

Draft

STATE OF ILLINOIS

ADMISSIONS REVIEW COMMISSION

NOTICE

Monday, July 27, 2009

Commission Meeting: 10:30 a.m.

University of Illinois

Beckman Institute

405 North Mathews Avenue, Room 1005

Urbana, Illinois 61801

AGENDA

- I. CALL TO ORDER AND INTRODUCTORY REMARKS
- II. PUBLIC TESTIMONY
 - A. James J. Stukel, President
Emeritus, University of Illinois
 - B. Stanley O. Ikenberry, President
Emeritus, University of Illinois
 - C. B. Joseph White, President,
University of Illinois
- III. DISCUSSION
- IV. CONCLUDING REMARKS AND ADJOURNMENT

TRANSPERFECT
LEGAL SOLUTIONS



1 Chair

2 Abner Mikva

3 Chicago, Illinois

4

5 COMMISSIONERS PRESENT:

6 RICARDO ESTRADA

7 BERNARD JUDGE

8 CHUCK SCHOLZ

9 ZALDAWYNAKA SCOTT

10 MARIBETH VANDER WEELE

11

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15 312-862-2309,

16 MR. ROBERT B. ELLIS, P.C.

17

18 OFFICE OF THE GOVERNOR

19 PAT QUINN

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22 Chicago, Illinois 60601

23 312-814-1687,

24 MR. THEODORE T. CHUNG

1 CHAIRMAN MIKVA: If we are ready, then the
2 Commission will come to order.

3 We are pleased of the surroundings that the
4 University has provided us down here. We
5 appreciate it.

6 And we particularly appreciate the array of
7 presidents that we have to help us shed light on
8 these problems and possible solutions.

9 The first one is President Stukel.

10 President Stukel, thank you very much for
11 coming here. And it's good to see you again.

12 MR. STUKEL: Good to see you, Judge.

13 CHAIRMAN MIKVA: Our usual procedure has
14 been for Mr. Chung to lead the questioning for the
15 Commission.

16 If you have a short statement that you
17 would like to read, Mr. Stukel, by all means.

18 MR. STUKEL: Thank you. I appreciate it
19 very much.

20 Welcome to the University, Mr. Chairman and
21 Members of the Committee. Welcome to the
22 Urbana-Champaign campus.

23 Thank you for the opportunity to speak with
24 you about our recent letter to you.

1 I would like to expand on the Governor's
2 concerns expressed in our letter and explain how I
3 believe this issue pertains to the current charge
4 of the Commission.

5 My comments to follow are based on 20 years
6 personal experience of working with Trustees under
7 an ever-evolving Board Governance Model.

8 The national Association of Governing
9 Boards, AGB, has published materials outlining
10 what constitutes proper responsibilities and
11 behavior of board members in public institutions.

12 The elected board in the early '80s of the
13 University of Illinois adopted the AGB model. In
14 this model, the role of the Board was to set
15 policy, appoint the president, hold him or her
16 accountable, not be involved in managerial or
17 administrative functions of the institution, act
18 as a buffer between the University and political
19 structures, partisan politics and pressures of
20 state government, embrace shared governments.

21 The members were independent of political
22 alliances and had no political ambitions. And
23 they supported public advocacy against measures
24 that might harm the University of Illinois.

1 In the mid '80s, however, things began to
2 change. Political pressures began to alter the
3 early '80s, and the Board began to change the
4 models. Members were less independent and were
5 subject to outside political and special
6 interests.

7 Members have further political ambitions
8 and represented special interest groups and they
9 acted as less of a buffer against outside
10 influences as the early ones did.

11 Because of all these things and the
12 controversy surrounding my pick as chancellor in
13 Chicago, in 1992, the Legislature changed the
14 appointment process from an elected model to a
15 board appointed by the Governor. This is a
16 profound change.

17 The Appointed Board Model began in 1993.
18 In the Edgar years, the Board was by and large
19 committed to the early governance model, the AGB
20 model.

21 In the Ryan years, however, things began to
22 change. One of Governor Ryan's first appointees,
23 a former legislative leader, introduced the
24

1 model -- a different model of governance, one that
2 I would call a Legislative Model.

3 His view was that the University was just
4 another state agency, no different than the
5 Department of Transportation, the Department of
6 Health.

7 In my opinion this meant the Governor
8 potentially had enormous influence on U of I
9 initiatives. And the public advocacy against any
10 Governor's policy that negatively impacted the U
11 of I was not permitted.

12 The role of the Trustees in this
13 Legislative Governance Model was very different.

14 Committee chairs had greater control than
15 previously for specific areas. And deference was
16 given to them in the recommendation.

17 The concept of a committee of the whole was
18 beginning to lose favor.

19 Trustees became deeply involved in
20 administrative matters, even operational matters,
21 sometimes assuming control, more properly the
22 purview of the administration.

23 The Board Chair would be more than just an
24 equal member of the Board. He or she could

1 occasionally make decisions or give directives
2 without a board or presidential concurrence or
3 even consultation.

4 There would be no significant buffer
5 between the U of I and Governor or legislative
6 issues that were pertinent to the U of I.

7 Shared governance was not a consideration
8 at all. And perhaps, more importantly and most
9 destructive, the role of the president would be
10 significantly weakened, that a presidency became
11 more like an executive director than a chief
12 executive officer.

13 In effect, the Chair of the Board becomes a
14 de facto president of the University of Illinois.

15 Not all trustees embraced this model at
16 that time, but there were some that did.

17 I opposed this model greatly, which created
18 a great deal of tension between the Board Chair
19 and me over several years. It was a tug of war.

20 The Blagojevich years. Over the first 18
21 months, I observed that Governor Blagojevich's
22 appointees, along with a few Ryan appointees,
23 adhered to this model very closely. That is the
24 Legislative Model.

1 The most serious change was that the new
2 appointees were committed philosophically to
3 taking direction from the Governor himself.

4 He was elected by the people of Illinois
5 they argued; therefore, he speaks, we listen.

6 Some others felt obligated out of a
7 personal debt to the Governor because of their
8 appointment.

9 I take strong exception to these two
10 positions. They are extremely dangerous over the
11 long haul. There is no buffer.

12 What the Governor wants, the Governor gets.

13 In my view the Legislative Model was about
14 power and had nothing to do with benefitting the
15 University of Illinois.

16 With respect to the governing model, this
17 meant no buffer between the U of I and the
18 Governor and the staff with regard to U of I
19 policies or agenda, no buffer between the U of I
20 and the Governor on legislative proposals
21 supported by the Governor that might negatively
22 impact the U of I, and, most importantly, no
23 checks and balances.

24 In my view the Legislative Model was about

1 power, as I said earlier, not benefiting the
2 University of Illinois.

3 Now, the difference between these two
4 governing models is stark. In the one there are
5 strict rules regarding roles of trustees,
6 administration and faculty. The president is the
7 CEO.

8 In the current model legislatively,
9 everything is ambiguous and unclear. No one is in
10 charge.

11 Trustees are assuming the role of
12 management. It's as if the trustees behave as if
13 everybody in the institution reports directly to
14 them. They rule the day. Chain of command is
15 totally broken.

16 In my view, when reporting lines are
17 blurred, organizations become weak and ineffective
18 and strong ethical environment begins to be
19 compromised, admissions.

20 Employees get different signals from
21 Trustees and the administration, leaving them in a
22 state of confusion regarding University values.

23 This results in a lack of resolve to resist
24 directives that they feel are unethical or that

1 violate the University's standards and policy.

2 The University culture becomes compromised.
3 Faculty and staff may feel it's every man or woman
4 for himself or herself and begin to act in their
5 own self interest.

6 If this culture is left in place, it will
7 lead to more serious transgressions than the
8 actions described through the admissions process.

9 It's the wrong model and will not serve the
10 University of Illinois or state well in the long
11 run.

12 In addition, it is my view that both the
13 elected trustee model and the Governor-appointed
14 trustee model have shown to have serious
15 shortcomings. Both of them are compromised by
16 outside political influence.

17 A new model is needed that is -- that
18 provides checks and balances and that board
19 appointment -- that a board appointment is not
20 made for political reasons.

21 Why am I here?

22 In my view, maintaining the current board
23 model and appointment process would over time
24 totally destroy the integrity of the institution.

1 In my 41 years of academic experience, I
2 have learned that those institutions that have
3 board governance similar to the U of I's early
4 model, the AGB model, are among the most
5 distinguished in the nation, while those having a
6 model like the one that we have are second-rate
7 institutions.

8 In my opinion, without a change in the
9 governance model and the trustee selection
10 process, the U of I is headed for second-rate
11 status.

12 I for one would do in all my power to
13 prevent this from happening. That is why --
14 Chairman Mikva, that is why I signed the letter
15 and why I am here today.

16 CHAIRMAN MIKVA: Thank you very much,
17 President Stukel, for that very informative
18 statement.

19 We will follow our usual practice and ask
20 Counsel Chung to start the questioning and then
21 the Commissioners will feel free to intervene when
22 they think it's necessary.

23 MR. STUKEL: Thank you, sir.

24 MR. CHUNG: President Stukel, could you

1 state generally what your educational background
2 is?

3 MR. STUKEL: I received my undergraduate
4 degree at Purdue in mechanical engineering.

5 I received my master's in Ph.D. at the
6 University of Illinois Urbana-Champaign.

7 I joined the faculty, was on the faculty in
8 Urbana for 18 years.

9 During that time, I spent some time as the
10 associate dean of engineering and also the
11 director of energy research, which was a
12 campus-wide administrative activity.

13 In 1985 I went to Chicago, our Chicago
14 campus as the research vice chancellor, a year
15 later becoming the executive vice chancellor for
16 the provost.

17 In 1990 I became the interim chancellor;
18 1991, the chancellor of the University of Illinois
19 Chicago.

20 And then I came back to Urbana in 1995 as
21 the president and served as president until 2005.

22 MR. CHUNG: So how many total years did you
23 spend with the University as a student, faculty
24 member or administrator.

1 MR. STUKEL: Well, I began as a student in
2 1961 and left in 2005. I will let you do the
3 math.

4 MR. CHUNG: That sounds about 44 years.

5 CHAIRMAN MIKVA: Just about how old you
6 are, right?

7 MR. STUKEL: That's right. I started at a
8 very young age.

9 MR. CHUNG: President Stukel, I would like
10 to focus on your tenure as president. And that
11 was from 1995 to 2005, sir?

12 MR. STUKEL: Yes, sir.

13 MR. CHUNG: What did you regard as your
14 role -- central role as president of the
15 University of Illinois?

16 MR. STUKEL: Chief executive officer. My
17 management style was very much a chain-of-command
18 operation.

19 I did not -- I was the president of the
20 University of Illinois. I represented the
21 University of Illinois. My staff, all the vice
22 presidents reported to me and the chancellors
23 reported to me.

24 With regard to the chancellors, the

1 chancellors were in charge of the campus.

2 Having been a chancellor before I became a
3 president under President Ikenberry, I did not --
4 I did not appreciate the president's intervening
5 in campus activities.

6 So that's important later on for some
7 further questioning you might have.

8 But the chain of command in my view had to
9 be maintained.

10 For example, I would never call a dean or a
11 director or anybody on the campus. I would always
12 work through the chancellor unless the chancellor
13 said, Jim, go ahead and call that person. Because
14 I didn't want to blur the lines of administration.

15 I find that when people have a number of
16 people calling them and telling them to do
17 something, they are confused as to who is in
18 charge.

19 So my management style was to have very
20 strict lines of management. And I viewed myself
21 as chief executive officer of the University of
22 Illinois.

23 MR. CHUNG: Now, you have described your
24 management style and the structure you had with

1 regard to people below you.

2 What about with regard to the Board of
3 Trustees, how would you describe your role?

4 MR. STUKEL: That's a very good question.
5 When I became president or observing the later
6 years of President Ikenberry, the president was
7 the part of the Board's team.

8 It was a collaborative relationship. The
9 president would meet with the Board. They would
10 talk about issues. They would discuss where the
11 university was going.

12 When the Ryan people came in and this one
13 legislator who I did battle with for a number of
14 years, his view was that literally the president
15 was a kind of an executive director and should not
16 have contact with the Board of Trustees.

17 As a matter of fact, the tradition has
18 always been before a board meeting that the
19 president would call members of the Board to ask
20 them are there some issues that are coming up that
21 we should be prepared to deal with so we aren't
22 caught cold during the board meeting.

23 All the presidents did that that I know
24 about.

1 This gentleman who was the Board Chair
2 stopped that. He said you're lobbying the board
3 on your issues and, therefore, you should stop
4 that.

5 Remember, being president it's a five to
6 four vote on issues coming before the Board.

7 So this gentleman thought I was lobbying
8 board members to vote favorably for the actions
9 that I presented to the Board. And he wanted to
10 maintain that privilege without interference from
11 the president.

12 So in the latter years of my presidency,
13 there was a halt between the Board and the
14 president with regard to the governance of the
15 University of Illinois.

16 MR. CHUNG: You referred to now this
17 gentleman a few times in your testimony. Who was
18 that gentleman, the Board Chair?

19 MR. STUKEL: Jerry Shah.

20 MR. CHUNG: And over what period of time
21 was Jerry Shah the Board Chair?

22 MR. STUKEL: He was there for a year. But
23 his influence was immediate.

24 Mr. Shah, who is a very distinguished

1 legislator and a fellow who has a lot of
2 experience in working with the Legislature, came
3 in to me and said, Jim, I am here to represent the
4 Governor and the Governor's interest.

5 And from that day on, he began to exert his
6 will regarding what the Governor's model ought to
7 be.

8 The Legislative Model that I referred to in
9 my testimony is his model.

10 CHAIRMAN MIKVA: He came in during the Ryan
11 administration?

12 MR. STUKEL: Yes. That was very much his
13 model.

14 And being a very powerful personality, he
15 was able to convince people over time that that's
16 the model they should use.

17 We had a great deal of tension between
18 Mr. Shah and myself over where this university was
19 going, this board model.

20 This board model in my view was extremely
21 dangerous, extremely dangerous for all kinds of
22 activities.

23 We are a \$4 billion a year operation. And
24 my view was we could not have the single-minded

1 approach that didn't allow for processes within
2 the university that protect us all.

3 CHAIRMAN MIKVA: He stayed on the board for
4 how long?

5 MR. STUKEL: He stayed on the Board as long
6 as Governor Ryan was governor. The minute
7 Governor Ryan left office, he resigns his position
8 on the Board.

9 CHAIRMAN MIKVA: So 2002.

10 MR. STUKEL: I can tell you exactly if you
11 give me a minute here.

12 CHAIRMAN MIKVA: That's all right. But he
13 was Chair for a year.

14 MR. STUKEL: That's correct. But his
15 influence was over his entire time on the Board.

16 MR. CHUNG: President Stukel, earlier in
17 July, you co-signed a letter to this Commission.
18 The other signatories were former President
19 Ikenberry and then former Chancellors Morton Leer
20 and Michael Aiken. Do you recall that letter?

21 MR. STUKEL: I do.

22 MR. CHUNG: A portion of that letter reads
23 "while concern and anxiety on admissions decisions
24 at selected campuses, such as Urbana-Champaign,

1 are nothing new, the weakened capacity to
2 withstand those pressures and safeguard the
3 integrity of the university is more recent."

4 MR. STUKEL: Yes.

5 MR. CHUNG: Do you stand by that statement
6 today?

7 MR. STUKEL: I do.

8 MR. CHUNG: And you have touched on this
9 concept a few times already. But let me also read
10 another portion of the letter, sir, and ask the
11 same question, do you stand by this section:

12 "Over time a changed Board culture emerged
13 regard stewards and guardians of the University.
14 Some trustees pursued personal interests and saw
15 themselves accountable only to the Governor. In
16 the process, the power and authority of the
17 University's administration were eroded. And some
18 trustees delved in operational decisions. They
19 crossed a broad spectrum including admissions.

20 "Eventually the Board itself became
21 fragmented with over a dozen committees reflecting
22 the special interests and personal desires of
23 individual trustees, but diminishing the capacity
24 of the Board to act as an independent governing

1 body."

2 Sir, do you stand by that statement today?

3 MR. STUKEL: Yes. And my testimony was
4 directed to that exactly.

5 MR. CHUNG: I think that's the most
6 relevant aspect of your testimony is the
7 connection between -- that you see between board
8 cultural matters and the issue before this
9 Committee, which relates specifically to
10 admissions.

11 MR. STUKEL: Actually, you have a situation
12 by virtue of the Board Governance Model that the
13 board members think that everyone reports to them;
14 therefore, they feel reaching into the
15 institution, calling anybody in the institution to
16 ask them to do things.

17 Once you break down the chain of command
18 within an organization, people become confused as
19 to who is in charge.

20 Therefore, as my testimony states, they are
21 trying to find -- they are trying to please people
22 rather than doing their job. They are trying to
23 please people to gain favor for some reason either
24 now or in years to come.

1 And that's a terrible weak organization
2 that results in a very weak presidency. And it is
3 very dangerous.

4 MR. CHUNG: President, you described at the
5 outset of your opening remarks the Board model
6 that I think emanates from the Association of
7 Governing Boards.

8 MR. STUKEL: That's correct.

9 MR. CHUNG: Would you briefly summarize
10 that once again and describe for the members of
11 the Commission when during your tenure your
12 40-plus years at the University that model was in
13 place?

14 MR. STUKEL: That model was in place all
15 during the early years of my association with the
16 University's administration.

17 President Ikenberry would be a better
18 person to talk about this in the '80s because he
19 is much older than I am. He will have his
20 opportunity to rebut that in a few moments.

21 This is not just the AGB model; it's a
22 corporate model.

23 You set -- if you are a board, you set
24 policy and then you are done. Then you charge --

1 you appoint the president and hold him or her
2 accountable. It's an easy and simple idea.

3 The board does not get into operations or
4 management or anything like that. They don't.

5 I mean, that's a corporate model. That's
6 an AGB model. Anybody that's been on a board
7 knows that.

8 The Board acted as a buffer. Early on,
9 there used to be the trustees' appointment process
10 was the Alumni Association gave a list of Rs and
11 Ds to the parties. They picked them off the list.
12 They ran them in a state-wide election and they
13 were elected.

14 What their badge of honor was -- and I
15 heard it many times in reunions. When I joined
16 the Board of the University of Illinois, all the R
17 and D labels vanished. They were gone.

18 We were here to be -- to protect the
19 University of Illinois from outside influence.
20 And they would take great pleasure in saying if
21 the Governor calls me or the legislative majority
22 leader calls me, I am going to tell them where to
23 go.

24 There was a pride there of protection of

1 the University. And that's true of all the AGB
2 models.

3 They embraced shared governance, which
4 maybe you don't know what that's about.

5 Shared governance is extremely important to
6 the fabric of the institution. It says that the
7 faculty -- that the Trustees, faculty and the
8 administration come to go together to think about
9 where the University is going, what are the
10 values, what are the goals of the institution.
11 And they collaboratively do them together.

12 The faculty have academic responsibilities
13 of what is going to happen to the academic
14 enterprise.

15 The Trustees' role is to set policies and
16 goals, where are we going as an institution.

17 And the administration's role is to make
18 sure all that happens. That's shared governance.

19 When you have a board like this, they came
20 in and said the heck with that.

21 As a matter of fact, there was a proposal
22 during my presidency in which Mr. Shah proposed
23 that they set up an Italian organization with
24 their budget, their accountant, their lawyers and

1 their own priorities.

2 Now, luckily I had votes and that didn't go
3 anywhere.

4 But this shared governance is a terribly
5 important thing.

6 So that's the model. It's clean cut, the
7 goals, the strategies, president go do it and we
8 will protect you in the process.

9 MR. CHUNG: And did that model begin to
10 shift with Jerry Shah or did it precede Jerry
11 Shah's arrival?

12 MR. STUKEL: No, no. In the early '80s
13 that was rigid. In the middle '80s, '85 to '90,
14 there were people coming on the Board, Trustees
15 who had a personal agenda and who sought -- they
16 were putting their toe in the water to see if
17 there were political opportunities after the
18 Board.

19 And all of a sudden things changed because
20 no longer was there pride that anybody who comes
21 before the University of Illinois we will stand as
22 a buffer. Rather, they were looking around to see
23 how it might benefit themselves.

24 And a classic example of what happened --

1 and again President Ikenberry's courage saved
2 this.

3 When I was in Chicago, there was a
4 chancellors' search, national search. This
5 academic process, you send out all the
6 advertisements, people make application. There is
7 a review process that the academic committee makes
8 recommendation and the president says -- and takes
9 it to the president.

10 In my case all that was done. I was picked
11 to be the chancellor. And President Ikenberry and
12 his wife were generous enough to have a nice
13 dinner for us saying you are it, Jim.

14 The next morning he gets -- maybe not the
15 next morning. But very shortly after that, you
16 will have to ask him, he gets a call from the
17 Governor. And the Governor says, you know, I have
18 got a person that I think would be a better
19 candidate for the chancellorship and I want you to
20 interview him.

21 Well, to make a long story short, the Board
22 was swayed by that to the point where I was not
23 going to get the job and they were going to open
24 the search. And, obviously, it was to be targeted

1 for this person to be the chancellor.

2 What happened was that the in-coming
3 Governor Edgar found out about this and he said
4 that's not right. So he announced -- he was going
5 to come to the Board to vote for me and the Board
6 changed. And I became chancellor. So I am
7 sensitive.

8 Toward the end of the '80s, it became very
9 political, which led to the motivation for the
10 change from an elected board to an appointed
11 board.

12 Naively -- we are naive on that. We always
13 thought if we would get Jim Edgar, he would
14 appoint stellar people like he did the first time
15 he appointed trustees, not thinking about who
16 might come next and the time after that.

17 So that was the '85 to '90. So that's a
18 major change from the early '80s and before and
19 during that period of time from '85 to '90.

20 COMMISSIONER SCOTT: President Stukel, I
21 have a question.

22 Given the scenario you just described with
23 sort of outside influence coming into the Board
24 and basically moving you out of an opportunity,

1 that was always a possibility; is that right?

2 MR. STUKEL: The answer is that it's always
3 a possibility for a person to become a candidate
4 for a position.

5 And how it works is there is an
6 announcement of the global -- or of a nationwide
7 search. All the candidates at that time are
8 supposed to declare the candidacy and you go
9 through the process and -- in academic
10 institutions.

11 Once the search committee makes its
12 recommendation to the president, it's over with.

13 What happened here was the Governor going
14 out of office wanted to place this person. And at
15 that point if you begin to interject candidates
16 into the process that bears no resemblance to the
17 nationwide process, that's a direct political
18 directive to the president to consider a candidate
19 that had not passed muster.

20 COMMISSIONER SCOTT: But the Board was
21 willing under the facts as you have described, the
22 Board was willing to go along with that outgoing
23 Governor's recommendation?

24 MR. STUKEL: That's correct. That's

1 correct.

2 COMMISSIONER SCOTT: And what we would like
3 to know is what processes can we put in place that
4 would prevent that kind of influence?

5 MR. STUKEL: Very good question.

6 First of all, you have to have checks and
7 balances on any board. Any model will work if you
8 have the right people in the chair, any model will
9 work.

10 And I think that what needs to be done is
11 that the board appointment process has to change
12 so that, for example, three people might be
13 appointed by the Governor.

14 Six or some other number would be selected
15 by the Illinois board because we know those
16 people. We know what their allegiances are. We
17 know something about them.

18 So you reduce the risk that you get a
19 person going into the board who has -- who is
20 beholdng to a Governor or to the party.

21 The question of alternatives, which is why
22 I am -- I was delighted that you raised that
23 question -- I think President Ikenberry has
24 thought a lot more about what models might be

1 available to protect us from this kind of
2 intervention. So if I could pass that.

3 COMMISSIONER SCOTT: Refer to him.

4 MR. STUKEL: Well, he was my boss after
5 all.

6 COMMISSIONER SCOTT: Having heard the
7 question, he should be prepared to answer.

8 COMMISSIONER VANDER WEELE: I would like to
9 follow up with a question as well.

10 I totally understand your statement about
11 trustees not interfering with day-to-day
12 management decisions. And I totally agree with
13 that.

14 However, we also know from corporate
15 America and elsewhere in corporate theory that the
16 best policy decisions are ones that are formed by
17 information from the front lines. Correct?

18 MR. STUKEL: Yes.

19 COMMISSIONER VANDER WEELE: So I wouldn't
20 want to see something in which the trustees are so
21 insulated from what's going on on a day-to-day
22 basis, that they are making decisions in a vacuum
23 based on one person's recommendation.

24 So do you have any problem with trustees

1 visiting the front lines on a regular basis and
2 receiving input as opposed to giving directives?

3 MR. STUKEL: No, I don't really.

4 Board meetings are basically there for
5 having an organized dialogue with the Trustees.

6 Faculty come before the Board at times.
7 Faculty leaders come before the Board every year
8 to give a report on how things are going.

9 No. Controlled access I -- as president,
10 we had that.

11 The problem was -- and I had this happen to
12 me -- is that it goes beyond that, having
13 run-throughs where the people who are middle
14 management people on campus or deans or somebody
15 in my staff going out without my knowledge and
16 again to talk about what we should be doing in a
17 particular area.

18 The academic institutions are kind of
19 strange places in a sense.

20 See, all these things we do, all the
21 decisions we make regarding operations, regarding
22 building programs, regarding long-range planning,
23 these are our collaborative processes between the
24 faculty, the staff and the administration.

1 And we come to judgments. And not everyone
2 agrees.

3 So the problem you have is you don't want
4 to get into situations where an influential
5 trustee is having a run-through with people who
6 just don't like the outcome, the general
7 consensus.

8 So you have people getting a second and
9 third bite at the apple and having a Trustee
10 become an advocate of that. And things really
11 break down.

12 But to answer your question directly, I
13 have no problem with controlled access. I don't
14 mean controlled in the sense we aren't there. But
15 it's a process by the Chair of the academic --
16 Chair of the academic committee ought to be
17 meeting with the Senate's conference.

18 The operations people ought to be meeting
19 with the operations people but in a controlled
20 way.

21 COMMISSIONER VANDER WEELE: I think I have
22 a little bit of a problem with that because if you
23 look at the Enron situation, the failure of the
24 board there, boards since Enron and Sarbanes-Oxley

1 have been indicted, so to speak, for failing to
2 knows what's going on in the organization and
3 holding the top management accountable. And
4 that's why we have audit committees of public
5 boards, right?

6 MR. STUKEL: Sure.

7 COMMISSIONER VANDER WEELE: So the audit
8 committee receives the complaint from the
9 organization. And sometimes they receive
10 information that the top management doesn't know
11 about and that allows them to ask better questions
12 in developing policy as opposed to day-to-day
13 management decisions.

14 I do make a big difference. But I think a
15 good trustee knows what's going on in the front
16 lines, at least to some degree, and is receiving
17 input from the front lines as opposed to directing
18 management decisions so they can form better
19 policy.

20 MR. STUKEL: Good point.

21 CHAIRMAN MIKVA: President Stukel, was
22 there an I list when you were there? Did you ever
23 hear of that?

24 MR. STUKEL: No, I didn't.

1 CHAIRMAN MIKVA: When was the first time
2 you heard it?

3 MR. STUKEL: When I got this case work of
4 something that I was involved with.

5 CHAIRMAN MIKVA: And during the time that
6 you were chancellor and president, were there
7 occasions when pressure was put on you to help in
8 an admission, whether it was political pressure or
9 alumni pressure or donor pressure?

10 MR. STUKEL: There was certainly -- I'm
11 not -- yes. The answer is yes.

12 CHAIRMAN MIKVA: And how did you respond to
13 those?

14 MR. STUKEL: When I was chancellor in
15 Chicago, we didn't get a lot of requests. I
16 should say that upfront.

17 But, nevertheless, admissions is a campus
18 responsibility. And my view of that was, as the
19 chancellor, if given that responsibility, if
20 things go wrong, it's on my head and nobody up the
21 line. Because with authority goes responsibility.

22 So, secondly, because there weren't many
23 applications that were in the category, except for
24 medical school and dentistry school -- the

1 professional schools are very different.

2 But the professional schools, it was lights
3 out. I mean, you don't ask me, it's -- the
4 college -- it's a college decision. And the
5 chancellor didn't get into it.

6 CHAIRMAN MIKVA: So if somebody came to you
7 and said I was bringing a candidate for admissions
8 to the medical school while you were chancellor,
9 you would say I can't touch that?

10 MR. STUKEL: I would say you have to talk
11 to the admissions director in medicine.

12 CHAIRMAN MIKVA: What about when you became
13 president?

14 MR. STUKEL: When I became president, it
15 was the least enjoyable thing of my life. I was
16 not involved with it very much.

17 I was thinking about this because of some
18 questions of Mr. Chung.

19 In any given year, I imagine if I added up
20 all of the minutes -- the minutes that I spent
21 dealing with admissions for the whole year, it
22 might be -- it might be two hours. Very little
23 impact or very little involvement in that.

24 And the reason is because of this model

1 that I described to you in terms of my management
2 model. It's very hierarchal. It's a decision.

3 Does that mean I never said anything to --
4 if I thought there was some injustice, no, it
5 doesn't mean that because I am not a potted plant.

6 But my input or my opinion could be
7 overruled by the chancellor. The chancellor in
8 the end had the final decision as to whether
9 something happened or not.

10 CHAIRMAN MIKVA: So that if a chancellor
11 told you this person doesn't qualify, as far as
12 you were concerned, that was the end of it?

13 MR. STUKEL: Yes, yes. But -- yes, that's
14 right.

15 And let me just amplify that a bit. No.
16 Go ahead. I'm sorry.

17 CHAIRMAN MIKVA: What about the trustees,
18 did they ever do that? During part of your
19 tenure, this new model was beginning to take hold.

20 MR. STUKEL: Well, they asked me to pass
21 some things to the campus, which I did.

22 They didn't bother me much because they go
23 directly. They do knew that everybody reported to
24 them.

1 CHAIRMAN MIKVA: And they would go
2 directly.

3 MR. STUKEL: They would go to somebody on
4 campus.

5 No, not a lot. Maybe now and then, sure,
6 somebody would ask me to pass along something or
7 an application to the campus or ask for status of
8 that, which I didn't find to be any kind of
9 pressure or anything. They were asking me the
10 question what the status was.

11 They never said to me, Jim, I want this
12 person admitted. Never.

13 CHAIRMAN MIKVA: Did anybody ever tell you
14 that the Governor wanted somebody admitted? Some
15 important alumnus wanted somebody admitted?

16 MR. STUKEL: Alumnus, yes. Not the
17 Governor, not during my tenure.

18 CHAIRMAN MIKVA: How did you handle it if
19 it were a big donor or alumnus?

20 MR. STUKEL: Let me speak to the admission
21 process in order to answer that question.

22 I think one of the really unfortunate parts
23 of our administration process is there is no
24 appeal process. There is no relief valve for

1 people wanting to know the status of the
2 application. There is no mechanism for them to do
3 so.

4 So my view of the donor issue is I think
5 you have to have a policy that's consistent for
6 everybody; but there ought to be an allowance
7 through the appeal process for special cases. And
8 I think there are special cases.

9 I am not enamored with the wait list
10 rankings, as some people are, because I think they
11 are subjective in many ways.

12 So I think there ought to be a mechanism
13 for people to inquire.

14 And I think some of the legislative
15 inquiries were initiated because of individuals
16 who had -- who wanted to know.

17 Let me give you some examples. During my
18 presidency, I traveled 100,000 miles in my car to
19 48 communities in Illinois. And the idea was to
20 put a face on the University in -- all over the
21 state because we are the state's university. We
22 are the University of Illinois.

23 In many of those meetings that I had with
24 alums, with editorial boards, with people that

1 come to the event, there were many stories that
2 were big to them.

3 For example, why is it that my son had an
4 ACT of 34 and did not get into the University of
5 Illinois? If I am a parent, I sure as heck want
6 to know why that's the case.

7 So where do they go? They go to their
8 local legislator to say put some pressure on those
9 guys to at least answer me or do something about
10 it.

11 Or having people with -- these are all real
12 things now. These aren't hypotheticals. How
13 about the two young adults, they have identical
14 ACTs, SATs, high school rank, all the good stuff
15 and they are identical but one is in high school A
16 and the other one is high school B; why did one
17 get in and not the other one?

18 COMMISSIONER VANDER WEELE: Couldn't the
19 admissions staff answer those questions?

20 MR. STUKEL: But there was no vehicle.

21 COMMISSIONER VANDER WEELE: Pick up the
22 phone and call the admissions staff.

23 MR. STUKEL: I don't think it's that easy.
24 I could be wrong.

1 And I can go on. There is a whole bunch of
2 these quirky things where they don't quite fit in
3 the model or they are -- or valedictorians who
4 would -- are in a small downstate community.
5 they -- their ACT may not be as high as others,
6 but they didn't get in. They need a vehicle.

7 So to tell you when I would get involved or
8 where I would give my opinion would be on those
9 kinds of cases. Because there is no vehicle to do
10 it.

11 So I'm down there. They come to me and
12 say, Mr. President, what's this all about.
13 Explain this to me.

14 So if I were a parent, I would say every
15 one of you, if you had a child in that situation
16 and you couldn't get information, you would go to
17 somebody to try to put pressure on the system.

18 COMMISSIONER JUDGE: How would you feel
19 when you were president if there was an appellate
20 process in which a student, a parent or high
21 school counselor could seek an appeal?

22 MR. STUKEL: Yes.

23 COMMISSIONER JUDGE: And no one else could
24 inquire and there was an appeal process and

1 including you you could not inquire, how would you
2 feel about that process?

3 MR. STUKEL: I'm fine with that. As
4 president, I don't want to be involved in those
5 things. They are a pain in the neck. They really
6 are.

7 COMMISSIONER JUDGE: So if we take you out
8 of the role, you are fine as long as there is a
9 legitimate appeal process?

10 MR. STUKEL: There has to be some mechanism
11 that the ordinary citizen or legislator or
12 somebody can get information.

13 CHAIRMAN MIKVA: And it should be
14 transparent, right?

15 MR. STUKEL: Absolutely.

16 COMMISSIONER JUDGE: And that process is
17 only open to the student, the student's parents
18 and the counselor from the high school, no one
19 else?

20 MR. STUKEL: That's right. If I want to --

21 COMMISSIONER VANDER WEELE: I don't know
22 about that. Because many children don't have
23 parents who are advocates.

24 MR. STUKEL: Well, if I could be a devil's

1 advocate, what you do is you are going to get
2 legislative input.

3 Let me give you how that would work.

4 Mrs. Jones goes through this process, the exact
5 process that you have. But Mrs. Jones attaches a
6 letter to her application that says that
7 Representative X, Y or Z is interested in this
8 case.

9 Now, my view is that doesn't matter. But
10 you are always going to get -- these people are
11 smart. And they always find ways to put pressure
12 on.

13 COMMISSIONER JUDGE: What if that letter is
14 thrown out unless the legislator has personal
15 knowledge of the individual he is writing about,
16 personal knowledge? It's thrown out.

17 MR. STUKEL: I am okay with that.

18 I don't think it's the best interests for
19 the president to get anywhere near admissions. I
20 don't think it is. It's a campus issue, folks.

21 COMMISSIONER VANDER WEELE: Your statement
22 assumes the admissions office is not answering the
23 phone when you say these people cannot get an
24 explanation.

1 Is there something wrong with the
2 admissions office? Are they understaffed? Are
3 they just not customer service oriented, which is
4 contrary to what we have heard, by the way?

5 MR. STUKEL: Maybe I am wrong on this. I
6 have been gone for four and a half years.

7 But if it was something readily available,
8 I wouldn't be getting these people approaching me.
9 I mean, there is something that is not working
10 here.

11 COMMISSIONER VANDER WEELE: Well, they
12 didn't like the answer.

13 MR. STUKEL: Could be.

14 COMMISSIONER VANDER WEELE: They didn't
15 like the answer because the student in many cases
16 was -- or in some cases was not qualified.

17 MR. STUKEL: Could be the answer.

18 COMMISSIONER VANDER WEELE: How do you
19 prevent 5,000 students from appealing?

20 MR. STUKEL: As I read in one of the
21 newspaper accounts, every other Big 10 institution
22 has an appeal process but us.

23 COMMISSIONER VANDER WEELE: But there must
24 be some basis for appeal. There must be some

1 criteria.

2 What we heard from admissions staff is if
3 there was an error, that they will correct that
4 error.

5 MR. STUKEL: Well, I don't know the answer
6 to your question.

7 But if there are nine -- if there are ten
8 other appeal processes that are expanding the
9 Big 10, surely we can learn something from them as
10 to how they do it.

11 I'm just -- I'm reacting to what I found in
12 the field. Maybe they didn't like the answer.

13 But you asked me what my views are, and I
14 guess that's my view.

15 COMMISSIONER VANDER WEELE: And I don't
16 know how many of the cases we have seen -- I can't
17 recall one off the top of my head -- had an error
18 in it, that it was overridden because of an error.

19 COMMISSIONER SCHOLZ: But I do think we
20 have seen a big inconsistency in that some people
21 have, in effect, had an appeal because they had a
22 strong advocate. It might have been a member of
23 the General Assembly or a high school counselor or
24 even just an involved parent.

1 But I remember you coming to Quincy. And
2 we appreciate that.

3 MR. STUKEL: I was younger than.

4 COMMISSIONER SCHOLZ: Part of the hundred
5 thousand miles, part of which I drove this
6 morning. And I do think there is a lot of young
7 people, as you say, that just get turned down from
8 high schools and aren't notified.

9 I believe the admissions staff said that
10 there was no notification issued of any sort of an
11 appeals process.

12 So unless it was self-initiated, you know,
13 this whole lack of a clear policy, this was a big
14 area for that. And I understand the subjective
15 factors and perhaps that would be something to be
16 considered on appeal without creating a huge
17 additional layer of bureaucracy.

18 But I appreciated the fact that you did
19 travel the state. And certainly there are a lot
20 of kids in Calhoun County or Pike County who have
21 some very impressive scores and applications that
22 maybe feel like it's tough to compete with the
23 North Shore.

24 Also, President Stukel, I wanted to comment

1 I very much appreciate your views on the board
2 governance.

3 But to get back to what Chairman Mikva said
4 about fundraising, if that's something within the
5 institution to be controlled.

6 Dr. Micek very sincerely in his testimony
7 last week stated that he thought that that could
8 be one factor, among many others, to be
9 considered. And I understand his perspective
10 because he is chairman of your Foundation.

11 But is there a way to wall off the fund
12 development from admissions?

13 MR. STUKEL: The screaming that you heard
14 outside was him leaping out his window.

15 COMMISSIONER SCHOLZ: That was the
16 Foundation.

17 MR. STUKEL: I doubt I have many supporters
18 in this view.

19 My view is, again, if you are going to have
20 admission standards and criteria, then you have
21 them. Okay. You have them.

22 It does not mean there -- there ought to be
23 another part of the process, not on the admissions
24 so much but on some sort of appeal.

1 I don't know what it is. But I think
2 donors would have one of two opinions on this.

3 Some donors would say, you know what, I am
4 really happy that they have standards. And just
5 because I have given them a million dollars that I
6 don't get special treatment, that's good because
7 that means that the kids are getting in like I did
8 and they are really good kids and they are smart
9 kids and they are going to do well in life.

10 Others will say, you know what, this is a
11 pretty big donation and I should get some sort of
12 recognition that that's the case.

13 So when you set a policy, somebody is going
14 to be unhappy here in my view. Someone will be
15 unhappy.

16 We have some very independent donors that
17 came up the hard way and they want to keep it that
18 way. Okay.

19 So I sure have the wisdom and I think maybe
20 President Ikenberry might be better to answer
21 this. Because again --

22 CHAIRMAN MIKVA: He is older.

23 MR. CHUNG: President Stukel, I want to
24 pick up on the statement you made a few minutes

1 ago. And I hope I heard you correctly.

2 You said the chancellor had the final
3 decision on admissions with respect to the various
4 campuses.

5 MR. STUKEL: Yes.

6 MR. CHUNG: Couple questions, first of all,
7 how, if at all, did you make that known to your
8 chancellors when you were president? They, in
9 fact, had the final decision, irrespective of
10 whatever opinion you might have had on particular
11 applicants.

12 MR. STUKEL: Well, I had two really superb
13 chancellors. And they were pretty tough folks.

14 I'm here to be heard for the first time
15 that chancellors don't take direction from
16 presidents without a lot of resistance. They just
17 don't. They are very independent people. They
18 have responsibilities.

19 I don't think there was any ambiguity in
20 the two chancellors that I was working with who
21 had strong views on this.

22 One of them signed this letter that -- they
23 would have gone to the mat, I think, on an issue
24 if they knew about it. That's the key, if they

1 knew about it.

2 So I think there was no ambiguity there.

3 MR. CHUNG: Let me ask a more fundamental
4 question. Do you know what you know now still
5 believe that the chancellor in his or her office
6 should, in fact, have final decision making
7 authority on specific applications?

8 MR. STUKEL: I do. With authority goes
9 responsibility.

10 MR. CHUNG: Does that authority also in
11 your view include or should it include the ability
12 to override decisions made by the admissions
13 office?

14 MR. STUKEL: Yes, I do. And the reason I
15 do is because there is always a quirky case.

16 But it would be quite limited. It would be
17 quite limited.

18 CHAIRMAN MIKVA: Especially if you had an
19 appeals process.

20 MR. STUKEL: Yes, exactly. Exactly.

21 MR. CHUNG: To what extent --

22 MR. STUKEL: The reason is -- you know, go
23 on, I'm sorry.

24 MR. CHUNG: My question is you referred to

1 limited circumstances. To what extent, if ever,
2 should the fact that an applicant has a political
3 sponsor be the basis for overriding the decision
4 of the admissions office?

5 MR. STUKEL: Zero. Zero.

6 I don't think that happens very often by
7 the way. I spent ten years in Chicago. And
8 Chicago politics is interesting. And then ten
9 years as president in state politics.

10 So I dealt with a lot of different
11 political environments. And I never felt
12 intimidated by a legislator coming to me and
13 handing me something and me expecting to give him
14 something.

15 I think now maybe I am naive. But I never
16 felt the pressure. Sure, there was some --
17 something popped into my mind. I wouldn't deny
18 that.

19 But I never felt that I was compelled to do
20 anything because of a particular legislator, no
21 matter where they are in the hierarchy.

22 MR. CHUNG: Let me ask you a similar
23 question. We visited this topic about donors. To
24 what extent, if ever at all, should the fact that

1 an applicant is sponsored by a donor operate to
2 override the decision of the admissions office?

3 MR. STUKEL: I think the Chair had it
4 right. You have to get the appeal process right.

5 There has to be an appeal process and
6 defined whenever in the appeal process that the
7 chancellor jumps in.

8 MR. CHUNG: So are you advocating for the
9 inclusion -- official inclusion of donor status as
10 an approved criteria in the appeals process?

11 MR. STUKEL: No, I'm not because I don't
12 know enough about it. Okay. So it's beyond my
13 knowledge.

14 CHAIRMAN MIKVA: It's a trouble certainly
15 anti-democratic to think that way. But you have
16 heard of legacy admissions. And almost all
17 universities have some kind of legacy policy.

18 Apparently the U of I doesn't particularly
19 or it depends on who the admissions officer and
20 who the provost and chancellor is.

21 But is giving money the same as a legacy
22 policy would you say?

23 MR. STUKEL: It's close.

24 CHAIRMAN MIKVA: It is.

1 MR. STUKEL: It's very close, sir. Well,
2 it's something I really haven't thought much about
3 as obvious by my testimony.

4 CHAIRMAN MIKVA: And if you had
5 transparency, that would be some kind of limit on
6 it, how often it was exercised.

7 MR. STUKEL: Transparency is always the
8 key. Always.

9 CHAIRMAN MIKVA: Thank you.

10 MR. CHUNG: President Stukel, is it fair to
11 say you feel more strongly about keeping political
12 influence out of the admissions process than
13 influence by donors?

14 MR. STUKEL: More strongly, yes.

15 MR. CHUNG: Would you advocate a complete
16 firewall that would keep out political influence
17 altogether from the admissions process?

18 MR. STUKEL: I would.

19 MR. CHUNG: But you are not prepared to go
20 that far today with respect to donor influence?

21 MR. STUKEL: I think the appeal process has
22 to look at that question.

23 MR. CHUNG: One very quick question before
24 I forget to ask about alumni, apart from donors,

1 alumni.

2 The proposal you put forth in the letter
3 with your former colleagues referred to a process
4 by which the Alumni Association would have a
5 significant role.

6 MR. STUKEL: Yes.

7 MR. CHUNG: There has been prior testimony
8 before this Commission from Steven Porch who has
9 substantial experience himself in higher
10 education, governance issues specifically.

11 He made the point, among many points -- he
12 made one point that sometimes alumni care too much
13 about an institution and that might not
14 necessarily be a good thing to bring to bear when
15 you are actually involved in trustee selection,
16 you can care too much about an institution. How
17 would you respond to that?

18 MR. STUKEL: I don't know what it means to
19 care too much about an institution. I don't know
20 what that means. So I have no comment on it.

21 MR. CHUNG: This is someone who spent 44
22 years.

23 MR. STUKEL: That's right. I am the wrong
24 guy to ask.

1 COMMISSIONER VANDER WEELE: I think the
2 comment was someone who is very deeply involved in
3 the institution for many decades would want to
4 keep the institution the way it was rather than
5 the way it should be.

6 And I think that's also a danger of the
7 legacy situation as well as the donor situation.

8 If, for example, there is some inherent
9 unfairness in the demographics of the students
10 that are admitted, you are preserving that
11 unfairness by favoring a certain, for example,
12 racial category because we have seen testimony
13 that shows that the overwhelming number of
14 students in the I category came from wealthy
15 communities.

16 So the legacy program or preferential
17 treatment was -- however, you describe it --
18 preserves an inequity.

19 MR. STUKEL: Let me talk to your first
20 point.

21 Leadership matters. Leadership matters.
22 If the president has to excite his or her board
23 regarding where the institution is going, I'm a
24 believer in that. Leadership matters.

1 If you have a board that's dodging, which I
2 don't think is a -- I don't really think it's a
3 problem. Proper leadership will turn that board
4 around. Presidential leadership.

5 I think people underestimate how important
6 leadership is. It matters. It matters who is in
7 charge of your institution, your deans, the
8 department heads. It matters. So I think that is
9 what it has to deal with.

10 Regarding your other points, it's probably
11 true. There is bias. There are biases in all
12 these systems.

13 I think that's regrettable. But I don't
14 know a way -- I have no idea as to how to make the
15 playing field absolutely level.

16 COMMISSIONER VANDER WEELE: Why would you
17 favor, for example, a legacy student over a vet,
18 for example, a veteran or someone who is --

19 MR. STUKEL: I didn't say I would favor a
20 legacy student. I think that's what you said.

21 COMMISSIONER VANDER WEELE: I am not
22 suggesting you would.

23 But those are some of the questions that if
24 you want to create a body of criteria, legacy

1 seems to me to go down and veteran status, for
2 example, would be more important.

3 MR. STUKEL: I have always thought that the
4 legacy concept was a private university concept.
5 I mean, for some reason, I have all believed it's
6 a private university concept, not a public
7 university concept.

8 So I have never thought during my
9 presidency ever of a legacy category. Privates do
10 it all the time.

11 That's why I was sort of puzzled in reading
12 all the stuff in the paper about some sort of
13 applications process when in a private school,
14 it's done all the time.

15 I mean, grades don't always matter. I
16 guaranty you. If you give somebody \$10 million,
17 the grades look a lot better than they did when
18 you didn't give anything.

19 So it's -- every institution has its
20 characteristics, its genes.

21 See, the University of Illinois is a lame
22 grant university. What we forget about is that is
23 what it is.

24 What does that mean? That meant at the

1 time there were only private church schools for
2 kids who were of the ruling class, if you will, be
3 elite. They wanted to have some place where the
4 parents or the kids of plumbers and farmers and
5 all those folks, they had no place to go.

6 So in your gene pool, we are a public
7 university. That doesn't -- it's not about
8 legacy. It's about performance. It's about
9 getting in, giving you the opportunity. That's
10 what it's about.

11 When I hear about legacy, it never enters
12 my mind in terms of a public institution.

13 It's about opportunity. It's about me
14 giving the opportunity to do my best.

15 And that's why I think this appeal process
16 is still important. These cookie cutter kinds of
17 criteria that are never violated have no appeal is
18 just not a good idea. It's not what our gene pool
19 is.

20 COMMISSIONER VANDER WEELE: And it's the
21 performance of the student.

22 MR. STUKEL: Exactly.

23 COMMISSIONER VANDER WEELE: Not the parent.

24 MR. STUKEL: Let me tell you how it was

1 back when I was in school. Everyone got in.

2 And you would come to this large auditorium
3 and all the entering -- all the new students would
4 be there and they would say look to your left,
5 look to your right, one of you won't be here at
6 Thanksgiving. It was a make good deal.

7 And again that's kind of the gene pool.

8 Now, it no longer works that way because
9 there are so many applications in wanting people
10 to come here, which is made worse by the fact that
11 the cost of the education in the private schools
12 is so great.

13 And this is -- the Urbana campus is really
14 a private university. You look at the graduation
15 rates, you look at all of the stuff.

16 If you take the label off as to who you are
17 talking about and put Northwestern and so on and
18 so forth, it's a private university.

19 So it's a very special place; therefore,
20 all the applications; therefore, all controversy.

21 COMMISSIONER VANDER WEELE: These problems
22 would have been minimized or wouldn't have
23 occurred had there been a robust code of conduct
24 that prohibited this kind of interference.

1 MR. STUKEL: Correct.

2 COMMISSIONER VANDER WEELE: Why do you
3 think there is no robust code of conduct that lays
4 this out in the trustees -- pertaining to
5 Trustees, pertaining to admissions, pertaining to
6 a lot of things?

7 The rules are so vague and subjective and
8 not without clear penalties, so Trustees didn't
9 know they were violating any sort of code of
10 conduct when they did what they did.

11 MR. STUKEL: That's a great question
12 because my testimony is right -- is what -- I
13 attempted to address that very issue.

14 Leadership matters. When the Board behaves
15 in the way that the current board behaves, even if
16 there were well defined structures in place --
17 because no one is in charge right now, literally
18 no one is in charge. Nobody is in charge.

19 And that's not a -- that's not a slap at
20 President White at all, that Trustees -- everybody
21 reports to them. So basically no one is in
22 charge.

23 I forgot the question.

24 COMMISSIONER VANDER WEELE: The question is

1 under your leadership, did anybody ever discuss
2 code of conduct? Did anybody ever say, hey, this
3 is so vague it doesn't apply to anything?

4 MR. STUKEL: When trustees come into our
5 university for the past 25 years, they have been
6 given board basics, "The Fundamentals, AGB
7 Statement on Institutional Governance, Governing
8 in the Public Trust, External Influences on
9 Colleges and Universities."

10 Does that sound like something they should
11 know about?

12 COMMISSIONER VANDER WEELE: Absolutely.

13 MR. STUKEL: They all got this.

14 What is different is in the past our
15 trustees actually went to training sessions,
16 training sessions. Or they had the trainers come
17 to the University. And they were taught in a
18 classroom like this what it means to be a board
19 member in a public institution.

20 CHAIRMAN MIKVA: And those who read it and
21 listened to it were the Trustees.

22 But on the other hand, the existence of a
23 code -- I remember a politician by the name of
24 Paul Powell. You may be old enough to remember.

1 MR. STUKEL: Oh, I do. It was shoeboxes.

2 CHAIRMAN MIKVA: He once told Senator Simon
3 and me that you can't pass a code of ethics that I
4 can't beat. And he was right.

5 Having a code is -- you know, it looks
6 good. But unless you have leadership, as you
7 say...

8 COMMISSIONER VANDER WEELE: But you can't
9 remove people for violating rules that didn't
10 exist.

11 So tell me who took -- who removed the
12 training?

13 MR. STUKEL: The Trustees did.

14 COMMISSIONER VANDER WEELE: Specifically,
15 was there -- what Trustees and when was the
16 decision made to stop training Trustees in ethics?

17 MR. STUKEL: The secretary of the Board --
18 each new class are given an orientation period
19 where they travel to the campuses, they meet the
20 administration, and they are given this book with
21 the opportunity to take training classes on AGB.

22 It's voluntary. The Trustees do it or
23 don't do it based on their own decision.

24 My recommendation would be in going forward

1 is that somehow anything that comes out of your
2 Commission about this issue make it mandatory.

3 COMMISSIONER VANDER WEELE: So it was never
4 mandatory?

5 MR. STUKEL: No, it was not mandatory.

6 COMMISSIONER VANDER WEELE: You made a
7 statement, if I understood you correctly -- and
8 correct me if I'm wrong -- that at some point the
9 training and ethics stopped, the Trustees stopped
10 taking it.

11 MR. STUKEL: Yes.

12 COMMISSIONER VANDER WEELE: How did that
13 happen?

14 MR. STUKEL: Well, I don't know. I mean,
15 it -- if it's not mandatory, then each of the
16 Trustees has to ask him or herself do I have time
17 to do this or whatever they think about.

18 And if they choose not to do it, not to
19 avail themselves of it and even mock it, even mock
20 it, I don't know what the University can do.

21 COMMISSIONER VANDER WEELE: Was there a
22 transition where all the Trustees were attending
23 the training and then --

24 MR. STUKEL: When the Governor started

1 appointing, things stopped.

2 When that model came into place -- and
3 please correct me somebody here -- that's when
4 it -- it ended. There was no -- this didn't have
5 a -- they didn't care.

6 COMMISSIONER VANDER WEELE: How do we know
7 whether that was distributed to the current
8 Trustees or not and whether they were given the
9 opportunity to be trained on that?

10 MR. STUKEL: Joe may have to answer that.
11 I have been gone for four and a half years.

12 MR. CHUNG: President Stukel, I do want to
13 ask you about a few specific applications. But
14 before I do that, I have a few more questions.

15 I gather from the testimony just given that
16 the Legislative Model did carry forward beyond
17 Jerry Shah.

18 MR. STUKEL: It still exists.

19 MR. CHUNG: Would you say that that
20 philosophy motivates and animates all members of
21 the current Board? Or do you not have a basis for
22 saying one way or the other?

23 MR. STUKEL: Well, 18 months after the
24 Blagojevich appointees came to office, I decided

1 that I didn't have the votes to stop things that I
2 thought were improper and I retired.

3 So I don't know what's been going on after
4 that. I divorced myself from all University
5 things. And by deference to President White, I
6 don't need a president hanging around to cause
7 problems.

8 The question again?

9 MR. CHUNG: I'm sorry, did you just state
10 that you resigned because of the situation with
11 the Board?

12 MR. STUKEL: Yeah. I saw that -- I believe
13 that over the years I built up a reasonable
14 reputation in terms of dealing with institutional
15 issues having been here for all these years.

16 When I saw that I would no longer have any
17 control over what was going to happen at the
18 University, I did not want to be a part of the
19 University and be responsible as president for
20 what might happen under those circumstances.

21 Look at the situation. You have an
22 appointed board where they have stated, one, one
23 person philosophically -- it wasn't a political
24 statement. It was a philosophical statement he

1 said -- the Governor was elected by the people of
2 Illinois. And by virtue of that fact, we owe
3 due -- we owe him the -- if he gives directives,
4 we owe him -- I'm not sure what the word is.

5 But the point I am getting at is they view
6 it as a directive.

7 Others on the Board who were appointed felt
8 grateful to the Governor that they had been
9 appointed to the Board of the University of
10 Illinois.

11 Once you have that situation, you are in no
12 man's land as president. You are.

13 What sustained the institution and my
14 presidency during the Ryan years and the
15 transition years, which you had carryover, was who
16 did go through training and who were knowledgeable
17 as to what board members do.

18 And because of that, there were enough
19 votes, five votes or six votes, in order to repel
20 things that might be happening.

21 Or as president, I could appeal to those
22 board members to prevail on the others while we
23 are not -- when we are together in executive
24 session or something.

1 But the president has to have people of
2 like mind on the board or else it's chaos. You
3 can't be fighting all the time.

4 So I left because of that early. Yes, I
5 did.

6 MR. CHUNG: Who was the Trustee who told
7 you something to the effect of we owe him and
8 him --

9 MR. STUKEL: Mr. Shah.

10 MR. CHUNG: Is it fair to say that Larry
11 Eppley in your estimation served as Board Chair
12 for longer than anyone in your recollection?

13 MR. STUKEL: Yes.

14 MR. CHUNG: And do you have any sense as to
15 why that occurred?

16 MR. STUKEL: Governor. Governor staff. I
17 don't know who it is.

18 You don't go from having one or two-year
19 term over a hundred years and suddenly have six
20 years.

21 And as I think someone has testified, as
22 that -- a person who was being elected as the
23 Board Chair was prevailed upon to withdraw so that
24 Larry, who was supported by Governor and his

1 staff, became the Board Chair and he stayed there
2 for the entire tenure of Blagojevich.

3 There has to be a connection there. I
4 wasn't around, but there has to be some sort of
5 connection.

6 MR. CHUNG: President Stukel, you
7 previously told me that you regard Larry Eppley as
8 a protege of Jerry Shah.

9 MR. STUKEL: I do.

10 MR. CHUNG: What do you mean by that?

11 MR. STUKEL: Well, when Jerry came in, he
12 is a very strong person and a strong personality.
13 He did this very well. But he is a strong
14 personality.

15 And he kind of took Larry under his wing.
16 And going through all the Legislative Model
17 development, Larry learned from Jerry how this
18 worked.

19 And I'm not criticizing Larry for that. I
20 mean, he joined with Jerry to be a part of the
21 leadership team, if you will, regarding this
22 model.

23 So -- and I'm -- yes.

24 MR. CHUNG: Sir, you talked about some

1 trustees in your estimation felt like they owed
2 the Governor and other trustees who were grateful
3 to be trustees by appointment of the Governor.

4 MR. STUKEL: Yeah.

5 MR. CHUNG: With respect to those two
6 categories, is it your understanding that that
7 covers all trustees who are on the Board?

8 MR. STUKEL: Certainly not Ed McMillan. He
9 is just appointed by Governor Quinn. He is a
10 spectacular candidate. He is an alum. He was the
11 president of the alumni board.

12 CHAIRMAN MIKVA: Who is that?

13 COMMISSIONER JUDGE: Ed McMillan.

14 MR. STUKEL: I don't know. How I test the
15 waters is how -- as to what people believe as to
16 what they do.

17 So my measure of where they are in terms of
18 their trusteeship is what do they do when the
19 University wants to push back. They budget.

20 We have always been a -- mounted a pretty
21 aggressive campaign if we thought that the budget
22 that was proposed by the Governor and -- of the
23 University of Illinois through the higher
24 education processes, if we thought that was unfair

1 or we thought we needed to -- needed other kinds
2 of allocations, we were pretty strong advocates.

3 We were out there publicly meeting with
4 editorial boards and all that stuff.

5 Or if there was some bill in the
6 Legislature that would be harmful to the
7 University of Illinois, not budget stuff, but
8 operational things, again, we would have public
9 advocacy.

10 President Ikenberry did it. I did that.

11 But once we got to the appointed board and
12 the Blagojevich board, that stopped.

13 And every time I would say I am going out
14 to do something, you know, you would see by the
15 body language that that's not what they wanted me
16 to do. That's not what they wanted me to do.

17 COMMISSIONER JUDGE: Could I ask a
18 question? What if the Governor continued to
19 appoint the Board three members of his choosing
20 and six members from the list given to him by the
21 Alumni Association, how do you feel about that
22 possibility?

23 MR. STUKEL: I think that would -- I think
24 that's a very good candidate.

1 What I would like to do is -- I think it
2 would be a good model to look at.

3 But I would like to again defer to
4 President Ikenberry who has thought a lot more
5 about what sort of options we might have. And
6 maybe you should address that to him because he
7 has more thought and he has more experience than I
8 do.

9 But for me personally, I think that's one
10 to look at, yeah.

11 COMMISSIONER VANDER WEELE: We have heard
12 from a number of trustees when we asked about the
13 ethics code and why wasn't -- why did they not
14 create a more robust ethics code. And they said
15 we deferred to staff, we went to staff and asked
16 what to do and that seemed to me to be flipped,
17 reversed.

18 It seems to me the Trustees should have
19 been driving the robust ethics compliance program
20 as opposed to vice versa.

21 MR. STUKEL: Absolutely.

22 COMMISSIONER VANDER WEELE: That being
23 said, did you ever go to the Trustees and say we
24 need a better ethics and compliance program at

1 this University?

2 MR. STUKEL: As president?

3 COMMISSIONER VANDER WEELE: Yes.

4 MR. STUKEL: I don't remember doing so.

5 COMMISSIONER VANDER WEELE: Why would that
6 not be?

7 MR. STUKEL: I have no idea. It's a
8 perfectly reasonable leadership thing to do. But
9 I don't know why.

10 Maybe it was because we were in such a
11 battle at that time. It was warfare for a while.

12 COMMISSIONER VANDER WEELE: And
13 particularly given the fact that ethical concerns
14 drove -- it sounds like they played a part in
15 driving your resignation.

16 MR. STUKEL: Yes. I mean, we have a
17 situation. And I think it's -- it bears on the
18 admission process.

19 I have to tell my staff if you want to have
20 something that is known to everybody by noon, just
21 tell somebody in a secret meeting at 8:00 o'clock
22 not to tell anybody.

23 The reason I say that is everyone knows
24 what's going on in the institution.

1 They know the battle that was going on when
2 I was president. They know that the Trustees are
3 appointed. There are very bright people here.
4 And they see no checks and balances on anything
5 that the Governor wants. Sure.

6 So here you are -- and more than that, what
7 this -- and because the Trustees felt that
8 everyone reported to them, put yourself in
9 somebody here sitting anywhere in the university.

10 There are no ethical guidelines or big --
11 because the Trustees sure aren't following them.
12 And you don't know who is in charge.

13 So here you sit thinking about how can I do
14 favours to do -- to get something in return.

15 So you get into this environment. And
16 that's why in my testimony I kind of dwelled on
17 that.

18 The people within the institution know
19 what's going on. They -- and they behaved very
20 differently. In terms of if there is a rule that
21 they are supposed to adhere to, they equivocate on
22 it because that's what the environment -- as they
23 look around, that's what's happening. Everyone is
24 doing it.

1 So you just got to have a strong
2 organization where everyone knows who is in
3 charge.

4 MR. CHUNG: President Stukel, one final
5 question on the Board before we talk about a
6 couple specific applications, if you were on the
7 Commission, what, if anything, would you recommend
8 happen with regard to the current Board of
9 Trustees?

10 MR. STUKEL: I have two minds on that.

11 Mind one is they should all go.

12 Mind two is that that really presents a
13 problem for continuity in the institution. So I
14 would probably lean towards probably three people
15 leaving the Board and being replaced by three
16 individuals who have some -- who have the right
17 values.

18 I think with Ed McMillan, for example,
19 being new on the Board, he is untainted by any of
20 these. He was a corporate executive, very
21 distinguished alum.

22 Given with three new appointees of stature
23 and ethics, that the remaining Board members
24 aren't nearly as tainted in my view and as

1 committed to the Legislative Model as three
2 individuals.

3 And so as a halfway house or halfway
4 measure, even though I would support having them
5 all removed, from the practical point of view, in
6 terms of continuity and other things, I would
7 recommend the latter model.

8 MR. CHUNG: Do you have three particular
9 people in mind or is three a number that makes
10 sense?

11 MR. STUKEL: Gee, I'm surprised you asked
12 me that.

13 Yes, I do, Mr. Eppley, Mr. Shah and
14 Mr. Vickrey.

15 CHAIRMAN MIKVA: Who was the last name?

16 MR. STUKEL: Mr. Vickrey.

17 COMMISSIONER VANDER WEELE: And why he?
18 Because we have not heard any testimony from him.

19 MR. STUKEL: Because Mr. Eppley, Mr. Shah
20 and Mr. Vickrey are very close.

21 COMMISSIONER VANDER WEELE: Please
22 elaborate.

23 MR. STUKEL: Well, the Legislative Model
24 was developed by Jerry Shah. These three

1 individuals -- Mr. Vickrey embraced it fully.

2 So if left on the Board, it's my view that
3 Mr. Shah's influence will not go away and that
4 there would be resistance to the things that we
5 want to have happen with the new Board.

6 We have to get people on the Board of
7 common mind who are willing to give up past
8 practices.

9 The fact that Mr. Vickrey and Mr. Shah
10 continue to have a relationship, as I understand
11 it, and there continues to be this outside
12 influence perhaps, perhaps -- this is
13 speculative -- is a reason that I think maybe he
14 should be removed.

15 COMMISSIONER JUDGE: What if the Governor
16 asks for all of their resignations but giving
17 himself the option as to who should be accepted
18 who he thinks should be accepted? In other words,
19 you leave it in his lap?

20 MR. STUKEL: I am okay with that.

21 CHAIRMAN MIKVA: Many of their terms
22 expired.

23 MR. STUKEL: No, they haven't. The three I
24 just mentioned were just reappointed, I believe.

1 MR. CHUNG: One has been appointed in this
2 administration. Mr. Bruce, Trustee Bruce --

3 MR. STUKEL: The three individuals that I
4 just testified I thought that if there are going
5 to be three removed would be the major candidates.

6 I think they have all just in the past year
7 been reappointed.

8 COMMISSIONER VANDER WEELE: If you have any
9 evidence that we have not examined -- because we
10 really haven't examined any evidence regarding
11 Trustee Vickrey.

12 CHAIRMAN MIKVA: I am uncomfortable by
13 removing people anyway.

14 MR. STUKEL: You are a lawyer, not me. I
15 am an engineer.

16 COMMISSIONER VANDER WEELE: That means you
17 are nonpolitical, right? Left brain?

18 MR. STUKEL: Some would say no brain.

19 COMMISSIONER VANDER WEELE: If you have any
20 evidence you think we should be considering
21 regarding Trustee Vickrey, I think that's
22 something -- I don't feel comfortable removing
23 anybody without any sort of evidence that there
24 has been some either lack of leadership or

1 misconduct.

2 MR. STUKEL: No, no, no. It's just that I
3 want the new board to be able to think differently
4 about what boards do.

5 I would -- for example, any new board that
6 would be appointed it's mandatory that they go
7 through the training or else they don't get the
8 appointment.

9 It isn't something after they are appointed
10 they say, well, I meant to do it but didn't.

11 It ought to be absolutely mandatory of a
12 condition of being a board member that they go
13 through this.

14 What I don't want to have happen -- and
15 that's why Mr. Vickrey, he is a strong
16 personality, a good man. I'm not arguing with
17 that. But I think he would resist the kind of
18 governing model that's in here.

19 And I just don't want anybody in there to
20 offer resistance. And that's the only reason.

21 Again, like Mr. Eppley, Mr. Vickrey was
22 very close to Mr. Shah in the development of this
23 model.

24 COMMISSIONER VANDER WEELE: I would like a

1 copy of that as well.

2 MR. CHUNG: President Stukel, let's
3 transition to admissions.

4 Earlier you said with regard to admissions
5 in professional schools, it was lights out or
6 something it that effect.

7 MR. STUKEL: That they should not be
8 admitted. I'm not sure what I said. Maybe they
9 know what I said.

10 MR. CHUNG: I think the point, sir, you
11 were trying to make is the ability to influence
12 admissions in professional schools was not as
13 great as the ability to influence admissions in
14 the undergraduate college.

15 MR. STUKEL: Let me address that so we have
16 that on the record.

17 During my tenure, a very small number of
18 inquiries reached my desk. My policy was to deal
19 with inquiries with the admission application for
20 students who did not meet the minimum requirements
21 ought to be rejected.

22 Applicants for postgraduate studies must be
23 highly qualified to be admitted, no exceptions.

24 I was willing and am willing to examine

1 wait list candidates, however. But remember, the
2 chancellor's office has the yes or no, up or down
3 decision no matter what I -- no matter what my
4 opinion is. Those were the ground rules.

5 MR. CHUNG: Sir, I think that's a good
6 segue into a couple of specific cases. You should
7 have in front of you Exhibit 3.

8 MR. STUKEL: Exhibit 3? I have two. Go
9 ahead.

10 MR. CHUNG: Do you have the two documents
11 in front of you, one of which should have at the
12 very bottom right-hand corner an indication it's
13 Exhibit 3.

14 MR. STUKEL: Yes, I have it here. I think
15 I know which one it is.

16 MR. CHUNG: It would help if you, in fact,
17 have it in front of you.

18 MR. STUKEL: Thank you very much. Yes,
19 sir.

20 MR. CHUNG: What I would like to do is take
21 you through this to see what extent, number one,
22 you recall this. And even if you don't recall it
23 based on what information is provided, what your
24 impressions are.

1 MR. STUKEL: Sure enough.

2 MR. CHUNG: For the record the document is
3 a two-page document that has the caption "case
4 work" and the name of official is "Representative
5 Joyce."

6 And you understand there is a state
7 representative by the last name Joyce?

8 MR. STUKEL: Sure.

9 MR. CHUNG: The date of the contact is
10 April 2nd, 2003. And the contact made by is
11 information to Terry in Springfield.

12 You understand there is an individual Terry
13 McLennand in the government affairs office for the
14 University?

15 MR. STUKEL: Yes, I do.

16 MR. CHUNG: If I point you to the
17 upper-right corner, I don't know if you know the
18 answer to the question, but the final disposition
19 is indicated as admit NOA73. Do you know what
20 that notation refers to?

21 MR. STUKEL: I expect it means notice of
22 appoint or acceptance.

23 MR. CHUNG: Or acceptance.

24 MR. STUKEL: I had never seen that before.

1 MR. CHUNG: Let me direct you to about the
2 middle of the page.

3 First of all, the document appears to be a
4 compilation of a series of E-mails arranged
5 chronologically over a four-month period from
6 April 2nd, 2003, to July 2nd, 2003, at the very
7 end. Is that a correct characterization?

8 MR. STUKEL: Yes.

9 MR. CHUNG: Let me take you not through all
10 of them, but a selection of these various E-mails.

11 If you go back to the first page, the
12 second of the two April 4th E-mails, E-mail to
13 Sonia from Abel, do you know who Sonia refers to?

14 MR. STUKEL: I have no idea.

15 MR. CHUNG: Do you know Abel?

16 MR. STUKEL: No.

17 MR. CHUNG: The rest of the E-mail reads
18 "she is a poor student, 24 Cs and 3 Ds in her
19 first three years. First semester of senior year
20 she received three additional Cs. ACT is below
21 college average. She doesn't even meet campus
22 minimums. Let me know if you need any other info.
23 Abel."

24 The next entry is June 24, 2003. It reads

1 "Rep Joyce called to check on status on student."

2 Let me stop right there, sir. Do you
3 recall as of June 24th, 2003, knowing that there
4 was an applicant characterized in these E-mails as
5 poor that Representative Joyce was supporting?

6 MR. STUKEL: I have no clue.

7 MR. CHUNG: The next June 24th E-mail,
8 second to reads "Sonia gave info to Terry and he
9 said that Rick spoke to the president and that
10 president was going to call and speak to the
11 representative. We need to send an E-mail to Sue
12 and see if she knows anything."

13 Do you recall on or about June 24, 2003,
14 President Stukel, having a conversation with a
15 representative, perhaps Representative Joyce,
16 concerning applicant?

17 MR. STUKEL: No.

18 MR. CHUNG: No.

19 MR. STUKEL: I am not saying I didn't. I
20 am saying I don't remember.

21 MR. CHUNG: June 25th, 2003, E-mail to Sue
22 from Sonia, "good morning, Sue. We received a
23 phone call from Rep Joyce yesterday for an update
24 on --" and the name of the applicant has been

1 blanked out. "This indicates that Rick spoke to
2 President Stukel about and the president was going
3 to call and speak to Rep Joyce." This goes on
4 another for another few sentences.

5 Does this refresh your recollection as to
6 any conversation?

7 MR. STUKEL: No. In terms of a specific
8 content, I have no idea. But it is the procedure
9 we would use if a person calls, we call them back.

10 MR. CHUNG: So you yourself might call back
11 a representative with respect to an application?

12 MR. STUKEL: Yes. If a legislator calls my
13 office, I return the call. Yes, absolutely.

14 MR. CHUNG: The very bottom of that first
15 page, one of a series of June 25, 2003 E-mails,
16 E-mail from Lynn to Sue asks "very important
17 student admit for the president. This is coming
18 from Rep Joyce and president wants her admitted."

19 Do you recall on or about June 25th of 2003
20 understanding or wanting a particular
21 Representative Joyce student admitted?

22 MR. STUKEL: I have no clue of this case.
23 Go ahead.

24 MR. CHUNG: Second page, very top. "Can

1 you please give me confirmation of this admit so I
2 can relay to the president and he to the rep?"

3 Again, same question, sir, no recollection
4 of this incident?

5 (No response.)

6 MR. CHUNG: 6/26/03, the first entry there
7 "she asked what relation the legislator has to the
8 student with him pushing so hard for admittance
9 with her being so low."

10 Flashing forward later on June 26, '03
11 E-mail to Sue and Sonia from Lynn, "Dr. Herman
12 tells me FAA will admit this student."

13 What is FAA?

14 MR. STUKEL: That is fine and applied arts,
15 I think.

16 MR. CHUNG: June 26, '03, further on,
17 "president immediately got on phone and called
18 Joyce."

19 And then, finally, sir, the second to last
20 entry, July 2nd, '03, "NOA, notice of acceptance,
21 is scheduled to go out on July 3rd, '03. I
22 received an E-mail the other day from Sue Sindlar
23 that the president has passed along the
24 information to Representative Joyce that the

1 student was being admitted. Another one we can
2 consider closed. Sonia."

3 Sir, with all of that being read into the
4 record, do you have any recollection of having any
5 involvement in this time frame in '03 with regard
6 to Joyce sponsored applicants?

7 MR. STUKEL: I don't remember anything
8 about this case at all, as I said.

9 If you add up all the time I spent -- I
10 will comment on it. I am not trying to dodge. I am
11 reminding you of my earlier conversation.

12 It may be two hours in the years that I had
13 anything to do with these things.

14 So to ask me what happened on March 4th in
15 2004 at 10:25, I am just not going to know that.

16 But this is a good case. And I do want to
17 comment on it.

18 With regard to Representative Joyce, I have
19 no recollection of the request. It's not saying
20 it didn't happen. It happened. And there is
21 evidence of it.

22 And based on this information, the student
23 should have been rejected outright, straight up.

24 Why this was not the case is unknown to me.

1 As I have been thinking about it, having been
2 warned I was going to have to address this, there
3 are two questions that came to mind.

4 First of all, as I said earlier, my policy
5 was I was not going to deal with any -- if the
6 person did not meet minimum requirements, don't
7 bring the case to me. So that was violated here.
8 That's my fault in terms of my staff I guess.

9 But the second one is given that the campus
10 has final decision authority, why didn't they push
11 back? Why didn't they push back?

12 They had -- it's their call.

13 My conclusion is there must have been a
14 compelling reason why -- either that it came to me
15 or they acted on it. I have no idea what that
16 might be.

17 But -- just a minute.

18 What the E-mail states is for some reason I
19 had a favorable response to the legislative
20 inquiry.

21 The information that you have on here is
22 staff to staff talking. This is not a directive
23 from me at all.

24 If the campus had a problem with the

1 admission, an E-mail from the campus to me
2 rejected the application with a note that if this
3 is important, then the president will have to
4 contact the chancellor.

5 That would have been the right response
6 here. Why that didn't happen, I don't know.

7 COMMISSIONER SCOTT: But you were the
8 president of the University. And you talked
9 earlier about the importance of leadership.

10 It was -- whether true or not, the
11 admissions personnel or your staff believed that
12 this is something that you wanted.

13 MR. STUKEL: That's correct.

14 COMMISSIONER SCOTT: And took action to
15 satisfy what you wanted.

16 Now, why didn't the staff push back? These
17 people are employed. They work for you. And they
18 are following what they perceive to be your
19 directives according to this E-mail.

20 MR. STUKEL: Yes, that's right.

21 CHAIRMAN MIKVA: But the one E-mail that
22 troubles me the most -- again, it isn't from you.

23 But the one on six -- last one on the page,
24 this is coming from Representative Joyce. "And

1 the president wants her admitted."

2 MR. STUKEL: Yes, that's true. That's what
3 it says.

4 CHAIRMAN MIKVA: If that happened, you can
5 understand why the admissions policy --

6 MR. STUKEL: Sure.

7 CHAIRMAN MIKVA: You are the president.

8 MR. STUKEL: I agree wholeheartedly. I am
9 not arguing that this was a good thing to do.

10 You are asking me to explain why I think
11 this happened. I think this ties to the
12 governance again.

13 Let me tell you why. I think there was an
14 attempt to please the president -- I think that's
15 happened here -- by bending campus rules and
16 regulations.

17 And in my view it's a reflection of the
18 Legislative Model.

19 It broke down, folks. Everybody is trying
20 to please everybody in order to place themselves
21 in a good light.

22 CHAIRMAN MIKVA: If it happened the way it
23 happened, as far as you are concerned, it was
24 wrong.

1 MR. STUKEL: It was wrong, absolutely
2 wrong.

3 CHAIRMAN MIKVA: And your own personal
4 conduct was an aberration.

5 MR. STUKEL: It was wrong all the way
6 about.

7 CHAIRMAN MIKVA: But it was a result of
8 this Legislative Model that you criticize?

9 MR. STUKEL: That's my speculation.

10 You have got to have a situation where an
11 admission officer is -- says no and then it comes
12 back to me and says if you want this to happen,
13 you have to go up the chain of command, you have
14 to talk to the chancellor.

15 And if you don't have that, individuals in
16 the admission office, sure, it's the president
17 calling and all of that.

18 But they have to have the backbones -- and
19 it's a value. They have to have the backbones to
20 say no and if you want this done, call the
21 chancellor.

22 Because if every time somebody of influence
23 comes to them and they let them in, we have chaos.

24 And the reality for me was in the end, the

1 chancellor would always have the final decision.

2 I told you that to begin with.

3 CHAIRMAN MIKVA: You would favor as part of
4 this firewall we talked about it, it should be
5 clear university policy that the president of the
6 university does not involve himself or herself in
7 admissions decisions?

8 MR. STUKEL: I do. Absolutely.

9 It was the most -- the least desirable task
10 I had to deal with. I didn't like dealing with
11 admissions.

12 CHAIRMAN MIKVA: And it would have helped
13 you if there had been a sign on the wall saying
14 the president doesn't do admissions? Doesn't do
15 windows or admissions?

16 MR. STUKEL: That's right. Life would have
17 been much easier for me.

18 And I think that that's true for any
19 president. It's a pain in the neck to deal with.
20 It's a no win game.

21 MR. CHUNG: President Stukel, the other
22 exhibit, Exhibit 4, you have in front of you, I
23 have a similar set of questions, although it's a
24 shorter exhibit.

1 It's also a document that bears the heading
2 "case work." In the upper left-hand corner, it
3 contacts Terry, date of contact 2/26/04.
4 Contacted by phone call to Terry.

5 Do you have that in front of you, sir?

6 MR. STUKEL: It's here someplace.

7 Yes, sir.

8 MR. CHUNG: In the upper right-hand corner,
9 the final disposition is noted as NOA, which is
10 notice of acceptance, 3/23/04. Someone has
11 handwritten "Sen Brady" up in the upper right-hand
12 corner.

13 Let me direct you to the first of three
14 E-mails on March 16th, '04. It's an E-mail from
15 Lynn to Sue Sindlar. By the way, who is Sue
16 Sindlar?

17 MR. STUKEL: She was my executive assistant
18 for 18 years.

19 MR. CHUNG: Do you know who Lynn is?

20 MR. STUKEL: She is terrific. No.

21 MR. CHUNG: "Governmental relations has
22 been tracking two possible student admits for
23 Senator Brady." And the name is redacted.

24 "Both have applied to LAS general and both

1 are on the waiting list. The president would like
2 them to get admitted. Can you let me know when
3 this gets done and admit letters will go out.
4 Thanks."

5 And the third of the March 16th E-mails at
6 the very end, it reads "I can tell you --" this is
7 an E-mail to Jill from Lynn. "I can tell you it
8 is highly likely they will be admitted. Lynn.
9 And then March 24th case closed."

10 Do you recall this application?

11 MR. STUKEL: No. This is different.

12 The thing that's troubling me here is that
13 we all have conversations with our staff, do we
14 not? And we talk about cases and we talk about
15 these things.

16 I wouldn't know -- you wouldn't know what
17 the communication is or why the communication is
18 between my staff and somebody else. They may be
19 good friends for all I know.

20 This is in a different category, however.
21 This is a wait list.

22 This other one is dead wrong. Why someone
23 got admitted I have no idea.

24 This is not pressure. This is somebody

1 that I have no reason why -- no reason to know
2 why. But a waiting list is a very different
3 animal than a person who should be rejected
4 outright, very different game.

5 And this to me -- I may have said it, I
6 don't know. I mean, again, I don't remember any
7 of these things.

8 But I am a little bit concerned here
9 because staff-to-staff communications -- we all
10 have staffs -- is not necessarily a way of -- it
11 would never be a way I would give a directive,
12 especially on a campus. That would never happen.

13 These are staff people. They should not be
14 in a position to carry directives to do this or
15 that.

16 This is music in my mind. They were
17 talking together and she says -- and it's probably
18 the case that there was something about this that
19 I hope they get admitted.

20 But I don't call this an intervention.
21 This is just somebody using -- that's my view on
22 it.

23 Anyway, even if that's the case, I don't
24 know what happened to these.

1 If they were wait listed, they might have
2 got in because they -- you know, they got in
3 because they were qualified.

4 MR. CHUNG: Sir, if I could pick up on the
5 wait list comment, do you see any problem with a
6 wait listed candidate who may not be as strong as
7 another wait listed candidate getting accepted off
8 of the wait list based on support from either
9 someone within the administration or a trustee or
10 any outside source?

11 MR. STUKEL: I am against that.

12 But I do not hold this wait list as
13 acquiescing. I don't.

14 It's a subjective list in the end. No one
15 can convince me that the candidate that's 103 is
16 substantially different than the candidate that's
17 101 or the one that's 105.

18 CHAIRMAN MIKVA: If you go back to this
19 university having a stated policy, would you
20 include on that fire walling the admission's
21 office even fooling around with wait listed
22 candidates?

23 MR. STUKEL: I think so. Because we are
24 into never, never land. You are absolutely right,

1 sir.

2 When you do it --

3 CHAIRMAN MIKVA: Just do it.

4 MR. STUKEL: Right, just do it.

5 In the end it would be a boon to the
6 presidency. It's a lot easier to say to somebody
7 I can't even. I'm all for that.

8 MR. CHUNG: President Stukel, last couple
9 questions, have you ever seen a form like this
10 Exhibit 3 or Exhibit 4, a form that looks to be
11 some compilation of E-mails reflecting
12 correspondence about a particular candidate?

13 MR. STUKEL: You know, I don't think so. I
14 think this is something in the governmental
15 relations office, I presume, where they keep track
16 of their conversations and with legislators or
17 with other people. No.

18 These are not things -- again, I want to
19 emphasize. Admissions ended up -- all the time I
20 spent on admissions for an entire year, it may be
21 two hours. It may be two hours. It isn't
22 something I get involved with.

23 The answer is, no, I haven't seen it.

24 MR. CHUNG: And related to that question,

1 did you as president have any understanding there
2 were personnel within the University who had
3 documents tracking applicants sponsored by
4 political officials and other individuals?

5 MR. STUKEL: I assumed that was the case.
6 I don't know how -- when you got -- when you have
7 legislators that are making requests, no matter
8 what they are, you sure have to keep track of
9 them, unless you get some very unhappy
10 legislators.

11 My view is if a legislator writes you a
12 letter, you write back to them. Or if they call
13 you, you call them back.

14 So I don't -- it seemed to me without
15 thinking about it that there had to be some sort
16 of list, call-back list or has the letter been
17 sent out.

18 That's I am sure how you folks would run
19 your organization.

20 But the I list, if that's what you are
21 getting at, I had never heard that before.

22 CHAIRMAN MIKVA: At the federal level,
23 there is a practice that when a Congressman calls
24 the agency, the telephone call is logged.

1 The agency writes it down and says when he
2 called and what he called about and so on.

3 Do you think something like that should
4 apply to the University when legislators calls?

5 MR. STUKEL: I haven't thought about that.
6 I don't see any harm in that. If they call, they
7 call. I haven't thought about it, though, so I
8 don't want to commit anybody to anything.

9 CHAIRMAN MIKVA: Interesting. The IRS,
10 once that policy went into effect, it got less and
11 less calls.

12 MR. STUKEL: Imagine that.

13 COMMISSIONER SCHOLZ: Mr. Chairman, I have
14 one quick general question on admissions policy
15 going back to the discussion with legacies.

16 And if you don't know this off the top of
17 your head, maybe someone on staff or our staff or
18 probably one of my fellow commissioners would
19 know.

20 But I seem to recall that we were told that
21 there was a factor that weighs in your favor as a
22 first generation to attend college.

23 MR. STUKEL: I no clue on that, sir.

24 COMMISSIONER SCHOLZ: I would like to know

1 that because I think that does indicate with the
2 legacy issue, if we do give points for first
3 generation to go to college.

4 MR. CHUNG: Nothing further.

5 COMMISSIONER VANDER WEELE: I have a quick
6 question. And that is our mission, as you know,
7 is to look at the policies and procedures that
8 govern this operation as well as a few other
9 things.

10 And so we are looking to refine the current
11 code of conduct for the University and make it
12 more robust.

13 What are some of the areas which political
14 influence can be exercised in a university
15 setting? I have a list to start out with, but I
16 would like to hear your thoughts on what should be
17 added.

18 And, of course, any list that we put in the
19 recommended code would not be stated as complete
20 or comprehensive, but there are some very specific
21 examples I think we would like to -- at least I
22 would like to see in there.

23 So I have, of course, admissions; housing;
24 classes, special classes that may be closed;

1 graduation, for example, overriding a decision not
2 to graduate; early notifications of students who
3 are politically sponsored should be prohibited;
4 obviously, political influence on contracts;
5 hiring; maybe sporting tickets, some of those
6 things.

7 Is there anything else you can think of
8 that should be added to that list?

9 MR. STUKEL: That's a pretty comprehensive
10 list, it seems to me.

11 COMMISSIONER VANDER WEELE: Well, if you
12 think of anything, let the chairman know.

13 CHAIRMAN MIKVA: Thank you very much,
14 President Stukel, for appearing and being very
15 forthright.

16 What's the pleasure of my fellow
17 commissioners? It's 12:15. I would propose we
18 keep going and see how far we get with President
19 Ikenberry.

20 COMMISSIONER VANDER WEELE: Could we have a
21 five-minute break?

22 CHAIRMAN MIKVA: Sure, five-minute break.
23 We will resume in five minutes.

24 (Short recess taken.)

1 CHAIRMAN MIKVA: Thank you very much for
2 agreeing to participate.

3 MR. IKENBERRY: I thought I might begin by
4 moving for adjournment.

5 CHAIRMAN MIKVA: I thought you wanted to
6 talk about your age first.

7 MR. IKENBERRY: I think we ought to redact
8 President Stukel's testimony along those lines.
9 Yes.

10 In the interests of time, I had a prepared
11 statement. I believe that I shared that with
12 Mr. Chung. He may have shared it with you.

13 I will spare you reading of all of that,
14 particularly because President Stukel, I think,
15 went even into further detail on certain of the
16 aspects setting the context for this than I
17 intended to do.

18 If I may, I would like to concentrate very
19 briefly on what might be done, where we go from
20 here. And then, obviously, I would be eager to
21 respond to any questions that members of the
22 Commission may have.

23 And I begin also by both welcoming you and
24 expressing appreciation for you actually coming to

1 this campus, but particularly appreciation for
2 your generous service to the University at this
3 time.

4 But let me turn to the question of what
5 could be done to prompt a -- to cause a strong and
6 quick, decisive recovery here from these
7 circumstances.

8 I believe the first essential step in that
9 recovery process is to change the -- both the
10 composition and the culture within the Board of
11 Trustees.

12 While a few Trustees -- some of whom have
13 been discussed this morning -- stand out as tragic
14 examples of the abuse of power, I think all
15 Trustees have to share some major responsibility
16 for the current state of affairs in which both the
17 Board and the University find themselves.

18 So I think in general agreement, but
19 probably in slight contrast to my colleague Jim
20 Stukel, I believe the Commission should recommend
21 to the Governor that all of the current members of
22 the Board, again with the exception of Ed McMillan
23 who was appointed by the current Governor and I
24 think who can serve as a very strong nucleus

1 around which a new Board and a new culture can be
2 constructed, but I believe that the Governor
3 should call for the resignation of all of the
4 current members of the Board.

5 If the Governor is -- I think was pointed
6 out earlier, if the Governor were to wish to
7 further review and vet any of the existing
8 trustees and, in fact, make an affirmative
9 decision to reappoint them, I certainly would have
10 no problem with that.

11 But I think it ought to be an affirmative,
12 studied decision and that we should err on the
13 side of change at this point.

14 I think Jim Stukel's comment about
15 continuity is very well taken and certainly
16 continuity in terms of our academic program and
17 certainly continuity in terms of day-to-day
18 operations.

19 But I think continuity is less important at
20 the Board level than material change.

21 And I think sending a signal directly from
22 this Commission and the Governor that change is
23 the order of the day, I think that is a very
24 important step.

1 And again you may want to go into this
2 question. In our letter we suggested some
3 possible changes along -- longer term than the
4 actual process of forming a board.

5 If you want to talk about that, I would
6 certainly be both willing and eager to do so.

7 I think the short term, the immediate
8 steps, however, that are taken is to remedy the
9 existing situation and then more leisurely debate
10 how longer term reforms ought to take place.

11 CHAIRMAN MIKVA: Did you hear Commissioner
12 Judge's suggestion of having six recommended by
13 the Alumni Association and three appointed from
14 the Governor's office?

15 MR. IKENBERRY: Yes.

16 CHAIRMAN MIKVA: What's your reaction?

17 MR. IKENBERRY: I think something like that
18 might work.

19 However, I think empower -- rather than the
20 Alumni Association or Board making that decision,
21 I think it would be more healthy for the Alumni
22 Association to actually conduct an open,
23 transparent election among all 300,000 University
24 of Illinois alums and let there be an informed

1 process.

2 Penn State does this, for example. Other
3 universities have a process.

4 So I wouldn't vest it in the appointing
5 authority of a small number of people. I would
6 let there actually be a full election process.

7 CHAIRMAN MIKVA: It works well in Penn
8 State as far as you know?

9 MR. IKENBERRY: Yes, it does. It has
10 worked extremely well over the years.

11 Actually, it has a nice byproduct. I think
12 it produced a healthy governance system over many,
13 many years.

14 But it also creates, nurtures more
15 involvement, more informed involvement by alumni
16 in the affairs of the University.

17 Let me make a quick comment on the question
18 of admissions policy and process.

19 I believe that the admissions policies
20 themselves overall at the University are by and
21 large sound.

22 But what is intolerable -- and I think that
23 was the essence of the testimony that went before
24 here earlier this morning -- is any interference

1 in the proper application of those policies.

2 Although I didn't know it at the time we
3 wrote our letter, I have since found out that my
4 predecessor once removed -- that you would know,
5 Judge -- David Dodds Henry.

6 Had a very firm policy that queries
7 regarding admissions, regardless of where they
8 came from, from parents or friends or alumni or
9 donors or legislators or governors or others
10 should always be treated respectfully, but there
11 should be an absolute firewall between those
12 external forces and the actual admissions
13 decisions.

14 And he expected and I think I unwittingly
15 inherited a culture within the Board that the
16 Board understood that it was to stay out of
17 admissions decisions.

18 And in those few cases in my experience
19 where a board member would talk to me about a
20 particular admissions case, if that was overheard
21 by another member of the Board, they might get a
22 polite reprimand. But that was considered,
23 basically, inappropriate Board behavior.

24 That isn't to say it didn't happen from

1 time to time. But it was extremely rare for a
2 board member to intervene on that.

3 So I think this essential core policy I
4 hope will be incorporated in the Commission report
5 and very quickly reestablished within the core
6 culture of the University.

7 I think internally those faculty and staff
8 who feel pressured to compromise their own
9 integrity or the integrity of the admissions
10 process or any other aspect of University
11 operations need to find the courage somehow to
12 resist.

13 I know for me -- and I think Jim Stukel is
14 the same case -- that you have to be prepared
15 every day to go into your office and cheerfully
16 enjoy yourself in a job that I think is one of the
17 greatest jobs in the world, but you have also got
18 to be prepared to resign or you have got to be
19 prepared to push back.

20 And that for any administrator or faculty
21 member or staff member in the University is being
22 pressured on admissions or any other way in a way
23 that they feel uncomfortable needs to take some
24 action to push back.

1 Because I think it's very, very painfully
2 clear right now what the consequences are of
3 failure to push back.

4 That it is very damaging to individuals.
5 It's very damaging to the institution.

6 And even while pushing back can be
7 uncomfortable, the failure to push back can be
8 even more uncomfortable.

9 So let me conclude my comments,
10 Mr. Chairman. Let's go directly to questions.

11 I do think the core issue here is the
12 importance of this University to the people of
13 this state and to the future of Illinois.

14 What happens here is incredibly important
15 to individuals, to families, communities. And
16 it's very important in its own right as a leading
17 American university.

18 And unless we correct the governance
19 deficiency that we current -- with which we are
20 currently faced, the jeopardy of this -- this
21 University is going to remain in jeopardy.

22 We are not going to be able to remain a
23 leading, American university unless we have
24 strength and integrity and order and

1 accountability at the top.

2 So thank you very much for this
3 opportunity.

4 CHAIRMAN MIKVA: Let me thank you for that
5 statement and also for your perspective in
6 recognizing the need to push back because these
7 pressures exist in all 50 states and the
8 territories. Where there is a legislature, there
9 will be pressure.

10 MR. IKENBERRY: The interesting thing too
11 is when a higher deity is referenced, you know,
12 the Governor wants this or that or the president
13 wants this or that, I found nine times out of ten,
14 the Governor had no knowledge of this at all.

15 So my response was I haven't heard from the
16 Governor; if he wants it, I assume he will call
17 me.

18 But people like to reference higher
19 authority when, in fact, the higher authority is
20 clueless.

21 CHAIRMAN MIKVA: Yes. Again, I think
22 that's very important that people in academic
23 institutions, particularly, recognize that
24 sometimes the best thing they can do is say no and

1 face the consequences of no.

2 MR. IKENBERRY: Say no nicely with a smile
3 on your face.

4 MR. ELLIS: President Ikenberry, would you
5 give some of your -- very briefly some of your
6 background, including when you joined the
7 University of Illinois?

8 MR. IKENBERRY: I came to the University of
9 Illinois in 1979 as president. I earlier had been
10 for ten years at Penn State. So that's why I know
11 something about that system.

12 And prior to that, at West Virginia
13 University and Michigan State University.

14 Served as president from '79 to '95 here.
15 I took off a year to rest and recuperate and lick
16 my wounds and then went off to the American
17 Council on Education in Washington that I headed
18 for five years.

19 I returned to campus in 2001, actually very
20 shortly after 9/11, tragically, and assumed a role
21 as the quiet, unobtrusive part-time faculty member
22 or at least trying to masquerade as one.

23 MR. ELLIS: During the time of your
24 presidency here at Illinois, can you explain the

1 involvement of the president in admissions?

2 MR. IKENBERRY: Would I explain it?

3 MR. ELLIS: Yes.

4 MR. IKENBERRY: The president during my
5 experience, I was not in any way directly involved
6 in admissions.

7 I did receive from time to time queries in
8 regard to admission.

9 But my recollection, faulty as it may be,
10 is that I probably got no more than a half a dozen
11 telephone calls a year and that in some cases I
12 would have -- my normal procedure would have been
13 call the chancellor and say would you check on the
14 status of so and so.

15 But the process would be, basically, we --
16 I would not or my staff would not reveal the name
17 of the inquirers.

18 We would not put people in the position of
19 saying the Governor wants to know or X or Y wants
20 to know. We simply want to check on the status of
21 a student.

22 And we would basically give the information
23 back to say, yes, we do have Johnny's application,
24 yes, it is or is not complete. In some cases it

1 may be missing information that they are not aware
2 of. And that a decision is likely to come down in
3 two or three months, so don't expect anything the
4 day after tomorrow.

5 But basically a status report. And that --
6 those kinds of inquiries were relatively few and
7 far between, at least that reached me.

8 But at no time, as our earlier letter
9 suggests, can I recall an instance or can any of
10 my colleagues, chancellors with whom I worked
11 recall an instance in which the actual outcome of
12 an admission decision was altered as a result of
13 any pressure from my office.

14 The question is did I feel pressure. And I
15 can't recall any instance in which I went home at
16 night and was unable to sleep because Senator X
17 was on my case on an admissions decision.

18 COMMISSIONER VANDER WEELE: Why couldn't
19 the admissions office provide those answers to the
20 student?

21 MR. IKENBERRY: They could. In fact,
22 absolutely. They could have called the admissions
23 office and gotten the -- exactly the same
24 information.

1 And I think would get -- I think if they
2 would have called the admissions office, the
3 admissions office would have told them directly,
4 yes, we have your application; yes, it is
5 complete; no, you are not likely to hear from us
6 for another two months.

7 COMMISSIONER VANDER WEELE: Why then would
8 you entertain the questions from the legislators
9 and simply -- rather than simply say call the
10 admissions office?

11 MR. IKENBERRY: I think that would have
12 been perfectly reasonable. I think as a matter of
13 courtesy we did that.

14 We could just have well said here is the
15 number, 22 -- call directly.

16 MR. ELLIS: Were there instances where
17 trustees would contact you personally directly
18 about admissions during your time as president?

19 MR. IKENBERRY: Yes. As I indicated
20 earlier, very -- you know, I actually cannot --
21 I'm sure it happened.

22 But I can't recall a single instance. As I
23 say, it was part of the culture of the Board that
24 they had understood I think maybe the legacy of my

1 predecessor Dr. Henry, they understood they were
2 basically to keep out of the admissions. That
3 that was simply not a good place for them to be.

4 CHAIRMAN MIKVA: Most of the time you were
5 president you had an elected Board of Trustees; is
6 that correct?

7 MR. IKENBERRY: Yes.

8 CHAIRMAN MIKVA: And it changed during your
9 tenure?

10 MR. IKENBERRY: Yes. It changed I guess in
11 19 -- when Governor Edgar -- shortly after his
12 election.

13 I think it was a very well-intended,
14 thoughtful, intended reform. But the deficiency
15 of the earlier system is all candidates were
16 usually well vetted.

17 The election itself was accused of being a
18 bit random because voters allegedly didn't know
19 who they were voting for.

20 CHAIRMAN MIKVA: Well, that was used, as I
21 recall -- the vet for trustees was used to measure
22 the party strength at that particular election.

23 MR. IKENBERRY: Exactly.

24 On the other hand, if you had reasonably

1 good nominations on both sides, it didn't make
2 much difference, obviously.

3 CHAIRMAN MIKVA: Did you notice a change
4 when you went to the new system? As I recall,
5 there was some kind of a mini scandal that
6 connected --

7 MR. IKENBERRY: Actually, I wanted to --
8 Jim mentioned that in his testimony.

9 I think -- I think that particular instance
10 was a, I was going to say, minor aberration. It
11 was not a minor aberration. It was a major
12 aberration but it was a single instance aberration
13 that was not reflective at all.

14 In other words, I never had any
15 heavy-handed intervention by Governor Thompson or
16 Governor Edgar or Mayor Daley or any other
17 political figure during my entire tenure except in
18 that one instance.

19 And so I would take the slippery slope on
20 which we now find ourselves post 2000.

21 Basically, I was -- with the exception of
22 that one incident that was discussed earlier in
23 which the pressures were incredible and that I was
24 prepared, if I needed to, to resign if the Board

1 had gone off and acted against my recommendation,
2 I would have had to have left at that point.

3 But happily that didn't happen. But that
4 was the single exception.

5 So I think, generally speaking, the culture
6 was good up to and through the time that I left in
7 1995.

8 And I think it was reasonably good for the
9 years immediately following for Jim Stukel. But
10 it began to change, I believe, quite abruptly at
11 the time of Governor Ryan's appointments and then
12 accelerated I think in negative ways during
13 Governor Blagojevich's term.

14 CHAIRMAN MIKVA: So it was bi-partisan
15 deterioration?

16 MR. IKENBERRY: Yes, it was very much,
17 unfortunately, bi-partisan. Equal opportunity.

18 COMMISSIONER VANDER WEELE: Why is it the
19 model that's at fault rather than the individuals?

20 It seems to me that even if you had
21 candidates appointed by or nominated by the Alumni
22 Association, you still could have individuals
23 vulnerable to power plays and such.

24 MR. IKENBERRY: I think the key issue for

1 me is trustee diversification and independence.

2 If all of the trustees had beholden to a
3 single individual and that single individual is a
4 person of high integrity who understands how
5 important higher education is to the future of
6 this state, I think that works fine.

7 But we have now had ten years of experience
8 where I think in the case of one governor the
9 University was simply not on his radar screen and
10 he forgot to pay attention.

11 The other governor I think we were on his
12 radar screen and that was equally troublesome.

13 So I am looking for -- you know, I think
14 the fundamental thing that happened here is a --
15 during my tenure, the University of Illinois never
16 considered itself nor was it considered by the
17 Governor or the members of the legislature to be a
18 state agency.

19 We were not the board of the liquor
20 control. We were not the Gaming Commission, you
21 know. We were not the Department of
22 Transportation. We are not the Department of
23 Corrections.

24 And so there was, maybe naively, or as a

1 matter of tradition -- the University was
2 understood to be very much a state public
3 university but a part of the -- apart from the
4 rough and tumble of day-to-day politics.

5 And what changed, as President Stukel
6 indicated, was with the appointment of Mr. Shah
7 and subsequently this changed abruptly.

8 He isn't here to defend himself, I don't
9 think right now, so he may be listening on the
10 radio and driving off the road at this moment.

11 But let me mention one thing, I think at
12 that time Mr. Stukel tells me that Mr. Shah
13 indicated to him that he should relax and have a
14 good time and be willing to take the bows and do
15 the ceremonies, but basically the University would
16 be run by Mr. Shah and the Board.

17 That's the moment at which the culture
18 began to change. And all of a sudden we became a
19 \$4 billion a year state agency rather than an
20 institution of higher learning.

21 CHAIRMAN MIKVA: I think in fairness to
22 Mr. Shah, he apparently believed that this
23 Legislative Model, as President Stukel called it,
24 was superior.

1 MR. IKENBERRY: Apparently so. And I
2 believe he thought the University was out of
3 control and needed to be brought back in.

4 CHAIRMAN MIKVA: And some of us think he is
5 wrong. I have known in the past legislators to be
6 wrong.

7 MR. IKENBERRY: No, never during my
8 presence were they wrong.

9 But, actually, the amount of legislative
10 support that I received from both members of the
11 legislature and the legislative leaders over the
12 years has actually been remarkably positive and
13 incredible.

14 So I think overall it's an honorable
15 profession. Excuse me for rambling on.

16 COMMISSIONER JUDGE: When you were
17 president, the formula at admissions was almost a
18 mathematical formula.

19 MR. IKENBERRY: Yes.

20 COMMISSIONER JUDGE: Now, since the
21 holistic approach to admissions is part of the
22 admission policy, you have created a larger middle
23 where there is possibilities.

24 And that plus our troubled economy I

1 believe has, in part, played a role in
2 interference in the admission policy.

3 Because when you were there -- because my
4 two daughters went through when you were there.
5 And it was your class rank, your ACT score and
6 your average, your point.

7 MR. IKENBERRY: Yes, it was a much more
8 formula driven.

9 In fact, I think we actually -- on the
10 admissions packet, we actually published the
11 cut-off score, you know, to say you are welcome to
12 apply. But if you are below this level, you might
13 not want to waste your time.

14 I support the shift to a holistic
15 admissions policy because I think there are
16 extenuating circumstances.

17 But I think they should be incorporated in
18 the policy and they shouldn't be ad hoc. And they
19 shouldn't -- so I would not put a finger on the
20 scale outside of the policy, be it for a
21 legislature, frankly, for a donor.

22 I think if you start saying, you know, if
23 you are a donor, we really ought to give you some
24 edge. And if you are a million dollar donor, you

1 actually get two edges. And, you know, for ten
2 million bucks, you know -- so I just think it's a
3 slippery slope.

4 And the same is true if the legislative --
5 if you are getting pressure from the legislature
6 that is severe enough to make you buckle and
7 compromise your integrity, what are you going to
8 do the next time? You are either going to buckle
9 the next time or they just ratchet up the pressure
10 a little more until they find -- so just I think
11 it is better in going forward to step back from
12 all of this and say let's be sure we have the
13 right policies, let's be sure we have the right
14 procedures.

15 And then let's step back and let the system
16 work and not tolerate any kind of external
17 influence, period.

18 MR. ELLIS: President Ikenberry, you
19 mentioned that in your view the admissions
20 policies themselves are sound.

21 Do you think it's a good idea to have
22 admissions policies in writing?

23 MR. IKENBERRY: Yes. And I haven't looked
24 at them in years and years and years. But I

1 assume we do have them in writing. And if they
2 are not in writing, they should be.

3 And the admissions policies for all three
4 of our campuses ought to be reviewed periodically
5 by the Board of Trustees.

6 It's perfectly reasonable for the Committee
7 on Academic Affairs of the Board to annually or
8 otherwise review those policies and examine how
9 they are operating, whether they are sound and
10 public understanding of those policies.

11 Transparency I think is very healthy.

12 But once we have all agreed on the policy,
13 then I think people ought to step back and not
14 only not interfere with the policy, but protect
15 it, protect its integrity and allow it to
16 function.

17 MR. ELLIS: Would the policies identify the
18 criteria that admissions look to to determine
19 whether somebody in that middle area would be
20 accepted or not?

21 For example, first person in the family to
22 attend college, legacy status, those kinds of
23 things?

24 MR. IKENBERRY: Yes. If those

1 considerations are appropriate consideration, they
2 ought to be written in the policy.

3 But then the admissions staff itself ought
4 to be able to put together the freshmen class.

5 MR. ELLIS: I take it your view would be
6 the president would have no role in that process?

7 MR. IKENBERRY: The president ought to have
8 a role in shaping the policy.

9 MR. ELLIS: Once the policy is shaped --

10 MR. IKENBERRY: Once the policy is shaped,
11 the president ought to be its prime defender.

12 MR. ELLIS: What about the chancellor, is
13 the chancellor involved in day-to-day admissions
14 decisions or also just a defender of the policy?

15 MR. IKENBERRY: I think the chancellor of
16 the campus should not be the chief admissions
17 officer.

18 I think that is -- that is combining --
19 again, it weakens the whole business of checks and
20 balances.

21 So the chancellor has a provost who is the
22 chief academic officer of the campus. And the
23 provost, in turn, is responsible for the director
24 of admissions who oversees admissions.

1 So I think most of the same admonitions
2 that apply to the president ought to apply to the
3 chancellor.

4 If the chancellor is, in fact, going to
5 make decisions in regard to satisfying the
6 interests of one legislator over another or one
7 trustee over another or one donor over another, I
8 don't think that's any better or more ethical
9 practice than the president to make.

10 Actually, it needs to be understood, as Jim
11 Stukel indicated, the chancellor reports to the
12 president. So the chancellor in a way is an
13 extension of the presidency.

14 So when the chancellor acts, it's basically
15 no different than the president acting.

16 So I think we simply ought to keep the
17 upper echelons of the administration out of the --
18 of day-to-day decisions on which students are
19 going to come in and which students are not.

20 MR. ELLIS: In terms of admissions policy,
21 would you make any distinction between someone
22 coming off the wait list versus an initial
23 admission decision in terms of application of the
24 admission policy?

1 MR. IKENBERRY: Certainly if you are not on
2 the wait list and there is intervention, that's
3 the most egregious. There is no question about
4 that.

5 But the wait list is a big list and there
6 are substantial variations within the wait list.

7 So I think any intervention, whether it's
8 on the wait list or off the wait list, ought to be
9 very carefully weighed. I think the admissions
10 staff ought to have available to them all the
11 information that they possibly can to make wise
12 decisions.

13 But I don't think -- the wait lists -- Joe
14 will know these numbers better.

15 It would be my impression in any one year
16 the wait list might have 5, 6, 7, 800 people on
17 it. So that's not just a wait list of six people,
18 you know. But there are identical.

19 Also, understand there are huge variations
20 in admission standards between engineering on the
21 one hand and liberal arts and sciences on the
22 other hand, the culture in the other and so forth.

23 So there are a lot of moving parts within
24 all of this. So the wait list for engineering,

1 for example, may look quite different than the
2 wait list for liberal arts and sciences.

3 MR. ELLIS: In terms of making information
4 available to admissions, we received a statement
5 from Mr. Micek advocating the importance of donor
6 status as a piece of information that should be
7 available to admissions either in initial
8 decisions or on the wait list.

9 Do you have a view on whether donor status
10 should be information that is available to
11 admissions or whether that should be part of the
12 firewall that is outside of the box of admissions?

13 MR. IKENBERRY: I would put donor status or
14 special preferential consideration for donors,
15 frankly, on the other side of the firewall,
16 outside of the firewall.

17 I know that's -- that is a more difficult
18 call, a pragmatic call, particularly at the time
19 the University is more and more dependent on the
20 goodwill and donations from alumni and friends.

21 But I think at the end of the day, most
22 alumni and friends are going to concur in the fact
23 that they take pride in the integrity of the
24 university and the quality of our students and in

1 the excellence of our academic programs.

2 And that any compromise to that, even if it
3 comes to loyal alumni and/or donors is probably
4 not in the long-term best interests of the
5 university that they love.

6 So I would -- I basically do not believe
7 that there ought to be any other -- any extraneous
8 factors.

9 And if we conclude at the end of the day
10 that some of these other considerations ought to
11 be included in the policy, they ought to be stated
12 explicitly. And we ought to bring them, you know,
13 to the Board and they ought to be adopted as
14 policy.

15 But it ought not -- whatever is done ought
16 to be transparent, not surreptitious.

17 MR. ELLIS: Before we move on to talk about
18 some of the trustee issue, if I can encapsulate
19 your view on admissions, it's let the admissions
20 professionals do their job.

21 MR. IKENBERRY: Yes.

22 MR. ELLIS: Any other recommendations for
23 the Commission on admissions reform?

24 MR. IKENBERRY: I guess my only other

1 comment on that having heard the earlier testimony
2 is I would suggest you be a little cautious about
3 setting up an appeal process.

4 I do believe that -- I am confident that
5 admissions officers are not infallible. So there
6 are at times mistakes that are made and there are
7 at times things that at least on the surface don't
8 look right.

9 But I would not want to create -- I think
10 it is a waste of time and money and injects
11 confusion if we were to encourage two or 3,000
12 admissions appeals a year.

13 So I don't -- there, obviously, needs --
14 anybody who feels grieved, frankly, if they feel
15 grieved, I think they ought to write the president
16 and then the president can not intervene on their
17 behalf but certainly can make an inquiry.

18 And that would be true for any other area
19 of the university operation.

20 If somebody who bids on a contract thinks
21 they have been harmed in some way or whatever the
22 complaint may be, there is nothing wrong in
23 sending that kind of an inquiry to the president
24 or to a chancellor, for that matter, and they can

1 conduct an inquiry.

2 Maybe, maybe admissions does, indeed, need
3 a special appeals process. But I would be a
4 little cautious. I just don't want to put the
5 admissions office or the University in the
6 position of spending as much time reviewing
7 appeals as they do reviewing the initial
8 applications.

9 COMMISSIONER VANDER WEELE: Absolutely.
10 That's been my fear, is what is to prevent 5,000
11 appeals. I agree.

12 What about an inspector general's office
13 for education institutions in Illinois, what do
14 you think about that idea?

15 MR. IKENBERRY: I don't like it.

16 COMMISSIONER VANDER WEELE: Why is that?

17 MR. IKENBERRY: I think we already have --
18 we have got a great auditor general in the state.
19 We have an attorney general. We have got
20 legislative oversight committees. And under the
21 right circumstances, we have a Board of Trustees.

22 So I think -- and others may be wiser on
23 this than I am.

24 I think that looks like a good answer, but

1 it may further confuse the situation.

2 CHAIRMAN MIKVA: Actually, the University
3 is under the jurisdiction of an inspector general
4 at the present.

5 MR. IKENBERRY: Yes.

6 CHAIRMAN MIKVA: You have had no
7 dealings -- are you aware of any interaction
8 between that IG and the University? Or should we
9 ask President White that?

10 MR. IKENBERRY: I can't speak to that.

11 I don't think it would do -- I'm not sure
12 it would do any harm. But I don't think -- I
13 don't think that's the core solution.

14 COMMISSIONER VANDER WEELE: Why was the
15 Auditor General in this instance not called, do
16 you think? This is not really an Auditor General
17 type of issue or is it?

18 MR. IKENBERRY: Having gone through some
19 searing audits in my time, my experience was that
20 the Auditor General's tentacles can reach quite
21 far. So I don't think -- I think it probably
22 would be irregular for an Auditor General to do an
23 audit of admissions.

24 But one would have to say, you know, who is

1 this inspector general going to be; how will he or
2 she be staffed, be responsible for all public
3 institutions in the state.

4 We do have an Illinois Board of Higher
5 Education. How does he relate to the -- he or she
6 relate to the Illinois Board of Higher Education?
7 Or is this individual connected in some way
8 with -- I'm just not sure how that's going to
9 work.

10 COMMISSIONER VANDER WEELE: And a related
11 question is whether any sort of ethics hotline as
12 opposed to whether it goes to the executive
13 inspector general or --

14 MR. IKENBERRY: I think an ethics hotline
15 of some sort is probably a good idea.

16 There ought to be some place either within
17 the University or independent of the University
18 that somebody believes that improprieties are in
19 the process that they could call.

20 And a lot of companies and universities and
21 so forth have experienced that.

22 We at one time -- I don't whether we
23 currently do -- have had an ombudsman. You could
24 take this kind of issue to an ombudsman.

1 You know, the issue on ethics -- and it
2 relates to Board training too, if you don't have a
3 receptive spirit in which to give this training
4 and information, it's the inoculation may not
5 take.

6 And that's -- I was invited with President
7 White's concurrence and the invitation of the past
8 chairman of the Board actually to talk with the
9 Board of Trustees some years ago about its role as
10 the governance body and so forth and covered many
11 of these issues.

12 But I urged, for example, that they bring
13 in for a day or two a representative from the
14 Association of Governing Boards to actually do a
15 bit of a clinic on the little booklet that Jim
16 showed to you. And I sent the materials related
17 to that. Absolutely nothing happened.

18 So I -- training we need and ethical
19 standards we need. But you have to have a
20 receptive vehicle.

21 COMMISSIONER VANDER WEELE: You can't hold
22 someone responsible if that code of conduct
23 doesn't exist.

24 That's the problem with that -- that

1 theory, that it just depends on the moral code
2 because it's -- then if they violate it, you can
3 take decisive action and say you were trained, you
4 knew what the rules were, it's fair to remove you
5 from your role.

6 MR. IKENBERRY: I think that's a very fair
7 point.

8 But, again, I will let President White
9 speak to this.

10 During my period, every year when we got
11 one or two or three new trustees, we would spend a
12 full day or more with them going through all areas
13 of university operation and, effectively, a code
14 of conduct.

15 So maybe that practice has fallen by the
16 wayside. If so, it certainly ought to be revived.

17 And if there is a new board put into place,
18 which I hope there will be, obviously, that will
19 be a very major issue for that board to begin to
20 understand its own responsibilities and ethical
21 conduct and so forth.

22 COMMISSIONER VANDER WEELE: And how did
23 that fall by the wayside?

24 MR. IKENBERRY: I don't know that it did.

1 All I can tell you is that was standard operating
2 procedure during my 16-year tenure.

3 COMMISSIONER VANDER WEELE: As president,
4 did you ever advocate for a more robust compliance
5 program, compliance and ethics program, more
6 robust policies with clear consequences?

7 MR. IKENBERRY: No. I don't think we ever
8 perceived we had a crisis that would call for
9 that. I may not understand. I think the answer
10 is probably no.

11 MR. ELLIS: One of the discussions with
12 respect to admissions for which there has been a
13 little bit of disagreement has been on letters of
14 recommendation in the undergraduate admissions,
15 which as you probably know currently are not
16 accepted.

17 Do you have a view as to whether letters of
18 recommendation should be introduced into the
19 process so that persons who have personal
20 knowledge of a particular circumstance can
21 communicate that in light of a firewall that may
22 be implemented?

23 MR. IKENBERRY: Well, there my views may
24 differ from some.

1 In a so-called holistic admissions review,
2 I don't see anything wrong with letters of
3 recommendation. Many universities require them,
4 not only permit them, but require them.

5 I regularly write letters of
6 recommendations for people that I know for other
7 universities around the country.

8 So I would be quite comfortable for letters
9 of recommendation being incorporated into a
10 student's file.

11 But I think that's quite different -- and
12 then the admissions people can put a -- attach
13 whatever weight they want to attach to that.

14 I think that's quite different from a
15 legislator or president or chancellor or trustee
16 or whatever, you know, turning the arm on a
17 particular case.

18 MR. ELLIS: In terms of Category I, the
19 first time you heard the Category I?

20 MR. IKENBERRY: I think when I read about
21 it in the newspaper in terms of this case.

22 I would say on Category I and putting red
23 stripes -- red, white or blue stripes on files or
24 so forth, I believe there is a fundamental danger

1 when you begin to routinize and systematize what
2 is on its face a potential intrusion into the
3 process.

4 That that not only is a potential signal
5 that things may have gone wrong, but it is a
6 self-perpetuating system.

7 And that it is true that when people make
8 inquiries you have got to be respectful and
9 somehow be able to keep track of things.

10 But what I hope is the volume of inquiries
11 would drop about 90 or 95 percent and that we be
12 able to keep track of these by human means and get
13 rid of any kind of computer -- sophisticated
14 computerized tracking systems such as Category I
15 or any kind of labeling or marking of admissions
16 files that say this student is in preferential
17 treatment class AAA.

18 I think desystemitizing this, the
19 administration may have been a little bit overly
20 efficient here. And it unintentionally aggravated
21 its own problem.

22 COMMISSIONER JUDGE: I think they were
23 protecting themselves.

24 MR. IKENBERRY: Maybe. I don't know.

1 COMMISSIONER JUDGE: But you wouldn't
2 recommend letters of recommendation for
3 administrative folks such as yourself for the
4 file?

5 MR. IKENBERRY: No. I think that's
6 probably inappropriate. But I don't see any
7 problem -- I mean, I would feel free to write a
8 letter of recommendation for somebody for
9 Georgetown.

10 But I don't -- I mean, when the president
11 of a university writes a letter of recommendation,
12 that's not a letter of recommendation, that's an
13 order.

14 COMMISSIONER JUDGE: Right, exactly.

15 COMMISSIONER VANDER WEELE: What about a
16 legislative code of ethics that would bar
17 legislators from making inquiries on day-to-day
18 management systems? I'm sorry, day-to-day
19 management issues.

20 MR. IKENBERRY: I would be a little
21 hesitant on that. I hope that the problem that we
22 have been through the last month will serve to,
23 again, depress at least for a while the volume of
24 legislative inquiries.

1 But on the other hand, we are a public
2 university and legislators have all kinds of
3 concerns. And that's what presidents get paid to
4 do, is to pick up the phone and say, you know,
5 what's on your mind.

6 And if they have got a problem with
7 athletics or admissions or anything else, I think
8 the president ought to know about it and try to be
9 responsive to it while at the same time upholding
10 the integrity of the process.

11 So I must say at least in my experience,
12 you know, Mike Madigan never ever boxed me into a
13 corner and said do this or else. And no other
14 member of the Legislature did either.

15 But I think if you don't have a -- if you
16 are not capable of dealing with those day-to-day
17 pressures as president or chancellor of the
18 university, you are in the wrong line of business
19 because they just -- they are out there. We live
20 in a democracy. And I don't think you are going
21 to ever reduce them to zero.

22 MR. ELLIS: Very quickly on the trustee
23 issue, I know President Stukel suggested you give
24 more thought to them.

1 MR. IKENBERRY: I noticed he was very
2 laudatory in terms of my expertise on certain
3 issues.

4 MR. ELLIS: We want to make sure we get
5 your views on that.

6 Do you think there are enough trustees?
7 Too many? Too few? Do you have any view on
8 whether the number is okay?

9 MR. IKENBERRY: Let me answer that in terms
10 of long-term, short-term.

11 I would not make any changes in the
12 composition of the board short-term other than to
13 replace all of its members except Ed McMillan and
14 any of the current members that the Governor after
15 due process decides, if any, that he wants to
16 retain.

17 Longer term, I think this presents an
18 opportunity for the Governor, the leaders and the
19 members of the General Assembly to -- and your
20 Commission may want to comment on the longer term
21 is there a better way.

22 And I believe the basic principle is we
23 should think, again, whether we could create a
24 more diversified board that would provide a more

1 healthy mix.

2 At the time our board structure was put in
3 place, the basic assumption was that the State of
4 Illinois would be providing 50, 60, 70, 80 percent
5 of our operating budget. Today they provide about
6 18 or 19 percent of our budget.

7 Alumni and friends, you know, are providing
8 an increasing large fraction of our budget. And,
9 unfortunately, students and parents are providing
10 an increasingly large portion of our budget. And,
11 of course, the federal government is now almost
12 providing as much money to the University of
13 Illinois in terms of research grants and contracts
14 as comes from the State.

15 I think looking to the experience at Purdue
16 or Indiana or Penn State that I mentioned earlier,
17 but a more diversified board long-term and
18 probably a somewhat larger board.

19 We have grown larger and more complex as an
20 institution.

21 So I would think that we might move from a
22 board that had, for example, nine trustees and
23 three students, it might be healthy to think about
24 moving to a board that had 12 trustees and three

1 students or 15 trustees and three students.

2 But that slightly -- certainly not smaller
3 and perhaps marginally larger.

4 MR. ELLIS: Do you have views on faculty
5 involvement on the board?

6 MR. IKENBERRY: My own personal views are
7 that the faculty should not, as a general rule,
8 serve on the board unless they come into that
9 through some other process.

10 But they should not serve there if they are
11 appointed by the Governor. Or if they are elected
12 by the Alumni Association, yes.

13 But I don't believe that there should be a
14 faculty seat. I know my colleagues that are
15 sitting behind me, some of them may disagree with
16 that view.

17 COMMISSIONER VANDER WEELE: Why not? Why
18 should there not be faculty?

19 MR. IKENBERRY: Because the general view
20 has been, number one, that faculty, as key as they
21 are to the University, they are only one
22 constituency in the University. There is staff.
23 There are administrative professionals and so
24 forth.

1 If you begin to put a -- represent all of
2 these various constituencies on the board, that
3 becomes a problem.

4 Secondly, there is arguably a conflict of
5 interest. The faculty do shape the policies going
6 forward. But all of the academic appointments
7 that come before the Board come as a result of
8 faculty review and recommendations and so forth up
9 through their department and so forth.

10 So it isn't -- the concept of shared
11 governance that Jim Stukel articulated so well is
12 very important. But I don't think it's necessary
13 to add another constituency at the Board table as
14 important as they are faculty.

15 COMMISSIONER VANDER WEELE: Can you give me
16 an example where a conflict of interest would harm
17 the University if a faculty was on the Board,
18 perhaps they take a leave of absence for a year or
19 something like that?

20 MR. IKENBERRY: Again, I guess my concept
21 is a member of the Board of Trustees basically
22 represents the people of Illinois and/or a much
23 broader constituency than the immediate employees
24 of the university.

1 The president of the university is not a
2 member of the board. On some universities the
3 president is a member of the board.

4 But the president of the University of
5 Illinois and most universities, the president
6 herself, himself is not a member of the board.

7 So I don't think it's -- I don't think it
8 is necessary for those of us who are on the inside
9 of the university to serve also on its governing
10 board.

11 Does it present an unresolvable conflict of
12 interest? No.

13 Do some universities have faculty on their
14 board? Yes.

15 MR. ELLIS: Would you do anything in terms
16 of students decreasing, increasing student
17 involvement, removing the student vote or adding
18 more?

19 MR. IKENBERRY: I certainly would not add
20 more. I wouldn't have any fewer. I think student
21 representation is just right.

22 MR. ELLIS: Are there any other views on
23 the trustee selection that you would like to share
24 with the Commission?

1 MR. IKENBERRY: If, indeed, we were to look
2 for an alternative long-term way, I think
3 continuing the opportunity for there to be direct
4 appointments by the Governor with the concurrence
5 of the Senate is certainly a proper process.

6 But the -- I would hope the Governor would
7 establish some reliable screening mechanism for
8 any appointments that the Governor would make, be
9 that the Alumni Association or some alternative
10 screening mechanism.

11 I would like also -- I think it would
12 provide a more healthy set of checks and balances
13 if at least a fraction of the trustees came from a
14 different source, either, for example, elected by
15 the membership -- total membership of the Alumni
16 Associates. Total is three or 400,000 people
17 across the country. Or some other source.

18 Again, drawing on my Penn State experience,
19 they have two representatives from industry on
20 their board, two representatives from the
21 agricultural sector on their board.

22 I think they have got several
23 representatives appointed by the governor; some
24 elected by the alumni themselves. I think some

1 diversification.

2 I am just uneasy with the Governor over the
3 long term holding all of the chips and making all
4 of the decisions.

5 I think that does -- frankly, it would be
6 liberating to the board because I think even those
7 members of the board who may or may not be close
8 to the Governor have got to be thinking constantly
9 what will the Governor think about what I do or
10 say.

11 CHAIRMAN MIKVA: Did you say that
12 Pennsylvania experience that you know of, there
13 was a fairly widespread interest by the alumni in
14 those elections?

15 MR. IKENBERRY: Yes. Certainly we can get
16 the details on that.

17 CHAIRMAN MIKVA: Were they mailed
18 elections?

19 MR. IKENBERRY: Yes, there are ballots that
20 are mailed out. I'm sure the Commission can get
21 or I can provide for you their experience.

22 My impression is -- I could be wrong on
23 this -- at Purdue and maybe Indiana also, but at
24 least Purdue I think may run a similar situation.

1 I think the staff to the Commission could
2 also check with AGB because they can probably tell
3 you more reliably eight or ten places around the
4 country where you can go.

5 CHAIRMAN MIKVA: Thank you very much.

6 MR. ELLIS: I have nothing further.

7 COMMISSIONER JUDGE: I think Princeton is
8 all Alumni Association elected.

9 MR. IKENBERRY: Yes.

10 COMMISSIONER JUDGE: That's a private
11 institution.

12 MR. IKENBERRY: And I guess their
13 experience will tell us it's also not problem
14 free.

15 CHAIRMAN MIKVA: President Ikenberry, you
16 have been very, very forthcoming.

17 MR. IKENBERRY: I thank you for your
18 personal attention to this. These have been tough
19 times.

20 I think they can be -- I think the
21 University can expect a strong and robust
22 recovery, however.

23 So I think that we ought not to be
24 pessimistic about the future. I think this --

1 actually, as tough as it is, I think this is a
2 bright spot, not a time for despair. Thank you
3 very much.

4 CHAIRMAN MIKVA: Why don't we take a very
5 short lunch period. I see lunch served back
6 there. Let's take a half hour and come back at
7 two o'clock.

8 (Lunch recess taken.)

9 CHAIRMAN MIKVA: We are all here. The
10 Commission will come to order.

11 President White, thank you very much for
12 agreeing to appear before us. I appreciate your
13 cooperation.

14 And if you have a statement you would like
15 to make, we would be glad to hear it. Otherwise,
16 Mr. Chung will start the questions.

17 MR. WHITE: Judge and Members of the
18 Commission, my only statement is a thank you to
19 each and every one of you for your service to the
20 state.

21 I think what counts here are your
22 questions. So I would like to get started.

23 CHAIRMAN MIKVA: Good.

24 MR. CHUNG: Thank you very much.

1 President White, how long have you been
2 president of the University of Illinois?

3 MR. WHITE: Approximately four and a half
4 years. I began on January 31st of 2005.

5 MR. CHUNG: Did you come to the University
6 from a different institution?

7 MR. WHITE: I did. I came from the
8 University of Michigan.

9 MR. CHUNG: Would you describe for the
10 members of the Commission the experience you had
11 at the University of Michigan, the different
12 positions you held, the amount of time?

13 MR. WHITE: I did my Ph.D. at the
14 University of Michigan. I was a young faculty
15 member in the School of Business.

16 I earned tenure at the University of
17 Michigan.

18 Later, after a period of employment outside
19 the University, I became associate dean of the
20 business school and then I was dean of the
21 business school for 11 years.

22 I then returned to the faculty for a few
23 months and then became interim president of the
24 University of Michigan when president Lee

1 Bollinger went to Columbia University.

2 Later, after another period away from the
3 University, I came back and I was a faculty member
4 in the Life Sciences Institute at the University
5 at the time I was recruited to the University of
6 Illinois.

7 MR. CHUNG: And during your time at
8 Michigan, is it fair to say that for some number
9 of years you had indirect authority over
10 admissions decisions but never at any point in
11 time had direct authority?

12 MR. WHITE: Thanks, Mr. Chung.

13 When I was associate dean, I was close to
14 the admissions process, but I never headed the
15 admissions department.

16 MR. CHUNG: During the time you spent at
17 Michigan, did you develop a framework for thinking
18 about admissions decisions?

19 MR. WHITE: I did both as an associate
20 dean. As dean, I was interim president the year
21 that the Affirmative Action cases from the
22 University of Michigan went to the Supreme Court.

23 So I had occasion to figure out and think
24 deeply how admissions works. And I do -- I always

1 do my best for myself to keep things simple.

2 Basically, admissions always comes down to
3 three piles: Admits, denials and admissible but
4 not enough space. Those are the three piles.

5 Admits are never a problem except that you
6 work hard to get those you admit to choose you
7 because you're usually competing for them with
8 other institutions.

9 Denials are denials and should always
10 remain denials, period.

11 The admissible but not enough room tends to
12 be where there is advocacy, inquiries, et cetera.

13 When I became associate dean at Michigan, I
14 worked for a very good dean. And I asked him a
15 question. I said to him it seems to me that there
16 are -- there is -- there are -- there is some
17 competing values here when we do admissions
18 because we are trying to run a pure merit system.
19 That's what -- that's what we run in great
20 universities are merit systems.

21 At the same time, there are -- there is
22 advocacy. And many universities pay attention to
23 legacy considerations as they try to build their
24 community and loyalty to their communities.

1 And, of course, privates have for a long
2 time given a great deal of attention to both
3 legacies and those who support the university
4 financially with private gifts.

5 I said how the heck do we reconcile these
6 things. And he was very good.

7 Basically, he said you have to leave
8 admissions to the admissions office but you have
9 to give them guidance as to what in addition, if
10 anything to the obvious, standardized test score,
11 grade point records, undergraduate record in the
12 case of graduate school, what do you give credit
13 for.

14 And he said in my opinion legacy is worth
15 something because, you know, you build loyalty to
16 the institution and an entire family.

17 He said we have to be very courteous to our
18 donors. He said the people we respect, think
19 highly of, say somebody is good, we ought to pay
20 attention.

21 But, basically, what he said is those are
22 only at most very small plus factors, okay. They
23 should not affect denials. Denials are on the
24 merits. Pure admits are on the merits.

1 In that middle range these must be small
2 plus factors.

3 And the final point I will make as I sort
4 of pressed because I tried to get things settled
5 in my mind, I said what's the rationale for that
6 in terms of merit.

7 He said, well, you have to remember
8 admissions is not a scientific process; it's a
9 forecasting effort to look at a person's record
10 and make a forecast as to who is going to be
11 successful in the program and then later in their
12 profession and in life.

13 He said, really, at best what you can do is
14 cluster people, particularly in this middle range.

15 And he said so if we give a little plus
16 factor, it's within the bounds of the uncertainty
17 that exists anyway. That's what he said to me.
18 That's pretty much on admissions.

19 MR. CHUNG: And this was a framework that
20 you developed over the course of years dealing
21 with admissions decisions and admissions policy?

22 MR. WHITE: Yes, sir.

23 MR. CHUNG: Now, just so we are clear, was
24 it a framework that you applied specifically with

1 regard to the business school at the University of
2 Michigan or did you see that that framework
3 applied across the board to university admissions
4 as a whole?

5 MR. WHITE: It was certainly the framework
6 against which we operated at the business school.

7 When you are dean, it's a small
8 organization, even if it's a big school.

9 So you just get on the same page with your
10 associate deans, your admissions director, your
11 admissions officers.

12 So I was responsible for the business
13 school. We did it there.

14 Of course, in the decade as dean, I became
15 close to other deans. And it was pretty apparent
16 to me that this was -- I can't speak for others.
17 But it appeared to me this was a shared philosophy
18 across the university.

19 MR. CHUNG: At the business school at
20 Michigan, what was the frequency with which you
21 became involved in particular applications?

22 MR. WHITE: Almost never with regards to
23 specific applications.

24 But as a dean, I received many, many

1 statements of advocacy on behalf of candidates
2 from -- particularly from alumni and donors at
3 Michigan.

4 MR. CHUNG: To try to get a sense of the
5 volume or regularity of those types of inquiries,
6 could you estimate on a weekly or monthly or even
7 annual basis how many such inquiries you would
8 receive?

9 MR. WHITE: It's a pretty significant
10 feature of the dean's job. And I would say
11 that -- I would probably hear on average from --
12 during the admission season, which lasts about six
13 months from October through March, I would
14 probably get half a dozen a week.

15 MR. CHUNG: Would you say the vast majority
16 were from donors or alumni?

17 MR. WHITE: Absolutely, yes.

18 MR. CHUNG: You made reference to the small
19 plus factor and you spoke a little bit about
20 legacy specifically.

21 Again, focusing on your time at Michigan,
22 did you develop in your own mind a set or list of
23 other such factors that you deemed relevant to the
24 admissions process?

1 MR. WHITE: In addition to the most
2 important issues, the quantitative issues, the
3 demonstrated achievement to date -- because the
4 best forecasts of future performance is past
5 performance. It's not a perfect indicator, but
6 it's the best single indicator we have.

7 In addition to the quantitative factors,
8 the demonstrated achievement to date,
9 extracurriculars, leadership ability.

10 In addition to those, we paid attention to
11 people who seemed to really care about the school
12 as demonstrated through their involvement,
13 typically as alumni, and as demonstrated by their
14 financial support.

15 MR. CHUNG: What about with regard to
16 public officials and in particular elected public
17 officials, did you while you were at Michigan ever
18 receive inquiries on behalf of specific applicants
19 from public officials?

20 MR. WHITE: I can't say never, but it was
21 rare. It was unusual.

22 CHAIRMAN MIKVA: When someone inquired,
23 whether it was the alumnus or donor or rare public
24 official, about somebody who was on the denied

1 list, what did you do?

2 MR. WHITE: I always stood behind the
3 denial. I was always courteous.

4 I would express my regret that the
5 individual about whom that person was inquiring
6 had not been admitted.

7 I would -- sometimes if the person seemed,
8 you know, particularly upset, I would volunteer to
9 meet with the young person.

10 I like young people. That's one of the
11 reasons I do this. And I would say, you know, if
12 I can help this person achieve his or her goal but
13 through a different means, I would be happy to
14 meet with the person.

15 That would be how I would handle it.

16 CHAIRMAN MIKVA: Did you ever ask the
17 admissions people to review the case or --

18 MR. WHITE: I believe that I have never
19 asked for a review of a denial unless I thought
20 there had been an error made.

21 There are errors made occasionally.
22 Numbers are transposed, et cetera.

23 But I didn't do it and it's never been my
24 practice. Fundamentally because admissions people

1 have to make extremely difficult decisions every
2 day and disappoint people a lot.

3 And I really think from a leadership point
4 of view it's important that those admissions
5 people know that their decisions are our
6 decisions.

7 MR. CHUNG: President White, there has been
8 a fair amount of testimony before this Commission
9 about inquiries from third parties that might be
10 characterized as mere status requests, where is
11 this application in the process, when is a
12 decision expected, et cetera.

13 And there is contrasted with inquiries or
14 requests that are on their face advocacy, pushing,
15 supporting, recommending a particular decision for
16 a particular candidate.

17 Is it fair to say that your position is
18 everything fundamentally is advocacy? It's just a
19 matter of degree?

20 MR. WHITE: Yes.

21 MR. CHUNG: Even mere status requests?

22 MR. WHITE: Yes. Almost nobody inquires
23 eager to learn that a candidate has been denied.

24 Inquiries are forms of advocacy. Some

1 people are very direct and aggressive. Others are
2 very circumspect and subtle.

3 But, basically, people inquire because they
4 would like to see that person in.

5 MR. CHUNG: President White, you came to
6 the University of Illinois about four and a half
7 years ago, another large public Big 10
8 institution.

9 Did you bring with you the same analytical
10 framework with regard to admissions when you
11 started up here as president of this university?

12 MR. WHITE: I did.

13 MR. CHUNG: Have you come to realize in
14 light of this Category I issue that has arisen
15 that that framework does not work for this
16 university?

17 MR. WHITE: I have.

18 MR. CHUNG: Could you explain for the
19 members of the Commission how you came to that
20 realization?

21 MR. WHITE: I believe that when I forwarded
22 an inquiry, that it would go into an admissions
23 decision process run by admissions people who were
24 operating under policies that were at least a very

1 close variation of what I had -- what I described
2 to you earlier in terms of what counts, how
3 decisions are made, admits, denials, admissible,
4 et cetera.

5 I think that -- and what I have learned
6 through this inquiry investigation and through
7 various documents and my own examination is
8 that -- and I think in many instances because we
9 have dozens of schools and colleges, I think it
10 did work that way. I think it did work that way.

11 However, I think in undergraduate
12 admissions at Urbana and it appears at least one
13 law school case -- not only one, I think there is
14 several -- it's apparent to me now that it didn't
15 work quite that way.

16 That -- and fundamentally the thing that
17 has come to my attention, and I'm deeply concerned
18 about this and it and many other things have to
19 change, I assume we will get to those things --
20 presumptive denials by admissions people were not
21 denials. They were changed to admits. And I
22 don't think that's proper.

23 MR. CHUNG: Do you have a theory or
24 perspective on why presumptive denials here at

1 this institution were not, in fact, ultimate
2 denials at least in some instances?

3 MR. WHITE: I do not.

4 Clearly, I think that people involved -- I
5 believe they thought they were doing what was
6 right for the university, but I can't speak for
7 them.

8 COMMISSIONER JUDGE: What people is that?

9 MR. WHITE: Well, I believe the Category I
10 was -- I believe the decisions were made by the
11 chancellor. And it was with Keith Marshall who I
12 met to review the Category I list.

13 CHAIRMAN MIKVA: That's Herman?

14 MR. WHITE: Chancellor Herman, yes.

15 CHAIRMAN MIKVA: When did you know there
16 was a Category I or these people were placed in a
17 separate category?

18 MR. WHITE: When the University began in
19 mid April to respond to the Freedom of Information
20 Act requests was when I learned --

21 CHAIRMAN MIKVA: April of this year?

22 MR. WHITE: Yes. It was when I learned
23 about the term Category I.

24 I have said publicly and I repeat here,

1 flagged admissions, inquiry lists, lists
2 maintained in order to respond courteously to
3 people, especially when they are a denial or wait
4 list decisions, I am very familiar with those.

5 I had those at the University of Michigan.
6 That was not a surprise.

7 I had not heard the term Cat I.

8 CHAIRMAN MIKVA: And you didn't know it was
9 an institutionalized way of treating these matters
10 which was so different from what you were used to
11 at Michigan?

12 MR. WHITE: I did not.

13 COMMISSIONER JUDGE: When you started
14 getting inquiries from the press, newspapers about
15 the existence of Category I and requests were made
16 for information, you were very reluctant to share
17 any information from the University. Am I correct
18 or incorrect in making that statement?

19 MR. WHITE: I don't feel that's the case,
20 Commissioner.

21 I -- no, I do not feel that's the case.

22 My -- I live in a public university. I
23 have chosen to make my life in a public
24 university. I assume every document I have is --

1 could be read some day by somebody.

2 And my direction to our staff has always
3 been comply with the Freedom of Information Act
4 requests.

5 I think the one issue that came up involved
6 student privacy, FERPA and the possible conflict
7 between providing information to the press about
8 data and possibly revealing student identities --
9 I am obviously a very, very -- I have serious
10 responsibilities for student privacy.

11 CHAIRMAN MIKVA: Were you aware --
12 obviously, you don't read every E-mail of every
13 staff member.

14 Are you aware of any strings of E-mails
15 when the inquiry first started and you were
16 obviously -- you and counsel for the University
17 were responding from what you thought was FOIA's
18 requirement.

19 Were you aware of some of these
20 non-euphemism, these incriminating E-mails that
21 have since come to light?

22 MR. WHITE: Could you specify, Judge?

23 CHAIRMAN MIKVA: The E-mail exchange
24 between then Dean Hurd and Chancellor Herman about

1 these law school admissions?

2 MR. WHITE: I was not aware.

3 CHAIRMAN MIKVA: Were you aware of the
4 E-mails -- I think they were E-mails involving
5 some of the trustees and Chancellor Herman?

6 MR. WHITE: I was not aware, no.

7 CHAIRMAN MIKVA: That the Governor wants --

8 MR. WHITE: Well, of course, when I was
9 involved myself, I was aware of what I did myself.
10 But there were many, many more exchanges than
11 those which I was aware.

12 CHAIRMAN MIKVA: What communications did
13 you have with the Governor about admissions, if
14 any, the Governor's office?

15 MR. WHITE: None.

16 CHAIRMAN MIKVA: During the entire time you
17 were there, the Governor's office never contacted
18 you?

19 MR. WHITE: Neither with the Governor nor
20 any member of the Governor's office.

21 CHAIRMAN MIKVA: There were a string of
22 E-mails I do recall where they were either from
23 you or from your staff saying the president is
24 interested in certain individuals. Were those

1 inquiries?

2 Obviously, as you said, all inquiries are
3 advocacy. Did they come from any particular
4 people or alumni?

5 MR. WHITE: Yes. Of course, I reviewed all
6 my own correspondence. And I think there is
7 several categories.

8 One, of course, when the Chair of the Board
9 and it would mainly have been the Chair of the
10 Board communicated to me, you know, the Governor's
11 office's interest, then I forwarded that to
12 Chancellor Herman.

13 When alumni who, you know, serve the
14 University in various capacities would say to me,
15 you know, my son or daughter is applying, I would
16 sometimes alert the chancellor -- usually the
17 chancellor, perhaps the admissions office of that
18 and ask to be kept informed.

19 CHAIRMAN MIKVA: Let's stop there for a
20 minute. Do you see any distinction between
21 alerting the chancellor and the admissions office?
22 And which do you think in the perfect world would
23 be the appropriate place for the president to make
24 inquiry?

1 MR. WHITE: Well, I think the answer is
2 that inquiries from the president should go to the
3 chancellor.

4 I listened, you know, with great interest
5 to President Stukel this morning. And I share his
6 view about chain of command. Organizations don't
7 work well when they don't have a good, strong
8 chain of command.

9 I also have to say I have had some private
10 industry experience. I think I add on to that a
11 pretty strong team orientation.

12 Meaning I think when organizations work
13 really well, chain of command is followed most of
14 the time, but everybody shares values.

15 And, you know, if it's more -- if it's more
16 direct to go to a person involved, you go to the
17 person involved. That would be a team approach.
18 And I probably do a little more of that.

19 CHAIRMAN MIKVA: Do you see any problems,
20 though, when somebody at the very top of the heap
21 calls somebody who is not next in line and says
22 this is important to me or this is important to
23 the Governor or simply says what's going on with
24 so and so? Don't you think that is sending a

1 special advocacy message?

2 MR. WHITE: You know, it seems to be the
3 case here -- and I have reflected a great deal on
4 the question that you are asking. And obviously,
5 you know, I am learning as we go.

6 I want to say this to you, though. I've
7 spent most of my career in academic life. I am
8 accustomed to the fierce independence of academic
9 organizations.

10 I mean, not to overstate it, but in
11 general, in academic organizations, if the
12 president favors it, the faculty oppose it. It's
13 not the other way around.

14 CHAIRMAN MIKVA: That's as a whole.

15 MR. WHITE: That's right.

16 But the point I want to make is denials,
17 disappointments, being turned down for a
18 publication, being told your dissertation proposal
19 wasn't good enough, being turned down for tenure
20 and promotion, this is the standard fare of public
21 life.

22 I have become extremely proficient at
23 delivering bad news to people over my career
24 because that's how academic life works when it

1 works well.

2 I think that's the way it works most of the
3 time, which is why I said to you earlier, you
4 know, my expectation it was at Michigan and it has
5 been here that you put information into the
6 system, people are charged with making judgments
7 on the merits. They deliver their results. And
8 then to be courteous, you deliver the news.

9 As I said, I have delivered many reports to
10 people and sorry that candidate you supported has
11 been denied or been wait listed.

12 And I'm always amazed at how well people
13 take that news. Not that they are happy, but
14 that's just how it works.

15 So that's how I feel.

16 Having said that, Judge Mikva, I want to
17 say this. What I have seen -- and I think we see
18 it in this admissions case -- is a -- I don't know
19 how to describe it.

20 It's an influence environment. It's a
21 quid-pro-quo environment. It's an environment of
22 expectation such that I think a leader in my
23 position in this situation has to be
24 extraordinarily careful to communicate precisely,

1 not in shorthand, you know, the Governor is -- you
2 saw some shorthand in my communications.

3 If I could redo it, I would say -- and I
4 probably would say this. Because when I came in
5 2005, the Governor of Illinois was the Governor of
6 Illinois elected by the people. I didn't know he
7 was a scoundrel.

8 And what I would have said to people is
9 Chair of the Board has communicated the Governor's
10 office's interests in two candidates, I'm
11 conveying that to you because I would like to
12 convey back if there is going to be an admission
13 denial.

14 Your responsibility is to make a decision
15 on the merits. And I would appreciate knowing the
16 outcome, period. And by the way I mean it.

17 But, gee, you know, I really didn't think
18 that was necessary in academic life.

19 MR. CHUNG: President White, you spoke a
20 little bit about the direct contact you had with
21 Chancellor Herman regarding governor's office
22 applicants.

23 MR. WHITE: Uh-huh, via E-mail, right.

24 MR. CHUNG: Have you come to understand the

1 extent to which Chancellor Herman was involved in
2 Category I admissions upon reviewing articles and
3 other documents connected to this Commission?

4 MR. WHITE: I have.

5 MR. CHUNG: What is your reaction to the
6 extent to which Chancellor Herman was involved?

7 MR. WHITE: I want to say I have very high
8 regard for Chancellor Herman.

9 I think he has brought very high
10 aspirations to the Urbana campus. I think he is
11 passionate, independent, almost fiercely
12 independent about the leadership of this campus.

13 Having said that, leaders sometimes differ
14 on judgments. And my judgment about the matter at
15 hand of overriding presumptive denial decisions in
16 the law school case that you looked at, directing
17 an admit supposedly because the Governor wanted
18 it, I don't agree with those judgments.

19 COMMISSIONER SCOTT: I have a question.
20 You are the chancellor's supervisor; is that
21 correct?

22 MR. WHITE: That's correct.

23 COMMISSIONER SCOTT: You have some control
24 over his activities.

1 Given what you have seen in connection with
2 this case and this investigation as it's unfolded,
3 what's your recommendation as to Chancellor
4 Herman?

5 MR. WHITE: I don't have a recommendation
6 to make at this meeting.

7 I think when things have gone wrong -- and
8 I think they have gone wrong in this area --
9 careful fact finding is critical. Careful
10 deliberation is essential.

11 And I think that is not finished.

12 COMMISSIONER VANDER WEELE: And in what way
13 is it not finished? Obviously, the Commission has
14 a number of witnesses to interview.

15 But what further information do you need to
16 make a decision on the chancellor?

17 MR. WHITE: Well, let me say the chancellor
18 and I have not discussed these matters. I think
19 that both he and I realized without ever saying it
20 to each other that it was essential, that we be
21 able to come before this Commission and testify
22 independently.

23 And so, you know, my first obligation is to
24 discuss these matters with the chancellor.

1 The Commission's report is due, I
2 understand, by August the 8th. I think we will
3 all be -- we all look forward to seeing the
4 Commission's report.

5 And there is no question that after that
6 the chancellor and I will meet and discuss these
7 admissions matters.

8 CHAIRMAN MIKVA: Does Category I stand
9 for -- does the I stand for Illinois or influence
10 or don't you know?

11 MR. WHITE: I don't know, Judge. I don't
12 know.

13 CHAIRMAN MIKVA: I assume that Mr. Chung is
14 going to talk to you about the Trustees and the
15 make up and so on.

16 You have dealt with Trustees at Michigan,
17 at least during the time you were interim
18 president and I assume at some of your other
19 positions, using President Stukel's description is
20 the two models between the Legislative Model and
21 the -- I forget how he described the other model.

22 But what would you say about the Illinois
23 model compared to the Michigan model? Is this, in
24 fact, a Legislative Model of the -- for the

1 workings of the Board of Trustees?

2 MR. WHITE: This is -- the first thing I
3 want to say, Judge Mikva, is that I do not devote
4 much of my attention to the issues of how Trustees
5 are selected. I don't evaluate the Trustees.

6 My focus -- and I tell the staff who report
7 to me -- our job is to lead and manage the
8 University of Illinois.

9 We take about 250 action items a year to
10 the Board at board meetings, most of which are
11 very important to the University's function,
12 promotion and tenure recommendations, new
13 buildings, financings, et cetera.

14 Everyone says at the end the president of
15 the university supports this recommendation.

16 So my focus in working with the Board of
17 Trustees is in getting the University's work done.

18 At the end of every meeting, I say to my
19 colleagues what was our batting average -- because
20 that's what counts -- in getting the University's
21 work done.

22 I will say now and, therefore, I do not
23 focus -- I don't think it's proper for me to focus
24 on evaluating trustees, on how the trustees are

1 selected.

2 Hopefully some day when I am president
3 emeritus, I can come before some group and offer
4 my views.

5 CHAIRMAN MIKVA: And I appreciate that. I
6 at least don't intend to ask you what your
7 recommendations are on how the trustees should be
8 selected.

9 I am curious what was your batting average?
10 How do you think? Do you think you fared well
11 with the trustees as far as University decisions
12 are concerned?

13 MR. WHITE: I do. It's not a perfect
14 batting average, but it's a very good batting
15 average and it's fundamentally because we work
16 extremely hard in the run-up to meetings to meet
17 with different trustees, explain why an issue is
18 important, hear their concerns, et cetera.

19 I would, Judge, if I could because I do
20 want to underline the difficulty of this matter
21 that my predecessors addressed this morning.

22 When I was at the University of Michigan,
23 the regents of the university were elected by the
24 people of Michigan. The view often at Michigan

1 was if only they are appointed by the Governor.

2 I come to Illinois. The trustees are
3 appointed by the Governor. And there is nostalgia
4 for the days when they were elected.

5 CHAIRMAN MIKVA: I remember both ways. And
6 you are right in both instances.

7 COMMISSIONER VANDER WEELE: It's reforming
8 the reform.

9 MR. WHITE: That's right. So there is no
10 perfect way.

11 COMMISSIONER ESTRADA: President White, I
12 would like to move away from the Board of Trustees
13 and talk about governmental affairs.

14 I assume you do spend time thinking about
15 their role in supervising them because you do
16 supervise them directly; is that correct?

17 MR. WHITE: That's correct.

18 COMMISSIONER ESTRADA: There are people
19 there, specifically Rick Schoell, but even more
20 specifically Terry McLennand, who has said on
21 record that he has advocated for some cases.

22 What do you think about that? Is that the
23 right thing for governmental affairs to be doing
24 under your supervision?

1 MR. WHITE: It is not. It is not.

2 And if you look at Category I, you know, a
3 lot of those names came from government relations.
4 Government relations reports to me. And I think
5 it should not have been that way.

6 I mean fundamentally, fundamentally, we
7 just have to get people out of this admissions
8 process.

9 So the answer is it shouldn't have been.

10 Now, having said that, I have no doubt that
11 the people involved, including Mr. McLennand, who
12 is -- he is devoted to the University of
13 Illinois. His supervisor, Rick Schoell, is an
14 outstanding man, just retiring now.

15 I have no doubt that they -- that Terry
16 felt he was doing what was best for the University
17 of Illinois in advocating for candidates who had
18 sponsors, legislative sponsors.

19 COMMISSIONER ESTRADA: Did you know he was
20 doing it before the Tribune report?

21 MR. WHITE: I did not. I did not.

22 COMMISSIONER JUDGE: You had no knowledge?

23 MR. WHITE: I did not.

24 I know that the legislators give very high

1 marks to Mr. Schoell, Mr. McLennand, their
2 responsiveness. I always interpreted that as
3 being courteous, getting right back to them, et
4 cetera.

5 I think the dividing line is -- and I read
6 those E-mails.

7 I think the dividing line is -- was crossed
8 in getting into advocacy. That's getting into the
9 admissions decision. And I think that --

10 COMMISSIONER JUDGE: Herman knew about it.
11 Chancellor Herman knew about it.

12 And the person who answered directly to
13 you, Schoell knew all about it. Those two men
14 knew about it, but you didn't know about it?

15 MR. WHITE: I did not know there was active
16 advocacy for individual candidates in the
17 admissions process by government relations.
18 That's true.

19 CHAIRMAN MIKVA: That's because you
20 acknowledged before that every inquiry is
21 advocacy.

22 MR. WHITE: Yes, it is.

23 CHAIRMAN MIKVA: How do you feel about the
24 fact that governmental relations was so -- had so

1 many inquiries? Didn't that worry you a little
2 bit? Did you know how many inquiries they had?

3 MR. WHITE: Well, I didn't know how many
4 inquiries there were. I have to say I wish I had
5 known.

6 I wish I had known about Category I. I
7 wish I had seen the list that I have now gone
8 through with Mr. Marshall.

9 I wish I had known that the -- about the
10 degree of advocacy. Yes.

11 COMMISSIONER SCOTT: What did you say to
12 Marshall when he sits down in front of you with a
13 list close to 200 names and they have got a name,
14 they have a host system? What did you say to him?

15 MR. WHITE: Well, first, I have to say it
16 was no -- and I said this immediately when this
17 story broke. It was no surprise to me that there
18 was a list. There are many lists in the
19 University. Every dean has a list of people who
20 are -- inquiries that are made. And I said, you
21 know, those are forms of advocacy.

22 I was not surprised there was a -- you
23 know, flagged applications have been around a long
24 time. I was not surprised.

1 What surprised me was the reversal of
2 presumptive denials.

3 CHAIRMAN MIKVA: How would you feel about a
4 policy, university policy that said that
5 admissions has a firewall around it that excludes
6 a lot of people and particularly governmental
7 relations, that they don't talk to admissions
8 people because even those inquiries, the list of
9 inquiries you talk about are really advocacy?

10 MR. WHITE: Well, yes. I think much has
11 come to light as a result of the documents that
12 have come forward and your own investigation and
13 things we have learned through our examination.

14 One of the things I think is that we need a
15 code of conduct covering admission from top to
16 bottom in the University.

17 But I would like to be very direct with
18 this Commission. I want to say this to you. If I
19 could boil the code of conduct down to one thing
20 going forward, it would be this.

21 I think our policy should be for everybody
22 above the dean level to get the heck out of
23 admissions. And I think that also applies to
24 sideways organizations, government affairs,

1 development. I am happy to talk about that.

2 Because I think that, you know, we are not
3 creating policy for every public university in the
4 country. This is the University of Illinois.

5 And we are going through a really difficult
6 thing here. And I think what has been lost is I
7 feel terrible that the University of Illinois'
8 reputation has been tarnished by what has happened
9 here.

10 And I feel terrible that there has been a
11 loss of confidence by the people of Illinois in
12 the fairness and the objectivity of our process.

13 And job one is to restore it. That is job
14 one. We have to do whatever is required.

15 COMMISSIONER SCOTT: What do you want to
16 do?

17 MR. WHITE: Well, we have shared some ideas
18 with the Commission. But we -- I think we need to
19 be respectful and listen to the Commission's
20 recommendations to us with the presumption of
21 embracing them.

22 If it were just my decision, Commissioner
23 Scott, the code of conduct regarding admissions
24 would say exactly what I just said: Admissions

1 will be managed across the university by people
2 charged with admissions. Nobody above the dean
3 level will have any involvement. There will be no
4 involvement by government relations and no
5 involvement by development.

6 That's what I want to do.

7 COMMISSIONER VANDER WEELE: Did you ever
8 advocate a more robust code of conduct in the
9 past?

10 MR. WHITE: No. I have to say it did not
11 occur to me that we would need a code of conduct
12 for admissions.

13 COMMISSIONER VANDER WEELE: Because the
14 trustees say that they went to you, I believe, and
15 you just referred them to the chancellor when they
16 had questions about admissions. Is that true?

17 MR. WHITE: I think that the trustees
18 with -- I think most of the time trustees went
19 directly to the chancellor.

20 COMMISSIONER VANDER WEELE: They were
21 looking to you for direction, how do we handle
22 these. And you said take them to the chancellor.
23 Is that accurate?

24 MR. WHITE: Well, as President Stukel said,

1 the chancellors are the CEOs of the campus.

2 Admissions occurs at the campus level.

3 And having said that, though, I want to be
4 direct. I do not recall a trustee saying to me I
5 have an admissions issue, what should I do. And
6 my saying go to the chancellor, I don't recall
7 that ever happening.

8 COMMISSIONER VANDER WEELE: Did you ever
9 view it as your role to give the trustees guidance
10 on how to handle these things in an ethical way?

11 MR. WHITE: I did not think that -- I did
12 not think that unethical things were occurring in
13 admissions.

14 I mean, you know, the well-known instance
15 of Mr. Eppley communicating to me the Governor's
16 office interest in two candidates, to me that was
17 not unethical.

18 I would like us to create a situation where
19 that doesn't happen. But I didn't think it was
20 unethical.

21 So, no, it didn't occur to me to do that.

22 COMMISSIONER VANDER WEELE: Where does it
23 cross the line?

24 MR. WHITE: I think what is sacred is the

1 admissions decision process. What is sacred is
2 the admissions decision process.

3 I think that those who make admissions
4 decisions need guidance, which is by and large
5 what deans give.

6 Deans on behalf of the faculty give
7 guidance upon admissions criteria.

8 Admissions people then make those
9 judgments. Occasionally -- and I found this as a
10 dean -- when they had a question about a case,
11 they would come as people do with their supervisor
12 and confer with you and say this is a tough one,
13 what do you think.

14 And I think that's fine. That's why I say
15 deans cannot be excluded from admissions process
16 in my view.

17 But beyond that, nobody else should be
18 involved, I believe, now given what we have been
19 through.

20 And when decisions -- admissions decisions
21 are made, they need to be final unless there was a
22 demonstrable error.

23 COMMISSIONER VANDER WEELE: Why do you
24 think no one came to you and said we have a

1 problem here, the line has been crossed on a
2 regular basis?

3 MR. WHITE: I have really pondered that.
4 And I think -- it really bothers me.

5 When I met with Keith Marshall, I asked
6 him. You hear some agonizing. You heard some
7 agonizing by people who felt this really -- they
8 weren't comfortable with it, et cetera.

9 And, you know, I am on videotape to the
10 University community on behalf of the University
11 auditors saying, you know, the most important
12 thing is ethical conduct. And if in doubt, raise
13 it. Don't sit in silence.

14 So I wish people had come to me. I really
15 wish the chancellor had come to me. I wish Dean
16 Hurd had come to me. Mr. Pless had come to say,
17 you know, we think what we are doing is right
18 here, but it doesn't really feel quite right and
19 what can we do about it.

20 I really wish that had happened.

21 I think they were looking at a lot of
22 hierarchy above them that seemed to be
23 participating.

24 You know, let's be honest. They saw

1 trustee names. They saw my name, right, on
2 inquiries.

3 COMMISSIONER VANDER WEELE: That's right.

4 MR. WHITE: They saw chancellor, et cetera.
5 So I think it -- Mr. Marshall said -- and I think
6 he is an extremely honest man and a great
7 admissions officer, he said, well, we thought this
8 is what you all wanted.

9 COMMISSIONER VANDER WEELE: This is why I
10 have the problem with the strict hierarchy
11 described by President Stukel this morning for
12 exactly this reason.

13 CHAIRMAN MIKVA: So I understand you
14 correctly, that what you hope will come out of
15 these reforms and changes at the University, that
16 in the future the chancellor of the particular
17 campus, whether Urbana or whatever, will only get
18 involved in admissions if it's a matter of policy;
19 is that right?

20 MR. WHITE: That's right.

21 CHAIRMAN MIKVA: And on individual cases,
22 the chancellor is no longer the go to guy?

23 MR. WHITE: That's exactly right.

24 And two other things. I was a dean for ten

1 years. I don't ever recall hearing from the
2 president of the university or a provost, my boss,
3 about admissions matters.

4 So I can tell you it worked fine to leave
5 admissions to deans and admissions officer.

6 Judge and Commissioners, the other thing I
7 want to say is this.

8 Conventional wisdom is that you can't do
9 what I just said, which is tell everybody to get
10 the heck out of admissions above the level of dean
11 and development and so on.

12 You already heard this argument. You know
13 we will disadvantage ourselves when it comes to
14 fundraising.

15 Here is what I think. I think that in the
16 midst of this very painful episode there is an
17 opportunity for the University of Illinois to
18 challenge conventional wisdom and take a
19 leadership position.

20 I think if our policy -- and, of course, we
21 will put nice words around it -- essentially says
22 everybody above the level of dean get the heck out
23 and that applies to you government relations,
24 which reports to me, and development, which I am

1 deeply involved in, I think within a year we will
2 know whether conventional wisdom is right and we
3 have really hurt ourselves in terms of donations
4 and how legislators feel about it, et cetera.

5 My forecast -- because I have dealt with a
6 lot of conventional wisdom in my management
7 career -- is sometimes it's right, but it's often
8 not.

9 And I have a feeling if we do this and the
10 results are fine and as I think President
11 Ikenberry said, we will garner more respect from
12 the public for having an objective, untrammelled
13 process.

14 I think other public universities will say,
15 gee, we really didn't know we can do that; let's
16 do it.

17 COMMISSIONER VANDER WEELE: It's my
18 experience when people are afraid to complain up
19 the chain of command, it's because they fear
20 retribution.

21 Do you think they have any fear of
22 retribution? Do you think that's a reason they
23 didn't come forth?

24 MR. WHITE: I think that's a good

1 hypothesis. I can't speak for them, but it's
2 always a good hypothesis, of course.

3 COMMISSIONER VANDER WEELE: Could you go
4 into a little more detail, has anybody been fired
5 for complaining about the chancellor?

6 MR. WHITE: Not to my knowledge, no.

7 COMMISSIONER VANDER WEELE: I have some
8 broader questions before you get to the detail, if
9 that's okay.

10 Could you describe your current ethics and
11 compliance program?

12 MR. WHITE: We have -- we have an ethics
13 officer at the University of Illinois, Donna
14 McNeely, who reports to me. She has multiple
15 duties, one of the most important being to design
16 now and to deliver ethics training to over 45,000
17 people.

18 We have about 25,000 employees, members of
19 the University community who are employed by us,
20 but about 45,000 have to take ethics training. So
21 Donna does that.

22 Complaints of any kind from anywhere in the
23 community can go to Ms. McNeely as a first line.

24 In terms of compliance, the University of

1 Illinois, there were discussions this morning
2 about the negatives of being a, quote/unquote,
3 state agency. There are also positives about
4 being a state agency.

5 We comply with the state's procurement
6 code, for example, which I think is really good in
7 terms of maintaining objectivity, arms-length,
8 best price, et cetera.

9 So we comply with all of the state's many,
10 many policies involving potential conflicts of
11 interest, conflicts of commitment.

12 We have a substantial university audit
13 staff led by Julie Zimitis, who reports to me.
14 They do an extensive annual audit program.

15 So I think that there are -- I think that
16 there are many, many reminders of our
17 responsibilities for ethical conduct and means to
18 monitor compliance.

19 And yet having said that -- and this
20 happens in organizational light and it's very
21 disappointing -- you know, I think we have here a
22 matter that could have and should have been seen
23 more in ethical terms and yet it wasn't.

24 COMMISSIONER VANDER WEELE: How many staff

1 members does Ms. McNeely have?

2 MR. WHITE: I think three.

3 COMMISSIONER VANDER WEELE: Would you
4 consider enlarging her staff as a result of this
5 issue?

6 MR. WHITE: Of course.

7 COMMISSIONER VANDER WEELE: Did she ever
8 receive a complaint about Category I?

9 MR. WHITE: Not to my knowledge. And
10 because Ms. McNeely reports to me, I believe I
11 would know if she had.

12 COMMISSIONER VANDER WEELE: Were the
13 trustees among those who were trained, the 45,000
14 she trained?

15 MR. WHITE: Yes, the trustees do take the
16 annual ethics training.

17 COMMISSIONER VANDER WEELE: So all the
18 current trustees are familiar with the conflict of
19 interest prohibition?

20 MR. WHITE: I believe that's the case.

21 COMMISSIONER VANDER WEELE: And you are as
22 well, correct?

23 MR. WHITE: Yes.

24 COMMISSIONER VANDER WEELE: And how long

1 ago did that start with the trustees?

2 In other words, was there a period of time
3 when any of the trustees served in which that
4 prohibition and conflicts of interest did not
5 apply?

6 MR. WHITE: Not to my knowledge.

7 MR. CHUNG: Let me briefly go back to your
8 Michigan experience. You testified at Michigan
9 the vast majority of inquiries that you received
10 with regard to admissions in your position as dean
11 were from the donor community and the alumni
12 community.

13 MR. WHITE: Correct.

14 MR. CHUNG: When you came to Illinois, did
15 you experience the same distribution of inquiries
16 across those populations or did you observe
17 something different once you got to this state?

18 MR. WHITE: I found the -- I found the
19 activity level among public officials to be higher
20 here.

21 MR. CHUNG: By what order of magnitude?
22 Did you go from having specifically none to dozens
23 per month or if you can give --

24 MR. WHITE: It's hard for me to compare,

1 Mr. Chung. Because I was a dean at Michigan for
2 most of my career. I have been president here
3 since I arrived.

4 I was interim president for a year at the
5 University of Michigan.

6 But, again, I would simply say that the
7 whole issue of donor and alumni interest, very
8 active, sometimes aggressive interest in
9 admissions at the University of Michigan was
10 familiar to all of us as deans and in the
11 president's office.

12 Broadly speaking, public official interest
13 was not as high.

14 I'm sorry, I can't calibrate it beyond
15 that.

16 MR. CHUNG: I think when we met a few days
17 ago you said something to the effect at Michigan,
18 despite the aggressive advocacy, once the decision
19 was no, that was the decision. But when you came
20 here to Illinois, no was not always no. Could you
21 elaborate on that?

22 MR. WHITE: Well, first of all, I can only
23 speak for my own experience at Michigan as the
24 dean of the business school and interim president.

1 I don't recall any overturned presumptive
2 denials.

3 I didn't know there were any overturned
4 presumptive denials here at Illinois until two
5 months ago.

6 If you would have asked me, I would have
7 said there are none.

8 CHAIRMAN MIKVA: Are you aware that any of
9 the ones that you were inquiring about that came
10 through Eppley through the Governor had been
11 presumptive denials?

12 MR. WHITE: Not until -- not until the last
13 two months.

14 COMMISSIONER VANDER WEELE: Do you think
15 the chancellor was deliberately hiding this
16 information from you or did he just fail to tell
17 you?

18 MR. WHITE: No, I don't think he was hiding
19 anything from me deliberately.

20 I think the -- as you heard President
21 Stukel say, the chancellors run their campuses and
22 I expect them to. They lead their campuses.

23 And certainly my assumption is that
24 Chancellor Herman managed these matters in the way

1 that he thought was right and proper. Did not
2 feel that it was a subject worthy of bringing to
3 my attention in our regular meetings.

4 That would be my assumption, not hiding,
5 no.

6 MR. CHUNG: President White, I think the
7 record before the Commission would support this
8 notion that there wasn't a single Category I
9 process, but there were, in fact, multiple special
10 admissions processes and that a central special
11 admissions process was the Category I process.

12 As you have indicated, as you jumped from
13 college to college and as you even jump up to
14 graduate schools, the separate colleges, the
15 separate graduate schools had their own special
16 admissions process.

17 What I think is interesting about the
18 constellation of special admissions processes is
19 that at least some colleges were protective of
20 their own special admissions process, but it
21 was -- although it was apparently appropriate --
22 but resisted the outside special admissions
23 process being hoisted upon them.

24 Do you see a basis for distinguishing

1 between the integral special admissions processes
2 of the various college and the more centralized
3 process that was run out of -- well, in
4 conjunction with governmental affairs and the
5 chancellor?

6 MR. WHITE: I think the odds of an
7 insulated protected admissions process are better
8 in the school or college than they are in a larger
9 process such as the one that manages undergraduate
10 admissions at Urbana.

11 There are no guarantees about that. But
12 the reason I say that is that deans are very
13 proprietary about their colleges.

14 I mean, they own that college. They feel
15 an immense responsibility for the college.

16 And, therefore, the deans ordinarily
17 will -- in my experience -- let's just say, they
18 would not welcome intrusion into the admissions
19 process of their college because, look, the two
20 big things that determine the quality of an
21 academic institution are, number one, quality of
22 the faculty and, number two, quality of the
23 students.

24 You can throw all the rest away. And if

1 you have great faculty and you can recruit great
2 students, you can have a great university.

3 We just surround with buildings and things
4 like that.

5 So the deans are very proprietary. And I
6 think if you put deans together with admissions
7 committees where you have faculty on the
8 admissions committee, I can tell you the odds are
9 very, very good you are going to have an
10 insulated, protected, resistant to intrusion
11 admissions process.

12 I think that's -- I think that that is for
13 sure.

14 By the way, you know, I oversee the entire
15 university, which includes the University of
16 Illinois at Chicago, which has five health science
17 schools on the west campus, including the College
18 of Medicine, what, 8,000 applications for 400
19 admissions, College of Pharmacy, College of
20 Nursing and so on.

21 I distinctly recall there was an inquiry
22 from the Governor's office -- I will call it an
23 animated inquiry from the Governor's office about
24 an admission to the College of Medicine.

1 And it went to both me and the chancellor.

2 And the answer from the College of Medicine
3 was it's a denial. And I fed that back up the
4 line. And I tell you that was the end of it.

5 Dean plus admissions committee involving
6 faculty, very hard to blow anything by people like
7 that.

8 MR. CHUNG: After this Commission was
9 established, President White, you came to
10 understand that there were a set of documents that
11 had not previously been publicly disclosed that
12 revealed what appeared to be an arrangement
13 regarding jobs for law school admits.

14 Could you describe the circumstances under
15 which you came to understand that there were
16 documents like that in the University's possession
17 and what your reaction was to that?

18 MR. WHITE: I was notified one day I think
19 by -- I think by Mr. Bearrows, our university
20 counsel, and probably Mr. Hardy, our university
21 communications officer, that some new documents
22 had come forth that appeared to be part -- related
23 to the documents produced in the original request.

24 And the documents involved -- I don't need

1 to describe them. They involved this E-mail
2 interaction among chancellor and Dean Hurd and
3 perhaps Paul Pless, the admissions officer at the
4 College of Law, and that it involved apparent
5 discussion about jobs related to a particular
6 admission case.

7 And I read them. I was stunned.

8 And I believe I called Judge Mikva and said
9 could I come and see you immediately and shared
10 the documents.

11 MR. CHUNG: And did the University conduct
12 some sort of investigation or inquiry to determine
13 whether or not any jobs were, in fact, offered or
14 provided to the University in connection with the
15 admissions that were at issue in those E-mails?

16 MR. WHITE: We immediately put in place
17 what our outside counsel called a forensic process
18 to freeze things and to ensure that documents were
19 retained so that that investigation and -- could
20 be done and so that other matters -- that nothing
21 would disappear.

22 I have not heard the outcome.

23 MR. CHUNG: Assuming for the moment that no
24 jobs, in fact, were obtained in connection with

1 the applicants in those E-mails, does that make it
2 better from your perspective?

3 MR. WHITE: There should never be any
4 quid-pro-quo discussion related to admissions.

5 CHAIRMAN MIKVA: Did you think those
6 E-mails reflected a jocular exchange of criticisms
7 between the people involved?

8 MR. WHITE: I could not tell, Judge. I
9 don't know.

10 CHAIRMAN MIKVA: Did that thought occur to
11 you?

12 MR. WHITE: I know Dean Hurd. She is
13 capable of sarcasm.

14 So I deemed it to be possible. But,
15 frankly, I decided it didn't matter very much. I
16 didn't like the subject.

17 CHAIRMAN MIKVA: Other E-mails certainly
18 not from Dean Hurd didn't treat it noticeably in a
19 jocular form, did they?

20 MR. WHITE: No.

21 MR. CHUNG: President White, some
22 additional law school E-mails came to light in
23 connection with work of this Commission. And
24 those E-mails suggested that law school attempted

1 to and successfully did obtain commitments for
2 scholarship funds in exchange for accepting
3 applicants that it would not otherwise normally
4 accept.

5 Do you recall those documents?

6 MR. WHITE: I do.

7 MR. CHUNG: What is your reaction to those
8 documents?

9 MR. WHITE: It really bothers me. Again, I
10 do not make judgments until I have gathered all
11 the facts and had the opportunity to discuss, to
12 talk with the principals involved. And I have not
13 done that for the reason I said earlier.

14 But on the face of it, the idea of
15 providing scholarship funds in order to attract
16 strong candidates to offset the effect on the
17 average test scores because of admitting subpar
18 candidates, I don't like it at all.

19 COMMISSIONER SCOTT: President, when you
20 say you don't like it, what do you mean?

21 MR. WHITE: At a bear minimum -- I will
22 give you the minimum to maximum.

23 At a bear minimum, it seems to me that's
24 not a good judgment about -- about two things,

1 about admitting subpar candidates and then about
2 using University resources to attract candidates
3 to offset the lower scores.

4 It seems to me that's not a good judgment.
5 Whether it's any more than that, I don't know.

6 COMMISSIONER VANDER WEELE: And what should
7 be the repercussions for that poor judgment?

8 MR. WHITE: I'm not -- I have not arrived
9 at that conclusion. I'm not at that point.

10 COMMISSIONER VANDER WEELE: You made a
11 comment that Chancellor Herman believed what he
12 was doing was good and right. Can you explain
13 that?

14 What do you think was going on in his mind?

15 How can he justify and say this is good and
16 right and fair thing to do?

17 MR. WHITE: Commissioner, I cannot speak
18 for the chancellor, I'm sorry.

19 COMMISSIONER VANDER WEELE: We asked him
20 this question directly, but you made the
21 statement. That's why I asked you to elaborate.

22 MR. WHITE: I think the chancellor loves
23 this campus. I think he is devoted to it. He is
24 an extremely hard worker. I cannot imagine the

1 chancellor doing anything deliberately knowingly
2 to harm this campus.

3 And so that's my starting point.

4 Having said that, I have to go back and say
5 I cannot speak for him.

6 COMMISSIONER VANDER WEELE: One of the
7 Trustees testified that Chancellor Herman told him
8 that you knew what was going on and you were
9 behind it, something along those lines. And
10 counsel feel free to give me the exact wording.

11 But is that true?

12 MR. WHITE: It is not true.

13 COMMISSIONER VANDER WEELE: That's what we
14 are being told by one of the Trustees, that you
15 were the mastermind.

16 MR. WHITE: It is not true.

17 MR. CHUNG: President White, I want to ask
18 you about a few specific cases in which you were
19 involved, at least according to the documents.

20 First of all, from time to time, did you
21 get inquiries or requests from people who you knew
22 with regard to admissions?

23 MR. WHITE: I did.

24 MR. CHUNG: And from time to time, some of

1 those individuals were inquiring on behalf
2 students or applicants whom you yourself did not
3 know?

4 MR. WHITE: That's correct.

5 MR. CHUNG: With that introduction, could
6 you take a look at the document labeled Exhibit 5?

7 MR. WHITE: Yes, sir.

8 MR. CHUNG: This is -- and I will for the
9 record represent this is a series of E-mails,
10 three separate E-mails, it looks like, from
11 December of 2006.

12 First of which beginning chronologically at
13 the very bottom is sent to you on December 7th in
14 the morning of 2006. And the subject is blank
15 application.

16 So on it's face it appears to indicate it's
17 an E-mail about a particular applicant.

18 MR. WHITE: Correct.

19 MR. CHUNG: Sir, do you remember this
20 particular applicant and the person who sent this
21 to you without necessarily revealing the names?

22 MR. WHITE: I don't, no.

23 MR. CHUNG: Is it fair to say, though, that
24 based on the E-mail you did not know the applicant

1 involved in this E-mail string?

2 MR. WHITE: That appears to be the case,
3 yes.

4 MR. CHUNG: Is it also fair to say that
5 based on the description of the applicant in the
6 bottom E-mail, it's not clear whether or not the
7 applicant met the various criteria for eligibility
8 for admission?

9 MR. WHITE: Right.

10 MR. CHUNG: Let me focus your attention on
11 middle E-mail. That's an E-mail from you to Kate
12 Metz on December 12th, 2006.

13 Who is Kate Metz?

14 MR. WHITE: She's my assistant.

15 MR. CHUNG: And your E-mail to her, which I
16 assume forwards the E-mail that you received about
17 the applicant, says "Kate, please forward this to
18 admissions noting my interest in the application.
19 Also please keep or have Carolyn keep a log of
20 these, so when we hear back, we know who the
21 recommender is -- redacted -- in this case.
22 Thanks, Joe."

23 Having looked at that E-mail, does it
24 refresh your recollection at all as to who this

1 applicant was?

2 MR. WHITE: I don't recall the applicant,
3 no.

4 MR. CHUNG: Just a couple questions on
5 this, sir.

6 You indicated that you wanted Kate to note
7 your interest in the application as she forwarded
8 it to admissions.

9 MR. WHITE: Uh-huh.

10 MR. CHUNG: Do you recall thinking to
11 yourself that you wanted -- you deliberately,
12 intentionally wanted to note your interest and if
13 so why?

14 What significance was your interest with
15 respect to this application?

16 MR. WHITE: I really can't put myself back
17 in the -- in that context, Mr. Chung.

18 I expect that -- because this seems like a
19 pretty standard way I would communicate with Kate.

20 It seems to me what I wanted to know is
21 what's the decision on this applicant so I can get
22 back to the individual if it's a denial or a wait
23 list.

24 MR. CHUNG: Knowing what you know now, do

1 you -- is it fair to say that a person receiving
2 this at admissions may have noted your interest as
3 advocacy as opposed to a simple status?

4 MR. WHITE: Absolutely, yes.

5 MR. CHUNG: Going forward, what is your
6 intent, if any, with regard to your own practice
7 in how you might change it in the admissions
8 context?

9 MR. WHITE: My intention is that we will
10 end up with -- my intention is that we will kill
11 Category I; that we will have a code of conduct
12 for admissions that gets everybody out of the
13 admissions process, as I have said, above the
14 level of dean, including the president; that every
15 admissions office will have a central inquiry
16 focus available to everyone to get -- to get true
17 status, not veiled advocacy, but true status and
18 so on.

19 And so my intention in going forward is
20 that I won't be sending these anymore.

21 MR. CHUNG: Just one final question on
22 Exhibit 5, the statement "also please keep or have
23 Carolyn keep a log of these," was this the first
24 year, 2006, in which you instructed someone on

1 your staff to maintain a log of inquiries related
2 to admissions?

3 MR. WHITE: I noted that also. I have been
4 president for, you know, coming up on two years.
5 And I think what this reflects is that -- I don't
6 know -- it was either my being obsessive about
7 let's make sure I know who it is so I can get back
8 to the person.

9 Or, as President Stukel said, the president
10 doesn't get that many admissions inquiries. So,
11 you know, maybe it hadn't come up.

12 CHAIRMAN MIKVA: Let's hypothesize about
13 how this will be handled in the future. You are
14 still going to have people making inquiry of you.
15 You are the president. You go around the state
16 and country.

17 Somebody says I have a nephew that was
18 denied admission. What do you say to that urgent
19 uncle?

20 MR. WHITE: What the person says, Judge, is
21 I have a nephew who was denied admission?

22 CHAIRMAN MIKVA: Yes.

23 MR. WHITE: In the future I will be able to
24 say there is an appeal process at the College of

1 Engineering where your nephew applied and it's
2 available on the website and I urge your nephew to
3 use it.

4 CHAIRMAN MIKVA: And what about if he says
5 to you my nephew has been wait listed?

6 MR. WHITE: I hope he gets in.

7 CHAIRMAN MIKVA: And you will feel
8 comfortable telling donors and alumni and
9 legislators and governors the president's office
10 cannot interfere with the admissions process?

11 MR. WHITE: It's a real departure from the
12 way things are done in great universities both
13 public and private. But I don't think we have any
14 choice, Judge.

15 I think with the ditch we are in now, I
16 think we have to -- I think job one is to restore
17 public confidence.

18 And my forecast is that we will all get
19 used to it.

20 It's not -- it's not the easiest thing in
21 the world. But what I have always felt is what
22 you have to have is an answer. You have to be
23 responsive. You have to be courteous. And you
24 have to have an answer.

1 And if the answer is, you know, I know you
2 called, I'm calling you back. I'm sorry that
3 that's -- I'm sorry that, you know, Jim or Katie
4 have been denied, but you know we are unusual.

5 We have an open, public available to
6 everybody appeals process, and I urge Kate or
7 Jim -- Katie or Jim to use it.

8 What the person will say back next is but
9 I'm sure you can do more than that. And I think
10 what we are all going to say is, no, we can't.

11 But this is what I mean about possibly
12 carving out a leadership role among public
13 universities, taking advantage of this bad
14 situation and making it better.

15 COMMISSIONER ESTRADA: Or you could say
16 something like we will log your inquiry as public
17 record.

18 MR. WHITE: I think we could, yes.

19 COMMISSIONER SCHOLZ: President White, I am
20 interested also in this inquiry process because
21 you stated at the outset that there is these three
22 categories, either you are in, clearly you are not
23 in or you are qualified but no room.

24 And it seems like with status inquiries is

1 how do they stand is okay. Undue influence,
2 clearly not okay. We don't want quid pro quo.

3 But for somebody who banks in the interest
4 of fairness that they take another look, that
5 could be handled with some kind of an appeal but
6 it would be strictly within the admissions
7 department without any --

8 MR. WHITE: Yes, that's correct.

9 MR. SCHOLZ: -- without any involvement
10 from any other university personnel?

11 MR. WHITE: Yes. I think that would be a
12 real improvement.

13 You know, concerns were raised previously
14 about, you know, undergraduate admissions in
15 Urbana, 26,000 applications, 18,000 admits. Well,
16 how many of 8,000 denials are going to be appeals?

17 I am actually not as worried about that.
18 Because I think what we will need to communicate
19 is that denials -- excuse me, that review of
20 appeals will be based on -- primarily on errors or
21 factual information, new information what did we
22 miss. And I think we can handle that.

23 COMMISSIONER SCHOLZ: So the clear denial
24 doesn't really qualify. But if there is somebody

1 with extenuating circumstances or, as you say, a
2 mistake, that would be the area to address it?

3 MR. WHITE: That's what I think, yes.

4 COMMISSIONER VANDER WEELE: Is it fair to
5 say that the University of Illinois at Chicago is
6 not subject to the same volume of special
7 requests?

8 MR. WHITE: I don't know for sure. I
9 think -- but I think that's the case. It's
10 certainly been my experience.

11 COMMISSIONER VANDER WEELE: And why do you
12 think that is?

13 MR. WHITE: I think the -- I think the high
14 demand, super high demand colleges at UIC are
15 professional schools on the West Side, medicine,
16 dentistry, pharmacy, nursing, public health.

17 And I think that -- I think it's two
18 things. I think you get somewhat less of this for
19 professional school applications, graduate school
20 applications than you get for undergraduates.

21 And I think the sheer numbers are somewhat
22 smaller in Urbana even when you add them up, I
23 think.

24 Here is the other thing. I think that if

1 pressure is not successful, it goes away. I can't
2 say it any more simply.

3 COMMISSIONER VANDER WEELE: That's what I
4 was wondering.

5 First of all, we know that law and business
6 is more subjective to politics than medicine,
7 right.

8 But I also was wondering whether there was
9 a tone set in those colleges that was not set
10 downstate.

11 MR. WHITE: I said earlier that I think in
12 general if you -- if the admissions is at the
13 school and college level and you have a dean who
14 is proprietary about that school and then you have
15 an admissions committee that includes faculty,
16 that is a formidable barrier against influence.

17 COMMISSIONER VANDER WEELE: So you think
18 the deans here made a difference?

19 MR. WHITE: Pardon?

20 COMMISSIONER VANDER WEELE: You think the
21 deans make a difference?

22 MR. WHITE: Deans make a tremendous
23 difference, yeah.

24 COMMISSIONER VANDER WEELE: I will leave it

1 at that.

2 COMMISSIONER JUDGE: Dean DeBrock, if I
3 have his name correct, testified about a totally
4 unqualified student that was accepted into the
5 graduate school of business and took us through
6 the process.

7 And one of the many points he made was that
8 reversals of denial are not out of the ordinary
9 and that this has happened in the past.

10 And then the director of admissions for the
11 school, we took her through each step and she said
12 the exact opposite to him.

13 Everything he said was white, she said was
14 black and vice versa.

15 Do you have any comment -- because you know
16 of his testimony -- about how he could be so
17 completely wrong about the process?

18 MR. WHITE: I'm sorry, I can't speak for
19 him.

20 I have to say that the phrase denial --
21 reversing denials of decisions is not uncommon --
22 is not a phrase I can identify with. I think it's
23 very uncommon.

24 COMMISSIONER JUDGE: He said that. And she

1 said her time in her position there has never been
2 a reversal of denial.

3 MR. WHITE: That is much more consistent
4 with my experience. But I can't speak for the
5 dean.

6 COMMISSIONER JUDGE: That's what he said to
7 us.

8 MR. WHITE: Sorry, I can't explain.

9 COMMISSIONER VANDER WEELE: Do you know how
10 legislative affairs gained access to the banner
11 system?

12 MR. WHITE: I don't.

13 COMMISSIONER VANDER WEELE: You talked
14 about FERPA and that seems to be if not a
15 violation of FERPA, pretty close to violation
16 of --

17 MR. WHITE: Yes, I did not know they had
18 access. And I don't know when or how it occurred.

19 COMMISSIONER VANDER WEELE: And former
20 President Stukel testified this morning that in
21 university settings if you want to tell somebody
22 something, say it at an 8:00 a.m. meeting and tell
23 everybody not to say anything.

24 And his point was that it's a small

1 community, that everybody knows everything.

2 Why didn't this type of information get to
3 you given the culture of the university community
4 where everybody talks to everybody and gossip
5 spreads like wild fire?

6 MR. WHITE: My guess is that it was not
7 perceived as unusual or inappropriate.

8 My guess is that -- you know, I arrived
9 from a different institution, ways of doing work
10 and processes were ongoing.

11 You know, if somebody doesn't look and say
12 this seems odd to me, I better talk to the boss
13 about it, it doesn't get raised. It's just the
14 way you do work or business.

15 COMMISSIONER VANDER WEELE: I think the
16 E-mail traffic shows a lot of people were upset by
17 the process.

18 MR. WHITE: I see that also. I also now
19 see that, yes.

20 COMMISSIONER VANDER WEELE: I think some
21 people were raising a red flag saying there is a
22 problem here, but it was unfortunately pretty low
23 level down the chain.

24 MR. WHITE: I can tell you, you know, I

1 have my own to-do list coming out of this
2 situation.

3 And in addition to setting things right,
4 restoring public confidence, a huge issue for me
5 is you were uncomfortable, you had questions. And
6 I need to say this to people without being
7 accusatory because I don't feel accusatory.

8 And, in fact, I have to say it seems to me
9 I failed to get the message out that I thought I
10 was getting out.

11 I put it in writing in a book. I made
12 videotapes, which are used in the university. I
13 meet in front of the management groups, in front
14 of the University all the time and I always say
15 integrity is number one. If in doubt, raise your
16 hand. Go see somebody. And go see somebody until
17 you get it settled.

18 And, you know, I think it didn't happen.

19 COMMISSIONER VANDER WEELE: We would like
20 to see copies of those materials.

21 Does the University have a duty to report
22 clause in any of your policies, in other words, a
23 duty to report misconduct?

24 MR. WHITE: Yes, I believe we do.

1 COMMISSIONER VANDER WEELE: I would love to
2 see that.

3 MR. WHITE: Okay.

4 COMMISSIONER VANDER WEELE: I would love to
5 see that because then people who failed to report
6 were in violation of the policy.

7 MR. WHITE: Well, I don't want to say
8 because I don't want to be accusatory to those
9 people, Commissioner.

10 That assumes that they believed they were
11 seeing something that was in violation.

12 COMMISSIONER VANDER WEELE: Well, that's
13 true.

14 And that's -- that's again it goes back to
15 a core problem. People say, well, code of conduct
16 isn't going to stop bad conduct.

17 But what it does is it serves notice. And
18 if people aren't served notice, then it's hard to
19 hold them accountable.

20 So it's a subjective code of conduct. It's
21 not very specific. That's the problem.

22 Although it is pretty clear about conflicts
23 of interest.

24 MR. WHITE: Yes, I would really like -- I

1 would like us to have policies that are clear and
2 I think we can.

3 But I also have to say there is no
4 substitute for the gut check. Right? The gut
5 check.

6 COMMISSIONER VANDER WEELE: You can't fire
7 someone based on that. That's the problem.

8 MR. WHITE: That's different.

9 MR. CHUNG: President White, if I could
10 take you through a few more documents, you should
11 have it in front of you, Exhibit 6.

12 MR. WHITE: Yes, sir.

13 MR. CHUNG: Again, an E-mail string
14 involving three separate E-mails beginning with an
15 E-mail to you with a subject "help for one of the
16 family." And it's March 8, 2007.

17 There is a description of presumably a
18 parent of an applicant who has been wait listed
19 and would very much like to join other siblings or
20 family members. Older brother and mother both
21 graduated from the U of I.

22 Your response again was to forward it on to
23 your assistant Kate Metz, same day, March 8, 2007.
24 "Kate, this one is urgent and see what the

1 situation is and what the prospects are. Blank is
2 a graduate" and again redacted.

3 President White, was it about the initial
4 E-mail that you got that made this one urgent?

5 MR. WHITE: I almost always draw a
6 distinction in my language between urgent and
7 important.

8 For me urgent means time. I need to get
9 back to somebody.

10 So while I don't remember this specific
11 case, my interpretation would be that I probably
12 promised to get back, you know, in a day with
13 regard to the prospects and so asked Kate to treat
14 it accordingly.

15 MR. CHUNG: Do you understand now that
16 urgent may have been interpreted to something
17 else, to the extent this got to someone within the
18 admissions office?

19 MR. WHITE: I certainly do.

20 COMMISSIONER VANDER WEELE: Why couldn't
21 the admissions office respond to the student as
22 opposed to your staff responding to the sponsor?

23 MR. WHITE: I think in the future that's
24 how it's going to have to be.

1 I think looking back, as you heard
2 President Stukel say, if a prominent alum, if a
3 legislator does what such people often do, which
4 is, hey, I am going to the top, in an effort to be
5 courteous rather than tell that person -- because
6 really what you would end up saying, Commissioner,
7 is thank you for calling, please tell Katie to
8 call the admissions office.

9 And then -- because I want to be completely
10 realistic about this, you know, this Commission is
11 hearing a lot about special treatment, favoritism.
12 But understand we get complaints all the time
13 about the University being a big, faceless
14 bureaucracy, unresponsive.

15 And so, you know, when we -- if the answer
16 to a prominent alum, which is probably what this
17 is, is thank you for calling, have Katie call the
18 admissions office personally, the next thing I am
19 going to hear from that person is you should see
20 the way Princeton treats me. You should hear the
21 way the University of Michigan treats me.

22 And that's just the fact.

23 And that's why I said earlier I think we
24 have to do what we have to do in order to restore

1 public confidence in light of the ditch we are in
2 here.

3 But there will be consequences. It will be
4 difficult.

5 Now, the ideal is every admissions office
6 will have a highly responsive inquiry point. So
7 that when Katie calls, she gets right through and
8 she gets a good, solid answer.

9 COMMISSIONER VANDER WEELE: And, President,
10 that's exactly the kind of comment I was looking
11 for when I asked what was going on in the
12 chancellor's mind because I think all of us
13 understand political reality. And I think that's
14 very, very helpful to hear you say that.

15 MR. CHUNG: One final question with regard
16 to Exhibit 6, is it fair to say you did not know
17 the applicant?

18 MR. WHITE: That appears to be the case. I
19 don't recall it. But reading the E-mail, that
20 appears to be the case, yes.

21 MR. CHUNG: Were there occasions when you
22 actually did know the applicant and got involved
23 in the application process?

24 MR. WHITE: Yes.

1 MR. CHUNG: Can I direct your attention to
2 Exhibit 9?

3 MR. White: Yes.

4 MR. CHUNG: Starting from the bottom of the
5 page and working up, the first E-mail is an E-mail
6 you sent to Richard Herman with a copy to Kate
7 Metz. It is January of 2009.

8 And it reads "Richard, I would appreciate
9 the application of redacted being flagged. He is
10 my and Mary's redacted. He is applying for
11 admission to computer engineering. He is a
12 resident of North Carolina. He has a strong high
13 school academic record and blank ACT and
14 extracurriculars. We know him well and support
15 his application. I would appreciate knowing a
16 decision."

17 Is it fair to say you did know this
18 applicant?

19 MR. WHITE: Yes.

20 MR. CHUNG: I am not sure it is
21 appropriate -- you can consult with counsel -- was
22 this someone who was, in fact, related to you?

23 MR. WHITE: To the family, yes.

24 MR. CHUNG: Do you recall at the time

1 wondering to yourself whether it was appropriate
2 in your position as the president of the
3 university to be submitting what I think is fairly
4 characterized as a note of advocacy that would be
5 included in the admissions process?

6 MR. WHITE: Perhaps it should have,
7 Mr. Chung, but it didn't.

8 Let me tell you why. I am a fierce
9 competitor for my institution. You know people
10 ask me today when Michigan plays Illinois or
11 Illinois plays Michigan, who do you root for. I
12 tell them that's the dumbest question in the
13 world. I root for Illinois.

14 I am the president of the University of
15 Illinois.

16 This is a young man who has stellar
17 standardized test scores, 40 AP credits. You
18 know, computer engineering is one of the top
19 fields at the University of Illinois.

20 I have spent my whole career recruiting top
21 talent to my institution against other
22 institutions.

23 Remember, I was at Michigan competing
24 against Harvard, Northwestern, Stanford, Wharton.

1 To me, it was all about --

2 CHAIRMAN MIKVA: You didn't mention the
3 University of Chicago.

4 MR. WHITE: Okay, the University of
5 Chicago, Judge.

6 But anyway, my framework for doing this --
7 and, you know, because I think there is a bit of a
8 mindset here, this is all about getting crummy
9 applicants through the process.

10 To me this was about a guy who was already
11 admitted elsewhere and was going to be a great
12 student somewhere. And, you know, one of those
13 nerdy guys who ends up inventing You Tube or
14 something.

15 And I thought to myself, yeah, this is a
16 great catch. It would be good to have him at
17 Illinois.

18 Maybe that's too much having blinders on.
19 But that's how I thought about it.

20 COMMISSIONER VANDER WEELE: Wouldn't you
21 see that as a violation of the Act which prohibits
22 advocating on behalf of relatives?

23 MR. WHITE: For admissions?

24 COMMISSIONER VANDER WEELE: It's using your

1 official position -- and again, Counsel, correct
2 me if I am wrong -- and we are expecting to
3 receive some documents tomorrow that gives us the
4 legal framework.

5 But just from a layman's point of view, it
6 seems to me the state ethics code prohibits using
7 your official position to advocate for a relative,
8 a business associate, a friend, et cetera, et
9 cetera.

10 Wouldn't that be considered a violation of
11 the state ethics code?

12 MR. WHITE: Well, that's an extremely
13 important question. Certainly I would never
14 knowingly violate the state ethics code.

15 COMMISSIONER VANDER WEELE: So you never
16 connected the relative issue --

17 MR. WHITE: No.

18 COMMISSIONER VANDER WEELE: -- to the
19 ethics training that you and your team underwent?

20 MR. WHITE: I am -- I think this is such an
21 important subject we probably ought not to try to
22 have a detailed conversation about without
23 preparation.

24 I think I am going to leave it at that. I

1 would never violate the state ethics code.

2 COMMISSIONER JUDGE: Did the student come
3 here?

4 MR. WHITE: Not here now. I believe the
5 student will come here. Student is not here now.

6 COMMISSIONER VANDER WEELE: So the student
7 was accepted?

8 MR. WHITE: Yes, the student was accepted.

9 MR. CHUNG: President White, I want to talk
10 a little bit about Trustee Eppley and your
11 communications with him orally and in writing with
12 regards to applicants to the University.

13 MR. WHITE: Yes.

14 MR. CHUNG: Do you recall how many total
15 applicants did you have communications with
16 Trustee Eppley about?

17 MR. WHITE: I don't remember more than
18 maybe -- I don't know, maybe half a dozen, eight,
19 ten, not more than that over four and a half
20 years.

21 MR. CHUNG: Did you have an understanding
22 whether those applicants were applicants that were
23 coming from the Governor's office or from any
24 other sources or Mr. Eppley's own --

1 MR. WHITE: I was going to say I think
2 there may have been a couple of them were of
3 interest to Mr. Eppley himself.

4 There certainly were some that were of
5 interest to the Governor's office.

6 MR. CHUNG: And when the applicants were of
7 interest to the Governor's office, did he state
8 that or did you otherwise come to learn that they
9 were -- or how did you otherwise come to learn
10 they were from the Governor's office?

11 MR. WHITE: I think he would say that.

12 MR. CHUNG: Did you ever have a
13 conversation with Trustee Eppley during which the
14 name Tony Rezko was raised?

15 MR. WHITE: No. Well, I shouldn't say no.

16 I learned about two applicants, one of whom
17 I believe was related to Mr. Rezko. But I cannot
18 recall how I learned about it, whether it was in
19 person conversation, an E-mail -- but there
20 doesn't appear to be any E-mail record. So
21 apparently there was one.

22 MR. CHUNG: Is it possible that you learned
23 of the connection of Tony Rezko to those
24 particular applicants at the time of the

1 applications?

2 Or are you saying you learned about that
3 fact after the applications had gone through the
4 process?

5 MR. WHITE: No, I think I knew at the time
6 I forwarded the -- I knew at the time I forwarded
7 the applications to Mr. Herman.

8 MR. CHUNG: And as best you can recall,
9 what was that communication with Trustee Eppley
10 about Tony Rezko?

11 MR. WHITE: Pardon me, I would like to
12 start over. I think I am doing a bad job.

13 Mr. Eppley let me know that the Governor
14 had an interest in two applicants being admitted
15 to the University of Illinois.

16 Mr. Eppley or his assistant provided me
17 with the identifying information.

18 I saw the names. They meant nothing to me.
19 The name was not Tony Rezko. I recall no
20 conversation with Mr. Eppley about Mr. Rezko.

21 MR. CHUNG: The point in time at which you
22 were provided with the names of those applicants,
23 did you know who Tony Rezko was?

24 MR. WHITE: No.

1 CHAIRMAN MIKVA: When was this?

2 MR. WHITE: It was December 8th -- it was
3 in December of 2005, Judge.

4 CHAIRMAN MIKVA: 2005.

5 MR. WHITE: Right. I had been here about
6 ten months. And I don't think I had any name
7 recognition of Rezko until the Obama campaign.

8 CHAIRMAN MIKVA: So at that point Mr. Rezko
9 had not been a subject of great public attention
10 at that point anyway.

11 MR. WHITE: Well, I don't know. It meant
12 nothing to me.

13 MR. CHUNG: On that note could I direct
14 your attention to Exhibit 2?

15 MR. WHITE: Yes.

16 MR. CHUNG: This is a two-page exhibit
17 that -- if you look at the bottom of the first
18 page, it spills over the second page.

19 That's an E-mail from you to Richard Herman
20 with a copy to a Vijay Ghosh. Who is Mr. Ghosh?

21 MR. WHITE: Dean of the College of
22 Business.

23 MR. CHUNG: December 8, 2005 E-mail where
24 you write "Richard, the Governor through Larry

1 Eppley has expressed his support and would like to
2 see admitted to UI/UC two candidates." And those
3 two candidates names are blacked out. "Please
4 keep me posted on these applications."

5 MR. WHITE: Uh-huh.

6 MR. CHUNG: With respect to your
7 communications with Mr. Eppley preceding your
8 E-mail, have you in sum and substance already
9 stated what those conversations were or were there
10 additional conversations about these particular
11 applicants?

12 MR. WHITE: I don't -- I don't recall at
13 all how these matters came to my attention.

14 MR. CHUNG: The E-mail right above that is
15 an E-mail in the middle of the first page from
16 Richard Herman to Joe White on December 17.

17 So this is nine days later Richard Herman
18 gets back to you with a note, "Joe, blank is
19 looking rather dicey at this point. Let me follow
20 up again on Monday. Richard."

21 MR. WHITE: Right.

22 MR. CHUNG: First of all, do you recall
23 receiving this E-mail?

24 MR. WHITE: I have seen so many in the last

1 two months that I can't recall. But I recognize
2 the E-mail, yes.

3 MR. CHUNG: Did you have an understanding
4 what the term dicey meant as used by Richard?

5 MR. WHITE: Yes.

6 MR. CHUNG: What was your understanding?

7 MR. WHITE: Not a clear admit.

8 MR. CHUNG: Now, ultimately, this candidate
9 was, in fact, admitted, correct?

10 MR. WHITE: That's my understanding.

11 MR. CHUNG: Do you know how it came to be
12 that the applicant went from dicey on December 17,
13 2005, to admitted?

14 MR. WHITE: I don't.

15 MR. CHUNG: Do you have any involvement or
16 knowledge about how the applicant -- this
17 application made its way through the process after
18 December 17th?

19 MR. WHITE: I don't.

20 MR. CHUNG: Do you recall having any
21 further conversations with Trustee Eppley
22 concerning this applicant?

23 MR. WHITE: I do not.

24 MR. CHUNG: Any further conversations with

1 anybody concerning this applicant?

2 MR. WHITE: I don't believe so.

3 MR. CHUNG: And do you recall when you came
4 to learn that this particular applicant had been,
5 in fact, admitted to the University?

6 MR. WHITE: Well, I didn't make the
7 connection. But I believe sometime during the
8 Obama presidential campaign somebody said to me
9 that we have a Rezko -- there was a student at
10 your Urbana campus. But I didn't connect it back
11 to this because I didn't recall this.

12 MR. CHUNG: If I can keep walking you
13 through this Exhibit No. 2, the E-mail above the
14 one that Chancellor Herman sends to you is your
15 response to Chancellor Herman. "Okay. Thanks."
16 Again, same date, December 17. "I am sure we are
17 on the same page that we need to stretch some but
18 not too much on these cases. Then call them as we
19 see them.

20 "If not admitted, I need to talk with Larry
21 about how to handle the message before a denial
22 letter goes out."

23 MR. WHITE: Right.

24 MR. CHUNG: What were you trying to

1 communicate there to Chancellor Herman?

2 MR. WHITE: Well, that came straight out of
3 the framework I described earlier about
4 admissions, as I learned it and practiced it at
5 the University of Michigan, which is if somebody
6 important to the University who we respect and --
7 as I told you, at that time the Governor of
8 Illinois was the Governor of Illinois to me,
9 period, elected by the people, important person.

10 Then a small plus factor, if it is
11 admissible, it's okay. If it's denial, it's
12 denial.

13 See, I believed everybody was on the same
14 page that denials are denials. Admits are not a
15 problem.

16 Dicey said to me this was a mid range
17 candidate, maybe close on the -- maybe on the low
18 end.

19 And so my expectation was that there would
20 be a small plus factor. The decision should be
21 made. And if it's not an admit, then under a no
22 surprises approach, I would have to communicate
23 that to Mr. Eppley.

24 MR. CHUNG: The final E-mail in this

1 sequence is Richard Herman's response to your
2 E-mail concerning the stretching.

3 And Richard Herman writes "Joe, I have been
4 mulling the consequences of both increase in our
5 application numbers, 4,000 over the same time as
6 last year, and the move to out of state and out of
7 country enrollment. It means more phone calls,
8 probably a lot more. I think we should figure out
9 a way to warm up the Board to this, as from this
10 point forward is only going to get worse. Your
11 thoughts."

12 What is your understanding of what
13 Chancellor Herman was communicating to you in this
14 E-mail?

15 MR. WHITE: I don't fully understand it.

16 It seems to me to be two topics
17 intertwined.

18 One is dealing with the rising application
19 numbers for the Urbana campus, which, of course,
20 is a good problem.

21 But it also means a lot more inquiries, a
22 lot more advocacy, what he says phone calls and
23 how are we going to manage this.

24 The other issue is different and a

1 sensitive issue, which is the representation of
2 nonresident students in the undergraduate program
3 in Urbana about which when the Urbana campus in
4 their strategic plans suggested increasing the
5 nonresident enrollment for diversity reasons and
6 financial reasons, there was quite a storm in the
7 state, which extended to the Board of Trustees.

8 And my interpretation to the warmup to the
9 Board is the issue of the rising demand from
10 nonresident students and what to do about it.

11 CHAIRMAN MIKVA: Were the Rezko relatives
12 as you know out of town or out of country?

13 MR. WHITE: I don't know, I'm sorry.

14 MR. CHUNG: Sir, one additional document,
15 Exhibit 10, which you should have in front of you.

16 MR. White: Yes, sir.

17 MR. CHUNG: These are two separate E-mail
18 strings attached together from February 2006 and
19 then April 2006.

20 If I could direct your attention to the
21 first page, the E-mail on the bottom from you to
22 Rick Schoell, Heidi Hurd, Kate Metz, subject
23 Manzullo.

24 "Rick and Heidi, Congressman Don Manzullo

1 from Rockford called me to tell me blank has
2 applied to our law school. Could I get a read on
3 the application? And let's handle carefully. I
4 will need to ensure no surprises to Don.

5 "Rick, Don was on his way out the door to
6 catch a plane to DC. He has ideas for me about
7 the medical college building at Rockford. Need to
8 talk again. Thanks, Joe." And there is your
9 signature block.

10 First of all, do you recall knowing about
11 and participating in an application that was in
12 any way connected to Congressman Don Manzullo to
13 the law school?

14 MR. WHITE: I recall this exchange, yes.

15 MR. CHUNG: If you focus on the sentence
16 beginning "could I get a read" and the next
17 sentence "Rick, Don, was on his way," those two
18 sentences, one could construe those sentences as
19 being connected logically to one another, that the
20 handling of the application carefully and the need
21 not to surprise Don was in some way connected to
22 the medical college building at Rockford and Don's
23 efforts on behalf of the school in connection with
24 that building.

1 Was it your intent, sir, to connect those
2 two concepts?

3 MR. WHITE: No, sir, it was not.

4 MR. CHUNG: What was your intent in terms
5 of putting that information in the same E-mail?

6 MR. WHITE: Well, Congressman Manzullo
7 called me and there were two topics. I did not
8 interpret them as related.

9 One was alerting me to somebody applying to
10 law school. And I conveyed that to Dean Hurd as
11 dean of the law school.

12 The phrase "I will need to ensure no
13 surprises to Don" means if it's going to be a
14 denial, I need to let Don know that.

15 The other topic was an ongoing conversation
16 with Congressman Manzullo about a project that
17 both he and the University of Illinois care a lot
18 about, and that is the new building for the
19 National Center for Rural Health in Rockford at
20 our College of Medicine campus in Rockford.

21 And he raised that topic, I believe, in a
22 completely separate fashion, not in a quid-pro-quo
23 fashion.

24 And the right audience for that was Rick

1 Schoell, the government relations guy that
2 reported to me.

3 So in the same E-mail I relayed that to
4 Rick.

5 MR. CHUNG: If I can draw your attention to
6 the next page of the exhibit, E-mail from you to
7 Heidi Hurd. And this is a couple months later,
8 April 19, 2006.

9 You write "Heidi, when I told Congressman
10 Don Manzullo in Rockford today that blank is being
11 admitted to the U of I law school, he cried."

12 And later on you said "he is likely to call
13 you tomorrow about a visit or something. I urge
14 you to take his call. He is important to us."

15 First of all, do you recall learning about
16 the admission of the applicant connected to
17 Congressman Manzullo?

18 MR. WHITE: I do, yes.

19 MR. CHUNG: And what, if anything, do you
20 recall occurring regarding the medical college
21 building in Rockford subsequent to the
22 February 20th, 2006 E-mail? Was there progress on
23 that?

24 MR. WHITE: I need to be factual and I

1 would have to check some dates and records.

2 Progress was made in that that building is
3 going up, but it's going up on the University's
4 own nickel.

5 It's about a \$30 million project. Our
6 Board of Trustees felt very strongly about it. We
7 bonded the \$30 million.

8 I believe that there were perhaps
9 \$2 million in planning money that came from the
10 federal government that Congressman Manzullo
11 helped with.

12 Whether or not that occurred before or
13 after this, I don't know.

14 And in the new capital bill the Governor
15 has signed, half the cost of the -- of the new
16 building at Rockford is included.

17 COMMISSIONER VANDER WEELE: Is that half of
18 the 30 million?

19 MR. WHITE: Half the 30 million, right,
20 about 15 million in the capital building.

21 COMMISSIONER VANDER WEELE: Which agency is
22 that coming from?

23 MR. WHITE: I believe it's the capital
24 development board, but I would like to be factual

1 about that.

2 COMMISSIONER VANDER WEELE: Forgive me, I
3 missed that. Is that an Illinois agency or is it
4 the federal agency?

5 MR. WHITE: Illinois.

6 COMMISSIONER VANDER WEELE: I am familiar
7 with the capital board.

8 So it wasn't at the behest of the
9 congressman then?

10 MR. WHITE: No, no.

11 MR. CHUNG: Did you ever have a
12 conversation with Congressman Manzullo which you
13 talked both about the medical building and the
14 admission of this person?

15 MR. WHITE: To my recollection, only that
16 phone conversation as separate items.

17 COMMISSIONER SCOTT: According to this
18 E-mail, you gave the Congressman the news about
19 the admission at a fundraiser.

20 Would this have been before the applicant
21 learned of the admission?

22 MR. WHITE: It's possible. I don't know.

23 MR. CHUNG: I have one final document,
24 President White, to show you.

1 If you could turn to Exhibit 13. This is a
2 document dated July 13, 2009. It appears to be
3 five pages signed by Zachary T. Fardon of the law
4 firm of Latham & Watkins, LLP.

5 And you are -- on the very last page, you
6 are indicated as being copied on this.

7 MR. WHITE: Yes, sir.

8 MR. CHUNG: Could you describe what this
9 document is?

10 MR. WHITE: The Board of Trustees and I
11 thought that it would be wise and helpful for us
12 to think through changes and improvements in the
13 admissions process that would address some of the
14 problems -- not some of them. That would address
15 the problems that had come to light as a result of
16 document production and your investigation.

17 And so, pardon me, we asked our outside
18 counsel to write the letter and provide it to the
19 Commission. And that was done -- that's why the
20 letter is from Mr. Fardon of Latham & Watkins.

21 But I directed the senior leadership of the
22 University to do independent homework, meaning I
23 directed the senior leadership, meaning the
24 chancellors and vice presidents, Mr. Schoell and

1 others, to do homework on -- independent homework
2 on the admissions problems, how they can be
3 improved.

4 And I then convened a meeting in which we
5 spent, I don't know, 90 minutes, an hour, two
6 hours coming up with changes that we thought would
7 address the concerns that -- not the concerns, the
8 problems that have arisen, set things right,
9 restore public confidence as rapidly as possible.

10 And this letter -- and we provided that
11 input to Mr. Fardon. I believe he received input
12 from others, but I don't know because it's his
13 work product.

14 But I certainly recognize many of the ideas
15 for improvement that Mr. Fardon has invited the
16 Commission to consider as you put together your
17 recommendations.

18 But we do it very respectfully recognizing
19 that you may do none of them. You may recommend
20 none, some or whatever you wish.

21 MR. CHUNG: President White, have you
22 reviewed the entire document?

23 MR. WHITE: I have.

24 MR. CHUNG: Do you agree with the proposals

1 outlined in the document?

2 MR. WHITE: Yes, I do. I think they are a
3 good set of changes.

4 MR. CHUNG: Do you disagree with anything
5 that's set forth in this document?

6 MR. WHITE: Anything at all?

7 MR. CHUNG: Anything at all.

8 MR. WHITE: Well, you know it's
9 Mr. Fardon's language. Not every word would be my
10 language.

11 In terms of the substance, I support it.

12 MR. CHUNG: Let me ask you then about a few
13 specific passages from this document. If you
14 could turn to the second page.

15 MR. WHITE: Yes.

16 MR. CHUNG: The second full paragraph,
17 about midway through the sentence that begins "the
18 admissions department has worked hard over the
19 years and its staff is capable and thoughtful
20 professionals."

21 Do you agree with that statement?

22 MR. WHITE: I certainly do. I have the
23 highest regard for our admissions staff.

24 MR. CHUNG: The next sentence in that

1 paragraph -- the final sentence in that paragraph
2 reads "as you know, the isolated incidents of poor
3 admissions decisions identified through the
4 Commission's fact-finding process are an extremely
5 small percentage of the overall admissions at our
6 great university."

7 Do you agree with that sentence?

8 MR. WHITE: I agree with it as a factual
9 statement. But I would not choose the word
10 isolated. Even though it's true that the number
11 of instances of in my view inappropriate
12 admissions decisions is small relative to the
13 total size, I think the principles involved are
14 really important. And I think there was -- has
15 been a multi-year problem.

16 And so I think it's more a pattern than
17 isolated incidents.

18 MR. CHUNG: The next paragraph "it is our
19 firm view and belief that three principles should
20 guide the admissions process, fairness of the
21 applicants, equality of access and transparency in
22 process."

23 Do you agree with that statement?

24 MR. WHITE: I think those are excellent

1 principles to which I subscribe, yes.

2 MR. CHUNG: The final sentence, which I
3 want to ask you begins "we must apply those
4 principles consistent with the need in the
5 admissions process to build the best class
6 possible, being mindful of all proper admissions
7 criteria and the best interests of the
8 University."

9 Sir, could you conceive of an instance
10 where there should be additional criteria beyond
11 those set forth as part of your admissions policy
12 that would be in furtherance of the best interests
13 of the University?

14 MR. WHITE: No. I think there must be
15 nothing hidden.

16 I think if admissions criteria are in the
17 best interests of the University, they must be
18 incorporated into the admissions policy that guide
19 admissions officers in making decisions.

20 CHAIRMAN MIKVA: Sir, when I received a
21 copy of this letter, I thought it was a good
22 lawyer letter and the University got its money's
23 worth.

24 But it certainly didn't address the deep

1 concern that you expressed today about this being
2 a crisis for the University.

3 I understand you do think that the
4 University has an admissions crisis and that
5 substantial changes need to be done to restore the
6 confidence of the people of Illinois that it's
7 legit.

8 MR. WHITE: Yes, I think it's a crisis.

9 Yes, I think that real change is required.

10 And, yes, I think that job one is setting
11 things right and restoring the confidence of the
12 people of Illinois.

13 CHAIRMAN MIKVA: Because I was disturbed
14 when I saw this letter. It sounded to me like the
15 University was going to stonewall this process.
16 And I am relieved to hear that is not the case.

17 MR. WHITE: Judge, we have very good
18 attorneys.

19 CHAIRMAN MIKVA: Glad to hear that.

20 MR. WHITE: I'm not a lawyer. But I
21 sometimes do engage the attorneys in a discussion
22 about the difference between, frankly, leadership
23 and passion on the one hand and lawyerly matters
24 on the other. And they are sometimes different.

1 CHAIRMAN MIKVA: I appreciate that. Thank
2 you.

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

4 COMMISSIONER VANDER WEELE: I would like to
5 ask the same question I asked earlier to President
6 Stukel and that is areas of influence which should
7 be prohibited.

8 If you can tell me if you think our list is
9 comprehensive enough. Obviously, the code of
10 ethics will encompass other things as well. There
11 will be another category. But I want to read the
12 list to you and ask you if there is anything else.

13 We talked about admissions; housing; closed
14 classes; graduation, which means someone is
15 ineligible to graduate and political influence is
16 used to pressure -- permit. That has happened in
17 West Virginia. Early notification that seems to
18 me to be a preferential treatment. Contracts;
19 obviously, hiring; and sporting tickets.

20 Is there anything else you would include in
21 that list?

22 MR. WHITE: Well, there is one, and I would
23 like to comment a bit beyond that.

24 First, I say you forgot parking.

1 COMMISSIONER VANDER WEELE: That's why I
2 asked.

3 MR. WHITE: Anything that's scarce in the
4 university is subject, so don't forget parking.

5 There is another. And that is pressure to
6 conform to a party line.

7 Now, I don't know if that fits very well.
8 But, you know, at any given time one party and one
9 governor in that party, you know, are the senior
10 leadership of the state. They have very strong
11 points of view.

12 And as a university, our job is to be
13 highly independent and to call things as we see
14 them.

15 You know, sometimes our Institute for
16 Government and Public Affairs puts out very
17 factual and excellent material about the state
18 budget mess in Illinois. And the powers that be
19 don't like it.

20 And one of the jobs as the president, if we
21 get that criticism from any source, is to protect
22 the academics who call it as they see it based on
23 fact. So that is an issue.

24 You know, the Governor's office didn't like

1 it at all when I wouldn't support the gross
2 receipts tax and I really heard about it.

3 COMMISSIONER VANDER WEELE: So legislative
4 initiatives might be a way to put it?

5 MR. WHITE: No, I don't think -- well, it
6 could be.

7 COMMISSIONER VANDER WEELE: It could be.

8 MR. WHITE: I would say it's policy.

9 COMMISSIONER VANDER WEELE: Legislative
10 policy.

11 MR. WHITE: I would say it's gubernatorial
12 policy, pressure to support gubernatorial policies
13 simply because they are the governor's policies
14 and we don't do that.

15 COMMISSIONER VANDER WEELE: Policy and
16 initiatives?

17 MR. WHITE: That's exactly right.

18 COMMISSIONER SCOTT: Would that have come
19 from the Blagojevich administration?

20 MR. WHITE: Sure.

21 COMMISSIONER VANDER WEELE: Through the
22 Trustees.

23 MR. WHITE: Uh-huh.

24 CHAIRMAN MIKVA: Thank you very much,

1 President White, for being available and for being
2 so forthcoming. We appreciate it very much.

3 MR. WHITE: I am grateful to the
4 Commission.

5 CHAIRMAN MIKVA: I think we can stand in
6 adjournment until Wednesday at 9:00 o'clock.

7 (End of meeting.)

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