

STATE OF ILLINOIS ADMISSIONS REVIEW COMMISSION



Report & Recommendations

August 6, 2009



STATE OF ILLINOIS
ADMISSIONS REVIEW COMMISSION

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August 6, 2009

Dear Governor Quinn:

Eight weeks ago, in the wake of published reports of undue influence in admissions at the University of Illinois, you charged us with examining admissions policies and practices, reviewing the facts, and proposing reforms to improve the fairness and transparency of the admissions process. This is our Report, which we respectfully submit in discharge of our duties.

We conclude that there is much that went awry in admissions at the Urbana-Champaign campus, but that there is also cause for optimism that the University can expeditiously implement meaningful reforms and restore public confidence in the integrity of its admissions process.

Please understand that the work of this Commission was expertly and tirelessly supported by many dedicated professionals, a number of whom volunteered hundreds of hours of service and also provided valuable technical and logistical assistance. The contributions of the following persons and firms merit specific mention: Robert Ellis, Jamenda McCoy, Asha Mehrotra, Jeff Lula, Polina Liberman, Ahmad Nofal, Susan Gadzala, Jeremy Holzer, Joseph Dobrowski, Kirkland & Ellis, Shauna Fulbright-Paxton, Linda Boachie-Ansah, Lori Zalhalka, Charles Harris II, David Cole III, Mayer Brown LLP, Scott Griffin, Chris Kashman, Stephanie Kollmann, Rob Olmstead, Margaret Macias, Jessica Hunter, William Maggos, Matt Ham, Erin Knowles, Kesner Bienvenu, Jay Stewart, Jennifer Koehler, Julie Smith, and Ted Chung.

It has been our honor to serve this State. We hope that you will find much in this Report to commend it, and that you will receive it in the same spirit in which it was prepared – with humility, resolve, and enduring care for the University of Illinois.

Admissions Review Commission
State of Illinois

STATE OF ILLINOIS ADMISSIONS REVIEW COMMISSION
REPORT OF FINDINGS & RECOMMENDATIONS

I. EXECUTIVE SUMMARY

A. Introduction: The Influence of Power & Money on University of Illinois Admissions

For years, a shadow admissions process existed at the University of Illinois (“University”). Unknown to the public and even to most University employees, this shadow process – referred to as “Category I” – catered to applicants who were supported by public officials, University Trustees, donors, and other prominent individuals (collectively “sponsors”). While applicants who lacked such clout sought admission through the University’s official admissions process, Category I applicants were given separate and often preferential treatment by University leadership. And while the official process took into account the applicant’s characteristics (e.g., academic achievement, special talents, personal circumstances), the Category I process tended to focus on the “power and money” of the applicant’s sponsor.

In scores of instances, the influence of prominent individuals – and the University’s refusal or inability to resist that influence – operated to override the decisions of admissions professionals and resulted in the enrollment of students who did not meet the University’s admissions standards – some by a considerable margin. In this way, sponsorship by prominent individuals at times became a heavy thumb on the scale, giving advantage to clouted applicants, who were typically from affluent backgrounds, and unfairly disadvantaging those in the general applicant pool.

Certain Category I admissions resulted, at least in part, from pressure applied by sponsors that high-ranking University officials, in turn, channeled to subordinates involved in making admissions decisions. In so doing, these officials routinely did nothing to block or diffuse the pressure (or, worse, amplified it), and thereby signaled their own endorsement of the applicants. Moreover, in some instances, University leaders explicitly advocated for the admission of applicants to whom they were closely connected. And even when there was no obvious pressure either from an external source or a University official to admit a particular applicant, time and time again University admissions officers very reasonably perceived an implicit message – that the applicant should be admitted – simply by virtue of the power and authority of the messenger(s).

Over time, a process that may have begun as a seemingly innocuous way to “track” inquiries from prominent individuals evolved (or devolved) into a “well-oiled” machine that was perhaps unparalleled among universities in its level of formality and structure. Within this University, the institutionalization of Category I bred resentment on the part of some Deans and lower level administrators, and provoked some to “push back” at times, but to little avail. Most notably, the College of Law, faced with directives from the University’s central administration to admit substandard applicants, eventually sought to oppose these directives, but then relented and responded with demands of its

own (i.e., money from the administration for scholarships), which the Chancellor of the Urbana-Champaign campus was all too willing to satisfy.

Additionally, in communications with the Chair of the Board of Trustees and the Law School Dean, the Chancellor participated in the formulation of a separate strategy purportedly to offset the harm that the Law School would suffer to its national ranking as a result of accepting substandard applicants. But far from offsetting any harm, the proposed jobs-for-admissions exchange only compounded the initial problem of clouted admissions and fed a culture of cynicism and crass opportunism unbecoming any public institution, much less our flagship university. That certain University personnel still appear not to fully appreciate the unseemliness, if not impropriety, of the College of Law's damage "mitigation" efforts reveals the extent to which a deal-making mindset, said to be reflective of the State's political culture, seeped into parts of this University.

Category I derived its lifeblood from the active participation of, and tone set by, those at the top of the University. Numerous persons – both within and outside the University's administration – bear responsibility for compromising the fairness and integrity of the admissions process. Failures in leadership contributed to a University culture that too easily tolerated undue influence and an overall admissions approach that *merged*, rather than separated, an otherwise unremarkable institutional desire to cultivate relationships and curry favor with the rich and powerful, on the one hand, with the often irreconcilable task of selecting the best possible students to populate the campus, on the other hand.

Media accounts and the work of this Commission have lifted the cloak of secrecy around Category I, and this shadow process has been suspended – we urge forever. The University now finds itself in a full-fledged crisis purely of its own making. Public confidence in the University and its leadership has eroded, and the University must set out in earnest to regain the public's trust and repair the damage done to its reputation.

It is the hope and aspiration of the Commission that this Report will provide means to a rapid and full recovery. The early signs are encouraging – the University has clearly given this matter the priority treatment it deserves, examining and proposing its own admissions-related reforms and cooperating fully with the multitude of demands made by Commission staff for access to information and University officials. For the foreseeable future, the development and implementation of admissions reforms must continue to be a top priority of University leadership. No less is required for the University to achieve what must be its goal – an admissions process that can rightfully be regarded as a model of fairness befitting one of the country's preeminent institutions of higher learning.

B. Principal Findings of Fact

1. Basis for Findings

On June 10, 2009, Governor Pat Quinn signed an Executive Order (09-12) establishing the Admissions Review Commission and charging the Commission with, among other things, examining and evaluating State university admissions practices and policies, considering investigative findings related to those practices and policies, and making recommendations to the People of Illinois and the Governor for improving the fairness and transparency of University admissions processes.

The Commission focused its inquiry on admissions at the University's Urbana-Champaign campus ("UIUC") from 2003 to 2009, although the testimony of former University Presidents and other information presented to the Commission covered University admissions practices as far back as 1979, the first year of former President Stanley Ikenberry's tenure. UIUC remained the focus of the Commission throughout its proceedings because the initial reports of admissions-related irregularities centered on UIUC and subsequent investigative work showed that undue influence in admissions was concentrated in, if not wholly confined to, that campus. Accordingly, unless otherwise indicated, the findings and recommendations set forth in this Report arise out of the Commission's assessment of UIUC's admissions practices, supplemented by a consideration of industry best practices. Notwithstanding the Commission's focus, this Report should also provide useful guidance for other colleges and universities – public and private alike, in this State and elsewhere – in addressing the ubiquitous problem of undue influence in admissions.

2. Scope & Nature of Problem

Having considered voluminous testimonial, documentary, and other information from a wide variety of sources, the Commission makes the following principal findings of fact:

- Undue Influence as a Systemic Problem in University Admissions – Category I was a centralized process in which representatives of the Chancellor's Office, the Provost's Office, the undergraduate Admissions Office, and the Governmental Affairs Office directly participated. In addition, various colleges of the University likewise had their own "special" admissions processes that favored applicants supported by donors and other persons of particular interest to those colleges. While clouted admissions constituted a relatively small percentage of overall admissions in any college, the presence of multiple clout-based admissions processes, the institutionalization of those processes, and the sheer number of the resulting admissions demonstrate that undue influence compromised the fairness and integrity of admissions at UIUC on a systemic basis.

- Admission of Substandard Applicants Based on Clout – In its worst form, Category I enabled the admission of applicants whom the University’s own admissions professionals had designated for denial.
 - Persons with Knowledge of Clout Admissions: As supported by the record before the Commission, University officials who knew or should have known of the admission of substandard clouted applicants at the time of those decisions include: Trustees Lawrence Eppley and Niranjan Shah; President B. Joseph White; UIUC Chancellor Richard Herman; Associate Provost Keith Marshall; Governmental Affairs officials Richard Schoell and Terry McLennand; former College of Law Dean Heidi Hurd; College of Business Dean Lawrence DeBrock; and certain personnel within University admissions offices.
 - Volume of Substandard Clouted Admissions: In the 2008-09 admissions season (i.e., the entering class of 2009) alone, at least 33 Category I applicants to undergraduate colleges who had been designated for denial by the undergraduate admissions office were admitted based on the advocacy of their respective sponsors. The College of Law admitted 24 substandard “special admits” between 2003 and 2007. The College of Business admitted one substandard applicant in 2008.

- Denial of More Qualified Applicants – The admission of substandard applicants resulted in other, more qualified applicants being denied admission, although, particularly with regard to undergraduate Category I admissions, these clouted admissions exceeded the number of such denials. Whereas the College of Law sought to closely manage the number of students in each class, the much larger undergraduate colleges were more readily able and willing to make room for substandard Category I applicants by simply expanding the size of their classes to accommodate these applicants.

- Appearance of Impropriety – The Commission discovered no instance in which a sponsor or other third-party explicitly gave or offered anything of value to the University or any University employee, in exchange for the admission of one or more applicants. Nevertheless, the Commission did discover ample information that creates, at a bare minimum, an *appearance* of impropriety. Put simply, University officials (e.g., legislative liaisons, fundraisers) whose essential roles were to establish, maintain, and enhance relationships with prominent individuals commingled – and were allowed to commingle – these roles with active participation in applications made by children or constituents of some of these same prominent individuals. This commingling raises the specter of conflict of interest and bargained exchange, and provides further impetus to fully insulate admissions staff from non-pertinent outside influence.

3. Causes of Abuses & Responsible Parties

- Failures of Leadership – The acts and omissions of University officials across all levels of leadership substantially contributed to admissions-related abuses and irregularities at UIUC.
 - Board of Trustees – With respect to Category I, the Board of Trustees failed to discharge its duty as a governing board and, in particular, failed to exercise the care and diligence appropriate to protect against admissions-related abuses.
 - Individual Trustees – Individual Trustees personally participated in admissions applications in a manner that demonstrated:
 - (a) a disregard for University-sanctioned principles of ethical conduct and fair dealing; and
 - (b) lapses in judgment.
 - University President White – With respect to Category I, White:
 - (a) failed to exercise appropriate oversight of persons who reported directly to him and who, on a regular basis, engaged in admissions-related abuses; and
 - (b) personally participated in admissions applications in a manner inconsistent with University-sanctioned principles of ethical conduct and fair dealing.
 - UIUC Chancellor Herman – With respect to Category I, Herman personally and extensively participated in admissions applications in a manner inconsistent with University-sanctioned principles of ethical conduct and fair dealing.
 - Dean Hurd – With respect to Category I, former College of Law Dean Hurd personally and extensively participated in admissions applications in a manner inconsistent with University-sanctioned principles of ethical conduct and fair dealing.
 - Dean DeBrock – With respect to Category I, College of Business Dean DeBrock personally participated in an admissions application in a manner inconsistent with University-sanctioned principles of ethical conduct and fair dealing.
- Participation of Governmental Relations Office in Category I – With respect to Category I, officials in the University’s Office of Governmental Relations (chiefly, Terry McLennand and Richard Schoell) personally and extensively participated in admissions applications in a manner inconsistent with University-sanctioned principles of ethical conduct and fair dealing.

- Absence of Clear Policies Specifically Governing Undue Influence in Admissions – The absence of a policy that specifically prohibited undue influence in admissions contributed to the admissions-related abuses described in this Report. This is not atypical; with a few notable exceptions (e.g., the University of Washington, the University of California), American universities have not undertaken to adopt policies or guidelines that touch on this topic. While the absence of a clear policy is appropriately considered a mitigating factor for all responsible parties here, given the unprecedented extent to which Category I became institutionalized at UIUC, these same parties can simultaneously be faulted for not having taken the initiative to at least propose the implementation of such a policy.
- Issues Related to Trustee Selection and Training – A full review of the advantages and disadvantages of the current process by which University Trustees are appointed is beyond the scope of this Commission. Nevertheless, the Commission has serious concerns about how certain of the current Trustees were selected and whether the Board, as a whole, is capable of discharging its duties with the level of skill and expertise that the public deserves. Compounding these concerns are apparent inadequacies in the orientation and ongoing training of trustees, who have not collectively demonstrated an inclination to affirmatively seek out ethics or other training that could have at least heightened their sensitivity to the admissions-related issues raised here.

C. Principal Recommended Reforms

The Commission proposes the following reforms to enhance the fairness and transparency of the University’s admissions process:

1. **Review of University Leadership**

- Trustees’ Submission of Letters of Resignation -- The Commission by a 6-1 majority (Commissioner Vander Weele, dissenting) calls on all members of the Board of Trustees to voluntarily submit their resignations and thereby permit the Governor to determine which Trustees should be reappointed.
- University Administration – The Governor should charge the new Board with conducting a thorough and expeditious review of the University President, the UIUC Chancellor, and other University administrators, with respect to the information set forth in this Report.

2. **Enhancing Ethical Governance**

- Ethics Committee -- The new Board should establish a Board committee with the responsibility to develop and administer an orientation and training

program that requires all Trustees to annually certify that they understand and will abide by applicable rules of conduct.

3. Admissions Policy

- Elimination of Category I – The University should, by written policy, expressly eliminate Category I and any other analogous admissions processes.
- “Firewall” Around Admissions – The University should establish written admissions policies that prohibit the consideration of sponsorship by prominent individuals or other undue influence in the admissions process.
- Re-evaluation of Appeals Processes – The University – and, in particular, the undergraduate admissions office – should re-evaluate its appeals process and, if an appeals process is maintained, ensure that it is fully transparent and accessible to all applicants.
- Process for Handling Third-Party Inquiries – The University should establish a process to respond to admissions-related inquiries from prominent individuals without breaching any “firewall” established by the University.
- Best Practices Review – The various admissions offices at the University should conduct a best practices review of counterpart offices at the University and elsewhere. In this regard, aspects of the College of Medicine’s admissions process are worthy of review and possible adoption as best practices.
- Diversity Among Admissions Officers – The University should ensure that persons of diverse backgrounds are adequately represented in its admissions offices and committees, so as to enhance the diversity and inclusiveness of the admissions process.

4. Enforcement

- Inspector General – The General Assembly should enact legislation that would create an inspector general dedicated exclusively to the State’s universities. Alternatively, the existing Office of Executive Inspector General should be afforded additional resources to enable the Office to devote substantially more attention to these universities.

II. ESTABLISHMENT AND CONDUCT OF COMMISSION

A. Initial Media Reports of Category I

In late May 2009, the *Chicago Tribune* began running a series of articles that covered admissions at the University of Illinois. Specifically, this series, dubbed “Clout Goes to College,” documented the *Tribune*’s investigation into the roles of prominent individuals and University officials in a shadow admissions process referred to as “Category I.” As reported by the *Tribune*, this process resulted in applicants with sub-par academic records gaining admission to the University based on support from state lawmakers, University Trustees, and others.

B. Executive Order Establishing Admissions Review Commission

On June 10, 2009, in order to help restore public trust in the University’s admissions process, Governor Pat Quinn issued Executive Order 12, which established the Admissions Review Commission as an independent body. (ARC 2443-44). The Commission was specifically charged with:

- (1) evaluating the standards and criteria used to evaluate applicants for admission;
- (2) examining the impact of any policies that provide favorable consideration to an applicant based on relationships with, or advocacy by, appointed or elected public officials, or persons affiliated with such officials;
- (3) evaluating the strengths and weaknesses of the University’s admissions policies and practice, in comparison to the best practices of other selective universities;
- (4) reviewing the investigative findings of the Office of the Governor, Office of General Counsel regarding the admissions practices and policies of the University of Illinois; and
- (5) submitting a final report that details the Commission’s findings and makes recommendations on how to improve the fairness and transparency of the admissions process.

Governor Quinn appointed the Honorable Abner Mikva, a former federal appellate judge and director of the University of Chicago’s Mandel Legal Aid Clinic, to Chair the Commission. Governor Quinn appointed the following additional Commissioners: Ricardo Estrada, Executive Director of Erie Neighborhood House; Bernard Judge, former editor and publisher of the Chicago Daily Law Bulletin; Doris C. Lowry, President of Aspen Pine Group, Inc.; Charles W. Scholz, former mayor of Quincy, Illinois, and a private practice attorney; Z. Scott, a partner with the law firm of Mayer Brown LLP; and Maribeth Vander Weele, President of Vander Weele Group, LLC.

The Commission’s focus was primarily directed toward admissions at the Urbana-Champaign campus from 2003-09. To a lesser extent, the Commission also reviewed evidence of other areas in which University students may have been afforded special

privileges on the basis of their connections to prominent persons (e.g., placement in special University housing, access to classes previously listed as closed). The Commission did not address other admissions processes that were beyond the scope of the Executive Order, such as the University's process for reviewing applications from student-athletes.

This Report details the Commission's findings and sets forth recommendations for action that the University and persons associated with the University should consider as a means of enhancing fairness and transparency in the University's admissions process.

C. Commission Proceedings

1. Investigative Work

a. Document Requests and Review

Commission staff obtained and reviewed in excess of 9,000 pages of documents from the University. These documents included emails and other correspondence; spreadsheets, logs, and other documents reflecting Category I applicants; and policies, manuals, and training materials. The University redacted portions of certain documents so as to conceal the identities of applicants. University counsel represented that these redactions were necessary to ensure that the University did not violate provisions of the federal Family Educational Rights and Privacy Act ("FERPA"). The Commission did not challenge the University's FERPA analysis, nor did the Commission undertake its own analysis, in large part because the redactions did not hinder the Commission in achieving the principal purposes for which it was established.

b. Interviews of Fact Witnesses & Experts

Commission staff interviewed over 40 persons from June through early August 2009. These persons included all current University Trustees, with the exception of Trustee Edward McMillan; President White; former Presidents Ikenberry and James Stukel; Chancellor Herman; several College Deans and other members of the University administration; University admissions officers; high school counselors; and experts in the areas of college admissions and university governance. Memoranda summarizing these interviews were provided to the Commissioners to assist in their consideration of admissions-related reforms and preparation for Commission meetings.

2. Analysis of Applicable Laws and Policies

Commission staff analyzed applicable rules of conduct based in state statute and University policy, including:

a. Conflict of Interest Prohibition

As set forth in the University's Ethics Handbook, it is a conflict of interest and thus unethical for a state board employee or appointee to place his or her interests or those of a friend, relative or business associate, above those of the State.

b. Duty to Report Abuse of Official Position

Under an Office of Governor Administrative Order (No. 6), all State employees, including Trustees of the University, have a duty to report any incident involving fraud, corruption, or abuse of an official position by another State employee to the Office of the Executive Inspector General. Persons who comply with this duty to report are protected from retaliation under 5 ILCS 43 0/1 5-5 et. seq.

c. Evenhandedness & Maintaining Public Trust in Integrity of University

The University's code of conduct requires all employees and Trustees to conduct themselves in a manner that will maintain and strengthen the public's trust and confidence in the integrity of the University and to take no actions incompatible with their obligations to the University. Members of the University are also required to show "[e]venhandedness by treating others with impartiality."

d. Merit-Based Decisions & Non-Discrimination

The University's nondiscrimination statement requires that decisions involving students and employees be based on merit and be free from invidious discrimination in all its forms.

e. Fairness & Equity in Admissions

The University is a member of the National Association for College Admission Counseling (NACAC). NACAC's code of conduct requires students to be treated in a fundamentally fair and equitable manner, and asks that students be evaluated on the basis of their individual qualifications.

3. Survey of Other Universities

Commission staff conducted a survey of peer institutions of higher learning in an effort to ascertain the formal and informal practices that other universities have implemented to handle requests from government officials and other prominent individuals. Fifteen institutions submitted responses. (ARC 2454-55).

4. Public Comments

In mid-June 2009, the Commission established a website (www.admissionsreview.illinois.gov) to provide the public with Commission-related information and to enable members of the public to post comments for the Commission's consideration. By August 4, 2009, approximately 218 comments had been posted to the website by a wide range of interested parties, including high school counselors; members of the general public; parents of prior applicants to the University; and University students, alumni, and faculty. Comments and summaries thereof were provided to the Commissioners throughout the Commission's proceedings. (Select public comments are set forth at ARC 2445-48).

5. Public Meetings

Between June 16 and August 6, 2009, the Commission held 12 public meetings, all of which were subject to the Open Meetings Act, 5 ILCS 120/1 et seq. The meetings consisted principally of testimony from fact and expert witnesses, and discussion among Commissioners concerning prospective reforms to the University's admissions practices, policies, and processes.

The Commission heard testimony from, among other persons, University Trustees; President White and Presidents Emeritus Ikenberry and Stukel; Chancellor Herman; current and former members of various University admissions offices; employees of the Governmental Relations Office; state legislators¹; college admissions and university governance experts, and high school counselors. A total of 30 witnesses voluntarily appeared before the Commission to provide testimony in these public meetings. (A list of these witnesses, virtually all of whom were interviewed by Commission staff in advance of their testimony, is set forth at ARC 2449-50). The Commission did not have the authority to administer oaths, and, as such, the testimony was not sworn. The meetings were audio-recorded and transcribed by court reporters (draft transcripts of the meetings are provided in the Appendix to this Report).

III. OVERVIEW OF UNIVERSITY

A. General Information

The University of Illinois is the State's flagship institution of higher education and unquestionably one of the premier public universities in the United States. The University "system" consists of three campuses – Chicago, Springfield, and Urbana-Champaign – that together enroll nearly 70,000 students and employ more than 25,000

¹ Ten state legislators were invited to appear before the Commission: House Speaker Michael Madigan, Senate President John Cullerton, House Minority Leader Tom Cross, Senate Minority Leader Chris Radogno, Rep. James Brosnahan, Sen. Chris Lauzen, Sen. Edward Maloney, Sen. Kwame Raoul, and Rep. Angelo Saviano. Rep. Boland, Sen. Lauzen, and Sen. Raoul accepted the Commission's invitation and provided testimony before the Commission.

people, 5,700 of whom are faculty members. The University is comprised of 17 major colleges and schools, which include both graduate and undergraduate programs. Roughly 75 percent of the students at the University are undergraduates.

B. Organizational Structure

Overall governance authority over the University resides in the Board of Trustees. The Board has fiduciary responsibility for the University system. Among other things, the Board is responsible for appointing the President of the University, ensuring the University's financial solvency, and enhancing the public image of the University.

Next in the organizational hierarchy is the University President, the chief executive officer for the university system. Each of the three campuses is headed by a Chancellor, who is the chief executive officer of that campus. The Chancellors are appointed by the Board of Trustees and serve at the direction of the University President. The UIUC Chancellor's primary duties include fundraising, budget analysis, and the coordination of, and the facilitation of synergies among, five Vice Chancellors. Neither the University Trustees, the President, nor Chancellors have direct responsibilities for admissions.

The University Provost is positioned between the Chancellor and the Vice Chancellors. The Provost serves as the chief academic and budget officer for the campus. The various Vice Chancellors are in charge of separate functions, including fundraising, student affairs, research and institutional advancement.

Under the Vice Chancellors are the Deans of each college. A Dean is the chief executive officer of his or her college, and is responsible for, among other things, presenting policies to the college's faculty for its consideration, overseeing the registration and progress of students at the college, and preparing the budget of the college in consultation with the executive committee of the college.

C. Admissions Offices

In the University of Illinois system, there is a single undergraduate admissions office, and graduate and professional schools (e.g., law, business, medicine) have their own admissions offices. In 2004, the University created a new position, Associate Provost for Enrollment Management (a position now held by Keith Marshall), to enable the University to be more responsive to high schools, bolster the transfer program, and increase the number of students from Chicago Public Schools enrolled at the University. Only the undergraduate admissions office reports to Marshall.

Each admissions office has its own director of admissions and staff. The size of each office of admissions is correlated to the size of that particular school, as well as its yearly applicant pool. As such, the Office of Undergraduate Admissions is the largest admissions office, with a staff of over 50. The admissions policies and procedures for the

relevant University schools and colleges are discussed in more detail in Section IV below.

IV. UNIVERSITY ADMISSIONS PROCESSES

University admissions offices have specific criteria and standards for admission. As set forth below, however, the Category I process at the undergraduate level and analogous, “Special Interest” processes elsewhere in the University allowed for significant deviations from established practice and procedure, and, in numerous instances, the admission of applicants who would have been denied – and, this Commission finds, should have been – admission in the ordinary course.

A. Undergraduate Admissions

1. Official Admissions Process

The Undergraduate Admissions Office (“UAO”) has established policies and procedures for processing student applicants. It adopted its current policies in 2006. (7/8/09, TR at 268:24 - 269:18).

UAO staff calculate a Projected Grade Point Average (“PGPA”) for an applicant by a formula that takes into account the applicant’s standardized test score and class rank. For an applicant from high schools that do not rank students, UAO estimates a class rank. Approximately 30 percent of applicants to most colleges are automatically admitted to the University based purely on their PGPA’s. (6/29/09 TR at 7:24 - 9:7; 7/8/09, TR at 288:4-14). By contrast, the Colleges of Business, Engineering and Media conduct a full review of all applicant files and have not adopted an “automatic admit” policy. (7/8/09, TR at 288:25 - 289:24).

For those applicants subject to full review, their files are reviewed by admissions committees within UAO that correspond to specific undergraduate schools and colleges. (6/29/09 TR at 9:11 - 10:5). In addition to class rank and GPA, these committees consider factors such as the applicant’s essays, the rigor of the applicant’s high school curriculum, and the applicant’s socio-economic background and geographical region. (6/29/09 TR at 5:18 - 7:10). Other factors that are considered include legacy status, whether the applicant is a first generation college student, and any special talents of the applicant (i.e., music, sports). (6/16/09 TR at 11:24).

The admissions committees assign numeric ratings (one to five) to each individual applicant whom they review. Typically, applicants rated “one” are admitted, while applicants rated “five” are denied. Those applicants in the middle – “two,” “three,” or “four” – are subjected to a final review by the committees and the Deans of the various undergraduate colleges. Whether these applicants are ultimately admitted depends on, among other things, the needs of the specific undergraduate colleges. (6/29/09 TR at 10:9-25).

There are two decision notification dates for undergraduate applicants. The first such date is in mid-December, when applicants are placed in one of three categories: admitted, denied, or deferred. The second notification date is in mid-February, when applicants are admitted, denied, or waitlisted.

If an applicant is denied, he or she may appeal that decision. The appeal process, however, is far from transparent. It is not referred to in any printed materials or on the University's website, although at least some UAO staff members do discuss appeals during presentations to prospective applicants and high school counselors. (6/19/09 TR at 27:17 - 28:10). Typically, appeals must contain new, compelling information, or cite to a mistake in the original consideration of the application. There are approximately 300-400 appeals per year, 90% of which are denied. (6/19/09 TR at 29:6-10).

2. Category I Admissions

The Commission's record reveals that while the University had a formal undergraduate admissions process, there was also a shadow process – Category I – that operated by a different set of rules. Since 2005, about 800 undergraduate students have landed on the “Category I” list for UIUC. Notably, the acceptance rate for Category I applicants rate is higher than the overall acceptance rate. For 2008-09, about 77% of applicants on the Category I list were accepted, compared with 69% of other applicants. In addition, the 2008-09 Category I applicants had lower standardized test scores and class ranks than their non-Category I peers. In 2008, incoming freshmen, on average, ranked in the 88th percentile of their high school classes; by contrast, Category I students ranked in the 76th percentile.

Category I, among other things, permits University officials to keep track of applicants referred by various sources, including members of the University's Governmental Relations Office (responsible for approximately 40-50% of Category I inquiries), the University administration (responsible for approximately 20% of Category I inquiries), the Trustees' Office (responsible for approximately 20% of Category I inquiries), Alumni Affairs, the University's Foundation, and Deans of colleges. It has been reported that about half of this year's Category I applicants (i.e., approximately 80) have ties to state lawmakers.

According to Abel Montoya, former Associate Director of Undergraduate Admissions, who worked in the University's undergraduate admissions office from 1994 until October 2008, the Category I process became more formalized over time, largely to prevent applicants sponsored by prominent individuals from “slipping through the cracks.” (6/29/09, TR at 24:12 - 25:13). As part of this formalized process, Chancellor Herman convened meetings to discuss the status of the Category I applicants, shortly prior to the first (December) and second (February) admissions notification dates. Attendees at these meetings generally included Herman; Phyllis Mischo (Herman's secretary); Rick Schoell, head of the Governmental Relations Office (and at times, Terry McLennand, also from the Governmental Relations Office); Associate Chancellor Peg O'Donoghue; and Keith Marshall. (6/16/09, TR at 76:24).

Herman was the ultimate decision-maker with respect to Category I applicants. Decisions on Category I applicants sponsored by public officials were based primarily on applicant information provided by Marshall, and information about the legislators involved provided by Governmental Relations. During the Category I meetings, Marshall provided the attendees with a chart that listed all Category I applicants. Marshall on occasion attempted to advocate against applicants who had substandard credentials, and also discussed the potential negative impact that the admission of certain such applicants would the University's reputation at, and relationship with, those applicants' high schools. (6/16/09, TR at 27:14).

The record conclusively establishes that applicants' inclusion on the "Category I" list, and the underlying sponsorship that resulted in a Category I designation, could and did override numerous decisions that UAO had made to deny applicants on the basis of UAO's review on the applicants' merits. Most egregiously, 33 presumptive denials – applicants who had been rated a "5" by UAO staff – were reversed and converted to admissions by virtue of the applicants' inclusion in Category I.

a. Geographic Concentration of Category I Applicants

Certain University officials have suggested that Category I is a means of increasing the representation of students of diverse backgrounds at the University. The record simply does not support this suggestion. To the contrary, information provided by the University shows that the vast majority of Category I applicants are Caucasian. Additionally, a significant percentage hail from high schools located in affluent areas of the State. To illustrate, of the 33 Category I applicants whose initial denials were overturned, at least 32 were Caucasian. (ARC 2425). And over a third of these applicants came from three high schools that are located in, or generally draw applicants from, affluent areas: Fenwick, Glenbrook South and Highland Park.

b. Category I Sponsors Are Not Equal

Additionally, as several witnesses testified, not all sponsors of Category I applicants (and therefore not all Category I applicants) were treated equally. As set forth below, University officials, including Governmental Relations personnel discussed the relative importance of particular sponsors:

- On February 5, 2009, after Terry McLennand (Governmental Relations) returned from a legislative session, he indicated to Keith Marshall that two cases were "extremely important" and that they "would like to push." (UNIVER002082) The sponsors of the first applicant were Sen. James DeLeo, Sen. Jeff Schoenberg, Rep. Lou Lang and President White. Sen. DeLeo was the sole sponsor for the second applicant. The students, who had been waitlisted, were both admitted. (Interrogatory No. 19).

- On February 11, 2009, after Marshall objected to McLennand that admitting four substandard Fenwick applicants far below their peers would cause problems. McLennand insisted that the students at least be waitlisted or deferred. As McLennand noted, “[w]e need these four cases,” and legislators “would rather ask [constituents] for patience than deliver bad news.” (UNIVER002174-2178.) The sponsors in those cases were Speaker Michael Madigan, Rep. Angelo Saviano and Rep. Kevin Joyce and Sen. Dan Cronin. (Interrogatory No. 20). It is not clear if the four applicants were admitted, but records show that, in 2009, four Fenwick applicants initially slated for rejection were admitted to the University.
- McLennand indicated in an email that “this is a very high-profile case for our office.” (UNIVER001958). Despite the applicant initially being rated a “five” (i.e., denial), Marshall consented to admitting him because he was an out-of-state student. McLennand regarded this as a very high-profile case because the sponsors were Gary and Chris LaPaille, a former state senator and the legislative chief of staff. (Interrogatory No. 22)
- On February 20, 2007, McLennand noted of two applicants, “this one we definitely need strong consideration of for a late admit in May.” (ARC 458). Ruth Watkins, in the Chancellor’s Office, had just informed McLennand that “We think that it would be best to leave the status of these students as it has been since December.” The applicant in question was initially rated a “five.” The applicant’s sponsor was Senator Maloney. (Interrogatory No. 59).
- On Feb. 21, 2003, McLennand indicated that “we need to push for admission on this student,” even over another student if necessary. (UNIVER004973) The applicant was sponsored by Rep. Saviano. *Id.* An email three days later to Abel Montoya indicated that the applicant was admitted. (UNIVER004974). The applicant’s Notice of Admission was scheduled to be mailed on 2/28/03.

c. Category I Applicants – Special Access to Appeals Process

An applicant’s Category I status also provided significant advantages throughout the admissions process that were unavailable to applicants who went through the official admissions process. For example, the record reveals that applicants could be added to the Category I list even after being denied admission, and the UAO staff typically were not authorized to deny Category I applicants without first consulting with the office that had referred the applicant (e.g., Governmental Relations).

In deference to sponsors, Category I applicants whom UAO had recommended for denial were at times either: (1) put in a “holding pattern” (i.e., not denied but instead deferred or wait-listed); or (2) admitted. And while only approximately 10% of appeals

of denials were successful, for Category I students, the appeal success rate was much higher – as much as 50%. (6/29/09 TR at 29:10-15).

Below are some examples of the wider and exclusive appeals process only open to Category I applicants:

- As recently as April 15, 2009, Marshall directed Jennifer Piercy, Assistant Director of Undergraduate Admissions, to admit five previously denied applicants. (UNIVER002136). Piercy noted that the applicants should submit appeals before they can be admitted, but Marshall responded: “I think we can say that my request to you is a sufficient rationale for a second look.” *Id.* Four of the five applicants had been rated “five” by UAO. (Interrogatory 1). These four were sponsored by Rep. Kevin Joyce, Rep. Angelo “Skip” Saviano, Rep. Jim Durkin, Sen. Terry Link and former Trustee Gerald W. Shea. The fifth applicant, rated a “two,” was sponsored by Trustee Shah and Rep. Dan Brady.
- On February 24, 2009, Herman directed Piercy to admit a previously denied applicant rated a “five.” (UNIVER002211). While the applicant did submit an appeal, his appeal contained no new information and was unsuccessful. Marshall overturned the denial of the applicant’s appeal and admitted him. The applicant was sponsored by Rep. Jim Brosnahan and Sen. Ed Maloney. (Interrogatory 3).
- In a February 23 and 24, 2009 email chain between McLennand and Herman regarding a previously denied applicant sponsored by Rep. Brosnahan, McLennand stated that Brosnahan wanted an answer “today,” that Sen. Maloney of the Senate Higher Education Committee had called regarding the same applicant, and that at least two unnamed legislators have threatened “drafting legislation with some form of automatic admission standards for the University.” The applicant was admitted. (ARC 738-40).

d. Schedule for Admission of Category I Applicants
Designed to Minimize Attention

The UAO often admitted Category I applicants very late in the admissions cycle – sometimes even as late as June – in order to mitigate the risk that these admissions would damage the University’s relationships with applicants’ schools. Generally, as part of its regular review of impending admissions decisions, UAO officers would review the admission status of all applicants from particular high schools, in order to ensure that there were no outliers (e.g., a low-ranked applicant being accepted over a number of higher-ranked applicants). (7/8/09 TR at 289:25 – 296:8). Admissions officers would suggest making changes to preliminary admissions decisions if such outliers were discovered. However, admission officers ignored any outliers who were Category I applicants. (7/8/09, TR at 295:17 - 296:8).

Examples of instances in which lower-ranked Category I applicants were admitted late in the admissions season follow:

- In an April 19, 2007 email to Marshall and Debbie Kincaid, Montoya wrote: “[W]hen you had asked me to admit all of those students, I had raised the concern that they attended suburban schools where the admit decision could cause possible negative fall out.” (ARC 1702).
- In a February 13, 2008 email to Herman, Marshall wrote, “we will talk to the counselor and hope we don’t take too big of a hit for putting him in ahead of other more qualified students.” (ARC 1779).
- In a February 27, 2008 email to Mischo and Debbie Kincaid regarding an applicant from Nequa Valley, Marshall wrote that there were “59 students with credentials higher than his who were denied and 6 that were waitlisted. Of the 242 applicants from Nequa there is only 1 student with credentials lower than his. We have a history...of not tinkering with admissions decisions at that school.” (ARC 1780).
- An April 1, 2009 email to Mischo, Marshall indicated the University will admit a substandard student sponsored by Trustee Carroll as late as possible because she has terrible credentials at a “good school.” (ARC 728-729).

e. Category I Applicants with General Assembly Legislative Scholarships Apparently Admitted Based on Scholarship Status

Illinois law permits every General Assembly member to nominate two students a year from his or her district for a General Assembly Legislative Scholarship (“GA Scholarship”). A student awarded a GA Scholarship receives a “certificate of scholarship” for any State-supported university. This is essentially a tuition waiver. The selection of awardees is largely discretionary. The scholarships can be given to students at the undergraduate or graduate school level. According to Herman, GA Scholarships cost the University more than \$8 million per year.

The University officials have represented that the awarding of a GA Scholarship may not secure admission to the University for an applicant who would otherwise have been denied admission. The record, however, contains information suggesting otherwise; namely, that certain applicants were only admitted *because* they were awarded GA Scholarships.

- In April 2008, two applicants, both initially rated “five,” were admitted to the University “in light of the availability of the legislative scholarships...” (ARC 460). The students were sponsored by Speaker Madigan, Rep. Robert Molaro, Rep. John D’Amico, and Sen. DeLeo. (Interrogatory 58).
- In the fall of 2003, Rep. Ron Wait awarded a GA Scholarship to an applicant whose family he knew, even though he evidently advised McLennand that the

applicant “may not be as needy as some of the other students applying for a scholarship through him.” (UNIVER4935-36). The University refused to reconsider this application unless the applicant was awarded a GA Scholarship. Once the applicant was awarded the scholarship, he was admitted. *Id.*

- In April 2003 emails, Montoya indicated to Governmental Relations personnel that if an applicant who was initially denied was given a GA Scholarship, she could be admitted directly to the college and program in question. The applicant received the GA Scholarship and was admitted. The applicant’s sponsor was Rep. Jack Franks. (UNIVER004797-98; Interrogatory 71).
- In October 27, 2003 emails, an admissions counselor informed Montoya that Rep. Joyce wanted a Mother McAuley applicant admitted before he awarded her a GA Scholarship because “he doesn’t want to make it seem that because of the scholarship, she is being admitted. In other words ... the case is important.” Montoya responded: “she probably will not be admitted without the GA scholarship.” (UNIVER005015). The applicant was admitted, although the University maintains that the admission was “based entirely on merit.” (Interrogatory No. 76).

3. Influence of Donors in Special Admission

The record revealed that donors to the University’s Foundation and individual colleges influenced admissions decisions in much the same way that political clout influenced such decisions. Indeed, the head of the Foundation, Dr. Sidney Micek, testified candidly that he considers an applicant’s connection to donors to be “an appropriate piece of information to pass along.” (7/22/09 TR at 225:11-21). Micek further testified that he would “really hate to see” a recommendation that isolated the University’s development and admissions functions. (7/22/09 TR at 227:4-9).

Certain administrators within particular apparently colleges share this view. For example, in an October 17, 2006 email, then-Dean of the College of Liberal Arts and Sciences (“LAS”) Sarah Mangelsdorf asked Director of Admissions Stacey Kostell and Montoya to designate a donor’s son Category I. Mangelsdorf added: “Given his father’s donor status I may be asking you to admit him. We are about to launch a huge campaign and we can’t be alienating big donors by rejecting their kids. . . .” (UNIVER000778). It was believed by persons in LAS that the applicant’s father was soon likely to fund a professorship. (UNIVER000780-81). Related emails suggest that this applicant was to be waitlisted in the December notification period, but the University has confirmed that the applicant was in fact admitted in December. (Interrogatory No. 39). Mangelsdorf explained her support of the applicant by reference to empirical data indicating that legacy applicants related to large donors at Harvard, Yale, and Princeton are given an advantage equivalent to 300 additional points on their SAT scores by admissions officers at those schools. (UNIVER000778-81).

The Athletic Department similarly advocated for the admission of applicants connected to donors and prospective donors. For instance, in a February 2007 email to Ruth Watkins in the Provost's Office, an Assistant Director of Athletics noted that two "very important" applicants would have a "tremendous upside from a developmental standpoint." Their initial decisions – at least one was denied - were then changed to admissions. (UNIVER000760).

In another instance, in March 2006, former Trustee Thomas Lamont appears to have alerted Terry McLennand to a transfer applicant connected to a prospective donor: "This came through [redacted] and the [redacted] kid's parents are one of the owners of [redacted] -- Big money!!" (UNIVER000555). Although the applicant missed the transfer application deadline, and the applicant did not have enough transferrable credits to be considered for admission, the applicant was admitted.

4. High-level University Officials Actively Participated in Category I

At times, admissions staff, college Deans, and Marshall expressed concerns to superiors regarding undergraduate Category I admissions. These concerns heightened when admissions decisions were overridden – i.e., an applicant was changed from a "deny" to an "admit." (7/8/09, TR at 320:22 - 321:5). These concerns were largely ignored, often at the direction, or with the knowledge, of high-level University officials, principally Chancellor Herman and representatives of the Governmental Relations Office. The involvement of these officials in Category I and related matters is addressed below.

a. Involvement of Chancellor Herman

Herman regularly and extensively participated in the undergraduate admissions process, in a manner inconsistent with applicable principles of ethical conduct and fair dealing. With respect to Category I, in particular, many decisions that Herman made or condoned overrode the decisions of the University's admissions professionals and constituted an unwarranted acquiescence to the applicants' sponsors. Below are examples of Herman's involvement in the admissions process and related matters.

- A series of November 2005 emails show that Herman was looking into the admissions of two candidates, who then-Governor Blagojevich (through Trustee Eppley) wanted admitted to the University. The request to Herman came through President Joe White. Herman continued to look into the admissions of one of these applicants, even though the application was "dicey." (It has been publicly reported that this applicant was sponsored by a significant donor and close associate to Blagojevich.) Ultimately two applicants were admitted. (UNIVER000066; 7/6/09, TR at 94:5 - 104:6).
- In a November 2006 email to Herman, Sperling wrote: "Status???? Please don't let this matter slip through the cracks." Herman forwarded the email to Marshall, who advised, "His credentials are not competitive. We'll need to discuss his

situation at our meeting in early December.” Herman responded: “Think we need to get this one done.” (ARC 1714).

- A series of July 2007 emails between Herman and numerous other University administrators reveal extraordinary efforts being made to assist Trustee Shah’s future son-in-law in obtaining employment in the United States. An email between Herman and Dean Campion (Extension and Outreach) indicated that the future son-in-law’s visa problem “could be solved by admitting him to the Ph.D program in business.” (UNIVER005859).
- On April 20, 2006, Ruth Watkins contacted Montoya and Marshall regarding a Highland Park student on the waitlist. Watkins advised Montoya and Marshall that “we have a student that we need to move from wait list to admit, per Dr. Herman.” (UNIVER000714). Montoya replies that he will admit the student, but notes that his “PGPA is over-inflated” and “if the school ranked, his PGPA would be closer to a 2.7.” Id. Additionally, Montoya cautions that admitting the student may cause problems with the other waitlisted applicants from Highland Park. Id.

b. Involvement of Governmental Relations

The University’s Office of Governmental Relations also was extensively – and, in the Commission’s view, inappropriate – involved in the Category I system. On multiple occasions, Governmental Relations sought to influence, and did influence, admissions decisions, as a means of maintaining and developing relationships with public officials. Governmental Relations’ involvement in admissions is perhaps best reflected in the fact that the office was given access to the admissions database, which access they routinely tapped into for purposes of obtaining typically private information relating to individual applicants. It appears that, on occasion, Governmental Relations provided some otherwise inaccessible applicant information to public officials. (6/16/09, TR at 82:13).

Select emails demonstrating the extent of Governmental Relations' involvement in the admissions process are described below:

- On April 24, 2007, Rick Schoell sent an email to Peg Rawles regarding a lengthy list of names Governmental Relations and the admissions office had agreed would be admitted. Schoell proposed that all of them be given early notification and, alternatively, that two, in particular, be notified. (ARC 459).
- In a March 11, 2008 email to Montoya, Mary Hardenbrook asked, “Can you tell me where this appeal stands at this point. He was accepted to UIC, but not to UIUC and we are getting calls by the buckets about this young person. This is one Terry and Rick would like to push if at all possible. What can we do?” (UNIVER001377).
- In a March 12, 2008 email that was forwarded to Schoell, Montoya and Marshall

by Hardenbrook, McLennand wrote: “With all due respect, you are hurting the University’s efforts in Springfield when these notices go out without us being able to give advance notice – Please respect the fact that these families have every right, as tax payers and sidents [sic], to go to their elected officials and ask for help. And when letters, especially rejection letters, go out “unannounced” – everyone looks bad.” (UNIVER001376).

- A February 17, 2009 email to Herman, Marshall expressed concern about Governmental Relations having access to private applicant information: “I’m...growing increasingly concerned that Terry [McLennand] is sharing too much information with legislators and the families of kids we’re tracking. In this case there is no way Cullerton would have known [certain student information] without Terry telling him. The [] percent that Terry quotes is the estimated rank we calculated and only exists inside Banner [internal database]. And this is not the first case this year. Terry should not share this information with anyone because ... 2) It’s a violation of FERPA to share that information . . . [Governmental Relations] access to the data produces nothing but problems. (ARC 741-42).

c. Involvement of President White

During his testimony before the Commission, White explained that he was “very familiar with” “flagged admissions, inquiry lists, [and] lists maintained in order to respond courteously to people.” (7/27/09, TR at 156:13 - 159:8). White expressed concern about Category I admissions, particularly the institutionalized nature of Category I, and the fact that presumptive denials were turned into admissions. (*Id.*) White testified that he did not have full knowledge of the extent of Category I, and the record generally supports this proposition. Indeed, White, from all accounts, was not a participant in the Category I meetings and was not regularly included in internal correspondence related to Category I.

Nevertheless, the Commission finds noteworthy that certain of the persons and offices most heavily involved in Category I (i.e., Herman and Governmental Affairs) have reported directly to White for the entirety of White’s tenure as President. At a minimum, even if it fully assumed that White did not have the full knowledge of the nature and extent of Category I, he can be faulted for not having done enough to come into this knowledge and for, in some measure, not setting the sort of tone or giving the sort of direction to direct subordinates that could have restrained, if not shelved, Category I.

In any event, the record does contain information indicating that White was not entirely without knowledge of clout-based admissions practices ongoing at the University:

- In a December 2005 email to Herman, White wrote, “The Governor, through Larry Eppley, has expressed his support, and would like to see admitted to UIUC,

two candidates [names redacted].” When advised by Herman that one of the applicants looked “rather dicey,” White replied: “OK, thanks. I’m sure we’re on the same page that we need to stretch some but not too much on these cases, then call them as we see them. If not admitted, I need to talk with [Eppley] about how to handle the message before denial letter goes out.” (UNIVER000070-71).

- In October 2006, Governmental Relations was asked to “watch” a candidate for White on behalf of former Governor James Thompson. (UNIVER004387).
- In January 2009, White sent an email to Herman, asking that the application of a relative applying to the College of Engineering be “flagged,” noting that the applicant was out of state and that White “support[s] his application.” (UNIVER001882).

d. Involvement of Board of Trustees

Finally, the record reveals significant interference in the admissions process by various members of the Board of Trustees. The University has produced certain Trustee orientation materials dating back to 1999 and extending to 2009, that contemplate that Trustees might from time to time receive status inquiries related to admissions. Specifically, the materials provided:

Upon request of a trustee, the status of a student application is checked and, if necessary, rechecked to be certain proper consideration was given. Letters of recommendation will be forwarded if desired. Counseling interviews for prospective applicants are arranged if requested.

Indeed, individual Trustees did receive status inquiries, but they also, at times, advocated for admissions of particular applicants and otherwise sought to influence specific admissions decisions to varying degrees. Accordingly, the Commission concludes that the Board, in its entirety, failed to responsibly discharge its duty as a governing body with respect to the serious admissions abuses that have come to light, including those for which Board members were responsible.

Below are select examples of the influence that Trustees exerted in the admissions process:

- In an email to Herman dated April 16, 2009, Trustee James Montgomery advocated for a rejected applicant (ARC 1635). Montgomery explained that he emailed Herman at the behest of his daughter, who was dating a relative of the applicant. Montgomery stated that he emailed Herman because he wanted to determine if it was “too late” for the applicant, whom he acknowledged had been rejected, to be accepted by the University. (Trustee Montgomery Interview Summary).

- As noted above, in December 2005, White sent the following email to Herman: “The Governor, through [Trustee] Eppley, has expressed his support, and would like to see admitted to UIUC two candidates.” Again, both applicants involved here, one of whom was deemed “dicey,” were ultimately admitted. (UNIVER000070).
- In a March 2008 series of emails between Trustee Niranjana Shah, Chancellor Herman, and Provost Marshall, Shah wrote “Do you think we can help [redacted] . . . I am to visit his family next week in India. May be [sic] he can be on probation during first year.” (ARC 1792).
- In December, 2005, Trustee Schmidt transmitted an inquiry regarding an applicant to the Biology program. He was told by Chancellor Herman that “the end will be fine.” (ARC 1593). Schmidt related this information to the family in December, but discovered in February that the applicant was recommended for denial by the college. Schmidt complained to Herman, remarking, “this puts me in a great position with her family,” and advocated that the student be considered for an alternate program of study (to which she did not apply). (ARC 588). When Marshall suggested that she be asked whether she would be interested in the general curriculum program, Herman directed that she simply be admitted. (ARC 882).

B College of Law "Special Interest" Admissions

Admissions to the College of Law (COL) is competitive. Typically, the COL receives approximately 3,500 applications for approximately 200 to 260 seats in a class. The admissions process at the COL was compromised by pressure from outside influences, including University Trustees, University administrators, and government officials. Indeed, some of the most egregious lapses of ethics and judgment discovered by the Commission occurred in connection with admissions to the COL. The Commission believes that a failure of leadership at the College and University during the relevant time, including by then Dean Heidi M. Hurd, combined with an admissions system that lacked formal, written policies and procedures, rendered the admissions process vulnerable to these outside pressures.

The Commission notes that, on July 31, 2009, after testifying before the Commission, Hurd submitted a written statement to the Commission. The Commission has made that statement, along with the email to counsel that accompanied the statement, part of the public record. (ARC 2427-41, 2426). In reaching the conclusions and recommendations below, the Commission has considered that statement in its entirety, along with the testimony of Hurd and others from the COL, including Assistant Dean for Admissions Paul Pless, the summary of Hurd's interview by counsel to the Commission, and the documentary record.

1 Admissions Policies and Practices

Prior to approximately 2003, the COL made admissions decisions on a rolling basis, combining numeric criteria (i.e., Law School Admissions Test (LSAT) score and college GPA) with faculty review of applicant files. The College used this criteria to separate applicants into three categories: "presumptive admits," "presumptive denies," and a third or "middle" category that received no presumptive decision. Although the final decision on an application ultimately rested with the Assistant Dean for Admissions (the Admissions Dean), presumptive admits generally were admitted, and presumptive denies generally were denied. Applications in the "middle category" -- approximately 600 per year -- were forwarded, in batches of 15 to 25, to an admissions committee that was comprised of appointed COL faculty. At least two faculty members reviewed each file, and each provided a non-binding recommendation to "admit," "deny," or "hold" the applicant. The Admissions Dean then made the final decision on each applicant. (*See generally* 7/6/09 Transcript of Pless Commission Testimony at 142:16-143:8.)

Beginning in 2003 or 2004, COL's admissions process moved away from faculty involvement in admissions decisions and toward a system that focused all admissions review and decision-making authority on the Admissions Dean. The primary reason for this change appears to be the College's effort to increase its national rankings, particularly its ranking with U.S. News & World Report. When Hurd was appointed COL Dean in the fall of 2002, she was charged with reversing the decline in COL's national rankings. 7/8/09 Transcript of Hurd Testimony at 52:15-53:4 Because the U.S. News ranking system considers the academic profile of a law school's incoming class (i.e., median LSAT score and GPA) as a key factor in the school's ranking, efforts were made at COL to boost the COL's ranking by improving the profile of the incoming class. Then director of admissions, and now Admissions Dean, Pless, explained that, by centralizing admissions decision-making in a single person, he could better shape the incoming class to improve its academic profile and, accordingly, the College's ranking. A desire to speed admissions decisions also led to the change away from faculty involvement in admissions decision-making. 7/6/09 Transcript of Pless Testimony at 143:18-144:8

Today, the COL faculty's involvement in admissions is limited to admissions policy; faculty no longer review applicant files and provide no input on individual admissions decisions. Rather, admissions decisions are left to the admissions office -- applications are reviewed by admissions staff, who collectively make a recommendation as to whether to admit, deny, or waitlist each applicant. The final admissions decision, however, rests solely with the Admissions Dean.

Although the Commission understands the potential benefits of charging a single decision-maker with admissions decisions, particularly in terms of monitoring the academic profile of the incoming class, the Commission nevertheless concludes that the single decision-maker approach left the admissions process at COL vulnerable to outside pressures. The Commission notes that the record is replete with instances in which Pless resisted efforts both by outside forces and by Hurd to impose admissions decisions on the College and, in some instances, reversed admissions decisions that Pless and his admissions staff had already made.

The COL is without a formal admissions policy or formal, written admissions guidelines. Indeed, it appears from the Commission's review of documents provided by COL, and from the testimony of admissions officials, that no formal admissions policy or procedure ever has existed at the College. Currently, admissions decisions are based on a "full file review" that considers numerous factors, including an applicant's LSAT scores, undergraduate grades, undergraduate institution, letters of recommendation and other factors. Pless acknowledged that a formal policy that leaves admissions decisions to the admissions professionals would be welcome.

The Commission observes that the admissions process used by the College of Medicine (COM), which employs a thorough review of applicant files by a committee of 25 faculty members, as well as applicant interviews, constitutes a far more robust admissions practice that appears virtually impenetrable by outside influence. The Commission believes that, had a more comprehensive and inclusive system been in place at COL, Pless and other admissions professionals at the College would have been more free to do their jobs. Accordingly, the Commission recommends that the COL review its current admissions processes and institute a more robust program.

2. Special Interest Admits at COL

The COL has tracked "special interest" (SI) applicants for many years. Pless explained the SI designation as a "tracking system" used to reflect that a person regarded as having importance had expressed interest in a particular applicant. Hurd described it as a "no surprise" list, meaning that the list was to help provide advance notice to sponsors prior to the announcement of decisions on their applicants. But as Pless acknowledged, over time, that "special interest" or "no surprise" list was "corrupted":

The problem is that that system became corrupted, and it moved from tracking to telling us who to be-- who to admit, and that's where the problem is ... (7/6/09 Transcript of Pless Commission Testimony at 221-22)

(a) External (or "Campus") SI Applicants

(i) University Pressure and Direction To Admit External SI Applicants

Not only was there tracking, the record reveals that there was also pressure to admit SI applicants. Specifically, Hurd testified that, upon her arrival at COL in October 2002, she learned of a "seemingly well-oiled, self-described 'system' for dealing with 'special interest applicants' or 'special admits.'" That system, according to Hurd, involved admissions decisions made outside COL by then-Provost (and later Chancellor) Herman and other University administrators, including officials from Governmental Relations, with no input from the COL Dean or admissions officials. In other words, Herman and officials from Governmental Relations directing COL to admit certain applicants whom

the College otherwise would have denied. The following are select specific instances of pressured COL admissions:

- **The Governor's Office**

Emails and testimony show that, in April 2006, then-Chancellor Herman, at the behest of Trustee Eppley, directed COL to admit an applicant sponsored by the Governor's Office during the term of former Governor Rod Blagojevich. In an April 27, 2006 email to Hurd, Pless warned of the harm that admission of the applicant would cause to the profile of the incoming class:

I can't state strongly enough the negative impact this will have on the profile of the incoming class. [The applicant's LSAT score and GPA] place[] him well below both of our 25th percentiles in the incoming class With a class of 185 students, a single student can have a major impact on the profile. Because we are being forced to admit [this applicant] I will have to admit at least 2 additional students to ensure there is no negative impact on the profile, and I can't say for certain that even that will be enough. Since we are so late in the process it will be unlikely that I will be able to find any single candidate that would have both the LSAT and GPA to counteract [this applicant's] numbers. By admitting [this applicant] we are putting in jeopardy the goal of increasing our median GPA to a 3.5. (UNIVER000013).

In his email to Hurd, Pless reflected on two other admissions decisions that he also regarded as problematic.

I have another concern. This is now the third candidate that we have that we have been forced to admit. [The other two applicants] also hurt our LSAT goals but at least don't damage our GPA median. They are also qualified to be students here and should be able to compete (although not at a high level). [This applicant] will not be a successful student here and I have very real concerns about his ability to pass the Bar , . . I find it hard to justify admitting a student that we know will struggle here and that we know will struggle to pass the Bar. (UNIVER000014).

The following day (April 28, 2006), Hurd sent Pless's email to Herman with a plea of her own: "Can you turn this around, Richard? Please? Heidi." Then, with little delay, Herman, in turn, forwarded Hurd's and Pless's email pleas to Trustee Eppley, the Governor's Office's emissary for this applicant, with the instruction, "Larry, Give me a buzz when you have read this. Richard."

In this Exchange, the Commission notes that a well-supported, articulate, unambiguous and exceedingly strenuous opposition to forced admission, was therefore escalated by the COL Dean and its Admissions Dean to the highest levels of the University — the sitting Chairman of the Board of Trustees. Despite this effort, the applicant was admitted. The Commission identifies this manipulation of admissions decisions as an

example of failed leadership by all involved and violative of University-sanctioned principles of ethical conduct and fair dealing and the best interests of the University.

During his testimony, Pless recounted another instance in which the decision to deny admission to an applicant sponsored by another state official (here it was a state senator) had to be reversed at the direction of Hurd: "I was told to reverse the decision." (7/6/09 Transcript of Pless Commission Testimony at 169-70) This was an applicant who "almost certainly" would have "be[en] denied admission." (UNIVER000021). Here, Hurd's direction to Pless originated with Herman: "Heidi, Please admit. I understand no harm. If otherwise please let me know. Thanks." (UNIVER000021).

Senator Chris Lauzen appeared voluntarily before the Commission and testified with respect to this applicant, who he identified as a constituent. The Commission notes, consistent with Lauzen's testimony, that no documents or other information indicate that Lauzen himself applied pressure or sought to exert other undue influence, in connection with this applicant. However, Senator Lauzen's interest in the applicant alone was enough to trigger Herman to direct a significant accommodation by the COL.

In another exchange in March, 2004, Hurd cautioned then-Admissions Dean Grant Keener and Pless that the speed with which a decision to admit a government-sponsored applicant might raise suspicion:

I talked with the Provost twice last night. He was very impressed at our speed in getting to [redacted]-- but also a little embarrassed, as he worried a bit that the political favoritism was a bit too obvious -- we didn't think about that! No worries. Next time we'll drag our bureaucratic feet to give him and us some cover." (UNIVER005675).

It should be noted that not all inquiries by government officials resulted in admissions. President White, for example, met with a COL applicant at the request of a state representative, but did not direct Herman or Hurd to admit the applicant.

- **University Trustees**

University Trustees also were a source of external pressure on the COL admissions process. One email exchange in 2003, for instance, noted of SI applicants that "[t]his year many more applicants are coming from Trustees" (UNIVER00231-32.)

Trustee Eppley's influence played a role in the decision-making process with respect to an acquaintance's son who was waitlisted with the earliest potential acceptance date of May 2005. During his testimony, Eppley acknowledged that, as a result of his correspondence with Herman, this applicant was admitted immediately in April of that year. (7/14/09 Transcript of Eppley Commission Testimony at 92:3-8.).

In other instances, inquiries were made by Trustees Shah, Sperling, Dorris and Vickrey. For example, Trustees Sperling and Vickrey also approached Herman about applicants to COL. In an April 2005 email, Herman forwarded an inquiry from Sperling to Hurd. Herman denied the applicant admission, heeding Hurd's advice that the applicant should be denied admission due to an "abysmal GPA" and because the applicant "would take up a crucial spot that [COL] would otherwise really want to use for a woman." (UNIVER003172) Vickrey also approached Herman about an applicant to COL in 2008. (ARC 1220) Herman directed his assistant: "Just ask Paul Pless if they are all done."

Pressure from University officials — whether originating with Trustees or generated by the officials themselves — resulted in a number of forced admissions to COL. In the first year in which Hurd was Dean (2002-03), the College was admitted six external SI applicants. Pless testified that, between 2003 and 2007, COL was forced to admit an additional 24 external SI applicants who otherwise would not have been admitted by the admissions office. Hurd testified that the number of external SI admissions made before she became Dean may have been "considerably higher" than during her tenure because prior Deans did not resist the external pressures: "[W]hen I came in, all evidence suggested to me that nobody had ever been pushing back, that the numbers had been presumably considerably higher." (7/8/09 Transcript of Hurd Commission Testimony at 75)

COL's Response To Forced Admissions

As indicated above, COL's response to forced admissions from the Chancellor's Office was more one of resignation rather than resistance. Early documents show acceptance of the process by COL officials and reveal that then-Provost Herman and officials in the Governmental Relations Office discussed SI applicants as a matter of course: "Provost Herman, Steve, and Rick Schoell will be meeting next week to assess all of these 'watch' cases and try to determine a priority list before Dr. Herman speaks to Dean Hurd." (UNIVER00231-32.)

Shortly after she joined COL, Hurd expressed an interest in becoming involved in the process for SI applicants. (UNIVER00231-32.) From the beginning, Hurd made clear that she would accept SI applicants from Herman, but only for a price. In a December 2003 email, Hurd described her role the prior year — her first year as Dean — as "bargaining": "Even when the Provost agreed to deny students last year, he twice changed his mind, and that got us into hot water. Also, I found that I was bargaining for better students over better-connected worse students . . ." Hurd outlined her plan for the coming year, instructing admissions officials to put all external SI applicants on "hold" and to keep their files separately: "Then I'll do my best to keep the number of Provostian admits to a minimum, and extract payment for them." (UNIVER000032)

Hurd's approach, adopted at the outset of her deanship, to "extract payment" for forced SI admissions, remained consistent throughout her term, both in the form of

obtaining scholarship funds to "offset" damage to COL caused by forced admissions, and in her communications with Herman regarding the pursuit of jobs for COL students, in exchange for special admissions. A 2003 email shows that Hurd obtained three full scholarships that year to offset damage to COL due to forced SI admissions. (UNIVER000032.) On another occasion, Herman gave COL two full-tuition scholarships in return for admitting SI applicants. (See UNIVER000036.)

Scholarships In Exchange for SI Admissions

Hurd's statement includes a lengthy discussion as to why the offers of scholarship money did not constitute a formal "quid pro quo." But that analysis misses the point. Whether an actual quid pro quo or not, the exchange of scholarship money for forced admissions of SI applicants who otherwise would not have been admitted creates the *appearance* of impropriety, and senior University officials, whether the University Chancellor or the COL Dean, should have known that such behavior would appear unseemly and improper, and would, if known, damage the reputation of COL and the University. In this regard, the Commission concurs with President White's assessment:

"At a bare minimum, it seems to me that's not a good judgment about -- about two things, about admitting subpar candidates and then about using University resources to attract candidates to offset the lower scores. It seems to me that's not a good judgment. Whether it's any more than that, I don't know." (7/27/09 Transcript of White Commission Testimony at 197-99).

(b) "Internal" SI Applicants

Like the external SI applicants described above, the process of identifying internal SI applicants posed problems at COL, although to a lesser extent. An internal SI applicant was one whom COL itself chose to track, such as applicants sponsored by COL faculty and donors, and applicants of whom the admissions staff thought highly (e.g., an applicant who left a favorable impression at a recruiting event, or who had a letter of recommendation from a prominent individual). Sometimes, internal SI applicants were flagged by COL's Alumni and Development Office, now the Advancement Office. (7/6/09 Transcript of Pless Commission Testimony at 162:2-6.)

Both Pless and Hurd testified that there were no instances in which COL was directed to accept an "internal" SI applicant who otherwise would not have been admitted (e.g. 7/8/2009 Transcript of Hurd Commission Testimony at 106:16-20.). There do appear to have been instances, however, in which internal SI applicants sponsored by "high profile donors" were admitted to COL even though their median GPAs and LSAT scores were below the target median for that year's incoming class. In a March 27, 2007 email to Hurd, Pless explained:

We currently have admitted 6 SI applicants for the Class of 2010. These all came from high profile donors of the College. While all six have LSAT's below the median and 4 have GPA's below the median, overall they would have fit the profile of the College's entering class 3 years ago with an average LSAT of 162 and GPA of 3.6. (UNIVER000010)

Another email contains an exchange between Hurd and developer Peter Fox, who was regarded as a friend of COL. (UNIVER003406-07.) Hurd explained to Fox that, based on the GPA and LSAT of the applicant at issue, the chances of admission were small:

I will tell you that the while [his or her] LSAT score would have resulted in easy admission just three years ago, our median LSAT is now a 166. . . I don't have the ability to make admission decisions (on pain of being tarred and feathered by the Faculty Admissions Committee that `owns' our admissions process), but I will definitely ask the Faculty Committee to take another very careful look at [his or her] application . . ." (UNIVER003407.)

On April 6, 2007, Pless advised Hurd of a telephone conversation between Pless and Herman during which several SI applicants were discussed:

"Just got off the phone with the Chancellor, . • Since Peter Fox's person is important to us and to campus, I will try to make that one work but I would like to wait until after April 20th to make sure it will have no impact on the numbers." (UNIVER000008)

Pless's email also referenced another SI applicant sponsored by "Peer" (believed to be COL donor Peer Pederson) whom Herman suggested be denied:

He did mention that since he was holding the line of these he expects us to do the same. He specifically mentioned Peer's second request and said that we shouldn't let her in. The Chancellor doesn't want it to get around that someone with lower numbers was admitted. (UNIVER000008)

Thus, outside influence, involvement by the Chancellor's Office, and consideration of non-merit based factors also affected the decision-making on internal SI applicants.

* * *

The instances of SI admissions referenced above illustrate problems of institutional culture at COL under Hurd's leadership. Hurd claims she had no authority to refuse SI admissions, yet based on the evidence available to the Commission, she

never exhibited or persisted in real resistance in response to the directives of superiors to admit substandard applicants. (7/8/09 Transcript of Hurd Commission Testimony at 80-81) Instead, she assumed that these directives were made "in the interests of the larger institution," without apparently inquiring as to what those interests were. To be sure, Hurd should not have been placed in the position of having to fend off highly dubious administration directives in the first instance. But, nevertheless, more should be expected of Deans, particularly when their subordinates, as Pless did here, forthrightly step forward with pleas for assistance.

This approach stands in stark contrast with the policy put in place by current COL Dean Bruce Smith. Smith testified before the Commission that he has instructed Pless and his staff as follows:

"I have no interest in special anything; special interest, special admit, special categories, special consideration. My view is that every candidate needs to be treated equally and equally well. I've also told them, ah, with respect to other teachers that we will not be operating in this manner. Crystal clear."

(7/8/09 Transcript of Smith Commission Testimony at 162:23-163:5.)

Since becoming Dean, Smith has not received calls from Trustees, the Chancellor's Office, the Provost, or anyone else regarding an applicant to COL. As Smith has unequivocally declared, under his watch, an inquiry will only be answered if it is made by the applicant him/herself. In addition, Smith testified that the "proper mechanism for words of support are letters of recommendation," which is COL's "established policy." This policy is evidently working: there are no SI admissions for the recently admitted COL Class of 2010.

And while COL now appears to have taken appropriate steps to rid itself of undue influence in admissions, the Commission would recommend that the Dean continue to address the culture that led to the problems. In this regard, we point to the use of language in emails — some but not all of which are discussed herein — that has no place in correspondence among public servants. With the privileges of serving this State do not come the rights to disparage any of its People while on official business, particularly in documents that essentially belong to the People. We trust that, along with all necessary training and education to implement any admissions-related reforms, COL will take steps to ensure that its personnel, from top-to-bottom, conduct themselves at all times with all due professionalism and courtesy.

C. College of Business (MBA) Admissions

1. **Official Admissions Process**

The University's Masters in Business Administration (MBA) program is part of the College of Business (COB). The College's Dean is Lawrence DeBrock, and Jaquelin Wilson serves as Director of Admissions for the MBA program.

a. Completion of Application

The MBA admissions process consists of several steps, beginning with an applicant's completion of his or her application. Applications become complete once the MBA program receives an applicant's transcripts, personal essay, letters of recommendation, Graduate Management Admissions Test (GMAT) scores, and employment history. If the applicant is from a non-English speaking country, he or she must also supply a Test of English as a Foreign Language (TOEFL) score.

b. Initial Reviews by Admissions Personnel & Interviews

Once an application is complete, it receives a "first read" by either the Assistant or Associate Director of Admissions. The first read results in a categorization of the application as "interview," "waitlist," or "deny". If the application is categorized as "interview," the applicant will receive an email invitation for an on-campus interview. All applicants who accept an invitation to interview are interviewed by Wilson. Phone interviews are permitted if circumstances prevent an applicant's travel. If the applicant is waitlisted or denied upon initial review, the application is given a "second read" by a group of second year MBA students, who recommend whether the applicant should be interviewed, waitlisted or denied. (7/22/09 Tr. 107:22 – 108:14).

c. Final Review by Admissions Director

All applications are given a "third read" by Wilson, who makes the final admission decision. Among other attributes, Wilson considers an applicant's GMAT score, undergraduate grades, leadership qualities, work experience, and letters of recommendation. If an admissions decision is less than clear, Wilson will involve others to reach a collaborative decision. (7/22/09, Tr. 109:24 – 110:19). After the MBA program decides to admit an applicant, the Program compiles an application packet with data supporting its decision and transmits the packet to the University's central graduate college ("the Graduate College") for review and final approval. The Graduate College acts as a "marshal" that reviews the admissions of each University graduate school. The Graduate College has historically deferred to the MBA admissions office on admissions decisions. (7/22/09 Tr. 7:21 – 9:3)

2. DeBrock's and Wilson's Understanding of Category I

DeBrock was introduced to Category I when he served as interim Dean of COB. (DeBrock was promoted to Dean in May 2009.) At that time, DeBrock understood that Category I was related to the admissions process for students with special characteristics, but he did not have detailed knowledge of Category I.

Wilson stated that she was unaware of any lists kept to track certain applicants until recently, when she heard about such lists from media accounts of Category I. She did, however, have knowledge of “special admit” applicants. She defined special admits as those applicants who had not met the standard admissions criteria, but who gained admission to the University regardless. Wilson further explained that letters of recommendation from elected officials are not accorded extra weight in the MBA admissions process merely because the recommenders are elected officials. Letters of recommendation are considered only to the extent that the recommenders know the applicant and have knowledge of the applicant's work. Wilson estimated that the MBA admissions office receives one letter per year from elected officials regarding applicants. Wilson did not receive calls from elected officials, donors or trustees inquiring about MBA program applicants, nor was she familiar with the University's Governmental Relations staff.

3. Shah-Sponsored MBA Applicant

Virtually without exception, all MBA applicants are subjected to the procedures and substantive review outlined above. And virtually without exception, all denials by the MBA admissions office are considered final – there is no appeals process, no reconsideration process and no “special review” process. The Commission's inquiry discovered only one exception to these twin principles – an exception made for an applicant sponsored by Trustee Shah – during Wilson's tenure as Director of Admissions.

In early March 2008, Shah sent an email to Herman, inquiring as to an MBA applicant from India: “Would you take a moment to review his application status[?]?” (ARC 1652). Herman proceeded to contact COB, and was “strongly” told “that [the applicant] would have great difficulties.” (Id.) Herman explained as much in his email response to Shah, and also pointed out that the applicant had already been denied admission by COB based on a low GMAT score and a low GPA, which raised “serious concerns about [the applicant's] ability to handle the academics of the MBA program.” (Id.)

In a March 28, 2008 email to Herman, Shah revisited this applicant, and asked Herman, “Do you think we can help [the applicant]?” Shah stated the Indian school from which the applicant “graduated has a different way of grading,” and requested that Herman provide an answer because Shaw was “to visit his family next week in India.” (ARC 712-13). Shah concluded the email by suggesting that the applicant be put “on probation during the first year.” (Id.)

Two days later, on a Sunday, Herman forwarded Shah's March 28 email to his assistant Phyllis Mischo, with the comment, "[n]eed to resolve on Monday." (Id.) Later on Sunday, Mischo, in turn, forwarded the same email to Keith Marshall, advising: "Dr. Herman would like to provide a response tomorrow since Trustee Shah will be visiting this family in India this week." (Id.)

By Wednesday, April 2, this Shah-sponsored applicant was admitted to the MBA program. DeBrock, who at the time was interim COB Dean, announced the admission in an email that day to Herman:

I am pleased to write with the news that [the applicant] will be admitted to the incoming (Fall 2008) Illinois MBA program.

The MBA program leadership provides its strongest recommendation that [the applicant] pursue a summer course in statistics and perhaps accounting. This could be an online offering, but [the applicant] needs to have adequate preparation for the rigorous first year of the program.

(ARC 1648) In concluding his email to Herman, DeBrock wrote: "As always, thanks for your support and contributions."

DeBrock testified before the Commission that he made this admissions decision. Herman promptly forwarded the DeBrock email to Shah with the authorization to "transmit this to the family." (Id.)

In the meantime, however, as DeBrock was announcing a decision that he had already made, his Director of Admissions, Wilson was separately undertaking an expedited review of the applicant's credentials. Wilson sought to determine whether the school's denial ought to be reconsidered, wholly unaware of DeBrock's unilateral decision. Wilson's review was important because, in addition to the applicant's weak academic credentials, it was unclear whether the applicant had adequate English language skills and whether the Indian institution from which he had purportedly graduated was even accredited. And, as it turned out, the admissions office was never able to confirm accreditation, although it did confirm its initial assessment of the applicant's substantially substandard GPA.

Indeed, as much as a week after DeBrock admitted the Shah-sponsored applicant, the admissions staff was laboring under the mistaken assumption that they were performing a review that, given the serious problems and deficiencies with this applicant and his application, would have to be escalated to a "special" review before any consideration for admission could be given. (UNIVER002394-2400, 2409.)

DeBrock attempted to explain this admission and his role therein as somehow consistent with the MBA program's admissions practices. The Commission strongly rejects this attempt and discounts DeBrock's testimony in this regard. As for Wilson, on the other hand, the Commission deems her comportment and candor worthy of special

recognition. The record should reflect that her testimony, which flatly contradicted that of her boss, DeBrock, in many material respects, and which this Commission credits in its entirety, was delivered in DeBrock's presence and with obvious discomfort but with just as obvious forthrightness.

Perhaps as much as any other single "special" admission, the admission of this MBA applicant demonstrates how the confluence of various factors that should be utterly irrelevant to the consideration of an application can, if allowed to, yield an indefensible outcome. Shah can fairly be criticized for encroaching on the province of the professional MBA admission staff and presuming, incorrectly, that the staff was unfamiliar with the grading practices of Indian schools, and also for creating a sense of urgency that ultimately affected DeBrock and contributed to what can fairly be characterized as a snap, and erroneous, judgment.

Herman, for his part, could have acted to ensure that COB was shielded from this Trustee's inquiries and proposals, but he instead aggravated matters by, himself, pushing for a quick resolution. Then, DeBrock, an interim Dean in the position of responding to urgent requests from his Chancellor and the then-Chairman of the Board, very quickly provided that resolution, without consulting those in his College best suited to evaluate the applicant's merits.

This instance, then, was less a breakdown in the MBA admissions process than a circumvention of that process by persons who had no official role in the process (i.e., Herman and DeBrock) and who were naturally motivated to please their superiors. Nevertheless, the fact that this process was so easily circumvented counsels in favor of a rigorous review of the process to determine whether adequate safeguards, such as those evident in COM's process, are in place.

D. College of Medicine (COM) Admissions

The Commission finds that COM has successfully managed to protect its admissions process from both external and internal pressure to admit SI applicants. The backbone of this process – the use of a 25-member faculty admissions committee that collectively decides applications – should be examined and, as appropriate, emulated by other colleges at the University.

The merit in COM's process is two-fold: first, a process that relies on a multi-member admissions committee is less likely than one with a single decision-maker to cave into pressure to admit SI applicants; and second, faculty committee members tend to be more resistant to input from outside the committee. The committee-based admissions approach of COM should serve as a model for other schools at the University – in particular, COL and certain undergraduate colleges – whose admission decisions have been subjected to, and compromised by, undue, outside influence.

1. Official Admissions Policies and Practices

COM is overseen by the University of Illinois' Chicago campus (UIC). The Commission heard testimony from COM Dean Dr. Joseph Flaherty, who provided insightful detail about COM's admissions practices and policies. Flaherty reports to the Chancellor of UIC.

COM established the central components of its current admissions system beginning in 1980. COM receives approximately 6,500 to 7,000 applications per year for 300 slots. Ninety-five percent of applicants to medical school in Illinois apply to COM. Of the nearly 7,000 COM applicants, between a quarter and a third of the applicants are screened out because their GPAs and Medical School Admission Test (MCAT) scores do not meet COM's minimum requirements. Of the remaining applicants, approximately 800 are offered interviews, and of those interviewed, approximately 600 are extended offers.

a. The Admissions Committee

All applications are reviewed by the 25-member COM Admissions Committee; one to two members are student representatives, and the remaining members are faculty. The Admissions Director, Dr. Joseph Girotti, sits on the Committee as an *ex officio* member. Flaherty does not sit on the Committee.

The Admissions Committee meets every month during the annual admissions cycle, which begins in August, to review the admissions guidelines before the committee reviews candidates. As indicated in the minutes of the first Committee meeting in 2008, the three major functions of the Committee's members are as follows:

- (1) "To attend meetings and review meeting materials prior to the meetings";
- (2) "To devote a substantial amount of time reviewing application[s] and evaluating candidates to make appropriate disposition of the applicants. The reviews will also include interviewing candidates.";
- and (3) "Formulating and recommending policies for admissions to the College of Medicine, and accepting students based on the standards to meet these policies." (8/21/08 COM Admissions Committee Minutes.)

Committee members are provided with a "Screener Sheet," which is designed to "try to get each of the committee members to use a similar review process to seek out those candidates who possess attributes, or whose involvement in activities clearly predisposes them for the study and practice of medicine." (*Id.*) The topics and applicants discussed at Admissions Committee meetings are confidential, and this policy is strictly adhered to. Prior to the January 22, 2009 meeting, it had been brought to the Acting Chairperson's attention that a committee member had been sharing application information with non-members. (1/22/09 COM Admissions Committee Minutes.) At the January 22 meeting, the Acting Chairperson reminded the members that most of the information discussed at the meetings is confidential. *Id.*

b. Review Process

A medical school applicant must submit his or her undergraduate transcript, MCAT score, personal statement, and letters of recommendation through an organization – the American Medical College Application Service (AMCAS) – that, in effect, acts as a national clearinghouse for medical school applications. (7/29/09 Hr’g Tr. 79:12–15.) Applicants choose the specific medical schools to apply to, and the AMCAS file is sent to the selected schools.

At COM, the first step in the evaluation process consists of assigning all applicants a numeric value (referred to as a “cognitive index”). (*Id.* 72:22–73:7; 74:12–13.) The index, determined by a computer formula, combines the applicant’s grade point average and MCAT score. (*Id.*) COM sets a cognitive index score beneath which applicants are unlikely to succeed. (*Id.* at 72:22–73:7.) Any applicant with a cognitive index score lower than this threshold score is automatically denied. (*Id.* at 74:15–75:24; 76:1–6.) There is no appeal from this denial. (*Id.* at 80:23–81:3.)

After this screening, the Committee, by combing through each applicant’s record by hand, assigns the applicants who have not been denied based on their cognitive score a “diversity index” score. (*Id.* at 73:8–12; 75:4–5.) Considerations relevant to this analysis include: whether the applicant is a member of an under-represented minority; the educational background of the applicant’s parents (e.g., parents who did not go to high school); any additional degrees (e.g., Ph.D.); and whether the applicant, as an undergraduate student, worked more than 20 hours a week. (*Id.* 74:11–75:1.) These factors are assessed on a weighted scale, thus making the process “fairly objective.” (*Id.* at 74:1–3.) The diversity index score is combined with the cognitive index score to form a composite score. (*Id.* at 77:1–6.)

In the next phase, the Admissions Committee reviews the applicant’s personal statement and letters of recommendation from the AMCAS file. (*Id.* at 78:6–7; 76:17–20.) Any letter of recommendation submitted outside this process is kept out of the applicant’s file and is never considered by the Committee, even if the recommender is a public official, University Trustee, COM donor, or other prominent individual. (*Id.* at 78:5–11.) Furthermore, because the same letters of recommendation for an applicant are circulated to every medical school to which that applicant applies, there is no opportunity for an applicant to submit school-specific letters through AMCAS. (*Id.* at 79:15–19.)

After the Admissions Committee reviews the supplemental information, approximately 800 candidates are offered interviews. (*Id.* at 82:22–83:1.) The interviews are conducted by faculty members, both from the Committee and those who volunteer, and students (although students do not participate in the ranking). (*Id.* at 84:2–10.) Then, at each monthly meeting, the Admissions Committee ranks the applicants under consideration and admits a certain number of applicants on a rolling basis. (*Id.* at 104:20–105:6.)

c. Overview of SI Admissions

The Commission finds that COM has successfully shielded its admissions process from outside influence by adopting sensible, effective, and transparent admissions policies and practices. This inquiry revealed no instance in which this process was circumvented or compromised so as to enable the admission of any applicant who would otherwise not have been accepted by the Admissions Committee.

Most importantly, Flaherty set a policy early on in his deanship to prevent SI requests from in any way entering into, much less influencing, the Committee's deliberations. Four months after becoming Dean, Flaherty received an admissions-related inquiry from a Trustee. Flaherty discussed the inquiry with Admissions Director Girotti, and they together confirmed and resolved that: (1) COM had not and would not admit applicants based on political sponsorship or donor status; and (2) any inquiries made by persons of potential influence would not be provided to the Admissions Committee. (7/29/09 Hr'g Tr. at 95:11-41.)

Flaherty testified that he typically receives 8-10 admissions-related inquiries in a given year from Trustees and COM donors. (*Id.* at 89:4.) With respect to Trustees, most inquiries came from Trustee Schmidt and 2-3 came from Trustee Vickrey, with the aim of determining the applicants' chances of admission. (*Id.* at 90:11-14.) Flaherty, however, made sure that the Trustees understood that the inquires would receive no special consideration: "I made very clear that admitting people with political favor of any kind is the third rail of medical school. You just can't do it . . . it's terrible for your school . . . it's also wrong in its own right." (*Id.* at 90:4-9.)

Flaherty forwarded inquires to Girotti, in order to check on the status of the application. In so doing, Flaherty always included a note stating, "no need for special consideration" to make clear that the inquiry was not a request for preferential treatment. (*Id.* at 93:1-25.) Flaherty and Girotti had a mutual understanding and agreement that these inquiries would never be relayed to the Admissions Committee. (94:11-15.) Flaherty typically responded to Trustee inquiries, as a gesture of "customer service," and nothing more. (*Id.* at 90:21-91:3.)

With respect to donors, in two instances, Flaherty had discussions with persons who appeared to link prospective donations to COM with the admissions of relatives who had applied, or intended to apply, to COM. Flaherty's reaction was straightforward – "That's wrong, we can't do that, we wouldn't do that." (*Id.* at 92:2-10.) Overall, Flaherty testified that he never felt pressured by anyone to accept an applicant. In fact, he and then-Chancellor of UIC, Sylvia Manning, were in agreement that admissions standards should not be changed under pressure. (*Id.* at 99:14-21.)

The Commission notes that several aspects of COM's admissions process safeguard the process from undue influence. First, this process is entirely internal to COM. There is no role whatsoever for any person or office outside COM, such as the Chancellor's Office, the Governmental Relations Office, Trustees or donors, to intervene in the process. (*Id.* at 84:15-85:2.)

Second, the COM Dean understands that his role is to act as a “buffer” between outside persons and the Admissions Committee. (*Id.* at 78:5–13.) For instance, when Flaherty receives a letter or an email from a Trustee, faculty member, the Chancellor or a prominent public figure recommending an applicant to COM, the correspondence “stays in [his] office” and is not routed into the applicant’s file. (*Id.* at 78:5–11; 80:4–7.) As such, the Admissions Committee is fire-walled from SI requests both in theory and in practice.

Third, COM’s committee-based approach to admissions would require a “conspiracy of 25” to subvert – a possibility made even more remote by the general inclination of faculty members to look unfavorably upon efforts of prominent individuals to affect admissions outcomes. (*Id.* at 101:12–102:9.) As Flaherty observed, “if someone’s trying to sneak one in, how do they convince 25 other people.” (*Id.*) Trustee Schmidt likewise testified to the impenetrability of COM’s admissions process. (7/14/09 Tr. 188:11–15.)

Still, the Commission cautions that any process, no matter how well designed, ultimately depends on the quality and competence of those who administer it. Any focus on process – and the University needs much of this – should never lose sight of the equally critical imperative of installing compliance- and ethics-minded persons who can achieve the process’s intended results.

2. Select Specific Instances

The Commission notes five COM inquiries by Trustees and one through Terry McLennand in the Governmental Relations Office. With respect to the Trustee inquiries, two were made on behalf of public officials – one for Blagojevich by Trustee Eppley and the other for Illinois House Speaker Michael Madigan by Trustee Schmidt. The Commission finds that none of these inquiries materially compromised the integrity of COM’s admissions process. All five applicants were denied admission to COM.

a. Trustees

- In April 2003, Eppley made an inquiry to Manning about a transfer applicant. COM would not admit the applicant, but Manning wrote Eppley an email outlining the conditions the applicant would have to meet in order to be admitted to COM. A letter to the applicant outlining the same followed. (7/29/09 Tr. 114:1–6.) Flaherty acknowledged that the writing of such a letter constituted a deviation from COM’s established practice, but the applicant was ultimately denied admission in 2007 and 2008. (*Id.* at 114:14–16.)
- In January 2004, Shah emailed former President Stukel requesting an extension of the application deadline for an applicant Shah personally knew. (ARC 2043.) Shah stated that the applicant was told by COM that his or her application was ineligible because the applicant’s third letter of recommendation was missing. Shah asked Stukel for a 24-hour extension so that the applicant could follow up on his or her letter of recommendation. The

extension was granted by COM. Although this applicant was denied admission, this appears to be an instance in which an applicant was afforded a special privilege based on a Trustee's influence.

- In February 2006, Eppley, on behalf of Blagojevich, approached President White regarding a foreign student applying to COM. (ARC 2037.) COM's general policy is to not admit foreign students. (7/29/09 Tr. 110:11–16.) An email from Manning states, “Dean Flaherty has been kept in the loop.” Flaherty testified that he was concerned that by initiating a conversation with the President and Chancellor, Eppley was looking for a back door into COM. (*Id.* at 110:21–111:7.) Accordingly, he wanted to be apprised of the situation. Eppley asked Flaherty to change COM's policy, but he refused to do so. (*Id.* at 111:21–112:1.) The applicant was denied.
- In January 2007, Schmidt, purportedly on behalf of Speaker Madigan, requested admissions counseling for a denied applicant. (ARC 2139.) (Admissions counseling is a service that COM offers to denied applicants and is advertised on the school's website. (7/29/09 Hr'g Tr. 119:23–120:10.)) Flaherty sent an email to Girotti to set up the counseling session and to “call Schmidt when we have the date and time he is coming in as Speaker Madigan is asking about him.” (*Id.*) Flaherty testified that Madigan never contacted him, but he believes that Madigan called Schmidt. Notably, Flaherty wrote at the bottom of the email, “be clear, there is no pressure from anyone to accept him, just do the admissions counseling.” (ARC 2139.)
- In March 2008, Schmidt forwarded an email he had received from an impassioned parent of an applicant who thought he or she had been denied. (ARC 2140.) Flaherty checked on the status of the application and determined that he or she had actually not been denied, although the applicant was eventually denied in 2008 and 2009. (7/29/09 Tr. at 127:1–8.)

b. Governmental Relations

- In November 2005, State Representative Lou Lang sent an email he received from a student to Beth Hamilton, asking her to forward the email to McLennand and to tell him “that this one is IMPORTANT.” (ARC 2107–08.) McLennand forwarded the email to a contact at the Chicago campus and asked her to check on the status of the application. Based on information supplied by the University, this applicant was admitted to COM. There is no information indicating that the advocacy of Representative Lang ever influenced, or even became known to, the Admissions Committee.

V. RECOMMENDATIONS

The Commission's proposed reforms flow from the basic premise that the administration of admissions (as distinguished from the setting of admissions policy) ought to be left to admissions professionals. This premise is supported by the record

before the Commission, which reveals that the personnel in the various admissions offices of the University are highly capable and clearly dedicated to the core mission of enrolling students of accomplishment and promise who will make positive, meaningful contributions to University life. Particularly if permitted to do their jobs free of undue influence, these admissions professionals will no doubt continue to deliver classes that will succeed according to accepted performance benchmarks (e.g., retention and graduation rates) at levels well beyond those achieved by most of the University's peer institutions.

A. Review of University Leadership

- **Trustees Should Voluntarily Submit Letters of Resignation:** By a vote of 6-1 (Commissioner Vander Weele, dissenting), the Commission calls on all members of the University Board of Trustees to submit their resignations and thereby permit the Governor to determine which Trustees should be reappointed, in light of the information set forth in this Report and all other information the Governor deems relevant. Relatedly, the Commission notes that it received testimony from the University Alumni Association (UIAA), former University Presidents, and others regarding the process for appointing University Trustees. The Commission recommends that the Governor undertake a review of the University Trustee selection process to determine whether the current process should be revised to include greater involvement of organizations, such as UIAA, whose members share the interests of the University.
- **Governor Should Charge New Board with Conducting Thorough and Expedient Review of University Administration:** The Commission unanimously recommends that the Governor charge the new Board, once constituted, with –
 - (a) conducting a thorough and expedient review of the conduct of the University President, the UIUC Chancellor, and other University administrators, in connection with Category I admissions; and
 - (b) taking any and all appropriate personnel action based on its review.

B. Enhancing Ethical Governance

- **Establishment of Ethics & Compliance Committee:** The Commission unanimously recommends that the new Board establish a committee of the Board with the responsibility to develop and administer a robust orientation and training regimen for all Trustees, in accordance with best practices identified by governance experts in higher education (e.g., Association of Governing Boards). This regimen should include a requirement that all Trustees annually certify that they understand and will abide by applicable rules of conduct, including any related to admissions matters.

C. Admissions Policy

- Eliminate Category I – The Commission unanimously recommends that the University establish a written policy that expressly eliminates Category I and any other admissions process that gives special or other preferential treatment to applicants based on the support of public officials, University Trustees or administrators, donors, or other prominent individuals.
- Creation of “Firewall” Around Admissions – The Commission unanimously recommends that the University establish written admissions policies that –
 - (a) clearly define, to the extent practicable, the factors considered in admissions decisions;
 - (b) permit inquiries to admissions personnel regarding the status of applications only by applicants themselves, or their parents, guardians, relatives, clergy, or other persons with a similar relationship to the applicants who have been authorized by the applicants to make inquiries on their behalf;
 - (c) prohibit the consideration of an applicant’s sponsorship by a prominent individual, or the applicant’s receipt of a GA Scholarship, unless –
 - (i) all applicants are openly required or permitted to submit such information as part of the college’s official admissions process; and
 - (i) the information is submitted in an appropriate, prescribed form (e.g., formal letters of recommendation); and
 - (d) subject University personnel who violate any such policy to discipline up to and including termination.
- Re-evaluation and Disclosure of Appeals Processes – The premise of the appeals process that the University’s undergraduate admissions office administers is that it affords an applicant the opportunity to present new, material information, or correct a perceived wrong, in order to achieve a more fair result. This process, as applied to Category I, too often failed to achieve fair results, and, indeed, was a virtual secret process mainly known and accessible to clouted applicants. Accordingly, the Commission unanimously recommends that the undergraduate admissions office re-evaluate its appeals process. If the University decides to maintain an appeals process of some sort, that process must be fully open and accessible to all applicants, and the criteria and process for appeal should likewise be clearly described and fundamentally fair.
- Process for Handling Third-Party Inquiries – The Commission unanimously recommends that the University establish a means by which admissions-related inquiries from prominent individuals or other third-parties may be appropriately fielded and responded to without breaching any “firewall” established by the University. Relatedly, the Commission recommends that the University adopt a policy of documenting all such inquiries and notifying

inquirers that such documentation is subject to disclosure under the Illinois Freedom of Information Act.

- Best Practices Review & Implementation – The various University admissions offices should review and, as appropriate, implement those practices of other admissions offices at the University or elsewhere that enhance the fairness and openness of admissions decisions. In this regard, the Commission holds in high regard the admissions process of the College of Medicine (COM), which, from all indications effectively and fairly –
 - (a) considers substantive cognitive and non-cognitive criteria in its “holistic” evaluation of applicants;
 - (b) precludes the consideration of information that could create a risk of undue influence in admissions decisions;
 - (c) relies on a faculty-based committee that distributes decision-making authority across many people and thereby makes it exceedingly difficult for any particular applicant to gain admission based on any improper considerations.
- Ensure Diversity Among Admissions Officers – The Commission unanimously recommends that the University examine whether persons of diverse backgrounds are adequately represented in its admissions offices and committees, and, if deemed appropriate, take steps to increase the number of diverse persons in these offices and committees to enhance the diversity and inclusiveness of the admissions process.

D. Enforcement

- Inspector General Dedicated to Higher Education – The Commission unanimously recommends that the General Assembly enact legislation creating an inspector general dedicated exclusively to the State’s universities. An inspector general with sufficient resources and expertise in the issues unique to universities is necessary to enable robust detection, deterrence, and enforcement of violations of rules of conduct. Alternatively, the existing Office of Executive Inspector General (OEIG), which has jurisdiction over State universities, should be afforded additional resources to enable the OEIG to devote substantially more attention to these universities.

VI. CONCLUSION

We, the Members of the Admissions Review Commission, respectfully request that your Honor, the Governor of the State of Illinois, give all due consideration to the findings, conclusions, and recommendations set forth in this Report, and take all action you deem necessary and appropriate in accordance therewith.

Respectfully submitted,

Admissions Review Commission
State of Illinois