume you're not cooperating if you are.

2 MS. RAMSBOTTOM: I am cooperating. I'm
3 trying to cooperate. And I'm finding it
4 difficult to convey to you that it hasn't seemed
5 to be--

6 FEMALE VOICE: [Interposing] Believable.

7 MS. RAMSBOTTOM: --credible that it's
8 possible for me to have a knowledge of little
9 pieces of this without being directly involved
10 in what's going on here.

11 FEMALE VOICE: That's a little bit
12 different. I mean, we're--what you've said is
13 that you've found two or three cases a year.

14 MS. RAMSBOTTOM: That's, that's all I have
15 known. That's--if I--if you're asking me to
16 speak from my personal knowledge of individual
17 cases, their - - and their outcomes, that's what
18 I'm trying to do in a responsible way. If
19 you're asking me to talk about this, this big
20 picture here, how many students were involved in
21 category one, how they got there. Did they
22 involve in LAS? Did they disproportionately end
23 up in LAS? I don't know those things. I am not
24 part of the inner circle that kept those
25 records, that put students in there, and made

1 decisions about them.

2 FEMALE VOICE: We understand that. But what
3 we're concerned about is the statement that
4 you're saying that you knew of only two or three
5 cases a year--

6 MS. RAMSBOTTOM: [Interposing] Personally.

7 FEMALE VOICE: --when the evidence suggests
8 otherwise.

9 MS. RAMSBOTTOM: I knew--okay. Here are two
10 cases, okay, from the past year that I was aware
11 of, these two, right here. One of them was
12 where a major contributor had been in touch with
13 a department head who contacted me because the
14 Dean was unavailable. The other one was where
15 the personnel - - came to an Assistant Dean in
16 my office.

17 FEMALE VOICE: Is that the Dean that would
18 typically get these calls that you're speaking
19 about?

20 MS. RAMSBOTTOM: Nobody typically would get
21 these calls in my office. I mean, we are in
22 such a peripheral place. But this--in this
23 case, the one that's from December that - - is
24 my Assistant Dean who goes over and meets with
25 the Undergraduate Admissions Committee when it

1 reviews applications. Okay? Dean - - , who is
2 referenced on one of these pages, is the Honors
3 Dean. She became the point of contact
4 innocently for a family who had some - - who was
5 the grandson of a maritime professor and donor.
6 Okay? They knew her from the community. So
7 they contacted - - you know what might be
8 happening with this application, what his
9 chances are.
10 She passed it over to my Admissions Dean.
11 She passed it to me. I said I don't know. I
12 said basically, you know, I don't know what to
13 do with this. We have an Interim Dean right
14 now. If you think it needs to be brought to
15 somebody's attention, what I should do is tell
16 whoever's handling category one to please put a
17 category one on it so we can figure out what the
18 Dean--if any of the deans want to be involved in
19 this. Okay? It's trying to set kind of a
20 marker--
21 FEMALE VOICE: [Interposing] Right. But you
22 knew exactly who to go to that's assigning
23 category one in order to--
24 MS. RAMSBOTTOM: [Interposing] Actually, I
25 was quite unclear about it. And if you look at

1 the emails at that point, you'll see that I was
2 --and I in fact expressed frustration at one
3 point in one of these cases about not knowing
4 how it was working. Able Montoya and I had a
5 conversation in the spring of 2007 where I tried
6 to find out from him what went on with these
7 cases, who was taking--who was in charge of
8 them, who were we supposed to refer cases, et
9 cetera, because it was very unclear. And one of
10 these cases, I said, I said to Keith Marshall,
11 yeah, for what--yeah, category I. Here in this
12 context of December when we had an Interim Dean
13 going out and within two weeks a new Dean coming
14 in and a department head raising this issue with
15 me, I didn't know who to send it to. And Keith
16 Marshall now was the person who was the
17 gatekeeper I suppose for category one.

18 So I wrote them saying can you please make
19 this category one, thinking that would give us
20 time to have the Dean be alerted by me. Okay?
21 That's what that was about. And I was told I
22 can't do that. I can't recommend - - category
23 one. The Dean has to do it.

24 MALE VOICE: - - .

25 FEMALE VOICE: Are you saying that you were

1 aware that there was a category one system and
2 process with students being put through the
3 system? But your personal experience is only
4 with these two.

5 MS. RAMSBOTTOM: My personal experience is
6 very narrow. And I do believe that it's my
7 obligation to in this context speak from
8 personal experience, not from general
9 impressions.

10 FEMALE VOICE: But you were aware beyond the
11 two, maybe not specifically, that this system
12 existed.

13 MS. RAMSBOTTOM: I was aware that when I
14 first came in there was a tracking, flagging
15 system for students when inquiries were made of
16 a variety of different kinds. I was aware
17 eventually that in the new computer system
18 people were calling this category one or
19 category I. I did not--and I - - Able Montoya
20 was no longer the person in charge of that,
21 charge of that process of referrals and that
22 Keith was. I didn't know that I was supposed to
23 refer things to Keith, that the Dean was
24 supposed to refer things to Keith. And in this
25 case, just as recently as last December, I'm

1 trying to figure to whom I'm supposed to refer
2 it. Okay? And then so I referred it to Keith.
3 And then Keith said you can't do that. You have
4 no authority to refer it even. And I said,
5 okay. Then I'll take it to the Dean to refer it
6 so we - - you know.

7 MALE VOICE: - - . I'm sorry.

8 FEMALE VOICE: I did want to just finish up
9 that one question. It says in your interview
10 report Ramsbottom recalled an incident when
11 government relations admitted an applicant into
12 LAS. But the college had no record of the
13 student. The student arrived at orientation.
14 The college was responsible for correcting the
15 error by adding the student to the roster.
16 In another case, Ramsbottom received an
17 inquiry about an applicant. Then it goes on and
18 on that therefore it was clear to Ramsbottom
19 that government relations asked without
20 notifying the college. So you show two other
21 instances--

22 MS. RAMSBOTTOM: [Interposing] Right.

23 FEMALE VOICE: --but I'm interested in how
24 this bizarre occurrence happened.

25 MS. RAMSBOTTOM: Okay. You know what?

1 These two cases that Ms. Lawry [phonetic] was
2 alluding to are different from the one that you
3 just mentioned about the student, the student
4 kind of dropping out - - is I think how I said
5 about it in the email. Separate case. Okay?
6 Now I'm not saying that I knew about two
7 cases over eight years. I'm saying that
8 generally like two to three cases are what I was
9 aware of per year. Alright? So we go back to
10 the one about which you are asking--I'm sorry.
11 We've gone - - so many times trying to get back
12 to where we started. The example there--and I
13 don't have the email in front of me to give you
14 the date on it. But what happened is here. And
15 it's in, it's in the email.
16 Alright. I received an email from the
17 departmental advisor on the first day of class
18 in the spring term. And I can't remember which
19 year it was. It's in the email. Okay? The
20 departmental advisor emailed me and said I'm
21 very confused. This student has just showed up
22 at my office needing to get advice about what
23 courses to sign up from. He's not in the
24 system. Hence, he wasn't here for orientation.
25 Who is this guy?

1 And so I said, alright, just a minute. Let
2 me try and figure this out. We looked in - -
3 system. The student was not officially in the
4 system yet. So we couldn't help him in
5 registering for class, even though it was the
6 first date of class. And I said I don't know
7 who this student is. So I wrote to the Office
8 of Undergraduate Admissions - - whatever the
9 email says, whoever I wrote to about it, asking
10 who the student was--and oh, that's right. I
11 think Able wrote back to me. And Able
12 apologized - - was put into category one for
13 admitted - - students career that they had been
14 asked to do such a thing - - benefit of the
15 doubt could be extended and that there must've
16 been circumstances of which I was unaware that
17 would've allowed this director to come. I'm not
18 so sure of it now. I did go so far as to
19 research how many students--other students had
20 been blocked from these classes during the same
21 period of time. And the queues were fairly
22 long. In three--in one class, 85 students, 98,
23 31, which meant that someone, you know, was - -
24 to jump the queue.
25 MALE VOICE: When did this occur?

1 MS. RAMSBOTTOM: This occurred in the spring
2 of 2003 and - - in the fall of 2003. And the
3 reason I have - - those dates is Mr. Crosby
4 [phonetic] asked about this kind of thing - -
5 the attorney. And I said I've got to make sure
6 I'm not remembering this wrong. And I went
7 back. And I pulled the student's file and got
8 the dates written down.

9 So did I ever take a call from the Board of
10 Trustees member requesting this? No. Did
11 anyone say who the Board of Trustees member who
12 had asked for this? No. But we had another
13 occurrence with the same student, where--

14 MALE VOICE: [Interposing] - - .

15 MS. RAMSBOTTOM: Yeah.

16 MALE VOICE: This request came to Marshall's
17 office?

18 MS. RAMSBOTTOM: No. This - - this is the
19 office of the Provost when Richard Herman was
20 Provost.

21 MALE VOICE: When Herman was Provost.

22 MS. RAMSBOTTOM: I - - reported the outcome
23 to Keith Marshall because he was the Assistant
24 Provost in the office and reported to him what
25 occurred.

1 FEMALE VOICE: And who was the trustee?

2 MS. RAMSBOTTOM: I cannot give you that

3 trustee's name without compromising the

4 student's - - protection. And I have to tell

5 you that the student was himself on record at a

6 later time in his career as expressing for us in

7 writing his embarrassment over the involvement

8 of this relative of his in his economic affairs

9 when he wanted to handle them on his own.

10 FEMALE VOICE: And I'd like to request of

11 counsel that at some point we in closed session

12 because it involves a personnel matter get the

13 name of that trustee.

14 MALE VOICE: - - that compromises the name

15 of the student.

16 MS. RAMSBOTTOM: I don't see how I cannot--

17 [Crosstalk]

18 MALE VOICE: --closed session.

19 MS. RAMSBOTTOM: So that is a specific, a

20 specific example.

21 MALE VOICE: You said there was another

22 example?

23 MS. RAMSBOTTOM: The other example is the

24 admission that I alluded earlier where it was an

25 alumni parent, rather than a Board of Trustees

1 member - - . And that was the admissions line -
2 - .

3 MALE VOICE: This kid got the classes he
4 wanted, right?

5 MS. RAMSBOTTOM: Yes, sir, he did.

6 MALE VOICE: Okay.

7 MS. RAMSBOTTOM: Not all of them. Two of
8 them--one of them, one of them department chair
9 refused. And another one, it required
10 requesting that the class be moved to a new room
11 because they were already up to the fire marshal
12 code. I wanted to tell you that my level of--
13 this is not something I would ever do. But - -
14 you never know. I would hope that I would never
15 make a decision to accommodate in this way. And
16 in fact, I felt so strongly about that that I
17 didn't hide from it who--where this was coming
18 from. I told every single department head that
19 this request - - by the Provost Office, not by
20 me.

21 FEMALE VOICE: - - .

22 MALE VOICE: So I guess two of four? Is
23 that what you said?

24 MS. RAMSBOTTOM: Sorry?

25 MALE VOICE: Two of four classes.

1 MALE VOICE: You said two of four classes he
2 got.

3 MS. RAMSBOTTOM: Well, he had--let me go
4 back. Sorry. I already--he had--it looked like
5 the six classes in which he wanted to be
6 enrolled, he had gotten three on his own
7 recognizance--oh, no, maybe two. I don't know.
8 I'm going to have to go back now. It looked
9 like three of them were ones that we--three of
10 them involved - - student still on the wait
11 list. And one, and one case, maybe a fourth,
12 maybe it was one of these three, they expected
13 to add a new session anyway. So it wasn't
14 problematic.

15 MALE VOICE: So got three of six.

16 MS. RAMSBOTTOM: It looks like it's three of
17 six. I would have to go back to the file - -
18 really careful notice of it. Yeah. And none of
19 this was in fact necessary. The student had
20 used their regular registration time, they
21 would've been able to get - - in all those
22 classes on their own.

23 FEMALE VOICE: Do you think the same ethical
24 concerns were involved in this--someone who
25 would have to accommodate a student to place

1 them in closed classes as there would be for
2 someone who was asked to place a student on
3 category one or not ask to place them but to
4 have to go through the system of moving them
5 through as a result of a Director?

6 MS. RAMSBOTTOM: Okay. - - you're saying--
7 are you asking me do I think that the level of
8 ethical--it wasn't more heinous than the other,
9 putting someone into category one as opposed
10 to--

11 [Crosstalk]

12 FEMALE VOICE: What do you think?

13 MS. RAMSBOTTOM: My issue with category one
14 is not so much the notion that there is such a
15 thing as a list that people contact you. And I
16 can see that that - - . It's what you do with
17 that list or where it comes from to signify.
18 I'm the head of a department that--whose bread
19 and butter is applying the economic rules and
20 regulations of the university with respect to
21 students' progress towards their degree. And we
22 in regular basis are negotiating issues of how
23 you apply rules ethically while at the same time
24 if a student has documented special
25 circumstances like medical - - , how you balance

1 those. We're accustomed to making these kinds
2 of calls and making hard calls where we have to
3 disappoint people. Okay?

4 So I think I find it extremely offensive
5 when a stand is not taken about something that's
6 as simple as preferred access to courses. And
7 student preferred access to courses is huge. To
8 me, it's a huge issue because it's an issue of
9 equity, where the only reason an accommodation
10 is being made is because of who the person is
11 related to, not something that - - a special
12 case of the student.

13 FEMALE VOICE: So you feel the same way
14 about the category one students--

15 MS. RAMSBOTTOM: [Interposing] Being?

16 FEMALE VOICE: --who are being admitted
17 simply because of who they know?

18 MS. RAMSBOTTOM: If they don't qualify
19 otherwise?

20 FEMALE VOICE: Even if they do?

21 MS. RAMSBOTTOM: Well, but see that's the
22 trouble. I mean, one of the troubles to me with
23 the category one designation is that you can
24 take a student who's entirely innocent of this
25 and has nothing to do with his label, never

1 asked for it. Okay? And somebody else's
2 inquiry's collected on them. Okay? And then
3 that label is there. And in this context brings
4 their suspicion whether or not they had the
5 goods to get in on their own.
6 So in that regard, it's quite determinatory
7 and negative to the student involved. We should
8 be making decisions on students' admission to
9 the university based on what they bring to the
10 university and the community - - graduate
11 student body. That means have to leave room for
12 students' special talents, for the student who's
13 a dancer and could never pass in that class,
14 alright, for the architecture student who
15 struggles with foreign language, for the student
16 athlete for a whole range of things. You want
17 to leave room for there being special
18 considerations, right? But it needs to be
19 transparent. It needs to be open to everyone so
20 that they have an ability to bring forward to
21 the table what those special--
22 MALE VOICE: [Interposing] What happened to
23 the department chairman that said, no, I won't
24 do it, who refused to get involved in the fix?
25 What happened to him?

1 MS. RAMSBOTTOM: Nothing.

2 MALE VOICE: So if the others had done the
3 same thing or you had done the same thing, you
4 wouldn't have gotten in any trouble either.

5 MS. RAMSBOTTOM: Oh, I don't know what
6 happens to me. I don't know what happens to me.
7 And I would like to speak on behalf of people
8 like me who work day after day at this
9 university trying - - people professional with -
10 - professional conduct and integrity who do not
11 have the protection of tenured faculty.

12 MALE VOICE: Okay. That's a fair point.

13 MS. RAMSBOTTOM: It's a very fair point.
14 And we pushback. And we object. And we have
15 email where I say this is against policy. This
16 is against protocol. Why is this happening?
17 Okay? I don't know if I had said I refuse to
18 contact the department heads, I don't know what
19 would've happened there. At the time, I didn't
20 feel a huge sense of risk because - - I'm still
21 giving the benefit of the doubt because there
22 must be things I don't know about, you know,
23 similar to how we did in the recent war where we
24 gave people benefit of the doubt. But over
25 time, you learn that maybe the grey areas, maybe

1 the grey areas aren't there. If I felt that--I
2 have not felt that my personal integrity has
3 been compromised in this job with a big C. I
4 have felt unhappy about some of the ways in
5 which the way the University of Illinois
6 behaves. And I have not seen these kinds of
7 activities at the other places in which I was
8 employed. Maybe I didn't stay there long
9 enough--I don't know--to my other places.
10 I would be, I would be happy if I needed to,
11 to resign my position if I felt that I had been
12 absolutely compromised. I--things build up over
13 time little by little. But I'm not there.
14 Okay? - - my family.
15 MALE VOICE: We're going to try to make it
16 better.
17 FEMALE VOICE: Do you have any instance that
18 you can think of in which someone has been
19 disciplined or terminated because they took an
20 ethical stand?
21 [Background noise]
22 MS. RAMSBOTTOM: No, I don't. And I'm sure
23 glad I don't know that. I would hope that that
24 is just not the case. However, I do--I know--
25 you know, I expect myself to be courageous.

1 When moral issues are presented to me, I expect
2 my staff to be--I do everything not to put them
3 in a position where I have introduced a moral
4 quandary of any kind. However, as you all know
5 better than I do the nature of hierarchy and the
6 fact that--I applaud everyone in this process
7 who did have something at risk and pushing back
8 against higher levels, okay, who really do have
9 something at risk. And there's a point in which
10 we are not accountable for the decisions of the
11 people at the top of the hierarchy.

12 FEMALE VOICE: You said that you have emails
13 in which you objected and said this is a
14 violation of policy. Do we have copies of those
15 emails?

16 MS. RAMSBOTTOM: No, because the--well, you
17 probably have an email or two where I say--well,
18 I'm frankly--you know, quite indirectly, but
19 fairly in that parenthetical remark saying I
20 don't like the way - - . But there are emails
21 where I question policy. I ask--you know, I
22 basically am saying this is never the policy
23 this way--

24 FEMALE VOICE: [Interposing] And I don't

25

1 want to take too much time.

2 [Crosstalk]

3 FEMALE VOICE: But I would like to see
4 those. And are there any other--so could you
5 prepare those and turn those in - - ? And I, I
6 know we're under a time restraint here.

7 [Background noise]

8 MS. RAMSBOTTOM: Well, I apologize for my
9 lengthy answers.

10 FEMALE VOICE: Are there any other instances
11 of undue influence exercised by the trustees or
12 any other types of categories because, when the
13 policy is created, it's not going to be just for
14 admissions. It's going to be for housing, for
15 special classes or tuition reimbursements or
16 whatever. We want to make sure that we have--as
17 comprehensive a list as possible.

18 MS. RAMSBOTTOM: I don't have personal
19 knowledge of any - - for housing or a completely
20 different position of the university. I have
21 had sort of footprints in the sand that suggest
22 that some of those raising which what I would
23 consider micromanagement of certain programs
24 vocationally - - kind of places where you're not
25 understanding why anyone would care about

1 particular policies. My general impression is
2 that they're just various ways in which some
3 members of the Board of Trustees, you know, it's
4 appropriate to insert themselves in all levels
5 of university business. And while--

6 MALE VOICE: [Interposing] That's the one
7 instance, though, that you do know of.

8 MS. RAMSBOTTOM: That I know directly. And
9 I think that--I believe that trusteeship
10 involves stewardship. So I think asking
11 questions is fine. But intrusion without asking
12 for a consultation of those who work in the
13 program.

14 MALE VOICE: John, do you have anything?

15 JOHN: Very quickly to clear the record on
16 the exhibit that you have in front of you that's
17 the February 2008 candidate, the three-page
18 exhibit beginning with the number at the bottom

19 UNIVER1395. Do you see that, Dean?

20 MS. RAMSBOTTOM: Yes.

21 JOHN: Just so we're clear now, the
22 candidate there was related to a significant
23 person that--

24 MS. RAMSBOTTOM: [Interposing] A - - donor.

25 JOHN: One - - who was also a significant

1 donor?

2 MS. RAMSBOTTOM: Yes, sir.

3 JOHN: And you just I think a few minutes
4 ago said that your personal philosophy is that
5 an applicant ought not be admitted based on who
6 they're related to.

7 MS. RAMSBOTTOM: Mm-hmm.

8 JOHN: But rather based on what they bring
9 to the table?

10 MS. RAMSBOTTOM: Mm-hmm.

11 JOHN: Okay. And in this particular
12 instance, the admissions office had recommended
13 denial based on merit - - criteria for what they
14 determined to be the appropriate candidates for
15 admissions.

16 MS. RAMSBOTTOM: I don't always agree with
17 the Office of Undergraduate Admission. I think
18 --my Assistant Dean looked at the student's
19 record. And you know, sometimes, we kind of do
20 dig deeper into their disciplinary stuff. And
21 we didn't feel that there was any problem with
22 this applicant. And as I mentioned, the student
23 came in - - . So I think we were kind of like--

24 JOHN: [Interposing] Let me just - - to you.

25 Had this person, had this applicant not been the

1 grandson of a prominent donor, would your
2 college have gone to the length it went to, to
3 try to put this person on category I?

4 MS. RAMSBOTTOM: Unfortunately, if the
5 student had not come to our attention, we
6 probably never would've seen the student's
7 application because the numbers are so big in
8 LAS that we only see--only a certain group is
9 brought to the table for us to see. And a
10 recent experience is we're seeing fewer and
11 fewer of them at that table, that more decisions
12 are being made unilaterally by admissions. So I
13 don't think we ever would've ever even seen that
14 candidate to even turn in.

15 JOHN: But you had seen the candidate. And
16 the candidate did not have a prominent relative
17 connected to the university, would you have
18 indicated to Keith that the applicant should be
19 included - - ?

20 MS. RAMSBOTTOM: I think in that case it
21 would've depended on who else was on that table,
22 you know, because, again, the context then is
23 you've got 20 files in front of you. You've got
24 ten spaces. It would've been, it would've been
25 very much dependent on who would--would we have

1 categorically have said no? No, we would not
2 have categorically said no. But again, I think
3 the way the system works, we never would've even
4 seen him. And that's another important part
5 here, isn't it, that there's students who only
6 get that second important look because someone
7 has brought them to our attention because,
8 otherwise, they kind of go in the mill.

9 MALE VOICE: Is that necessarily bad?

10 MS. RAMSBOTTOM: That they go in the mill.

11 MALE VOICE: No, no, no, they get a second
12 look.

13 MS. RAMSBOTTOM: Well, now if you've made
14 the--made it possible for everybody to get a
15 second look. If you--

16 MALE VOICE: [Interposing] Fair appeals
17 process maybe.

18 MS. RAMSBOTTOM: Fair appeals, or for heaven
19 sakes, allow them letters of recommendation.

20 FEMALE VOICE: Now that's interesting. I'd
21 like to hear your opinion on that because we've
22 had many people from the University of Illinois
23 whose recommendations have been that we should
24 not have--we should eliminate letters of
25 recommendation or minimize them to one. What is

1 your opinion--
2 [Crosstalk]
3 MS. RAMSBOTTOM: --you know, loose cannon.
4 [Crosstalk]
5 MS. RAMSBOTTOM: My background's private for
6 the most part. And my children, college-age
7 children - - private. And they require letters
8 of recommendation. But let me put it in a
9 different context. We have students in my
10 office who are petitioning for waivers of
11 certain rules or accommodations of various
12 kinds, for example, courses, et cetera. We do
13 not proceed in a way where a student can make a
14 personal - - if you know about that or on the
15 phone or parent or whatever. We have a very
16 transparent and prescribed process. It's
17 available for everybody to see at the website.
18 It's a written process. It requires
19 documentation. You've got to take it out of
20 that personal place, okay, where it's harder to
21 say no to people and make it written and formal.
22 I do think that it's--letters of
23 recommendation mind you allow places to express
24 some of the special attributes of the student
25 that we're looking for. And I don't mean who

1 they're related to but their own special
2 attributes. It also allows you, you know, if
3 you've got a letter--you could also require that
4 someone indicated use the formal form which says
5 whether or not they personally know the
6 applicant. And that helps you to deal with--I
7 do think that things in writing that have public
8 exposure provide a different side of people,
9 what they're willing to say, what they're
10 willing to do, than when it's a phone call.
11 So my personal opinion is that that would
12 help to objectify the process, make it more
13 equitable.

14 FEMALE VOICE: Thank you.

15 MR. MIKVA: John?

16 JOHN: Nothing further, judge.

17 MR. MIKVA: Thank you very much, Dean.

18 MS. RAMSBOTTOM: Thank you, sir.

19 MR. MIKVA: Your cooperation, we appreciate
20 it, appreciate your forthcoming.

21 MS. RAMSBOTTOM: We appreciate your effort.

22 MR. MIKVA: Is there a request for executive
23 session? First of all, John, I'm not sure we -
24 - . Normally, commissions - - some matters - -
25 .

1 JOHN: Judge, on that, let me take a look at
2 that. I think the request was - - .
3 [Crosstalk]
4 FEMALE VOICE: I think that at some point we
5 should get the name of that trustee because - -
6 .
7 MR. MIKVA: - - now that's going to be hard
8 for us to do because that forces them to
9 disclose the name of the student.
10 FEMALE VOICE: No, it doesn't because she
11 just said relative. It could be a son. It
12 could be a grandson.
13 MR. MIKVA: - - will compromise--we assume
14 that the name - - .
15 FEMALE VOICE: I would really seriously
16 object because this is an issue of ethics. And
17 this is in violation--
18 MR. MIKVA: [Interposing] I understand.
19 FEMALE VOICE: --of ethics.
20 MR. MIKVA: I can't ask--I don't think we
21 can ask a university employee to violate federal
22 law.
23 FEMALE VOICE: So let's go to the counsel
24 and let the lawyers figure it out.
25 MR. MIKVA: I'm all for that. But I think

1 the question that even, even if we can go into
2 executive session, whether we'll be permitted to
3 get that information.

4 MALE VOICE: Judge, I--

5 [END admissions-review-071309 Part 3 of 3]

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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 __Amy La Branch_____

7 Date __July 27, 2009_____

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