

## Fitzsimmons W MERGED PA DC on 10-25 PLAYED on 10-26

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Designation	Source	Tx Duration	Remains	Barcode
<b>46:5 -46:17</b>	Fitzsimmons, William 2017-08-03	00:00:57	00:27:39	V1.1
46:5	Q. Do you know what the annual budget is for the admissions office?			
46:6				
46:7	A. We -- you know, we don't have a -- we			
46:8	submit a budget every year. I don't have an exact			
46:9	amount to give you. What we are told is that our			
46:10	mission is clear that we need to get, you know, the			
46:11	best, most interesting students who will be the			
46:12	best educators of others during the four years and			
46:13	beyond from all backgrounds. We are not given a			
46:14	rigid limit on the amount of financial aid that			
46:15	we -- we would be -- we'd have to meet.			
46:16	Q. Ballpark, not the exact number, do you			
46:17	know what that annual budget is?			
<b>46:20 -46:25</b>	Fitzsimmons, William 2017-08-03	00:00:18	00:26:42	V1.2
46:20	A. I don't have an exact number. The			
46:21	financial aid budget these days for one year for			
46:22	Harvard College is around \$180 million.			
46:23	Q. That's money to be distributed through			
46:24	financial aid, or does it also include the			
46:25	financial aid operations?			
<b>47:3 -47:4</b>	Fitzsimmons, William 2017-08-03	00:00:06	00:26:24	V1.3
47:3	A. That would be money going directly to			
47:4	undergraduate for financial aid.			
<b>48:21 -49:10</b>	Fitzsimmons, William 2017-08-03	00:00:45	00:26:18	V1.4
48:21	Q. I'm sorry. I meant -- I thought you			
48:22	referred to recruitment groups as they reached out			
48:23	to people who were prospective candidates for			
48:24	admission who they thought would be eligible for			
48:25	HFAI?			
49:1	FITZSIMMONS			
49:2	A. Our own students who are part of HFAI, our			
49:3	current undergraduates, they would reach out to			
49:4	students in general we think might be eligible for			
49:5	the largest financial grants, if that's what you			
49:6	mean.			
49:7	Q. Yes. And so those students who are			
49:8	identified as potentially eligible, do they receive			
49:9	an admissions benefit by dint of their potential			
49:10	eligibility?			
<b>49:12 -49:18</b>	Fitzsimmons, William 2017-08-03	00:00:27	00:25:33	V1.5

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49:12 A. The fact that they would be eligible for  
 49:13 HFAI typically would be 80,000 or under. And,  
 49:14 particularly, 65,000 or under would be one factor  
 49:15 among all the other factors that, you know, you  
 49:16 would find in any single application. That would  
 49:17 certainly be one factor that would be taken into  
 49:18 account.

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**134:14 -134:22** Fitzsimmons, William 2017-08-03 00:00:12 00:25:06 V1.6

134:14 Q. Does Harvard intend to stop using race in  
 134:15 its admissions process?  
 134:16 A. No.  
 134:17 Q. No?  
 134:18 A. I'm sorry. I didn't realize you didn't  
 134:19 finish your question. I apologize.  
 134:20 Q. That's okay. The answer is no?  
 134:21 A. No.  
 134:22 Q. At any point in time?

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**134:24 -135:3** Fitzsimmons, William 2017-08-03 00:00:10 00:24:54 V1.7

134:24 A. There is no evidence for that.  
 134:25 Q. And what evidence would it take to  
 135:1 FITZSIMMONS  
 135:2 convince you that Harvard should no longer use race  
 135:3 in the admissions process?

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**135:5 -135:6** Fitzsimmons, William 2017-08-03 00:00:06 00:24:44 V1.8

135:5 A. I haven't seen any evidence, and I don't  
 135:6 know what form such evidence might take.

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**142:2 -142:5** Fitzsimmons, William 2017-08-03 00:00:10 00:24:38 V1.9

142:2 Q. If Harvard wanted to, could it ensure that  
 142:3 readers of files did not receive information about  
 142:4 the box that the applicant checked with respect to  
 142:5 racial identity?

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**142:7 -142:15** Fitzsimmons, William 2017-08-03 00:00:21 00:24:28 V1.10

142:7 A. You mean mechanically?  
 142:8 Q. Yes.  
 142:9 A. I use the summary sheet, reader sheet, the  
 142:10 one we talked about before. Could we not provide  
 142:11 it mechanically? Yes.  
 142:12 Q. You could screen off that information from  
 142:13 being available to those reading the file, whether  
 142:14 they checked the box or not or what they identified  
 142:15 as?

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**142:17 -142:23** Fitzsimmons, William 2017-08-03 00:00:11 00:24:07 V1.11

142:17 A. Mechanically, yes.

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142:18 Q. So in some cases it might still come  
 142:19 through from the essay or the personal statement or  
 142:20 some recommendation, right?  
 142:21 A. In any number of different ways.  
 142:22 Q. All right. Do you think that's always  
 142:23 true?

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**142:25 -143:6** Fitzsimmons, William 2017-08-03 00:00:06 00:23:56 V1.12

142:25 A. In every case?  
 143:1 FITZSIMMONS  
 143:2 Q. Yes.  
 143:3 A. No.  
 143:4 Q. Do you know how many applications, on  
 143:5 average, contain that information in those  
 143:6 statements?

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**143:8 -143:8** Fitzsimmons, William 2017-08-03 00:00:03 00:23:50 V1.13

143:8 A. There's no way to estimate that.

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**153:10 -153:21** Fitzsimmons, William 2017-08-03 00:00:24 00:23:47 V1.14

153:10 Q. Is Harvard attempting to obtain critical  
 153:11 mass of any particular ethnic group at the college?  
 153:12 A. I'm not sure what you would mean by  
 153:13 critical mass.  
 153:14 Q. Have you heard that term before?  
 153:15 A. I've heard it in physics. I've heard it  
 153:16 in, you know, in -- you know, I've heard the term  
 153:17 before.  
 153:18 Q. Have you heard it used with respect to the  
 153:19 use of race in college admissions?  
 153:20 A. Occasionally.  
 153:21 Q. Is it ever used at Harvard?

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**153:23 -154:5** Fitzsimmons, William 2017-08-03 00:00:13 00:23:23 V1.15

153:23 A. I have never used it.  
 153:24 Q. Have you ever used it to describe what  
 153:25 Harvard's attempting to achieve?  
 154:1 FITZSIMMONS  
 154:2 A. No.  
 154:3 Q. I take it, then, that Harvard does not  
 154:4 have its own definition of what constitutes  
 154:5 critical mass?

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**154:7 -154:11** Fitzsimmons, William 2017-08-03 00:00:15 00:23:10 V1.16

154:7 A. I certainly don't.  
 154:8 Q. And if I understand your testimony  
 154:9 previously, you can't provide any range or  
 154:10 quantification of what level of racial diversity is  
 154:11 sufficient to achieve Harvard's educational goals?

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<b>154:13 -154:13</b>	Fitzsimmons, William 2017-08-03 154:13 A. That would be correct.	00:00:01	00:22:55	V1.17
<b>180:10 -180:13</b>	Fitzsimmons, William 2017-08-03 180:10 Q. Are you aware of any formal analysis on 180:11 paper that purports to analyze how these could be 180:12 used and what the result of them would be instead 180:13 of using race?	00:00:09	00:22:54	V1.18
<b>180:15 -180:18</b>	Fitzsimmons, William 2017-08-03 180:15 A. Formal analysis? 180:16 Q. Something in writing. 180:17 A. Something that doesn't -- nothing as 180:18 specific as what you're describing comes to mind.	00:00:11	00:22:45	V1.19
<b>180:21 -180:22</b>	Fitzsimmons, William 2017-08-03 180:21 Since this lawsuit, are you aware of any 180:22 such formal analysis?	00:00:03	00:22:34	V1.20
<b>181:5 -181:9</b>	Fitzsimmons, William 2017-08-03 181:5 A. I think the answer to that question would 181:6 be in the interrogatory regarding -- I believe, if 181:7 I understand your question, the Ryan committee and 181:8 then the committee that Dean Khurana and Dean Smith 181:9 and I are on.	00:00:17	00:22:31	V1.21
<b>204:13 -204:18</b>	Fitzsimmons, William 2017-08-03 204:13 Q. Do you know -- do you think that Harvard 204:14 is doing all it can to achieve socioeconomic 204:15 diversity? 204:16 A. Yes. 204:17 Q. Do you think there's anything else it can 204:18 do?	00:00:08	00:22:14	V1.22
<b>204:20 -204:21</b>	Fitzsimmons, William 2017-08-03 204:20 A. Not at the moment, but we stay open to 204:21 possibilities.	00:00:03	00:22:06	V1.23
<b>213:5 -213:9</b>	Fitzsimmons, William 2017-08-03 213:5 Q. When was the Ryan committee formed? 213:6 A. I'm not sure precisely, but I would guess 213:7 2014. 213:8 Q. Okay. Do you know why the Ryan committee 213:9 was formed?	00:00:12	00:22:03	V1.24
<b>213:14 -213:22</b>	Fitzsimmons, William 2017-08-03 213:14 A. Just from looking at the charge of the 213:15 committee, that's how I would know. 213:16 Q. What was your role in the Ryan committee? 213:17 A. One of, you know, any number of members.	00:00:25	00:21:51	V1.25

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213:18 Q. And what was the charge of the Ryan  
 213:19 committee?  
 213:20 A. It had do with race-neutral admissions.  
 213:21 Q. And, in particular, what did it have to do  
 213:22 with race-neutral admissions?

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**213:24 -214:3** Fitzsimmons, William 2017-08-03 00:00:11 00:21:26 V1.26

213:24 A. I can't recall specifically, you know,  
 213:25 other than the general -- the general topic.  
 214:1 FITZSIMMONS  
 214:2 Q. And do you know why the Ryan committee was  
 214:3 asked to look at race-neutral admissions?

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**214:7 -214:14** Fitzsimmons, William 2017-08-03 00:00:33 00:21:15 V1.27

214:7 A. I don't really know, based -- I don't know  
 214:8 what discussions, you know, Dean Ryan had with  
 214:9 others, so I simply don't know.  
 214:10 Q. How often did the Ryan committee meet?  
 214:11 A. I believe it met perhaps three times.  
 214:12 Q. Before the Ryan committee, are you aware  
 214:13 of any other committee at Harvard that was tasked  
 214:14 with analyzing race-neutral admissions?

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**214:16 -214:20** Fitzsimmons, William 2017-08-03 00:00:16 00:20:42 V1.28

214:16 A. No committee with that specific charge.  
 214:17 Q. Are you aware of any committee that  
 214:18 specifically discussed race-neutral admissions to  
 214:19 replace the use of race in Harvard's admissions  
 214:20 process?

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**214:22 -214:25** Fitzsimmons, William 2017-08-03 00:00:07 00:20:26 V1.29

214:22 A. I don't.  
 214:23 Q. Do you expect that you would be aware of  
 214:24 any such committee, given your role as dean of  
 214:25 admissions?

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**215:3 -215:3** Fitzsimmons, William 2017-08-03 00:00:01 00:20:19 V1.30

215:3 A. Yes.

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**260:16 -261:19** Fitzsimmons, William 2017-08-03 00:01:43 00:20:18 V1.31

260:16 Q. Are you familiar with the phrase "standard  
 260:17 strong" as it's used in the reading process?  
 260:18 A. I am familiar with the phrase.  
 260:19 Q. What does standard strong mean?  
 260:20 A. I would say pretty much what the words  
 260:21 mean in standard usage. We have, as I indicated  
 260:22 before, many, many strong candidates and many  
 260:23 people who present extremely strong standardized  
 260:24 tests and grades, so that would certainly be a --

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260:25 someone who might be described as standard strong.  
 261:1 FITZSIMMONS  
 261:2 It's not a term that I use myself, particularly,  
 261:3 but it certainly indicates, you know, some real  
 261:4 strength to be in that pool, to be standard strong.  
 261:5 Q. What makes it standard?  
 261:6 A. There may not yet be something that might  
 261:7 make that person quite as strong an educator of  
 261:8 others or quite as strong as an applicant overall  
 261:9 as some others because it is, you know, it is a  
 261:10 competition where there's lots of strength. But  
 261:11 that would probably be the best description I could  
 261:12 give.  
 261:13 Q. Is that something else, that other thing,  
 261:14 sometimes referred to in the admissions office as a  
 261:15 "distinguishing excellence"?  
 261:16 A. It could be.  
 261:17 Q. Or DE?  
 261:18 A. It could be.  
 261:19 Q. What's a distinguishing excellence?

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<b>261:21 -262:2</b>	Fitzsimmons, William 2017-08-03	00:00:26	00:18:35	V1.32
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261:21 A. It would be -- it could be an excellence  
 261:22 of any kind one could imagine, but it would be an  
 261:23 additional factor that might help the admissions  
 261:24 committee understand better what kind of a  
 261:25 contribution this particular applicant might make  
 262:1 FITZSIMMONS  
 262:2 to the -- to fellow classmates.

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<b>263:15 -264:13</b>	Fitzsimmons, William 2017-08-03	00:01:16	00:18:09	V1.33
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263:15 Q. What's a CJer?  
 263:16 A. A CJer used to be a person who was  
 263:17 interested in biological sciences which, I recall,  
 263:18 was the C. And the J, I believe, was medicine.  
 263:19 So that would be a person who was interested in,  
 263:20 perhaps, something medical and who might be  
 263:21 interested in one of the various biological  
 263:22 sciences as a possible concentration.  
 263:23 Q. To borrow your phrase earlier, this  
 263:24 strikes me as it must be some form of  
 263:25 Harvard-speak. Why would C and J be associated  
 264:1 FITZSIMMONS  
 264:2 with biological sciences and medical?  
 264:3 A. Simply because the coding used to use  
 264:4 alphabetic -- you know, use the alphabet to  
 264:5 indicate certain concentrations. I'm not sure

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264:6 those are the same letters that are used today, but  
 264:7 certainly there are people around who would use  
 264:8 that. I think, B, I think, was humanities for  
 264:9 example. I may be wrong on that.  
 264:10 Q. But that's an artifact, essentially, of  
 264:11 the former database system?  
 264:12 A. Yes, it probably is an artifact at this  
 264:13 point.

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**279:17 -279:19** Fitzsimmons, William 2017-08-03 00:00:07 00:16:53 V1.34

279:17 Q. Before the subcommittee process begins,  
 279:18 does each docket receive a target number?  
 279:19 A. Yes.

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**279:21 -281:3** Fitzsimmons, William 2017-08-03 00:02:14 00:16:46 V1.35

279:21 Q. And how is that target number calculated?  
 279:22 A. It's the roughest of rough estimates based  
 279:23 on the quality of the applicants the previous year  
 279:24 from that area with the information about number of  
 279:25 applicants, the number of people admitted from that  
 280:1 FITZSIMMONS  
 280:2 particular area, which would be a measure of the  
 280:3 quality.  
 280:4 And then you would have the information  
 280:5 this year of any variations in the application  
 280:6 numbers. And then, depending on where you are in  
 280:7 the process, you would have the admits so far,  
 280:8 which would be, again, a rough measure of -- this  
 280:9 is on, say, a one-pager as we had talked about  
 280:10 before.  
 280:11 So it's a very, very, very rough way to  
 280:12 start, just to -- but because our recruiting is so  
 280:13 comprehensive and because every year we are  
 280:14 writing, as you know, and communicating with  
 280:15 thousands and thousands of applicants in very much  
 280:16 the same way from year to year, we will tend to  
 280:17 have -- from one year to the next, you tend to have  
 280:18 the roughly the same number and then roughly the  
 280:19 same quality from an area.  
 280:20 Although, and the reason I use the word  
 280:21 rough, very rough to describe the targets is that  
 280:22 until you actually read the applications, you --  
 280:23 and go through committee, you don't really know  
 280:24 what the quality is this year.  
 280:25 So the targets are just a starting point  
 281:1 FITZSIMMONS  
 281:2 that we all know may end up not at all representing

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281:3 the quality this year versus last year.

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**285:11 -285:17** Fitzsimmons, William 2017-08-03 00:00:15 00:14:32 V1.36

285:11 Q. So the targets that get generated through  
 285:12 this series of assumptions and calculations you  
 285:13 just described, those are distributed to each  
 285:14 docket chair?

285:15 A. Yes.

285:16 Q. And are those docket chairs, do they  
 285:17 consider those to be hard or soft targets?

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**285:19 -285:19** Fitzsimmons, William 2017-08-03 00:00:02 00:14:17 V1.37

285:19 A. I would say generally hard.

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**285:20 -287:8** Fitzsimmons, William 2017-08-03 00:02:39 00:14:15 V1.38

285:20 Q. They're expected to come to the full  
 285:21 committee meeting --

285:22 A. Oh, I see what you're saying. I'm sorry.

285:23 When I said hard, I thought you meant difficult to  
 285:24 meet. Sorry.

285:25 We look -- the way I would look at them is  
 286:1 FITZSIMMONS

286:2 that they are -- we know that the targets are the  
 286:3 roughest of estimates, and so we tell our -- and we  
 286:4 know that every docket has far more attractive  
 286:5 students on the docket to admit than they have room  
 286:6 to admit, given the targets.

286:7 So we tell the dockets that here is the  
 286:8 target, this is a number, but we also would like to  
 286:9 know who are the strongest students who didn't make  
 286:10 it at this time; who are the weakest students who  
 286:11 did make it; who are the students who look  
 286:12 promising, but perhaps we need additional  
 286:13 information.

286:14 And, occasionally, we'll even say to them  
 286:15 in addition to that, we'll say to a subcommittee or  
 286:16 a docket that -- we'll say, look, we know we'll be  
 286:17 reviewing you in full committee. It'll be better  
 286:18 for everyone if we just give you some more spaces  
 286:19 now because we know -- I might, for example, read  
 286:20 some of these cases, and I know how strong, based  
 286:21 on my overview of the situation.

286:22 There are also dockets that will sometimes  
 286:23 come under target, so that they will keep lists of  
 286:24 the strongest ones in, the weakest ones out. They  
 286:25 may have people for whom they need additional  
 287:1 FITZSIMMONS



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287:2 information, so they would say at this time we will  
 287:3 prefer to come in under target, and we'll get the  
 287:4 late information and see where all this goes.  
 287:5 Q. In the full committee process, can some  
 287:6 spots shift between dockets, so one docket ends up  
 287:7 with more than what their initial target was and  
 287:8 one docket ends up with less?

<b>287:10 -287:11</b>	Fitzsimmons, William 2017-08-03	00:00:02	00:11:36	V1.39
	287:10 A. Yes.			
	287:11 Q. Does that happen a lot?			
<b>287:13 -287:13</b>	Fitzsimmons, William 2017-08-03	00:00:01	00:11:34	V1.40
	287:13 A. Yes.			
<b>291:19 -292:5</b>	Fitzsimmons, William 2017-08-03	00:00:26	00:11:33	V1.41
Link > P177.1	291:19 MR. STRAWBRIDGE: Hand you a document 291:20 marked as Exhibit 5.			
	291:21 Q. Do you recognize this document?			
	291:22 A. Yes.			
Link > P177.1.1	291:23 Q. Is this the copy of the target report that 291:24 would be prepared for the regular action cycle for 291:25 the class of 2018?			
	292:1 FITZSIMMONS			
	292:2 MS. ELLSWORTH: Why don't you look at the 292:3 whole document.			
	292:4 A. Can I look at the whole document first?			
	292:5 Q. If you need to.			
<b>292:6 -292:12</b>	Fitzsimmons, William 2017-08-03	00:00:17	00:11:07	V1.42
	292:6 A. Yes.			
	292:7 Q. Yes, this is the target for the class of 292:8 2018?			
	292:9 A. Yes.			
	292:10 Q. Okay. And is this typical of the reports 292:11 that you receive during the process of setting the 292:12 targets?			
<b>292:14 -292:17</b>	Fitzsimmons, William 2017-08-03	00:00:07	00:10:50	V1.43
	292:14 A. It's certainly what we received this 292:15 particular year.			
	292:16 Q. I mean, does this look different than what 292:17 you're used to getting?			
<b>292:19 -293:3</b>	Fitzsimmons, William 2017-08-03	00:00:25	00:10:43	V1.44
	292:19 A. It looks, you know, I don't have another 292:20 one to look at, but it looks, certainly, relatively 292:21 similar.			
	292:22 Q. On the page of this document that begins			

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Link > P177.4 292:23 in the lower right-hand corner with the suffix  
 Link > P177.4.1 292:24 4101, there is information broken up by ethnicity?  
 292:25 A. Yes.  
 293:1 FITZSIMMONS  
 293:2 Q. So would you review this when the target  
 293:3 information comes along?

<b>293:5 -294:6</b>	Fitzsimmons, William 2017-08-03	00:01:45	00:10:18	V1.45
	293:5 A. It would be something I would look at			
	293:6 along with all the other information, and -- but			
	293:7 this is the information that I referred to			
	293:8 previously. This information that, you know,			
	293:9 historically has been prepared is, you know, is			
	293:10 interesting information, giving you variations,			
	293:11 you know, from one year to the next. But,			
	293:12 realistically, what, you know, would really be			
	293:13 important is where you ended up with last year.			
	293:14 And as you can see, for example, with docket A,			
	293:15 you know, it's -- you know, that's the kind of			
	293:16 information that -- it essentially helps you to			
	293:17 understand in summary fashion what happened,			
	293:18 considering all the factors way beyond, you know,			
	293:19 the things on the -- on this set of documents, you			
	293:20 know, which would include ethnic information,			
	293:21 information about lineage, athletes, information			
	293:22 about economic background, you know, other			
	293:23 information, that all of that is in a sense			
	293:24 summarized by looking at where things ended up the			
	293:25 previous year.			
	294:1 FITZSIMMONS			
	294:2 Q. Those aren't the only factors that Harvard			
	294:3 considers in its admissions process?			
	294:4 A. All factors are considered.			
	294:5 Q. Right. These are just the ones that are			
	294:6 put on this report?			
<b>294:8 -294:8</b>	Fitzsimmons, William 2017-08-03	00:00:03	00:08:33	V1.46
	294:8 A. Yes, in this, yes.			
<b>296:11 -296:12</b>	Fitzsimmons, William 2017-08-03	00:00:03	00:08:30	V1.47
	296:11 Q. Do you have conversations about the racial			
	296:12 changes by docket?			
<b>296:14 -296:16</b>	Fitzsimmons, William 2017-08-03	00:00:06	00:08:27	V1.48
	296:14 A. Occasionally. On any of the variables,			
	296:15 you know, there can be variations from year to			
Link > Hide	296:16 year.			
<b>323:25 -323:25</b>	Fitzsimmons, William 2017-08-03	00:00:03	00:08:21	V1.49

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	323:25	Q. Do ethnicities yield at different rates?			
<b>324:3 -324:5</b>	Fitzsimmons, William	2017-08-03	00:00:04	00:08:18	V1.50
	324:3	A. Generally, yes.			
	324:4	Q. Does Harvard track yield rate by			
	324:5	ethnicity?			
<b>324:7 -324:9</b>	Fitzsimmons, William	2017-08-03	00:00:07	00:08:14	V1.51
	324:7	A. We're aware of it.			
	324:8	Q. Does it actually keep tabs and make			
	324:9	projections based on yield rate by ethnicity?			
<b>324:11 -324:13</b>	Fitzsimmons, William	2017-08-03	00:00:18	00:08:07	V1.52
	324:11	A. Be one of many factors that we would look			
	324:12	at in trying to come in with a class that would			
	324:13	meet the 1,662 ultimate goal.			
<b>325:6 -325:7</b>	Fitzsimmons, William	2017-08-03	00:00:03	00:07:49	V1.53
	325:6	Q. Is this information that's unusual		(Edited)	
	325:7	for you to receive at Harvard?			
<b>325:9 -325:10</b>	Fitzsimmons, William	2017-08-03	00:00:04	00:07:46	V1.54
	325:9	A. I have not seen it, I don't think, in this			
	325:10	form.			
<b>325:20 -325:21</b>	Fitzsimmons, William	2017-08-03	00:00:03	00:07:42	V1.55
	325:20	Q. You don't know why this particular report			
	325:21	was prepared?			
<b>325:23 -325:23</b>	Fitzsimmons, William	2017-08-03	00:00:01	00:07:39	V1.56
	325:23	A. No.			
<b>326:14 -327:15</b>	Fitzsimmons, William	2017-08-03	00:00:59	00:07:38	V1.57
Link > P324.1.1	326:14	Q. The bottom sort of third of this chart,			
	326:15	does that display yield rates by ethnicity for the			
	326:16	classes of 2014 through 2017?			
	326:17	MS. ELLSWORTH: Which page are you on?			
	326:18	THE WITNESS: Page one?			
	326:19	MR. STRAWBRIDGE: The first page.			
	326:20	MS. ELLSWORTH: 1859?			
	326:21	MR. LEE: Yes.			
	326:22	MS. ELLSWORTH: Okay.			
	326:23	Q. Do you see that?			
	326:24	A. Yes.			
	326:25	Q. All right. And so, for example, let's			
	327:1	FITZSIMMONS			
	327:2	just look at the most recent class on this chart,			
Link > P324.1.2	327:3	the class of 2017. That indicated that Asian			
	327:4	Americans had an 83.8 percent yield that year?			
	327:5	A. Yes.			

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Link > P324.1.3	327:6	Q. And the prior year it was 87.5 percent for			
	327:7	Asian Americans?			
	327:8	A. Yes.			
Link > P324.1.4	327:9	Q. And it was over 80 percent for both the			
	327:10	classes of '14 and '15, was it not?			
	327:11	A. Yes.			
Link > P324.1.5	327:12	Q. And African American yield in 2017 was 67			
	327:13	percent, correct?			
	327:14	A. Yes.			
	327:15	Q. 16 points lower?			
<b>331:5 -331:6</b>	Fitzsimmons, William	2017-08-03	00:00:03	00:06:39	V1.58
	331:5	Q. Well, isn't that what this is doing? I			
	331:6	mean, you track yield rate, correct?			
<b>331:8 -331:14</b>	Fitzsimmons, William	2017-08-03	00:00:14	00:06:36	V1.59
	331:8	A. Yes.			
	331:9	Q. And you predict yield rate to set the			
	331:10	targets at the beginning of the process?			
	331:11	A. Yes.			
	331:12	Q. And if -- the prediction is based on the			
	331:13	prior year's statistics, right?			
	331:14	A. Yes.			
<b>331:15 -331:22</b>	Fitzsimmons, William	2017-08-03	00:00:25	00:06:22	V1.60
Link > Hide	331:15	Q. And those predictions, in turn, those			
	331:16	statistics reflect significant differences by			
	331:17	ethnicity in yield rates, then does it stand to			
	331:18	reason if the final 1,660 some-odd people selected			
	331:19	by the full committee is significantly more Asian			
	331:20	American than last year, you're going to have more			
	331:21	people accept their offers of admission than you			
	331:22	were planning?			
<b>331:24 -332:10</b>	Fitzsimmons, William	2017-08-03	00:00:54	00:05:57	V1.61
	331:24	A. It's possible. But, again, one of the			
	331:25	things we do in our recruiting process is look for			
	332:1	FITZSIMMONS			
	332:2	people from a wide range of backgrounds, including			
	332:3	ethnicity, so that it's unlikely, if you continue			
	332:4	to do the kind of strong recruitment that we have			
	332:5	done, that you would end up in exactly the			
	332:6	situation we've been in.			
	332:7	Q. So your expectation based on the			
	332:8	recruiting that you do is that you're going to end			
	332:9	up with a pool and a final class that's similar to			
	332:10	what you've had before?			
<b>332:12 -332:20</b>	Fitzsimmons, William	2017-08-03	00:00:45	00:05:03	V1.62

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332:12 A. Given the strength of the recruitment  
 332:13 efforts across the board which we have described in  
 332:14 various ways today and in the interrogative, we  
 332:15 would expect to get an extremely strong and diverse  
 332:16 applicant pool. And given the vital importance of  
 332:17 having a class that is diverse ethnically and in  
 332:18 every other way for the educational value of our  
 332:19 undergraduates, it is very unlikely that the  
 332:20 hypothetical that you raise would ever occur.

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<b>336:16 -336:16</b>	Fitzsimmons, William 2017-08-03	00:00:03	00:04:18	V1.63
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336:16 Q. Why do you track yield rates by ethnicity?

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<b>336:18 -337:7</b>	Fitzsimmons, William 2017-08-03	00:00:55	00:04:15	V1.64
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336:18 A. It's simply important for us to understand  
 336:19 not just what might happen if a class turns out to  
 336:20 be a particular -- have a particular composition  
 336:21 ethnically, but we would look at other factors,  
 336:22 geography, for example, as well.  
 336:23 So it wouldn't simply be the only factor.  
 336:24 But we, again -- once the meetings, you know, are,  
 336:25 you know, completed, we, you know, we want to make,  
 337:1 FITZSIMMONS  
 337:2 you know, as we go through the process, we want to  
 337:3 be certain that we have given everybody a careful  
 337:4 review and that in the end, based on what we can  
 337:5 see, have a reasonable expectation that we would be  
 337:6 close to our target number of residents once the  
 337:7 yield is completed.

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<b>337:14 -338:6</b>	Fitzsimmons, William 2017-08-03	00:01:07	00:03:20	V1.65
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337:14 Q. As I understood your question is -- the  
 337:15 question was why do you track ethnicity yield rates  
 337:16 by ethnicity. And I understood your answer to be  
 337:17 that as you go through the process and you give  
 337:18 everyone consideration, you want to make sure at  
 337:19 the end you have an idea as to how many people are  
 337:20 going to come.

337:21 A. So if -- I think the -- certainly, we are  
 337:22 under an obligation to make certain that we're at  
 337:23 or close to our resident target. But, you know --  
 337:24 and if at the end of the process one of the things  
 337:25 that you would -- if you found yourself, for  
 338:1 FITZSIMMONS  
 338:2 example, as an example, people from the South tend  
 338:3 to yield at a lower rate. If you had more people  
 338:4 from the South, you could then say you might feel

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338:5 free to admit more people right at the end of the  
338:6 process, if that answers the question.

<b>451:23 -452:5</b>	Fitzsimmons, William 2017-08-03	00:00:17	00:02:13	V1.66
451:23	Q. Do you know what ABAFAOILSS is?			
451:24	A. Yes.			
451:25	Q. Does Harvard send a representative to			
452:1	FITZSIMMONS			
452:2	ABAFAOILSS meetings?			
452:3	A. Usually.			
452:4	Q. And does that representative participate			
452:5	in the round-robin exchange at those meetings?			
<b>452:7 -452:16</b>	Fitzsimmons, William 2017-08-03	00:00:32	00:01:56	V1.67
452:7	A. I'm not sure specifically whether every			
452:8	year our representative has participated in the			
452:9	round-robin.			
452:10	Q. In the past has data from the round-robin			
452:11	been given to you following the ABAFAOILSS			
452:12	meetings?			
452:13	A. I can recall some years getting some data.			
452:14	Q. What did you do with that data?			
452:15	A. Simply noted it.			
452:16	Q. And why did you note it?			
<b>452:18 -452:23</b>	Fitzsimmons, William 2017-08-03	00:00:26	00:01:24	V1.68
452:18	A. As information that it would be useful in			
452:19	getting to know what happens beyond Harvard and our			
452:20	profession.			
452:21	Q. Is it useful for you to understand the			
452:22	context of what other Ivy League schools are doing			
452:23	with respect to their admissions?			
<b>452:25 -453:4</b>	Fitzsimmons, William 2017-08-03	00:00:09	00:00:58	V1.69
452:25	A. It could be useful.			
453:1	FITZSIMMONS			
453:2	Q. Does that include it's useful to have			
453:3	information about the ethnic composition of their			
453:4	admitted classes?			
<b>453:6 -453:8</b>	Fitzsimmons, William 2017-08-03	00:00:06	00:00:49	V1.70
453:6	A. It could be useful.			
453:7	Q. And to what use do you recall putting that			
453:8	data from ABAFAOILSS?			
<b>453:10 -453:12</b>	Fitzsimmons, William 2017-08-03	00:00:15	00:00:43	V1.71
453:10	A. Simply to have this information. And, of			
453:11	course, this information would almost always be			
453:12	publicly available.			

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<b>453:13 -453:15</b>	Fitzsimmons, William 2017-08-03	00:00:11	00:00:28	V1.72
453:13	Q. Does the ABAFAOILSS information include			
453:14	information about the applications that were filed			
453:15	by various ethnic applicants?			

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<b>453:17 -453:21</b>	Fitzsimmons, William 2017-08-03	00:00:19	00:00:19	V1.73
453:17	A. I don't recall specifically whether			
453:18	institutions would provide that data per se.			
453:19	Q. Do you know whether admission rate			
453:20	information is provided?			
453:21	A. I do not.			

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Play Time for this Script: **00:27:39**

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**Total time for all Scripts in this report: 00:27:39**