


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
Austin Division

FILED

2012 JUL 19 PM 12: 22

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

C. MICHAEL KAMPS
Plaintiff,

CIVIL ACTION NUMBER:

v.
BAYLOR UNIVERSITY,
KENNETH WINSTON STARR, in
his official capacity as President of
Baylor University, ELIZABETH
DAVIS, in her official capacity as
Executive Vice President and
Provost of Baylor University,
DAVID SWENSON, in his official
capacity as Chair of the Admissions
Committee and Chair of the
Scholarship Committee of Baylor
Law School, and Members of those
Committees
Defendants

A12CV 657
LY

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE COURT:

NOW COMES Plaintiff, C. Michael Kamps ("Plaintiff" herein), complaining of Baylor University ("Baylor"); Kenneth Winston Starr, in his official capacity as President of Baylor University; Elizabeth Davis, in her official capacities as Executive Vice President and Provost of Baylor University; David Swenson, in his official capacities as Chair of the Admissions Committee and Chair of the Scholarship Committee of Baylor Law School; and each member of the Admissions and Scholarship Committees

(“Member” or collectively, “Members”); collectively “Defendants,” and for cause of action would respectfully show this Honorable Court as follows:

I. INTRODUCTION

1. Plaintiff, more than thirty years ago, graduated from a major and well-respected university in the top quarter of his class comprising primarily his similarly aged peers. Plaintiff first applied to Defendant Baylor University’s Law School in 2009, for the fall quarter commencing in 2010. Plaintiff also applied for a specific merit based scholarship with published and long-established qualifying criteria which Plaintiff met. The candidate pool for this class, and for the scholarship, generally consisted of applicants substantially younger than Plaintiff.

2. Plaintiff expected to be, and insists that he be, allowed to compete on an equal footing with the much younger candidates for admission to Law School and access to merit based scholarships. Plaintiff expects, and insists, that Defendants judge and evaluate his application as one submitted by a top quarter graduate of a major and well-respected university.

3. Defendants refuse and insist upon applying disparate standards to older vs. younger candidates. Defendants pretend that these are not disparate standards at all, but rather one facially neutral and uniform standard. These standards, as applied by Defendants, are biased with respect to age and are therefore in violation of the Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*, (“the Act”) and its implementing Regulations at 34 C.F.R. Part 110 (“Regulations”). Defendants persist in this practice even while faced with overwhelming evidence of, and while actually acknowledging, the bias.

4. In response to Plaintiff's application for admission, one or more Defendants acted to increase the weight accorded the disparate standards in the award of merit based scholarship assistance – a move calculated to mortally injure Plaintiff's scholarship candidacy and simultaneously breathe life into the candidacies of three, much younger, applicants.

5. In response to Plaintiff's complaint, Defendants, collectively and each individually in turn, have failed or refused their (its, his or her) duty imposed by the Act and Regulations upon Recipients of Federal financial assistance to ensure that its program is in compliance with the Act and to take steps to eliminate violations of the Act.

6. In response to Plaintiff's complaint to the U.S. Department of Education, Office of Civil Rights, Defendants have engaged in retaliatory action against Plaintiff in violation of the Act and Regulations.

7. Plaintiff therefore sues, seeking injunctive and declaratory relief; actual, nominal, exemplary and/or punitive damages as this Court may find to be just and right; reasonable attorney fees, to the extent that any be incurred; recovery of costs of court; and such other relief as this Court may find Plaintiff to be entitled.

II. PARTIES

8. Plaintiff is an individual, over the age of 50 at all times relevant herein, residing in the City of Rockwall, Rockwall County, Texas.¹

9. Baylor University is a domestic non-profit corporation organized and existing under the laws of the State of Texas, with its principal place of business One Bear Place #97043, Waco, McLennan County, Texas 76798. Baylor operates its Law School as an operating unit, with the Law School's principal place of business 1114 South University

Parks Drive, One Bear Place #97288, Waco, McLennan County, Texas 76798. Baylor also resides in Dallas, Dallas County, Texas by virtue of the fact that its operating unit, Louise Herrington School of Nursing, has its principal place of business at 3700 Worth Street, Dallas, Dallas County, Texas;² additionally, its operating unit, the Hankamer School of Business, operates an Executive MBA Program at 12230 Preston Road, Dallas, Dallas County, Texas.³ Baylor also resides in Austin, Travis County, Texas by virtue of the fact that its operating unit, the Hankamer School of Business, operates an Executive MBA Program at 3107 Oak Creek Drive, Suite 240, Austin, Travis County, Texas 78727⁴ and by virtue of the fact that Baylor owns real property in downtown Austin at 807 Brazos Street, Austin, Travis County, Texas 78701, valued for tax purposes in excess of four and one quarter million dollars (\$4,250,000).⁵ Baylor University is a Recipient of Federal financial assistance as defined by the Act and the Regulations.

10. Kenneth Winston Starr is an individual, residing, based on information and belief, in McLennan County, Texas. Mr. Starr is sued in his official capacity as President of Baylor University.

11. Elizabeth Davis is an individual, residing, based on information and belief, in McLennan County Texas. Ms. Davis is sued in her official capacity as Executive Vice President, and in her official capacity as Provost, of Baylor University.

12. David Swenson is an individual, residing, based on information and belief, in McLennan County Texas. Mr. Swenson is sued in his official capacity as Chair of the Admissions Committee, and in his official capacity as Chair of the Scholarship Committee, of Baylor Law School.

13. The as yet unnamed members of the Law School's Admissions Committee and of the Law School's Scholarship Committee, based on knowledge and belief, are individuals residing in McLennan County, Texas. Leave to amend will be requested from the Court once the Members' names are acquired through discovery or Court order, as Defendant Baylor declines to provide the names voluntarily. Each member is sued in his or her official capacity as a member of the referenced Committees.

14. Each defendant herein may be served through the Office of General Counsel of Baylor University, Doug Welch, Assistant General Counsel, One Bear Place #76798-7034, Waco, Texas 76798 (if by US Postal Service or Federal Express) or 1320 7th Street #213, Waco, Texas 76706 (if by any other carrier).

III.

JURISDICTION, VENUE, CONDITIONS PRECEDENT, COSTS

15. The federal question arising under federal statutory law, particularly 42 U.S.C. § 6101 *et seq.*, Age Discrimination Act of 1975, vests original jurisdiction in this Court pursuant to the operation of 28 U.S.C. § 1331.

16. Venue is proper in this District by operation of 28 U.S.C. § 1391. Defendant Baylor resides in the District. Based on information and belief, all other Defendants reside in the District. All actions complained of herein occurred in the District. Venue is proper in this Division as Defendant Baylor resides in Travis County, a county served by this Division.

17. Although not required, all avenues of complaint and appeal within the Defendant institution have been exhausted.⁶

18. As required, Plaintiff filed his complaint with the United States Department of Education, Office of Civil Rights within 60 days after completion of his grievance process⁷ under Defendant Baylor's Policies and Procedures. All administrative remedies have been exhausted pursuant to the Act. Plaintiff filed his complaint October 27, 2011 and the Department acknowledged receipt of same November 4, 2011.⁸ Administrative remedies are deemed to be exhausted due to the expiration of one hundred eighty (180) days from the filing of Plaintiff's administrative complaint during which time the Department of Education has made no final determination with regard to the complaint, pursuant to 42 U.S.C. § 6104 (f).

19. At least 30 days have passed since notice by Registered Mail has been given to the Secretary of Education, the Secretary of Health and Human Resources, the Attorney General of the United States, Baylor University, Kenneth Winston Starr in his capacity as President of Baylor University, Elizabeth Davis in her dual capacities as Executive Vice President and Provost of Baylor University, David Swenson in his dual capacities as Chair of the Admissions Committee and Chair of the Scholarship Committee of Baylor Law School, and the individual Members of said Committees, as required under 42 U.S.C. § 6104 (e)(1). A courtesy notice has been provided to Assistant General Counsel for Baylor University, Doug Welch.⁹

20. This Court is empowered, by the authority granted pursuant to 42 U.S.C. § 6104 (e)(1), to award the costs of suit, including reasonable attorney's fees (to the extent that any are incurred) to Plaintiff, and Plaintiff elects to recover same.

IV. FACTS

21. The facts alleged in this Petition are grouped under headings solely for ease of reading and understanding. Each fact alleged herein is incorporated, as appropriate, in support of any other fact, or any argument, cause of action or prayer for relief, as if fully set forth therein.

Plaintiff's Credentials and Characteristics

22. Plaintiff graduated from Texas A&M University ("A&M") in 1979, a university specifically cited by this Court as a "competitive universit[y]" (as opposed to others cited as "relatively weak undergraduate institution[s]") *Hopwood v. State of Texas*, 99F. Supp.2d 872 at 893, 894 (W.D. Tex. 1998) ("*Hopwood 1998*"). Plaintiff earned a Bachelor of Business Administration, majoring in Finance, and posting a 3.2 Undergraduate Grade Point Average ("UGPA"). Plaintiff scored at the 97th percentile on the Law School Admissions Test ("LSAT"), with a score of 169. Plaintiff's "Baylor Index," an index calculated by multiplying Plaintiff's UGPA by a factor of 10 and adding that product to Plaintiff's LSAT score, is 201.¹⁰

23. Plaintiff's UGPA was "set in stone" upon his graduation from A&M, and became at that time an immutable characteristic of Plaintiff with respect to his application for admission to Defendants' Law School.

24. Plaintiff's UGPA ranked him 316th of 1523, solidly within the top quarter of his class at A&M in 1979.¹¹

25. Plaintiff is licensed professionally as a Certified Public Accountant,¹² a Residential Mortgage Loan Originator (formerly Mortgage Broker),¹³ and has been licensed as a Real Estate Salesperson (since expired).

26. Plaintiff is, and has been at all times subsequent to his application for admission to Defendant Baylor's Law School, over the age of 50.¹⁴

Plaintiff's Application

27. Plaintiff applied to Defendant Baylor's Law School on or about October 30, 2009, for the Law School class commencing in the fall quarter 2010. The application was submitted within the time period prescribed for consideration for Defendant Baylor's Early Decision Program.

28. Knowing that his aging UGPA, not enjoying the benefit of grade inflation (discussed hereinafter), might unfairly prejudice his candidacy, Plaintiff included in his application package evidence of his class rank.¹¹

29. Upon learning of his placement on the waiting list for a seat in the 2010 fall entering class, and the changes in the qualification requirements for consideration for a certain merit based scholarship (discussed below), Plaintiff complained first to A&M's Office of Professional School Advising (the office responsible for nominating recipients of the specific scholarship, discussed below) in February, 2010.¹⁵

30. Plaintiff also protested to Defendant Baylor in April, 2010, in a meeting with (then) Assistant Dean of Admissions, Becky Beck-Chollett, in her office. Ms. Beck-Chollett assured Plaintiff that she would work diligently to get Plaintiff admitted to the fall 2010 entering class and would then "work with [Plaintiff]" regarding the scholarship. Plaintiff relied on the word of the Assistant Dean of Admissions.¹⁶

31. Failing to gain admission to the class commencing in the fall quarter 2010, Plaintiff requested that his application be re-activated for the fall quarter 2011.¹⁷

32. Upon notification of further changes to scholarship qualifications (discussed below), compounding the injury to Plaintiff and all similarly situated applicants, Plaintiff complained by letter to the Scholarship Committee,¹⁸ and requested that a copy of the letter be placed in his Admissions file for consideration by the Admissions Committee.¹⁹

33. Upon notification that his application had again been placed on the waiting list for the fall 2011 entering class, Plaintiff requested information from Baylor's Law School on how to escalate his complaint to the University, and promptly formalized his complaint under Baylor University Policy and Procedures number 028 ("BU-PP 028").²⁰

34. For a variety of reasons, Plaintiff applied to Baylor's Law School, and only to Baylor's Law School, for admission in 2010 and 2011.

Defendant Baylor's Law School Admission Process

35. Baylor's Law School operates on a quarter system, and admits classes in the fall, spring and summer quarters.

36. Baylor uses "two primary quantitative indicators" in its Law School admissions process,²¹ the candidate's UGPA and LSAT score.

37. Until recently, Baylor bundled these two primary quantitative indicators into a "Baylor Index," much like the "Texas Index" contained in the *Hopwood 1998* record.

38. Baylor now uses each quantitative indicator independently in its admissions process.

39. Based on knowledge and belief, much like the University of Texas Law School's admissions process as discussed in *Hopwood 1998*, Baylor's Law School divides candidates into three groups, presumptive admit, presumptive deny and discretionary

zone. Upon review of the individual files, applicants can be downgraded from the presumptive admit group or upgraded from presumptive deny.

40. Based on Baylor Law School's report to the American Bar Association ("ABA"),²² the Law School's presumptive admit line for fall 2010 appears to be those candidates with UGPA at or above 3.50 *and* LSAT score at or above 165. From this group of one hundred forty-six (146) candidates, one hundred forty-three (143), or 98%, received offers of admission.

41. Based on that same report, the presumptive deny line for 2010 appears to be those candidates with UGPA below 3.25 *or* LSAT score below 160. From this group of two thousand two hundred seventy (2,270) applicants, only seven (7), or less than one half of one percent, were offered admission.

42. Fifty-eight percent (58%) of those in the apparent discretionary zone were offered admission.

43. The Law School admitted three (3) of thirty-three (33), or 9 percent (9%) of those candidates with no reportable UGPA.

44. Plaintiff's UGPA placed his candidacy in the presumptive deny category.

Grade Inflation Is, and Has Been, Rampant

45. Substantial and pervasive grade inflation, "a rise in the average grade assigned to students; *especially* the assigning of grades higher than previously assigned for given levels of achievement,"²³ has been the norm in virtually all U.S. undergraduate institutions even before Plaintiff's UGPA was set in stone in 1979, and has continued unabated since. It has been the norm at A&M as well. This has been communicated to Defendants by Plaintiff, citing a variety of authorities:

- A study of grading trends at eighty (80) major universities, including A&M and the flagship State and/or Land Grant universities of Texas, States throughout the South, up the Eastern Seaboard, across the Midwest and on the West Coast, as well as such private institutions as Harvard, Northwestern, Duke, Cornell and Wake Forest, found grades inflating at an average rate of 0.14 points per decade.²⁴
- The same study showed A&M's grades increased at a rate of 0.135 points per decade from 1985-2004.
- A 2010 graduate of A&M's Mays Business School posting a 3.6 UGPA would place at the 80th percentile of his or her class,²⁵ a virtually identical ranking to Plaintiff's 79th percentile with a 3.2 UGPA – while a 3.2 UGPA, were it earned at A&M's Mays Business School in 2010, would place that student in the bottom half of his or her class.²⁶

46. As early as 1978, immediately before Plaintiff's graduation from A&M, the Court for the Western District of Pennsylvania recognized that grades had little probative value when comparing "individuals who are not members of the same academic generation" because "[t]he Court would have to discount the grades of more recent graduates due to the documented phenomenon of grade inflation." *Lombard v. School Dist. of the City of Erie, Pa.*, 463 F. Supp. 566 at 572 (W.D. Pa. 1978) ("*Lombard*")

47. Grade inflation has spawned policy changes at Princeton²⁷ and been bemoaned by the President of Harvard.²⁸

48. The A&M Committee responsible for nominating candidates for the Joseph Milton Nance Presidential Scholarship, discussed hereinafter, brought the matter to the

attention of the Law School relative to Plaintiff's application for said scholarship, finding Plaintiff's grade inflation argument "compelling."²⁹

49. In short, the issue of grade inflation is so well documented, and so universally accepted in all areas of society – our courts, academia, the media and the general public – as to qualify as undisputed fact.

50. Defendants do not disagree, but assert that adjustments are made "for persons like [Plaintiff] whose grades may be somewhat lower than they would be if he were a current student," during the individualized review of wait listed files;³⁰ and also explicitly "do not deny that grade inflation exists."³¹ Defendants assert that they were unable to make adjustments in Plaintiff's case (at least for 2010), because no waitlisted applicants were ultimately accepted;³⁰ however, but for the age related bias in Defendants' admissions process, Plaintiff would have been admitted as a regular, not waitlisted, decision.

51. Although Defendants do not dispute Plaintiff's assertions of grade inflation, they manage to assert with a straight face that the UGPA, clearly biased with respect to age, is somehow useful in conducting the admissions and scholarship award process "in a fair and equitable manner,"³² when faced with the task of evaluating and ranking competing candidates who are not members of the same academic generation.

52. Plaintiff's focus herein on grading trends at A&M in particular is important for several reasons: the data from A&M are readily available to any interested party due to the operation of Texas Government Code, Chapter 552, the Texas Open Records Act; Plaintiff graduated from A&M, so the trend at A&M is particularly illustrative of the problem in this case; A&M's grading trends closely track the national averages (0.135 points per decade at A&M versus 0.14 points per decade nationally); and, in the financial

aid controversy, the only relevant grade inflation is that which occurred at A&M, because only A&M graduates are eligible for the scholarship.

UGPA Biased With Respect To Age

53. Grade inflation, by the operation of its defining characteristics, renders the UGPA, which masquerades as one uniform and facially neutral standard, actually a series of disparate standards when earned by members of different academic generations.

54. The concept of grade inflation is not radically different than that of currency inflation. Just as a value expressed “in 1979 Dollars” is different than the value expressed by the same number of “today’s Dollars,” so, too, the UGPA earned in 1979 expresses a different level of academic performance than the same UGPA value earned today.

55. Of those individuals who acquire an undergraduate degree, approximately seventy percent (70%) do so at age 22 or 23, over ninety percent (90%) between their 21st and 25th birthdays, and less than two percent (2%) after the age of 30.³³

56. The UGPA becomes an immutable characteristic of each graduate; the collective level of UGPAs awarded at any given level of academic performance, therefore, becomes an immutable characteristic of each age group.

57. It is axiomatic that grade inflation renders the UGPA a series of disparate standards, biased with respect to age.

58. The UGPA, as used by Defendants, are standards within the meaning of the Regulations.

59. Defendants' practice of using these standards in order to qualify or disqualify candidates for admissions and scholarship assistance is a policy, a rule, or a method of administration within the meaning of the Regulations.

60. Defendant(s), through its, his, her or their use of the UGPA when the candidate pool, as in this case, comprises applicants of substantially dissimilar ages, take(s) actions that have the effect, on the basis of age, of (1) excluding individuals from, denying them the benefits of, or subjecting them to discrimination under a program or activity receiving Federal financial assistance and/or (2) denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

Alternative, Non-Discriminatory, Evaluation Methods Available

61. Baylor asserts that "there is no practical solution to account for grade inflation on a systematic basis, even if it is calculable."³⁴ This statement does not comport with reason. Several solutions have been suggested to Defendants. For instance, a time adjustment could be made based on the documented rate of grade inflation across the spectrum of U.S. institutions; a time adjustment could be made based on the rate of grade inflation at the candidate's undergraduate institution, or the candidate's particular college within the institution. A time adjustment is the approach suggested in *Lombard*.

62. The statement also is not consistent with the judgment of this Court, which, when finding the UGPA merely "unreliable" to a "certain degree," on bases other than the discriminatory aspect complained of herein, had no trouble shifting its focus from the nominal UGPA of the candidates to consideration of each candidate's relative class rank and the relative strength of their respective undergraduate institutions. *Hopwood 1998* at 893, 894.

63. Relative class rank has been suggested to Defendants as an alternative standard free from age related bias.

64. Any of these measures would render Plaintiff's 3.2 UGPA earned in 1979 generally comparable to a 3.6 UGPA earned today, or alternatively, solidly within the range of current UGPAs between 3.50 and 3.749, as shown by the following:

- applying systemic grade inflation factor over 3 decades [$3.2 + (0.14 \times 3) = 3.62$]
- applying A&M grade inflation factor [$3.2 + (0.135 \times 3) = 3.605$]
- applying Mays Business School comparable class rank
- comparing Plaintiff's class rank (79th percentile) with the class rank of spring 2010 graduates earning UGPAs of 3.50 to 3.749 from Plaintiff's alma mater, where a graduate with a 3.50 UGPA would place at the 72nd percentile, while a 3.75 would place a graduate at the 88th percentile³⁵

- comparing Plaintiff's class rank with the class rankings of spring 2010 graduates in the 3.50 – 3.749 UGPA range at any number of competitive universities from across the nation. Plaintiff's class rank would be within this range at Colorado State, Texas Tech, UCLA, University of Michigan and the University of North Carolina, as examples.³⁵

65. As reported to the A.B.A., Baylor admitted, to its fall 2010 Law School class, each and every candidate within that UGPA range whose LSAT score was between 165 and 169 (Plaintiff's is 169).²²

66. Any of these methods would remove Plaintiff's candidacy from the presumptive deny category and place it within the presumptive admit category in the admissions process.

67. As an observation, Defendants somehow manage to evaluate the academic performance of, and grant admission to, candidates with no reportable UGPA at all.²²

Joseph Milton Nance Presidential Scholarship

68. The Law School annually awards, or until 2011 awarded, a full tuition merit scholarship known as the Joseph Milton Nance Presidential Scholarship (“Nance”) to a maximum of three qualified individuals.

69. This scholarship is “the highest level scholarship available”³⁶ at the Law School.

70. There are four main areas of qualification – the successful candidate(s) must (1) earn a bachelor’s degree from A&M, completing a substantial portion of his or her degree requirements at A&M, (2) have the required UGPA/LSAT qualifications, (3) be nominated by A&M’s Office of Professional School Advising Committee, and (4) be admitted to the following fall quarter entering class of Baylor Law School.

71. For the Nance awards prior to 2010, the UGPA/LSAT qualifications were stated with respect to the Baylor Index. The required index value prior to 2005 was 196, and from 2005 to 2009, 200.

72. The merit qualifications were stated with respect to the Baylor Index for as long as anyone seems to remember, and documentation of this fact is available from 1996, forward.

73. Plaintiff knew that his UGPA, unlike those of the competing candidates, did not benefit from the grade inflation over the past three decades. He therefore determined to score higher on the LSAT than would be required of those candidates not similarly disadvantaged, and thereby overcome the bias inherent in the Baylor Index.

74. Plaintiff did score high enough on the LSAT to qualify for the Nance award under this published and long-established criterion, earning a Baylor Index of 201.

75. Plaintiff met the requirement that he be a graduate of A&M, having graduated in 1979.

76. Plaintiff was the only candidate meeting those qualifications for 2010; however, three much younger candidates from A&M had received offers of admission from the Law school, having Baylor Index values of 199.6, 197.2 and 196.9.³⁷

77. On February 15, 2010, or at some prior time, the Law School's Scholarship Committee, or one or more members thereof, decided to abandon the Baylor Index entirely in favor of separate qualifying standards for the UGPA and LSAT score.

78. Defendant David Swenson testified before Defendant Baylor's Civil Rights Committee that there was no official record of this action by the Scholarship Committee.³¹

79. Defendant David Swenson testified before the Civil Rights Committee that he could find no record at all of the decision prior to its communication to the A&M nominating committee on or about February 15, 2010, though he had made a search for such record.³¹

80. Prior to the earliest date of any record of this decision, Defendants knew the credentials of the applicant pool, knew that Plaintiff was the only qualified applicant under the existing qualifying criteria and knew that there were three other, much younger, potential applicants who, though not qualifying under the existing and long-established terms, had been offered admission to the Law School.

81. The UGPA requirement was set at 3.4 and the LSAT requirement at 162.

82. The new requirements effectively lowered the required Baylor Index to 196, from 200.

83. Defendants assert that the new requirements were set at those levels because of Defendants' belief that "it is fair to expect recipients to be at or above the median for each of the two primary quantitative indicators used in the Law School admission process."³⁸

84. This assertion is false. The median UGPA for the fall entering class at Baylor Law School has not been below 3.65 since at least 2004, save 2007, when it was 3.58. Further, since the earliest known record of the decision to change the qualifying criteria is February 2010, the Law School was already substantially in possession of the credentials of those who would make up the fall 2010 class, a class which ultimately boasted a median UGPA of 3.73.

85. None of the potential candidates for the Nance scholarship, those graduating from A&M, had UGPAs at or above the median for *any* fall entering class since at least 2004.

86. The new qualifications were tailored specifically to accommodate the aforementioned younger candidates.

87. The UGPA requirement was set at 3.4 to accommodate the younger candidates' UGPAs of 3.56, 3.52, and 3.49.³⁷

88. The LSAT requirement was set at 162 to accommodate the younger candidates' LSAT scores of 164, 162, and 162.³⁷

90. The qualifications were changed, and the new qualifications set at levels to accommodate the younger candidates' inability to meet the formidable 200 Baylor Index

requirement, and to fatally injure Plaintiff's candidacy, the only one which had been able to meet the former standard.

91. The younger candidates graduated from A&M in 2010, 2003, and 2010.³⁷

92. Plaintiff first learned of these candidates' credentials in May, 2011 through a Texas Open Records request to A&M.³⁹

93. But for this change, none of the favored candidates would have been eligible for the scholarship that they were ultimately awarded, and which two accepted.

94. The new qualifications were tailored specifically to exclude Plaintiff through the use of his 1979 UGPA of 3.2, which did not benefit from the grade inflation enjoyed by the younger candidates, though his LSAT score of 169 far surpassed those of the younger candidates and his Baylor Index was the highest of any potential applicant.

95. But for this change, including tailoring the new qualifications to suit their aims, Defendants would not have been able to discriminate against Plaintiff to a degree sufficient to disqualify his Nance candidacy, nor would they have been able to discriminate in favor of the younger candidates to a degree sufficient to qualify their candidacies.

96. On or about February 17, 2010, the Admissions Committee, or one or more members thereof, placed Plaintiff's application on the waiting list.

97. Applications for the Nance were due to A&M's Office of Professional School Advising on March 4, 2010, with A&M's recommendations for the scholarship due shortly thereafter.

98. The nominating committee at A&M requested leave of one or more Defendants to nominate Plaintiff for the Nance scholarship, noting that Plaintiff was “a favorite of the Committee,” and finding Plaintiff’s argument concerning the UGPA bias “compelling.”²⁹

99. One or more Defendants denied the committee’s request, but did allow the committee to name Plaintiff as an alternate.⁴⁰

100. One of the three favored candidates, in fact, did not attend Baylor Law School, leaving Plaintiff eligible for the award, but only if he were admitted to the fall quarter, 2010 class.⁴¹

101. On or about August 23, 2010, Defendant Baylor commenced the fall quarter of its Law School without admitting Plaintiff, thus closing the door on his Nance candidacy for 2010.

102. A&M’s committee, without Plaintiff’s knowledge, continued to urge Defendant(s) to award a substantial part (8 quarters rather than 9) of the Nance scholarship to Plaintiff, should he accept Defendants’ offer of admission to the class commencing in the spring quarter of 2011.⁴² Plaintiff first learned of these efforts August 2, 2011, through A&M’s response to his Open Records request.

103. Based on knowledge and belief, defendants did not respond to this request of A&M’s committee.

104. The Scholarship Committee, or one or more members thereof, then “doubled down” on the use of the disparate standards as one of two primary quantitative qualifiers for the Nance. They raised, for 2011, the minimum to 3.6, then again, to 3.7 for the 2012 fall quarter class, compounding the injury to older candidates. Remarkably, Defendants

did not mandate any corresponding increase to the non-discriminatory LSAT score requirement.

105. The value of the Nance scholarship is approximately one hundred thirty-seven thousand, four hundred four dollars and 17/100 (\$137,404.17), or nine times the total quarterly estimate of tuition and fees posted on Baylor's website.

Defendants Judged Plaintiff Fit Candidate

106. In spite of the disparate standard applied to Plaintiff's application *vis-à-vis* the standard applied to younger applicants' applications, Plaintiff's application was strong enough – despite the unequal footing on which he was required to compete – to demonstrate his fitness for law school, and specifically for Defendants' Law School's fall entering class. The Law School's Admissions Committee, or one or more members thereof, found this to be true on at least three separate occasions: (1) on or about February 17, 2010 Defendants placed Plaintiff on the waiting list, citing "an unexpectedly high applicant pool," expressing such sentiment as, "[i]f this had not happened we would offer you admission right now to our fall entering class," and offering plaintiff admission to the quarters commencing in the summer of 2010 or spring of 2011; (2) on or about March 3, 2011 Defendants again placed Plaintiff on the waiting list for the fall 2011 quarter, again citing a shortage of seats and expressing such sentiment as, "[w]e want you at Baylor," and offering Plaintiff admission to the spring 2012 class; and (3) on or about March 31, 2012 Defendants again placed Plaintiff on the waiting list where Plaintiff's application remains to this day.⁴³

107. Ultimately, the unequal footing on which Plaintiff was required to compete doomed his candidacy due to the unexpectedly high number of applicants not similarly disadvantaged.

“But for”

108. Had Plaintiff’s application been placed on an equal footing, through the use of a non-discriminatory standard instead of the disparate standards used in comparing it with those of the younger candidates, Plaintiff’s application, undoubtedly, would have been placed in the presumptive admit category; Plaintiff, undoubtedly, would have been offered admission to the fall 2010 entering law school class; and Plaintiff, undoubtedly, would have been offered the Nance Scholarship.

Classes Separate, but Not Equal

109. Defendants noted that Plaintiff was only denied admission to those classes entering in the fall quarter, but was offered admission to classes entering in other quarters, and attempt an updated “separate but equal” argument.⁴⁴ The courts have, however, for more than half a century consistently ruled that separate is not ever equal, even if the tangible factors may be equal. Inherent inequality has been found due to “specific benefits enjoyed,” “those qualities which are incapable of objective measurement,” “intangible considerations,” or “feelings of inferiority” due to the separation. *Brown v Board of Education*, 347 U.S. 483 (1954) (“*Brown*”); *Sweatt v Painter*, 339 U.S. 629 (1950) (“*Sweatt*”); *McLaurin v Oklahoma State Regents* 39 U.S. 637 (1950) (“*McLaurin*”).

110. Defendants do not believe that the classes are equal, but rather expect the fall entering classes to represent the most competitive of the three available classes each year. They evidence this in a variety of ways.

111. Defendants, following the sentence wherein they assert that Plaintiff's "negative attitude toward the spring entering class is completely inappropriate," note that "the quantitative credentials of the [spring] entering students are slightly lower [than those entering in the fall]." ⁴⁴

112. Defendants routinely offer, or during 2010 and 2011 offered, wait-listed fall candidates admission to spring or summer entering classes. ⁴³

113. Defendants reserve, or during 2010 and 2011 reserved, the highest level scholarships available for award to students entering in the fall quarter. Disparate access to scholarship funds was specifically cited in *Sweatt* (at 633) as indicating inequality.

Defendants Are, and Have Been, Fully Aware Of the Problem

114. Defendants, collectively and individually, are aware of the problem.

115. Defendants, collectively and individually, are educators; the problem of grade inflation has been the subject of discussion in the academic community for years. Defendants knew, or should have known, the effect that grade inflation would have when comparing UGPAs earned in different eras.

116. One or more Defendants are attorneys; Defendant attorneys realized, or should have realized that this effect constituted age discrimination under the Act and Regulations.

117. One or more Defendants knew, or should have known, that Plaintiff's class rank, evidence of which was contained in his application, indicated that his UGPA was not a

valid standard for comparing his candidacy with the candidacies of the younger applicants.

118. One or more Defendants was (were) alerted by communication from A&M that, not only did a bias problem exist, but that A&M had evaluated Plaintiff's argument and found it compelling.

119. Defendant Baylor was alerted through face-to-face meetings with Plaintiff, through Plaintiff's complaints in writing, through a Civil Rights Committee hearing and through communications from A&M.

120. Defendant members of the Scholarship Committee were alerted through Plaintiff's protest in writing addressed to the Scholarship Committee.

121. Defendant members of the Admissions Committee were alerted, or should have been alerted, through Plaintiff's request that his letter to the Scholarship Committee be included in his Admissions file.

122. Defendant Davis was made aware by handling Plaintiff's BU-PP 028 complaint.

123. Defendant Swenson was made aware through discharging his responsibilities as Chair of the Admissions Committee and Chair of the Scholarship Committee, and by his preparation for, and participation in, the Civil Rights Hearing conducted pursuant to Plaintiff's BU-PP 028 complaint.

124. Defendant Starr has been made aware through Plaintiff's appeal of the decision rendered by Defendant Davis.

Defendants Are Aware Of Duty Owed Under the Act

125. One or more Defendants is (are) required by 34 C.F.R Part 110.23 to sign a written assurance that the program or activity will be operated in compliance with the Regulations.

126. Defendants, collectively and individually, have been reminded by Plaintiff of their, its, his or her duty to ensure that the program is in compliance with the Act and to take steps to eliminate violations of the Act.

Discriminatory Actions Intentional and Taken Knowingly

127. Defendants offered admission, for fall 2010, to every candidate, except Plaintiff, with LSAT scores and documented academic performance similar to Plaintiff, while possessing knowledge of the inherent bias in the disparate standards Defendants used to disqualify Plaintiff. Based on reasonable belief, all, or the overwhelming majority, of the admitted candidates are younger than Plaintiff.

128. Defendants offered admission to scores of candidates with inferior LSAT scores and documented academic performance, while possessing knowledge of the inherent bias in the disparate standards Defendants used to disqualify Plaintiff. Based on reasonable belief, all, or the overwhelming majority, of these admitted candidates are younger than Plaintiff.

129. One or more Defendants changed the qualifying criteria for Nance consideration with full knowledge of the fact that the change would disqualify Plaintiff and suddenly qualify three previously unqualified candidates. This action was taken while Defendant(s) was (were) in possession of the relative ages of the candidates.

Retaliatory Action

130. Plaintiff filed his complaint against Defendants with the U.S. Department of Education October 27, 2011.

131. On or about that same day, Plaintiff provided Defendant Baylor's Office of General Counsel with a courtesy copy of said complaint.

132. At some later date, Defendants admitted its Law School class for fall 2012 entrance.

133. Plaintiff's application was active at the time Defendants admitted the class, and Plaintiff's application was placed on the wait list for this class.

134. On or about April 3, 2012, Defendants sent to each member of the admitted class, as an attachment to an e-mail, a spreadsheet containing, among other things, the credentials of each and every admitted member of that class, approximately four hundred forty-two (442) students.

135. The Law School Admission Council ("LSAC") has, over the last half century, commissioned studies to support the value of its LSAT as a predictive indicator of success in law school. These studies consistently show that a combination of the LSAT and UGPA (such as the Baylor Index) provides better prediction than either the LSAT or UGPA alone. They further show that the LSAT alone is a better predictor than the UGPA alone.⁴⁵

136. Based on the information sent out by Defendants, and available on the internet,⁴⁶ one or more Defendants retaliated against Plaintiff by denying him admission to the Fall 2012 class, while admitting those with markedly inferior credentials.

138. Judged with respect to the best indicator of academic success, a combination approach such as the Baylor Index, Plaintiff's credentials are equal or superior to three hundred two (302), or sixty-eight percent (68%) of the admitted class.

139. Judged with respect to the second best indicator, Plaintiff's LSAT score is equal to or superior to four hundred nine (409), or ninety-seven percent (97%) of the admitted class.

140. The UGPA, used alone, is "typically . . . a fairly poor predictor of academic achievement in law school."⁴⁷ Laying that aside, for the moment, as well as the main thrust of Plaintiff's complaint herein – and assuming *arguendo* that the UGPA is a facially neutral standard – the data show Plaintiff's UGPA to be superior to eighty-six (86) admitted candidates, or more than twenty percent (20%) of the admitted class.

141. The inescapable conclusion is that Defendants, in retaliation for Plaintiff's complaint, admitted scores, even hundreds, of candidates with inferior credentials while retaining Plaintiff's application on the wait list.

V. CAUSES OF ACTION

142. Plaintiff is entitled to be free from subjection to any action by a recipient of Federal financial assistance which, on the basis of age, (1) excludes Plaintiff from participation in, denies Plaintiff the benefits of, or subjects Plaintiff to discrimination under any of a recipient's programs or activities, or (2) denies or limits Plaintiff in his opportunity to participate in any program or activity receiving Federal financial assistance (the Act and Regulations). The Regulations define an action to include a policy, rule, standard or method of administration, or the use of same, 34 C.F.R. Part

110.3. Each recipient is charged with the duty to ensure that its program is in compliance with the Act and to take steps to eliminate violations of the Act, 34 C.F.R. Part 110.20.

143. Plaintiff is entitled to be free from retaliation by a recipient due to Plaintiff's attempt to assert a right protected by the Act or Regulations, 34 C.F.R. Part 110.34.

144. Baylor and its Law School are recipients of Federal financial assistance.

145. Plaintiff is a member of the class protected by the Act and Regulations, being at all relevant times over the age of fifty (50) and substantially older than the vast majority of other candidates.

146. Plaintiff's application was active for the 2010 and 2011 fall entering class, and Defendants judged Plaintiff to be qualified for admission to each of these classes. Further, but for the use of disparate standards, Plaintiff would have been admitted to either of these classes.

147. Plaintiff's application was active for each Nance Scholarship award during this period, and was judged qualified by the nominating committee at Texas A&M, in spite of the fact that one or more Defendants acted to change the qualifying criteria in order to disqualify Plaintiff. Further, but for the use of disparate standards, Plaintiff was qualified, and the applicant most qualified (at least for 2010), under the new criteria for the awards.

148. Despite Plaintiff's qualifications, he was treated differently than other, less qualified applicants through the application of disparate standards, and was thereby denied entrance to both classes, and denied access to merit based scholarship funds.

A. COUNT ONE – Preventing Plaintiff from “Competing on an Equal Footing”

149. This Court recognized in *Hopwood 1998*, at 883, as well as in its prior *Hopwood* decision, the “intangible injury resulting from [discriminatory action] which prevents a plaintiff from ‘competing on an equal footing’ with other applicants.” As the Court noted, all similarly disadvantaged candidates, whether or not admitted and whether or not afforded access to financial assistance scholarships, suffer that type of injury. Plaintiff requests that the Court, as in *Hopwood 1998*, “not ignore the gravity of the noneconomic injury to persons denied equal treatment,” and award Plaintiff such actual, nominal, exemplary and/or punitive damages to which he may be entitled.

B. COUNT TWO – Exclusion from participation in Baylor’s 2010 fall Law School class.

150. Defendants’ actions constituted age related discrimination in violation of the Act and the Regulations.

151. Defendants discriminated against Plaintiff by and through the application of disparate standards which are biased with respect to age.

152. But for Defendants’ application of these disparate standards, Plaintiff would clearly have been offered admission to the class and would have secured his participation in the class.

153. Plaintiff requests that the Court order him admitted to the first fall entering class of Baylor’s Law School which commences subsequent to adjudication of this case.

C. COUNT THREE – Denial of Benefit of Scholarship Assistance – 2010

154. Defendants' actions in Count Two also denied Plaintiff the benefit of scholarship assistance – specifically the Nance scholarship – for 2010.

155. But for Defendants' actions, Plaintiff would have been admitted to the fall 2010 entering class and would have been awarded, as second alternate, the Nance scholarship.

156. Plaintiff's injury-in-fact under Count Three is approximately one hundred thirty-seven thousand, four hundred four dollars and 17/100 (\$137,404.17).

157. Plaintiff requests that the Court declare him a Joseph Milton Nance Presidential Scholar and award him the attendant financial assistance.

D. COUNT FOUR – Denial of Benefit of Scholarship Assistance – 2010

158. Defendants' actions constituted age related discrimination in violation of the Act and the Regulations.

159. Defendants discriminated against Plaintiff by and through the application of disparate standards which are biased with respect to age.

160. But for Defendants' application of these disparate standards, Plaintiff would have been awarded the Nance Scholarship - not as second alternate, but as the top ranked candidate in terms of academic performance as well as the top ranked candidate in terms of LSAT score.

161. Plaintiff's injury-in-fact under Count Three is approximately one hundred thirty-seven thousand, four hundred four dollars and 17/100 (\$137,404.17).

162. Plaintiff requests that the Court declare him a Joseph Milton Nance Presidential Scholar and award him the attendant financial assistance.

COUNT FIVE – Intentional Denial of Benefit of Scholarship Assistance – 2010

163. Defendants intentionally changed the rules for qualification for the Nance scholarship after receipt of Plaintiff's, and other potential candidates', applications for admission.

164. Defendants intentionally tailored the new qualifications to disqualify Plaintiff who, but for the change, would have been the only qualified applicant; and simultaneously to qualify three, much younger, candidates who, but for the change, would have been unqualified even to be considered for the scholarship.

165. Defendants intentionally discriminated against Plaintiff by increasing the weight accorded the age-biased disparate standards complained of herein to the injury of Plaintiff.

166. But for Defendants' actions, Plaintiff would have been awarded the Nance scholarship – not simply as the top ranked, but as the only qualified candidate.

167. Plaintiff's injury-in-fact under Count Three is approximately one hundred thirty-seven thousand, four hundred four dollars and 17/100 (\$137,404.17).

168. Plaintiff requests that the Court declare him a Joseph Milton Nance Presidential Scholar and award him the attendant financial assistance.

169. Due to the intentional infliction of injury by Defendants, Plaintiff pleads for exemplary and/or punitive damages in an amount the Court finds right and just.

COUNT SIX - Exclusion from participation in Baylor's 2011 fall Law School class.

170. Defendants' actions constituted age related discrimination in violation of the Act and the Regulations.

171. Defendants discriminated against Plaintiff by and through the application of disparate standards which are biased with respect to age.

172. But for Defendants' application of these disparate standards, Plaintiff would have been offered admission to the class and would have secured his participation in the class.

173. Plaintiff requests that the Court order him admitted to the first fall entering class of Baylor's Law School which commences subsequent to adjudication of this case.

COUNT SEVEN – Denial of Benefit of Scholarship Assistance – 2011

174. Defendants' actions constituted age related discrimination in violation of the Act and the Regulations.

175. Defendants discriminated against Plaintiff by and through the application of disparate standards which are biased with respect to age.

176. But for Defendants' actions, Plaintiff would have been awarded the Nance Scholarship.

177. Plaintiff's injury-in-fact under Count Three is approximately one hundred thirty-seven thousand, four hundred four dollars and 17/100 (\$137,404.17).

178. Plaintiff requests that the Court declare him a Joseph Milton Nance Presidential Scholar and award him the attendant financial assistance.

COUNT EIGHT – Retaliation against Plaintiff for His Attempt to Assert a Right Under the Act and Regulations

179. Defendants' actions constituted retaliation against Plaintiff for his attempt to assert a right protected by the Act or Regulations.

180. Defendants' actions were outrageous and intentional.

181. Plaintiff requests that the Court award him such nominal and actual damages to which he may be entitled, together with such punitive and/or exemplary damages as the Court may find sufficient to deter similar future actions against Plaintiff or others attempting to assert a right against Defendants.

182. Plaintiff further requests that the Court enjoin Defendants from further retaliation while Plaintiff studies at Defendants' Law School.

COUNT NINE - Willful Disregard for Duty Imposed by Federal Statute

183. In *Hopwood v State of Texas*, 861 F. Supp. 551 (W.D.Tex. 1994) ("*Hopwood 1994*"), the Court (at 582) noted that the University of Texas Law School had "substantially modified its admissions procedure," and the Court therefore declined to enter a permanent injunction. The appellate Court agreed, confident that the conscientious administration at the school would not require an injunction.

184. Defendants here have shown no such proclivity toward fair dealings; no good faith efforts to comply with the law have been evidenced. Defendants, collectively and individually, display a continuing and total disregard for their (its, his or her) duty under the Act and Regulations.

185. Defendants here apply disparate standards which are biased with respect to age. Defendants have applied these standards in the past; apply them today even in the face of controversy and even while acknowledging the bias; retaliate against those challenging the practice; and will, absent restraint by this Court continue to apply these standards to the injury of older candidates.

186. Plaintiff accordingly requests that the Court declare the UGPA a series of disparate standards, biased with respect to age, and unlawful for use when the candidate

pool comprises applicants from different academic generations. Plaintiff further requests that the Court enjoin Defendants from the use of the UGPA in these situations.

VI. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that:

- A. This matter be set for hearing;
- B. Upon final hearing, judgment be entered for Plaintiff;
- C. That the Court order Plaintiff admitted to the next fall entering class of Baylor's Law School commencing after adjudication of this Action;
- D. That the Court declare Plaintiff a Joseph Milton Nance Presidential Scholar;
- E. That the Court award Plaintiff the full tuition waiver attendant his designation as a Joseph Milton Nance Presidential Scholar;
- F. That the Court award Plaintiff exemplary and/or punitive damages in light of Defendants' discriminatory and retaliatory actions;
- G. That the Court declare the UGPA a series of disparate standards, unlawful for use when the candidate pool comprises applicants from different academic generations;
- H. That the Court enjoin Defendants from use of the UGPA when the candidate pool comprises applicants from different academic generations;
- I. That the Court enjoin Defendants from further retaliation against Plaintiff;

- J. That Plaintiff recover his costs of Court;
- K. That Plaintiff recover his reasonable attorney fees (to the extent incurred);
- L. That Plaintiff recover such other relief for actual, nominal, exemplary and/or punitive damages as this Court may find Plaintiff justly entitled.

Respectfully submitted,

BY: 

C. Michael Kamps, Plaintiff *pro se*

Telephone (214) 478-1180

Facsimile (972) 692-5857

kamps@heritagefunding.com

214 Glenn Avenue

Rockwall, Texas 75087

¹ Affidavit of C. Michael Kamps, attached hereto as EXHIBIT A (at paragraph 2)

² Baylor website at <http://www.baylor.edu/nursing/index.php?id=27541>

³ Baylor website at <http://www.baylor.edu/business/demba/index.php?id=86786>

⁴ Baylor website at <http://www.baylor.edu/business/awemba/index.php?id=87702>

⁵ 2012 Preliminary Value as appraised by the Travis Central Appraisal District,

<http://www.traviscad.org/travisdetail.php?theKey=194479>

⁶ E-mail from Doug Welch, Assistant General Counsel Baylor University, Attached as
Exhibit B

⁷ <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

⁸ Letter from US Department of Education, Office for Civil Rights, Attached as Exhibit C

⁹ US Postal Service proof of mailing and receipt, attached as Exhibit D

¹⁰ Plaintiff's Law School Report prepared by the LSAC, redacted in accordance with
Rule 5.2 and attached as Exhibit E

¹¹ Letter from the Office of Admissions and Records, Registrar, Texas A&M, attached as
EXHIBIT F

¹² Texas CPA License 26683, initially issued November 1981, reinstated March, 2011.

¹³ Nationwide Mortgage Licensing System & Registry License 204466, transferred from
Texas Mortgage Broker License MB2181, initially issued September 1999.

¹⁴ Affidavit of C Michael Kamps, Attached hereto as EXHIBIT A (at paragraph 7)

¹⁵ Ibid. (at paragraph 9,10)

¹⁶ Ibid. (at paragraph 11)

¹⁷ Ibid. (at paragraph 12)

¹⁸ C Michael Kamps letter to Baylor Law School's Scholarship Committee, attached

hereto as EXHIBIT G

¹⁹ C Michael Kamps e-mail to Suzy Daniel, attached hereto as EXHIBIT H

²⁰ C Michael Kamps letter to Elizabeth Davis to formalize BU-PP 028 complaint,
attached as EXHIBIT I.

²¹ Memorandum response of Law School to Bruce Evans, Chair, Civil Rights Issues
Resolution Committee, Baylor University, Subject: Charles Michael Kamps'
Complaint, attached hereto as EXHIBIT J. (at paragraph 14)

²² Applicant Profile Grid – Baylor University School of Law, attached hereto as
EXHIBIT K.

²³ "grade inflation." Merriam-Webster.com. 2012. <http://www.merriam-webster.com> (27
February 2012), emphasis in original

²⁴ Stuart Rojstaczer, *Grade Inflation at American Colleges and Universities*, March 10,
2009, <http://www.gradeinflation.com/>

²⁵ E-mail chain between C Michael Kamps and Pam Wiley, Director of Communications
and Public Relations, Mays Business School, Texas A&M University, attached
hereto as EXHIBIT L.

²⁶ <http://admissions.tamu.edu/Registrar/FacultyStaff/Report/>

²⁷ Eric Quiñones, *Princeton achieves marked progress in curbing grade inflaton*,
September 21, 2009,
<http://www.princeton.edu/main/news/archive/S25/35/65G93/>

²⁸ Elisabeth S. Theodore, *Summers Addresses Grade Inflation*, January 18, 2002,
<http://www.thecrimson.harvard.edu/article/2002/1/18/summers-addresses-grade-inflation-grade-inflation/>

²⁹ E-mail from Karen Severn of A&M to Becky Beck-Chollett of the Law School, March
22, 2010, redacted in accordance with Attorney General Open Records Decision
684 and the Family Educational Rights and Privacy Act (FERPA) and attached
hereto as EXHIBIT M.

-
- ³⁰ Memorandum response of Law School to Bruce Evans, Chair, Civil Rights Issues Resolution Committee, Baylor University, Subject: Charles Michael Kamps' Complaint, attached hereto as EXHIBIT J. (at paragraphs 9,10)
- ³¹ Affidavit of C. Michael Kamps, attached hereto as EXHIBIT A. (at paragraph 14)
- ³² Memorandum response of Law School to Bruce Evans, Chair, Civil Rights Issues Resolution Committee, Baylor University, Subject: Charles Michael Kamps' Complaint, attached hereto as EXHIBIT J. (at paragraph 19)
- ³³ Texas A&M's response to Plaintiff's Public Information Request 12-002, attached hereto as EXHIBIT N (at page 2)
- ³⁴ Memorandum response of Law School to Bruce Evans, Chair, Civil Rights Issues Resolution Committee, Baylor University, Subject: Charles Michael Kamps' Complaint, attached hereto as EXHIBIT J. (at Paragraph 8)
- ³⁵ Responses to Plaintiff's information requests from Texas A&M University, Colorado State, Texas Tech, UCLA, the University of Michigan and the University of North Carolina, Attached hereto as EXHIBIT O
- ³⁶ Memorandum response of Law School to Bruce Evans, Chair, Civil Rights Issues Resolution Committee, Baylor University, Subject: Charles Michael Kamps' Complaint, attached hereto as EXHIBIT J. (at paragraph 19)
- ³⁷ Texas A&M's response to Plaintiff's Public Information Request 11-302, attached hereto as EXHIBIT P (at page 2)
- ³⁸ Memorandum response of Law School to Bruce Evans, Chair, Civil Rights Issues Resolution Committee, Baylor University, Subject: Charles Michael Kamps' Complaint, attached hereto as EXHIBIT J. (at paragraph 14)
- ³⁹ Texas A&M's response to Plaintiff's Public Information Request 11-302, attached hereto as EXHIBIT P (at page 1)
- ⁴⁰ E-mail from Karen Severn of Texas A&M to C Michael Kamps, attached hereto as EXHIBIT Q.
- ⁴¹ E-mail from Karen Severn of Texas A&M to Becky Beck-Chollett of Baylor, redacted in accordance with Attorney General Open Records Decision 684 and the Family Educational Rights and Privacy Act (FERPA) and attached hereto as EXHIBIT R.

⁴² E-mail from Becky Beck-Chollett of Baylor to Karen Severn of Texas A&M, redacted in accordance with Attorney General Open Records Decision 684 and the Family Educational Rights and Privacy Act (FERPA) and attached hereto as EXHIBIT S.

⁴³ Decision letters, attached hereto as EXHIBIT T.

⁴⁴ Memorandum response of Law School to Bruce Evans, Chair, Civil Rights Issues Resolution Committee, Baylor University, Subject: Charles Michael Kamps' Complaint, attached hereto as EXHIBIT J. (at paragraph 12)

⁴⁵ Stilwell, L.A., Dalessandro, S. P. & Reese, L. M. (2011). *Predictive Validity of the LSAT: A National Summary of the 2009 and 2010 LSAT Correlation Studies* (LSAT Technical Report 11-02). Newtown, PA: Law School Admission Council. p. 18

⁴⁶ Elie Mystal, *Baylor Law Screw-Up Reveals Personal Data of Entire Admitted Class: Data That We've Got*, April 04, 2012, <http://abovethelaw.com/2012/04/baylor-law-screw-up-reveals-personal-data-of-entire-admitted-class-data-that-weve-got/>

⁴⁷ Stilwell, *et al*, p. 6

3. “This action is brought under 42 U.S.C. 6101 *et seq.* known as the Age Discrimination Act of 1975 and the implementing Regulations found at 34 C.F.R. Part 110, to seek relief from Defendants’ violations of said Act and Regulations which resulted in injury to me.”

4. “I have examined all Exhibits attached to this complaint, and certify that they are true and correct copies of the documents as supplied to me from sources cited, or, if in the nature of charts and graphs, are faithful presentations of the data provided by the sources cited.”

5. “To the extent that any document may be altered, that fact is clearly noted and the reason for the alteration set forth. Examples might be the addition of paragraph numbers where none existed in the original, or highlighting or other indications of emphasis.”

6. “I first applied for admission to Baylor Law School on or about October 30, 2009, for the Law School class commencing in the fall of 2010.”

7. “I was 52 years of age when I first applied to Baylor’s Law School.”

8. “I was aware that my aging undergraduate grade point average (‘UGPA’) might unfairly prejudice my application, due to the effects of grade inflation, so I included a letter from the Texas A&M Registrar verifying my class rank. I also purposed to score high enough on the LSAT to overcome the effects of grade inflation and thus qualify for consideration for the Joseph Milton Nance Presidential Scholarship.”

9. “In February of 2010, I learned that I had been placed on the waiting list for admission, and I learned that the long-established minimum qualification required for consideration for the Joseph Milton Nance Presidential Scholarship had been changed in

EXHIBIT

A

PLAINTIFF’S ORIGINAL COMPLAINT

such a way as to disqualify my candidacy solely due to the age related bias inherent in the UGPA.”

10. “Also in February 2010, I complained about the change to the committee at Texas A&M which was responsible for nominating candidates for the Nance Scholarship.”

11. “In April 2010, I complained to Baylor Law School’s Assistant Dean of Admissions, Becky Beck-Chollett, in a meeting in her office. Dean Beck-Chollett read an e-mail from the committee at Texas A&M, then told me that she would work to get me admitted to the Fall 2010 class and, if she was successful, would “work with me” regarding the Nance Scholarship. I relied on her word in this matter”

12. “When classes began in August, 2010, I requested that my application be re-activated for the Fall 2011 entering class.”

13. “I have also complained about this inequity to Baylor Law School’s Scholarship Committee; requested that my complaint be registered with the Admissions Committee; formalized my complaint under Baylor University’s Policy and Procedure # 028 to the Provost and Executive Vice President, Elizabeth Davis; attended and testified at a hearing before Baylor’s Civil Rights Committee; and appealed the Provost’s decision to Baylor’s President, Kenneth Winston Starr.”

14. “At the hearing before Baylor’s Civil Rights Committee, David Swenson testified that there was no official record of the Scholarship Committee changing the requirements for the Nance Scholarship, that he could find no record at all of the change prior to its communication to Texas A&M in February, 2010 (though he had made a search), and that, ‘we do not deny that grade inflation exists.’”

EXHIBIT

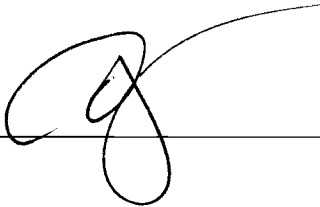
A

PLAINTIFF’S ORIGINAL COMPLAINT

Page 3 of 4

15. "I have not retained counsel, but may be forced to do so during the course of this action."

16. "Further, affiant sayeth not."

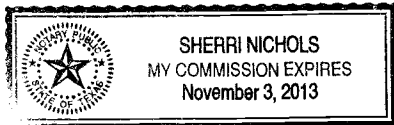


C. Michael Kamps, Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on July 17, 2012, by C. Michael Kamps.



Notary Public, State of Texas



EXHIBIT

A

PLAINTIFF'S ORIGINAL COMPLAINT

Page 4 of 4

Michael Kamps

From: Welch, Doug <Doug_Welch@baylor.edu>
Sent: Tuesday, October 04, 2011 4:33 PM
To: Holmes, Chris; Michael Kamps
Subject: RE: Kamps complaint

Mr. Kamps:

I understand that you called Dr. Karla Leeper yesterday seeking confirmation that all internal appeals processes have been completed, and I am able to so confirm.

As indicated by Mr. Holmes, as you have offered, I would like to receive a courtesy copy of any document you file with the Department of Education.

Thanks

Doug Welch
Assistant General Counsel
Baylor University
213 Pat Neff Hall
One Bear Place, Box 97034
Waco, Texas 76798-7034
Telephone 254.710.3821
Telecopier 254.710.3843
On Campus Direct Dial 1360
Doug_Welch@Baylor.edu

PERSONAL AND CONFIDENTIAL COMMUNICATION:

This message is intended only for the use of the individual or entity to which it is addressed. This message contains information from the Office of General Counsel at Baylor University, which may be privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication in any form is prohibited. If you receive this communication in error, delete it immediately.

From: Holmes, Chris
Sent: Monday, October 03, 2011 11:39 AM
To: Michael Kamps
Cc: Welch, Doug
Subject: RE: Kamps complaint

Michael,

Doug Welch in our office will be your contact in our office from here on. And yes, he would appreciate copies of your filings with the US Dept of Education.

Sincerely,

Chris Holmes

EXHIBIT

B

From: Michael Kamps [kamps@heritagefunding.com]
Sent: Wednesday, September 28, 2011 11:47 PM

To: Holmes, Chris
Subject: Kamps complaint

Dear Mr. Holmes –

As you are no doubt aware, President Starr has made a final decision on behalf of Baylor University regarding my complaint. You will not, I trust, be surprised to learn that I intend to pursue this matter further.

Specifically, I intend to complain to the United States Department of Education with regard to the Law School's age related bias. I also intend to investigate whether the unethical actions taken by the Law School give rise to any cause(s) of action under state law separate and apart from the federal question being presented to the Education Department.

In connection with these issues, it is my sense that I should probably correspond only with you, or your office, with regard to any action against the Law School or the University. Please confirm. Also, please provide me with the proper styling and entity type for the Law School and the University, and official address for service.

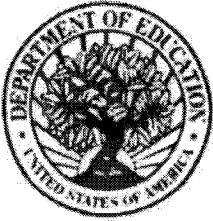
Finally, would it be of any use to your office to have a courtesy copy of the complaint I file with the US Department of Education, or would you prefer to simply wait to hear from them?

Best Regards,

C Michael Kamps
NMLS 204466
TX CPA 026683
214-478-1180
972-692-5857 (fax)
kamps@heritagefunding.com

EXHIBIT

B



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
DALLAS OFFICE

NOV 04 2011

Ref: 06122019

Mr. Charles Kamps
214 Glenn Avenue
Rockwall, TX 75087

Dear Ms. Kamps:

This is to acknowledge that the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, received your complaint on October 27, 2011. We are currently evaluating your complaint to determine if OCR has the authority to investigate your allegation(s).

If OCR has authority to investigate, OCR requires a signed consent form when identification of the complainant is necessary to resolve the complaint. You have already provided us with a signed consent. We have enclosed the document, "OCR Complaint Processing Procedures" to provide you with an overview of our complaint evaluation and resolution process.

You should be contacted by OCR either by letter or telephone, in the near future. However, if you need to contact this office prior to that time, you may do so by calling 214/661-9600 week days between the hours of 8:30 a.m. and 5:00 p.m. Should you call, it would be helpful if you provide the reference number or name noted at the top of this letter. Your call will be referred to the team to which your complaint has been assigned.

Sincerely,

[Signature]
for Vicki Johnson
Program Manager
Dallas Office

Enclosures

EXHIBIT

C

1999 BRYAN ST., SUITE 1620, DALLAS, TX 75201-6810
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

PAGE 1 of 1

[English](#)[Customer Service](#)[USPS Mobile](#)[Register / Sign In](#)[Search USPS.com or Track Packages](#)[Quick Tools](#)[Ship a Package](#)[Send Mail](#)[Manage Your Mail](#)[Shop](#)[Business Solutions](#)

Track & Confirm

[GET EMAIL UPDATES](#)[PRINT DETAILS](#)

YOUR LABEL NUMBER	SERVICE	STATUS OF YOUR ITEM	DATE & TIME	LOCATION	FEATURES
RE521916516US Restore Archived Details	First-Class Mail®	Delivered	May 25, 2012, 9:00 am	WACO, TX 76706	
RE521916520US Restore Archived Details	First-Class Mail®	Delivered	May 25, 2012, 9:00 am	WACO, TX 76706	
RE521916533US Restore Archived Details	First-Class Mail®	Delivered	May 25, 2012, 9:00 am	WACO, TX 76706	
RE521916547US Restore Archived Details	First-Class Mail®	Delivered	May 25, 2012, 9:00 am	WACO, TX 76706	
RE521916555US Restore Archived Details	First-Class Mail®	Delivered	May 29, 2012, 8:15 am	WASHINGTON, DC 20202	
RE521916564US Restore Archived Details	First-Class Mail®	Delivered	June 04, 2012, 8:47 am	WASHINGTON, DC 20201	
RE521916578US Restore Archived Details	First-Class Mail®	Delivered	May 29, 2012, 4:42 am	WASHINGTON, DC 20530	
RE521916581US Restore Archived Details	First-Class Mail®	Delivered	May 25, 2012, 9:00 am	WACO, TX 76706	
RE521916595US Restore Archived Details	First-Class Mail®	Delivered	May 25, 2012, 9:00 am	WACO, TX 76706	
RE521916604US Restore Archived Details	First-Class Mail®	Delivered	May 25, 2012, 9:00 am	WACO, TX 76706	

[GET EMAIL UPDATES](#)[PRINT DETAILS](#)

Check on Another Item

What's your label (or receipt) number?



LEGAL

[Privacy Policy](#) ›
[Terms of Use](#) ›
[FOIA](#) ›
[No FEAR Act EEO Data](#) ›

ON USPS.COM

[Government Services](#) ›
[Buy Stamps & Shop](#) ›
[Print a Label with Postage](#) ›
[Customer Service](#) ›
[Site Index](#) ›

ON ABOUT.USPS.COM

[About USPS Home](#) ›
[Newsroom](#) ›
[Mail Service Updates](#) ›
[Forms & Publications](#) ›
[Careers](#) ›

OTHER USPS SITES

[Business Customer Gateway](#) ›
[Postal Inspectors](#) ›
[Inspector General](#) ›
[Postal Explorer](#) ›

Copyright© 2012 USPS. All Rights Reserved.

EXHIBIT**D****PAGE 1 of 1**

Applicant Name: Kamps, Charles M

LSAC Acct #: L29153447

Law School Report

LSAC

Update Reason:

For: Fall 2010

BACKGROUND	Soc Sec/Soc Ins # [REDACTED] 6491 Completion Date 10/30/09	INSTITUTIONS ATTENDED		DEGREE DATE LEVEL CODE	
	Service Type LSDAS State of Perm. Res. TX	TEXAS A & M UNIVERSITY - COLLEGE		BBA12/79	U 6003
	Birthdate [REDACTED] 1957 Age 52 Sex MALE	UNIVERSITY OF TEXAS - ARLINGTON			U 6013
	Prev. Name Ethnicity CW	UNIVERSITY OF NORTH TEXAS			U 6481
	Undergraduate Major FINANCE	UNIVERSITY OF NORTH TEXAS			G 6481
		EASTFIELD COLLEGE			U 6201
	CODE YEAR NOTES FROM TRANSCRIPT	CODE YEAR NOTES FROM TRANSCRIPT			
	6003 75-76 Advanced Credits				

DEGREE LEVEL	Percentage of LSAT	95 & up	90-94	85-89	80-84	75-79	70-74	65-69	60-64	55-59	50-54	45-49	40-44	35-39	30-34	25-29	20-24	0-19
		6	7	6	7	6	7	6	7	6	6	6	6	4	5	4	5	7
	Percentage Distribution of GPAs	4.00 Up 1	3.80 3.99 6	3.60 3.79 9	3.40 3.59 9	3.20 3.39 14	3.00 3.19 13	2.80 2.99 11	2.60 2.79 13	2.40 2.5 10	2.20 2.39 6	2.00 2.19 5	1.80 1.99 1	1.60 1.79 0	1.59 Down 0			

TRANSCRIPT ANALYSIS	Year	75-76		76-76		76-77		77-77		78-78		78-79		79-79		81-81	
	Education Level	U		U		U		U		U		U		U		G	
	College	TEX CST		EASTFLD		TEX CST		UNOTEX		UTEXARL		TEX CST		TEX CST		UNOTEX	
	College Code	6003		6201		6003		6481		6013		6003		6003		6481	
	LSAT College Mean			INSF				536		521				555			
	Num. Candidates			INSF				150		144				465			
	Semester Hours	29.0		3.0		32.0		3.0		3.0		40.0		17.0			
	GPA	2.66		4.00		3.63		3.00		3.00		3.38		2.88		SEE TRANS	
	Cum. GPA/College	2.66		4.00		3.17		3.00		3.00		3.25		3.20			
	Cum. GPA Percentile Rank			INSF				42%		39%				62%			
	GPA College Mean			INSF				3.10		3.12				3.02			
	Cum. Across GPA	2.66		2.79		3.21		3.20		3.19		3.26		3.21			
	GRADES EARNED TOTAL NUMBER OF SEMESTER HOURS BY GRADE FOR EACH SCHOOL - DATE - PERIOD																
3.50 & Up	A	45.0	3.0	3.0	20.0	0.0	0.0	0.0	18.0	1.0							
2.50 - 3.49	B	66.0	16.0	0.0	12.0	3.0	3.0	19.0	13.0								
1.50 - 2.49	C	13.0	7.0	0.0	0.0	0.0	0.0	3.0	3.0								
0.50 - 1.49	D	3.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0								
0.49 - Down	F	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0								
Unconverted		3.0	3.0	0.0	0.0	0.0	0.0	0.0	0.0								
Total		130.0	32.0	3.0	32.0	3.0	3.0	40.0	17.0								

SUMMARY	LSAT Score Data					Undergraduate Summary			
	Score Band	Score	Percent Rank	Admin. Date	Index	Degree (Summary) GPA		Cumulative GPA	
	166-172	169	97	09-09	201	Semester Hours 118.0		Semester Hours 127.0	
	=====					Nonpunitive "NC", "WF", and "Repeated" Course Credit Hours			
	166-172	169	Average		201	Letters of Recommendation			
						Number of letters included in this report: 0			
						Law School Matriculation			
						Prior law school matriculation or intent to matriculate reported by:			
						Recipients of this report are cautioned to contact the named law school to verify the information reported here.			
						Misconduct or Irregularity Determination			
					NO				
+ No Reportable Score - LSAC Action / No Reportable Data - Data Cancelled - No Reportable Score - Candidate Action - No Reportable Score - Absent or Score Delayed					Score Band Score Bands on this report reflect a 98% level of confidence. 120 130 140 150 160 170 180 Lower=166 Average Score=169 Upper=172				

Charles M Kamps
 214 Glenn Avenue
 Rockwall, TX 75087

BAYLOR UNIVERSITY SCHOOL OF LAW

6032

Report Date: 10/30/2009

EXHIBIT

Prior Application:

Copyright © 1998 by Law School Admission Council, Inc.

E

Charles Michael Kamps

UIN 7578310

OFFICE OF ADMISSIONS AND RECORDS

Registrar



September 7, 2009

To Whom It May Concern:

This is to verify the cumulative GPR and the graduating class rank for Charles Michael Kamps.

Graduating Class Rank: 316 out of 1523

If any information is needed, please contact me at (979) 845-1003.

Sincerely,

A handwritten signature in cursive script that reads "Catherine M. Littleton".

Catherine M. Littleton
Assistant Registrar

P. O. Box 30018
College Station, Texas 77842-3018

Tel. 979.845.1031 Fax. 979.845.4757
admissions.tamu.edu

Charles Michael Kamps

EXHIBIT

F

UIN 7578310

CHARLES MICHAEL KAMPS

February 21, 2011

Baylor Law School
Scholarship Committee
1114 South University Parks Drive
One Bear Place #97288
Waco, Texas 76798

RE: Joseph Milton Nance Presidential Scholarship
Revised Minimum Qualifications

To Each Member of the Scholarship Committee:

I am in the process of applying for the Joseph Milton Nance Presidential Scholarship. I am aware of the minimum qualifications, and of the no exception policy. I am nonetheless requesting an exception – or in the alternative, a revision in the minimum qualifications – based on the inequity inherent in comparing GPAs earned in different eras.

When I set my sights on competing for the Nance Presidential Scholarship, the requirement was for a Baylor Index of 200, such index being calculated as $[(\text{GPA} * 10) + \text{LSAT score}]$. Although aware of my disadvantage, due to the period in which my GPA was established, I did not wish to argue grade inflation with respect to my 1970s era 3.2 cumulative GPA. I simply purposed to post the LSAT score of 168 required to overcome this inequity and qualify for consideration. I, in fact, surpassed the requirement, scoring in the 97th percentile of test takers in the September 2009 administration. Baylor's Scholarship Committee, just days before applications for the Fall 2010 scholarship award were due, changed the requirements, eliminating the Baylor Index and opting instead for minimum requirements for each component. These component requirements, understandably, were developed with reference to today's grading standards, since most applicants are expected to be recent graduates.

With this change, simply overcoming the disadvantage is no longer an option. I am forced to argue that pervasive grade inflation, at Texas A&M as well as nationally, renders the 4.0 GPA scale inherently unreliable when evaluating students who graduate in different decades. Though the nominal scale remains constant, and thus gives the illusion of data comparability, significant and demonstrable differences become evident when it is placed alongside other measures of academic achievement from the respective periods. My argument will be developed through an analysis of the differences in GPA distribution relative to class rank when comparing the May 2010 senior class of the Mays Business School, and actual Mays graduates (Spring 2010), with my December 1979 graduating class. The analysis will be supplemented by reviewing the results obtained from a study of grading trends over time at eighty universities, including Texas A&M, and applying them to my GPA from the 1970s.

EXHIBIT

214 GLENN AVENUE • ROCKWALL, TX • 75087
PHONE: 214-478-1180 • kamps@heritagefunding.com

G

Baylor Law School

- 2 -

February 21, 2011

A GPA of 3.2, were it earned today at Texas A&M, could reasonably lead to questions about my academic fitness for law school; however, mine was earned in the mid to late 1970's. A senior posting a 3.2 GPA in May 2010 (Mays Business School) would be struggling to stay in the top half of the class (Texas A&M University, "Cumulative GPR through Term Spring 2010," and related spreadsheet, attached) – whereas I, posting a seemingly identical GPA, was knocking on the door of the top quintile (Letter from Texas A&M Registrar, attached). From a different, but related perspective, a Spring 2010 graduate boasting a 3.6 would place in the 80th percentile of his or her class (e-mail chain from Pam Wiley, Director of Communications and Public Relations, Mays Business School, Texas A&M University, attached). I placed in the 79th percentile of my class with a 3.2.

A detailed study posted at <http://gradeinflation.com>, last updated in March of 2009, chronicles the national trend. Analyzing data from eighty top public and private universities, including Texas A&M, the author finds that GPAs have increased by roughly 0.1 to 0.2 per decade, with the trend line at 0.14 per decade. Cited in the study are the data from Texas A&M from 1985 – 2008 (attached). The "average grade awarded, undergraduates" for the two decades from 1985 – 2004 increased an average of 0.135 per decade. Applying either number to my 1979 GPA would result in an expected GPA today, three decades later, greater than 3.6.

Whether considering the issue from the perspective of the 2010 senior class, actual Spring 2010 graduates, applying national grading trends or those specifically documented at Texas A&M, one thing is clear: a 3.2 GPA earned in 1979 is consistently comparable to a 3.6 earned today. Although the same nominal GPA, from one era to another, indicates different levels of academic achievement, the LSAT scores are earned contemporaneously, and are therefore very useful for comparison. My 169 LSAT score, ranking in the 97th percentile, clearly indicates a competitive candidacy for the Nance Presidential Scholarship.

The wisdom of the Committee's transition to comparing individual components rather than a composite score may seem clear, *when judging among candidates for whom each component scale accurately compares candidates' respective levels of achievement*. The Committee, for instance, may reasonably find that the candidacy of a student posting a 2.0 GPR, in the unlikely event that student also posted an LSAT score of 180, would pale in comparison with a candidacy presenting the 3.6 and 162 found in the new requirements. Eliminating the blended approach, however, also ignores its contribution to mitigating the inherent advantage or disadvantage should a "constant" scale actually measure dissimilar levels of achievement. Thus, the Committee's action further disadvantages the nontraditional student whose GPA was established decades prior. The Baylor Index may no longer exist as a requirement for this competition, but it is still calculable. The new requirements effectively reduce the minimum Baylor Index from 200 to 198. The result, oddly, is to exclude a previously qualified candidate (by imposing minimum component requirements), while potentially qualifying a student unable to meet the challenging composite requirement (by lowering that bar). While perhaps justifiable in the extreme hypothetical posed above, this result is clearly inequitable in my case.

I therefore respectfully request that the Committee grant my exception and accept my application for the Joseph Milton Nance Presidential Scholarship, recognizing the demonstrated disparity in GPAs from different eras. Failing that, I respectfully request that the Baylor Index be reinstated as an alternative minimum requirement. In other words that, in order to qualify, an applicant must have a Baylor Index of at least 200 – OR – a GPA of at least 3.6 and an LSAT score of at least 162.

Regards,

C Michael
Kamps

Charles Michael Kamps

Digitally signed by C Michael
Kamps
DN: cn=C Michael Kamps,
o=Continental American
Mortgage, ou,
email=kamps@heritagefunding.co
m, c=US
Date: 2011.02.21 14:17:16 -0600

EXHIBIT

G

PAGE 2 of 2



C Michael Kamps <kampslaw@gmail.com>

Nance Scholarship

1 message

C Michael Kamps <kampslaw@gmail.com>

Mon, Feb 21, 2011 at 2:48 PM

To: "Daniel, Suzy" <Suzy_Daniel@baylor.edu>

Suzy -

I have attached a .pdf file of the letter to the Scholarship Committee we spoke about last week. After we hung up, I thought that this format might be preferable if you intend to distribute electronically to the Committee. I will follow up with hard copy in the mail if that format is preferable.

I request that each member of the Committee have a copy of this independent of my application file, as it asks for a decision from the Committee on Nance qualifying standards. I also, however, request that a copy be attached to my application file, as I think it may be informative to Admissions. I am at a loss, other than my nominal GPA, to understand why my application has not yet been accepted for the fall term. Perhaps the analysis of GPAs earned in different eras will provide some justification for leeway with regard to that particular factor.

Thank you!

C(harles) Michael Kamps

**Letter to Sholarship Committee.pdf**

354K

EXHIBIT

H

PAGE 1 of 1

CHARLES MICHAEL KAMPS

March 9, 2011

Dr. Elizabeth Davis
Executive Vice President and Provost
Baylor University
One Bear Place Box 97014
Waco, Texas 76798-7014

RE: Complaint under BUPP 028

Dear Dr. Davis:

Please allow this letter to serve as a civil rights complaint regarding the admissions process, and the scholarship award policy, of Baylor Law School. It will also contain an ethics complaint separate from the civil rights complaint. This letter will necessarily be long and the accompanying documentation voluminous. For that I apologize. I believe that your investigation will be best served if you have all available information at the outset.

To summarize:

Baylor Law School systematically discriminates against the non-traditional student, and has specifically discriminated against me, in the admissions process and in the scholarship award process. The effect of this institutional discrimination varies directly with the length of time which has elapsed since the completion of the applicant's undergraduate career, and is an inherent characteristic of the standard used to evaluate applicants. Baylor Law School, therefore, engages in age discrimination in violation of federal law. This discrimination is not cured by admission to classes entering in spring or summer quarters – classes which enjoy the same facilities and faculty, but which are less competitive and which do not enjoy access to the Joseph Milton Nance Presidential Scholarship. The injury wrought is not mitigated, nor is lawfulness achieved, should this investigation establish the fact that such discrimination is not intentional, but merely the effect of reliance on a flawed device employed to compare academic achievement among applicants.

Additionally, the Scholarship Committee unethically selects the recipients of merit scholarships – specifically the Joseph Milton Nance Presidential Scholarship – on bases other than published criteria, and adjusts the published criteria to include the desired candidates and/or exclude those not similarly favored.

I have, to the best of my knowledge, exhausted my remedies within the Law School, and am appealing to the University. I am aware that, with this appeal, I place myself in an unenviable adversarial relationship with the very educators I hope to learn from. I would, of course, request that this process be conducted in as amicable and informal manner as possible. At this time, and with one exception, I intend to keep

EXHIBIT

214 GLENN AVENUE • ROCKWALL, TX • 75087
PHONE: 214-478-1180 • kamps@heritagefunding.com

Baylor Law School

- 2 -

March 9, 2011

this matter within the Baylor family (including, of course, me as a potential member of that family) – and within Baylor, I would hope that this matter is only shared with those having a need to know. The exception is that I have notified Texas A&M University, Office of Professional and Graduate School Advising, as documents provided to that office form a substantial portion of the underlying documentation enclosed herewith. I believe it best that, should this investigation generate any inquiries to that office, the communication not be unexpected.

History

I desired to pursue a legal education immediately after graduating from Texas A&M University in 1979. I was not, however, financially able to do so with my own resources – and did not think to seek advice regarding scholarship assistance. I therefore entered the workplace – initially as an accountant with the “Big Eight” public accounting firm of Arthur Young & Company. I was the first to be hired directly into the tax department of that firm (at least in the Dallas office) without an advanced degree. I became a Certified Public Accountant in 1981, was licensed as a Real Estate Salesperson in 1983, and became a mortgage broker in 1986 (mortgage brokers were not licensed until 1999, at which time I acquired that license). I still desired to enroll in law school, but “life” got in the way, as is often the case.

It would not surprise many, knowing that I am a mortgage broker, to learn that the past few years have been devastating financially. My personal situation, however, has become simplified over the same period, so that I am now able to consider the legal education I have longed for.

As I began considering law schools, Baylor kept rising to the top of the list. I have great respect for Baylor lawyers that I have known. Baylor is considered a top law school – with a top bar passage rate. The law school’s facilities are incredible, and the size of each incoming class is appealing.

This academic excellence is complimented by Baylor’s location in Waco – especially in my situation. I am a Texan, and will always be. Baylor prominent role throughout our history is a draw, and my expectation to practice law in Texas gives an edge to law schools within our state. I am a cyclist, so Cameron Park, and the FM roads surrounding Waco, are very appealing. Finally, my mother is in her eighties, living in College Station, and my daughter, in her early twenties, lives in the Dallas suburb of Rockwall. The ability to get to either city quickly is, obviously, important to me.

When I registered to sit for the LSAT, I found (to my surprise) that the graduate school advisors at Texas A&M were still available to help me navigate the process. While conferring with my advisor about the cost of law school, we discussed the requirements for the Joseph Milton Nance Presidential Scholarship, and I determined to meet those requirements, the published criteria for which had not changed for years.

The Admissions Process Civil Rights Issue

The process to gain a seat in a top rated law school is highly competitive – as should be the case. Law schools, understandably, rely heavily on scores to judge the aptitude and academic achievements of each candidate.

To judge aptitude, law schools traditionally look to an internationally administered standardized test, the LSAT. This score must be established within the five years immediately preceding application to law school. I have no objection to this standard as one tool used in the selection process.

To judge academic achievement, reliance is placed on the applicant’s GPA. While this may provide a reasonable comparison among students completing their undergraduate degrees in the same era, using this standard severely disadvantages those who graduated decades earlier. The disadvantage is decidedly more pronounced as the length of time since graduation increases, and therefore constitutes unlawful

EXHIBIT

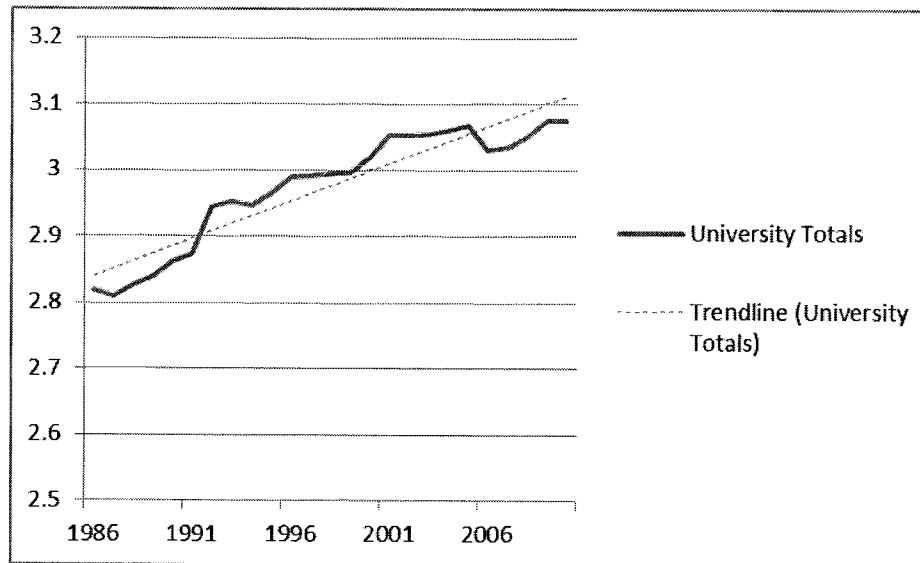
Baylor Law School

- 3 -

March 9, 2011

(whether or not willful) age discrimination in the admissions process. This is especially true since other, more accurate, criteria exist for selection among candidates of various ages – or for time adjusting GPAs earned in different periods.

Consider the graph of the “Average Grade Awarded” (Spring Semesters) – University totals, 1986 – 2010 for Texas A&M University (information from publicly accessible website maintained by Texas A&M University, Office of the Registrar, at <http://admissions.tamu.edu/Registrar/FacultyStaff/Report/>):



With the average grade awarded in 1986 just above 2.8, and in 2010 just below 3.1, the older student is clearly (and significantly) disadvantaged when nominal GPA is accorded significant weight in the selection process.

Scholarship Award Process Civil Rights Issue

This issue is similar to the admissions process issue, except that today, even more weight is given the discriminatory scale – at least in the case of the Joseph Milton Nance Presidential Scholarship award.

Prior to 2010, the standard used was the “Baylor Index,” consisting of the GPA and LSAT scores, and calculated as $[(\text{GPA} * 10) + \text{LSAT}]$. The GPA thus comprised approximately 20% of the qualification for consideration – and the disadvantage borne by the non-traditional student could perhaps be overcome by scoring better on the LSAT than would be required by an applicant not similarly disadvantaged.

In 2010, however, the Scholarship Committee removed even this possibility of mitigating the disadvantage by imposing separate minimum requirements for each component of the index – abandoning the composite approach employed for years.

Scholarship Award Process Ethical Issue

The minimum requirements for consideration for the Joseph Milton Nance Presidential Scholarship had remained unchanged for years – until 2010. They were:

- Earn a bachelor’s degree from Texas A&M (having completed a substantial of the degree requirements at Texas A&M);

EXHIBIT

Baylor Law School

- 4 -

March 9, 2011

- Minimum Baylor Index of 200; and
- Have applied to Baylor Law School for the upcoming Fall quarter.

In 2010, and again in 2011, *and after the qualifications presented by potential applicants for each class were known by the Law School*, the Scholarship Committee changed the requirements. In 2010, after I presented with the requisite qualifications and just days before the due date for the scholarship applications, they abandoned the Baylor Index entirely and instead set a GPA requirement which disqualified me. In addition, the new minimum requirements actually lowered the effective Baylor Index to 196 (3.4 GPA and 162 LSAT) – giving at least the appearance of granting a previously unqualified applicant access to the scholarship. The Committee denied the request of Texas A&M, Office of Professional and Graduate School Advising, to consider my application unless two of the applicants who hit the new standards decided not to attend Baylor Law School. It is my belief that two or more of those who “hit the numbers” did so without hitting the 200 Baylor Index – which is why the bar needed to be lowered to 196. I trust that the investigation by your office will confirm or refute this belief.

In 2011, the Scholarship Committee again changed the requirements after all potential applicants’ qualifications were known to the Law School – again giving the appearance of manipulating the requirements to fit the favored applicants.

At the very least, the minimum requirements for so generous a scholarship should be set before the Law School begins accepting applications for admission – in order to avoid the appearance of impropriety.

The Stark Reality – and the Evidence

My application, presented in both the admissions and scholarship applications, evidenced a 3.2 GPA and 169 LSAT score. In 1979, my 3.2 placed me at the 79th percentile of my class (Letter from Texas A&M, Office of Admissions and Records, attached as Exhibit A). My LSAT score placed me at the 97th percentile of those sitting for the September, 2009 LSAT administration.

The LSAT score is earned contemporaneously with the applicants with whom I am competing for admissions and merit scholarships, is standardized, and therefore forms a valid point of comparison.

The academic achievement evidenced by my GPA, however, bears no resemblance to that evidenced by a similar current GPA. Consider:

- A student earning a GPA of 3.2, Mays Business School, current senior class (data through fall 2010) would be in the *bottom half* of his or her class (<http://admissions.tamu.edu/Registrar/FacultyStaff/Report/>). I was in the *top quarter* of my class with the same GPA.
- For actual 2010 Mays graduates, 3.6 would rank a student at the 80th percentile – or 260th of 1319 – according to the e-mail communication I received from Pam Wiley, Director of Communications and Public Relations, Mays Business School, Texas A&M University – attached as Exhibit B. This is almost identical to my class rank – with a 3.2.
- The cum laude designation for my class required a 3.25 GPA (1975-76 TAMU Catalog), and less than 20% of the class qualified. In today’s senior class at Mays, 50.37% would qualify at that level. Even with the standard raised to 3.5, over 30% qualify.
- A study of the grading trends at 80 top public and private universities (including Texas A&M) found the average grades increasing at a rate of 0.14 per decade. Applying that rate of increase to my 3.2 from thirty years ago would yield an expected GPA today of 3.62. (<http://gradeinflation.com>)

EXHIBIT

I

Baylor Law School

- 5 -

March 9, 2011

Grade inflation has been the norm – at substantially all US universities, not just at Texas A&M – since my graduation in 1979. To assess the candidacy of the non-traditional student, without inherent and significant age discrimination, the Law School must develop a method of adjusting older GPAs (similar to inflation adjusted dollars vs. nominal dollars), or abandon the GPA in favor of a more accurate comparison model, like class rank, when older applicants are in the pool.

To be clear – the argument is not that the actual academic achievements of older students are substandard, but older applicants should be admitted and considered for merit scholarships anyway. I argue that the prevailing scale used to measure academic achievement, while at first glance constant, is in fact a demonstrably inconsistent scale over time. By any reasonable standard of comparison, my 3.2 GPA is comparable with a 3.6 earned today.

Application History and Attempts to Resolve Issues with the Law School

- On or about 10/30/2009, I applied for the fall 2010 entering class at Baylor Law School.
- On or about 2/17/2010, I was notified by letter that I had been placed on the waiting list, and was offered guaranteed admission to either the summer 2010 or spring 2011 entering classes. This letter confirmed that Baylor Law School considered my credentials “outstanding,” expressed the desire to admit me to the fall class (and regret that they were unable to do so), expressed the assumption that I had been admitted to “many other fine law schools,” and stated, “We want you at Baylor!” I contend that, had my academic achievement been evaluated free from the discriminatory effects of my aging GPA, I would in fact have been admitted and offered the Joseph Milton Nance Presidential Scholarship.
- Later in February 2010 I was notified of the changes in the Nance qualifications, but applied anyway with a letter to Texas A&M University, Office of Professional and Graduate School Advising protesting the change in qualification requirements and demonstrating that I was being disadvantaged by the new requirements due solely to the period in which my undergraduate degree was pursued. (letter, documentation and application package enclosed, but not attached)
- In April 2010, I was notified by the Office of Professional and Graduate School Advising that Baylor denied their request to consider my application for the Nance Presidential Scholarship.
- Also in April, in a meeting in the office of Assistant Dean of Admissions, Becky Beck-Chollett, I again protested the change, and Dean Beck-Chollett confirmed receipt of the request from Texas A&M to consider my application. No action was taken as a result of that meeting since I had not yet been admitted to the fall class. Admission to the fall class, however, was not a condition for application, or for award, but was a condition for actual disbursement of the scholarship proceeds.
- In September 2010, I requested that my application be reinstated for the fall 2011 entering class, and received confirmation that it had been so reinstated.
- In December 2010, I was notified that no decision had been returned on my application.
- February 21, 2011, I delivered, via e-mail, a letter to the Scholarship Committee, together with documentation, protesting the minimum GPA as it applied to the non-traditional student, demonstrating the inherent inconsistency in the 4.0 GPA scale over time, and requesting an exception to the policy. I also requested that a copy of the letter and documentation be attached to my admissions file in the hopes that such information would persuade the decision maker(s) to admit me to the fall 2011 entering class. (letter and documentation enclosed but not attached)
- February 22, 2011, I hand delivered a hard copy of the information sent via e-mail the previous day.
- February 28, 2011, I applied for the Joseph Milton Nance Presidential Scholarship through the Office of Professional and Graduate School Advising of Texas A&M University, for the fall 2011 award, with a letter again protesting the disadvantage borne by the non-traditional student,

EXHIBIT

Baylor Law School

- 6 -

March 9, 2011

and again requesting that my candidacy be presented in light of the evidence supporting my arguments. (letter, documentation and application package enclosed, but not attached)

- Also on February 28, 2011, by telephone call placed to Dean Beck-Chollett, I was advised that that the Scholarship Committee would take no action on my exception request unless and until I gained admission to the fall 2011 entering class.
- March 5, 2011, I was notified by letter that I had again been placed on the waiting list for the class to which I had applied, and was again offered admission to a less competitive class – and one that was not eligible for the Nance award. The letter again indicated that Baylor Law School considered my candidacy to be impressive, and urged me to attend Baylor, even if it meant waiting to start in the spring.
- March 8, 2011 I called Dean Beck-Chollett to request guidance on the procedure for lodging these complaints. She directed me to the Office of the General Counsel, where I was directed to address my complaints to the Office of the Provost, with a copy to the Office of the General Counsel.

It is apparent that Baylor Law School considers me a fit candidate for a legal education. It is also apparent that the decision makers for both admissions and merit scholarship are unable or unwilling to understand the discriminatory nature and inherent inequity of the scale they employ – or at least that they are loath to adjust their procedures to ameliorate the effects of these unwelcome characteristics.

Remedies Sought

In light of the foregoing, I respectfully request that I be granted admission to the fall 2011 entering class. Further, in the event that any of the three recipients of the 2010 Joseph Milton Nance Presidential Scholarship failed to achieve a Baylor Index of 200 – or that there are not three candidates presenting this year with Baylor Indices of 200 – that I be granted said scholarship in recognition of the fact that I earned it before the Scholarship Committee manipulated the standards. Finally, that Baylor Law School immediately begin to develop standards for the equitable evaluation of the academic achievements of students whose undergraduate careers were concluded in decades past.

I am providing the Office of General Counsel with copies of all documents. I am also enclosing two additional sets of these documents should your office find that the investigation will be well served by provision of these documents to others with a need to know.

I am operating under the assumption that all of the Law School's actions to this point were undertaken with integrity and without malice. I feel no need for my complaint to be considered anonymous. I am available to speak with any interested party by telephone at 214-478-1180. I am also available for meetings with any party or parties upon reasonable notice. I may be contacted via e-mail at kamps@heritagefunding.com.

Thank you for your assistance with this matter.

Best regards,

C. Michael Kamps

Enclosures: 3

cc: Office of the General Counsel

EXHIBIT

I

MEMORANDUM

TO: Bruce Evans, Chair
Civil Rights Issues Resolution Committee

FROM: David Swenson, Chair
Baylor Law School Admissions Committee

SUBJECT: Charles Michael Kamps' Complaint

DATE: June 10, 2011

Background

1. * You have requested that I provide you with an official response from Baylor Law School with respect to the complaint presented to your committee by Charles Michael Kamps. Mr. Kamps was an applicant for the fall 2010 entering class at Baylor Law School who was placed on a waiting list and eventually denied admission to that class. He is also an applicant for the fall 2011 entering class and is currently on the waiting list for that class. From his complaint, it appears that Mr. Kamps is primarily making three separate contentions.
2.
 1. Mr. Kamps claims that it is unlawful discrimination based on age for the Law School to use his actual undergraduate grade point average (UGPA) in our admissions process instead of increasing that average to a level satisfactory to him based upon grade inflation.
3.
 2. Mr. Kamps claims that it is unlawful discrimination based on age for the Law School to use his actual UGPA in our scholarship determination process instead of increasing that average to a level satisfactory to him based upon grade inflation.
4.
 3. Mr. Kamps claims that it is unethical for the Law School to announce requirements for a particular discretionary scholarship to be awarded in the future that are different than the prior year's requirements once some students have begun applying for admission to that future class.
5. We believe that there is no merit to any of Mr. Kamps' claims based on either the applicable law or the actual process followed.

* Paragraph numbers added for ease of reference.

EXHIBIT

J

Alleged Unlawful Discrimination in Admissions

6. We freely admit that we use the undergraduate grade point average (UGPA) in our admission process. We do not calculate the UGPA for individual candidates. There is a service called "candidate assembly service" (CAS) that is part of the law admission process overseen by the Law School Admission Council (LSAC). Applicants to law schools all over the country submit their transcripts directly to LSAC. LSAC then compiles and consolidates the transcripts using procedures and standards established by LSAC to produce a UGPA based upon a uniform grading scale so that it can be used to compare students attending different schools. No adjustments are made by LSAC to these grades based upon the dates of attendance. LSAC has released numerous reports over the years verifying that the UGPA is one of the best quantitative predictors of academic success in law school that is available. Mr. Kamps submitted his undergraduate transcripts to LSAC. We received a copy of the CAS, including his UGPA, directly from LSAC.
7. Mr. Kamps spends a great deal of time emphasizing that there is evidence that some grade inflation has occurred over the last several decades. There are two problems with the argument Mr. Kamps is trying to make. First, there is no indication that a determination could be made as to what percentage of an increase in median grades is due to an increase in student quality and what percentage is due to a more arbitrary change in the grading system at various schools. Realistically, some undergraduate schools may have experienced grade inflation that is primarily due to increases in student quality while others have not. The mere fact that anyone finished at the median level some years ago does not mean that he or she would finish at that same level today at that same school.
8. Second, there is no practical solution to account for grade inflation on a systematic basis, even if it is calculable. There are thousands of undergraduate schools. No law school has the resources to individually analyze each undergraduate school's grading patterns. Moreover, even if we could identify an amount by which a school has increased its median grades beyond an increase in student body quality, it is not necessarily true that has happened in all departments of that school. Mr. Kamps actually helps make this clear as his argument moves interchangeably between pointing out what has happened to grade medians at the Texas A&M Business School to arguments based upon percentage increases in grade averages among top universities at a national level.
9. To the extent that any adjustment is made for persons like Mr. Kamps whose grades may be somewhat lower than they would be if he were a current student, it is during the individualized review of admission files. For example, I routinely mark for committee review files where I have noted that the applicant graduated many years ago. The relative importance of older undergraduate grades compared to additional years of work experience is a factor for my committee members to assess along with many other factors. Over the years that factor has often played a part in the admission of older, non-traditional students into Baylor Law School.
10. Last year when Mr. Kamps was placed on the waiting list for the fall 2010 entering class, additional individualized attention normally would have been given to his application when applicants were considered for admission from the waiting list. That did not occur last year for

EXHIBIT**J**

Mr. Kamps or anyone else on the waiting list because far more persons accepted our initial offers of admission to the fall 2010 class than we expected. We had nearly double the matriculation rate compared to offers of acceptance than we had the prior year. Therefore, no one was admitted from the waiting list in the fall 2010, and we still seated the largest fall class in Baylor Law School history.

11. With respect to Mr. Kamps' application for fall 2011, which has resulted in him being placed on the waiting list again, no further action has taken place. We have not yet begun the process of reviewing individual files on the wait list for spaces that may become available. When that process occurs, it will be up to the members of the admissions staff and committee to make final determinations as to who is most deserving of admission. This means that the fact that Mr. Kamps graduated many years ago may be considered, but there will not be any artificial increase in his UGPA. When files on a wait list are reviewed for available positions in an entering class, the entire file is given consideration. This is a procedure that is fair to all applicants, many of whom also believe that special circumstances make their applications deserving of admission, such as the quality of their undergraduate school, an improving pattern of grades, difficulty of the major, their own work experience, and persuasive letters of reference.
12. On a final note regarding Mr. Kamps' admissions complaint, it should be recognized that Mr. Kamps has been denied admission only to the fall 2010 entering class and not to Baylor Law School itself. Mr. Kamps' real complaint about our admissions process is that he is not being allowed to start at Baylor Law School at the exact time of his choosing. At the same time as he was placed on the wait list for fall 2010, he was told he would be able to join the spring 2011 entering class if he contacted us to reactivate his file. He chose not to do so. In fact, he received the same invitation for the spring 2012 entering class and again failed to take the opportunity. Mr. Kamps' negative attitude towards the spring entering class is completely inappropriate. Although the quantitative credentials of the entering students are slightly lower, it is exactly the same program. The diplomas we issue to our graduates are the same regardless of when they start. We are very proud of the respect that all of our graduates receive throughout the legal profession.

Alleged Unlawful Discrimination in Scholarships

13. The Joseph Milton Nance Presidential Scholarship (Nance Scholarship) is a discretionary academic merit scholarship established by Baylor Law School. The scholarship is annually funded from Law School revenue sources and may be cancelled at any time by the Law School. Our goal with the scholarship is to involve personnel at Texas A&M in the selection process and attract high-credentialed candidates from Texas A&M. To accomplish that, we set the requirements for the Nance Scholarship but allow a selection committee from Texas A&M to select the nominees. We make up to three awards each year if that many applicants both qualify and are nominated.
14. The requirements for qualification for 2010 were a UGPA of 3.4 or higher and a Law School Admissions Test (LSAT) of 162 or higher. These numbers were selected because of our expectation that, for 2010, our median figures for UGPA and LSAT were expected to be at or above 3.4 and 162. The minimum requirements for 2011 have been increased to a UGPA of 3.6

EXHIBIT

J

and a LSAT of 162. It is likely that the criteria will be increased again for 2012 if the Nance Scholarship continues in its current form. Our belief is that since the Nance Scholarship has the highest dollar amount and the best renewal terms of any scholarship we offer, it is fair to expect recipients to be at or above the median for each of the two primary quantitative indicators used in the Law School admission process.

15. It is true that in some prior years Mr. Kamps would have been eligible for the Nance Scholarship with these same credentials when it had different requirements. The change in the criteria for the Nance Scholarship was made because of changes being made to the entire admissions process. We decided to shift the admissions process away from working off of an index that combined the applicant's UGPA and LSAT into a single number. Instead, we decided to focus on the applicant's UGPA and LSAT with separate requirements for each. This change took place in the spring of 2009 and was based upon the recommendations of a Law School strategic planning committee. Ironically, in an earlier letter to the Law School, Mr. Kamps even admitted that the new system was probably better in general than our previous system, although he objected to its application to him. The Nance Scholarship criteria changed after the move away from a combined index formula and was done solely to implement our revised approach to admissions.
15. In any event, the Texas A&M selection committee for the Nance Scholarship did not select Mr. Kamps in 2010 as one of their three nominees. They did list him as their second alternate in 2010. That year each of the three candidates selected met the criteria and were therefore offered the Nance Scholarship for the fall 2010 entering class. For the current fall 2011 entering class, the Texas A&M selection committee did not nominate Mr. Kamps for the Nance Scholarship at all.

Alleged Unethical Selection of Scholarship Criteria

17. It is true that the announcement of the criteria for the Nance Scholarship for the 2010 year was delayed. The decision to have separate minimum UGPA and LSAT requirements for the Nance Scholarship was made in the early fall of 2009. Because of all the admissions process changes that were underway, the Assistant Dean of Admissions mistakenly did not get the new criteria sent out to Texas A&M until early February of 2010. There were no earlier communications to Texas A & M concerning the continuation and criteria for 2010 for the Nance Scholarship. This was still during the regular application season for fall 2010 and numerous applications for fall admission were still received after the announcement.
18. Mr. Kamps has made a number of wild accusations alleging the change was done specifically to target and hurt him while favoring other candidates. This is a meritless claim. In the first place, we have no idea who has applied for the Nance Scholarship until we receive the nominations from Texas A&M, which did not occur until after the announcement in early February of 2010. Applications are submitted directly to Texas A&M and not to us. It is also totally unclear why Mr. Kamps thinks that we would want to be disfavoring him and favoring others. The only goal of the Nance Scholarship is to attract the highest credentialed candidates possible. After we receive the nominations from the Texas A&M selection committee, we check to be sure the nominee is admitted, meets the criteria in effect for that year, and has no character and fitness issues. If everything concerning the application is satisfactory, we make the scholarship award.

EXHIBIT

J

That is what happened in 2010 to the three nominees who were chosen by the selection committee. Since we clearly could cancel the program at any time, we do not see any validity to an argument that suggests we cannot make changes to the minimum criteria if we decide to continue the program. If any announcements were made by Texas A&M prior to our releasing the guidelines for the 2010 year, such announcements were made without our involvement or knowledge.

Summary

19. In summary, the Law School believes that all of its actions with respect to Mr. Kamps and the entire admission and financial aid process were conducted in accordance with all applicable laws and are consistent with our desire to treat all applicants in a fair and equitable manner. We disagree completely with Mr. Kamps' assumption that we should ever be required to make upward adjustments to an individual applicant's actual UGPA in order to favor that applicant over others. Our desire to conduct our admissions process in a fair and equitable manner extends to all of our applicants, most of whom understand that not everyone who applies to Baylor Law School will be admitted, much less admitted to the exact term preferred and with the highest level scholarship available.

EXHIBIT

J

APPLICANT PROFILE GRID

Baylor University School of Law

This grid includes only fall 2010 applicants who earned 120–180 LSAT scores under standard administrations.

LSAT Score	GPA																		No GPA Apps	No GPA Adm	Total Apps	Total Adm
	3.75+ Apps	3.75+ Adm	3.50– 3.74 Apps	3.50– 3.74 Adm	3.25– 3.49 Apps	3.25– 3.49 Adm	3.00– 3.24 Apps	3.00– 3.24 Adm	2.75– 2.99 Apps	2.75– 2.99 Adm	2.50– 2.74 Apps	2.50– 2.74 Adm	2.25– 2.49 Apps	2.25– 2.49 Adm	2.00– 2.24 Apps	2.00– 2.24 Adm	Below 2.00 Apps	Below 2.00 Adm				
175–180	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1
170–174	17	15	10	10	13	9	9	0	2	0	1	0	3	0	0	0	0	0	1	1	56	35
165–169	65	64	53	53	50	32	41	1	20	0	15	0	9	1	3	0	1	0	3	1	260	152
160–164	184	128	210	130	186	74	105	4	60	1	42	0	17	0	9	0	0	0	6	1	819	338
155–159	156	0	215	0	190	0	166	0	76	0	55	0	28	0	9	0	1	0	8	0	904	0
150–154	77	0	111	0	113	0	126	0	65	0	31	0	23	0	7	0	1	0	7	0	561	0
145–149	24	0	35	0	55	0	61	0	50	0	25	0	18	0	11	0	3	0	3	0	285	0
140–144	8	0	16	0	18	0	28	0	21	0	18	0	11	0	6	0	0	0	1	0	127	0
135–139	3	0	2	0	6	0	12	0	4	0	11	0	8	0	2	0	1	0	3	0	52	0
130–134	0	0	2	0	1	0	4	0	3	0	7	0	2	0	1	0	2	0	1	0	23	0
125–129	0	0	0	0	0	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	3	0
120–124	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	0
Total	534	207	655	194	632	115	552	5	302	1	206	0	120	1	49	0	9	0	33	3	3092	526

Apps = Number of Applicants

Adm = Number Admitted

Reflects 99% of the total applicant pool; highest LSAT data reported.

EXHIBIT

K

PAGE 1 of 1

Michael Kamps

From: Pam Wiley <psw@tamu.edu>
Sent: Monday, February 21, 2011 12:17 PM
To: Michael Kamps
Subject: RE: 2010 graduation numbers

Michael,

No problem with your using it. I appreciate your asking, though.

Pam

>Pam -

>

>Thank you for this information. As we discussed, it is used in
>connection with my application for a scholarship to law school. I
>would like to use a copy of this e-mail exchange as an attachment to my
>letter to the Scholarship Committee - however, if you object because
>you consider this a private e-mail exchange, I will refrain from attaching it.

>

>Please let me know.

>

>Thank you!

>

>Michael

>

>-----Original Message-----

>From: Pam Wiley [<mailto:psw@tamu.edu>]
>Sent: Monday, February 21, 2011 11:48 AM
>To: Michael Kamps
>Subject: RE: 2010 graduation numbers

>

>Typo on my part. It is, indeed, 3.6 and above is the 260 number.

>

>

>>Pam -

>>

>>Thank you for the information! Just to clarify, however, is the 260
>>number those who graduated 2.6 or above - or 3.6 or above?

>>

>>Thanks again.

>>

>>Michael

>>

>>-----Original Message-----

>>From: Pam Wiley [<mailto:psw@tamu.edu>]
>>Sent: Monday, February 21, 2011 11:32 AM
>>To: kamps@heritagefunding.com

EXHIBIT

L

PAGE 1 of 3

>>Subject: 2010 graduation numbers
>>
>>Michael,
>>
>>Thanks for sending along this document. It was very helpful in
>>securing the information you are looking for.
>>
>>I contacted the Office of Institutional Studies and Planning.
>><http://www.tamu.edu/customers/oisp/>
>>
>>I first spoke with Jeff Pitts with your request. Margot Goff called me
>>back with the following numbers.
>>
>>Total Mays Business School undergraduates who graduated in fiscal year
>2010:
>>1319 Total undergraduates who graduated in fiscal year 2010 with a GPR
>>of
>>2.6 and above: 260
>>
>>I appreciate your patience and hope the information is helpful to you.
>>Best,
>>Pam
>>-----
>>
>>
>>Pam -
>>
>>Attached is the document from the registrar's website. You can access
>>it
>>here:
>>
>><http://admissions.tamu.edu/Registrar/FacultyStaff/Report/PDFReports/2001/gp/ac20101BA.pdf>
>>1
>>01/gp
>>ac20101BA.pdf
>>
>>I have highlighted in the attached document the type of information I
>>need for the Spring 2010 graduating class (as opposed to "Seniors").
>>I just need two numbers: the total number of Spring graduates, and,
>>of those, the number with cumulative GPRs 3.600 or higher. I would
>>just use this document, but I can't accurately extrapolate the numbers
>>above
>>3.6 from the 3.500 -3.749 block.
>>
>>Thanks!
>>
>>(Charles) Michael Kamps ' 79
>>--
>>Pam Wiley
>>Director of Communications and Public Relations Mays Business School
>>Texas A&M University psw@tamu.edu
>>

EXHIBIT

L

PAGE 2 of 3

>>340X Wehner Building | 4113 TAMU | College Station, Texas 77843-4113

>>

>>Tel. 979 845 0193 | Fax 979 845 6639

>>

>><http://maysbschool.tamu.edu>

>

>

>--

>Pam Wiley

>Director of Communications and Public Relations Mays Business School

>Texas A&M University psw@tamu.edu

>

>340X Wehner Building | 4113 TAMU | College Station, Texas 77843-4113

>

>Tel. 979 845 0193 | Fax 979 845 6639

>

><http://maysbschool.tamu.edu>

--

Pam Wiley

Director of Communications and Public Relations Mays Business School Texas A&M University psw@tamu.edu

340X Wehner Building | 4113 TAMU | College Station, Texas 77843-4113

Tel. 979 845 0193 | Fax 979 845 6639

<http://maysbschool.tamu.edu>

EXHIBIT

L

PAGE 3 of 3

Karen Severn - Re: Aggie Nance Scholarship

From: Karen Severn
To: Becky L. Chollett
Date: 3/22/2010 9:59 AM
Subject: Re: Aggie Nance Scholarship

hopefully this afternoon....

I only had four apps that met the new criteria of 3.4 and 162:

I don't know if they have been admitted or already awarded money.

I had two apps that did not meet the criteria. One of them, Charles Michael Kamps, is actually a favorite of the committee. For us, he made a compelling case about his grades from the 1970s not being comparable to the 2010s..... His mother lives in Bryan and Baylor is his first choice....

The other is

Karen

>>> "Chollett, Becky L."

3/21/2010 4:56 PM >>>

Karen:

I hope this email finds you doing well.

I am checking in with you to see if you have any nominations for the Nance Scholarship. If you do, please provide them to me as soon as possible so we can announce the recipients.

All the best to you!

Becky

Becky Beck-Chollett
Assistant Dean of Admissions
Baylor Law School
Sheila & Walter Umphrey Law Center
1114 South University Parks Drive
One Bear Place #97288
Waco, Texas 76798
254.710.4842 -- Direct Line Number
254.710.1911 -- Main Number
254.710.2316 -- Fax Number
law.baylor.edu

EXHIBIT

M

PAGE 1 of 1



C Michael Kamps <kampslaw@gmail.com>

12-002 Kamps -Public Information Request - Cost Estimate

2 messages

Yeager, Susan <s-yeager@tamu.edu>

Tue, Jan 3, 2012 at 9:17 AM

To: C Michael Kamps <kampslaw@gmail.com>

Cc: "n-sawtelle@tamu.edu" <n-sawtelle@tamu.edu>, "Kelli Shomaker (kshomaker@tamu.edu)" <kshomaker@tamu.edu>, Brooks Moore <RBM@tamus.edu>, Diane Callcott <d-callcott@tamus.edu>, Knesha Brashear <kbrashear@tamus.edu>, Scott Kelly <s-kelly@tamus.edu>

Mr. Kamps, The Office of Institutional Studies and Planning provided the attached information. A cost estimate is attached regarding information prior to the Fall of 1997. Please advise this office of your decision regarding the cost estimate as soon as possible. Thank you. Suzy Yeager

2 attachments



Kamps response-to Fall 1997.002.xlsx
13K



Kamps cost estimate.002.pdf
56K

C Michael Kamps <kampslaw@gmail.com>

Wed, Jan 4, 2012 at 10:38 PM

To: "Yeager, Susan" <s-yeager@tamu.edu>

Thank you so much for your kind attention to my request. The information provided from 1997 forward was sufficient to confirm my sense of the age distribution, so I will not be needing additional information at this time. Should I need the information for earlier years, I will contact you again.

Thank you again for your assistance.

[Quoted text hidden]

EXHIBIT

N

PAGE 1 of 2

Undergraduate Degrees Awarded By Age Category
Texas A&M University

Age Category	Fa '97 - Su '98	Fa '98 - Su '99	Fa '99 - Su '00	Fa '00 - Su '01	Fa '01 - Su '02	Fa '02 - Su '03	Fa '03 - Su '04	Fa '04 - Su '05	Fa '05 - Su '06	Fa '06 - Su '07	Fa '07 - Su '08	Fa '08 - Su '09	Fa '09 - Su '10	Fa '10 - Su '11
< 20	2	1	1	3		1		2	1	2			1	1
20	10	12	17	9	19	18	13	16	23	19	20	21	32	30
21	224	206	247	229	266	296	286	271	370	414	447	491	489	531
22	2,166	2,156	2,373	2,421	2,658	2,733	2,653	2,573	2,820	2,866	2,910	3,172	3,369	3,462
23	2,581	2,509	2,779	2,634	2,686	3,128	2,909	2,815	2,832	2,827	2,821	2,854	2,879	3,091
24	1,272	1,274	1,201	1,203	1,169	1,226	1,230	1,206	1,229	1,137	1,059	1,014	980	971
25	418	442	385	393	360	340	315	375	384	365	346	265	258	255
26-30	477	479	405	444	394	405	392	327	376	363	356	375	318	301
31-40	139	122	131	126	114	117	87	90	94	103	123	91	98	83
41-50	26	29	20	23	24	16	24	31	21	29	24	17	20	14
>50	10	11	3	8	8	5	5	4	13	7	12	11	7	9
Total	7,325	7,241	7,512	7,493	7,698	8,285	7,914	7,710	8,163	8,132	8,118	8,311	8,451	8,748

Degrees awarded by College Station campus.

EXHIBIT

N

Michael Kamps

From: Goff, Margot H <margot_goff@exchange.tamu.edu>
Sent: Tuesday, June 12, 2012 8:34 AM
To: kamps@heritagefunding.com
Cc: Guess, Debbi
Subject: FW: Information request
Attachments: data-request.pdf; Kamps_request_20120608.xlsx

Mr. Kamps,

Your data request is attached.

Margot Goff
Office of Data and Research Services
Texas A&M University
1244 TAMU
129 Teague
979.845.7293
margot_goff@exchange.tamu.edu

From: Michael Kamps [<mailto:kamps@heritagefunding.com>]
Sent: Friday, June 08, 2012 3:42 PM
To: ois@tamu.edu
Subject: Information request

Please see attached.

C Michael Kamps
NMLS 204466
214-478-1180
972-692-5857 (fax)
kamps@heritagefunding.com

EXHIBIT

O

PAGE 1 of 15

Cumulative GPR of Undergraduate Degree Recipients
Texas A&M University - College Station
Spring 2010

Grade Point Ratio	Number of Degrees in Range		
	Female	Male	Total
>= 3.750	380	222	602
3.500 - 3.749	451	332	783
3.490 and below	1,805	1,749	3,554
Total	2,636	2,303	4,939

EXHIBIT

O

PAGE 2 of 15

Michael Kamps

From: Koss,Tyson <Tyson.Koss@colostate.edu>
Sent: Friday, June 22, 2012 4:09 PM
To: Michael Kamps
Subject: RE: Information request
Attachments: MKamps_Bach_GPA.xls

Hi Michael,

Please find attached your requested information. These data are for undergraduate degrees conferred, spring 2010. Let me know if you have any questions.

Best,
Tyson

Tyson Koss
Data Analyst
Institutional Research
Colorado State University
Tyson.Koss@colostate.edu
v 970.491.5939
f 970.491.2648

From: Michael Kamps [<mailto:kamps@heritagefunding.com>]
Sent: Thursday, June 21, 2012 4:11 PM
To: Koss,Tyson
Subject: Information request

Tyson -0

It was good speaking with you today. The information I need, regarding the main campus at Fort Collins, Spring 2010 Commencement, is:

Total number of graduates (undergraduate only)
Of those:
Total number with 3.75 UGPA or higher
Total number with 3.5 – 3.749 UGPA

I have attached the format I received from Texas A&M as an example. The highlighted fields contain all of the information I need. There is no particular format required, as long as I can glean this information from the data provided.

If possible, I would like to receive the information by the end of June.

Thank you! Please call me with any questions you may have.

C Michael Kamps
NMLS 204466
214-478-1180

EXHIBIT

O

PAGE 3 of 15

972-692-5857 (fax)
kamps@heritagefunding.com

EXHIBIT

O

PAGE 4 of 15

GPA Ranges, Undergraduate Degrees Spring 2010

Sum of COUNT(A.PID) GPA	GENDER		Grand Total
	F	M	
3.75+	213	102	315
3.5 - 3.74	248	149	397
less than 3.5	957	853	1810
Grand Total	1418	1104	2522

EXHIBIT**O****PAGE 5 of 15**

Michael Kamps

From: Wall, Ronny <ronny.wall@ttu.edu>
Sent: Monday, June 18, 2012 2:25 PM
To: 'kamps@heritagefunding.com'
Subject: Texas Open Records Act Request
Attachments: deg gpa rank for ORR 6-13-12.pdf

Mr. Kamps,

The information you requested is attached for your review. In the future, please send all Public Information Act requests directly to me at this address: ronny.wall@ttu.edu.

Sincerely,
Ronny H. Wall
Associate General Counsel
Texas Tech University System
(806) 742-2155

This communication, including any attachments, originates from an Attorney and may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail, delete and destroy all copies of the original message.

Required IRS Circular 230 Disclosure: Any U.S. tax advice contained in the body of this e-mail (including any attachments) is not intended or written to be used, and cannot be used, by the recipient for the purpose of (1) avoiding penalties that may be imposed under the Internal Revenue Code or applicable state or local tax law provisions or (2) promoting, marketing or recommending to another party any transaction or matter addressed herein.

From: Michael Kamps [<mailto:kamps@heritagefunding.com>]
Sent: Tuesday, June 05, 2012 2:49 PM
To: Livingston, Kat
Subject: Texas Open Records Act Request

Dear Kat –

I need the following information from the Texas Tech Main Campus undergraduate class which graduated spring 2010:

Expressed as a class rank, such as “577th of 4,847,”

- 1) The highest rank of any student with a cumulative UGPA less than 3.75 without regard to rounding (i.e. 3.7499 would count), and
- 2) The lowest rank of any student with a cumulative UGPA of at least 3.50 without regard to rounding (i.e. 3.4999 would not count).

EXHIBIT

This information will be used in a federal lawsuit (to which it is, fortunately, not anticipated that Texas Tech will be a party). I need an original document, sealed and signed in such a manner as to conform to Federal Rules of Evidence 902(1).



Please advise the cost, if any, of obtaining such a document.

Thank you!

C Michael Kamps
214 Glenn Avenue
Rockwall, Texas 75087
214-478-1180
972-692-5857 (fax)
kamps@heritagefunding.com

EXHIBIT

O

PAGE 7 of 15

**Students Graduating with Bachelors Degrees in Spring 2010
Adjusted Cumulative GPA at Graduation**

Students who received Bachelors degrees in spring 2010	2,237
The highest rank of any student with a cumulative UGPA less than 3.75	322
The lowest rank of any student with a cumulative UGPA of at least 3.50	691

It is important to note that students are not allowed to graduate with GPAs less than 2.0

EXHIBIT

O

PAGE 8 of 15

Michael Kamps

From: Alexander, Francine <falexander@ponet.ucla.edu>
Sent: Monday, July 09, 2012 4:38 PM
To: 'Michael Kamps'
Subject: RE: Information Request

Hello Michael.

The responses to your query are as follows for the academic year 2009-10:

- 1) 7,767 degrees; 7,733 graduates earning these degrees (we have double majors awarding 2 separate degrees)
- 2) 1,083
- 3) 1,607

Let me know if you need any additional information.

Francine

From: Michael Kamps [<mailto:kamps@heritagefunding.com>]
Sent: Tuesday, July 03, 2012 7:56 AM
To: Alexander, Francine
Subject: FW: Information Request

Please provide an update on this information request.

Thank you!

C Michael Kamps

From: Michael Kamps [<mailto:kamps@heritagefunding.com>]
Sent: Friday, June 08, 2012 4:20 PM
To: 'falexander@ponet.ucla.edu'
Subject: Information Request

Please provide the following information:

- 1) Total number of undergraduate degrees awarded
- 2) Total number of graduates with UGPAs at or above 3.750
- 3) Total number of graduates with UGPAs at or above 3.500, but below 3.750

This information is requested for those graduates awarded degrees immediately following the conclusion of the spring, 2010 semester, main campus, only.

Thank you!

C Michael Kamps
NMLS 204466

EXHIBIT

O

214-478-1180

972-692-5857 (fax)

kamps@heritagefunding.com

EXHIBIT

O

PAGE 10 of 15

Michael Kamps

From: Office of the Registrar -- University of Michigan <umich_regoff@mailnj.custhelp.com>
Sent: Monday, June 25, 2012 8:18 AM
To: kamps@heritagefunding.com
Subject: information request [Incident: 120608-000084]

Recently you requested personal assistance from our on-line support center. Below is a summary of your request and our response.

If this issue is not resolved to your satisfaction, you may reopen it within the next 30 days.

Thank you for allowing us to be of service to you.

Subject

information request

Discussion Thread

Response Via Email (Andy Cameron)

06/25/2012 09:18 AM

Hi Michael, our Winter term runs from the beginning of January to the end of April, and degrees are awarded immediately following. And yes, sorry, the 1263 is the count between 3.5 and 3.74.

Thanks,
Andy

Customer By Email (Michael Kamps)

06/21/2012 05:18 PM

Hey, Andy –

Thanks for the information! Is it possible to get the information for the Spring 2010 (as opposed to Winter 2010) Commencement? Also, I assume the 1263 at the end of your message was those between 3.5 and 3.749, but I don't want to assume J

Thank you so much!

Michael Kamps

[Incident: 120608-000084]

EXHIBIT

Response Via Email (Andy Cameron)

06/18/2012 04:40 PM

Hi Michael, after winter 2010 4696 individuals earned 4780 bachelor degrees. 834 of them (849 degrees) had a 3.75 or better, and 1263 (1282 degrees).

Please let us know if you have any questions.

Thanks,
Andy

PAGE 11 of 15

Customer By Email (Michael Kamps)

06/08/2012 05:10 PM

Please provide the following information:

- 1) Total number of undergraduate degrees awarded
- 2) Total number of graduates with UGPAs at or above 3.750
- 3) Total number of graduates with UGPAs at or above 3.500, but below 3.750

This information is requested for those graduates awarded degrees immediately following the conclusion of the spring, 2010 semester, Ann Arbor campus, only.

Please preserve the response, as it may be subpoenaed in the coming months.

Thank you!

C Michael Kamps

NMLS 204466

214-478-1180

972-692-5857 (fax)

kamps@heritagefunding.com

Question Reference #120608-000084

Escalation Level: NotifyManager

Category Level 1: Reporting

Date Created: 06/08/2012 05:10 PM

Last Updated: 06/25/2012 09:18 AM

Status: Solved

EXHIBIT

O

[---001:001678:28167---]

PAGE 12 of 15

Michael Kamps

From: Tanner, Beth <btanner@email.unc.edu>
Sent: Friday, July 06, 2012 10:35 AM
To: Michael Kamps
Cc: Coleman, Gina
Subject: RE: Data Request Form
Attachments: R1255_KAMPS REQUEST.xls

Hi Mr. Kamps,
I've attached the data you requested. Please let me know if you have any questions or need anything further.

Thanks,
Beth

Beth Tanner, M.Ed.
Report Programmer
Office of the University Registrar
Suite 3100, SASB North, CB 2100

Phone: 919-962-9857

<http://registrar.unc.edu/Reports/>

From: Michael Kamps [<mailto:kamps@heritagefunding.com>]
Sent: Tuesday, June 19, 2012 7:22 PM
To: Tanner, Beth
Subject: RE: Data Request Form

Ms Tanner –

Thank you for speaking with me this afternoon.

I have enclosed my request, as well Texas A&M's response by way of an example of the information sought. The highlighted information is all that I need.

Thank you!

C Michael Kamps
214-478-1180
kamps@heritagefunding.com

EXHIBIT



From: Tanner, Beth [<mailto:btanner@email.unc.edu>]
Sent: Tuesday, June 19, 2012 1:29 PM
To: kamps@heritagefunding.com
Subject: Data Request Form

PAGE 13 of 15

Beth Tanner, M.Ed.
Report Programmer
Office of the University Registrar
Suite 3100, SASB North, CB 2100

Phone: 919-962-9857

<http://registrar.unc.edu/Reports/>

EXHIBIT

O

PAGE 14 of 15

**CUMULATIVE GPA OF UNDERGRADUATE DEGREE RECIPIENTS
UNC-CHAPEL HILL
SPRING 2010**

>= 3.750	396
3.50 - 3.749	705
3.49 and below	2,176
Total	3,277

EXHIBIT

O

PAGE 15 of 15



C Michael Kamps <kampslaw@gmail.com>

11-302 Michael Kamps - Public Information Request

Yeager, Susan <s-yeager@tamu.edu>

Fri, May 27, 2011 at 3:49 PM

To: C Michael Kamps <kampslaw@gmail.com>

Cc: "Sawtelle, Nancy L" <n-sawtelle@tamu.edu>, "Spang@tamu.edu" <Spang@tamu.edu>, "Brashear, Knesha" <KBrashear@tamu.edu>, "Callcott, Diane" <D-Callcott@tamu.edu>, "Kelly, Scott" <S-Kelly@tamu.edu>, "Lawson, Caroline" <Caroline-Lawson@tamu.edu>, "Moore, Brooks" <RBM@tamu.edu>

Mr. Kamps, The Provost Office provided the attached information in response to your request. Please contact me if this office can be of further assistance. Suzy Yeager

2 attachments

 **Fall 2010 Admission to Baylor Law School.pdf**
7K

 **Kamps response.302.pdf**
617K

EXHIBIT

P

PAGE 1 of 2

For Fall 2010 Admission to Baylor Law School, three people were offered the Nance Presidential Scholarship by the Baylor Law School Admissions Office.

Person #1- 3.56 gpa, 164 LSAT, graduated from Texas A&M in 2010

Person #2- 3.52 gpa, 162 LSAT, graduated from Texas A&M in 2003

Person #3- 3.49 gpa, 162 LSAT, graduated from Texas A&M in 2010

EXHIBIT

P

PAGE 2 of 2

Karen Severn - Nance Presidential Scholarship

From: Karen Severn
To: C Michael Kamps
Date: 4/6/2010 4:30 PM
Subject: Nance Presidential Scholarship
CC: Karen Severn

Howdy,

Just a note to confirm to you that Baylor denied our request to consider your application for the scholarship until the four with their 'numbers' were given a shot at it. That said, you are number two on the alternate list, but I haven't heard any of the three say they are going elsewhere.

Please advise on whether I can advise on any other issues!

Karen

Karen W. Severn
PreLaw Coordinator and Liberal Arts Honors Advisor
Professional and Graduate School Advising
Texas A&M University
ksevern@tamu.edu

4233 TAMU | College Station, TX 77843-4233

Tel. 979.847.8938 | Fax. 979.458.0873
<http://blogs.tamu.edu/karen>
<http://honors.tamu.edu/opsa>

Expand. Explore. Excel.

EXHIBIT

Q

PAGE 1 of 1

Karen Severn - RE: Aggie Nance Scholarship

From: "Chollett, Becky L."
To: Karen Severn <karen@aphonors.tamu.edu>
Date: 3/29/2010 6:25 PM
Subject: RE: Aggie Nance Scholarship

Karen:

are eligible to receive the Nance Scholarship. doesn't
have Charles is a possible candidate if he gets pulled accepted to the Fall 2010 term.

Best,

Becky

Becky Beck-Chollett
Assistant Dean of Admissions
Baylor Law School
Sheila & Walter Umphrey Law Center
1114 South University Parks Drive
One Bear Place #97288
Waco, Texas 76798
254.710.4842 -- Direct Line Number
254.710.1911 -- Main Number
254.710.2316 -- Fax Number

law.baylor.edu

From: Karen Severn [mailto:karen@aphonors.tamu.edu]
Sent: Friday, March 26, 2010 3:28 PM
To: Chollett, Becky L.
Cc: Anne Blum
Subject: Re: Aggie Nance Scholarship

Becky,

Been trying to catch up the past week or so. Here is the list from the A&M committee on the Aggies recommended for the Nance Scholarship

EXHIBIT

R

PAGE 1 of 2

5. Charles Michael Kamps

They are busting down my door wanting to know who got a scholarship, so the sooner we can tell them, the better!

Karen

Karen W. Severn

PreLaw Coordinator and Liberal Arts Honors Advisor
Professional and Graduate School Advising
Texas A&M University
ksevern@tamu.edu

4233 TAMU | College Station, TX 77843-4233

Tel. 979.847.8938 | Fax. 979.458.0873

<http://blogs.tamu.edu/karen>

<http://honors.tamu.edu/opsa>

Expand. Explore. Excel.

EXHIBIT

R

PAGE 2 of 2

Karen Severn - RE: Aggie Nance Scholarship

From: Karen Severn
To: Becky L. Chollett
Date: 4/27/2010 2:07 PM
Subject: RE: Aggie Nance Scholarship

Thanks Becky!

Since number five is not admitted for fall, could we offer him 8 quarters of scholarship starting in February 2011? Or can we get a list of qualified Aggies for fall 2010?

Many thanks. Hope the scary weather (tornadoes, etc.) hasn't been your way.

Karen

>>> "Chollett, Becky L."

4/27/2010 1:07 PM >>>

Karen:

The award letters are in the mail. I also emailed
been awarded the Nance Scholarship.

this afternoon letting him know that he has

It looks like next on the list, didn't pay his seat deposit.

Let me know if you have any other questions.

All the best to you!

Becky

Becky Beck-Chollett
Assistant Dean of Admissions
Baylor Law School
Sheila & Walter Umphrey Law Center
1114 South University Parks Drive
One Bear Place #97288
Waco, Texas 76798
254.710.4842 – Direct Line Number

EXHIBIT

S

PAGE 1 of 2

254.710.1911 – Main Number
254.710.2316 – Fax Number

law.baylor.edu

From: Karen Severn [mailto:karen@aphonors.tamu.edu]
Sent: Monday, April 26, 2010 10:07 AM
To: Chollett, Becky L.
Subject: Aggie Nance Scholarship

Dear Becky,

I talked with (who forgot to sign his name to the email) and he has elected to go elsewhere. Can we offer the money to number four on the list?

Also, is getting nervous because he has not gotten anything from Baylor about the scholarship. Is there a place online that they can look that up?

Many thanks, I know you are swamped with the summer class and the fall apps too.

Karen Severn

>>> 4/21/2010 12:01 PM >>>
Dear Becky,

Thank you very much for your offer of admission to the Baylor Law school, unfortunately I will not be attending and would like to decline your offer of admission as well as the Joseph Milton Nance Memorial Scholarship. Thank you very much for your time and consideration.

EXHIBIT

S

PAGE 2 of 2



February 17, 2010

Charles Kamps
214 Glenn Avenue
Rockwall, TX 75087

Dear Charles:

Your application and outstanding credentials have certainly impressed us at Baylor Law School. We wish we could offer you admission at this time; however, this year we have had an unexpectedly high application pool. Because so many applied for our fall entering class, we must deny admission to some we would like to admit simply because we do not have enough seats available. If this had not happened, we would offer you admission right now to our fall entering class.

We want you at Baylor. Therefore, we have put your name on the waiting list for the fall class and will notify you if space becomes available. Also, we are prepared to offer you admission to our Spring 2011 class if you reactivate your application file for this quarter by June 1, 2010. To make the reactivation process easier for you, please go to law.baylor.edu/reactivation and complete the Reactivation Form. If you reactivate your file by the June 1 deadline, your acceptance letter for the Spring 2011 quarter will be mailed to you.

If your schedule permits, you may also consider beginning law school this May. Because we want you at Baylor, we will also extend our offer of admission to the Summer 2010 class. Simply reactivate your application file by March 1, 2010, and your acceptance letter will follow.

We know, with your credentials, you have probably been accepted to many other fine law schools. You can be assured you will not regret coming to Baylor, even if it means waiting to start in the summer or following spring. Here's why:

1) We are the same law school that drew your attention to us in the first place, one known not only for its academic excellence, but also for its intensive training in the actual practice of law, its small community atmosphere, and the success of its graduates. Regardless of when you start at Baylor Law School, when you graduate, you will be -- and will always be -- a Baylor lawyer.

2) The quarter system is flexible. Regardless of when you start, you'll take the same courses in the first year and you'll have opportunities to take summers (or other quarters) off to clerk. On the other hand, if you are in a hurry to finish law school, you can graduate in 27 months.

3) If you choose to start in the summer or spring, you'll enjoy a schedule with a break during your first year that allows you to "catch your breath," a luxury fall starters do not experience.

Regardless of whether or not you are interested in our Summer 2010 or Spring 2011 classes, you will be kept on our waiting list for the Fall 2010 class and notified if space becomes available.

Please let us know if there is anything we can do for you in the meantime.

Sincerely,

Bradley J.B. Toben
Dean

EXHIBIT

T

PAGE 1 of 3



March 3, 2011

Charles Kamps
214 Glenn Avenue
Rockwall, TX 75087

Dear Charles:

Your application and outstanding credentials have certainly impressed us at Baylor Law School, but we are unable to admit you to the Fall 2011 entering class because we do not have enough seats available. We wish we could offer you admission at this time.

We want you at Baylor! Therefore, we have put your name on the waiting list for the fall class and will notify you if space becomes available. Also, we are prepared to offer you admission to our Spring 2012 class if you reactivate your application file for this quarter by May 1, 2011. To make the reactivation process easier for you, please go to www.baylor.edu/law/ps/reactivation and complete the Reactivation Form. If you reactivate your file by the May 1 deadline, your acceptance letter for the Spring 2012 quarter will be mailed to you.

We know, with your credentials, you have probably been accepted to many other fine law schools. You can be assured you will not regret coming to Baylor, even if it means waiting to start in the summer or following spring. Here's why:

- 1) We are the same law school that drew your attention to us in the first place, one known not only for its academic excellence, but also for its intensive training in the actual practice of law, its small community atmosphere, and the success of its graduates. Regardless of when you start at Baylor Law School, when you graduate, you will be -- and will always be -- a Baylor lawyer.
- 2) The quarter system is flexible. Regardless of when you start, you'll take the same courses in the first year and you'll have opportunities to take summers (or other quarters) off to clerk. On the other hand, if you are in a hurry to finish law school, you can graduate in 27 months.
- 3) If you choose to start in the spring, you will enjoy a schedule with holiday breaks that allow you to "catch your breath" during your first year. You will have a week-long spring break in March, a week in early May between quarters, and nearly a month at the end of the summer after your second quarter.

Regardless of whether or not you are interested in our Spring 2012 classes, you will be kept on our waiting list for the Fall 2011 class and notified if space becomes available.

Please let us know if there is anything we can do for you in the meantime.

Sincerely,

A handwritten signature in black ink, appearing to read 'Becky Beck-Chollett'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Becky Beck-Chollett
Assistant Dean of Admissions

EXHIBIT

T

PAGE 2 of 3



March 1, 2012

Mr. Charles Kamps
214 Glenn Avenue
Rockwall, TX 75087

Dear Mr. Kamps:

After an initial review of the applications for the Fall 2012 term, the Admissions Committee has decided to retain your name on our waiting list. We are very impressed with your application and credentials, but because of the large number of applications and the small entering class size of the fall class, we are not able to accept everyone that we would like to have attend Baylor Law School.

As openings become available for the fall quarter, the Admissions Committee will reevaluate the files of all the candidates on the waiting list and make decision as soon as possible. Either way, we will contact you by mail when the status of your application file changes.

Thank you for your patience while the Admissions Committee finalizes the fall class. If you have any questions, please do not hesitate to give us a call. We look forward to being in contact with you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicole Masciopinto'.

Nicole Masciopinto
Director of Admissions

EXHIBIT

T

PAGE 3 of 3

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Kamps, C Michael(b) County of Residence of First Listed Plaintiff Rockwall
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorney's (Firm Name, Address, and Telephone Number)
None**DEFENDANTS**

Baylor University; Starr, Kenneth Winston, President; Davis, Elizabeth, Executive Vice President and Provost; Swenson, David, Chair, Scholarship and Admissions Committees

County of Residence of First Listed Defendant Travis
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

A 12067 657 LY

Attorney (if Known)
Baylor University Office of General Counsel, Doug Welch, Assistant General Counsel, One Bear Place #76798-7034, Waco, TX 76798, 254-710-3821

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) SOCIAL SECURITY <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
				<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 6101 et seq

Brief description of cause:

Age discrimination by recipient of Federal financial assistant**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

7-19-2012

FOR OFFICE USE ONLY

RECEIPT # 100014543 AMOUNT \$ 350.00

APPLYING IFP

JUDGE L. Yeakel

MAG. JUDGE

DUPLICATE

Court Name: TEXAS WESTERN
Division: 1
Receipt Number: 100014563
Cashier ID: tdamian
Transaction Date: 07/19/2012
Payer Name: C. MICHAEL KAMPS

CIVIL FILING FEE
For: C. MICHAEL KAMPS
Amount: \$350.00

MONEY ORDER
Check/Money Order Num: 8066810087
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

1:12CV657LY

C. MICHAEL KAMPS V. BAYLOR
UNIVERSITY, ET AL