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**STATE OF ILLINOIS**  
**Admissions Review Commission**  
**Friday, July 31<sup>st</sup>, 2009**  
**James R. Thompson Center**  
**100 W. Randolph Street, 16-503**  
**Chicago, IL 60601**

1 [START TAPE 1 SIDE A]

2 MR. ABNER MIKVA: - - we haven't heard from  
3 Ms. Lowry yet. As you know she's had a death in  
4 her family and it's hurt her personal schedule.  
5 It's is very troublesome at this point. I  
6 gather, Ted, that you've received ideas and  
7 suggestions and talked to all the Commissioners.  
8 You have their ideas, what exceptions.

9 MR. THEODORE CHUNG: Judge, I think to some  
10 extent we've heard from all Commissioners. We  
11 need to continue to follow-up with some of the  
12 Commissioners, to get all of their thoughts and  
13 then the idea was to be able to consolidate the  
14 various proposal for the form into a master  
15 document that could then be distributed for  
16 further comment. In light of the factual, the  
17 factual aspect of the report, that we also  
18 expect to be able to get close to final draft  
19 form, maybe in a week.

20 MR. MIKVA: All right. Let's talk about the  
21 format first and see if we have a consensus on  
22 that. I envisioned a very brief introductory  
23 paragraph and then the statement of the facts as  
24 we've heard them bringing in the record that has  
25 been cumulated here and again, I don't think we

1 have to go to everything we've heard but all  
2 the stuff that is relevant to the information  
3 that we agree on. - - and then the  
4 recommendations themselves, what we've heard. I  
5 hope the document is short enough that we don't  
6 need an executive summary because as you all  
7 know, - -

8 MR. CHUNG: [interposing] Judge, I didn't  
9 get to inform you where I'm at.

10 MR. MIKVA: The problem is the longer the  
11 report the less likely it gets read and, um,  
12 usually when you see an executive summary, at  
13 that point you almost concede that most people  
14 will not get beyond that. If that's the way it  
15 is, - - or not.

16 MR. CHUNG: Well there is a lot of factual  
17 information to cover and the thing that I would  
18 also note, Your Honor, is in light of what's  
19 come before this commission is information that  
20 relates to a lot of different parts of  
21 university, a lot of different colleges,  
22 undergraduates, graduates, a lot of individuals.  
23 To, to give the record its due I mean we all  
24 have to go into some level of detail. Hopefully  
25 not - - .

1           MR. MIKVA: I'll tell you one of the  
2 advantages and disadvantages of my age is I'm  
3 old enough to remember something called the  
4 Eisenhower Memo and at the time, 20 some odd  
5 years later, I thought that was the most  
6 outrageous statement about public police I'd  
7 ever heard. President Eisenhower made it clear  
8 that he'd prefer a memo that was one page or  
9 less. The idea of the President of the United  
10 States making these complicated decisions on a  
11 memo that was one page or less and obviously he  
12 got memos that were a lot longer than one page  
13 but he admitted they used to go to the bottom of  
14 the pile. After 50 years in Government, I'm  
15 aware that, whether it's a sound philosophy or  
16 not, he's speaking the truth.

17           MR. CHUNG: Yeah.

18           MR. MIKVA: The longer the document, the  
19 less likely it is to be read by the policymakers  
20 that we want to read them. Having said that,  
21 some documents have to be longer than a page.  
22 I've already conceded it may have to be at least  
23 two pages. Anyway, let me go on with the  
24 format. If it's, my own opinion, if it's longer  
25 than eight or nine pages, well I guess it

1 probably will be we probably won't need an  
2 executive summary. Because in there hopefully  
3 we would spell out the specific recommendations  
4 and agree on them and then detail why we're  
5 there and whatever variations are on those in  
6 the body of the document itself. Because,  
7 again, if it's more than ten pages or so long,  
8 we can hope for the best, but it will be very  
9 hard to get people to want to read it and to pay  
10 attention to it. We want this document to be  
11 paid attention to. That kind of format - -

12 FEMALE VOICE 1: One thing I'd like to - -

13 MR. MIKVA: - - sure.

14 FEMALE VOICE 1: - - add in the positioning  
15 though is the tendencies would be there for  
16 those who want to dive into the details.

17 MR. MIKVA: Absolutely. Including the  
18 record itself, which I understand we now have  
19 complete. Is that correct? It's complete, the  
20 record?

21 MR. CHUNG: Judge, we have draft masters I  
22 think are up-to-date and - - .

23 MR. MIKVA: And any other documents that  
24 were submitted.

25 FEMALE VOICE 1: And I don't--also don't

1 recommend that you add either to the appendices  
2 or to the report itself a legal and regulatory  
3 framework, which is part of what we do in our  
4 day-to-day work in my company. So we know, you  
5 know, just maybe just the relevant paragraph of  
6 the Illinois ethics gobbled in a paragraph would  
7 be easier for each university - - .

8 [crosstalk]

9 MR. MIKVA: Yeah and I think more  
10 importantly I think we want to make sure those--  
11 it doesn't sound like - - statutes because there  
12 are several different pieces of statutory  
13 framework. I mean that's who appoints trustees  
14 and how they're appointed, who appoints the  
15 officers at university, different Inspector  
16 Generals and various people appointed to the  
17 different ethic, ethic laws and codes. So maybe  
18 we could put all of it in that appendix. The  
19 report itself just quote those pertinent parts  
20 we want.

21 FEMALE VOICE 1: In moderation.

22 MR. MIKVA: Well, yeah.

23 FEMALE VOICE 1: It's--I would agree with  
24 that.

25 MR. CHUNG: And the report will have

1 embedded within it an analysis of what the  
2 pertinent schools are and that way it doesn't  
3 come down to legalese issues.

4 MR. MIKVA: Right.

5 FEMALE VOICE 1: Just a paragraph on each.

6 MR. MIKVA: Any other suggestions about the  
7 format?

8 [background noise]

9 MR. MIKVA: Mr. Estrada?

10 MR. RICARDO ESTRADA: I agree with your  
11 format.

12 MR. MIKVA: You've seen a lot of reports in  
13 your life and I bet you've read some of them.

14 MR. ESTRADA: Shorter ones, yeah.

15 MR. CHUNG: Yeah. I, I totally agree. I  
16 mean people want to know - -

17 [background noise]

18 MR. CHUNG: - - then anything else and then  
19 if they really want to know more, they'll find  
20 more because it'll be attached.

21 MR. MIKVA: Mr. Scholz?

22 MR. CHARLES SCHOLZ: I'm comfortable with  
23 that, Judge.

24 MR. MIKVA: Ms. Scott?

25 MS. ZALDWAYNAKA SCOTT: You know I agree in

1 terms which is the factual discussion is that  
2 we require some labor to keep it to a short, a  
3 short length.

4 MR. MIKVA: Right.

5 MS. SCOTT: You know, I think that the fact  
6 that we do have a fully developed record is, uh,  
7 will help us to keep it down, the length of the  
8 report. I just want to make sure that we not  
9 only address our conclusions and their findings  
10 and sort of--we can address the structure of the  
11 university in the appendix without putting it  
12 into the text but I just want to make sure that  
13 we fully address why we've reached our  
14 conclusions.

15 MR. MIKVA: Yes. Again, it has to be a  
16 reasonable document. I, this may be a point of  
17 contention when we finally see it in final form,  
18 I do feel we have to take seriously what it is  
19 the executive order wants us to do. We have  
20 found out about or we've heard there's a lot of  
21 other problems in university. For example, we  
22 have not, I apologize if I, if I was too quiet  
23 on doing this, but I tried to steer the  
24 conversation away from Athletic Department  
25 problems. I suspect that is a whole new can of



1 worms. The NCCA has been wrestling with it.  
2 They've put universities on probation. There  
3 are a lot of - - time. I don't think that's  
4 something we can address with this report.  
5 Similarly I feel strongly that we ought to try  
6 to avoid micro-managing the universities. First  
7 of all, even the Governor doesn't have the power  
8 to hire people or hire people at the university  
9 including the President. That's all I'm going  
10 to avoid - - and I think we should make that  
11 clear. Obviously these are both subjects that  
12 we have jurisdiction over, which is the  
13 admissions policy. We can say what the facts  
14 are and say how they, how they led us to the  
15 recommendations that we, we make but my own  
16 feelings, strongly, and I hope the majority  
17 agree is I really don't think we can recommend  
18 action about the personnel of the university  
19 other than - - . We can make comments about  
20 what they said and what they did and where the  
21 responsibility lies but I don't think that the  
22 Governor and, therefore, our recommendations to  
23 the Governor, can have any--we have no  
24 jurisdiction behind the Board of Trustees, if  
25 that, and again I would, I would charge in the

1 executive order was look at the initiatives,  
2 look at how they--not even how they look, not  
3 even how they choose the Trustees frankly. I've  
4 heard some ideas about different ways of  
5 choosing a Trustee that were very attractive.  
6 Maybe we can put that in as a suggestion for the  
7 legislature to change the present system. The  
8 present system is the Governor appoints the  
9 Trustees. Like it or not that's the legislature  
10 framework we have.

11 MR. CHUNG: Well we could recommend a  
12 fashion in which he does do it.

13 MR. MIKVA: Sure, we certainly can. But  
14 again we have to recommend that is not only  
15 something--we're not only recommending what the  
16 Governor do but take legislative action. The  
17 Board--I don't want to suggest the legislature  
18 doesn't always do what people tell them to do  
19 but usually the Governor, but as you know it  
20 takes a long time - - . Something we could  
21 address.

22 MS. SCOTT: - - said that, you know. We, we  
23 make recommendations to the Governor, if we can.  
24 Again, I just wanted to make sure we focused on  
25 how we kind of do that.

1 MR. MIKVA: Right.

2 MS. SCOTT: And given what we've heard, the,  
3 the selection of Trustees, you know, I don't  
4 know if that's before. I think - -

5 MR. MIKVA: I think it's the Governor who  
6 chooses it.

7 MS. SCOTT: Right, right.

8 MR. MIKVA: And I think we can comment, make  
9 recommendations on the process.

10 MS. SCOTT: The process and what you did  
11 that ended up - - .

12 MR. MIKVA: Right, right. I don't think we  
13 should give them limited means, although I have  
14 very good relatives.

15 FEMALE VOICE 1: I have a question. So what  
16 you're saying is that anything that the  
17 Government itself can't effectuate is out of our  
18 jurisdiction? You're saying we can't make  
19 recommendations to the Board of Trustees,  
20 personnel decisions?

21 MR. MIKVA: I think that would be micro-  
22 managing university and I--if we get the kind of  
23 Trustees I hope the Governor would find, I don't  
24 think we have enough. I mean, for example, we  
25 heard a lot of testimony from and about the

1       chancellors. Most of it that we heard,  
2       including some from the chancellor himself, was  
3       pretty negative. Along comes this letter to the  
4       editor and it's signed by what 100 professors,  
5       75 professors, saying you want to know what's  
6       outstanding chancellor that we've ever had. I  
7       don't think that we can make that judgment. We  
8       can criticize I think the conduct we heard about  
9       relating to admissions and - -

10           MR. SCHOLZ: I agree. I agree, Mr.  
11       Chairman. I think anything else is beyond the  
12       scope.

13           FEMALE VOICE 1: Okay. But the line that  
14       you're drawing is we--our jurisdiction is if the  
15       Governor has authority to do it, then we have  
16       the authority to recommend it. If the Governor  
17       doesn't have the authority to do it, we don't  
18       have the authority to recommend it. That's how  
19       you're distinguishing.

20           [crosstalk]

21           MR. MIKVA: Well - -

22           FEMALE VOICE 1: Because we're, we're an  
23       advisory body no matter what.

24           MR. MIKVA: Right.

25           FEMALE VOICE 1: So I don't--I was just

1 wondering.

2 MR. MIKVA: We can draw that line but I  
3 would start with the line our basic jurisdiction  
4 is limited to what the Governor tells us to do.  
5 We really we're not a free standing body of  
6 education reform. So basically we're limited to  
7 what he asks us look at and that is the  
8 admissions charge in the policy. My own feeling  
9 and, again I hope that most of you agree, is  
10 that the Trustees were central to the problems  
11 as any piece of the university and that is  
12 something that is completely within the  
13 Governor's control.

14 MR. CHUNG: But the--we're--this whole  
15 exercise that we're going through is because  
16 there has been a tremendous erosion of public  
17 credibility as to the administration of the  
18 university in the admissions department.

19 MR. MIKVA: Right.

20 MR. CHUNG: And so I think that we at least  
21 should consider recommending that the Governor  
22 ask for resignations. While not saying that  
23 they should resign but we could certainly  
24 recommend that he could consider it. I mean the  
25 Governor because we don't want to lose sight of

1 is the, the students and the parents and the  
2 public in general has a big stake in what we  
3 decide because they're the ones most affected by  
4 it.

5 MR. MIKVA: But I'm uncomfortable about  
6 giving the Governor or encouraging the Governor  
7 to get involved in choosing the personnel of the  
8 university other than the Trustees that he's  
9 directly charged with appointing. The others  
10 are all--I mean - -

11 MR. CHUNG: [interposing] I agree with that.

12 MR. MIKVA: - - that's what bothers me. I'd  
13 rather lay out the evidence. This is what the  
14 chancellor said, this is what the president  
15 said, what the - - said and then have some kind  
16 of general comment there that we hope will give  
17 order but the Board of Trustees indeed tried to  
18 carry out admissions recommendations. They,  
19 they would recognize that they have to look at  
20 the way personnel would handle this problem.  
21 Because again I know the president or the  
22 Governor's calling for resignations of  
23 professors who--because he didn't like the way  
24 they taught classes.

25 MR. CHUNG: Well, yeah.

1           MR. MIKVA: Well I think wisely the  
2 legislature has set up a system where the  
3 Governor appoints the Trustees. Here on in it's  
4 the Trustees responsibility to oversee,  
5 oversight, personnel at the university.

6           FEMALE VOICE 1: So do you envision in the  
7 report then a section on the chancellor, a  
8 section on the president, not only with what  
9 they said but also the evidence and e-mails that  
10 indicated there was some misconduct or  
11 inappropriate behavior?

12          MR. MIKVA: Yeah. I think we can say it's  
13 inappropriate. I think the one thing we have  
14 complete agreement on is that the way to cure  
15 this problem on admissions is for the university  
16 to establish an independent firewall around the  
17 admissions process. That nobody starts  
18 intervening or reviewing individual admissions  
19 other than the regular admissions process and  
20 the way, although the university personnel  
21 described it, there's no reason for the  
22 chancellor to be involved at all and I think we  
23 can certainly say that.

24          MR. CHUNG: I agree.

25          FEMALE VOICE 1: I guess what I'm struggling

1 with is what's the difference between that - -

2 MR. MIKVA: And recommending the personnel.

3 FEMALE VOICE 1: - - and recommending the  
4 personnel. Isn't that micro-managing?

5 MR. MIKVA: Well again because again - -

6 FEMALE VOICE 1: I'm just looking for the  
7 framework.

8 MR. MIKVA: - - yeah. Well the framework I  
9 think is, first of all, the Governor himself  
10 does not and should not have either or  
11 [background noise] changes in the university.

12 [background noise]

13 MR. MIKVA: Or we shouldn't. That they  
14 really aren't as bad as we heard they were  
15 [background noise] personnel. He may be the  
16 best chancellor university has ever seen.

17 FEMALE VOICE 1: I think [background noise]  
18 may benefit the university. I agree with that.

19 MR. MIKVA: Right. Let's get--let's hope we  
20 get a good Board of Trustees who do what they're  
21 supposed to do and their job is to hire a  
22 chancellor and to hire a president who do their  
23 work and make sure the best interest of the  
24 university. And I have confidence, yeah, if we  
25 really can put a firewall around admissions



1 process, then I don't think there's a need or  
2 capacity of this commission to decide what are  
3 the skills, all the skills that a chancellor  
4 ought to have, what are the skills - - , what  
5 are the skills the president ought to have.  
6 There are good presidents. There are great  
7 presidents. Some not so good. That's what  
8 Trustees are supposed to find.

9 FEMALE VOICE 1: But to the extent, you  
10 know, I agree to stay away from the skills then.

11 MR. MIKVA: Yeah.

12 FEMALE VOICE 1: But as long as it doesn't  
13 stop us from - - .

14 [crosstalk]

15 MR. MIKVA: Oh, absolutely.

16 FEMALE VOICE 1: Integrity too.

17 MR. MIKVA: Right. In my opinion, I don't  
18 worry about words like integrity, that's in the  
19 eye of the beholder, but in my mind the  
20 chancellor's actions in many respects were  
21 inappropriate for an admissions policy. That is  
22 free from a political nature. I think we can  
23 say that. I think we have enough evidence that  
24 backs us up on that and then higher authorities  
25 will decide, higher paid let's say will decide

1 what, if anything, needs to be done. So we  
2 certainly can recommend is that in the future  
3 the chancellor should keep away from the  
4 admissions process as should everybody else and  
5 the president should keep away.

6 FEMALE VOICE 1: And that they - - relation?

7 MR. MIKVA: And to keep away from the  
8 admissions process.

9 FEMALE VOICE 1: Right and they shouldn't -  
10 - .

11 MR. MIKVA: Right, right.

12 MR. SCHOLZ: Well if we have a consensus and  
13 I sense that we do on the firewall, then  
14 whomever is serving the process will be  
15 protected.

16 MR. MIKVA: I think so. Uh, and again, the  
17 only reason I feel we do have the authority and,  
18 and heard enough to recommend new changes to the  
19 Board of Trustee level is because that is  
20 distinctly in the Governor's power and in my  
21 mind it is the failure of the Trustees to, to  
22 sugar this problem on their own early on and  
23 instead we're in many respects a part of the  
24 problem. It's existing, therefore, I think it's  
25 appropriate for us to say from what we've seen

1 the Board of Trustees could have kept this  
2 from happening and should keep it from happening  
3 in the future and these Trustees have, in fact,  
4 failed in that key element of their job.

5 FEMALE VOICE 1: And I'd also would like to  
6 - - and the college of law and college business  
7 because what we saw there was the, you know,  
8 college of medicine was - -

9 MR. MIKVA: [interposing] Right.

10 FEMALE VOICE 1: - - pressure and the deans  
11 of college and the former dean of college of law  
12 did not do that.

13 MR. MIKVA: Exactly.

14 FEMALE VOICE 1: And they should have taken  
15 a stand.

16 MR. MIKVA: I think the dean of the medical  
17 school should be cited as a sort of role model.

18 [crosstalk]

19 FEMALE VOICE 1: Exactly and I think his  
20 practice demonstrates the practice of many, many  
21 different men.

22 MR. MIKVA: Absolutely and, and it worked.

23 MR. CHUNG: And, Judge, if I may just--could  
24 add on that point. We had an opportunity to  
25 speak with the former dean of the college of

1 pharmacy yesterday. In substance what we  
2 learned was that they were also, with regard to  
3 their own admissions policy, they have been able  
4 to keep out on different points and I think  
5 that's in a general proposition, something he  
6 said, to help finances, school as a whole that  
7 operated up here as part of the Chicago campus.

8 [crosstalk]

9 FEMALE VOICE 1: Yeah and their models  
10 within the University of Illinois itself.

11 MR. MIKVA: right.

12 FEMALE VOICE 1: There's a best practice the  
13 nation should copy.

14 MR. MIKVA: We're not recommending pie in  
15 the sky either. These are real honest to  
16 goodness admissions policies that work, that the  
17 colleges accommodate, you know.

18 FEMALE VOICE 1: And if you don't mind, I  
19 would like to see the bulleted points of that  
20 model and why it was so strong and I know I put  
21 those in a memo that we sent to you.

22 MR. CHUNG: They will be included.

23 FEMALE VOICE 1: I would very much  
24 appreciate that. Thank you.

25 MR. MIKVA: Well what else, what else? I

1 think we ironed--we seem to agree on the  
2 firewall being impenetrable and, again, the  
3 medical school model, the dean has made it  
4 impenetrable. Nobody gets in that admissions  
5 process other than the people who are legitimate  
6 and admissions experts and he handled, again, I  
7 want to point out, he has handled the problem of  
8 pressure. Our job, the pie in the sky, is to  
9 put in a recommendation that the legislators  
10 should never - - letters of recommendation,  
11 should never talk to - - about their children's  
12 applications. That is not going to happen but I  
13 think we can say it's going to be suggested, and  
14 it's better than shooting craps, is logging  
15 formal documentation of every contact that is  
16 made and - - medical school he has handled  
17 those. - - depends on what the...

18 FEMALE VOICE 1: Right and the medical  
19 school keeps those letters of recommendation out  
20 of the file. They keep the e-mail inquiries  
21 from outside of, outside of the file and just  
22 for those who might not have been here the other  
23 day, - - one of the key points was they have a  
24 committee of 25 making admissions decisions. So  
25 if you were to compromise the practice, you'd

1 have to compromise the integrity of 25 people.

2 MR. MIKVA: Exactly.

3 FEMALE VOICE 1: And, uh, I think, and a  
4 number of us agree, seeing the law school, I'm  
5 sorry, admissions of the law school far too much  
6 power.

7 MR. MIKVA: Right and I, I certainly think  
8 that the medical school practice is a far better  
9 practice than the law school even though - -  
10 dean is an admissions officer, it seems to me  
11 legit. I think there's too much power for one  
12 person. - - I think we had, uh, down to our  
13 common general plan to go through it today.

14 [background noise]

15 FEMALE VOICE 1: I apologize. I thought I  
16 had turned it off.

17 MR. MIKVA: Was that me?

18 FEMALE VOICE 1: No, it's me. Sorry.

19 MR. MIKVA: We go through what we are in  
20 agreement on and try to narrow the position  
21 here. I hope Ted Chung will be able to  
22 incorporate all this and come up with a near  
23 final draft sometime before Monday and get it  
24 out to us on Monday and then we'll have another  
25 meeting on Wednesday. I will have to

1 participate by phone. But hopefully at that  
2 meeting, Ted will have so eloquently and  
3 masterfully modified or minimized our  
4 differences and tied them back together again.

5 - - .

6 [background noise]

7 MR. MIKVA: Obviously any Commissioner does  
8 have the right to - - . I hope those are--I  
9 hope they don't get involved - - but we'll leave  
10 that to Ted. So far we've been discussing is  
11 what was in agreement. One the suggestion we  
12 build a firewall around the admissions policy.

13 [background noise] It can be done. We have  
14 talked about the consensus and whether or not  
15 the format would be. That the format be a brief  
16 executive summary - - , a statement of the facts  
17 and then the recommendation that we're making  
18 about how we got there. There will be an  
19 ending, of course, including - - record. Uh,  
20 and whatever documents are relevant to our  
21 findings. Um, the other subject we discussed  
22 was whether or not we should make  
23 recommendations about personnel. Several of us  
24 feel - - they should not make recommendations  
25 about whether they should be retained or fired.

1 First of all, because first of all the  
2 Governor doesn't have that power. That's the  
3 power that only the Board of Trustees has as far  
4 as the chancellors and the presidents are  
5 concerned and individual employees, I think,  
6 correct me if I'm wrong, I assume the president  
7 and the chancellor and the others in the  
8 internal process of the university decide their  
9 tenure. Is that correct?

10 MR. CHUNG: The Trustees I believe  
11 officially appoint chancellors and the president  
12 and below that if you get down to the dean  
13 level.

14 MR. MIKVA: There are other appoints  
15 process.

16 MR. CHUNG: I believe so, Judge.

17 MR. MIKVA: But neither--in no event is the  
18 Governor involved in any of those policies.

19 MR. CHUNG: Not in any of those events,  
20 that's true.

21 MR. MIKVA: So my own feeling - -

22 MR. CHUNG: [interposing] Oh, Judge, if I  
23 could just the Governor does - - .

24 [crosstalk]

25 MR. MIKVA: - - makes official members, you



1 got to vote?

2 MR. CHUNG: Yeah, I believe you got to,  
3 Judge, you got to.

4 MR. MIKVA: But he certainly does not have a  
5 power to appoint a president or a chancellor.  
6 Plus the fact that, that I am troubled that even  
7 though we heard a lot of testimony and all with  
8 the chancellor and the president - - , a couple  
9 of the deans, um, we certainly didn't, I don't  
10 feel that I'm in a position to make an overall  
11 evaluation of their record or what their tenure  
12 ought to be. We heard a lot of critical  
13 comments about Chancellor Herman, including some  
14 doubts from his own testimony about things that  
15 were done in the admissions policy that were  
16 inappropriate. But on the other hand, we've got  
17 this letter, I think a letter to the editor  
18 from, uh, am I correct? Was it 50 fellows from  
19 the university? Who were the writers of the  
20 letter?

21 MR. CHUNG: Judge, I think they were, um, -  
22 - close to four dozen or so faculty members.

23 MS. SCOTT: Four dozen.

24 MR. MIKVA: Four dozen.

25 MR. CHUNG: Four dozen.

1 MS. SCOTT: 1,300 members. I don't know  
2 if that includes - - .

3 MR. MIKVA: Well my point was I was reading  
4 that letter and I realized there were all kinds  
5 of things about Chancellor Herman that we didn't  
6 inquire into and possibly shouldn't have but we  
7 don't know what kind of overall administrative  
8 accountant he is. All we know about is what he  
9 did in the admissions policy. So I feel  
10 strongly that we should not get into making  
11 recommendations about the tenure of any  
12 personnel except as far as the Trustees. I  
13 think that that is something that is within the  
14 Governor's purview. He appoints all the  
15 Trustees under Government law and I think from  
16 what we heard and very well establishes it the  
17 Trustees in some respects and many that we heard  
18 from are part of the problem. And, in any  
19 event, none of them did anything about the  
20 problem even though it existed for some years.

21 [crosstalk]

22 FEMALE VOICE 1: That's where you and I  
23 disagree.

24 MR. CHUNG: The president did know, know  
25 about it and he didn't do anything either.

1           MR. MIKVA: The president as I see it is  
2 not part of our--the Governor cannot fire the  
3 president.

4           MS. SCOTT: Yeah.

5           FEMALE VOICE 1: But I don't know that we  
6 are limited to making recommendations just based  
7 on whether the Governor has the power to fire or  
8 not fire. My feeling is that if we look at the  
9 system and we see from a - - from a former dean  
10 of law school, from a university president, to  
11 one of the college presidents, if they clearly  
12 have breached their office, the trust of their  
13 office, then even if we may not recommend that  
14 they are fired, certainly they should--we  
15 shouldn't give them a pass. Do you understand?

16          MR. MIKVA: I, I am not for giving anybody a  
17 pass. I, I think we should develop the record  
18 and hopefully most of it is done, dealt with  
19 admissions. We should feel free to comment and  
20 make comments about the adversities in that  
21 record, to the chancellor and the dean of law  
22 school. If we disagree, we should comment on  
23 that and, as far as I'm concerned, if the  
24 majority agree, we can make comments on the  
25 credibility as witnesses. I am simply saying I

1 don't think we should make a recommendation on  
2 the - - .

3 MR. SCHOLZ: Well I agree with that. I do  
4 think the commission has exposed all that and it  
5 can be commented on but the recommendations are  
6 Governor, this is what you should do. So we  
7 can't go beyond what he can do.

8 MR. CHUNG: So with Roy Dean we can say  
9 Governor, you should review the record and then  
10 do we have any reservation?

11 MR. SCHOLZ: No.

12 [crosstalk]

13 MS. SCOTT: - - to the other Trustees that  
14 they should demand that HR or whoever - - .

15 FEMALE VOICE 1: And the other thing you  
16 talk about skills. If you don't have integrity,  
17 then on goes the world - - .

18 [crosstalk]

19 MR. MIKVA: I have to tell you with all the  
20 years I've had experience judging and making  
21 judgments about integrity, I've found those the  
22 hardest, the most difficult judgments to make  
23 and I'm not comfortable making the judgment  
24 about any integrity of anybody who appeared  
25 before us. I'll comment on their ineptitude.

1 I'll comment on their violation of particular  
2 admissions - - . I'm not prepared to say - - .

3 FEMALE VOICE 1: Well obviously--and I can  
4 understand it.

5 [crosstalk]

6 MS. SCOTT: - - disconnect between taking out  
7 Trustees who, some of them didn't know anything  
8 about the process, - -

9 MR. MIKVA: [interposing] Right.

10 MS. SCOTT: - - and holding them accountable  
11 and then saying they shouldn't be involved in  
12 day-to-day affairs. It just seems to me an  
13 inconsistency.

14 MR. MIKVA: If you're right, if all they've  
15 done is not know about the problem, if I were  
16 the Governor, I would replace them.

17 MS. SCOTT: But on the one hand you're  
18 saying they should be involved in the day-to-day  
19 affairs and some of them didn't know they should  
20 be involved and then you're saying they should--  
21 they didn't know about the problem which  
22 involved day-to-day affairs.

23 MR. MIKVA: The problem does not involved  
24 day-to-day affairs. The problem is about  
25 policy. The problem involves an - - still in

1 disagreement - - I really should go but my  
2 criticism of the Trustees has nothing to do with  
3 their integrity or their honesty. It has to do  
4 with their failure to carry out the Trust.

5 FEMALE VOICE 1: But isn't that be a penalty  
6 of the office and the body that they are, I mean  
7 that's what they're called. That's what they're  
8 talking about.

9 MR. MIKVA: Integrity, integrity is a word  
10 that, that - - . When you tell somebody they  
11 don't have integrity, you've made a judgment  
12 about their character.

13 MS. SCOTT: Well I agree with you on the  
14 value judgment statement that makes it difficult  
15 to look at a person, based on the testimony that  
16 we've heard, and say this is a person that does  
17 not have integrity. However, I can say very  
18 strongly that in this situation, - -

19 MR. CHUNG: [interposing] They didn't know  
20 what they were supposed to do.

21 MS. SCOTT: - - they did not operate with  
22 integrity.

23 MR. MIKVA: Why say integrity in the first  
24 place?

25 MS. SCOTT: Because conduct calls the word

1 integrity doesn't it?

2 MR. MIKVA: You have more experience with  
3 it.

4 [crosstalk]

5 MR. MIKVA: No integrity.

6 MS. SCOTT: But, you know, I think that's a  
7 fairly - - . I mean we could look at the  
8 testimony of people in leadership and we can, we  
9 can document failure. Failures, right?

10 MR. MIKVA: [interposing] Failures, right.

11 MS. SCOTT: - - and we can document when,  
12 you know, all of your - - are engaged in  
13 activity that really strains, will ultimately  
14 drain the respect of this university and their  
15 response is I didn't know.

16 MR. MIKVA: They should know.

17 MS. SCOTT: Right. It's failure.

18 [crosstalk]

19 MR. CHUNG: We could use a play on words and  
20 - - .

21 MS. SCOTT: Right.

22 [crosstalk]

23 MR. MIKVA: Or we could avoid words like  
24 honesty and integrity, wrongdoing. If they  
25 didn't carry out their responsibility, let

1 somebody else make the judgment about whether  
2 they have integrity or whether they're just dumb  
3 or whether - - .

4 FEMALE VOICE 1: And, Sherman, your point is  
5 well taken.

6 MS. SCOTT: I just feel that the rules that  
7 are applying to the staff should also apply to  
8 the Trustees. This is a complex issue and to  
9 sweep out everyone, some of whom know nothing  
10 about this process.

11 [crosstalk]

12 MR. MIKVA: I have no problem in making it  
13 clear that we're not making a judgment about the  
14 integrity. I thought we hadn't heard from - - .

15 FEMALE VOICE 1: Why would we advocate their  
16 removal when they haven't said any testimony  
17 applying to a number of the Trustees. We  
18 haven't heard from them.

19 MR. MIKVA: Because I don't think that the  
20 president, as part of the Trustees, could carry  
21 out any of the forums we're talking about  
22 including the firewall and so on. Many of them  
23 had all kinds of reasons why they did what they  
24 did and they did not seem to have any solution  
25 to the problem and I really think my problem



1 with most of the Trustees is the way they were  
2 appointed. It's altogether different than I  
3 would envision - - appointing a Trustee.

4 [crosstalk]

5 MR. MIKVA: I would look at the amount of  
6 money that they made. You just can't pay them  
7 or who the particular set of sponsors was for a  
8 Trustee. Those are - - . Are they ground for  
9 replacement? Not in the absence of the problem.  
10 But we certainly see problems here. They should  
11 have been resolved by the Trustees.

12 MR. CHUNG: Your Honor, will we by Monday we  
13 will have spoken to all of the Trustees, spoke  
14 with Trustee Lee yesterday, Trustee Bruce today  
15 and talk to Trustee Montgomery on Monday. So  
16 we'll provide the commission with reports on  
17 those interviews.

18 MR. MIKVA: And I certainly have no  
19 objection to putting in something to make it  
20 clear that we're not making a judgment about  
21 their integrity. That's not the problem. The  
22 problem is, as far as I'm concerned, the Board  
23 of Trustees failed to carry out their primary  
24 responsibility.

25 FEMALE VOICE 1: Are we assuming from the

1 testimony that every single Trustee knew what  
2 was going on?

3 MR. MIKVA: No. Not at all.

4 FEMALE VOICE 1: Then how could they fail to  
5 carry out their duties?

6 MR. MIKVA: If they didn't know, that's a  
7 failure of responsibility.

8 FEMALE VOICE 1: But if the day-to-day, the  
9 reason that we're here is hidden.

10 MR. MIKVA: [interposing] No.

11 FEMALE VOICE 1: It's too simplistic an  
12 answer.

13 MR. MIKVA: If the university had an  
14 admission policy where the Trustee, including  
15 the chair of the Board of Trustees, were  
16 interfering with the individual appointment and  
17 a chancellor was carrying out their direction,  
18 he wouldn't interfere, and Government relations  
19 are making recommendations about individual  
20 appointments, what is the Trustee supposed to  
21 do? Not--just go here? I think it's their  
22 responsibility to be aware of major policies  
23 like that. Just as I think they should be aware  
24 of the fact that the Procurement Officer at the  
25 university is giving away - - to his relatives.

1 I think that's something the Trustees should  
2 be aware of and if they block for five years,  
3 nobody knows anything, even if - - . Can you  
4 imagine a Chair, two Chairs, three Chairs acting  
5 as personal messengers of the Governor and  
6 directing policies and admission and the other  
7 Trustees don't know about it?

8 MS. SCOTT: That's possible. We see it all  
9 the time. It happens all the time. It happens.

10 [crosstalk]

11 MR. MIKVA: If I were, again, if I were a  
12 stockholder and my Board of Directors had not  
13 carried out major oversight in the way the  
14 corporation worked, I'd blame them. I would.

15 FEMALE VOICE 1: But that's what - -  
16 actually quoting. Any whistleblower function  
17 and a hotline and if that mechanism doesn't  
18 exist here at the university, and we hear from  
19 the president, the school faculty, that it's a  
20 very high - - structure and there is not a  
21 mechanism to bypass a manager at the top who is  
22 misbehaving and go directly to the Trustees.  
23 There needs to be a mechanism for that  
24 information for the Trustees.

25 MR. MIKVA: And had the Board of Trustees

1       been entirely unaware that this problem  
2       existed, I would agree with you.  If they had  
3       really been blindsided, but we know at least  
4       three of the Trustees, maybe four of the  
5       Trustees, who testified before us acknowledged  
6       that they were, they were engaging in admissions  
7       policies that were separate from the policy of  
8       taking - - .

9               FEMALE VOICE 1:  But there were at least two  
10       of them that said they were not aware of this  
11       category I.

12              MR. MIKVA:  Who's that?  Not category I - -  
13       I meant.

14              FEMALE VOICE 1:  None of them were aware of  
15       that.  Category I.

16              MS. SCOTT:  - - and what you just talked  
17       about, and forgive me for pointing this out, but  
18       what we just talked about if there is a policy.  
19       Now I think we're in agreement the policy isn't  
20       - - but there is the policy that addresses - -  
21       and a conflict of interest.  So in that sense  
22       the policy existed.  It just wasn't strong  
23       enough.  I just have a problem taking out  
24       people, recommending the removal of people, that  
25       weren't involved, that didn't know about it.

1           MR. MIKVA: Well they're not involved and  
2 didn't know about it, they're failing their  
3 obligation as Trustees. They're supposed to be  
4 involved.

5           MS. SCOTT: But why?

6           MR. MIKVA: This is the difference. I don't  
7 want the Trustees to be micro-managing but I  
8 sure as heck do want the Trustees to know what  
9 the admissions policy is of the university and  
10 to make sure it's being carried out.

11          FEMALE VOICE 1: But can we say that was  
12 part of their orientation? That they know that  
13 that's what they should be aware of? That they  
14 know?

15          MR. MIKVA: What difference does that make?  
16 They should have known it and in any event if  
17 you are on a Board of Trustees shouldn't you be  
18 aware?

19          FEMALE VOICE 1: I would, yes. But the  
20 university obviously, based on the testimony of  
21 many of their own Trustees, - - .

22          [crosstalk]

23          MR. MIKVA: Could that be why some of the  
24 Trustees - - anyway?

25          FEMALE VOICE 1: Absolutely.

1           MR. MIKVA: And if that didn't happen, - -  
2 previously. But, again, I have one vote. I did  
3 get - -

4           MR. CHUNG: [interposing] Well that's what  
5 I thought but if you asked had all the Trustees,  
6 if the Governor asked all the Trustees for  
7 letters of resignation, then the Governor could  
8 decide which ones to accept. Then it's his  
9 decision. But I think, I think it's fair for us  
10 to recommend that the Governor ask for the  
11 letters of resignation and that he makes the  
12 decision as to which ones he chooses to accept  
13 and that to me, he will know the record and have  
14 our report, he can make a very good, final  
15 decision about who goes and who stays.

16           FEMALE VOICE 1: But we haven't made any  
17 recommendations, nor will we, on individual  
18 Trustees based on - - .

19           MR. CHUNG: [interposing] No, no. I'm  
20 saying all of them, all of them.

21           MR. MIKVA: Do you want us to go and say  
22 Commissioner so and so is the bad person, I  
23 think so and so should be removed and then not  
24 say that about Commissioner Montgomery?

25           MS. SCOTT: I would say that based on the

1 testimony that we've heard.

2 MR. MIKVA: But we only heard from four of  
3 them.

4 MS. SCOTT: But by Monday we will.

5 MR. MIKVA: Well we won't have heard it.

6 MS. SCOTT: But that's exactly the reason we  
7 shouldn't recommend their removal.

8 [crosstalk]

9 FEMALE VOICE 1: I don't see any evidence  
10 and the Governor entrusted us with making  
11 recommendations. He isn't--he hasn't had the  
12 time to - - these issues and sift through all  
13 the testimony the way we have. I think he's  
14 relying on us, and maybe I'm wrong, but I think  
15 he's relying on us to guide his decision-making  
16 process.

17 MR. MIKVA: Yeah, but I don't think he wants  
18 us to say we think you should remove the  
19 following Board Trustees or ask for the  
20 resignation of the following Board Trustees.  
21 First of all, Ted, what is the removal process  
22 of Trustees? Do we know?

23 MR. CHUNG: It's not purely at will.  
24 There'd to be, there'd have to be cause in the  
25 first instance. I'm not sure that the process,

1 the actual procedure and steps that apply are  
2 necessarily set forth but there have to be  
3 factual and legal standards.

4 MR. MIKVA: It may be impeachment as far as  
5 I know. So impeach them.

6 MR. CHUNG: I'm not sure, Judge.

7 [crosstalk]

8 MS. SCOTT: How would, how would impeachment  
9 work?

10 [crosstalk]

11 MALE VOICE 1: I can't, I can't envision  
12 anyone who has been at the University of  
13 Illinois at heart require a stage to go through  
14 a process of public removal. I, I tend to agree  
15 with our Chair that we should make a  
16 recommendation for the removal of the body and  
17 let the Governor decide to after looking at the  
18 individual backgrounds and credentials and  
19 service records of each Trustee whether to  
20 accept that or reject the, the resignation.

21 MS. SCOTT: With that caveat in there that's  
22 good to say checking on the background and not  
23 based on what we have done here. So I was  
24 saying that he would do that on - - the  
25 background of each one of them. That would be



1 our recommendation.

2 MR. MIKVA: I'm sure he would do that - - .

3 FEMALE VOICE 1: Well I'll say this for  
4 myself, I will go along with that if I--if we  
5 were also saying that we are looking with an  
6 even hand at the people who fell before us who  
7 clearly, clearly took this system and used it  
8 for their own gain and their own personal  
9 advancement and recommended something that would  
10 also penalize them. I cannot agree in good  
11 faith to say the Board of Trustees and not make  
12 any recommendation about all these other leaders  
13 here who everybody, the students, the country,  
14 the state look up to, to run the university.

15 MALE VOICE 1: One, one issue that we  
16 discussed before - - is that the report would  
17 address, you know, some of the testimony we  
18 heard with regard to individuals but not go so  
19 far as making recommendations. You know we  
20 could highlight that, that, you know, people  
21 abused their position, that engaged in certain  
22 conduct.

23 MS. LOWRY: I hear that being repeated but  
24 nobody is saying why not.

25 MR. MIKVA: Why not?

1 MS. LOWRY: Yeah. Why not, why not be as  
2 straightforward with them as we are with the  
3 Trustees?

4 MR. MIKVA: Who are we recommending it to?

5 MS. LOWRY: To the Governor of Illinois.

6 [crosstalk]

7 MS. LOWRY: And the new Board of Trustees.  
8 So he can certainly make recommendations to the  
9 Trustees - - .

10 MR. MIKVA: Well I guess I need--the other  
11 question that I have is that the Trustees, this  
12 is a part time occupation. Basically they got  
13 into it because they wanted to help the  
14 university, even though due to the facts they're  
15 not helping the university by staying on, some  
16 of them feel they can. Hopefully they'll  
17 persuade the Governor not to accept their  
18 resignation. But you're talking about  
19 recommending the firing of the president of the  
20 university. You're talking about the  
21 destruction of that person's career. Now my  
22 question is not whether that's good or bad. Do  
23 you think we know enough about the total record  
24 of those people we should make those  
25 recommendations?

1 MS. LOWRY: But what I'm saying is even if  
2 we don't go so far as saying they should be  
3 fired, I am saying that we shouldn't give them a  
4 pass and to me a pass, there is something  
5 between saying they didn't act responsibly and  
6 firing them.

7 [crosstalk]

8 MR. MIKVA: I thought we agreed, and this is  
9 before you came in, that we would state the  
10 evidence. We would even resolve disputes in the  
11 evidence. I think that Chancellor Herman and  
12 Dean Hyde or Dean Hurd contradicted each other.  
13 I think we should not only point out that  
14 contradiction but - - Dean Hurd or Chancellor  
15 Herman on this board that the controversy itself  
16 was so important that it reflects on your  
17 leadership. I have no problem with that.

18 FEMALE VOICE 1: But still fall short of  
19 making a recommendation.

20 MR. MIKVA: I'm not sure what you mean.

21 FEMALE VOICE 1: Short of firing people.

22 MR. MIKVA: Well what kind of  
23 recommendations to make?

24 FEMALE VOICE 1: That's something we should  
25 discuss but I do think a recommendation is in

1 order.

2 MR. MIKVA: I think if you stated what we  
3 found in the evidence, I don't know what more  
4 recommendation to make. What should they be?  
5 What do we want somebody to do? I'm not sure I  
6 understand what you're saying. - - you want a  
7 recommendation.

8 FEMALE VOICE 1: If we think the Board, - -

9 MS. LOWRY: [interposing] I need - -  
10 [crosstalk]

11 MS. LOWRY: - - to hear the argument a  
12 little bit more.

13 FEMALE VOICE 1: - - exactly.

14 MS. LOWRY: But if we think the Board of  
15 Trustees is the body that's responsible for all  
16 of these people and their actions, then why  
17 shouldn't we make a recommendation that the  
18 Board be mandated or somehow, we can look at the  
19 structure, I don't know what the structure is,  
20 but even Governor Quinn, certainly that says a  
21 lot for the state, because the Governor, who is  
22 an - - member, makes a recommendation to the  
23 Board of Trustees that they hold an internal  
24 investigation based on these five observations  
25 that we've made about these particular people

1 that we know.

2 MR. MIKVA: You want another investigation?

3 MS. LOWRY: It doesn't have to be this group  
4 but I think the Board of Trustees and the  
5 university absolutely should have an  
6 investigation that deals specifically with the  
7 wrongdoing of those people who were empowered to  
8 uphold the integrity, trust and confidence of  
9 the university.

10 MR. MIKVA: Mr. Chung, anything else you  
11 want a say on?

12 MR. CHUNG: Sure, Judge. I wrote my  
13 recommendation regarding who I think should have  
14 and it's at the Trustee level. In my opinion we  
15 should recommend, at minimum, that the sitting  
16 Chair at the Board of Trustees and now the  
17 former Chair be resigned already, but we  
18 recommend those two folks, ask for their  
19 resignation. Now after listening to the rest of  
20 the Commissioners today, you know, I can live  
21 with asking for the resignations of the rest of  
22 the Board as long as we make sure that it is  
23 based on a careful review of their individual  
24 record by the legal counsel, the Governor's  
25 legal counsel and his staff. - - with a whole

1 lot of thought because there are some that,  
2 that maybe their own crime was, or their only  
3 error, was that they weren't as aware as the, as  
4 the other. In regards to the administrator, I  
5 have a really hard--am conflicted about them  
6 because in my opinion it is President White who  
7 is most at fault because the people that, that  
8 we have--whose details and testimony we find  
9 most fault with report directly to him,  
10 including the Government relations, the  
11 chancellor and to a certain extent involving the  
12 - - who then became chancellor. So I, I have a  
13 hard time not pointing in his direction  
14 specifically. So I'm very conflicted about  
15 that. I do also agree with you that I don't  
16 want to micro-manage because that would be a  
17 huge - - that's before the Board of Trustees - -  
18 but that this Board became--believe that they  
19 are the managers of the university and I think  
20 that's something that we should maybe make a  
21 statement around it. This Board, certainly the  
22 Governor's policy that they're not going to run  
23 the day-to-day. That we start making  
24 recommendations about individual employees  
25 without full knowledge then I have concerns

1 about it. I'm very conflicted.

2 FEMALE VOICE 1: But there's a lot of  
3 inconsistency in what you've said. You have  
4 inconsistency in saying one, that they should be  
5 out of the day-to-day operations, and two, they  
6 should be removed because they weren't aware of  
7 it, especially when there is no mechanism to  
8 make them aware. The two don't jive.

9 MR. MIKVA: I think you're making day-to-day  
10 operations--when Chairman Shaw asks about  
11 particular admissions, - -

12 FEMALE VOICE 1: [interposing] It's a  
13 problem.

14 MR. MIKVA: - - well what?

15 FEMALE VOICE 1: That's a problem.

16 MR. MIKVA: That is - -

17 FEMALE VOICE 1: [interposing] And it's  
18 irrelevant.

19 MR. MIKVA: - - it what?

20 FEMALE VOICE 1: In origin it's irrelevant.  
21 I mean that's the problem. I'm sorry. I  
22 apologize.

23 [crosstalk]

24 MR. MIKVA: That clearly is interference with  
25 day-to-day operations. That's not the Board of

1 Trustees responsibility to pick the class of  
2 2012. But when the Board of Trustees does not  
3 know what the admissions policy of the  
4 university is and is not aware that there have  
5 been major deviations of that policy by some of  
6 their own fellows, as well as by the Government  
7 relations office, that is a dereliction of  
8 duties as far as I'm concerned.

9 MS. SCOTT: But do we--can we say that based  
10 on the information that we have that they were  
11 given, the Board of Trustees?

12 MR. MIKVA: Yes. It's like saying you  
13 didn't give me that information so I don't have  
14 to pay any attention. Of course, the Board of  
15 Trustees is responsible for the policy.

16 MS. SCOTT: Yeah but I have to say that  
17 unless there is a precedent and we have former--  
18 we have secretary of the Board here, we had  
19 Trustees here, they talked about the orientation  
20 policy, they talked about their training that  
21 they have and if we, if we know that this is not  
22 standard for them to have this, - -

23 MR. MIKVA: [interposing] Then what?

24 MS. SCOTT: - - then how can we penalize  
25 them just on that basis alone?



1           MR. MIKVA: You're saying penalized. What  
2 I'm saying is I think that it's an important  
3 piece of the institution, that the Governor has  
4 jurisdiction over, therefore, we have  
5 jurisdiction to investigate, that it has not  
6 been properly run, the Board of Trustees.

7           [crosstalk]

8           MR. MIKVA: - - didn't do well because of  
9 training or they didn't pay attention or because  
10 they were picked because of how much money they  
11 gave to the Governor's re-election campaign or  
12 because somebody in the Senate recommended  
13 somebody because they were good friends, none of  
14 those are reasons why or excuses for the Board  
15 not to perform.

16          MS. SCOTT: I just say we use the same  
17 standard with the other people like President  
18 White, like the chancellor, former dean. I just  
19 want to make one other statement. If we make a  
20 recommendation based on testimony by former  
21 presidents or former university officials like  
22 Ikenberry and - - , I think that we have to, if  
23 we use what they said as a basis for making any  
24 decision, then we owe it to ourselves to also  
25 look at what their role was, at their crime in

1 the same type of situation. Because we've  
2 already heard testimony that this Category I  
3 situation grew from the rising era through the -  
4 - era and increased dramatically. I don't know  
5 whose tenure he sat under but I would certainly  
6 be interested in knowing what that person's role  
7 was in this type of a situation, if we use what  
8 they said.

9 FEMALE VOICE 1: And, Judge, - -

10 MS. SCOTT: [interposing] If you could  
11 answer a clarification. I'm sorry,  
12 Commissioner, Judge. How are they supposed to  
13 find out that information?

14 MR. MIKVA: Who are you talking to me or  
15 her?

16 MS. SCOTT: Yes, to you, Chairman. I was  
17 wondering how should the Trustees learn of that  
18 information. What would have been the  
19 mechanism?

20 MR. MIKVA: I never said--I'd find out what  
21 my fellow directors are doing. If one of them  
22 is playing cute with corporate business, I'd  
23 sure as hell consider it my responsibility to  
24 find it out and do something about it.

25 MS. SCOTT: And how do you find it out?

1           MR. MIKVA: Oh, I see. You think that the  
2 fact that - - said at one point that he told  
3 people that he was the Governor's person in a -  
4 - . I think he said that.

5           MS. SCOTT: In a meeting? In a meeting?

6           MR. MIKVA: Pardon?

7           MS. SCOTT: I'm asking in a meeting he said  
8 that?

9           MR. MIKVA: I could be mistaken but, but  
10 apparently as I recall everybody saying,  
11 Commissioner--I mean Trustee from out of state,  
12 what was his name?

13           [crosstalk]

14           MR. MIKVA: He understood that - -

15           [crosstalk]

16           MR. MIKVA: - - Governor's spokesperson on  
17 the Board.

18           MS. SCOTT: - - Commissioner Lowry though.  
19 This situation hasn't been visited for a while.  
20 And to the extent that we had hard evidence that  
21 we'd only look at the e-mails that Commissioner  
22 Eppley [phonetic] was hoarding that would  
23 contain the comments of all the government  
24 topics. Where, you know, one topic was  
25 advocating for the admission of students. So

1 this is not a new system but what we did hear,  
2 and I think this is present in every university  
3 across the country, what we did hear that under  
4 the current and just prior administration, this  
5 is a system that went out of control.

6 MR. MIKVA: There's no question about it.

7 MS. SCOTT: It became a formal, underground,  
8 parallel admissions process that had a structure  
9 of its own, that there was a system of meaning,  
10 - - candidate. It was a completely independent  
11 system that operated without regard to academic  
12 records, academic potential, was just based on  
13 who you know. And so to the extent that there  
14 were past instances of the other administration  
15 or people were given a closer look because of  
16 their clout, this is out of control.

17 MR. MIKVA: Mr. Chung?

18 MR. CHUNG: Well my recommendation said that  
19 I thought that Eppley and Shaw should be forced  
20 to resign and Eppley solved the problem and the  
21 remaining Trustees, with the exception of Edward  
22 McMillan [phonetic], that their letters of  
23 resignation should be asked for and then it's up  
24 to the Governor to decide which ones to accept.  
25 McMillan wasn't part of this, everything I know

1 of him, so I think he's exempt.

2 MR. MIKVA: When did he come on, this year?

3 MR. CHUNG: Within a year. Within a year.

4 He's a--I think he's the Governor's sub-  
5 appointee.

6 MR. MIKVA: I think so. Right.

7 MR. CHUNG: And I, I believe that President  
8 White and Chancellor Herman, they're kind of, is  
9 such that they're--if the Governor is a member  
10 of the Board of Trustees, that we should  
11 recommend to the Governor, as a member of the  
12 Board of Trustees, to initiate their  
13 resignations. Because I take their testimony  
14 has proven that they need to go. They're the  
15 leaders of the administration and they have not  
16 led well at all in this particular incident and  
17 that's all we know about. I don't know what  
18 else they've done but in this instance, I know  
19 they've not done well at all and I feel--I  
20 didn't feel that way when I began, but I  
21 certainly have felt that way as the testimony  
22 unfolded, particularly when you hear Dean - -  
23 just deny the facts and former Dean Hurd create  
24 the facts and all of this occurred under their  
25 watch and they knew about it. I know how

1 presidents run their show and I know President  
2 White did that - - anything that was going on.  
3 I didn't know about it for years.

4 MR. MIKVA: Charles?

5 MR. SCHOLZ: Don't you think if we expose  
6 all that and comment on it and we after having  
7 exposed the process and make our recommendations  
8 to reform the process that it'll take its  
9 course?

10 MR. CHUNG: Well my concern there is that if  
11 we say that the Trustees should resign, whatever  
12 way we want to say that, and don't say that  
13 about the president and the chancellor, the fact  
14 will be that they were exonerated. That's how  
15 it would be viewed in the public and I don't  
16 feel that that should ever occur and I think - -

17 MR. SCHOLZ: [interposing] Well I think  
18 that could be - -

19 MR. CHUNG: - - make a very statement to  
20 make clear that that isn't the case.

21 MR. SCHOLZ: - - well I think we can make a  
22 strong statement with some artful drafting that  
23 still keeps us within the scope.

24 MR. MIKVA: I would agree. One other thing,  
25 and again I say this because we really don't

1 know that much about the university, but I  
2 would think that if the Governor were to empower  
3 our recommendations and the people involved are  
4 following our recommendations, and you all of a  
5 sudden ask - - this huge university. With a new  
6 Board of Trustees and absence of a president and  
7 a chancellor, the two highest officials at the  
8 university, we have really put the university  
9 itself in a bit of a pickle. It sometimes it  
10 takes years, or at least a year, to appoint to  
11 replace the search committee and to find a  
12 replacement and so on and to take away both top  
13 officials, as recommended both top officials, at  
14 the same time we're recommending that the people  
15 choose who their successors be - - .

16 [crosstalk]

17 FEMALE VOICE 2: Mr. Chairman, I think what  
18 some of us are saying is if we could just not  
19 continue saying replace both or all the  
20 positions. But some of us are saying there  
21 should be something very strong, short of, even  
22 if it is short of, removal of those other  
23 leaders.

24 MR. MIKVA: I have no problem with that.  
25 But before with the testimony said and making

1 our evaluation.

2 FEMALE VOICE 2: [interposing] And if we  
3 were going to--if we were to agree unanimously  
4 to remove or to ask for resignations of all of  
5 the Board of Trustees, I would, my own  
6 conscience, would need this body to be able to  
7 say for each name there to cite the testimony  
8 that they gave us the basis for why we felt they  
9 didn't do their job and what that's based on.

10 MS. SCOTT: I think what Chairwoman was  
11 recommending is that we're not looking at the  
12 conduct of each individual. We're looking at  
13 the conduct of the body itself. The body itself  
14 was entrusted with, you know, an obligation to--  
15 in the way they conducted it. The way they ran  
16 the university. They are the body entrusted  
17 with it - - but the setting of tone and policy  
18 and in terms of that, they're at the top in  
19 terms of leadership and what we've seen is not  
20 necessarily, I mean we've got individual  
21 Trustees engaging in individual conduct, but  
22 what we've seen is a setting from the body. The  
23 body which - -

24 [crosstalk]

25 MS. SCOTT: - - the body itself because



1 what--and here's a, here's a--I guess I look  
2 at it from more of a hollow perspective. The  
3 body, and we can go through - - conduct because  
4 of what you did on the day, as demonstrated by  
5 this e-mail, but the body itself was instructed  
6 with the responsibility to take care of the  
7 university. And, it is the body itself that  
8 failed in that year after year, when it re-  
9 elected Eppley as Chair of the body, when they  
10 knew that Eppley was not acting in the best  
11 interest of the university. I mean it's  
12 instances like that, when they knew, when the,  
13 the separate admissions system is operating of  
14 its own, of the body itself, and people are  
15 saying I didn't know. In the law, the law  
16 permits you to apply your knowledge to people  
17 because a failure to act, a failure to - - .  
18 Here I think there has been a failure to  
19 acquaint yourself with facts that were just  
20 raised in the way this system operated. Now it  
21 is troubling to me to hear the university  
22 president say people with direct report to me,  
23 such as the chancellor and Government Affairs,  
24 were operating in such a way that they did a  
25 disservice to the university and I did not know.

1 That, that kind of law can be trouble. But it  
2 is also troubling for Trustees to - - to also  
3 operate that way. Because they have a higher  
4 responsibility than the president.

5 FEMALE VOICE 2: Okay I can appreciate  
6 that.

7 [crosstalk]

8 MS. SCOTT: And that, Judge, - - saying is  
9 that even whether they knew or not knew, whether  
10 they knew or not knew, they're sitting and  
11 they're not taking it upon themselves to  
12 investigate, to, to inform themselves and in a  
13 sense you're right because even though there was  
14 this air of intimidation from the - - , we've  
15 seen boards where the chair will come in and do  
16 things, operating on their own, but it is not an  
17 excuse for a Board member to fully behave as  
18 Board members and it is a Board members  
19 responsibility, a Trustee's responsibility to  
20 know and investigate and be aware of all. I can  
21 understand that. I can understand that. Well  
22 that kind of meets the definition of - - as  
23 required by the legislature, probably not a  
24 Trustee. So this whole conversation may be  
25 moot. But we're not--we can't believe anybody

1 but we can recommend that the Governor request  
2 their resignations.

3 FEMALE VOICE: [interposing] - - Well that's  
4 a different--

5 [Crosstalk]

6 MALE VOICE: And also I like Bernie's  
7 variation on it, - - judges variation on that  
8 that to ask for the governor to ask their  
9 resignations and then you - - either somebody  
10 cares to reappoint because what you said there  
11 may well be record some of them not only - - I  
12 don't remember but I think that one of the  
13 trustees in - - came out fairly recently and he  
14 may not have had a chance to even find out  
15 anything and there may be enough good about how  
16 that person got appointed that even under  
17 Blagojevich that he should be reappointed - - .  
18 And the governor - - .

19 FEMALE VOICE: Well, yeah and I think if we  
20 make that statement in there that we are saying  
21 we understand that some of these may obviously  
22 be credible for reappointment and leaving that  
23 up to as a good faith effort to say that they  
24 also agree. I can go along with that and  
25 [laughing]--

1 MALE VOICE: Maybe - - is the wrong person  
2 I think I agree with you--

3 [Background noise]

4 FEMALE VOICE: - - go back to the other  
5 positions that we have, we have to address what  
6 we're going to do because I can't leave with an  
7 observation of what they say or didn't say.

8 [Crosstalk]

9 FEMALE VOICE: I can go along with that,  
10 let's go, let's deal with this one.

11 [Crosstalk]

12 FEMALE VOICE: Well let's let somebody  
13 clarify what we're agreeing to. Judge or - - .

14 MALE VOICE: Bernie why don't you do that.

15 MR. JUDGE: That's, that we, well we've  
16 already got - - to - - he's already resigned  
17 that we've, we believe that trustee Shaw, Chung  
18 should, his resignation should be asked for ad  
19 accepted and that the remaining trustees with  
20 the exception of Everett McMillan because he's a  
21 new trustee,

22 FEMALE VOICE: Oh.

23 MR. JUDGE: They should have their, they  
24 should submit letters of resignation to the  
25 governor and the governor could decide which to

1 accept and which ones not to.

2 FEMALE VOICE: How long has Miller been  
3 there, McMillan?

4 MR. JUDGE: McMillan, less than a year.

5 [Crosstalk]

6 FEMALE VOICE: But he's not new enough, if,  
7 I, okay. If he's been there a year--

8 MALE VOICE: [interposing] no, no he hasn't  
9 he's been there--

10 [Crosstalk]

11 MALE VOICE: I think this may resolve all  
12 these differences. Obviously we've heard from -  
13 - emerges or something occurred why not just  
14 make it a blanket suggestion.

15 [Crosstalk]

16 MALE VOICE: All of the trustees ought to  
17 submit their resignations to the governor and  
18 the governor should decide which, if any, he  
19 wants to appoint. Now I can't imagine that he  
20 wouldn't reappoint McMillan he should--

21 [Background noise]

22 MALE VOICE: That, that, alright that's  
23 fine.

24 MALE VOICE: I can't imagine that he would  
25 reappoint Shaw [phonetic] and have a--.

1 MR. JUDGE: [interposing] The Tribune has  
2 the whole story--

3 [Laughter]

4 FEMALE VOICE: There were other trustees who  
5 may have, even Trustee Carroll [phonetic] I  
6 don't, I don't believe that she did anything to  
7 warrant a removal but I think that that's  
8 someone who operated out of good will, but not,  
9 but not certainly out of full knowledge or  
10 malice or intent to do wrong.

11 MALE VOICE: Is that a consensual view?

12 MR. JUDGE: Yes.

13 FEMALE VOICE: No.

14 MALE VOICE: We - - disagree. This a - -  
15 trustee.

16 FEMALE VOICE: Well I, yes I think you will  
17 lead to a lack of continuity, I think its  
18 charting people who were not nearly as culpable  
19 as other people in the university who should be  
20 targeted. I just don't think it's logically  
21 consistent to not recommend on the staff members  
22 and to recommend--

23 [Crosstalk]

24 FEMALE VOICE: But the point is I think the  
25 two are - -

1 [Crosstalk]

2 FEMALE VOICE: And I think the--

3 [Crosstalk]

4 MALE VOICE: - - let's take a vote and see  
5 where it is just on the trustees. All in favor  
6 of the judges recommendation that they all  
7 tender their resignations to the governor and  
8 the governor should - - any and wants to  
9 reappoint. All those in favor say aye.

10 [Crosstalk]

11 MR. MR. SCHOLZ: Can you hear me Mr.  
12 Chairman?

13 MR. MIKVA: Yes.

14 MR. MR. SCHOLZ: That's a vote in the  
15 affirmative. Alright.

16 MR. MIKVA: All opposed?

17 [Crosstalk]

18 MR. MIKVA: Okay now let's deal with the  
19 staff since I think we've discussed it fully.  
20 Is there anything else that needs to be shared  
21 about whether or not...? I think we - - where  
22 we are [background noise] then we will be  
23 counting on the evidence, we'll state what the  
24 evidence is of all the officials and how they  
25 testified. We will comment on the

1 contradictions and the evidence to the extent  
2 we - - agree we will comment on credibility  
3 findings as - - find that they were - -with each  
4 other or we find - - . But not to make any  
5 recommendations about personnel because our  
6 recommendations are not valid. That sort of  
7 states the position I've tried to articulate. I  
8 know that there are people who disagree but that  
9 sort of states the difference between that  
10 position and the position of action - -  
11 recommending--

12 MR. SCHOLZ: [interposing] Judge if that is  
13 a motion I would second it.

14 FEMALE VOICE: It's not a motion and--

15 MR. MIKVA: I'll move it.

16 FEMALE VOICE: Well but we have--

17 MR. SCHOLZ: I would second it.

18 MALE VOICE: What else needs to be said?

19 Obviously you can disagree with that if you - -  
20 enough to - - on it but isn't that the gist of  
21 the disagreement?

22 FEMALE VOICE: I, that was one side of it.

23 MR. MIKVA: Yeah that's what I'm saying.

24 FEMALE VOICE: The only word I would  
25 disagree with is the word policy because



1 obviously removing trustees is a personnel  
2 action that's - - .

3 FEMALE VOICE: Yeah you said that if you use  
4 the word - -I'm just saying that if our only, if  
5 our recommendations are only policy driven then-  
6 [Crosstalk]

7 MR. MIKVA: - - the word policy I didn't  
8 mean to use it in the motion. All I'm saying  
9 about the, the - - I proposed as the motion is  
10 that we comment on the testimony of the  
11 officials of the university. We criticize the  
12 conduct that we [background noise] all and we  
13 make findings of credibility if we can and if we  
14 can - -they're in - -with each other I think - -  
15 chance for - - and that we state that the  
16 conduct should be prohibited in the future and  
17 we'll, and then get into our firewall discussion  
18 about how - - policy should be made. Not make  
19 any recommendations as to any person's - - .  
20 That's my motion.

21 FEMALE VOICE: I would like to say that--

22 MALE VOICE: Chuck do you still second that?  
23 Commissioner Scholz?

24 MR. SCHOLZ: I had to figure out how to take  
25 it off mute judge. Yeah I'm sorry your honor I

1 will second that Mr. Chairman.

2 FEMALE VOICE: I would like to say that with  
3 respect to those positions that we can agree on  
4 the president, the provost, the former law dean,  
5 whoever we, at those positions that we agree on  
6 that a paragraph be written that specifically  
7 ties their behavior with the two lines and the  
8 University of Illinois Code of Conduct and the  
9 University of Illinois Ethics Handbook that was  
10 given to us last night by Mr. Chung and those  
11 two lines are in the University of Illinois Code  
12 of Conduct the University's Code of Conduct  
13 requires all employees and trustees to conduct  
14 themselves in a manner that will maintain the  
15 strength in the public's trust and confidence in  
16 the integrity of the University and take no  
17 actions incompatible with their obligations to  
18 the university, member of the university are  
19 also required to show evenhandedness by treating  
20 others with impartiality and the second from the  
21 University of Illinois Ethics Handbook, the  
22 University's nondiscrimination statement states  
23 the decisions involving students, employees must  
24 be based on merit and be free from insidious  
25 discrimination in all its forms. I think that

1 we should use those positions and tie them  
2 directly with these two statements to say that  
3 we believe that they have not operated according  
4 to the University Of Illinois Code Of Conduct  
5 and the University of Illinois Ethics Handbook.

6 MALE VOICE: You're offering not - - whole  
7 speech but the gist of that is an amendment to  
8 the motion. I think I would accept that.

9 FEMALE VOICE: Right. Okay, right - -acted  
10 recklessly.

11 [Crosstalk]

12 MR. MIKVA: We've heard the motion. All in  
13 favor say aye.

14 [Crosstalk]

15 MR. SCHOLZ: Aye.

16 [Crosstalk]

17 FEMALE VOICE: Just as, so you were saying  
18 in the motion there is no personnel  
19 recommendations whatsoever.

20 MR. MIKVA: - - recommendation on tenure or  
21 [background noise] All in favor say aye.

22 [Crosstalk]

23 MALE VOICE: Opposed?

24 FEMALE VOICE: I'd say aye.

25 MR. MIKVA: You say aye?

1 FEMALE VOICE: Yes.

2 MR. MIKVA: You want to change your mind on  
3 the other one?

4 [Laughter]

5 FEMALE VOICE: I still think there's some  
6 inconsistency.

7 MR. MIKVA: Let's talk about the firewall.  
8 I think this should be very quick. I sense that  
9 the consensus among us is that there ought to be  
10 a [background noise] firewall around the  
11 additional [background noise] outside that  
12 admission - - at the University [background  
13 noise] government relations, our board of  
14 trustees [background noise] penetrate that  
15 firewall and that the priorities, an example of  
16 how he handled the medical school admissions  
17 policy is a role model for what should be the  
18 policy as close as possible obviously in terms  
19 of - - should be a role model for the rest of  
20 the university. That sort of the consensus?

21 MALE VOICE: Yes I think only the students,  
22 their parents and the counselors should, high  
23 school counselors should be allowed to even make  
24 any inquiries. Those people only.

25 MR. MIKVA: And there probably should be

1 somebody at the admissions office. They do  
2 have empty medical school whose responsibility  
3 is to answer status questions. [Background  
4 noise] person is admitted - - on the weekend and  
5 they should not have anything to do with the  
6 admissions policy - -.

7 MALE VOICE: Correct absolutely and it's on  
8 the website too.

9 FEMALE VOICE: But - - can we say that those  
10 are... I mean is the way the process is now can  
11 they say that verbally without putting it on the  
12 website or must - - put it on the website?

13 MALE VOICE: I don't understand - - .

14 FEMALE VOICE: I don't think there should be  
15 that kind of a verbal--

16 [Crosstalk]

17 MALE VOICE: no I mean they, they have the  
18 listing of the status of all the, the candidates  
19 that--

20 FEMALE VOICE: [interposing] but how do  
21 they--

22 [Crosstalk]

23 MALE VOICE: But they don't put the den--I  
24 don't know if they do that for the denials.

25 MR. MIKVA: But they just put on the

1 admitted--

2 FEMALE VOICE: [interposing] well they can  
3 put a web portal so each individual applicant  
4 can add to their individual information.

5 [Crosstalk]

6 MALE VOICE: We're trying to do it in-house  
7 and don't want to violate the federal law here  
8 because--

9 MALE VOICE: [interposing] Right.

10 MR. MIKVA: They don't want it on the  
11 website or anywhere else or they think they're  
12 denied. But we should make clear that since  
13 it's transparent and but that it has nothing,  
14 that it does not come from the admissions  
15 people, it comes from somebody who knows those--

16 [Crosstalk]

17 MALE VOICE: And that's the - - process.

18 MALE VOICE: What?

19 MALE VOICE: The appeal process of the  
20 denials needs to be in writing.

21 MR. MIKVA: And as far as an appeals process  
22 it seems [background noise] one person. Is  
23 there agreement on that kind of a firewall?

24 MALE VOICE: Yes.

25 FEMALE VOICE: Yes.

1 MR. MIKVA: Okay that - - essential.

2 Let's talk about the appeals process. We had  
3 never tried to put any - -.

4 [Crosstalk]

5 MR. MIKVA: Chuck did you have something to  
6 say? Okay.

7 FEMALE VOICE: Okay, I do believe that the  
8 appeals process should be transparent and in  
9 writing. And I would recommend that the appeals  
10 process be, I can't remember the wording I put  
11 in the recommendation that I submitted but that  
12 the appeals process be open, transparent, at all  
13 phases of admission. It should be on the  
14 application, it should be in the orientation--

15 MALE VOICE: [interposing] you're talking  
16 about making people aware of--

17 FEMALE VOICE: [interposing] aware of it  
18 because that's part of the problem is that  
19 people, they all said no one really knows that  
20 it exists.

21 MR. MIKVA: It should be in writing and it  
22 should be made - - . I have a little trouble  
23 about the [background noise] transparency. The  
24 appeal itself, the hearing itself and the  
25 decision probably should not - -. You're

1 talking about the, that the appeals process  
2 exists and should be put ion the website so you  
3 know it's there and how they can take advantage  
4 of it.

5 FEMALE VOICE: The only other piece that  
6 troubled me a bit was the basis for an appeal.  
7 I believe there were two main areas. One was a,  
8 a significant change that [background noise] the  
9 second one was maybe an erroneous submission of  
10 materials.

11 [Crosstalk]

12 MALE VOICE: Maybe we should suggest they  
13 review that.

14 [Crosstalk]

15 FEMALE VOICE: I actually think, I think  
16 we're getting too far into--

17 MALE VOICE: [interposing] Right.

18 FEMALE VOICE: --admission policy. What,  
19 what I would like to recommend is should the  
20 university change the habit of an appeals  
21 process. That the appeals process be, as you  
22 think that, that everyone know about it. It  
23 would be a public, I mean we could make a public  
24 statement as it exists - - process but identify  
25 criteria for appeal. Other than that I, I think



1 we should stay out of--

2 [Crosstalk]

3 FEMALE VOICE: does that mean that given  
4 that the university has submitted to us what  
5 their recommendation for change is on the  
6 appeals process--

7 [Crosstalk]

8 FEMALE VOICE: and include those two things  
9 which--

10 MALE VOICE: I'm trying to think, I'm trying  
11 to decide - - I think that university is  
12 throwing out a lot of the appeals processes and  
13 they're going to want to make it open because  
14 they're learned - - .

15 [Crosstalk]

16 MALE VOICE: I tend to agree. I, I was  
17 thinking - -to the appeals board - - to apply  
18 for - - understand the admissions process but I,  
19 if the university wants to solve the problem  
20 then I hope by this time the truth - - , they'll  
21 figure on - - . I would hope they would involve  
22 people like alumni and parents or - - .

23 FEMALE VOICE: so let's make sure it's in  
24 writing--

25 MALE VOICE: [interposing] make sure it's in

1 writing and that it, its no - - in relation--

2 FEMALE VOICE: [interposing] and chairman I  
3 have just a point I want to say. I'll, I  
4 apologize for doing this, I want to change my  
5 vote on the second vote, I'm thinking about it  
6 and I feel that I'm internally consistent if I  
7 vote yes so I'd like to change my vote and I  
8 apologize for not doing this first - -.

9 MR. MIKVA: Okay. We accept unanimity  
10 wherever we can find it.

11 MALE VOICE: Not, it's too late [laughter]  
12 she's going to be marked.

13 FEMALE VOICE: no, no this is the one on the  
14 personnel - -recommending personnel because if  
15 we're recommending all these other things for  
16 the trustees to do I don't see why we shouldn't  
17 be reprimanding personnel so it's the second  
18 vote--

19 [Crosstalk]

20 FEMALE VOICE: We should be, we should be  
21 making some recommendations on personnel issues.

22 MALE VOICE: Should be what?

23 FEMALE VOICE: - - know about, about  
24 removal.

25 MR. MIKVA: Okay.

1 FEMALE VOICE: So I'm voting no.

2 MR. MIKVA: Let's talk about the other issue  
3 that I thought we had quite a bit of consensus  
4 about was an ombudsman. I'm not quite sure  
5 again if this is micromanaging but I really do  
6 think that the university needs somebody that,  
7 that is not related to political power and isn't  
8 related - - people can go to with their  
9 complaints about - - . Is that generally, do we  
10 think it's important - - .

11 MS. VANDER WEELE: I would indicate a  
12 separate inspector general's office or a  
13 division in the current executive, inspector  
14 general's office that addresses higher education  
15 with some additional funding to do so.

16 MR. MIKVA: and that would take the place of  
17 an ombudsman.

18 MS. VANDER WEELE: That's right.

19 FEMALE VOICE: Can you say that again  
20 please?

21 MS. VANDER WEELE: I would recommend either  
22 an executive inspector general division, special  
23 division addressing higher education or a  
24 inspector general for higher education and that  
25 insures independence of the Board of Trustees.

1           FEMALE VOICE: I'm inclined to agree with  
2 that. I know we had some talk about, and I  
3 think I did speak to the ombudsman in my  
4 recommendations but I know we talked about  
5 commissioner Scott spoke about the existence of  
6 a, a inspector general division for the  
7 university but they're not really active.

8           MS. VANDER WEELE: There's the office of  
9 the, inspector general for the office of the  
10 governor is also the inspector general for the  
11 public universities. And when I was inspector  
12 general we advocated for higher education  
13 [background noise] issues in higher education or  
14 - - that recommendation was not picked up by the  
15 general assembly. I agree that the, I still  
16 continue to agree now as a private citizen that  
17 the, there should be a separate inspector  
18 general for higher education and that would  
19 give, some kind of independence they need to  
20 look into issues of the kind that we've received  
21 here.

22           FEMALE VOICE: I agree with Commissioner  
23 Vander Weele.

24           MALE VOICE: I do too. I think that the, I  
25 certainly think that the - - ombudsman and I

1 accept again as - - pointed out that's enough  
2 difference where the university runs but it  
3 shouldn't be a part of the whole - - IG's office  
4 - - agree the Chancellor stated - - the State  
5 University. The state university - - government  
6 does have something to do with running it but -  
7 - still is different - - .

8 MS. VANDER WEELE: And how do you feel about  
9 including a statement that says in the absence  
10 of this dedicated inspector general for the  
11 university something like this is likely to  
12 repeat itself or this, this has happened because  
13 of the absence of one.

14 FEMALE VOICE: I think that--

15 [Crosstalk]

16 MS. VANDER WEELE: And you certainly could  
17 say something in the absence of an inspector  
18 general or a division within the current  
19 inspector generals' office we recommend an  
20 ombudsman. I think the problem is there was an  
21 ethics hotline but that, whether it's been  
22 posted I don't know. Once - - resolved to do an  
23 operational review of the Ethics Division and  
24 why the Ethics Division was not addressing this  
25 issue was not revoking policy etc., etc., but

1 one way or another there needs to be a  
2 mechanism for information to get from the bottom  
3 of the organization to the top and again that's  
4 modeled on serving - - .

5 MR. ESTRADA: I have kind of a hard time  
6 making, creating more government, another  
7 governmental function. If we do a good job of  
8 creating a firewall if we, I know we haven't  
9 discussed this yet but if we make sure that  
10 anybody, elected official or trustee or person  
11 of power makes the, makes an inquiry about the  
12 status about a student we make that a matter of  
13 public record and we have a firewall and we make  
14 the - - commissions we may do we have to create  
15 more government.

16 MALE VOICE: I agree, I agree with Rick, I  
17 just don't think we need more bureau crating  
18 [phonetic], being bureaucratic.

19 MS. VANDER WEELE: We have a policy without  
20 the mechanisms, enforcement is useless. There's  
21 no sense of having a power of faith if you don't  
22 have an enforcement mechanism.

23 FEMALE VOICE: The government's already  
24 there. That's what we were talking about now is  
25 the fact that there is an inspector general for

1 higher education that exists currently. Our  
2 only, our own statement after that is because of  
3 the issues inherent in public, in higher  
4 education that there should be a separate  
5 function for that.

6 MALE VOICE: All we know about is admissions  
7 so I don't know. What, I know we really are  
8 going far afield.

9 MS. VANDER WEELE: I'll say that I hate to  
10 say this, as a resident of Illinois I love my  
11 state and I certainly love my city but given the  
12 culture of politics in our state I do think that  
13 it is absolutely necessary to have an office of  
14 the inspector general who is overseeing these  
15 types of things and when the time comes that it  
16 is no longer necessary then I do believe that at  
17 that time people will make a decision that it's  
18 no longer needed and we can, people can move  
19 forward based on their own abilities.

20 MALE VOICE: One more question, so  
21 Commissioner Scott now could this be a function  
22 that the current personnel take on or is this  
23 going...

24 MS. SCOTT: Here, here's what you have. You  
25 have a current inspector general whose task it

1 is to oversee education compliance and all the  
2 governor's agencies and there are about 36 or 38  
3 of those and all of the governor's boards and  
4 commissions and there are about 200 of those.  
5 And those agencies include some of the largest  
6 agencies in state government - -, public aide  
7 and corrections and pay them to use whatever  
8 resources they have to then deal with the issues  
9 of higher education. It is a, and those issues  
10 are different. You know they are, they are  
11 unique and they are different and I'm talking  
12 from a very personal perspective. And Bernie's  
13 right that that issue is, in some respect I'm  
14 informed by my own personal experience but I'm  
15 also formed as a compliance professional that  
16 given the issues that there ought to be somebody  
17 who is just focused on that. We have that  
18 experience and background that could bring  
19 something different to the table.

20 [Crosstalk]

21 MALE VOICE: I - - . I also think that Z  
22 and Maribeth are right that first of all an  
23 ombudsman would be - - and we're simply saying  
24 that the present existence of the IG - - was  
25 better given - - . Motion I second it.



1 MS. SCOTT: I would say this is something  
2 university also requested.

3 MS. VANDER WEELE: And also this is like  
4 putting police officers on the street. You  
5 won't argue that police officers, adding police  
6 officers is adding bureaucracy.

7 MR. ESTRADA: Yes I would. Yes I would. I  
8 mean there's no money, there's no money out  
9 there. I don't, they don't work--

10 [Crosstalk]

11 MR. ESTRADA: But if it's just a matter of  
12 the, somebody in the IG's office taking a closer  
13 look at higher education as you're recommending  
14 I support your motion.

15 MS. VANDER WEELE: Well and I'm seeing the  
16 inspector general and I've been one myself save  
17 millions and millions and millions of dollars.

18 MR. MIKVA: The motion was seconded all in  
19 favor say aye.

20 [Crosstalk]

21 MR. MIKVA: Opposed? Okay. What else do we  
22 have to bring in to...

23 MS. VANDER WEELE: Well I would like to  
24 recommend and we talked about this earlier and I  
25 think there's some consensus on this that the

1 medical school model be strongly considered by  
2 the university for it's professional colleges  
3 and the elements of that would be a faculty  
4 committee to review applicants and so if you're  
5 compromising 20, you would have to compromise 25  
6 people in order to--

7 MALE VOICE: I think we included that in the  
8 fire--

9 MS. VANDER WEELE: [interposing] Right.

10 MALE VOICE: --the firewall. And I do  
11 accept that we should cite the medical school as  
12 a role model - - and graduate school is - -and  
13 possibly the undergraduate schools.

14 MS. VANDER WEELE: Would you mind if I just  
15 listed what the elements of that would be then?

16 MALE VOICE: If you want to put them in the  
17 report--

18 MS. VANDER WEELE: Yes absolutely. So  
19 faculty committees - - the admissions on a  
20 monthly basis and the reason that this is  
21 important is that the admissions office is not--  
22 [background noise] The reason enrolling  
23 admission is important is that we heard  
24 testimony that the admissions offices get  
25 overwhelmed twice a year and that's why they're

1 not responsive. I would like the university  
2 to address why their admissions office is  
3 perceived as unresponsive. If you want to talk  
4 about adding government that would be one way to  
5 prevent the addition of more government and more  
6 layers if you just make the current admissions  
7 office more responsive. Admission criteria  
8 based on cognitive and non-cognitive factors,  
9 achievement of a minimum score including  
10 cognitive factors, a wait list that is pulled  
11 from a numerical order, and there's a few other  
12 things in there but those are the key ones.

13 FEMALE VOICE: I would be reluctant again, I  
14 am, we are not admissions professionals, we have  
15 not had that training, we are not, we've not  
16 been in this position for purposes of our, being  
17 dedicated admissions people, personnel. I am  
18 just reluctant to get that detailed. I think we  
19 could cite to the testimony of the, of the  
20 admissions director for the medical school and  
21 say here are some of the criteria that were  
22 listed and we believe that may, they may want to  
23 consider but I don't, not want that to be part  
24 of our--

25 [Crosstalk]

1 MS. VANDER WEELE: - - strongly considered  
2 so I understand what you're saying.

3 MS. LOWRY: And I think they strongly  
4 consider that model.

5 MALE VOICE: Again I think we've done that.  
6 I assured - - would. I try - - make sure this  
7 report is - - to be read and that is a little  
8 more detail than I think we needed. We're going  
9 to consider that role model I think - -  
10 obviously - - .

11 MS. LOWRY: If this is on admissions I do  
12 have something else too, that I'd like us to  
13 consider for admissions. Based on the testimony  
14 of two of the witnesses I feel that there is an  
15 issue with diversity in the admissions process  
16 and in the admissions staffing and because there  
17 is already a lack of diversity in leadership at  
18 the university of Illinois Champagne, Urbana I,  
19 I believe that there needs to be a, a diversity  
20 person appointed that works directly with the  
21 president to assure that there are not any  
22 segments of the minority population of students  
23 either directly or intentionally or  
24 unintentionally excluded from access and  
25 admissions to this university.

1           MALE VOICE: I would oppose that motion  
2 not because I oppose the ends of it but because  
3 I really did not hear any testimony that  
4 suggests the university is in any way  
5 discriminating against minorities--

6           MS. LOWRY: [interposing] I did say  
7 intentionally or unintentionally.

8           MALE VOICE: What I heard was that there was  
9 quite a bit of testimony where they were  
10 reaching as far as the law permitted and I hope  
11 no further in trying to make sure that there is  
12 diversity. They are challenged by several  
13 unfortunate cases in the Supreme Court as to how  
14 much affirmative action they can engage in. I  
15 heard them say they were engaging in quite a  
16 bit. Again I hear the point, it isn't that I  
17 oppose the results but I don't think we--

18           MS. LOWRY: [interposing] Well I'm not  
19 speaking of affirmative action. I do believe  
20 that there are programs that currently exist at  
21 the university that there is not enough  
22 intention behind. I, I do, I have heard from a  
23 trustee even to say that there were issues with  
24 minorities gaining access and admission to the  
25 university. In speaking with others even with

1 the medical school, the law school and I do  
2 think looking at other universities there are  
3 things that they can do intentionally that would  
4 insure that there are decisions that are being  
5 made that don't exclude people. I do have  
6 trouble with the entire, so many times when I  
7 ask a question about the ethnic diversity of  
8 these groups that are making decisions that  
9 they're all Caucasian, that there are no or  
10 little minorities even in the group and I think  
11 that we, knowing that and the latitude that's  
12 been given this commission if we see things and  
13 see the credibility of it that we should make a  
14 recommendation for it and I do think that's one  
15 of them.

16 MS. VANDER WEELE: Commissioner I as you  
17 know share your concerns deeply but I would  
18 recommend that, I would re commend that the  
19 university review the issue and, because there  
20 are other classes of people that may, you may  
21 want to look at for example veterans. So that's  
22 the way I would approach it that they need to do  
23 a comprehensive review of the admissions  
24 criteria, the cognitive and the non-cognitive  
25 factors I think would be a great approach to

1 that.

2 MS. LOWRY: I respect that but I would not  
3 want this issue to get lost in an overall broad  
4 brush of something that didn't come up in this  
5 testimony. So I would like to include that at,  
6 even if it is one of the few or rare additions  
7 that end up being put on the report. I think  
8 that's important.

9 MR. MIKVA: Is there a second?

10 MS. SCOTT: I agree with Commissioner Lowry.  
11 I said we were you know, I think that even  
12 though our admissions is, could be broad and it  
13 also can be narrow. we were advised through  
14 testimony that they are, there is a limited  
15 range of, of, in terms of background people who  
16 are considering making admissions decisions and  
17 I think that there ought to be a more inclusive  
18 group of people who are making the decisions.

19 MALE VOICE: So is that made a  
20 recommendations that comes under the heading of  
21 short-term or immediate recommendation which is,  
22 where the ones I thought were most pertinent and  
23 then I made some longer term recommendations and  
24 one of them that includes exactly what  
25 Commissioner Lowry just spoke about.

1 FEMALE VOICE: So that's a motion I'm  
2 making is there a second?

3 FEMALE VOICE: I second your motion.

4 MR. MIKVA: It's moved and seconded and I'm  
5 not sure we've heard any testimony to indicate  
6 that the university is in any way not trying to  
7 carry out what I understand your concerns are.  
8 I see no problems - -putting this into the  
9 reports so long it makes clear that we are not  
10 finding that the university is engaging in any  
11 kind of - -practices in their - - because I have  
12 not heard one example.

13 MALE VOICE: We've heard otherwise - - we  
14 heard at the medical school we had the largest  
15 number of minority applications--

16 [Crosstalk]

17 FEMALE VOICE: And that's because they  
18 address cognitive and non-cognitive factors  
19 unlike the law school which looks strictly at  
20 ACTs--

21 MR. MIKVA: [interposing] all I'm saying is  
22 as long as we put something in there that makes  
23 it clear that we have not--

24 MS. VANDER WEELE: [interposing] well if  
25 we're not saying that they are being



1 discriminatory then we're not saying that  
2 there is not being so I don't see the need to,  
3 if we're making the observation and stating this  
4 is something that they need to do I don't think  
5 we need to clarify it.

6 MALE VOICE: What are they to do?

7 MR. MIKVA: What are they to do?

8 MS. VANDER WEELE: There, they need to adopt  
9 cognitive and non-cognitive factors.

10 MS. LOWRY: And they need to be more--

11 [Crosstalk]

12 MALE VOICE: But you, you had also said a  
13 person added to the staff of president. I mean  
14 what, what are we voting on?

15 FEMALE VOICE: Here, here's what I think we  
16 should vote on and I, I do, we don't know what  
17 diversity, if diversity personnel at the  
18 university - - 'cause I am confident that any  
19 institution of that size does have people in  
20 place. They were in place when I was there you  
21 know. And I won't say the year but they were in  
22 place when I was there. But what we need to  
23 point out is that there, that there needs to be  
24 some attention paid to their diversity in  
25 staffing and diversity in people who are making

1 admissions decisions. That's the only thing  
2 I'm - - .

3 MS. LOWRY: That's what, that's what I put  
4 into, made the motion for that

5 MR. MIKVA: All in favor of that motion say  
6 aye.

7 [Crosstalk]

8 MR. MIKVA: Opposed? Carried. I'm going to  
9 have to leave at this point, I'll turn over the  
10 rest of the meeting to Commissioner Scott for  
11 whatever else is - - . You can't undo anything  
12 we did.

13 [Laughter]

14 MS. SCOTT: we'll be in touch.

15 MALE VOICE: Wait till he gets out of the  
16 room now.

17 MS. VANDER WEELE: I also would like to add  
18 something. I would like to add a paragraph  
19 about the office of governmental relations and  
20 that further inquiry be made into its gaining  
21 access to the banner, admissions - - and in to  
22 releasing confidential information about our  
23 applicants to legislators. I don't think we  
24 know enough about that to make a final  
25 determination or recommendation however I do - -

1 serious breach that should be further reviewed  
2 and potentially lead to a determination of  
3 individuals who are culpable as to the fact that  
4 we received them on the face where accurate.

5 FEMALE VOICE: You know, I tend to, maybe  
6 the report needs to have a section that says not  
7 necessarily action items but the issues of - -or  
8 I don't know how we label it but this, where we  
9 would put the issue of diversity, add the issue  
10 of access 'cause - - things that we looked at  
11 but are beyond what we do here. Maybe that  
12 would, I don't know what we ultimately label  
13 this actually but...

14 MALE VOICE: I admit a recommendation that,  
15 and I think we're all in agreement that the  
16 government relations have absolutely no, no  
17 access to the admissions department period.  
18 None whatsoever.

19 FEMALE VOICE: I don't understand why not.

20 [Laughter]

21 MALE VOICE: Yeah you got me there for a  
22 second. And, and if you want to have a separate  
23 one that they should be looked at more intensely  
24 I would agree with that too.

25 FEMALE VOICE: But the, what system allowed

1 them to have access should be reviewed.

2 MALE VOICE: That's, I agree with that.

3 FEMALE VOICE: - - who made that decision so  
4 I think that should be, if that's a motion I  
5 second.

6 FEMALE VOICE: I agree.

7 MS. SCOTT: All in favor?

8 [Crosstalk]

9 MS. VANDER WEELE: I'm unclear are we not  
10 making any recommendations with the composition  
11 of the board? Which is fine with me but I just  
12 want to make sure that that's the intent with  
13 admissions.

14 FEMALE VOICE: What do you mean composition  
15 of the board?

16 MS. VANDER WEELE: The way in which the  
17 board of trustees is selected.

18 FEMALE VOICE: Oh I do think we should--

19 [Crosstalk]

20 MS. VANDER WEELE: I have some strong  
21 feelings about that. If we do delve into that  
22 area which I'm not confident that we should I  
23 feel very strongly opposed to the idea of  
24 allowing the alumni association to pick six  
25 individuals.

1 MS. SCOTT: Oh I'm not in favor of that.  
2 And also giving them too much freedom and not  
3 knowing enough about that organization and their  
4 own political agenda or agenda period. You know  
5 what I almost think that given that, that we  
6 don't know enough we don't know enough about the  
7 selections of removal but we also, but I think  
8 that maybe in that section that we just talked  
9 about the governor should, should, should create  
10 some transparency around the selection of  
11 trustees that he ought to convene a merit  
12 selection committee to review the credentials  
13 and make recommendations to him on trustees. I  
14 do agree that it should not be turned over to  
15 the alumni association. I mean 'cause this is  
16 like the constant sort of turmoil that - - . I  
17 mean the state buys itself in in terms of how  
18 judges are selected. There has been this whole  
19 debate about whether judges should be elected or  
20 appointed and I don't know, I mean I go back and  
21 forth on either way because the elective process  
22 tends to favor a more diverse judiciary where  
23 the selection process might exclude more  
24 diversity but I, I don't know if we know enough  
25 about what other states do or what our history

1 has been but I think that the governor should  
2 look at it.

3 MR. SCHOLZ: I agree, I agree with Z that I  
4 don't think we know enough but I definitely take  
5 a recommendation to reveal it and I definitely  
6 don't think that the alumni association should  
7 have sole responsibility. I, I'm in favor of  
8 them having representation--

9 MALE VOICE: [interposing] but I agree with  
10 what you all said so just so you know what I  
11 wrote, I recommended that the alumni association  
12 - -they consider the governor considers giving  
13 the alumni association the opportunity to select  
14 50 percent minus 1.

15 MR. SCHOLZ: [interposing] Yeah I wouldn't  
16 have a problem with that but you know but I  
17 think there's a lot of people around the State  
18 of Illinois that never set foot on the campus  
19 that have a stake in the University of Illinois  
20 is the only- - .

21 FEMALE VOICE: I think that, I really think  
22 that you know if we ought to, we want a board of  
23 trustees at the university that considers the  
24 whole state, one that draws from all regions of  
25 the state so the - -interests are represented.

1 I just, I actually think we should have, leave  
2 it to the governor that he ought to review this  
3 process and ought to put in either an executive  
4 order or some kind of something short of an  
5 executive order that sets up, sets up a  
6 transparent process for the selections.

7 FEMALE VOICE: Yeah I do like that wording  
8 more than even, I like the merit committee but I  
9 like that because it leaves it up to the  
10 governor. I think that we've been unfortunate  
11 to have had two administrations where something  
12 like this grew but it really is the oneness is  
13 on the people to appoint a governor that we have  
14 the trust in and I think we've got that now.  
15 The governor really understands that we've got a  
16 university in the University of Illinois that's  
17 involved in research that affects not just the  
18 State of Illinois but our country where we look  
19 at even the issues like energy, the environment.  
20 The University of Illinois is going to play a  
21 major role in this state of setting a precedent  
22 on what we do just as a result of the  
23 president's mandate on energy and, and, and  
24 utilizing windmills and things like that. The  
25 governor has a broad understanding of what is

1 required of the university, what's needed at  
2 the university and I think we can trust him to  
3 have a variety of individuals that bring a lot  
4 of different types of intellect, skills,  
5 background experience--

6 MALE VOICE: [interposing] well I think the  
7 people, the people trusted in Governor Ryan and  
8 Governor Blagojevich to do that and--

9 FEMALE VOICE: [interposing] but that's what  
10 I just said we were unfortunate--

11 [Crosstalk]

12 MALE VOICE: What, what is to prevent us  
13 from having another one? And another one after  
14 that? What's so now--

15 [Crosstalk]

16 MALE VOICE: In the old days when they were  
17 elected, when they were elected the Alumni  
18 Association put up the candidates for both  
19 parties you know, and, and we had good trustees.  
20 So that's why I think that the governor, the  
21 governor and 18 percent of the, 18 percent of  
22 the budget comes from state money so the  
23 governor should definitely have a say of who's  
24 on that board and so I think he should pick,  
25 this is my own opinion, he should pick three of



1       them after a committee gives him the names  
2       that are the best people I think the Alumni  
3       Association should make a recommendation that  
4       involves six and the governor can pick from the  
5       Alumni Association's candidates and they can do  
6       that any process they choose to do. They have  
7       a, they have an outside interest in the quality  
8       of that university and when they pick trustees  
9       we never had any of these problems and when they  
10      stopped picking trustees we've gotten this  
11      problem from crooked governors and I don't, you  
12      can't guarantee that the next two governors  
13      aren't going to be crooks too but so, so I think  
14      you got to involve the Alumni Association in the  
15      process.

16               FEMALE VOICE: Well I'll tell you what I  
17      wrote in my recommendation. I wrote that the  
18      governor have the opportunity to select half and  
19      that the balance be selected by a combination of  
20      the Alumni Association and one or two other  
21      organizations. I'm not comfortable with the  
22      Alumni Association having sole nominating  
23      authority of that many trustees but I do think  
24      that if we're going to look at that direction  
25      that it should be a combination of the Alumni

1 Association and not that the governor can pick  
2 but he can review and make a decision yea or  
3 nay.

4 MR. SCHOLZ: I'm comfortable with that--

5 FEMALE VOICE: [interposing] - -should be  
6 combination of his own selection and, and  
7 candidates from the alumni association.

8 MS. VANDER WEELE: what about faculty? I  
9 think the faculty is a far larger stakeholders  
10 than the alumni--

11 [Crosstalk]

12 FEMALE VOICE: I don't, I disagree with  
13 that.

14 MS. VANDER WEELE: The faculty would give  
15 you a voice from the front line but I like you  
16 original suggestion which is we stay away from  
17 this other than to say it needs to be reviewed.

18 MR. SCHOLZ: Yeah. Mr. Chairman if I have  
19 to go into a meeting at 1:30 am I going to mess  
20 up your quorum? Have we still got a quorum?

21 MALE VOICE: We still have a quorum.

22 MR. SCHOLZ: Okay I've got a 1:30 hearing  
23 but is there anything else we need to vote on?

24 MR. JUDGE: You're just paying for the paid  
25 vacation for all of us.

1 [Laughter]

2 MR. SCHOLZ: You pick the spot Bernie.  
3 Alright well I'll be back in touch with Mr.  
4 Chung then.

5 MS. SCOTT: I, I think that our  
6 recommendation is that the governor review--

7 MR. SCHOLZ: [interposing] Review it.  
8 That's good.

9 MR. JUDGE: And consider various  
10 alternatives.

11 [Crosstalk]

12 MR. SCHOLZ: Thank you Mr. Chairman, thank  
13 you commissioners.

14 MS. SCOTT: All in favor?

15 [Crosstalk]

16 MS. SCOTT: Hearing no opposition we can  
17 move to the next issue if there is one. I think  
18 we have a, a good framework for our report. I  
19 don't know if there are any other issues that  
20 we, - - .

21 MR. JUDGE: Can we take just a minute to  
22 take a look at, so for people who have short-  
23 term memory loss?

24 MS. SCOTT: While you're looking there was  
25 something I, I put in my recommendations that I

1 just wanted you guys to consider. In looking  
2 at the structure of the trustee board there are  
3 14 committees within that, that various trustees  
4 sit on. What do you think about establishing an  
5 ethics committee as one of those committees that  
6 on an annual basis those trustees would review  
7 the actions and decision made that year to have  
8 an intentional focus on ethics that it becomes a  
9 part of the minutes and part of the--

10 MS. VANDER WEELE: [interposing] And that  
11 they also review any complaints--

12 [Crosstalk]

13 FEMALE VOICE: I think that's a great idea  
14 that there ought to be a governance or audit  
15 type committee of the board.

16 MR. JUDGE: You know that, that does bring  
17 out that I thought that there should be a  
18 mandatory annual ethics training for  
19 administrators, dean and above and for the  
20 trustees by an outside, by an outside recognized  
21 agency.

22 MS. VANDER WEELE: In the inspector  
23 general's office but that's in the law now.

24 MS. SCOTT: I think, they have, they are  
25 required as a matter of state law to, to yearly

1 take ethics training but again it's training  
2 that is general to all state government or those  
3 who are in agencies of the governor. But I  
4 agree with Bernie that there ought to be a  
5 training that is designed specifically for those  
6 who are in senior management and trustees.

7 MR. JUDGE: Trustees.

8 MS. VANDER WEELE: And, and part of the  
9 mission of the ethics committee would be to  
10 monitor the attendance at that training because  
11 again without, without, excuse me, a mechanism  
12 of enforcement a policy is useless.

13 MALE VOICE: I went a little further and  
14 said they should sign an ethics statement yearly  
15 and not be allowed to sit in a meeting to, for  
16 formal business that they haven't gone through  
17 the training or signed the statement.

18 MS. VANDER WEELE: And again that's part of  
19 the law currently but except for the not being  
20 able to go to the meeting. I agree with that.

21 MS. SCOTT: So I think what we're saying is  
22 that there ought to be a section of the report  
23 that is, is devoted to ethics training and, and  
24 an ethics reform. Included in that is that they  
25 need a code of conduct for trustees, they need

1 a, annual ethics training and there ought to  
2 be a, I agree with you on the recommendation of,  
3 and, and Commissioner Lowry's there ought to be  
4 some kind of governors audit committee  
5 established on - - .

6 FEMALE VOICE: And let me just throw one  
7 other thing in there because I broke mine into  
8 three areas. One was the ethics committee  
9 whatever it ends up being called that they  
10 should be formed as a standard board committee  
11 which would maintain the responsibility of  
12 reviewing all actions of the board individually  
13 and collectively to ensure they meet the code of  
14 conduct and ethics guidelines of the university  
15 and complaints I would add. The second is the  
16 orientation and training that every board member  
17 should be required with no exceptions to  
18 participate fully in a board orientation and  
19 annual training. Training should include not  
20 only the standard expectations of the university  
21 of Illinois board trustees but also a separate  
22 and dedicated training that deals specifically  
23 with ethics and code of, and code of conduct.  
24 Ethics training should not be an insignificant  
25 part of any board training. guiding principles

1 as it relates to admissions of any and all  
2 applicants should be included in this training  
3 and I'd say in addition to guiding principles  
4 there should be some very clear prohibitions  
5 issues in the form of policies that will serve  
6 to govern the future conduct of the board of  
7 trustees as it relates to their interactions  
8 with one the admissions department, two the  
9 legislative affairs office, three donors, four  
10 elected officials, five family and friends and  
11 any other outside influences and/or inquirers  
12 and an annual record should be kept of every  
13 board member's participation in that orientation  
14 and training. The third piece is an annual  
15 ethics survey as co-chair of the Durban Assisted  
16 Cities Committee the City of Chicago requires  
17 that every chairman fill out an ethics survey  
18 every year and I'm just, I'm recommending that  
19 this ethics committee develop an ethics survey  
20 to be completed annually by every board member  
21 that covers all aspects of the code of conduct  
22 including the exposure of any involvement in  
23 contracting or research or anything else  
24 directly or indirectly and any involvement of  
25 any kind of the written duties required of board

1 members outside of the written duties of  
2 board members that they should be required to  
3 make that transparent and a survey of some kind  
4 would make that possible.

5 FEMALE VOICE: - - do you know whether they-  
6 -

7 MALE VOICE: [interposing] Mr. Chung.

8 FEMALE VOICE: Whether they are required to  
9 sign that, that statement, the conflict of  
10 interest statement?

11 MR. CHUNG: Yes the conflict of interest  
12 statement every year, not every state employee--

13 FEMALE VOICE: [interposing] for the  
14 trustees.

15 MR. CHUNG: I think the trustees do is that  
16 right? Julie do you know if the board members -  
17 - SDI forms?

18 JULIE: The SDI I'm not sure - - every year.  
19 I'll - - .

20 FEMALE VOICE: Well 'cause there is a  
21 statement of economic interest that high level  
22 state employees have to sign, - - to that would  
23 capture a lot of the--

24 [Crosstalk]

25 FEMALE VOICE: That would capture sort of



1 the things that you've raised by the survey.

2 FEMALE VOICE: That would capture the things  
3 in the code of conduct in the assay?

4 MS. LOWRY: That would capture at least what  
5 you were talking about.

6 FEMALE VOICE: The economics but that's just  
7 one part of it. The major part of it was to  
8 capture the, the aspect of the code of conduct  
9 and the ethics angles so if they have to sign a  
10 survey every year that ethics committee if they,  
11 you know with actions and activities that the  
12 board sends out that year. And complaints that  
13 come in.

14 MS. SCOTT: You know what, the thing is I,  
15 and we, you were recommendations are so specific  
16 I almost think that, that we should recommend  
17 that they develop a survey that would address  
18 every, you know, areas of risk associated with  
19 being a trustee and require annual certification  
20 rather than reconstructing what the area ought  
21 to be. So just develop--

22 MS. VANDER WEELE: I developed a list of ten  
23 based on our testimony. You know admission  
24 policy and then to closed classes, credits  
25 required to graduate, hiring contracts, where -

1 - can park, parking I'll just add research  
2 now, I know there a policy in research and then  
3 moving toward a policy and initiatives. So I  
4 don't know if that's too specific but--

5 MS. SCOTT: [interposing] Or we could just  
6 say such as.

7 MS. VANDER WEELE: Oh that sounds good.

8 [Crosstalk]

9 MS. VANDER WEELE: Commissioner Lowry the  
10 only question I would have about the ethics  
11 committee is, is there currently an audit  
12 committee because if there is the ethics and  
13 audit committee should be one in the same.

14 MS. LOWRY: No.

15 MS. VANDER WEELE: Because the audit  
16 committee will by definition be reviewing audit  
17 exceptions and in my experience having overseen  
18 an audit department the audits will develop some  
19 in some cases some identification of issues that  
20 are - - involve misconduct so the two should be  
21 operating together.

22 FEMALE VOICE: But every state agency, every  
23 state agency has like auditors, internal  
24 auditors.

25 FEMALE VOICE: Right.

1 FEMALE VOICE: But I don' know and  
2 they're also a review by the auditor general.

3 MR. CHUNG: I think commissioner Lowry is  
4 talking about a specific board committee--

5 [Crosstalk]

6 FEMALE VOICE: There's 14 committees and  
7 there is not one committee--

8 FEMALE VOICE: [interposing] that's amazing.

9 FEMALE VOICE: Isn't that amazing? That  
10 just, that's does - - . You don't have a board,  
11 you have 14 committees and you have no board  
12 audit committees. That is incredible.

13 MR. JUDGE: Sun Times had an audit committee  
14 and they stole 40 million dollars.

15 [Background noise]

16 [Crosstalk]

17 FEMALE VOICE: I mean I would call, I'd call  
18 it the ethics committee that will have some of  
19 the responsibilities.

20 MS. VANDER WEELE: That should, I'll make  
21 that motion.

22 MALE VOICE: I second that.

23 FEMALE VOICE: I second.

24 FEMALE VOICE: Third.

25 MS. SCOTT: All in favor.

1 MALE VOICE: I'm fifth I like a fifth.

2 [Crosstalk]

3 MS. SCOTT: - - our report should then the  
4 motion is carried. Are there any other...

5 FEMALE VOICE: I know we're pressed for time  
6 I just want to make sure I've covered.

7 MR. JUDGE: Mine's - - .

8 MS. SCOTT: We did, we did say that one  
9 recommendation, I'm hoping to put that, that one  
10 recommendation be the total elimination of  
11 Category I. Anything short of total elimination  
12 of Category I, red stripe, special interest,  
13 brown file, or any other name used to describe a  
14 - - of any kind or alternative admissions  
15 process should be eliminated.

16 MALE VOICE: That's - - .

17 FEMALE VOICE: Right.

18 FEMALE VOICE: We, we did that before we - -  
19 .

20 MR. JUDGE: Are we done? It's after one. I  
21 think that, I think the report somewhere should  
22 reflect that we commend the press for bringing  
23 this to our attention and we commend the people  
24 who went to the press to make this corruption  
25 knowledgeable to the public. We, the university

1 did nothing to bring this into the open and  
2 it's only the press that did it and I think they  
3 should be commended.

4 FEMALE VOICE: You're not biased now are  
5 you?

6 MR. JUDGE: I am totally open-minded and I  
7 have worked for every news organization in town  
8 so--

9 FEMALE VOICE: I, I, the press is just doing  
10 their job.

11 [Crosstalk]

12 MR. JUDGE: 'Cause if there was enough  
13 testimony during these hearings about the press  
14 not doing their job.

15 FEMALE VOICE: Well that was one particular--  
16 -

17 [Crosstalk]

18 MS. VANDER WEELE: If we're going to talk  
19 about broad brush there's other places where--

20 FEMALE VOICE: [interposing] If you can't  
21 speak to people's personal experiences--

22 FEMALE VOICE: [interposing] But I think  
23 that beyond the press I think the office of the  
24 governor ought to be--

25 [Crosstalk]

1 FEMALE VOICE: - - the resources that the  
2 governor has devoted to, he asked us to take a  
3 look at this and--

4 MS. VANDER WEELE: [interposing] That and  
5 the general counsel--

6 FEMALE VOICE: [interposing] and I think  
7 given your statement--

8 MR. JUDGE: [interposing] I wouldn't to for  
9 the general counsel.

10 [Laughter]

11 FEMALE VOICE: I really think we have to  
12 commend the general counsel for the - - its  
13 unbelievable job ad also the pro bono work of  
14 the law center--

15 FEMALE VOICE: - - pro bono work absolutely  
16 outstanding.

17 MR. JUDGE: Yes I agree.

18 [Crosstalk]

19 MS. SCOTT: - - and - - be able to our boss  
20 our transcripts and--

21 MR. JUDGE: [interposing] and I think it was  
22 our court reporter that we don't have today.

23 FEMALE VOICE: Yeah and I think in light of  
24 your conversation, your statement about the two  
25 former governors that we should applaud Governor

1 Pat Quinn for the haste that he used in  
2 [background noise] he wasted no time in jumping  
3 on this situation and trying to get at the  
4 issues--

5 FEMALE VOICE: [interposing] and manner, in  
6 a manner of high integrity, with high integrity.

7 FEMALE VOICE: I think this is a place we  
8 can feel free to use that word.

9 MR. JUDGE: Sure, sure.

10 MS. SCOTT: I think that if there are no  
11 other recommendations--

12 FEMALE VOICE: Did you talk about letters of  
13 recommendations?

14 FEMALE VOICE: Yes we did.

15 MS. SCOTT: What was the conversation?

16 FEMALE VOICE: It was a part of the--

17 MS. SCOTT: Did we specifically address  
18 letters of, was there any motion made about  
19 those?

20 MS. VANDER WEELE: There wasn't a motion  
21 made but I think we agreed that letters of  
22 recommendation, maybe we don't but the letters  
23 of recommendation that come from an individual  
24 who doesn't know the applicant should not even  
25 be in the admission spot.

1 FEMALE VOICE: 'Cause what we said is the  
2 medical school should be the model, the medical  
3 school does not permit those types of anchorings  
4 to be anywhere in the admissions file. Now they  
5 do a lot of letters of recommendations for  
6 people who know the individual such as--

7 MR. JUDGE: [interposing] Know the work,  
8 know the work of the--

9 [Crosstalk]

10 FEMALE VOICE: we weren't' even getting  
11 letters of recommendation we were getting emails  
12 that--

13 MR. JUDGE: [interposing] right.

14 FEMALE VOICE: - - that you know that didn't  
15 pertain to sometimes didn't pertain to the  
16 merits of the individual and they may be  
17 somebody important.

18 MS. VANDER WEELE: I know throughout the  
19 course of this hearing process we talked about  
20 numbers of letters of recommendation I just want  
21 to make sure we're not putting that in our  
22 report that we are making a recommendation on  
23 how many letters of recommendation should be  
24 accorded--

25 [Crosstalk]



1           MALE VOICE: Or depending on the - -  
2 maybe this should be made clear or the  
3 undergraduate process does not officially does  
4 not accept letters of recommendation. I think  
5 the record would report that even though they  
6 don't, they still do a good job when left to do  
7 their jobs. If the request or recommendation  
8 out of this commission were they should accept  
9 those and the consequences of that to implement  
10 that would be pretty significant, they'd have to  
11 staff up to get, to be able to accommodate the  
12 review process.

13           FEMALE VOICE: Well we don't know that they  
14 would have to staff up any more than they do.  
15 We don't know that for a fact. I wouldn't want  
16 that to bias someone's opinion about whether  
17 they agreed that we need to, they would need it  
18 or not.

19           MALE VOICE: We're talking about tens of  
20 thousands of letters. Really - - into the  
21 record that indicated to be able to with  
22 existing staff deal with letters one, two or  
23 three however many letters that - -the  
24 undergraduate staff will accept if that were  
25 implemented. The practical--

1           FEMALE VOICE: [interposing] Well, I  
2 would have to say that given the amount of money  
3 that this university receives and just like our  
4 state is in a process of prioritizing what and  
5 how we use our budget I believe and I put this  
6 in my recommendations about letters or  
7 recommendation that the letters of  
8 recommendation often tell a story about the  
9 potential of a student that no test score or  
10 application could ever say and that they should  
11 be submitted to the Admissions Department and  
12 reviewed and filed as part of the review  
13 process. I don't believe that anyone outside of  
14 the Admissions Department should respond to a  
15 letter of recommendation or have access to it  
16 but I do believe that letters or recommendation  
17 are a critical part of a person's life story and  
18 oftentimes and I would say more times than not  
19 you will find I things that don't fit into the  
20 numerical formula. When we had the Director of  
21 Admissions here that talked about her meetings  
22 with the best, with the top universities across  
23 the country and they compared best practices  
24 they compared their formulas that they used for  
25 admissions, I am disturbed that letters of

1 recommendation are not used.

2 MS. VANDER WEELE: Admissions, if you looked  
3 at the medical school model, the model fixes the  
4 issue. It's not, non-cognitive factors and so  
5 its not only letters of recommendations,  
6 student's essays and looking at the student  
7 extracurricular activities, community service,  
8 there's a whole array of non-cognitive factors  
9 that are connected to the candidates own merit,  
10 not the merit of his parents, his or her  
11 parents, such as the parent is a donor or the  
12 parent who is an alumni, but that student's  
13 merits that are non-statistical. I, I wouldn't  
14 just limited the non-cognitive to letters or  
15 recommendation but say if you look at the med  
16 school model look, and they have the highest  
17 minority representation of any med school in the  
18 United States.

19 MALE VOICE: I don't think that the  
20 undergraduate admissions offices would say that  
21 there is an - - numbers saved. They  
22 characterize it as holistic.

23 MS. VANDER WEELE: I know what they  
24 characterize it as but based on what the woman  
25 who sat here and said boy I can't tell you how

1 many times I heard the word holistic and I  
2 said my definition and their definition of  
3 holistic is very different. But I like what, if  
4 with the medical school model if that is  
5 capturing these types of things then it  
6 certainly should go in their law school because  
7 the law school more than anything I've heard in  
8 - - testimony of the business school but the law  
9 school was so statistical driven which doesn't  
10 take into consideration integrity or team work  
11 or resilience or persistence, all the things  
12 that we know in corporate America make a  
13 difference.

14 MALE VOICE: We've already recommended that  
15 - - .

16 [Crosstalk]

17 MS. VANDER WEELE: And I would argue to that  
18 when you have something like 1,300 faculty and  
19 please correct me if I'm wrong with the number  
20 that that model could be used in the undergrads  
21 in - -share the work among multiple faculty - -  
22 committee of faculty.

23 MALE VOICE: We recommended that--

24 [Crosstalk]

25 MS. SCOTT: Mr. Chung, I hope you get some

1 sleep. You are to be commended.

2 [Crosstalk]

3 MR. CHUNG: - - I'd be remiss if I didn't  
4 acknowledge that this, as you guys know is a  
5 huge staff that is - - . I get the chance to -  
6 - people who do the work.

7 MS. VANDER WEELE: By the way I'm used to  
8 150 page reports, I have no problem reading  
9 them, I have no problem writing them. I think  
10 that reflects the complexity of the situation.

11 FEMALE VOICE: And then she has in her  
12 convertible with the top down and reflect - - .

13 MR. CHUNG: We have to add one more thing  
14 and that there's going, there's continuing to be  
15 factual development. You know, there's a lot of  
16 comments that come into this - - and I hope  
17 you're dealing with that kind of additional  
18 interviews, there's interview reports,  
19 additional information's coming in - -the  
20 university almost on a daily basis so you have  
21 considered various proposal today and voted on  
22 them. There's theoretically a chance that you  
23 could get still more information that perhaps  
24 then it modifies your thinking, you come up with  
25 new thoughts and I think there's still an

1 opportunity to weave into the final report  
2 additional thoughts so I encourage you as you've  
3 done before to keep an open mind and we should  
4 think about the schedule coming forward until  
5 the very end to make sure that there is ample  
6 opportunity to do just that and then to make  
7 sure whether there an appropriate transfer,  
8 hand-off of the actual report to the governor at  
9 - - . The Judge talked about next Wednesday I  
10 think he said in the conference call and that  
11 wouldn't - - work for the staff. The question  
12 is does it work for the commission or other  
13 commissioners and what is the vision for the  
14 actual hand-off.

15 FEMALE VOICE: I think that you know, we  
16 have to be realistic in terms of what kind of  
17 timetable we have to put together a final report  
18 that that captures all that we talked about  
19 today and I'm sure that the drafting has gone so  
20 far it's going to have to be modified to take  
21 into consideration the comments and the  
22 agreements we've reached as a commission. So I  
23 think what we're looking to you for right now is  
24 when do you realistically believe that you'll  
25 have a draft that would be--

1           MR. CHUNG: We're shooting to have a  
2 close to full final draft by Monday and maybe  
3 with the - - that happened today that it's later  
4 Monday than we originally planned but I would  
5 hope that it would be close of business Monday  
6 we have the factual predicate and the reforms  
7 that arise out of that put into a single  
8 document for the commissioner's consideration.  
9 Adding just a caution that when you look at the  
10 facts which are going to be more than ten pages,  
11 substantially more than ten pages in a document  
12 associated with those facts I think the - - may  
13 cause you to have some additional thoughts to  
14 modify your thoughts so once you get it you'll  
15 need time to digest it and reflect on it and  
16 then get back to us. So if we shoot for midday  
17 Monday or early afternoon Monday draft for your  
18 consideration and it takes you I would say at  
19 least 24 hours to get through it then and then  
20 get back to us maybe Wednesday is - - maybe  
21 we're talking about Thursday for, or even Friday  
22 which is still within the deadline for a final.

23           MS. VANDER WEELE: Yeah and because of the  
24 statement last week that today was our last day  
25 I have client work on Thursday and Friday, I

1 will be out of town and I will not be  
2 available during that time - - start the  
3 interviews for that whole period more removing  
4 to - - .

5 MR. CHUNG: - - commissioners we could  
6 project a Wednesday kind of final vote and then  
7 - -need to be cleaned up at all and that can  
8 still take place but it would substituted--

9 MS. SCOTT: Substitutive [phonetic] positions  
10 would be--

11 MS. VANDER WEELE: [interposing] I would  
12 appreciate that and I appreciate, I don't want  
13 to be the only one you, for whom you make  
14 accommodations but whatever.

15 MS. SCOTT: So we're looking at Wednesday.

16 MR. JUDGE: Have a conference call then.

17 MR. CHUNG: And if anyone doesn't make it I,  
18 hopefully we would be able to get this room then  
19 whoever couldn't make it in person then - -know.

20 MS. SCOTT: Did we, did we, did we select--

21 [Crosstalk]

22 MS. SCOTT: - - saying whoever, there is a  
23 meeting here on Wednesday?

24 MR. CHUNG: That's what the Judge early on  
25 in this meeting talked about with the



1 possibility of him participating by  
2 conference call but the group meeting - - .

3 MS. SCOTT: We know Wednesday, how about if  
4 it's at 2:00?

5 MALE VOICE: 2:00 is great.

6 MS. SCOTT: That's fine with me. Here in  
7 this room?

8 MR. CHUNG: If we can get it we'll check on  
9 that.

10 FEMALE VOICE: Okay.

11 MR. CHUNG: So we'll send out the notes.

12 MALE VOICE: 2 p.m. Wednesday.

13 MS. SCOTT: Okay.

14 FEMALE VOICE: I have just a question was  
15 there, were, were there any other votes this  
16 morning?

17 FEMALE VOICE: No.

18 MS. SCOTT: With that we should stand  
19 adjourned till Wednesday at 2.

20 [END admissions-review-073109 Part 2 of 2]

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C E R T I F I C A T E

The prior proceedings were transcribed from  
audio files and have been transcribed to the  
best of my ability.

Signature Catherine Lingo

Date August 4, 2009