



INVESTIGATIVE REPORT

UNIVERSITY OF ILLINOIS COLLEGE OF LAW CLASS PROFILE REPORTING

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*Prepared by Jones Day and Duff & Phelps under the direction of the
Office of University Counsel and the University Ethics Office*



DUFF & PHELPS

INTRODUCTION

As detailed in this Report, the University of Illinois College of Law (“COL”) disseminated inaccurate class profile information in six out of the ten years reviewed. The inaccurate information related to undergraduate grade point averages (“GPA”), Law School Admission Test (“LSAT”) scores, and acceptance rates. Underlying this information were unjustified changes to the GPAs and LSAT scores of individual students and other data manipulation. A single COL employee, who resigned during the course of this investigation, was responsible for this data manipulation. At a minimum, this former employee exhibited gross incompetence in the performance of his job duties. Moreover, the investigative record supports the conclusion that with respect to certain COL classes, the former employee knowingly and intentionally changed and manipulated data in order to inflate GPA and LSAT statistics and decrease acceptance rates.

This Report sets forth recommendations that address this conduct and the lack of internal controls that contributed to COL’s failure to prevent and quickly detect the inaccuracies. Effective implementation of these recommendations should help COL avoid the recurrence of similar data and compliance concerns. Finally, the Report includes assessments of certain other COL data—namely, scholarship funds, career placement, and bar passage rates—and concludes that there is no indication of inaccuracies or irregularities in any of these areas but that additional analysis would be necessary to fully verify the accuracy of the scholarship and placement data.

I. EXECUTIVE SUMMARY

A. Overview

For many years, COL has provided information regarding its student body to the American Bar Association (“ABA”), U.S. News & World Report (“USNWR”), and other third parties. On an annual basis, for instance, COL submits a report to the ABA that sets forth, among other data, statistical information relating to the most recently enrolled juris doctor (“J.D.”) class. This information includes “selectivity” data, as defined by USNWR—namely, the median LSAT score and the median GPA of the class, as well as the number of applications received and the number of admissions offers extended for the class (i.e., “acceptance rate” data). COL also publicly disseminates specific selectivity data as part of its marketing efforts.

On August 26, 2011, the University Ethics Office (“Ethics Office”) received information regarding possible inaccuracies with respect to the median LSAT score and the median GPA of the Class of 2014, which had matriculated earlier that month and which COL had hailed as “the most selective” and “most academically distinguished . . . class in [COL’s] history.” A preliminary analysis of this information by the Ethics Office supported the possibility that the median values that COL had announced for this class were inflated.

The Ethics Office notified the Office of University Counsel (“Counsel”) of this information, and members of the University’s leadership team, including the Board of Trustees, the President of the University, and top officials at the University’s Urbana-Champaign campus were, in turn, notified of the same. The University promptly launched this investigation. Outside counsel, Jones Day, and the independent advisory firm, Duff & Phelps, were retained to assist the Ethics Office and Counsel in the investigation. The investigation was led by Donna McNeely, the University’s Ethics Officer, and Scott Rice, the Campus Counsel and chief legal officer for the Urbana-Champaign campus. The primary investigative team consisted of Jones Day, operating under the direction of Theodore Chung, and Duff & Phelps, operating under the direction of Margaret Daley.

The investigation initially involved a review of selectivity data for the Class of 2014. At the direction of University President Michael J. Hogan and other members of the University’s senior leadership, the scope of the investigation was subsequently expanded by both timeframe and subject matter to encompass a review of the following data for the ten-year period beginning in 2002 and continuing through the present (the COL Classes of 2005 through 2014):

- GPAs and LSAT scores (medians and 25th and 75th percentiles);
- acceptance rates;
- financial aid/scholarship funds;
- career placement data; and
- bar passage rates.

Investigators interviewed 23 University and COL employees (some on multiple occasions), and reviewed nearly 125,000 documents. In addition, Duff & Phelps conducted extensive forensic analysis of documents and data uncovered in the investigation.

The investigation has revealed that the College reported and/or publicly disseminated inaccurate LSAT and GPA statistics—specifically, median, 25th percentile, and/or 75th percentile values—with respect to the Class of 2008 and the Classes of 2010 through 2014. The investigation revealed no such inaccuracies with respect to the Classes of 2005 through 2007, and the Class of 2009.

The information obtained, and the analysis conducted, in connection with the investigation support the conclusion that the LSAT and GPA inaccuracies for the Classes of 2011 through 2014 were based on changes made by COL’s former Assistant Dean for Admissions and Financial Aid Paul Pless (“Admissions Dean” or “Pless”) to the LSAT scores and GPAs of individual students. Pless made these changes after the COL office of admissions (“Admissions Office”) had received these LSAT scores and GPAs from the Law School Admission Council (“LSAC”), the organization that collects and makes available to law schools various data relating to law school applicants. All of these changes to LSAC data, which Pless recorded on spreadsheets that he kept within the Admissions Office, increased the students’ marks and, collectively, enabled Pless to compute median, 25th percentile, and 75th percentile values above those supported by the true student data. COL then reported these inflated values to the ABA, USNWR and other third-parties and/or disseminated the values in marketing materials. (No changes to LSAT scores or GPAs of any students in the Classes of 2008 or 2010 were discovered.)

LSAT and GPA Discrepancies^a

Class of	LSAT Discrepancy	No. of Students	GPA Discrepancy	No. of Students
2005	No	0	No	0
2006	No	0	No	0
2007	No	0	No	0
2008	Yes	0 ^b	Yes	0 ^b
2009	No	0	No	0
2010	Yes	0 ^b	Yes	0 ^b
2011	Yes	2	Yes	0 ^b
2012	Yes	1	Yes	12
2013	No	0	Yes	31
2014	Yes	109	Yes	58

^a GPA differences of 0.01 are excluded from this summary

^b Indicates discrepancy in ABA reporting but no changes in individual student-level data maintained by COL

As the following chart illustrates, COL reported and/or disseminated incorrect median LSAT scores and/or median GPAs with respect to the Classes of 2011 through 2014. With the exception of the median GPA for the Class of 2011, these inaccurate figures were based on changes to underlying student-level data.

LSAT & GPA Differential–2011-2014

Class of	LSAT	LSAT Reported	GPA	GPA Reported
2011	165	166	3.55	3.59
2012	165	166	3.70	3.80
2013	167	167	3.60	3.80
2014	163	168	3.70	3.81

The investigation found no information indicating that changes to LSAT scores or GPAs of any students affected any admissions decisions on particular applicants to COL—that is, admissions decisions, including scholarship awards, appear to have been made based on the true, LSAC-maintained data. Nor does it appear that any COL students whose marks were changed ever had any knowledge of those changes.

The investigation has also revealed that COL reported and/or publicly disseminated inaccurate acceptance rate data with respect to four classes—the Classes of 2008, 2012, 2013, and 2014. With the exception of the Class of 2008, these inaccuracies are attributable to both over-counting the number of applicants and undercounting the number of admissions offers for the classes; with respect to the Class of 2008, the number of applicants was counted accurately, but the admissions offers were undercounted.

Acceptance Rate Discrepancies

Class of	Offers	Reported Offers	Applicants	Reported Applicants	Acceptance Rate	Reported Acceptance Rate
2008	519	446	2,933	2,933	18%	15%
2012	1,248	1,031	3,389	3,516	37%	29%
2013	1,175	984	4,680	4,833	25%	20%
2014	853	837	4,219	4,377	20%	19%

COL also reports job placement, bar passage, and scholarship data to the ABA and USNWR. The investigation uncovered no information indicating that COL miscalculated or misreported job placement data or bar passage rates for any of the classes reviewed. The analysis of COL’s reported scholarship data yielded no evidence of misapplication of funds and no evidence of misreporting or wrongdoing. The analysis of the accuracy of the reported data, however, is inconclusive, due to an absence of work papers and ascertainable methodologies to

enable an informed assessment. The investigation did establish a positive statistical relationship between the amount of scholarship awards and the true LSAT scores and GPAs of the award recipients. In other words, it appears that scholarships were awarded by Pless based not on inaccurate COL data, but rather on actual LSAC data.

B. Principal Findings

The principal findings of the investigation are as follows:

1. Erroneous Selectivity Data

- COL reported and/or publicly disseminated erroneous GPA data for the Classes of 2008 and 2010 through 2014.
- COL reported and/or publicly disseminated erroneous LSAT data for the Classes of 2008, 2010 through 2012, and 2014.
- COL reported and/or publicly disseminated erroneous acceptance rate data for the Classes of 2008 and 2012 through 2014.

The erroneous GPA, LSAT, and acceptance rate data for the Class of 2014 were detected before COL submitted the information to the ABA or USNWR.

a. Class of 2014

The selectivity data publicly reported for the Class of 2014 marks the culmination of a pattern of increasingly inaccurate data reporting that began at least as far back as 2008 (for the Class of 2011). Through an assortment of strategies, COL made a concerted effort to bring in its most highly credentialed class ever in 2011 (i.e., the Class of 2014), and in August 2011, it seemed as though it had succeeded in doing so. That month, COL announced that it had enrolled “the most academically distinguished . . . class in [COL’s] history.”

COL touted the Class of 2014 as having a median LSAT score of 168 (96th percentile) and a median GPA of 3.81 (on a 4.0 scale). This LSAT median elevated COL into a “rarefied level” that it had considered “profoundly unrealistic” just three years earlier. And the GPA median exceeded, ahead of schedule, the ambitious five-year median GPA goal of 3.7 that COL had set in 2006 as part of a strategic plan.

On August 22, 2011, Pless gave a presentation to COL faculty that covered the academic credentials of the incoming class, in isolation and in relation to historical trends. Pless represented to those in attendance that the Class of 2014 had a median LSAT score of 168 and a median GPA of 3.81. As the COL official with principal responsibility for recruiting applicants and sole decision-making authority over individual admissions decisions, Pless was congratulated for what he appeared to have accomplished with the Class of 2014.

The investigation has determined that, in this instance (as with earlier classes), appearances were deceiving. Based on data maintained by LSAC, the actual median LSAT score for the class was 163, not 168, and the median GPA for the class was 3.67, not 3.81.¹

On an annual basis, COL set specific goals for the median LSAT score and the median GPA that it hoped to achieve with the upcoming J.D. class. The Class of 2014's median LSAT score not only failed to meet that year's goal of 168, but it dropped four points from the previous year's median of 167. The Class of 2014's median GPA (3.7) was one-tenth of a point below that year's goal of 3.8, which was the median GPA that COL had reported (inaccurately) for the previous year's class.

The investigation has revealed that underlying the inflated median figures that COL announced for the Class of 2014 were changes to the majority of the LSAT scores and to almost a third of the GPAs of the members of the class. These changes were made on spreadsheets that Pless maintained and used to calculate the class's median LSAT score and GPA. These spreadsheets demonstrate that—

- Changes were made to the LSAT scores of 109 students and to the GPAs of 58 students;
- Twenty-five students had both their LSAT score and GPA changed, while 42 students had neither changed;
- Every change was upward;
- The largest LSAT score change was 12 points, which occurred five times (all from 156 to 168);
- One hundred LSAT scores were increased by at least two points, while 64 scores were increased by at least seven points;
- The largest GPA change was 1.03 points (from 2.59 to 3.62);
- GPAs of 4.0 were ascribed to eight international students, even though under ABA reporting rules none of these students should have been treated as having had any GPA for purposes of computing the class's median GPA; and
- Thirty-six GPAs were increased by at least one-tenth of a point.

The vast majority of the changes “crossed” the announced, incorrect medians—that is, they raised scores that were below the announced medians to scores at or above the announced medians. Other changes were, in magnitude and number, sufficient to increase the 25th and 75th

¹ The LSAC database does not contain the final GPAs of those COL students who were admitted under COL's “iLEAP” program (Illinois Law Early Action Program), described below. As shown below, when the GPAs of these students are included in the median GPA calculation for this class, the median is increased to 3.70.

percentile figures to levels well beyond those supported by LSAC data. All of the GPA changes were to five specific end values: (i) eight changes to 3.61 (the incorrect 25th percentile); (ii) 12 changes to 3.62; (iii) 13 changes to 3.81 (the announced, incorrect median); (iv) four changes to 3.87 (the incorrect 75th percentile); and (v) 21 changes to 4.0 (for international students and students admitted through the Illinois Law Early Action Program (“iLEAP”), described below).

b. Class of 2013

The changes to the GPAs of individual students in the Class of 2013, while not as extensive as those made to the GPAs of students in the Class of 2014, exceeded those made in prior years. In this instance, the median GPA derived from LSAC data was 3.6, which was short of the year’s goal of 3.8. The GPAs of 31 students were changed, all upward and all in a magnitude large enough to cross 3.75, the figure that then became the new, inflated median. COL was thus able to report and publicly promote a 3.8 GPA median by rounding 3.75 to 3.8, and thereby appear to have met that year’s GPA goal. One of these changes crossed 3.9, which enabled COL to report a 75th percentile GPA of 3.9 (adjusted up from 3.8, as provided by LSAC data).

The Class of 2013’s median LSAT score, based upon LSAC data, was 167, which was at or above COL’s goal for the class and which represented a one-point increase over the LSAT median of 166 that COL had reported for the preceding four classes (only two accurately). Notably, given that this goal was legitimately satisfied, no changes in underlying student data were needed to support the 167 median score, and, in fact, none were made.

c. Class of 2012

With respect to the Class of 2012, only one LSAT change (from 165 to 166) was needed in the student-level data to convert the true median LSAT score of 165, based on LSAC data, to an inflated score of 166. This lone change equalized the number of students who scored below 166 on the LSAT with the number of students who scored at or above 166 (according to LSAC data, there were two more students in the former, lower-scoring group), and increased the median to 165.5, which, for marketing and ABA/USNWR reporting purposes, could be, and was, rounded to 166.

By contrast, changes to the GPAs of 12 students were made that, collectively, moved the true GPA of 3.7 to 3.75, which also was rounded and subsequently reported as a median of 3.8. Each of these 12 changes crossed the inflated median—that is, the changes took a true GPA that was below 3.75 to an incorrect figure of 3.75 or above.

d. Class of 2011

The Class of 2011’s median GPA (3.55), as derived from LSAC data, fell short of the goal that COL had previously set for the class, 3.7. The Class of 2011’s median LSAT score, 165, likewise fell short of the goal (166), but by an even narrower margin. Out of the 188

students in the class, 93 had an LSAT score at or above the goal of 166, while 95 had an LSAT score below 166 (49 students had an LSAT score of precisely 166).² In other words, as Pless evidently understood, had only two students in the latter, lower-scoring group (i.e., those with scores below 166) actually scored a 166 or above, this 93-95 split would have reversed in favor of the higher group of scores, such that the LSAT median would have increased one point to 166.

From outward appearances, however, COL seemed to have achieved its LSAT median goal. This is because, before the final class profile was ever announced, the LSAT scores of two students were changed to 166, when, in fact, one had scored a 164 and the other had scored a 165. These changes occurred within COL's Admissions Office and were memorialized in spreadsheets maintained in that office. The changes had the effect of reversing the 93-95 split noted above, and became part of the data foundation for COL's claim, advanced in marketing materials and set forth in that year's submissions to the ABA and USNWR, that COL had enrolled yet another class—the fourth in a row—with a median LSAT score of 166.

The Class of 2011 appears to mark the beginning of a sustained pattern of inaccurate reporting of COL selectivity data based on changes to student-level data that increased in practice and scope through the Class of 2014.

2. Responsibility for Erroneous Selectivity Data

Admissions matters at COL, including recruiting, application processing, admissions decisions, maintaining and calculating admissions-related data, and awarding merit scholarships, are the responsibility of the Admissions Office. This office was led by Pless as Admissions Dean from 2004 until Pless's recent resignation, and currently has four other employees.

In his capacity as Admissions Dean, Pless managed the admissions process and was responsible for, among other things, compiling admissions data and preparing statistical reports based on such data. In particular, for each entering class, the Admissions Dean computes, among other things, the class's median LSAT score and median GPA, the numbers of applications submitted and offers of admission extended, and the amount of scholarship funds and financial aid provided. Pless caused this information to be included in COL marketing materials and in submissions to the ABA and USNWR, which publishes a closely followed and highly influential annual ranking of U.S. law schools.

Over Pless's seven-year tenure as Admissions Dean, COL showed steady, and occasionally dramatic, improvement in the main numeric factors used by USNWR to gauge the academic credentials of a law school class—the class's median LSAT score and median GPA. This improvement helped COL attain and hold a place among the “T-25,” the top 25 U.S. law

² As discussed below, three students had taken the LSAT under nonstandard or “accommodated” conditions. While the scores of such test-takers should not be included in a law school's calculation of the median LSAT score for a given class, the investigation revealed that Pless did include the scores of accommodated test-takers in his median calculations for this and other classes. In any event, if the three scores at issue for the Class of 2014 are removed from the median calculation, the median is unaffected; this would result in 93 scores below 166 and 92 scores at or above 166.

schools, according to USNWR. Pless's perennial success in recruiting highly credentialed classes into COL helped earn him praise from COL leadership and a series of pay raises that took his annual salary from \$72,000 in 2004 (his first year as Admissions Dean) to \$130,051 in 2011.

The fact-gathering and analysis conducted in connection with this investigation indicate that Pless made changes to and otherwise manipulated selectivity data, and that this data manipulation led to COL's reporting and public dissemination of erroneous selectivity data statistics for certain COL classes. The investigation found no information indicating that, prior to the commencement of the investigation, any person other than Pless knew that any selectivity data had been manipulated or that erroneous selectivity data had been reported or disseminated by COL.

Pless contends that he may have inadvertently made "mistakes" in organizing and sorting student data related to the Class of 2014, and that such mistakes may have resulted in the miscalculation of that class's selectivity data. As set forth herein, Pless has offered other explanations for inconsistencies between COL-reported selectivity data and LSAC data with respect to the Classes of 2011, 2012, and 2013. The findings of the investigation do not support Pless's explanations.

Even if Pless's explanations are assumed to be true, by failing to ensure the accuracy of selectivity data across multiple years, to the detriment of COL and the University as a whole, Pless exhibited gross incompetence in the performance of his job duties—the inaccuracies described in this Report are simply too great in number, magnitude, and effect to conclude otherwise.

The facts and circumstances uncovered by this investigation, as well as the extensive forensic analysis conducted as part of the investigation, however, support the conclusion that the changes to the LSAT scores and GPAs of individual students were not inadvertent, but made knowingly and intentionally by Pless, and Pless alone, to give the appearance that the classes at issue had higher marks than they had in reality. Similarly, the forensic analysis supports the inference that, with respect to the Classes of 2012 through 2014, Pless also knowingly and intentionally overstated the total number of applications to COL, while simultaneously understating the number of offers of admission extended, so as to give the appearance that the acceptance rates in those years were lower (and that COL was therefore more selective) than was in fact the case.

3. Tone at the Top and Lack of Internal Controls

The investigation has not revealed concerns with the institutional culture or "tone at the top" at the University, the Urbana-Champaign campus, or COL. Indeed, it appears that COL and its administration, under the leadership of current COL Dean Bruce Smith, are appropriately committed to the principles of integrity, ethics, and transparency, and communicate this commitment with appropriate clarity and regularity.³

³ With respect to Smith's management style, some observed that he is goal-oriented and intense, and occasionally intimidating, and that it is not inconceivable that certain employees subordinate to him would be

The investigation has revealed, however, that COL's reporting and dissemination of inaccurate selectivity data persisted and went undiscovered for years, in part, because COL lacked effective internal controls and oversight to prevent, deter, and detect the miscalculation (inadvertent or intentional) of selectivity data. It is apparent that the COL administration, through the tenures of two Deans and two Interim Deans, never appreciated the compliance risks in this area and thus saw no need to establish such controls. This stemmed in large measure from long held and widely shared perceptions of Pless as an outstanding employee with a particular acumen for delivering highly credentialed classes, exceptional data management skills, and strong tendencies toward forthrightness and transparency. This led Dean after Dean to certify to the ABA that COL's selectivity statistics were accurate, when in fact they were not for six of the ten years reviewed.

As this investigation demonstrates, the heavy reliance that the COL administration placed on Pless was misguided. To be sure, the benefit of hindsight can easily obscure the practical difficulties of recognizing latent risk factors at the time those risks manifested in problematic conduct, and a compliance regime that reposes some trust and autonomy in employees is certainly not inherently flawed. Nevertheless, adequate controls and oversight would have been particularly useful and advisable here, given that (i) the data reporting and verification duties were consolidated in one person, Pless, who stood to benefit professionally and personally from positive outcomes; (ii) access to the LSAC database and the data relating to individual students contained therein was restricted to Admissions Office personnel, all of whom were in positions subordinate to Pless; and (iii) no persons or entities outside COL (e.g., a separate college or office within the University, the ABA, USNWR, LSAC) had a practice or requirement of performing, or did perform, audits or similar activities by which to verify the accuracy of the data.

4. Financial Aid/Scholarship Funds

An analysis of scholarship and financial aid data obtained from COL and the University's Office of Student Financial Aid ("Financial Aid Office"), and the relevant data that COL reported to the ABA, LSAC, and USNWR for each of the academic years from 2005-2006 through 2010-2011, yielded no evidence of misapplication of funds and no evidence of misreporting or wrongdoing. The analysis of the accuracy of the reported data for this period, however, was inconclusive.

Through interviews of Admissions Office staff, including Pless, it was established that Pless awarded scholarships to both incoming and returning second- and third-year law students from an annual scholarship pool that recently has exceeded \$8 million. Pless had authority to

(continued...)

uncomfortable bringing bad news to him. While we put forth recommendations below that seek to ensure open and appropriately candid communication by COL and among COL employees of all levels, we note that no person who provided information in connection with this investigation attributed any of the conduct described in this Report to Smith's management style.

make scholarship awards unilaterally, and he typically did so, deciding both to make the awards and the amounts thereof without consulting other COL officials.⁴ Awards appear to have been determined in light of certain selectivity and other class profile goals (e.g., LSAT, GPA, class diversity).

Scholarships awarded by Pless were funded from a variety of sources. The main source was in the form of tuition remission (“COL Scholarships”), but there were also some endowed scholarships and University-administered private scholarships. Once Pless determined students’ scholarship amounts, his staff transmitted the amounts to the campus Financial Aid Office, which administers all aid to students in the form of scholarships, loans, grants, tuition remissions, and fee waivers. At no time did Pless himself disburse any funds.

The Financial Aid Office reported back to COL the total amount of scholarship funds and other aid sources—up to 22 in all—it administered on behalf of COL students. While that information may have served as a basis for COL’s reporting of scholarship amounts to the ABA and USNWR, Pless exercised sole authority over such reporting and executed it himself. There is little understanding of how this was done by Pless, due to an absence of work papers in his files or in the files of the Admissions Office. Because of this, Duff & Phelps was unable to reconcile the scholarship amounts reported by COL with the amounts reported by the University to COL. The ABA requires the total amount of “all scholarships, fellowships, and grants” to be reported. In every year reviewed, the total amount reported to the ABA exceeded the scholarship amount reported to COL by the Financial Aid Office. Due to the lack of supporting evidence, it is unclear whether this discrepancy arises from the multiple sources of student aid available and the possible ways in which Pless categorized aid sources. It may be that in the reporting by the Financial Aid Office to COL, or by COL to the ABA, some forms of aid were either omitted or included in the calculations that would account for the discrepancy.

Law schools also provide scholarship amounts to LSAC for inclusion in the LSAC database. Scholarship reporting to LSAC consists only of tuition remissions, which are designated as “COL Scholarships.” An examination of that reporting yielded no discrepancies between COL Scholarships recorded by the Financial Aid Office and the scholarships reported to LSAC.

In short, the absence of work papers and transparency in the process of awarding scholarships by COL means that it is not possible to identify reporting discrepancies without further sustained analysis. This, coupled with the vesting of sole control over the award process in one person whose methods were not subject to scrutiny and who controlled a substantial award budget, represents a serious control deficiency that should be remedied.

Duff & Phelps also assessed whether Pless was able to remove any money from the scholarship process for his own benefit and found no reason to suspect that he could or that he

⁴ From time to time, Pless did confer with the COL Dean with respect to the distribution of “retention scholarships”—funds awarded to students who had exhibited outstanding achievement during their first year of law school and who might be considering transferring to other law schools.

had. Pless had no authority over the disbursement of funds; fund disbursement was administered centrally by the Urbana-Champaign campus via credits to student accounts and direct deposits into student bank accounts, and thus there was no systemic opportunity to remove funds from the process. No allegations or evidence of wrongdoing on the part of Pless or students receiving funds have been received or uncovered in connection with Duff & Phelps's scholarship analysis.

5. Career Placement Data

Career placement during the period investigated was the responsibility of the Assistant Dean for Career Planning and Professional Development, who exercised sole control over, and actually executed the reporting of, career placement statistics to the National Association for Legal Career Professionals ("NALP"), from which USNWR derives statistics for use in its ranking methodology. COL maintained career placement data in (i) a General Employment Survey ("GES") hosted on "Symplicity," an enterprise system from which data could be exported to NALP, and (ii) beginning in 2010, on a "Dashboard," wherein information derived from student contact with career counselors and other COL personnel was kept and was accessible to the Associate Dean for Career Planning and Professional Development, counselors in the Office of Career Planning and Development ("Career Office"), the COL Dean, and others.

While the investigation did not undertake a student-by-student analysis of reported placement data due to the numerous third-party contacts it would have required, a comparison of Dashboard to GES data for the Class of 2010 yielded no evidence of misreporting and only a few minor discrepancies. This, coupled with the fact that there was no significant or suspicious spike in reported employment around reporting periods, generally suggests that career placement data were accurately reported. A student-by-student survey of actual employment at the established reporting intervals, however, would be necessary to establish this conclusively.

6. Bar Passage Rates

Tracking and reporting of bar passage rates was the responsibility of the Assistant Dean for Academic Administration and Dean of Students ("Academic Administration Dean"). A comparison of actual COL student bar passage data obtained from the jurisdictions in which the largest number of COL graduates take the bar examination—Illinois and New York—with COL's reported passage rates showed no discrepancies. In other words, the bar passage rates calculated from the underlying official data from these jurisdictions correspond with those that COL reported to the ABA and USNWR.

C. Investigation Recommendations

During the course of this investigation, the University and COL undertook personnel action and other steps to address the conduct described herein, to ensure the accuracy of the student profile data that COL will provide in this year's ABA and USNWR submissions, and to mitigate the risk of recurrence of data inaccuracies and irregularities going forward. For instance, on September 7, 2011, Pless was placed on administrative leave. On November 4, 2011, Pless tendered his resignation to COL, effective immediately. Also, with respect to COL's upcoming ABA and USNWR submissions, Duff & Phelps has worked, and continues to work, closely with COL officials in the review and verification of data to be included in these submissions.

In addition to steps already undertaken, COL should implement the following measures as promptly as practicable:

1. Correction of Erroneous Reported/Disseminated Data—We recommend that the COL Dean take all necessary steps to promptly disclose and correct all erroneous data uncovered by this investigation. This is of particular importance given that COL Deans have signed certificates attesting to the accuracy of information submitted to the ABA, and COL has widely disseminated inaccurate information relating to the profiles of multiple classes, as described herein.

2. Development and Implementation of Appropriate Controls, Including Effective Segregation of Duties—We recommend that the COL Dean ensure that a comprehensive review of control procedures within COL is conducted to identify and implement best practices in the area of data compilation and reporting, in consultation with professionals and/or institutions having relevant experience and expertise (e.g., data verification processes, fraud detection). While we acknowledge the need, in an extraordinarily competitive and often time-sensitive environment, for the Admissions Office to be nimble and prompt in making admissions-related decisions (e.g., decisions to admit, scholarship awards) and otherwise responding to applicant inquiries and concerns, a revamped control regime should avoid excessive concentration of decision-making authority in any single individual, and responsibility for compiling, computing, and verifying data should be appropriately distributed across a sufficient number of individuals to ensure full compliance with applicable rules and guidelines.

On an ongoing basis, COL should evaluate the efficacy of its controls and, of course, timely make any necessary modifications thereto.

3. Robust Monitoring/Audit Function—We recommend that COL develop and implement a monitoring and auditing program sufficient to ensure that the internal controls are functioning properly and that all data reported to constituencies or other third parties, whether internal or external (e.g., faculty, students, media, ABA, USNWR, LSAC, industry publications), are accurate and supported. Further, we recommend that all supporting documentation and calculations be maintained in accordance with a document retention policy setting forth reasonable retention terms and conditions (e.g., duration of retention for specified categories of documents).

4. Assessment of Risks Relating to Other Data—COL annually reports to the ABA, USNWR, LSAC, and other organizations data that are not within the scope of this investigation. In light of the findings of the investigation, we recommend that the COL Dean undertake a review of any other data for which a discernable risk of miscalculation and misreporting exists.

5. Institutional Culture—We recommend that the COL Dean and other members of the COL leadership team take steps to reinforce COL's commitment to integrity and ethical conduct, and to make clear to the COL community that unethical behavior will not be tolerated.

6. Advocacy for Transparency and Data Integrity—As a public institution, COL has an obligation to instill trust in the integrity of its information and personnel. COL should consider seizing this opportunity not simply to come into compliance with current data reporting requirements and guidelines, but to champion industry-wide reforms that would provide heightened transparency for key constituencies and stakeholders (e.g., other law schools, prospective and current students, legal employers, faculty, employees, alumni, and donors), as well as the public at large.

7. Vigilance on Institutional Priorities and Employee Incentives—While COL has much work to do to repair the damage sustained as a result of this matter, it remains one of the premier law schools in this country, and nothing in this report should be construed as disparaging the clear and long-standing ambition of COL to enhance its standing among peer institutions. To the contrary, this ambition animates COL and, if channeled appropriately, promises to enable COL to quickly resume its generally laudable effort to enhance the strength of the institution and its national reputation. As it recovers from this episode, COL should remain vigilant against placing undue emphasis on any particular data or factor in its admissions process and creating unchecked incentives for employees that might lead to conduct contrary to the best interests of the institution.

8. Appropriate Promotion of Whistleblower Program (Institutional Benefits and Personnel Protections)—Even though, as this investigation revealed, COL reported and disseminated erroneous selectivity data over multiple years, it is noteworthy that, in this instance, the University effectively self-policed; it obtained information and thereafter reviewed and acted upon that information in ways that will both address the historical conduct at issue and better position COL from a transparency and integrity perspective in the future. We recommend that University, campus, and COL administration ensure that the University community understands the long-term benefits that inure to the University from personnel stepping forward with information, and that individual employees understand the protections they are afforded when doing so. This will underscore the University's commitment to the reliability of its data and integrity in all respects. This matter may present opportunities to reinforce the institutional policies and culture that, in this case, resulted in important information being presented to the Ethics Office for investigation.