

EXHIBIT 21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STUDENTS FOR FAIR	§	
ADMISSIONS, INC.	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO.
VS.	§	1:14-cv-14176-ADB
	§	
PRESIDENT AND FELLOWS OF	§	
HARVARD COLLEGE (HARVARD	§	
CORPORATION)	§	
	§	
Defendant.	§	

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
ORAL AND VIDEOTAPED DEPOSITION OF
RUTH SIMMONS
April 11, 2018
Houston, Texas

REPORTED BY: Linda Russell, CSR
JOB NO: 139807

1 R. SIMMONS - 4/11/2018

2 I think, to be sure, the use of race
3 as one factor in the admission process has in
4 fact been important and has created a better
5 learning environment on campuses where that is
6 the policy. I'm absolutely certain of that.

7 Q. (BY MR. CONNOLLY) Do you support
8 giving preferences in the admissions process to
9 legacies?

10 A. I'm not sure I would call it a
11 preference. I certainly support considering
12 legacy as an element of the admission process.

13 Q. Yeah, and I saw that language in the
14 report a couple of times, quote, "consider
15 legacy." And I think another phrase you used was
16 "pay attention to legacy status." And I guess
17 I'm confused about what -- what do you mean by
18 "consider legacy status?"

19 A. So, again, in the admission process,
20 and if you've looked at an application recently,
21 you see that there are all kinds of things
22 involved that we -- all kind of information we
23 gather in the admission process.

24 When I'm looking at whether or not a
25 student can benefit from and contribute to a

1 R. SIMMONS - 4/11/2018

2 particular educational environment, I'm looking
3 for their academic strength, I'm looking at their
4 curiosity, I'm looking at their volunteer
5 activity, I'm looking at their economic class,
6 I'm looking at hardships maybe they've endured,
7 I'm looking at whether they've traveled, I'm
8 looking -- I'm looking at so many different
9 factors.

10 One of those factors can be whether
11 or not they are familiar with my university
12 because members of their family have been to the
13 university.

14 And, again, I'm looking at all manner
15 of information to determine whether or not they
16 will benefit from the environment that we offer.

17 Q. In your experience, was the fact that
18 a student was a legacy, was that ever a negative
19 factor that harmed the student's chances of
20 getting into the school?

21 A. I don't -- I can't think of an
22 instance in which it would have, because there
23 are so many other factors being included in the
24 assessment of a student's qualifications.

25 Q. All right. So I guess I'm just

1 R. SIMMONS - 4/11/2018

2 trying to understand why -- why the hesitancy to
3 just say at Brown we gave an admissions tip to
4 the children of alumni? Why not just -- I mean,
5 it happens; why not just admit it?

6 MR. ADEGBILE: Objection.

7 A. Because what you're saying isn't the
8 case.

9 So, I wouldn't say that we gave an
10 admission tip. I think that's the way you put
11 it. What I would say is that all other things
12 being equal, there are a number of different
13 things in the admission process that you're
14 looking at. But you're always looking at the
15 core value of what the applicant brings in terms
16 of academics, in terms of extracurriculars, in
17 terms of all of the other things, before you get
18 to the point where you look at something like
19 whether a member of their family has gone to the
20 university.

21 And so I don't think it's a tip. I
22 think the student is fully qualified. And in the
23 judgment that you deploy in putting together a
24 class, just as you might use your judgment to
25 decide that you want the student from South

1 R. SIMMONS - 4/11/2018

2 Dakota over another student from New York, you
3 might decide it would be good to have someone
4 with the legacy experience as a part of the
5 class.

6 Q. So the hypothetical situation, you
7 have a student who is fully qualified to attend
8 Brown. And is it your testimony that the fact
9 that he or she is a legacy might be one of the
10 factors that helps that student get into Brown?

11 A. It's one of the factors that might
12 make them qualified for admission. Absolutely.

13 Q. Do you think if Harvard or Brown
14 stopped, in your words, considering legacies,
15 that the number of students who are legacies
16 attending Brown or attending Harvard would
17 decrease?

18 MR. ADEGBILE: Objection.

19 A. I don't know.

20 Q. (BY MR. CONNOLLY) Then I guess I
21 don't -- why is it so important, then, to
22 consider -- how can you say it's really important
23 to consider legacies -- whether an individual
24 is a legacy if you don't know how it will affect
25 the class?

1 R. SIMMONS - 4/11/2018

2 A. That's not the question you asked.

3 Q. Okay.

4 A. Okay?

5 So, again, our belief over time --
6 and for some of us that's literally hundreds of
7 years; hundreds of years -- what we have
8 experienced is that the involvement of families
9 over time in our institutions adds a dimension to
10 the university that is very important and very
11 desirable. In truth, I think it's one of the
12 reasons that these are highly selected
13 institutions.

14 Q. Do -- excuse me. Do you think the
15 level of alumni involvement at an institution
16 like Harvard would decrease if Harvard stopped
17 considering or giving preferences to legacies?

18 A. I think it might. Here's what we do
19 know -- here's what I know: Parents follow their
20 children.

21 Q. I'm sorry. Follow their children...?

22 A. Follow their children's choices. And
23 so if I decide -- if I go -- my granddaughter
24 goes to Prairie View, my interest and my
25 philanthropy will follow her.

1 R. SIMMONS - 4/11/2018

2 And what I've seen over the years
3 from people who went to other institutions who
4 have transferred their allegiances to Brown is
5 that they followed their children to Brown.
6 Their interest followed their children to Brown.

7 Q. But presumably you don't need a
8 preference in order to get parents interested in
9 following their children. Whoever you enroll,
10 their parents will be interested in following
11 their children, as you say.

12 MR. ADEGBILE: Objection.

13 A. I think their interest is not as
14 deep, not as lasting, because those parents tend
15 to leave when their children leave.

16 So a great advantage of legacy, in my
17 view, though, as I've tried to explain, I don't
18 see it so much as a preference for legacies, I
19 see it as a factor that is very important in the
20 admission process insofar as we are trying to
21 consider all factors and creating a class that
22 will inure to the benefit of the educational
23 values that we have.

24 So, as you know, I'm very much an
25 advocate of involving alumni. I believe,

1 R. SIMMONS - 4/11/2018

2 personally, that it is the difference between --
3 literally the difference between the success of
4 educational institutions and the standing of
5 educational institutions.

6 Q. And I guess your testimony is, that
7 level of involvement -- alumni involvement at a
8 school --

9 A. Over time.

10 Q. -- over time at a school like Harvard
11 would decrease if there were not certain legacy
12 preferences?

13 MR. ADEGBILE: Objection.

14 A. Again, I don't see it as legacy
15 preferences, because I think if you -- if it were
16 legacy preferences, there would be more legacies.
17 A lot of legacies out there.

18 Q. (BY MR. CONNOLLY) So I'll replace it
19 with legacy consideration.

20 A. Oh, thank you. Okay. So, yes, I
21 think it would decrease --

22 Q. Okay.

23 A. -- without that.

24 Q. And why do you think that?

25 A. As I say, I think that over time

1 R. SIMMONS - 4/11/2018
2 people tend to be considerate of what
3 institutions have meant in their lives over time.

4 My observation is that that has been
5 the case even though individuals may not be in
6 every year devoted to that, over time they tend
7 to remain invested very heavily because of what
8 that education meant to them. And I worry about
9 the loss of that commitment and involvement,
10 because I think it is what clearly differentiates
11 institutions.

12 Q. So is it your fear that if an alumni
13 of -- or an alumnus of Harvard or Brown feels
14 that his or her child, that the legacy aspect
15 will not be considered maybe ten years down the
16 road when the child is applying, that will make
17 them less likely to be involved with the
18 university?

19 A. I don't know, but -- but it could.
20 Most of us who have been presidents have
21 experienced the ire of parents whose children
22 have been denied admission. That is actually a
23 more prominent feature of our experience than
24 actual number of legacies admitted, because far
25 more are denied than admitted. And so we come to

1 R. SIMMONS - 4/11/2018

2 experience what it feels like in a family when
3 students don't have a chance -- legacies don't
4 have a chance of being considered.

5 On the other hand, if people are
6 aware that their children will be at least
7 considered, they are -- they are certainly
8 happier with that possibility than with the fact
9 that they cannot be considered.

10 Q. Well, and it's not just that the
11 student will be considered, it's that the legacy
12 aspect will be considered, correct?

13 A. Of course.

14 Q. Yeah.

15 THE WITNESS: Excuse me.

16 Q. (BY MR. CONNOLLY) Has the student
17 who is a legacy done anything personally to
18 deserve this, in your words, consideration?

19 A. To be admitted, they have to.

20 Q. Right. But to receive the -- the,
21 quote, legacy consideration, has the student done
22 anything?

23 A. Well, the --

24 MR. ADEGBILE: Objection.

25 A. The student in South Dakota hasn't

1 R. SIMMONS - 4/11/2018

2 done anything either.

3 So -- so, my point is that we -- we
4 use many different attributes in the admission
5 process.

6 Often the students haven't done
7 anything in their particular area to suggest that
8 they should get the nod in admission, it's just
9 that they happen to be in a pool of students in a
10 given year in which either their state or their
11 region or their school or their circumstances
12 become important in the admission process and
13 they haven't done anything to merit it on the
14 basis of that singular attribute. So that's
15 not -- that's not so unusual in the admission
16 process.

17 Q. (BY MR. CONNOLLY) You mentioned the
18 consideration of someone from South Dakota.
19 They're -- so I would call that I guess a
20 geographic consideration. Is there anyone you
21 can think of who would not receive
22 consideration -- one of these special types of
23 considerations?

24 A. Any one?

25 MR. ADEGBILE: Objection.

1 R. SIMMONS - 4/11/2018

2 Q. (BY MR. CONNOLLY) Any -- any type
3 of -- any type of person.

4 MR. ADEGBILE: Objection.

5 A. I'm not talking about a type of
6 person, I'm talking about a particular attribute
7 of a person.

8 So maybe you can say a bit more?

9 Q. (BY MR. CONNOLLY) Sure. So, you
10 know, how about a middle class white student from
11 the Bronx, can you think of any special
12 consideration that student would receive at
13 Harvard?

14 MR. ADEGBILE: Objection.

15 A. It's hard to say, without knowing
16 the -- without knowing -- but if that student,
17 for example, is from the Bronx High School of
18 Science, you know, they might be highly sought
19 after.

20 Let me give you an example. I write
21 letters of recommendation all the time from Texas
22 to Ivy League universities. And my argument
23 often is, "You need more students from Texas."
24 And my argument is, "Here's" -- "Here are the
25 reasons that this particular student from Texas

1 R. SIMMONS - 4/11/2018

2 should be considered."

3 Now, I'm doing that because I
4 actually believe that more students from Texas
5 would benefit from an education in these
6 institutions, but also because I think that we,
7 as Texans, bring something different to those
8 environments.

9 So it's both cultural and academic.
10 A student from Bronx might bring a cultural
11 dimension that would be very important to
12 Harvard, for all I know. It depends on the
13 student.

14 MR. CONNOLLY: One more exhibit and
15 then break for lunch, if you're fine with that.

16 MR. ADEGBILE: If you wouldn't mind
17 describing it for the record.

18 MR. CONNOLLY: Sure. This is --
19 Exhibit 3, an article entitled, "The
20 Self-Destruction of the 1 Percent," from the
21 New York Times, October 14th, 2012.

22 In particular, I'll be focusing on
23 page 2 around the halfway point is where
24 President Simmons has a quote.

25 (Exhibit 3 marked for identification.)

1 R. SIMMONS - 4/11/2018

2 (Witness reviewing document.)

3 Q. (BY MR. CONNOLLY) If you could turn
4 to page 2. About halfway down, there's a
5 paragraph that starts off with, "At the World
6 Economic Forum." And halfway through that
7 paragraph is a sentence that starts,
8 "Dr. Simmons." Do you see that?

9 A. Yeah, I do.

10 Q. Could you read the rest of that
11 paragraph for me?

12 A. The rest of it meaning starting with,
13 "Dr. Simmons"?

14 Q. Yes, starting with, "Dr. Simmons."

15 A. "Dr. Simmons, a Harvard-trained
16 literature scholar, worked hard to make Brown
17 more accessible to poor students, but when I
18 asked whether it was a time to abolish legacy
19 admissions, the Ivy League's own Book of Gold,
20 she shrugged me off with a laugh: 'No, I have a
21 granddaughter. It's not time yet.'"

22 Q. Do you think this type of thinking
23 from people in power is why consideration of
24 legacy in the admissions process still exists?

25 MR. ADEGBILE: Objection.

1 R. SIMMONS - 4/11/2018

2 A. Are you putting me in that group?

3 Q. (BY MR. CONNOLLY) You were the
4 President of the university.

5 A. No, no. Let me, if I may, point you
6 to the quote --

7 Q. Sure.

8 A. -- which is with a laugh I said, "No,
9 I have a granddaughter. It's not time yet." It
10 was a joke.

11 So, how do you -- so I'm trying to
12 figure out how you're characterizing that.

13 Q. The idea that people who are in
14 charge of Ivy League universities also have
15 children, do you think that affects the leaders
16 of these institutions' decisions to perpetuate
17 the consideration --

18 A. Absolutely not.

19 Sorry. I usually don't talk over
20 people, but when it's really absurd, I have to
21 inter -- intervene. No, I don't.

22 Q. I'm sorry, if I can ask you one --
23 ask it again.

24 Do you think the fact that the
25 leaders of these institutions, who most likely

1 R. SIMMONS - 4/11/2018

2 also have children, do you think that fact is a
3 reason why legacy consideration continues today?

4 A. I don't. I really don't.

5 Q. Why not?

6 A. Well, I'm actually trying to remember
7 anyone in my experience whom I've known as a
8 president who had a child eligible for admission.
9 I don't know -- I don't know of one.

10 Q. Well, and you talked about, you know,
11 how much alumni care about sending their children
12 to their alma maters, and it seems to me that
13 that -- those beliefs and those desires would
14 hold equally for the leaders of those
15 universities. And so I don't know why they would
16 be immune from the desire to, in your words,
17 continue giving consideration to legacy students.

18 A. I'm just saying that I don't think it
19 has anything to do with their personal
20 circumstances. I think they do it -- or they may
21 believe it or they may promote it for entirely
22 legitimate reasons that has nothing to do with
23 their own situation. I certainly didn't advise
24 my children to go to institutions where I was.

25 So, I -- I don't know. I mean, I

1 R. SIMMONS - 4/11/2018

2 think it isn't something to which I've given
3 consideration. But I -- as you can see from my
4 reaction, I find it an odd -- I find the
5 postulation of it odd because of my own
6 experience in not having known anybody whose
7 opinion was shaped because of that reason, mostly
8 because of age, I suppose. They are beyond the
9 age, for the most part, where their children
10 would have been a part of the decision-making
11 process -- their children's situation would have
12 been a part of the decision-making process.

13 THE WITNESS: Excuse me.

14 Q. (BY MR. CONNOLLY) And it just seems
15 to me that if you look at the -- if you take
16 Brown or you take Princeton and you think about
17 who is in charge of making certain decisions, be
18 it the president or the director of admissions or
19 whoever, they have most likely -- in most cases
20 those individuals have children. And one would
21 reason that they would stand to benefit from
22 legacy consideration, in your words.

23 And so I guess my question is whether
24 you think that these university leaders can put
25 their own personal desires aside when deciding

1 R. SIMMONS - 4/11/2018
2 whether to continue using consideration of
3 legacies, because I think I would find that -- I
4 won't -- I'll stop right this.

5 MR. ADEGBILE: Objection.

6 A. Well, for the most part -- I don't
7 know what the situation is at Harvard today, but
8 for the most part having graduated from the
9 university is not a requirement to be in the
10 leadership position, for the most part.

11 I not only did not go to Brown, I had
12 never even been to Brown before I was announced
13 as the incoming president.

14 So there may be some who feel that
15 way in the leadership group, but the question as
16 whether it governs, I don't -- I don't know. I
17 suppose that would depend on the institution and
18 on the era. I don't know.

19 MR. CONNOLLY: Shall we take a break?

20 MR. ADEGBILE: Sure.

21 THE VIDEOGRAPHER: Going off the
22 record -- going off the record. The time is
23 12:21.

24 (A break was taken from 12:21 p.m. to
25 1:19 p.m.)

1 R. SIMMONS - 4/11/2018

2 Q. And how come?

3 A. Because the reality that I have
4 certainly experienced is that in order to be
5 considered, all applicants have to be qualified.
6 But because there's so many highly qualified
7 students, certainly a surfeit of students that
8 the university can accommodate, that judgments
9 have to be made about the class.

10 And among the judgments one can make
11 with a very qualified group of individuals is
12 that if you have a student who happens to be a
13 children of an employee, it's perfectly
14 appropriate to acknowledge that that could be a
15 good thing in the mix.

16 And, frankly, I've seen the children
17 of the lowest paid workers, for example, admitted
18 to universities and the boost that that gives --
19 gives to the campus when that happens is -- is a
20 wonderful thing to see and very advantageous to
21 the university. But it's a rare -- it's a very
22 small number always admitted.

23 Q. If you'd turn the page back to
24 page 21, four lines up from the bottom starting
25 with, "That is." Can you read -- can you read

1 R. SIMMONS - 4/11/2018

2 that sentence for me?

3 A. "That is, eliminating consideration
4 given to the children of faculty and staff would
5 be unlikely to yield any meaningful benefit to
6 campus diversity while it would threaten to
7 impose substantial costs in terms of faculty and
8 staff morale."

9 Q. Have you ever seen that situation
10 where denying the child of a faculty member
11 caused morale to decrease among the faculty?

12 A. I've seen situations where they were
13 denied and it caused faculty, parents in
14 particular, to either leave or certainly to be
15 disheartened. And in a situation in which a
16 department wants badly to retain a very important
17 faculty member, department very quickly becomes
18 disheartened by the action of the university.

19 Q. Do you think this idea hold -- would
20 hold merit outside of the university context?
21 So, for example, do you think companies should
22 consider whether the child of a senior executive
23 can get a job at that company? Do you think
24 that's something that should be considered?

25 MR. ADEGBILE: Objection.

1 R. SIMMONS - 4/11/2018

2 A. I know it is considered.

3 Q. (BY MR. CONNOLLY) You've seen it at
4 companies?

5 A. Oh, yes.

6 Q. And do you think that's a good thing?

7 MR. ADEGBILE: Objection.

8 A. I don't think it's deleterious.

9 Q. (BY MR. CONNOLLY) Why not?

10 A. In companies where outstanding work
11 is valued, I would say it's no different from a
12 university where outstanding achievement is
13 valued. And that is, they are unlikely to
14 survive if they don't perform at the requisite
15 level. And if they're not qualified, they're
16 unlikely to be appointed, from what I've seen.
17 Also, from my vantage point, it's been
18 de minimis, as it is in universities.

19 MR. CONNOLLY: What exhibit is this?

20 THE COURT REPORTER: Four.

21 (Exhibit 4 marked for identification.)

22 Q. (BY MR. CONNOLLY) Exhibit Number 4
23 is a copy of your rebuttal report. When you're
24 ready, could you turn to page 9, please.

25 Six lines down towards the right side

1 R. SIMMONS - 4/11/2018

2 there is a sentence that starts with, "For
3 example." Can you -- I'd like you to read about
4 three sentences worth. And I'll let you know --

5 A. Stop me when I --

6 Q. Okay.

7 A. "For example, during my time at
8 Brown, I was involved in situations where I tried
9 to recruit a new professor or faculty member to
10 the school. Inevitably, if that individual had a
11 child near college age, the individual would ask
12 whether their child would be able to go to Brown.
13 If we did not see a possibility of admitting
14 their child based on a preview of their
15 qualifications, the recruit often chose to go to
16 a different institution."

17 Q. So if I'm understanding you right,
18 when Brown would be engaged in the recruitment
19 process for faculty, it would often take a look
20 at the professor's child and make a determination
21 about whether that child was likely to be
22 admitted to Brown?

23 MR. ADEGBILE: Objection.

24 A. Keep in mind, when somebody is making
25 a decision to move let's say all the way across

1 R. SIMMONS - 4/11/2018

2 the country or wherever, and they want to know
3 whether or not the likelihood is that their child
4 would be eligible to be considered, it's not
5 difficult to do.

6 If you can look at a child's
7 qualifications and, for example, if that child
8 happened to have low grades and a poor profile,
9 it would be pretty clear that they wouldn't be
10 likely to be looked on favorably by -- in the
11 admission process, given the pool of applicants
12 that we have.

13 So it's possible to look at their
14 qualifications and say, "It doesn't look very
15 likely that they would compete with the pool of
16 applicants that we have." Sure.

17 Only if the applicant -- the
18 candidate wanted to know that and it was going to
19 be critical in their decision-making process.

20 Q. Then would Brown essentially ask for
21 some basic facts about the student, like GPA,
22 test scores, extracurricular --

23 A. Typically you'd get a transcript.

24 Q. Uh-huh.

25 A. Sure.

1 R. SIMMONS - 4/11/2018

2 Q. Do you know if Harvard does this?

3 A. I have no idea.

4 Q. And in your experience, are you aware
5 of a professor -- and I'll caution that I'm not
6 interested in the name of the professor --

7 A. Okay.

8 Q. -- who turned down the opportunity to
9 teach at Brown because he was not given an
10 indication that his child would have a good shot
11 at getting into Brown?

12 A. It would be hard to tell, because
13 there are a lot of different factors when people
14 make their decisions.

15 I don't recall one who said the only
16 factor was that their child would not be able to
17 go to Brown. So I don't know whether that was
18 the -- that was the only factor, but I do know of
19 instances in which they did not come.

20 Q. And by the statement in your report,
21 is it your testimony that you think at least one
22 of the reasons why they chose not to come to
23 Brown was because of that indication you gave
24 them?

25 A. Yes.

1 R. SIMMONS - 4/11/2018

2 Q. Do you know where such professors,
3 the type of institutions they would -- they would
4 go to after that? Would they go to another Ivy
5 League school or would they go to a state school?

6 A. I don't really know. Typically a
7 professor who is able to go to Brown would be --
8 would have a lot of choices.

9 Q. Did having a child of a faculty
10 member improve the learning environment at a
11 place like Brown?

12 A. To the extent that we were able to
13 hold outstanding instructors/professors,
14 absolutely.

15 Q. So the benefit was because of the --
16 the child's parents, that's how the university
17 benefited?

18 A. The benefit of retention and
19 recruitment for -- because, of course, the
20 defining element of the quality of education on
21 the university campus is a composition of the
22 faculty, as well as the general environment in
23 terms of the students who are recruited. You
24 have to have outstanding faculty to attract
25 outstanding students.

1 R. SIMMONS - 4/11/2018

2 So, as my mantra has always been, and
3 is today, it's about recruiting the best if you
4 want to have a very successful educational
5 environment that's -- those are the ingredients.

6 So fighting hard for the best
7 faculty, fighting hard to keep the best faculty
8 is what -- that's what great universities do.
9 It's absolutely central to their mission to do
10 that.

11 Q. And is it -- is that mission so
12 important that the consideration of their
13 children in admitting their children to Brown
14 when they might not otherwise have gotten in,
15 does the importance of that -- of retaining those
16 faculty members justify that admission decision?

17 MR. ADEGBILE: Objection.

18 A. As I've said, the children have to be
19 qualified on the same basis as the applicant
20 pool -- the successful students in the applicant
21 pool, otherwise you'd turn them down. And so
22 this matter of judgment in the admission process
23 really is all about shades of difference. And
24 any admission officer is going to want to make
25 sure that if an admission decision is made --

1 R. SIMMONS - 4/11/2018

2 positive admission decision is made, that the
3 student is qualified to do the work.

4 As educators, you become an educator
5 because you want every young person to be
6 successful. And it's one of the worst things in
7 the world as an educator if you feel that you're
8 making decisions for the wrong reason and that
9 for whatever reason, as a consequence of your
10 decision, a student will fail.

11 So, again, the first obligation is to
12 make sure that the students are qualified.

13 Q. Do you recall any students, without
14 telling me their names, where the fact that his
15 or her parent was a faculty member was sort of
16 the deciding factor that got them into Brown?

17 A. Well, since I don't sit on the
18 admission committee, it's very hard -- it's very
19 hard to say, because here's the way the process
20 would work. If you were -- if you thought there
21 was a person who was considering coming to Brown
22 and they had a child who was in the admission
23 pool, the -- the admission office would be
24 notified of that. But then you'd stop short
25 there, because the admission office has to be

1 R. SIMMONS - 4/11/2018
2 able to do its work with integrity. And so you'd
3 then wait to see whether or not that student,
4 that child, was able to be admitted.

5 Because we are pretty familiar with
6 our students and we know what the standards are,
7 a preview would give you a good guess as to
8 whether or not they are in that -- in that group,
9 but it would not tell you whether or not the
10 admission committee would make the decision,
11 because the admission committee is independent
12 and they make their decisions based on the class
13 that they see, not based on whether or not it's
14 going to affect one particular part of the
15 university.

16 MR. CONNOLLY: Should we take a
17 break?

18 MR. ADEGBILE: Sure.

19 MR. CONNOLLY: We've been going about
20 an hour.

21 MR. ADEGBILE: Sure.

22 THE VIDEOGRAPHER: Going off the
23 record. The time is 2:15.

24 (A break was taken from 2:15 p.m. to
25 2:24 p.m.)

1 R. SIMMONS - 4/11/2018

2 read it internally and then I'll ask you a --

3 A. Oh, internally. Okay.

4 (Witness reviewing document.)

5 A. Okay. Just to the end of that
6 answer?

7 Q. Yeah.

8 A. Okay.

9 Q. And you already read part of the
10 question. In your time spent in universities,
11 have you ever heard the concern that Asian
12 Americans are, quote, taking over student bodies?

13 A. Never. It would be wonderful to have
14 information about the author, about the
15 interviewer, because I can't find anything here
16 that indicates it. But it's -- no, never.

17 Q. Okay. And taking a step back. You
18 said Fred Hargadon is the -- was the --

19 A. Dean.

20 Q. -- Dean of Admissions at Princeton.

21 Can you read the second paragraph of
22 his answer starting with, "You don't have to be."

23 A. "You don't have to be looking for
24 class presidents or captains of teams to realize
25 that a part of the culture in many Asian American

1 R. SIMMONS - 4/11/2018

2 families was not to have the child participate in
3 extracurricular activities" --

4 Do I have to go on?

5 Q. Yes, please. The whole paragraph.

6 A. Okay. -- "but largely to devote
7 himself to and concentrate on academics. There's
8 no doubt that that's an extremely positive
9 feature. It's very cultural. Asian Americans
10 put a very high premium on education and doing
11 well. But in colleges that also put a premium on
12 diversity in terms of energy level outside the
13 classroom, of taking part in activities, that has
14 turned out for many Asian American students to be
15 a handicap. That is, they were not going to show
16 up as well. There are many great exceptions to
17 this, of course."

18 Q. Do you agree with his assessment of
19 Asian Americans?

20 A. I think it's balderdash.

21 Q. Did you ever hear Dean Hargadon
22 express these sort of opinions while you were at
23 Princeton?

24 A. I didn't interact with Fred a lot,
25 but I never heard him express these opinions.

1 R. SIMMONS - 4/11/2018

2 Had I heard him, I would have certainly
3 challenged these notions. But I don't remember
4 his ever saying it in my presence. But we didn't
5 typically meet.

6 Q. In your experience teaching at a --
7 and working at a variety of Ivy League schools,
8 are Asian American students any less personable
9 than other -- than students of other racial
10 groups?

11 A. No.

12 Q. In your experience, do Asian American
13 students tend to participate in fewer
14 extracurricular activities than other students?

15 A. I don't know the data on it, but as
16 a -- I would say generally they are very similar
17 to other students on -- on the campus in their
18 interests.

19 (Exhibit 8 marked for identification.)

20 MR. CONNOLLY: Exhibit 8 is a copy of
21 the Expert Report of Richard Kahlenberg. And as
22 you know, it's very long. I will point you --
23 there's only one to two pages I want you to look
24 at. Page 35, please, of his expert report.

25 A. I don't have it.

1 R. SIMMONS - 4/11/2018
2 admission was a good way for us to maintain our
3 standing. And in truth, if you look at the
4 profile of the university over time, it has
5 become more and more selective over time -- that
6 is to say our university, Brown -- it has become
7 more and more selective over time.

8 MR. CONNOLLY: Marking as Exhibit 9
9 an article entitled, "Sticking to Their Own,"
10 from the Washington Post, October 26, 1997.

11 (Exhibit 9 marked for identification.)

12 (Witness reviewing document.)

13 Q. (BY MR. CONNOLLY) Could you read to
14 me the last two paragraphs on page 2.

15 A. "Simmons, who attended both a
16 historically black college and such predominantly
17 white institutions as Harvard University and
18 Wellesley College, knows what it feels like to be
19 an outsider. 'I know how hard it is to confront
20 some of the pain of interacting with people who
21 think you are less than they or have faculty who
22 talk about your culture in ways that are
23 insulting and denigrating.'

24 "But, she says, the solution is not
25 separate housing. 'My" -- "'most people in this

1 R. SIMMONS - 4/11/2018

2 country live a very segregated existence. They
3 go to church and synagogue with people in their
4 community, and live a lovely insular existence,'
5 Simmons says. 'But colleges are not set up to
6 sustain that way of life. It's supposed to be an
7 opportunity to learn something about life and the
8 people of the world. Segregated housing is the
9 antithesis of what we do in the academy.'"

10 Q. Do you still hold this view about the
11 problems with segregated housing on campus?

12 A. I do.

13 Q. And how come?

14 A. How come. It goes back to the
15 purpose of education, as I see it, to have the
16 opportunity to learn about things outside of what
17 we know is the single most important thing about
18 what we do in the academy.

19 And so, you know, I've been very
20 outspoken on this point and very consistent on
21 this point for all of my career, including when
22 students propose and promote the idea to me. I'm
23 very direct about my opposition to it.

24 MR. CONNOLLY: Shall we take another
25 quick break before I go into another section?

1 R. SIMMONS - 4/11/2018

2 MR. ADEGBILE: Sure. How are you
3 doing for time?

4 THE COURT REPORTER: Do you want to
5 go off the record?

6 MR. ADEGBILE: Sure.

7 THE VIDEOGRAPHER: Going off the
8 record. The time is 3:16.

9 (A break was taken from 3:16 p.m. to
10 3:26 p.m.)

11 THE VIDEOGRAPHER: Media Number 6.
12 On the record at 3:26.

13 Q. (BY MR. CONNOLLY) Do you support
14 giving preferences in the admission process to
15 the children of individuals who donate to that
16 university?

17 MR. ADEGBILE: Objection.

18 A. I support considering those students
19 if they are qualified in the context of the pool,
20 the admission pool.

21 Q. (BY MR. CONNOLLY) How would you
22 support, quote, considering the fact that their
23 parent donated to the university?

24 A. How would I consider them?

25 Q. Yeah. Would it be a negative?

1 R. SIMMONS - 4/11/2018

2 MR. ADEGBILE: Objection.

3 A. Would it be a negative? Well, there
4 is -- there is no negative if you are in the
5 applicant pool and you're highly qualified,
6 there's no particular negative, period. And, no,
7 there's no negative associated with being the
8 child of a parent who has donated to the
9 university.

10 Q. (BY MR. CONNOLLY) So when you say
11 you would consider this fact, is it your
12 testimony that it's okay for a school like
13 Harvard or Brown to give an admissions tip to
14 someone whose parent donated to the university?

15 A. If they're high --

16 MR. ADEGBILE: Objection.

17 THE WITNESS: Sorry.

18 A. If they are highly qualified, there
19 is no reason not to admit them.

20 Q. (BY MR. CONNOLLY) And you would be
21 fine if Harvard gave, quote, consideration to the
22 fact that such students had their parents donate
23 to the school?

24 A. As long as they did not donate for
25 the purpose of getting their children in. As

1 R. SIMMONS - 4/11/2018

2 long as there was sufficient distance between
3 those actions, I would feel fine about it,
4 provided that the student was as qualified as the
5 normal pool required.

6 Q. If you could pull out your rebuttal
7 expert report.

8 A. What number is it?

9 MR. ADEGBILE: I'll tell you in a
10 second. Four.

11 THE WITNESS: Okay. One, two,
12 three -- okay. Four is somewhere else out of
13 order. Excuse me. One, two, three -- oh, there
14 it is. Missed it.

15 A. Okay.

16 Q. (BY MR. CONNOLLY) If you could turn
17 to the bottom of page 7, please. Can you read
18 the first sentence of paragraph 17?

19 A. "Nor is it illegitimate to give some
20 consideration in admissions to the likelihood
21 that an applicant or his family will lend
22 financial support to the university."

23 Q. Can you explain why you don't think
24 that's a problem?

25 A. One of the most important factors in

1 R. SIMMONS - 4/11/2018

2 the strength of a university is its ability to
3 endure over time over a period of time that
4 allows its excellence to increase. And our
5 universities are, as I said, being hundreds of
6 years old, it's no accident that they are highly
7 valued and have a proven record of success,
8 because they've been able over time through the
9 support of their alumni base and others to build
10 on their strengths.

11 So in private institutions --
12 especially private institutions -- that support
13 is critical to that longevity and to being able
14 to mount the courses that will inure to the
15 stature of the university.

16 And so I would say it's very
17 important for private universities to focus on
18 contributions to the university because that is
19 their -- that assures their survival and it
20 assures their being able to build and strengthen
21 their programs.

22 Q. If you could turn to the next page,
23 page 8. The last paragraph of 17 starting with,
24 "Based on that experience," could you read that
25 sentences for me?

1 R. SIMMONS - 4/11/2018

2 A. "Based on that experience and my
3 knowledge at competitive peer institutions like
4 Harvard, I believe the number of applicants who
5 could benefit from an admissions consideration
6 based on the financial support of non-alumni
7 family members for the institution is very
8 small."

9 Q. So is it your -- is it your
10 contention that only -- that the fact that a
11 student's parent donated to the university is
12 only considered in a, quote, very small number of
13 instances?

14 A. Absolutely, in my experience.

15 Q. So I'd like to try to maybe drill
16 down on --

17 A. Okay.

18 Q. -- how one would go about getting
19 that consideration.

20 So, would -- do you think a million
21 dollar donation would get that type of
22 consideration for the parent's child?

23 A. I don't think it necessarily relates
24 to a one-time donation. There are certainly
25 people who've given much more than that whose

1 R. SIMMONS - 4/11/2018

2 children have been denied admission.

3 So it doesn't relate so much, as I
4 say, to one donation, but it certainly does
5 relate to the support overall that a university
6 can garner from individuals who are philanthropic
7 and who are willing to support the university.

8 So there's no price tag associated
9 with it, no specific price tag associated,
10 because a position is not being sold.

11 Q. Though, presumably someone who
12 gave -- who promised to write a check for \$20 or
13 who had donated \$20 would not -- his or her child
14 would not receive a, quote, consideration for --

15 A. For \$20?

16 Q. For \$20.

17 A. Hard to say, but in my estimation,
18 that probably would not move me to, if I were in
19 Admission, to admit someone.

20 Q. When a school such as Brown or
21 Harvard is, you know, considering whether to give
22 a, quote, consideration for a student who --
23 whose parent might have the means to donate to
24 the university, do you look at past donations or
25 the potential for future donations?

1 R. SIMMONS - 4/11/2018

2 MR. ADEGBILE: Objection.

3 A. At Brown you could conceivably look
4 at either/or or both.

5 Q. (BY MR. CONNOLLY) Can you recall
6 times, without giving me the name of the
7 individual, where an individual's student
8 received this type of consideration that you're
9 discussing?

10 A. I can.

11 Q. And can you tell me how much that
12 individual donated to Brown?

13 A. I can't, because I wouldn't have
14 followed -- I wouldn't have followed the
15 amount -- the amount of money.

16 One of the things you have to
17 realize, when you make an admission decision, one
18 of the reason the decisions are good and valid is
19 because of the knowledge you have that it must be
20 a good decision, because what if, in fact, you
21 never get a donation, which is obviously
22 possible. You want to be sure that you've made
23 the right decision irrespective of what happens
24 in the future.

25 So, remind me what the nub of your

1 R. SIMMONS - 4/11/2018

2 question was again. Have I remembered
3 circumstances? I have.

4 Q. And in -- do you -- in any of these
5 circumstances, do you remember how much one of
6 the individuals donated?

7 MR. ADEGBILE: Objection.

8 A. No.

9 Q. (BY MR. CONNOLLY) At any of the
10 universities you were at, did any university ever
11 receive non-monetary donations, maybe like an art
12 collection or something like that?

13 A. Not in my recollection. With the --
14 with the -- I'm sorry, with this exception.
15 Influential individuals who by virtue of their
16 importance in a field, let's say, who could help
17 the university develop courses of study and
18 opportunities for students in that field because
19 of their preeminence, I mean, I would consider
20 that kind of similar.

21 Q. How would the fact that an individual
22 has or may donate be communicated to the
23 admissions office when you were at Brown?

24 A. So in order to insulate the admission
25 office from that process, because you never want

1 R. SIMMONS - 4/11/2018

2 an admission office to be in the business of
3 making such a determination, typically other
4 sites in the university will bring their
5 interests to bear. And so if it's the physics
6 department, they would say they're very
7 interested in a particular student being
8 admitted. And so these might come from all over
9 the university, advocacy for particular
10 candidates because of some good departments feel
11 they will receive as a consequence of admitting
12 that student.

13 So I had one person who brought all
14 of those things together just to inventory them
15 to make sure that they weren't coming from all
16 over the university at the admission office,
17 putting pressure on the admission office. Then I
18 would not allow that person to advocate instead,
19 because fundamentally an admission decision is an
20 academic decision.

21 I would then have the provost, the
22 senior -- the chief academic officer of the
23 university vet the list and based on our programs
24 and our institutional priorities, I would have
25 the provost cull that list and say, "Here are the

1 R. SIMMONS - 4/11/2018

2 things that really are important to the
3 university."

4 That was by way of ensuring a
5 de minimis number of cases and the cases that
6 were consistent with our mission and our -- our
7 strategic plan.

8 Q. So in other words, the admissions
9 department would only maybe get a handful of
10 students every year that -- where maybe the
11 development office is saying, "This is" -- "This
12 is important" -- "These four students are
13 important for us"?

14 A. Yeah. And if -- they would get
15 something from the provost that said, "These
16 cases are important, but make the decision on the
17 basis of whether or not they are qualified. If
18 they are qualified, it could be important to our
19 mission to admit these few students."

20 Q. And then those individuals would
21 receive the, quote, consideration that you --

22 A. Yes.

23 Q. All right. Do you know if that's --
24 if Harvard has a similar approach to Brown in
25 giving consideration to the children of donors?

1 R. SIMMONS - 4/11/2018

2 A. I would doubt very seriously that
3 they do it exactly as Brown does it, because it's
4 something I created at Brown. But at Smith, at
5 Princeton, every place that I've been that has
6 these kinds of considerations, there's some
7 process that is devised to help make sure that an
8 excessive number of students are not admitted on
9 that basis and that a lot of different people are
10 not making that determination.

11 Q. In that quote we read, you said, "I
12 believe the number of applicants who could
13 benefit from an admissions consideration based on
14 the financial support of non-alumni family
15 members for the institution is very small," I'm
16 curious to why you -- why you highlighted
17 non-alumni family members. Is there a
18 distinction you're drawing there between
19 donations from non-alumni and donations from
20 alumni?"

21 A. The only distinction is that of
22 legacy versus non-legacy.

23 Q. Right, because I -- I guess
24 presumably someone could get two forms of
25 consideration, both that his or her parents were

1 R. SIMMONS - 4/11/2018

2 legacies of Harvard and that they donated or
3 might donate in the future to Harvard. Is that
4 a -- is that a correct formulation of that?

5 A. I don't think that they would double
6 their chances on the basis of having those two
7 considerations in the way that I don't think that
8 having a combination of other factors would
9 double your chances. So interesting, but not --
10 not a compelling advantage.

11 MR. CONNOLLY: Can we take a
12 two-minute break just to make sure I have nothing
13 else in my notes to ask you about?

14 THE WITNESS: Sure.

15 THE VIDEOGRAPHER: Going off the
16 record. The time is 3:45.

17 (A break was taken from 3:45 p.m. to
18 3:51 p.m.)

19 THE VIDEOGRAPHER: Media Number 7.
20 On the record at 3:51.

21 MR. CONNOLLY: Thank you for your
22 time today. I have no further questions at this
23 time.

24 THE WITNESS: Is it something I did?

25 MR. ADEGBILE: I have no questions.

1 NAME OF CASE: SFFA v. Harvard
2 DATE OF DEPOSITION: April 11, 2018
3 NAME OF WITNESS: Ruth Simmons

4 Reason Codes:

- 5 1. To clarify the record.
- 6 2. To conform to the facts.
- 7 3. To correct transcription errors.

8 Page _____ Line _____ Reason _____

9 From See attached errata to _____

10 Page 14 Line 11 Reason "one" in lieu of "when"

11 From _____ to _____

12 Page 14 Line 19 Reason Wrong year / '71, '72 correct

13 From _____ to _____

14 Page 16 Line 16 Reason "league", not "leak"

15 From _____ to _____

16 Page 18 Line 6 Reason "for" instead of "of"

17 From _____ to _____

18 Page 28 Line 5 Reason incorrect. "I said it was not my job"

19 From _____ to _____

20 Page 30 Line 13 Reason missing word

21 From the president leaving to the president was leaving

22 Page 44 Line 11 Reason _____

23 From professor to professors

24

25

1 NAME OF CASE:

2 DATE OF DEPOSITION:

3 NAME OF WITNESS:

4 Reason Codes:

5 1: To clarify the record.

6 2. To conform to the facts.

7 3. To correct transcription errors.

8 Page 52 Line 8 Reason Grammar

9 From will fall to delete

10 Page 53 Line 24 Reason Grammar

11 From I'm may to I may

12 Page 67 Line 17 Reason Grammar

13 From from Northwest to from the Northwest

14 Page 69 Line 10 Reason Grammar

15 From sometimes to some time

16 Page 74 Line 12 Reason wrong word

17 From selected to selective

18 Page 88 Line 15-17 Reason Grammar

19 From as whether to as to whether

20 Page 105 Line 16 Reason Grammar

21 From there was to there were

22 Page 106 Line 6 Reason Grammar

23 From there's to there are

24

25

Page	Line	Reason	change
106	13	Grammar	children → child
107	17	Grammar	dep artment → the department
108 ^a	18	Spelling	de minimis → de minimus
112	21	Grammar	is a → is the
133	20	Spelling	emersed → immersed
148	5	Spelling	de minimus → de minimus

1 STATE OF TEXAS)
2)
3 COUNTY OF HARRIS)
4
5

6 I, the undersigned, declare under penalty
7 of perjury that I have read the foregoing
8 transcript, and I have made any corrections,
9 additions or deletions that I was desirous of
10 making; that the foregoing is a true and correct
11 transcript of my testimony contained therein.

12 Executed this 7th day of May,
13 2018, at Prairie View, Texas.
(City) (State)

14
15
16
17
18
19
20
21
22
23
24
25

RUTH SIMMONS

21 SUBSCRIBED AND SWORN BEFORE ME
22 THIS 7th DAY OF May, 2018.



24 Shauna L. King
25 (Notary Public) MY COMMISSION EXPIRES: 11-5-18