School of Education
Rankings Data Reporting Investigation

Prepared for

University of Southern California
Office of the General Counsel

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I. OVERVIEW

The Office of the General Counsel at the University of Southern California ("USC" or the "University") retained Jones Day to conduct an independent investigation into whether the USC Rossier School of Education ("the School" or "the School of Education") misreported data to U.S. News & World Report ("US News"). Jones Day was asked to examine, in particular, whether the School misreported information about the "selectivity" of its doctoral programs by reporting data on only one of its doctoral programs (its more selective PhD program), while omitting data on its other doctoral programs (its less selective EdD programs). If so, Jones Day was asked to further examine who was responsible for omitting the EdD data and whether there was a persuasive justification for doing so. Jones Day's key findings are as follows:

- From at least 2013 to 2021, the School misreported data to US News about the selectivity of its doctoral programs. The School did not report data on its EdD programs in response to US News survey questions about the selectivity of the School's doctoral programs. The School reported data on only its PhD program, which made the School's doctoral programs appear to be more selective than they actually were. The U.S. News surveys asked for data about the School's "doctoral programs" generally, and starting in 2018, expressly instructed that "doctoral should include both Ph.D. and Ed.D students." Despite these instructions, the School continued to report PhD-only data through its 2021 survey submission.

- From at least 2013 to 2021, although the School submitted PhD-only data in response to survey selectivity questions (such as acceptance rates, average GPAs, and GRE scores of the entering doctoral class), the School did submit some EdD data in response to *other* questions about its doctoral programs (such as enrollment and degrees earned).

- The ultimate decision-making authority and responsibility for the School's survey submissions rested with the School's dean, who reviewed and approved the submissions before they were transmitted to US News. Beginning with the 2020 survey, the School's dean also began formally verifying the accuracy of the School's survey submissions. Although the University's Office of Institutional Research ("OIR") reviewed the School's draft survey responses before they were submitted to US News, that review was limited to a year-over-year comparison to identify major inconsistencies between the current and prior year's submissions; OIR's function was not to validate the underlying data.

- The most recent past dean of the School ("Dean 1") directed the omission of EdD data from the School's doctoral selectivity responses at least since 2013 through 2020. Dean 1 understood that excluding the EdD data resulted in a higher ranking for the School than if the data had been included. Dean 1 continued directing the omission even after US News provided explicit instructions requiring the inclusion of EdD data beginning with the 2018 survey. Dean 1 verified the accuracy of the School's 2020 survey submission, which omitted EdD data from doctoral selectivity metrics.

- The School's current dean ("Dean 2") succeeded Dean 1 in July 2020. In January 2021, Dean 2 authorized the continued omission of EdD data in response to selectivity questions for the 2021 survey after being informed that the School historically did not

include EdD data, even though the survey required its inclusion. Dean 2 verified the accuracy of the School's 2021 survey submission. In December 2021, in connection with US News's 2022 survey, Dean 2 received an additional briefing about the School's exclusion of EdD data from selectivity metrics. Dean 2 then raised the issue with the Provost. Before receiving guidance from the Provost on how to proceed, Dean 2 instructed School personnel to continue to omit EdD data in the School's 2022 survey submission.

- When Dean 2 first raised the issue with the Provost in December 2021 (which was the first time the Provost learned of the issue), the Provost directed others to investigate. As a result of that investigation, in January 2022, the Provost instructed Dean 2 to report EdD data accurately throughout the survey. The School updated its 2022 survey submission with corrected EdD data for the Fall 2021 term; however, the University identified other potential errors in the School's submission. At the Provost's direction, the University subsequently contacted US News to withdraw the School of Education from this year's US News ranking.

- The School's practice of omitting EdD data from selectivity metrics was no secret. For example, in 2012, Dean 1 informed the University's then-Vice President of Admissions and Planning ("VP of Admissions"), who oversaw OIR, about the practice. Dean 1 also discussed this issue with the School's leadership, including during at least one Executive Council meeting in 2018, which was later reported to the School's Faculty Council. Other faculty and staff knew about the School's omission of EdD data too, including two senior faculty members ("School Administrators 1 and 2") and the School staff (and their supervisors) who submitted the School's survey responses to US News. The Director of OIR was also informed about this issue in 2018. Not all of these individuals approved of the practice, and some did not understand or appreciate that US News's survey required the inclusion of EdD data.

- At various times, Dean 1 expressed the belief that PhD and EdD programs are quite different, and should be ranked separately. Dean 1 explained that including EdD data in responses to doctoral selectivity questions would misrepresent the School's doctoral programs. In particular, Dean 1 noted the belief that US News—in seeking information about doctoral programs—was focused on the research capacity and productivity of the surveyed schools, which was reflected in the School's full-time PhD program, not the EdD programs. Dean 1 expressed the belief that excluding EdD data from the selectivity metrics provided the most accurate picture of the School's doctoral programs that US News sought to rank (notwithstanding US News's instructions). Dean 1 also explained that Dean 1 had previously convinced US News that the School's EdD program was a part-time program and therefore should not be treated as a full-time doctoral program, and that US News had not questioned the School's prior submissions excluding EdD data from its doctoral selectivity responses. Others at the School, including School Administrators 1 and 2, expressed similar views.

- Jones Day interviewed over two dozen witnesses (including Deans 1 and 2, the Provost, and others), collected and reviewed more than 11,000 emails and documents, analyzed US News's survey methodology and instructions, spoke to US News representatives, and

assessed the available data reported to US News. On balance, in light of this information and analysis, the explanations provided to Jones Day by the responsible leaders of the School do not provide a persuasive justification for not reporting EdD data.

- While this investigation focused on the School's reporting of doctoral selectivity metrics, Jones Day confirmed during the course of the investigation the existence of irregularities in the School's calculation and reporting of research expenditures, and identified other potential data misreporting issues, such as issues relating to the exclusion of online EdD programs, the designation of EdD students as part-time, certain faculty-related metrics, and the School's reporting of teacher job placement and retention statistics. Based on US News's rankings methodology, some of these metrics may have affected the School's US News ranking and warrant further examination.

II. INVESTIGATION

In January 2022, the Office of the General Counsel ("OGC") was notified of potential inaccuracies in the School of Education's survey submissions to US News. The OGC directed the University's Office of Professionalism and Ethics ("OPE") and the Office of Culture, Ethics, and Compliance ("OCEC") to conduct an internal review. This followed an earlier request by the OGC and the Provost's Office, in April 2021, for the University's Office of Audit Services to conduct an advisory review of the University's processes and controls that govern the submission of data in response to external surveys (such as US News). As part of their initial review, OPE and OCEC analyzed data, reviewed documents, and conducted four interviews. To build on OPE and OCEC's work, the University engaged Jones Day on February 28, 2022.

During its investigation, Jones Day interviewed 27 individuals, including Deans 1 and 2; the VP of Admissions; School Administrators 1 and 2; the Director of OIR; certain School faculty and staff (including staff members who have or had responsibility for the School's US News submissions, and their supervisors); representatives from OIR, the Office of the Provost, the Office of Budget and Planning, the Office of Research, and the Office of Audit Services; a former University provost; and a former University president. Some of these individuals were interviewed more than once. Most of the interviews were conducted in-person, and the rest were conducted remotely via video-conference. As part of the investigation, Jones Day also requested and received some information from US News.

The University collected documents from 29 individuals and Jones Day used targeted search terms and predictive analytics (a technology-assisted means of identifying relevant electronic documents) to identify and review more than 11,000 pertinent documents. Jones Day also analyzed documents and other materials provided by interviewees.

III. BACKGROUND

Each year, US News publishes a ranking of graduate programs of education in the United States called the "Best Graduate Schools Rankings – Education Schools." To participate in the rankings, a school completes a lengthy survey that seeks information for all education programs offered by the school, including post-baccalaureate, non-degree granting programs, master's programs, educational specialist degree programs, and doctoral programs.

Although the specific formula US News uses to rank schools is proprietary, US News publishes the criteria it uses and the general weights it assigns to them. The current ranking system is based on a combination of various measures: a quality assessment based on scores from peers (25%) and educational professionals (15%); research activity based on total research expenditures and average expenditures per faculty member (30%); student selectivity based on the acceptance rate and GRE scores for doctoral applicants (18%); and faculty resources based on doctoral degrees granted, student-faculty ratio for full-time-equivalent doctoral students to full-time faculty, and the percentage of faculty with awards (12%). Although the descriptions of these criteria have varied over the years, US News has used similar criteria and weights to calculate education school rankings for more than 20 years.[1]

The process for submitting data and publishing rankings follows an annual cycle as set forth in the chart below (for the 2014-2022 surveys). In this cycle, the US News "survey year" is the calendar year that precedes the publication's "rankings year." For example, as to the 2014 survey: US News made its 2014 survey available to education schools in the fall of 2013, and the survey results were used to calculate the 2015 rankings, which US News released in March 2014.

Survey Year	Survey Completed & Submitted to US News	"Rankings" Year	Rankings Released
2014	Late 2013 – Early 2014	2015	March 2014
2015	Late 2014 – Early 2015	2016	March 2015
2016	Late 2015 – Early 2016	2017	March 2016
2017	Late 2016 – Early 2017	2018	March 2017
2018	Late 2017 – Early 2018	2019	March 2018
2019	Late 2018 – Early 2019	2020	March 2019
2020	Late 2019 – Early 2020	2021	March 2020
2021	Late 2020 – Early 2021	2022	March 2021
2022	Late 2021 – Early 2022	2023	March 2022

Jones Day reviewed the 2014-2022 surveys and observed that although there were slight variations from year to year, many questions remained the same, except that the 2018-2022 surveys contained additional instructions for several questions, as noted below. A chart setting forth examples and/or summaries of the key metrics used in the rankings questions that relate specifically to doctoral programs has been included in Appendix A.

In the fall of 2017, US News released its 2018 survey (for the 2019 rankings), which was similar to the prior surveys. In late 2017, however, US News updated the instructions for some questions on the survey. For several questions, the updated survey instructed that the term "doctoral" "should include both Ph.D. and Ed.D students." For example, in the updated 2018

[1] Although Jones Day had access to US News's rankings results dating back to 1995, the earliest School of Education survey submission it was able to access was for the 2014 US News survey (which also contained data from the School's 2013 survey submission). The University and the School were unable to locate earlier survey submissions, and Jones Day was unable to locate them in the electronic data it reviewed. The University and Jones Day sought copies of the School's prior survey submissions from US News, but US News informed Jones Day that, to date, US News was unable to locate them.

survey, the questions for faculty and research expenditures remained the same, but the other questions described in Appendix A contained additional instructions, similar to the following:

Entering Class GPA and Test Scores	**Doctoral:** • **Doctoral should include both Ph.D. and Ed.D students.**

Excerpts of these additional instructions are included in Appendix B. These additional instructions were also included in the 2019-2022 surveys.

Beginning in at least 2016, US News required schools to verify the accuracy of their submissions. For the 2017-2022 surveys, submitters were required to check a box on the online survey, which stated: "I verify that, to the best of my knowledge, the information on this survey is accurate, and accurately describes my institution." And for the 2020-2022 surveys, the submitters were instructed to "share the survey responses with a senior administrator (President, Provost, Dean / Department Chair) for their final approval" and then check a box that stated: "The senior administrator identified below hereby verifies that the information in this survey is accurate, and accurately describes the institution." A copy of the "Verification/Submission" requirement from the 2020 survey is included in Appendix C. Before each submission, US News also generated an "assessment," which identified certain types of errors based on prior responses. If potential errors were identified, the submitter was required to confirm or change its responses before verifying and submitting the data to US News.

IV. KEY FINDINGS

A. The Doctoral Selectivity Issue

The School of Education offers several doctoral and master's programs. The doctoral programs currently offered include a Doctor of Philosophy in Urban Education Policy (PhD), as well as four Doctor of Education (EdD) programs.[2]

1. The School's Exclusion of EdD Data from Selectivity Metrics Resulted in the School's Misreporting of Data to US News for Several Years.

Since at least the 2013 survey through the 2021 survey, the School of Education

[2] The School's EdD program offerings have changed significantly over time. The School's current programs include separate in-person and online programs in Educational Leadership (EDL), an online Organizational Change and Leadership (OCL) program, and an online Global Executive program. During the relevant time period, the School typically included in-person EdD data in its US News survey responses (except for the doctoral selectivity metrics) and it typically excluded online EdD data for almost all of its survey responses. While the exclusion of online EdD data is discussed later in this Report, this Report focuses on the School's exclusion of in-person EdD data in doctoral selectivity metrics. Accordingly, references in this Report to the EdD program (or the exclusion of EdD data from selectivity metrics) relate to the in-person EdD program.

inconsistently reported its EdD data in its submissions to US News.[3]

An analysis of the School's 2014 through 2021 survey submissions revealed that the School included EdD data for some questions, but not others. In particular, the School included EdD data in response to enrollment questions (total number of part-time students in doctoral programs) and questions relating to the graduating class (total number of doctoral degrees and related demographic information).[4] But the School excluded EdD data in response to each of the doctoral selectivity questions:

- Number of applications received for doctoral programs
- Number of applicants accepted for doctoral programs
- Number of first-year students enrolled in doctoral programs
- Total first-year enrollment for all graduate programs in education (whether non-degree seeking, master's, educational specialist, or doctoral)
- Entering doctoral students' undergraduate GPAs, GRE scores, and % reporting
- All entering students' undergraduate GPAs, GRE scores, and % reporting

The School continued to exclude EdD data from selectivity metrics even after US News expressly modified its instructions in the 2018 survey to specify that data for "doctoral" programs "should include both Ph.D. and Ed.D students."

For each year the School excluded EdD data from selectivity metrics, the exclusion impacted the School's US News ranking because the School's PhD program is more selective than the EdD programs, and student selectivity accounts for 18% of the School's overall ranking.

Although the School's reporting of EdD data was inconsistent, the School's inclusion of EdD data in certain metrics did not help the School improve its ranking. The School's overall ranking would have improved if the School omitted EdD data for all metrics; however, the School included EdD data in enrollment and degrees earned figures, which negatively affected the School's overall ranking by increasing the student-to-faculty ratio.

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[3] Jones Day reviewed available US News rankings for education schools over the last two decades and observed that the School of Education's doctoral acceptance rate dropped drastically between the 2009 and 2010 rankings (50.7% in 2009; 10.5% in 2010). Without access to the underlying surveys, however, Jones Day cannot confirm when the exclusion of EdD data from selectivity metrics first began. As discussed below, communications from 2012 suggest that the practice had been ongoing since at least the School's 2013 survey submission. Further, the 2014 survey includes the numbers that were reported by the School in its 2013 survey, which confirms that the School excluded EdD data from selectivity metrics in the 2013 survey as well.

[4] The School reported EdD students as "part-time" doctoral students. As discussed below, Jones Day has not been able to confirm that all EdD students were properly categorized as "part-time" for purposes of the US News surveys, and documents reviewed by Jones Day call that categorization into question.

2. The Omission of EdD Data From Doctoral Selectivity Questions Was Directed by the Deans of the School of Education.

The School of Education's deans reviewed and authorized the School's US News survey submissions, including the School's omission of EdD data from selectivity metrics.

a) Dean 1 Directed the Omission of EdD Data from Selectivity Metrics.

Dean 1 reviewed and approved the School of Education's 2001 through 2020 survey submissions to US News, and for the 2020 survey, Dean 1 formally verified the submission in accordance with the verification process described above.

Dean 1 directed the exclusion of EdD from selectivity metrics and did so with knowledge that others had raised questions and concerns about the appropriateness of this practice. For example, in a November 29, 2012 email to Dean 1, the then-VP of Admissions (who oversaw OIR at the time) noted that OIR personnel noticed that certain EdD data was omitted in its US News responses and strongly recommended that the School report on all doctoral students:

> The Institutional Research folks noticed the following inconsistency in your US News data – It seems [the School] reports applications and GRE scores only for Ph.D. Students and not Ed.D. Students. The US News question is about Doctoral students…Our strong recommendation is that all doctoral students should be reported. Its our understanding that the rationale is related to quality indicators. But, as you will see in the below, there is very little change when Ed.D. Students are included.
>
> This is the only necessary change that we find.

In an email reply that same day, Dean 1 explained the reasons for excluding EdD data and referred to prior communications with US News:

> First of all, the ranking is about quality indicators of research doctorates and research productivity. While there isn't a huge impact on the GRE scores (and we don't require the GRE for our EdD students), USNWR then takes the number of doctoral students and divides by the number of tenured/tenure track faculty ONLY to get a doctoral student to faculty ratio and that has as much weight as the GRE scores in the final ranking. I argued that our EdD program is not a full-time program like the PhD is and the EdD students should not be treated like the PhD students. The EdD students are working professionals who are also going to school. And USNWR won't count full-time non-tenure track faculty at all. USNWR does come up with a Fulltime Equivalent for our EdD students but we would look terrible if they counted the EdDs the same as PhDs.
>
> If you want to discuss this, I am happy to, but I am not inclined to change this based on the rational below. I have been upfront with USNWR from the beginning about the differences between our EdD and PhD so I am not gaming

them or the ranking. It took me three years before they accepted my argument.

Jones Day was unable to locate any written response to this email, or any written communications between the School of Education and US News of the type Dean 1 referred to in the November 2012 email.[5]

The November 2012 email appears to conflate two separate issues: (1) whether EdD students should be classified as part-time; and (2) whether EdD applications and GRE scores should be included in the survey responses. The part-time issue relates to the enrollment question, while the applications and GRE scores relate to different questions about student selectivity. Thus, assuming Dean 1 had convinced US News that EdD students should be classified as part-time, that would not necessarily mean that US News authorized the exclusion of EdD data from the selectivity questions. Indeed, in connection with this investigation, US News confirmed to Jones Day that it assumed that any questions in its education surveys asking about "doctoral" students would include EdD and PhD students, regardless of whether the students were full-time or part-time, and regardless of whether the students were engaged in research-related activities. The selectivity questions also instructed that "[y]our counts should include both full-time and part-time students."

In March 2016, after US News released its 2017 Best Education Schools rankings on an embargoed basis, several School personnel engaged in email communications regarding why the School had such a high number of doctoral students per faculty and of doctoral degrees granted per faculty, and speculated whether other institutions included their EdD students in their numbers. Dean 1 was copied on these emails and responded:

> The purpose of the USNWR rankings in Education is to rate the research capacity of schools of education. All the other top 25 to 50 programs are only reporting their PhD programs or if they only have an EdD then they only report on their research EdD (Harvard will have a PhD degree two years from now). PhD programs are assumed to be full-time and lead to graduates who go on to teach in universities or lead research endeavors. USNWR only counts TT and tenured faculty members because non-tenured faculty would not be working with PhDs, so "they are not relevant to this ranking."
>
> Four years ago, when we dropped the GRE as a requirement, I successfully argued that our EdD should not be reported as a FT doctoral program because, in fact, it isn't. Our students, by and large, are working and going to school.
>
> I plan to begin a campaign with USNWR this spring that will explain why we are not going to continue giving any information about any of our EdD programs. Unless we are successful, we will drop like a rock in the rankings, particularly

[5] Jones Day found that it was common for School personnel to have communications with US News that were not well documented, if documented at all. The lack of clarity as to what was communicated to US News and how US News responded to those communications appears to have been a contributing factor to the School's ongoing misreporting of EdD data.

when the OCL has over 500 EdDs enrolled at any one time and that number is combined with our on campus ed leadership program.

Later that same month (March 2016), Dean 1 emailed the School's faculty and staff about the 2017 US News rankings, which reflected a drop in the School's ranking to #21 (from #15 the prior year), stating: "We are exploring the possibility that we do not need to report EdD data related to student scores and student-to-faculty ratios (including numbers from our burgeoning online EdD in Organizational Change and Leadership). If the editors agree that three of the 10 categories can be restricted to PhD data only, then we will stand to gain considerably in future rankings if we narrow our submitted data accordingly."

These March 2016 emails indicate that even if US News had authorized the School to report all of its EdD students as part-time, Dean 1 understood that US News had not authorized the School to stop reporting EdD data for other survey questions—otherwise, no "campaign" or exploration would have been needed. These emails also highlight Dean 1's acute awareness of the impact of the School's reporting on its US News ranking.

In any event, to the extent there was any ambiguity about the doctoral information US News was seeking in its survey, that ambiguity ended no later than 2017. In 2017, the School hired a new staff member who became responsible for preparing and submitting the School's responses to US News's surveys (the "Rankings Staff Member"). Later that year, the Rankings Staff Member identified inconsistencies in the School's submission of EdD data. The Rankings Staff Member raised this issue with his direct supervisor, School Administrator 1. The Rankings Staff Member also discussed this issue with a staff person who was previously responsible for submitting the School's surveys to US News. Based on these conversations, the Rankings Staff Member understood that Dean 1 had instructed them to respond in this fashion and that US News had never flagged concerns about the School's prior submissions.

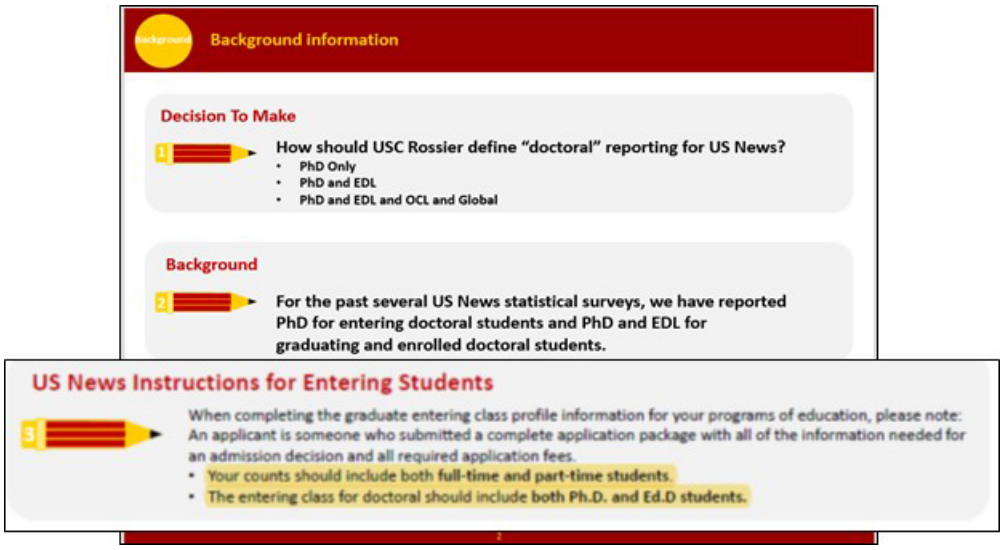
In late 2017, the Rankings Staff Member met in person with Dean 1 and School Administrator 1 to review the School's 2018 draft survey responses. During the meeting, the Rankings Staff Member showed the attendees a PowerPoint presentation, which included a slide noting the fact that if doctoral students were defined consistently (as PhD only) throughout the US News survey, then the School could improve its ranking by lowering the ratio of doctoral degrees to full-time tenured or tenure-track faculty. On this point, the Rankings Staff Member recalled Dean 1 stating that if a school makes a big change, US News will flag it, and, therefore, Dean 1 preferred to continue reporting in the same manner as prior submissions.

Also in late 2017, after consulting with School Administrator 1, the Rankings Staff Member reached out to US News about the selectivity questions in the 2018 survey. Although Jones Day was not able to locate any communications with US News on this issue, US News confirmed to Jones Day that the Rankings Staff Member sent an email to US News in November 2017. According to US News, the Rankings Staff Member noted in the email that the School intended to exclude EdD students from the definition of "doctoral" in response to certain survey questions, but a US News employee promptly responded and informed the Rankings Staff

Member that the definition of "doctoral" should include both PhD and EdD students.[6] According to the Rankings Staff Member, sometime after his exchange with US News, the Rankings Staff Member received the updated version of US News's 2018 survey, which instructed that "doctoral should include both Ph.D. and Ed.D students" for several questions.

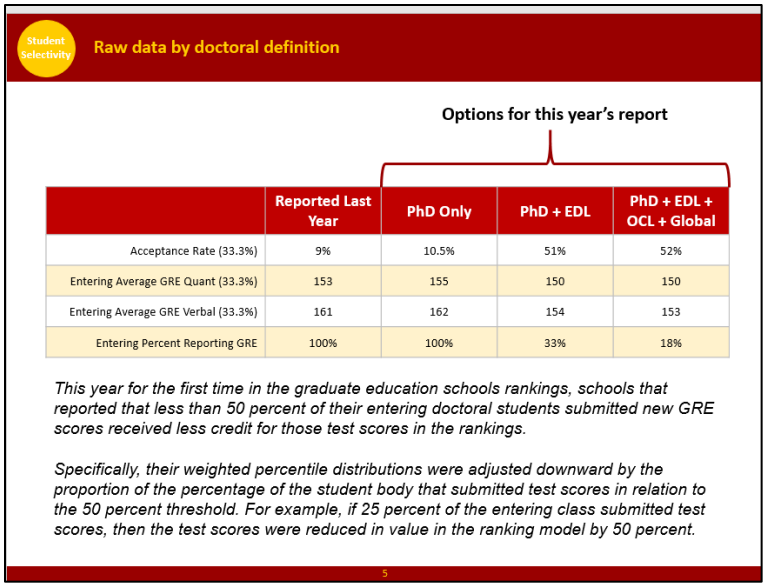
According to School Administrator 1, Dean 1 directed School Administrator 1 and the Rankings Staff Member to continue to exclude EdD data from responses to selectivity questions, even after Dean 1 was informed about the exchange with US News and the updated language in the survey instructions. Although Dean 1 stated that Dean 1 did not recall seeing the updated survey instructions in 2017, Dean 1 added that School Administrator 1 would have brought that issue to Dean 1's attention. The Rankings Staff Member recalled that School Administrator 1 expressed the belief that it was not "fair" of US News to alter the survey instructions at the last minute (the survey responses were due shortly after the updated instructions were issued), and stated that the School would report in the same manner as it had in the past but that the issue could be revisited the following year.

When the next survey cycle began in late 2018, the Rankings Staff Member again prepared a PowerPoint presentation, which the Rankings Staff Member recalled presenting during an in-person meeting with Dean 1 and School Administrator 1. The first substantive slide set forth the "Decision to Make" regarding the reporting of "doctoral" data to US News, how the School reported data in the past, and "US News Instructions for Entering Students":



The presentation described the various aspects of the survey that could be impacted by the "doctoral" definition decision, including the acceptance rate, GRE scores, ratio of doctoral degrees granted to full time faculty, and the student-faculty ratio. The presentation also compared the selectivity data for the PhD and (in-person and online) EdD programs:

[6] Jones Day has requested these communications from US News, but has not yet received a copy as of the date of this Report.



Student Selectivity

Raw data by doctoral definition

Options for this year's report

	Reported Last Year	PhD Only	PhD + EDL	PhD + EDL + OCL + Global
Acceptance Rate (33.3%)	9%	10.5%	51%	52%
Entering Average GRE Quant (33.3%)	153	155	150	150
Entering Average GRE Verbal (33.3%)	161	162	154	153
Entering Percent Reporting GRE	100%	100%	33%	18%

This year for the first time in the graduate education schools rankings, schools that reported that less than 50 percent of their entering doctoral students submitted new GRE scores received less credit for those test scores in the rankings.

Specifically, their weighted percentile distributions were adjusted downward by the proportion of the percentage of the student body that submitted test scores in relation to the 50 percent threshold. For example, if 25 percent of the entering class submitted test scores, then the test scores were reduced in value in the ranking model by 50 percent.

5

The Rankings Staff Member recalled that, at the conclusion of the meeting, Dean 1 directed them to continue excluding EdD data from selectivity metrics.

Around this time, Dean 1 and School Administrator 1 informed the University's VP of Admissions and others within the School that the School intended to continue to report data to US News in the same manner as it had in the past (*i.e.*, excluding EdD data for certain survey questions despite US News's instructions specifying that such data should be included). In particular, on November 27, 2018, School Administrator 1 sent an email to the VP of Admissions, copying Dean 1 and the Rankings Staff Member, stating:

> Thanks for the good talk about our US News strategy for [the School]. We decided to go with the approach of submitting as we always have. Simultaneously, [Dean 1] is contacting selected colleagues about the changes in data definitions by US News, and we await the results of those conversations. Fundamentally, our approach is to submit what we believe is the most accurate way to report our programs. I wanted to make sure you knew this as we understand that the data will be on your desk for review soon….

The VP of Admissions forwarded the email to the OIR Director, adding: "Just FYI. I supported them sticking w/previous reporting (rather than lumping EdD and PhD together)."[7]

A few days later, on December 4, 2018, School Administrator 1 emailed the VP of Admissions, copying Dean 1 and the Rankings Staff Member, and stating:

> [Dean 1] has checked colleagues at the top of the rankings for education and they almost all have small EdD programs or require the GRE for all applicants, so we

[7] When interviewed, the OIR Director did not recall ever seeing this email. Jones Day did not locate any further communications involving the OIR Director on this topic.

> are not getting takers to join us in protest. [Another major university], however, will be in the same boat next year. We await word from [another university], but we see no large scale support for a protest. With this in mind, and knowing our data was accepted as we submitted it a year ago, we will again submit the best representation of our school given their categories. Should we get push back, we will then lodge our protest, perhaps with a friend or two.
>
> We feel good about this approach because submitting allows our programs to get rated as well as the whole school and we have fared well in program ratings. We do not wish to lose those. Also, we had discussions with US News along these very lines a year ago and they did not question what we submitted. I wanted to make sure you understood our approach as you look through the data.

In response to that email, the VP of Admissions said "[u]nderstood" and exchanged additional emails with Dean 1 about whether Dean 1 should inform the Provost.

Dean 1 also discussed this issue during the School of Education's Executive Council meeting in late 2018, which was attended by the then-Faculty Chair who informed the School's Faculty Council on December 4, 2018. In an email to Dean 1 on the same day, the then-Faculty Chair relayed that the faculty expressed concern about the School's approach and urged the School to withdraw from the rankings instead:

> At Faculty Council today, we discussed the US News issue a bit. I think I accurately represented the situation to my faculty colleagues, as well as the decision that was made (to continue to report the data that we think accurately represent our school in spite of their technically not aligning with what's requested from USNWR).
>
> The response the members of FC was a good deal of concern, both for you and for the school, about the approach we decided to take. The general consensus was that, especially given the recent leadership crises at USC, this situation presents an opportunity for leadership, and that there are significant risks to the strategy we chose. We think there's a strong affirmative case to be made against USNWR, their approach to rankings in general, and the specific issue of the GRE in graduate school admissions, and that you're well positioned to make it, whether alone or in conjunction with other ed school deans or organizations you work with (e.g., Deans for Impact). But we're worried that, if a scandal were to break out, the opportunity for leadership would be lost somewhat. In short, the consensus in the room seemed to be that we should take the hit this year but also plan aggressive pushback against the rankings, which we think would be a PR moment that we could win.
>
> Obviously, this is just our combined advice, and we recognize the many competing pressures you have here…

Dean 1 responded by email that it was premature to share the topic with the Faculty Council because no decision had been made yet, and Dean 1 was speaking with the VP of Admissions

and the Provost about this issue.[8]

Dean 1 subsequently directed the Rankings Staff Member to continue to exclude EdD data from selectivity metrics in its US News survey submissions for the remainder of Dean 1's tenure as Dean. In addition, for the School's 2020 survey submission, Dean 1 directed the Rankings Staff Member to complete US News's verification requirement, which required a senior administrator to verify the accuracy of the School's submission.

When asked by Jones Day about the reason for continuing to exclude EdD data despite US News's instructions, Dean 1 and School Administrator 1 both stated that the School's approach was to respond to US News's survey questions in a manner that most accurately represented the School's programs. They did not believe combining the data for the PhD and EdD programs would accurately reflect either program because the PhD program is a highly selective full-time program, while the EdD program is not. School Administrator 1 further explained that the way the School reported was "the most accurate way to report" because reporting "literally" would have resulted in a "serious misrepresentation" of the School's selectivity and research-intensive activity, which is what Dean 1 and School Administrator 1 believed US News sought to evaluate. When asked why the School reported EdD data for some questions but not others, School Administrator 1 stated that the School had to interpret each question and make a choice about how to most accurately reflect the School.

The School's inconsistent reporting of EdD data was not intuitive to the School's staff members tasked with completing the School's survey responses. Several staff members were confused by the School's inconsistent use of EdD data in its survey responses. For example, two staff members completing survey responses for the first time assumed that EdD data should be included throughout the survey, but were later instructed to exclude that data for the selectivity questions. Their supervisors confirmed that, for those questions, Dean 1 instructed the reporting of only PhD data. Similarly, in November 2014, another staff member was completing the survey for the first time and included GRE scores of EdD students. After Dean 1 inquired about the drop in GRE scores, the final 2015 survey submitted to US News was changed to exclude the GRE scores of EdD students. Several witnesses said that Dean 1 was the ultimate decision-maker as to what information to include in US News submissions, and that staff members feared retaliation if they did not comply with Dean 1's instructions.

b) Dean 2 Authorized the Continued Exclusion of EdD Data in the School's 2021 Survey Submission, Then Alerted the Provost Before the 2022 Survey Submission.

Dean 2 joined the University in July of 2020. During the first seven months at the School, Dean 2 reviewed, approved, and verified the School's 2021 survey submission to US

[8] When asked if Dean 1 had informed the then-Provost, Dean 1 stated that any such communication would have been by email. Jones Day did not locate any emails to this effect. Based on the documents reviewed and the interviews of the former Provost and former President of the University, Jones Day did not find any evidence that the former Provost or former President had knowledge of the School of Education's reporting practices.

News. In a January 7, 2021 virtual meeting, Dean 2 was briefed on the School's practice of excluding EdD data in a manner contrary to the instructions provided by US News. In particular, the Rankings Staff Member shared (via Zoom) a PowerPoint similar to the one shared with Dean 1 in 2018, except that this presentation also included a reference to the "Temple Lawsuit" and discussed US News's verification process. Relevant excerpts of this PowerPoint presentation are included in Appendix D. Although the Rankings Staff Member and other meeting participants did not recall telling Dean 2 that the School's prior reporting practices were "incorrect" or constituted "misreporting," Dean 2 recalled the group explaining that the School's manner of reporting was somewhat unorthodox. Dean 2 further explained to Jones Day that Dean 2 understood that the School's survey responses did not include all EdD data that was requested by US News.

Dean 2 explained to Jones Day that, at the time Dean 2 decided to continue reporting in the same manner as prior years, Dean 2 was new to the dean position and to the US News survey process generally. Dean 2 stated that Dean 2 was told that US News asked for all "doctoral" information but that the School only reported on the PhD program, which was highly competitive. Dean 2 stated that Dean 2 recalled asking if this was acceptable, and the meeting participants replied that the School had reported this way for years. When Dean 2 asked why it had been done in this manner, Dean 2 recalled being told it was to increase the School's ranking. Dean 2 explained to Jones Day that this seemed odd, but Dean 2 did not question it much because the School had been doing it for a while, and Dean 2 thought the decision was part of a collective strategy of School leadership. Dean 2 also noted that there was speculation that other universities were reporting in the same fashion. Dean 2 stated that during the January 2021 meeting, Dean 2 thought that the meeting participants were recommending a continuation of the School's prior reporting practice. Others who attended the meeting, however, stated that they did not make any recommendations but that they were not explicit in stating that the School's prior reporting was inaccurate.

Dean 2 also stated that Dean 2 understood that OIR and US News reviewed the School's prior survey submissions and did not raise any concerns, so Dean 2 believed that OIR was aware of the School's exclusion of EdD data and approved of it.[9] Dean 2 also noted that the internal inconsistencies within the School's survey submissions would have been obvious to anyone reviewing the submissions. For example, the enrollment numbers for doctoral students far exceed the doctoral entering class—for example, for the 2021 survey, the total doctoral enrollment was 502, but the total doctoral entering class was 13. For these reasons, Dean 2 stated that Dean 2 felt comfortable authorizing the Rankings Staff Member to complete US News's verification requirement, even though the School's responses did not include all data that was requested by US News.[10]

[9] Based on evidence reviewed by Jones Day, however, OIR was not tasked with reviewing the School's survey submissions to detect these types of internal inconsistencies. The OIR representative responsible for reviewing the School's submissions stated that she was not aware of the School's practice of excluding EdD data from the doctoral selectivity metrics, and that her review was limited to identifying any major changes from the prior year's submission.

[10] In August 2021, the Rankings Staff Member received an email requesting that he be interviewed in connection with an advisory review being conducted by Office of Audit Services.

During the next US News survey cycle, Dean 2 was again briefed on the issue during a virtual meeting on December 16, 2021. The Rankings Staff Member and other meeting participants recall being more direct with Dean 2—they said that they described the School's past reporting practices as "fraudulent" and may have used the term "misreporting"; Dean 2 did not recall this language being used. At the conclusion of the meeting, Dean 2 stated that Dean 2 would consult with the Provost before making a decision as to how the School should respond to the US News survey.

On December 16, 2021 or the following day, Dean 2 called the Provost. In an interview with Jones Day, Dean 2 recalled telling the Provost that: the School had not been reporting data on all of its doctoral programs to US News—only the PhD program; Dean 2 wanted the Provost to know that this had been happening; Dean 2 was not sure if this practice was a problem; Dean 2 thought the School should not submit at all, but that it was the Provost's decision to make; and the School could probably keep doing what it had been doing, since the issue was probably low risk because US News had not said anything, but that if there was a concern about risk, the School should not submit at all. According to Dean 2, the Provost said that the Provost would "take it in" and get back to Dean 2 after the break. (The University's two week winter recess began on December 20, 2021 and ended on January 2, 2022.)

The Provost confirmed that Dean 2 contacted the Provost in December 2021. In an interview with Jones Day, the Provost recalled the issue being ambiguous at the time because it was phrased to the Provost as being unclear as to what US News required. The Provost also stated that Dean 2 said the School's policy was to use PhDs and Dean 2 thought they might need to add EdDs; the Provost did not know at the time that US News's instructions very clearly stated that both PhD and EdD data should be included. The Provost subsequently directed the Vice Provost (who oversees OIR) to look into the matter further.

Before hearing back from the Provost, however, Dean 2 informed School personnel that the School would continue reporting to US News in the same manner as past years. In particular, on January 3, 2022, Dean 2 received an automated email reminder from US News noting the need to complete the School's survey responses. Dean 2 forwarded this communication to School personnel and asked if the School had "sent in this [US News] data already." School Administrator 3 reminded Dean 2 that they needed a response "regarding the data set we will submit," per the group's discussion on December 16, 2021, and offered to meet again to discuss any further questions or concerns. Dean 2 responded by email: "Thanks for the clarification. I've decided that we should approach it the same way we did last year. There's no need to meet about it. Thanks."

In advance of the meeting with Audit Services, the Rankings Staff Member met with Dean 2, his supervisor, and another School administrator ("School Administrator 3"). The Rankings Staff Member and his supervisor stated that they remember reminding Dean 2 during that meeting that the School was not reporting the way US News was asking them to report, but they both stated that they did not explicitly tell Dean 2 that the School's reporting was improper. Dean 2 and School Administrator 3 did not recall any specifics about the meeting and did not believe it was a substantive meeting.

When asked why Dean 2 sent this email, Dean 2 told Jones Day that the Provost had not yet responded but that Dean 2 had spoken to others in the School (including School Administrators 1 and 2), who explained the School's past data reporting practices and provided additional context regarding why Dean 1 distinguished between the PhD and EdD programs. School Administrator 1 and 2 confirmed that they provided Dean 2 with historical context for the School's prior reporting practices (though memories varied as to the timing of these conversations). Dean 2 said that through these conversations, Dean 2 became comfortable reporting in the same manner as the School previously reported, especially because Dean 2 believed OIR reviewed and authorized the School's prior submissions, which US News had not questioned.

c) The Provost Ended the School's Exclusion of EdD Data from Selectivity Metrics.

The Provost first learned about this issue when Dean 2 contacted the Provost in December 2021. After the Provost spoke to Dean 2, the Provost directed the Vice Provost to examine the issue. On December 17, 2021, the Vice Provost met with the Director of OIR via Zoom to discuss the School's US News survey responses. A few days later, the Vice Provost informed the Provost that US News's instructions required the reporting of all doctoral programs and that doctoral selectivity could amount to 18% of US News's overall assessment of the School. After the winter recess, on January 3, 2022, OIR staff began analyzing the underlying data supporting the School's draft 2022 US News submission to determine whether there were any potential inaccuracies. (This was a unique request to OIR, as OIR was not previously tasked with validating the accuracy of underlying data when it reviewed graduate school submissions to US News.) On January 10, 2022, the OIR Director informed the Vice Provost that, while OIR was continuing to review the data, OIR staff had identified numerous inaccuracies in the School's draft responses.

As a result, on January 13, 2022, the Provost directed Dean 2 to include all EdD data wherever it was requested by the survey instructions. Dean 2 then directed the School personnel responsible for completing the 2022 survey to correct the data. The School revised its 2022 survey submissions to include EdD data for the Fall 2021 term throughout the survey. Although this information was updated in US News's online portal, the School's submission was never verified by the School because OIR staff continued to analyze other aspects of the School's submission. After OIR identified other potential errors in the School's data, the University contacted US News and asked US News not to rank the School of Education in 2022.

3. Based on the Investigative Record, the Responsible Leaders at the School Did Not Have a Persuasive Justification for Excluding EdD Data from Responses to Doctoral Selectivity Questions.

On balance, the various explanations provided by School leadership for excluding EdD data from doctoral selectivity metrics do not provide a persuasive justification for that practice. This is particularly the case after 2017, when the relevant survey instructions specified that EdD data should be included.

Explanation #1: The School's responses were the "most accurate" way to respond to the questions asked, and avoided a "serious misrepresentation" of the School's programs.

The School's PhD and EdD programs are in fact quite different in various respects. The programs have very different curricula, costs, goals, and outcomes. The PhD program is much more selective, much smaller, focused primarily on education-oriented research and scholarship, and prepares its graduates principally to become scholars and professors. By contrast, the School's EdD program is less selective, much larger, focused primarily on professional training, and prepares its graduates principally to become educational practitioners (*e.g.*, school principals or superintendents).

These differences, however, do not provide a persuasive justification for excluding EdD data from any question relating to the School's "doctoral" programs. Indeed, several School staff members initially interpreted the US News survey questions as requesting data for both PhD and EdD students, which undermines the explanation that excluding EdD data from selectivity metrics was the "most accurate" or "most representative" way to report the School's programs.

At times, School personnel expressed the view that US News—a for-profit media organization—should not dictate to education experts (the School's leaders) how the School should define its education programs, or force the School to report on the PhD and EdD programs together, when those programs are quite different. Dean 1 explained that, over the years, Dean 1 and education deans at other universities shared their concerns with US News representatives at conferences, in an effort to convince US News to alter the survey—such as by ranking the EdD and PhD programs separately. Those efforts, however, were not successful. And US News's added instructions in the 2018 survey made clear that US News intended to rank the EdD and PhD programs together.

The School was at all times free not to submit itself for rankings consideration by US News; having opted to submit, however, the School was not free to create its own rules. By answering certain questions in a way that was inconsistent with US News's instructions, the School painted an inaccurate picture of the School's doctoral programs by suggesting that the doctoral programs were much smaller and more selective than they actually were.

Explanation #2: The US News survey is primarily focused on quality indicators of research doctorates and research productivity.

Multiple witnesses stated that, among other things, US News's focus on research expenditures and tenure-track faculty in calculating rankings shows that the rankings are primarily focused on evaluating an education school's PhD or research-orientated programs.[11]

This explanation is inconsistent with the School's inclusion of EdD data in response to

[11] Relatedly, some School personnel stated that other education schools adopted similar interpretations, and were only reporting data for their PhD programs or their research-focused EdD programs. Even if other schools have engaged in similar behavior, that would not excuse the School's choice to exclude EdD data where it was explicitly requested by US News. Further, during an interview with Jones Day, Dean 1 acknowledged that some other schools likely were reporting data as to their EdD students.

questions relating to enrollment and degrees earned—either US News's survey was interested in EdD programs, or it was not. In fact, US News collected data about all education programs, including, for example, the School's master's programs, so it is not clear why School leaders would believe that US News would have intended to exclude EdD programs. And the updated 2018 survey confirmed this point by requiring the inclusion of all EdD students without limitation (*i.e.*, whether they were research-focused or not).

This explanation is also inconsistent with US News's rankings methodology. US News's methodology allocates 15% of a school's overall ranking to an educational professionals assessment score, which is based on surveys completed by school superintendents and other education professionals—many of whom are EdD graduates and are more likely to hire EdD students than PhD students.

US News's historical rankings also demonstrate that US News has been evaluating PhD and EdD programs for more than two decades. For example, the 2002 rankings (which were released during Dean 1's tenure at the School), set forth the ranked schools' data for various criteria, including the "Ph.D. & Ed.D acceptance rate," "Ph.D.'s & Ed.D.'s granted," and "% Ph.D. & Ed.D. students." Similarly, the School's own historical rankings suggest that it was likely reporting PhD and EdD selectivity data together prior to the 2010 rankings—the School likely stopped reporting EdD data after that time, which caused a significant drop in the School's doctoral acceptance rate between the 2009 and 2010 rankings (50.7% in 2009; 10.5% in 2010). For these reasons, the research-oriented nature of some metrics assessed by US News did not justify the exclusion of EdD data from selectivity metrics, especially once the survey's instructions stated that EdD students should be included.

Explanation #3: The School was upfront with US News and did not receive push-back.

Several witnesses stated that they either recalled or had been told about conversations with US News about the School's submissions, and that US News did not raise any concerns with the School's approach. While Jones Day was able to locate some email correspondence between School personnel and US News personnel, none of those communications provided support for the exclusion of EdD data from selectivity metrics, and no witness could recall any conversation in which US News provided permission for the School to engage in this practice. To the contrary, as noted above, US News unambiguously informed the Rankings Staff Member in late 2017 that the definition of "doctoral" should include PhD and EdD students, and US News subsequently changed the survey instructions to expressly state that "doctoral should include both Ph.D. and Ed.D. students."

Similarly, the notion that US News did not push back on the School's survey submissions is of little significance under the circumstances. The School's leadership and staff were required to affirm the accuracy of their submissions, and nothing in the School's submissions indicated clearly that the School was excluding EdD data for certain metrics, despite the surveys' unambiguous instructions. Moreover, it would have been difficult (if not impossible) for US News to discover the School's practice of excluding EdD data in its selectivity metrics because US News did not have access to the School's underlying data. Further, for the 2020 and 2021 surveys, US News generated an "assessment" that required the School to confirm the accuracy of their current and prior responses to certain survey questions. The assessment repeated the

instruction that "[d]octoral should include both Ph.D. and Ed.D students" ***seven*** times. Under these circumstances, it is unreasonable to assume from US News's conduct that US News had agreed to the School's exclusion of EdD data from selectivity metrics.

Explanation #4: OIR verified the data and signed off on the School's submissions.

Numerous witnesses stated that they believed OIR and other senior administrators were aware of the School's reporting practices and specifically validated the School's US News submissions each year, thereby confirming that the approach taken by the School was acceptable. While there was confusion among certain individuals as to OIR's role in the survey submission process, numerous witnesses, including those with supervisory responsibility for OIR, were clear about the limited role OIR played in reviewing graduate school submissions to US News. OIR's review was limited to conducting a year-over-year comparison to identify any significant changes; OIR was neither tasked with validating the underlying data included in US News survey responses, nor did it have access to all of the underlying data used by graduate schools to complete their submissions. OIR did not verify or transmit the survey responses to US News; each graduate school was responsible for verifying and transmitting its own survey responses.

Dean 1's reliance on prior (undocumented) conversations with US News also limited OIR's ability to conduct a meaningful review of the School's survey responses. For example, in 2012, when OIR personnel noticed inconsistencies in the School's reporting of EdD data, the VP of Admissions recommended to Dean 1 that all doctoral students should be included, but was told by Dean 1 that the School's practice was consistent with prior conversations that School representatives had with US News.

Under these circumstances, OIR's review of the School's draft survey responses before they were transmitted to US News did not provide School leaders with a persuasive justification for omitting EdD data from selectivity responses despite express instructions to the contrary.

Explanation #5: Maintaining the Status Quo.

When Dean 2 was first made aware of the exclusion of EdD data from responses to selectivity questions in January of 2021, Dean 2 was less than seven months into the new job as dean, had no prior familiarity with rankings submissions, and was dealing with various issues during a global pandemic. But Dean 2 was informed of the practice and was provided with enough context to understand that the School had reported in a way that was contrary to the survey's instructions. By choosing to continue to exclude EdD data from responses to selectivity questions, Dean 2 missed an opportunity to stop this practice at an earlier stage. Dean 2 subsequently raised the issue with the Provost's Office, which led to the practice being investigated and, ultimately, stopped. However, Dean 2 appeared prepared to continue the same practice for the following survey cycle before Dean 2 heard back from the Provost. Were it not for the Provost's instruction several days later, the School's misreporting would likely have continued into the 2022 survey and perhaps beyond.

In sum, none of the explanations provided to Jones Day offers a persuasive justification for the School's omission of EdD data from doctoral selectivity metrics.

B. Potential Additional Misreporting Issues

During the investigation, Jones Day identified and/or confirmed other potential data misreporting issues that may have affected the School's US News ranking:

Exclusion of Online EdD Data. Up until the School's 2022 survey submission (which was withdrawn), the School did not typically include data relating to online EdD students in US News surveys.[12] Prior to the 2022 US News survey, the surveys did not expressly state that online programs should be included. One reason provided to Jones Day for not including the online EdD programs was that ambiguity existed as to whether the surveys called for information about online students because US News conducts a separate ranking for the "Best Online Education Programs," which is based on a different survey that is released at a different time. Although some ambiguity existed, the School routinely reported data relating to its online master's programs and occasionally included some (but not all) online EdD data in these surveys. In addition, the Rankings Staff Member informed Jones Day that Dean 1 wanted online EdD programs excluded because Dean 1 thought that they would affect the School's selectivity score. Accordingly, there is some evidence to suggest that the exclusion of online EdD data was a deliberate decision on the part of Dean 1 to impact the School's ranking.

Part-Time Designation of EdD Students. In response to survey questions regarding doctoral enrollment, the School reported EdD students as "part-time" students in doctoral programs. Jones Day has not been able to confirm that EdD students were properly categorized as "part-time" students. Although Jones Day observed some internal School emails stating that Dean 1 had previously communicated with US News about this classification and that US News agreed to it, Jones Day was unable to locate any communications with US News that confirmed this point. When Dean 1 was asked about the nature of these communications with US News, Dean 1 could not recall who the conversations were with or any specific details about the conversations. The investigative record suggests that the part-time designation of all EdD students was contrary to how some EdD students were coded in the University's Student Information System. For example, in November 2015, an OIR staff member identified a significant change in the reporting of full-time and part-time doctoral students in the School's draft survey responses. The School staff member responsible for completing the survey had calculated a significant number of the EdD students as full time students because that is how the students were designated in the University's systems; after realizing his mistake, he explained that he had to re-program the data to reflect the School's coding "that PhD candidates are considered full time and EdD candidates are considered part time." If the School's "part-time" characterization of EdD students was inaccurate, then US News would have calculated the student-faculty ratio less favorably to the School, which could have negatively impacted the School's ranking.

Research Expenditures: Sponsored Project Accounts Outside the School. Each year, the School reports the amount of "separately-funded, outside-sponsored research conducted by

[12] Based on the backup data available to Jones Day, the School appears to have included some online students (the students in the online EDL program) in its enrollment numbers for at least the 2020 and 2021 surveys.

[its] programs of education" ("Research Expenditures") to US News. In the School's 2006 through 2021 survey submissions (and possibly earlier), the School included in its Research Expenditures certain expenditures that were centrally-managed outside of the School of Education. Each year, a senior staff member ("School Administrator 4"), who had been responsible for calculating the School's Research Expenditures since 2005, would request a report from the Office of Budget and Planning ("OBP") of all expenditures not captured by other schools that are focused on education. The expenditures listed on this report were not controlled by, and do not appear to have been specifically awarded to, the School or its faculty. School Administrator 4 explained that School Administrator 4 was told that this data could be used because, even though these expenditures were not tied directly to the School, they should be counted because the School falls under the "umbrella" of the University—so if the University had education-related expenditures, and those expenditures were not being "double counted" (*i.e.*, they were not included in the survey submissions of other USC graduate schools), then they could be included as Research Expenditures for the School. School Administrator 4 could not recall who told School Administrator 4 to adopt this approach, but speculated that it could have been Dean 1 or someone at OBP.

The person within OBP responsible for generating the report had very little context for the purpose of the report. The OBP staff member reviewed all centrally-managed sponsored projects and categorized them (with no guidance) as "education" or "other" based on the names of the accounts. The OBP staff member did not know whether other schools were also claiming these funds, but noted that no other USC graduate school asked the OBP staff member to generate a similar report.

The inclusion of these centrally-managed expenditures likely resulted in an overstatement of the School's Research Expenditures.[13] The School did not have formal criteria to accurately identify research expenditures relating to education from the centrally-managed expenditures, or a method to ensure that the expenditures were not being double counted. The investigative record also establishes that even though School Administrator 4's stated intent was to include "education-related" expenditures, in some instances, the School calculated its Research Expenditures using expenditures identified by OBP as being unrelated to education. For example, for the 2021 survey, the OBP report included approximately $11.7 million in total expenditures, of which only $6.4 million were classified as education-related. But the School used the entire $11.7 million total to calculate the Research Expenditures reported to US News. When asked about this discrepancy, School Administrator 4 stated that School Administrator 4 assumed that OBP was only providing education-related figures and that the grand total reported

[13] School Administrator 4 provided Jones Day with a spreadsheet that included a breakdown of the School's Research Expenditures for the School's 2006 and later survey submissions. Jones Day was unable to determine whether the School used centrally-managed expenditures to calculate its Research Expenditures prior to that time. Jones Day observed, however, that the School's research expenditures increased significantly between the 2004 and 2005 rankings ($4.7 million in 2004; $10.8 million in 2005), which suggests this practice may have begun with the School's 2004 survey submission. School personnel were not able to recall the reason for the significant increase in Research Expenditures during that time frame.

by OBP could be used.[14] For these reasons, the School's reliance on OBP reports since at least the School's 2006 survey submission raises serious questions about the accuracy of the School's calculation of Research Expenditures since that time, and this practice has likely overstated the amount of Research Expenditures reported to US News for the past several years.

Research Expenditures: Affiliated Faculty. Beginning with the School's 2014 survey submission, the School calculated its total Research Expenditures by including externally-funded research projects of "affiliated faculty." These faculty had a primary affiliation or "tenure home" with another USC graduate school, not with the School of Education. In some instances, these affiliated faculty had a "joint appointment" with the School of Education, but in other instances, there was no documented relationship to the School of Education. Jones Day did not find any evidence that the School attempted to discern which externally-funded research projects of these affiliated faculty related to education, and which did not. Further examination of this metric is warranted to determine the extent of the relationships between the School and the affiliated faculty, as well as whether the funded research projects were education-related, or otherwise connected to the School in some way.

Other Faculty-Related Metrics. For some years, the School of Education included some "affiliated faculty" in the School's tenured and tenure-track faculty counts; for other years, the School did not do so. As with the Research Expenditures issue, whether the affiliated faculty had a sufficient relationship with the School to justify inclusion in the School's faculty counts warrants further examination. In addition, Jones Day observed that the School's reporting inflated the average amount of externally-funded research expenditures per faculty member during the years in which the affiliated faculty's externally-funded research dollars were included in the School's Research Expenditures, but the affiliated faculty were not included in the School's faculty count.

Jones Day also observed other potential errors relating to the number of tenured and tenure-track faculty with awards (including, for example, the inclusion of awards for retired faculty and/or outdated awards), and part-time faculty counts (which, for some years, were based on estimates rather than actual counts).

Other faculty-related metrics may also be inaccurate. According to the Rankings Staff Member, he was instructed to include the total number of tenured and tenure-track faculty in answers relating to the number of faculty involved in externally-funded research projects, and the number of faculty involved in the School's teacher training programs. Further examination is warranted to determine whether all tenured and tenure-track faculty were, in fact, involved in externally-funded research projects and in the School's teacher training programs.

Teacher Job Placement and Retention. The data reported by the School for the number of graduates of teacher education programs that accepted teaching positions and were still employed as teachers two years after graduation may not have been accurate. According to the

[14] In a short follow-up interview at School Administrator 4's request, School Administrator 4 stated that the use of the grand total figure was the result of an error rather than a decision intended to increase the School's Research Expenditures figure.

Rankings Staff Member, the School does not track this information, so the School has been providing estimates for these figures instead.

Selectivity Metrics for the Master's Programs. OIR discovered certain discrepancies between the University's data and the School's reported number of accepted applicants to the School's master's programs. Based on the data provided by OIR, one primary reason for these discrepancies appears to be related to whether certain international students are counted as admitted students—these students were notified that they were eligible for admission but their official acceptance was contingent upon the submission of certain financial or travel documents. OIR counted these students as admitted students, but the School did not. Jones Day did not find any evidence that the School was attempting to misreport this metric; rather, there is sufficient ambiguity on this issue that reasonable minds can differ. Similarly, for some years, OIR's data did not match the School's reporting of the number of applications for master's programs. Some of these discrepancies may have been caused by the different systems being used to store the data, or the accuracy of the historical data available to OIR. In any event, Jones Day did not find any evidence that the School was attempting to deliberately misreport this metric. Indeed, the data obtained by OIR in some instances would have resulted in a lower (and therefore more favorable) acceptance rate for the master's programs.[15]

Jones Day recommends that the University further examine these additional metrics for possible reporting errors.

[15] OIR also noted that, for the 2013 and 2014 survey responses, the School reported that 100% of its master's students had provided GRE scores, even though OIR's data showed that a much smaller percentage of students reported GRE scores in the years covered by those surveys. OIR's data suggests that the School accurately reported the percentage of master's students reporting their GRE scores for the 2015-2022 surveys. Jones Day did not identify a reason for the inconsistency in the earlier years' data. Based on US News's methodology, the selectivity of master's programs does not appear to impact a school's overall ranking.

APPENDIX A

2014 Survey Instructions for Doctoral-Related Rankings Questions

Graduate Enrollment	Please complete the following table for your programs of education, identifying enrollment of different types of students, noting the following: … • A student should only be listed under one of the post-baccalaureate non-degree seeking, master's, educational specialist, or doctoral lines. Demographic information (number of women, men, international, and minorities) was requested for enrolled students, including: – Full-time students in doctoral programs – Part-time students in doctoral programs – Total students in doctoral programs – Total enrollment (should be the sum of the total students in post-baccalaureate, non-degree granting programs, total students in master's programs, total students in educational specialist degree programs, and total students in doctoral programs)
Graduate Entering Class Profile	When completing the graduate entering class profile information for your programs of education, please note: … • Your counts should include both full- and part-time students. The information requested included: – Number of applications received for doctoral programs – Number of applicants accepted for doctoral programs – Number of first-year students enrolled in doctoral programs – Total first-year enrollment for all graduate programs in education (whether non-degree seeking, master's educational specialist, or doctoral)
Entering Class GPA and Test Scores	Please fill out the following grid for your programs of education…. The information requested included: – Doctoral: number entering, undergraduate GPA, GRE scores and % reporting – All entering students: number entering, undergraduate GPA, GRE scores and % reporting
Graduating Class	Please complete the following table describing the graduating class of your programs of education… The information requested included: – Number of doctoral degrees: total, international, minorities, women
Faculty	All figures are for faculty in your education programs and should reflect actual head counts and not full-time equivalents. The information requested included: – Number of full-time, tenured or tenure-track faculty (includes professors, associate professors, assistant professors, and faculty who have a written commitment to be considered for tenure) – Number of full-time, tenured or tenure-track faculty who have a doctoral degree* – Number of full-time tenured or tenure-track faculty that have received certain awards or been editors of certain journals in the last two calendar years

	– Number of full-time non-tenured or non-tenure-track faculty* – Number of part-time faculty* *These questions were not included in the rankings calculation.
Research Expenditures	Please provide the total dollar amount of separately-funded, outside-sponsored research conducted by your programs of education during the fiscal year specified… Please provide the number of full-time tenured or tenure-track faculty involved in externally funded research projects (includes professors, associate professors, and assistant professors who are engaged in separately funded, outside-sponsored research during the academic year).

APPENDIX B

Excerpt of 2018 Survey Instructions

Enrollment	• Doctoral enrollment should include both Ph.D. and Ed.D students.
Entering Class Profile	• Your entering class for doctoral should include both Ph.D. and Ed.D students. The wording of the information requested changed slightly over the years, and the 2018 survey asked for: – Doctoral: Number of applications – Doctoral: Number of accepted applicants – Doctoral: Number of first-year students enrolled – Total first-year enrollment for all graduate programs in education
Entering Class GPA and Test Scores	Doctoral: • Doctoral should include both Ph.D. and Ed.D students.
Graduating Class	• Doctoral should include both Ph.D. and Ed.D students.

APPENDIX C

Verification/Submission

109.)
The final step prior to survey submission is what we call "Verification". Please share the survey responses with a senior administrator (President, Provost, Dean / Department Chair) for their final approval. When you are ready, you must fill in all of the information below, including both check boxes, both sets of identification, institution name and the verification date. After the information is filled in, hit the red "Submit Survey" button. **Failure to check the verification box and have the President, Provost, or Dean / Department Chair's signoff may be noted when the data are published and/or may result in the school not being ranked.**
If you have any questions about your institution's verification or this procedure, please contact your U.S. News data collector.
On behalf of U.S. News and its many readers, thank you for the time and effort you have given to supply and verify this Information.

☐ **The senior administrator identified below hereby verifies that the information on this survey is accurate, and accurately describes the institution.**

109.) Title of Verifying Administrator:

☐ President

- [ ] Provost
- [ ] Dean / Department Chair

109.) Administrator's Identification:

Name:

Title:

109.) Name of Institution:

- [ ] **I hereby confirm that the senior administrator identified above has authorized me to complete this verification on their behalf.**

109.) Your Identification:

Name:

Title:

109.) Verification Date:

APPENDIX D

USNWR Doctoral Definition And Implications

Background information

Decision To Make

1

How should USC Rossier define "doctoral" reporting for US News?

- PhD Only
- PhD and EDL
- PhD and EDL and OCL and Global

Background

2

For the past several US News statistical surveys, we have reported PhD for entering doctoral students and PhD and EDL for graduating and enrolled doctoral students.

US News Instructions for Entering Students

3

When completing the graduate entering class profile information for your programs of education, please note: An applicant is someone who submitted a complete application package with all of the information needed for an admission decision and all required application fees.

- Your counts should include both **full-time and part-time students.**
- The entering class for doctoral should include **both Ph.D. and Ed.D students.**

Impact

Ranking categories the doctoral definition impacts. Total 27.5%.

Acceptance rate

6%

This is the proportion of applicants to the doctoral program who were offered admission for the academic year

Mean GRE quant

6%

This is the mean quant score on the GRE for doctoral students entering in the academic year

Mean GRE verbal

6%

This is the mean verbal score on the GRE for doctoral students entering in the academic year

Doctoral degrees granted

5%

The ratio of the number of doctoral degrees awarded to the number of full-time faculty members

Student-faculty ratio

4.5%

This is the ratio of all full-time-equivalent doctoral students to full-time faculty.

2021 Ranks

Last year's ranking by category for the top 20

	Overall rank	Overall Score	Research Activity 30%	Academic reputation 25%	Student selectivity 18%	Non-academic reputation 15%	Faculty Resources 12%
School	Value	Value	Value	Value	Value	Value	Value
Harvard University	1	100	2	2	1	2	17
University of Pennsylvania	2	94	5	9	5	5	66
Stanford University	3	92	17	1	1	1	17
UCLA	4	89	1	9	34	8	220
University of Wisconsin--Madison	4	89	8	4	23	8	66
Vanderbilt University (Peabody)	4	89	16	2	4	2	66
Northwestern University	7	88	10	15	5	10	10
Columbia University	8	87	11	4	10	5	167
University of Michigan--Ann Arbor	8	87	18	4	9	5	17
New York University (Steinhardt)	10	86	6	24	13	13	24
University of Oregon	11	81	4	31	21	35	181
University of Southern California	**11**	**81**	**7**	**15**	**15**	**20**	**247**
Arizona State University	13	80	2	31	51	35	101
University of Washington	14	78	12	12	33	23	124
Johns Hopkins University	15	77	13	15	28	10	213
University of Texas--Austin	15	77	14	9	43	10	167
University of Virginia (Curry)	15	77	22	12	12	13	66
University of Kansas	18	76	9	24	62	23	200
Boston College (Lynch)	19	73	27	24	3	23	17
University of California--Berkeley	20	71	37	7	19	2	193

Student Selectivity

Raw data by doctoral definition

Due to COVID-19, Global moved their admission cycle to Spring 2021

DRAFT Projections For 2021

	Reported Last Year	PhD Only	PhD + EDL	PhD + EDL + OCL
Acceptance Rate (33.3%)	10%	10%	50%	44%
Entering Average GRE Quant (33.3%)	153	157	150	150
Entering Average GRE Verbal (33.3%)	157	158	152	153
Entering Percent Reporting GRE	100%	91%	23%	15%

This year for the third year in a row, in the graduate education schools rankings, schools that reported that less than 50 percent of their entering doctoral students submitted new GRE scores received less credit for those test scores in the rankings.

Specifically, their weighted percentile distributions were adjusted downward by the proportion of the percentage of the student body that submitted test scores in relation to the 50 percent threshold. For example, if 25 percent of the entering class submitted test scores, then the test scores were reduced in value in the ranking model by 50 percent.

GRE and Hopkins

Impact of GRE re-calculation on Johns Hopkins University

Johns Hopkins University Year-Over-Year Student Selectivity Metrics

	Overall rank	Student selectivity rank	Acceptance rate (33.3%)	Entering Average GRE Quant (33.3%)	Entering Average GRE Verbal (33.3%)	Entering Percent Reporting GRE
2018	6	5	27%	162	164	5%
2019	17	179	27%	156	163	4%

Faculty Resources

Ratios

School	Doctoral degrees granted per faculty member (5%)	Doctoral student/faculty ratio (4.5%)
Harvard University	0.4	3.8
University of Pennsylvania	0.3	2.2
Stanford University	0.6	3.1
UCLA	1.6	8.9
University of Wisconsin--Madison	0.6	4.2
Vanderbilt University (Peabody)	0.6	2.2
Northwestern University	0.2	2.1
Columbia University	1.3	4.4
University of Michigan--Ann Arbor	0.7	4.3
New York University (Steinhardt)	0.5	1.9
University of Oregon	0.7	4.0
University of Southern California	**5.0**	**7.7**
Arizona State University	0.8	1.9
University of Washington	0.9	3.8
Johns Hopkins University	1.7	3.7
University of Texas--Austin	1.0	4.0
University of Virginia (Curry)	0.7	2.2
University of Kansas	1.0	4.8
Boston College (Lynch)	0.6	2.0
University of California--Berkeley	0.9	5.2

Verification

As of last year, executive sign-off needed.

Temple lawsuit

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