INVESTIGATION REPORT

TO

THE BOARD OF TRUSTEES

OF

THE UNIVERSITY OF WEST ALABAMA
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REPORT OF THE INVESTIGATION BEING CONDUCTED AT THE REQUEST OF DR. RICHARD HOLLAND AND BY APPOINTMENT BY THE BOARD OF TRUSTEES

THIS REPORT IS SUBMITTED AT THE REQUEST OF THE BOARD

HISTORY OF EVENTS PRECIPITATING THE INVESTIGATION

At the March 3, 2014 Board of Trustees (BOT) meeting, the Board passed a Motion as follows:

"I move that the University of West Alabama's Board of Trustees appoint an Independent Investigator to conduct an investigation of the allegations in Dr. Holland's report and any other improprieties that might have occurred at the University as the result of any acts or actions by any member of the Board of Trustees or any employee of the University..." (See Ex. I)

"The Independent Investigator and the Board Attorney shall have discretionary authority to take any actions necessary to conduct a thorough investigation including but not limited to unrestricted access to employees, unrestricted access to the University of West Alabama records and property and full cooperation of all employees and Board of Trustee members."

This investigation was conducted pursuant to a request by UWA President Richard Holland as approved by the BOT in the above BOT action. The President’s request was contained in a report posted on the University of West Alabama (UWA) website on February 24-25, 2014, and in an earlier version of that report which was presented to the President of the Board of Trustees Terry Bunn on 2/17/2014. Both reports were adopted and distributed by Dr. Richard Holland.

Those two documents are very similar and are both entitled "A Report On A Corrupt Process Involving Certain Trustees And Administrators At The University Of West Alabama". Each document contains the same "Appendix I". Because they are so similar they will be treated as one in this Report and referred to in the singular and shall be jointly referred to as the Corrupt Process Addendum. (See Exs. 3, 31).

The Corrupt Process Addendum contains materials and allegations listed on a time line beginning July 30, 2013 and the “report calls for the investigation and an appropriate response by the Board of Trustees and the Governor of the State of Alabama, who serves as President of that Board, ex officio.” This report will address each allegation contained in the Corrupt Process Addendum.
Attorneys Drayton Pruitt and Tommy Smith were appointed by the Board of Trustees (BOT) to conduct an independent investigation pursuant to the provisions of the motion passed by the BOT. The investigation commenced on March 11, 2014.

The findings of the investigation will be discussed in more detail later in this report. However, the “TIMELINE OF EGREGIOUS EVENTS DISCOVERED IN UWA INVESTIGATION”, which is attached to this Report as an “Appendix” sets out in chronological order most of the most telling events that were uncovered by this investigation.

During the investigation, we interviewed 34 people. We also attempted to interview Gary Stone and Mike Holliman but they refused to appear. (See Exs. 82, 83). The people who did testify were: Jean Anderson, Lisa Basinger, Kaye Bryan, Danny Buckalew, Terry Bunn, Brian Burnes, Valerie Burnes, Lynda Harwell, Randy Hillman, Martha Hocutt, Richard Holland, Holly Holycross, Amy Jones, Thomas Jones, Tina Jones, Angel Jowers, John Key, Billy McFarland, Jeff Manuel, Connie Marine, Raiford Noland, Mary Pagliero, Garland Partridge, Mike Pratt, Alex Saad, Jerry Smith, Clemit Spruiell, Tyanne Stone, Tom Tartt, David Taylor, Nancy Taylor, Michael Trotter, Ken Tucker, and Beverly Youngblood. All of the interviews were conducted under oath before a court reporter.

We enlisted the services of an independent forensic analyst to examine many computers and digital information provided by the IT department of UWA. Ultimately there were over 1.2 million email and other digital records that had to be analyzed. In addition, we were provided a great many other records and reports which were utilized in the investigation.
LAWS, REGULATIONS AND CONTRACTUAL OBLIGATIONS APPLICABLE TO
SUPERVISION, MANAGEMENT AND CONTROL OF THE UNIVERSITY OF
WEST ALABAMA AND THE UNIVERSITY PRESIDENT

APPLICABLE ALABAMA LAWS

The below listed Code of Alabama sections as amended summarize the statutorily
established obligations of the Board of Trustees and the President of The University of West
Alabama.

§16-53-1 Code of Alabama, 1975 as amended, is as follows:

"The Governor and the State Superintendent of Education, by virtue of their respective
offices, and the trustees appointed pursuant to Section 16-53-3 and their successors in office are
hereby constituted and shall be a body corporate under the name of the University of West
Alabama, as successor to Livingston University."

§16-53-3 Code of Alabama, 1975 as amended:
provides that the Board of Trustees are appointed by the Governor with the advice and
consent of the Senate.

§16-53-4 Code of Alabama, 1975, as amended:
states that the University of West Alabama shall hold its annual meeting on the first Monday
in June of each year and shall hold quarterly meetings on the first Monday after each third
month. Special meetings can be called under described circumstances.

§16-53-6 Code of Alabama, 1975 as amended, is quoted as follows:

"The president shall be elected by the board of trustees and shall have the power and
duty to appoint a corps of instructors who shall be styled the faculty and such other instructors
and officers as the interest of the university may require, to remove any instructors or officers, to
fix their salaries or compensation, and to define the authority or duty of such instructors or
officers. The president may regulate, alter, and modify the organization of the university,
subject to review and concurrence of the board. The president shall further have the duty and
authority to prescribe courses of instruction within academic programs that have been approved
by the board. The president may confer academic degrees and such honorary degrees as are
usually conferred by institutions of similar character upon the recommendation of the faculty."
§16-53-7 Code of Alabama, 1975 as amended, provides:

"After July 1, 2006, the board of trustees created by this chapter for The University of West Alabama shall have exclusive jurisdiction, supervision, and control of The University of West Alabama," and that in addition to the powers quoted above, the board of trustees shall have all of the power previously granted to the State Board of Education and divest the power of the State Board of Education over the University of West Alabama, "with regard to the supervision, management, and control of such university except as otherwise herein provided".

§16-53-10 Code of Alabama, 1975 as amended:
establishes a duty of the board of trustees to make or cause to be made to the Legislature at each session thereof, a full report of their transactions and of the condition of the university and embracing an itemized account of all receipts and disbursements on account of the university by those charged with the administration of finances.
SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS

COMMISSION ON COLLEGES

The Southern Association of Colleges and Schools Commission on Colleges (SACS), a regional accrediting commission, is a voluntary association of degree-granting institutions located in the southeastern region of the United States that elect to engage in a self-regulatory process of quality assurance. That process expects accredited members to comply with standards in the areas of mission, institutional effectiveness and student learning, governance, curriculum and educational programs, faculty, academic and student support, and financial and physical resources, and to comply with the policies if SACS Commission on Colleges.

SACS POLICY STATEMENT ON INTEGRITY AND ACCURACY IN INSTITUTIONAL REPRESENTATION (See Ex. 85)

“Integrity … is a relationship in which all parties agree to deal honestly and openly with their constituencies and with one another.”

SACS CORE REQUIREMENTS (See Ex. 85)

“2.2 The institution has a governing board of at least five members that is the legal body with specific authority over the institution. The board is an active policy-making body for the institution and is ultimately responsible for ensuring that the financial resources of the institution are adequate to provide a sound educational program, …”

The listed Rationale and Notes for Core Requirement 2.2 are listed as follows:

“Ultimate responsibility for the governance of the institution rests with an independent, qualified, empowered governing board. The board is a collective entity responsible for determining the mission of the institution, ensuring that the institution’s leadership is guided by that mission, and holding in trust the well-being of the institution. The board is adequately informed about the operations of the institution to carry out its fiduciary responsibility. In addition, the board’s responsibility is for policy and fiscal viability, not daily operations, which is entrusted to administrative and faculty leadership. Members of the governing board act with authority only as a collective entity. …”

“2.3 The institution has a chief executive officer whose primary responsibility is to the institution and who is not the presiding officer of the board.”

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The listed Rationale and Notes for Core Requirement 2.3 are listed as follows:

“... The chief executive officer and those senior administrators reporting to that individual are responsible for implementing the board’s policies, evaluating them periodically, and reporting results to the board for possible revision or refinement.”

**SACS COMPREHENSIVE STANDARDS** (See Ex. 85)

“3.2.1 The governing board of the institution is responsible for the selection and the periodic evaluation of the chief executive officer.”

“3.2.6 There is a clear and appropriate distinction, in writing and practice, between the policy-making functions of the governing board and the responsibility of the administration and faculty to administer and implement policy.”

“3.2.7 The institution has a clearly defined and published organizational structure that delineates responsibility for the administration of policies.”
RICHARD HOLLAND’S CONTRACT PROVISIONS
(See Exs. 9 & 48)

Dr. Richard Holland’s contracts include the following provisions imposing obligations upon the President and also provisions governing termination of the President. Article 6 provides: “Satisfactory Performance of Duties

“6.01. The employment of the President shall continue only so long as the services rendered by the President are satisfactory to the University of West Alabama’s Board of Trustees, regardless of any other provision contained in this Agreement. The University of West Alabama’s Board of Trustees shall be the sole judge as to whether the services of the President are satisfactory.”

Article 7 provides, in part, as follows:

“7.01. If the President willfully breaches or habitually neglects the duties he is required to perform under the terms of this Agreement, The University of West Alabama’s Board of Trustees may, at their option, terminate this Agreement by giving written notice of the termination to the President. Such termination shall not prejudice any other remedy to which The University of West Alabama may be entitled either at law, in equity, or under this Agreement.”
PRESIDENT'S PERFORMANCE EVALUATION REPORT
(See Ex. 7A)

At the BOT meeting on September 9, 2013 two motions were passed relative to the annual Presidential Evaluation of Dr. Richard Holland's job performance at the University of West Alabama. The first motion was to appoint an ad hoc committee to conduct the evaluation. BOT Pres. Bunn appointed three BOT members to that committee. They were Pres. Bunn, Vice-President Jerry Smith, and member Jean Anderson.

The second motion allocated funds for the ad hoc committee to hire a professional consultant to conduct an evaluation process to aid the ad hoc committee with its evaluation. Dr. Thomas Jones was hired to perform that professional service. Dr. Jones is widely recognized as an expert in the field for conducting such presidential job performance evaluations. His resume is attached. (See Ex. 60)

Dr. Jones conducted the evaluation process in October, 2013. As part of the process he interviewed 43 stakeholders and reviewed many reports and documents. He also toured the UWA campus with Dr. Holland. As a part of the process, Dr. Jones met with Dr. Holland before the interviews began to give Dr. Holland an overview of the evaluation process.

Dr. Jones interviewed stakeholders from many different groups which are listed in the Evaluation Report (hereinafter called the Evaluation). Dr. Jones has noted that he allowed Dr. Holland to name up to five faculty members of his choosing to be among the interviewees. (Jones p.40) Dr. Jones also wound up including a few additional faculty members after he had found cause to do so arising from the interviews of several of the various stakeholders. (Jones p.41,42,43)

When Dr. Jones had completed his on-campus interviews on October 18, 2013, he held an exit interview with Dr. Holland. (Jones p.46,47,48) Dr. Jones has informed us that Dr. Holland seemed dismissive of the concerns that Dr. Jones had found to exist across the board with virtually all the stakeholder groups and instead wanted to talk about the personalities and perceived biases of those whom Dr. Holland felt must have said negative things about him. (Jones p.49)

After his interviews were completed on October 22, 2013, Dr. Jones issued a President's Performance Evaluation Report to the committee. The Evaluation Report essentially contained
two sections. The first section listed the many accomplishments by Dr. Holland. The second section listed several concerns or areas that were seen as possibly in need of improvement. (Jones pp. 51-52) (Also, see D. Taylor p. 16)

After noting accomplishments of Dr. Holland, Dr. Jones grouped the responses of the interviewees into areas of concern as voiced to him by the interviewees. In order to reach valid results, Dr. Jones only included the responses of those who appeared to be candid and who provided balanced responses. (Jones p. 52, 53) He did not include responses from the few individuals who were clearly not objective in their responses and who were either completely critical or completely laudatory of Dr. Holland. (Jones p. 53) The opinions used to report the concerns were expressed across the board by the big majority of the interviewees as were the positive findings noted in the report. (Jones p. 24, 53)

Dr. Jones noted in the report: "To ensure the integrity of (the evaluation) process I promised each interviewed stakeholder confidentiality and anonymity, meaning that I would not attribute anything said to me by name, title or other identifying characteristics." Dr. Jones later stated to us that this was to allow the interviewees to speak as candidly as possible without fear of retribution or reprisal. (Jones p. 20)

The Evaluation was presented to the BOT at its meeting on December 2, 2013, along with President's Holland's initial Response. The Minutes of the BOT meeting reported that two BOT members made the following observations relative to the Evaluation Report (see Ex. 25):

Jean "Anderson said that a comprehensive evaluation was done this year, whereas it had not been done in the last few years."

John "Northcutt said the evaluation is to help the President do the very best job he can do."
SACS ACCREDITATION
(See Ex. 64)

One of the accomplishments of the Holland administration has been the accreditation of the university by the Southern Association of Colleges and Schools (SACS). The completion of the Compliance Certification was submitted by the University of West Alabama to SACS on September 10, 2012. SACS held its accreditation meeting on December 9, 2013 and reaffirmed accreditation for UWA on that date. SACS notified UWA of its action by an accreditation letter signed by SACS which was dated January 14, 2014. (See Exs. 59 & 64).

The Compliance Certification included the following:

“That the University of West Alabama has conducted an honest assessment of compliance and has provided ‘complete and accurate disclosure’ (emph. added) of timely information regarding compliance with the Core Requirements, Comprehensive Standards, and Federal Requirements of the Commission on Colleges”.

Two people signed the Compliance Certificate for UWA, as the university’s Accreditation Liaison and the Chief Executive Officer. The attesting Accreditation Officer was David M. Taylor and the Chief Executive Officer was Richard D. Holland. They both signed the Compliance Certificate on September 7, 2012 and thereby they both attested to the above oath. (See Ex. 59).

David Taylor was the on-campus contact person for UWA with SACS. Dr. Holland testified that Taylor, as the Provost, was the liaison. (Holland p. 304).

We received testimony that the accreditation process had been very lengthy and involved. UWA had utilized a SACS Leadership Team consisting of 24 deans, faculty and administrators. Testimony was received that they worked very hard for almost two years to make sure that UWA did all it was supposed to do to merit reaccreditation. Interestingly, one of the team members was Tyanne Stone who is the wife of the same Gary Stone who was one of the co-conspirators with David Taylor, et al, and who was reported to be very involved in the creation and distribution of the anti-Bloom flyer, and the SACS Complaint filed by Mike Holliman which is discussed below.
PRESIDENT HOLLAND'S INITIAL RESPONSE  
TO PRESIDENTIAL VALUATION  
(See Ex. 26)

After the Evaluation Report was delivered, a “Response to the President’s Performance Evaluation Report” (hereinafter called Response) was prepared for Dr. Holland and delivered to the BOT on November 29-30, 2013. That Response was a collaborative effort by several individuals including Dr. David Taylor, John Key, Dr. Holland, Billy McFarland and others. The Response cited previous presidential evaluation reports and then essentially attacked Dr. Jones, his methodology, and those who provided opinions that Dr. Holland perceived to be negative toward his performance. Further, he was again dismissive of the concerns noted in the Evaluation Report and clearly disagreed that there were any areas for improvement in his management of UWA. (Jones p.49)

That being said, the Response was, at least in part, directed toward the concerns noted in the Evaluation. However, Dr. Holland did state in his Response that what he believed "to be substantial proof of the tainting of the evaluation has been captured in a separate document, which (he) would share with Trustees at an appropriate time." (Ex.26) Later, Dr. Holland distributed and published his "A Report On A Corrupt Process Involving Certain Trustees and Administrators At The University Of West Alabama" (hereinafter called Corrupt Process Addendum).
DR. HOLLAND’S ADDENDUM TO HIS “RESPONSE” ENTITLED "A REPORT ON A CORRUPT PROCESS INVOLVING CERTAIN TRUSTEES AND ADMINISTRATORS AT THE UNIVERSITY OF WEST ALABAMA"

(See Exs. 3, 31)

Like the above Response, the Corrupt Process Addendum was a collaborative effort by Dr. David Taylor, John Key, Dr. Holland, Gary Stone, Billy McFarland and others. Dr. Holland testified that his motivation for creating the Corrupt Process Addendum and publishing it online was that he was angry and did not think the Evaluation was fair. (Holland p. 316).

All of the allegations in the Corrupt Process Addendum pertain to events that allegedly occurred prior to the December 9, 2013 SACS accreditation letter. Throughout the Corrupt Process Addendum, Dr. Holland references numerous SACS Core Requirements and Comprehensive Standards, as well as BOT By-Laws, Code of Ethics and Handbook. However, this report will not address the merits of alleged SACS violations because a complaint to SACS has been filed by Mike Holliman. That complaint will be discussed later in this report. Therefore, each allegation shall be addressed only as that charge relates to the Bylaws and Code of Ethics of the Board of Trustees of the University of West Alabama (UWA), and the UWA Handbook.

ALLEGATION 1

The first allegation in the Corrupt Process Addendum relates to an email message dated July 30, 2013 that the Vice President of Institutional Advancement, Clemit Spruiell, sent Trustee President, Terry Bunn. The email contains a list of concerns about the management of UWA, which Dr. Holland calls "sixteen unsubstantiated complaints" about President Richard Holland. (Ex.3 and 31)

Article 1 §1 of the Board of Trustees bylaws states "the Board acts as a body politic, and no individual member of the Board shall the authority to act for the Board or for the University. Board communications to the Board, shall, therefore, be directed to the Board through the University President OR the Board President except as otherwise provided herein." This bylaw simply does not apply to the Complaint.
The testimony of Dr. Holland and Dr. Taylor who collaborated in writing of the Corrupt Process Addendum verifies that each attend every Board of Trustees meeting. They had attended most if not all Board of Trustees meeting prior to the July 30, 2013 incident. (Holland p. 268; Taylor p. 126, 127, 136; Bryan p. 35) They knew there had been no action taken by the Board of Trustees as a body politic and they understand the implication of that.

Board President, Terry Bunn, as well as the entire Board of Trustees are charged by law above cited with the naming of the President of the University of West Alabama. The contract with Richard Holland as President of The University of West Alabama expires by its own terms on September 30, 2014. (Ex.9) The process of selecting a new President is a lengthy one. The evaluation of the President is a duty and obligation of each Board Member. Only by communicating with the Officers, Faculty, Staff and Students can a Board Member do their due diligence in evaluating the performance of the President and in order to know, in this case, whether to extend the term of Richard Holland's Contract or to let it expire.

Investigators found that there was a universal agreement that not only does the election of a President take an extended time period there must be a structure in place to run the University while that search is conducted. (Jones p.61)

It is immaterial whether Terry Bunn requested the opinions of Vice President of Institutional Advancement, Clemit Spruiell or whether Clemit Spruiell forwarded emails to him on his own. The due diligence and evaluation process must proceed as the expiration of contract of employment of the President of The University of West Alabama was on September 30, 2014.

Further, the office of Vice-President for Institutional Advancement held by Clemit Spruiell, is a senior administrator who reports to the President of UWA and serves on the President's Council. As such, Vice-President Clemit Spruiell, under SACS Core Requirement 2.3 is charged with the responsibility of implementing the board's policies, evaluating them periodically, and reporting results to the board for possible revision or refinement.

**ALLEGATION 2**

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The second allegation was that on August 1, 2013 Trustees Terry Bunn and Jerry Smith met with Dr. Holland and asked about his plans for retirement. Both Board members Bunn and Smith testified under oath that Dr. Holland was told that they were acting as Officers of the Board but not on behalf of the Board. (Bunn pp. 30, 56-57 Smith p. 10-11) The explanation of the findings of the investigators set forth in Allegation 1, relative to the July 30, 2013 incident, apply to this incident except that the complaint includes a statement as follows: "Such a threat violates Article 3 §1 of the bylaws of the Board of Trustees which states that the University President shall be elected by the Board of Trustees and shall serve at the pleasure of the Board but he/she may be removed only by a vote of the majority of the full Board. Two trustees do not have authority to speak for the full Board."

In this instance President Richard Holland's contract expires by its own terms on September 30, 2014. The President was not being removed, the question instead being only whether his term would be extended. (Holland p.272). Further, as stated in answer to the Allegation 1 both Richard Holland and David Taylor attended the Board meetings and know that the Board had not acted prior to August 1, 2013 and thus there was no real threat, and there was no violation of the bylaws or the Code of Ethics. (Holland pp. 257-258, 268, Taylor pp.126-127, 136)

ALLEGATION 3

This alleged corrupt practice is that before August 22, 2013 Dr. Holland told Mr. Bunn, during a telephone conversation, that he had heard from the local community that Clemit Spruiell had sent Mr. Bunn an email that contained a list of complaints about Dr. Holland. Mr. Bunn denied any knowledge of such list. The denial, according to the allegations, is that Mr. Bunn violated the Code of Ethics which states service on a governing board requires loyalty and fidelity to the institution served and it is the responsibility of the members of the Board to govern institution affairs honestly, effectively and economically.

Mr. Bunn did not reply to the e-mail from Clemit Spruiell. Mr. Bunn acknowledged subsequently that e-mails did come to his office but stated that he had not read them when his statements were made. (Bunn pp. 50-51)
Both investigator Garland Partridge and Trustee Randy Hillman who is a prosecutor and an attorney gave the opinion that such unsubstantiated allegations are not creditable. Both of your investigators agree. Dr. Holland testified under oath that he had met with Mr. Bunn and was satisfied that the denials by Bunn were not lies as alleged in the original report on corrupt process and that they were removed from the report before it was placed on the UWA web. (Holland pp. 270-271)

**ALLEGATION 4**

The next allegation is that in August 2013 the Dean of the College of Business, Ken Tucker, told a staff member that he would be the next President of UWA and that he has made no secret of his ambition to be President. It further states that it was his understanding that the Board of Trustees would fire Dr. Holland unless he replaced the Provost. Word of this reached Dr. Holland who informed Mr. Bunn by phone. Mr. Bunn said that that was not true. The allegation is that certain SACS core requirements and standards were violated. The allegation also states that if Dr. Tucker was approached by a member or members of the Board of Trustees that would be evidence of violation of the Code of Ethics of the Board and the bylaws. The allegations are so imprecise it is impossible to give them credibility.

**ALLEGATION 5**

This Allegation is that On September 9, 2013 at the Board of Trustees meeting Mr. Bunn requested and received approval to allocate $20,000.00 for an external evaluation of President Holland and also appointed Mr. Jerry Smith, Mrs. Jean Anderson and himself as the evaluation committee. Holland alleged that two of these three, according to the allegations, had already made up their minds about Dr. Holland's future and informed him of such on August 1, 2013. This allegedly violates the Code of Ethics previously cited.

There has been an annual evaluation of the President at the University of West Alabama for several years. (Holland pp. 26-27). Those in the recent past have been conducted by the Board of Trustees themselves. Bylaws do not override state law, and Sec. 16-53-6 Code of Alabama 1975 as amended, authorizes the Board to elect a President. It is self-evident that the Board should do due diligence.
The question is whether a fair and qualified independent evaluator was employed by the committee. This Report shall discuss the qualification and the independence of the investigation. The evaluation report by Dr. Tommy Z. Jones shall be addressed later in this report.

**ALLEGATION 6**

This allegation is that on September 17, 2013, Ken Tucker was seen in a closed door meeting with Brian Burnes who Holland described as an aggrieved faculty member from another UWA College whose name would be forwarded by Clemit Spruiell to Jerry Smith and who would be interviewed by Dr. Thomas Z. Jones the outside evaluator of the President.

Dr. Jones has testified under oath that during the course of his interviews of the original 40 stakeholders that included those he had requested and also the faculty that Dr. Holland had chosen. He developed information that caused him sufficient concern to set up additional interviews of three additional people. (Jones pp. 40-45). There were no allegations of violations in this charge.

**ALLEGATION 7**

This allegation references a conversation between two other people that was reported to have occurred on September 26, 2013. The people were Trustee Randy Hillman and Claire Smith a columnist for the Sumter County Record Journal (a local weekly newspaper) and the former mother-in-law of trustee Randy Hillman. Mrs. Smith wrote an article published in the Sumter County Record Journal. The allegation was that the article contained a statement "with no prompting a member of the Board of Trustees said in my presence that ‘they were about to get rid of y'alls president'." This according to the complaint was a violation of Article 1§1 of the bylaws which states that the Board acts as a body of politic and no individual member of the Board shall have authority to act for
the Board or the University. This allegation of violation of this particular Bylaws section simply does not apply.

The Article further stated "when strongly questioned the reason why and did they not realize what all President Holland had done for the University, his only answer before leaving quite rapidly, was that he (Dr. Holland) would not answer to the Board." This is a valid complaint if Dr. Holland would not answer to the Board. He is clearly an employee of the Board and required to comply with the actions of the Board and report to the Board. The sworn statements taken to date indicate that there was very real concern about the inadequate reporting of the President to the Board concerning the financial condition and budget of the University of West Alabama as well as to the enrollment decrease.

UWA enrollment peaked in 2011 when Danny Buckalew was handling on campus recruitment and Martha Hocutt was marketing online enrollment. In the Spring of 2011, Dr. Holland moved recruiting and marketing to the control of Dr. Taylor. From 2011 until Spring of 2014, enrollment has decreased by over 800 students.

Vice President of Financial Affairs, Raiford Noland, testified: “The budget (online) is going to be in trouble if they (the Administration don’t (sic) either cut the budget or increase enrollment…” (Noland p.41) “If enrollment continues to decrease at the current rate, it’s going to cause people to be laid off.” (Noland p.24)

**ALLEGATION 8**

This next allegation is that on October 30, 2013 Dr. Ken Tucker tells a staff member that he has been asked to supply names of people to speak to Dr. Jones in his evaluation of the President. The allegation goes on to say that the individual staff member would not be called because he was "Holland's Boy".

The staff member was identified as Billy McFarland. Testimony has been taken from Billy McFarland and Dr. Ken Tucker. Billy McFarland has sworn that this did happen (McFarland p.37, 38, and 39) and Dr. Tucker has sworn that it did not happen. (Tucker p.23)

The allegation goes further and alleges that Dr. Holland asked Mr. Bunn about it and Mr. Bunn denied knowledge about the process being tainted. Bunn told Dr. Holland to let him know if he heard anything differently. There is no testimony that Dr. Holland later
provided Mr. Bunn with any additional information of the process being tainted. (Bunn p. 66).

This certainly is not a violation of the bylaws or the Code of Ethics as Mr. Bunn was informing the President if there was a problem with the process then he wanted to know about it so he could correct it.

ALLEGATION 9

The ninth allegation is that on October 15, 2013 Clemit Spruiell arranged for several Trustees to meet Dr. Jones at the Regional Office in Montgomery and that is a violation of Article 1§1 of the bylaws. Dr. Holland alleged that this circumvented the office of the President and therefore violated the By-Laws.

Again this is not a violation of the bylaws because it simply does not apply. As stated elsewhere, Kaye Bryan who is the Administrative Assistant to the President had been assigned by Dr. Holland to assist Dr. Jones during the evaluation process to arrange interviews and provide logistical support. It was Kaye Bryan who, at the request of Dr. Jones, arranged for a meeting of Trustees in Montgomery because it was convenient for him and a few of the Trustees who resided or worked in that area to meet there. She did ask Spruiell to help her and find a location for the meeting. This is part of the evaluation process as Dr. Jones wanted to speak to each member of the Board of Trustees. (Bryan pp. 74-75; Jones pp. 31, 42, 46). Dr. Jones testified that he is from Savannah, GA and Montgomery was on his route to and from Livingston. He said it was convenient for him to interview there. This was at his request that the meeting place be arranged. (Jones p.31, 32)

ALLEGATION 10

This charge is that between October 16 and 18 Dr. Jones met with scheduled personnel on campus and on the last day, arranged some last minute meetings with selected persons
without knowledge of the President. We received testimony that those meetings were set up by Kaye Bryan in the President's Office and therefore with full knowledge of the President. (Bryan p.74, 75)

**ALLEGATION 11**

This allegation is that Ken Tucker made telephone calls to listed individuals and that evidenced an attempt to taint the evaluation results in a negative manner. However, Dr. Tucker apparently was complying with the request of Dr. Jones to supply names of witnesses. The Board of Trustees was not alleged to have participated.

**ALLEGATION 12**

The complaints of October 15-24, 2013 about Dean Ken Tucker and thereafter the Appendix I response by President Richard Holland to Clemit Spruill's alleged surreptitious complaints involve the relationship between President Richard Holland and Vice President Clemit Spruill and Dean Ken Tucker.

Such relationships are controlled by Section 16-53-6 Code of Alabama 1975 as amended which states in part "The President ... shall have the power and duty to appoint a corps of instructors who shall be styled the facility and such other instructors and officers as the interest of the university may require, to remove any instructor or officer, to fix their salaries or compensation, and to define the authority or duties of such instructor or officer."

Investigators could find no reprimands in the personnel files of Spruill or Tucker, and they were not removed from office. Further, both Vice-President Spruill and Dean Ken Tucker are senior administrators of the University of West Alabama.

**ALLEGATION 13**

**ILLEGAL PASS-THROUGH APPROPRIATION**

John Key testified that he and Mike Holliman prepared a flyer, which is attached as "Exhibit 4" to this report, entitled "VOTE NO ON HAL BLOOM'S CONFIRMATION TO THE UWA BOARD OF TRUSTEES". The flyer contained several statements and was
distributed by John Key and Gary Stone to the Confirmation Committee of the Alabama State Senate on the 26th day of February, 2014. (Key p.29) John Key is an employee of UWA and Gary Stone is a retiree from UWA. Testimony also showed that David Taylor and Mike Holliman also participated in the creation of the flyer. (Ex.65)

The flyer quotes Governor Bentley, who charges in his appointment letters the appointee with the mandate "honesty and integrity are two values that I prioritize for my administration."

"...

It then states "we (John Key and Gary Stone) question Mr. Bloom's integrity...."

The flyer was handed out to Senators and others by Key and Stone at the Confirmation Committee hearing which was considering the confirmation of the appointment of Hal Bloom as a Trustee of UWA Board of Trustees. The Committee carried over the vote on his confirmation that day but did confirm his appointment March 4, 2014, the day after the BOT Meeting. Key and Stone, in the flyer, quoted an excerpt from Richard Holland's Corrupt Process Addendum published by him on the University of West Alabama's website as follows:

"Mr. Spruiell and others had worked for some time on this project before I was made aware of their effort. I was informed of the effort to transfer $1,000,000 from the General Fund to UWA (via a pass through with ADECA) when I received a call from Mike Hubbard, Speaker of the House. He knew about it and was more than upset. He reminded me that he was trying to not move monies from the General Fund budget. At that time, he and everyone else knew that agencies funded from the General Fund Budget would be cut drastically. These cuts have continued since then. I told him the University was not trying to move General Fund money to the University. I told Mr. Spruiell the same thing because Mr. Spruiell, by his own admission, was willfully violating the law by actively pursuing funding because "pass-through appropriations are prohibited" and was also implicating Board member Randy Hillman and others (Hal Bloom and Taylor Harper) in this matter. (Section 41-19A-4 Code of Alabama; Act 2010-759, 1st Sp. Sess., p.7 §4.) Beyond the illegal appearance of his own efforts, Mr. Spruiell as an officer of this University was authorizing the lobbyists he
employed to engage in the same type of illegal activity. Due to the desperate state of the General Fund, it was unethical and unprofessional to try such a diversion."

Dr. Richard Holland did not get a legal opinion from Mike Kendrick, the University's attorney, or apparently any other attorney, as to whether the appropriation was an illegal "pass-through appropriation". In fact, it was not illegal. (See Ex. 86).

Randy Hillman, who is an attorney and the Director of the Alabama Office of Prosecution Services and long time lobbyist for the District Attorneys Association, is extremely familiar with pass-through appropriations. He reviewed this appropriation and saw that it was not a pass-through appropriation and was not illegal (Hillman p. 16).

Taylor Harper, the former representative in the House of Representatives who was chair of Ways and Means is widely recognized as one of the most knowledgeable individuals on appropriations in the State of Alabama. (Holland p. 80) He was a part of the team which secured a commitment for the one million dollar appropriation from Jim Barton. Senator Jim Barton was chairman of the Appropriations Committee for the General Fund. He is from Mobile and he also agreed to a one million dollar appropriation for the University of South Alabama.

By accusing Hal Bloom, Taylor Harper and Clemit Spruiell of an illegal activity and Spruiell's willfully violating the law, Holland implicated Board of Trustees member Randy Hillman, Senator Jim Barton, Senator Bobby Singleton and Representative A.J. McCampbell as co-conspirators in a conspiracy to commit a crime. In fact, all they were attempting to do was to secure this appropriation for UWA. Ultimately, President Richard Holland turned down the appropriation and it was not included in funds appropriated to the University of West Alabama. (Holland pp. 76-80).

**Having answered the allegations contained in the Corrupt Process Addendum, and having found no corrupt, unethical or illegal activities on the part of the Board of Trustees, your Investigators submit facts relating to UWA employees.**
FINDINGS AND FACTUAL REPORT

I. MISUSE OF UNIVERSITY TECHNOLOGY SERVICES, EQUIPMENT, VEHICLE AND RESOURCES AND INVASION OF PRIVACY

A. We received a great deal of testimony along with digital and other evidence that showed that as long ago as November 12, 2012, David Taylor was surreptitiously intercepting the private email traffic of several individuals. On or about that date, he instructed personnel in the IT department to set up a “tempaccount” that allowed David Taylor to spy on the private email traffic of the Vice President for Institutional Development Clemit Spruiell, and Board of Trustees members Terry Bunn, Alex Saad, Bill Sager and Jerry Smith. (Ex.66, 87 & 90) The tempaccount was set up so that copies of any emails from or to the targeted individuals were automatically sent to the tempaccount. After copies of the emails were sent to the tempaccount, David Taylor could open the account and read the emails at his leisure anytime he wanted. (See Exs. 66, 87 & 90)

This tempaccount existed for well over a year until it was deleted by Dr. Taylor on or about February 19, 2014. (Ex. 87) In addition, David Taylor had instructed IT personnel to provide occasional “snapshots” of email traffic concerning those same individuals and also Dean Ken Tucker and staff member Billy McFarland. None of the individuals involved had agreed to the invasion of their privacy and academic freedom. (See also Holland pp. 99-100).

According to sworn evidence received, David Taylor’s reason given for this covert invasion of privacy was that there was possible collusion between the named individuals and members of the Board of Trustees. (Ex. 66)

MISUSE OF UNIVERSITY VEHICLE, EQUIPMENT AND RESOURCES

B. We also received evidence that John Key used a UWA vehicle to conduct what he described as personal political activity when he went to the Alabama Statehouse to distribute the anti-Bloom flyer on February 26, 2014. (Ex. 91) He also used that university vehicle when he drove Gary Stone and himself to a meeting at the office of Paul Hamrick on that same day for the purpose of meeting with Mike Holliman and Paul Hamrick to finalize a complaint against the University to be sent to SACS. (Ex. 91) In addition to using the university vehicle, Key also obtained per diem from state funds and reimbursement of expenses from the foundation for the same trip. (Exs. 61, 91)
In addition to evidence of the use of a university vehicle to pursue admittedly “personal political activity” by John Key, we received evidence that David Taylor and John Key used their UWA email accounts to further their conspiracy to create and distribute the anti-Bloom flyer. They exchanged emails with the flyer attached on February 23-24, 2014. The first email from Key to Taylor was on February 23, 2014 at 10:20 p.m.. The instructions to Taylor were: “Please review. Thanks. JCK”. There is then email traffic relative to the flyer with the last being from Taylor to Key on February 24, 2014 at 2:58:27 p.m. The attachment is the anti-Bloom flyer and the message is “revision”. The attached flyer reads the same as the flyer distributed by Key and Stone in the Statehouse on February 26th. (See Ex. 65)

On April 4, 2014, Key testified falsely under oath that David Taylor did not assist in the creation of the flyer and that he had obtained the Spruiell information and the Holland quote from the Corrupt Process Addendum after it was posted on the UWA website by Holland. The problem with that testimony is that Taylor and Key had already completed the revised flyer with that information and quote well before Holland had even sent it to the webmaster Christi George on February 24th at 5:50 p.m. with instructions to post it the next day. (See Exs. 31, 65, 81 & 91)

Taylor testified under oath on April 1, 2014. Taylor testified falsely that he did not assist in the creation of the flyer. When asked: ‘Would you have any participation in the creation of the flyer or making those arrangements?”, Taylor replied: “Absolutely not.” (See Taylor transcript pp. 31-32. Also pp. 105-106, 197).
II. CONSPIRACY BY RICHARD HOLLAND, DAVID TAYLOR AND OTHERS

We found no evidence to support the accusation by Richard Holland that there was a conspiracy or collusion between administrators or Board of Trustees members to taint or skew the Evaluation against Dr. Holland or to undermine his administration. We were provided information that showed only that there was a growing concern about the future of UWA and the lack of adequate planning for the future in terms of addressing the university’s decreasing enrollment and revenue.

However, we did find overwhelming evidence of a conspiracy that included Richard Holland, David Taylor, Gary Stone, Mike Holliman, Paul Hamrick, John Key and Billy McFarland. The goals of the conspiracy were to:

a. Intimidate and force the Board of Trustees of the University of West Alabama to give Richard Holland a contract extension which would in turn protect David Taylor;
b. Influence the public to support President Holland and oppose the Board of trustees;
c. Prepare the documents which we refer to as the Response and the Corrupt Process Addendum;
d. Prepare and distribute a flyer that opposed the appointment of Hal Bloom to the BOT; and/or
e. Prepare a complaint to SACS which was ultimately filed by Mike Holliman. That complaint was signed by Mike Holliman on February 28, 2014 and stamped as received by SACS on the same day as the March 3, 2014 BOT Meeting.

We received sworn testimony from John Key, Richard Holland, David Taylor, and Billy McFarland in addition to many others. As stated earlier, we attempted to get the sworn testimony of Gary Stone and Mike Holliman but they refused to testify. (See Exs. 82, 83) David Taylor was John Key's supervisor.

There were several documents prepared and either placed on the UWA website, handed to State Senators, delivered to the BOT Chairman or sent to SACS. As stated earlier, testimony showed that these documents evolved over time and were created, edited and or distributed by David Taylor, Gary Stone, Mike Holliman, Paul Hamrick, John Key and Billy McFarland as well as Dr. Holland. For instance, we received testimony that Gary Stone, Mike Holliman and Paul Hamrick were working on completing the SACS complaint as late as February 26, 2014 at a lengthy meeting in Montgomery at Paul Hamrick’s office.
It is apparent from the evidence uncovered that even though Dr. Holland willingly adopted and issued both the Response and the Corrupt Process in an effort to extort a contract extension from the Board of Trustees, it was primarily his co-conspirators who not only created those documents but also produced other documents including the flyer opposing the appointment of Hal Bloom and the SACS Complaint against UWA filed by Mike Holliman.

We have received testimony that Gary Stone, Mike Holliman and Paul Hamrick were working on completing the SACS complaint as late as February 26, 2014 at a lengthy meeting in Montgomery at Paul Hamrick’s office.

The original Corrupt Process Addendum complaint was personally handed by Richard Holland to Board President Terry Bunn on February 17, 2014 at a meeting to establish the agenda for the March 3rd BOT Meeting. BOT President Bunn testified that Dr. Holland did not produce the Corrupt Process Addendum until Bunn refused to acquiesce to Holland’s demand that the subject of Holland’s contract extension not be placed on the BOT agenda as an action item. (Bunn 36,37)

President Bunn later forwarded that Corrupt Process Addendum to each Trustee along with a cover letter explaining the events that occurred at that meeting, together with the BOT meeting agenda. (See Exs. 3, 27)

Subsequently, the 2/17/2014 Corrupt Process Addendum was modified, principally to remove the allegations that Terry Bunn had violated the Code of Ethics of the Board of Trustees by telling lies to Richard Holland. According to the testimony of Holland, he and Terry Bunn discussed these allegations and Holland was convinced they were in error. (Holland p. 260,261) Later, on February 24, 2014 Dr. Holland sent the edited version of the Corrupt Process Addendum to the UWA webmaster with instructions to post the report of the UWA website. (Ex. 31)

John Key in his sworn testimony agreed that the Corrupt Process Addendum that he helped author contained accusations against several people about committing illegal and unethical acts. He went on to testify that he felt that they (David Taylor and Richard Holland, et al) trusted Key to edit the SACS Complaint narrative because he was working with them on the other documents. (See Ex. 81 and Key pp. 172-176).
There are numerous emails and evidence which show the above conspiracy at work. However, the conspiracy started well before the Jones Evaluation was done in October, 2013, and even before the July 30, 2013 Spruiell email to Terry Bunn.

We received evidence that David Taylor was spying on the private email traffic of Board Trustees Terry Bunn, Alex Saad, Bill Sager and Jerry Smith, as well as Vice-Pres. Clemit Spruiell, and, at times, Dean Ken Tucker and even Billy McFarland from November 2, 2012 up until February 19, 2014. (See Exs. 66, 67, 68, 87, 90). It must also be remembered that Richard Holland provided Mike Holliman with all email traffic that was between, to or from all BOT members and Clemit Spruiell or that had just been copied to Clemit Spruiell. Holliman then requested that IT provide him those emails under the Public Document Law. It was Mike Holliman who later filed the Complaint with SACS.

David Taylor, in his sworn testimony on page 185, stated that he instructed John Key, Richard Holland, Gary Stone and Billy McFarland on how to permanently delete emails using a triple delete process which he described in an email dated November 25, 2013 (See Ex. 14). It was the opinion of John Key that those instructions to delete were to cause others not to be able to discover who was working on the reports. (See Ex. 81 p. 123) Key further stated that “the triple delete was to cover up what (he) had been doing”. (See Ex. 81 pp. 189-90).

A flurry of activity occurred during the two week period from 2/17/2014 to March 3, 2014, Richard Holland and David Taylor were attempting to help and protect their friends who had helped them or supported them. That “help and support” included giving John Key an employment contract, the signing of employment contract modifications for David Taylor, and relocation of Billy McFarland to the office of Provost for his direct protection by David Taylor.

According to that same sworn testimony: David Taylor was the point person orchestrating everything and it was who Taylor had given Mike Holliman information that Holliman had asked for. Taylor was the coordinator in charge of the campaign that resulted in the SACS Complaint, the Holland Response and Corrupt Process Addendum and the anti-Bloom flyer. (See Ex. 81 pp.175, 179).

As part of the overall effort to intimidate and coerce the Board of Trustees, a Facebook page was set up. It is called We Love UWA. The administrators of We Love UWA are Dawn Key who is the wife of John Key, and Paul Hamrick. (See Exs. 20 & 81 Key p.76 & 91, p. 28)
III. REWARDS AND PERSONAL FINANCIAL GAIN SOUGHT OR RECEIVED BY THE CONSPIRATORS AT THE EXPENSE OF THE UNIVERSITY OF WEST ALABAMA

In addition to finding extensive evidence of the existence of the conspiracy between Taylor, Holland, Key, Stone, Holliman, Hamrick and McFarland, we found evidence that Holland attempted to reward Taylor and Key at the expense of UWA and to place McFarland under the sole supervision of Taylor.

Richard Holland was placed on Administrative Leave by the BOT at its meeting on 3/3/2014 (See Ex. 29). Several documents were signed by Richard Holland either before or after he was placed on leave which show damning evidence that he attempted to reward David Taylor and John Key and to protect Billy McFarland for their role in furthering the objects of the conspiracy. The relevant dates and events are:

2/17/2014:

1. Holland allegedly signs an employment contract for John Key that guaranteed his salary and job security. It is purportedly notarized by Key’s employee Mary Paglierio at the International House. (See Exs. 41 & 88)

2. By this date, Taylor has begun to work on an employment contract modification for himself. See emails and draft modifications bearing this date. (See Exs. 63, 70).

2/23/2014: Sunday:

1. David Taylor and John Key are editing the anti-Bloom flyer which was distributed in the Alabama Statehouse by Key and Gary Stone on 2/26/2014.

2/24/2014: Monday:

1. Holland sends the slightly edited Crrrupt Process Addendum to UWA webmaster Christi George with instructions to place it on the UWA website the next day along with the Evaluation Report and the Response which had already been posted. (Ex. 31)

2. David Taylor continues editing or proofing of the anti-Bloom flyer. (See Ex. 65).

2/25/2014: Tuesday:

1. David Taylor sends emails to Dr. Holland and Angel Jowers and John Key and others, instructing them to: “Please proof for the last time. Then triple delete. Need Quick Turnaround.” Attached to these emails is the multi-page narrative section of the SACS Complaint that Mike Holliman files three days later on 2/28/14. (See Exs. 45, 76, 77, 84)

2. Richard Holland replies “Go forward. R” (Exs. 45, 76).
3. David Taylor is in the process of drafting a Modification to his employment contract to lessen his responsibilities but keep the same salary and benefits.

4. John Key goes to Montgomery with Gary Stone to actively oppose the confirmation of Gov. Bentley’s appointment of Hal Bloom to the BOT. (Key p. 29) Key testified that they stayed at the Fairfield Inn. The hotel receipt shows they did not check in until 10:23pm. While there, he made copies of the anti-Bloom flyer to be distributed the next day in the Statehouse. (Ex. 91)

2/26/2014: Wednesday: 1. The first of two Modifications to Taylor’s employment contract is allegedly signed by Holland and Taylor and, as with Key’s contract, is purportedly notarized by Pagliero, at the International House. The Modification allows Taylor to opt, at his sole discretion, to change his duties at UWA to no more than teach three online literature courses per semester and yet continue to be paid the same salary and receive the same benefits as when he was the Provost.

The salary alone for teaching those three online courses would therefore be over $185,000, a benefits package, IT and secretarial support. Not only was there no consideration flowing back to UWA for this unconscionable salary, UWA would also have to provide an additional compensation package for a replacement Provost. (See Ex. 15)

2. Mike Holliman, Gary Stone and Paul Hamrick meet for approximately two hours in Hamrick’s office in Montgomery to finalize the SACS Complaint for its submission to SACS. John Key is also present and provided transportation for Stone in a UWA vehicle. In addition, Key sought and obtained per diem and reimbursement of expenses for the trip that included this meeting. (See Exs. 61, & 81)

2/27/2014: Thursday: 1. Holland allegedly signs a letter directing that Billy McFarland will move to the Office of the Provost, David Taylor. (See Ex. 51) The letter was not delivered then and in fact no one was aware the letter existed until after a meeting in the Provost’s Office on 3/3/2014. McFarland testified he was not aware of the letter until after the 3/3/2014 BOT meeting. However, see the description of the events on 3/3/2014 concerning this letter. (This letter was backdated) McFarland’s CBES assistant Angelia Mance was not transferred from Wallace Hall.

2/28/2014: Friday: 1. Mike Holliman signs and mails the completed SACS Complaint that includes the Taylor/Holland narrative. (Ex. 32)
2. A second Modification to Taylor’s employment contract is allegedly signed by Holland and Taylor and also notarized by Pagliero, once again at the International House. This Modification has the same provisions as the first Modification except it provides that Taylor would have to give a 15 day notice before invoking it. (See Ex. 47)

3/3/2014: Monday:

1. The BOT meets and places Richard Holland on Administrative Leave and he is relieved of the authority to act in the capacity of President.

2. After the BOT meeting, a meeting is held in the conference room of the Provost’s office. We have received forensic evidence that the letter signed by Richard Holland that moved McFarland to the protection of David Taylor was actually written then by Gary Stone, on his laptop, instead of on the 2/27/2014 the backdated letter bore. It was signed by Richard Holland after he no longer had authority to act as President. (Ex. 51, Pratt p. 69, 70, 71, 72, 73)

3/6/2014: John Key submits a per diem reimbursement request for the trip to and from Livingston and Montgomery when he and Gary Stone distributed the anti-Bloom flyer and attended a two hour meeting with Mike Holliman and Paul Hamrick at the office of Paul Hamrick to finalize the SACS Complaint later filed by Mike Holliman. He receives a check issued on 3/12/2014 that includes $150. per diem for the trip. The per diem request is also notarized by Mary Pagliero. (Ex. 91)

He also received reimbursement from the UWA Foundation for the money he spent to pay for Gary Stone’s meals and hotel. Further, he approved his own request for the reimbursement. (Ex. 61)

4/4/2014: John Key provided sworn testimony that everything that was done after the Evaluation, including the Corrupt Process Addendum, the SACS Complaint and the anti-Bloom flyer was done with one purpose in mind, that being to get Richard Holland an extension on his contract. (Key p. 193, Tp1)

John Key also testified that in the flurry of activity during the two week period from 2/17/2014 to March 3, 2014, Richard Holland and David Taylor were attempting to help and protect their friends who had helped them or supported them. See page 132 of the Key transcript. (See Ex. 81).
Key further stated that David Taylor was the point person orchestrating everything and that he knew that Taylor had given Holliman information that Holliman had asked for. Key stated that Taylor was the coordinator in charge of the campaign that resulted in the SACS Complaint, the Holland Response and Corrupt Process Addendum and the anti-Bloom flyer. (Key p. 175, 179, Tp1)

The entries on this timeline are excerpts from an all inclusive timeline which is incorporated at the end of this report as “Appendix I”. 
IV. EMPLOYMENT CONTRACTS FOR DAVID TAYLOR ALLEGEDLY NOTARIZED BY MARY PAGLIERO

Relative to the employment contract for John Key and the two contract modifications for David Taylor which were signed by Richard Holland, all were purportedly notarized on the three different dates shown on the documents by Mary Pagliero whose office is in the International House. However, Mary Pagliero testified that she has notarized only one document for Richard Holland and she did not independently remember the date of that occurrence. (Ex. 92)

We interviewed Ms. Pagliero and took a sworn statement on 4/1/2014 and then scheduled a second interview for 4/4/2014. During the first interview she testified she “keeps notes as a notary as to whom I have witnessed.” She informed us she could get those notes and return shortly and that would show the date she notarized something for Richard Holland and David Taylor. We asked her to get the notes and return this same date with them and she said she would “be glad to.” She left but did not return with the notes. (Ex.92)

After she failed to return to the interview with her notes on 4/1/2014, she was notified that we needed to reinterview her and that she needed to bring her notes. A second interview was scheduled for her to appear on April 4, 2014. However, she failed to appear but instead sent an email to us through Kaye Bryan that she did not want to meet with us and did not want to talk with us. (Ex.34)

A third interview was scheduled for her to appear on 4/9/2014. She finally did return on that date with her attorney whereupon the second sworn interview was conducted.

During her second interview on 4/9/2014 she produced her calendar but it had no notations of any signatures she had witnessed as a notary. She was adamant that she did not keep a “log” as a notary even though she was the one who first adamantly said that she kept notes and would be glad to produce them. (Ex. 92)

In his sworn testimony on April 8, 2014, Dr. Holland testified that he is familiar with Ms. Pagliero and that she did notarize his signature on a contract modification on February 28, 2014. He stated: “Well, she has a log. I’ve seen it. ... I signed it on the 28th.” And, when told Ms. Pagliero would have to return for another interview, Dr. Holland responded: “And tell her to bring her log.” (Ex. 92)
When taken as a whole, the evidence strongly suggests that the notes or log were destroyed after Ms. Pagliero’s first interview and after we had instructed to return with her “notes” during her first interview.

Further, there is no apparent valid reason why Richard Holland and David Taylor would leave their office building and go across campus to the International House to get the contract modifications notarized. There are three notaries on the same floor as the President’s office which have routinely been used by Richard Holland and David Taylor whose office is directly below the office of those same notaries.

Further still, there is no reason why either Taylor’s contract modifications or John Key’s employment contract were notarized in the first place, even if they were otherwise valid. No other employment contracts that we have seen were so notarized.
V. EVENTS LEADING UP TO AND SURROUNDING THE SACS COMPLAINT

9/7/2012: Richard Holland and David Taylor sign the Compliance Certificate for the submission by UWA to SACS during the accreditation process. They both attest that complete and true information has been included in the voluminous report submitted to SACS. (Ex. 59)

8/22/2013: Mike Holliman files a demand for all email traffic involving Clemit Spruiell and any and all members of the BOT. (Ex. 8) The interception of those emails was without permission of any of the parties to the emails. In his Request for Access to Public Records which he delivered to Dr. Holland, he demanded: “All email exchange from the University network account of Clemit Spruiell between Clemit Spruiell (and) any member of the University Board of Trustees and any emails copied to Clemit Spruiell that were sent to, copied to or received from any member of the University Board of Trustees by another party.” (Ex. 8)

The reason given by Holliman for the demand was: “For use in a possible report to the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) on possible violations of SACS principles on University governance and for the possible filing of a complaint with the State of Alabama Ethics Commission.”

That demand was immediately approved by Dr. Holland who took the unusual step of waiving the substantial costs incurred by UWA in the producing of those records. (See Ex. 8).

Testimony during the investigation provided overwhelming evidence that David Taylor worked closely with Mike Holliman, Richard Holland, Gary Stone, John Key, Billy McFarland and Paul Hamrick to create Holland’s Response, Corrupt Process Addendum, the anti-Bloom flyer and/or a Complaint to the Southern Association of Colleges and Schools (SACS).

11/26/2013: At 12:39pm David Taylor sends an email to Richard Holland. In that email he instructs Holland to “be compiling the material for Mike to send to SACS.” (See Ex. 77).

12/2/2013: Six days later, the BOT holds its quarterly meeting. At that meeting, Dr. Holland informs the BOT in his regular Report From the University President, that “… he would be attending the SACS Annual Meeting on December 9, (2013), and he feels very confident that the University will be re-accredited.” (See Ex. 25).

12/9/2013: The SACS meets and reaffirms accreditation for UWA.

2/25/2014: On Tuesday, David Taylor sends mails to Dr. Holland and Angel Jowers instructing them to: “Please proof for the last time. Then triple delete. Need Quick Turnaround.” Richard Holland responds: “Go forward. R.” Attached to these emails is the multi-page
narrative section of the SACS Complaint that Mike Holliman files 3 days later on 2/28/2014
(See Exs. 45, 76, 84; D.Taylor pp. 221, 224-247)

2/26/2014: Mike Holliman, Gary Stone and Paul Hamrick meet in Hamrick’s office to finalize
the SACS Complaint. John Key is also present and provided transportation for Stone in a UWA
vehicle. (Ex. 91)

2/28/2014: On Friday, Mike Holliman signs the SACS Complaint and sends it to SACS. SACS
stamps it as being received on 3/3/2014.

3/3/2014: On Monday, the SACS Complaint is stamped as received by SACS.

The BOT meets and places Richard Holland on Administrative Leave and he is relieved
of the authority to act in the capacity of President.

3/5-6/2014: Between 4:00pm on Wednesday 3/5/2014 and 4:00pm Thursday 3/6/2014 the SACS
narrative that was used in the SACS Complaint is triple deleted from David Taylor’s account.
(See Ex. 76; D.Taylor pp. 221, 224-247) This is a direct violation of the BOT directive to all
UWA employees to preserve all records, electronic or otherwise for the special
investigation.

4/4/2014: John Key provided sworn testimony. Among many other things, he testified that
David Taylor had also sent the SACS Complaint narrative to him to be reviewed and see if there
was anything Key might add or comment. Key was not sure of the date of that occurrence.
(Ex.91)

The entries on this timeline are excerpts from an all inclusive timeline which is incorporated at
the end of this report as “Appendix I”. 
VI. EFFORTS TO COVER UP EVIDENCE OF THE CONSPIRACY AND INVASION OF PRIVACY BY DAVID TAYLOR

Testimony and other evidence showed there were several instances where David Taylor and John Key attempted to cover up evidence of the conspiracy and invasion of the privacy of the individuals' whose email traffic had been spied upon. The below timeline references some of those efforts.

9/27/2012: David Taylor gets instructions from the IT department on how to “triple delete” items so that they cannot be retrieved. (Ex.78) (Forensic experts have the capability to find those triple deleted items.)

11/25/2013: In the middle of a great number of emails and email traffic between Taylor, Holland, Key, and McFarland which extended over a long period of time and which related to the creation and publication of Holland’s Response and Corrupt Process Addendum, Taylor sent an email to Key, Holland, Gary Stone, and McFarland that included instructions on how to ‘triple delete” email. (Ex. 14)

12/9-10/2013: Email traffic and supporting documentary explanation shows that David Taylor had instructed Mike Pratt (IT) to send scans of Clemit Spruiell’s emails to Taylor. When Pratt gathered the requested emails, it showed that the message with the scans was from “System Administrator”. Taylor then instructed Pratt to alter his email that had the Spruiell emails attached so that it would show that it was from Clemit Spruiell instead of System Administrator. Pratt did not want to alter the document and do that. Instead he changed how he opened Spruiell’s PST file, printed the documents again with “Clemit Spruiell” in the “from” box and sent them to Taylor. This appeared to be an effort to cover up and make it appear as though Spruiell had pulled the emails when it fact he had not. (See Ex. 67)

2/19/2014: The tempaccount that David Taylor had created to spy on the email traffic of Spruiell, Bunn, Sager, Saad and Smith is deleted by Taylor. (Ex. 87)

2/25/2014: David Taylor sends emails to Richard Holland and Angel Jowers with instructions to review the attached copy of the narrative that was incorporated into the SACS complaint the next day at Paul Hamrick’s office during a meeting that included Mike Holliman, Gary Stone, John Key and Paul Hamrick. In one of the emails to Jowers, David Taylor states: “Proof for last time. Then triple delete. Need quick turnaround.” (See Exs.45, 76, 77)
3/3/2014: After the Board places Richard Holland on Administrative Leave there is a meeting in David Taylor’s office to discuss strategy. Testimony showed that among the persons present were David Taylor, Gary Stone, Mike Holliman, John Key, Mike Pratt, and others. Testimony showed that the conspirators had previously held as many as two or three meeting in the home of Gary Stone to work on the various documents that were produced and distributed. John Key provided sworn testimony that at one point he left the meeting in order to “triple delete” information on his computer in order “To cover my tracks to cover up what he had been doing.” (See Ex. 81, p. 190). This is a direct violation of the BOT directive to all UWA employees to preserve all records, electronic or otherwise for the special investigation.

3/5-6/2014: 1. While Dr. Holland and Billy McFarland are in Washington D.C., they attempt to contact IT Administrator Mike Pratt to tell him to delete all items in their “trash”. David Taylor gives a memo written in green ink to Mike Pratt directing him to “delete all in trash” (triple delete) of Richard Holland and Billy McFarland. In addition, Taylor directs Pratt to examine Holland’s account and delete anything to or from John Key, David Taylor, lymic@aol.com (Mike Holliman), and Tom Ballow. (See Ex. 93)

2. All of these actions are a direct violation of the BOT directive to all UWA employees to preserve all records, electronic or otherwise for the special investigation.

The entries on this timeline are excerpts from an all inclusive timeline which is incorporated at the end of this report as “Appendix I”.

The State of Alabama Records Disposition Authority for Public Universities classifies routine correspondence as including correspondence regarding routine matters. The RDA imposes regulations that govern the time periods when such correspondence must be retained and cannot be destroyed. Routine correspondence that does not relate to finances must be “retained for useful life.” Routine correspondence that does relate to finances must be retained for 3 years after the end of the fiscal year in which the records were created.

All of the findings reported in this Report were provided in either sworn testimony or in records or other documentary evidence uncovered during the course of the investigation.
SOME STATUTES THAT MAY HAVE BEEN VIOLATED

§13A-8-15 Extortion in the Second Degree. (1) §13A-8-13 states that a person commits the crime of extortion if he knowingly obtains by use of a threat control over the property of another, with intent to deprive him of the property.

(2) Extortion by means of a threat, as defined in paragraphs (13)b or (13)d through (13)k of Section 13A-8-1, constitutes extortion in the second degree

(3) §13A-8-1(13) defines the word Threat as used in §13A-8-15 as a menace however communicated, to, among other things:

(13)d: Engage in other conduct constituting a crime;

(13)e: Accuse any person of a crime or cause criminal charges to be instituted against any person;

(13)i: Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or,

(13)k: Do any other act which would not in itself substantially benefit the actor but which is calculated to harm substantially another person with respect to his or her health, safety, business, calling, career, financial condition, reputation, or personal relationships.

§36-25-5 Use of Official Position or Office for Personal Gain

§13A-11-163 Defamation

§13A-10-103 Perjury in the Third Degree

§13A-10-110 Unsworn Falsification

§13A-8-3 Theft of Property in the First Degree

§13A-8-5 Theft of Property in the Third Degree

§13A-11-31 Criminal Eavesdropping

§13A-11-32 Criminal Surveillance

§16-5-1, et seq Violation of Records Disposition Authority

Criminal Conspiracy to Commit any of the above offenses
**“Appendix”**

**TIMELINE OF EGREGIOUS EVENTS DISCOVERED IN UWA INVESTIGATION**

**9/7, 10/2012:** On September 7, 2012, Dr. Richard Holland and Dr. David Taylor sign the SACS/COC Compliance Certification for the University of West Alabama and attest:

“That the University of West Alabama has provided complete and accurate disclosure of timely information regarding compliance with the Core Requirements, Comprehensive Standards, and Federal Requirements of the Commission on Colleges.” Dr. Holland signs as the Chief Executive Officer of UWA and Dr. Taylor signs as the Accreditation Liaison. The Compliance Certification is submitted on September 10, 2012.

**9/27/2012:** David Taylor gets instructions from the IT department on how to “triple delete” items so that they cannot be retrieved. (Unknown to him, our forensic expert has a method of retrieving them.) (See Ex. 78)

**11/2/2012:** Emails show that David Taylor had a “tempaccount” created so that copies of emails of other people would secretly and automatically be sent to that tempaccount which in turn allowed David Taylor to personally spy on and monitor their private email traffic without having to go through the IT department. The targets of David Taylor’s clandestine campaign were Clemit Spruill, and Board of Trustees members Terry Bunn, Alex Saad, Bill Sager and Jerry Smith. (See Ex. 66, 87 & 90)

The tempaccount is later deleted by Taylor on February 19, 2014, after Richard Holland had delivered the Corrupt Process Addendum together with an oral ultimatum to Board President Terry Bunn and Bunn had not acquiesced to the ultimatum. (See Ex. 90) The threat in the ultimatum was that Holland would make the Corrupt Process Addendum public unless Bunn agreed to not put the topic of Holland’s contract extension on the Agenda for the March 3, 2014 Board of Trustees meeting. (See Ex. 27)

**6/28-29/2013:** David Taylor expands his email capture zone to include the private emails of the selected members of the Board of Trustees regardless of whether they were to or from Clemit Spruill and also of Clemit Spruill regardless of whether they are to or from the BOT members. David Taylor is also periodically spying on email traffic of Dean Ken Tucker and Billy McFarland by directing Mike Pratt to provide “snapshots” of the mailboxes of Tucker and McFarland. (See Exs. 66 & 87)
The reason given to Mike Pratt by David Taylor for directing Pratt to set up the temp account and otherwise provide snapshots of email traffic of Dean Ken Tucker and also of Billy McFarland was that there was collusion between Spruill, Tucker and the BOT members to undermine the administration of Dr. Holland. (See Ex. 66). The interception of those private emails was without permission of any of the parties to the emails. (See Ex. 66 & 87)

7/30/2013: Vice President for Institutional Advancement Clemit Spruill sends an email to BOT President Terry Bunn listing several concerns about the administration and management of UWA. That email is intercepted and later made the first topic in the Corrupt Process Addendum by David Taylor, Richard Holland, et al. (See Exs. 3 &31)

8/22/2013: Mike Holliman files a demand for all email traffic involving Clemit Spruill and any and all members of the BOT. The interception of those emails was without permission of any of the parties to the emails. In his Request for Access to Public Records which he delivered to Dr. Holland, he demanded: “All email exchange from the University network account of Clemit Spruill between Clemit Spruill (and) any member of the University Board of Trustees and any emails copied to Clemit Spruill that were sent to, copied to or received from any member of the University Board of Trustees by another party.”

The reason given by Holliman for the demand was: “For use in a possible report to the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) on possible violations of SACS principles on University governance and for the possible filing of a complaint with the State of Alabama Ethics Commission.”

That demand was on the same day of the request approved by Dr. Holland who took the unusual step of waiving the substantial costs incurred by UWA in the supplying of those records to Holliman. (See Ex. 8).

Testimony during the investigation provided overwhelming evidence that David Taylor worked closely with Mike Holliman, Richard Holland, Gary Stone, John Key, Billy McFarland and Paul Hamrick to create Holland’s Response, Corrupt Process Addendum, the anti-Bloom flyer and/or a Complaint to the Southern Association of Colleges and Schools (SACS).

11/25/2013: In the middle of a great number of emails and email traffic between Taylor, Holland, Key, and McFarland which extended over a long period of time and which related to the
creation and publication of Holland’s Response and Corrupt Process Addendum, Taylor sent an email to Key, Holland, Gary Stone, and McFarland that included instructions on how to ‘triple delete’ email. (See Ex. 14)

11/26/2013: At 12:39pm David Taylor sends an email to Richard Holland. In that email he instructs Holland to “be compiling the material for Mike to send to SACS.” (See Ex. 77).

12/2/2013: Six days later, the BOT holds its quarterly meeting. At that meeting, Dr. Holland informs the BOT in his regular Report From the University President, that “... he would be attending the SACS Annual Meeting on December 9, (2013), and he feels very confident that the University will be re-accredited.” (See Ex. 25).

12/9/2013: The SACSCOC meets and reaffirms accreditation for UWA. (See Ex. 64)

12/9-10/2013: Email traffic and supporting documentary explanation shows that David Taylor had instructed Mike Pratt (IT) to send scans of Clemit Spruiell’s emails to Taylor. When Pratt gathered the requested emails, it showed that the message with the scans was from “System Administrator”. Taylor then instructed Pratt to alter his email that had the Spruiell emails attached so that it would show that it was from Clemit Spruiell instead of System Administrator. Pratt did not want to alter the document and do that. Instead he changed how he opened Spruiell’s PST file, printed the documents again with “Clemit Spruiell” in the “from” box and sent them to Taylor. This appeared to be an effort to cover up and make it appear as though Spruiell had pulled the emails when it fact he had not. (See Ex. 67)

2/17/2014: 1. Holland delivers the Corrupt Process Addendum to Bunn. Holland told Bunn that he wanted a contract extension until 2016 and that while his retirement was set, he wanted the extension because David Taylor needed the extra two years to maximize his retirement. (Ex. 3).

When Holland delivered the Corrupt Process Addendum to Bunn he told Bunn that unless Bunn agreed to not put the subject of Holland’s contract extension on the March 3, 2014 BOT agenda Holland would publicize the addendum. (Ex. 27, Bunn p. 37) That Corrupt Process Addendum wrongly accuses several people, including Bunn, of having committed unethical, illegal, corrupt and/or unprofessional acts. (See Exs. 3 & 31)

2. Holland allegedly signs an employment contract for John Key that guaranteed his salary and job security. It is purportedly notarized by Key’s employee Mary Paglierio at the International House. (See Exs. 41, 88)
3. By this date, Taylor has begun to work on an employment contract modification for himself. See emails and draft modifications bearing this date. (See Exs. 63, 70).

2/19/2014: The tempaccount that David Taylor had created to spy on the email traffic of Spruiell, Bunn, Sager, Saad and Smith is deleted by Taylor. (See Exs. 66, 87 & 90)

2/23/2014: 1. David Taylor and John Key are editing the flyer later distributed in the Alabama Statehouse by Key and Gary Stone. (See Exs. 4, 65). The flyer is entitled:

"VOTE NO ON HAL BLOOM'S CONFIRMATION TO THE UWA BOARD OF TRUSTEES". It went on to state: "WE QUESTION MR. BLOOM'S INTEGRITY ...

..." And, again, it accused Mr. Bloom, Taylor Harper and Clemat Spruiell of “willfully violating the law” and also implicating BOT member Randy Hillman in the illegal activity. The flyer is shown as being created by John Key and forwarded for editing to David Taylor.

The activity described as illegal was in fact not illegal. Further, we also received ample evidence that Mr. Bloom is very well respected in the Alabama Legislature and among his peers. (See Ex. 4 and also email traffic between Taylor and Key in Ex. 65).

John Key testified that he really did not have any animosity against Bloom and that the only reason he was participated in the creation and distribution of the anti-Bloom flyer was to delay his confirmation until after the 3/3/2014 BOT meeting so that Bloom would not be available to vote on the subject of Holland’s contract extension and that another BOT member, Becky Lewis, who was perceived as a Holland supporter would still be on the Board when the March 3, 2014 meeting was held and Holland’s contract extension was brought up. (Exs. 81, 91).

2/24/2014: 1. At 5:20 p.m., Holland sends the slightly edited Corrupt Process Addendum to UWA webmaster Christi George with instructions to place it on the UWA website the next day along with the Evaluation Report and the Response which had already been posted. (Ex. 31)

2. David Taylor continues the editing or proofing of the anti-Bloom flyer. (See Ex. 65).

2/25/2014: 1. David Taylor sends emails to Dr. Holland and Angel Jowers, and others, instructing them to: "Please proof for the last time. Then triple delete. Need Quick Turnaround." Richard Holland responds: "Go forward. R." Attached to these emails is the multi-page narrative section of the SACS Complaint that Mike Holliman files 3 days later on 2/28/2014. (See Exs. 45, 76, 77 & 84)
2. Richard Holland responds: "Go forward. R." (Exs. 45, 76).

3. David Taylor is in the process of drafting a Modification to his employment contract to allow him, at his discretion, to remove all responsibility of Provost and only teach three online courses but keep the same salary plus benefits. (See Exs. 15, 47, 69 & 70)

4. John Key goes to Montgomery with Gary Stone to actively oppose the confirmation of Gov. Bentley’s appointment of Hal Bloom to the BOT. Key testified that they stayed at the Fairfield Inn. The hotel receipt shows they did not check in until 10:23pm. While there, he made copies of the flyer to be distributed the next day in the Statehouse. (See Exs. 4 & 61)

Key testified that he had obtained the passage in the flyer that was a quote from the UWA website posting of the Corrupt Process Addendum. However, as shown above, he and Taylor had already been exchanging emails with the attached flyer for editing. (See Exs. 65,81 & 91)

2/26/2014: 1. The first of two Modifications to Taylor’s employment contract is allegedly signed by Holland and Taylor and, as with Key’s contract, is purportedly notarized by Pagliero, at the International House. The Modification allows Taylor to opt, at his sole discretion, to change his duties at UWA to no more than teach three online literature courses per semester and yet continue to be paid the same salary and receive the same benefits as when he was the Provost. (Ex.15)

The salary alone for teaching those three online courses would therefore be over $185,000, a benefits package, IT and secretarial support. Not only was there no consideration flowing back to UWA for this unconscionable salary, UWA would also have to provide an additional compensation package for a replacement Provost. (See Ex. 15)

2. John Key and Gary Stone distribute the anti-Bloom flyer to Senators, staff members and others inside the Alabama Statehouse during the confirmation hearing for Mr. Bloom. When confronted by Randy Hillman, and according to his own testimony, John Key stated that he had taken annual leave to pursue this personal political free speech. He did not tell anyone in the State House that he was not representing UWA. (See Ex. 62). Even though John Key testified under oath that David Taylor had no part in the creation of the anti-Bloom flyer and that Taylor did not know why Key was taking annual leave, the forensic analyst found the email traffic between John Key and David Taylor where they had been jointly compiling and editing the flyer as early as February 23, 2014. (See Exs. 65, 81 & 91)

3. Mike Holliman, Gary Stone and Paul Hamrick meet for approximately two hours in Hamrick’s office in Montgomery to finalize the SACS Complaint for its submission to SACS.
John Key is also present and provided transportation for Stone in a UWA vehicle. In addition, Key sought and obtained per diem and reimbursement of expenses for the trip that included this meeting. (See Exs. 61, 81 & 91)

2/27/2014: 1. Holland allegedly signs a letter directing that Billy McFarland will move to the Office of the Provost, David Taylor. (See Ex. 51) The letter was not delivered then and in fact no one was aware the letter existed until after a meeting in the Provost’s Office on 3/3/2014. McFarland testified he was not aware of the letter until after the 3/3/2014 BOT meeting. However, see the description of the events on 3/3/2014 concerning this letter. McFarland’s CBES assistant Angelia Mance is still in Wallace Hall.

2/28/2014: 1. On Friday, Mike Holliman signs and mails the completed SACS Complaint that includes the Taylor/Holland narrative. SACS stamps it as being received on 3/3/2014. (See Ex. 32)

2. A second Modification to Taylor’s employment contract is allegedly signed by Holland and Taylor and also notarized by Paglieri, once again at the International House. This Modification has the same provisions as the first Modification except it provides that Taylor would have to give a 15 day notice before invoking it. (See Ex. 47)

3/3/2014: 1. On Monday, the BOT meets and places Richard Holland on administrative leave and he is relieved of the authority to act in the capacity of President.

2. The BOT also passed a motion containing a directive to all UWA employees to preserve all records, digital or otherwise, for the special investigation it authorized. (See Ex. 29).

After the BOT meeting, a meeting is held in the conference room of the Provost’s office. Testimony showed that among the persons present were David Taylor, Richard Holland, Gary Stone, Mike Holliman, John Key, Mike Pratt, and others. Testimony showed that the conspirators had previously held as many as two or three meetings in the home of Gary Stone to work on the various documents that were produced and distributed. (Key pp.194, 195 Tp1 & Exs. 81 & 91)

We have received evidence that the letter signed by Richard Holland that moved McFarland to the protection of David Taylor was actually written then by Gary Stone on his laptop instead of on the 2/27/2014 backdate the letter bore. It was signed by Richard Holland after he no longer had authority to act as President. (See Pratt Tp2, pp. 70-73)
3. Also, John Key provided sworn testimony that at one point he left the meeting in order to “triple delete” information on his computer in order “to cover my tracks to cover up what (he) had been doing.” (See Ex 81, p. 190). This is a direct violation of the BOT directive to all UWA employees to preserve all records, electronic or otherwise for the special investigation.

3/5-6/2014: 1. Between 4:00pm on Wednesday 3/5/2014 and 4:00pm Thursday 3/6/2014 the SACS narrative that was used in the SACS Complaint is deleted from David Taylor’s account. (See Ex. 76) (D.Taylor pp. 221, 224-247).

2. While Dr. Holland and Billy McFarland are in Washington D.C., they attempt to contact IT Administrator Mike Pratt to tell him to delete all items in their “trash”. David Taylor gives a memo written in green ink to Mike Pratt directing him to “delete all in trash” (triple delete) of Richard Holland and Billy McFarland. In addition, Taylor directs Pratt to examine Holland’s account and delete anything to or from John Key, David Taylor, lymi@aol.com (Mike Holliman), and Tom Ballow. (See Ex. 93)

3. All of these actions are a direct violation of the BOT directive to all UWA employees to preserve all records, electronic or otherwise for the special investigation.

3/6/2014: John Key submits a per diem reimbursement request for the trip to and from Livingston and Montgomery when he and Gary Stone distribute the anti-Bloom flyer and also attend a two hour meeting with Mike Holliman and Paul Hamrick at the office of Paul Hamrick to finalize the SACS Complaint later filed by Mike Holliman. He receives a check issued on 3/12/2014 that includes $150. per diem for the trip. The per diem request is also notarized by Mary Pagliero. (Ex.61)

He also received reimbursement from the UWA Foundation for the money he spent to pay for Gary Stone’s meals and hotel. Further, he approved his own request for the reimbursement. (Ex. 61)

4/1/2014: David Taylor provided sworn testimony on April 1, 2014. Among many other things, he testified falsely that he had no participation in the creation of the anti-Bloom flyer or in the making of the arrangements for the distribution of the flyer in Montgomery by John key and Gary Stone. (Taylor pp. 31-31). See the explanation of above of the events that occurred on 2/23-24/2014 that refute that testimony.
4/4/2014: John Key provided sworn testimony. Among many other things, he testified that David Taylor had also sent the SACS Complaint narrative to him to be reviewed to see if there was anything Key might add or comment. Key was not sure of the date of that occurrence. (See Exs. 81 & 91)

John Key provided sworn testimony that everything that was done after the Evaluation, including the Corrupt Process Addendum, the SACS Complaint and the anti-Bloom flyer was done with one purpose in mind, that being to get Richard Holland an extension on his contract. (See Exs. 81 & 91)

John Key also testified that in the flurry of activity during the two week period on 2/17/2014 to March 3, 2014, Richard Holland and David Taylor were attempting to help and protect their friends who had helped them or supported them. See page 132 of the Key transcript. (See Exs. 81 & 91)

Key further stated that David Taylor was the point person orchestrating everything and that he knew that Taylor had given Holliman information that Holliman had asked for. Key stated that Taylor was the coordinator in charge of the campaign that resulted in the SACS Complaint, the Holland Response and Corrupt Process Addendum and the anti-Bloom flyer. (See Exs. 81 & 91)

However, Key testified falsely under oath that David Taylor did not assist in the creation of the anti-Bloom flyer and that he had obtained the Spruiell information and the Holland quote from the Corrupt Process Addendum after it was posted on the UWA website by Holland. The problem with that testimony is that Taylor and Key had already completed the revised flyer with that information and quote well before Holland had even sent it to the webmaster Christi George on February 24th, 2014 at 5:20 p.m. with instructions to post it the next day. (Exs. 31, 65, 81, 91).

All of the findings reported in this Report were provided in either sworn testimony or in records or other documentary evidence uncovered during the course of the investigation.
RECOMMENDATIONS

The Board of Trustees requested investigators to make recommendations. We submit for the Board's consideration:

1. Adopt Resolution of Board prohibiting President or any senior administrators directly or indirectly or anyone on his/her behalf from participating in the nomination and confirmation of Board of Trustee membership without first obtaining approval from the Board.

2. Require Administrators and Staff (mainly faculty) to sign an Ethics pledge.

3. Have course taught on ethnics within the University and a class on relationship to Board Members and Board Members to Administrators, Staff, Facility and Students.

4. Have representatives of SACS come to a Board meeting to explain activities of Board Members which are prohibited & activities allowed.

5. Amend Handbook to include privacy rights of administration, staff, facility and students that protects the right of privacy and academic freedom as well as the right of UWA to control and monitor the use of its equipment and technological systems.


8. When an employee of UWA seeks reimbursement for travel or expense, it should be approved by a supervisor or alternatively, the Vice President of Financial Affairs. Further, no one should be allowed to approve their own reimbursement or per diem requests.
RECOMMENDATIONS cont’d.

9. The Board should exercise its authority and responsibility regarding the hiring and retention of senior leadership and other leadership in such a manner as to protect the reputation and wellbeing of the institution and provide for its growth and advancement while also remaining in compliance with the rules and regulations of the Southern Association of Colleges and Schools Commission on Colleges (SACS/COC).

10. The University and the Board are committed to abiding by all requirements and standards of SACS/COC. Therefore, any violation of SACS/COC requirements or standards or other rules and regulations should be grounds for disciplinary action against any offending University employee.

11. Templates for all employment contracts should be created by the University’s attorney that will not interfere with the President’s employment authority and responsibility to employ, supervise and dismiss university employees. Any employment contract or modification or extension thereof which deviates from the applicable template should be submitted to the University’s attorney for review and then must be approved by the Board. Further, all employment contracts for senior administrators and designated leadership positions together with any modifications or extensions thereof must be submitted to the University’s attorney for review and approved by the Board.

12. Employment contracts for all senior administrators and leadership positions should include a clause to the same effect as the clause that is in the employment contract for the President, that being that job performance must be to the satisfaction of both the President and the Board and that a determination by the President or the Board that such job performance is not satisfactory shall be grounds for termination of the employee’s contract for such senior administrator or leadership position.
13. We further recommend that the full content of this investigative report, including all sworn testimony and evidence, be preserved to be provided to local, state, and federal law enforcement agencies for such agencies to use as they see fit in the further investigation or prosecution of matters addressed in this investigation.
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Copies of the testimony of the above named individuals are located in the President’s Office in bank boxes
EXHIBIT LIST

Exhibit 1: BOT Resolution for Independent Investigators
Exhibit 2: Pratt email to Kendrick: “I don’t know who I can trust”
Exhibit 3: “Corrupt” Addendum to Bunn (02/17/14) and Draft letter to BOT (02/19/14)
Exhibit 4: Flyer: “VOTE NO”- Hal Bloom, distributed by Key/G. Stone (02/26/14)
Exhibit 5: Board of Trustee Minutes (12/01/08)
Exhibit 6: Board of Trustee Minutes (03/02/09)
Exhibit 7: Email- David Taylor refusal to appear (03/14/14)
Exhibit 7A: President Evaluation (02/15/2013)
Exhibit 8: FOIA- Records Request- Mike Holliman and some of produced emails (08/22/13)
Exhibit 9: Employment Contract- Richard Holland (09/02/2022) and contract extension (08/18/05) (neither is notarized)
Exhibit 10: Board of Trustee Bylaws, Manual, Code of Ethics
Exhibit 11: Duplicate of Exhibit 7, Email- David Taylor refusal to appear (03/14/14)
Exhibit 12: Academic Tenure- Handbook
Exhibit 13: Valerie Burnes recap of tenure denial
Exhibit 14: Email- David Taylor with instructions on how to TRIPLE DELETE to John Key, Richard Holland, Gary Stone and Billy McFarland
Exhibit 15: Employment Contract MOD#1 for David Taylor, notarized and dated 02/26/14 & 04/25/11 Employment contract
Exhibit 16: Letter to Board of Trustees (08/27/13) regarding enrollment problem at UWA from David Taylor
Exhibit 17: Letter to Board of Trustees (08/19/13) regarding course credit for Military from David Taylor
EXHIBIT LIST CONTINUED

Exhibit 18: 5 docs.: Letter from Jerry Smith to R.Holland; K.Tucker memo to R.Holland; Morton letter to R.Holland; Rita Foster statement- Dec. 2013; 3/17/14 M.Holliman email to C.Spruiell, et al; email Cary hill to Spruiell

Exhibit 19: Duplicate of Exhibit 7, Email- David Taylor refusal to appear (03/14/14)

Exhibit 20: Email from David Taylor to Richard Holland asking for itemized cell charges (09/20-13)

Exhibit 21: SACS Notice to Blackwell regarding the Complaint to SACS (03/14/14)

Exhibit 22: Note to file by Billy McFarland regarding Dean Ken Tucker

Exhibit 23: Activity briefing by Billy McFarland

Exhibit 24: Dr. Thomas Jones VITAE

Exhibit 25: Board of Trustees Minutes (12/02/13)

Exhibit 26: Response by Richard Holland to President Evaluation-

Exhibit 27: Bunn letter to Board of Trustees (02/24/14) attached to “Corrupt” Addendum given to Bunn by Holland on 02/17/14

Exhibit 28: Board of Trustees agenda for Board meeting on 03/03/.4

Exhibit 29: Board of Trustees Minutes (03/03/14)

Exhibit 30: Duplicate of Exhibit 1 - Board of Trustees Minutes (03/03/14) excerpt regarding appointing special investigators-

Exhibit 31: Email from Richard Holland to Christi George with “Corrupt” Addendum #2 (02/24/14 at 5:20 p.m.)

Exhibit 32: SACS Complaint signed by Mike Holliman on 02/28/14 and received by SACS on 03/03/14

Exhibit 33: Mobile Press Register Article regarding sentencing of Magnoli regarding Mobile College Fraud (Nicaragua)

Exhibit 34: Email from Mary Paglierio refusing to appear (04/03/14)

Exhibit 35: Out of State Travel Request to New York City for David Taylor (Nov. 2011)
EXHIBIT LIST CONTINUED

Exhibit 36: Out of State Travel Request to New York City for Nancy Taylor (Nov. 2011)

Exhibit 37: Reimbursement Request for out of state trip to Washington, D.C. for Nancy Taylor (March 2013)

Exhibit 38: Reimbursement Request for out of state trip to Washington, D.C. for David Taylor (March 2013)

Exhibit 39: Out of State Travel Request to Key West for David Taylor (Dec. 2013)

Exhibit 40: Out of State Travel Request to Key West for Nancy Taylor (Dec. 2013)

Exhibit 41: Employment Contract- John Key (02/17/14), notarized by Pagliero

Exhibit 42: Memo by John Key regarding conversation to Rita Foster regarding Clemit Spruiell

Exhibit 43: Memo by John Key regarding overview of International Programs

Exhibit 44: President Evaluation (02/15/13)

Exhibit 45: Email thread regarding SACS Complaint narrative: Taylor To: Jowers; Jowers/Holland; and Holland to Taylor

Exhibit 46: Email from David Taylor to Richard Holland (11/26/13 at 12:39) and tells Holland “…be compiling material for Mike to send to SACS.” Dup of Ex. 77

Exhibit 47: Employment Contract modification #2 for David Taylor dated and notarized 02/28/14

Exhibit 48: Employment Contracts for Richard Holland, see also Exhibit 9

Exhibit 49: Online student numbers for past 3 years

Exhibit 50: Online professor pay scales

Exhibit 51: Letter to Billy McFarland from Richard Holland (dated 02/27/14 but signed 03/03/14?) moving Billy McFarland to Provost Office & Personnel Record

Exhibit 52: Letter- Taylor resignation (03/19/14)

Exhibit 53: Campus Directory- John Key, International Studies
EXHIBIT LIST CONTINUED

Exhibit 54: Employment Contract for John Key (unsigned and different from Exhibit 41)
02/18/14

Exhibit 55: Invoice- Gatlinburg Field Trip (03/22/14- 03/30/14)

Exhibit 56: Pagliero Statement rec’d on 04/09/14

Exhibit 57: Pagliero Calendar rec’d 04/09/14

Exhibit 58: MetaData explanation by Mike Trotter

Exhibit 59: SACS Compliance Certification (09/07/2012)

Exhibit 60: Board of Trustee Minutes (09/09/2013): Agenda, and Ad Hoc Comm. and Finance
Comm. reports

Exhibit 61: Per Diem records for John Key regarding Bloom flyer and travel reimbursement

Exhibit 62: Email thread regarding John Key taking annual leave on 02/26/14, 8 a.m.-10 a.m.

Exhibit 63: Mike Trotter Forensic Report (04/18/14)

Exhibit 64: SACS Accreditation Letter (12/09/13) (01/14/14)

Exhibit 65: Mike Trotter Forensic Report (04/22/14)

Exhibit 66: Email (Pratt 04/11/2014, 3:50 p.m.) History of intercepting emails at direction of
Taylor & 06/28/13 thread

Exhibit 67: Email (Pratt 04/11/2014- 1:57 p.m.) Explanation & email thread with Taylor
regarding disguising the copying of Spruiell emails

Exhibit 68: Email (Trotter 03/19/14) and attached email traffic regarding President’s response
& “Corrupt Process Addendum”

Exhibit 69: Email (Trotter 03/30/14 at 10:10 a.m.) attached emails regarding David Taylor
contract mods. and the contract mods. (Exhibits. 15 & 47)

Exhibit 70: Email (Trotter 04/07/14 at 9:24 p.m.) attached contracts and contract Mods. for
Taylor

Exhibit 71: Campus Map

Exhibit 72: Contracts and Personnel salary records for David Taylor as Provost
EXHIBIT LIST CONTINUED

Exhibit 73: Letter from Blackwell to Taylor (03/18/14) directing Taylor to produce requested documents and to testify with Taylors resignation letter (03/19/14) attached (Exhibit 52)

Exhibit 74: Email (Pratt 04/11/14 12:26 p.m.) Explanation and email thread regarding David Taylor's PC backup on 12/12/13

Exhibit 75: McFarland personnel record showing reappointment and change of office changes-rec'd 03/07/14 and two different effective dates

Exhibit 76: Emails (Trotter 04/01/14 /Pratt 04/11/14) Finding emails regarding editing, proofing and moving forward with SACS Complaint (02/25/14), deleted from Taylor's files between 03/05/14- 03/06/14 (explanation)

Exhibit 77: Email Taylor to Holland 11/26/13 at 12:39 p.m. “Please be compiling the materials for Mike to send to SACS.”

Exhibit 78: Email (Pratt 04/11/14 at 12:24 p.m.) and attached email thread with Taylor (09/27/12), Taylor asking instructions on how to triple delete

Exhibit 79: Email (Pratt 04/11/14 at 12:22 p.m.) regarding “snooping” on email- attached thread with Taylor and article- Taylor said “I think such access is insane.” (04/05/11 at 5:36 p.m.)

Exhibit 80: Email (Pratt 04/11/14 at 12:18 p.m.) example of request for email snapshots. 2007 thread regarding another situation- Taylor told Pratt to keep under lock and Key and Taylor did not need to see

Exhibit 81: Transcript (John Key 04/04/14) excerpts

Exhibit 82: Email (Kaye Bryan 04/03/14 at 5:27 p.m.) regarding Mike Holliman refusal to testify

Exhibit 83: Email (Kaye Bryan 04/04/14 at 3:22 p.m.) regarding Gary Stone refusal to testify

Exhibit 84: Emails from/to Taylor & Holland and Jowers- David Taylor sent SACS narrative: David Taylor: “Please proof for last time. Then triple delete. Need quick turn around.” Richard Holland: “Go forward. R”

Exhibit 85: SACS/COC Policy Statement on integrity and accuracy in institutional representation and core requirements and comp. standards for UWA
EXHIBIT LIST CONTINUED

Exhibit 86: Letter- Mike Kendrick (04/24/14) Holland did not consult with Mike Kendrick regarding $1 mil. App. in 2011 or on any employment contracts

Exhibit 87: Email thread with attachments regarding temp account (Pratt 04/25/14)

Exhibit 88: Memo (John Key) - emails to dad and K. Tedrow regarding employment contract for Key (02/17/14)

Exhibit 89: Records disposition authority for public universities by State Records Commission

Exhibit 90: Trotter Forensic Report 04/26/14

Exhibit 91: Transcript (John Key 04/21/14) excerpts

Exhibit 92: Transcript excerpts: Pagliero (4/1 & 9/14); Holland (04/08/14), regarding notarization of Holland/Taylor signatures on contract MOD(s) & Pagliero’s “Notes/Log” record of events

Exhibit 93: A memo from David Taylor to M.Pratt, an explanatory email thread on May 7, 2014 between M.Pratt and Tommy Smith, excerpts from M.Pratt’s sworn testimony on April 11, 2014, and the BOT directive to all UWA employees contained in a motion passed on March 3, 2014, to preserve all records including email and digital documents subject to disciplinary action for failure to do so.