

233 S. Wacker Drive, Suite 5800
Chicago, Illinois 60606
Tel: +1.312.876.7700 Fax: +1.312.993.9767
www.lw.com

FIRM / AFFILIATE OFFICES

Abu Dhabi	Munich
Barcelona	New Jersey
Brussels	New York
Chicago	Orange County
Doha	Paris
Dubai	Rome
Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Shanghai
London	Silicon Valley
Los Angeles	Singapore
Madrid	Tokyo
Milan	Washington, D.C.
Moscow	

LATHAM & WATKINS LLP

July 24, 2009

BY MESSENGER

Ted Chung
Counsel to Admissions Review Commission
Office of the Governor
James R. Thompson Center
100 W. Randolph, 16-100
Chicago, IL 60601

Re: University of Illinois -- Admissions Reform Ideas

Dear Ted:

As you know, I represent the University of Illinois (the "University") in connection with the activities of the Admissions Review Commission (the "Commission"). From the outset of Governor Quinn's mandate creating the Commission, it has been the University's goal to assist and cooperate with the Commission in every regard. In the past weeks, the University has provided the Commission unprecedented access and transparency regarding admissions practices and policies. The University has produced thousands of pages of materials, and made available dozens of witnesses, often on short notice, to help ensure that the Commission had unfettered access about all aspects of our admissions policies and practices. We have the utmost respect for the Commission, you, and your capable staff. We embrace the opportunity to consider improvements to our admissions practices, and we look forward to the Commission's final report due on August 8. Until the completion of the Commission's work, the University will continue to assist the Commission in any way possible.

To that end, the University Administration, at the direction of the Board of Trustees, has conducted its own examination with regard to admissions reforms that would improve the quality and integrity of our admissions practices. I have set forth below some proposed changes to the admissions practices that the University believes will address the problems that have arisen. These ideas stem from numerous considerations by the University, including: (i) the testimony before the Commission, including comments and questions by the Commissioners; (ii) witness interviews by Commission staff, in which University counsel has participated; (iii) the University's own internal interviews and research; (iv) conversations and discourse among University leadership at all levels; (v) analysis of admissions materials from 20 peer institutions across the nation (top-tier public research universities); (vi) review of materials from organizations such as the National Association of College Admission Counseling; and (vii) the

LATHAM & WATKINS LLP

University's own experiences – good and bad – in dealing with the challenges posed by managing an admissions system for a large public institution.

These proposed changes to the University's admissions practices are not intended to be exhaustive or comprehensive. They are, however, meaningful and fundamental changes that would improve the admissions process without being impractical or unfair. Accordingly, it is the hope of the University that the Commission will consider these measures in its discussion and assessment of possible reforms.

The University of Illinois is proud of its high academic standards and its stature as one of this nation's leading public higher education institutions. We fully expect to continue our tradition of excellence on behalf of our students, faculty, alums, and indeed the entire State of Illinois. It is important to note that, in our view, the University's admissions process is fundamentally a good one. It is undisputed that the qualifications of incoming students to the University of Illinois are at an all-time high. The Admissions Department has worked hard over the years and is staffed with capable and thoughtful professionals. As you know, the isolated incidents of poor admissions decisions identified through the Commission's fact-finding process are an extremely small percentage of the overall admissions at our great University.

It is our firm view and belief that three principles should guide the admissions process: fairness to the applicants; equality of access; and transparency in process. We must apply those principles consistent with the need in the admissions process to build the best class possible, mindful of all proper admissions criteria and the best interests of the University. We believe that any admission based on improper influence or consideration is unacceptable. Each and every applicant to the University deserves equality in admissions consideration. We, as a public institution, must guarantee that every student seat will be filled based on fair and transparent criteria, not on "clout." To that end, we submit these ideas:¹

1. Create a Code of Conduct Regarding University Admissions

We recommend the creation of a Code of Conduct in connection with University Admissions at all levels. Such a Code of Conduct would explicitly state, among other things, that:

- Improper interference in admissions will not be tolerated under any circumstances; and

¹ Please note that these ideas are mindful of the material differences between the admissions process for undergraduate colleges and the process for admission to graduate and professional schools. For example, the sheer number of undergraduate applicants (approximately 26,051 applications for the 2009 admissions cycle) makes letters of recommendation impractical. Such letters are an essential component, however, at certain graduate and professional schools. For that and other, related reasons, it is critical that graduate and professional schools have autonomy to draft their own admissions requirements and procedures. The below ideas will complement and guide that process, as well as setting the tone and the ethical mandates for all University admissions.

LATHAM & WATKINS LLP

- All University admissions will be determined based solely upon criteria established in written admissions policies and not by external considerations or influences except as expressly authorized under those policies.

Transparency should be an overarching priority of the Code of Conduct. The Code of Conduct should also include a periodic audit of compliance to the policy, as well as establish a mechanism for awareness and enforcement of its provisions. To render effective the enforcement, the University should establish and publicize channels for all personnel to seek guidance on compliance with the Code and to report possible violations.

2. Create a central, exclusive and transparent Admissions Inquiries Ombudsman

The University recommends the creation of a centralized receiving mechanism for all inquiries regarding student applications in the Urbana undergraduate program. This function could be established in the form of an Admissions Inquiries Ombudsman within the Department of Admissions. This Admissions Inquiries Ombudsman would function as the sole and exclusive means of inquiring about the status of a student application. To ensure full transparency, all inquiries made to the Ombudsman would be maintained in an inquiries log, which would be a public record under the Illinois Freedom of Information Act subject only to the requirements of FERPA and other privacy laws. For those schools and colleges that do not already have a central and transparent inquiries system, we would recommend the creation of a similar inquires ombudsman within their respective admissions offices.

3 Eliminate mechanisms for improper or unequal external influence

To further ensure against improper influence on admissions decisions, the University also recommends the following:

- Eliminate "Category I"; and
- Prohibit any role or involvement by non-Admissions University personnel, officers or trustees, as well as any non-University third persons, in admissions decisions, other than as specifically authorized by University policy, the applicable written admissions policies and/or through the central and transparent inquiries intake system recommended under number 2 above.

LATHAM & WATKINS LLP

4. Promulgate and publish written appeals policies for admissions

The University recommends creating written appeals policies for each school or college, as relevant. For undergraduate admissions at the Urbana-Champaign campus, the policy will be not to allow appeals except under certain identified circumstances, such as a material error by the University or a significant and unexpected change in the applicant's circumstances since the initial application was filed. If the admissions process works, successful appeals should be rare. Accordingly, the appeals policies likely should include cautionary language, such as "Historically very few denials are reversed on appeal."

5. Establish Revised Admissions Governance Policies, to Include Admissions Committees

The University would revise and clarify existing University policies that define the roles and responsibilities of admission officials and faculty committees in making student admissions decisions ("admission governance policies"). As part of that initiative, the University would urge each school or college to create an Admission Committee to administer and oversee the admission programs and would vest such committees with autonomy to make final admission decisions. As a number of witnesses testified, admission processes need to vary widely by campus and program, and between undergraduate and graduate/professional programs. Admissions governance policies need to be carefully crafted not to be too prohibitive as to preclude admissions officials and committees from making appropriate decisions, and rather should enable them to utilize best practices and maintain highly competitive admission standards.

The proposed Admissions Committees would include senior administrators and faculty from the respective school or college. Each Committee would be responsible for working in consultation with the Department of Admissions and/or the separate Admissions office of the respective school or college. The Committees should have a particular role and focus in assisting with decisions on borderline applicants.

6. Undertake One-Year Intensive Review

Once the changes in the admissions process have been implemented, the University proposes to initiate a one-year, intensive review of all admissions policies and procedures to ensure that they are sound, ethical, and consistent with the above-proposed reforms. As part of this Review, the University would address whether the guiding principles of fairness, equality and transparency are being met. To do so, the one-year Review process would focus on, among other things:

- Ensuring that admissions policies of each school and college are clear and comprehensive;
- Ensuring that all admissions policies and procedures are readily available to all prospective applicants through the University's web site and otherwise; and

LATHAM & WATKINS^{LLP}

- Making clear how applicants properly can communicate with the University regarding admissions, including with regard to any complaints or concerns about the admissions process.

7. Continue to strictly enforce applicant privacy protocols

Lastly, consistent with the priorities of the National Association for College Admission Counseling (NACAC) and both State and Federal law, the University should make privacy of applicant records and admissions status a priority. Keeping in mind that outside admissions inquiries may carry with them undue weight, a commitment to absolute privacy of admissions decisions could help alleviate potential external influence or the perception thereof.

As noted, we are grateful for the hard work of the Commission and we eagerly await the August 8 report. We hope that you find the ideas expressed in this letter useful in that regard. We invite dialogue with you and the Commission regarding these ideas and any other matters you may wish to discuss related to improving the admissions system at the University of Illinois. As always, please do not hesitate to write or call me at 312-876-6534 to discuss this letter or any related matters.

Very truly yours,



Zachary T. Fardon
of LATHAM & WATKINS LLP

cc: Board of Trustees, University of Illinois
B. Joseph White, President, University of Illinois
Tom Bearrows, General Counsel, University of Illinois
Steve Veazie, Deputy General Counsel, University of Illinois