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The University of Texas at San Antonio
The University of Texas at Tyler

July 10, 2014

Ms. Ursula Parks, Director
Legislative Budget Board
P.O. Box 12666
Austin, Texas 78711

Dear Ms. Parks:

This is to advise the Legislative Budget Board that The University of Texas System Administration intends to conduct an investigation into admissions processes at The University of Texas at Austin. This notice is given in accordance with Rider No. 6 under the current appropriations to The University of Texas System Administration (p. III-62, S.B. No. 1, Acts of the 83rd Legislature, Regular Session, 2013.)

As required by the rider, the cause and scope of the investigation is described in the attached charge. The investigation will begin no earlier than July 17, 2014.

Sincerely,



Barry McBee

Vice Chancellor and Chief Governmental Relations Officer

cc: Sarah Keyton, Legislative Budget Board

CHARGE

7/10/14

Introduction

In May, 2014, The University of Texas System ("U.T. System") General Counsel and the Associate Vice Chancellor for Academic Affairs issued the "U.T. Austin Admissions Inquiry" report (the "Admissions Inquiry" or "Inquiry"). (Attachment A) The Admissions Inquiry focused on a set of letters of recommendation for undergraduate and School of Law applicants that had been sent outside the established admissions process directly to the President of The University of Texas at Austin ("U.T. Austin"). The Inquiry concluded that it appeared that these letters of recommendation often enhanced the applicants' chances of being admitted beyond the applicants' personal merit (Pages 12-13).

The Admissions Inquiry also reported that such letters of recommendation have been commonly sent to presidents of U.T. Austin for decades "by a host of respected people from all political parties and all levels of government, from donors and alumni, from judges, from members of the Board of Regents, and from other University officials." (Page 13) No evidence was uncovered of a quid pro quo in exchange for any admissions decisions, nor was there any evidence of overt pressure on admissions staffs to admit these recommended students (Page 12). The Inquiry recommended a review of admissions practices across U.T. System, but did not recommend further investigation (Page 14). U.T. System Chancellor Francisco Cigarroa accepted those recommendations.

In June, the Chancellor and the General Counsel were provided new information about how admissions recommendations received by U.T. Austin have been handled administratively. The information raised sufficient concern that the General Counsel recommended, and the Chancellor approved, further investigation by an external entity.

Charge and Scope

This investigation will be conducted under the direction of the U.T. System General Counsel.

The focus will be on the conduct of U.T. Austin, U.T. System, and U.T. System Board of Regents, (collectively "U.T.") officials and employees, not on any external recommenders. The charge is to determine if the conduct of U.T. officials in the handling of admissions recommendations and making admissions decisions is beyond reproach. Specifically, the investigation should determine if U.T. Austin admissions decisions are made for any reason other than an applicant's individual merit as measured by academic achievement and established personal holistic attributes, and if not, why not.

This charge is based on the premise that applicants should only be admitted to a public university based on their individual merit, i.e., academic achievement and other identified holistic personal factors. They should not gain advantage only because they are recommended outside the prescribed admissions process by an influential individual, whether that individual is a regent, U.T. System or U.T. Austin officer or staff member, member of the executive, legislative or judicial branch, or major donor, who adds no new substantive information about the applicant's personal merit. Any competing evidence or premise as to the basis for admissions should be identified so it can be openly debated.

The Admissions Inquiry sufficiently established that recommendations communicated to U.T. Austin outside the prescribed admissions process do impact admissions decisions. Thus, further analysis of admissions data is not expected.

The Admissions Inquiry also established that sending letters of recommendation outside the established admissions process is a common and generally benign practice. The focus here is not to be on external letters of recommendation or those who write them or otherwise communicate about an applicant. Thus, letters of recommendation, or other forms of communicated recommendations, may be reviewed or catalogued, but they need not be collected or reported by the investigators. If something about a particular recommendation is brought to light that raises serious concern beyond the mere fact that a recommendation has been conveyed, such as evidence of a quid pro quo or a threat from a recommender, it should be noted.

In noting such a concern, the following guidance must be applied. U.T. has no control or authority over the behavior of external individuals. It cannot expect or compel such individuals to submit to interviews or otherwise cooperate with an investigation. U.T.'s responsibility to ensure integrity in the handling of admissions recommendations lies with the staff and officials within U.T. Thus, the investigation will focus on the conduct of those individuals. If the conduct of an individual outside U.T. becomes of concern, that information will only be gathered and reported by identifying the generic title of the individual. Should there be an inquiry about such conduct from any external agency that has authority over the individual, U.T. will fully cooperate.

Student privacy must be fully protected. Investigators may have access to student information, consistent with the Family Educational Rights and Privacy Act ("FERPA," 20 USC Sec. 1232g, 34 CFR Part 99, Attachment B); however, no information that might identify a student will be collected or reported. If necessary, any access to student records will be allowed only in the presence of U.T. Austin records officials and no student identifiable information shall be recorded or removed from U.T. Austin or U.T. System. Investigators shall seek guidance from the U.T System Office of General Counsel if any questions arise about the privacy or handling of student records.

Interviews are to be conducted with relevant officials and staff from U.T. Austin, U.T. System Administration, and the Board of Regents. Current and former admissions staff who participated in the admissions process for the 2004 to 2013 entering classes will be included. A recommended list of interviewees is at Attachment C. Efforts will be made to protect the anonymity of current and former staff interviewees, but anonymity cannot be guaranteed.

A report shall be submitted to the General Counsel that describes the investigation methods employed and makes findings of fact, applying a preponderance of the evidence standard.

If at any time the investigators deem it necessary to conduct further document review or data analyses in order to fulfill the charge, investigators should consult with the General Counsel.

Attachments

- A. Inquiry report
- B. Student privacy information
- C. Recommended interviewees

Proposed Interviewees

U.T. Austin, current and past (years 2004-2013):

- Admissions offices staff members
- Associate Provosts
- Provosts
- Presidents
- President's Office staff members
- Government Relations staff members
- Certain School and College admissions offices staff members
- Certain School and College Deans

U.T. System Administration, current and past (years 2004-2013):

- Chancellors
- Chancellors' Office staff members
- System Executive Vice Chancellors
- System Vice Chancellors

Board of Regents

- Members of the Board of Regents
- General Counsel to the Board
- Board Office staff members

Others as deemed necessary