

**REPORT OF THE
BLUE RIBBON PANEL ON ADMISSIONS**

The University of Texas System

April 13, 2015

Charge and Process

The Blue Ribbon Panel on Admissions was appointed by Chancellor William H. McRaven on February 13, 2015, with these elements of charge:

- To analyze and compare the recommendations provided by the Kroll report and the White Paper approved by the Board of Regents on Best Practices in Admissions Processes for Undergraduate and Professional Programs.
- To present recommendations from either or both documents to strengthen the admissions process for both undergraduate and professional schools.
- To deliver the report to Chancellor McRaven within the next 60 days.

The Panel members are former Chancellor R. D. (Dan) Burck, former Chancellor and President William H. Cunningham, former President Larry R. Faulkner (Chair), former President Peter T. Flawn, and former Chancellor Mark G. Yudof. Executive Vice Chancellor Pedro Reyes participated regularly in an *ex officio* staff role.

In four face-to-face meetings and some additional communication, the Panel reviewed the following documents:

1. Report by the Kroll law firm, *University of Texas at Austin – Investigation of Admissions Practices and Allegations of Undue Influence, Summary of Key Findings, Final Report to the Office of the Chancellor of The University of Texas System* (February 6, 2015).
2. UT System White Paper, *Best Practices in Admissions Processes for Undergraduate and Graduate Professional Programs* (July 2014).
3. University of California Board of Regents, *Regents Policy 2202: Policy Barring Development Considerations from Influencing Admissions Decisions*.
4. University of Illinois at Urbana-Champaign, *Ethical Code of Practice*.
5. University of Illinois at Urbana-Champaign, *Policy Prohibiting Improper Influence in Admissions to the University of Illinois at Urbana-Champaign*.
6. The University of North Carolina at Chapel Hill, *Admissions Policy* (January 23, 2014).
7. The University of North Carolina, *Dual Memberships and Conflicts of Interest* (September 18, 2009).
8. University of Wisconsin System, *Freshman Admissions Policy, Regents Policy Document 7-3* (December 7, 2012).

9. University of Wisconsin System, *Code of Ethics*, Regents Policy Document (July 1, 2015).
10. University of Texas at Austin, *Best Practices for Undergraduate Admissions*, draft in development.

The Panel also held meetings with Dean Ward Farnsworth of the UT Austin School of Law, Dean Thomas Gilligan of the McCombs School of Business at UT Austin, and Dr. N. Bruce Walker, former Director of Admissions at UT Austin.

Before addressing particulars in the White Paper or the Kroll Report, the Panel presents its views of fundamentals upon which any system of practice regarding admissions should be built. Like all other content in this report, these views are supported unanimously by the members.

Principles

Presidential responsibility and authority regarding admissions. The Panel members concur that the President of any institution in the University of Texas System must fully accept responsibilities and exercise authority as delegated under the *Regents' Rules & Regulations*. In Rule 20201, Sec. 4, the Regents have defined the President's duties in this way:

Sec. 4 Duties and Responsibilities. Within the policies and regulations of the Board of Regents and under the supervision and direction of the appropriate Executive Vice Chancellor, the president has general authority and responsibility for the administration of that institution. Specifically, the president is expected, with the appropriate participation of the staff, to:

4.1 Develop and administer plans and policies for the program, organization, and operation of the institution.

4.2 Interpret the System policy to the staff, and interpret the institution's programs and needs to the System Administration and to the public.

4.3 Develop and administer policies relating to students, and where applicable, to the proper management of services to patients.

(continuing through additional points of responsibility not relevant here)

This language is very clear. The President has “general authority and responsibility” within the bounds of regental and System-level policies and oversight. The President is expected to “develop and administer plans and policies for ... the operation of the institution,” including “policies relating to students.” In addition, the President has the responsibility to “interpret the institution’s programs and needs to the public.” No area of the institution’s activity is delimited or proscribed relative to the President.

The admission of students to a public university is a central process bearing strongly on the institution’s public identity, its service to the people, the quality of its academic programs, and its external academic standing. There is every reason for the President, “with the appropriate participation of the staff,” to pay close attention to admissions policies and practices and to provide oversight in the normal manner for important programs.

The Panel does not believe that a “firewall” should seal the President off from these important duties. The President leads the whole University. The office has many responsibilities in which public trust is invested. None is presently subject to a firewall. We do not accept the argument that the President’s work regarding admissions is so risk-laden for the institution that he or she should be removed from it.

We agree that a well-earned reputation for integrity is the most priceless asset of a public university. Among any president’s first duties must be to foster such a reputation and to protect the institution’s best claims on it. Because public confidence in admissions practices is of central importance, the President’s top priority regarding admissions must be to assure that the work is actually carried out -- and is broadly understood to be carried out -- with the best achievable fairness and validity.

To the extent that confidence in admissions practices has eroded, we judge that the answer is in improved presidential accountability, not the removal of this one duty from a President who is otherwise fully responsible for the well-being of his or her institution.

Presidential involvement in the annual admissions cycle. A fresh undergraduate admissions cycle normally begins in the late spring with a review of the cycle just ending. Possible changes of policy and practice are proposed and discussed. It is typical and appropriate for the President to be involved and to give final approval of plans for the new cycle.

As that cycle proceeds, aspirants apply, and information is received in support of their applications. The President is often contacted by individuals who are supporting an applicant. Nearly all of this contact is by letter, email, or telephone. In the next two sections, we will address our recommendations concerning such communications.

At the end of each cycle, it has become common to hold a final set of meetings, the purpose of which is to make final decisions on where to draw admissions lines among applicants from large schools having many competitive applicants. The President is sometimes involved.

In this context, it is useful to emphasize the intrinsic complexity of the admissions process at a highly selective public university in Texas. In reality, there are two distinct admissions processes defined by the Automatic Admission Law (i.e., “Top 10% Law),” as enacted and amended by the Texas Legislature.

- Texas resident students in the top fraction of their high school class automatically qualify for admission to any Texas public university of their choice. For UT Austin in the cycle now ending, applicants must be in the top 7% of their high-school class to have gained automatic admission. About three quarters of the incoming freshman class is filled with automatic admits.
- Applicants who do not qualify for automatic admission are reviewed in a holistic admissions process taking account of academic achievement, college-entrance test scores, letters of reference, extracurricular activities, evidence of leadership, and other identified factors. In this process, many thousands of applicants must be evaluated and compared. On the basis of judgments rendered as systematically as possible, the most competitive are placed in a rank order among other candidates from their schools, and cut-lines must be established in each school’s group, on as uniform a basis as possible, to fill the space available in the freshman class.

In news stories and public discussion, there commonly seems to be a presumption that a bright line separates competitive applicants from uncompetitive ones – or divides “justified admissions” from the “unjustified.” But that is not even remotely the case. Large, academically competitive high schools in Texas typically produce a great many competitive applicants on both sides of any practical cut-line that could be drawn for that school. It is important that the wisest possible decision be made on the placement of the cut-lines, and it is appropriate for the President to be involved in the discussions leading to those decisions.

From time to time, when the President has relevant knowledge, he or she might also participate in the evaluation of a student’s credentials. The members of the Panel judge that this is an acceptable practice. The President has a depth of experience and a range of responsibilities that qualify him or her fully for such work. In fact, some presidents were formally engaged in admissions work at earlier stages in their careers. In much of the public discussion of admissions issues, there often is a presumption that the President lacks the special gifts and training of admissions professionals and should be disqualified from professional involvement in the process of evaluation. We reject that view.

Nevertheless, we advise that, with rare exceptions, the President leave to the admissions staff the final evaluation of credentials, after he or she has commented. Such an approach is in the interest of both consistency of outcome and positive external confidence in the process.

Having an able senior professional in charge of the annual process of undergraduate admissions is important to the institution and to the President. A university is best served when this person has clear delegated authority for normal operations, including the related

decision-making. The President should work to preserve a collegial relationship with the chief of undergraduate admissions, as with other senior officers to whom delegated authority has been granted.

Even so, there may be individual cases in which the President disagrees strongly enough with the admissions staff to make an independent final decision, positively or negatively, on an applicant's admission. The members of the Panel believe that the President now has this authority under the *Regents Rules & Regulations* and should retain it. The evaluation of issues is complicated, and the President needs always to have the ability to act optimally and properly for the institution, as he or she judges, within the parameters of the holistic admissions process, in the face of exceptional circumstances.

But decisions to override the outcome of the regular admissions process should be taken judiciously and rarely. Actions of this kind, if seen as other than rare, inevitably build pressures on the President that are not in the institution's interest, not least because they can undermine public confidence in institutional integrity.

Toward accountability, the members of the Panel recommend that the Chancellor require of each President a face-to-face personal report at least once per year to discuss admissions cases in which the President made an independent, final decision. The Executive Vice Chancellor for Academic Affairs should be included. This meeting might occur as part of the President's annual review. If the Chancellor is not satisfied with the President's approach and actions, the Chancellor has options for follow-up.

The Panel members believe that admissions is not an area in which open records offer an appropriate avenue of accountability. By its nature, an admissions process deals individually and personally with applicants. Each one has the right to expect the institution to hold in confidence their identities and information. This is the reason for our emphasis on a mechanism of accountability built on direct, face-to-face reporting and discussion.

A most unfortunate outcome of the recent controversy relating to UT Austin's admissions procedures has been the disclosure of identities and case information that ought never to have become objects of public discussion. Individual students have been subjected to damaging publicity and embarrassment. Any future accountability measure regarding admissions must be built on a commitment to protect the privacy of students and graduates.

Letters and calls. The president of any selective university inevitably receives mail and other communications in support of applicants for admission. It is in human nature for people to write or to call people they know about people they care for.

In the experience of the Panel members, there is no harm in most of this communication. The majority of letters simply convey information of the kind normally found in supporting letters, without any suggestion of request for special treatment. In the past, such letters have typically been forwarded from the President's Office to the admissions staff for inclusion

with the student's application. In the view of the Panel, it is appropriate to continue that practice. The letters sometimes furnish distinctively relevant facts or insights, and the admissions staff certainly should understand that no special emphasis is implied by the routing from the President's Office.

The Panel understands the proposals that students be required to identify their "official" letters of recommendation at the time of application and that only those letters be included in the file or the review process. Where such measures have been adopted, unsolicited letters are typically held in the student's file without being used in the review, or are not kept at all. The Panel believe that it is acceptable, but unnecessary, for an institution to adopt such measures.

For cases in which the President receives a letter or an email message containing only information and opinions relevant to the institution's annual admissions review, we recommend that the President provide a non-committal acknowledgement and forward the letter to the admissions staff for handling in accord with institutional policy.

If the President receives a telephone call with the same sort of information, it is normal and appropriate just to acknowledge the caller's interest during the call itself, but not to furnish anything further to the admissions staff.

The President will also receive letters and calls that are not confined to facts and opinions relevant to the institutional review process. The writer might cite long service to the institution by a relative of the applicant, some relative's giving record, or another connection beyond the range of institutional review. The Panel recommends that the President acknowledge this sort of communication according to the circumstances, but neutrally with respect to the prospect for admission. The Panel also recommends that the President refrain from forwarding such letters to the admissions staff. While this correspondence is often positive and interesting, it is better to avoid holding letters based on unreviewable factors with the student's application, even if they are filed separately from materials actually used in review.

Some letters and calls go beyond all we have just discussed and manifest an attempt at undue influence. These represent something more than ordinary correspondence and are considered in the next section.

Undue influence. There are rare occasions when the President or a member of the admissions staff is faced with coercion in connection with a student's application. The Panel judges that an unsolicited communication manifests an attempt at undue influence if it involves any coercion of institutional personnel.

Nearly all instances of attempted undue influence in admissions cases are based on a) the prospect of future gifts to be made to the University, b) a sense of entitlement for gifts

already given or work performed in support of the University, or c) political control over the University's interests.

Even though a coercive element might emerge in an item of correspondence or a conversation, the attempt at undue influence might not be egregious. The person making the push might have made improper representations without really intending to do so. In those instances, the President can commonly deal with the coercion with no more than a firm reminder that the institution must run its process fairly.

In most cases where the President receives mail or calls about admissions cases – manifesting an attempt at undue influence or not -- the contact is largely uncorrelated with the competitiveness of the applicant being supported by the letter or call. There is a fair chance that the student will earn entrance on his or her own, so that the contact is wholly unnecessary.

If the President receives coercive pressure in a given case, and the case is ultimately resolved by the student's own success, the President avoids the need to address the coercion. However, throughout the evaluation and decision, President's has a clear duty to protect the admissions staff from any part of that coercion.

If, in a very rare case, there is coercion based on a serious, credible threat to the University's future, the Panel recommends that the President consult in a timely manner with the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Chairman of the University of Texas System Board of Regents.

Admissions to professional schools. In the Panel's judgment, the Deans of the professional schools should, by presidential delegation, be principally responsible for admissions to the professional degree programs in their schools. The roles, duties, and responsibilities of the Deans with respect to these programs should mirror those that we have laid out for the President in connection with undergraduate admissions.

Toward accountability, the members of the Panel recommend that the President require of each such Dean a face-to-face personal report once per year on all admissions cases in which the Dean made an independent, final decision. The Provost should be included in the meeting. If the President and Provost are not satisfied with the Dean's approach and actions, they have options for follow-up.

Similarly, if the Dean experiences coercion based on a serious, credible threat to the University's future, the Panel believes that it is essential for the Dean to consult in a timely manner with the President and Provost. It may be necessary for the President, in turn, to consult with the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Chairman of the University of Texas System Board of Regents.

Items from the Kroll Report and the White Paper

Kroll Report. In its concluding section on Recommendations and Best Practices, following a thorough review of admissions practices at The University of Texas at Austin, the Kroll report leaves it to the Chancellor and Board of Regents to determine if The University's current admission practices should be maintained. Kroll then offered a series of recommendations for consideration, if the Chancellor and Board conclude that reforms are necessary.

The Panel does not concur with Kroll's recommendation that The University establish a "limited firewall" that would restrict or reduce the President's role in the admission process.

Kroll's other recommendations deal with limiting letters of recommendation, unsolicited communications, inquiries about the status of applications, decisions on admissions, and placing "holds" on applications. These recommendations should be considered in revising admissions policies but should not restrict institutions in maintaining the flexibility necessary to deal with special cases or unforeseen situations. The Panel offers these additional comments regarding particulars in the Kroll report:

- *Letters.* The Panel has been clear that it does not see the necessity to institute policies that are sharply restrictive with respect to the number and sources of supporting letters in a student's file. More important is that the included letters focus on factors relevant to the review. If an institution judges that policies are needed in this area, we urge that they be made simple and easily explained. There should be room for including a late letter with relevant new information from a credible source.
- *Policy on Unsolicited Communications.* The Panel has already presented its views about how unsolicited communications should be handled. Since there will not soon be a world without such communication, an institution must have a system for handling it consistently and with integrity. The Panel members are in agreement with Kroll's recommendation to establish a policy that unsolicited communications should not unduly influence admissions decisions.
- *Inquiries to Admissions.* The Panel agrees with Kroll's recommendations in this area. The privacy of the student's record, including his or her application for admission and its status at any time, must be guarded with care.
- *Decisions on Admitting Applicants.* As the Panel has clearly indicated, it does not agree that the President should be precluded from judicious, rare, independent actions in admissions cases for good and sufficient reason. Moreover, the Panel believes that it is unwise to place the Office of Admissions in the role of judge over the President's

actions. The Chancellor and the Executive Vice Chancellor for Academic Affairs are the proper agents of accountability, and the Panel has suggested a mechanism for their regular review of presidential action. On pages 97-98, the Kroll report lays an emphasis on the need for the President to foster a collegial relationship with the chief of admissions. We echo Kroll's language on this point in our discussion above.

- *Holds.* The system of "holds" arose in the Office of Admissions at UT Austin because presidents and deans occasionally asked to be informed of the outcome of an admission decision at the time the student was to be notified. Such requests were based on one or more contacts that the President or dean had received and were driven by the desire to avoid being caught without knowledge in subsequent interactions with people interested in an applicant. It is amply clear to the Panel that this system is no longer appropriate, for it feeds mistrust in the integrity of the process. The Panel recommends that it be abandoned. We will not attempt to specify in this space how that should be done, but we believe that all efforts should be made to avoid tagging any student's file, except as needed to meet internal needs of the admissions process itself. The Kroll report provides some concepts that might prove useful in constructing better practices. Presidents and deans will still want and need timely information about the outcomes of admissions cases, but the mechanism for assuring their notification should be separated from the individuals and the tools involved in the actual evaluation and decision-making.
- *Admissions Committee.* The Panel agrees with the Kroll report that there is no need to establish overly structured admissions committees. The members do believe that admissions processes should generally involve collaborative decision-making among multiple qualified parties.

For the professional schools, the Panel believes that, within established policy, the Deans should have discretion over the admissions process.

University of Texas System Report on Best Practices. The proposed "Next Steps" make three recommendations for each campus. The first calls upon each institution to designate one individual as the "admissions contact" for UT System communications. To the extent that this is a general recommendation regarding future practice in the System, the Panel believes that only the President of an institution can fill that role. If the recommendation relates only to coordination of the immediate, transient task of redrafting an institutional admissions policy, we are comfortable with a President's delegation of this responsibility to another individual.

The Panel agrees that each institution should revisit and update its written policy governing admissions. Such policies have existed, but clearly need fresh attention. The Panel does not

concur with all of the elements recommended in the White Paper for inclusion in an admission policy. The Panel does not believe that institutions should be required to establish large admission committees that include “multiple officials.” The Panel does not agree with the proposed limit on the number of letters of recommendation. The institution should have the flexibility to consider all letters that contribute to the evaluation of the candidate. The Panel believes that procedures to maintain the independence of the “admission committee”, if one is established, should in no way reduce or restrict the President’s authority over the admissions process. The creation of a “firewall” is not appropriate. In foregoing parts of this report, we have developed our thoughts on all of these topics.

The White Paper also includes “Recommendations for Best Practices” under five headings:

1. Ensure transparency throughout the admissions process.
2. Identify for prospective students the criteria used in holistic review.
3. Promote consistency in holistic reviews.
4. Uphold the integrity of the admissions process by eliminating external influences and conflicts of interest.
5. Encourage accurate and timely communication between students and admissions staff.

The Panel fully endorses the points in the White Paper under Headings 1, 2, 3, and 5. The members support the goal expressed in Heading 4, but not most of the provisions in the related text. The Panel’s views regarding effective practices toward the goal have been extensively laid out in this report.

The Panel agrees that the System Office of Academic Affairs can play an important role in bringing institutional leadership and staff together to review admission strategies, policies, and procedures.

As noted earlier, the admissions processes at a highly selective public university in Texas are intrinsically complex. Practical policies, applied with integrity and sound judgment, are essential. The Panel has endeavored to deliver a report that can be useful over time for those who must develop such policies and carry them out across the University of Texas System.

The members unanimously endorse the content and language of this report and submit it respectfully.



R. D. (Dan) Burck



William H. Cunningham



Peter T. Flawn



Larry R. Faulkner, Chair



Mark G. Yudof