

## Operation Varsity Blues: Lessons Learned, and Legal and Practical Realities of Admissions

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### Operation Varsity Blues - The Facts

- ▶ Rick Singer's illicit cheating & bribery scheme
- ▶ Cheating on college entrance exams
- ▶ College coaches were bribed to admit non-athletes
- ▶ Largest college admission case every prosecuted by US DOJ
- ▶ 52 parents, coaches and administrators charged criminally
- ▶ 15 parents pled guilty



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### The Actress



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### Felicity Huffman



- ▶ Paid \$15,000 to Rick Singer
- ▶ Daughter received extended time to take SAT
- ▶ Proctor corrected daughter's wrong answers to inflate score
- ▶ Huffman's daughter was unaware of this cheating scheme

Sentence: 14 days in prison; one year supervised release; \$30,000 fine; and, 250 hours of community service.

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### Businessman – Devin Sloane

- ▶ Paid \$250,000 seeking son's admission to USC as an athlete
- ▶ Staged photos of son in water polo gear in family's pool
- ▶ Motivation: "just trying to do what's best for my child"

Sentence: 4 months in prison; \$95,000 fine; and, 500 hours of community service.




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### The Corporate Lawyer Gordon Caplan



- ▶ Paid Rick Singer \$75,000
- ▶ Daughter received unlimited time to take ACT
- ▶ Proctor corrected daughter's wrong answers to inflate score
- ▶ "In committing this crime, I made the worst decision of my life."

Sentence: 1 month in prison; one year supervised release; \$50,000 fine; and, 250 hours of community service.

Caplan is likely to be disbarred from the New York bar.

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### Businessman – Stephen Semprevivo

- ▶ Paid \$450,000 seeking admission to Georgetown as athlete
- ▶ Son did not play tennis competitively
- ▶ Parent involved the son in submitting dishonest essay

Sentence: 4 months in prison;  
2 years supervised release;  
\$100,000 fine; and,  
500 hours of community service.




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### The Wealthy Couple – Gregory & Marcia Abbott



- ▶ Paid \$125,000 to have both ACT and SAT scores inflated
- ▶ Only defendants to engage the cheating scheme twice
- ▶ Motivation: desperate to help daughter after her Lyme disease
- ▶ "The fact they did it twice shows a sense of invincibility. For the Abbotts, they wanted to win, to crush the competition."

Sentence for both: 1 month in prison; \$45,000 fine; and, 250 hours of community service.

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### The Vintner – Agustin Huneeus

- ▶ Paid \$50,000 to falsify daughter's SAT results
- ▶ Also paid \$250,000 for USC admission as "water polo player"
- ▶ Knowingly involved daughter in this double scheme

Sentence: 5 months in prison; \$100,000 fine; and, 500 hours of community service.




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### The Jeweler - Majorie Klapper



- ▶ Paid \$15,000 to inflate son's ACT score
  - ▶ Lied about son's race and ethnicity, and falsely claimed her son was a first-generation college student
  - ▶ Worked with Singer previously to inflate her older son's SAT score, and claimed "super tutors" explained the bump
- Sentence: 3 weeks in prison; \$9,500 fine; and, 250 hours of community service.

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### Basic Legal Standards for Admissions

1. Admission selection process must not be arbitrary – there must be a reasonable explanation for the action or decision.
2. An institution should follow its published admissions standards and honor its admissions decisions, under a legal contract theory.
3. Admissions policies should not discriminate on the basis of a protected class (e.g., race, sex, age, or disability).

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### Discretion Afforded and Legal Deference Extended to Admissions Officials

- ▶ Colleges and universities have traditionally been given wide discretion in establishing their admissions standards.
- ▶ The expert domain of educators has long been respected and understood to encompass their duty and expertise to establish admissions criteria.
- ▶ The law has shown great deference to institutional decision making in this area.

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### Reality Check

- ▶ Increasing selectivity at the elite institutions fuels anxiety
  - ▶ Harvard, USC, Stanford, Columbia, etc are not increasing in size so more applications just means more selective (i.e. 40k applications for 1600 seats)
  - ▶ Less than 1% of undergraduates attend an Ivy League; less than 10% attend a public flagship or intensive research university
  - ▶ Students respond by applying to more schools
- ▶ Early Decision, Early Action, Regular Decision – and ED2, EA1, EA2, etc...
- ▶ About half of top-40 national universities offer Early Decision, a binding decision that tends to favor the affluent and savvy, well-connected student

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### Reality Check

- ▶ “in the absence of a narrative, the public creates their own” – VP for enrollment at NACAC 2019
- ▶ The complexity of admissions work makes transparency difficult.
- ▶ Must do more to help the public understand how decisions are made and why.
- ▶ Trust in the testing agencies

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### UNC Charlotte Admissions Practices

- ▶ UNC System Minimum Admission Requirements for First Year and Transfer Admission
- ▶ Volume and quality of first year applicant pool drive competition for admission
  - ▶ 20K applications for Fall 2019; 65% acceptance rate
  - ▶ Middle 50% of admitted freshmen: 3.8-4.5 WGPA / 1130-1280 SAT
- ▶ More competitive majors receive additional review

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### Special Populations or Initiatives

- ▶ Athletes
- ▶ Legacies
- ▶ Adult Student Admission Program, Veterans
- ▶ Multiple pathways – deferred admission to spring; Passport; 49erNext
- ▶ Appeals processes

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### Opportunities and Challenges in the Field

- ▶ Increasing competition due to decline in high school graduates
- ▶ As state funding to public universities declines, universities become dependent on tuition revenue from non-residents and private donors
- ▶ Value of higher education is increasingly politicized and everyone is an "expert"
- ▶ Independent counselors are accountable only to clients; largely an unregulated business
  - ▶ Independents work for more affluent families, while low- and middle-income families rely on overburdened school counselors
  - ▶ Similarly, there is disparate access to test prep services

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