

THE UNIVERSITY OF TEXAS SYSTEM
U.T. AUSTIN ADMISSIONS INQUIRY

The Office of the Vice Chancellor and General Counsel

And

The Office of the Executive Vice Chancellor for Academic Affairs

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Executive Summary

At the request of the Chancellor and the Executive Vice Chancellor for Academic Affairs, Dan Sharphorn, Vice Chancellor and General Counsel, *ad interim*, and Wanda Mercer, Associate Vice Chancellor for Student Affairs, conducted an inquiry into questions that had arisen about possible undue influence from legislators on the admissions process at U.T. Austin. The initial focus was directed at admissions in the School of Law; however, the review was expanded to include undergraduate admissions.

The inquiry included interviews with key people in the School of Law admissions process, along with individuals in the U.T. Austin president's office and officials at U.T. System believed to have knowledge about the process. In addition, sample cases and data involving recommendation letters¹ from Texas legislators related to both School of Law and undergraduate admissions were reviewed. Written responses to questions about the undergraduate admissions process were provided by the Office of Admissions.

Information derived from the inquiry indicates that it has been common practice for legislators, as well as other influential individuals such as donors, alumni, and other government officials, including members of the U.T. System Board of Regents, to make admissions recommendations to the U.T. Austin president. Officials at all levels find it reasonable to recommend a student for admission to undergraduate, graduate, or professional school, including the School of Law, by appealing outside the prescribed admissions process directly to the president of the institution, or through the relevant dean or director of admissions. What is not clear is what these influential people expect in response to their recommendations and what, in fact, actually happens in response.

The inquiry did not uncover any evidence of a systematic, structured, or centralized process of reviewing and admitting applicants recommended by influential individuals. Nor did this limited inquiry reveal any evidence of a quid pro quo for admissions decisions, or other wrongdoing. Nonetheless, the data and information reviewed demonstrate that there is sufficient reason for concern such that certain current admissions practices should be reviewed and revised.

For the School of Law, one-half of a sample of sixteen applicants were admitted who were recommended for admission outside the prescribed process by members of the Texas legislature. This is a higher rate of admission than the general population of Texas resident applicants, but with such a very small sample it is impossible to generalize this finding to any larger population of School of Law applicants. Of note, however, are the low quantitative scores of four of the applicants who were admitted from the sample pool. In view of the School of Law's holistic admissions process, these admissions may be explainable, but given the low numbers and the fact that some interviewees indicated that influential recommendations outside the prescribed process do occasionally impact admissions decisions, it is not unreasonable to conclude that these letters of recommendation influenced the admissions decisions for some or all of these applicants.

In a sample of undergraduates who had received letters of recommendation from Texas legislators, it appears that a disproportionately high number of applicants were admitted, notwithstanding the fact that most of the legislator letters did not contain any significant

¹ Note that recommendation "letters" were reviewed in this inquiry, but any general reference to "letters of recommendation" is intended to include recommendations conveyed via letter, email message, or other means.

substantive information about the applicant. It is important to note, however, that any conclusions from this inquiry can be challenged due to the small size of the sample and the lack of control of all relevant variables in the comparison population. Nonetheless, the admission rate difference between the sample and the relevant student body is sufficiently large to suggest that these legislator letters impact admissions decisions.

Fairly and objectively weighing the quality and substance of a letter of recommendation for an applicant and taking that information into account in an admissions decision is not a problem when it is part of the prescribed process. But when letters from legislators that contain no important substantive information about the applicants are submitted outside that process, particularly those sent to the president of the university, it creates at least an appearance of impropriety. The challenge for institutions is not only to have a process that is in fact fair and ethical, but to have one that is transparent.

Background

Concerns about undue legislator influence in admissions were initially raised by Regent Wallace Hall based on two emails that were provided to him by U.T. Austin, presumably inadvertently,² in the course of his review of U.T. Austin Texas Public Information Act (TPIA) files. Regent Hall brought this concern to the attention of Chancellor Cigarroa. At the same time, reports in the media were raising similar questions, and letters of recommendation sent to U.T. Austin President William Powers by Texas legislators and other government officials were disclosed in response to a regental request from Regent Hall for communications between President Powers and various government officials.³ In addition, the House Select Committee on Transparency in State Agency Operations announced that one of the issues it might review would be the process by which an applicant is accepted or denied admission to a U.T. institution.

Chancellor Cigarroa and Executive Vice Chancellor Reyes met with President Powers on July 24, 2013, to discuss these concerns, but President Powers was unable to provide assurance that the concerns were unfounded. Recognizing his responsibility to ensure the integrity of the admissions processes at U.T. institutions, the Chancellor then consulted with Executive Vice Chancellor for Academic Affairs Pedro Reyes and Vice Chancellor and General Counsel, *ad interim*, Dan Sharporn, and concluded that an inquiry should be conducted to determine if there were sufficient concerns to justify a full investigation.

On August 1, 2013, EVC Reyes notified President Powers that this inquiry would be conducted. [Attachment A]

Scope and Method of Inquiry

The scope of this inquiry is to determine if the available evidence raises sufficient concerns to justify further action, including the possibility of a full investigation into the U.T. Austin admissions process. The initial focus was on School of Law admissions.

To fulfill this task, interviews were conducted with the following individuals:

Monica Ingram, Assistant Dean for Admissions, the School of Law
Samuel Riley, Program Coordinator, the School of Law
Terrie Pinkerton, Senior Administrative Associate, the School of Law
Rebecca Peppas, Administrative Associate, the School of Law
Stanley Johanson, Professor, the School of Law
William C. Powers, President
Nancy Brazzil, Deputy to the President,
Ward Farnsworth, Dean of the School of Law
Larry Sager, former Dean of the School of Law
Kenneth Shine, Special Advisor to the Chancellor, former interim Chancellor
Barry McBee, Vice Chancellor and Chief Governmental Relations Officer

² At least one of the emails in question contained information likely protected by FERPA (the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g), and should not have been provided in this instance without redaction.

³ These disclosures followed an earlier request for the same material that Regent Hall had filed as an individual under the TPIA, which had not been fulfilled.

A written statement was provided by Dean Farnsworth [Attachment B] and written input was provided by Kedra Ishop, Vice Provost and Director of Admissions, U.T. Austin [Attachment C].

Interviewees were asked to describe their background and position, including past experience in admissions and how the School of Law admissions process has changed over the years. They were asked about the role that letters from governmental officials and other influential people play in admissions decisions. Often, those interviewed would provide their opinion about admissions processes and the difficulty of making decisions when there are so many very qualified applicants for so few spots. U.T. System officials and others less involved with the actual admissions process were asked about their specific roles in conveying or responding to letters from influential people.

In addition, seventy-seven recommendation letters from legislators that were sent to President Powers between 2009 and 2013 were reviewed, along with many of President Powers' responses.⁴ These included sixteen letters for applicants to the School of Law and sixty-one for applicants to undergraduate programs.

Data were then requested on the admissions of the recommended law students.⁵ After receiving initial data, follow-up questions were posed along with requests for additional data and explanations from the School of Law. These were received, and included the attached statement from School of Law Dean Ward Farnsworth. [Attachment B]

Data on the admissions records of seventy undergraduate students who had received letters of recommendation from legislators, as well as data on admissions for the larger student body, were also requested and provided. After reviewing the submitted undergraduate student data, U.T. Austin was invited to explain and comment on preliminary results. Vice Provost and Director of Admissions Kedra Ishop provided a response. [Attachment C]

President Powers was provided with a draft copy of this report and invited to provide comments, suggestions, or other input. He also was asked to provide additional information and data. [Attachment G] Information and data on undergraduate admissions were provided by Executive Vice President and Provost Greg Fenves. [Attachments H and J] In addition, at their request, Provost Fenves and Dean Farnsworth provided comments in a meeting with the authors. The information and data provided were carefully considered in preparing this final draft.

On May 1, 2014, Chancellor Cigarroa met with President Powers, along with Provost Fenves and Dean Farnsworth, to discuss the draft report. President Powers accepted the report's findings and recommendations. He further committed U.T. Austin to work with U.T. System and other U.T. System institution presidents and admissions directors to identify best admissions practices, particularly in the handling of admissions recommendations sent outside the formal admissions process, including recommendations conveyed directly to an institution president.

⁴ The file contains some responses from President Powers without the related letter of recommendation.

⁵ Notwithstanding the fact that review of student records for purposes of this inquiry would be permitted under the Family Educational Rights and Privacy Act (FERPA), the authors agreed to review anonymized, de-identified data.

Findings

Based on the recommendation letters that were reviewed, the statements of those interviewed, and written statements from the Dean of the School of Law and the Director of Admissions for undergraduates, it is clear that it is a widely common practice for legislators, alumni, donors, and other influential individuals, including members of the Board of Regents and other University officials, to recommend students for admission to U.T. Austin graduate and professional programs, including the School of Law, and to the undergraduate programs at U.T. Austin. When any of these letters are submitted as part of the prescribed admissions process, there is no appearance of undue influence, so long as the letters are properly evaluated and weighed using the same criteria along with other letters of recommendation.

The letters of concern are those that are sent directly to the president or a dean and are outside the prescribed application and recommendation process. Thirteen of the sixteen School of Law recommendation letters were sent directly to President Powers; three went to the Dean of the School of Law with a copy to the president. Fifty-five of the sixty-three undergraduate recommendation letters were sent directly to President Powers. The rest were sent to the undergraduate Office of Admissions, with a copy to the president. Had these letters been intended to serve the purposes specified in the admissions material of the School of Law or the undergraduate program, as appropriate, they should have been sent through the established process, not to the president.

The recommendation letters, all of which were sent on the legislators' official stationery, range from the cursory, where a legislator briefly recommends a student and adds little information, to much more detailed letters that include significant information about the student's academic, extracurricular, and personal characteristics. Neither the impact of the strength of the letters nor the identity of the recommender was matched with the success of the application. That is, with the data available for review, it was not possible to determine if the strength of the letters makes a difference or if certain legislators were more successful in getting students admitted than others. President Powers' responses to these letters were uniform and do not reveal or suggest any impropriety. The standard response, a copy of which is typically copied to a member of the president's staff, reads:

Thank you for writing to me about XXX. I appreciate your views on his abilities and his potential. I'll keep an eye on his application. Thanks again for letting me know about XXX – and thank you for all you do for our state, and for higher education in Texas.

School of Law Admissions

Process and Reference Letters

Generally, when a letter recommending a student for the School of Law is received by the president, a copy is sent to a member of the president's staff who in turn sends a copy to the Dean of the School of Law. The president sends a short, standard response to the recommender, that includes no promises, only, typically, that the president appreciates the letter and the recommender's interest in U.T. (see above). On occasion, a member of the president's staff may follow up with the dean to find out the status of the applicant. According to current and past School of Law deans, the dean presumes that the assistant is speaking for the president, but the dean does not feel that the assistant is trying to pressure the dean into admitting any particular student. There is no evidence that the president in any direct way makes admissions decisions and the current dean has stated that he has never had any worry

about turning down an applicant that he heard about from the president's office. [Attachment B, page 3]

Most School of Law admissions decisions in the past decade have been made by one person: the Assistant Dean for Admissions, a director of admissions, or a faculty member who was a member of the admissions committee. These individuals would often consult among themselves on close cases. The dean gets involved occasionally, and may impact admissions decisions on rare occasions based on information the dean may have received in letters or other contacts from influential people. The current dean indicates that he might discuss such a case with the Assistant Dean for Admissions. They may both conclude that the student deserves admission, or conclude that he or she does not. If the dean thinks a favorable decision is warranted, he still leaves the final decision to the Assistant Dean, and if she says no, he does not press the case any further. [Attachment B, pages 2, 3] One Admissions Office staff person noted being "troubled" in the past by admissions decisions that were the result of the dean's recommendations, rather than through the prescribed process.

The current dean has enhanced the role of a faculty admissions committee, but the group primarily considers matters of policy, such as whether to have an early admission program, whether to waive application fees, and so on. Committee members may be asked to review a file when the Assistant Dean for Admissions feels guidance on a difficult case would be helpful. According to the current dean, since the fall of 2013, most admissions decisions at the School of Law have been reviewed by at least two people.

The School of Law's review of candidates is holistic. That is, many considerations beyond Law School Admissions Test (LSAT) scores and Grade Point Averages (GPAs) are taken into account to judge candidates. However, attention is paid to quantitative scores as they affect law school national rankings, which impact competition for the best students. This focus on quantitative scores diminishes the importance of letters of recommendation such that to overcome a low score, a recommendation must be particularly compelling.

In general, those involved in the School of Law admissions process indicate that recommendation letters that are part of the prescribed admissions process play a small part in admissions decisions and are seriously considered only in borderline cases. Letters of recommendation can be important if they come from a recommender who is known to the school, someone with a history of caring about the school, and who, ideally, has a record of reliable recommendations in the past. If such a recommender swears by an applicant's potential, that would be meaningful to the school. This is particularly true since the quantitative numbers can be a crude measurement of an applicant's ability to become a great law student and lawyer. [Attachment B, page 2]

One aspect of the letters of recommendation at issue in this inquiry that creates an appearance of impropriety is the fact that the letters are sent to the president. In addition to administering the LSAT, the Law School Admission Council (LSAC) provides a national system for processing law school applications, including letters of recommendation. The letters at issue in this inquiry were not submitted through the prescribed LSAC process, but rather were submitted to the president of the university, either directly or through the Dean of the School of Law. If these letters of recommendation were only intended to impact the admissions decisions in competition with all other candidate letters of recommendation, then they should have been submitted through the prescribed process, not to the president.

The current School of Law admissions material contains the following statement on letters of recommendation:

Letters of recommendation are not required; however, candidates are strongly encouraged to submit at least one letter but no more than three. Letters should be submitted to the Law School Admissions Council (LSAC) through their letter of recommendation service.

Experience has shown that letters of recommendation are most useful when they provide insights and information about the candidate that are not reflected in the application. The most useful letters are from professors and/or employers with whom the candidate has had a close working relationship. Letters from judges, politicians, and family friends tend not to be useful except in those instances where the letters are based on a working or supervisory relationship.

Applicants are urged to send letters of recommendation to LSAC as early as possible in the admissions process. Applications will not be held for optional materials not received with the completed application. [Attachment D, page 3]

A review of the sixteen letters of concern in this inquiry does reveal that in all but three cases, the applicant had either worked for the legislator or was reasonably well-known to the legislator. The data are not specific enough to match the robustness of the recommendations with the success of the applicants, but most of these recommendations do present enough substantive information to demonstrate that they were written seriously and were intended to persuade with relevant information about the applicant, rather than to persuade only by the status of the recommender. Only three had little or nothing of any substance to add about the candidate. One of the sixteen legislators had also submitted a letter through the established channels, namely, through the LSAC. Providing a copy to the president, after sending a recommendation through prescribed channels, suggests that the recommender expected the president to weigh in on the admissions decision above and beyond the prescribed process.

Sample Data

From the sample of sixteen recommended students, eight were admitted. This, at least, indicates that there was no wholesale admission of everyone recommended by a legislator. On the other hand, an admission rate of 50% is considerably higher than the approximately 22.5% that was the prevailing rate for general population of Texas resident applications to the School of Law during the relevant years. Sixteen, however, is much too small a sample to reach any firm conclusions about the disparity in these admissions rates.

What is notable are the quantitative admissions data on several of the admitted students. Of the eight admitted applicants, four had GPAs below or well below the School of Law's 25th percentile and LSAT scores far below the School of Law's 25th percentile. Indeed, four had scores among the ten lowest of those admitted in those years, although none was the very lowest admitted in their cohort. These are scores that would not lead to admission absent other significant factors that would have been considered in the School's holistic admission review process, including, presumably, the legislator letters of recommendation.

Undergraduate Admissions

Process and Reference Letters

Letters of recommendation received in the Office of the President are processed by staff in the office with a standard procedure used for all correspondence. The staff logs the letter of recommendation, generates a standard response, and forwards the complete correspondence to the Office of Admissions through the internal mail service.

Letters of recommendation received in the Office of Admissions, from any source including routing from the Office of the President, are added to a student's application file for admission.

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[The letters are then] reviewed by professional Admissions Officers in the Office of Admissions in conjunction with a complete file review of all of the credentials presented by an individual applicant. Competitive applications are reviewed by multiple Admissions Officers.

.....

The freshman admission process approved by the University of Texas System Board of Regents in 2004 provides for holistic review of an individual's application. Following this Board approved policy, Admissions Officers review credentials including class rank, academic background, college admission test scores, records of achievements, honors and awards, special accomplishments, work and service, required essays, special circumstances that put the applicant's academic achievements into the personal context (including his/her socioeconomic status, experience in a single parent home, family responsibilities, experience overcoming adversity, cultural background, race and ethnicity, languages spoken in the home, and other information in the applicant's file), and letters of recommendation. Letters of recommendation are considered in the same manner, whether received in the Office of Admissions directly from a recommender or routed from the Office of the President.

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[Attachment H, page 1]

As with the School of Law letters of recommendation, one might question why these letters are sent to the president of the university if they are not intended to influence admissions decisions outside the prescribed process. U.T. Austin's current admissions material directs applicants to either upload recommendation letters on line (preferred) or to mail them to the Office of Admissions. [Attachment E, page 3] It further states:

Although not required for a complete application, sometimes a well-written recommendation from someone who knows you well can enhance your application.

Such recommendations can provide additional information about your personal and academic achievements or about things you may not have been able to tell us about yourself. Applicants who don't submit recommendations are not penalized. [Attachment F, page 3]

A review of the letters of recommendation at issue in this inquiry reveals that in more than one-half of them, there is no evidence that the author of the letter even knows the student, much less knows him or her well. In about one-quarter of the letters there is evidence that the person knows the student, often well, but nothing additional is offered that would not be found in the student's application.⁶ About one in five of the letters do present some genuine substance that might be of assistance to an admissions office. That is, the author knows the student well, in some cases the student has worked for him or her, and the recommender takes time to spell out some important characteristics. Had these last letters been submitted through the prescribed process, they would present no appearance of special treatment and likely would be of little or no concern. But all of these letters were submitted directly to the president. Perhaps some legislators send their letters straight to the President because they know him and/or assume this is how it is supposed to be handled. Or they are simply trying to appease a constituent without any real intent to unduly influence the admissions process. In any event, the practice, at a minimum, presents the appearance that the legislators expect that the president can and will impact their applicants' admissions prospects.

Sample Data

General data for a sample of U.T. Austin undergraduate applicants who had been recommended by state legislators were analyzed. The Director of Admissions commented and provided data on the sample. From the sample of applicants who had received letters of recommendation from a legislator, 58.1 percent were admitted. [Attachment C]⁷

Effort was then made to compare the admission rate of the sample to a comparable U.T. Austin applicant pool. Given U.T. Austin's holistic admissions process, it is not possible to identify a precisely comparable pool. With this and other limitations on the available data, along with the small sample size, any statistical analysis is limited. Nonetheless, some preliminary comparisons can be made.

The legislator letters of recommendation cover the years 2009-2013, so aggregate numbers were requested to estimate the admission rate for the larger student body during that period. The pool was narrowed to begin to more closely match the sample by only including Texas residents who completed their applications and remained in the pool after subtracting out all "Top Ten Percent" automatic admits. In response to a request for data representing this

⁶ In one case the recommendation was for a child of the legislator. The letter did not offer any additional information, only a few supportive comments and a recommendation that the child be admitted. In another, the recommendation was for a niece, with some substantive information provided.

⁷ It is noteworthy that over 95 percent of the sample students were either offered admission to U.T. Austin or to the Coordinated Admission Program (CAP), a program whereby a student will first attend another U.T. System institution and then be eligible to transfer to U.T. Austin to complete his or her studies if certain conditions are met. (<http://bealonghorn.utexas.edu/cap>) This number is comparable to the rate for the larger student population where over 91 percent of the students in the comparable population were either offered admission to U.T. Austin or to CAP. The U.T. Austin Director of Admissions notes that this high percentage is unsurprising as "UT Austin has a history of not permanently closing the door on resident freshman applications." [Attachment C, page 3]

comparison [Attachment G, #4], U.T. Austin provided a scatterplot by class rank and SAT score for all denied and admitted applicants and all denied and admitted sample applicants during the years 2009-2013. [Attachment H, page 5]

What this scatterplot shows, with the exception of a few outliers, is that the sample applicants were largely in the upper quadrant of more qualified overall applicants.⁸ It also shows some variation among the sample applicants between those admitted and those not admitted that is not explained by this display alone. Because of the density of the data from the larger population, it is impossible to tell from this graph how many of the larger population of students with the same general qualifications as the sample students were denied admission. That is, the graphic used to display the thousands of admitted students obliterates those denied admission.

A review of the scatterplot also shows that the bulk of the sample applicants fall into the range of SAT scores of 1070-1500 and class rank in the 45th percentile or higher. While this is a crude measure, it can be used to further refine the larger population to more closely match the sample. Using these criteria to establish a population for comparison, U.T. Austin calculated an admission rate of 23 percent. [Attachment J, page 2]

Looking further for an explanation for the large difference between the admission rate of the sample, 58.1 percent, and the larger pool, 23 percent, it is helpful to review the applicants' Personal Achievement Indexes (PAIs)⁹ To this end, upon request, U.T. Austin provided scatterplots by PAI and Academic Achievement Index (AI)¹⁰. [Attachment J, pages 23-28] Because U.T. Austin does not retain a unique PAI for applicants who are not admitted, the scatterplots only show admitted students from the sample and from the larger population. [Attachment J, page 1, #2]

What can be seen from these scatterplots is, again, that the sample applicants appear to be, on the whole, reasonably well qualified. It also shows that having a letter of recommendation from a legislator does not automatically earn one a top PAI score. On the other hand, it also demonstrates that the successful sample applicants appear to have somewhat higher PAI scores, but are, by and large, reasonably distributed among the larger pool of qualified applicants. That is, there does not appear to be anything sufficiently significant in the PAI scores to explain the large admission rate disparity between the sample population and the larger pool.

It may be random chance, or there may be explanatory variables unknown to the authors, but it would seem that the only variable left is the letter of recommendation. The Admissions Director

⁸ While it was not claimed that the recommended students were unqualified, the Director of Admissions notes the success of the sample students, first, as measured by "persistence," i.e., how many of the students return for a second year. Of the sample students who were admitted in 2009-2012, all but one, or 97%, returned for their second year. The persistence rate for the larger student body for those years was 91%-93%. In addition, the sample students recorded a GPA of 3.13, which is slightly higher than the mean for all student residents, 3.09. These numbers suggest that, as a group, the sample students were qualified. [Attachment C, page 3]

⁹ An applicant's PAI is calculated taking into account essay scores, leadership and extracurricular activities, honors and awards, work experience, service to community, and special circumstances, such as socio-economic status, single parent home, language spoken at home, family responsibilities, and race/ethnicity.

¹⁰ The AI score takes into account high school class rank, completion of the U.T. required curriculum, and SAT/ACT scores.

notes that “[a] favorable letter of recommendation is a plus for any applicant, regardless of source.” Given the fact that many of the sample students had letters of recommendation from multiple sources, along with U.T. Austin’s holistic review of applicants, she argues that it becomes impossible to determine if someone would have been admitted “*but for* the single letter from their legislative representative.” [Attachment C, page 2] Presumably, however, other applicants also have letters of recommendation from teachers, counselors, coaches and others that would count just as much, if not more, since the recommender likely knows the candidate better than the typical legislator would. And, if a recommendation letter is a plus, “regardless of source,” then one might expect that the comparative impact of the letters in many cases would cancel out. Furthermore, as noted above, the substantive quality of the sample legislator recommendation letters is generally poor. There is little to nothing of substance in the letters to suggest that the information provided is so robust that it should have dramatically impacted the sample applicants’ admissions rate. The most distinguishing feature appears to be the fact that the letters are written by state legislators and sent to the president.

Conclusions

This limited inquiry has not uncovered any evidence of a systematic, structured, or centralized process of reviewing and admitting applicants recommended by legislators. Nor was any evidence found of a quid pro quo, i.e., an exchange of admissions decisions for favors: political, economic, or otherwise. There also was no evidence that the president or his staff placed any overt pressure on admissions officials at the School of Law or the undergraduate Office of Admissions.

As has been noted throughout this report, because the inquiry was limited, many questions cannot be answered about the extent of influence of legislators, or whether one legislator has more influence than another. To attempt to fully address those questions, and declare with certainty how much influence various letters of recommendation have, one would have to carefully examine the recommendation letters and the files, to the extent they exist, of a much larger number of applicants. Even then, it is unlikely that all questions can be answered. That said, the data and information that were reviewed raise concerns.

For the School of Law data, it appears that it is unlikely, absent some compelling holistic factor, that the applicants in the sample with the low numbers noted above would have been admitted without the intervention of a legislator. With the undergraduate admissions data, there is at least the strong appearance that letters of recommendation from legislators, regardless of the strength of the substance of the recommendations, count more in admissions decisions than other letters of recommendation. And it seems unlikely that a more robust and statistically sound study will produce numbers that will significantly close the gap between the percent of legislator recommended undergraduate students who were admitted from the sample and the admission rate for the larger student body.

While any analysis of the available data may be challenged and statistical outcomes debated, there is one fact that is acknowledged by all: it is common practice for some legislators to submit letters of recommendation for the admission of candidates directly to the U.T. Austin president. This is true, even though both School of Law and undergraduate applicants are provided with clear directions about where to submit such letters.

The School of Law’s guidance on letters of recommendation specifically discourages letters from politicians, “except in those instances where the letters are based on a working or

supervisory relationship.” [Attachment D, page 3] Even where a letter might contain appropriate additional and substantive information that might be helpful in an admissions decision, it still should be sent through the appropriate admissions channels. To send it to the president only gives the appearance that special admissions consideration is expected for the recommended candidate.

The Office of Admissions for undergraduates recommends that applicants solicit letters from someone who knows the applicant well and who can provide information about the applicant that the applicant cannot provide. Nonetheless, most of the undergraduate letters simply restate in brief, summary form what is already contained in a student’s standard application. It strains credibility to believe that these letters, on average, are more persuasive in terms of substantive information about the applicant, than letters that students submit from teachers, counselors, coaches, or employers. The only apparent persuasive factor being presented is the status of the author.

This is not to say that considering the substance of a legislator’s letter in an admissions decision is improper, nor is it to assert, or even imply, that there is evidence that those submitting letters of recommendation to the president or those making U.T. Austin’s admissions decisions behaved unethically. Such recommendations have been submitted 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. And they have been submitted for decades, to many different presidents. Many legislators may not know the proper process for submitting letters of recommendation and, no doubt, are merely doing their duty as they see it to serve their constituents and, in some cases, to fulfill a responsibility they see to send the best students to Texas universities. The problem is that submitting such letters to the president, instead of or even in addition to submitting them through the prescribed admissions processes, creates the appearance of an admissions process that gives undue and unfair opportunities to those with connections to state legislators.

Recommendations

The threshold purpose of this inquiry is to determine whether a full investigation should be conducted into the admissions process at the School of Law and/or into the undergraduate program. After examining the admissions practices, speaking with those involved, and analyzing the available data, several questions remain, including:

- Are there variables other than the legislator letters of recommendation that would explain the difference in admissions rates between the undergraduate sample and the larger population? Or that would explain the admission of the School of Law applicants who had low quantitative scores?
- Do some legislators wield more influence than others?
- Is there any quid pro quo for admissions decisions?
- Is there a person or persons at U.T. Austin violating any established standards of conduct or ethics in making admissions decisions?

The challenge is to decide if these or other questions must be, or even can be, answered. Perhaps answers are necessary to fulfill an obligation to the public to provide greater

transparency about how admissions decisions have been made in the past. Or, the public may be sufficiently served by looking forward and changing practice: directing the campus to review and revise its admissions processes to strictly adhere to a new set of professional and transparent standards.

In the view of the authors, this inquiry has demonstrated enough concern about current admissions practices, in particular the way in which legislator recommendation letters that are submitted outside the prescribed admissions processes are handled, to justify a review of admissions practices at U.T. Austin and the other U.T. System institutions. Therefore, it is recommended that the Chancellor and Executive Vice Chancellor for Academic Affairs work with institution presidents to ensure that all U.T. System institutions have incorporated the best practices in admissions processes that have been developed within the U.T. System and across the country.

With respect to the question of whether a full investigation should be conducted, it is the opinion of the authors that little would be gained by refining the data and attempting to identify explanatory variables that would produce a more precise estimate of the impact of legislator letters of recommendation. The existence of an impact is reasonably clear, and in any event, the appearance of undue impact is more than enough to justify the recommended process of review and change.

It also appears that little can be gained by pursuing the other unanswered questions noted above. Given the small number of cases and the variation in the quality of the letters of recommendation and in the strengths and characteristics of the applicants, it will likely be impossible to establish if some legislators wield more influence than others. Questions about any quid pro quo for admissions decisions are very serious, but no evidence of this practice was found in this limited inquiry, and to open an investigation to hunt for such impropriety would be a daunting, costly, and likely fruitless exercise. Finally, given the lack of any clear rule against considering these letters in decision-making, and absent evidence that unqualified students are being admitted or that there is a quid pro quo for admissions decisions, it would be hard to claim there has been misconduct by those involved in the admissions decision-making process. Since sending recommendation letters directly to the U.T. president has been a widespread and longstanding practice by a host of distinguished individuals, any problems with this practice would seem to be much more a matter of culture than individual misconduct.

If the Board of Regents believes that there are questions that should and can be answered by a full investigation, then it is recommended that the Board, after full and careful deliberation, make the decision as to whether such an investigation is to be conducted.

Attachments

- A. EVC Reyes email to President Powers, August 1, 2013.
- B. Dean Farnsworth memorandum, "Admissions," January 14, 2014.
- C. Vice Provost Ishop memorandum, "Admissions Inquiry, UT System," February 7, 2014.
- D. U.T. Austin School of Law website, "UT Law Admissions."
- E. U.T. Austin website, "How to Submit Application Items."
- F. U.T. Austin website, "After you apply, then comes Application Review."
- G. General Counsel Sharphorn email to President Powers, March 13, 2014.
- H. U.T. Austin response to March 13 email.
- I. General Counsel Sharphorn email to Provost Fenves, April 5, 2014.
- J. U.T. Austin response to April 5 email.