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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Administrative Law Court Court Judge

Appellate Case No. 2020-001689
Case No. 2020ALJ300064AP

South Carolina Technical College System, ... Appellant,

v.

Carla Jackson and South Carolina
Department of Administration, ... Respondents,

Of Whom, Carla Jackson is the..... Respondent.

RECORD ON APPEAL - VOLUME 2 of 3

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Kevin Maroney: Dr. Drammeh's general opinion on ethics is there are specific ways you can impeach somebody that the general opinion on ethics I don't think falls into any of the categories. I'm going to ... The objection is sustained. Let's move forward.

Kevin Maroney: You continue to question about the form, you continue to question whether there was a rule violation of course, but regarding a general opinion of what is ethical, that's not before the committee.

Kevin Maroney: The committee's here to review the agency's termination based on State Ethics Act and other grounds given. The violation of rules, etc. but I need something more specific than a general opinion about ethics for it to be impeachable.

Charles Boykin: Understand, beg the court's indulgence. Thank you. Nothing further for this witness.

Glenise Elmore: You can proceed.

Shannon Polvi: Thank you. I have an opportunity to ask you some follow-up questions.

Dr. Drammeh: Yes, do.

Shannon Polvi: In regards to ... You were asked about whether a dean would be automatically teaching courses. I want to follow-up about the dean positions that are at the college. What type of dean positions are at Denmark Technical College?

Dr. Drammeh: There is a dean for Transitional Studies, there is a dean for Business Computer Related Technologies, we have a dean for Public Service, and I think we have a dean for AA and AS.

Shannon Polvi: Would each of those deans have different responsibilities within the college?

Dr. Drammeh: Yes.

Shannon Polvi: Are you aware of whether or not each of deans do teach academic courses?

Dr. Drammeh: I'm not aware that every dean teaches.

Charles Boykin: That's asked and answered. I asked him the question, he said he didn't know. Now she's allowed to ask the question. I think that it was asked and answered at the very beginning. When I asked the question about whether or not deans were required, he said, "I don't know." She's asking the same question he's already answered.

Kevin Maroney: Sustained.

Shannon Polvi: I'll move on. You were asked some questions about supplemental pay-

Dr. Drammeh: Yes.

Shannon Polvi: ... in regards to Agency Exhibit 1. Do you have a copy in front of you?

Dr. Drammeh: No. I need a copy.

Shannon Polvi: Do we have an extra?

Glenise Elmore: Mm-hmm (affirmative).

Shannon Polvi: Make sure. Is it four pages? Make sure you have the same as I do.

Dr. Drammeh: Okay. Mm-hmm (affirmative).

Shannon Polvi: Just double-check it's four pages. Okay it looks like you got four.

Dr. Drammeh: Mm-hmm (affirmative).

Shannon Polvi: Okay I want to ask you about the position listings that are on the Payroll Action Form. It wouldn't be available up there but in terms of ... It shows in your current position that it lists as Vice President for IRPO and Special Assistant to the President.

Dr. Drammeh: Mm-hmm (affirmative).

Shannon Polvi: Was that your role at the time?

Dr. Drammeh: Yes.

Shannon Polvi: Then in a new position it says for the supplemental pay, IRS Study Principal Investigator/Director. What did your duties entail with that additional position?

Dr. Drammeh: Which one are you talking about?

Shannon Polvi: The one in the right hand. The IRS.

Dr. Drammeh: Are we looking at the same document?

Shannon Polvi: Yep. Right here. This one is in ... My question was what additional duties did you perform in order to earn that \$15,000?

Dr. Drammeh: Okay, great Ms. Thank you. Hence, my own personal character is being impugned in this hearing that has nothing to do with me. I would respond to the question by saying there's a lot of people in higher education where there is a phenomenon that is consuming or it's going to be a challenge is being examined.

Dr. Drammeh: Mr. Boykin implied that I have received supplemental pay for doing the same job. I think it's sick what people think like that because they don't know higher education.

Kevin Maroney: Dr. Drammeh, Dr. Drammeh.

Dr. Drammeh: Yes, sir.

Kevin Maroney: Please.

Dr. Drammeh: Yes.

Kevin Maroney: Do not insult the attorney or anyone else in this hearing.

Dr. Drammeh: No, no. That was not an insult. First, the supplemental pay normally have two domains. Your home domain and the approval of the agency domain. Yes, you can have a supplemental pay to do a specific work assigned to you in higher education. Normally, this is called dual employment.

Dr. Drammeh: Those parameters for that is determined by the person who wanted you to do the task. You cannot even see that for yourself. Those tasks have to be measurable. Mr. Boykin implied I received \$15,000. That did not happen.

Shannon Polvi: Well Dr. Drammeh, a question I can help streamline for us is just what additional duties did you perform because I understand you don't agree. I want to make sure we flesh out what were the additional duties that you performed? For clarity for the committee.

Dr. Drammeh: The college was faced with thousand students not coming back to college. That is thousand students we are no longer going to have. The president is concerned that implicates on the budget. He wanted a comprehensive study that involves business and industry. We have a Vice President for Business and Industry.

Dr. Drammeh: I don't work for business and industry. That is workforce development. I know the issue was how to look at why our students are not returning to Denmark Tech. The other issue was why the enrollment was down. None of those jobs are in my purview as the Vice President for Research.

Dr. Drammeh: Enrollment money belong to student services. Faculty instruction and pedagogy and why students are not passing classes that belong to academic affairs. I am not the VP for Academic Affairs. Why our students are not being placed in the workforce, why they not getting jobs that is workforce development. I don't supervise workforce development.

Dr. Drammeh: These things were a confluence of event that came together that impacted about thousand students. I mentioned earlier in the morning that the gainful employment and the 150% rule, that is on the door's constraints that the

president wanted a comprehensive study. He know I can't do that job and do my own work.

Dr. Drammeh: He made it an issue at cabinet meetings. He discussed with me the need to consider the study. I asked him to give me supplemental pay in order to do that because it's additional work. I involve faculty members who would have been paid on that project. I involved students who would be paid on that project.

Dr. Drammeh: I involved staff who would be on that project. The student for research purposes for faculty to understand why the students are not coming back in, what's wrong with our pedagogy. It's a two year project and the president assigned me to dual employment. I have done dual employment at previous universities based on my expertise.

Dr. Drammeh: Based on that same experience I thought submitting a payment schedule for how I would get the work so I can involve others was within my right. Nobody told me that it was a mistake. I wasn't paid work but that was the premise. It was to address issues across the campus from students not coming in, retention ...

Dr. Drammeh: We have 55%, 60% not returning back. Those are the events that came together that led to the dual employment. It is not some research. The Vice President for Research Planning and Development work within the data available within the institution to understand a larger phenomenon. I'm involving other people within that constraint is why I was involved in it.

Dr. Drammeh: Boykin knows this because I used to work at the college and I separated from the college. Him and I knowing full well that those implements-

Kevin Maroney: Dr. Drammeh, please. I realize there is some history, some tension between you and Mr. Boykin. However in this hearing, all of that is put to the side for the remainder of the hearing.

Dr. Drammeh: Yes, sir.

Kevin Maroney: I understand you've been asked a question by Polvi. You've responded. Please continue to respond to her questions.

Shannon Polvi: I have a few follow-ups is that in regards to this particular document that's up on the front where it's the Payroll Action Form, I see several signatures.

Dr. Drammeh: Yeah.

Shannon Polvi: Is it accurate to say that the supplemental pay that you received involved signatures of several other leaders including HR, the President, and other individuals listed here?

Dr. Drammeh: Yes, mm-hmm (affirmative).

Shannon Polvi: Would supplemental pay issued by the college ultimately be the authority of the requesting person's name which could be the President, up to the President?

Dr. Drammeh: Yeah, and the first was the requesting agency, yes. Mm-hmm (affirmative).

Shannon Polvi: During the explanation you just gave, would it be fair to say that you felt that the supplemental pay was for additional dual duties other than your position you had held at the time?

Dr. Drammeh: It is.

Shannon Polvi: In regards to Ms. Jackson, when Ms. Jackson was filling the Interim Dean roles and other roles within the college, would it have been appropriate for her to receive supplemental pay for additional duties?

Dr. Drammeh: You would assume, yes.

Shannon Polvi: Those are all my questions.

Glenise Elmore: All right.

Charles Boykin: Just two questions on recross. I do understand with recross I stay within the parameters established by redirect. Do not have the wide latitude to rise to make sure that I get that clear.

Charles Boykin: Dr. Drammeh did I hear you correctly when you said that you spoke with Dr. McIntyre about the needs and you requested the supplemental pay?

Dr. Drammeh: No. He asked me to do an assignment. I just said, "I cannot do it with my funds." He said, "It's to be outside of your funds, son." I want to involve faculty, staff, students, and other management. It will be a multiple year and we will pay to work.

Charles Boykin: Okay. You said it will be two years. There's a second page to the document that we just entered and what Dr. Drammeh said he prepared a schedule of payments. I'd like to call your attention to that and to ask you were you to be paid over two years, or to be paid in less than a year for performing the work that you said would be two years?

Dr. Drammeh: It's a two year project and the payment I put together is a payment for the first year.

Charles Boykin: Okay. The-

Dr. Drammeh: That is a comprehensive proposal. It took me months to write that proposal. That proposal has a two year project but the payment that was submitted to HR, they didn't return it back and say it's not appropriate was for that payment.

Charles Boykin: The first year was \$15,000. How much was the second year?

Dr. Drammeh: We don't plan to have a second year payment until we collect the data. I would assume that that payment would come there when the President sees the necessity to continue with the grant.

Charles Boykin: Okay. Since you were doing additional duties, did you and Dr. McIntyre discuss the procurement process in hiring a consultant to do this work?

Dr. Drammeh: No, I don't ... The President came to me. I didn't ask for a procurement process for this because I have a unique background to look at it. We wanted to turn things around in both faculty and staff, and probably he felt it might be cheaper to do it in-house, which is in standard in research university or any college where you can do dual employment like that.

Charles Boykin: Thank you, Dr. Drammeh. Thank you.

Shannon Polvi: Of course, I'll leave it up to you if ... Until he's dismissed. [crosstalk 00:39:44].

Glenise Elmore: If you have any questions?

Shannon Polvi: I do not.

Glenise Elmore: You do not?

Shannon Polvi: I was just going to shake his hand.

Glenise Elmore: Okay. Are there any questions from the panel of this witness?

Kevin Maroney: The signature I believe you indicated earlier of the fiscal affairs, Vice President of Fiscal Affairs.

Dr. Drammeh: Yes, sir.

Kevin Maroney: You indicated earlier that the Fiscal Affairs President for supplemental pay would determine the funding as well as the need.

Dr. Drammeh: Yes. That's true, sir.

Glenise Elmore: All right. May this witness be excused?

Shannon Polvi: Yes.

Glenise Elmore: All right. Thank you, sir. You're excused from testimony.

Shannon Polvi: Thank you for your time today.

Glenise Elmore: Hello. Please state your name for the record.

Sherry Donaldson: Sherry Donaldson.

Glenise Elmore: Mrs. Donaldson, I'm going to read some directions to you before we have you stand to take the oath, okay?

Sherry Donaldson: Okay.

Glenise Elmore: Witnesses are asked not to discuss this case either before or after testifying until they are excused. This is not intended to preclude the parties from entering into discussion with their respective witnesses. Is this clear to you?

Sherry Donaldson: Yes.

Glenise Elmore: Okay witnesses are to remain available after testifying until they are excused by the presiding officer, which would be me.

Sherry Donaldson: Okay.

Glenise Elmore: The appellate, the agency, witnesses or anyone else related to the case are not to discuss the case with any member of the state employee grievance committee before, during or after the hearing until the final decision is reached and the matter is no longer pending before the committee. A matter is still considered to be pending before the committee during the time involved in a request for reconsideration of a committee's decision, or until the time has passed for an appeal to the administrative law court. The only time the case is to be discussed is during the formal hearing procedure.

Sherry Donaldson: Right.

Glenise Elmore: Now, if you would stand to do the oath.

Secretary: Please raise your right hand. Do you swear or affirm that the testimony you will give today is the whole truth and nothing but the truth?

Sherry Donaldson: I affirm.

Glenise Elmore: All right. Thank you. That microphone is going to pick up your testimony, so if you could speak loud enough for that.

Sherry Donaldson: Okay.

Glenise Elmore: You'll be asked questions from both counsel and you refer to that booklet in front of you from time to time.

Sherry Donaldson: Okay.

Glenise Elmore: All right.

Shannon Polvi: Mrs. Donaldson, I'll be asking you questions first.

Sherry Donaldson: Okay.

Shannon Polvi: I'll be asking the questions, but still direct your answers to the grievance committee because they're going to be listening to your testimony.

Sherry Donaldson: Okay. What's the grievance?

Shannon Polvi: This is. It is that Mr. Maroney is an attorney at the AG's office and then the five panelists are from different state agencies within South Carolina government.

Sherry Donaldson: Okay.

Shannon Polvi: First off I'm going to start off with, what affiliation in regards to employment with Denmark Technical College did you formally have?

Sherry Donaldson: I was in a temporary role as a human resources manager one.

Shannon Polvi: How long were you in that role?

Sherry Donaldson: From July 2016 through March 30, 2017.

Shannon Polvi: When you were in the HR Manager 1 role, what were your primary duties and responsibilities?

Sherry Donaldson: I assisted the HR Director in hiring, processing paperwork, interview process, just various HR duties.

Shannon Polvi: During your employment with Denmark Technical College, did you know Carla Jackson?

Sherry Donaldson: Yes.

Shannon Polvi: How frequently did you and Carla Jackson interact?

Sherry Donaldson: She would come to human resources for various information, maybe position descriptions, to check on her benefits. That's all that I can recall.

Shannon Polvi: During the time frame that you worked with Carla Jackson at Denmark Technical College, what role or roles was she fulfilling?

Sherry Donaldson: She was an administrative assistant and also a Dean.

Shannon Polvi: When she was in the Dean position, were those interim positions?

Sherry Donaldson: I don't know.

Shannon Polvi: When Mrs. Jackson was performing the Dean role, was she actually performing the duties of administrative coordinator?

Sherry Donaldson: She was like a board secretary. Secretary for the area commissioner.

Shannon Polvi: Was Gwendolyn Bamberg serving as the administrative coordinator during that time frame?

Sherry Donaldson: Yes.

Shannon Polvi: Within the physical location of where you worked, where were you in regards to the President's office?

Sherry Donaldson: His office was down the hall to your right. It was not in the area of the human resources area.

Shannon Polvi: Earlier, your testimony referenced one of your duties included paperwork, things of that sort in regards to college. Did a lot of those papers involve the signature of the President?

Sherry Donaldson: Yes.

Shannon Polvi: Do some of the President's documents that are signed, are they signed with a stamp or at the President's authority?

Sherry Donaldson: We had forms that were called action forms. I refer to them as personnel action forms. They were forms that were originated by employees that we're hiring and they consist of signatures, a line of signatures. And all the signatures had to be gotten before it was actually processed.

Shannon Polvi: Were the authorization signatures essentially done in what type of order?

Sherry Donaldson: Whoever was doing the hiring, or whatever action it was, who was the originator, I would call that person, they would actually sign the form and then it was bumped up to the VP's and then the Human Resources Director would sign and then the President would sign. Maybe not in that order, but it included all those signatures on the form.

Shannon Polvi: With a personnel change in pay, during the time frame that you were employed at Denmark Technical College, could someone have authorized payment for themselves, in terms of increasing income?

Sherry Donaldson: No. No way.

Shannon Polvi: What steps are in place to ensure that doesn't happen?

Sherry Donaldson: The action form has to have all of the signatures, all performed before the increase is given. So all of those signatures have to be gotten first.

Shannon Polvi: Are you aware of any other Denmark Technical College employee who's been terminated for, let me actually pause on my question. Before I ask you that question, let's turn to page 23 of the record. There's a sentence in the second paragraph that starts with additionally. I'm going to ask you this question after I read the sentence. It says additionally in your role as Administrative Coordinator 1 to the President, you received pay increases which are approved using the President's stamp but had no supporting documentation. During your time frame in HR at Denmark Technical College, are you aware of any other employee being terminated for that reason?

Sherry Donaldson: For using a stamp?

Shannon Polvi: For this particular reason that's listed in that sentence.

Sherry Donaldson: Okay. Do you mind telling me where that is?

Shannon Polvi: Definitely. It's right here, the additionally, kind of extends down there.

Sherry Donaldson: No, I'm not aware of anyone else.

Shannon Polvi: During the tenure when you were in HR at Denmark Technical College, who was the presiding President?

Sherry Donaldson: Dr. Leonard McIntyre was the President during my tenure. Then towards the end, Dr. Christopher Hall.

Shannon Polvi: When Mrs. Jackson was appointed to the interim Dean of Business, Computer and Related Technologies on October 15, 2016, were you involved in any of that process?

Sherry Donaldson: I had just started there, so I don't think that I was. I was probably still in training at the time.

Shannon Polvi: Were you involved at all with Mrs. Jackson's tuition reimbursement?

Sherry Donaldson: I was not.

Shannon Polvi: During the time frame that you were in HR, did any of the tuition reimbursements for other employees at Denmark Tech come through the HR office?

Sherry Donaldson: Not to my knowledge, no.

Shannon Polvi: Would the normal process for tuition reimbursement go through the Grants and Contracts Department?

Sherry Donaldson: Yes.

Shannon Polvi: After Dr. Hall became the interim President at Denmark Technical College, did he at any point, or someone with his instruction, contact you about Mrs. Jackson's pay?

Sherry Donaldson: Whenever the President had initiated some increases for a few of the employees and Dr. Hall approached me and said that those increases were going to be retracted. I indicated to him that he needed to provide the employees with something in writing prior to taking those increases away. He told me that he was instructed by the HR department at State Tech.

Charles Boykin: Objection. This is hearsay.

Shannon Polvi: In regards to the initial part of her testimony, it is her own personal knowledge and in regards to instructions she was given, I would say they fall into the exception of hearsay, which I'm going to follow your lead and grab my trusty book here. If you'll beg my indulgence for a moment.

Kevin Maroney: Not to argue for you, but statements which are not hearsay include statements offered by parties' opponent. Is Dr. Hall a party opponent?

Shannon Polvi: Yes. He is, that is correct. He is the [crosstalk 00:11:13].

Charles Boykin: The state tech system is here. The party opponent would be Dr. Hardee, not Dr. Hall.

Kevin Maroney: At the time he made the statement, was he employed by the state tech system?

Charles Boykin: He was employed, but not in a final decision making position on this seat your honor.

Shannon Polvi: I would refer to exceptions to hearsay. I refer to specifically the rule 801(d)(2) (A) that the statement offered is against a party and is the party's own statement and neither an individual or a representative capacity. And Dr. Hall is the signatory capacity for the suspension and the termination.

Kevin Maroney: Is it also possibly coming under A? I'm also thinking it could come under D, a statement by the party's agent or servant concerning a matter within the scope of the agency or employment made during the existence of the relationship. At the time, he was the-

Charles Boykin: He was the President. I withdraw the objection if that's legally established.

Kevin Maroney: Under 801(d)(2)(A), the objection is overturned. Please continue with the questioning.

Shannon Polvi: You had referenced, I think where we had left off was that Dr. Hall had said instruction about retracting pay and you said there needed to be a written notice and that's where we stopped.

Sherry Donaldson: Right. I told him that there needed to be something in writing. He just could not just retract money without notifying employees in advance. He told me that he was under the instruction from state tech because the college was having financial issues that we needed to retract the money. I then pulled the South Carolina Payment and Wage Act and showed him where it required seven days' notice.

Sherry Donaldson: He said that he was just going to follow up at the state tech.

Shannon Polvi: After you, let me backtrack. When did you show Dr. Hall the statute?

Sherry Donaldson: I actually emailed it to him and also printed off a copy. At the time, some of the members of state tech was in the office meeting in the conference room. And I actually printed off a copy and took it down there and asked Mrs. Bamberg to hand it to them because I was just trying to stop them from going forward with an action and the information was returned to me with a section on it highlighted stating that it doesn't apply to increases.

Sherry Donaldson: Then I then went on to explain to them that the increases was not referring to increases that were given, but that if there was any type of increase that there was no notice required for that, but that the retraction still required a seven day notice. I just wasn't heard.

Shannon Polvi: When you mentioned that you gave the paperwork to Mrs. Bamberg, when someone returned, who was that person?

Sherry Donaldson: I'm not sure who. I'm not sure. I didn't physically see the person highlight the information, but it was returned to me highlighted. I'm not really sure. I didn't actually physically see the person highlight it, but the form came back. Someone in the conference room highlighted it and returned it to me.

Shannon Polvi: Was Mrs. Bamberg the one who brought it back to you or someone else?

Sherry Donaldson: Yes, Mrs. Bamberg.

Shannon Polvi: At that time, she was in the administrative coordinator role that Mrs. Jackson had previously held prior to your employment with Denmark Technical College?

Sherry Donaldson: Yes, that's correct.

Shannon Polvi: Once that occurred, were there any other actions about Mrs. Jackson's pay that came to your attention?

Sherry Donaldson: I know that we ... down the road, I'm not sure if this is all in order but, I had received a letter from the LLR stating that Mrs. Jackson did not receive payment. I had forwarded the information to Dr. Hall for his review. Eventually, he told me that someone from state tech was going to handle the complaint. I offered my assistance and he said that state tech was going to handle it. Well, maybe a couple of weeks later, approximately a couple weeks later, I received a call from LLR stating that they did not receive a response back.

Sherry Donaldson: Actually, I think I contact Kandy Peacock, emailed Kandy Peacock and asked her if she wanted me to go ahead and complete it. She indicated yes. So I went ahead and worked on the response back to Mrs. Jackson's filing.

Shannon Polvi: During that time frame, was that also the same time that Mrs. Jackson was suspended and not working at the Denmark Technical college?

Sherry Donaldson: Right. She was suspended at that time and was not paid for monies that she was owed.

Shannon Polvi: Looking at, if I could draw your attention to page 254.

Charles Boykin: Madam Chair, I object to this. I'm not sure how this is relevant to any defense or anything else that's before this panel today. I object to rule for the exclusion of all of this. I've listened and I've heard no relevancy to the grounds nor to the defense to the grounds as before this panel.

Shannon Polvi: Looking back at the termination notice, one of the issues here remarked is in regards to pay. My client, prior to her suspension had, and again I'm trying not to get into anything that my client is going to testify about, but ultimately that, prior to the time of suspension, my client had filed a complaint with LLR and her complaint, as you can see from this document that's already in the record, shows that Denmark Technical College was given a warning and a citation for its actions. And that citation came prior to my client's termination. So, it's relevant to our showing that the motivations of the agency in terminating my client were not necessarily what's being listed as the grounds, but other grounds connected to her complaint.

Kevin Maroney: Is it also connected ... let me see Mr. Boykin. The response is that it is relevant to the argument of arbitrary and capricious.

Charles Boykin: If that's what the response is, I didn't hear that, but if that's what the response is, then I withdraw the objection. See that it's a retaliation I guess is what you're ultimately going to.

Kevin Maroney: I didn't hear retaliation. Please don't let me put words into your mouth, but I believe you were saying that it has to go to the reasonings or not the ones being purported, which goes toward arbitrary and capricious which is a lack of course of reasoning as defined by case law. That also might go to some other-

Shannon Polvi: Right. I would say it goes through the A through F of the ones, but specifically it goes to the, I think the ones that it is most pertinent to as arbitrary and capricious, but I think it goes to the violation of constitutional and statutory provisions. Those constitutional provisions, it references due process, but this is statutory that LLR's anti-retaliatory, anti-whistle blower statutes, which I'm not planning to delve into. I mainly want to ask her questions about her knowledge of LLR's contact with Denmark Tech in regards to Mrs. Jackson's pay.

Kevin Maroney: Did you have something to say Mr. Boykin?

Charles Boykin: This line of questioning goes to the conduct of the payroll department within the agency. This is being imputed to a conscious decision of the agency. It can be adjudicated, was separately adjudicated within LLR. It was not a part of this discussion whatsoever. That was my basis for moving to, objecting to the testimony and moving to strike.

Kevin Maroney: I'm going to overrule. Please continue, but be sure to, Mrs. Polvi please, to stay close to the grounds stated.

Charles Boykin: If you would give her instruction on asking open ended questions and let's try to keep the lead to a minimum. I recognize time is of the essence, but we still have to conduct it fair.

Kevin Maroney: We've addressed this a couple times. Let's just make it, re-double our efforts in this final line of questioning okay.

Shannon Polvi: Okay. So Mrs. Donaldson, in regards to this letter, this is one that is addressed from Carla Jackson. The signator is Robin Rawls and a little bit lower it shows that he's an investigator with LLR. Is that the investigator that you spoke with?

Sherry Donaldson: I believe so. I was ... actually, I never saw that letter. I was terminated on the 30th of March.

Shannon Polvi: And the date on this at the top says March 31st. That would have been around that same time? Your testimony earlier is that you had spoken with Mrs. Peacock and then proceeded with the response to LLR regarding Mrs. Jackson's complaint. What happened next internally in terms of your own actions?

Sherry Donaldson: Whenever I was okayed to go ahead and ... I just attached all the documents that they had asked for and I contacted payroll to make sure that Mrs. Jackson had received all of her pay, only to find out that there was some, I'm not really sure ... I don't really remember exactly the dollar amount, but there was some

pay that Mrs. Jackson had not received. I remember contacting Dr. Hall to tell him that I could not send that letter to LLR to complete the process until Mrs. Jackson received her pay, only because the response would not have been valid.

Sherry Donaldson: And the response, I indicated that she had received all of her money. Anyway, he contacted the payroll department and directed them to go ahead and make sure that Mrs. Jackson had received her pay. They had cut the check, but for some reason did not mail the check to Mrs. Jackson. After I completed the response, I sent, I'm not sure if I sent Mrs. Peacock a copy, but I did send Dr. Hall a copy of the responses that were sent to the LLR.

Shannon Polvi: In regards to supplemental pay for employees at Denmark Technical College, in your role in HR, were you privy to that some employees did receive supplemental pay for additional duties?

Sherry Donaldson: Right. I do remember being told that if they performed, like if they taught certain classes, they received what was called a stipend for various classes. I believe Mrs. Jackson, at her role, she had received stipends for different classes that she taught. I remember at one point, I wasn't really sure about the end dates because I think once you ... whenever I had to pull some information for state tech, they needed to see certain documentation of when that particular stipend ends and the next stipend began.

Sherry Donaldson: So that I was able to understand the process for stipends, or supplemental pay.

Shannon Polvi: In regards to your personal knowledge, based on the documents you saw in Mrs. Jackson's personnel file, did it appear that she was being appropriately paid?

Sherry Donaldson: Yes.

Shannon Polvi: And were those payments for duties she was performing?

Sherry Donaldson: Yes.

Shannon Polvi: In regards to-

Charles Boykin: [Inaudible]

Shannon Polvi: I'm just segueing into another branch of questions. Were you ever asked to look at Mrs. Jackson's personnel file after she was suspended?

Sherry Donaldson: Several times.

Shannon Polvi: What were those circumstances?

Sherry Donaldson: You know, well, kind of wordy. The VP of Finance had me search her file multiple times for documents that didn't exist. He wanted me to find something in her file relating to some kind of payment for classes or continuing education. He said anything related to continuing education or anything that I saw that the college paid for on behalf of Mrs. Jackson.

Sherry Donaldson: I could not locate anything. He called me back and asked me, "Are you sure there's nothing in her file?"

Charles Boykin: Objecting. Check the rules and see if this extends down to a Vice President. We said it extends to the President, but now she's talking about what a Vice President said to her. Let's make sure we stay with the rules, so let's check that please.

Shannon Polvi: I would say this one goes to the (2)(D): statement by the party's agent or servant concerning a matter within the scope of the agency or employment made during the existence of the relationship.

Kevin Maroney: I agree. Overturned.

Glenise Elmore: If I could say this very quickly, we are at 3:00 right now. I want to make sure both parties are able to examine this witness and I think 3:30 is the time and we probably need to stop around 3:15 or so to get the dates together. So before we finish, how long that's going to take so that ...

Shannon Polvi: How long do you think you need for cross?

Charles Boykin: I really don't know. I mean, I recognize you didn't want to bring her back, but my attitude would be, I'd like for you to finish your direct, but I still would like to have time to examine and to do the cross that's appropriate, just out of fairness.

Shannon Polvi: I just think it's at a disadvantage for us to stop midway. So let's keep rolling quick then we can go and then, let's just keep rolling. Yeah. Or if we stop here and I finish the direct at a later date.

Glenise Elmore: You brought up concerns about your direct and coming back later for the cross. That's why I wanted to notice the time.

Shannon Polvi: Sure. I appreciate it.

Glenise Elmore: Give you all an opportunity to make a decision before you finish.

Shannon Polvi: Mrs. Donaldson if we can get your input. Essentially how it works is that we would do like a to be continued. We could try as what we were talking about is that we selected a date that is hopefully compatible with everyone's schedules and I know it will be inconvenient, but yours would be at the very beginning of that day at the very start.

Glenise Elmore: And we would be in January or February just for the record. The dates we have are January and February dates for us to choose from.

Charles Boykin: Could we just cut it now and then that way, you'll get a chance to work and you won't start off with me.

Spencer Miller: I'm ready whenever y'all are.

Kevin Maroney: Okay, Mr. Boykin.

Charles Boykin: Yes, Mr. Chair. The issue is that the question of a continuance involving the witnesses for Denmark Technical College. There are multiple witnesses and the rationale is that the statute S480 required the State Tech Board to render decision on the future of Denmark Technical College before February 1st, 2018. And that decision would be in a way the recommendation and that recommendation was made. The board met on Monday. The recommendation was made coming out of the board Monday and it's gone through the general assembly.

Charles Boykin: I acknowledge that it is a recommendation, but it's in an area where there's not a tremendous amount of employment opportunities and the threat of closing the college down, which is what the recommendation ultimately was, is one that they're having, it's very fresh with them and it's causing a significant amount of concern. Miss Oakman-Long, I've asked her to come because she goes there on a weekly basis and so she has been there to see the kind of trauma that this recommendation has caused. And I think it would materially interfere with our ability to present our case if they were required to testify while it is so fresh to them.

Charles Boykin: We acknowledge that the general assembly could by Monday say, "Oh, we're not gonna accept this and then we're gonna keep it open and come back with all the needs." But for a person, who this is their livelihood, if you're talking single-parent homes or what have you, this is traumatic and we think it would be material to our ability to present our case. Be happy to give you a copy that shows you.

Kevin Maroney: Sure. And I don't think anyone would dispute the way you're telling this. This is the recommendation made.

Charles Boykin: It's a statute.

Kevin Maroney: I did want to clarify the motion. Is the motion for continuance upon conclusion of Ms. Polvi's case in chief or are you trying to continue today entirely?

Charles Boykin: Oh no. No, I'm not trying to continue today. I'd like to go as far as we can and if I could find ... I do have some other witnesses that are not Denmark Tech people that I might be able to go ahead and begin. I'll check our case but I don't want to get too far out of sequence because some of the facts that will be coming there. There is one witness from the state office that I could use and will probably call that person to go from there, but if you get to the point, I didn't want anyone to be surprised and say we don't have anybody from Denmark Tech and this is the reason why.

Kevin Maroney: Ms. Polvi, I'm assuming you oppose.

Shannon Polvi: I do oppose. This is our second and third day. I, of course, don't want to be insensitive to the situation that employees are faced with their employment at Denmark Tech, but the simple fact is that it is a recommendation. The school is operating and so until we hear otherwise, all of these employees are employed and even if, God forbid, in their perspective their jobs are lost, that doesn't change what their testimony is ultimately gonna be one way or the other when they're under oath and have to be asked specific questions and give specific answers.

Shannon Polvi: So I don't think it would be different per se if we were to reschedule a whole other day of hearing for essentially the case in chief of all the Denmark Technical College employees that will be called. And I do think it's prejudicial to my client as well because essentially it's giving Denmark Tech an advantage in being able to hear our entire case in chief and then have x number of days, x number of weeks to be able to prepare their case in chief, the bulk of it, in preparation with additional time.

Kevin Maroney: These are pretty much what I expected to hear from both sides, so I don't think we need to go back and forth on that anymore. Mr. Boykin did you make a formal request to Division of Human Resources. I know you had [crosstalk 00:04:16].

Charles Boykin: No, I haven't. I made an informal to you and Shannon thinking, given the circumstances. If I have to get a formal request in for you to move on, I'll get one from them.

Kevin Maroney: I think my authority is engaged upon a formal request just like the motion to compel. I can kind of move people in a direction through emails, suggesting that things get worked out or motions to compel are brought, but I can't ... My authority is not [crosstalk 00:04:38].

Charles Boykin: I understand the rules, yes.

Kevin Maroney: Why don't you, if we can go forward, why don't you at some point, maybe on a break, submit a request to Terry.

Charles Boykin: What I was going to do is make a request on the record because that's a formal request and that way ...

Kevin Maroney: I think, my understanding with my conversation with Terry Baggott, is that he needs to be copied. That type of request would have to come from his office.

Spencer Miller: Is normally in written form with some type of supporting documentation.

Kevin Maroney: Okay, excuse me. When you relay, and I realize that seems technical but that's how it works.

Spencer Miller: And that could be in email form if you don't want to sit down and hand write something.

Kevin Maroney: So if you like to type out a quick email on your phone and send it to him then, great. We can address this issue.

Charles Boykin: Okay.

Spencer Miller: You had some more issues regarding ...

Charles Boykin: Yeah, there's an issue of Dr. McIntyre has been subpoenaed to testify. Dr. McIntyre was the president of the college and I raised the issue of 4.2 with Shannon in that ...

Kevin Maroney: 402?

Charles Boykin: 4.2, sorry.

Shannon Polvi: He's referencing the rules of professional conduct.

Kevin Maroney: Okay.

Charles Boykin: And it's in representing a crime, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has a consent of the lawyer or is authorized to do so by law or a court order. Dr. McIntyre is the defendant in a lawsuit that Mr. Polvi has brought on behalf of a person by the name of Ms. Fields, who was an employee of the college. Dr. McIntyre is sued in his official and his individual capacity. Ms. Polvi is now subpoenaing him to come and testify in this particular case. Well, and I understand she's saying "set of grounds".

Charles Boykin: As I see it, the question before Dr. McIntyre in the Fields case brought by Ms. Polvi is how he performed his duties while he was president, etc. The question that he will prove to testify on behalf of Ms. Jackson would be how he performed his duties as president. That's what she would be talking about. On cross-examination, I have a right to question how he performed his duties as president and also have a right to test his veracity going to his credibility as due what is happening from that, and I don't know what Ms. Polvi gleans from that, but that rule is not a rule of convenience for lawyers.

Charles Boykin: It's a rule that protects the public in general but in particular, an individual who is the subject here specifically. And what I'm seeking to do is to make sure that neither Shannon nor I nor you, inadvertently violate Dr. McIntyre's rights that

should be preserved by that rule. The fix that I believe we have is the lawyer that represents Dr. McIntyre in the Fields case is seeking to observe Dr. McIntyre's testimony and we've asked the lawyer to keep everything, even who is defending our case that Dr. McIntyre's brought, to observe as well.

Kevin Maroney: Just to clarify those final statements. Dr. McIntyre's attorney in the Fields case, you're arguing, should be here to observe and to ...

Shannon Polvi: And I can clarify, I think. Respectfully, I think Mr. Boykin is being very alarmist because first and foremost, the rule says that an attorney can communicate with and represent an individual through a legal proceeding. This is most definitely a legal proceeding where he's subpoenaed, but Mr. Boykin, I and you can be able to interact with him in an under oath situation cause he's subpoenaed. But secondly, even before our first hearing, I was in contact with his legal counsel and informed his legal counsel that he had been subpoenaed and that essentially what the testimony would be about. And then when Mr. Boykin had contacted me last week-ish time frame with a concern, we spoke on the phone. I, in abundance of caution, again reinitiated contact with Dr. McIntyre's counsel, informing them of our second day, that they're welcome to be here in his capacity as an observer.

Kevin Maroney: He consented to that?

Shannon Polvi: Dr. McIntyre?

Kevin Maroney: He consented to Dr. McIntyre's testimony?

Shannon Polvi: Yes and Mr. McMaster is representing Dr. McIntyre. He's one of the counsel representing Dr. McIntyre in his lawsuit involving Dr. Fields where Dr. McIntyre is a defendant and then Lucy Sanders is Dr. McIntyre's counsel when Dr. McIntyre is the plaintiff suing Denmark Technical College. My understanding is she's not going to be present, but she has been in communication with me previously and then also with Mr. McMaster. So, essentially Dr. McIntyre is covered in terms of the network of counsel.

Kevin Maroney: I mean, the rule says unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order. It sounds like Ms. Polvi has the consent of the other lawyers and it also authorized by law. I mean as you said, this is the appellant's case. She can call her witnesses and you were able to cross-examine. So you were authorized by law to do that. I appreciate your caution, but it does seem like the situation is taken care of because of the consent that Ms. Polvi obtained, and thank you for doing that, as well as because of the proceeding.

Charles Boykin: I believe Ms. Polvi would candidly say that I told her, "If you were willing to say that on the record, I'm fine with that." from that standpoint. Prior to my talking

to her, there had been no discussion about it between the two of us, so I had no idea what the posture was.

Kevin Maroney: I understand. You were right to bring this up and I'm not suggesting otherwise. I'm just assessing the rule in light of the circumstances and the information that's been given.

Charles Boykin: The fix I don't have a problem with the fix, from that standpoint. We just have to make space for two more people to sit as observers. That's all I'm suggesting.

Spencer Miller: And that's during his testimony? [crosstalk 00:11:49].

Shannon Polvi: Right and we've spoke with them prior. Mr. Ferguson and Mr. McMaster are the two counsel that will be observers during Dr. McIntyre's testimony and they understand that they're not in a questioning capacity. It's for essentially observation purposes and to be here as his counsel.

Kevin Maroney: Okay. Well, thank you both for taking the situation seriously. I think the fix is sufficient.

Shannon Polvi: Yes.

Charles Boykin: Yes, I have no problem with the alarmist comment.

Shannon Polvi: It makes it sound far more worrisome.

Kevin Maroney: She's getting into advocacy mode. I'm sure you both will be using those defensive attitudes at some point. Okay, so is there anything further?

Shannon Polvi: No sir.

Kevin Maroney: Okay.

Glenise Elmore: Alright. Good morning. This is the second day of the hearing of the appeal of termination instituted by Carla Jackson against South Carolina Technical College System being held in Columbia, South Carolina, this first day of February 2018. A record is being made of the hearing. For the record, my name is Glenise Elmore of the Department of Social Services and other members of the State Employee Grievance Committee present are:

Glenise Elmore: Cliff Miller, Criminal Justice Academy

Glenise Elmore: Chrissy Wicker, Department of Motor Vehicles

Glenise Elmore: Tracy Houston, Department of Health and Environmental Control

Glenise Elmore: Melvin Warren, Department of Public Safety.

Glenise Elmore: New Committee members observing today are:

Glenise Elmore: Shannon Wiley, Secretary of State's Office.

Glenise Elmore: I think that's it.

Secretary: That's it.

Glenise Elmore: Alright. The committee attorney is Kevin Maroney, Attorney General's Office. Appellate is represented by Shannon Polvi. The employing agent is represented by Charles Boykin. Assisting the committee is Spencer Miller, Division of State Human Resources.

Glenise Elmore: Each side will be given the opportunity at the appropriate time to ask questions of a witness. The presiding officer and a member of the committee or the committee attorney may direct questions to any party or witness at any time during the proceedings. Before closing the hearing, the presiding officer will allow both parties to present a brief summary or closing statement if they so desire. The appellant will have the option of closing first or last. I wish to point out that only testimony and evidence pertinent to the grounds on which the appeal is based, or pertinent to the charges on which the agency's action is based will be allowed. Testimony or evidence which is repetitive or cumulative will not be permitted. Are there any questions by either party?

Glenise Elmore: The appellant, the agency, witnesses or anyone else related to the case are not to discuss the case with any member of the State Employee Grievance Committee before, during, or after the hearing until after the final decision is reached. The only time the case is to be discussed is during the formal hearing procedures. A matter is still considered to be pending before the committee during the time involved in a request for a consideration of the committee's decision or until the time has passed for an appeal to administrative law court. The only time the case is to be discussed is during the formal hearing

procedures. After hearing this appeal, the committee will report its findings and decision in writing to the employee and the employing agency within 20 calendar days of the conclusion of the hearing. The decision shall be final in terms of administrative review.

Glenise Elmore: This hearing remains in open session. I do believe, at this time, we have Mr. Thomas Williams for the appellant witness. Alright? So, we need to give the oath?

Spencer Miller: Yes, ma'am.

Glenise Elmore: Okay.

Kevin Maroney: I'm, I'm going to swear him in.

Glenise Elmore: Go ahead and swear in this witness.

Secretary: Okay. Mr. Williams, if you'll please stand and raise your right hand.

Secretary: Do you swear or affirm that the testimony you will give today is the whole truth and nothing but the truth?

Thomas Williams: I do.

Secretary: Thank you.

Glenise Elmore: Alright, thank you sir.

Glenise Elmore: Testimony as you testify. So if you'd speak clearly for that. And do we have another one?

Charles Boykin: The only question is that there is a witness that had not been finished, and whether or not that's going to be reflected on the record in a public way, or it's gonna be done in some other manner.

Glenise Elmore: That would have been Miss Donaldson?

Kevin Maroney: Yes. Miss Donaldson was not cross-examined by the agency at the previous hearing. However, Miss Donaldson is not presently in the building, so we're gonna move on for the sake of time of the parties and the Committee panel members. When she is here, we will of course put her back on the stand and allow for Mr. Boykin to have his cross-examination.

Glenise Elmore: All right. We're ready to proceed.

Shannon Polvi: Good morning Mr. Williams.

Thomas Williams: Good Morning.

Shannon Polvi: So, I'll be asking you question first and then Mr. Boykin will have an opportunity to also ask you questions.

Thomas Williams: Okay.

Shannon Polvi: So, for the Committee let's start off by giving a little bit of background about who you are. How are you connected to Denmark Technical College?

Thomas Williams: My name is Thomas Williams, and I was appointed to the Area Commission at Denmark Technical College. Recently I was the Chairperson of the Area Commissions.

Shannon Polvi: How long were you a member of the Board, or the Chairman?

Thomas Williams: I was appointed in March of 2012.

Shannon Polvi: How long did you hold the Chairman position?

Thomas Williams: I think it was a couple years, not quite two years.

Shannon Polvi: As the Chairman what were your primary duties as connected to the college?

Thomas Williams: Primary duties was to preside over the Area Commission meetings, and basically be the spokesperson for the Board and be the go between the Board and the President.

Shannon Polvi: Within the hierarchical structure of the school, were you in a supervisory role over the Superintendent?

Thomas Williams: The President?

Shannon Polvi: President, excuse me.

Thomas Williams: Yes.

Shannon Polvi: During the tenure of your time on the Board who was in the President role for Denmark Technical College?

Thomas Williams: When I first became a member of the Board Doctor Boyd-Scotland was the President. And later Doctor McIntyre became President.

Shannon Polvi: And was there a third Interim President after Doctor McIntyre?

Thomas Williams: After Doctor McIntyre, Doctor Hall was named Interim President.

Shannon Polvi: Just for background purposes, what is your employment history?

Thomas Williams: I've worked at ... I graduated from South Carolina State in 1978. I worked for Milliken and Company from '78 to 1985. And in 1985 I went to work for River Site, and I'm still employed. I've been at River Site for the last 13 and a half years.

Shannon Polvi: Is the Denmark Technical College Area Commission the governing body over the college?

Thomas Williams: Yes.

Shannon Polvi: What type of structure is the college essentially leaded by? I guess kind of explain for the Board, and I know that's kind of a convoluted question. But, I'm trying to give a little background. Explain to them how the school functions in terms of day to day operations.

Thomas Williams: Well, the President is in charge of all the day to day activity of the college. The President actually works for the Board. The only employee that the Board has is the President of the college. Everybody that's in the college actually reports to the President. Any fiscal responsibility, of course, is that of the Board, and the budget. A major decision is presented to the Board at our regular Board meetings. We have Board meetings every other month, where we receive reports from the President and Department Heads on the position of the school, and any major decisions that need to be made, that the Board needed to make, was made at the time.

Thomas Williams: Any one person on the Board, or no one person on the Board had any authority. All the decisions were supposed to have been based on Board decisions. So the Board would make the decision. If there was communication that needed to be made on behalf of the Board, then the Chairperson, whoever that was, was responsible for making that communication to the President or whoever needed to be communicated to.

Shannon Polvi: How often were the Board members privy to personnel decisions, such as suspensions, terminations?

Thomas Williams: The Board members was only privy to ... Personnel decisions in situations where McIntyre felt like, or whoever the President was, felt like the severity of whatever was going on was such that he wanted to make sure that the Board knew, or was aware of what was going on. It was ... Usually those decisions was made based on what could happen as a result of that personnel situation. For example, if that personnel situation was gonna create something that, an audit issue, or some kind of a sex issue, or something in the community that the Board needed to be aware of in advance, then he would make sure, Boyd-Scotland would make sure that those decisions ... The Board knew about them so they would be aware of anything that might damage the college.

Shannon Polvi: In your role with the Board, with Denmark Technical College, how often did you interact with Carla Jackson?

Thomas Williams: Carla Jackson, the ... I think pretty much the whole time that I was on the Board Carla Jackson was not only the Administrative Assistant, but she also served as the administrative person for the Board. So, of course, we saw each other every meeting. And she was the one that took care of all of the administrative stuff on behalf of the Board.

Shannon Polvi: Please describe, what were your observations of her professional interactions with you?

Thomas Williams: Always professional. Never had any issues. Carla did, we always thought that she did an outstanding job. She did the ... Again, she served that position under Boyd-Scotland, when I arrived on board. And then under Doctor McIntyre. And it was always the same professionalism, and always the same kind of job, which was a good job.

Shannon Polvi: Are you aware of the President's stamp with a President's signature?

Thomas Williams: Yes, I'm familiar with the stamp, the President's stamp.

Shannon Polvi: Was that used by multiple Presidents for documentation?

Thomas Williams: I think ... It's my understanding that that was the Presidents, in that answer I'm going to suggest ... It was the President actually authorized certain people to

have his stamp to stamp documents that he directed them to stamp. It wasn't like there was multiple stamps, or different people had the stamp. The only person who had the stamp was the person that the President gave the stamp.

Shannon Polvi: Is it accurate that Administrative Coordinators in the President's Office would have ...

Charles Boykin: Mr. Chair, I'm going to object. If it's not ... It is significant that the witness continues to be led. And this is direct examination. It is wholly inappropriate to have the lawyer testify with the witness just respond on direct examination. That's wholly inappropriate.

Kevin Maroney: Miss Polvi?

Shannon Polvi: I don't believe I've been leading him, but I'm happy to rephrase my question.

Kevin Maroney: I think that's the first leading question I've heard. It's the first objection. You are correct that leading questions are not preferred on cross. Although, under 611C leading questions are allowed on direct to further the witness testimony, but they should certainly not be excessive. So, why don't we just rephrase the question and move forward.

Shannon Polvi: In regard to the President's stamp, what knowledge do you have of the positions of college employees who would have access to it?

Thomas Williams: I think it was ... I'm saying this because it wasn't something at the time that came up a lot, or we paid a lot of attention to, but I think the people that had access to the stamp was the people in the President's Office that worked with him day to day, and knew the kind of things that he wanted to have stamped. It wasn't anybody outside of the President's Office. It was reserved for one or two people at the most. That was my understanding.

Shannon Polvi: Are you aware of any other Denmark Technical College employees who've been suspended or terminated for using the President's stamp?

Thomas Williams: Well, I'm aware of other employees that were suspended or terminated, and part of the conversation was surrounding the stamp.

Shannon Polvi: In regard to Miss Jackson, what knowledge do you have of that being an allegation against her? Of using the President's stamp?

Thomas Williams: I've heard that, I guess after ...

Charles Boykin: I'm objecting. I've heard that ... She asked what knowledge does he have. He should testify on first-hand knowledge. And I've heard that open the door to hearsay.

Kevin Maroney: If he utters hearsay, I'll ... I think you can stand up. Right now I don't know what he's going to say, except I've heard that is a general statement. As long as he doesn't uttering the words of somebody else ... So the truth of the matter asserted, right now he's just answering the question what is your knowledge.

Charles Boykin: Well, I would ask, within the discretion of the Court, for a preemptive instruction that he testify of his own knowledge, and not what he heard from someone else.

Kevin Maroney: Mr. Williams, you are able to testify what you know. What you know is based on what you've heard. So, I would caution against using the words of someone else and asserting them as truth. But, you can testify what you know of the situation, which may be based on what you've heard. But if you utter the words of someone else as the truth, or to assert the truth that what that person said is correct. But, let me rephrase that.

Kevin Maroney: I believe what Mr. Boykin is concerned of is that you're going to utter the words of someone else as the truth of what happened. That would be hearsay, unless there is an exception, which I'm sure Miss Polvi would stand up and argue there is if Mr. Boykin objects. You've been asked what your knowledge is regarding Miss Jackson's termination regarding the stamp issue. You can testify what your knowledge is. Part of that can be based on what you've heard. With the exceptions that I've pointed out just now. Okay?

Thomas Williams: Okay. Well, my knowledge is, and you're correct, it's based on what I've heard. I haven't seen any documentation to say this what that ... But, part of the reason of the termination was that the stamp was used without the President's permission.

Shannon Polvi: Was that an allegation that you heard or do you believe that to be true?

Thomas Williams: That was the allegation that I heard.

Charles Boykin: Strike it, hearsay.

Kevin Maroney: Hearsay is a statement other than the one made by the declarant while testifying offering in evidence for the truth of the matter asserted. I don't think that saying what I've heard was an allegation is either a statement or offered truth to prove the truth that she did do the thing she's alleged to have done. So, overruled.

Shannon Polvi: In regards to ... Let's jump to the suspension of Miss Jackson. Prior to Miss Jackson being suspended, are you aware of any other action against her before that time?

Thomas Williams: No.

Shannon Polvi: If you'll turn to Page 68 of the binder in front of you.

Shannon Polvi: This is a suspension notice to Miss Jackson dated February 15, 2017. And the signator is Christopher Hall. Is that your understanding that he was the Interim President at that time?

Thomas Williams: That's correct.

Shannon Polvi: Prior to today have you ever seen this document before?

Thomas Williams: No.

Shannon Polvi: Did Doctor Hall and you communicate about Miss Jackson's suspension?

Thomas Williams: Yes.

Shannon Polvi: What do you recall from those communications?

Thomas Williams: Um ...

Shannon Polvi: You need to speak up. We just have a little bit of a machine that's making some noise.

Thomas Williams: Okay. I had a conversation with Doctor Hall after ... Miss Jackson. And actually it was a buildup, because it was after two employees had got suspended. Miss Jackson wasn't the only one. And after two employees got suspended and we had some concerns about the legal position that Doctor Hall was putting the school in. We had some conversations with Doctor Hall about the suspension, what was the purpose of it, what was the reason behind it, and that kind of thing.

Shannon Polvi: What was your impression of the suspension?

Thomas Williams: Well, at the time Doctor Hall didn't know why he was suspending Miss Jackson. He was following direction that he'd gotten, he said from State Tech. And he didn't have an answer for us.

Shannon Polvi: What was your opinion about that?

Thomas Williams: Well, that was unacceptable. And that's what I told Doctor Hall. You don't suspend somebody based on what somebody tells you. You need to know why you're suspending them. And you need to have a reason, you need to have a good reason. And he didn't have that.

Shannon Polvi: Around when, what time-frame did you have those communications with Doctor Hall?

Thomas Williams: I'm thinking it was last of February, first of March time-frame. I don't have the exact date.

Shannon Polvi: Looking at this Page 68, the suspension is described in the first paragraph as, "An investigatory suspension without pay, effective immediately for allegations surrounding your involvement in improper conduct with regard to college operations." Are you aware of any grounds for that allegation?

Thomas Williams: No. I'm not. That conversation with Doctor Hall, and we asked for grounds. We asked for evidence. We asked for an explanation. And we actually gave him a couple of days to come up with that information, and he still didn't have information.

Shannon Polvi: What happened next in terms of the sequence of events, after those conversations with Doctor Hall?

Thomas Williams: On the date that we agreed that he would have the information we went back to see Doctor Hall. And he didn't have the information. He said that he had been unable to receive that information from State Tech. And so we directed him, without that information, he needed to reinstate those employees. He said that he couldn't do that because he was taking direction from State Tech, and we proceeded to relieve him of his responsibility.

Shannon Polvi: You referenced a we when you said, "We went back to see Doctor Hall." Who's the we you are referring to?

Thomas Williams: This was the Executive Committee of the Board at the time. Myself, the Vice Chair, and the Secretary.

Shannon Polvi: What are their names, just for the record?

Thomas Williams: The Vice Chair was Mr. James Hayes, and the Secretary was Miss Betty Foster.

Shannon Polvi: In the process of removing Doctor Hall as Interim President occurred, what did that entail?

Thomas Williams: We just told him, without the information we requested we were gonna have to relieve him of his duties, and ... He said, "Okay." If that's what we had to do, then that's what we had to do. We asked him to leave. He got his stuff, and he left. We proceeded to start making arrangements as far as the next step of what we needed to do to make sure that the college was in good hands.

Shannon Polvi: Were you personally concerned about Miss Jackson being suspended?

Thomas Williams: I was concerned about the employees being mistreated. We had ... This was the second employee that was suspended without a reason that we could determine. I was also concerned about the position that I felt that he was

putting the school in by making these kinds of decisions without cause. So, from a legal standpoint, we had concerns, as well as our concern about just the well-being of the employees, and how they'd been treated.

Shannon Polvi: Were you aware of the changes that Doctor Hall made to Miss Jackson's pay?

Thomas Williams: No.

Shannon Polvi: Did anyone at Denmark Tech make you privy to Miss Jackson's complaint to the South Carolina Department of Labor and Licensing?

Thomas Williams: Um.

Shannon Polvi: LLR?

Thomas Williams: After the fact. I learned about that after the fact.

Shannon Polvi: Based on your observations, did Carla Jackson warrant any disciplinary actions that were taken against her?

Thomas Williams: No.

Shannon Polvi: I'd like to draw your attention to Page 23 of the binder in front of you.

Shannon Polvi: Looking at the first paragraph, the second to last sentence states ... This is her termination notice. In the second to last sentence of the first paragraph states, "The grounds for this action are your willful violations of rules, regulations, and written policies which constitute conduct unbecoming a State employee." Are you aware of any such violations of Miss Jackson?

Thomas Williams: No.

Shannon Polvi: Looking at the second paragraph, it lists out some additional information in reference to tuition payments. Were you aware of Miss Jackson receiving tuition payments?

Thomas Williams: No.

Shannon Polvi: And are you aware of the ability of employees at Denmark Technical College to apply for tuition assistance?

Thomas Williams: Yes.

Shannon Polvi: And is that program available to employees both for the benefit of the employee and for the Denmark Technical College?

Thomas Williams: Yes.

Shannon Polvi: In Miss Jackson's roles at the college, would her furthering her education in a business type of degree further advance the school?

Thomas Williams: Yes.

Shannon Polvi: In what ways would you observe that to be.

Thomas Williams: Let me make, something clear ...

Kevin Maroney: Sure, certainly.

Thomas Williams: When I said I wasn't aware of her receiving tuition payments, I'm being specific. I was aware that she was a part of the program where people was getting reimbursed for tuition. She was one of the people that took advantage of that program. I just wanted to clarify. How she got the money, or when she got paid, that kind of stuff, I have no knowledge of that part of it is all I'm saying.

Shannon Polvi: And with the, because you used the phraseology of employee like taking advantage of it, is essentially is that meaning, you mean that someone applied for it?

Thomas Williams: Yeah, when I say taking advantage of it I don't mean in a bad way. I mean ... We had the program, and actually it was a grant that we got through the US Department of Education, where we could actually offer tuition assistance to our people. So, it was a grant that the college has been getting for a long time. And at different period of times different employees was, when I say taking advantage of that grant, they saw an opportunity there and they used that opportunity to forward their education. And that come to the other employees and the other people, they were able to take advantage of it.

Shannon Polvi: In what ways would the advancement of an employee's education help the college?

Thomas Williams: Well, they would qualify to move up. You have people, one of the things that you look at with the employees is you have employees that are qualified to do certain jobs. But, by taking advantage of a program like that, you can further your education. And you're able to advance those same people without having to go out and look for a new employee to come in and hire for a job at a level above ... Based on Miss Jackson for example, she could advance her career by continuing her education right there at Denmark Tech, and not having to go outside and look for a job somewhere else.

Shannon Polvi: If you'll turn with me to Page 239 of the record.

Shannon Polvi: And this is a letter to Miss Jackson, congratulating her on being accepted into the Masters of Business Administration program with a specialization in Management at American Intercontinental University. Would Miss Jackson's

pursuit of that degree further her abilities performing work at Denmark Technical College?

Thomas Williams: I'm not specifically familiar with this degree, so I don't know the details of this degree. I don't know what it is.

Shannon Polvi: In regards to the tuition assistance, tuition reimbursement program, was the Board ever involved in approving or disapproving those applications?

Thomas Williams: No.

Shannon Polvi: And are you aware of what, essentially, individuals would authorize the tuition reimbursement, like what roles were involved?

Thomas Williams: What roles were involved?

Shannon Polvi: Who would approve tuition assistance?

Thomas Williams: The final decision would be the President. I don't know who else would sign off on that. With the exception, we do have a presentation at one point from ... And in that presentation we was told there was a project manager type of person that was also involved in the grant that, I think, that may sign off on it as well. A person outside of Denmark Tech, I'm not sure.

Shannon Polvi: So, to the best of your knowledge, there's at least two levels of approval involved?

Thomas Williams: Yes.

Shannon Polvi: I'd like to draw your attention back to Page 23 of the record.

Shannon Polvi: The second part of the second paragraph references, it's the accusation about pay increases that Miss Jackson received. To the best of your knowledge, when Miss Jackson received pay increases were they authorized?

Thomas Williams: To the best of my knowledge, yes.

Shannon Polvi: And looking at, let's see, Page 98 of the record.

Shannon Polvi: This is a Personnel Payroll Action form. It indicates a change in salary. Prior to seeing this form is this a form that you've seen before in your time on the Board?

Thomas Williams: Yes.

Shannon Polvi: And is this the normal payroll change form with Denmark Technical College to the best of your knowledge?

Thomas Williams: To the best of my knowledge, yes.

Shannon Polvi: Looking at the form here it indicates that there be a change of salary for Miss Jackson, and it shows signatory individuals down at the bottom of the page. Who was Mr. Clarence Bennett?

Thomas Williams: He was a VP of Finance.

Shannon Polvi: And Miss Alfredia Boyd?

Thomas Williams: She was the HR Director.

Shannon Polvi: And Doctor Leonard McIntyre?

Thomas Williams: He was the President.

Shannon Polvi: Would those be the type of individuals who would be authorizing a pay increase to Miss Jackson?

Thomas Williams: That's correct.

Shannon Polvi: Are you aware of Miss Jackson ever giving herself a pay raise?

Thomas Williams: No.

Shannon Polvi: Within the structure of Denmark Technical College, could an employee give them self a pay raise?

Thomas Williams: Not if everybody followed procedure.

Shannon Polvi: To the best ...

Thomas Williams: The ... HR has to authorize, or initiate the pay increase. And the procedure would guide her to make sure that the signatures are there before they initiate that.

Shannon Polvi: Earlier in testimony you referenced that Miss Jackson, you knew her through working in President's Office, and as well as working with the Board. Are you aware of her also performing Interim Dean roles with the college?

Thomas Williams: I knew she was ... She had other duties.

Shannon Polvi: Would Miss Jackson performing additional Interim Dean roles warrant any change in her pay?

Thomas Williams: That would be up to Doctor McIntyre, and the VP in those areas, but I would think so. Yes.

Shannon Polvi: Would an Interim Dean at the college have different duties than an Administrative Coordinator within the President's Office?

Thomas Williams: Yes.

Shannon Polvi: What would be some of those different types of duties?

Thomas Williams: I don't ... I can't get specific. But, the Dean is in charge of the Department, and making sure that everything get done that's supposed to get done. Which is very different from the Administrative Assistant within the President's Office. So, it's a lot more responsibility.

Shannon Polvi: Can we pause for a quick restroom break?

Glenise Elmore: Yes. That's quite all right. You can take 10.

Shannon Polvi: Oh, yeah, even shorter than that. Just five.

Glenise Elmore: Five minutes? All right.

Glenise Elmore: Okay, we're ready for the agency.

Shannon Polvi: I'm not finished.

Glenise Elmore: You're not finished?

Shannon Polvi: No.

Glenise Elmore: Okay.

Shannon Polvi: I'm just resting. [crosstalk 00:00:11]

Glenise Elmore: Thank you.

Shannon Polvi: Not too much longer, though. So I wanted to follow up on a couple things.

Thomas Williams: Okay.

Shannon Polvi: Are you aware of, there's a hotline available to employees at the Denmark Technical College.

Thomas Williams: Yes.

Shannon Polvi: Were you aware of the hotline allegations in any way referencing Miss Jackson?

Thomas Williams: Yes.

Shannon Polvi: What is your thoughts on that hotline allegation?

Thomas Williams: It was an employee that worked under Miss Jackson at some point, and I can't remember whether it was somebody that worked for her all the time, or somebody worked for her doing her other assignments. But there was an employee that worked under her that had a problem being disciplined by Miss Jackson. And that employee made numerous calls to the hotline, made some accusations against Miss Jackson, or about Miss Jackson.

Shannon Polvi: During your tenure, did you become aware of anything substantiating the allegations made by that disgruntled employee?

Thomas Williams: Nothing that was substantiated. I think we did look into it. We did follow up, and there was nothing that we found that substantiated what the employee was saying.

Shannon Polvi: When Dr. Hall became the interim president of Denmark Technical College, what did the transition between Dr. McIntyre's leadership and Dr. Hall's leadership entail?

Thomas Williams: Basically, there was no transition, because Dr. McIntyre's leadership was pushed down to me and Miss Jackson and folks in that group. Those were the people that they got rid of. So there was little transition to Dr. Hall's administration, because the people that was working with Dr. McIntyre was gone.

Shannon Polvi: I'd like to draw your attention to page 241 in the binder. This is a news article. It's entitled "DTC president removed. Commissioner says chairman acted illegally." We're not going to go through the whole news article. I just want to ask you about your personal knowledge about things that are in it.

Shannon Polvi: And is the DTC president being removed, is that referring to Dr. Hall, whose picture is on the screen?

Thomas Williams: Yes.

Shannon Polvi: And if you'll turn to page 243. The third line states, "Hall's removal stems from a personnel matter." Was that in relation to Miss Jackson?

Thomas Williams: Yes. Miss Jackson was one of the people, yes.

Shannon Polvi: And the next statement, it says, "Williams and Hayes wanted an employee re-instated and Hall refused to accommodate them." Is the Williams that's described here, is that you, Mr. Williams?

Thomas Williams: Yes.

Shannon Polvi: And the employee to be re-instated, was that Miss Jackson?

Thomas Williams: She was one of the employees, yes.

Shannon Polvi: Down further in the news article, there's a quote from you that states, near towards the bottom, it says, "State Tech still hasn't found anything, any evidence of any wrongdoing, Williams said." Is that a quote you made in regards to Miss Jackson?

Thomas Williams: She was one of the employees, yes.

Shannon Polvi: If you turn to the next page, page 244.

Thomas Williams: Okay.

Shannon Polvi: Towards the top, there's a line that says, "Thomas Williams and Mr. Hayes showed up at the college today and asked me to leave, he said." And that's a quote from Dr. Hall. "Basically he, Williams, wanted me to change a personnel decision that I made when I first got there." In regards to Dr. Hall, how, to the best of your knowledge, how soon after he became interim president at

Denmark Technical College, how soon after his start as the president did he suspend Miss Jackson?

Thomas Williams: Again, I don't know the exact date, but I'm thinking it was days, a couple of days. It wasn't a long period of time.

Shannon Polvi: What is your opinion on what he could or could not have known about Miss Jackson, based on that amount of time?

Charles Boykin: Object. He's a fact witness. She's asking opinion. He can testify to his understanding but certainly not his opinion.

Kevin Maroney: Overruled.

Thomas Williams: And that was part of my issue. I didn't feel that Dr. Hall had been there long enough to be able to make an intelligent decision about who to put on suspension and who not to put on suspension. And that was one of the reason we questioned what he was doing.

Shannon Polvi: Did you ask him to change that personnel decision?

Thomas Williams: Yeah, we asked him to either show us evidence of why he made that decision, to change his decision.

Shannon Polvi: Looking at the next page, page 245. Towards, actually the very last paragraph is a quote from Representative Bamberg, referring to you. He stated, "essentially my understanding is that Mr. Williams did what he felt he needed to do to protect the institution that is Denmark Tech. It appeared to him that everything that was going on was tied to the underlying thought that the State Tech board has a desire to attempt to close Denmark Tech." What communications have you relayed in relation to that?

Thomas Williams: What do you mean by relayed?

Shannon Polvi: Or stated.

Thomas Williams: I stated that, again this was almost a year ago now, I guess 11 months. I felt like State Tech was making an attempt to close Denmark Tech down, and the first ... it was a process that they were going to do, and of course, they got rid of Dr. McIntyre and then they was getting rid of the people who was close to Dr. McIntyre that would be there to help carry the school on. They got rid of those folks, and then they were just going to go through this process of doing things to close Denmark Tech down. And basically, that's what has happened. That's what they've done, over the last 11 months. Basically, everything that I said then turned out to be true.

Shannon Polvi: Just wanted to flesh out a little bit of your background. It's one thing we hadn't touched on in the beginning was your experience on boards, in terms of administration and knowledge of leadership. How many boards have you served on during your life?

Thomas Williams: I don't know if I know ... what was my last ... I was elected to county council in Barnwell. And I was chairman of county council in Barnwell for a number of years. I served on county-wide positions, transportation committee. I served on Barnwell County Hospital board. I served as chairman for eight, nine years. I served on the board for commission for the blind for the state, at Governor Hodges' appointment that I served on for three or four years before I joined county council. I served on the Lower Savannah council or government boards. I was chairman of that board.

Thomas Williams: I've been treasurer for the Democratic Party for 25 years. I've got extensive knowledge of serving on boards and committees and procedure-type stuff. I'm a state deputy parliamentarian for the press on races. I've got a little bit of experience.

Shannon Polvi: And based on that, I would say extensive civic experience, have you observed any other situation like what Miss Jackson has faced?

Thomas Williams: I haven't observed situations where I thought people just came in and blatantly did things with the attitude that we can do what we want to do and nobody's going to do anything about it. We can suspend people. We can fire people. We can tell lies. We can shut a college down. So I haven't experienced this kind of, almost like a renegade attitude about doing things. I don't have experience with this situation. This has been different, to say the least.

Shannon Polvi: While you were serving with the board with Denmark Technical College, was the president including the last president Dr. Hall that you worked with, would he be subject to the instructions of the board?

Thomas Williams: I'm sorry, say that again.

Shannon Polvi: Would the president of the college be subject to the instructions of the board?

Thomas Williams: Yes, he should be.

Shannon Polvi: And are those outlined in the college bylaws?

Thomas Williams: Yes.

Shannon Polvi: And what authority would the board have in terms of hiring and firing a college president?

Thomas Williams: That's the board's responsibility.

Shannon Polvi: Those are all my questions. I may have more, but re-direct after Mr. Boykin, but otherwise, ready to pass the torch.

Glenise Elmore: All right.

Charles Boykin: Mr. Williams, I'm going to go back as far as give you some space. My voice tends to carry a little bit, don't want you to think I'm yelling at you. Let's start with Dr. McIntyre being the president of your college. And his employment was terminated sometime in late January, early February of last year. Is that correct?

Thomas Williams: That's correct.

Charles Boykin: With that motion also, Mr. Williams, the majority of your board voted to ask State Tech to operate the tech. Isn't that correct, Mr. Williams?

Thomas Williams: No, that's wrong.

Charles Boykin: Okay, you disagree with that?

Thomas Williams: Yes.

Charles Boykin: Okay. Did you vote to bring Dr. Hall in?

Thomas Williams: No.

Charles Boykin: Did you vote not to bring Dr. Hall in?

Thomas Williams: No.

Charles Boykin: Because there was no vote on bringing Dr. Hall in, was there?

Thomas Williams: no.

Charles Boykin: Dr. Hall was assigned by the state, pursuant to that motion the minutes will reflect, Mr. Williams.

Thomas Williams: The motion that was made was made to terminate Dr. McIntyre, and we asked State Tech to assist us in finding someone to run the college. That was the motion. The motion never was for State Tech to run the college. The motion never made it.

Charles Boykin: I understand your recollection, but the fact of the matter is you did not vote to bring or to keep Dr. Hall away from that standpoint. And because State Tech sent that, you can disagree, you can answer it again, we'll move on. You mentioned that you were concerned about the legalities of what was going on, okay. Yet one of your own members questioned the illegality of your conduct with regard with Dr. Hall, didn't he?

Thomas Williams: Three of our members questioned.

Charles Boykin: Okay. So you did have a monopoly on what was legal, did you?

Shannon Polvi: Objection. I'll throw out an objection.

Kevin Maroney: I think the question is was there a disagreement about whether what was done was legal. Is that correct?

Charles Boykin: My question was he talked about him being concerned about the legalities, which opens the door for me to ask the question. He said that three people questioned him, and my question to him was to get him to agree that he had no monopoly on saying what was illegal. And I just asked him to respond to that.

Kevin Maroney: Certainly. That's fine.

Thomas Williams: Yeah, I didn't have a monopoly.

Charles Boykin: Okay. Thank you.

Kevin Maroney: Just to clarify the monopoly term. I think is that other people disagree.

Charles Boykin: Other people have their opinion-

Kevin Maroney: Monopoly seems to suggest like authority to say whether it was legal or not. And I think that's what you're getting at, that people disagreed, correct? I'm just trying to clarify for the panel that that's what-

Charles Boykin: I understand that there was a difference of an opinion.

Kevin Maroney: Yes.

Charles Boykin: I tend to be colorful from time to time with my language, and I will apologize to the panel.

Kevin Maroney: Just to clarify.

Charles Boykin: You testified about LLR, and that's on page 254. Would you turn to that please? Is your understanding that there was a problem with Miss Jackson's pay, is that correct?

Thomas Williams: I don't think that's it.

Charles Boykin: You were asked whether or not you were familiar with a complaint filed with Miss Jackson by LLR.

Thomas Williams: Yeah, and that's after the fact. I was familiar with the complaint.

Charles Boykin: Okay, you're familiar with the complaint. So that's your understanding, that there's a problem with her pay?

Thomas Williams: No-

Charles Boykin: Okay. You can read, though, can't you?

Thomas Williams: I can.

Charles Boykin: Okay. Go to the third paragraph and read the third paragraph in the letter.

Thomas Williams: Okay.

Charles Boykin: Would you be so kind as to read it aloud so that we'll know you are in fact reading it.

Thomas Williams: Oh okay. "A citation will be issued for violation under the South Carolina payment statutes SC:41-10-40 for failing to pay all wages to you and all other employees as required under the law. Specifically, the investigation reveals that \$207.90 wages were due to you."

Charles Boykin: Okay. So was Miss Jackson's paycheck for a pay period \$207.90?

Thomas Williams: I don't know.

Charles Boykin: You have no idea? Okay. Would you disagree with me if I told you that a payment of wages act requires the employer to pay the wages the employer believed were due? Would you disagree with that statement?

Thomas Williams: Say that again.

Charles Boykin: Would you disagree with me if I-

Thomas Williams: You're not saying it.

Charles Boykin: No, you asked me to say it again. For the record, I will repeat my question if you would be so kind.

Thomas Williams: Okay.

Charles Boykin: Okay? Would you disagree with me if I were to say to you that the payment of wages act requires the employer to pay the wage the employer understands is due? If there's a disputed wage, that can be dealt with later. Would you agree with me with that?

Thomas Williams: I think the act requires the employee to pay the wages they're due. Now you're saying the wages they understand is due.

Charles Boykin: That's correct-

Thomas Williams: But now, I don't know that the word understand is in there.

Charles Boykin: Okay. You don't know or you disagree with me? Okay, but you don't know?

Thomas Williams: I don't know that it's in there.

Charles Boykin: Okay. So you disagree with that point?

Thomas Williams: Yeah.

Charles Boykin: As you sit here, though, is it your belief that her pay for a pay period was \$207.90? Is that your belief as you sit here, that that's all she was being paid?

Thomas Williams: No. I don't get that from that. You want me to get that from that paragraph?

Charles Boykin: I don't want you to get anything other than-

Kevin Maroney: Gentlemen, Mr. Boykin, I understand that this is perhaps an emotional cross examination, but we are going to be civil with one another.

Charles Boykin: Yes, sir, Mr. Chair. My question for him is asking what belief does he get from the \$207.90. That's my question. And I said, "do you get that from that?" It's a yes or no answer. He can explain it if he wants to if he just answers the question. That's all.

Thomas Williams: My understanding of that is that she's still owed \$207.90.

Charles Boykin: And do you disagree that that's a disputed wage?

Thomas Williams: I don't know. I don't what it means at all.

Charles Boykin: Okay. So you don't know. So you're unfamiliar with the circumstances of her complaint. Is that true?

Thomas Williams: Yeah.

Charles Boykin: Okay. Okay. Mr. Williams, you served as chair of the hospital board?

Thomas Williams: Yes.

Charles Boykin: Okay. Were you serving when the hospital went out of business and closed?

Thomas Williams: No. I was no longer on the board.

Charles Boykin: You were no longer on the board? Okay. You served on the Barnwell County Council?

Thomas Williams: Yes.

Charles Boykin: And you served as chair?

Thomas Williams: Yes.

Charles Boykin: Okay. During your time, how much money per year did the county give for the support of Denmark Technical College.

Thomas Williams: The first couple years, the county didn't give any money for the support of Denmark Technical College. The last couple years, they gave a small amount.

Charles Boykin: Like \$500?

Thomas Williams: Like \$500.

Charles Boykin: Okay-

Thomas Williams: And there was a reason for that.

Charles Boykin: Okay. Okay. So you were a member of the county council. You were chair of the county council, and you gave roughly \$500 a year, when you did give something. Other times, you gave nothing. That's your testimony, is that right?

Shannon Polvi: Objection. I would say that you're saying, you, he, because it identifies ... it's not him that was giving the money.

Charles Boykin: Okay. That's fine. I'll accept that amendment. Now, let me ask this question of you-

Thomas Williams: There was a second part to that, though. Want to hear the second part?

Charles Boykin: You answered my question.

Kevin Maroney: Mr. Boykin, I believe that ... Miss Polvi will have the opportunity to re-examine you. Perhaps she will ask about that. During cross examination, just answer Mr. Boykin's questions.

Thomas Williams: Okay.

Kevin Maroney: If he allows you to respond to something, that's fine. But if he moves onto a next question, just answer that question.

Thomas Williams: Okay.

Charles Boykin: Now let's talk a little bit about this executive committee. The executive committee can take no action unless it is in a duly called meeting. Isn't that true?

Thomas Williams: No it's not true.

Charles Boykin: Okay. So you're saying that executive committee can take an action without being in a meeting?

Thomas Williams: Yes.

Charles Boykin: And where does that come from?

Thomas Williams: It's in the bylaws.

Charles Boykin: Okay.

Kevin Maroney: You're asking to put this into evidence?

Charles Boykin: Yes. If he can identify, we can go from there.

Kevin Maroney: I'll need the proper foundation.

Charles Boykin: Can you identify this?

Shannon Polvi: I mean, I would like to-

Charles Boykin: Yeah, certainly. Please. I'll tell you what, let me give you your own copy.

Shannon Polvi: Couple objections. First, I don't believe this is the most recent and accurate bylaws that was actually interplayed during any of these events. This is an older copy, an older version. So I don't think this is actually even relevant to what he's being questioned about.

Charles Boykin: These bylaws are the ones that govern the institutions, number one. Number two, if there were changes made, those changes would not have affected the issue I'm going to talk to him about, assuming that to be the case.

Shannon Polvi: I would object saying unless it's the most recent ... like he can still ask the questions, but this shouldn't be an exhibit.

Charles Boykin: Oh, yes-

Kevin Maroney: Why don't we go with that?

Charles Boykin: That's fair enough. Okay? Mr. Williams, are you familiar with any changes to the bylaws?

Thomas Williams: We made constant changes to the bylaws.

Charles Boykin: Constant changes, when was the last change made to the bylaws, Mr. Williams?

Thomas Williams: I can't answer that without-

Charles Boykin: Are you familiar with a section of the bylaws called "Individual authority?"

Thomas Williams: I'm familiar with that section.

Charles Boykin: Okay. Would you disagree-

Thomas Williams: Do I get to look at it first?

Charles Boykin: No, no, no. Your lawyer just said no, okay?

Thomas Williams: Okay.

Shannon Polvi: I'm not his counsel.

Charles Boykin: I'm sorry. I'm sorry. I'm just giving you plaintiffs.

Kevin Maroney: She's not his counsel, but if you are going to ask him something specific to the language, I think he should be able to read it.

Charles Boykin: I'm going to read the language. I will publish the language that he can respond to, if that's okay. Okay? "Commission members, including those who are officers, have authority only when acting as a commission legally in session." Do you understand that, Mr. Williams?

Thomas Williams: Yes.

Charles Boykin: Okay. Does this seem to suggest that you can take actions without having a meeting?

Thomas Williams: There's another section in there that says any action taken by the deputy committee has to be ratified by the full commission.

Charles Boykin: Okay. I understand what you're saying, but this says individual authority. It says, "commission members, including those who are officers, have authority only when acting as a commission legally in session." That's what the bylaws provide. I'm going to read the next one, too, so we'll complete this individual authority section.

Kevin Maroney: I think it has been answered, Mr. Boykin. Let's move onto the next one.

Charles Boykin: Okay. The next one. "Neither the commission, nor Denmark Technical College shall be bound by a statement or action on the part of any individual commission member except when such statement or action is in pursuance of specific legal actions by the commission." Do you disagree with that being in the bylaws?

Thomas Williams: No.

Charles Boykin: Okay. All right. Further, "in like manner, no directive from an individual commission member shall be binding upon the president of the institution or any member of his or her staff, unless such action is in pursuance of a specific legal action by the commission." Do you disagree with that statement?

Thomas Williams: No.

Charles Boykin: Okay. So your bylaws, thus, would prohibit you or the committee from taking an individual action without being in session. In fact, Mr. Thomas, if you look at ... let's go to page 244. We have a quote here. "No formal meeting was called, so of course he, Perrin Williams, did not need FOIA. He did not call and inform me, said Ennis. I don't have any formal information on it, nor did I vote for it or any such as that." Mr. Ennis is a commission member. Is that correct, Mr. Thomas, Mr. Williams?

Thomas Williams: He is.

Charles Boykin: Okay. And he's talking there about FOIA requirements for having a formal meeting. Isn't that correct, Mr. Williams?

Thomas Williams: I don't know what he's talking about.

Charles Boykin: Okay. So you don't know what he's talking about? So you don't know that FOIA requires a notice before you can having a meeting to conduct business?

Thomas Williams: Yes. That wasn't your question, though. You asked me what he was talking about.

Charles Boykin: Yes. Do you understand that FOIA requires a formal meeting to conduct business?

Thomas Williams: I do understand that.

Charles Boykin: So did you have that meeting on Friday, March 24, 2017, when you went to the campus to direct Dr. Hall to leave?

Thomas Williams: No.

Charles Boykin: Okay. You had-

Thomas Williams: There was no meeting.

Charles Boykin: So you had no meeting, thus you had no authority to give that directive.

Thomas Williams: That's wrong.

Charles Boykin: Okay. And as you had no authority-

Thomas Williams: I said that was wrong.

Charles Boykin: I understand what you said.

Thomas Williams: Oh, okay.

Charles Boykin: As you had no authority, when the board met formally the following Monday, you were removed as chair. Isn't that correct?

Thomas Williams: What the board had, in operation of the board, then the board has that authority at that following meeting to ratify anything that the committee did. So whatever action that we took on Friday, that the committee took on Friday, it goes to the board at our next meeting, and the board either ratifies that, or they can vote it up or they can vote it down. So they had an opportunity at that point to say we disagree with the executive committee, and we overturn the executive committee's actions. Or they could do whatever else they wanted to do.

Charles Boykin: Which is what they did, isn't that true?

Thomas Williams: Which is what they did.

Charles Boykin: Yes. They re-instated the president that you fired and had escorted off by law enforcement.

Thomas Williams: That's correct.

Charles Boykin: And they removed you as chair.

Thomas Williams: That's correct.

Charles Boykin: Okay. And during the dialogue, according to the article, the discussion was you had acted beyond your scope as chair.

Thomas Williams: Yeah. Those are the same people that actually made the motion that you told them to make in order to get rid of the chair and get rid of the president. The same two people.

Charles Boykin: Okay. I did it. But those people made the motion to remove you as chair. Isn't that correct?

Thomas Williams: That's correct.

Charles Boykin: Okay. In fact, they were in the process of removing ... the general assembly was in the process of re-appointing an entire area commission. Isn't that true, during that time?

Thomas Williams: With the exception of me.

Charles Boykin: With the exception of you. You're exactly right. You were to be carried over on that. Isn't that right?

Thomas Williams: That's right.

Charles Boykin: But after this particular episode, then you were removed, too, weren't you?

Thomas Williams: No, that's not right.

Charles Boykin: Okay. You were being considered on that day, but after that day, you may say whatever caused it, that's with it. But if you did continue and didn't retire, Mr. Williams, you would agree that after your conduct there, after that, you were removed from consideration by the governor?

Thomas Williams: That's not correct.

Charles Boykin: Okay.

Thomas Williams: I took myself out of consideration months after this. It had nothing to do with this.

Charles Boykin: Okay. For the executive committee to have a meeting to take action, would you have to comply with FOIA, Mr. Williams?

Thomas Williams: The executive committee did not have a meeting.

Charles Boykin: I'm sorry?

Thomas Williams: The executive committee did not have a meeting.

Charles Boykin: You're not answering the question.

Thomas Williams: So you have a hypothetical? You're talking about a hypothetical?

Charles Boykin: I'm asking you a question.

Thomas Williams: So you're not talking about our specific meeting, or our specific action that we did.

Charles Boykin: Under the rules that govern the executive commission, the executive committee, to have a meeting to transact business, you would have to require, have to comply, with the FOIA formalities, would you not?

Thomas Williams: Under what rules are you talking about?

Charles Boykin: FOIA.

Thomas Williams: Our rules or FOIA. Are you talking about-

Charles Boykin: FOIA's a state law, which would supersede your rules, Mr. Williams.

Thomas Williams: So you're asking me under FOIA guidelines would the executive committee have to-

Charles Boykin: That's the question I asked you to start with.

Thomas Williams: Yep.

Charles Boykin: Okay. And any action taken without complying with FOIA would be illegal, wouldn't it?

Shannon Polvi: Object in the form. You're asking for essentially a legal opinion to determine FOIA. He's not an attorney.

Charles Boykin: He's not an attorney, but he has opined on legal matters all day. He can say if he doesn't know. He can say he doesn't know. But I think it's appropriate to ask the questions, given he has talked about legalities all day.

Kevin Maroney: I think you can answer. I don't know, or you can give whatever answer you would like.

Thomas Williams: Okay. Can you ask the question again?

Charles Boykin: Any action taken by the executive committee without first complying with the FOIA formalities would not be legal. And I'll amend it, so we'll make sure it's within your purview, would not be binding on either the college or the commission.

Thomas Williams: Well, that's true.

Charles Boykin: Are you and Miss Jackson friends?

Thomas Williams: I've known her since I've been on the board.

Charles Boykin: Are you and Miss Jackson friends is my question?

Thomas Williams: Well, I don't have anything against her, and I don't think she has anything against me.

Charles Boykin: Okay.

Thomas Williams: I mean I don't know what your definition of-

Charles Boykin: You're not responsive. The question is, it's a yes or no, whether or not they're friends.

Kevin Maroney: The colloquial meaning of friendship. Do you have personal-

Thomas Williams: Yes.

Kevin Maroney: Do you spend time together and things like that?

Thomas Williams: We don't spend time together, but I know her. We know each other. We've known each other. We don't double date or anything like that.

Charles Boykin: You said that the college presidents all had stamps for their use. Is that correct?

Thomas Williams: Dr. Boyd-Scotland had a stamp, to my knowledge, and Dr. McIntyre had a stamp.

Charles Boykin: Okay. Would you recognized Dr. McIntyre's signature by stamp?

Thomas Williams: No.

Charles Boykin: Okay. So you have never seen the stamp having been used?

Thomas Williams: I've never paid ... I have never seen the stamp being used, is that the question?

Charles Boykin: That's the first part of the question.

Thomas Williams: No, I've never seen the stamp being used.

Charles Boykin: And you've never seen a signature that was purported to be the rest of a stamp?

Thomas Williams: I'm assuming that I would know the difference between the stamps and the-

Charles Boykin: So you're saying you're assuming, but you don't know whether you would know the difference or not?

Thomas Williams: Right. I haven't looked at a signature and tried to figure out whether it was a stamp or any of that.

Charles Boykin: Okay. You mentioned that there were certain procedures associated with the use of the stamp. Is that correct?

Thomas Williams: I don't know that I said procedures. I mentioned the way I thought the stamp was being used.

Charles Boykin: Okay. The way you thought the stamp was being used?

Thomas Williams: Right. My understanding of how it was being used.

Charles Boykin: Okay. Your understanding would be that the presidential approval would be given, the stamp would be used. That was your direct testimony, wasn't it?

Thomas Williams: That's correct.

Charles Boykin: Okay. Have you ever seen any written procedures that would determine how and when the stamp would be used?

Thomas Williams: No.

Charles Boykin: Have you ever seen any written procedures that would determine when and who could use the stamp?

Thomas Williams: No.

Charles Boykin: Have you ever seen anything in writing that said who would possess the stamp?

Thomas Williams: No.

Charles Boykin: Okay. Now you testified that Miss Jackson served in a position of interim dean.

Thomas Williams: Yes.

Charles Boykin: Okay. How many hours, or what workload, academically, is an interim dean, under Denmark Technical College's policies, required to carry?

Thomas Williams: I don't know.

Charles Boykin: So you do not know. So as we sit here today and you testify, you don't know whether she fulfilled her duties as interim dean or not, did you?

Thomas Williams: No.

Shannon Polvi: Objection.

Charles Boykin: Okay.

Shannon Polvi: I was going to object, but it's already been asked and answered, so just move forward.

Charles Boykin: Okay. You also testified that you also didn't know what other jobs that she might have been performing. Is that correct?

Thomas Williams: Yes.

Charles Boykin: But you would agree with me that 100% means all, wouldn't you?

Thomas Williams: Yes.

Charles Boykin: And if she had had something called a planning document ... are you familiar with a planning document that state employees have?

Thomas Williams: Mm-hmm (affirmative).

Charles Boykin: Okay. That planning document would account for all of her time, wouldn't it?

Thomas Williams: It should.

Charles Boykin: Okay. It should. Okay. So if she has a job that covers a planning document, that would be 100% of her work day. Would you agree with that?

Thomas Williams: It could be.

Charles Boykin: You're saying it could be. Okay. Okay. And thus, her base salary would cover whatever was on that planning document, wouldn't it?

Thomas Williams: It should.

Charles Boykin: It should. All right. All right. Okay. And any supplemental pay would have to be something that is separate and apart from the planning document, wouldn't it?

Thomas Williams: Not necessarily.

Charles Boykin: Not necessarily? Okay. All right. When did you leave the Denmark Tech board?

Thomas Williams: When did I leave the Denmark Tech board?

Charles Boykin: Yes.

Thomas Williams: I don't remember the date or month. It was, I think about it was six or seven months.

Charles Boykin: Okay. Were you on the board May 1, 2017?

Thomas Williams: I'm not sure.

Charles Boykin: You're not sure? Okay. All right. Okay. When did you last meet with the area commission, Mr. Williams?

Thomas Williams: The last area commission meeting we had was back in March, I think.

Charles Boykin: March. The meeting where you were removed as chair?

Thomas Williams: No, that's not the last meeting, I don't think.

Charles Boykin: You don't think that was the last meeting?

Thomas Williams: I don't think so.

Charles Boykin: Let's take a look at it then. Is that 240? What's the date of that?

Charles Boykin: [silence 00:39:35]

Kevin Maroney: Mr. Boykin?

Charles Boykin: Yes?

Kevin Maroney: I don't want to interrupt your train of thought, but Madam Chair, the committee attorney is ... I thought it was a slip earlier, but since it happened again, I'll just ... I don't mean to embarrass you.

Charles Boykin: We're good. We're good. Thank you.

Kevin Maroney: In all things today-

Charles Boykin: Well let's look at 242 while we try to look at that date here. That meeting was Monday, March 27, 2017. Any reason to disagree with that, Mr?

Thomas Williams: No reason.

Charles Boykin: Okay. So that was the last meeting where you were a commission member. Is that correct?

Thomas Williams: I'm not sure that was the last meeting.

Charles Boykin: Okay. Did you meet again in March?

Thomas Williams: Again, I'm not sure that that was the last meeting. I don't remember when the last meeting we had-

Charles Boykin: Okay.

Thomas Williams: I don't have those dates.

Charles Boykin: Okay.

Thomas Williams: I don't remember the last meeting I attended.

Charles Boykin: Okay. All right. So on the record, what we know is you attended on March 27, isn't that correct?

Thomas Williams: Okay.

Charles Boykin: And that's when you were removed as chair. Isn't that correct?

Thomas Williams: I'm not sure whether that was that meeting or not.

Charles Boykin: You're not sure if that's that meeting or not? Okay. Okay. You would admit that there was a meeting when you were removed as chair?

Thomas Williams: I would admit that.

Charles Boykin: Okay. You would admit that when you went to campus on that Friday to direct Dr. Hall to take an action and he refused that you were the chair?

Thomas Williams: I admit that.

Charles Boykin: Okay. You admit that?

Thomas Williams: Yes.

Charles Boykin: And you admit that at the next meeting that followed, where that decision that you made was reversed, was also the meeting that you were removed as chair. You would admit that?

Thomas Williams: I would.

Charles Boykin: Okay. So what you're arguing with me about is you don't know whether it was this March 27 meeting. That's what you're saying?

Thomas Williams: Yeah.

Charles Boykin: Okay. But as we sit here today, you would admit that the first meeting after you made the decision to remove Dr. Hall was your last meeting as chair, and you no longer presided over any Denmark Tech meetings as a member of the executive committee?

Thomas Williams: I no longer presided over any meeting.

Charles Boykin: At any meeting as a-

Thomas Williams: At Denmark Tech after-

Charles Boykin: After that. Okay. After that. Okay. That's good. Now, let me ask this, as to the fraud hotline, was it your testimony that you never saw the allegations?

Thomas Williams: No, I didn't testify to that.

Charles Boykin: You didn't testify to that? So you did see the allegations?

Thomas Williams: Yes.

Charles Boykin: Okay. It was your testimony that the allegations were leveled by someone who worked for Miss Jackson.

Thomas Williams: That's correct.

Charles Boykin: Okay. And it's your testimony that it was someone who Miss Jackson disciplined?

Thomas Williams: That's correct.

Charles Boykin: Okay. And you knew that Miss Jackson disciplined them because you saw a letter?

Thomas Williams: Because I saw a letter?

Charles Boykin: I'm asking, is that how you learned of it by seeing a disciplinary letter from Miss Jackson?

Thomas Williams: Yeah, we learned of it by seeing some information that Dr. McIntyre presented to us, showing us what the grievance was all about.

Charles Boykin: Okay. So Dr. McIntyre shared documents to you from a person who was employed and supervised by Miss Jackson who had been disciplined by Miss Jackson?

Thomas Williams: Yes.

Charles Boykin: Okay. Okay. So Miss Jackson, in her role, would she discipline a person as interim dean, or as assistant to the president, or as board assistant? In what role was she disciplining an employee from?

Thomas Williams: Again, it should have been dean, I would think. I wouldn't think she would discipline somebody as assistant to the president or assistant to the board.

Charles Boykin: Was the discipline a dismissal, as far as you know?

Thomas Williams: No.

Charles Boykin: Okay. It was a suspension?

Thomas Williams: I think. I'm thinking it was a write-up or conversation, that kind of thing.

Charles Boykin: Okay. Now-

Thomas Williams: It was more of, if I remember correctly, her trying to make sure to ensure that employee did their job.

Charles Boykin: Okay.

Thomas Williams: So that kind of discipline.

Charles Boykin: Okay. And you believed Miss Jackson had acted appropriately?

Thomas Williams: Yes.

Charles Boykin: Okay. Now, is it true that the area commission has no responsibility for the day-to-day operation of the college?

Thomas Williams: Yes.

Charles Boykin: Okay. And no responsibility for the day-to-day operation means that the area commission would not get involved in personnel matters, too, wouldn't it?

Thomas Williams: Yes.

Charles Boykin: Okay. But yet-

Thomas Williams: Unless the personnel matter was related to some legal issue or some other issue that the area commission would be involved in.

Charles Boykin: If I'm understanding what you're saying, your testimony is unless the personnel matter leads to a legal issue, the area commission would be involved in. Is that your testimony?

Thomas Williams: Yeah, or some other issue that the area commission would be involved in.

Charles Boykin: Mr. Williams, would you disagree with me if I said the initial legislation for the State Tech system made all employees of technical system employees of the system office? Would you disagree with me if I said that?

Thomas Williams: I wouldn't know.

Charles Boykin: You wouldn't know. That's beyond your understanding? You wouldn't know? Okay. Would you disagree with me if I said that Miss Jackson is here today, but she never appeared in a formal grievance before the Denmark Tech area commission. Would you disagree with that statement?

Thomas Williams: Yes.

Shannon Polvi: Object to the form. He would have no personal knowledge-

Kevin Maroney: Mr. Boykin. We'll address this in a moment. Mr. Boykin, let's take the hostility out.

Charles Boykin: I have a loud voice. Okay. Now I'm back off so that I'm not yelling at him, so I'll back further away.

Kevin Maroney: It's the tone as well, not just the-

Charles Boykin: The tone in general? Okay, I'll work on that, too. Okay.

Kevin Maroney: Re-ask the question and then we can hear the objection.

Charles Boykin: Would you disagree with me if I say that Miss Jackson never appeared before the Denmark Area Tech commission with this grievance? Would you disagree with me?

Thomas Williams: Yes.

Charles Boykin: Okay. Okay. So you believe Miss Jackson's grievance appeared before the Denmark Tech area commission?

Shannon Polvi: I'll again object to the form, just he has no personal knowledge about that.

Kevin Maroney: I think he asked his belief based on the fact that she would not have appeared before Denmark Tech college. I'll allow that question.

Thomas Williams: And I understand that.

Charles Boykin: So your belief is that she did appear before the Denmark Tech area commission?

Thomas Williams: She didn't.

Charles Boykin: That's your belief, that she did not?

Thomas Williams: Right.

Charles Boykin: And your belief is based on her not doing it because there is no reason, no basis in the law, or regulation that would give the area commission standing to hear her grievance, isn't that true?

Thomas Williams: That's-

Shannon Polvi: Object to the form. Again, he has no personal knowledge about her prior grievances. We haven't established any foundation for that.

Charles Boykin: He answered the question-

Kevin Maroney: I think it's been asked and answered now, but rather than stating the question as "it is your belief," why not ask what his belief is?

Charles Boykin: Well, I'm leading him ... it's because it's cross. He can-

Kevin Maroney: I think the concern is that ... the manner of the question is perhaps putting words in his mouth. But Mr. Boykin is correct, you are able to yes or no or I don't know. So that's-

Charles Boykin: I get to testify on cross. He gets to either agree with it or disagree with.

Kevin Maroney: You get to cross examine on cross.

Charles Boykin: Yes, I get to cross examine, but if I'm cross examining, I get to say things. He gets to agree with it or disagree with it, your honor, all due respect.

Kevin Maroney: The rule is ... my ruling is it's asking the answer, but in the future, perhaps rephrase it so it doesn't seem like you're putting words in his mouth. So that Miss Polvi will not object. But if you disagree with that, then we can just continue on with the objection. That's fine.

Charles Boykin: Just for clarity, I want to make sure I'm understanding. Your instructing me to ask him open-ended questions?

Kevin Maroney: No, no I'm not. What I'm saying is if there's a way to ask a leading question without making it seem like you're putting words in his mouth, that would be helpful, I believe. But as I've said, he's already answered the question. You can, of course, ask leading questions on cross.

Charles Boykin: Okay. Thank you for that. Mr. Williams, you started your tenure on the Denmark Tech area commission, was it 2011?

Thomas Williams: I think it was 2012.

Charles Boykin: 2012. How many employee grievances did you hear as a sitting member of the Denmark Tech area commission?

Thomas Williams: Officially none.

Charles Boykin: Officially none. How many did you hear unofficially?

Thomas Williams: I don't remember.

Kevin Maroney: Go ahead with your question.

Charles Boykin: I'm sorry?

Thomas Williams: I don't know.

Charles Boykin: You don't remember how many you heard unofficially?

Thomas Williams: A grievance, no.

Charles Boykin: Okay. So an unofficial grievance would be the full commission?

Thomas Williams: No it would just be people coming to us, telling us what they feel like is wrong, what issues that they have. And that they want us to address.

Charles Boykin: So people would come to you and tell you what they wanted you to address, and you would consider that to be a grievance?

Thomas Williams: It could be.

Charles Boykin: Okay. Okay. And the commission would act on just people coming to you and telling you what they were concerned with?

Thomas Williams: Sometimes and sometimes not.

Charles Boykin: Sometimes, sometimes not. Okay. And the board acted this way when you were chair?

Thomas Williams: The whole time I was on the board, there was things that came up that the commission got from employees or got from wherever that needs to be addressed by one of the board members and somebody on the board feels like it needs to be addressed by the board, and we addressed it.

Charles Boykin: So was this a formal procedure or an informal procedure?

Thomas Williams: No, I said it was informal.

Charles Boykin: This was informal?

Thomas Williams: Right.

Charles Boykin: Where if any employee with the college could go to any commission member and the commission would consider it and decide whether or not they were going to act on it?

Thomas Williams: Depends on how reliable they thought the concern was.

Charles Boykin: Depends on how reliable you thought it was? Okay. And how often did you do that one?

Thomas Williams: How often did you do that one?

Charles Boykin: Yes. How often did the commission receive something from an employee and decide whether it was reliable or not and then act on it? How often did that happen? Did it happen every meeting?

Thomas Williams: No. It hardly ever happened.

Charles Boykin: Okay. Did you talk to Miss Jackson about her situation?

Thomas Williams: About her situation? Which situation?

Charles Boykin: The situation that brought you here today. Did you talk to Miss Jackson about that?

Thomas Williams: At any point in time, since the whole time?

Charles Boykin: My question posed at any point in time, did you talk to Miss Jackson?

Thomas Williams: Me and Miss Jackson have had conversations about her situation, yes.

Charles Boykin: Okay. And you determined ... did you talk to her about the fraud hotline issue?

Thomas Williams: No, we did not talk about the fraud hotline issue.

Charles Boykin: Okay. You talked to Dr. McIntyre about the fraud hotline issue?

Thomas Williams: Yes.

Charles Boykin: Okay. You asked Dr. Hall for evidence?

Thomas Williams: Mm-hmm (affirmative).

Charles Boykin: Okay. Did you ask State Tech for evidence?

Thomas Williams: Yes.

Charles Boykin: Who did you ask in State Tech for evidence?

Thomas Williams: Tim Hardee.

Charles Boykin: You asked Tim Hardee for evidence? Okay. The evidence that you were looking for was evidence that Miss Jackson had done something wrong or what evidence they had on Miss Jackson? Just out of curiosity?

Thomas Williams: That's right.

Charles Boykin: Okay. And you were going to process this evidence to that informal process that you just described?

Thomas Williams: I don't know how I was going to process it. It depends on what it was. We just wanted to know why these folks was being suspended, why these folks was being terminated, other than the theory that we had that you guys were just trying to shut down the college.

Charles Boykin: Okay. Did you reduce your request to a formal request?

Thomas Williams: Did we put it in writing, is that your question?

Charles Boykin: Did you put it in writing?

Thomas Williams: No.

Charles Boykin: Okay. Did you shoot an email to Tim Hardee?

Thomas Williams: No.

Charles Boykin: Okay. You called him on the phone?

Thomas Williams: Called him on the phone and talked to him in person.

Charles Boykin: Called on the phone, talked to him in person. Okay. But you found this to be an important matter, is that correct?

Thomas Williams: Yes.

Charles Boykin: Okay. You found this to be something that could have legal implications for the college, is that correct?

Thomas Williams: Mm-hmm (affirmative).

Charles Boykin: You were the chair of the board, isn't that correct?

Thomas Williams: Mm-hmm (affirmative).

Shannon Polvi: Sorry, just for the record, just verbal answers, so it's-

Thomas Williams: Oh, I'm sorry.

Charles Boykin: Thanks Shannon.

Shannon Polvi: So what was your answer, was it just-

Thomas Williams: Yes

Charles Boykin: Okay. And you thought that Miss Jackson could put the college in legal jeopardy, isn't that correct?

Thomas Williams: We thought that the actions that Dr. Hall was taking with these employees could put the college in legal jeopardy.

Charles Boykin: But you didn't take the time to reduce your request for what you thought was important to the college into writing did you?

Thomas Williams: That's right.

Charles Boykin: All right. Beg the board's indulgence. Madam chair, I beg the board's indulgence. And we'll step out and open the door 'cause it's kind of warm in here and because I want to talk to her.

Glenise Elmore: Well, I'll tell you what-

Charles Boykin: It's about two minutes, at most, it's not-

Shannon Polvi: And I would say, just in terms of timing, I think my re-direct, we could just finish him up so that he's done before lunch, then we take a lunch break?

Glenise Elmore: Well, it depends on what we're looking like for time for your completion of cross and re-direct, because we are looking at 10 minutes until noon. So if-

Shannon Polvi: If he's near done, my re-direct, I estimate 10 minutes.

Glenise Elmore: Ten minutes or so? So we can wrap this person up, witness up by at least 10 after 12?

Shannon Polvi: Yes, ma'am.

Charles Boykin: We will try our best.

Glenise Elmore: No rush. Just trying to schedule our breaks. All right.

Charles Boykin: Just a few more questions, Madam Chair. You would agree with me that Dr. Hall continues to be the president of Denmark Technical College, Mr. Williams?

Thomas Williams: Interim president.

Charles Boykin: You would say he's interim president?

Thomas Williams: Yes.

Charles Boykin: Okay but he's still the president of the college, okay? Okay. Did you see the allegations that were against Ms. Jackson for the fraud hotline? Did you ever physically see what the allegations said?

Thomas Williams: I saw something written out. I saw, I don't know whether it was on a formal form or... I actually saw some of the concerns that were supposedly coming from the hotline.

Charles Boykin: Okay, so you did see that, okay. You testified about the tuition reimbursement program? You said you're somewhat familiar with that? But just in its name, reimbursement, you would agree with me that would require the employee to advance the money, that's spend the money first, and then get reimbursed by the college. Would that be true to you?

Thomas Williams: That's not the way the program works.

Charles Boykin: That's not the way the program works?

Thomas Williams: Right.

Charles Boykin: Okay, it's the reimbursement program, that the employee seeks reimbursement from the college at some point?

Thomas Williams: Yes.

Charles Boykin: Okay, and for the employee to receive reimbursement, that would suggest that the employee has already spent their money, wouldn't it?

Thomas Williams: It would suggest that.

Charles Boykin: Okay, alright.

Charles Boykin: As we sit here today, would you agree with me that Dr. Hall does not work for the Denmark Tech Area Commission?

Thomas Williams: I think he should. Is that what...

Charles Boykin: That's not my question.

Thomas Williams: Okay, what's your question?

Charles Boykin: As we sit here today, Dr. Hall, the person who you describe as interim president, does not work for Denmark Tech Area Commission.

Thomas Williams: That's probably true.

Charles Boykin: That's probably true. And you would agree that the general assembly has actually delegated the state tech system to operate Denmark Technical College.

Thomas Williams: Well, if you read the deal carefully, that's not what it says, but that's what you guys are doing.

Charles Boykin: Okay, that's what the guys are doing, that's good.

Charles Boykin: You indicated you read the bill, is that correct?

Thomas Williams: Yes.

Charles Boykin: Does the bill require that state tech system to make a recommendation on the continuation of the college or not by February 1, 2018?

Thomas Williams: I was surprised when I saw that in the paper yesterday, because the bill, the copy of the bill that I got, does not say that.

Charles Boykin: Okay. I can show him the copy of the bill. Shannon, did I give you a copy of this this morning?

Shannon Polvi: No, I don't believe so. Oh, you actually might have, I apologize.

Charles Boykin: May I present?

Kevin Maroney: Of course.

Charles Boykin: I'm sorry?

Charles Boykin: Do you recognize that, Mr. Williams?

Thomas Williams: I recognize...

Charles Boykin: The bill.

Thomas Williams: I recognize some of this.

Charles Boykin: Okay. Would you turn your attention to Paragraph C, Mr. Williams, and read it to yourself, please?

Charles Boykin: You would agree with me that the state tech system was required by February 1, 2018 to make some recommendation to the committee.

Thomas Williams: I agree that that's what I read. It says findings and recommendations.

Charles Boykin: Yes, okay. Couple more questions here.

Charles Boykin: Mr. Williams, since 2012, you were on the board of the college. How many times have you seen an administrative assistant become an interim dean?

Thomas Williams: Just once.

Charles Boykin: Just once, okay. Was it once, Mr. Williams, or was it twice?

Thomas Williams: I think it's just once.

Charles Boykin: You think it's just once? So as we're sitting here today, you're not familiar with the fact that Ms. Jackson was asked on two separate occasions to fill in as interim dean?

Thomas Williams: No, not really. I knew she was filling in, I don't know how many times it was.

Charles Boykin: So you don't know how many times it was, okay.

Charles Boykin: Did the board approve... well, Dr. McIntyre, no never-mind, I'll wait on that. Nothing else at this time, Mister Chair, excuse me, Madam Chair.

Charles Boykin: For the record, I did an administrative hearing not too long ago, and the chair was a gentleman, so I'm deprogramming so please forgive me.

Glenise Elmore: It's quite alright.

Charles Boykin: Thank you.

Glenise Elmore: I understand. Alright, redirect.

Shannon Polvi: Thank you. Brief follow up. First, let's go in the order of the follow up and start back with the LLR matter, page 254, please.

Shannon Polvi: Looking at this letter, and based on your testimony earlier, you're aware of Ms. Jackson's complaint to LLR?

Thomas Williams: I am.

Shannon Polvi: Are you aware of the person who issued the decision to change Ms. Jackson's pay?

Thomas Williams: Yes, that was, yes.

Shannon Polvi: Who was that?

Thomas Williams: That was Dr. Hall.

Shannon Polvi: Was that one of your concerns in regards to the legality of actions towards Ms. Jackson's employment?

Thomas Williams: Well, it was just, at the time, it just was an example of things being done that I thought was detrimental to the college, it fell under that category of being of legal issues. The Labor Board has come in and said "You're not paying people right", basically that's the way we took it based on what was being done. Ms. Jackson wasn't the only employee that was involved in this situation, this type of situation. So our concern as commissioner was the fact that something was being done, that the Labor Board had to come in and say "okay you guys are not paying employees right." To us that's an issue. So it doesn't matter whether it's Ms. Jackson or whoever it was, there was other employees that fell in the same category, and that was our issue.

Shannon Polvi: You were asked about your chair experience with Barnwell County Commission?

Thomas Williams: Yes.

Shannon Polvi: And there was some follow up, just wanted to give you an opportunity, what was the additional thing you wanted to say? I think it was something to do with the \$500?

Thomas Williams: Oh, oh yes, I'm sorry. Yes, because the question was about how much money did the Barnwell County Council give Denmark Tech. Well, back when legislature was put in place to fund these technical colleges, there was legislation put in place for Denmark Tech that the state would actually give Denmark Tech a certain amount of money every year, in lieu of the 3 counties. The 3 counties in question was some of the poorest counties in the state of South Carolina. There's no way for them to fund Denmark Tech. So there is a legislation on the books now for the state, instead of those 3 counties, to replenish that money to Denmark Tech, and for a long period of time, that's what was happening. That's where Denmark Tech got their money from that they were, that a lot of the other technical colleges getting from these different counties. They got it from the state.

Thomas Williams: A couple years ago, some folks in Columbia realized that we're giving Denmark Tech some money that none of the other technical colleges are getting. So they stopped it. But still those 3 counties was not in a position, they're still not, to give a million dollars to Denmark Tech like some of the other counties were, and there's been conversation about putting something in place to start that, like a special tax district or something, to create that kind of district, but that hasn't

been in place yet. But that's why Barnwell County, Allendale County, and Bamberg County only give a small amount of money to Denmark Technical College. The law was in place to allow that money to come from somewhere else.

Shannon Polvi: And that bill that you have in front of you, the parts of C refer to those technical college education opportunities in Allendale, Bamberg, and Barnwell counties, is that accurate to what you just described?

Thomas Williams: Yes.

Shannon Polvi: So I have this bill in front of you, look at Part B. It outlines an 18 month period beginning May 1st, 2017, when the state board will be further involved with Denmark Technical College, and then looking at page 68, please. The date of Ms. Jackson's suspension, February 15th 2017, that occurred before the state board, the state technical college board, was authorized to make such decisions?

Thomas Williams: That's correct.

Shannon Polvi: And when you spoke with Dr. Hall, asking him for reasons why Ms. Jackson was suspended, how did he respond to you?

Charles Boykin: That's asked and answered. She asked that on direct.

Kevin Maroney: Can I have the question again please?

Shannon Polvi: When Dr. Hall responded to you, your questions about the reasons why Ms. Jackson was suspended, how did he respond to you?

Charles Boykin: The question before was, what you're asking, asked for evidence, he gave the evidence, the answer was no.

Thomas Williams: The answer wasn't no.

Charles Boykin: That's asked and answered.

Kevin Maroney: That's a standing objection.

Shannon Polvi: In regards to college operations, referenced in the suspension letter that Mr. Boykin had followed up on with some cross questions. In regards to Ms. Jackson, are you aware of any time that her actions negatively impacted the college operations?

Thomas Williams: No.

Shannon Polvi: And just one other point of clarification, you referenced a gentleman named Tim Hardee. I know who he is but the board might not, can you describe who was the person you reported verbally the concerns you had?

Thomas Williams: Sure, Tim is the president of state tech.

Shannon Polvi: And would he be the appropriate person to communicate such concerns to?

Thomas Williams: He was the person that Dr. Hall was getting his directions from.

Shannon Polvi: No further questions.

Glenise Elmore: Alright, I'm sorry, question from the panel. Alright, our current question?

Kevin Maroney: Does HR check to make sure the signatures are authorized?

Thomas Williams: Do they check to make sure the signatures are authorized?

Kevin Maroney: I believe earlier some of the testimony was that the signatures were on the document and the pay grade, or whatever it was, would be initiated by HR. Does HR do more than just see that the proper signature is in place? Do they check and see whether that signature was authorized when being placed on the document? Do you know whether HR checks whether the signature on there was placed with the permission of the signatory?

Thomas Williams: I don't know that they check every signature to see that it is... I think what they do is look at the file and make sure that all of the signatures that should be, everybody that's supposed to sign it has signed it. I don't think that they would go back and call those individuals and say "Did you sign this specific line on this date?" I don't think, if that's what you're asking...

Kevin Maroney: Yes, that's correct.

Thomas Williams: Yeah, I don't think they do.

Kevin Maroney: Okay.

Thomas Williams: I think they just verify that whoever was supposed to sign it has signed it.

Glenise Elmore: Any further? May this witness be excused?

Shannon Polvi: Yes.

Glenise Elmore: Thank you sir, you're excused. Alright, at this time, we'll come back on a second day, thank you.

Glenise Elmore: Okay, we're going to set up some lunch time right now, we're gonna return... it's 12:07, 12:08, we'll return and be ready to go at 1:10, and I do believe our committee attorney has a couple matters to address, so we'll go ahead and start our lunch. I think the room will be locked, so you may leave certain items that you may want to leave.

Panel Member: Excuse me, what time did you say to return?

Glenise Elmore: We're going to start back at 1:10.

Kevin Maroney: Okay. Two things. One before the motion, I just want to clarify my ruling earlier. Mr. Boykin I do not object to that question being the lead question. Obviously, as I said, you, of course, can ask leading questions on cross. My concern is that this hearing is taking a while. And in the interest of avoiding objections, you could restate it as you don't think she's doing this, do you? Instead of implying that it was, these are the words that he said. It's a finite distinction, I realize, and if it didn't come across, I want it to be clear to you now. If you want to continue to ask leading questions that way, that's fine. You will deal with the objections. It is just an attempt to streamline the process going forward. Is that clear to both of you?

Charles Boykin: I understand [crosstalk 00:00:48]

Shannon Polvi: Yes.

Charles Boykin: I understand.

Kevin Maroney: Going to the motion. After conferring with Terry Baggott, the individual responsible for scheduling these matters, we are going to deny the motion for these reasons. While everyone is very sympathetic to the individuals and the circumstances of the emotional concern that this would obviously have on them, Ms. Polvi makes a good point that their testimony will be the same under oath whether they have to deal with this potential emotional situation or not. Hopefully, they will not. Hopefully the General Assembly will reject their recommendation to move forward, for their sake. I can take no position on whether that's the right decision or not. In addition, we have a concern that if not now, when the ... if the college is closed, the individuals, since you gotta work, perhaps they'll be moving to find new employment. Perhaps they'll be out of state and it would potentially be more difficult to get them here. So, for those reasons, we decided to deny the motion.

Charles Boykin: I understand. But may I be heard?

Kevin Maroney: Certainly.

Charles Boykin: I did not ask for an indefinite continuance. This week ... if this had made a week or two weeks ago and they had a chance to just get their sea legs, the request, in all likelihood, would not have been made. But the ...

Kevin Maroney: Go ahead.

Charles Boykin: The request is being made because of the emotional trauma that we recognize that is happening on the campus as we speak. That's why make the request. We will abide by the tribunal's ruling, but I will say that I do believe it will be prejudicial to us. But, that's not your problem and it's not her problem. It's a problem that we'll have to deal with the emotions of the employees of the institution.

Kevin Maroney: And I think I speak for the division as well, when I say we believe that they are professionals. They'll be able to compartmentalize their emotion when they're on the stand under oath. And that's part of the ...

Charles Boykin: With all due respect, some of these people are clerical people. That doesn't say that clerical people are not professionals. Some of them are single parent households, and this is very real for those of us are not at bat, we can say, well, it should not bother them. But after it happening in there and having people who saw it, it is real. But that's ... my job is to make the tribunal aware of what the concerns are. I made them. You've made your ruling and we appreciate it.

Kevin Maroney: Certainly. And, again, with all sympathy, but we're going to deny the motion [crosstalk 00:03:31]

Charles Boykin: I understand.

Kevin Maroney: Okay. All right.

Kevin Maroney: I have nothing further. So please enjoy your lunch.

Glenise Elmore: Okay. Sir, if you would please identify yourself, state your name.

Leonard McIntyre: Sure, Leonard McIntyre.

Glenise Elmore: Okay. Mr. McIntyre, before we swear you in with the oath I'm going to read some information to you relative to the proceedings today, okay?

Leonard McIntyre: Okay.

Glenise Elmore: Witnesses are asked not to discuss this case either before or after testifying until they are excused. This is not intended to preclude the parties from entering into discussion with their respective witnesses. Is this clear?

Glenise Elmore: Witnesses are to remain available after testifying until they are excused by the presiding officer. After the opening statement, witnesses may not remain in the hearing room until when they're called to testify. You're going to be asked to testify under oath. At this time the secretary is going to determine your presence, which we have, and going to go ahead and administer the oath to you. If you would please, sir?

Secretary: Please stand and raise your right hand. Do you swear or affirm that the testimony you will give today is the whole truth and nothing but the truth?

Leonard McIntyre: I do.

Glenise Elmore: The appellant, the agency, witnesses, or anyone else related to the case are not to discuss the case with any member of the State Employee Grievance Committee before, during, or after the hearing until the final decision is reached and the matter is no longer pending before the committee. A matter is still considered to be pending before the committee during the time involved in the request for reconsideration of the committee's decision, or until the time has passed for an appeal to administrative law court. The only time the case is to be discussed is during a formal hearing procedure. All right? We're ready.

Shannon Polvi: Good afternoon, Dr. McIntyre.

Leonard McIntyre: Good afternoon.

Shannon Polvi: I'll be asking you some questions first and then Mr. Boykin will have an opportunity for cross examination.

Leonard McIntyre: Okay, all right.

Shannon Polvi: Before we get into the meat of the grievance I want to ask you some questions about your employment history, background, things of that sort. What is your educational background?

Leonard McIntyre: Well, I had an undergrad degree from Loyola University in Spanish education. I have a masters from Tulane University in Spanish literature, and I certified as a reading specialist at the same time. Then I pursued a doctorate at Iowa State University and I received my PhD in educational administration.

Shannon Polvi: How long have you been in educational administration?

Leonard McIntyre: About 30-35 years.

Shannon Polvi: How long have you been involved with higher education?

Leonard McIntyre: 12 years.

Shannon Polvi: What was your employment history with Denmark Technical College?

Leonard McIntyre: In terms of time frame?

Shannon Polvi: Yes.

Leonard McIntyre: Yeah. I served as president of Denmark Technical College starting March 17, 2014, and my employment was terminated January 30, 2017.

Shannon Polvi: During your tenure as the president in Denmark Technical College what were your primary duties and responsibilities?

Leonard McIntyre: As president I was responsible of the overall day-to-day operations of the institution. I answer to the area commissioner.

Shannon Polvi: How many individuals are typically on the area commission during your experience?

Leonard McIntyre: I think maybe seven. I don't think all of the seats were filled.

Shannon Polvi: In regards to Carla Jackson, how did you know Carla Jackson?

Leonard McIntyre: Well, professionally she was my executive coordinator in the office of the president. She was in that position when I arrived and I continued with her.

Shannon Polvi: While Carla Jackson was performing administrative coordinator duties in the president's office, what were her primary duties and responsibilities?

Leonard McIntyre: Well, she was responsible for the day-to-day and overall management of the president's office. She supervised all of the administrative assistants in the office. Primarily that was her function in the president's office, but she also served as an assistant to the board. That was her position when I arrived as well.

Shannon Polvi: In the president's office, what is the staffing organization during your tenure as president?

Leonard McIntyre: Directly in the president's office?

Shannon Polvi: Yes.

Leonard McIntyre: Well, it would be just me and my executive coordinator and any administrative assistants.

Shannon Polvi: During your tenure as president, was there a stamp of your signature available to be used on documents?

Leonard McIntyre: There was.

Shannon Polvi: Was that a practice that was already in place prior to you being president?

Leonard McIntyre: It was.

Shannon Polvi: What were the procedures or steps involved with the utilization of the president's signature stamp?

Leonard McIntyre: I actually had a protocol where every morning basically I received the mail, and most often it was Ms. Jackson who would bring the mail in and then we'd sit down and review it. At that time I would decide what would be authorized and what would be stamped and Ms. Jackson would then stamp what I directed her and authorized her to stamp.

Shannon Polvi: Would the use of that stamp be at your direction for specific documents?

Leonard McIntyre: Well, it could be a number of documents. It could be personnel, it could be something from grants and contracts, it could be leave requests, it could be disciplinary action, just a host of different documents.

Shannon Polvi: Any use of the stamp would be at your personal authorization?

Leonard McIntyre: Definitely.

Shannon Polvi: In regards to pay changes, who ultimately authorizes a change in pay at Denmark Technical College?

Leonard McIntyre: It would be me. I might not initiate it all the time. It depends, but there is a signature protocol for changes in pay but it's ultimately my signature that confirms it.

Shannon Polvi: One of the ... Actually, before we even jump to it, if you could jump to page 23 in the record, please? Thank you. Also it's available in your book in front of you. Page 23.

Leonard McIntyre: 23.

Shannon Polvi: Before I ask you some more questions about the president's stamp I just wanted to ask some follow-up about this. This is the termination notice that was issued to Carla Jackson, the date on it is May 11, 2017. Is it accurate that's after your tenure as president?

Leonard McIntyre: Yes.

Shannon Polvi: But looking at the second paragraph of this termination notice it refers to time periods prior to Dr. Hall's tenure as president. I want to ask you about those that you'd have personal knowledge about. Looking at the second paragraph there is a sentence that starts with additionally. It says, "Additionally in your role as Administrative Coordinator 1 to the president, you received pay increases which were approved using the president's stamp but had no supporting documentation." In regards to that statement, to the best of your knowledge, is that accurate?

Leonard McIntyre: Well, honestly I couldn't tell you whether I used a stamp or whether I actually signed. I would have to see the documents to determine that. "But had no supporting documentation." Again, that's vague for me because there is a protocol and a process and a signature protocol, and I say protocol, for those kinds of decisions. It just wouldn't be my signature.

Shannon Polvi: For the pay increases that Ms. Jackson received during your tenure as president, were those authorized through the normal chain of command?

Leonard McIntyre: Mm-hmm (affirmative).

Shannon Polvi: Sorry, verbal for the record-

Leonard McIntyre: Yes, yes.

Shannon Polvi: Thank you. I don't mean to be rude it's just so our record's clear.

Leonard McIntyre: No, no. No, I understand. Sure.

Shannon Polvi: I want to ask about that form that you were just referencing in terms of paper. Let me find the right one and we can jump to it. If you'll turn to page 98 in the record, please?

Leonard McIntyre: Okay.

Shannon Polvi: This is a personnel payroll action form and it's identified with Carla Jackson being the employee and there's a series of signatures at the bottom. Is this the type of form you were just referencing in your testimony about a payroll action?

Leonard McIntyre: Mm-hmm (affirmative). Yes. I'm sorry. Yes.

Shannon Polvi: Here it looks like there was a change in pay issued to Ms. Jackson around the time period of February of 2015, do you recall this pay change?

Leonard McIntyre: Yes. I was trying to see what this was for. This was her increase for ... What was this for? Yes, I do recall.

Shannon Polvi: Would the signatures that are memorialized here be appropriate for authorizing that change in pay for Ms. Jackson?

Leonard McIntyre: Yes, you have the ... At that time Clarence Bonnette who was the vice president for finance, and then you have director of human resources, Ms. Alfredia Boyd, and then you have my signature as president.

Shannon Polvi: Looking at the two boxes that are located in the middle of the page describes the current position, new position, describes Ms. Jackson's position at the time as executive assistant to the president. On the right hand column it shows the position being assistant to area commissioners. Is it accurate to say that she was performing additional duties by taking on that second position?

Leonard McIntyre: Okay. Could you repeat that question again?

Shannon Polvi: Sure. I'm looking at those two boxes in the middle where it talks about the current position and new position.

Leonard McIntyre: Oh, wait a minute. I see. Okay, all right, all right.

Shannon Polvi: Where it lists two separate as being executive assistant to the president would be one job and there's an additional duties essentially with assistant to area commissioners.

Leonard McIntyre: That's right.

Shannon Polvi: I just want to confirm, what would be those additional duties would an assistant to the area commissioner be performing?

Leonard McIntyre: She actually took the minutes of the meeting for board meetings, area commissioner meetings. Then she would be responsible for coordinating and making arrangements for any of their meetings and trips that the board would take from time to time. Also she was responsible to the board for putting together the board packet that would be used for board meetings which would include the agenda and then any additional materials or documents that would

be used by the board members during the board meeting. Those would go out ahead of time and then the board members, of course, would use those materials during their meetings.

Shannon Polvi: Based on the statement in Ms. Jackson's termination letter referring to a president's stamp being used, can you determine whether the president's stamp was used on this personnel file or not?

Leonard McIntyre: That is the stamp.

Shannon Polvi: Would you know who would ultimately have done the stamp authorization?

Leonard McIntyre: The stamp, at that time, I really couldn't tell you because Ms. Jackson would not be the only person who would review mail. She typically would, but it is possible that somebody else reviewed the mail with me when this was a part of that batch of mail, and whoever that person was is the person that I directed to use the stamp, or even I could've used it myself.

Shannon Polvi: With the administrative-

Leonard McIntyre: I'm sorry, as I would from time to time.

Shannon Polvi: With administrative staff in the office, was there typically two administrative assistants?

Leonard McIntyre: Initially it was just the two of us, but then we had an opportunity to build the staff as it should have been and as it has been in the past, so we typically had two additional individuals working with us in the office.

Shannon Polvi: At the time that Ms. Jackson received this pay increase, was it at your authorization?

Leonard McIntyre: Well, definitely, yes.

Shannon Polvi: It would've been appropriate for the duties she was performing?

Leonard McIntyre: Definitely.

Shannon Polvi: I'd like to turn your attention to page 103. This letter identifies the appointment of Ms. Jackson to the interim dean of transitional services effective as of October 1st, 2015 until a new dean was hired for that position. Is this your signature here on the document?

Leonard McIntyre: It looks like my signature.

Shannon Polvi: Would her appointment have been at your authorization?

Leonard McIntyre: Oh, yes.

Shannon Polvi: Looking at the next paragraph it identifies the change in salary and compensation to Ms. Jackson. It indicates that she received a temporary salary adjustment of 15% from her present salary at the time of \$48,327 to \$55,576. Was that appropriate for the additional duties that she was receiving?

Leonard McIntyre: Yes, because that position ... This is the position for interim dean of transitional services. That position was held by an individual who also received additional pay for serving as the distance learning coordinator. I asked Ms. Jackson if she would assume those duties as well because she also had certification for distance learning.

Shannon Polvi: When Ms. Jackson took on this appointment to the interim dean of transitional services, is it accurate that someone else fulfilled her previous role as the administrative coordinator in the president's office?

Leonard McIntyre: Yes.

Shannon Polvi: Who was that?

Leonard McIntyre: That was Ms. Bamberg.

Shannon Polvi: When Ms. Jackson was performing the interim dean of transitional services position, what were her primary duties?

Leonard McIntyre: Well, she was the department head in her role as dean for transitional studies, and she primarily supervised the faculty and staff in that department of transitional studies. Her role was to supervise and evaluate personnel in that department.

Shannon Polvi: Just for clarity of that for the board, what is the transitional studies department division?

Leonard McIntyre: It's where students who aren't quite ready to perform on a level with those also entering the institution and are assigned so that they can receive additional academic support and programs that are designed to ameliorate their academic deficiencies, and basically that would be in reading, writing, and mathematics. They were remedial type courses but we call them developmental.

Shannon Polvi: By appointing Ms. Jackson to the position in lieu of some other type of measure, was that a cost savings measure to the school?

Leonard McIntyre: It most definitely was and at that time I was very concerned about cost savings. In fact, I developed a cost savings plan that actually saved the institution 1.5 million dollars. When the person who was in the position resigned I saw it as an opportunity as well to save some money there.

Leonard McIntyre: Ms. Jackson was qualified. She had the experience and the credentials to move into that position, so when the vice president recommended her and discussed using her in that position I was more than happy to support that because I knew that she was qualified and I knew that on her resume and in her experience she had worked with students who, like those students, needed the additional academic help. I felt that she would be good for that department and for those students.

Shannon Polvi: What were her accomplishments that you were aware of earlier in her career with Denmark Tech that prompted you to feel that she would do a good job?

Leonard McIntyre: Well, she was pursuing her master's in business administration. She was also pursuing certification in distance learning. She proved to be a very effective and efficient manager in the office of the president. I knew that she had had experience teaching. She also raised \$10,000 to help students who needed the money to pay for their GED, which is what they needed in order to actually start pursuing courses in the regular track or taking the courses that would count towards their certification or their degree. She served on the policies committee and she proved to be a very good resource for members on that committee because she had a good understanding of school policy and could help them in that regard. Those are the main things I can think of at this time.

Shannon Polvi: Turning back to the appointment to interim dean, the next page, page 104, reflects a pay change. Do you recall this change in pay that Ms. Jackson received?

Leonard McIntyre: Mm-hmm (affirmative).

Shannon Polvi: Sorry, for the record.

Leonard McIntyre: Yes. I'm sorry.

Shannon Polvi: I see here several signatures at the bottom. Can you identify those signatures and why they would be necessary for the document?

Leonard McIntyre: Mm-hmm (affirmative). You have Ms. Teresa Mack's signature and she actually was the director of grants and contracts. You have Ramon Wideman who was the vice president for finance, and you have the director of human resources at the time, Ms. Alfredia Boyd. Then we have my signature or stamp as president.

Shannon Polvi: At the time this was issued was it at your authorization?

Leonard McIntyre: Yes, it was.

Shannon Polvi: For these payroll action forms, are they also submitted internally to human resources?

Leonard McIntyre: They are.

Shannon Polvi: Are they submitted also to human resources for the State Technical College System?

Leonard McIntyre: I want to say yes, and the reason I want to say yes is because oftentimes I would get a call from human resources at the State Technical System asking me or inquiring about certain personnel matters or changes in salary and what have you. I know that they have, as a part of the system, they have a way of monitoring those changes.

Shannon Polvi: Here it indicates that Ms. Jackson was going to be performing a workshop facilitator duty. What was that duty?

Leonard McIntyre: This was paid for by grants and contracts, and to be honest with you I don't recall exactly what the workshop was. She was actually serving as a facilitator for a workshop, but the specific workshop I don't recall.

Shannon Polvi: It was a workshop that ultimately Ms. Jackson did perform?

Leonard McIntyre: Yes.

Shannon Polvi: Looking at the next page, which is 105, this is the documentation showing a change in salary as well and this relates to the transitional studies change. There's some signatures here. Who were these individuals who were the authorizing individuals?

Leonard McIntyre: The first signature is Dr. Valerie Fields and she was vice president for academic affairs. That's the division that transitional studies was housed in. The second signature you see there is Mr. Wideman, who is the vice president for fiscal affairs, or finance. Then again the director of human resources, Alfredia Boyd, and then my signature as president.

Shannon Polvi: This document that's on page 105 does relate back to page 103 indicating the pay raise Ms. Jackson would receive for becoming the interim dean?

Leonard McIntyre: Yes.

Shannon Polvi: Next I'd like to bring your attention to page 142. This is a notice of acceptance for Ms. Jackson to attend the masters in business administration program with a specialization in management. This date on here indicates it was September 29, 2013, does that precede your tenure as the president of Denmark Tech?

Leonard McIntyre: It does.

Shannon Polvi: Who was the president during that tenure?

Leonard McIntyre: That would've been Dr. Boyd-Scotland.

Shannon Polvi: Based on you understanding of the tuition reimbursement tuition program for employees at Denmark Technical College, how did an application process occur?

Leonard McIntyre: Well, it starts with the employee filling out an application. The signature process depends on what division or unit that employee works with, but basically it starts with the employee's immediate supervisor signing off and then any department head, whether it's the dean or department head, would then sign. After that it would be the VP or the division head. It also would require the director of grants and contracts, because that's where the payment would come from, and then the president's signature.

Shannon Polvi: The application information extends from, in the record, page 142 through 151. I want to draw your attention to page 149. This is Ms. Jackson's application for professional development assistance, sometimes we call it the tuition assistance program, things of that sort. It extends the three pages. Is this the type of application you've seen during your tenure as president?

Leonard McIntyre: Mm-hmm (affirmative).

Shannon Polvi: Verbal for the record.

Leonard McIntyre: Yes. I'm sorry.

Shannon Polvi: Thank you. That's fine. It happens to us all. I'll just remind you if I catch it. Now in terms of this application, does this outline .. I'll give you as much time as you need, these three pages, does this outline the type of information you as president would expect in a tuition assistance application?

Leonard McIntyre: Yes.

Shannon Polvi: Looking at the last page there's three signatures, do you recognize those signatures?

Leonard McIntyre: I recognize Dr. Boyd-Scotland's signature from the file. I recognize Ms. Mack's signature as director of grants and contracts. I am not sure about the last signature.

Shannon Polvi: With the president-

Leonard McIntyre: This would've been before my tenure as president.

Shannon Polvi: With the president and the Title III director signing off on this application, do you think it would be appropriate that Ms. Jackson would receive the tuition assistance?

Leonard McIntyre: Yes. If she fulfilled all of the criteria to do so, yes.

Shannon Polvi: Looking back at page 144 and 145, this is a description of the degree that Ms. Jackson was seeking and ultimately obtained.

Leonard McIntyre: I don't see 145.

Shannon Polvi: You're right, you're right on there.

Leonard McIntyre: Oh I see 145.

Shannon Polvi: It's hard with the little print at the top it kind of fades it out.

Leonard McIntyre: Okay, I gotcha. Okay. Sure.

Shannon Polvi: Go ahead and look that over and just tell me when you're ready. I want to ask, my question is going to be based on this information and curriculum would this benefit the college by Ms. Jackson obtaining the degree?

Leonard McIntyre: I would say yes because it's a degree with the specialization in management and her duties and responsibilities required her to manage in the president's office and most certainly once she assumed the duties and responsibilities associated with the interim dean's position of transitional studies.

Shannon Polvi: Then looking at one page prior on page 143, this indicates the amount that Ms. Jackson was seeking to have reimbursed tuition and fees, does this seem like what you would feel is a normal amount for tuition assistance?

Leonard McIntyre: Yes.

Shannon Polvi: Were you aware of other employees at Denmark Technical College who were also receiving tuition assistance at some point during their employment with the school?

Leonard McIntyre: Yes.

Shannon Polvi: Who were some of those individuals that you recall?

Leonard McIntyre: Ms. Mack, Teresa Mack, during my tenure she was still pursuing a doctorate under the tuition assistance program. Also Dr. Valerie Fields participated in a program with the State Tech System that was paid for out of tuition assistance program funds. Dr. Lamin Dammeh also participated in that same leadership program that was being organized and implemented by USC for the State Tech System, and he also received funding from tuition assistance to pay for that. Those were the ones that were active during my tenure that I'm aware of. There were many others prior to my assuming the presidency in the past that participated and received funds through the tuition assistance program.

Shannon Polvi: Through that program was it a resource available to employees to further develop management and education skills?

Leonard McIntyre: It was. The program was funded out of the Title III grant. The Title III grant actually wrote the program into the grant so that the funding would be available. The funding was actually available through Title III.

Shannon Polvi: Would the Title III grants and contracts director be responsible for monitoring essentially applications to ensure they complied with the grant procedures?

Leonard McIntyre: Yeah. Well, her signature indicates that.

Shannon Polvi: That would be Ms. Mack?

Leonard McIntyre: Yes. If I saw her signature, it said to me that this individual met all of the criteria.

Shannon Polvi: Jumping back to Ms. Jackson's tenure as interim dean of transitional studies, was that for about the time period of about a year?

Leonard McIntyre: Yes.

Shannon Polvi: Once she performed those duties, what were your observations of her performance as interim dean of transitional studies?

Leonard McIntyre: In her capacity as interim dean for transitional studies I did not supervise her directly, but of course, I was very much aware of her performance and often communicated through my VPs about the performance of the deans. Many times I had an opportunity to meet with them to share what I believe would be the appropriate programs and services that I want them to offer so that we could meet our goals as a college.

Shannon Polvi: Well, let me back track. Are you aware of Ms. Jackson being appointed to the interim dean of business computer and related technologies?

Leonard McIntyre: Mm-hmm (affirmative).

Shannon Polvi: I'm sorry. For the record?

Leonard McIntyre: Yes. Yes, yes, yes. Sorry about that.

Shannon Polvi: Did that occur around October 15, 2016?

Leonard McIntyre: Yeah.

Shannon Polvi: What was the process of her being appointed to that interim dean role?

Leonard McIntyre: It was recommended to me by the vice president of academic affairs at the time, Tia Richards. It was a position that Tia Richards herself was actually serving in before she was appointed as interim VP for academic affairs. It came as an opportune time kind of thing because we were reorganizing transitional studies into another area and we needed a dean for business and Ms. Jackson was considered an ideal person for the position, especially because of her degrees and her experience.

Shannon Polvi: When Ms. Jackson-

Leonard McIntyre: Again, it was a cost savings measure.

Shannon Polvi: That actually segues right into my next question, is when Ms. Jackson took on the role of interim dean of business computer and related technologies, would it be accurate to say that her salary was less than the person who had filled it prior to her?

Leonard McIntyre: To my recollection, yes.

Shannon Polvi: If Ms. Jackson were to receive a pay increase, would that have been appropriate for a change in her duties?

Leonard McIntyre: Yeah, the dean of business is always the highest paid dean in the institution, so yes it would've been appropriate.

Shannon Polvi: What were Ms. Jackson's accomplishments in that role?

Leonard McIntyre: Well, she wasn't in that role very long because when you factor in the fact that you have a Thanksgiving break and then you have the Christmas break and the break between the semesters and what have you, and she started October 15th and then she was out. Then after we came back from the holidays I was terminated on January the 30th. I didn't have a whole lot of opportunity but I can tell you that she did institute some courses that were new to the department and I believe those courses were online. She was able to use her background in distance learning to do so.

Shannon Polvi: In regards to the pay that Ms. Jackson was receiving, during your tenure as president, did she at any time receive income that wasn't authorized by you?

Leonard McIntyre: Not to my knowledge.

Shannon Polvi: Let's turn back to the termination notice that's located on page 23. We referenced initially in your testimony earlier about the president's stamp being used, do you know at any time did Ms. Jackson ever authorize her own pay increases?

Leonard McIntyre: All pay increases would have been authorized by me. I have no knowledge of anybody at the institution authorizing their own pay increase.

Shannon Polvi: The pay increases that are described here in this termination letter dated May 11, 2017, those would've occurred prior to Dr. Hall the signatory on the letter ever being at the college?

Leonard McIntyre: Yes.

Shannon Polvi: Looking at the beginning part of the second paragraph it references tuition reimbursement for education programs. It alleges here that the tuition reimbursement that Ms. Jackson received is unrelated to her position to the college. Is that accurate?

Leonard McIntyre: No, that's not accurate. If you look at her job description you will see that it is related.

Shannon Polvi: Would her tuition reimbursement and program to seek a master's degree in a management focus, would that have benefited all of the positions that she was performing for the college?

Leonard McIntyre: Yes, definitely.

Shannon Polvi: One of the employees that was supervised by Ms. Jackson I believe did some kind of a hotline complaint. Are you aware of that?

Leonard McIntyre: Yes.

Shannon Polvi: What was your impression of that hotline complaint?

Leonard McIntyre: Every one of those complaints was found to be baseless, unwarranted, and false. We actually responded to every one of those complaints. I think that our responses will indicate what I just shared with you.

Shannon Polvi: When those allegations were made, were they properly investigated and looked into?

Leonard McIntyre: Yes.

Shannon Polvi: The allegations that ... Let me backtrack. Did you read the allegations?

Leonard McIntyre: I did.

Shannon Polvi: Those allegations, did they include the things that are listed in Ms. Jackson's termination letter on page 23 of the record?

Leonard McIntyre: On page 23? Okay, let me have that question again because I'm not sure what you're asking here.

Shannon Polvi: I'm just essentially determining whether the allegations were different than what ultimately the college is including as its basis for terminating Ms. Jackson.

Leonard McIntyre: From what I recall, yes.

Shannon Polvi: Take your time, I'm not rushing you.

Leonard McIntyre: Mm-hmm (affirmative). You're talking about these that are in the second paragraph.

Shannon Polvi: Well, just in the entire-

Leonard McIntyre: The entire. Let me read the first page [inaudible 00:42:00]. Well they allude to some of the allegations but I can't say that they're explicit in that they are ... listed in this manner, but I can see some relevance to some of the allegations.

Shannon Polvi: With regards to the allegations, was there any follow-up that was done in regards to the concerns of Ms. Jackson and the hotline?

Leonard McIntyre: When you say follow-up, in what regard? Because we actually took these very seriously and we investigated and we tried to find out what exactly it was that they were alleging and why and what have you, but we could not find any basis in fact to support the allegations.

Shannon Polvi: Looking at the information that's listed in Ms. Jackson's termination notice here on page 23, do you believe these are accurate in regards to Ms. Jackson?

Leonard McIntyre: No.

Shannon Polvi: Other than Ms. Jackson, have you ever heard of a Denmark Technical College employee being terminated for receiving tuition reimbursement?

Leonard McIntyre: No.

Shannon Polvi: Other than Ms. Jackson, have you heard of any employees being terminated for allegedly giving themselves pay increases?

Leonard McIntyre: No ... which I guess it's okay to add that I just can't see any way possible that somebody could give themselves a pay increase without it being known. There's just too many checks and balances along the way.

Shannon Polvi: What are those checks and balances?

Leonard McIntyre: Again, it depends on where it starts. If the person's supervisor request a pay increase that runs up through the chain of command, and then it has to be signed off on. It has to go through human resources. It has to go through finance. It has to go through the VP or division head. It has to be approved by the president. I can tell you they're a small college. I mean, anybody gets a pay increase, no matter how hard you try to keep that confidential, it gets out. I don't know that we could even institute a pay increase without the State Tech office knowing about it.

Shannon Polvi: With the State Tech System, is it accurate that they get a report each payroll that reflects the paychecks of every single employee from Denmark Technical College that's been given?

Leonard McIntyre: Yes.

Shannon Polvi: Is that another part of that checks and balances system?

Leonard McIntyre: It absolutely is.

Shannon Polvi: With Ms. Jackson pay increases that she received when she performed additional duties, were those appropriate for the duties that she was performing?

Leonard McIntyre: Yes.

Shannon Polvi: Prior to the end of your tenure as president, did anyone ever question you with any alarm about the pay that Ms. Jackson was receiving?

Leonard McIntyre: I recall that ... You mean internally or just in general?

Shannon Polvi: In general.

Leonard McIntyre: I do recall that Ms. ... Kandy, forgive me. Your last name?

Kandy Peacock: Peacock.

Leonard McIntyre: Peacock. Ms. Peacock called one time and asked about her increase and I told her that I had author- ... She asked me if I had authorized it and I told her yes.

Shannon Polvi: When did that phone call occur?

Leonard McIntyre: I can't recall.

Shannon Polvi: Would it have been prior to the end of your tenure as president of the college?

Leonard McIntyre: Right before the end of my tenure.

Shannon Polvi: Just to put that in time frame, make sure I'm on the same page with you, that call occurred sometime potentially maybe in January of 2017?

Leonard McIntyre: Uh huh. yeah.

Shannon Polvi: Ms. Jackson was terminated on May 11, 2017 according to this document.

Leonard McIntyre: Yeah, according to what I see here, yes.

Shannon Polvi: You had informed the Technical College System prior to Ms. Jackson being terminated that she indeed was authorized to receive the pay that she had received.

Leonard McIntyre: Yes.

Shannon Polvi: Can we take a brief break before I change hands? I want to touch base with my client.

Glenise Elmore: Yes. That's fine. It is 2:26 or so. Let's start back at 2:35.

Shannon Polvi: Thank you.

Shannon Polvi: Thank you. Before we took a break you were ending our testimony on the point where you had spoken with Ms. Peacock. When Ms. Peacock asked you about Ms. Jackson's pay increases and you told her that they were approved and authorized by you, how did she respond?

Leonard McIntyre: She basically said, "Oh well, I guess that settles that." I'm not sure what she was referring to when she said, "That settles that," she said, "But if you authorized it, then we're okay."

Shannon Polvi: Were you given any reason why she was inquiring about Ms. Jackson's pay?

Leonard McIntyre: No.

Shannon Polvi: Is it normal for an employee who's being employed into an Interim Dean role to receive additional pay?

Leonard McIntyre: Yes.

Shannon Polvi: Did you have any question in your mind why questions would be asked about Ms. Jackson's pay considering that she was making less than her predecessor?

Leonard McIntyre: No.

Shannon Polvi: I want to ask a follow up about the checks and balances of a pay increase. When we talked about HR kind of generally, but I want to ask a little bit specific about some of the system. Are you aware of a system called Datatel?

Leonard McIntyre: Mm-hmm (affirmative)

Shannon Polvi: Sorry for the record?

Leonard McIntyre: Yes.

Shannon Polvi: And what is that Datatel system?

Leonard McIntyre: It is the system that is used by human resources to input data and it's a system that actually dovetails with the state tech system.

Shannon Polvi: Would employees in HR and payroll be inputting Ms. Jackson's pay into that system?

Leonard McIntyre: Yes.

Shannon Polvi: Would that be another check and balance of her not being to authorize her own pay?

Leonard McIntyre: Mm-hmm (affirmative). It would.

Shannon Polvi: Do you -- [crosstalk 00:02:15]

Leonard McIntyre: And, also, this might be important. Anytime there's a change in pay for a position I would meet with the Director of Human Resources and discuss it and I would let her give me some guidance in terms of what's reasonable, in terms of a pay increase and what have you. Sometimes I would call the state tech office and ask them, you know, what they think was reasonable in terms of a pay increase or was suitable for that particular position and what have you. In fact, Ms. Peacock actually did a payroll income study for our college compared to other colleges in our tier, and so that would be used also to help me determine what's reasonable in terms of pay increases and what's appropriate and what's not.

Shannon Polvi: Did you make that type of inquiry in regards to Ms. Jackson's pay change?

Leonard McIntyre: I always do, yes. With our Human Resources office.

Shannon Polvi: With, had lots of testimony about Ms. Jackson's pay, I just want to make sure and follow up that it was authorized but also were those authorized payments documented. In terms of pay increases.

Leonard McIntyre: Yes.

Shannon Polvi: There seems to be an issue about whether or not it's your signature or stamp of your signature that was used. So, I'm asking you a follow up question to make sure that we're all clear. When Ms. Jackson's pay increases were memorialized with your signature, was that with your approval, whether it be signed by you or stamped by, say, Betty Dowling or Gwendolyn Bamberg.

Leonard McIntyre: Yes.

Shannon Polvi: Ms. Dowling and Ms. Bamberg, were those the other administrative assistants employed in the president's office during your tenure?

Leonard McIntyre: Yes.

Shannon Polvi: Is there any question in your mind that Ms. Jackson wasn't authorized to receive the pay that she received?

Leonard McIntyre: No.

Shannon Polvi: Those are all my questions. I may have some more after Mr. Boykin has an opportunity to ask you some now.

Leonard McIntyre: Sure.

Charles Boykin: Dr. McIntyre.

Leonard McIntyre: Yes, sir.

Charles Boykin: You were hired in March of 2014 as president of Denmark Technical College?

Leonard McIntyre: Yes.

Charles Boykin: That is an at-will, position, is it?

Leonard McIntyre: It is.

Charles Boykin: Okay. And an at-will means that the, at the discretion of the board they could end your employment at any time for any reason or for no reason. Is that your understanding of it?

Leonard McIntyre: It is.

Charles Boykin: So long as it's not an illegal reason, you would agree.

Leonard McIntyre: And the manner in which it's done, yes.

Charles Boykin: Okay. You were hired on an unanimous vote by the Area Commission?

Leonard McIntyre: I think so. Yes.

Charles Boykin: The position that's at-will is somewhat difficult occasionally for a president, would you agree with that?

Leonard McIntyre: Well, yes.

Charles Boykin: Because you had seven Commissioners, didn't you?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: Suffice to say, you'd have to keep at least four of them at any one time satisfied to maintain your employment.

Leonard McIntyre: Mathematically, yes.

Charles Boykin: Sometime that becomes fairly challenging, you would agree?

Leonard McIntyre: I would agree.

Charles Boykin: Okay, good. Let's talk a little bit more about, at the college you had an apartment constructed on the campus, did you not?

Leonard McIntyre: No, sir.

Charles Boykin: It's your testimony that the apartment that was on the campus, you had nothing to do with?

Shannon Polvi: I would object to relevance of this entirely. I have no idea what this relates to a direct examination that I had.

Kevin Maroney: What is this going toward, Mr. Boykin?

Charles Boykin: It's going toward the performance of his duties, he's talked about what he always did as far as complying with this rule or complying with that rule or following certain procedures and I want to test him on that particular issue.

Kevin Maroney: So, credibility?

Charles Boykin: Yes, it's going to ultimately end up with credibility but I believe I have the right to test him in this area.

Kevin Maroney: 611(b) witness may be cross-examined on any matter relevant to any issue including credibility. If it goes, obviously, listen to the testimony and see what happens but right now I've heard it's credibility so please answer the question.

Leonard McIntyre: Mm-hmm (affirmative) Can I have the question again, please?

Charles Boykin: I'm asking about an apartment that was constructed on Denmark's Technical College's campus.

Leonard McIntyre: Yes, Mm-hmm (affirmative)

Charles Boykin: Are you familiar with that apartment?

Leonard McIntyre: I am.

Charles Boykin: Okay. Who would have been given access to that apartment, Dr. McIntyre?

Leonard McIntyre: Me. Yes.

Charles Boykin: The apartment cost about, what, twenty-five thousand dollars to construct?

Leonard McIntyre: I have no idea.

Charles Boykin: You have no idea. Would you disagree with me if I said that each invoice was just below twenty five hundred dollars to construct the apartment?

Leonard McIntyre: I really don't know.

Charles Boykin: You --

Leonard McIntyre: That was something that was handled completely by the vice-president for finance and it was something, the apartment itself was directed by the board. It was something that the board asked the Director of Finance, the vice president for finance to do.

Charles Boykin: Would it surprise you Dr. McIntyre if there is no record in any board minutes of them approving the development of an apartment on that campus.

Leonard McIntyre: It would.

Charles Boykin: You had access to the apartment, who else?

Leonard McIntyre: Nobody, as far as I know.

Charles Boykin: Nobody as far as you know, okay. So if there are alcohol bottles open, some used and some not completely used ...

Kevin Maroney: Alright. I think the questions about who authorized and what went to credibility. The alcohol is beyond the scope.

Charles Boykin: Actually the alcohol is, there are state policies on whether you can use alcohol on state premises and he's talking about his compliance with regulations. All of this goes to, he can answer it yes or no. I don't understand why I can't ask that particular question. Particularly if I have evidence that it was there. And I have witnesses who will testify to that particular point.

Shannon Polvi: If I may also interject, that's what the witnesses we have, potentially 18 witnesses being called by the Denmark Tech and if that's what they're going to be testifying about it's not at all relevant to whether or not the grounds for why my client was fired.

Charles Boykin: With all due respect, Dr. McIntyre has testified as to the fidelity in which he follows implementing policies and things of that nature. I believe the agency has every right to test that.

Kevin Maroney: I will allow some questioning on this but if it becomes belabored I'm going to require that you move on.

Charles Boykin: Understood and accepted, Your Honor. All due respect, understood and accepted.

Charles Boykin: The question mister, Dr. McIntyre, goes to the, you then having exclusive access to it would know about the presence of alcohol on a college campus in an academic building where the apartment was constructed, whether you would know how that alcohol got there. It's a yes or no.

Leonard McIntyre: Yes. I would.

Charles Boykin: Okay. Alright.

Leonard McIntyre: Am I allowed to explain why it was there?

Kevin Maroney: Sir, during cross-examination, I'll answer this question.

Kevin Maroney: During cross-examination just answer Mr. Boykin's questions on redirect, if the attorney wishes, not your attorney, Ms. Polvi wishes to provide an opportunity for you to speak to that issue you will be able to do so.

Leonard McIntyre: Understood.

Charles Boykin: You and Ms. Jackson worked closely together?

Leonard McIntyre: Yes.

Charles Boykin: Do you consider Ms. Jackson a friend?

Leonard McIntyre: Professionally, yes.

Charles Boykin: Ms. Jackson would have access to your coming and goings on the campus, wouldn't she?

Leonard McIntyre: Access to my comings and goings? I'm not sure I understand the question.

Charles Boykin: Ms. Jackson would know how you interacted on the campus, wouldn't she?

Leonard McIntyre: As it relates to my schedule, yes.

Charles Boykin: Did Ms. Jackson have access to the apartment?

Leonard McIntyre: No.

Charles Boykin: As we sit here today you're saying no one else had access to the apartment but Dr. McIntyre?

Leonard McIntyre: There are times when I've given someone the key to clean the apartment, to put something in the apartment.

Charles Boykin: It's fair to say, so we're all talking about the same thing, this was an apartment that was constructed in an academic building.

Leonard McIntyre: Well, the building was used for various purposes. I'm not, well I guess partially you could say partially academic, but mostly there were offices in the building.

Charles Boykin: So it was administrative, but it wasn't a residential building --

Leonard McIntyre: No, it was not.

Charles Boykin: In fact, you didn't have a certificate of occupancy for that apartment did you?

Leonard McIntyre: That I wouldn't know.

Charles Boykin: You would not know, okay. Would you be surprised if I said you don't have, that there was never a certificate of occupancy issued for that apartment. Would that surprise you?

Leonard McIntyre: If that's the case, yes.

Charles Boykin: You started in the middle of the year, is that correct?

Leonard McIntyre: March 17.

Charles Boykin: So the school year was in progress.

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: Did you have a chance to review any planning documents involving Dr. Boyd Scotland and Ms. Jackson?

Leonard McIntyre: Planning documents?

Charles Boykin: Yes. Planning stage documents.

Leonard McIntyre: For Ms. Jackson's evaluation, is what you're talking about?

Charles Boykin: Well, for her job duties and success criteria that you would ultimately use for her evaluation, yes.

Leonard McIntyre: Yes.

Charles Boykin: So you did review that?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: Okay, so you would recall that one of her job duties required her, under Dr. Boyd Scotland, to assist the present in planning for the Area Commission. Does that sound familiar to you?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: It required her to attend the meetings of the Area Commission.

Leonard McIntyre: No, can I back up on that because I don't know that I ever used Dr. Boyd Scotland's planning stage document. I started fresh with my own. I don't think I went to the file and pulled anything that Dr. Boyd Scotland had done with Ms. Jackson by way of evaluation.

Charles Boykin: Okay.

Leonard McIntyre: It could very well be that I'm not familiar with that document.

Charles Boykin: We're talking about, you're talking about an evaluation; I'm talking about the planning stage, what she was charged to do.

Leonard McIntyre: That's different from her job description.

Charles Boykin: The position description is different.

Leonard McIntyre: Okay, I'm familiar, I was familiar with the position description. I can't say that ever reviewed any planning stage documented that was done between Ms. Jackson and Dr. Boyd Scotland.

Charles Boykin: You did one didn't you?

Leonard McIntyre: Yes.

Charles Boykin: Does it sound like you said you were going to assist the president in planning the Area Commission meetings? Is that something you would ask her to do?

Leonard McIntyre: It's something that I knew was one of her responsibilities but I'm not sure that I created that responsibility or actually put that in her planning stage document. I'd actually have to see the document to know for sure.

Charles Boykin: Sure. Well, let me ask this question of you, Dr. McIntyre. If the document of the planning stage included specific duties to be performed would that be included, would she be compensated for that in her base salary?

Leonard McIntyre: If that was a part of her regular duties and responsibilities, I would assume so.

Charles Boykin: You wouldn't expect to pay her supplemental pay for something that appeared on the face of her planning document, would you?

Leonard McIntyre: It depends.

Charles Boykin: Okay.

Leonard McIntyre: It depends.

Charles Boykin: I'd like to share this with Ms. Polvi and then after you take a look at it I'd like to introduce it.

Kevin Maroney: Into evidence?

Charles Boykin: Yes, this is the planning stage document for Carla Jackson prepared by Dr. Leonard McIntyre.

Kevin Maroney: Ms. Polvi any objection?

Shannon Polvi: No objection. I'll follow up with it.

Kevin Maroney: Okay. Great.

Charles Boykin: Dr. McIntyre can you identify the document that I just handed you?

Leonard McIntyre: Yes.

Charles Boykin: For the record, would you tell me what you understand that to be?

Leonard McIntyre: It is the document that's used as a part of the evaluation process for employees. It specifies expectations in terms of job duties and responsibilities. It's a standard form that's used in the State tech system.

Charles Boykin: I call your attention Dr. McIntyre to job duty at number one and specifically success criteria number three.

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: It says that "to assistant the president in planning Area Commission meetings" is that correct?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: And, also, "attend the meetings and maintain a file the of Area Commission decisions."

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: That was part of her job, okay. Let's ...

Charles Boykin: Let's turn to page ninety-eight in the record please. You see the section, Dr. McIntyre, do you see the document number ninety-eight now?

Leonard McIntyre: Yes.

Charles Boykin: You see the section that says "New Position Title"?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: Okay. That new position title says "Assistant to Area Commission" is that correct?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: That essentially, Dr. McIntyre, says help the president by assisting the Area Commission. It's on a planning stage and then we see there's eleven hundred dollars a month that's, for pay period, you get paid twice a month, isn't that correct?

Charles Boykin: And so you're paying eleven hundred dollars a month for work that appears to be on the face of her planning stage document, Dr. McIntyre.

Leonard McIntyre: Mm-hmm (affirmative) This was something that was discussed with the Commission, the Commission introduced this as an issue, and they thought that Ms. Jackson should be compensated for the additional duties because it was requiring her to spend a lot of time outside of her working hours.

Charles Boykin: Okay.

Leonard McIntyre: I agreed with that and I thought that it was something that was appropriate.

Charles Boykin: So, you agreed to pay her eleven hundred dollars a month to do what was already on the face of her planning stage?

Shannon Polvi: Object to the form. It was just asked and answered.

Kevin Maroney: Sustained.

Charles Boykin: Okay. Let me go a step further Dr. McIntyre. How often did the Commission meet?

Leonard McIntyre: Once a month? I want to say once a month.

Charles Boykin: You want to say once a month.

Leonard McIntyre: Yeah, I can't remember to be honest with you.

Charles Boykin: You simply can't remember it.

Leonard McIntyre: Yeah. Mm-hmm (affirmative)

Charles Boykin: Would you disagree with me if I said the bylaws require the Commission to meet every other month? Would you disagree with me?

Leonard McIntyre: No, I wouldn't.

Charles Boykin: Okay. So, every other month means that the Commission would, roughly, meet six times per year.

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: How much Ms. Jackson being paid before you came to assist the Commission?

Leonard McIntyre: I don't know that she was being paid to assist the Commission. It's an issue that the Commission lays with me that she should be compensated for the work that she was doing with the Commission.

Charles Boykin: Did you change anything else on her PD when the duties were removed, or were being compensated outside the PD? Did you make any changes?

Leonard McIntyre: Not to my knowledge.

Charles Boykin: Not to your knowledge. Okay.

Kevin Maroney: Ms. Polvi, during this time, do you happen to have extra copies of it?

Shannon Polvi: Yes.

Charles Boykin: Oh, of the PD? Yes.

Shannon Polvi: Yeah, he's already introduced it.

Kevin Maroney: Thank you.

Charles Boykin: Do I need to move that you put it into evidence?

Kevin Maroney: Oh, we've already --

Shannon Polvi: It's already done.

Charles Boykin: Okay, excellent. Thank you.

Charles Boykin: Dr. McIntyre, could we turn to 103 please? If you would Dr. McIntyre, document 103. You see that document, Dr. McIntyre? Also, I'd like for you to hold the planning stage near you, we're going to talk about both at the same time. For right now, 103 we'll talk about.

Charles Boykin: Let's look at the second paragraph, Dr. McIntyre. I'll start reading the second sentence "You'll remain in your current, at your current salary and in your current position/classification but will assume the additional duties of Interim

Dean of Transitional Services and receive a temporary salary adjustment" and so forth. Okay.

Charles Boykin: You testified earlier, so I want to make sure I understand your testimony.

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: Once she became Interim Dean she no longer performed the duties of the original position.

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: This [crosstalk 00:24:29], if you'll permit me to ask the question then you can answer, if that's okay?

Charles Boykin: This seems to suggest that she maintained her current job, plus. My reading of this, is it true that she continued to be the Presidents Assistant, a full time position, as she assumed the duties of the Interim Dean? That's a yes or no.

Leonard McIntyre: No.

Charles Boykin: So, she left the President's Assistant position is what you're saying.

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: How long, Dr. McIntyre, well, let me ask this way. Was she gone from that position for more than six months?

Leonard McIntyre: How long?

Charles Boykin: No, I've struck that --

Leonard McIntyre: Okay.

Charles Boykin: and I asked, was she performing the duties of Interim Dean for more than six months?

Leonard McIntyre: Her start date was October 1, 2015. She was there until October, before October 15, 2016.

Charles Boykin: So that would be more than six months, wouldn't it?

Leonard McIntyre: Yes.

Charles Boykin: In fact, according to your earlier testimony she didn't return to the Presidents Assistant, did she?

Leonard McIntyre: No, she didn't.

Charles Boykin: Because during your tenure she went from there to the Interim Dean of Business Service, correct? Business and computers and --

Leonard McIntyre: No, later [crosstalk 00:26:14]

Charles Boykin: Yes, okay.

Charles Boykin: Is it true, Dr. McIntyre, that Tia Wright Richards, who was your VP at that time, Interim VP for Academic Affairs, correct?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: She had recommended somebody else for that Interim Dean position, hadn't she?

Leonard McIntyre: I don't recall.

Charles Boykin: You don't recall vetoing it and saying that it would have to go to Carla Jackson?

Leonard McIntyre: No I don't recall that.

Charles Boykin: You don't recall that.

Leonard McIntyre: I know that we had discussion about it but I don't recall telling, her recommending somebody else for that position, no. Do you have records of that?

Charles Boykin: Mr. Thannier.

Shannon Polvi: Thannier.

Charles Boykin: Thannier? Does that name sound familiar to you, Dr. McIntyre?

Leonard McIntyre: Yeah, I think he was a faculty member in that area.

Charles Boykin: Okay, he was a faculty member in that area. Okay. But you don't have a recollection of her recommending him and you saying no, you wanted Ms. Jackson to do it?

Leonard McIntyre: No, I do not. In fact, Mr. Thannier, as I recall, said to me that he was not interested in the position.

Charles Boykin: So you did have a discussion with him about it?

Leonard McIntyre: Yes.

Charles Boykin: Was that --

Leonard McIntyre: If it's the person, and I'm pretty sure it's the person that I'm thinking of, it's the person in that department and he's Indian and I'm pretty sure that I recall correctly that he said he was too busy because he has these outside interests, businesses and what have you, that he wouldn't have time for it and he was not interested in it.

Charles Boykin: Dr. McIntyre --

Leonard McIntyre: But may I, to answer your question, I've never received a recommendation, to my knowledge, from Ms. Richardson for him to have that position.

Charles Boykin: Dr. McIntyre, for the Interim Dean, excuse me, at Denmark Technical College the academic load that a Dean carries would be how many courses?

Leonard McIntyre: I believe it's two courses.

Charles Boykin: How many course did Ms. Jackson carry?

Leonard McIntyre: I believe she taught two courses.

Charles Boykin: Now, she was being paid for her faculty, or for her academic credentials and the academic work she was doing, is that true?

Leonard McIntyre: Yes. I would say, yes.

Charles Boykin: If she was being paid to perform that work that would include her carrying the academic load too, wouldn't it?

Leonard McIntyre: If it's in, if it's within that division or department, yes.

Charles Boykin: So you're suggesting that an academic dean would be excused from working within their department to go someplace else and work and get paid, is that your testimony, Dr. McIntyre?

Leonard McIntyre: No, I'm saying that you could have a situation where a dean could fulfill the responsibilities within their department but also be paid to teach as adjunct in another area.

Charles Boykin: But, under those circumstances and under your policy that dean would at a minimum be required to teach the load within the dean's area before going outside for the additional compensation, wouldn't it?

Leonard McIntyre: Yes.

Charles Boykin: But as we sit here today you wouldn't be surprised to learn that Ms. Jackson taught and was paid for additional academic duties but taught no courses in the area that she served as dean. Would that strike you as surprised, Dr. McIntyre?

Leonard McIntyre: It depends on which area because the Dean of Transitional Studies was not required to teach two courses. It's all in the academic areas and business would be one of those. So it just depends. So I would be surprised, yes.

Charles Boykin: You'd be surprised if she got paid for teaching in the business area, is that your testimony?

Leonard McIntyre: To teach business courses, yes.

Charles Boykin: Okay, we'll keep it moving while she pulls some other documents, Dr. McIntyre, okay. Appreciate your patience.

Leonard McIntyre: Can I clarify something that you brought to our attention in this letter that was prepared by the Director of Human Resources for my signature? I think it will bring some understanding.

Leonard McIntyre: When a person receives a new position as interim they maintain the old position on record until such time that they are appointed full time and permanent to that new area position. In other words, if something were to happen that I would no longer want her to serve as interim then she has the right to go back to her permanent position. That's why the language is there about the current position classification.

Charles Boykin: Let me make sure I'm understanding, so you're not saying that she was required to perform those duties, you [crosstalk 00:32:08] You aren't testifying that she would be required to perform those duties, you're testifying that the position would belong to her, is that your testimony?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: Okay, and so it shows up as an FTE that's not vacant?

Leonard McIntyre: An FTE, right.

Charles Boykin: Okay. Was she employed as the Assistant to the President or was she employed as an Interim Dean?

Leonard McIntyre: She had a full time position in the president's office. A full time FTE in the president's office. When she took the interim position, which is a temporary position, she maintains that FTE until such time that she receives another full time position.

Charles Boykin: Even if its more than six months, you're saying she continues to maintain the covered position even though she's performing non-covered work, is that your testimony?

Leonard McIntyre: Even though she is not performing in that job where her FTE resides, that's my testimony.

Charles Boykin: The fall of 2014, Dr. McIntyre, the enrollment of the college was how many students?

Leonard McIntyre: In the fall of?

Charles Boykin: 2014.

Leonard McIntyre: 2014? I can't tell you that. I'm good but not that good.

Charles Boykin: Would you have reason to disagree with me if I said it was one thousand six hundred and seventy eight students?

Leonard McIntyre: No, I wouldn't.

Charles Boykin: Okay.

Leonard McIntyre: It's up and down. It could have been.

Charles Boykin: Okay. But was more than eight hundred students less for the fall of 2015 wasn't it?

Leonard McIntyre: That was 20-what?

Charles Boykin: 2014.

Leonard McIntyre: 2014 it was sixteen hundred?

Charles Boykin: Yes.

Leonard McIntyre: 2015?

Charles Boykin: Yes.

Leonard McIntyre: My recollection is that we actually increased the enrollment. I had a thousand students in summer school that we've never had before so I would say that we increased the enrollment.

Shannon Polvi: We're deviating past relevance.

Kevin Maroney: Mr. Boykin, what is your response?

Charles Boykin: It continues to go to credibility. He talked about what he did with the college, he talked about what she did with the college. The transitional studies, he's talked about the impact on the college's enrollment.

Leonard McIntyre: I did?

Kevin Maroney: I'm not --

Charles Boykin: If you don't mind, please, allow me to explain and certainly we will respect the court's ruling. His testimony, my recollection is, that the transitional studies program worked with those persons who weren't prepared to do college work. One of her accomplishments, according to his testimony, was she had done such a really good job in getting those folks past the GED and qualify to come into the college program of study. The conclusion is, the enrollment, then, should be going up and not down and so I'm testing it on that point.

Kevin Maroney: I think what would follow is that the transitional students would have actually gone into regular course of study. I don't think that it follows that the overall population of the school should have gone up. So, I'm going to sustain the objection.

Charles Boykin: I'm a little dense, sir, please forgive me. I want to understand.

Kevin Maroney: The testimony was regarding transitional study students, a particular segment of the overall population, I don't think testimony that says she did a good job, in his assessment, with that particular population necessarily, that necessarily follows that the overall student population should have gone up. Those transitional students were already members of the school population.

Charles Boykin: Thank you. Beg the court's indulgence.

Kevin Maroney: To provide for further clarification, if you'd like to ask the transition rate, transitional students into the regular population or the absence of that, that would be relevant. But the overall going up or down of the total population is not. [crosstalk 00:37:21] For further clarification.

Charles Boykin: I understand. Thank you.

Charles Boykin: Dr. McIntyre, on 103, if I understood your testimony correctly you said this looks like your signature, is the way you responded to that.

Leonard McIntyre: Yes.

Charles Boykin: My question to you, is it your signature or isn't it your signature?

Leonard McIntyre: As far as I can see, it's my signature.

Charles Boykin: Let's go to ninety-nine please.

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: That is your signature or that is your stamp, Dr. McIntyre?

Leonard McIntyre: That's the stamp.

Charles Boykin: That's the stamp, okay. Dr. McIntyre, you don't have any protocols in writing about the use of the stamp, do you?

Leonard McIntyre: No.

Charles Boykin: In fact, there is no redundancy when the stamp is used where you verify that you authorized it, isn't that correct?

Leonard McIntyre: That would be correct.

Charles Boykin: As we sit here today, there is no way that we could determine that approval was given contemporaneous with the use of the stamp, isn't that correct?

Leonard McIntyre: Not necessarily, because if, for example, with this situation [crosstalk 00:39:18]

Charles Boykin: When you say, excuse me, when you say "this situation" for the record you would need to explain.

Leonard McIntyre: The stamp used for this.

Charles Boykin: For this meaning, on page ninety-nine?

Leonard McIntyre: As a temporary faculty member, again, it speaks to the adjunct situation. For example, this was for adjunct pay. So this would be something that Ms. Richards would approve because she's over academic affairs and that's why you have her signature on this request, okay? So, then it went to Valerie Fields. This is when Ms. Richards was actually in the capacity of dean of business. Then it went to Dr. Valerie Fields, then it went to Mr. Wideman. By the time it gets to me, when I see those signatures, then I can look at that, and if everything looks in order, and those signatures look okay to me, then I can authorize the stamp.

Leonard McIntyre: The reason I say yes and no is because even though I don't, they don't bring it back all the time and sometimes the document will come back, but in this case this document would not come back because this is for an adjunct faculty. There's no way that Ms. Richards is going to let her sign her to that course unless she sees my approval. There's no way that the VP for Finance is going to pay her unless he sees my approval. But, rest assured, in the meantime I've discussed this with all of them and that's the reassurance.

Charles Boykin: The reassurance is your informal communications but as far as documentation to show the contemporaneous approval, Dr. McIntyre, we don't have that do we?

Shannon Polvi: Object to the form. It's what we're looking at.

Kevin Maroney: Go ahead.

Charles Boykin: My question is, documentation that shows that there was contemporaneous approval to use the stamp. The stamp shows that [crosstalk 00:41:33]

Kevin Maroney: Something other than the document itself.

Charles Boykin: That is correct.

Kevin Maroney: That's fine. Go ahead and answer that question.

Leonard McIntyre: As you put it, yes, there would be none.

Charles Boykin: Okay.

Leonard McIntyre: Wait, can I add something to that?

Charles Boykin: When she asks you about it.

Charles Boykin: Is it fair, Dr. McIntyre, that when we see the stamp used with Ms. Jackson's pay adjustments there is no contemporaneous document that we can look to to show that that approval was given. All we have, it's a simple question, but all we have is you coming in here today and saying well I did approve it. That's all we have, isn't that true?

Leonard McIntyre: Well, you could ask Dr. Fields or Mr. Wideman or Ms. Richards, yeah. Basically. It's the protocol that we use.

Charles Boykin: Dr. Field is no longer at the college, correct?

Leonard McIntyre: That's correct.

Charles Boykin: Mr. Wideman is no longer at the college, correct?

Leonard McIntyre: That is correct.

Charles Boykin: The college is left at the mercy of who is living at the time to come back and testify. The documents, and you were president, the documents to show that it was approved simply do not exist, isn't that true.

Shannon Polvi: Objection to the form. Asked and answered.

Kevin Maroney: It has been asked and answered but I think you can respond again.

Leonard McIntyre: Yes.

Charles Boykin: Madam Chair, I beg the court's indulgence, I would like for Dr. McIntyre to momentarily remove, if we can, he's at 103? Oh, he does not have a copy of 103. I want to go to 255 at the same time. I'd like for the panel to be able to, if there's anyway we can do that, I know technology is fun. I'd like to see if we could do that.

Kevin Maroney: Do you have copies to hand to the panel?

Shannon Polvi: It's in the record.

Charles Boykin: It's in the record but what I'll do is ask Dr. McIntyre, without removing [crosstalk 00:44:14]

Kevin Maroney: No, I know it's in the record, I meant are there other copies available to hand up to the panel members? I don't think --

Charles Boykin: This is 103 and 255.

Panel Member: I have 103 but not 255.

Charles Boykin: We have 103 but not 255. But if we could take a break we could get it done. This is important to our case.

Shannon Polvi: I have 103. They need 255.

Charles Boykin: They need 255. [crosstalk 00:44:38]

Kevin Maroney: We have 103, we can just put 255 on the screen.

Charles Boykin: Okay. Let's give that a try. Is this 255?

Mary Oakman-Lon: Yes. Give 103 to them.

Charles Boykin: 103...

Kevin Maroney: We have enough, I believe.

Charles Boykin: Thank you. Are you looking at 255, Dr. McIntyre?

Leonard McIntyre: Yes.

Charles Boykin: Okay. We're looking at the signature on, did we give you a 103, Dr. McIntyre?

Leonard McIntyre: You did.

Charles Boykin: No, no, no, did we give you one to work from?

Charles Boykin: I'm calling attention, I want to get a feel, there are two signatures here, Dr. McIntyre, on September 15th you signed your name one way and September 21st you signed another way.

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: My question is, are both of these your signatures?

Leonard McIntyre: Yes.

Charles Boykin: You would agree with me though, that they don't look to be the same.

Leonard McIntyre: One is spelled out Leonard, the other is an L.

Charles Boykin: I'm actually looking a little closer. I'm looking at McIntyre, the y-r-e on both, they don't seem to be consistent, Dr. McIntyre.

Leonard McIntyre: Sometimes I use my Catholic penmanship and sometimes I don't. I mean, if you look at different signatures of mine you'll see the r written differently. You'll see the y written differently.

Charles Boykin: I have to ask, could we just have him sign his name three times? Just so we can see what his signature looks like.

Shannon Polvi: I entirely object. He's testified these are his signatures. This isn't a criminal inquiry into --

Charles Boykin: It's not a criminal inquiry, but it's important to the college and it's simple. Give him a pen and piece of paper, he signs his name three times to take a look at it.

Leonard McIntyre: It won't look like either of these because my nervousness in my hand won't allow me to sign the way I would normally sign anyway.

Kevin Maroney: The request is denied.

Charles Boykin: Thank you. Dr. McIntyre, the college has, as president of the, with the Area Commission, you worked with the informal grievance process that the Area Commission used?

Leonard McIntyre: The informal grievance process?

Charles Boykin: Yes.

Leonard McIntyre: I'm not familiar with an informal grievance process.

Charles Boykin: Is it true that employees would complain to Commissioners and Commissioners would consider the complaints and the board would decide, the Commission would decide whether or not to act on it? Is that true?

Leonard McIntyre: I don't recall that to be honest with you. I'm not saying it hasn't happened I just don't recall that being a practice.

Charles Boykin: You're saying you can't say it didn't happen, you're saying you have no recollection of it.

Leonard McIntyre: Right.

Charles Boykin: The Tuition Reimbursement Program, Dr. McIntyre, by its very name would there be any circumstances where that program would fund all of the person's academic training?

Leonard McIntyre: I think in all cases.

Charles Boykin: So your testimony is, even though it's called reimbursement, you're saying that in all cases there was no reimbursement.

Leonard McIntyre: Wait a minute. Wait, wait, wait. I understood you to ask a different question.

Charles Boykin: Okay, well that's where, we'll get it clear. I'm sometimes redundant, but thank you.

Leonard McIntyre: Reimbursement, from what I understand is, they pay upfront and then they bring a bill and we reimburse them for that payment.

Charles Boykin: They pay upfront and then they bring a bill and you reimburse them. But they bring more than a bill, don't they?

Leonard McIntyre: Grades.

Charles Boykin: They bring the grades to show that they participated and those things, correct?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: Would you be surprised if, to learn that Ms. Jackson never paid upfront. Would that surprise you, Dr. McIntyre? Excuse my, I'm sorry, let me backup.

Leonard McIntyre: Yeah, that would surprise me.

Charles Boykin: It would surprise you. Would it surprise you if there were no grades turned in by Ms. Jackson? Would that surprise you?

Leonard McIntyre: Mm-hmm (affirmative)

Charles Boykin: Okay.

Leonard McIntyre: But she wouldn't bring them to me now. Those would go to the director of grants.

Charles Boykin: I understand the point that you're making but the question is if there were no grades there that would surprise you, is your answer, correct?

Leonard McIntyre: Yes, because I wouldn't have known one way or the other. I don't get that.

Charles Boykin: Madam Chair, Mr. Judge, the reason I ask is because there's an answer, and you said asked and answered, that seems to taper away from the question and so that's why I go back for clarity. To make sure finality is there before I move on. It's not me trying to badger him or delay it. That's how he answers questions, which is fine. But I'm wondering, did I lose the import of my question with the way he tails off. So that's --

Glenise Elmore: He seemed clear. I didn't even hear an object.

Charles Boykin: But my point is, I recognize that when I asked the question again for clarity to make sure that we understand how that question's being asked, then that's when I get asked and answered and I'm not sure that's the case. So, I'm not even hearing it.

Charles Boykin: I'm explaining it.

Kevin Maroney: Okay. I don't think there was an objection.

Charles Boykin: I anticipated it but, yes, thank you.

Kevin Maroney: Right. If, well, if there isn't an objection I think Ms. Polvi will make the objection and I'm sure you'll have a response.

Charles Boykin: Beg the court's indulgence and take just a few minutes and step outside and leave the door open.

Glenise Elmore: Oh, alright then, a few minutes. We'll just kind of take it easy until you get back.

Charles Boykin: Thank you.

Kevin Maroney: Mr. Boykin, we're gonna make a clarification for the ruling regarding the signatures once we're on record.

Panel Member: We're on the record.

Kevin Maroney: We're on record? So after consulting with the Chair, the reason for the denial is that the handwriting signatures we would have expected at this stage of the proceedings, of the grievance process, to have already been either done and objected to within Exhibit One. Or in Exhibit One based on no objection or the overturning of an objection. Which is why the request to perform the handwriting example here was denied. Just to put that on the record.

Charles Boykin: You said that I could respond to, by the request. And because it just wasn't made just out of whole cloth. I'm just giving rationale, I'm accepting the rationale. I'm not arguing it. But, I'll just explain. We're here taking testimony and there, in his testimony there appeared to be a conflict between his signature. And I thought the best way to resolve it would be to have him perform a writing sample. I accept the Court's ruling. I'm not arguing with it. But, I was just saying, that was ... It was not to put anyone on the spot, other than to continue to get as much evidence so that the panel would have it to consider.

Kevin Maroney: I didn't think anyone took it as inappropriate for you to ask.

Charles Boykin: Thank you. I may proceed?

Glenise Elmore: Proceed.

Charles Boykin: Thank you. Doctor McIntyre, you testified earlier that Doctor Drammeh and Doctor Fields participated in the tuition reimbursement program.

Leonard McIntyre: Tuition assistance program, yes.

Charles Boykin: Tuition assistance program, okay. But, actually, and you indicated that it was through State Tech, is that correct? Would you be surprised if in fact they participated in a leadership program that is of no cost so there's no assistance coming from the college or anyone else? Would that surprise you?

Leonard McIntyre: It would surprise me because I know that the President's authorized payment for that program. It's a program that's been in existence for quite some time. And there is a charge to participate in that program, so yes, I would be surprised.

Charles Boykin: The charge is, assuming for the sake of discussion, your testimony is that the charge would be to the institution, but not to the participants, is that your testimony?

Leonard McIntyre: The charge would be to the institution, yes.

Charles Boykin: The institution makes a contribution, or makes a payment, and their employees are allowed to participate.

Leonard McIntyre: And our payment came out of the tuition assistance program.

Charles Boykin: Okay. But, that's not the same as the tuition reimbursement program, is it?

Leonard McIntyre: Yes.

Charles Boykin: Oh, it is the same.

Leonard McIntyre: I use them interchangeably. Yeah.

Charles Boykin: You use them interchangeably, but as we sit here today you wouldn't use the money interchangeably, would you?

Leonard McIntyre: Well, I wouldn't use the money anyway. It would be the Director of Grants and Contracts who could explain those kinds of details to you.

Charles Boykin: But, as the President you would want the monies appropriately segregated, wouldn't you?

Leonard McIntyre: Yes.

Charles Boykin: Okay. So, you would still maintain that the Leadership Academy is paid by the college?

Leonard McIntyre: That was my understanding.

Charles Boykin: That is your understanding, but you are not clear?

Leonard McIntyre: Well, based on your line of questioning, you've raised doubt in my mind. But, that's what I always understood it to be. Yeah.

Charles Boykin: Final line of question, Doctor McIntyre, regarding Miss Jackson's pay ... Do you recall a conversation during a Board meeting with Commissioner Calvin Wright regarding Miss Jackson's pay?

Leonard McIntyre: I don't.

Charles Boykin: Okay. So, as we stand here today you have no recollection of Mr. Wright challenging your answer as to how much Miss Jackson was being paid?

Leonard McIntyre: I don't. The Board members generally don't have anything to do with the salaries.

Charles Boykin: So, you have no recollection of telling Mr. Wright that Miss Jackson was paid \$500 per month to assist the Board?

Leonard McIntyre: I really don't.

Charles Boykin: Okay. Madam Chair, thank you. No further questions at this time.

Glenise Elmore: Okay. Thank you, any redirect?

Shannon Polvi: I do have redirect, but I'll keep it brief. Doctor McIntyre, let's talk about the pay issues kind of generally first, some follow up with that. Let's first look at Page 106. Mr. Boykin asked you a line of questioning in regards to Miss Jackson teaching a course, and this documentation here, this page indicated that Miss Jackson was paid \$1,500 for teaching the Administrative Office Technology course, or excuse me, that was the Introduction to Business course during this time frame. And the letter states, the date is key, the February 25, 2016. Is it accurate to say that at the time, February 25, 2016, Miss Jackson was in the Interim Dean of Transitional Studies and Distance Learning position?

Leonard McIntyre: Yes.

Shannon Polvi: As the Interim Dean of Transitional Studies and Distance Learning, was that a role in which the Dean or Interim Dean did not teach a course?

Leonard McIntyre: Yes.

Shannon Polvi: And is it accurate that the predecessor prior to Miss Jackson holding that position was Doctor Nance?

Leonard McIntyre: Yes.

Shannon Polvi: And Doctor Nance was also paid, was not required to teach a course, is that correct?

Leonard McIntyre: That's correct.

Shannon Polvi: And if Doctor Nance had taught a course while she held the Dean position of Interim Transitional Studies and Distance Learning she would have been paid a stipend?

Leonard McIntyre: Yes. That's the only Dean's position that that would happen for. Yes.

Shannon Polvi: And just to kind of flesh that out for rationale for why for the Board, is it accurate to say that during the tenure that you were President you combined Transitional Studies and Distance Learning as one Dean position even though it's two separate departments?

Leonard McIntyre: Mm-hmm.

Shannon Polvi: Sorry, for the record.

Leonard McIntyre: As a cost savings measure.

Shannon Polvi: But, just for the, verbal for the record.

Leonard McIntyre: Yes. I'm sorry.

Shannon Polvi: Thanks. So, when Miss Jackson received this stipend for \$1,500 for teaching the Intro to Business while she was the Interim Dean of Transitional Studies and Distance Learning as of February 25, 2016, that was an appropriate income that she received?

Leonard McIntyre: Yes.

Shannon Polvi: Bear with me, just keeping up with the key things that we need to follow up on.

Shannon Polvi: And then, turning to Page 255.

Shannon Polvi: This 255 indicates the transition of Miss Jackson from the Interim Dean of Transitional Studies and Distance Learning to the Interim Dean of Business Computers and Related Technologies, is that accurate?

Leonard McIntyre: That is.

Shannon Polvi: And in here it indicates that Miss Jackson's immediate supervisor would be the Vice President of Academic Affairs, which would be in a different role within the college?

Leonard McIntyre: Mm-hmm.

Shannon Polvi: She would have a different supervisor than she had had before?

Leonard McIntyre: Wait a minute now. A different supervisor than she had when she was in Transitional Studies?

Shannon Polvi: Yes.

Leonard McIntyre: Well, there was a transition at the upper level, from Doctor Fields to Miss Richardson. So, she would have had both.

Shannon Polvi: And Mr. Boykin asked you a series of questions about essentially classification, when there's some transitioning, of course, with Miss Jackson's position from Administrative Coordinator within the President's Office to these Interim Dean roles. And there was some questions about the FTE and essentially her listing.

Would it be accurate to say that the HR division within the college and the State Tech system continued to keep Miss Jackson keyed as an Administrative Coordinator?

Leonard McIntyre: Yes. I would say, yes. This arrangement was one that was ... It was given to me through the advice of the Director of Human Resources. To keep her FTE because she was going into an Interim position, and simply add a percentage for taking the position, which ended up giving her a salary that was probably \$20,000 less than the person who was in the position before.

Shannon Polvi: In regards to ... Let me find the right page for us. Page 98 refers to the additional duties of Assistant to Area Commissioners. And Miss Jackson was thereafter paid \$550 per pay period more, after that time. Is it accurate to say that while she was having to perform duties with the Commission, she was having to work additionally on weekends?

Leonard McIntyre: Yes.

Shannon Polvi: And that she was working more after hours, like more after a nine to five type of job?

Leonard McIntyre: Definitely.

Shannon Polvi: And was she on call for all seven of the Commissioners at all times?

Leonard McIntyre: At all times.

Shannon Polvi: And would that be 24/7?

Leonard McIntyre: Yes.

Shannon Polvi: And was that ...

Charles Boykin: She's leading.

Shannon Polvi: I ...

Charles Boykin: I'm objecting, she's leading. She's actually testifying.

Kevin Maroney: Rephrase the question, Miss Polvi.

Shannon Polvi: When the Assistant to Area Commissioner position and pay was granted to Miss Jackson, who initiated that process?

Leonard McIntyre: Oh, gee. Well, when you say the process, do you mean it generally? The paperwork? Or the idea of her being paid for the position?

Shannon Polvi: The idea.

Leonard McIntyre: It was a Board Chair at the time. And it was discussed with the Board members.

Shannon Polvi: Is it accurate that ... Or I can clarify. Is that when we've talked about, during your testimony, we've talked about multiple pay changes that Miss Jackson had during the many years that she was employed at the college. Were those different pay changes initiated by different people?

Leonard McIntyre: Yeah.

Shannon Polvi: And would they have been appropriate for the duties she was performing?

Leonard McIntyre: Mm-hmm.

Shannon Polvi: Sorry, for the record.

Leonard McIntyre: Yes.

Shannon Polvi: Okay, you were asked a series of questions about the, I guess an apartment at the school.

Leonard McIntyre: Mm-hmm.

Shannon Polvi: Was it accurate that that was not anything related to Miss Jackson?

Leonard McIntyre: Oh, yes.

Kevin Maroney: Miss Polvi, be careful with the leading questions.

Shannon Polvi: I'd like to draw your attention towards the back of the record, 256.

Shannon Polvi: Yes, 256.

Leonard McIntyre: 256.

Shannon Polvi: This document is a ... It's a tad blurry, but still I believe legible. This is a State of South Carolina position description. Is it your understanding ... Or, what is your understanding of this document?

Leonard McIntyre: Let's see.

Leonard McIntyre: This is a position description for the Administrative Assistant's position.

Shannon Polvi: Within it, does this describe the type of duties the Administrative Coordinator, or Administrative Assistants in the President's Office were performing?

Leonard McIntyre: That's the purpose of the document.

Shannon Polvi: Do you see any mention here within that those duties would include working with the Board Commission, the Area Commission?

Leonard McIntyre: Whoo. I don't ... See, I don't see anything.

Shannon Polvi: And then looking, you know we just looked at the Coordinator position. Next, Page 257, 258 is an Interim Dean position description. What do you observe are the differences between those positions?

Leonard McIntyre: Well, the requirements.

Charles Boykin: Object. These documents are unsigned.

Kevin Maroney: They've been admitted into Exhibit One. And I think the question was about what they ...

Shannon Polvi: What differences there are in terms of the duties.

Charles Boykin: They don't apply. Okay, withdrawn.

Shannon Polvi: And you by no means have to read it verbatim. Just kind of your ... What you note as the former President of a college, what would be the differences between what she was performing as an Administrative Coordinator and what might merit her receiving more pay for performing these Interim Dean roles.

Leonard McIntyre: Well, certainly these duties required more credentials, in terms of ... The qualifications. And more accountability, more responsibility. That's basically what I can tell you. There's a big difference between what is expected from one position to the next.

Shannon Polvi: And was Miss Jackson capable of performing the duties of both roles?

Leonard McIntyre: She proved that, yes.

Shannon Polvi: And would it be ... As common sense, that someone couldn't be performing all of these full time roles at the same time, that even if Miss Jackson was keyed as one position she, as a full time job, would only have been doing one of these?

Leonard McIntyre: Absolutely, only one.

Shannon Polvi: Those are all my questions.

Glenise Elmore: Okay.

Charles Boykin: Just a couple of questions on re-cross for me.

Charles Boykin: With regard to 257, Doctor McIntyre.

Leonard McIntyre: Yes, sir.

Charles Boykin: That position was not covered as a protected State employee for Miss Jackson, is it?

Leonard McIntyre: It's not protected?

Charles Boykin: It was at will, was it not?

Leonard McIntyre: That would be correct.

Charles Boykin: In fact, as we stand here today, the only current position is the Assistant to the President, isn't that correct?

Leonard McIntyre: Mm-hmm.

Charles Boykin: The Assistant to the Area Commission wasn't covered, was it, Doctor McIntyre?

Leonard McIntyre: No.

Charles Boykin: Okay. The Adjunct Faculty is not covered, is it Doctor McIntyre?

Leonard McIntyre: No.

Charles Boykin: Okay. The Interim Dean is not covered, is it?

Leonard McIntyre: Right.

Charles Boykin: Okay. Now, Doctor McIntyre you testified a couple of times that you would have Interim Deans with no teaching load. Is that correct? Is that your testimony earlier?

Leonard McIntyre: Well, no, not necessarily. I was trying to state that the only Dean's position that did not require a teaching load was that of the Dean for Transitional Studies. All of the other Deans are required to teach.

Charles Boykin: Okay. Madam Chair, there is a State policy that requires the academic load for all Deans. And I would like to give ...

Shannon Polvi: Objection. This is, you're essentially testifying to the Board about ...

Charles Boykin: I'm saying, the policy will speak for itself, but I'm laying the foundation for producing it. And I'm happy to hand it to you. And I'd just like to get it into the record. We have copies for the entire panel.

Shannon Polvi: I would object. If the agency had wanted this admitted as an exhibit, it would have had to have been done before. And I would argue that it's not applicable in this line of questioning.

Charles Boykin: We had no way of knowing that the President would come and testify that he was not complying with this policy.

Shannon Polvi: That was not at all his testimony. But ...

Shannon Polvi: [crosstalk 00:21:05]

Shannon Polvi: And I would add, as additional support for my objection ...

Charles Boykin: Madam Chair, excuse me. The witness needs to take a personal moment.

Glenise Elmore: Oh, that's fine. Let's go ahead and ...

Shannon Polvi: Well, can I add my, while he's in the restroom or ...

Kevin Maroney: No.

Shannon Polvi: Just to keep kind of like ... I can go ahead and put my further objection on the record while he goes.

Kevin Maroney: Sure.

Leonard McIntyre: Thank you.

Shannon Polvi: Okay, is that I would note, and I'm not at all stipulating to any of what being would come in as the record, but it does refer to FTE position, and Mr. Boykin's put into testimony during his cross and different things that the FTE for my client was not Interim Dean. That they keyed her as Administrative Coordinator. So, then ... This comes into question, if he's ... Essentially it's trying to approach the argument from two different angles.

Shannon Polvi: If he's saying she can't grieve her Interim Dean role, then why is this Dean role relevant. I would argue that it ultimately would add additional burden to the agency to have added additional measures to their grievance.

Kevin Maroney: Let me just see if I can get both of your arguments together, okay. Mr. Boykin would like to offer this in rebuttal to the testimony that Doctor McIntyre gave regarding the Interim Dean not having to teach. Miss Polvi, as I understood your argument there are two components. One is she was not ... An Interim Dean is not an FTE position so this document does not apply. And it adds a burden to the agency. You've gotta clarify that latter one for me.

Shannon Polvi: Well, essentially, if their argument ... I mean, she's grieving her entire end of employment. If they're trying to bifurcate into different areas of grievance, that would have been their responsibility to do prior, when she grieved her termination.

Kevin Maroney: If she ... Okay.

Shannon Polvi: So, and again, I'm not trying to open up that can of worms. I'm trying to prevent that. Is that I think it would be problematic for everyone.

Kevin Maroney: I think relevance. You're arguing relevance.

Shannon Polvi: Oh, we'll put it at relevance.

Kevin Maroney: And you can come back, of course. Mr. Boykin, if the FTE position was not part of the Interim Dean, than is this relevant? If she was keyed as an Administrative Coordinator as an FTE position, and this refers to a teacher as an FTE position, then is the fact that this applies to a teacher in an FTE position relevant, given that you're trying to rebut the contention that an Interim Dean does not have to carry a course load?

Charles Boykin: The relevance, and I'm not sure I ... Ask your question again. It took a turn.

Kevin Maroney: The Interim Dean is not an FTE position. This policy applies to FTE positions. So, why is this policy relevant to your attempt at rebutting that the Interim Dean had to carry a course load. This would not apply to the Interim Dean.

Charles Boykin: If I remember the witness's testimony he testified that the Dean. He didn't say whether it was FTE or Interim. The Dean of Transitional Studies did not have a teaching load. That was his testimony. And my point is, and if I recur, understood, because I'm trying to stay within the redirect, he mentioned that the prior person in the position, who would have been an FTE, was relieved of teaching duties. If I understood his testimony correctly. And my point was that the system-wide policy is meant to be enforced system-wide. I don't have a problem on removing for the FTE. But, his testimony in the position before she was in the position was not given a teaching load. He testified that persons in, Deans in this position, are not required to teach. And I'm saying compliance with policy credibility, then they are required to teach. Because that policy doesn't make that exemption from that standpoint. So, this just doesn't stay to Miss Jackson. This is recross, which is very narrow within the scope of redirect, and the redirect is where she took him on that answer.

Charles Boykin: Oh, I'm sorry. Excuse me. I'm sorry.

Kevin Maroney: Okay. So ...

Charles Boykin: Thank you, man.

Kevin Maroney: I can say that you're not offering this to rebut the contention that Miss Jackson did not have to carry a course load, because she was not an FTE. You are offering it to rebut the contention that the previous employee, who was an FTE teacher would have to have had a course load.

Charles Boykin: That the college has taken the position that it does not have to go with this policy, does not have to comply to this policy. I can argue at close. But, I'm just offering that to show the college's propensity for following the policy.

Kevin Maroney: I'm ...

Charles Boykin: Okay. Madam Chair. Conferring with counsel I will withdraw it.

Kevin Maroney: Okay.

Charles Boykin: No, I have it right now.

Glenise Elmore: Okay, thank you. Yeah.

Charles Boykin: That's all then, Chair.

Glenise Elmore: Any redirect?

Shannon Polvi: No, thank you.

Glenise Elmore: Any questions from the panel? Committee Attorney questions?

Glenise Elmore: May this witness be excused?

Shannon Polvi: Yes, Miss.

Glenise Elmore: Thank you, sir, you're excused.

Kevin Maroney: To recapitulate, a motion has been made by Ms. Polvi regarding the striking of witnesses from the agency's list. In addition, there has been a request from observing attorney regarding his ability to sit in tomorrow or for the remainder of today, Ms. Jackson testifies, and tomorrow during her testimony. Is that accurately reflect what we just discussed, everyone?

Emmanuel Ferguson: That's right, and if you want me to put my name on record, my name is Emmanuel Ferguson. I'm an attorney with the Cleveland and Conley, and I represent the college in two separate lawsuits. One filed by Dr. McIntyre against the college, and another filed by Ms. Carla Jackson against the college. I am here to observe the testimony of Dr. McIntyre and, if the board allows, to observe the testimony of Ms. Jackson. The reason I'm making this request now simply is because, if I'm not allowed, I'm not going to drive to Columbia to be told I'm not allowed. But if I am, I will. So if the board wants to make the determination of whether or not I be here for Ms. Jackson's testimony, I will accept it and plan accordingly.

Kevin Maroney: Do you have any objection, Ms. Polvi?

Shannon Polvi: I do. Just because it is a closed hearing and Mr. Ferguson has not been designated as a representative for the college in this proceeding. But what essentially I stipulate is that for Mr. McMaster and Mr. Ferguson to be present was for early this morning in regards to Dr. McIntyre's testimony. For those purposes, in terms of our initial session.

Kevin Maroney: Okay. So you're not giving consent for the separate lawsuit regarding, because I'm assuming you represent Ms. Jackson in that other lawsuit?

Shannon Polvi: I do.

Kevin Maroney: Okay. Just to clarify, Mr. Ferguson, you're representing the college in two actions? One brought by Ms. Jackson against the college, and one brought by Dr. McIntyre?

Emmanuel Ferguson: That is correct. And those are two separate lawsuits where we represent Denmark Technical College in a lawsuit, again, brought separately, one by Ms. Jackson, and another one, separately brought, by Dr. McIntyre against the college.

Kevin Maroney: Okay.

Kevin Maroney: Mr. Ferguson, I know you have a schedule to keep to. The chair has to make this ruling. I'm advising her on the things she must consider in doing it. If you wouldn't mind, we're going to deal with the motion, requested planning for the rest of today and tomorrow, and then ...

Emmanuel Ferguson: Not at all. If you'd like my contact, I didn't bring a card, but I can give you my contact information and you can email me.

Spencer Miller: Can we relay it? And you relay it to the parties? Okay.

Emmanuel Ferguson: Or you can relay it. You don't have to give me a decision today, which is fine. Whatever the decision is, it's fine with me. Again I just did it so I can determine whether to get into my car and drive the wrong way (laughing) [crosstalk 00:04:07]

Kevin Maroney: The email will be forthcoming.

Emmanuel Ferguson: Alright. Thanks a lot.

Kevin Maroney: We'll probably ... I was gonna say we were gonna address something else first, but I believe . . .

Kevin Maroney: Would you be opposed to starting the testimony and going through or does the chair want to ...

Shannon Polvi: I thought the business was to decide whether you wanted to strike.

Shannon Polvi: That too, for later purposes, but I just -

Kevin Maroney: But that will probably take, unless the counsels disagree with me, I have a feeling that will take the rest of the time.

Shannon Polvi: Because essentially, we're trying to figure out who they have to bring tomorrow, is why I wanted to plan accordingly.

Glenise Elmore: I don't recommend starting testimony before your witnesses today.

Charles Boykin: Given the motion that was made for this morning, which was denied, of course, and I have to check and see who will be available and who I can reasonably rely on. That's number one. Number two, and with all due respect to Ms. Polvi, the unfinished business is Ms. Donaldson's testimony still remains open and we're talking about limiting my case when she's had the benefit of directly examining Ms. Donaldson and I have not the benefit of cross. So there's some housekeeping details that must be addressed there.

Kevin Maroney: I was gonna wait for that once ... if Ms. Donaldson's not here tomorrow, Ms. Jackson still has to testify, so her case in fact is not over, so you are correct in pointing out that you have the ability and the right to cross-examine Ms. Donaldson, and if that could not occur for whatever reason, obviously a motion to strike her testimony would be made. But, right now, we can't speculate whether she will be here.

Charles Boykin: And we can't speculate as to who the witnesses are. We suggested this morning that, if were to go forward, it was going to be a problem for the witnesses. I don't know who all we have and I still object to having to ... I could make just a general proffer, but I'm not sure the standard that even Ms. Polvi is using or the court is using for me to get a witness into this chair. That's what I'm -

Kevin Maroney: Understood.

Shannon Polvi: The standard is that they're all supposed to be here at 9 AM, so that's ... my witness has waited, so your witnesses would in turn have to be available to be called as though we're proceeding.

Charles Boykin: Well the standard - I believe the standard is they would be here when they're called, not at 9am necessarily. But to be more precise, the issue that I'm looking for is what standard do I have to meet to at in motion in limine, how much of their testimony do I have to reveal before Ms. Polvi is satisfied that they can come up and testify?

Kevin Maroney: I think it would be the same that we did the first time we did this, where you said she would be off the form, this witness for example, she or he is gonna be called for impeachment purposes if such-and-such is discussed. I think at point, then you've given a plausible reason for the individual to remain on the list.

Charles Boykin: And it depends on how folk would testify. We gotta take a look and go from there.

Shannon Polvi: For rebuttal testimony, why it's just in terms of also timing is ours has gone lengthy, but we've only had a couple of witnesses and I'm hoping to just shrink for everybody's time, shrink to the most relevant, not repetitive. I'm not trying to limit the defense's ability to rebut Ms. Jackson's claims.

Glenise Elmore: And for the record, the panel is ready to hear all witness testimony.

Charles Boykin: And we're ready to put forth the witnesses that we need. Some may be long, some may be short, but to put forth on our case Ms. Polvi has presented some rather interesting testimony, and we think we ought to have the right to respond to that testimony, and not have somebody excluded arbitrarily.

Glenise Elmore: He's on the same list, correct? That were presented at the beginning.

Charles Boykin: Mm-hmm (affirmative).

Kevin Maroney: I think we're gonna, as what happened the first time the motion was made, Ms. Polvi, Mr. Boykin has made the declaration that these witnesses are going to be giving relevant testimony or be providing impeachment testimonies for something we said. I think for right now we leave the list as it is. If something comes up in the middle of the testimony, you, of course, can object at that

point. We can discuss whether that individual needs to testify further. So, for right now, the motion to ...

Shannon Polvi: Stayed.

Kevin Maroney: Denied. It is the end of the day.

Kevin Maroney: I believe the chair has made the decision regarding the attorney Mr. Ferguson, and the decision is to deny the request. Because it's not an open hearing and because the consent has not been given by the attorney, which was different from today's testimony with Dr. McIntyre, the court is not going to provide ... the chair is not going to provide the permission that was given to today. Alright?

Glenise Elmore: Good morning.

Shannon Polvi: Good morning.

Glenise Elmore: This is the third day of the hearing of the appeal of the termination instituted by Carla Jackson against South Carolina Technical College system being held in Columbia, South Carolina, the second day of February 2018. A record is being made of the hearing. For the record, my name is Glenise Elmore of the South Carolina Department of Social Services and other members of the state employee grievance committee present are Cliff Miller, Criminal Justice Academy, Christy Wicker, Department of Motor Vehicles, Christy Houston, Department of Health and Environmental Control, Melvin Warren, Department of Public Safety.

Glenise Elmore: New committee members observing today are: Shannon Wiley, Secretary of State's office, Jowanda Collier, Department of Mental Health. The Committee Attorney is Kevin Maroney, Attorney General's Office, Kevin Maroney. Appellant is represented by Shannon Polvi, the employing agency is represented by Charles Boykin. Assisting the committee is Spencer Miller, the Division of State Human Resources. Each side will be given an opportunity at the appropriate time to ask questions of the witness. The presiding officer, any member of the committee, or the committee attorney may direct questions to any party or witness at any time during the proceedings.

Glenise Elmore: Before closing a hearing, the presiding officer will allow both parties to present a brief summary or closing statement if they so desire. The appellant will have the option of closing first or last. I wish to point out the only testimony and evidence pertinent to the grounds on which the appeal based or pertinent to the charges on which the agency's action is based will be allowed. Testimony or evidence which is repetitive or cumulative will not be permitted. Are there any questions by each party?

Glenise Elmore: The appellant, the agency, witnesses, or anyone else related to the case are not to discuss the case with any member of the State Employee Grievance Committee before, during, or after the hearing until the final decision is reached. The only time the case is to be discussed is during the formal hearing procedure. A matter is still considered to be pending for the committee during the time involved in a request for reconsideration of a committee's decision or until the time has passed for an appeal to the administrative law court. The only time the case is to be discussed is during the formal hearing procedures.

Glenise Elmore: After hearing this appeal the committee will record its findings and decision in writing to the employee and the employing agency within 20 calendar days of the conclusion of the hearing. The decision shall be final in terms of administrative review. This hearing remains in executive session. Alright, we're ready for our next witness.

Shannon Polvi: We just had a few kind of initial matters to cover, but again just with the witnesses that were called on, is that we have not been able to get a hold of Ms. Donaldson to return her for cross examination by Mr. Boykin. If things change between now and the close of our case in chief.

Glenise Elmore: Okay

Shannon Polvi: I just wanted you to know that is kind of our status right now. And then in regards to Ms. Gwendolyn Bamberg, she's the witness that's listed both on our witness list and the agency's witness list, she had a death in the family yesterday and we have not been able to contact her for those reasons for her to appear. So my intent would be to potentially save her, her testimony until a time when she can be presented. She is a current employee of the college, so there shouldn't be an issue with her subpoena getting her here, she would be a paid employee during that time, a state employee. But I want to be sensitive to, to her needs, you know having a death in her family.

Glenise Elmore: So today you will be calling Ms. Jackson and then the other, one of the other witnesses that's on our list, Ms. Teresa Mack. Uh, she's unable to come, she did do an affidavit, which I have here that list out the questions that she was asked and the answers that she gave and it's under oath, her testimony. I would submit that just as an exhibit to the record. So we are prepared to hear your witness this morning, and for that we will turn it over to the agency to start their witnesses.

Charles Boykin: My only question is ...

Kevin Maroney: Ms. Polvi are you, you're, you are intending to call Gwendolyn Bamberg?

Shannon Polvi: Yes. If, if she can, I don't intend to compel her to court if funeral-wise she's not able to get here. But she is a current employee of the college, so I would say that, you know, if we're not able to resolve today, which of course hope is, but just logistically-wise it's on the list if we do have to go to a fourth day, maybe that makes sense for her to come on that day.

Kevin Maroney: Mr. Boykin do you have any objections to the course of action outlined by Ms. Polvi?

Charles Boykin: If I'm understanding what she's, she's suggesting that I proceed with my case and that she and she has a chance to reopen her, her case and she is not rebut my case, which I think is prejudicial and inappropriate and I would not go along with that, I would object to it.

Kevin Maroney: Just to clarify you, you would be okay if she, so Ms. Donaldson doesn't come today but at a later date you're able to cross examine her, you would be okay or no?

Charles Boykin: Okay, if you're talking about Ms. Donaldson, now I thought you were talking about Ms. Bamberg-

Kevin Maroney: Well, I was talking about both.

Charles Boykin: Okay, so first we'll, we will address Ms. Donaldson. If Ms. Donaldson is not here by the close of her case in chief, I will move to strike her testimony. [crosstalk 00:06:39]

Kevin Maroney: Go ahead

Charles Boykin: As far as Ms. Bamberg is concerned, if she's not here when she closes her case in chief, I will object to opening, to reopening her case in chief once I start mine. I will object to that with Ms. Bamberg, that would be my objection because I think it would be prejudicial to me. If she can use it as a rebuttal witness and stay within the case that she has rebutting, that's a different story. But as far as having the later to go into issues that weren't raised, in my case in chief, I . . . I would have serious objections to that.

Kevin Maroney: And as for the affidavit, do you have any-

Charles Boykin: I would object to the affidavit, A - I have not seen the affidavit, um, I don't know the circumstances upon which the affidavit was given, I have not spoken to the party at all, and I think it would be totally inappropriate to have the affidavit even published to compel.

Kevin Maroney: Ms. Polvi?

Shannon Polvi: In the regards to Ms. Mack, I mean she is no longer an employee of the college and she lives not near here, and though she was subpoenaed essentially she, the communication I received is that she was not able to come and that she started a new job and does not have much leave time. So I was trying to accommodate that as a now she's a third party witness. Um, and all of the questions she was asked are, are here for the evidence. And, and I was not even with her when she completed this, I simply sent her questions that I intended to ask her. So whatever her answers were, they were not at all with me or typed by me or by someone that worked with me.

Kevin Maroney: Okay, uh, regarding the affidavit, why don't, why don't we deal with that quickly if that's alright with you. As to Ms. Bamberg, if you, if she's not here today and you're otherwise done with your case in chief, I think Mr. Boykin makes a good point. It would be prejudicial to recall, or to call her after he's begun his case in chief. So that, that request would be denied. If and if she's not here-

Shannon Polvi: And if I may, I just actually got new information from my client. I believe she's actually at work today. So there's no reason why the current employee of the college can't be here. If she is under subpoena, so that would be, I feel like the

college's responsibility to ensure that their employee, who's been subpoenaed, is here.

Kevin Maroney: She's your witness.

Shannon Polvi: Right, which we have contacted her. But if she doesn't appear, I can't compel her. But they can, because she is a current employee.

Kevin Maroney: Okay. Let's take the easier one first. Can you provide the affidavit to Mr. Boykin, who can review it. If he still wishes to object to it as an exhibit, after reviewing it, then I'll rule on it if necessary.

Shannon Polvi: Sounds good.

Shannon Polvi: These are just the exhibits to it. Just give her the whole ...

Kevin Maroney: Mr. Boykin, can I confer with you for a moment?

Charles Boykin: Yep.

Kevin Maroney: I don't want to interrupt you and, certainly, when I'm done making the ruling on the subpoena issue, we can return to that. We'll address that issue next. Regarding the subpoena of Miss Bamberg, state tech, we don't have a record of a subpoena from state tech in the file. And off the record, Mr. Boykin indicated that they do not have a subpoena of Miss Bamberg. Is that correct, sir?

Charles Boykin: That is correct.

Kevin Maroney: Miss Polvi, you have the enforcement power. If you would like to take it to court and get someone from your office to take it to court to try to get it enforced, that's fine. But she's on the witness list. You have her under subpoena. She's not here. I do think it would be potential prejudicial to state tech if she's not here to then try to call her at a later date. So obviously, while your case in chief is going, you can attempt to get this subpoena enforced.

Kevin Maroney: As you are the only one with the enforcement power, though, I think I'm going to have to deny the request to call her at a later time once state tech has begun its case in chief.

Shannon Polvi: I would just say, respectfully for on the record, that I would object that ... I think that sets a bad precedent for agencies when a current employee works for them and they have control over whether she's at the school working or whether she's here working, because she's being paid either way during the time.

Kevin Maroney: With all due respect, she is your witness. She is under subpoena. I have no doubt that state tech would not try to interfere with her coming here if she were going to follow the subpoena because she's under a court order.

Charles Boykin: That's correct.

Kevin Maroney: So I don't think the fact that she works for state tech, I think is irrelevant. So, as I said, while your case in chief is going, you can attempt to get someone from your office to enforce the subpoena to get her here. If she's not here by the close of your case in chief, she will not be allowed to come back later and testify.

Shannon Polvi: Can I confer with my client on what action needs to be taken then? Because if it is something that someone else in my office needs to do while I'm here, it makes sense to do it contemporaneously.

Kevin Maroney: Certainly. Do you have a copy of the subpoena? Do you need this from the file?

Shannon Polvi: I would have it at the office, yeah.

Kevin Maroney: Okay. That's the ruling on that issue.

Charles Boykin: Do you want to take up the other one first?

Kevin Maroney: Mr. Boykin's still reviewing, so if we could go off the record, I can.

Kevin Maroney: Go ahead, Sir.

Charles Boykin: We just received a text from the President's office at Denmark Technical College. The text indicates that Ms. Bamberg is not at work today because she is on bereavement leave because she has a death in the family. Wherever that factors in, and I recognize that people have intel coming from different sources, but that's all we can rely on is what our talking to the President and the President saying this is the response to that question.

Kevin Maroney: Okay. Thank you.

Kevin Maroney: Thank you for that information.

Charles Boykin: I'm told the funeral is actually today.

Kevin Maroney: The funeral is today.

Charles Boykin: Yes. That's what I'm told.

Shannon Polvi: Are we still on the record? They did, in fact, subpoena Gwendolyn Bamberg. It's in the packet of the ones that I received of the agency's. I have it, at least in my file, the way I have it is the letter from Spencer and then after that, it's all of the ones that they subpoenaed and hers is in the midst of those.

Kevin Maroney: That's in ... [crosstalk 00:01:18]

Charles Boykin: Mr. Maroney, may I be heard?

Kevin Maroney: Of course.

Charles Boykin: The subpoenas that we were issued, we did not serve all of them because once we saw that she was on somebody's list, we didn't serve the subpoena on her.

Kevin Maroney: Okay, so there is a subpoena in here, but it's not served?

Charles Boykin: It may be in there but it's not served.

Kevin Maroney: Okay.

Shannon Polvi: And I would like it on the record that Ms. Bamberg was here the first day and was intending to testify. So I think, still the extenuating circumstances of a funeral, most likely is the reason why she has not been here yesterday or today or responded to our correspondence to try to get her here yesterday or today. I'm assuming, again I have had no one-on-one communications with Ms. Bamberg, but she was physically present here on day one of the hearing, intending to testify.

Kevin Maroney: I guess the other option before you is to move for a continuance. That would need to be done by emailing Terry Baggott, Spencer Miller and myself. Once that formal request was made, which Mr. Boykin would be able to confer with his colleagues and either object or agree to it.

Charles Boykin: My motion for continuance, based on the fact of trauma to the employees that has been ruled upon, I want to revisit that, if she's that important to Ms. Polvi's case. If she wants to just end with Carla Jackson today, and then we convene starting with Ms. Bamberg at a time that's more convenient, I would not object to that at all and we could hold at the bench a ruling on this affidavit if she could get Ms. Mack to appear in person and testify. I'm prepared to go forward but I don't have any desire to go forward in a way that's prejudicial to my case.

Kevin Maroney: I think that's a sensible solution and I appreciate your reasonableness on the items Mr. Boykin. Why don't you make the formal request.

Shannon Polvi: Can I confirm with my client ...

Kevin Maroney: Sure.

Shannon Polvi: ... step out.

Kevin Maroney: What's the guidelines on that? As I just said, I spoke with the chair regarding the affidavit and after our discussion, if the motion to damage is to be made, at a later date, if Ms. Mack is not here, an affidavit in lieu of testimony will not be allowed. She's on the witness list. The witness list is submitted with the expectation that all the witnesses will be here. She's under subpoena, she can be brought here. So, I think that's the guideline going forward, but we don't have to rule, well, no, I think we might as well just go ahead and say that right now.

Kevin Maroney: Without an affidavit, as she's been on the witness list, an affidavit in lieu of testimony will not be allowed in the future. I think we're going to be moving for a continuance, you'll let me know in a moment. If that's the case, there should be ample time before, to try to get that in order.

Shannon Polvi: Now, I've confirmed with my client. My client's gone over about a year now without income and she really wants to be able to resolve these grievances as expeditiously as possible. So, she would like to conclude her case in chief today and move as quickly as possible to conclude the grievance hearing to be able to move forward.

Kevin Maroney: Okay.

Shannon Polvi: So, we're not gonna request a continuance.

Kevin Maroney: Okay. In that case, then the ruling regarding the affidavit stands. And as I said before, if you'd like to try to get Ms. Bamberg, she is under subpoena, someone from your office can do that, and if she arrives prior to the closing of your case in chief, she'll be allowed to testify, of course. If she is not, she will not be allowed to be called.

Shannon Polvi: One, just again, on the record, if she is indeed at a funeral then there is no way to compel her, and I'm not the type of person that would do so, so [crosstalk 00:01:59]

Kevin Maroney: I understand, I understand. That's just an option. I'm not advising one way or the other. She is under subpoena, I'm not saying it should be done. I'm just saying, it is possible. That would be a decision, and I understand things come up. Obviously, I'm sympathetic. Death in the family is never what we want to hear about anyone going through. But it sounds like Ms. Jackson has made her decision to go forward?

Shannon Polvi: Yes.

Charles Boykin: I don't know if you need my response on the affidavit. I know you made the ruling sua sponte so, I don't know...

Kevin Maroney: Would you like to, I think the ruling is what the ruling is.

Charles Boykin: Yes, I would have objected to it on several grounds. The first and foremost, it's dated November 17th, 2017, that predates the initial date of hearing and we could have had a chance to take a look at it, that's the first. The second thing, their affidavit's attached but based on the testimony of the affiant, there were no affidavits attached to what they actually responded to. And, the third, it's just, I don't have a chance to cross examine. Totally inappropriate under the circumstances, but we have time if there is something that can be worked out. But November 17th is when it came into existence on whether that contemplate that person not being here or exactly what. All of those would be found my reasons for objecting.

Kevin Maroney: Okay.

Shannon Polvi: In considering it's not exhibit, we would like to return.

Kevin Maroney: Certainly. With those matters settled, we can move forward with the panel and proceed.

Kevin Maroney: Very briefly, for the panel. Two motions were made while the panel is out. You heard what some of them were. They have been resolved. There was a contemplation of a continuance by Ms. Jackson, but she has elected to move forward with the hearing today, so she is on the stand and ready to give her testimony.

Glenise Elmore: Okay.

Kevin Maroney: I think Ms. Jackson, you've already taken the oath on the first day, I believe. Okay, so we can move forward.

Glenise Elmore: All right. Ms. Jackson, will you state your full name for the record?

Carla Jackson: Carla Nikita Jackson.

Glenise Elmore: All right Ms. Jackson, that microphone is on to get your testimony, so if you could speak up loud enough for that, and to compensate for our little fan back here that we've got going. All right.

Shannon Polvi: Hello, Ms. Jackson. I'm gonna be asking you some background questions about your employment with Denmark Technical College. When did your employment start?

Carla Jackson: January of 2011.

Shannon Polvi: What position did you begin with Denmark Technical College?

Carla Jackson: Administrative Coordinator.

Shannon Polvi: What were your primary duties?

Carla Jackson: My primary duties were to supervise the office staff, to monitor the department budgets, basically manage the operation of the office to assist the president with the executive level documents in operation of the college, and to assist the executive staff as well.

Shannon Polvi: How long were you an Administrative Coordinator in the president's office?

Carla Jackson: From 2011 until 2015.

Shannon Polvi: And what was your role in 2015?

Carla Jackson: In 2015, I became the Interim Dean of Transitional Studies and Distance Education.

Shannon Polvi: How long were you in that role?

Carla Jackson: For about a year.

Shannon Polvi: After that, what role were you performing.

Carla Jackson: The Interim Dean of Business for Peer Related Technology.

Shannon Polvi: With the first interim dean position, the transitional studies and distance learning, what were your primary duties?

Carla Jackson: To supervise staffing and staff, advise students, provide leadership with the curriculum, to assist students with their needs, of course working towards a degree program.

Shannon Polvi: While you were in the Interim Dean of Transitional Studies and Distance Learning, was there a responsibility to teach courses as a part of your dean position?

Carla Jackson: No.

Shannon Polvi: Did you teach any courses during that time?

Carla Jackson: I did.

Shannon Polvi: Which courses were that?

Carla Jackson: There were business courses. Introduction to Business, Keyboarding, business management courses.

Shannon Polvi: While you were the Interim Dean of Transitional Studies, did you also teach courses? Or excuse me, that was the first one. Your second interim dean position with business related technology.

Carla Jackson: Yes.

Shannon Polvi: And what were those courses?

Carla Jackson: Basically the same courses. Keyboarding, Introduction to Business, business management courses, Introduction to Computers.

Shannon Polvi: Prior to serving in the interim dean roles, were you also an adjunct teacher? Professor?

Carla Jackson: Yes.

Shannon Polvi: Which courses did you teach at that time?

Carla Jackson: Which courses did I teach as a ... ?

Shannon Polvi: Adjunct.

Carla Jackson: Introduction to Computers, Introduction to Business, Keyboarding.

Shannon Polvi: You've heard testimony during your grievance hearing about your role as an assistant to the area commission. How long did you hold that role?

Carla Jackson: I wanna say probably about two years.

Shannon Polvi: While you held that position, did you receive supplemental pay?

Carla Jackson: I did.

Shannon Polvi: And what duties were you performing to warrant receiving supplemental pay?

Carla Jackson: I was doing the board packets, which prepare the boards for their meeting. I was doing travel for them. I was doing board briefs, working extensive hours, weekends; after hours as well. I was doing presentations, coordinating retreats, and being on call for all those special meetings.

Shannon Polvi: Were those duties that you just listed different from the duties you were performing in the president's office?

Carla Jackson: It was more extensive.

Shannon Polvi: Let's talk about some of your educational background, as it's relevant in what's listed in your termination notice. Where did you graduate from high school?

Carla Jackson: Allendale-Fairfax High.

Shannon Polvi: Where did you graduate from undergrad degree?

Carla Jackson: Claflin University.

Shannon Polvi: What is your degree in?

Carla Jackson: I have a dual degree; sociology and criminal justice administration.

Shannon Polvi: Did you have higher education beyond your undergraduate degree?

Carla Jackson: Yes. I have a Master of Business Administration with specialization in management.

Shannon Polvi: When did you earn your Master's Degree?

Carla Jackson: 2014. I think.

Shannon Polvi: Thank you for your indulgence, I'm finding an application. When you applied for your Master's degree, how long was the program to take for you to earn the degree?

Carla Jackson: It would have took approximately two years but I completed in a year because I'd already taken other courses at another institution.

Shannon Polvi: And where was the other institution?

Carla Jackson: Strayer University.

Shannon Polvi: And had you applied for tuition assistance from Denmark Technical College at that time? Went into the other courses?

Carla Jackson: Yes.

Shannon Polvi: When did you first ... When actually I can help with, if we can turn to page 142 of the record. Do you recognize this document?

Carla Jackson: I do.

Shannon Polvi: What is it?

Carla Jackson: This is a letter saying that I've been accepted to the American Intercontinental University. For my Master's in administration.

Shannon Polvi: And it indicates here that you are to begin enrollment around November of 2013, did you indeed start around that time?

Carla Jackson: Yes.

Shannon Polvi: Turning to the next page, it outlines the tuition and fees in this document. Are these the tuition and fees related to your degree?

Carla Jackson: Yes.

Shannon Polvi: And the next two pages are outline of the coursework of the specialization and management. Is this curriculum, what does this curriculum have to do with your performance at Denmark Technical College?

Carla Jackson: This curriculum enhanced my knowledge and skills with business practices at the college.

Shannon Polvi: Did that assist in one or more of your positions?

Carla Jackson: In both of my positions. Management was one of the main ones.

Shannon Polvi: Looking at the next page is 146. 151. Which relates to the tuition assistance program, how did you first hear about the tuition assistance program available to employees at Denmark Tech?

Carla Jackson: The tuition assistance program was something that was very normal for employees at the college. During meetings, the administration would inform employees that they had grant funds and ask if anyone was interested in it that they could apply for it, so I took advantage of that and I applied for it.

Shannon Polvi: And who was the person in charge of the tuition assistance program during the time that you applied?

Carla Jackson: Theresa Mack. Which is the grants director, Director of grants and contracts.

Shannon Polvi: Turn to page 149. Do you recognize this document?

Carla Jackson: I do.

Shannon Polvi: Was this your application for professional development assistance?

Carla Jackson: Yes.

Shannon Polvi: And is that kind of colloquially known as tuition assistance?

Carla Jackson: Yes.

Shannon Polvi: There's documentation here with responsive answers within the application. Did you complete those?

Carla Jackson: I did.

Shannon Polvi: Looking at the first page, who was your supervisor at the time that you applied for tuition assistance?

Carla Jackson: Dr. Joanne Boyd Scotland.

Shannon Polvi: What was her role at the time?

Carla Jackson: She was my immediate supervisor and the president and agency head .

Shannon Polvi: And I don't wanna sound indelicate but is she still living at this time?

Carla Jackson: No she's not.

Shannon Polvi: Looking at the first page of the application, it appears that you requested the reimbursement for you wished ... Under your master's degree is accurate?

Carla Jackson: That's correct.

Shannon Polvi: What did you describe in your application as being the purpose of the tuition assistance?

Carla Jackson: My purpose was to be able to enhance my skills in the areas of business theories and practices. Because of the entail of my job duties and responsibilities it required that I make quite a few business decisions. I worked with the executive staff as well as the president, so it enhanced my skills to be able to assist them in that way.

Shannon Polvi: And looking at the date of your application on page 150, it indicates October 1, 2013. Were you the administrative coordinator at the president's office at that time?

Carla Jackson: I was.

Shannon Polvi: If we can turn to page 257, please. Excuse me, one page before that, 256. So this describes a position description generally for administrative assistant. Would that have been kind of one level below you in terms of administrative assistant would have been below administrative coordinator?

Carla Jackson: It describes administrative coordinator.

Shannon Polvi: Looking at the bottom section that describes the position description itself, how was your master's degree related to these items?

Carla Jackson: For me, basically they have their knowledge of principles of business administration to be using the office of the president.

Shannon Polvi: And is that under number two within the position description?

Carla Jackson: Yes.

Shannon Polvi: And considering the timing, when you had the application for tuition assistance, how many presidents occurred after that, prior to your termination?

Carla Jackson: Two.

Shannon Polvi: And did either, Dr. Boyd Scotland or Dr. McIntyre ever raise any concern to you about ... First off, were those the two presidents prior to the last president, Dr. Hall?

Carla Jackson: Yes.

Shannon Polvi: And did either Dr. Boyd Scotland or Dr. McIntyre ever raise any concern to you about you receiving tuition assistance?

Carla Jackson: No.

Shannon Polvi: In applying for tuition assistance, who were the supervisors above you who would have to review that application?

Carla Jackson: Ms. Teresa Mack, who was the director of grants and contracts. The vice president of finance. And the president of the college.

Shannon Polvi: And looking back at page 151 please. There's signatures here with the approval box checked for your tuition assistance application. Do you recognize those signatures?

Carla Jackson: I do.

Shannon Polvi: Who are those signatures?

Carla Jackson: Dr. Joanne Boyd Scotland and Teresa Mack.

Shannon Polvi: And was Dr. Boyd Scotland your direct supervisor at the time?

Carla Jackson: Yes.

Shannon Polvi: She was also the president of the college at the time?

Carla Jackson: Yes.

Shannon Polvi: And Ms. Mack was the Title III director?

Carla Jackson: Yes.

Shannon Polvi: Were any concerns ever brought to you about your tuition assistance application prior to your termination?

Carla Jackson: No.

Shannon Polvi: With regard to your tuition assistance application, was it ... Let me rephrase. In regards to your tuition assistance application, how long after you had received the tuition assistance were you informed of any concern about it?

Carla Jackson: I was never informed of any concern about tuition assistance.

Shannon Polvi: And looking at comparing page 150 with the date of October 1, 2013, and then to your termination letter on page 23. Your termination letter shows it being sent to you on May 11th, 2017. About how long in between your receipt of tuition assistance and your termination had occurred?

Carla Jackson: I received tuition assistance around 2013 and I was not terminated until 2017. So it was about five years. Four years, four to five years.

Shannon Polvi: And looking at page 23, one of the allegations in your termination letter states your receipt of tuition payments in the amount of 26,000 for an educational program which was unrelated to your position with the college, even though you signed a statement acknowledging the requirements of the program must be related to your position with the college, is listed as a supporting fact for your termination. What is your opinion of that?

Carla Jackson: I don't see how it would be unrelated when basically the whole college operation is business so I don't understand how it would be unrelated. My degree was in business administration and my specialization was in management. I supervised office staff, I monitor budgets, I disagree with it.

Shannon Polvi: And prior to this allegation being listed in your termination notice, had anyone told you that that was an accusation against you?

Carla Jackson: No.

Shannon Polvi: What was your understanding of whether you had completed the necessary steps for tuition assistance?

Carla Jackson: Repeat that question?

Shannon Polvi: What was your understanding of your completing the requirements of the tuition assistance program?

Carla Jackson: What was my understanding?

Shannon Polvi: Of you completing it. Did you or did you not complete it?

Carla Jackson: I did complete it.

Shannon Polvi: Are you aware of any other Denmark Technical College employees being terminated for receiving tuition assistance?

Carla Jackson: No.

Shannon Polvi: Are you aware of any other Denmark Technical College employees who've been reprimanded in any form for receiving tuition assistance?

Carla Jackson: No.

Shannon Polvi: What is your understanding of whether any rules, regulations, or policies were violated by you receiving tuition assistance?

Carla Jackson: I'm not aware of any rules or regulations that I violated. I haven't been given a single document, so I'm not aware of.

Shannon Polvi: With tuition assistance, did any concern ever come to your attention about the application process?

Carla Jackson: No.

Shannon Polvi: Is there anything else that you think is important for the panel to know about the tuition assistance program before we move on to another topic?

Carla Jackson: When I applied for tuition assistance in 2013, just like any other employee would, I turned my application in, all the signature to approve it, I completed the degree program. I did anything that any other employee would do so I don't understand why that would be a part of my termination. I did everything that any other employee would have done. And I've seen another application as well just like mine so I don't understand why I would be terminated for receiving tuition assistance. That was considerably unrelated to my position when I applied just like any other employee.

Carla Jackson: And then it was 2013 when I did apply and receive tuition assistance and I get terminated for it in 2017.

Shannon Polvi: One thing I hadn't asked you about yet is are you knowledgeable of the auditing process of the grants and contracts?

Carla Jackson: I am.

Shannon Polvi: How often does that occur?

Carla Jackson: A yearly audit.

Shannon Polvi: So my calculation, there would have been about four audits in between the time that you received tuition reimbursement and the time you were terminated.

Carla Jackson: Correct.

Shannon Polvi: And was there any concerns brought from those audits about your tuition assistance?

Carla Jackson: No, ma'am.

Shannon Polvi: So I wanna next ask you more about your pay, the income that you received while employed with Denmark Technical College. Let's start at the beginning and work our way out. In terms of your standard net pay, what was your salary?

Carla Jackson: For the ...

Shannon Polvi: End of employment.

Carla Jackson: End of employment? Around 55,000.

Shannon Polvi: What supplemental pay were you receiving at that time?

Carla Jackson: The interim dean of business and ... The executive assistant to the board.

Shannon Polvi: Was the income you were receiving related to the positions you were performing?

Carla Jackson: Yes.

Shannon Polvi: How so?

Carla Jackson: For the interim dean of business, I was the dean of business, so I supervised and managed a department. For the executive assistant to the board, I prepared documents, coordinated meetings, review minutes, did travel, worked extensive hours, weekends.

Shannon Polvi: And let's also start with your termination notice. The second supporting ground for your termination relates to pay increases that you received. The quote within it starts with "Additionally, your role as Administrative Coordinator I to the President, you received pay increases which were approved using the president's stamp but had no supporting documentation." What is your opinion about that sentence?

Carla Jackson: What page is that on?

Shannon Polvi: 23. It's in the middle of the second paragraph.

Carla Jackson: Well, first, I did not receive pay in increases. There was supplemental pay. The other thing, which was approved using the president's stamp, but had no supporting documentation. I don't know how that would be because the personnel action forms that drives for employees to get paid so there had to be some type of documentation order to pay me for the supplemental pay that I received, so it had to be some type of documentation for HR payrolls, someone had to have something to put into the system.

Shannon Polvi: Did you in any way ever pay yourself?

Carla Jackson: No, it's not possible.

Shannon Polvi: And what are the, essentially, procedures in place that prevent someone from being able to pay themselves?

Carla Jackson: Well, there's a document, the personnel action from that is actually initiated by the supervisor wherever the employee ... Department the employee works in. I mean, goes from that supervisor to division head, from the division head to the vice president of finance. If it's an academic area, it'll go to the vice president of academics. Department, I mean, then it'll go to the vice president of finance and then the president would be the final signature. It also goes director of human resources, and then after that document is signed off, there has to be a transaction between HR, payroll, not sure who enters in the information, but someone has to enter into the computer system that we have at the college.

Carla Jackson: To input any pay increases or any supplemental pay, so with all those signatures and then someone has to enter it into the computer system. There's no way that no one could pay themselves with so many hands on the documents and so many check and balances.

Shannon Polvi: And there seems to be some question as to the use of the president stamp versus president signature. Did you at any point authorize your own pay increases with the president stamp?

Carla Jackson: No.

Shannon Polvi: Looking at page 98 in the record, please. Is this the payroll action form that you were just referencing in your testimony?

Carla Jackson: Yes.

Shannon Polvi: And this particular form refers to when you received supplemental pay for taking on the role with the area commission?

Carla Jackson: Yes.

Shannon Polvi: Looking at this form, does it appear to approve you receiving that income?

Carla Jackson: Yes.

Shannon Polvi: Did you initiate this form?

Carla Jackson: No.

Shannon Polvi: And is your signature on it?

Carla Jackson: No.

Kevin Maroney: Ms. Polvi, that's a leading question, be careful about that.

Shannon Polvi: When payroll action forms were initiated on your behalf, what is your understanding of what occurred?

Carla Jackson: It would go through the process of getting all the signatures. Once all the signatures are received, it would go to HR or payroll and it would be entered and everybody would be processed at that point.

Shannon Polvi: Turning to the next page, 99. What is this document?

Carla Jackson: This document is a request for me to get paid for teaching a course.

Shannon Polvi: Is your signature located anywhere on the document?

Carla Jackson: No.

Shannon Polvi: Prior to you receiving the grievance packet, had you ever seen it before?

Carla Jackson: No.

Shannon Polvi: Looking at the date on the document, February 25th, 2016, what role were you performing at that time?

Carla Jackson: I was in the interim dean of transitional studies and distance education at the time.

Shannon Polvi: And prior to you serving in that role, who was in the dean role?

Carla Jackson: Repeat that again?

Shannon Polvi: Prior to you serving as the dean of transitional studies and distance learning, who was the individual in that role?

Carla Jackson: Dr. Nance.

Shannon Polvi: When Dr. Nance was the dean, did she teach courses at the college?

Carla Jackson: She did teach courses. In other areas.

Shannon Polvi: And did she receive supplemental pay, to the best of your knowledge?

Carla Jackson: Yes. Transitional studies.

Shannon Polvi: To your knowledge, what's the employment status of Dr. Nance?

Carla Jackson: She's no longer at the college.

Shannon Polvi: Do you know whether she left voluntarily or involuntarily?

Carla Jackson: I think she left voluntarily.

Shannon Polvi: To the best of your knowledge, was anything related to the end of her employment related to her receiving supplemental pay?

Carla Jackson: No.

Shannon Polvi: Then looking at page 100 and 101. Do these documents also refer to you teaching additional courses?

Carla Jackson: Yes, when I was the administrative coordinator. As a adjunct.

Shannon Polvi: And looking on the ... On page 100, the date here indicates May sixth, 2015, what was your role at the time?

Carla Jackson: The administrative coordinator.

Shannon Polvi: And it would have been appropriate for you to receive supplemental pay for teaching at that time.

Carla Jackson: Yes, as an adjunct.

Shannon Polvi: And you started the interim dean role later that year in October, is that correct?

Carla Jackson: That's correct.

Shannon Polvi: What is your understanding of the president's stamp?

Carla Jackson: My understanding of the president's stamp is we use that as authorization of the president.

Shannon Polvi: During your tenure with Denmark Technical College, was it used by multiple presidents?

Carla Jackson: Yes.

Shannon Polvi: And how many presidents did you work with during your tenure at the college?

Carla Jackson: Three.

Shannon Polvi: Who were they?

Carla Jackson: Dr. Townsend, Dr. Scotland, and Dr. McIntyre. And actually there's a fourth, and Dr. Hall for a short period.

Shannon Polvi: Under what circumstances were you authorized to use the president's stamp?

Carla Jackson: Whenever the president authorized me to do so, there was various documents that came into the president's office, so whenever the president authorized me to do.

Shannon Polvi: Where there other individuals other than you who were authorized to use the president's stamp?

Carla Jackson: Yes.

Shannon Polvi: Who were they?

Carla Jackson: Shirley Young, Betty Dowling, Gwendolyn Bamberg, Cecil Jackson. I think that's it.

Shannon Polvi: And if a president's stamp was used on a document, would you be able to ascertain who did the stamping?

Carla Jackson: No.

Shannon Polvi: Did you at any point use the president's stamp when you were not authorized?

Carla Jackson: No.

Shannon Polvi: Did you stamp any of your own personal documents?

Carla Jackson: No.

Shannon Polvi: Before I transition to another topic, is there any other thing that you need the board to know or the panel to know about your pay?

Carla Jackson: In reference to may pay, every job or responsibility that I had, I completed the ... Every job duty that I was given, as the assistant to the board, I was given supplemental pay. I did those job duties as the interim dean of transitional studies. I completed those job duties, in fact, I was paid 20,000 dollars less than my predecessor or the person who was actually the permanent dean, so it actually was a cost saving to the college as well. So I actually did the work that I was paid to do.

Shannon Polvi: With regard to your performance, when you are evaluated and receive feedback, what feedback did you receive from your supervisors?

Carla Jackson: All of my evaluation have been exceptional. I've had good evaluation, every evaluation from the administrative coordinator to the president, all the presidents. As interim dean of business, as adjunct, as interim dean of transitional studies, I've received exceptional reviews on all of my evaluations.

Shannon Polvi: In regard to your evaluating supervisors, about how many evaluated you during your tenure at Denmark Technical College?

Carla Jackson: Five or six.

Shannon Polvi: And did those include both presidents of the college and VPs and directors?

Carla Jackson: Three presidents. Two VPs, one dean.

Shannon Polvi: And all of those individuals positively-

Carla Jackson: Yes.

Shannon Polvi: ... recommended you? Evaluated you?

Carla Jackson: Yes, evaluated me.

Shannon Polvi: Looking at page 103. Actually, if we span, let's do ... The entire section of attachment B within the record, which spans from 96 to 106, are the documents related to your pay. And one of the accusations in your termination notice is that there's not documentation of the pay which you received. Do these, and I'll let you take time to look at it, but do these documents which range from 96 to 106, in writing, reflect the income that you received from Denmark Technical College? Take the time.

Carla Jackson: My answer would be yes, 'cause from 97 to 106, it shows where I received a letter telling me about my additional duties and what I would be paid and then the personnel action forms that I was thinking of that drives the request for employee to be paid, shows the amount and it has all the signatures on there for me to be paid. So this would be the documentation as used at the institution for myself or any other employee.

Shannon Polvi: I'm looking at the documents, 96 through 106, are you the initiating individual for any of these pay changes that you received?

Carla Jackson: No.

Shannon Polvi: So like my segue to the transition from Dr. McIntyre as president to Dr. Hall as interim president, around when did that occur?

Carla Jackson: Around January the 31st of 2017. The end of January.

Shannon Polvi: After Dr. Hall became the interim president, what interactions did you have with him?

Carla Jackson: I had very little interaction with him. No more than meeting him.

Shannon Polvi: When did you first communicate with him about any type of concerns?

Carla Jackson: On February 14th, I received a letter stating that there was gonna be a change with my supplemental pay, so I went to the HR department to find what was the reason because it didn't give a reason why, but it said that the college operation was being investigated so therefore they were suspending supplement pay and so when I went to the HR department, the HR manager at that time told me that they had got instructions from Dr. Hall to suspend my supplemental pay. So I then in turn went to visit Dr. Hall and ask him about my supplemental pay. He indicated that he had got instructions from Dr. Hardee from State Tech to do so, he didn't have a reason why.

Carla Jackson: Also, I asked because I noticed, we normally get paid on the first or the 15th of the month. While I was in HR, I noticed that I had a pay change on my paycheck so I inquired about that as well, 'cause I had one letter talking about supplemented pay but I didn't have anything about my base salary being changed, so I inquired about that. Of course, the HR manager told me that it was done by the instruction of Dr. Hall. So when I did speak with Dr. Hall, he indicated also that that was instructions that came from Dr. Hardee and so we had a discussion in reference to the supplemental pay and I did tell him that my rights was being violated for changing my pay without giving me notice. It was one thing giving me a letter about my supplemented pay but changing my base salary without me knowing, me having to find out on my payroll check that they have took away my pay was violating my rights. He indicated that he understood, but he was getting his instructions from Dr. Hardee.

Carla Jackson: He also mentioned that he had talked to legal counsel which would have been Mr. Boykins.

Charles Boykin: I would object. That's a speculation, she has no idea, whether he talked to me or not so I think it's inappropriate for me to appear in the record in that way.

Kevin Maroney: I think she said she suspects it would have been you.

Charles Boykin: Which is speculation, that she's speculating me into the record. I think it's wholly inappropriate, that's basically my objection.

Carla Jackson: I said that he told me that. Mr. Boykins.

Charles Boykin: That's hearsay, but that's not what she said, she said "Which would have been Mr. Boykins" is what she said.

Shannon Polvi: And I would say with the exception of, it's a statement by a party opponent.

Kevin Maroney: If the statement came from Dr. Hall, then it would be an admission by a party opponent, not hearsay.

Charles Boykin: That wasn't her original testimony. She said, her original testimony was he got legal advice which would have been Mr. Boykins and she pointed toward me, that's what she said, and that's what I objected to.

Kevin Maroney: That statement will be stricken, if you'd like to move on, continue on.

Carla Jackson: I spoke to Dr. Hall in reference to my supplemented pay as well as my pay increase being changed. I indicated to him that my rights were being violated, he referenced to not notifying me that they had made a change to my pay. He then in turn told me that Dr. Hardee had instructed him to do so, didn't know the reason why. He also said that he had spoke to legal counsel, Mr. Charles Boykins, and he said that it was within their rights that they could do so. So of course, I left the office after that, I immediately contacted the department of labor, I made a complaint in reference to my pay change on February 15th, which would have been the next day.

Carla Jackson: I received a call from Dr. Hall around about 4:30 that afternoon, called me to his office. When I got to this office, Dr. Hall, Ms. Mary Oakman-Long, and another HR person was sitting there. He gave me a letter, basically told me that I was gonna be placed on investigatory suspension and that the college operation was being investigated and I would be notified. I asked him what was I being investigated for, college operation, that could be very vague, could he tell me what I did wrong or what I was being investigated for? He didn't have an answer for that, he just told me that they would be in contact with me.

Shannon Polvi: Looking at page 252 in the record. Is this a subsequent correspondence you received from LLR in regards to a complaint?

Carla Jackson: Yes, this is after I was suspended.

Shannon Polvi: And was the timing, and I think I'm clear but just to clarify, the timing of when you made the complaint to LLR, when did that occur in relation to your suspension?

Carla Jackson: I made the complaint to Dr. Hall on February, the 14th. February 15th is when I made the complaint to LLR. And then I received this notice, so it would probably be five or six days afterward that I received this note from LLR.

Shannon Polvi: Had you made the complaint prior to you being suspended?

Carla Jackson: Yes.

Shannon Polvi: And then if we can turn to page 68 of the record, has your suspension notice. Is this the notice you were referring to in your testimony when you said you were suspended?

Carla Jackson: Yes.

Shannon Polvi: And here it states that you were placed on investigatory suspension, that's the only description there and then in terms of your verbal communications when you received this, were you told what the investigation was about?

Carla Jackson: No.

Shannon Polvi: Next, it says without pay, effective immediately, did you receive any pay after that date?

Carla Jackson: No.

Shannon Polvi: How long did you go without pay prior to you being terminated?

Carla Jackson: The whole entire time.

Shannon Polvi: And at the end of this first paragraph, it states for allegations surrounding your involvement and improper conduct with regard to college operations, were you given any further information as to what that is?

Carla Jackson: No, but I did ask.

Shannon Polvi: How many times did you ask?

Carla Jackson: Probably around five or six times, every hearing that I had. I asked each time.

Shannon Polvi: And were you given anything in return?

Carla Jackson: No.

Shannon Polvi: Looking at your termination notice, do you see any of the allegations in your termination notice, in your suspension notice? Your termination notice is on 23.

Carla Jackson: Can you repeat that question?

Shannon Polvi: Do you see any of the specific allegations put in your termination notice in your suspension notice?

Carla Jackson: No.

Shannon Polvi: The allegations that are in your termination notice, with the specificity, is in the second paragraph. And it refers to your receipt of tuition assistance and your pay increases, allegedly not supporting documentation. And it accuses you of violating the South Carolina Ethics Act. Did you in any way violate the South Carolina Ethics Act?

Carla Jackson: No, not to my knowledge.

Shannon Polvi: When you communicated with Denmark Technical College, human resources department, what did you communicate to them?

Carla Jackson: When I went to them in reference to my supplemental pay, I wanted to know what was the reason for the change. When I asked about the payroll change for my base salary, I also asked what was the reason for the change, but only information I could get was Dr. Hall instructed her to do so, so that's why I went to Dr. Hall to find out what was going on because she had very little information. Only thing she was to do was to just take action.

Shannon Polvi: Prior to you being suspended, were you asked by anyone about your tuition assistance?

Carla Jackson: No.

Shannon Polvi: Prior to you being suspended, were you asked by anyone whether you had authorized your own pay, or that it didn't have supporting documentation?

Carla Jackson: No.

Shannon Polvi: With regard to the reduction in your pay right before your suspension, were you still performing the interim dean of business related technologies at that time?

Carla Jackson: I was, yes.

Shannon Polvi: So when your pay was changed, you were performing duties that you were not being paid for?

Carla Jackson: Repeat that again?

Shannon Polvi: So at the time that your pay was changed, you were performing duties that you would then not be paid for? [inaudible 00:54:48] Clarify. When your pay changed and was reduced and you were still performing the interim dean of business related technologies position, would your employment thereafter, if it had continued where you would be paid, would you have been paid for work that you... well would you have been paid appropriately? I'll just keep it open ended. You can infer.

Carla Jackson: Yes.

Shannon Polvi: And explain to the panel how.

Carla Jackson: The supplemental pay would have been for doing the interim dean business, but I had a base pay and so when I assumed the position for the interim dean of business, I got supplement paid. The pay change was made to my base salary.

Shannon Polvi: And supplemental pay, right?

Carla Jackson: And supplemental pay.

Shannon Polvi: So from there, so as of the date that you're notified that your pay is gonna be changed, would you have been paid appropriately after that for the duties and work that you were performing?

Carla Jackson: Yes, I would have.

Shannon Polvi: That you would have been paid--

Charles Boykin: Asked and answered.

Kevin Maroney: It is asked and answered. If you would like to rephrase or clarify something in a different way, you shall do that, but that question is asked and answered.

Shannon Polvi: In regards to your pay, when it was reduced and you were performing the assistant to the area commission role and the interim dean role, while you were doing that work, should you have been paid for performing those duties?

Carla Jackson: Yes.

Kevin Maroney: Ms. Polvi, you realize this testimony is perhaps a little difficult to bring out, leading questions are to be limited on the record. Giving you a little leeway because this is Ms. Jackson's time to be heard and you are allowed some, but let's try to rein it in, okay?

Shannon Polvi: Actually, can we get a restroom break?

Glenise Elmore: Sure can. Let's start back at 11:00.

Shannon Polvi: Thank you.

Glenise Elmore: We're ready to present.

Shannon Polvi: I'm gonna ask you a little bit about your leadership at the college. What is your supervision style?

Carla Jackson: I want to say manager, team player, try to work with employees as more of a team player.

Shannon Polvi: How many people did you supervise while you were in the interim dean roles?

Carla Jackson: Together or? In the interim dean transitional service there were ten employees, possibly around ten, and around fourteen in the interim dean of business.

Shannon Polvi: During your tenure in those roles, did you ever terminate an employee?

Carla Jackson: No.

Shannon Polvi: Did you ever suspend an employee?

Carla Jackson: No.

Shannon Polvi: At Denmark College who has the authority to make such adverse employment actions?

Carla Jackson: Only the President.

Shannon Polvi: Did you ever seek assistance from your supervisor at human resources about any employees that you supervised?

Carla Jackson: Seek assistance to?

Shannon Polvi: For any type of concerns with an employee?

Carla Jackson: I have.

Shannon Polvi: What was that circumstance? Or circumstances?

Carla Jackson: An employee refused to complete a task, an employee refused to report to work, so I did consult with my immediate supervisor at that time in reference to that continuous behavior.

Shannon Polvi: What is your understanding of what that employee did afterwards?

Carla Jackson: He made a complaint about me. Or against me.

Shannon Polvi: Was that at all listed in your grounds for termination?

Carla Jackson: No.

Shannon Polvi: Does Denmark Technical College have a progressive discipline policy?

Carla Jackson: Yes.

Shannon Polvi: What is your understanding of that policy?

Carla Jackson: Formal counseling first, or reprimand, then written reprimand, suspension, and then termination depending on the circumstances.

Shannon Polvi: Prior to your suspension, in February of 2017, had you received any reprimands during your employment with Denmark Technical College?

Carla Jackson: I've never seen any reprimands during my employment or tenure at Denmark College.

Shannon Polvi: Who was the decision maker on the suspension letter you received?

Carla Jackson: Dr. Christopher Hall.

Shannon Polvi: And who was the decision maker on the termination letter you received?

Carla Jackson: Dr. Christopher Hall.

Shannon Polvi: Other than the information listed in your termination letter, in your suspension letter, were you given any other reasons why you were suspended or terminated?

Carla Jackson: No.

Shannon Polvi: What is your opinion of the reasons that were listed in your termination and suspension letter?

Carla Jackson: My opinion is that these statements, these alleged statements made are untrue. The reference to the tuition payments, that was unrelated to my position, I would disagree with that. Because even in my position description, it states that one of the minimum requirements is that you have experience or a degree in business administration. With the receiving of pay increases, which were approved using the President's stamp and had no supporting documentation I would disagree with that. Because based on the information that's referenced, my pay increases, it shows documentation, the personnel action forms, that it was signed by a supervisor above me, so I would disagree with anything that in that's in the second paragraph of my termination letter.

Shannon Polvi: During the, what's going to be entitled the investigatory suspension, did you receive any documentation from Denmark Technical College to supplement to that investigation or give you any opportunity to rebut?

Carla Jackson: No, I did not receive, any, one single document, any information about the investigatory. I was placed on investigatory suspension, but I didn't receive anything about what I was being investigated for. I asked several times at every hearing when I met with Dr. Hall or Dr. Hardee to include HR, Ms. Oakman-Long and Mr. Boykins. I asked each time that I was in a hearing, which we had at least about four to five hearings and no document was given to me, no reason was given to me. So I asked, but I didn't get any documents.

Shannon Polvi: And how would you describe to the panel the type of questions that you were asked during your grievance hearings prior to this?

Carla Jackson: During my grievance questions, it was very vague questions. An example would be did I have a nickname? What was my relationship with the president? Questions like, did I ever fire someone? Did I consider myself to have favoritism? Did I do other jobs that other people, did I get other jobs that other people wouldn't normally get? Very vague questions, but nothing about receiving tuition assistance that was unrelated to my job. Just very vague. Very vague.

Shannon Polvi: And some of those grievance hearings when you were asked questions, were you able to ascertain why you were suspended?

Carla Jackson: No.

Shannon Polvi: Were you able to rebut any type of allegations that were put against you that you weren't aware of?

Carla Jackson: No, I was not able to rebut because I still didn't get any information even after I had my hearing and they asked me the question. I directed them back to the letter that I received and ask them why was I being investigated? Because they were asking me about everybody else on College besides myself. So I still didn't know why I was being investigated.

Shannon Polvi: During that time, what did you request in terms of relief from the College? What were you asking them to do?

Carla Jackson: I was asking them to return me back to the College and to pay me for the time that I have been out.

Shannon Polvi: What type of impact has that had on you personally?

Carla Jackson: It has a great impact. I've been out of work almost a year now. For reasons that I don't even know why. But it has a great impact, I'm a single mother. I'm a single

mother, I worked at a college for over six years, I worked for three administrations, never had any issues, never had any problems, never had any reprimands. I've been loyal and dedicated to the college. And for me to be without income for a year, having no reason why, even if I, when I apply for jobs, to say that it stated that I violated rules and regulations and have not given me any policies, any rules, any regulations. Haven't given me anything. It has a very, excuse me for being emotional, but it has a very severe impact on me emotionally and physically. And I asked them several time to just let me know what I'm being investigated for. How can you terminate me and not even tell me why I'm being terminated?

Carla Jackson: You haven't given me any policies, you haven't shown me any policies, you've asked me questions, you haven't given me anything to rebut, or anything. So.

Shannon Polvi: I want to draw your attention to Page 42. The investigative report as submitted by Denmark Technical College, and Exhibit 1. Prior to you receiving Exhibit 1, have you ever seen this before?

Carla Jackson: No.

Shannon Polvi: And was this given to you during any of your grievances?

Carla Jackson: No.

Shannon Polvi: Prior to this one?

Carla Jackson: No it wasn't given to me.

Shannon Polvi: And have you, since, receiving it for this State HR Grievance Panel, have you had an opportunity to read it?

Carla Jackson: I did.

Shannon Polvi: Are the accusations that are within the document accurate?

Carla Jackson: They are not.

Shannon Polvi: And on here, there's three page investigative report, there's no signator of who completed it, did anyone communicate with you directly about this?

Carla Jackson: No. I have never seen this document until after I filed for my grievance. I didn't know anything about this investigative report.

Shannon Polvi: The essence of the investigative report accuses of you of self-dealing, mismanagement, and abuse in regards to pay and things of that sort. Did you in any way abuse the pay system at Denmark Technical College?

Carla Jackson: No.

Shannon Polvi: Did you appropriately earn the...

Kevin Maroney: Ms. Polvi, that's a leading question.

Shannon Polvi: Of the income you received, was it resulting from any self-dealing, mismanagement or abuse activities?

Kevin Maroney: I know it can be difficult but that also suggests a yes or no answer, so, try to rephrase.

Shannon Polvi: He has an objective, I'm trying ultimately just...

Kevin Maroney: I know. But as I said in the beginning under Section 11(b), leading questions on direct are allowed in a limited way. It's only allowed to further the testimony. This is, there's been a couple series of leading questions in this testimony, it's not been objected to yet, although I see that Mr. Boykin is getting ready to say something that is not necessarily needed right now, I don't think. I've given two warnings, let's just try to rephrase it, okay?

Shannon Polvi: Respectfully I will. Is that still looking at Number 1 on Page 43, there's a sentence at the beginning that says alleged incidence of self-dealing, mismanagement, and abuse activities. What is your opinion of that statement?

Carla Jackson: It is untrue.

Shannon Polvi: And how is it untrue?

Carla Jackson: Because I did not have any self-dealing or any mismanagement or abuse in activities that was taken at the College.

Shannon Polvi: And later it refers to your salary. Was your salary...what is your opinion of your salary in relation to those allegations?

Carla Jackson: That base salary is incorrect, that's listed.

Shannon Polvi: Was your salary a result of self-dealing?

Carla Jackson: No.

Shannon Polvi: And what does your salary have anything to do with activities of the, well, let me rephrase. In regards to the college operations, did you have any actions on your part related to your salary and in regards to these allegations?

Carla Jackson: No.

Shannon Polvi: There are different grounds for appeal for your termination. In regards to your termination, what are your feeling in regards to your grievances and your due process rights?

Carla Jackson: In regards to my termination, I feel that I have been wrongfully terminated. My due process rights have been violated. I haven't been given one single document in reference to what the termination letter states. I haven't been given anything in reference to my...I'm being investigated.

Shannon Polvi: When you were being investigated through this investigatory suspension, were you given any information as to who were your accusers?

Carla Jackson: No.

Shannon Polvi: When you were questioned during the grievance process, were you told why you were being asked the questions that you were being asked?

Charles Boykin: I'm going to have to object to this continuous leading after having been warned twice.

Kevin Maroney: Sustained and please rephrase.

Shannon Polvi: I'll rephrase, I'm sorry. I'm trying to...is that in regards to your grievance hearing, and now what I have clarified for clarity where I'm trying to go, I'm going to ask you about your grievance hearings prior to your suspension, excuse me, prior to your termination. So, how many grievance hearings occurred between your suspension and your termination?

Carla Jackson: I've had approximately around about five grievance hearings. I think it's five.

Shannon Polvi: Prior to your termination, what did you relay to Dr. Hall and Mr. Hardee about your concerns related to your suspension?

Carla Jackson: I relayed to them that...I asked them why I was being investigated and that I didn't receive any documentation on the reason why I was being investigated or terminated. I also asked for the information every time and I wasn't given anything. So each time that I had a hearing with Dr. Hall, Dr. Hardee, Mr. Boykins included, I asked every time for documentation, evidence, because I didn't know why I was being terminated or investigated and I did not receive anything.

Shannon Polvi: How long after Dr. Hall had become president did he suspend you?

Carla Jackson: I want to say it was probably about thirteen, maybe ten, thirteen days, between ten and thirteen days, somewhere in between there.

Shannon Polvi: And who were...looking back at Page 23...who were the presidents at the time of the allegations in paragraph 2?

Carla Jackson: The president would have been Dr. Boyd-Scotland and Dr. Leonard McIntyre.

Shannon Polvi: To the best of your knowledge, what communications did Dr. Hall have with those individuals about what's listed in your termination letter?

Carla Jackson: I have no knowledge of Dr. Hall having any communication with either one. For sure Dr. Boyd-Scotland because she passed away.

Shannon Polvi: And what other information do you feel is important that the panel needs to know?

Carla Jackson: Well, with the...I'm basing it on the letter of termination because I didn't receive anything outside of the letter of termination, with the tuition assistance payments, I apply for tuition assistance, I receive tuition assistance, I completed my degree program, I worked for the college, it benefited the college. The director and grants and contracts approved it, the president approved it. To find out almost four years later that they are alleging that it was unrelated to my position and to terminate me for it four years later, I don't understand that. And also, in reference to my role as administrative coordinator to the president, that I received pay increases that were approved using the president's stamp and had no supporting documentation as I indicated in the information that's listed in here all of my payroll action forms have been signed by all supervisors above me. The documentation is here, so I don't understand why I would, I would be terminated for pay that I received. I'm not the person that enters in the stuff in HR, my signature is nowhere on the personnel action form.

Carla Jackson: There's no possible way that I can pay myself and for me to be accused of receiving pay increases which were approved by the vice presidents, the president, but I'm the only one that's being terminated for something that was approved by the presidents, the agency head, and the vice president. I don't understand why I'm being terminated. And like I said, I've asked for information at each hearing to provide the evidence and I still have not received anything more than what I got after I was terminated, and filed for state grievance. So I feel I've been wrongfully terminated, and I haven't violated any rules. And besides I don't even know what the rules are that they are indicating that I did violate if they alleged that I violated, I haven't received anything. But, I feel it's personal, but I did ask because I am dedicated to the institution, I mean I've been a loyal employee for over six years.

Carla Jackson: And I've been dedicated to the institution and I did ask that I be reinstated.

Shannon Polvi: Going to pass the torch to Mr. Boykin.

Charles Boykin: Madame Chair, I can get started now, or we could, if the panel is inclined, to take an early break. We have some witnesses that are downstairs and I would like a chance to chat with them if they are here and then we can start back early and then I can start there.

Glenise Elmore: It's 11:30 now, I tell you what, let's go ahead and do lunch and a little bit more of a break and be ready to start in the room at 1:00.

Shannon Polvi: If possible, could we keep it to an hour since we are going to over and we're probably be going multiple days past, and so.

Glenise Elmore: Oh, we going multiple days, that's unavoidable.

Glenise Elmore: Okay. We are ready to begin. I do believe it's the Agency's this witness at this time.

Charles Boykin: Yes. Thank you, Your Honor. Ms. Jackson?

Carla Jackson: Yeah.

Charles Boykin: You testified earlier that you had about five hearings, is that correct?

Carla Jackson: Yes, on policy and conduct.

Charles Boykin: Okay. And the actions that were pending against you were first an investigatory suspension and then a termination. Isn't that correct?

Carla Jackson: That is correct.

Charles Boykin: And you would've had, for the investigatory suspension, a hearing at the college level, correct?

Carla Jackson: Correct.

Charles Boykin: And then one at the system office. Wouldn't that be correct?

Carla Jackson: Correct.

Charles Boykin: Then on the termination, you would've had a hearing at the college level.

Carla Jackson: Correct.

Charles Boykin: And then you would've had one at the system office.

Carla Jackson: Correct.

Charles Boykin: So that fifth one would've been a meeting between you, Dr. Hall, Ms. Oakman-Long, maybe a few other people concerning the investigation, wouldn't it?

Carla Jackson: Correct.

Charles Boykin: Okay, so some of the things that you were talking about as far as the investigatory suspension was actually discussed with you, wasn't it?

Carla Jackson: I'm sorry, repeat that again?

Charles Boykin: Certainly. The items regarding investigatory suspension were discussed with you in that fifth meeting that you've admitted that you've had. Isn't that correct?

Carla Jackson: What items?

Charles Boykin: The substance of the investigatory suspension concerning the college.

Carla Jackson: No.

Charles Boykin: You just acknowledged that the meeting occurred, right?

Carla Jackson: Yes.

Charles Boykin: Okay. With regard to ... Just one minute here. Bear with us. Would you turn to page 146 in the record, please? And just by way of housekeeping, my voice carries. I know it's loud. I'm going to try to maintain the seat, and I would invite any instruction from anyone if I begin to get more animated than I need to be, and especially you, Ms. Jackson. If I'm too loud, tell me that I'm too loud, and I will try my best to not be. Is that fair?

Carla Jackson: Yes, sir.

Charles Boykin: Okay, good. Now, can you identify this document at 146?

Carla Jackson: This thing says it's the explanation of the policy statement as applied to use of Title III funds.

Charles Boykin: Okay. So-

Kevin Maroney: Ms. Jackson, would you speak up a little bit?

Carla Jackson: Okay.

Kevin Maroney: The microphone tends to go down.

Carla Jackson: This states it's the explanation of the policy statement as applied to the use of Title III funds.

Charles Boykin: Okay. And you're familiar with this, aren't you?

Carla Jackson: I've seen it before.

Charles Boykin: Okay. Uh, actually you've more than seen, you've read it and you've, if you turn over to 148, that is your signature, isn't it?

Carla Jackson: That is correct.

Charles Boykin: Okay. And you can look at this for a minute, but this said that you understood what was included in the program and you would abide by it. Isn't that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. So you understood the guidelines. And that's what we're reading from here, 146, isn't it?

Carla Jackson: Yes.

Charles Boykin: Okay. Let's turn our attention to 147, please. Okay. And specifically we're going to look at item seven that talks about the steps for processing a request, okay?

Carla Jackson: Okay.

Charles Boykin: The first step you would agree is to submit the request to your immediate supervisor and you testified you did that, is that correct?

Carla Jackson: Correct.

Charles Boykin: Okay. And then your immediate supervisor would submit the request to the division head. And as far as you know, that was done. Is that correct?

Carla Jackson: Correct.

Charles Boykin: Okay. And the division head and the academic vice presidents, they would do those things, but you would appear before the executive council to explain the request. Is that correct?

Carla Jackson: That's what it says.

Charles Boykin: That's what it says. Did you do that?

Carla Jackson: No I did not.

Charles Boykin: You did not do that.

Carla Jackson: No.

Charles Boykin: Okay. Then D says that executive council will then decide, an executive council secretary will note the decision in its minutes. Isn't that correct?

Carla Jackson: Which one is that?

Charles Boykin: D. Item D.

Carla Jackson: Yeah, that's what it says.

Charles Boykin: That's what it ... And we're reading from the guidelines that govern the program, aren't we?

Carla Jackson: Yes.

Charles Boykin: Okay. And to your knowledge, was that done?

Carla Jackson: I didn't do that and no one else did either.

Charles Boykin: Okay, you didn't do it and no one else did it either. Okay. Let's call our attention to item G on that same line.

Carla Jackson: Okay.

Charles Boykin: Same thing. Should an employee violate any of the terms of the award, he/she will be required to reimburse the institution in full. You do understand that?

Carla Jackson: I do.

Charles Boykin: Okay. All right. And so you recognize that you were bound. And there are steps here that you're saying that weren't done. Isn't that correct?

Carla Jackson: The steps afterward, you're talking about?

Charles Boykin: There are steps on this page. You have no indication that item C, that you appeared before the executive council. Isn't that correct?

Carla Jackson: That is correct.

Charles Boykin: Okay. Let's turn over to page 51, please. You testified earlier that the approval of the tuition program would require the president's signature, supervisor's signature, the grant coordinator's signature, and also the immediate supervisor's signature, and the vice president from finance. Was that your testimony?

Carla Jackson: For reimbursement.

Charles Boykin: For the reimbursement.

Carla Jackson: Yes.

Charles Boykin: Okay. So if we look at this form, let's see, do we see the secretary to the executive council's signature here?

Carla Jackson: No.

Charles Boykin: Okay. In fact, there are only two signatures on this on this. There are only two signatures that we see here, or two individual signers. Isn't that correct?

Carla Jackson: Yes, that's the norm.

Charles Boykin: Okay. Well but I'm ... The form requires specific signatures, but you're looking at two persons having signed. Isn't that correct?

Carla Jackson: Yes, that's what we're looking at.

Charles Boykin: Okay, so this signature from Joann Boyd Scotland, let me ask the question of you this: Was this, to the best of your knowledge, was this Ms. Boyd Scotland's money that you were seeking?

Carla Jackson: Her money?

Charles Boykin: Yes. Did Dr. Boyd Scotland own the money that you were asking for? Was it her personal money?

Carla Jackson: No.

Charles Boykin: It wasn't. Okay. What about Ms. Mack. Was it Ms. Mack's personal money?

Carla Jackson: No.

Charles Boykin: Okay. So it stands to reason, if you can answer this, that if it wasn't their money, they would have to comply with the terms of whoever was making the money available. Would you agree with that statement?

Carla Jackson: I would agree.

Charles Boykin: Okay. But you also acknowledge though that the procedures were not followed.

Carla Jackson: By the college?

Charles Boykin: Correct.

Carla Jackson: I followed the procedure. I don't know if the college did.

Charles Boykin: Okay, I understand. But you acknowledge that the college did not follow the procedure.

Carla Jackson: Based on this document?

Charles Boykin: Well that's all we have isn't it?

Carla Jackson: Yes, based on this document.

Charles Boykin: Okay. Let's turn back a little bit further here. Let's go to 143, please. That's going to be going back. Now, you applied for \$27,936. Isn't that correct?

Carla Jackson: I'm not sure whether that was the amount that I applied for, but I applied for tuition assistance.

Charles Boykin: Okay.

Carla Jackson: Whatever the total cost was.

Charles Boykin: Let's turn to 149.

Carla Jackson: Okay. 1-4?

Charles Boykin: 149. Okay. If you go to item four, item four says the total cost of this activity is \$27,936. Okay? So you applied for \$27,936, didn't you?

Carla Jackson: If that's what it says.

Charles Boykin: Okay. Now we'll go back to 43. Well, excuse me, you said that's what it says.

Carla Jackson: Yes.

Charles Boykin: My question is, is that what you applied for?

Carla Jackson: Yeah, that's what it says on the document.

Charles Boykin: And you agree that that's what you were seeking?

Carla Jackson: Yes.

Charles Boykin: Okay. All right. Now, on 143, it shows that same cost, doesn't it?

Carla Jackson: It does.

Charles Boykin: And it also shows the program that you would be in for that.

Carla Jackson: That's correct.

Charles Boykin: Okay. And by your testimony, you said that this would've been a two-year program.

Carla Jackson: Yes.

Charles Boykin: Okay. Because we have academic year one and academic year two, and it totals \$27,936, right?

Carla Jackson: That's correct.

Charles Boykin: Okay. And that's what you applied for and that's what you got.

Carla Jackson: Yes. I'm not sure whether I received that total amount or not, but I did apply for it.

Charles Boykin: Okay. So did you advance your money or did you get the money from the college?

Carla Jackson: I advanced my money.

Charles Boykin: Okay. And did you get reimbursed for everything you advanced as you made your request?

Carla Jackson: I believe so.

Charles Boykin: You believe so. Did you submit copies of grades with invoices when you were asking for reimbursement?

Carla Jackson: I did.

Charles Boykin: Okay. And there's a record of that. That causes your testimony?

Carla Jackson: Yes.

Charles Boykin: Okay. All right, now ... May I approach? These are the payments that she received. These are the payments and these notes here to help you understand that these are the payments that I'm going to ... We're talking about that, how much money she says she thinks she got, but I want to make sure that we understand how much she got. I have not shown it to her until I'm given permission to.

Shannon Polvi: I would object because this was not at all in exhibit one. I've had no opportunity whatsoever to review it with my client prior to her being on the stand during the cross-examination. I would entirely object being this put into the record. Because I've not even had an opportunity to review it at all prior to being handed to it right now.

Kevin Maroney: I'm not sure Mr. Boykin has moved to put it in the record as of yet.

Charles Boykin: This is an illustration I brought her, if she testifies to this, she seems to have not a clear recollection on how much money she received, and this is to help refresh her recollection, and I wanted everybody to have a chance to look at it. The only fact I'm trying to establish is how much money she received from the tuition reimbursement. This is not necessary. It is necessary to refresh her memory. That's what I'm using it for.

Kevin Maroney: Please proceed.

Shannon Polvi: Well before she can be questioned on it, it would have to be moved into exhibit.

Kevin Maroney: No. If it's not moved in right now, Ms. Jackson has testified regarding an amount of money. Mr. Boykin is going to clarify that testimony regarding how much money. It's not being moved into evidence. It's simply being used to test that statement. And as he has stated, to refresh her memory. But also, I would imagine to test the credibility. Right now, it's just to go over what is reflected on this document, which are payments to Ms. Jackson.

Shannon Polvi: And respectfully, that information would then be published to the panel if they're hearing what's reflected in the document.

Kevin Maroney: That's true, but it's not being moved to the panel as an exhibit. It's just being discussed.

Shannon Polvi: But outside evidence shouldn't be published to the panel unless it is made an exhibit.

Kevin Maroney: Mr. Boykin, you may.

Charles Boykin: My response is I'm not introducing it as evidence. My question to her was, "You received \$27,936, didn't you?" Her response was, "I got reimbursed. I can't say I got that much," is what she said. And what I'm seeking to do is just confirm how much she got, and that's just ... It's significant as a part of the program. I'm not seeking to put this in and a death by a thousand cuts. That's not my point. My point is simply to confirm and establish how much. If she would acknowledge that she did get \$27,936, I will pull this back and continue with my questions.

Shannon Polvi: Again, that testimony's coming in through an exhibit that's not put into the record that wasn't exchanged during the exchange of documentation between the parties. It should be excluded from evidence.

Charles Boykin: With all due respect, I had no idea that after having signed this that she would've come here and say she wasn't sure how much she got. So I brought this out of an abundance of caution and that's why I'm here now. If she testifies, I will certainly move its introduction if I have to use it to impeach her if she denies getting the money. I would certainly move on that basis.

Kevin Maroney: Given that Ms. Jackson has testified that she does not remember the exact amount of money, and given that Mr. Boykin is simply using this to refresh her memory on the amount of money, I'm going to allow him to use it.

Charles Boykin: Ms. Jackson, I'd like you to take a minute to look at that, please.

Shannon Polvi: I would just like an objection as well is that if it is ultimately published in some form or other, I mean this has handwriting on it, it has highlights. If it's going to be produced to the panel at any point, it should be a plain copy.

Kevin Maroney: I think that would, as I understood, Mr. Boykin, you will correct me if I'm wrong, he will ask to move it into evidence as an exhibit if something does not come forth on what is said on the document. We can address that issue if that occurs.

Charles Boykin: And, Ms. Jackson, Madam Chair, if it's okay, we're happy to provide her with a calculator if she wants to total that up. From that standpoint.

Carla Jackson: This document does not have a total of other amounts of other stuff that I'm paying, so ...

Charles Boykin: I'd like you to pay particular attention to the professional development category. That's what we're looking at.

Carla Jackson: And this document generated from where?

Charles Boykin: It's generated from Denmark Technical College. The accounts receivable/accounts payable office I think. That's my understanding.

Carla Jackson: Based on this document, it does show payments that I received.

Charles Boykin: Yes. Would you acknowledge that you received-

Carla Jackson: I did receive-

Charles Boykin: \$27,000-

Carla Jackson: But I just didn't know the exact amount.

Charles Boykin: Okay. It's the amount that you applied for, \$27,960.

Carla Jackson: It doesn't say that. It says it's different on here.

Charles Boykin: Okay, what does it say?

Carla Jackson: Total amount on here says 31. It has other items on here for classes I taught.

Charles Boykin: There are other items, yes, but... The highlighted ones I would submit to you would be the \$27,000. If you would look at the highlighted ones, if you want to total those up, Ms. Jackson. And I apologize, but this is of course important.

Charles Boykin: Yes. Are you satisfied now it was \$27,936?

Carla Jackson: I'm not sure. I didn't calculate it, but I just know that.

Charles Boykin: Would you like to use this as a calculator?

Carla Jackson: Mm-hmm (affirmative).

Charles Boykin: Then you're looking at the yellow. With all due respect.

Carla Jackson: That is correct.

Charles Boykin: Okay, thank you. I'll just take this, and since this is not going in do you mind putting this back for me? Thank you. So you acknowledge that you did get that, so here we are. Now, let's go to 142. 142 is your acceptance letter. Would that be it?

Carla Jackson: Yes.

Charles Boykin: Okay. And you were to begin classes on the 11th day of November 2013. Is that correct?

Carla Jackson: Yes.

Charles Boykin: And you said you completed requirements in 2014. Is that ...

Carla Jackson: Completed?

Charles Boykin: Requirements for the master's degree in 2014.

Carla Jackson: Yes.

Charles Boykin: Okay. Do you recall what month you completed it?

Carla Jackson: No.

Charles Boykin: You don't? Okay. But you also testified that it was a two-year program, didn't you?

Carla Jackson: Yes.

Charles Boykin: Okay. And you indicated that you were able to complete it in one year because you had credits from Strayer University.

Carla Jackson: I did.

Charles Boykin: That was your testimony.

Carla Jackson: Yes.

Charles Boykin: Okay. So let's go back to 143.

Carla Jackson: Okay.

Charles Boykin: 143 shows the two academic years, doesn't it?

Carla Jackson: It does.

Charles Boykin: And the total is \$27,936, isn't it?

Carla Jackson: That's correct.

Charles Boykin: Okay. You only went for one year. Isn't that correct?

Carla Jackson: Yes.

Charles Boykin: Okay. But you were still paid \$27,936, weren't you?

Carla Jackson: Yes.

Charles Boykin: Okay. So there seems to be a difference in that you only had one year of academic preparation from the American Intercontinental University. But the Denmark Tech paid you for two years. Isn't that correct?

Carla Jackson: Repeat that again.

Charles Boykin: Okay. I'm sorry. It's kind of twisted. You paid Intercontinental for two years of instruction, didn't you?

Carla Jackson: Yes.

Charles Boykin: Okay. But you only studied at Intercontinental for one year. Isn't that correct?

Carla Jackson: To complete these courses.

Charles Boykin: I mean if that's your testimony.

Carla Jackson: Yes.

Charles Boykin: You studied there for one year, okay?

Carla Jackson: Yes.

Charles Boykin: Okay, so ... Okay, let's turn to the next item. Okay, let's go to 97, please. Okay. Now ... Strike that, Ms. Jackson. Then I apologize to the panel. I'm going to start a little earlier than that, so let's go back just a little further. Go to page 41, please, Ms. Jackson.

Carla Jackson: 41?

Charles Boykin: Yes. You're at page 41? I'd like to draw your attention to the second paragraph, okay?

Carla Jackson: Okay.

Charles Boykin: So that we can get your context, I'm sorry, flip back over to 40.

Carla Jackson: Okay.

Charles Boykin: This is your appeal, isn't it?

Carla Jackson: Yes.

Charles Boykin: Okay. And this is signed by your attorney, Ms. Polvi?

Carla Jackson: Yes.

Charles Boykin: Okay. And that's dated July 5, 2017, correct?

Carla Jackson: Yes.

Charles Boykin: Okay. Now, we go over here and this sheet on page 41 you would agree is prepared on your behalf by Ms. Polvi. Is that correct?

Carla Jackson: Yes.

Charles Boykin: Okay. And if we look at the second paragraph, and I'm going to read, it says, "Ms. Jackson expressly informed the Agency representatives that she used the president stamp at the instruction of the former president of Denmark Technical College and the stamp was never used on her own document." That's the wording of it that your representative before this body. Isn't that correct, Ms. Jackson?

Carla Jackson: That's right.

Charles Boykin: Okay. Now ... Let's go back to page 97, Ms. Jackson. You recognize this at 97, don't you, Ms. Jackson?

Carla Jackson: Yes.

Charles Boykin: Okay. And this involves a temporary supplement for you, doesn't it?

Carla Jackson: That's correct.

Charles Boykin: Okay. Dr. McIntyre's signature though is on here by a stamp, isn't it?

Carla Jackson: I just know...

Shannon Polvi: I would object to the form. The rest of my sentence on 41 says that whether she used the stamp. That's taking my statement out of context.

Kevin Maroney: I think you can handle that on redirect.

Shannon Polvi: Yes.

Charles Boykin: Okay. Dr. McIntyre's signature appears by stamp. You would agree with that, Ms. Jackson?

Carla Jackson: I don't know whether it's a stamp or not, I just know it's his signature.

Charles Boykin: Okay, so you don't know. Okay, let's go to the next page, number 98. His signature appears here by stamp. You would agree with that, wouldn't you?

Carla Jackson: It'd be the same. I just know that's his signature.

Charles Boykin: Okay. And then we'll go to 99. His signature appears again by stamp, wouldn't you agree? Well, let me put it this way. His signature is either identical, he's able to write his name the same time, same each time, or this is a stamp. But I'm going to ask, this is a stamp, would you agree with that? And you can answer however you choose.

Carla Jackson: I don't know.

Charles Boykin: You do not know? Okay. We'll go to the next page, okay? 100. 100, we have actually what appears to be a physical signature of Dr. McIntyre don't we?

Carla Jackson: What's the question?

Charles Boykin: My question is we have what appears to be a physical signature that Dr. McIntyre would've handwritten himself, don't we?

Carla Jackson: Yes.

Charles Boykin: Okay, that's what it appears to be. And this is for dual employment, isn't it?

Carla Jackson: Yes.

Charles Boykin: And dual employment really is not a pay transaction, but it's an authorization to be compensated twice should that opportunity present itself. Isn't that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. Let's go to the next one. Okay. We have here on 101 Dr. McIntyre's signature still appears to be, according to what he testified, a stamp. But what do you think it is?

Carla Jackson: I just know that's his signature.

Charles Boykin: Okay, all you say is his signature. Okay. Then we go to 102 and we'll see again that the signature here, and I represent that it's a stamp. Do you agree with that?

Carla Jackson: Agree with ...

Charles Boykin: With my representation that it's stamped and not signed by Dr. McIntyre.

Carla Jackson: I would say the signature because it's the same whether they sign his name, so I don't know that it's a stamp or a signature. It's the same exact way.

Charles Boykin: And we go to 103 and we would say that that representation that the signature looks a little different from 102, doesn't it?

Carla Jackson: [inaudible 00:28:32]

Charles Boykin: So you think that they're both done in the same manner?

Carla Jackson: I guess so.

Charles Boykin: And we'll go to 104, and Dr. McIntyre seems to have his approval represented by a stamp again. Do you agree with that, Ms. Jackson?

Carla Jackson: That's a signature.

Charles Boykin: Okay. But it's ... My question is do you agree that this is done by a stamp?

Carla Jackson: I'm not agreeing that it's done by stamp because I don't know whether it's done by stamp.

Charles Boykin: And 105. You would agree that this is a stamp of Dr. McIntyre's signature again, wouldn't you?

Carla Jackson: His signature.

Charles Boykin: Okay. And 106, you would agree that that's also a stamp, wouldn't you?

Carla Jackson: It's his signature.

Charles Boykin: We have, and you can respond the way you see fit, but of the documents from 97 to 106 involving your pay adjustments, from all credible views, it appears that they are done by a stamp, with the exception of just one document. Ms. Jackson, would you agree with that?

Carla Jackson: Repeat that question.

Charles Boykin: Okay. In reviewing the documents from 97 through 106 in this book, evidence book, it appears that Dr. McIntyre's approval of pay adjustments related to you were all done by stamp, with the exception of one transaction.

Carla Jackson: I don't know whether it's a stamp or not, but I can say it's his signature.

Charles Boykin: Okay. So you don't deny that it's a stamp, you're just saying that you can't agree that it's a stamp. Is that your testimony?

Carla Jackson: That's correct.

Charles Boykin: Okay. Being familiar with the pay transactions system at Denmark Technical College, are there any other documents that we don't have that would corroborate, that'll support some of these transactions other than what's there.

Carla Jackson: Repeat that question.

Charles Boykin: Is there anything else that we should look to to get Dr. McIntyre's approval other than what's before us today, is my question.

Carla Jackson: I wouldn't know.

Charles Boykin: Okay. So your testimony is that you have no knowledge of any other system other than what's before us here today?

Carla Jackson: Yes.

Charles Boykin: I'm sorry?

Carla Jackson: Yes. I mean I don't have no, I don't know where you would get the information from.

Charles Boykin: Okay. If it's not here, it's fair to say it doesn't exist. Isn't that the truth?

Carla Jackson: I'm not going to agree with that.

Charles Boykin: Okay. Well, do you have any idea where it might be if it's not here?

Carla Jackson: No.

Charles Boykin: Do you have any idea what it might be if it's not here?

Carla Jackson: No.

Charles Boykin: Okay. Ms. Jackson, you started working at the college under Dr. Townsend, is that correct?

Carla Jackson: That's correct.

Charles Boykin: What was Dr. Townsend's first name? That's a really hard question because I don't know either. And it's not necessary, I was just trying to get it. But that's okay, you don't have to answer. Withdraw it. Let me ask this question. But Dr. Townsend was involuntarily separated from the college, wasn't he?

Carla Jackson: I'm not sure what the situation was with that.

Charles Boykin: Okay. Did he leave the college rather abruptly?

Carla Jackson: I'm not sure whether he resigned or whether ... I mean I'm not sure exactly what happened.

Charles Boykin: And you didn't ... You were his assistant in the president's office, weren't you?

Carla Jackson: Yes I was.

Charles Boykin: Okay. But you weren't familiar with allegations about improper use of a credit card, were you?

Carla Jackson: I do recall hearing some things about that.

Charles Boykin: You recall that he was given an agency credit card and he was putting personal items on that credit card? That was the allegation. You're not saying whether it's true or not, but that was the allegation that you recall. Is that a fair statement?

Carla Jackson: I don't know exactly what happened with him, so I mean ... Because I hadn't too long got there.

Charles Boykin: He hired you and I guess it was a matter of months that he left.

Carla Jackson: That's correct.

Charles Boykin: And the newspaper and everybody else had questions about his handling the financial affairs of the institution though. That was discussed. I'm not suggesting established fact. I just want to make sure that we understand that that was the allegation swirling around his exit.

Carla Jackson: Okay.

Charles Boykin: Do you acknowledge that that was happening at the time that you were there?

Carla Jackson: I did hear that.

Charles Boykin: You did hear that, okay. Good. He was then followed by Dr. Boyd Scotland, correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. Dr. Boyd Scotland did a planning stage document for you, didn't she?

Carla Jackson: Yes.

Charles Boykin: Okay. And in that planning stage document, she had as one of your duties that you would assist the president in planning the area commission meetings, that you would attend the meetings, record and prepare minutes of the meetings in a timely manner. And then you would maintain a file of area commission decisions. That was a success criteria within your planning stage, isn't that correct?

Carla Jackson: Yes.

Charles Boykin: Okay. And your base salary as an Administrative Coordinator 1 included you performing those duties, isn't that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. And Dr. McIntyre followed Dr. Boyd Scotland, didn't he?

Carla Jackson: Followed?

Charles Boykin: As president.

Carla Jackson: Yes.

Charles Boykin: Okay. And he too prepared a planning stage document for you, didn't he?

Carla Jackson: Yes.

Charles Boykin: Okay. And under the success criteria job duty one, it reads as follows, and you can agree or let me know your recollection, "Assist the president in planning the Area Commission meetings, attend the meetings, maintain a file of commission decisions." That was a success criteria. Is that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. Now, between Dr. Boyd Scotland and Dr. McIntyre, recording and preparing the minutes was dropped, isn't that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. Did you receive a reduction in pay going from Dr. Boyd Scotland to Dr. McIntyre when they reduced your duties?

Carla Jackson: My duties weren't reduced.

Charles Boykin: Okay, well you say your duties weren't reduced. Let's revisit that, okay? Under Dr. Boyd Scotland, you were also required to attend the meetings, record and prepare minutes of the meetings in a timely manner. That was in your PD, okay? Dr. McIntyre said you attend the meetings, but there was no mention of recording and preparing minutes.

Carla Jackson: Okay.

Charles Boykin: So that was a, since the duty was not there under Dr. McIntyre, but was there under Dr. Boyd Scotland, your duties were reduced under Dr. McIntyre, weren't they?

Carla Jackson: Based on that document.

Charles Boykin: Yeah, based on the document. And this is the document that controlled what you did for the institution, isn't that correct?

Carla Jackson: Supposed to be.

Charles Boykin: Okay. And not only that, but the document also said that in doing those duties, it would be 25% of your job. Is that correct? Or do you ...

Carla Jackson: Can I see the document?

Charles Boykin: Okay. Dr. McIntyre's is already introduced into evidence yesterday during his examination.

Shannon Polvi: It should be, I believe, in the left-hand pocket-side of the binder.

Charles Boykin: Can I help her? Okay. Take a minute and look at that, if you don't mind, Ms. Jackson.

Carla Jackson: Can I see the other one that you're comparing it to? I mean, because you're going back and forth from Boyd Scotland too.

Charles Boykin: I did not produce Dr. Boyd Scotland. I'm happy to if it will help refresh her recollection. I don't have a desire to put it in the record, but just to facilitate the discussion, I don't mind producing it if it's okay with the panel and with counsel.

Shannon Polvi: If it's going to help my client answer the questions, I'm fine with it.

Charles Boykin: May I approach? Have you had a chance, Ms. Jackson, to look closely at the PD prepared by Dr. McIntyre?

Shannon Polvi: No, give her a moment. You just handed it to her and I can refill my water.

Shannon Polvi: If that's okay?

Charles Boykin: That's fine.

Kevin Maroney: Go ahead.

Carla Jackson: Okay.

Charles Boykin: Okay, so you recognize the planning stage document prepared by Dr. Boyd Scotland?

Carla Jackson: Yes.

Charles Boykin: And you recognize the planning stage document that was prepared by Dr. McIntyre?

Carla Jackson: Yes.

Charles Boykin: Okay. And let's call our attention to job duty one.

Carla Jackson: Okay.

Charles Boykin: And under job duty one, there are three success criteria, is that correct?

Carla Jackson: That's correct.

Charles Boykin: And we've already established that under Dr. Boyd Scotland, success criteria number three under duty one included recording and preparing minutes of the meetings in a timely manner.

Carla Jackson: Correct.

Charles Boykin: Okay? And we've agreed that that was removed under the planning stage prepared by Dr. McIntyre, correct?

Carla Jackson: That's correct.

Charles Boykin: And we've also agreed that your base salary was not altered, even though your duties were.

Carla Jackson: Based on this document.

Charles Boykin: Based on this document, yes.

Carla Jackson: Yes.

Charles Boykin: Okay. And would you agree with me that your base salary is what really compensates you for what is involved in your planning stage?

Carla Jackson: Repeat that again.

Charles Boykin: When we look at your planning stage, it covers the services that you render to your employer, is that correct?

Carla Jackson: It's supposed to cover, yes.

Charles Boykin: Okay. And you were being compensated according to, because there's a pay band and all that's associated with the state system, isn't it?

Carla Jackson: It is.

Charles Boykin: Okay. All right. And if you go to the far right, we'll see percentages.

Carla Jackson: Yes.

Charles Boykin: Okay? And those percentages in each one would total 100%. You could take a look at it if you want to add them up.

Carla Jackson: Yes.

Charles Boykin: And totaling 100%, Ms. Jackson, you would agree with me, that would be your entire workday.

Carla Jackson: Yes.

Charles Boykin: Okay. All right. Now, you've acknowledged that under Dr. McIntyre your job responsibilities were somewhat reduced as it relates to the Area Commission. In your planning stage, isn't it?

Carla Jackson: Yes.

Charles Boykin: Okay. Go to number 98, please. Now, Ms. Jackson, you would agree with me that after that reduction in your work responsibilities, you were compensated to the tune of \$550 per pay period, making it \$1100 per month. Isn't that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. All right. And if we go to the next page, you're doing your adjunct faculty work. Is that correct?

Carla Jackson: On page 99?

Charles Boykin: Page 99.

Carla Jackson: Yes.

Charles Boykin: Okay. How many temporary salary adjustments were you getting, Ms. Jackson?

Carla Jackson: I'm sorry, I don't follow you.

Charles Boykin: Okay. It's okay. It's fair to say. It's a terrible question. Did you receive any adjustments to your pay for performing extra duties?

Carla Jackson: I did.

Charles Boykin: Okay. How many adjustments did you receive, Ms. Jackson?

Carla Jackson: Over what time? I mean what's you're, I don't know.

Charles Boykin: I'm going to let you decide the year and tell me the number.

Carla Jackson: When I became dean of transitioning service, I received an adjustment. When I became dean of business, I received an adjustment. And I was paid for the adjunct courses.

Charles Boykin: I'm going to just ask you some questions and I'll state them and you can either agree or disagree so we won't get hung up on this. Let's go to the year 2015.

Carla Jackson: Okay.

Charles Boykin: 2015 would've been your last full year with the college, is that correct?

Carla Jackson: My last full year with the college?

Charles Boykin: Yes.

Charles Boykin: Strike that. I've just been rudely corrected. Okay. 2015 was not your last year at the college, so please forgive me and we'll go ... But it was Dr. McIntyre was president, is that correct?

Carla Jackson: In 2015?

Charles Boykin: Yes. Okay?

Carla Jackson: Yes.

Charles Boykin: January 1, we just saw that you received a salary adjustment of \$13,200 to assist the Area Commission. Is that correct?

Carla Jackson: Repeat that again.

Charles Boykin: In February 2015, you received a salary adjustment, or what do you term it? What did you call your compensation for assisting the Area Commission?

Carla Jackson: Additional duties and the supplement.

Charles Boykin: Okay, you called it additional duties? Okay. All right. And I just want call to your attention, let's flip back to that and then we'll go on with that, but I just wanted to make sure that we are staying together here. Under the area that says new position title, it says Assistant to Area Commissioners. Is that correct?

Shannon Polvi: Object, asked and answered. We've already gone through.

Charles Boykin: Okay, I've not asked for the title of the position.

Kevin Maroney: I'll allow.

Charles Boykin: Thank you. Under Dr. McIntyre's, item three of the job duty one, it says, "Assist the president in planning the Area Commission meetings, attend the meetings, and maintain a file of Area Commission decisions." Okay, so your testimony, Ms. Jackson, is that Assistant to the Area Commissioners would be above, beyond or somehow different from this particular job duty. Is that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. Now, let's go back to additional compensation. We have the \$13,200 for assisting the Area Commission. Is that correct?

Carla Jackson: Is that within a total year or are you saying one month?

Charles Boykin: Okay. How often were you paid for assisting Area Commission?

Carla Jackson: Every pay period.

Charles Boykin: Every pay period?

Carla Jackson: Yes.

Charles Boykin: And how many pay periods were there?

Carla Jackson: It should've been 24 within a year.

Charles Boykin: Okay, should be 24 for the year. And so you were getting \$550 each pay period?

Carla Jackson: That would be correct.

Charles Boykin: Okay. All right. And then you did an adjunct from May 18th to June 30th for \$1500 in 2015. Is that correct?

Carla Jackson: I did, repeat that again.

Charles Boykin: You did an adjunct, you served as an adjunct faculty member.

Carla Jackson: Okay.

Charles Boykin: From May 18th through June 30th in 2015, and you were compensated \$1500, weren't you?

Carla Jackson: For the course, yes.

Charles Boykin: All right. And September 4th through December 9th, you received adjunct pay in the amount of \$3,000.

Carla Jackson: For?

Charles Boykin: You received adjunct pay, so presumably you did adjunct, right?

Carla Jackson: Repeat that again.

Charles Boykin: You received adjunct pay.

Carla Jackson: Okay.

Charles Boykin: So that would've made you an adjunct faculty member, correct?

Carla Jackson: For what amount you said?

Charles Boykin: \$3,000.

Carla Jackson: For how many courses?

Charles Boykin: It seems that there are two courses.

Carla Jackson: So that would be two courses.

Charles Boykin: That would be two courses. Okay. All right. And then September 16th through October 31st, there was a workshop where you were being paid to the tune of \$50 an hour, correct?

Carla Jackson: Yes.

Charles Boykin: And the total compensation for that is \$250. A total of \$500 because you did it twice?

Carla Jackson: That's correct.

Charles Boykin: Okay. And then October 1, 2015 is when you had the interim dean of transition studies added to your duties, is that correct?

Carla Jackson: That's correct.

Charles Boykin: And your pay changed from \$48,000 to \$55,576.

Carla Jackson: That sounds correct.

Charles Boykin: Okay. And with that, you still preserved your duties to the Area Commission. No one else was doing, you were still doing that, is that correct?

Carla Jackson: With Area Commission?

Charles Boykin: Yes.

Carla Jackson: That's correct.

Charles Boykin: Okay. October 1st, September 30, 2016, you received compensation for serving as distance educational director, transitional studies to the tune of \$375 for a pay period. Is that correct?

Carla Jackson: Yes.

Charles Boykin: Okay, okay. Now, these duties were in addition to what you were already doing at the institution. Is that correct?

Carla Jackson: What duties?

Charles Boykin: These jobs that I just described. That I just listed.

Carla Jackson: They were at different times.

Charles Boykin: Okay. But my question is they were in addition to what you were doing already. Is that correct?

Carla Jackson: I'm not following.

Charles Boykin: Okay, let me ask this. At any point during 2005, did you receive a reduction in pay?

Carla Jackson: 2005?

Charles Boykin: 2015, I'm sorry. It's kind of warm in here. 2015, did you receive a reduction in pay?

Carla Jackson: No.

Charles Boykin: Okay. So your pay continued to elevate during this period of time. Do you recall how much you were taking home annually from the college with these adjustments?

Carla Jackson: No.

Charles Boykin: You don't? Okay. But it's safe to say that you were responsible for performing all of these duties?

Carla Jackson: At the set time as listed?

Charles Boykin: See, I don't have the set time that's listed. I have these duties performed. Let me ask the question of you this way then. Does the distance education director, transitional studies coordinator, does that position, is that performed after you do your duties as administrative coordinator one?

Carla Jackson: It's performing after? I'm sorry.

Charles Boykin: Okay. Maybe I misunderstood you, but your suggestion that you would perform certain duties at certain times. Did I understand you correctly?

Carla Jackson: That's correct.

Charles Boykin: Okay. And I'm saying the duties then of distance education director, transitional studies coordinator, for which you were compensated approximately \$9,000 for the year, that was done ... Okay, your base job was administrative coordinator one, is that correct?

Carla Jackson: That's before I got into position as a interim dean of transitional studies and distance ed.

Charles Boykin: Okay. So you're saying on October 1, 2015, when you became interim dean of transitional studies that you no longer perform the duties of administrative coordinator.

Carla Jackson: That's correct.

Charles Boykin: Okay. That's your testimony? And so what was your base salary there?

Carla Jackson: What do you mean, there?

Charles Boykin: As interim dean of transitional studies, what was your base salary?

Carla Jackson: I'm not sure what my base salary was at that time.

Charles Boykin: Okay. So did you perform any work at all as assisting the president during that time? During the time that you were the interim dean.

Carla Jackson: Only during the transitional period, that was the only time.

Charles Boykin: Tell me, when you say transitional period, tell me how much time. It can be weeks, it can be months. But tell me, how much time is the transitional period?

Carla Jackson: I'm not sure exact the time, but it could've been, like, two, three months. Could've been.

Charles Boykin: Two to three months. And during that time, you would've been a person who would have access to the president's stamp, is that correct?

Carla Jackson: I would have been.

Charles Boykin: And you would've used the president's stamp, is that correct?

Carla Jackson: If he authorized me to do so.

Charles Boykin: Okay, right. So if you took the academic, the interim dean of transitional services and distance education on October 1, then by your testimony, by the end of January 2016, you would've been exercising no more duties as the president's assistant, is that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay, so you would've had no reason to have the president's stamp. Is that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. You would've had no reason to maintain an office in the executive suite. Is that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. No reason to have your personal belongings there, pictures there, key total access to just your own office, is that correct?

Carla Jackson: I disagree.

Charles Boykin: Okay. You're saying that there was a reason to maintain an office in the executive suite. Is that your testimony?

Carla Jackson: Yes.

Charles Boykin: Okay. All right. And so but by your testimony, you were not performing any duties, is that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay.

Carla Jackson: I was assisting the transition because there was someone filling in my old position, so I assisted with them until they was able to transition into that position.

Charles Boykin: Okay, and you said that was about three months.

Carla Jackson: Approximately. I'm not sure about timing but I'm just estimating. It could've been shorter, but I'm not sure.

Charles Boykin: Could've been shorter, but there was no reason for you to maintain any presence in the president's office because you were now an interim dean. Isn't that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. And we move to 2016, okay? And March 7th to May 7th, you received a \$1500 adjunct faculty salary for one course. Is that correct?

Carla Jackson: What course?

Charles Boykin: It was a business course is what it says. Business 101-27.

Carla Jackson: That sounds possibly correct.

Charles Boykin: Okay. March 18th to June 3rd, you receive adjunct pay for two courses of \$3,000.

Carla Jackson: That sounds correct.

Charles Boykin: Okay. We're in 2016, right? May 16th-June 30th, you received adjunct pay for \$1500 for one course. Okay. And then May 16th-June 30th, you received compensation for serving as dean of transitional studies and distance education for \$2500.

Carla Jackson: Repeat that again.

Charles Boykin: May 16 to June 30th, you received compensation for serving as dean of transitional studies and distance education to the amount of \$2500.

Carla Jackson: June 30th of what year?

Charles Boykin: It's 2016.

Carla Jackson: Okay. For?

Charles Boykin: For serving as interim dean.

Carla Jackson: Okay.

Charles Boykin: Do you have any reason to disagree with that?

Carla Jackson: I don't have any reason to disagree.

Charles Boykin: Okay. October 3rd, you were appointed interim dean of business computers and related technologies. And that's 2016, correct?

Carla Jackson: Yes.

Charles Boykin: Okay. And then you received a retro payment through accounts payable for the dean of transitional services to the tune of \$3,021.75.

Carla Jackson: That's correct.

Charles Boykin: Okay. Now, the \$3,000 from accounts payable was for salary or wages, wasn't it, Ms. Jackson?

Carla Jackson: Accounts payable for what? I don't know what you're talking about.

Charles Boykin: October 12th, you received a accounts payable check for retro, retroactive payment for transitional services and distance education coordinator in the amount of \$3,021.75.

Carla Jackson: Okay.

Charles Boykin: And the accounts payable is that you received it without any taxes being withheld from it or anything like that.

Carla Jackson: I received it. Whether tax is withheld or not ... I don't recall.

Charles Boykin: Okay. You don't recall? Okay. Madam Chair?

Glenise Elmore: Yes, sir.

Charles Boykin: Could we take just a few minutes break. Beg the board's indulgence.

Glenise Elmore: That's fine. Let's start back at 2:20.

Charles Boykin: Thank you.

Glenise Elmore: Okay.

Charles Boykin: Thank you, Madam Chair. Just a few more questions. Miss Jackson, would you be so kind as to turn to Page 162 in the record, please.

Charles Boykin: Miss Jackson would you agree, and you can certainly turn sideways if it helps you. Would you agree with me that this is your position description for the Administrative Coordinator I position that you held, is that correct?

Carla Jackson: Yes.

Charles Boykin: Okay. And that, if you look, and I'm gonna read. You can just agree with me or disagree. If you look at Item Two, it says, "What knowledge, and skills, and abilities are needed by an employee upon entry in this job, including any special certification or license." Is that, do you see that? Miss Jackson?

Carla Jackson: Yes.

Charles Boykin: Okay. Midway there it says, "The ability to carry out complex oral and written instructions." That would have been a part of what was required of you in that job, isn't that correct, Miss Jackson?

Carla Jackson: That's correct.

Charles Boykin: Okay. And it's also, the ability ... Excuse me. "The ability to work independently, and to resolve special situations of a," it says, "non-recurring nature," but that's a non sequitur. But, to resolve or solve special situations I supposed is what that would be asking you, wouldn't it, Miss Jackson?

Carla Jackson: I suppose.

Charles Boykin: Okay. And, "Must have the ability to establish and maintain good interpersonal relationships, and possess a positive attitude." That was your requirement, isn't it?

Carla Jackson: Yes.

Charles Boykin: Okay. And then, if we go to Three, and we'll look particularly to the last sentence, it says, "Must have the ability to work independently, and demonstrate sound judgment, maintain confidentiality, be diplomatic, and ethical." Is that correct?

Carla Jackson: Yes.

Charles Boykin: So, did that require you, Miss Jackson, to use your judgment and to act in the best interests of the college, didn't it?

Carla Jackson: Correct.

Charles Boykin: Okay. Now, let's turn now, Miss Jackson, if you will, to Page 183, well, let's start with 179.

Charles Boykin: And 179, would you agree that that's the Disciplinary Action Policy for the system? I'm sorry. Forgive me. Okay. And you would agree with me that this is the Disciplinary Action Policy for the system? For the State Tech System, Correct?

Carla Jackson: Correct.

Charles Boykin: Okay. And in this, we'll now turn to Page 183.

Charles Boykin: And in 183 it says, under Termination, "Each offense is viewed on a case by case basis." Then it goes on and says, "If there are egregious, gross, or aggravated misconduct, or offense, may result in immediate termination." Is that correct, Miss Jackson?

Carla Jackson: Yes.

Charles Boykin: Okay. And that interpretation would be progressive discipline obviously is available, but if the conduct is such the person, that the agency doesn't have to go through progressive discipline, isn't that correct?

Carla Jackson: That's correct.

Charles Boykin: Okay. If we go to 166, Miss Jackson.

Charles Boykin: Do you recognize this, Miss Jackson, as being the Ethics Requirements for Employees and Public Officials?

Carla Jackson: Yes.

Charles Boykin: Okay. And this policy, you would agree, prohibits employees ... Excuse me, let's turn to 168.

Charles Boykin: And if you look at Item One under the second section here, it says, "Prohibits employees from using their official position or office to obtain an economic interest for the employee or the employee's family member." Okay? Do you see that, Miss Jackson?

Carla Jackson: Yes.

Charles Boykin: Okay. The Ethics Act, though, the sum and substance of it is that it prohibits an employee, a State employee, from using their position for personal gain. You would agree with me on that?

Carla Jackson: Yes.

Charles Boykin: Okay. All right. If you go to 169, Miss Jackson. And I'll call your attention to Number Six, on 169. It says, "Provides for actions to be taken by employees where a decision would affect the employee's personal financial interests." Is that what that says, Miss Jackson?

Carla Jackson: Yes.

Charles Boykin: Okay. Would you agree with me that if ... You were in an executive office and decisions were being made that affected your financial interests, that you carry the same responsibility to make sure that the documentation is clear that you were not involved in benefiting yourself.

Carla Jackson: Repeat that.

Charles Boykin: That's, you're right. That's a mouthful, let me try it again. You would agree with me that as a member of the President's executive staff, if you were there, and a decision is being made that benefits your financial interest, you would make sure that the documents would show that you were not involved in that decision, wouldn't you?

Carla Jackson: I would reach for that document or not ...

Charles Boykin: That the document, there was documentation showing that Carla Jackson did not use her position to benefit herself, personally.

Carla Jackson: So, what was the question?

Charles Boykin: That you would insist that those documents come into existence showing that you had no input in benefiting yourself.

Carla Jackson: That's correct.

Charles Boykin: That's what you would do?

Carla Jackson: Yes.

Charles Boykin: Okay. Okay. Okay. Thank you, Miss Jackson.

Shannon Polvi: I have redirect, thank you. Miss Jackson I want to pick up just where Mr. Boykin finishes on the topic. Is ... How would you know what documents payroll and HR had in your personnel file?

Carla Jackson: I wouldn't know.

Shannon Polvi: And who would be responsible for maintaining payroll documents about the pay that you received?

Carla Jackson: I assume HR and Payroll.

Shannon Polvi: How would you describe your receiving pay increases, and I'm specifically asking in regards to your pay records?

Carla Jackson: Repeat that.

Shannon Polvi: How would you describe your receipt of pay increases? And I'm asking kind of with specificity as it relates to pay records. Meaning, how would you know that you received a pay rate increase?

Carla Jackson: Only when I see a change in my pay. Or I would receive a letter letting me know that there's been a pay change.

Shannon Polvi: Was there any time that you initiated that process?

Carla Jackson: No.

Shannon Polvi: How would you describe your ethical conduct in performing your duties while employed with Denmark Technical College?

Carla Jackson: I have been ethical in all aspects.

Shannon Polvi: When you received your paychecks, who issued those paychecks?

Carla Jackson: The college.

Shannon Polvi: And who would approve what amount was on your paycheck?

Carla Jackson: I assume the President, and all the above signatures as listed on the personnel action form of ... The HR, Payroll. I don't know who was the last person to put it in the system. I don't know that detail.

Shannon Polvi: Would it be fair to say that you're not one of those individuals?

Carla Jackson: I'm not one of those individuals.

Shannon Polvi: Draw your attention to Page 97, please.

Shannon Polvi: And looking at the payroll documentation, 97 through 106, who were the initiating individuals on these documents? Let's go one by one. Page 97?

Carla Jackson: This is Doctor McIntyre.

Shannon Polvi: Looking at Page 98.

Carla Jackson: This would be Doctor McIntyre.

Shannon Polvi: And in regard to this page, 98, it refers to the Assistant to Area Commissioners stipend that you were receiving?

Carla Jackson: Yes.

Shannon Polvi: What duties, in addition to those listed in the Planning Document that Mr. Boykin was asking about, what additional duties were you performing in regard to the Commission?

Carla Jackson: I had to ...

Charles Boykin: Object. Asked and answered. I recognize. It was entirely my question. But this is not in response. This is just redirect all over again. This is not in response to what I did. She had asked that on direct. What duties. Her answer was, "Working, taking calls, working after hours, and weekends," and things like that. So, she's already answered that.

Shannon Polvi: May I add, he asked additional questions about the Planning Documents, so I'm bifurcating my redirect is based on the follow up about the Planning Documents.

Charles Boykin: I will withdraw.

Kevin Maroney: You'll withdraw?

Charles Boykin: Yes.

Shannon Polvi: To clarify is that, in regard to the Area Commissioners, Mr. Boykin asked you questions about Planning Documents that were developed by Doctor Boyd-Scotland and Doctor McIntyre in regards to your duties in the President's Office. What other duties with the Area Commission did you perform?

Carla Jackson: The Area Commission normally meets six times a year. They've been meeting every month for special called meetings. So there were additional meetings added to the norm. Working outside of my regular hours, on weekends, taking extensive recordings and minutes. Doing additional paperwork for travel that I normally would not do. Board briefs, attending different retreats and different conferences and meetings that the Area Commissions want to have. So, it's outside of my norm working hours.

Shannon Polvi: And in regards to the Area Commission, did those seven individuals contact you directly in addition to the President, in regards to their meetings?

Carla Jackson: Yes, they would contact both the President and I.

Shannon Polvi: Turn back to Page 98. Going with the authorizing authority, you mentioned Doctor McIntyre. Are there also other individuals on this document as well? For Page 98? I think you're on a different page than I am.

Carla Jackson: There are other individuals. Mr. Barnette, Miss Alfredia Boyd, Human Resources, and Doctor McIntyre.

Shannon Polvi: And on Page 99, when it refers to you receiving a stipend for teaching Introduction to Business course in the amount of \$1,500, who was the initiating supervisor?

Carla Jackson: Miss Tia Richards, who was the Dean of Business at that time, initiated this followed by the VP of Academic Affairs, Doctor Fields. And then a signature from the Vice President of Fiscal Affairs followed by the President, Doctor McIntyre.

Shannon Polvi: Looking at the next page, Page 100, it's a Dual Employment form. Who's the initiating person for this document?

Carla Jackson: I think it's HR. Megan Jennings.

Shannon Polvi: Look at Page 101. Who is the initiating person for this document?

Carla Jackson: That would be Miss Tia Richards, who was the Dean of Business. And then followed by the Vice President of Academic Affairs, Doctor Fields. Followed by the President, Doctor McIntyre.

Shannon Polvi: And looking at the next document, 102, it's a request for Adjunct Faculty Stipend, who would be the initiating supervisor here?

Carla Jackson: Miss Tia Richards, who was the Dean of Business. Then you have the Director of Human Resources, Alfredia Boyd, Vice President of Fiscal Affairs, Ram'on Wideman. The Vice President of Academic Affairs, Doctor Fields, and the President, Doctor McIntyre.

Shannon Polvi: The next page, 103, which this is your increase when you became the Interim Dean of Transitional Services. Who is the initiating supervisor?

Carla Jackson: Doctor McIntyre.

Shannon Polvi: And on 104, when it reflects the workshop that you facilitated. Who was the initiating supervisor?

Carla Jackson: Teresa Mack. Followed by the Vice President of Fiscal Affairs, Ram'on Wideman. Director of Human Resources, Alfredia Boyd. And the President, Doctor McIntyre.

Shannon Polvi: And 105?

Carla Jackson: The initiator was Doctor Valerie Fields, who was the Vice President of Academic Affairs. Followed by the Vice President of Fiscal Affairs, Ram'on Wideman. Director of Human Resources Alfredia Boyd. And the President, Doctor McIntyre.

Shannon Polvi: And the last page, 106?

Carla Jackson: This was initiated by Miss Tia Richards. Followed by the Vice President of Academic Affairs, Doctor Valerie Fields. Followed by Mr. Ram'on Wideman, the VP of Fiscal Affairs. And then the President, Doctor Leonard McIntyre.

Shannon Polvi: If there was any discrepancy with any of these documents, who would be responsible for those discrepancies?

Carla Jackson: The college.

Shannon Polvi: And to your knowledge is there any discrepancy with your pay?

Carla Jackson: No. No one mentioned anything about any discrepancy with my pay.

Shannon Polvi: Mr. Boykin asked you about the documents, whether Doctor McIntyre's signature was a handwritten signature, or a stamp. To the best of your knowledge, when a signature or stamp was used on a document, was that at the authorization of the President?

Carla Jackson: Yes.

Kevin Maroney: Ms. Polvi, the next time there's a leading question, I'm going to interrupt and ask you to rephrase, okay?

Shannon Polvi: You were asked some questions about the time period that changed, in terms of your positions, when Mr. Boykin had kind of a chart that he was running through. I want to do some follow up about that. You testified about a transitional time period. What did you mean by the transition?

Carla Jackson: When I assumed the role as the Dean of Transitional Studies and Distance Education there was someone in the office at the time, Miss Bamberg, who had recently just been hired. So, of course, she hadn't been there long enough to basically understand the operation of the office. So, when I moved over to Transitional Studies, there was a transitional period in me assisting her until she could get comfortable doing things that I was doing, and she took on the job duties and responsibilities. So, that was the transitional period. When I left my Executive Coordinator job duties and responsibility, and assumed the role as the Dean of Transitional Studies. I assisted her until she was able to do all the duties and responsibilities in that office.

Shannon Polvi: When Gwendolyn Bamberg became the Administrative Coordinator in the President's Office in terms of performing the duties, what control did she have over the President's stamp?

Carla Jackson: She had all control of the President's stamp and the authorization.

Shannon Polvi: Once you became the Interim Dean of Transitional Studies, what control did you have over the President's stamp?

Carla Jackson: I had no control of the President's stamp.

Shannon Polvi: And when did you, just for clarity of the record, when did you become the Interim Dean of Transitional Studies?

Carla Jackson: It was October the 1st of 2015 when I became Interim Dean of Transitional Studies. And also, when I moved over to Transition Studies, when Miss Bamberg assumed the duties and responsibility, she then got additional pay, supplemented pay, for being the Interim Executive Coordinator for that position. So, she's receiving supplemental pay for doing my job duties.

Shannon Polvi: Next I'd like to ask you some questions to follow up about the tuition assistance policy, which is on Page 147, please.

Shannon Polvi: Mr. Boykin asked you some questions about some of the sub-parts in Number Seven. I wanted to follow up on C, D, and G, which was his questions in regards to those. C states, "Staff Division Head, Academic Dean, or Vice President for Academic Affairs schedules an appearance before the Executive Council to explain/justify requests." In that statement, what is your understanding of whether or not there is any requirement of you to do anything?

Carla Jackson: There is no requirement of me to do anything. Once I submit my application, it's go from one signatory to another. I don't walk the documents through. Once I turn the application in, it goes from step to the next. And as far as this C, it say "Staff Division Head." My immediate supervisor was the President, which was Doctor Boyd-Scotland, so ... That would not apply to me.

Shannon Polvi: And D references, it states, "The Executive Council decides and Executive Council Secretary notes the decision of the minutes Title III Director secures final approval and signature of President." Of that, what is your understanding of any requirements of you?

Carla Jackson: There is no requirement of me. It basically said the Executive Council decides, and then they note it in the minutes. So it's nothing for me to do. It's for the college to perform these duties.

Shannon Polvi: And is your understanding that you completed all, or what is your understanding of your completion of the steps required of you to apply for tuition reimbursement?

Carla Jackson: My understanding, when I applied is for me to complete the application, which I did. And turn it in into the Grants and Contracts Department, which would have been under Miss Teresa Mack. And I would wait on a response until I know whether or not I was approved or not. Once that application was turned into the Director of Grants and Contracts, they would then get the signators for approval or disapproval. Then I would be notified whether or not I was approved for tuition assistance.

Carla Jackson: So, all I know is it goes between the Grants and Contracts, where the application starts from and where it ends, and then the Presidents sign off on the application. So, I wouldn't have no idea. The only thing I would know whether it's approved or disapproved. The ins and out of the procedures with the college, the steps that they take to get it approved, I wouldn't have any input in that.

Shannon Polvi: And the last follow up is gonna be, if you'll turn to Page 143.

Shannon Polvi: Mr. Boykin asked you some questions in regards to the amount of time and the amount of pay that involved your Master's degree, and reimbursement therefrom. In regards to the reimbursement you received, what amount was it in comparison to what you had to pay American Intercontinental University?

Carla Jackson: Repeat that for me.

Shannon Polvi: Based on what you received from the college, to what you paid to American Intercontinental University, what amount was that?

Carla Jackson: I don't know the exact amount. But, based on what I requested for, whatever that total amount, based on the document that he showed me that I received, I requested for and that's the amount that I received.

Shannon Polvi: And just to make sure I understood your answer, is that the amount that you received is equal to the amount that you paid the college, meaning American Continental University ...

Charles Boykin: Leading.

Kevin Maroney: Sustained.

Shannon Polvi: Can you clarify for the panel what you meant with your last answer? Because I was a little confused. So if I was confused, the panel might be.

Carla Jackson: The amount that I received from the college, Denmark Technical College, is the amount that was paid to America Intercontinental University for the degree that I received.

Shannon Polvi: Thank you. That was what I was trying to clarify. That's the end of my redirect.

Kevin Maroney: Nothing for this witness.

Glenise Elmore: No questions from the panel for the witness? Any questions? May this witness be excused?

Shannon Polvi: Yes.

Glenise Elmore: Thank you, Ma'am. You're excused. Thank you for your testimony.

Charles Boykin: Subject to ... She's here. If I don't have to call her, I won't call her. But she's here. She's a party, so I wouldn't excuse a party.

Kevin Maroney: She, I think the Chair just meant she's excused from the witness stand.

Charles Boykin: Yes. Yes, by all means. [crosstalk 00:27:48].

Kevin Maroney: Is Miss Donaldson here?

Shannon Polvi: She's not.

Shannon Polvi: In that, we have no other witnesses to call at this time. We had some additional, but for the circumstances described, Ms. Bamberg had a funeral, Ms. Mack not able to come, and then Ms. Donaldson we have not been able to get a hold of.

Shannon Polvi: The last conversation we had, she was here at the last hearing as we are all aware, of course. She was prepared before, but I understand she did have a very ill ... I believe her child has cancer, respectfully so, that's confidential, but she talked about it openly, so I don't know if that's reason why we haven't been able to get a hold of her, but the circumstances as they are, my paralegal, myself, my client, we've all tried to call and contact her via mail, phone, to get her to come here today as well to follow up with her testimony.

Shannon Polvi: But, it is what it is in terms of that she's not here.

Charles Boykin: Madam Chair, I would move to strike Ms. Donaldson's testimony, because I wanted a chance to cross.

Kevin Maroney: Because the appellants have rested and Mr. Boykin and State Tech have not had a chance to cross examine, Ms. Donaldson's testimony will be struck.

Glenise Elmore: Okay. And your first witness.

Glenise Elmore: Would you please, Ma'am, state your name for the record?

Cheryl Gina: Cheryl Gina.

Glenise Elmore: Now again.

Cheryl Gina: Cheryl, C-H-E-R-Y-L. Last name is Gina, G-I-N-A.

Kevin Maroney: If you could speak up for the microphone. Thank you

Glenise Elmore: Alright, I'm gonna go over with some information with you, before we get started.

Glenise Elmore: Witnesses are not to discuss this case either before or after testifying until they are excused. This is not intended to preclude the parties from entering into discussion with respect to the witnesses. Is that clear?

Cheryl Gina: Yes.

Glenise Elmore: Alright. Witnesses are to remain available after testifying until they are excused by a presiding officer. Witnesses may not remain in the hearing room, except when called to testify. Witnesses will be asked to testify under oath and at this time, the secretary will administer the oath.

Secretary: Please stand and raise your right hand.

Secretary: Do you swear or affirm that the testimony you will give today is the whole truth and nothing but the truth?

Cheryl Gina: Yes.

Glenise Elmore: The appellant, the agency, the witnesses, or anyone else related to the case are not to discuss the case with any member of the state employee grievance committee before, during, or after the hearing until the final decision is reached, and the matter is no longer pending before the committee.

Glenise Elmore: A matter is still considered to be pending before the committee during the time involved in a request for a reconsideration of a committee's decision, or until the time has passed for an appeal to the administrative law court. The only time the case is to be discussed is during the formal hearing procedures.

Glenise Elmore: Okay, thank you.

Kevin Maroney: Quick motion by Ms. Polvi.

Shannon Polvi: Just for the record, wanted to reinstitute my motion in limine at the beginning. Just a matter for the record. You may proceed.

Kevin Maroney: And it's been denied for the record. Please continue.

Charles Boykin: Ms. Gina, where are you employed?

Cheryl Gina: Denmark Technical College.

Charles Boykin: How long have you been employed there?

Cheryl Gina: A little over 10 years.

Charles Boykin: Okay.

Charles Boykin: Do you know Ms. Carla Jackson?

Cheryl Gina: Yes.

Charles Boykin: And how did you come to know Ms. Jackson?

Cheryl Gina: When Ms. Jackson gained employment in 21.

Charles Boykin: Have you had occasion to work with or for Ms. Jackson?

Cheryl Gina: Yes.

Charles Boykin: Would you tell the panel about working with or for Ms. Jackson please?

Cheryl Gina: Ms. Jackson and I somewhat work together. When I was administrative specialist for Dr. Kapisapathy, it was anything I needed to bring to his office then I would communicate with Ms. Jackson, and at one point Ms. Jackson became my supervisor when she was interim of transitional studies business education.

Charles Boykin: When she was your supervisor, did you have occasion to watch the procedures as she executed her job?

Cheryl Gina: Yes

Charles Boykin: Okay.

Charles Boykin: Did it involve a stamp?

Cheryl Gina: Yes

Charles Boykin: Okay.

Charles Boykin: Tell the panel your understanding of her using the stamp.

Cheryl Gina: When I see Ms. Jackson use the stamp, it was signature folders that was brought over to the office from the president's office. Anything that needed president's signature would be brought over to her.

Charles Boykin: Did this procedure continue the entire time she was the interim dean?

Cheryl Gina: Yes

Charles Boykin: Okay.

Charles Boykin: What time would that have been Ms. Gina?

Cheryl Gina: For transition studies. Thinking she was interim dean for transition for a year, I'm not sure. And then when she moved from that position she was interim dean for business.

Charles Boykin: Okay.

Charles Boykin: Did you ever witness Ms. Jackson process papers for Dr. McIntyre?

Cheryl Gina: Yes.

Charles Boykin: Anything involving the Southern Association of Colleges and Schools?

Cheryl Gina: Yes.

Charles Boykin: If there is anything of note that you recall, please share it with the panel.

Cheryl Gina: Dr. Kapisapathy, which was the vice president for institutional research at the time, called Jackson. He needed signature from Dr. McIntyre for SACS documents. Some documents we needed to send to SACS. And he informed her he needed Dr. McIntyre to sign. She said to put the document down. I presented it to Ms. Jackson.

Charles Boykin: Excuse me, when you said "She said" who was this she?

Cheryl Gina: Ms. Jackson, I'm sorry. Ms. Jackson.

Cheryl Gina: Ms. Jackson told me to send the document. I presented the SACS letter to Ms. Jackson and she read over it and she pulled out a pen and she did hand signature of Dr. McIntyre's signature.

Charles Boykin: To be clear, she signed Dr. McIntyre's name. Is that correct?

Cheryl Gina: Yes.

Charles Boykin: Did she put the slash with her initials?

Cheryl Gina: No.

Charles Boykin: Okay.

Charles Boykin: Any other time did you see Ms. Jackson perform this particular maneuver?

Cheryl Gina: Yes. After an executive council meeting in the boardroom, Mr. Derick Stewart presented a direct expenditure that needed signature from Dr. McIntyre. And he presented to Ms. Jackson, and she hand signed Dr. McIntyre's signature.

Charles Boykin: Did she do the slash to put her initials indicating that Dr. McIntyre was not the person signing it?

Cheryl Gina: No.

Charles Boykin: Okay.

Charles Boykin: Now, Ms. Jackson was your supervisor, is that correct?

Cheryl Gina: Yes

Charles Boykin: She disciplined you at some point in time did she not?

Cheryl Gina: Yes

Shannon Polvi: Object to the form, misleading.

Kevin Maroney: I gave her some leeway when you were doing your examination, I'll provide the same leeway to Mr. Boykin, however as I've said to Ms. Polvi at the time, let's not make it excessive.

Charles Boykin: Share with the panel your understanding of the discipline.

Cheryl Gina: Ms. Jackson suspended me for three days with no pay.

Charles Boykin: And that was based on what?

Cheryl Gina: That was based on I guess a disagreement that went on in the department concerning the leave time for staff.

Charles Boykin: Tell the panel what if any impact that would have on your testimony here today.

Cheryl Gina: It would have no impact here, I'm just telling the truth with what I've seen and that's it.

Charles Boykin: Thank you Ms. Gina, respond to any questions that Ms. Polvi would have or the panel.

Shannon Polvi: Ms. Gina, I'm counsel for Ms. Jackson and I have the opportunity to follow up with some questions about your testimony.

Shannon Polvi: You testified about a suspension that you were issued. Is it correct that that suspension was issued by Dr. McIntyre?

Cheryl Gina: From what I gathered, the suspension came from Ms. Jackson to send me home for three days with no pay.

Shannon Polvi: The signatory on your suspension letter was Dr. McIntyre as the authorizing official, correct?

Cheryl Gina: No, it was Dr. Drammeh.

Shannon Polvi: And who was Dr. Drammeh at that time in terms of his role?

Cheryl Gina: Dr. Drammeh was the vice president for institutional research.

Shannon Polvi: In regards to that suspension, was that related to your behavior during a staff meeting.

Cheryl Gina: From what she put on paper.

Shannon Polvi: That you were yelling at employees during a meeting.

Cheryl Gina: No, that's not true.

Shannon Polvi: That you responded that you didn't have to follow Ms. Jackson's instructions.

Cheryl Gina: No, I never said that.

Shannon Polvi: You were asked to lower your voice.

Cheryl Gina: Ms. Jackson started getting loud, and I started getting loud with Ms. Jackson. So we were both talking at a high tone. I was not the only one with a loud voice.

Shannon Polvi: And other employees were present at the time that observed this interaction?

Cheryl Gina: Ms. Margaree Bonnette and Mr. Michael Singleton, who is no longer with the college.

Shannon Polvi: And the suspension that you were issued, the basis for it was insubordination?

Cheryl Gina: Yes.

Shannon Polvi: Are you presently supervised by Rosalin Kenner?

Cheryl Gina: Yes.

Shannon Polvi: And Ms. Kenner is the interim dean of human services and early childhood?

Cheryl Gina: She's the interim dean for public service.

Shannon Polvi: Has Ms. Kenner also disciplined you during your employment under her supervision?

Cheryl Gina: No.

Shannon Polvi: Were you involved at all in a complaint against Ms. Jackson that was ever filed?

Cheryl Gina: I went and tried to file a complaint and talked to HR - Mrs. Richards - at the time Mrs. Richards was not on campus. I was told she had went home for the day because she was sick and HR was not on campus.

Shannon Polvi: You testified a little bit earlier that you observed Ms. Jackson using the president's stamp throughout her tenure as interim dean of transitional studies and distance learning education, is that correct?

Cheryl Gina: Yes.

Shannon Polvi: Is it correct that you were transferred in April of 2016?

Cheryl Gina: Ms. Richardson moved me from the department to separate me and Ms. Jackson. She said there was just too much that was going on in that area.

Shannon Polvi: So to be correct, you were only working with Ms. Jackson directly during the beginning of her tenure as interim dean?

Cheryl Gina: Yes.

Shannon Polvi: And you would have not had an opportunity to see or observe what she did or didn't do during the tenure that you didn't work with her.

Cheryl Gina: Not when I didn't work with her. But I seen her when I was working with her.

Shannon Polvi: And that would have been during the end of 2015 and the beginning of 2016?

Cheryl Gina: 2016.

Shannon Polvi: You testified that you had seen Ms. Jackson on two occasions hand-write a signature of Dr. McIntyre, is that correct?

Cheryl Gina: Yes.

Shannon Polvi: Not under those two circumstances were you aware of whether or not Dr. McIntyre had issued an instruction for Ms. Jackson to do so?

Cheryl Gina: No.

Shannon Polvi: Would you have any reason to disbelieve that she was authorized to do the actions that she did?

Cheryl Gina: When she signed the SACS document, I did not see Dr. McIntyre present. But when we were in the boardroom Dr. McIntyre was present, actually he was standing behind Ms. Jackson, talking to another individual. There was no interaction with him, she just signed the paper.

Shannon Polvi: Were you aware of any conversations they may have had when you were not privy?

Cheryl Gina: No.

Shannon Polvi: Just for further clarification, with the time-frame of with which you worked with Ms. Jackson, that time frame was about 5 months, is that correct?

Cheryl Gina: Let me think.

Cheryl Gina: Ms. Jackson was interim if I'm not mistaken, it was either September or October and I was moved from that department in April.

Shannon Polvi: In this, are you aware of Ms. Jackson remaining in the interim dean of transitional studies role until October of 2016?

Cheryl Gina: I think it was something around that time.

Shannon Polvi: With regard to your own personnel documents, have you ever initiated any of your own payroll action forms?

Cheryl Gina: No.

Shannon Polvi: What's your understanding of how payroll action forms occur in terms of the change in pay?

Cheryl Gina: I know this document that needs to be filled out and signed by someone who is recommending that your pay improve.

Shannon Polvi: Would those recommendations typically come from more than one person?

Charles Boykin: Object to this line of questioning, and she can stay within the scope. If she's doing that for credibility, that's fine, but she's exceeding what I asked her and this is not for credibility, she is testing her knowledge on the system and this is

cumulative testimony in that we have had a ton of discussions about those processes all the time.

Kevin Maroney: Sustained.

Shannon Polvi: One last follow-up. Did you ever see Ms. Jackson stamp any of her own documents? Any of her personnel documents?

Cheryl Gina: No, I can't say that I did.

Shannon Polvi: I conclude.

Charles Boykin: No follow-up. I'm finished with this witness.

Glenise Elmore: Questions from the panel?

Glenise Elmore: Any questions?

Glenise Elmore: May this witness be excused from testimony?

Glenise Elmore: Thank you ma'am, you're excused.

Glenise Elmore: Hello.

Betty Dowling: Hello.

Glenise Elmore: Would you please state your name for the record?

Betty Dowling: My name is Betty Dowling.

Glenise Elmore: Betty Dowling?

Betty Dowling: Yes.

Glenise Elmore: Alright. Ms. Dowling, I have some information to read to you.

Betty Dowling: Okay.

Glenise Elmore: Witnesses are asked not to discuss the case either before or after testifying until they are excused. This is not intended to preclude the parties into entering into discussion with their respective witnesses. Is this understood?

Betty Dowling: Yes.

Glenise Elmore: Witnesses are asked to remain available after testifying until they are excused by the presiding officer. Witnesses may not remain in the hearing room except when called to testify. Witnesses will be asked to testify under oath, and at this time the secretary is going to give you the oath.

Betty Dowling: Okay.

Secretary: If you will please stand and raise your right hand. Do you swear or affirm that the testimony you will give today is the whole truth, and nothing but the truth?

Betty Dowling: Yes.

Glenise Elmore: The appellant, the agency, witnesses or anyone else related to the case are not to discuss the case with any member of the State Employee Grievance Committee before, during, or after the hearing until the final decision is reached and the matter is no longer pending before the committee. A matter is still considered to be pending before the committee during the time involved in a request for reconsideration of the committee's decision, or until the time has passed for appeal to the administrative law court. The only time the case is to be discussed is during the formal hearing procedures.

Glenise Elmore: Alright, that microphone's gonna pick up your testimony so if you could speak up for that, and...

Betty Dowling: Okay, I'm hoarse a little bit.

Glenise Elmore: Okay, that's fine.

Betty Dowling: But I can speak up.

Glenise Elmore: Thank you ma'am. Alright.

Charles Boykin: Ms. Dowling, so where are you employed?

Shannon Polvi: Just-

Charles Boykin: I'm sorry. I apologize, I'm sorry.

Shannon Polvi: Reinstating the motion in limine for the record.

Kevin Maroney: Motion is denied.

Charles Boykin: Ms. Dowling, where are you employed?

Betty Dowling: Denmark Tech.

Charles Boykin: How long did you work at Denmark Tech?

Betty Dowling: I've been there 43 years.

Charles Boykin: What are your duties at Denmark Tech as we speak?

Betty Dowling: Now I'm working on the switchboard because I'm there part-time until another lady returns and you said wanna know what my duties are-?

Charles Boykin: Yes ma'am.

Betty Dowling: I answer the phone and I do the requisition and I do minutes for the board meetings.

Charles Boykin: When you say board meetings is that the area commission?

Betty Dowling: Yes.

Charles Boykin: Then how long have you prepared minutes for the area commission?

Betty Dowling: When I was working in academic affairs I did minutes on board meetings too and when I worked in President's Office I did minutes for the board meetings.

Charles Boykin: If we had to give a time how much time would that have been?

Betty Dowling: That I did the minutes?

Charles Boykin: Yes ma'am.

Betty Dowling: A lotta years. Mostly ... Ever since ... In the '70s I used to do minutes?

Charles Boykin: And how much extra are you paid to do the minutes Ms. Dowling?

Betty Dowling: None

Charles Boykin: Are you familiar with Ms. Carla Jackson?

Betty Dowling: Yes.

Charles Boykin: And are you familiar with a presidential stamp -- well, there's the stamp with a president's signature that the president used?

Betty Dowling: Yes.

Charles Boykin: Are you familiar with the stamp of Dr. McIntyre?

Betty Dowling: Yes.

Charles Boykin: Did any other presidents use stamps that you are familiar since you were there?

Betty Dowling: Well, I haven't seen any of them use it.

Charles Boykin: Okay, you've seen it. Okay.

Betty Dowling: Mm-hmm (affirmative).

Charles Boykin: Are you familiar with Ms. Jackson using the president's- Dr. McIntyre's stamp?

Betty Dowling: Yes.

Charles Boykin: Okay. Tell the board- tell the panel your view on the standing of Ms. Jackson's using the stamp.

Betty Dowling: I've never used the stamp. The only time I've ... did ... thought McIntyre signature was you called me on the phone and he asked me "Would I sign requisition", that someone was going on a trip and he left early, and so he asked me "Would I sign that form for him?". And what I did was I signed his name and I put my initial. It would be, you know like, half signed it.

Charles Boykin: Okay. So the stamp there in Dr. McIntyre's signature, where was that kept?

Betty Dowling: It was kept in the main office in the drawer.

Charles Boykin: Okay. How much access did Ms. Jackson have to that stamp?

Betty Dowling: I guess we all had access to it but I just didn't use it.

Charles Boykin: Okay. You recall Ms. Jackson being promoted to the position of Interim Dean for transitional studies?

Betty Dowling: Yes.

Charles Boykin: Okay. To the best of your recollection was she still performing duties in the President's Office?

Betty Dowling: I know occasionally she would come in and do something for Dr. McIntyre, yes.

Charles Boykin: Okay. How long did that go Ms. Dowling? When I say how long, what was the duration of her providing that type of assistance?

Betty Dowling: You're talking about since I was in here?

Charles Boykin: Yes ma'am.

Betty Dowling: Okay, since I was in there I really didn't know what she was doing beforehand, I didn't know. I know she would type up a few things for him but I didn't know what they were.

Charles Boykin: It's okay. Was there ever an occasion when Ms. Jackson was contacted to return the stamp to the President's Office?

Betty Dowling: Yes.

Charles Boykin: Would you tell the board about -- excuse me -- the panel about that?

Betty Dowling: I went over and picked it up from her from the transitional studies.

New Speaker: Okay. Thank you Ms. Dowling. Answer any, you must answer any questions Ms. Polvi has for you.

Shannon Polvi: Hi Ms. Dowling. I'm legal counsel for Ms. Jackson and I have the opportunity to ask you some follow-up questions after Mr. Boykin and I have just a few for you.

Betty Dowling: Okay.

Shannon Polvi: When you worked with Ms. Jackson at Denmark Technical College did you have a positive working relationship?

Betty Dowling: Yes.

Shannon Polvi: And did you observe that she generally had a positive working relationship with people who were employed at Denmark Technical College?

Betty Dowling: Now I can't speak for that, I can only say how she was with me.

Shannon Polvi: And that was positive?

Betty Dowling: Yes.

Shannon Polvi: In regards to the President's stamp, Dr. McIntyre's stamp, did you observe that there was a transition time period where Ms. Jackson was assisting while Gwendolyn Bamberg was on-boarding into her role ... as the administrative coordinator in the President's Office?

Betty Dowling: She was in there for a short time, yes.

Shannon Polvi: Was it around that time that Ms. Jackson was still more involved with the operations in the President's Office?

Betty Dowling: Well I know she was giving assignments to us, me and Ms. Bamberg knew what to do, yes.

Shannon Polvi: When Ms. Jackson was in the administrative coordinator role you were in the administrative assistant role within the President's Office?

Betty Dowling: Yeah, I was in there most of the time and then I went to the switchboard when Cindy went to do the mail, then I sat in at the mail - at the phone.

Shannon Polvi: Did you observe Dr. McIntyre authorize Ms. Jackson to use his signature stamp?

Betty Dowling: No.

Shannon Polvi: Were you aware of him doing so with people within the President's Office?

Betty Dowling: I've never heard him authorize her. I think she said he did but, me personally, I hadn't heard him do that.

Shannon Polvi: Were you witness to a meeting in which Dr. McIntyre expressed some concern that Cheryl Washington and Ram'on Wideman had been going into Ms. Jackson's personnel file?

Betty Dowling: Yes.

Shannon Polvi: What did you observe at that time?

Betty Dowling: I took the minutes of that meeting that we had with ... with them.

Shannon Polvi: What did those minutes reflect?

Betty Dowling: She was saying, now I can't remember no verbatim, but she was saying that "They went in her personnel file to review her information" and "It was supposed to be personal." That's what she said.

Shannon Polvi: And what do you recall the result from that meeting being?

Betty Dowling: Okay now I wanna tell the truth, I don't remember exactly what they decided to do.

Shannon Polvi: Around when was that?

Betty Dowling: I can't recall the exact date. But I know it was- we missed the- Mr. Wideman came in. It was a little disagreement about it. I think she was a little upset that they went in her personnel file.

Shannon Polvi: And the "she" you're referring to is Ms. Jackson?

Betty Dowling: Yes.

Shannon Polvi: Where are the personnel files maintained at Denmark Technical College?

Betty Dowling: In the President's Office they are in a secure area. Nobody can go in it but me, Carla, and Bamberg. And I don't give out personal information to nobody.

Shannon Polvi: Were you privy to when Dr. Hall had made changes to Ms. Jackson's pay?

Betty Dowling: I didn't know- I followed her requisitions that were signed, most of them -- except personnel, so I'm not familiar with any personnel information that went through.

Shannon Polvi: Did Ms. Jackson speak with you about her concerns when her pay was changed?

Betty Dowling: No. I didn't know anything about her pay.

Shannon Polvi: Were you present at a meeting in which Cheryl Gina became loud in terms of her tone and voice?

Betty Dowling: Yes, they both had a little disagreement, yes.

Shannon Polvi: Do you recall hearing Ms. Gina say that she wasn't going to follow Ms. Jackson's instructions?

Betty Dowling: To be honest, I didn't hear her say that but I know it was a lot said and I'm not sure of that. 'Cause I know I tried to stop the argument. 'Cause I like to work in harmony with people, that's why I tried to stop it.

Shannon Polvi: At that time was- Ms. Gina was a subordinate meaning she was in a lower position than Ms. Jackson in terms of the Denmark Technical position hiring people?

Betty Dowling: Yes.

Shannon Polvi: In regards to your testimony you mentioned a situation in which she signed Dr. McIntyre's signature at his request. Did he instruct you to put the initials?

Betty Dowling: No.

Shannon Polvi: And you did so at your own initiative?

Betty Dowling: Yeah because I wanted everybody and anybody to know exactly that I signed it, yes.

Shannon Polvi: But that wasn't at his request?

Betty Dowling: He didn't ask me to put the signature there, I always do that anyway.

Shannon Polvi: Just for point of clarification, in your testimony you referenced the personnel files being housed in the President's Office under Dr. McIntyre's tenure and after were those files moved to the human resource department?

Betty Dowling: I am not sure. Because most of my time I worked there in academic affairs. I know I keep my personnel files in a secure area, but I am not sure of that.

Shannon Polvi: When Cheryl Washington and Ra'mon Wideman ... went through Ms. Jackson's personnel file, do you know where-

Charles Boykin: Object.

Kevin Maroney: I believe the testimony was they went into the file that was secured from everyone except for three individuals, they were not among the three so ... I don't think it's ... Unfair to say they went through it when that was the testimony, I don't think it was unfair-

Charles Boykin: Withdrawn.

Shannon Polvi: Then the follow-up to the rest of that question was going to be "Were you present when they -- Cheryl Washington and Ra'mon Wideman -- took those actions?"

Betty Dowling: I was taking the minutes and they had the documents in the meeting.

Shannon Polvi: And that would've been that they already had them in their possession outside of Ms. Jackson's personnel file?

Betty Dowling: Yes.

Shannon Polvi: Those are all my questions.

Charles Boykin: Just briefly, Cheryl Washington, what was her job?

Betty Dowling: She worked in the personnel office.

Charles Boykin: Would her position have been Director of Human Resources?

Betty Dowling: Yes. At that time.

Charles Boykin: And Ra'mon Washington? What was his title? Well, excuse me. Wideman. What was his title?

Betty Dowling: He was the V.P. for Business and Finance.

Charles Boykin: Okay. No further questions, Madame Chair.

Shannon Polvi: Those are all.

Betty Dowling: Okay, I'm sorry.

Glenise Elmore: May this witness be excused from testimony?

Shannon Polvi: Yes.

Glenise Elmore: Thank you ma'am.

Glenise Elmore: Alright, we're ready, good morning. This is the fourth day of the hearing of the appeal of termination against, instituted by Carla Jackson against South Carolina Technical College System, being held in Columbia, South Carolina. The 2nd day of March, 2018.

Glenise Elmore: A record is being made of the hearing. For the record my name is Glenise Elmore, of the South Carolina Department of Social Services and other members of the State Employee Grievance Committee present are: Cliff Miller, Criminal Justice Academy, Kristy Wicker, Department of Motor Vehicles, Tracy Houston, Department of Health and Environmental Control, Melvin Warren, Department of Public Safety. New committee members observing today are: Jowanda Collier, Department of Mental Health. The committee attorney is Kevin Maroney, Attorney General's Office, appellant is represented by Shannon Polvi, the employing agency is represented by Charles Boykin, assisting the committee is Tammy Williamson, Division of State Human Resources.

Glenise Elmore: Each side will be given the opportunity at the appropriate time to ask questions of the witness. The presiding officer, any member of the committee or the committee attorney may direct questions to any party or witness at any time during the proceedings. Before closing the hearing the presiding officer will allow both parties to present a brief summary or closing statements if they so desire. The appellant will have the option of closing first or last. I wish to point out that only testimony and evidence pertinent to the grounds on which the appeal is based, or pertinent to the charges on which the agency action is based will be allowed. Testimony or evidence which is repetitive or cumulative will not be permitted. Are there any questions by either party?

Shannon Polvi: No.

Charles Boykin: None from the agency.

Glenise Elmore: The appellant, the agency, witnesses or anyone else related to the case are not to discuss the case with any member of the State Employee Grievance Committee before, during, or after the hearing, until the final decision is reached. The only time the case is to be discussed is during the formal hearing procedures. A matter is still considered to be pending before the committee during the time involved in the request for a reconsideration of a committee's decision, or until the time has passed for an appeal to the Administrative Law Court. The only time the case is to be discussed is during the formal hearing procedures. After hearing this appeal the committee will report its findings and decisions in writing to the employee and the employing agency within 20 calendar days of the conclusion of the hearing. The decision shall be final in terms of the administrative review. The hearing remains in executive session.

Glenise Elmore: Alright, at this time we're ready to hear witnesses.

Charles Boykin: Madam Chair we will be calling Mrs. Gwen Bright, she's a board member, she has not been sworn but she is on our witness list.

Glenise Elmore: Alright. Mrs. Bright.

Charles Boykin: Madam Chair, this witness has not been sworn.

Glenise Elmore: Okay, we'll take care of that.

Glenise Elmore: Good morning.

Gwen Bright: Good morning.

Glenise Elmore: I have some information to read to you for a minute.

Gwen Bright: Okay.

Glenise Elmore: Witnesses are asked not to discuss this case either before or after testifying until they are excused. This is not intended to preclude the parties from entering into discussion with their respective witnesses. Does any witness not understand this?

Glenise Elmore: Witnesses are to remain available after testifying until they are excused by the presiding officers. Witnesses may not remain in the hearing room except when called to testify. Witnesses will be asked to testify under oath.

Glenise Elmore: At this time the secretary will determine the witness and present the oath to the witness.

Secretary: If you'll please stand and raise your right hand.

Gwen Bright: Okay.

Secretary: Do you swear or affirm that the testimony you will give today is the whole truth and nothing but the truth?

Gwen Bright: I do.

Glenise Elmore: Okay. The appellant, the agency witnesses or anyone else related to the case are not to discuss the case with any member of the State Employee Grievance Committee before, during or after the hearing, until the final decision is reached and the matter is no longer pending before the committee. A matter is still considered to be pending before the committee during the time involved in a request for a reconsideration of the committee's decision or until the time has passed for an appeal to the Administrative Law Court. The only time the case is to be discussed is during the formal hearing procedures. Okay, at this time will you please ma'am state your full name for the record.

Gwen Bright: Gwendolyn Bright.

Glenise Elmore: All Ms. Bright, that microphone up there is going to pick up your testimony so if you could speak up for that and that binder in front of you is the record, you may be asked to refer to it from time to time.

Gwen Bright: Okay.

Glenise Elmore: Alright.

Shannon Polvi: Just before we start the statement I'm going to do, just reinstate my motion in limine for the record.

Charles Boykin: Ms. Bright where are you employed?

Gwen Bright: South Carolina Department of Corrections.

Charles Boykin: And what, if any, is your connection with the State Technical College System?

Gwen Bright: I serve on the State Technical College Board.

Charles Boykin: Are you in any way connected with the Denmark Technical College?

Gwen Bright: Yes, I served on the Denmark Technical College Area Commission.

Charles Boykin: What is the role of the Area Commission, as you understand it Ms. Bright?

Gwen Bright: The role of the Area Commission is to provide governance, policy making, for the college.

Charles Boykin: Okay. Is the college accredited?

Gwen Bright: Yes it is.

Charles Boykin: Okay, do you understand the purpose of accreditation Ms. Bright?

Gwen Bright: Yes, in order for our students to receive financial assistance the college must be, such as your Pell grants, the college must be accredited in order to disperse those funds.

Charles Boykin: Madam Chair, this witness of course, in my case is essentially a rebuttal case, we have a board member talk about the role of the board and this witness is being offered to explain to the panel, it's going to be very limited, but I need to produce documents, I am happy to share here.

Shannon Polvi: I would just say scope of relevance first and then also I don't believe we went into issues of accreditation of the college in terms of any substance.

Charles Boykin: The, Mr, Williams, who had been chair of the board, my recollection is, testified that they have a process where the commission would listen to employees and decide on whether or not there was merit to that or not. That in my judgment violates the standards of accreditation. We have a sitting Commissioner, we have the standards for accreditation that we want to put into the records and we at least listen to her interpretation and the panel can give it whatever weight it chooses to give. But we've already had someone to testify on that point, Mr. Williams has testified to that as a sitting chair.

Kevin Maroney: Can you refresh my recollection of the specific testimony about, I believe you said the committee would review something, can you explain what that was?

Charles Boykin: Yes, I asked Mr. Williams because the issue involved Ms. Jackson and Ms. Jackson's performance and the commissioner's ability to be involved in that whatever information and I asked him whether it was normal, or customary for them to have that information.

Charles Boykin: He said, "yes". I said "have you heard the grievance formally?" He said "No, not formally, but we've heard informal grievances." I asked then, "tell me about that." "If an employee came to us and said something to us we would determine whether there was merit to it and we would act accordingly." And that was his testimony, I don't want to strain the memory of folk but that is my recollection of his testimony.

Charles Boykin: And so that's the purpose for which we are offering Ms. Bright's testimony this morning. Mr. Williams, of course, he had every right to testify to the way he saw fit and Ms. Bright, she has the right to testify the way she sees fit - we have the documents that she'll be testifying from and then the panel can give whatever weight to it that it wants.

Charles Boykin: A part of Ms. Polvi's defense, or her case, is a lack of due process that part of what Mr. Williams was testifying to was that the Area Commission didn't know what was going on, so that is to bolster that and we want to make sure that is explained within the regulations, and as far as accrediting standards are concerned that is what governs and that is what restrains the board from the very conduct that Mr. Williams is testified to. And I apologize because I'm explaining to you what I'm almost testifying myself and I apologize for that.

Kevin Maroney: I understand. No, I asked you to clarify the testimony, we can go forward on this.

Charles Boykin: I'd like to give her a document and question her about the document if that's okay? Ms. Polvi's had the chance to look at it.

Shannon Polvi: My previous objection stands but you've ruled on the issue, so move forward.

Charles Boykin: Ms. Bright, take a moment and look at that to make sure that you can identify it. Ms. Bright can you identify that document?

Gwen Bright: Yes, this is the SACS principles of accreditation - South Carolina Association of Colleges and Schools and it's their standards for accreditation.

Charles Boykin: Okay, tell the panel if you would Ms. Bright, what involvement does the Area Commission have in the day to day operations of the College?

Gwen Bright: The Area Commission has no involvement in the day to day operation of the institution.

Charles Boykin: Okay, would you be so kind as to turn to page 5 of the document in front of you. Is that section for governing board, is that at the top of the page?

Gwen Bright: Yes.

Charles Boykin: I'd like for you to look at item 2B and I would like that to be published to the panel if you will, Ms. Bright.

Gwen Bright: "2B: Ensures a clear and appropriate distinction between the policy making of the board and the responsibility of the administration and faculty to administer and implement policy."

Charles Boykin: Okay, what involvement does this allow for the day to day, I've asked that generally but I want to ask in the context of this question.

Gwen Bright: Well the board has no involvement in the day to day operation of the institution.

Charles Boykin: Okay, look at item C and publish that if you will.

Gwen Bright: Selects and regularly evaluates the institution's Chief of Staff, or, Chief Executive Officer.

Charles Boykin: Okay, what other employees, what's the title that the chief executive officer has at the College?

Gwen Bright: The President

Charles Boykin: Okay, what other employees does the board have reporting to it?

Gwen Bright: No other employees, just the president.

Charles Boykin: Okay, what process does the board have when a member violates its terms of the member's position?

Gwen Bright: Well, the board has the power to dismiss that board member.

Charles Boykin: Okay, look at E and publish that, please.

Gwen Bright: B?

Charles Boykin: E. Item E. Yes ma'am.

Gwen Bright: Has appropriate and fair processes for the dismissal of a board member.

Charles Boykin: Okay, Madam Chair, there is one other point that was discussed here.

Shannon Polvi: I have not objected to a question so you shouldn't testify to the panel.

Charles Boykin: I am not testifying, I want to just, the other point is that Mr. Williams's removal as the Chair, I want to suggest go over that briefly.

Kevin Maroney: I understand, Ms. Polvi is correct though, the proper... should be for her to object.

Charles Boykin: Sure. You're familiar with Mr. Thomas Williams?

Gwen Bright: Yes.

Charles Boykin: And, in what way do you know Mr. Williams?

Gwen Bright: Mr. Williams was the Chair of the Area Commission.

Charles Boykin: Ms. Bright would you turn to 241... Yes ma'am. Take a minute and look at page 241, Ms. Bright. Do you have a recollection about that episode?

Gwen Bright: Yes, Mr. Williams terminated the President of Denmark Technical College.

Charles Boykin: What was Mr. Williams' relationship with the College at the time he took that action?

Gwen Bright: He was Chair of the Board.

Charles Boykin: What was the board's response to Mr. Williams' action?

Gwen Bright: The board removed Mr. Williams as Chair.

Charles Boykin: And what was the board's rationale for this action, Ms. Bright?

Gwen Bright: Because he didn't have the authority to remove the president.

Charles Boykin: Thank you Ms. Bright. I've asked you to listen closely to Ms. Polvi and answer any questions she might have or any questions that the lawyer or the board might have.

Shannon Polvi: Thank you for your time today, I have a few follow-up questions. During the time frame of Ms. Jackson working with the Denmark Technical College Area Commission did you have a working relationship with her as an assistant to the board?

Gwen Bright: She recorded the minutes of the board and that was the only relationship that I had with Ms. Jackson.

Shannon Polvi: Did you have positive interactions with one another in that capacity?

Gwen Bright: Sure

Shannon Polvi: When Ms. Jackson was suspended were you notified of that suspension?

Gwen Bright: Yes.

Shannon Polvi: And is it accurate to say that Dr. Hall had only been at the College in the interim president role for about a week when he suspended Ms. Jackson?

Gwen Bright: It may have been that, I'm not sure.

Shannon Polvi: But around that amount of time?

Gwen Bright: Yes.

Shannon Polvi: When Mr. Williams questioned Dr. Hall about why Ms. Jackson was suspended were you present?

Gwen Bright: No I was not.

Shannon Polvi: Were you in the Executive Committee of the Area Commission at the time?

Gwen Bright: No.

Shannon Polvi: And of the Executive Committee would that constitute the Chair, Vice Chair and the Secretary?

Gwen Bright: Yes.

Shannon Polvi: When Dr. Hall was appointed as the interim president of Denmark Technical College whose decision was that?

Gwen Bright: The Commissioner asked the State Board to put someone in place until we had a full-time employee.

Shannon Polvi: In your role as currently on the state tech board would you be in the capacity of Dr. Hall's supervisor, in essence of being his reviewing body?

Gwen Bright: Yes, as a member of the Area Commission.

Shannon Polvi: Area Commission...and then in regards to Dr. Hardee, with the State Tech, would that be the board overseeing his job as the head of the state tech system?

Gwen Bright: Yes.

Shannon Polvi: Did Dr. Hall communicate with you at all about the time-frame between Ms. Jackson's suspension and her termination about any concerns with Ms. Jackson?

Gwen Bright: No.

Shannon Polvi: Did you at any time ask Dr. Hall what his grounds for his decision to suspend Ms. Jackson was?

Gwen Bright: No, I never did, no.

Shannon Polvi: Did you at all, ever ask Dr. Hall about his grounds for terminating Ms. Jackson's employment?

Gwen Bright: No.

Shannon Polvi: Would it be fair to say that you had no personal knowledge of Ms. Jackson's suspension and termination at the time they occurred?

Gwen Bright: That would be fair to say, yes.

Shannon Polvi: Those are all my questions.

Charles Boykin: Just one... Ms. Bright, could you explain to the panel why you have no involvement and no knowledge of Ms. Jackson's employment action?

Gwen Bright: I didn't have the authority because my role as a Commissioner is to, policy-making, and we do not have, we aren't supposed to have any direct contact with staff because it's the President's role to deal with staff, not the Commission. Only policy-making.

Shannon Polvi: Just one last follow-up would be, following your last testimony, about policy-making, but wouldn't it be the Area Commissioner's job as Dr. Hall's supervisor to question him if there was concerns about his actions in the capacity of President of the College?

Gwen Bright: Well I didn't question any role that he took in that at all.

Shannon Polvi: But that would be appropriate role of the Commission, as the supervisor?

Charles Boykin: Object. Asked and answered.

Kevin Maroney: Sustained. Yep.

Glenise Elmore: Panel questions of this witness?

Glenise Elmore: May this witness be excused?

Charles Boykin: Madam Chair at this time the agency will call Ms. Carla Jackson please.

Shannon Polvi: As in my client? You said Carla Jackson?

Charles Boykin: Yes.

Shannon Polvi: She is not on the Agency's witness list.

Kevin Maroney: She is on the appellant's witness list Mr. Boykin, not the Agency's, according to the document I have.

Charles Boykin: So you're saying I can't call the party, it would be one thing if she was not a party.

Shannon Polvi: He has already had an opportunity to cross-examine.

Charles Boykin: That was not my case in chief, with all due respect.

Kevin Maroney: I understand your point, I need to determine whether it's under the rules governing procedures here if it's possible to amend a witness list.

Charles Boykin: Please

Kevin Maroney: Once that is determined I can rule.

Glenise Elmore: We're going to take a quick 10-15 minute break.

Charles Boykin: That's fine, thank you.

Kevin Maroney: As we discussed off the record, we're gonna excuse the committee panel. I'm gonna ask a few questions of the attorneys and then we'll take another break, so that I can more fully research the question that was brought forth a few moments ago.

Kevin Maroney: Mr. Boykin, was she supposed to be ... was Ms. Jackson supposed to be on your witness list?

Charles Boykin: Honestly, it was my impression that any party could be called, who was a party, without having to be listed on the witness. Ordinarily, I submit and say, "These persons, including hidden parties are necessary."

Kevin Maroney: I understand and I ... Obviously, calling an adverse witness in a civil setting will include the ... a party to the action. In a criminal case, obviously, that's different, the criminal defendant's right to testify or not. In the civil setting, allowing adverse witness can include the party.

Charles Boykin: Yes.

Kevin Maroney: The issue that I'm gonna have to research, is the regulation specifically says that the lists of the agency and the appellant have to be exchanged up to five days beforehand. It's a set list. We also went through the list in detail on the first day, because Miss Polvi had several objections. I think, actually, you also did too to the agency's list, and I think you also had some to hers.

Kevin Maroney: What I'm going to be researching is the ability ... and that context is really just the backdrop. What I'm going to be researching is the ability, given the regulation, for your party to amend the witness list during the hearing, especially this long of 30 days.

Charles Boykin: The Chair asked, at the conclusion of Ms. Jackson's testimony, "Could the witness be excused?" I said, "Subject to my right to call her during my case," and she said, "No, no. We're just talking about having her removed from the witness chair." That was the exchange on that point. Then I said, "Subject to my right to call her to my case in chief," from that stand point. I'd like to have it resolved and, then, if we have to move on, I'm ready to move on. But it's important enough to me for you to render an opinion-

Kevin Maroney: Sir, I don't want to rush, that's why I'm going to step out and I'm gonna go and do research.

Charles Boykin: Certainly.

Kevin Maroney: The only thing I'm not ... I don't recall that, I'm sure it happened, but I'm not reading that. I know the Chair has had no experience of an amended witness list, according to what she's told me. She's been on that panel for a number of years now. I'm not sure that it resonated with her, exactly what was happening.

That may be the cause for the confusion, was a miscommunication on both parts.

Charles Boykin: Sure. I'm not offering the anecdotal comment to be dispositive of the issue. As you talked about the proceedings involving it, I was saying that it was raised at that point, which the record will bear out.

Kevin Maroney: Certainly.

Charles Boykin: I'm just unaware of a process where we're unable to call, particularly, here with a party that's involved.

Kevin Maroney: Right. The administrative hearing context is definitely unique.

Charles Boykin: No. I will concede and look forward to learning how that plays itself out.

Kevin Maroney: Miss Polvi, do you have anything to add before I go?

Shannon Polvi: Yes. I mean, I would be ... I'm pulling out the regulations, actually, right now myself. On the list of witness form, it even specifically says that even though representative, if they were to be a witness, has to be designated on the list. So, again, I think that that was why I, myself, included my client on the witness list in addition to our other witnesses, as knowing that I was gonna call her. Not just only in a representative capacity, but as a witness. She's hearing as her-

Kevin Maroney: Understood. No, I understand. The regulations are, as you say, unique. They do bear directly on this. So, I'm gonna step out ...

Charles Boykin: Certainly.

Kevin Maroney: I will return in a few moments.

Charles Boykin: Thank you.

Kevin Maroney: We're gonna go off the record.

Kevin Maroney: ... go back on the record.

Charles Boykin: Okay. (silence).

Kevin Maroney: Pardon me, I just lost the page. I apologize.

Charles Boykin: That's okay.

Kevin Maroney: Go ahead and go off the record for a second. I need to find something.

Kevin Maroney: All right, after consulting the state human resources regulations, I turned to the section regarding submission of witnesses and representative list to the committee. I'm going to read it in full, although the pertinent part is at the end.

Kevin Maroney: Once I read the last sentence, I'll explain what I'd like for the attorneys to do. So, if you could allow me to get it published on the record, and then I'll direct from there. Okay?

Kevin Maroney: Submission of witness and representative list to committee. At the beginning of the hearing each party shall provide to the secretary of the designated committee panel, a list of representatives and witnesses. Representatives who will testify must be listed as both a representative and a witness. Witness lists which have not been exchanged, as required by section 19-718.07C1 of the Human State Resources Regulations and Witnesses, not included ... of the State Human Resource Regulations and witnesses not included on a properly exchanged list will be excluded at the hearing, unless the committee finds that there has been excusable neglect, or that the witness should be admitted in the furtherance of justice.

Kevin Maroney: Based on what was said earlier, Mr. Boykin, and I don't think this is an excusable neglect situation, for ... don't need to go into it. I do think that you should be given the opportunity to argue why the witness should be admitted in furtherance of justice. Ms. Polvi should have the opportunity to respond. At which point, I may step out to consider some things and consult with the chair, I will ultimately rule via decision that I issue to you.

Charles Boykin: Certainly.

Kevin Maroney: Whenever you're ready.

Charles Boykin: I'll withdraw, and I'll go to my next witness. We've spent too much on it. I could make the argument but it's not an essential witness. So, I can withdraw and move on.

Kevin Maroney: Okay. I will, yeah. Oh sorry, go ahead.

Shannon Polvi: One quick thing, just as a minor thing I noticed, but I think we might have two exhibit three's. I have agency's three already, and then this one I think might be four. So, you should just double check.

Kevin Maroney: I'll ah ... yeah. If it's marked three... Is that the same for you Mr. Boykin?

Mary Oakman Long: That should have been three.

Kevin Maroney: I'm sorry.

Mary Oakman Long: I think the other one was an introduce, I can't recall.

Kevin Maroney: Is that how yours is marked? I'm trying to determine if we need to-

Mary Oakman Long: Mine is marked as three as well. Is that one, we have as one?

Shannon Polvi: I had one as the payroll action form, two as the planning stage, January 4th 2011 and then three as the planning stage, but it's a different ... I believe it's-

Charles Boykin: There were two planning stages.

Mary Oakman Long: There were two planning stages.

Shannon Polvi: Right, so was that all one exhibit or was that two, because I have that as one. That's two and three.

Mary Oakman Long: We only used one. The one with Dr. McIntyre's signature on it.

Shannon Polvi: Okay. Okay.

Mary Oakman Long: This one we had too.

Shannon Polvi: Thank you, I just ... I'd written it down differently.

Mary Oakman Long: I'm playing secretary so ... We're going to get it together.

Charles Boykin: Madam Chair, I believe this witness was sworn in the first day but you can check the records cause she was with the group ... Or did you swear them in on a case by case?

Secretary: No, she has not been sworn in.

Charles Boykin: Individually, okay, then she be sworn please, too.

Glenise Elmore: Okay. Good morning.

Jamie Wise: Good morning.

Glenise Elmore: All right. I have some information for you. Witnesses are asked not to discuss the case either before or after testifying until they are excused. This is not intended to preclude the parties from entering into discussion with their respective witnesses. Witnesses are to remain available after testifying until they are excused by the presiding officer. After the opening statement, witnesses may not remain in the hearing room except when called to testify. Witnesses will be asked to testify under oath. At this time the secretary will determine that you are present and will administer the oath.

Secretary: If you'll please stand and raise your right hand. Do you swear or affirm that the testimony you will give today is the whole truth and nothing but the truth?

Jamie Wise: I do.

Secretary: Okay.

Glenise Elmore: The appellant, the agency, witnesses or anyone else related to the case are not to discuss the case with any member of the State Employee Grievance Committee before, during, or after the hearing until the final decision is reached and the matter is no longer pending before the committee.

Glenise Elmore: A matter is still considered to be pending before the committee during the time involved in the request for reconsideration of the committee's decision or until the time has passed for an appeal to the administrative law court. The only time the case is to be discussed is during the formal hearing procedures. Okay? Would you please state your full name for the record?

Jamie Wise: Jamie Wise.

Glenise Elmore: Jamie Wise. Okay, Miss Wise, that microphone is gonna pick up your testimony, so if you'll speak loud enough for that. That book in front of you is a record. You may be asked to refer to it from time to time.

Jamie Wise: Okay, thank you.

Charles Boykin: Thank you, Madam Chair. Miss Wise, where are you employed?

Jamie Wise: Denmark Technical College.

Charles Boykin: And what position do you hold at Denmark Technical College?

Jamie Wise: Business manager.

Charles Boykin: Briefly tell the panel of your academic preparations that would qualify you for your position.

Jamie Wise: I received my undergrad degree in accounting. I also received my MBA from Claflin University with a concentration in management.

Charles Boykin: What are the duties of the business manager at Denmark Technical College?

Jamie Wise: Along with the vice president of fiscal affairs, oversee day to day operations for procurement, grants and contracts, accounts payable, cashier.

Charles Boykin: Okay, the accounts payable function, would that include tuition reimbursements for persons participating in the college's tuition assistance program?

Jamie Wise: Yes.

Charles Boykin: Okay. Are you familiar with Carla Jackson?

Jamie Wise: Yes.

Charles Boykin: Okay. I've given a document to Ms. Polvi, I'll give it to you.

Shannon Polvi: I would say since this is ... I have no particular issue with it, it just hasn't been brought in as a previous document, there's no foundation as to why this is relevant or why it would need to be used to refresh her memory, otherwise it should have been brought in as part of the record, prior to the hearing. I mean, I don't, it's just something that's never been put into the record before this witness and there's no foundation as to why she's being asked about it.

Kevin Maroney: This is looks to be ...

Shannon Polvi: My client's academic transcript, which is excellent, but nonetheless it hasn't been brought to the record as to why her graduate degree transcript is relevant.

Charles Boykin: If she's objecting, I'll respond to an objection. If she's just talking I'm not saying anything.

Kevin Maroney: I believe it's an objection Mr. Boykin to the foundation.

Shannon Polvi: Yes, and relevance. If it was relevant it should have been brought into the record earlier, prior to this witness. She had a 3.95 GPA, so it's excellent, I don't know if that's at issue.

Kevin Maroney: Mr. Boykin?

Charles Boykin: Ms. Jackson testified that she did not recall the date of her graduation, even to include the year. She testified that she had courses transferred from Strayer University as a part of her program. The record shows and she had testified that she received 27 thousand nine hundred and sixty some odd dollars for the program for 48 hours but also testified that she didn't need that much time because she had transferred courses in. One of the grounds for termination is that Ms. Jackson reviews the tuition assistance program. She was paid through accounts payable. Ms. Jackson totaled it up using an accounts payable ledger that was here for an exhibit, we had to bring into the record. Ms. Wise is a business manager at the institution who is also responsible for administering accounts payables. She can speak to the document and how it was processed, whether or not it comported with regulations or whether or not there was anything untoward from that standpoint. On my case in chief, I have a right to respond to Ms. Polvi's case.

Kevin Maroney: Yes, Mr. Boykin. Accounts payable, though, if I understand is separate from the transcript. What does the transcript have to do with the accounts payable process?

Charles Boykin: Within the tuition reimbursement program, the transcript is, and Ms. Wise can explain that because now I'm testifying and I would just ask-

Kevin Maroney: I don't need details, I need broad strokes so Ms. Polvi has a chance to respond.

Charles Boykin: Essentially, if there is no transcript there is no payment. If there is no grade report there is no payment. So the first, the source document that you would need to initiate a payment would be the academic record.

Kevin Maroney: Okay. I think on relevance that's fine.

Shannon Polvi: I might add though, Ms. Wise was not in her position until 2016 and as noted on this document, the dates relevant to this are November 13th, 2013 through March 15th, 2015. She would have no personal knowledge of it because she didn't start her position until 2016.

Kevin Maroney: That goes to foundation.

Charles Boykin: My response is, as the business manager, she is entitled to interpret business records for the institution. It doesn't cut off with just her first-hand knowledge of the transaction, because she's testifying to whether or not this comports with

the procedures. I believe I'm entitled to put that before the panel, the panel can give it whatever weight it chooses.

Kevin Maroney: Ruling according to relevance is overruled. According to foundation, before seeking to admit this, why don't, Mr. Boykin, you proceed with some questions and we'll see what happens after that.

Charles Boykin: Be happy to. Ms. Wise?

Jamie Wise: Yes.

Charles Boykin: Have you had occasion to review tuition reimbursement payment files? Accounts payable for Denmark Technical College?

Jamie Wise: Yes sir.

Charles Boykin: What are some of the things that you rely on in making those determinations?

Jamie Wise: You first have to fill out the direct expenditures voucher with all the information, explaining in detail what you are submitting. Also provide supporting documentation which would include the transcript. Also, information as far as payment.

Charles Boykin: Okay.

Charles Boykin: May I? Have you had a chance to review Ms. Jackson's file? Have you reviewed Ms. Jackson's file?

Jamie Wise: In handling some of the paperwork when she was there and I also participated in the tuition reimbursement program myself.

Charles Boykin: Mr. Maroney?

Kevin Maroney: Yes, Mr. Boykin?

Charles Boykin: I believe the question, with all due respect, I believe the question is in her job as business manager, would she be responsible, what would be her involvement in processing that or reviewing that to see whether she would have the requisite understanding to determine from the panel what it is she's doing.

Kevin Maroney: I think she can testify, that's not my concern. My concern is admitting this into evidence. Why don't we proceed, allow her to testify so that the panel hears, I have no doubt that she's qualified to speak about the issues that you wish to get out and then we can re-approach this at a later point, perhaps we can have it added.

Charles Boykin: May I allow her to use it as an exhibit?

Kevin Maroney: Let's see if she needs it as an exhibit. If a point comes up then you can use it as a refresh, recollection if she has to talk about something related to the process and look at this on a transcript and she needs to refresh her memory about where that would be, why don't we wait for that point.

Charles Boykin: Okay. Ms. Wise, explain to the panel the college's obligation to pay for a course not taken at the time is approved?

Jamie Wise: You would have to have submitted that information when you first applied for the tuition reimbursement program stating that on the application that that particular college is where you attended classes or intend to attend classes.

Charles Boykin: Turn to exhibit 143 please. Explain to the panel what, if a person were permitted to enroll, like Ms. Jackson, at American Intercontinental University, what courses or what institutional courses would be approved for reimbursement? If you would name them, please? I'm saying institutional courses. What school could be paid?

Jamie Wise: American Intercontinental University.

Charles Boykin: Could any other institution, based on what was submitted, have been paid?

Jamie Wise: No sir, that would have not been on the application.

Charles Boykin: That would not have been on the application. Is there any basis which Strayer University could have been paid?

Jamie Wise: No sir, not unless an application was submitted.

Charles Boykin: Any basis where Springfield College could have been paid?

Jamie Wise: No sir, not unless it was submitted on the application and it was approved.

Charles Boykin: Okay. You're familiar with the process or making reimbursements, is that correct?

Jamie Wise: Yes.

Charles Boykin: Okay.

Mary Oakman Long: Which?

Charles Boykin: 680 and 600.

Shannon Polvi: Again, I would just reiterate that the general practice that if the exhibits aren't already in the record, they should have been submitted in advance as exhibits with the prior notice and only exhibits that hadn't been part of the record would

be ones that if she needs to have her memory refreshed or there's some other contemporaneous reason as to why she doesn't have any recollection or personal knowledge of for impeachment. Again, we're not really following what I've seen as the typical exterior exhibits.

Kevin Maroney: This is certainly the general practice. You are able to submit documents. So if that's the basis, I'm going to overrule the objection, if that's the only basis you have with Mr. Boykin.

Charles Boykin: You overrule the objection so I can publish this then?

Kevin Maroney: If that's the only basis for the objection, yes, I'm overruling.

Shannon Polvi: Again, I'll say no foundation as to why she's being asked about this document? Does she have any personal knowledge about it? None of that's been established as to why she needs to look at a document to provide testimony about the tuition reimbursement process.

Charles Boykin: With all due respect, the foundation is her job and her experience. The question, as far as impeachment is concerned, I am responding to Ms. Jackson's case. Ms. Jackson has testified that she got 27 thousand dollars plus for a two year program. If we look at this, 27 thousand, 936 dollars is what she got. That says for two years. She's testified that she didn't need two years. I should have a right to put evidence up as to how much money she got, how much money the college paid, and what documents were ... That she submitted, for those payments. You have an obligation to give whatever weight to it that it is. As far as the foundation is concerned, her job title and relationship with the institution establishes the appropriate foundation. As far as impeachment situation is concerned, Ms. Jackson's testimony, I have an absolute right to respond to.

Kevin Maroney: I think the ... As I said earlier, I overrule the objection that you can't admit documents, you can, but in terms of foundation, the more question for foundation purposes is does this person have particular knowledge of this document's creation and everything else. Of course for impeachment purposes, that's a different question. The ruling, similar to what happened with the transcript, why don't we do forward, Ms. Wise is testifying about ... You're bringing out testimony from Ms. Wise that contradicts something that Ms. Jackson says or allegedly contradicts something that Ms. Jackson says, why don't we just continue forward with this without using the document for right now.

Charles Boykin: Ms. Wise, explain to the panel the college's obligation, if any, to issue a check of reimbursement for a course which wasn't paid for as a part of the program.

Jamie Wise: You said that was not part of the program?

Charles Boykin: Yes.

Jamie Wise: Again, I would have to go to she would have needed to fill out an application for that particular college in order to be paid for that college, I'm sorry, for the classes.

Charles Boykin: Okay, so how much money would the college then have been able to pay Springfield College for 12 hours that Ms. Jackson took there?

Shannon Polvi: I would object to the question. There's no foundation that ... It accuses Ms. Jackson of getting paid from Springfield College, she's not testified any knowledge of that.

Kevin Maroney: I think the question could be answered that if it was on the form it could have been paid for, if it wasn't on the form, then ... that's what I'm understanding the question was to be about. [crosstalk 00:17:45].

Charles Boykin: No, no, no, no, no. That's okay.

Shannon Polvi: Actually I would rescind my objection and go ahead and say let's make this an exhibit actually, I will want to ask about it in the cross examination. Go ahead and make an exhibit these two documents.

Charles Boykin: What about the transcript while we're talking?

Shannon Polvi: My objection still stands to the relevance. It's a positive thing about my client but it's not relevant and she doesn't have any personal knowledge about my client's transcript.

Kevin Maroney: We can approach that later.

Charles Boykin: That's fine. Okay.

Kevin Maroney: We'll publish these to committee. You can see exhibit 460. Mr. Boykin, just to alleviate Ms. Polvi's fears, the objection is overruled, but why not just formulate it so the question comes out, what could the college pay for something that wasn't on the application. We'll overrule with that if you just re-ask her.

Charles Boykin: With the document in, you want that as foundation? Or you want that because my question?

Kevin Maroney: I think the general question was could the college pay for, and that was fine. If you're going to use this, then you can modify the question.

Charles Boykin: Having withdrawn the objection and now we can testify from the documents, that's fine.

Kevin Maroney: Okay.

Charles Boykin: Would you take a minute and look at the two documents I provided you? Will these have exhibit numbers since they've been admitted?

Mary Oakman Long: Four. They're two different ones.

Charles Boykin: If you look at the date, one date would be April 5, 15, and the other would be May 1, 15. Miss Wise, would you look at the document that's dated April 5, 15 please?

Jamie Wise: Okay.

Charles Boykin: Have you had a chance before today to examine this document?

Jamie Wise: Not since ...

Charles Boykin: Okay, is this ...

Kevin Maroney: You can proceed Mr. Boykin, thank you for stopping.

Charles Boykin: Okay. Let's look at the second and third pages on this as well, Ms. Wise. Okay and this is the one with the description 400 dated April 5th?

Jamie Wise: It is.

Charles Boykin: Is there anything on this document that causes you a concern with regard to accounts payable?

Jamie Wise: Yes.

Charles Boykin: Would you share with the panel those things that cause you concern?

Jamie Wise: Again, she has on here the class that was taken but detailed information as far as date of completion, where the class was taken, supporting documentation attached to the back would be financial aid information for any type of payment information.

Charles Boykin: When you say payment information, explain what you mean.

Jamie Wise: Showing as if she paid out of pocket or like I said, financial aid information.

Charles Boykin: Is this a direct assistance program or a reimbursement program?

Jamie Wise: It's a reimbursement program.

Charles Boykin: So by payment ... Explain to the panel why you're asking about payment information.

Jamie Wise: Something like a voided check could be attached to the back.

Charles Boykin: Okay. Anything else, and I would call your attention to the grade sheet, is that not sufficient?

Jamie Wise: It's showing that she earned six credit hours and the letter grade was in eight.

Charles Boykin: How many quality points are showing there?

Jamie Wise: I don't see any quality points for the one dated April 5th.

Charles Boykin: Okay. How would you know whether this course was taken as a part of her program?

Jamie Wise: She would have needed to submit information from American Intercontinental University.

Charles Boykin: Would that information, could it have been a transcript?

Jamie Wise: It could have been a transcript, yes sir.

Charles Boykin: Okay. Madame Chair, I move now that we refer to the transcript that is necessary to complete her testimony and determine the validity of the payment.

Charles Boykin: Ms. Polvi, do you have an objection?

Shannon Polvi: It's still the relevance, but overall it shows my client completed ... They have the transcript so clearly they know that my client completed her degree, so I'm happy to allow it into the record.

Charles Boykin: I need an objection or no objection.

Shannon Polvi: I will rescind my objection and gladly let the panel know that my client had a transcript that they had in their possession.

Charles Boykin: That's fine, you can bring that up later if you want. There's no objection, it will be moved into the record.

Charles Boykin: Thank you. Ms Wise?

Jamie Wise: Yes.

Charles Boykin: Are you able to determine when management 600 was taken and review her transcript?

Jamie Wise: I see it under, yes, i see it on the transcript.

Charles Boykin: Okay. What was the grade on the transcript for management 600?

Jamie Wise: It has a grade of TC.

Charles Boykin: Okay. What grade is TC? Is that an A? That's on the grade report?

Jamie Wise: It says it's under on the transcript it says a transfer credit.

Charles Boykin: Okay. So but there is a grade sheet here that says an A.

Jamie Wise: Yes.

Charles Boykin: Okay. What is the difference between the transcript and the grade sheet?

Jamie Wise: There is no grade for the management 600.

Charles Boykin: Could you tell the panel from your review as an accounts payable person whether this class was taken an American Intercontinental or someplace else?

Jamie Wise: It's someplace else.

Charles Boykin: What obligation then, under the approval that's on 143 does the college have to make any payment to another college?

Jamie Wise: No approval. If it was not submitted on the original application requesting the reimbursement, then it should have not been paid.

Charles Boykin: Okay. And how much did the records indicate the college paid for that?

Jamie Wise: 3492 dollars even.

Charles Boykin: Let's look at management 680. Can you find that on the transcript, Ms. Wise?

Jamie Wise: Yes.

Charles Boykin: When was that taken, Ms. Wise?

Jamie Wise: Again it ... I don't see a date, not on this transcript.

Charles Boykin: Okay. What was the grade on 680?

Jamie Wise: Again, it shows TC.

Charles Boykin: Okay. On the material that was submitted to the college for payment, was there a grade sheet attached?

Jamie Wise: Yes.

Charles Boykin: And this grade sheet shows what grade?

Jamie Wise: The letter grade A.

Charles Boykin: Are there quality points associated?

Jamie Wise: Six quality points.

Charles Boykin: Okay. Would you tell the panel whether or not there's a problem if the transcript and the reimbursement is inconsistent.

Jamie Wise: Yes it is. For both of these courses it's showing as transferred from Springfield College and the transcript says American Intercontinental and the reimbursement that was filled out and approved was for American Intercontinental University.

Charles Boykin: Okay. From the documents before you, is there any indication that the college was notified that the payment was for Springfield College?

Jamie Wise: No sir, here at the bottom it's showing American Intercontinental University.

Charles Boykin: How would you interpret that?

Jamie Wise: It's a falsified document. Incorrect information submitted for the wrong college.

Kevin Maroney: Ms Polvi, I assume that [inaudible 00:30:11].

Shannon Polvi: No.

Kevin Maroney: Do you wish to cross examine the other one, this is a similar document?

Shannon Polvi: Yes.

Charles Boykin: Okay.

Charles Boykin: Take a look at the document that's dated March 13 14. Are you able to find this ... Oh I didn't give it to you, I apologize. Are you able to find this document on the transcript?

Jamie Wise: yes.

Charles Boykin: Where is it for date purposes so that the panel will be able to follow with you.

Jamie Wise: Credits attempted November 11, 2013, credits earned February 9th, 2014.

Charles Boykin: Okay.

Shannon Polvi: Point of clarity, is the transcript exhibit five and then this will be exhibit six?

Secretary: Yes.

Kevin Maroney: Yes.

Charles Boykin: What was the grade there?

Jamie Wise: Letter grade at A minus.

Charles Boykin: The quality points?

Jamie Wise: 22.20.

Charles Boykin: Looking at the paperwork for reimbursement, what is your assessment of the paperwork?

Jamie Wise: It's showing the same information that the transcript is showing from same start date, same end date.

Charles Boykin: Is this information consistent with the payment for 680 and 600?

Jamie Wise: Can you please explain?

Charles Boykin: I'm sorry. I'm asking, does all three provide the same information is the question I'm asking?

Jamie Wise: No.

Charles Boykin: What difference do you note in those requests for payment?

Jamie Wise: For instance, on management 600 there are no quality points showing. Also with this document submitted on the back, the heading-

Charles Boykin: You said this document, for which course?

Jamie Wise: Finance 630. This document page is different from management 600 and management 680.

Charles Boykin: Okay. From the transcript, can you tell when Ms. Jackson graduated?

Jamie Wise: Yes.

Charles Boykin: When was that?

Jamie Wise: It has a graduation date of March 15, 2015.

Charles Boykin: Can you explain to the panel why the graduation date was 3/15/2015 and the transfer courses, 600 and 680, that were transferred in at the beginning of the transcript, but they were taken near the end of the program in March. Can you explain that to the panel?

Shannon Polvi: Object to the form, she had no personal knowledge of when my client took that classes.

Charles Boykin: And she can answer from what she's reading.

Kevin Maroney: Can I hear the question again, Mr. Boykin?

Charles Boykin: Can she explain to the panel, a yes or no question, why the courses that were transferred at the beginning of the transcript, were taken at the end of the course?

Kevin Maroney: Overruled Ms. Polvi. Answer the question Ms. Wise.

Jamie Wise: No.

Charles Boykin: Are you able to, from looking at the transcript, determine how many payments would have been made by the college?

Jamie Wise: Six payments.

Charles Boykin: Okay.

Kevin Maroney: Ms. Polvi, do you have an objection?

Shannon Polvi: Again, foundation. Does she print voucher registers? Has she ever looked at a voucher register? Any personal knowledge before she's being asked about it?

Kevin Maroney: Let's ask some of those questions, Mr. Boykin.

Charles Boykin: Ms. Wise, explain to the panel any involvement you have with voucher registries with regard to Denmark Technical College.

Jamie Wise: I'm pretty much capable of doing everyone's job in the office. Occasionally the accounts payable is not there, I can run the whole process if there's a report needed to research vouchers, look up checks, I can do the whole process.

Kevin Maroney: Perhaps this will help. Would you show her the document and I will ask a response. Does this appear a report you would run without reviewing it in detail, if you were to pull a voucher record here, is this the form you would expect to see it in?

Jamie Wise: Yes sir.

Kevin Maroney: Okay. Ms. Polvi, do you have any objection?

Shannon Polvi: Beg your indulgence for a minute.

Kevin Maroney: Sure.

Shannon Polvi: Thank you for the indulgence, I just wanted to touch base with my client. I would have an objection that this record, in terms if she's going to be asked about totaling the amounts that Ms. Jackson has received, this document has several other things in it, so I would ask there be a stipulation that this document is not reflective of just tuition reimbursement for my client.

Kevin Maroney: Do you have any issue with that?

Charles Boykin: No issue with that at all.

Kevin Maroney: Anything further that you'd like to bring up about the document I think would be done in your cross examination.

Shannon Polvi: Okay.

Kevin Maroney: We'll publish this as exhibit seven, I believe.

Charles Boykin: I believe the witness has testified to the number of payments. In the face of asked and answered I would ask could you restate the number of payments that would be necessary based on your review of the transcript?

Jamie Wise: Six.

Charles Boykin: Okay. Looking at the voucher register, would you make a determination as to the number of payments that were made to Ms. Jackson for this particular endeavor?

Jamie Wise: Eight.

Charles Boykin: Okay. Thank you. Would you please listen carefully and respond to the questions that Ms. Polvi would have or the panel and its attorney?

Jamie Wise: Okay.

Charles Boykin: Thank you.

Shannon Polvi: Hi, Ms. Wise, I'll be asking you some questions to follow up on your testimony. So let's start where we left off. So I'd like to put three documents in front of you all side by side and we're going to go through them for my next series of

questions. First I'd like you to put page 143, which I believe you already have opened up, and then this agency exhibit seven, and agency exhibit five. Agency exhibit five is the transcript, page 143 is the tuition schedule for Ms. Jackson, and the agency exhibit seven is the registrar voucher indicating the tuition payments my client received. So let's start with page 143. So 143, would you agree with me, just count the courses that are in here, would you agree with me that there are eight courses?

Jamie Wise: Yes.

Shannon Polvi: It indicates that Ms. Jackson will be taking 48 credits in order to receive her master of business administration and focus in management course?

Jamie Wise: Yes.

Shannon Polvi: I'd like you to look at exhibit five, which is Ms. Jackson's transcript. Looking at the tuition schedule at the top, it notes, if we can scroll just slightly, it notes that my client will be receiving her degree from American Intercontinental University, is that also the same university you see memorialized here in Ms. Jackson's transcript?

Jamie Wise: Yes.

Shannon Polvi: In your opinion, does this look like something you think would be an official document?

Jamie Wise: Yes.

Shannon Polvi: Let's run through this transcript, let's look, if you can count with me there, there appears to be five classes on this first page? Is that accurate? Excuse me, six classes.

Jamie Wise: Yes, it shows six.

Shannon Polvi: And then the next page shows two classes?

Jamie Wise: Yes.

Shannon Polvi: That's a total of eight courses?

Jamie Wise: Yes.

Shannon Polvi: That's a total of 48 credits?

Jamie Wise: Yes.

Shannon Polvi: Those courses that are listed here and the credits that Ms. Jackson actually did perform are the same as what's listed in exhibit 143?

Jamie Wise: Yes.

Shannon Polvi: Okay, now looking at agency exhibit seven, which you testified is a registrar printout that looks normal in your scope of employment, looking at pages one and two of exhibit seven, I count that there's eight payments made to Ms. Jackson, is that accurate?

Jamie Wise: Yes.

Shannon Polvi: So Ms. Jackson was paid for eight courses that she performed at American Intercontinental University? Their transcript indicates there's eight courses she took?

Jamie Wise: The transcript shows that but also it shows the transfer credits. The two classes that were transferred.

Shannon Polvi: But it shows here that the entirety of Ms. Jackson's degree, meaning the course work she performed has eight courses listed, is that accurate?

Jamie Wise: Yes.

Shannon Polvi: So based on your understanding, that would be that Ms. Jackson applied for tuition reimbursement, she submitted the application, and she submitted vouchers in order to receive these payments as exemplified by exhibit four and exhibit six of agency, and then she ultimately received reimbursement for course work that she performed?

Jamie Wise: For American Intercontinental University.

Shannon Polvi: Earlier in your testimony you indicated that you had also received tuition reimbursement through Denmark Technical College, is that right?

Jamie Wise: Yes.

Shannon Polvi: What process did you take in order to submit your application?

Jamie Wise: I attended 2003 to 2005. I submitted the application to the director of grants and contracts, which she would have to approve and the final approval was from the president.

Shannon Polvi: Do you recall submitting an application for tuition reimbursement?

Jamie Wise: Yes. When I participated in 2003, yes.

Charles Boykin: No objections.

Kevin Maroney: No objections?

Charles Boykin: No objections.

Shannon Polvi: I'd like to bring it into evidence for the panel.

Kevin Maroney: Not sure what the appellant exhibit number is.

Secretary: It's going to be one for appellant.

Kevin Maroney: Appellant exhibit number one is moved into evidence.

Shannon Polvi: Would it bother you if I sit a little closer because I brought one too few copies. Thank you.

Kevin Maroney: Ms. Polvi if you need mine.

Shannon Polvi: I appreciate it, thank you. Okay. So Ms. Wise, this document that's been marked as appellant's exhibit one, does it look familiar to you?

Jamie Wise: Yes.

Shannon Polvi: Is that your application for tuition assistance?

Jamie Wise: Yes it is.

Shannon Polvi: I'd like to draw your attention to page 148 in the record. So we're going to go through, kind of in comparison, your application with Ms. Jackson's application. Looking at page 148 in the record and this first page of exhibit one here, do they look similar?

Jamie Wise: They do.

Shannon Polvi: Both you and Ms. Jackson signed on the signature of applicant portion?

Jamie Wise: Yes.

Shannon Polvi: Both did not have a witness at the time?

Jamie Wise: Right. That's correct.

Shannon Polvi: Next we'll turn to page 139 and then 139 through 151 is the actual form, the request for professional development assistance. Looking at page 149 and 150 and your document which is page two and three of exhibit one, to me they look similar, would you agree they look similar?

Jamie Wise: Yes.

Shannon Polvi: And that both of you were submitting an application giving reasons why it was appropriate to receive tuition assistance?

Jamie Wise: Yes.

Shannon Polvi: Then I'd like to turn to the last page of the exhibit one and on page 151, which are the signature pages. I want to compare those. They're substantially similar but have some slight differences. Would you agree with me that on both your application and Ms. Jackson's application the three signatures that are needed are signed?

Jamie Wise: Yes.

Shannon Polvi: Those would be under the immediate supervisor, the Title III director, and the signature of the president?

Jamie Wise: Yes.

Shannon Polvi: Looking here it appears that both you and Ms. Jackson's applications were both approved by the same Title III director and the same president of the college?

Jamie Wise: Yes.

Shannon Polvi: But you had different immediate supervisors at the time?

Jamie Wise: Yes.

Shannon Polvi: On Ms. Jackson's application there is actually three check the box approved. On yours there's just one approved in terms of the check the box. Is it your understanding though that you were approved for receiving tuition assistance?

Jamie Wise: Yes.

Shannon Polvi: So based on the similarities of your application and Ms. Jackson's application, would you say that your applications were substantially similar?

Jamie Wise: Yes.

Shannon Polvi: Have you ever been questioned by Denmark Technical College about your tuition reimbursement?

Jamie Wise: When you say questioned?

Shannon Polvi: Have you been suspended or terminated?

Jamie Wise: No.

Shannon Polvi: Are you aware of anyone else during your tenure with working with tuition reimbursement in the college, are you aware of anyone else, other than Ms. Jackson being suspended or terminated for reasons related to tuition assistance?

Jamie Wise: No. Not to my knowledge that I can recall.

Shannon Polvi: My understanding of one of your duties at the college is that you have been a participant in the annual audit. Is that accurate?

Jamie Wise: Yes.

Shannon Polvi: That annual audit includes a review of tuition assistance, is that right?

Jamie Wise: That's part of it, yes.

Shannon Polvi: How many years have you been a part of Denmark Technical College's annual audit?

Jamie Wise: This will be my 6th year coming up in 18.

Shannon Polvi: So during the prior five years to the current date, has an annual audit ever indicated that Ms. Jackson's tuition assistance reimbursement was at all any concern?

Jamie Wise: No.

Shannon Polvi: There's been some question about the college approval for executive council on tuition assistance, were you ever asked to approve or give any information to the executive council for your tuition assistance?

Jamie Wise: No.

Shannon Polvi: Do you understand that to be a requirement that you have to perform?

Jamie Wise: A requirement of?

Shannon Polvi: It might not be. I want to essentially ascertain what's your understanding of is there anything you need to do in regards to your tuition assistance and the executive council?

Jamie Wise: No.

Shannon Polvi: My understanding is that during your role as business manager you also perform some teaching of some courses?

Jamie Wise: Yes.

Shannon Polvi: While you've been teaching courses at the college you've also received supplemental pay?

Jamie Wise: Yes.

Shannon Polvi: Has that supplemental pay, as far as you know, been approved by the supervisors that are required to do so?

Jamie Wise: Yes.

Shannon Polvi: Has at any point your supplemental pay been ended?

Jamie Wise: Yes.

Shannon Polvi: When did that occur?

Jamie Wise: It occurred last year after the summer term.

Shannon Polvi: Had you completed the supplemental teaching courses that you were being paid to perform?

Jamie Wise: I only taught one course.

Shannon Polvi: Right, so I'm glad you clarified. So you taught one course, you were paid additional money to teach that course? Is that accurate?

Jamie Wise: Yes.

Shannon Polvi: Then once that course was finished, you were not paid for further supplemental?

Jamie Wise: No.

Shannon Polvi: Did anyone ever tell you that you shouldn't receive supplemental pay for the additional duties you were performing?

Jamie Wise: No.

Shannon Polvi: Has anyone ever suspended or terminated you at Denmark Technical College for receiving supplemental pay?

Jamie Wise: No.

Shannon Polvi: I believe that with Dr. McIntyre and prior presidents, you were present when Ms. Jackson was authorized to at some point use the president's stamp, is that accurate?

Jamie Wise: I wasn't in her presence when she used the stamp.

Shannon Polvi: Your personal knowledge is that was something she was authorized to do by some presidents when she was in the president's office?

Jamie Wise: No, I can't say that.

Shannon Polvi: Would it be fair to say then that you don't know one way or the other?

Jamie Wise: Yes.

Shannon Polvi: Just a final follow up, how long have you been in the business manager role at Denmark Technical College?

Jamie Wise: I started in July of 2016, I was a senior accountant before that.

Shannon Polvi: Were you a senior accountant for those prior, give or take, four and a half, five years?

Jamie Wise: Yes.

Shannon Polvi: Thank you for your time.

Jamie Wise: Okay.

Shannon Polvi: They may have additional questions for you.

Charles Boykin: I just have a few questions. Ms. Wise, would you turn to 143 please? The first paragraph of text, would you read the first four sentences please? Read it aloud.

Jamie Wise: Above is an excerpt from our official tuition and fee schedule. Please see the official published schedule for additional disclosures. Please note the cost listed are based upon standard program limit. Actual program limit and cost may vary due to transfer credit and or repeated classes.

Charles Boykin: Okay. Could you explain to the panel what that means to you in regards to the 27 thousand 936 dollars and the transcript that you've looked at for Ms. Jackson?

Jamie Wise: It's for the courses taken at American Intercontinental University.

Charles Boykin: Okay. Is there any ... You're asked about the use of the stamp. Look at the president's signature on management 680 and management 600. Would you explain to the panel any concern, if any, that you may have regarding stamp?

Jamie Wise: The only concern I would have is maybe being that it was stamped some written documentation giving permission to use the signature stamp.

Charles Boykin: Explain why that would be a concern to you?

Jamie Wise: Anyone could stamp the documentation, falsely misusing the stamp, it results in fraud.

Charles Boykin: Is that a check and balance concern? If so, please explain that?

Jamie Wise: Yeah, it's a check and balance concern for the person's signature stamp that you have, that person gave that permission for you to use the stamp that they absent for.

Charles Boykin: You testified, I believe it's the exhibit one for the appellant, would you look at the date on that please? Was that the date that you actually received tuition reimbursement?

Jamie Wise: No.

Charles Boykin: Okay. So that application is not the one that you were paid under? Is that correct?

Jamie Wise: No, it's not.

Charles Boykin: You did say earlier that you participated in the program, is that ... I understood your testimony that way.

Jamie Wise: Yes.

Charles Boykin: Explain to the panel what payments you received, whether or not they were reimbursements and whether or not they were 100%, would you explain that to the panel please?

Jamie Wise: It was reimbursement. I don't remember the full amount because it was 2003, but it was not 100%, I don't remember the actual percentage because it was so long ago.

Charles Boykin: Alright. Thank you.

Shannon Polvi: Just a little bit of follow up, I have an opportunity to ask you a few more questions. Let's look at exhibits four and six which have the three accounts

payable information. So I want to clarify your testimony, do you have any concern about these documents?

Jamie Wise: The signature stamp is the issue on ...

Shannon Polvi: The signature stamp is your one issue?

Jamie Wise: I stated the invoice with the academic copy at the back, it looks different from the one submitted on March 3rd, 2014.

Shannon Polvi: Let me just recap before I move on, so the two concerns, it's about the documents looks slightly different about the actual course approval and you think there could be a signature stamp used on here. Those are the two concerns?

Jamie Wise: As well as should have been more support documentation attached to that.

Shannon Polvi: So looking at this exhibit four and exhibit six, Ms. Jackson submitted a student invoice, she submitted a transcript of the course, and then affirmed, again, all the course work is the same with on the page 143 and what's on the transcript, they all match. Would you disagree with that statement?

Jamie Wise: I wouldn't disagree with it.

Shannon Polvi: You mentioned about the stamper, you think it could be used as a stamp, on which document do you feel that, or documents, do you feel that there could be a stamp used?

Jamie Wise: Management 600.

Shannon Polvi: I couldn't hear you.

Jamie Wise: Management 600.

Shannon Polvi: 600. So you're looking at the April 5th, 15?

Jamie Wise: Yes.

Shannon Polvi: Any others?

Jamie Wise: May 1st.

Shannon Polvi: Which signatures, if any, -

Charles Boykin: Would you let her finish?

Shannon Polvi: Of course, I thought she was, but if you're not finished.

Charles Boykin: I understand.

Kevin Maroney: Mr. Boykin, make it to me next time.

Shannon Polvi: Tell me when you're ready.

Jamie Wise: I'm ready.

Shannon Polvi: So you pointed out the one on April 5th, 2015 and March 1st, 2015. Which, if any, signatures do you think could be a stamp, not a handwritten signature?

Jamie Wise: The president's signature.

Shannon Polvi: On both of those it looks to be Leonard McIntyre? Is that right?

Jamie Wise: McIntyre.

Shannon Polvi: Do you have any reason to question that Dr. McIntyre did not authorize Ms. Jackson to receive these payments?

Jamie Wise: His stamp is there.

Shannon Polvi: Actually looking at both these documents that you've identified, you were actually a signator on those two documents as well, right?

Jamie Wise: Yes.

Shannon Polvi: Those are your initials on the right hand corner? Signed both as May 6th, 2015?

Jamie Wise: Yes.

Shannon Polvi: So if you had had any concern with these documents at the time, wouldn't you have had to bring that up to the college?

Charles Boykin: Objection to the form, but go ahead.

Kevin Maroney: Overruled. Continue.

Jamie Wise: The president's signature is the last signature to be received so I would not have seen this when his signature was put on it. His signature is that last signature that would have been obtained.

Shannon Polvi: So other than the stamp that would have in theory come after your signature, your initials there on these two documents, you would not have had any concerns that you felt necessary to address to the college?

Jamie Wise: No, because like I said, me signing it, his signature would have been the last signature.

Shannon Polvi: But up to that point, it looked normal and above bar for you to actually put your signature on it?

Jamie Wise: Yes. I had permission to sign in absence of the VP.

Shannon Polvi: Those are all my questions.

Charles Boykin: No further questions here.

Secretary: Questions from the panel for this witness?

Charles Boykin: I'm good. Just a clarification. Ms. Wise, you started in accounts receivable when?

Jamie Wise: I was the senior accountant starting 2009 to 2016.

Charles Boykin: Okay. Thank you.

Glenise Elmore: If there are no more questions may this witness be excused?

Shannon Polvi: Yes.

Glenise Elmore: At this point we will discuss which witness we will call next and the time frame.

Charles Boykin: Agency will rest.

Glenise Elmore: Well let's take a break and we will come back.

Charles Boykin: Does she have a rebuttal case?

Shannon Polvi: I have not reserved time to do so.

Charles Boykin: That's fine.

Kevin Maroney: If you're resting then we can move to close.

Glenise Elmore: Yes.

Shannon Polvi: Beg indulgence for a comfort break.

Glenise Elmore: Yes, exactly.

Shannon Polvi: Thank you.

Charles Boykin: I like the way you said that.

Glenise Elmore: Let's reconvene for closing, let's give it 15 minutes. So quarter till noon.

Charles Boykin: Excellent.

Glenise Elmore: Okay, we're ready for closing arguments. The appellant has the option of closing first or last.

Shannon Polvi: I'd like to go last please.

Charles Boykin: Madam Chair, panel members, (inaudible), we appreciate the opportunity to come and recognize that this is a difficult decision. It always is, difficult at the easy level and we expect it to be somewhat difficult here.

Charles Boykin: On May 11, Dr. Christopher Hall sent a letter to Miss Jackson and he said that he was ending her employment for violation of rules, regulations, and written policies, which constitutes conduct unbecoming a state employee. He gave some examples. One we've heard a lot about was tuition reimbursement for the tuition program, and the other was use of the president's stamp. Those were two issues. Other things but primarily that's what you've been hearing about.

Charles Boykin: Let's talk about tuition reimbursement just a tad. It said that your job is different from what you submitted in your application, that's the situation and we need to just harken back and look at what was actually said by Miss Jackson in her application. She indicated that she would be doing professional activity to enhance my leadership in the president's office. But then we look to her Planning Stage that Dr. McIntyre did, "Job duty three: performs complex and highly confidential executive related function to insure the president's office runs smoothly." That was 20 percent of her time. The rest of these were not items that were not essentially included as a part of her application, that's one problem with the tuition program.

Charles Boykin: The next problem with the tuition program as we move forward with it is that it's a reimbursement program. Pretty clear "reimbursement". 206 says, "Tuition assistance may be approved for employees who attend accredited institutions," but when you look at reimbursement under D it says, "For our graduate courses and our doctoral courses, it is a grade of B." That's what it says, "It's a grade of B." But then when we look at the exhibits ... two, three, and four here, Management 600 ... you'll get a chance to take a look at it. There was a grade report that was submitted, and the form was submitted in a way to suggest that it came from American Intercontinental. That's the way it was submitted. But when you look at the transcript, which is exhibit five, you'll see that these courses were taken at Intercontinental and you'll see that there was no grade of B or better. So there is a reason not to seek from the college payment or for the college to make payment. This is a regulation within the institution. This was submitted and signed by Miss Jackson. This is a grade sheet, and I would submit to you to Intercontinental's records would reflect no grade of A for Management 600. It would just be transfer credit, thus it would not be eligible for the payment of \$3,492.

Charles Boykin: The same thing would apply for Management 680. The regulations are pretty clear, it requires a grade of B or better. It's a Master's degree program. What she submitted to the college representing that this is from American Intercontinental was simply not true, and there is no way that she can show that it is true from that standpoint.

Charles Boykin: There was some discussion about the number of payments that should come for the program. If you look at the transcript, using the regulations, the regulation says, "Grade of B or better," go down the transcript and see how many grades are B or better. And if we were to go down the transcript, we would have one, two, three, four ... five, six As, not eight. Not eight graded assignments. What does that mean? That two payments were made based on documents that were prepared not by the institution. We submit that the tuition reimbursement program was abused by Miss Jackson. It's inescapable, in application, it's made more egregious by the fact that the testimony from Dr. McIntyre was that she had access to the stamp. Miss Wise suggested that she should have some written documentation to corroborate the approval, that's an appropriate check and balance. Dr. McIntyre sat here and said, "Well she had my approval," and we'll talk about this a little bit more in a minute, but when shown a document that was represented as his signature, his response was, "Looks like my signature." The writer, sitting in his chair, under oath. "Looks like my signature." Those were his words.

Charles Boykin: Still on the tuition reimbursement program, looking at the authorizations, particularly the two payments that are in contention here, stamped, stamped, stamped. Miss Wise's testimony, as a person with a financial background in the county, she says, "You gotta be careful, cause that's like fraud." You look for something to corroborate that the approval is there because here we are, two years later and we have nothing other than the memory of someone who, by his own admission, could barely recognize his own handwritten signature, saying, "Well I approved it." That's all we have.

Charles Boykin: I get it, that it's difficult to say well, if the college didn't follow its policy or ... Ladies and gentlemen, the grade report that was prepared, according to the transcript, a course that was taken at Springfield College, the grade report was prepared in a way to have the college rely on that having them taken at Intercontinental. It had to have a grade, and it showed a grade even though the grade was not on the transcript. Let's turn our attention briefly ... to the payments ... and while 143 is up there, much has been made about there were eight courses taken and eight payments made. But Miss Wise's read, "Actual program length and cost may vary due to transferred credit and/or repeated courses." That was told to Miss Jackson. There's nothing that required Miss Jackson to get \$27,936 when she only took six courses.

Charles Boykin: We talked about the use of the president's stamp. You'll recall, I asked Dr. McIntyre, I said, "Doc, is there anything in this record that corroborates the fact that you had given approval." He said no. During our inquiry, Dr. McIntyre was

no longer president of the institution, there was nothing but the stamp that everyone's testified that Miss Jackson had access to. If we were to look starting at page 97, the first transaction, it was stamped by Dr. McIntyre. 98, Dr. McIntyre appears as a signatory, stamped. 99, Dr. McIntyre's approval is stamped. 100, Dr. McIntyre's name appeared to be here on a dual employment form. Then we go to 101, where there's a payment form. Ah, Dr. McIntyre, he appears again by way of stamp. 102, Dr. McIntyre appears approval again by way of stamp. 103 is when Dr. McIntyre says, "This looks like my signature." 104, Dr. McIntyre appears by way of stamp. 105, Dr. McIntyre appears by way of stamp. 106, Dr. McIntyre appears by way of stamp.

Charles Boykin: What is my point? From a standpoint of checks and balances, these documents are all questioned without corroborating information. But then we, as I wind down if you'll pardon the expression ... there's been much said about due process and not having hearings but it's clear that she was heard by Dr. Hall, it's clear that she was heard by Dr. Hardee, and she sits before you in a full evidentiary hearing. On page 22, I will read from Miss Polvi, writing the words of Miss Jackson, "Miss Jackson expressly informed you that she used the president's stamp at the instruction of former president of Denmark Technical College, and the stamp was never used on her own document." That's not the agency speaking, that is Miss Jackson speaking through her attorney. I just went over 10 documents that all relate directly to Miss Jackson, and those are her documents. It flies in the face. "Miss Jackson expressly informed you that she never used the stamp for any personal gain." Ladies and gentlemen, the stamp on the payments for Management 600 and Management 680, there is no indication that that was necessary for American Intercontinental. It was stamped, the check was made payable to Miss Jackson.

Charles Boykin: It's a difficult case, I understand. But to prepare the grade sheet, to stamp the documents that would result in a check made payable to you is a willful act. The policy is pretty clear on the tuition reimbursement, has to be a grade of B or better. It's a graduate course. The transcript obviously would be the controlling document, and here there was a grade that was submitted that's unsubstantiated. I would ask that you think carefully. Miss Polvi will come and she'll talk about whatever she talks about, but remember one thing: remember the documents and remember who benefited. Remember the ethics. The ethics statue in South Carolina prohibit a public employee from using their position for personal gain. The access to that stamp and what it meant on that college was a part of the position that Miss Jackson had, and when you look at the number of times it's interesting.

Charles Boykin: The documents that we brought in, if there were others that benefited Miss Jackson that were actually signed by Dr. McIntyre, those should have come in. They should have been present. But over 95 percent of the documents that benefited her, changed her salary, sought in approved payments for tuition reimbursement. Over 95 percent of those documents were all stamped with no corroborating documentation. I submit that that breaks down all forms of

checks and balances. It violates the ethics act, that's why it's there. There ought to be something that Miss Jackson, whose training would have said, "For my own protection, I need you to write something," because here we are now, at this late date and we're talking about well over \$100,000 when you look at the amount of money she was paid in her work plus the amount of money that she got in tuition reimbursement, and that money was presented in the form of a stamp. It's an abuse. We ask you to find that and to uphold the agency decision. Thank you.

Glenise Elmore: Thank you.

Shannon Polvi: Thank you for being here today and this is our fourth day of this grievance, and it is very important and I appreciate you carving out the time to hear all of these witnesses that we've had and to determine whether the agency violated Miss Jackson's rights in terminating her employment, which started with an investigatory suspension.

Shannon Polvi: Before I delve into the closing argument that I'm intending, I first just wanna touch base on Mr. Boykin's last statements about corroborating evidence. Clearly Mr. Boykin and I are looking at different paperwork because every single dime that my client has received as an employee at Denmark Technical College had paper evidence. Starting at page 97 in the record, we've exhaustively gone through each of these witnesses showing that when my client received base pay, when my client received supplemental pay, every single dime was accounted for for additional duties performed or even her core roles, and every single document not only has Miss Jackson's initial signature for some of the payroll information, but after that some of the documents don't even have her signature at all. Every single document had an immediate supervisor and had the president of the college signing the document. You heard Dr. McIntyre testify that Miss Jackson never received any money that she was not authorized to receive. Whether it was stamped or not is immaterial in the sense that Dr. McIntyre has testified that he was authorizing those increases in pay, and Miss Jackson testified that she did not use the president's stamp on her own personnel documents.

Shannon Polvi: What it comes down to is the accusation that somehow my client paid herself is simply not possible. It's not possible in the system that is set up in any state agency and including at Denmark Technical College. We've heard exhaustively about how there's payroll forms, there's submissions to supervisors. Then after all of that's done, before an employee can ever be paid, that has to go to the payroll department, it goes through HR certification at the college, and then yet again at the state technical college level. They submit bi-weekly information to the technical college status. If there had been any concern about my client's pay, that would have been brought to the authorizing authority, the president of the college, to my client's immediate supervisor. The first time she's ever seen these documents and told of what she's being accused of is when she appealed to the OHR level.

Shannon Polvi: My client did indeed have grievance hearings with Dr. Hall, the interim president at Denmark Technical College, and Dr. Hardee, who is the president of the state technical college system. My client was not given any indication of what accusations she was being told. As you see in the suspension notice that is found on page 68, it simply says that she's being put on an unpaid investigatory suspension starting on February 15, 2017, for improper conduct with regard to college operations. My client's job was entirely college operations. There isn't a single duty she performed that wasn't somehow related to college operations. It is a violation of her due process not to tell her what are you being accused of, who was accusing you of it, what documents if any support these accusations. None of that was given. Not during her suspension, not during her termination grievances. During her latter grievances with Dr. Hall and Dr. Hardee, my client was simply asked a laundry list of questions, far more than we've even delved into today. They were not listed as any substantiating basis for my client's suspension or termination.

Shannon Polvi: What we have to do is look at the termination notice which, to be respectful to my co-counsel here, is that it's very different than what Mr. Boykin has pointed out during this hearing specifically the second paragraph on page 23 says, "The specific facts supporting this action include but are not limited to your receipt of tuition payments in the amount of \$26,000 for an educational program which was unrelated to your position with the college, even though you signed a statement acknowledging the requirement that the program must be related to your position with the college." Then it segues onto about stamp issue, which I will address.

Shannon Polvi: But in her termination notice there is no reference whatsoever, until this hearing today, there's any reference about any concern about the coursework my client performed or payments that she received for it. Their accusation is that somehow she shouldn't have received these tuition reimbursements cause it's unrelated to her job. Dr. Hall has no personal knowledge whatsoever about what related to my client's position. He'd only started 10 days before he suspended my client. He'd only worked with my client mere days, he would have no personal knowledge whatsoever when Dr. Boyd Scotland authorized my client's tuition reimbursement. If you look on page 152, the application goes through 148 through 151, the signature of Dr. Boyd Scotland was two presidents preceding Dr. Hall. As you heard from Miss Wise, all of the substantiating signatures that were required were performed on her tuition assistance application as well as for Miss Jackson's. This application was above bar, and if there's any inclination that that application is not, well then why in the world would it not have come up prior to my client being terminated?

Shannon Polvi: There was no audits addressing this being a concern. There's an application that we have, there's my client submitting forms as we see in agency exhibit four and agency exhibit six. She not only submitted forms, she submitted her grade, who the instructor is, all of the appropriate information. There is a paper trail as far as we can take it in terms of my client performing the tuition that she was trying

to receive, performing those duties in terms of taking the coursework. We look, there's eight courses listed on page ... 143, the tuition and fee schedule. Those courses on page 143, it's gonna sound redundant but it's very necessary to point out, when we compare that to the transcript on the tuition and schedule, there's MGT 600, MKT 640, FIN 630, BUS 610, MGT 615, MGT 625, MGT 656, MGT 680. Then we look at the official transcript which is signed and noted as official from American Intercontinental University, which you know the agency had because they produced it as their exhibit, they knew that she performed this coursework and that each of those eight courses that I listed off are the exact match to the eight courses on this transcript. Not only that, there's eight courses in the application, there's eight courses identified as my client taking, and there's eight payments of my client receiving.

Shannon Polvi: My client did not receive a dime for any more tuition assistance than what she earned as her degree and you heard, you can't hear from Dr. Boyd Scotland because I'm sad to say that she has passed, but you heard from Dr. McIntyre who then approved these later repayments to my client via authorized title three grant, that it was for the benefit of the college. My client was performing several duties for the college. She was paid, as has been testified by a witness, my client was paid far less than what her predecessor had been paid in those interim dean positions. My client was saving the college money. My client was able, from her administrative coordinator position in the president's office, as an adjunct professor, as a interim dean, she was able to an excellent job and you haven't heard any witnesses counteract that her performance was excellent. You heard Dr. McIntyre reinforce that she was an asset to the school, that her duties that she performed were directly related to an MBA degree, to a management degree, to a certification of developing management because she was integral to the college operations and performing several duties for the board, for the president, and for the students there.

Shannon Polvi: So as we go through these documents, there is an evident paper trail that my client appropriately applied for tuition assistance, that she indeed performed all of the coursework that she said she would perform. She submitted paperwork validating, including her transcripts and the two courses that Mr. Boykin identified as not having a grade, well they're here in exhibit four and six and it shows that she got an A and an A minus. She satisfied every single requirement that was required of her to receive tuition assistance, and it was directly connected during her employment with the college. It's very, very important to note to you the testimony that Miss Wise just gave just a short bit ago. Miss Wise indeed received tuition reimbursement, she said she took the coursework in 2003. You look on our exhibit, she received reimbursement in 2012. I, by no means, want to throw Miss Wise under the bus. I think it is appropriate that she can receive tuition reimbursement for appropriate coursework that helps the college.

Shannon Polvi: But if there was gonna be a concern about coursework not connected to a college, I think that time spent of 2003 to 2012 is pretty alarming, it's very

alarming, and yet Dr. Hall can come in during a tenure when he's not even there and demand that my client somehow shouldn't have received tuition reimbursement, it's just not based on fact. What it's based on is reasons unrelated to why my client should and should not have been employed. During the testimony of my client, we've brought to your attention that my client testified to complaining to LLR just before she was suspended, and during the time frame during her suspension prior to her termination, the college received a warning from LLR. She had complained about the actions that were being taken by Dr. Hall, starting off at the college changing her pay, and you'll notice on page 254 is the official document from LLR notifying Miss Jackson that her complaint was not only just a complaint, it was substantiated. The employer was given a warning and you look at the date on that letter, that date is March 31, 2017. When was my client terminated? May 11, 2017.

Shannon Polvi: These are all interconnected and as I go through, I wanna take a step back as I've connected some of the dots in terms of the facts that we've heard to the grounds for appeal that we've brought. I, in drafting the document for Miss Jackson, I included each of the grounds that's available for an employee and I don't do that for all of my state employee clients that I represent. I genuinely, wholeheartedly believe that that section 8-17-340(E)(2)(A) through (F) are all applicable here, and that says that the facts and circumstances leading to Miss Jackson's termination are in violation of constitutional and statutory provisions, that it's in excess of the statutory authority of the agency, that it was made with unlawful procedure, that affected by error of law, clearly erroneous in view of the reliable, probative, and substantial evidence of the whole record, and arbitrary and capricious, and is characterized by an abusive discretion and clearly unwarranted exercise of discretion.

Shannon Polvi: You didn't hear from Dr. Hall. He was the decision maker in this situation, he decided to suspend my client, terminate my client, so all you can look to is what he actually put in the termination letter, and that termination letter addresses tuition reimbursement my client appropriately received. Then the next is to accuse my client of somehow approving her own pay increases with the president's stamp. The probative evidence that you've heard, my client did not. She testified to that effect and Dr. McIntyre, the approving official on all of those documents prior to Dr. Boyd Scotland had some of the earlier ones, and she is not able to testify for you in that issue. But Dr. McIntyre, for each one that she received, attested to you that they were approved. It directly rebuts all of the accusations that are the basis of termination that Dr. Hall listed. He's accused my client of somehow willfully breaking rules and regulations prior to his investigatory suspension, 10 days on the campus.

Shannon Polvi: My client had never been reprimanded, she'd never been suspended, she'd never received any progressive discipline from multiple supervisors who supervised her. None whatsoever. There was no inclination of any prior issues or concerns, no progressive discipline. Whatsoever in terms of things that were going on at the school was contemporaneously alarming, as I think there was a

lot of interchanging leadership, but what Dr. Hall didn't do is didn't listen to Miss Jackson, didn't hear in her grievance that there was no basis for why she should be suspended. Dr. Hall came in and just made arbitrary decisions, and they truly are arbitrary in the record that we've seen and in the witnesses that we've heard from.

Shannon Polvi: I think it's important to note, and I don't know how much time I have so I could exhaust a long time and I don't wanna waste any time in terms of rebutting each and every single point because the core issues of it is that there are no grounds to terminate my client's employment. In terms of the basis, you have the discretion to choose what that basis might be. I've put it before you as I think there's all the different grounds, but I wholeheartedly believe that the testimony that you've heard will convince you that Miss Jackson should not have been suspended, should not have been fired and be put back in employment. From the date of her suspension, she's gone without pay for over a year now. That started in February. She's been seeking new employment and hasn't found it, she wants to return to Denmark Technical College and she's hopeful that this process will put her in that position to be able to go back. She'd been with the college since 2011, that's a long time and she wants to return.

Shannon Polvi: In terms of where we leave things, I hope that we've shown you between all these different records and all this different testimony that it is indeed true that my client appropriately received tuition assistance and that she appropriately received the pay that she received and it was authorized, she did not stamp her own documents, she did not pay herself. The layers of accountability prevent that from ever being possible and her tuition assistance has corroborating evidence, the transcript, the application, the comparative applications, as well as the approval for pay. Thank you for your time.

Glenise Elmore: All right. At this time, we'll hear instructions from our committee attorney.

Kevin Maroney: I will now advise the committee on the controlling law and provide instructions for it to follow in rendering a decision. SC Code Section 8-17-340(E)(2) governs the committee's role in this proceeding and provides that the committee may not alter or overrule an agency's decision, unless the government employee establishes that the agency's decision prejudices the employee's substantial rights and is one or more of the following: A: in violation of constitutional or statutory provisions, B: in excess of the statutory authority of the agency, C: made upon unlawful procedure, D: affected by other error of law, E: clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record, or F: arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Kevin Maroney: A decision is arbitrary if it is without a rational basis, is based alone on one's will and not upon any course of reasoning or exercise of judgment, is made at pleasure and without adequate determining principles or is governed by no fixed rules or standards. An agency need not exercise its discretion identically in every case. A penalty that is within the authority of the agency is not rendered invalid in a particular case solely because it is more severe than sanctions imposed in other cases and the mere unevenness in application of the sanction does not render its application in a particular case unwarranted in the law.

Kevin Maroney: State Employee Grievance proceedings are governed by the State Administrative Procedures Act, which establishes a substantial evidence standard of review for agency decisions. Under this standard, the factual findings of the agency are presumed correct and will be set aside only if unsupported by the substantial evidence. Substantial evidence is not a mere scintilla of evidence, nor is it evidence viewed blindly from one side, rather it is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion that the agency reached in order to justify its action.

Kevin Maroney: The possibility of drawing two inconsistent conclusions from the evidence does not prevent the agency's conclusion from being supported by substantial evidence. The burden is on the employee to prove convincingly that the agency's decision is unsupported by the evidence. To determine if the employee has carried this burden of proof, the committee must look to the entire record, including the testimony presented and all written policies and procedures of the agency.

Kevin Maroney: In considering a record, the committee may not overturn an agency's findings of fact unless there is no reasonable probability that the facts could be as related by a witness upon whose testimony the finding was based. The committee is the sole judge of the credibility or believability of the witnesses who have testified in this case. In determining the credibility of a witness, the committee may consider any matter that has a reasonable tendency to prove or disprove the truthfulness of the witnesses' testimony, including the witnesses' demeanor, the consistency or inconsistency of the witnesses' testimony, whether the

witness had any cause to be biased or prejudiced in the testimony given, whether the witness had an interest in the outcome of the proceeding, and whether the witnesses' testimony was made stronger or weaker by other testimony or evidence.

Kevin Maroney: In weighing conflicting testimony, the committee may believe that testimony which convinces it more heavily toward one view of the facts as opposed to the other view, the committee is not bound to decide the facts based on the number of witnesses produced for one side as opposed to the number of witnesses produced by the other. The final test is not the number of witnesses but the relative convincing force of the evidence. The committee is free to accept a portion of a witness's testimony and reject a portion of a witness's testimony.

Kevin Maroney: Are there any additional instructions requested or objections to the ones that I have given?

Charles Boykin: None from the agency.

Shannon Polvi: None from the appellant.

Glenise Elmore: At this time, the committee will excuse the parties and will continue in executive session to deliberate. No votes will be taken while the committee is in executive session. The parties may wait for deliberations to be concluded but we do not know when the deliberations will be completed. A written decision will be provided within 20 calendar days of the conclusion of the hearing. Are there any questions?

Charles Boykin: None from the agency.

Shannon Polvi: None.

Glenise Elmore: The committee attorney will remain to provide legal advice, but all of the parties are asked to leave the hearing room. Thank you all.

Shannon Polvi: Thank you.

Glenise Elmore: I will now entertain any motion from the committee.

Panel Member 1: I move that this committee come out of executive session.

Glenise Elmore: Do I have a second?

Panel Member 2: I second.

Glenise Elmore: All in favor, signify.

Panel Members: Aye.

Glenise Elmore: We are now out of executive session. No votes were taken while we were in executive session. Is there any discussion? I will now entertain motions from the panel.

Panel Member 3: Madam chairman, I move that the committee find that the grievant has established by convincing evidence that the agency decision was not supported by substantial evidence in this matter and was clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

Glenise Elmore: All in favor please signify by saying aye.

Panel Members: Aye.

Glenise Elmore: I believe the vote is 5-0 in favor of the appellant. A written decision will be sent to both parties within 20 calendar days.

Keever, Heather

From: Shannon Polvi <Shannon@CBPHlaw.com>
Sent: Monday, April 20, 2020 5:02 PM
To: Keever, Heather
Cc: Ganjehsani, Warren; Holloway, La'Tonia; Borchers, Amanda
Subject: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Good afternoon,

I'm confirming agreement with the use of the transcript in the record on appeal.

Sincerely,
Shannon

Shannon Polvi
CROMER BABB PORTER & HICKS, LLC

1418 Laurel St., Suite A (29201) | P.O. Box 11675 | Columbia, SC 29211
Phone 803.799.9530 | Fax 803.799.9533
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From: Keever, Heather <Heather.Keever@admin.sc.gov>
Sent: Monday, April 20, 2020 9:35 AM
To: Shannon Polvi <Shannon@CBPHlaw.com>
Cc: Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>; Holloway, La'Tonia <HollowayL@sctechsystem.edu>; Borchers, Amanda <Amanda.Borchers@admin.sc.gov>
Subject: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Ms. Polvi,

Will you please confirm via email that you are in agreement that the transcript prepared by SCTCS and provided by Mr. Ganjehsani is acceptable to you and can be submitted with the Record on Appeal?

Sincerely,
Heather Keever
Program Manager, Division of State Human Resources

The South Carolina

Department of Administration

8301 Parklane Road, Suite A220, Columbia, SC 29223

803-896-5088 (office)

803-917-1198 (cell)

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From: Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>

Sent: Monday, April 20, 2020 9:16 AM

To: Kever, Heather <Heather.Keever@admin.sc.gov>

Cc: 'Shannon Polvi' <Shannon@CBPHlaw.com>; Holloway, La'Tonia <HollowayL@sctechsystem.edu>

Subject: FW: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Ms. Kever-

Attached is a transcript (prepared by SCTCS) of the hearing on remand. The Exhibit Sheet marked into evidence at the hearing is appended to the end of the transcript.

Please let me know if anything further is needed.

Regards,

Warren V. Ganjehsani

Chief Legal Counsel

S.C. Technical College System

111 Executive Center Dr.

Columbia, S.C. 29210

803.896.5923 | ganjehsani@sctechsystem.edu



From: Ganjehsani, Warren

Sent: Thursday, April 9, 2020 2:45 PM

To: 'Kever, Heather' <Heather.Keever@admin.sc.gov>

Cc: Holloway, La'Tonia <HollowayL@sctechsystem.edu>; 'Shannon Polvi' <Shannon@CBPHlaw.com>

Subject: RE: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Ms. Keever-

In light of opposing counsel's position, SCTCS will now prepare a transcript of the proceeding in its entirety. Due to this development and in response to DSHR's March 17, 2020 letter to SCTCS, the transcript will not be ready by April 10, 2020.

We will follow up in the near future with a projected completion date for the transcript.

Regards,

Warren V. Ganjehsani

Chief Legal Counsel
S.C. Technical College System
111 Executive Center Dr.
Columbia, S.C. 29210
803.896.5923 | ganjehsani@sctechsystem.edu



From: Shannon Polvi <Shannon@CBPHlaw.com>

Sent: Thursday, April 9, 2020 9:58 AM

To: Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>; 'Keever, Heather' <Heather.Keever@admin.sc.gov>

Cc: Holloway, La'Tonia <HollowayL@sctechsystem.edu>

Subject: RE: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Good morning,

This different record thing just seems to be getting too confusing. We would like to just stick with whatever is the 'norm'. We don't want another appeal over some unnecessary technicality. So, our position is that the record should continue in the normal format.

Sincerely,
Shannon

Shannon Polvi
CROMER BABB PORTER & HICKS, LLC

1418 Laurel St., Suite A (29201) | P.O. Box 11675 | Columbia, SC 29211
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dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (803) 799-9530 and delete the message immediately. Thank you.

From: Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>
Sent: Tuesday, April 7, 2020 4:02 PM
To: 'Keever, Heather' <Heather.Keever@admin.sc.gov>
Cc: Shannon Polvi <Shannon@CBPHlaw.com>; Holloway, La'Tonia <HollowayL@sctechsystem.edu>
Subject: RE: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Ms. Keever-

Thank you for the documents and DSHR's willingness to be flexible in this matter.

SCTCS confirms that the Dept. of Administration is not a party to this new appeal arising out of the remand hearing. Accordingly, SCTCS will cease copying DOA/DSHR on future filings/correspondence to the ALC associated with the remand appeal unless there is a reason to do so. I anticipate the ALC will consolidate these appeals eventually, and at that time DOA will resume being copied on all submissions in its capacity as a party to the preexisting appeal.

As to the Committee's brief post-deliberation activity (to come out of executive session and to vote on the finding on remand) for which there is no existing script or functional equivalent, SCTCS will prepare a short transcription of this part for opposing counsel's review. Once we have a finished product on which we both agree, I will submit it to DSHR. The balance of the de facto transcript will consist of the documents DSHR provided (or otherwise identified) as discussed previously.

If you have any questions in connection with the parties proceeding as outlined above, please feel free to contact me.

Regards,

Warren V. Ganjehsani

Chief Legal Counsel
S.C. Technical College System
111 Executive Center Dr.
Columbia, S.C. 29210
803.896.5923 | ganjehsani@sctechsystem.edu



From: Keever, Heather <Heather.Keever@admin.sc.gov>

Sent: Friday, April 3, 2020 4:29 PM

To: Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>

Cc: 'Shannon Polvi' <Shannon@CBPHlaw.com>; Holloway, La'Tonia <HollowayL@sctechsystem.edu>

Subject: RE: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Mr. Ganjehsani and Ms. Polvi,

I have attached a copy of the statement read by the chairperson as well as the motion read by the secretary to go into executive session for this hearing. The charge read by the committee attorney was the same charge submitted by Mr. Ganjehsani which you were both previously provided.

We do not have a copy of the motion made by the committee prior to voting. However, while we generally would not accept a transcript created by the parties if both parties submit a written statement that they both agree represents the verbiage used in the motion and agree that this statement can be substituted for the transcript (along with the other documents described in this email) we will do so.

Could you please also confirm that the Department of Administration is not listed as a party in this appeal? Our agency was not included in the caption of the Notice of Appeal so I assume the answer is no but I need to confirm this is the case since this agency should not be a party to the appeal. Thank you.

If you have any questions or concerns please let me know. I am primarily working remotely so email is probably the best way to reach me but you may also call my office or cell phone number below.

Thank you,

Heather Keever

Program Manager, Division of State Human Resources

The South Carolina

Department of Administration

8301 Parklane Road, Suite A220, Columbia, SC 29223

803-896-5088 (office)

803-917-1198 (cell)

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From: Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>

Sent: Tuesday, March 31, 2020 5:26 PM

To: Keever, Heather <Heather.Keever@admin.sc.gov>

Cc: 'Shannon Polvi' <Shannon@CBPHlaw.com>; Holloway, La'Tonia <HollowayL@sctechsystem.edu>

Subject: FW: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Ms. Keever-

Following up on my earlier message today, counsel for the parties have agreed to pursue the approach described below.

The remand hearing consisted of a recitation of the standard guidance that is read to the Committee prior to deliberations and the additional instructions that I requested. As is the practice following the close of evidence in typical Committee hearings, in this instance the Committee members (Chair and Secretary) and the Committee Attorney read from prepared "scripts" at all relevant times.

Given the limited nature of this proceeding, the content of these scripts effectively captured what was said at the hearing prior to deliberations. Unless the scripts contained typographical errors, they therefore would be the functional equivalent of a transcript.

Accordingly, the parties jointly request that DSHR provide us the scripts the Committee members and Committee Attorney read from at the remand hearing. After the parties have had an opportunity to review/approve the scripts, our plan would be to stipulate that they would serve as the de facto transcript.

If you have any questions in connection with this proposal, please let me know.

Regards,

Warren V. Ganjehsani

Chief Legal Counsel

S.C. Technical College System

111 Executive Center Dr.

Columbia, S.C. 29210

803.896.5923 | ganjehsani@sctechsystem.edu



From: Ganjehsani, Warren

Sent: Tuesday, March 31, 2020 11:25 AM

To: Heather.Keever@admin.sc.gov

Cc: Shannon Polvi <Shannon@CBPHlaw.com>; Holloway, La'Tonia <HollowayL@sctechsystem.edu>

Subject: RE: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Ms. Keever-

Thank you for sharing this information with us.

As the Motion I filed alongside my recent Notice of Appeal indicated, I do not see the need for a transcript of the remand hearing when there are more practical alternatives for capturing the substance of what occurred. I

have communicated with opposing counsel and proposed a method of making stipulations to that end, and I am hopeful we will be able to make that happen.

I will follow up with you in due course.

Regards,

Warren V. Ganjehsani

Chief Legal Counsel

S.C. Technical College System

111 Executive Center Dr.

Columbia, S.C. 29210

803.896.5923 | ganjehsani@sctechsystem.edu



From: Kever, Heather <Heather.Keever@admin.sc.gov>

Sent: Wednesday, March 25, 2020 7:37 PM

To: Shannon Polvi <Shannon@cbphlaw.com>

Cc: Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>

Subject: Re: [External] RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Ms. Polvi and Mr. Ganjehsani,

Please be advised that under our normal response procedures the record on appeal provided to the ALC would include the documents generated and submitted during the processing of the remand order. This would include the transcript of the remand hearing and the documents listed in Mr. Ganjehsani's Motion. The transcript may be excluded if both parties agree to do so.

Mr. Ganjehsani I understand you did not receive the recording of the remand hearing previously sent to you. Another copy has been sent to you and you should receive it early next week.

If you have any questions or concerns please let me know.

Heather

Sent from my iPhone

On Mar 24, 2020, at 10:01 AM, Shannon Polvi <Shannon@cbphlaw.com> wrote:

Dear Stephanie,

Thank you for the clarification.

Warren, please feel free to contact me to discuss what you want supplemented.

Sincerely,
Shannon

Shannon Polvi
CROMER BABB PORTER & HICKS, LLC

1418 Laurel St., Suite A (29201) | P.O. Box 11675 | Columbia, SC 29211
Phone 803.799.9530 | Fax 803.799.9533
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From: Stephanie Perez <sperez@scalc.net>
Sent: Tuesday, March 24, 2020 9:57 AM
To: Shannon Polvi <Shannon@CBPHlaw.com>; Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>;
Heather.Keever@admin.sc.gov
Subject: RE: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Good morning,

I'm sorry for the delay in responding. The Court is not going to review the motions until after the record is filed. Also, as for the motion to supplement the record, there is no reason that the parties could not get together to discuss the contents of the record prior it being filed. If you have any questions, please let me know!

Sincerely,
Stephanie Michelle Perez
Law Clerk to Judge Ralph King Anderson, III
S.C. Administrative Law Court
803-734-6409

From: Shannon Polvi <Shannon@CBPHlaw.com>
Sent: Thursday, March 19, 2020 4:56 PM
To: Stephanie Perez <sperez@scalc.net>; Ganjehsani, Warren <ganjehsaniw@sctechsystem.edu>
Cc: Heather.Keever@admin.sc.gov
Subject: SC Technical College System v. Carla Jackson and SC Department of Administration; Dkt No. 18-AJ-30-0341-AP

Good afternoon,

I called the Administrative Law Court today and spoke to Stephanie this afternoon seeking clarification of the Notice of Assignment deadlines in the above referenced matter (see attached).

The Appellant filed a Notice of Appeal contemporaneously with a Motion to File Supplemental Brief and Motion for an Order Directing the SC Department of Administration to Supplement the Record on Appeal.

Because the Notice of Appeal and the Motion were filed together and the deadlines in the Notice of Assignment do not delineate otherwise, it is my understanding that the Record on Appeal will be due first. Per the attached 3/17/20 letter from the Department of Administration, the transcript will be available after April 10, 2020. Then, after receipt of the Record on Appeal, Appellant has the Brief deadline and then the Respondents' Briefs will be due.

Because both my client and the Department of Administration are named as Respondents, I am seeking clarification of the Notice of Assignment deadlines. The Appellant's Motion is intertwined with its Notice of Appeal, so my assumption is that all substantive arguments of the appeal and motion are truly one appeal and will be briefed and heard in accordance with the Notice of Assignment and the motion and the appeal will not be heard separately or need to be separately briefed. Is that correct?

You said you would need to discuss this with Judge Anderson and be back in contact. Thank you for assisting with clarifying these complicated matters.

Sincerely,
Shannon

Shannon Polvi
CROMER BABB PORTER & HICKS, LLC

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**STATE OF SOUTH CAROLINA
STATE EMPLOYEE GRIEVANCE COMMITTEE**

South Carolina Technical College System,		
	vs.	
Carla Jackson,		

Appellant,

Respondent.

TRANSCRIPT OF THE HEARING ON REMAND

The State Employee Grievance Committee ("Committee") convened at 9 a.m. on January 14, 2020, at the South Carolina Division of State Human Resources in Columbia, South Carolina, for the purpose of conducting a hearing on remand.

APPEARANCES:

Glenise Elmore (South Carolina Department of Social Services), Committee member

Cliff Miller (South Carolina Criminal Justice Academy), Committee member

Kristin Wicker (South Carolina Department of Motor Vehicles), Committee member

Harley Kirkland (South Carolina Attorney General's Office), Committee Attorney

[Amanda Borchers and Vonja Szatkowski of the Division of State Human Resources were also present to assist the Committee.]

FOR APPELLANT:

Warren V. Ganjehsani
Chief Legal Counsel
South Carolina Technical College System
111 Executive Center Drive, Suite 100
Columbia, SC 29210

Ms. Elmore: On June 25, 2019, Judge Ralph King Anderson, III, issued an Order of Remand in response to the South Carolina Technical College System's appeal to the State of South Carolina Administrative Law Court of the State Employee Grievance Committee's final decision to overturn the South Carolina Technical College System's decision to terminate Ms. Carla Jackson. Judge Anderson's order states, in part, that "the Court finds it necessary to remand this case for the Board to determine whether Jackson was an Interim Dean at the time of her termination (uncovered employee) or whether Jackson was also functioning in a covered FTE position."

This is the hearing to determine this issue and is being held in Columbia, South Carolina, this 14th day of January 2020. A record is made of the hearing. For the record, my name is Glenise Elmore, South Carolina Department of Social Services, and other members of the State Employee Grievance Committee present are Kristin Wicker, Department of Motor Vehicles; Cliff Miller, South Carolina Criminal Justice Academy. The Committee Attorney is Harley Kirkland, Attorney General's Office. Appellant is represented by Shannon Polvi, attorney at law. The employing agency is represented by Warren Ganjehsani, South Carolina Technical College System General Counsel. The Division of State Human Resources has furnished to the members of the Committee a copy of the records, reports, and documentation of the earlier proceedings on the grievance and appeal including exhibits, testimony, Committee Decisions, and appeal briefs submitted by each party. These documents will be considered by the Committee as the record on appeal during this hearing and, according to Section 8-17-350 of the State Employee Grievance Procedures Act, will now be marked into evidence. ["Exhibit Sheet" is attached.]

Unknown: Thank you.

Ms. Elmore: After hearing this appeal, the Committee will report its findings and decision in writing to the employee and the employing agency within twenty calendar days of the conclusion of the hearing. The decision shall be final in terms of administrative review. Assisting the Committee is Amanda Borchers and Vonja Szatkowski of the Division of State Human Resources. The requirement that public notice of the time, date, place, and agenda for this hearing has been met. Pursuant to the Freedom of Information Act, in order for this Committee to go into executive session to hear this matter, we must take a vote in open session of this intent and the reason why. I will now entertain a motion that this Committee go into executive session.

Ms. Wicker: Madam Chairwoman, I move that this Committee go into executive session to hear the remand of the appeal of termination instituted by Carla Jackson against the South Carolina Technical College System and to receive any necessary legal advice from the Committee Attorney.

Ms. Elmore: Have a second?

Mr. Miller: Second.

Ms. Elmore: All in favor signify.

All Committee members: Aye.

Ms. Elmore: We are now in executive session. We will now receive instructions from our Committee Attorney.

Ms. Kirkland: I will now advise the Committee on the controlling law and provide instructions for it to follow in rendering a decision.

Instruction One: The Committee's only authority on remand is to determine whether at the time of the Appellant's termination she was functioning as an Interim Dean or as an

Administrative Coordinator and issue a decision reporting this finding of fact to the Administrative Law Court.

Instruction Two: It is a question of law, not fact, whether the Committee has subject matter jurisdiction to hear an employee's grievance appeal and whether the State Human Resources Director is correct in determining that an action is grievable to the Committee. Whether the State Human Resources Director correctly forwarded this appeal to the Committee and whether the Committee had subject matter jurisdiction to hear this appeal are ultimately questions of law that only the Administrative Law Court can decide. Thus, the State Human Resources Director's decision to forward the Applicant's appeal to the Committee for a hearing is not a "fact" upon which the Committee can rely in determining the position Appellant was functioning in at the time of her termination.

Instruction Three: Furnishing documentation to an employee indicating that she has grievance or appeal rights does not confer jurisdiction to the Committee to hear her appeal if such rights do not otherwise exist as a matter of law. The Committee's consideration of any such documentation in the Record therefore must be restricted to its proper scope, because whether the Committee had subject matter jurisdiction to hear this appeal is a question of law the Committee is not permitted to determine on remand. Accordingly, references in documents from Denmark Technical College and the Agency about Applicant's ability to file a grievance or appeal of her suspension and termination are not to be considered as evidence of the position she was functioning in at the time of her termination. Statements of this nature made by counsel for either party during the Committee appeal hearing likewise cannot be considered as evidence of the position in which Appellant was functioning.

Instruction Four: Parties are judicially bound by their pleadings. The allegations, statements, or admissions contained in a pleading are conclusive as against the pleader and a party cannot

subsequently take a position contradictory of, or inconsistent with, his or her pleadings, and the facts which are admitted by the pleadings are taken as true against the pleader for the purpose of the case. A "pleading" includes any required form used to initiate an appeal or other proceedings that constitutes a contested case under the Administrative Procedures Act, including the State Employee Grievance Procedure State Appeal Form.

Instruction Five: The Record reflects that Appellant was placed on investigatory suspension as of February 15, 2017. A suspension is an enforced leave of absence without pay pending investigation of charges against an employee or for disciplinary purposes. The termination of Appellant's employment was retroactively effective to the first day of her suspension on January 15, 2017. As a result, Appellant's suspension and her appeal of that suspension were rendered moot. Consequently, the Committee must consider February 15, 2017, as the "time of her termination" for the purpose of determining whether she was functioning as an Interim Dean or an Administrative Coordinator.

That concludes my charge.

Ms. Elmore: Okay. At this time the Committee will excuse the parties and will continue in executive session to deliberate. No votes will be taken while the Committee is in executive session. The parties may wait for deliberations to be concluded, but we do not know when deliberations will be complete. A written decision will be provided within twenty calendar days of the conclusion of the hearing. Are there any questions?

Mr. Ganjehsani: No.

Ms. Elmore: The Committee Attorney will remain to provide legal advice, but all other parties are asked to leave the hearing room. Thank you.

[Committee deliberates.]

Ms. Elmore: I will now entertain any motions from the committee.

Ms. Wicker: I move that this committee come out of executive session.

Ms. Elmore: Do I have a second?

Mr. Miller: Second.

Ms. Elmore: All in favor signify.

All Committee members: Aye.

Ms. Elmore: We are now out of executive session. No votes were taken while we were in executive session. Is there any discussion? I will now entertain motions from the panel.

Mr. Miller: Madam Chairperson, I move the committee find that Ms. Jackson was in Administrative Coordinator position, covered employee at the time of her termination.

Ms. Elmore: Do I have a second?

Ms. Wicker: Second.

Ms. Elmore: All in favor signify by saying "Aye."

All Committee members: Aye.

Ms. Elmore: The vote is 3-0 in favor of the motion upholding . . . three . . . excuse me . . . 3-0 in favor of the committee finding that . . . uh, the Appellant was in administrative position, covered employee at the time of termination. A written decision will be sent to both parties within twenty calendar days. Thank you.

[Hearing concluded.]

EXHIBIT SHEET

Date of Hearing:	01/14/2020	Chairperson:	Glenise Elmore
Appellant:	Carla Jackson	Secretary:	Kristin Wicker
Agency:	SC Technical College System	Committee Attorney:	Harley Kirkland
Disciplinary Action:	Remand/Termination		

EXHIBITS AND EXHIBIT NUMBERS		DESCRIPTION/IDENTIFYING INFORMATION	
COMMITTEE EXHIBITS			
Introduced (#)	For Identification Only		
Carla Jackson v. SCTCS Exhibits		Documents submitted during the initial hearing of the appeal before the State Employee Grievance Committee including: - Committee Exhibit #1, pp. 1 – 270 - Agency Exhibit #1, Dual Employment Form - Agency Exhibit #2, Jackson Planning Stage - Agency Exhibit #3, Principles of Accreditation - Agency Exhibit #4, Expend. Vouchers - Agency Exhibit #5, Jackson Transcript - Agency Exhibit #6, 3/3/14 Exp. Voucher - Agency Exhibit #7, Voucher Register - Appellant Exhibit #1, Wise Title III application	
Carla Jackson v. SCTCS Hearing Recordings		Recordings from Jackson v. SCTCS appeal hearing and the hearing related to the reconsideration request to the Committee from SCTCS.	
AGENCY EXHIBITS		APPELLANT EXHIBITS	
Introduced (#)	For Identification Only	Introduced (#)	For Identification Only

STATE EMPLOYEE GRIEVANCE COMMITTEE

LIST OF NAMES OF WITNESSES

Regulation 19-718.07 (C) (1) of the State Employee Grievance and Appeals Regulations provides that the covered employee and the agency, or their designated representatives, shall exchange witness lists which must be received by the other party no later than five (5) calendar days prior to the hearing. To facilitate this exchange, you may use this form provided by the Office of Human Resources to list the names of your witnesses who will appear on your behalf at the State Employee Grievance Committee hearing.

In addition, Regulation 19-718.07 (E) (7) provides that, at the beginning of the hearing, each party shall provide to the Secretary of the designated committee panel a list of representatives and witnesses. Representatives who will testify must be listed as both a representative and a witness. You may also use this form to submit your list of witnesses to the Secretary of the designated Committee panel.

Witnesses for **Appellant**:

- SI-1. Carla Jackson ✓
- SI-2. Dr. Leonard McIntyre ✓
- SI-3. Dr. Lamin Drammeh ✓
- 4. Teresa Mack
- 5. Gwendolyn Bamberg
- SI-6. Sherry Donaldson ✓ → has not been crossed (2/1) - testimony struck
- SI-7. Thomas Williams ✓

STATE EMPLOYEE GRIEVANCE COMMITTEE

LIST OF NAMES OF WITNESSES

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Witnesses for Agency:

1. Kandy Peacock ✓
2. Mary Oakman-Long ✓
3. Christopher Greggs
- SI - 4. Cheryl Gina ✓
- SI - 5. Betty Dowling ✓
6. Margaree Bonnette
7. Avis Gathers
8. Tia Wright-Richards
- SI - 9. Jamie Wise ✓
10. Elton Shuler
11. Shatika Spearman
12. Shirley Young
13. Gwendolyn Bamberg
14. Cheryl Washington
15. DeWayne Ennis
16. Marvin Dawson
17. Michael Singleton
- SI - 18. Gwen Bright ✓

0595

Kevin Maroney

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[illegible]

0597

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[illegible]

0598

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[illegible]

Employee's Name*: Carla Jackson

APPEAL

Please specify why the employee contends that the agency's decision concerning the grievance is unfair and state relevant facts and issues to support that position. (Attach additional pages if necessary.): *

Ms. Jackson was an Interim Dean of Business, Computers and Related Technologies at Denmark Technical College. Ms. Jackson was a valued employee at Denmark Tech with an excellent performance review record.

Ms. Jackson was suspended on February 15, 2017. Ms. Jackson grieved her suspension on February 17, 2017. Ms. Jackson was terminated in a letter dated May 11, 2017. Ms. Jackson grieved her termination on May 18, 2017.

Ms. Jackson properly grieved both her suspension and termination and has had multiple grievance hearings to date. The last grievance hearing was with Dr. Hall, Interim President. A decision has not yet been issued by Dr. Hardee, the SC Technical College Systems President; however, it is within 55 days since Ms. Jackson's initial grievance with the Agency.

Ms. Jackson repeatedly requested an explanation for the ground(s) substantiating the investigation suspension she was facing. Ms. Jackson has received no explanation beyond a vague phrase alleging "involvement in improper conduct with regard to college operations". Ms. Jackson is a Dean of the College and as such her entire job entails "college operations".

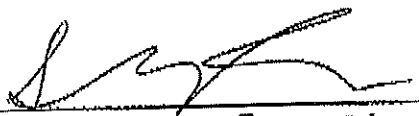
Ms. Jackson met with Dr. Hall on two separate occasions and with Dr. Hardee on one occasion during the "investigative suspension" from February 15, 2017 to May 11, 2017. Ms. Jackson fully cooperated throughout the "investigation". Ms. Jackson was verbally asked questions about a variety of matters during the hearing with Dr. Hardee and Ms. Peacock. Ms. Jackson was very open and responsive to all questions asked. Ms. Jackson took no action in any way adverse to the school. Her suspension and termination was without cause.

Ms. Jackson was terminated from employment for "willful violation of rules, regulations and written policies, which constitute conduct unbecoming a state employee." Such grounds are unfounded and Ms. Jackson has not been given a single document supporting the accusations against her. Ms. Jackson did not violate any rules, regulations or written policies.

The first alleged ground for Ms. Jackson's termination relates to tuition reimbursement she received; that because Ms. Jackson received tuition reimbursement payments years ago is somehow grounds to terminate her employment now is ridiculous. Ms. Jackson expressly articulated during her suspension grievance that she applied for tuition reimbursement and was granted tuition reimbursement. Ms. Jackson did nothing wrong in such actions to apply for and to receive tuition reimbursement. Ms. Jackson was an employee of the College when she applied for and received tuition reimbursement and Ms. Jackson's education was directly related to her employment with the College as clearly evidenced by her positions as an Interim Dean of the College since October 2015, as an adjunct instructor for multiple years, and previously as Administrative Coordinator.

Please specify the relief that the employee is seeking by this appeal. (Attach additional pages if necessary.): *

Ms. Jackson requests that she be reinstated to employment in her position held at the time she was suspended, all adverse documentation relating to her "investigative suspension" and termination be removed from her personnel file, she be paid back pay and benefits, a lump sum for the damages she has sustained as a result of the suspension and termination, and for attorney's fees and costs.

Signature: 

Attorney for Grievant

Date: July 5, 2017

Revised June 2015

Page 2 of 2

Carla Jackson State Employee Grievance Procedure State Appeal Form Attachment**July 5, 2017**

The second alleged ground to terminate Ms. Jackson is equally preposterous. The second claim is "In your role as Administrative Coordinator I (to the President); you received pay increases, which were approved using the President's stamp, but had no supporting documentation. Your conduct in this matter violated all reasonable controls in our system and, I believe, violated the South Carolina Ethics Act which prohibits a public employee from using his/her position for personal gain." During her suspension grievance hearing when asked about the President's stamp, Ms. Jackson expressly denied that she ever used the President's stamp on any of her own personnel documents.

Ms. Jackson expressly informed College representatives at the hearing that the President's stamp is used by each of the recent sitting Presidents of Denmark Technical College and is used for high volume documentation and at the express instruction of the sitting President. Ms. Jackson expressly informed the Agency representatives that she used the President's stamp at the instruction of the former President of Denmark Technical College and the stamp was never used on her own documentation. Ms. Jackson expressly informed the Agency representatives that she never used the stamp for any personal gain.

Further, Ms. Jackson did not receive a pay increase; she received supplemental pay when she performed additional duties. Any and all supplements in Ms. Jackson's pay were expressly authorized by the supervisory chain above Ms. Jackson and by Human Resources. The accusation that Ms. Jackson somehow gave herself raises is utterly absurd. Ms. Jackson has not even been employed in the President's Office since October 2015 when she was promoted to Interim Dean.

C | B | P | H

CROMER BABB PORTER & HICKS, LLC
Attorneys and Counselors at Law

J. Lewis Cromer * Julian W. Babb, IV * J. Paul Porter
Ryan K. Hicks * Shannon M. Polvi * Samantha E. Albrecht

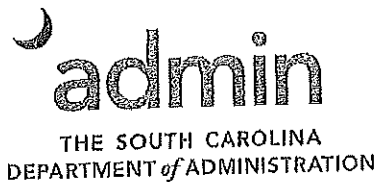
July 5, 2017

TO: Division of State Human Resources
FAX NO.: 803-896-5050
FROM: Shannon Polvi
DATE: July 5, 2017
RE: Carla Jackson - State Employee Grievance Procedure State Appeal Form

NUMBER OF PAGES 4 INCLUDING COVER SHEET
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Henry McMaster, Governor
Marcia S. Adams, Executive Director

DIVISION of STATE HUMAN RESOURCES
Kim Aydlette, Director
8301 Parklane Road, Suite A220
Columbia, SC 29223
803.896.5300
803.896.5050 Fax

July 6, 2017

Ms. Kandy Peacock, Director
Division of Human Resource Management
S.C. Technical College System
111 Executive Center Drive
Columbia, South Carolina 29210

Carla Jackson
Appellant's Name

Interim Dean
Job Classification

Dear Ms. Peacock:

The appellant has appealed to the State Human Resources Director concerning a grievance arising from employment with your agency. Grounds for the appeal are contained in the enclosed copy of the State Employee Grievance Procedure State Appeal Form.

Please send us the documents concerning this appeal, including a brief summary of your position, a brief list of the appellant's employment record, copies of performance appraisals if applicable, and a copy of your findings and determination at each step of your grievance procedure. Any supporting documents that might serve to clarify the specific issues in the appeal should be included. You should also specifically state which policy or policies were used as a basis for the action, and include a copy of those policies. These might be either internal policies and/or State policies. If a policy was not violated, state on what criteria the action was based.

The requested information and materials must be returned to the Division of State Human Resources/Alternative Dispute Resolution Program within fifteen calendar days. Also, any future correspondence sent to the Division of State Human Resources, excluding the appellant's record, should be copied to the other party involved.

Sincerely,

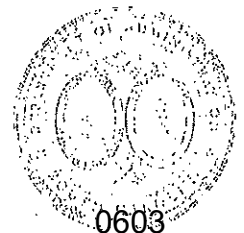
Spencer Miller
Alternative Dispute Resolution Program

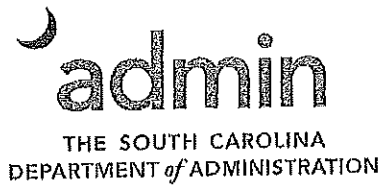
Enclosure

c: Dr. Tim Hardee, President (without enclosure)

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www.admin.sc.gov





Henry McMaster, Governor
Marcia S. Adams, Executive Director

DIVISION of STATE HUMAN RESOURCES
Kim Aydlette, Director
8301 Parklane Road, Suite A220
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803.896.5300
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July 6, 2017

Ms. Shannon Polvi
Cromer Babb Porter & Hicks
P.O. Box 11675
Columbia, South Carolina 29211

Re: Carla Jackson v. S.C. Technical College System

Dear Ms. Polvi:

The Division of State Human Resources has received Ms. Jackson's Employee Grievance Procedure State Appeal Form and has requested the employing agency to send the documents relating to the appeal. Once these documents have been received and reviewed, you will be contacted. Also, all future correspondence sent to the Division of State Human Resources should be copied to the employing agency.

Every effort is being made to process Ms. Jackson's appeal as quickly as possible.

Sincerely,

Spencer Miller
Alternative Dispute Resolution Program





SC TECHNICAL COLLEGE

SYSTEM

VIA HAND DELIVERY

July 25, 2017

Mr. Spencer Miller
Alternative Dispute Resolution Program
Division of State Human Resources
8301 Parklane Road, Suite A220
Columbia, SC 29223



Dear Mr. Miller,

This is in response to your letter dated July 6, 2017, informing our agency of Ms. Carla Jackson's appeal to the State Human Resource Director regarding a grievance arising from employment with our agency and the grounds for appeal. The following serves as the Agency's position regarding the matter.

Denmark Technical College was the subject of several serious complaints on the State Board for Technical and Comprehensive Education fraud hotline. The complaints alleged incidents of mismanagement and abuse activities taking place at the highest levels of the College. At the request of the Office of the S. C. Inspector General, the System Office commenced a review of the areas identified in the complaints from the fraud hotline. While the review was underway, several significant questions arose which suggested that the System Office undertake program audits in the area of finance, human resources, and student enrollment and financial aid.

The System Office devoted significant resources to the audits. However, the cooperation at the College level was lacking and, in some areas, appeared to be oppositional. As the questions remained unanswered, the Denmark Technical College Area Commission expressed concern with the direction in which the College was headed and on January 30, 2017, voted to end its at will employment relationship with Dr. Leonard McIntyre, the President at that time. In addition to ending its employment relationship with Dr. McIntyre, the Area Commission voted to ask the System Office to provide assistance with operating the College for the foreseeable future. Within the scope of assistance, the System Office continued its review of the College's operations in the designated areas and questions regarding certain salary adjustments, among other things began to surface.

Ms. Carla Jackson was the focal point of many of the allegations received on the fraud hotline (Attachment A). Allegations involving Ms. Jackson included the following:

- ✓ Conflict of interest as an administrative coordinator serving in multiple roles of authority with varying levels of supplemental/advanced pay and close connections to the President and Area Commission (the Chief Executive Officer and the governing board);

0605

Mr. Spencer Miller
 July 25, 2017
 Page 2

- ✓ Possible abuse of authority; creation of a hostile work environment; Ms. Jackson is allowed to make decisions regarding disciplinary actions including but not limited to the termination of employees and suspensions because of her role/connection with the President and Area Commission.
- ✓ Possible abuse of state law, state Human Resource Division regulations and agency policy and procedure as it relates usage of annual and sick leave; and
- ✓ Credentials of Ms. Jackson: Ms. Jackson who was hired as a classified Administrative Coordinator I was provided opportunities in the area of academics that are normally associated with persons in unclassified positions.

Ms. Carla Jackson was investigated for suspected misconduct regarding college operations. Specifically, Ms. Jackson was investigated for any wrong doing she may have had related to the allegations, and any involvement she may have had related to decision making authority involving salary adjustments and the College's fiscal resources.

Alleged incidents of self-dealing, mismanagement and abuse activities taking place at the highest levels of the College continued to be a common theme from the fraud hotline review. Through our review it was determined that Ms. Jackson's state classification title is Administrative Coordinator I with a base salary of \$49,897. It was also determined that Ms. Jackson was indeed receiving supplemental pay for additionally serving as Executive Coordinator to the Area Commission at \$550.00 per pay period and also as Interim Dean of Transitional Studies and Distance Education at \$402.72 per pay period. Ms. Jackson was also receiving supplemental pay for teaching courses. Thus, increasing her annual paid compensation [REDACTED]. With these positions, Ms. Jackson was given significant authority at the College. The supporting documentation was reviewed and many items became apparent.

The majority of the salary actions in Ms. Jackson's personnel file were signed using the President's signature stamp (Attachment B). Ms. Jackson was hired January 2011, as Administrative Coordinator I to assist the President. Thus, she had access to the President's signature stamp. While Ms. Jackson stated that she only used the stamp in the President's presence, others indicated that she also used the stamp when the President was not present. It appears that Ms. Jackson gained a personal advantage from her position by apparently utilizing the President's signature stamp for several of the documents in her personnel file related to increases. Thus, it appears Ms. Jackson violated the State Ethics Act Rules of Conduct and SBTCE procedure (8-0-105.1) by knowingly using her official employment to influence a government decision to obtain an economic interest for herself.

Mr. Spencer Miller

July 25, 2017

Page 3

Also, as it relates to alleged incidents of self-dealing, mismanagement and abuse activities taking place at the highest levels, it appears that Ms. Jackson used her Interim Dean role to usurp the President by initiating disciplinary actions of subordinate personnel. Employees allege many incidents whereby Ms. Jackson used her position to threaten employee jobs. Specifically, employees were told that their positions would be eliminated if various actions were not taken. As a result, employees alleged that she created a hostile work environment as they were afraid that if they went against her in anyway, she would have their employment terminated. While Ms. Jackson stated that she did not initiate or take any disciplinary actions against employees, college legal bills/invoices (Attachment C) show several instances where Ms. Jackson spoke directly with the College attorney regarding disciplinary actions for subordinate personnel and her decisions resulted in grievances filed by at least one employee.

In reviewing suspected self-dealing, mismanagement and abuse of the College's fiscal resources, annual and sick leave records were also assessed. Through the fraud hotline, it was alleged that administrators were held to a different standard and were not required to enter annual and sick leave as staff employees were. It was specifically stated by one employee that Ms. Jackson was constantly on them regarding entering leave, but stated that she did not have to enter leave as she was an administrator. In reviewing the annual and sick leave records for Ms. Jackson, it was determined that she only entered one instance (day) of sick leave for the period of September 16, 2016, through September 30, 2016, when she was written out by her doctor on Family Medical Leave Act (FMLA) paperwork (Attachment D). Section 8-11-30 of the South Carolina Code of Law prohibits payment or receipt of salary which is not due. This finding is a clear violation of state law, policies and procedures and constitute willful violation of rules, regulations or written policies as well as conduct unbecoming a state employee.

In reviewing suspected self-dealing, mismanagement and abuse of the College's fiscal resources other payments to employees were reviewed. It was determined that the College used Title III monies to pay for the Master's degree, Ms. Jackson received. According to documents found, the College paid \$27,936, the total cost of the degree at the American Intercontinental University. According to the Explanation of Policy Statement as Applied to Use of Title III Funds in Support of Policy Title: Institutional Advancement, Number 2-1-008, Guidelines Governing the Administration of Faculty and Staff Professional Development Programs with Title III funds, Ms. Jackson did not meet the guidelines. The guidelines specifically state, "[f]inancial assistance with Title III funds, however, will be granted only in those instances where the employee verifies that planned activity **will improve job performance**". The guidelines further state, "degree studies, unless specifically related to the present position will not be approved for Title III funds. Ms. Jackson's state classification title is Administrative Coordinator I, the classification she has been in since she was hired January 4, 2011. Upon review of the Title III guidelines, the System Office could not validate or find justification of why someone in an administrative coordinator classification would need a degree to enhance job performance. Ms. Jackson's paperwork states, "[m]y participation in this professional activity will enhance my leadership skills, provide effective approaches to setting and implementing organizational strategies, provide quality customer service, and thorough knowledge of principles and practices of public and business administration.

Mr. Spencer Miller

July 25, 2017

Page 4

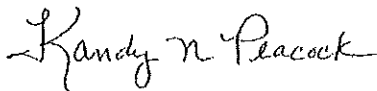
In addition, have the capability to teach business courses on an as needed basis." Ms. Jackson attained a Master of Business Administration degree. The job of Administrative Coordinator I does not require a Master's degree. Further, it has been determined that Ms. Jackson did not need the degree for her current job, nor did it make her better at her job, but rather the degree qualified her for a different job. Also, the assistance was a reimbursement of up to 85% of tuition and records indicate that Ms. Jackson managed to have 100% of her tuition paid in advance. Ms. Jackson also signed a statement indicating that she understood the guidelines of Institutional Advancement policy 2-1-008 (Attachment E).

Thus, it appears from her signature on the request for professional development assistance that Ms. Jackson requested the professional development funds to obtain the Master of Business Administration degree to benefit herself. This clearly is a violation of state ethics commission guidelines as well as agency policy. According to Denmark Technical College policy 2-1-008, Institutional Advancement, the program was designed to be a tuition reimbursement program, however, there is no evidence of Ms. Jackson having reimbursed any amount(s) to the college. Ms. Jackson signed the Title III funded faculty and staff development programs acknowledging her understanding of the guidelines.

Ms. Jackson was investigated for suspected misconduct regarding college operations. Specifically, Ms. Jackson was investigated for conduct related to decision making authority for the College's fiscal resources. Items of review included those areas for which Ms. Jackson used signature authority to include such items as salary adjustments. The termination is in accordance with SBTCE procedure 8-5-100.1; Disciplinary Action. I have enclosed a copy of the relevant agency procedures for your review.

Should you have questions or need additional information, please do not hesitate to contact me.

Sincerely,



Kandy N. Peacock
Vice President and Chief Human Resources Officer
SC Technical College System

Enclosures

STEP 1



DENMARK

TECHNICAL COLLEGE

Certified Mail – Return Receipt Requested

June 7, 2017

Shannon Polvi, Esquire
Cromer, Babb, Porter, and Hicks, LLC
P.O. Box 11675
Columbia, South Carolina 29211

RE: First Step Grievance Conference – Ms. Carla Jackson

Dear Ms. Polvi:

Thank you and Ms. Carla Jackson for meeting with me on Monday, June 5, 2017, to discuss Ms. Jackson's first step grievance. After carefully reviewing the circumstances surrounding the incidents that resulted in Ms. Jackson's termination, I have decided to uphold my decision.

In accordance with the State Board for Technical and Comprehensive Education Policy No. 8-6-100, Grievance Appeal Procedure, and accompanying Procedure No. 8-6-100.1, Grievances, your client may grieve my decision in this matter to Dr. Tim Hardee, System President, South Carolina State Board for Technical and Comprehensive Education, 111 Executive Center Drive, Columbia, South Carolina 29210. Such appeal, if made, must be made in writing and received by Dr. Hardee within five (5) calendar days of receipt of this letter.

Sincerely,

Dr. Christopher Hall
Interim President

CC: Carla Jackson
Personnel File

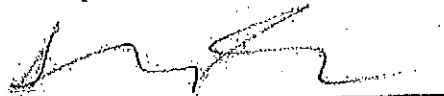
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Complete items 1, 2, and 3. 2. Print your name and address on the reverse so that we can return the card to you. 3. Attach this card to the back of the mail piece, or on the front if space permits. Article Addressed to: Shannon Polvi, Esquire Cromer, Babb, Porter, and Hicks LLC P. O. Box 11675 Columbia, South Carolina 21211		A. Signature X <i>Shannon Polvi</i> ☐ Agent ☐ Addressee B. Received by (Printed Name) <i>Shannon Polvi</i> C. Date of Delivery <i>6/9/17</i> D. Is delivery address different from item 1? ☐ Yes ☒ No If YES, enter delivery address below:	
4. Barcode 9590 9402 1670 6058 7863 57 5. Article Number (Use only for service fees) 0016 0340 0000 4050 2373		6. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☒ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☒ Return Receipt for Merchandise ☐ Collect on Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery Restricted Delivery ☐ Signature Confirmation Restricted Delivery ☐ Insured Mail ☐ Signature Confirmation Restricted Delivery (over \$500)	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

May 30, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, South Carolina 29201

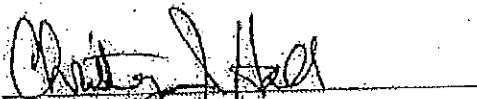
RE: Ms. Carla N. Jackson: Consent to extend period for Grievance Hearing -- Termination

Our signatures below evidence our consent to an extension of time of the first step of the agency grievance process. This extension is necessary due to scheduling conflicts -- unavailability.



Grievant / Representative

5/31/17
Date



Interim President

May 30 2017
Date

RECEIVED

JUN - 1 2017

SC TECHNICAL COLLEGE
HRS



DENMARK
TECHNICAL COLLEGE

Via E-mail and Certified Mail (Return Receipt Requested)

May 30, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, South Carolina 29201

Re: Ms. Carla N. Jackson

Dear Ms. Polvi,

This letter is to confirm the scheduling of Ms. Carla N. Jackson's first step grievance hearing on **Monday, June 5, 2017, at 3:30 p.m.** The meeting will be held at the South Carolina Technical College System, System Office, located in the Enoree building at 111 Executive Center Drive, Columbia, South Carolina 29210.

During the meeting, Ms. Jackson will have up to 25 minutes to present information regarding her appeal. I may ask questions regarding the information presented and informal discussion may take place. In this non-adversarial meeting, you would primarily be present to advise Ms. Jackson as needed.

Unless I hear otherwise, I will expect to see Ms. Jackson on Monday, June 5th.

Sincerely,

Dr. Christopher Hall
Interim President

CC: Mr. Charles Boykin
Ms. Carla N. Jackson



DENMARK
TECHNICAL COLLEGE

Via E-mail and Certified Mail (Return Receipt Requested)

May 30, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, South Carolina 29201

Re: Ms. Carla N. Jackson

Dear Ms. Polvi,

Due to scheduling conflicts with availability, the first step grievance for Ms. Carla N. Jackson cannot be scheduled until Monday, June 5, 2017. Realizing this is outside of the normal time period allowed for the first step of the grievance process according to procedure, it will be necessary for you to sign and return the attached consenting to an extension of time due to scheduling conflicts.

This extension of time in no way will affect Ms. Jackson's ability to proceed to the second step in the grievance process; should the agency response not be to her satisfaction. Following the final agency decision, Ms. Jackson will have five (5) calendar days to appeal to the South Carolina Technical College System's System President.

Please return the written consent as soon as possible, but no later than June 5, 2017. A self-addressed envelope is enclosed.

Thank you,

Dr. Christopher Hall
Interim President

Enclosure

CC: Mr. Charles Boykin
Ms. Carla N. Jackson

May 30, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, South Carolina 29201

RE: Ms. Carla N. Jackson: Consent to extend period for Grievance Hearing – Termination

Our signatures below evidence our consent to an extension of time of the first step of the agency grievance process. This extension is necessary due to scheduling conflicts – unavailability.

Grievant / Representative



Interim President

Date

May 30 2017
Date

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature ☒ Agent ☐ Address X <i>Pat Jones</i>	
1. Article Addressed to: <i>Shannon Polvi</i> <i>CBP&H, LLC</i> <i>1418 Laurel St Suite A</i> <i>Columbia, SC 29201</i>		B. Received by (Printed Name) <i>Pat Jones</i> C. Date of Delivery <i>6-2-11</i>	
		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☒ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Transfer from service label)		7007 1490 0001 8627 1032	
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City, State, ZIP+4 <i>Columbia, SC 29201</i>	
PS Form 3800, August 2006 See Reverse for Instructions	

Osborne, Alicia

From: Shannon Polvi <Shannon@CBPHlaw.com>
Sent: Friday, May 26, 2017 3:55 PM
To: Osborne, Alicia; Mendy Young
Cc: Linda Dunlap
Subject: RE: C. Jackson

Dear Alicia,

I am not available either of the dates proposed due to a deposition one day and a mediation (of sorts) on the other. Please see if 3:30pm on Monday, June 5th is available. I have a mediation that morning, but have every expectation to be done by 3pm and will be available then.

I am leaving for Chicago and do not have time to contact Carla (I believe she is but do not have confirmation prior to leaving the office), so please follow up with Mendy on Tuesday whether Monday, June 5th works, she can confirm that Carla is also available.

Thanks,
Shannon

Shannon Polvi
CROMER BABB PORTER & HICKS, LLC

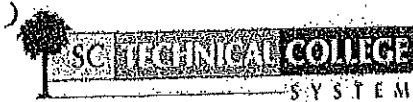
1418 Laurel St., Suite A (29201) | P.O. Box 11675 | Columbia, SC 29211
 Phone 803.799.9530 | Fax 803.799.9533
shannon@cbphlaw.com
www.cbphlaw.com

This electronic mail may be attorney/client privileged and may contain confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (803) 799-9530 and delete the message immediately. Thank you.

From: Osborne, Alicia [mailto:OsborneA@sctechsystem.edu]
Sent: Friday, May 26, 2017 3:31 PM
To: Mendy Young <Mendy@CBPHlaw.com>
Cc: Shannon Polvi <Shannon@CBPHlaw.com>; Linda Dunlap <Linda@CBPHlaw.com>
Subject: RE: C. Jackson
Importance: High

Good afternoon. Please confirm receipt of the e-mail below. I realize that Ms. Young is out of the office which may be the cause for a delay in scheduling a meeting, but I want to ensure your office has received our request to schedule a meeting.

Thank you,



Alicia Osborne
Benefits Manager
Office & Fax: (803) 896-5356
osbornea@sctechsystem.edu

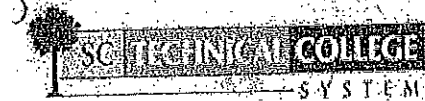
From: Osborne, Alicia
Sent: Friday, May 26, 2017 10:02 AM
To: 'Mendy Young' <Mendy@CBPHLaw.com>
Cc: Shannon Polvi <Shannon@CBPHLaw.com>; Linda Dunlap <Linda@CBPHLaw.com>
Subject: RE: C. Jackson

Good afternoon,

I am contacting you to schedule a meeting regarding Ms. Carla Jackson's termination. Dr. Hall's availability next week is all day Wednesday and all day Friday (morning preferred).

Please let me know which day/time works best for you.

Thank you,



Alicia Osborne
Benefits Manager
Office & Fax: (803) 896-5356
osbornea@sctechsystem.edu

C | B | P | H

CROMER BABB PORTER & HICKS, LLC

*Attorneys and Counselors at Law*J. Lewis Cromer * Julius W. Babb, IV * J. Paul Porter
Ryan K. Hicks * Shannon M. Polvi * Samantha H. Albrecht

May 18, 2017

VIA CERTIFIED MAIL 7013 2250 0002 3732 2883Dr. Christopher Hall, Interim President
Denmark Technical College
1126 Solomon Blatt Blvd.
Denmark, SC 29042

RE: Carla N. Jackson Grievance for Termination

Dear Dr. Hall:

Our firm represents Carla Jackson. Ms. Jackson's employment was terminated by letter dated May 11, 2017. In accordance with the grievance policy, this letter is Ms. Jackson grieving her termination. Ms. Jackson expressly refutes all alleged grounds for her termination and requests to be immediately reinstated to her employment with Denmark Technical College.

Ms. Jackson was terminated from employment for "your willful violation of rules, regulations and written policies, which constitute conduct unbecoming a state employee." Such grounds are unfounded and Ms. Jackson has not been given a single document supporting the accusations against her. Ms. Jackson did not violate any rules, regulations or written policies.

Ms. Jackson met with you on two separate occasions and with Dr. Hardee on one occasion during the "investigative suspension" from February 15, 2017 to May 11, 2017. Ms. Jackson fully cooperated throughout the "investigation" and she answered all questions posed to her.

The claim that because Ms. Jackson received tuition reimbursement payments years ago is somehow grounds to terminate her employment now is ridiculous. Ms. Jackson expressly articulated to you, to the Human Resources representatives who were present during the previous meetings, to Mr. Boykin, to myself, and to Dr. Hardee that she applied for tuition reimbursement and was granted tuition reimbursement. Ms. Jackson did nothing wrong in such actions to apply for and to receive tuition reimbursement. Ms. Jackson was an employee of the College when she applied for and received tuition reimbursement and Ms. Jackson's education was directly related to her employment with the College as clearly evidenced by her positions as an Interim Dean of the College since October 2015, as an adjunct instructor for multiple years, and previously as Administrative Coordinator in the College President's Office. Ms. Jackson received tuition

Carla Jackson Termination Grievance
May 18, 2017
Page 2

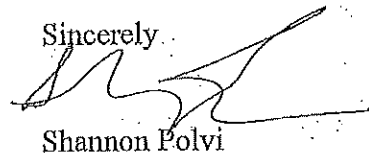
reimbursement at the authorization of the College years ago. There is no fault on Ms. Jackson's part in applying for or receiving tuition reimbursement.

The second claim alleged as grounds to terminate Ms. Jackson is equally preposterous. The second claim is "in your role as Administrative Coordinator I (to the President), you received pay increases, which were approved using the President's stamp, but had no supporting documentation. Your conduct in this matter violated all reasonable controls in our system and, I believe, violated the South Carolina Ethics Act which prohibits a public employee from using his/her position for personal gain." Ms. Jackson expressly denied that she ever used the President's stamp on any of her own personnel documents. Ms. Jackson expressly informed you, the Human Resources representatives who were present during the previous meetings, Mr. Boykin, myself, and Dr. Hardee that the President's stamp is used by each of the recent sitting Presidents of Denmark Technical College and is used for high volume documentation and at the express instruction of the sitting President. Ms. Jackson expressly informed you that she used the President's stamp at the instruction of the former President of Denmark Technical College and the stamp was never used on her own documentation. Ms. Jackson expressly informed you that she never used the stamp for any personal gain. Ms. Jackson did not receive a pay increase; she received supplemental pay when she performed additional duties. Any and all supplements in Ms. Jackson's pay were expressly authorized by the supervisory chain above Ms. Jackson and by Human Resources. The accusation that Ms. Jackson somehow gave herself raises is utterly absurd. Ms. Jackson has not even been employed in the President's Office since October 2015 when she was promoted to Interim Dean.

Ms. Jackson requests that: she be reinstated to employment in her position held at the time she was suspended, all adverse documentation relating to her "investigative suspension" and termination be removed from her personnel file, she be paid back pay and benefits, a lump sum for the damages she has sustained as a result of the suspension and termination, and for attorney's fees and costs.

This treatment of Ms. Jackson is outrageous and I am truly shocked at the decision to terminate Ms. Jackson's employment. Such conduct violates Ms. Jackson's rights and we intend to defend her rights to the fullest extent of the law.

Sincerely,



Shannon Polvi

cc: Carla Jackson, Grievant (via email)
Charles Boykin, Esq. (via email)



DENMARK
TECHNICAL COLLEGE

CERTIFIED MAIL/RETURN RECEIPT

May 11, 2017

Ms. Carla Jackson
684 McCain Drive
Denmark, SC 29042

RE: Termination of Employment

Dear Ms. Jackson:

In accordance with the SBTCE Procedure 8-5-100.1; Disciplinary Action, the purpose of this letter is to inform you that your employment with Denmark Technical College is terminated effective February 15, 2017. This action follows our meeting of May 4, 2017, which included your attorney, Shannon Polvi, Mary Oakman-Long, Associate Vice President of Human Resources and Charles J. Boykin, Chief Legal Counsel for the System. The grounds for this action are your willful violation of rules, regulations and written policies, which constitute conduct unbecoming a state employee. These grounds and the facts supporting the grounds were uncovered during the investigatory suspension, which commenced on February 15, 2017.

The specific facts supporting this action include, but are not limited to, your receipt of tuition payments in the amount of \$26,000 for an educational program, which was unrelated to your position with the College, even though you signed a statement acknowledging the requirement that the program must be related to your position with the College. Additionally, in your role as Administrative Coordinator I (to the President), you received pay increases, which were approved using the President's stamp, but had no supporting documentation. Your conduct in this matter violated all reasonable controls in our system and, I believe, violates the South Carolina Ethics Act which prohibits a public employee from using his/her position for personal gain. As your conduct was willful and was done for the sole purpose of benefiting yourself, I have lost all confidence in you and find the conduct grounds for immediate termination of employment.

In accordance with SBTCE Procedure 8-6-100.1; Grievance and Appeals, you have the right to grieve this action should you desire. Please ensure that all property belonging to the College is returned as soon as possible. Additionally, by separate letter, you will receive information concerning your right to elect continued group health coverage.

We regret this action has become necessary, but wish you success in your future pursuits.

Regards,

Christopher Hall, Ph.D.
Interim President

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Total Postage and Fees	\$6.59	

Sent To: Ms. Carla Jackson
 Street and Apt. No. or PO Box No. 684 McCain Drive
 City, State, ZIP+4® Denver, SC 29042

PS Form 3800, April 2016 PSN 7530-02-000-9047 See Reverse for Instructions

STEP 2

SC TECHNICAL COLLEGE
 SYSTEM

July 13, 2017

Tim Hardee
System President

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

BOARD MEMBERS

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Warren L. Helm
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Charles G. Wilson
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Fourth Congressional District

Gregory B. Askins
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Philip C. Homan
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Gwendolyn A. Bright
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Montez C. Martin, Jr.
At-Large

Roger P. Schrum
At-Large

Matthew L. Yaun
At-Large

Molly M. Spearman
Ex Officio

Robert M. Hill III
Ex Officio

Ms. Shannon Polvi, Esquire
Cromer, Babb, Porter & Hicks, L.L.C.
1418 Laurel Street, Suite A
Columbia, South Carolina 29201

RE: Final Step Grievance Hearing - Ms. Carla Jackson

Dear Ms. Polvi:

This letter is a follow up to the meeting held on Monday, July 10, 2017, with your client, Ms. Carla Jackson regarding her grievance of termination from employment with Denmark Technical College. You were present by telephone. Also present during the presentation was the agency legal counsel, Charles J. Boykin in person. For the reasons below, I have decided to uphold the termination decision.

As I understand Ms. Jackson's position, she denied that she violated the guidelines of Denmark Technical College Policy 2-1-008: Institutional Advancement/tuition reimbursement program and denied having engaged in any other violations of policy or regulation. While I understand her position, I disagree with her conclusion.

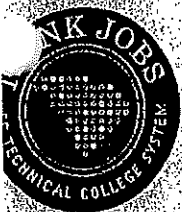
This is the final agency decisions regarding this matter. Ms. Jackson now has the right to appeal to the State Employee Grievance Committee by writing to Ms. Kim Aydlette, Director, South Carolina Department of Administration, Division of State Human Resources. She must make such appeal within fifty-five (55) calendar days of the date of the initial grievance or within ten (10) calendar days of receipt of this letter, whichever occur later.

Sincerely,



Tim Hardee, PhD.
System President
South Carolina Technical College System

cc: Dr. Christopher Hall, Interim President, Denmark Technical College
Charles J. Boykin, Esquire, Chief Legal Counsel
Kandy Peacock, Vice President of Human Resources
Ms. Carla Jackson



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City, State, ZIP+4 [®] <i>Columbia, SC 29201</i>	
PS Form 3800, August 2006 See Reverse for Instructions	

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Updated Delivery Day: Friday, July 14, 2017 ⓘ
Product & Tracking Information[See Available Actions](#)

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Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
July 14, 2017, 9:40 am	Delivered	COLUMBIA, SC 29201
Your item was delivered at 9:40 am on July 14, 2017 in COLUMBIA, SC 29201.		
July 14, 2017, 8:34 am	Arrived at Unit	COLUMBIA, SC 29201
July 14, 2017, 3:35 am	Departed USPS Regional Facility	COLUMBIA SC PROCESSING CENTER
July 13, 2017, 5:37 pm	Arrived at USPS Regional Facility	COLUMBIA SC PROCESSING CENTER
See More ▾		

Available Actions

Text Updates	▾
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Can't find what you're looking for?



Via Electronic Mail

June 20, 2017

Ms. Shannon Polvi
Cromer, Babb, Porter, & Hicks, LLC
1418 Laurel Street Suite A
Columbia, SC 29201

Re: Ms. Carla N. Jackson

Dear Ms. Polvi,

This letter is to confirm the scheduling of Ms. Carla N. Jackson's second step grievance hearing with Dr. Tim Hardee on **Monday, July 10, 2017, at 2:00 p.m.** The meeting will be held at the South Carolina Technical College System, System Office, located in the Enoree building at 111 Executive Center Drive, Columbia, South Carolina 29210.

During the meeting, Ms. Jackson will have up to 25 minutes to present information regarding her appeal. Dr. Hardee may ask questions regarding the information presented and informal discussion may take place. This meeting is not adversarial in nature. Following the meeting, Dr. Hardee may discuss the matter with Denmark Technical College staff prior to rendering a final agency decision.

Unless we hear otherwise, we will expect to see you and Ms. Jackson on Monday, July 10, 2017. Should you have any questions or concerns in the interim, please let us know.

Sincerely,

Kandy N. Peacock
Vice President and Chief Human Resource Officer

cc: Dr. Tim Hardee
Mr. Charles Boykin



Via Electronic Mail

June 20, 2017

Ms. Shannon Polvi
Cromer, Babb, Porter, & Hicks, LLC
1418 Laurel Street Suite A
Columbia, SC 29201

Dear Ms. Polvi,

Due to scheduling conflicts with your availability, Dr. Tim Hardee will not be able to meet or discuss Ms. Jackson's grievance until Monday, July 10, 2017, at 2:00pm. Realizing this is outside of the normal time period allowed for the second step of the grievance process according to procedure, it will be necessary for you to sign on Ms. Jackson's behalf and return the attached consenting to an extension of time due to scheduling conflicts.

This extension of time in no way will affect Ms. Jackson's ability to proceed to the next step in the process, should Dr. Hardee's response not be to her satisfaction. Following the final agency decision, Ms. Jackson will have ten (10) calendar days to appeal to the State Division of Human Resources.

Please return the enclosed written consent on or before July 10, 2017.

Thank you;

Kandy N. Peacock
Vice President and Chief Human Resource Officer

Enclosure

June 20, 2017

Ms. Shannon Polvi
Cromer, Babb, Porter, & Hicks, LLC
1418 Laurel Street Suite A
Columbia, SC 29201

RE: Consent to extend period for Ms. Carla N. Jackson's Grievance Hearing -
Termination

Our signatures below evidence our consent to an extension of time of the second step of the agency grievance process. This extension is necessary due to scheduling conflicts – unavailability.

Grievant

Kandy N. Peacock
Human Resource Officer

Date

Date

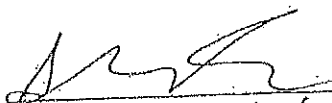
6/20/17

June 20, 2017

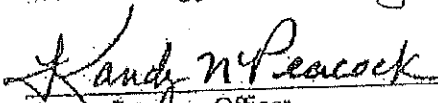
Ms. Shannon Polvi
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Termination

Our signatures below evidence our consent to an extension of time of the second step of the agency grievance process. This extension is necessary due to scheduling conflicts - unavailability.


Grievant Counsel for grievant

6/20/17
Date


Human Resource Officer

6/20/17
Date

Osborne, Alicia

From: Microsoft Outlook
To: Shannon Polvi; Linda Dunlap; Mendy Young
Sent: Tuesday, June 20, 2017 3:44 PM
Subject: Relayed: Re: Carla Jackson - Grievance Hearing - System Office

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

Shannon Polvi (Shannon@CBPHLaw.com)

Linda Dunlap (Linda@CBPHLaw.com)

Mendy Young (Mendy@CBPHLaw.com)

Subject: Re: Carla Jackson - Grievance Hearing - System Office

C | B | P | H

CROMER BABB PORTER & HICKS, LLC

*Attorneys and Counselors at Law*J. Lewis Cromer * Julius W. Babb, IV * J. Paul Porter
Ryan K. Hicks * Shannon M. Polvi * Samantha B. Albrecht

June 14, 2017

VIA Hand Delivery & Email to Charles Boykin, Esq.Dr. Tim Hardee, System President
SC Technical College Systems
111 Executive Center Dr.
Columbia, SC 29210

RE: Carla N. Jackson Grievance

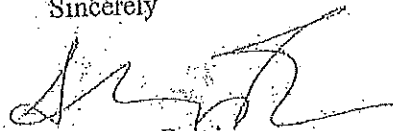
Dear Dr. Hardee:

We are in receipt of a letter from Dr. Christopher Hall to our client, Carla Jackson, dated June 6, 2017, received on June 9, 2017. A copy of Dr. Hall's decision is enclosed with this letter.

In compliance with the State Board Technical and Comprehensive Education Procedures, please accept this letter as Ms. Jackson's Step Two Grievance Request. Ms. Jackson grieves her termination and contests any and all grounds for the termination of her employment as an Interim Dean at Denmark Technical College. A copy of Ms. Jackson's grievance to Dr. Hall is enclosed with this letter.

Please forward any and all correspondence to our office regarding her grievance matter.

Sincerely



Shannon Polvi

Enclosures: Grievance Letter and Grievance Decision Letter
cc: Charles Boykin, Esq.

SP



Certified Mail - Return Receipt Requested

June 6, 2017

Ms. Shannon Polvi, Esquire
Cromer, Babb, Porter, and Hicks, LLC
P.O. Box 11675
Columbia, South Carolina 29211

RE: First Step Grievance Conference - Ms. Carla Jackson

Dear Ms. Polvi:

Thank you and Ms. Jackson for meeting with me on Monday, June 5, 2017, to discuss Ms. Jackson's first step grievance. Also present during the grievance meeting was the SC Technical College System's Associate Vice President for Human Resources, Mary Oakman-Long and Chief Legal Counsel, Charles J. Boykin. As I understand Ms. Jackson's position, she essentially denied the substance of each allegation and alleged that she was the victim of retaliation. However, after considering Ms. Jackson's position and the facts surrounding this matter, I have decided to uphold my decision to terminate her employment with Denmark Technical College.

In accordance with the State Board for Technical and Comprehensive Education Policy No. 8-6-100, Grievance Appeal Procedure, and accompanying Procedure No. 8-6-100.1, Grievances, your client may grieve my decision in this matter to Dr. Tim Hardee, System President; South Carolina State Board for Technical and Comprehensive Education; 111 Executive Center Drive; Columbia, South Carolina 29210. Such appeal, if made, must be made in writing and received by Dr. Hardee within five (5) calendar days of receipt of this letter.

Sincerely,

Dr. Christopher Hall
Interim President

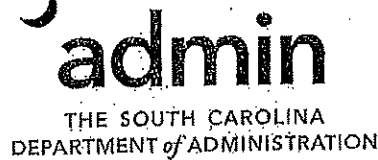
CC: Carla Jackson
Personnel File

RECEIVED

JUN 08 2017

CROMER BABB PORTER
& HICKS, LLC

STEP 3



July 6, 2017

Henry McMaster, Governor
Marcia S. Adams, Executive Director

DIVISION of STATE HUMAN RESOURCES
Kim Aydielte, Director
8301 Parklane Road, Suite A220
Columbia, SC 29223
803.896.5300
803.896.5050 Fax

Ms. Kandy Peacock, Director
Division of Human Resource Management
S.C. Technical College System
111 Executive Center Drive
Columbia, South Carolina 29210

Carla Jackson
Appellant's Name

Interim Dean
Job Classification

Dear Ms. Peacock:

The appellant has appealed to the State Human Resources Director concerning a grievance arising from employment with your agency. Grounds for the appeal are contained in the enclosed copy of the State Employee Grievance Procedure State Appeal Form.

Please send us the documents concerning this appeal, including a brief summary of your position, a brief list of the appellant's employment record, copies of performance appraisals if applicable, and a copy of your findings and determination at each step of your grievance procedure. Any supporting documents that might serve to clarify the specific issues in the appeal should be included. You should also specifically state which policy or policies were used as a basis for the action, and include a copy of those policies. These might be either internal policies and/or State policies. If a policy was not violated, state on what criteria the action was based.

The requested information and materials must be returned to the Division of State Human Resources/Alternative Dispute Resolution Program within fifteen calendar days. Also, any future correspondence sent to the Division of State Human Resources, excluding the appellant's record, should be copied to the other party involved.

Sincerely,

Spencer Miller
Alternative Dispute Resolution Program

Enclosure

c: Dr. Tim Hardee, President (without enclosure)

RECEIVED
JUL 10 2017
SC TECHNICAL COLLEGE
HRS

South Carolina Department of Administration
1200 Senate Street, Suite 400 Columbia, SC 29201
Post Office Box 2825, Columbia, SC 29211

Ph: 803.734.8120
www.admin.sc.gov



0635

C | B | P | H

CROMER BABB PORTER & HICKS, LLC
Attorneys and Counselors at Law

J. Lewis Cromer * Julian W. Babb, IV * J. Paul Porter
Ryan K. Hicks * Shannon M. Polvi * Samantha E. Albrecht

July 5, 2017

TO: Division of State Human Resources
FAX NO.: 803-896-5050
FROM: Shannon Polvi
DATE: July 5, 2017
RE: Carla Jackson - State Employee Grievance Procedure State Appeal Form

NUMBER OF PAGES 4 INCLUDING COVER SHEET
ORIGINAL _____ WILL X WILL NOT BE MAILED

IF YOU HAVE ANY PROBLEMS RECEIVING THIS FAX
PLEASE CONTACT: Shannon Polvi at (803) 799-9530

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL.
INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS
MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR
COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR,
PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS
VIA THE U.S. POSTAL SERVICE. THANK YOU.

0637

Employee's Name*: Carla Jackson

APPEAL

Please specify why the employee contends that the agency's decision concerning the grievance is unfair and state relevant facts and issues to support that position. (Attach additional pages if necessary.):*

Ms. Jackson was an Interim Dean of Business, Computers and Related Technologies at Denmark Technical College. Ms. Jackson was a valued employee at Denmark Tech with an excellent performance review record.

Ms. Jackson was suspended on February 15, 2017. Ms. Jackson grieved her suspension on February 17, 2017. Ms. Jackson was terminated in a letter dated May 11, 2017. Ms. Jackson grieved her termination on May 18, 2017.

Ms. Jackson properly grieved both her suspension and termination and has had multiple grievance hearings to date. The last grievance hearing was with Dr. Hall, Interim President. A decision has not yet been issued by Dr. Hardee, the SC Technical College Systems President; however, it is within 55 days since Ms. Jackson's initial grievance with the Agency.

Ms. Jackson repeatedly requested an explanation for the ground(s) substantiating the investigation suspension she was facing. Ms. Jackson has received no explanation beyond a vague phrase alleging "involvement in improper conduct with regard to college operations". Ms. Jackson is a Dean of the College and as such her entire job entails "college operations".

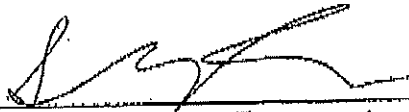
Ms. Jackson met with Dr. Hall on two separate occasions and with Dr. Hardee on one occasion during the "investigative suspension" from February 15, 2017 to May 11, 2017. Ms. Jackson fully cooperated throughout the "investigation". Ms. Jackson was verbally asked questions about a variety of matters during the hearing with Dr. Hardee and Ms. Peacock. Ms. Jackson was very open and responsive to all questions asked. Ms. Jackson took no action in any way adverse to the school. Her suspension and termination was without cause.

Ms. Jackson was terminated from employment for "willful violation of rules, regulations and written policies, which constitute conduct unbecoming a state employee." Such grounds are unfounded and Ms. Jackson has not been given a single document supporting the accusations against her. Ms. Jackson did not violate any rules, regulations or written policies.

The first alleged ground for Ms. Jackson's termination relates to tuition reimbursement she received; that because Ms. Jackson received tuition reimbursement payments years ago is somehow grounds to terminate her employment now is ridiculous. Ms. Jackson expressly articulated during her suspension grievance that she applied for tuition reimbursement and was granted tuition reimbursement. Ms. Jackson did nothing wrong in such actions to apply for and to receive tuition reimbursement. Ms. Jackson was an employee of the College when she applied for and received tuition reimbursement and Ms. Jackson's education was directly related to her employment with the College as clearly evidenced by her positions as an Interim Dean of the College since October 2015, as an adjunct instructor for multiple years, and previously as Administrative Coordinator.

Please specify the relief that the employee is seeking by this appeal. (Attach additional pages if necessary.):*

Ms. Jackson requests that she be reinstated to employment in her position held at the time she was suspended, all adverse documentation relating to her "investigative suspension" and termination be removed from her personnel file, she be paid back pay and benefits, a lump sum for the damages she has sustained as a result of the suspension and termination, and for attorney's fees and costs.

Signature: 

Attorney for Grievant

Date: July 5, 2017

Revised June 2015

Page 2 of 2

Carla Jackson State Employee Grievance Procedure State Appeal Form Attachment**July 5, 2017**

The second alleged ground to terminate Ms. Jackson is equally preposterous. The second claim is "In your role as Administrative Coordinator I (to the President); you received pay increases, which were approved using the President's stamp, but had no supporting documentation. Your conduct in this matter violated all reasonable controls in our system and, I believe, violated the South Carolina Ethics Act which prohibits a public employee from using his/her position for personal gain." During her suspension grievance hearing when asked about the President's stamp, Ms. Jackson expressly denied that she ever used the President's stamp on any of her own personnel documents.

Ms. Jackson expressly informed College representatives at the hearing that the President's stamp is used by each of the recent sitting Presidents of Denmark Technical College and is used for high volume documentation and at the express instruction of the sitting President. Ms. Jackson expressly informed the Agency representatives that she used the President's stamp at the instruction of the former President of Denmark Technical College and the stamp was never used on her own documentation. Ms. Jackson expressly informed the Agency representatives that she never used the stamp for any personal gain.

Further, Ms. Jackson did not receive a pay increase; she received supplemental pay when she performed additional duties. Any and all supplements in Ms. Jackson's pay were expressly authorized by the supervisory chain above Ms. Jackson and by Human Resources. The accusation that Ms. Jackson somehow gave herself raises is utterly absurd. Ms. Jackson has not even been employed in the President's Office since October 2015 when she was promoted to Interim Dean.

DENMARK TECHNICAL COLLEGE
Investigative Report
April 2017

NAME: Ms. Carla Jackson

ACTION: Suspension Without Pay: Suspected misconduct regarding business operations

INTRODUCTION:

Denmark Technical College was the subject of several complaints on the State Board for Technical and Comprehensive Education fraud hotline. The complaints alleged incidents of self-dealing, mismanagement and abuse activities taking place at the highest levels of the College. At the request of the S. C. Inspector General, the System Office commenced a review of the areas identified in the complaints from the fraud hotline. While the review was underway, several significant questions arose which suggested that the System Office undertake program audits in the area of finance, human resources, and student enrollment and financial aid.

The System Office devoted ample resources to the audits. However, the cooperation at the College level was lacking and, in some areas, appeared to be oppositional. As the questions remained unanswered, the Denmark Technical College Area Commission expressed concern with the lack of progress on resolving the questions and on January 30, 2017, voted to end its at will employment relationship with Dr. Leonard McIntyre, the President at that time. In addition to ending its employment relationship with Dr. McIntyre, the Area Commission voted to ask the System Office to provide assistance with operating the College for the foreseeable future.

INVESTIGATION:

Ms. Carla Jackson was the focal point of many of the allegations received on the fraud hotline. Allegations involving Ms. Jackson included the following:

- ✓ Conflict of interest as an Administrative Coordinator I serving in multiple roles of authority with varying levels of advanced pay and close connections to the President and Area Commission (the Chief Executive Officer and the governing board);
- ✓ Possible abuse of authority; creation of a hostile work environment; Ms. Jackson is allowed to make decisions regarding disciplinary actions including but not limited to the termination of employees and suspensions because of her role/connection with the President and Area Commission.
- ✓ Possible abuse of state law, state Human Resource Division regulations and agency policy and procedure as it relates usage of annual and sick leave; and
- ✓ Credentials of Ms. Jackson: Ms. Jackson who was hired as a classified administrative coordinator was provided opportunities in the area of academics that are normally associated with persons in unclassified positions.

Ms. Carla Jackson was investigated for suspected misconduct regarding college operations. Specifically, Ms. Jackson was investigated for any wrong doing she may have had related to the allegations and decision making authority involving the College's fiscal resources.

Following receipt of the allegations among others, a System Office team was pulled together to conduct a preliminary review. The preliminary review included conversations with several Denmark Technical College employees who further alleged complaints of self-dealing, mismanagement and abuse activities taking place at the highest levels of the College. The preliminary review yielded sufficient information to conduct a more thorough compliance audit of human resources, finance and academic and student affairs.

METHODOLOGY:

In the area of human resources all classification and compensation actions were reviewed for the prior three years. Additionally, personnel whose names were listed on the complaints from the fraud hotline were interviewed. Also, other related compensation actions and personnel files were reviewed.

FINDING(S):

1. Alleged incidents of self-dealing, mismanagement and abuse activities taking place at the highest levels of the College continued to be a common theme from the fraud hotline review. Through our review it was determined that Ms. Jackson's state classification title is Administrative Coordinator I with a base salary of \$49,897. It was also determined that Ms. Jackson was indeed serving as Executive Coordinator to the Area Commission at \$550.00 per pay period and also as Interim Dean of Transitional Studies and Distance Education at \$402.72 per pay period. Thus, increasing her annual paid compensation [REDACTED]. In this role, Ms. Jackson was given significant authority at the College. Once this was determined, we began to review the supporting documentation to determine whether her employment changes complied with to state and federal law, agency procedure and the SC Department of Administration's State Division of Human Resource Regulations.

Through our review of Ms. Jackson's personnel file, several things became apparent. The majority of the salary actions in Ms. Jackson's personnel file were signed using the President's signature stamp. Ms. Jackson was hired January 2011, as Administrative Coordinator I to assist the President. Thus, she had access to the President's signature stamp. While Ms. Jackson stated that she only used the stamp in the President's presence, others indicated that she also used the stamp when the President was not present. It appears that Ms. Jackson gained a personal advantage from her position by apparently utilizing the President's signature stamp for several of the documents in her personnel file related to increases, it appears Ms. Jackson violated the State Ethics Act Rules of Conduct and SBTCE procedure (8-0-105.1) by knowingly using her official employment to influence a government decision to obtain an economic interest for herself.

2. Also, as it relates to alleged incidents of self-dealing, mismanagement and abuse activities taking place at the highest levels, it appears that Ms. Jackson used her Interim Dean role to usurp the President by initiating disciplinary actions of subordinate personnel without involving the human resources department. Employees allege many incidents whereby Ms. Jackson used her position to threaten employee jobs. Specifically, employees were told that their positions would be eliminated if various actions were not taken. As a result, employees alleged that she created a hostile work environment as they were afraid that if they went against her in anyway, she would have their employment terminated. While Ms. Jackson stated that she did not initiate or take any disciplinary actions against employees, college legal bills/invoices show several instances where Ms. Jackson spoke directly with the College attorney regarding disciplinary actions for subordinate personnel and her decisions resulted in grievance(s) filed by at least one employee.
3. In reviewing suspected self- dealing, mismanagement and abuse of the College's fiscal resources, annual and sick leave records were also assessed. Through the fraud hotline, it was alleged that administrators were held to a different standard and were not required to enter annual and sick leave as staff employees were. It was specifically stated by one employee that Ms. Jackson was constantly on them regarding entering leave, but stated that she did not have to enter leave as she was an administrator. In reviewing the annual and sick leave records for Ms. Jackson, it was determined that she only entered one instance (day) of sick leave for the period of September 16, 2016, through September 30, 2016, when she was written out by her doctor according to Family Medical Leave Act (FMLA) leave paperwork. Section 8-11-30 of the South Carolina Code of Law prohibits payment or receipt of salary which is not due. This finding is a clear violation of state law, policies and procedures and constitute willful violation of rules, regulations or written policies as well as conduct unbecoming a state employee.
4. In reviewing suspected self- dealing, mismanagement and abuse of the College's fiscal resources other payments to employees were reviewed. It was determined that the College used Title III monies to pay for the Master's

degree, Ms. Jackson received. According to documents found, the College paid \$27,936, the total cost of the degree at the American Intercontinental University.

According to the Explanation of Policy Statement as Applied to Use of Title III Funds in Support of Policy Title: Institutional Advancement, Number 2-1-008, Guidelines Governing the Administration of Faculty and Staff Professional Development Programs with Title III funds, Ms. Jackson did not meet the guidelines. The guidelines specifically state, "[f]inancial assistance with Title III funds, however, will be granted only in those instances where the employee verifies that planned activity will improve job performance". The guidelines further state, "degree studies, unless specifically related to the present position will not be approved for Title II funds. Ms. Jackson's state classification title is Administrative Coordinator I, the classification she has been in since she was hired January 4, 2011. Upon review of the Title III guidelines, the System Office could not validate or find justification of why someone in an administrative coordinator classification would need a degree to enhance job performance. Ms. Jackson's paperwork states, "[m]y participation in this professional activity will enhance my leadership skills, provide effective approaches to setting and implementing organizational strategies, provide quality customer service, and thorough knowledge of principles and practices of public and business administration. In addition, have the capability to teach business courses on an as needed basis." Ms. Jackson attained a Master of Business Administration degree. The job of administrative coordinator I does not require a Master's degree. Further, it has been determined that Ms. Jackson did not need the degree for her current job, nor did it make her better at her job, but rather the degree qualified her for a different job. Also, the assistance was a reimbursement of up to 85% of tuition and records indicate that Ms. Jackson managed to have 100% of her tuition paid in advance. Ms. Jackson also signed a statement indicating that she understood the guidelines of Institutional Advancement policy 2-1-008.

Thus, it appears from her signature on the request for professional development assistance that Ms. Jackson requested the professional development funds to obtain the Master of Business Administration degree to benefit herself. This clearly is a violation of state ethics commission guidelines as well as agency policy.

RECOMMENDATION:

In accordance with SBTCE Procedure 8-5-100.1; Disciplinary Action, Termination of employment is recommended for willful violation of written rules, regulations or written policies.

admin
THE SOUTH CAROLINA
DEPARTMENT of ADMINISTRATION

Henry McMaster, Governor
Marcia S. Adams, Executive Director

DIVISION of STATE HUMAN RESOURCES
Kim Aydlette, Director
8301 Parklane Road, Suite A220
Columbia, SC 29223
803.896.5300
803.896.5050 Fax

RECEIVED
MAY 23 2017
SC TECHNICAL COLLEGE
HRS

May 17, 2017

Ms. Shannon Polvi
Cromer Babb Porter & Hicks
P.O. Box 11675
Columbia, South Carolina 29211

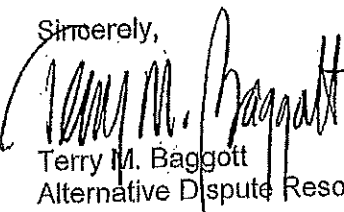
Re: Carla Jackson v. Denmark Technical College

Dear Ms. Polvi:

On April 6, 2017, this office received an appeal to the State Human Resources Director regarding Ms. Carla Jackson's suspension pending investigation. On May 16, 2017, this office received a copy of a letter to Ms. Jackson from Dr. Christopher Hall, Interim President at Denmark Technical College, advising Ms. Jackson that her employment had been terminated retroactively effective to the first day of her suspension, February 15, 2017. The termination now effectively moots Ms. Jackson's suspension pending investigation as well as the appeal of her suspension to the State Human Resources Director.

Should Ms. Jackson wish to file a grievance concerning her termination she may do so in accordance with the S.C. Technical College System Grievance and Appeal Procedure. If, after exhausting all administrative remedies with Denmark Technical College, she wishes to file an appeal concerning her termination, she may do so according to the time frames and terms of the State Employee Grievance Procedure Act and the S.C. Technical College System Grievance and Appeal Procedure.

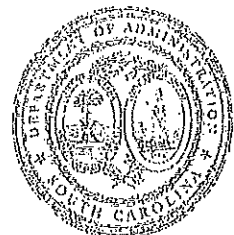
Sincerely,


Terry M. Baggott
Alternative Dispute Resolution Program

c: Ms. Kandy Peacock

South Carolina Department of Administration
1200 Senate Street, Suite 460 Columbia, SC 29201
Post Office Box 2825, Columbia, SC 29211

Ph: 803.734.8120
www.admin.sc.gov



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Shannon Doherty
CBP, LLC
1418 Laurel St Suite A
Columbia, SC 29201

2. Article Number

(Transfer from service label)

7007 1450 0001 8627 0912

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Pat Jones

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Pat Jones

C. Date of Delivery

4-12-17

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

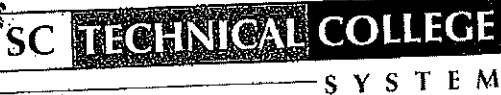
☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540

Domestic Return Receipt



VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

April 7, 2017

Ms. Shannon Polvi
J. Lewis Cromer & Associates, L.L.C.
Attorneys and Counselors at Law
1522 Lady Street
Columbia, South Carolina 29201

RE: Ms. Carla Jackson

Dear Ms. Polvi,

Thank you and Ms. Jackson for meeting with Ms. Kandy Peacock and me on Monday, March 27, 2017, to discuss Ms. Jackson's second step grievance. As you are aware, the purpose of the meeting was to allow Ms. Jackson the opportunity to have her say regarding the investigatory suspension action taken against her. During this meeting, I also took the opportunity to ask Ms. Jackson questions related to the investigation. While I appreciate the responses provided, her responses were not sufficient to conclude the investigation. Thus, after careful review of the circumstances surrounding the investigatory suspension and the outcome of our meeting, I have decided to uphold the investigatory suspension decision.

This is the final agency decision regarding the investigatory suspension without pay matter. Ms. Jackson now has the right to appeal to the South Carolina Department of Administration's Division of State Human Resources, State Human Resources Director, Ms. Kim Aydlette, at the following address: South Carolina Division of State Human Resources, 8301 Parklane Road, Suite A220, Columbia, SC 29223. She must make such appeal within fifty-five (55) calendar days of the date of the initial grievance or within fifteen (15) calendar days of receipt of this letter, whichever occurs later.

Sincerely,

Tim Hardee

Tim Hardee, PhD.
System President
South Carolina Technical College System

cc: Dr. Christopher Hall
Ms. Kandy Peacock

C. Peacock 48

C | B | P | H

CROMER BABB PORTER & HICKS, LLC

Attorneys and Counselors at Law

J. Lewis Cromer * Julius W. Babb, IV * J. Paul Porter
Ryan K. Hicks * Shannon M. Polvi * Samantha E. Albrecht

March 24, 2017

VIA U.S. MAIL & Email to Charles Boykin, Esq.

Dr. Tim Hardee, System President
SC Technical College Systems
111 Executive Center Dr.
Columbia, SC 29210

RE: Carla N. Jackson

Dear Dr. Hardee:

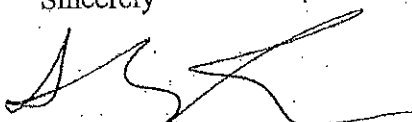
Ms. Carla Jackson's grievance hearing before you is scheduled for Monday, March 27, 2017. Ms. Jackson has repeatedly requested an explanation for the ground(s) substantiating the investigation suspension she is presently facing.

To date, Ms. Jackson has received no explanation beyond a vague phrase alleging "involvement in improper conduct with regard to college operations". Ms. Jackson is a Dean of the College and as such her entire job entails "college operations". The total lack of information given to Ms. Jackson deprives Ms. Jackson of an opportunity to defend herself and to rebut all allegations of "involvement in improper conduct with regard to college operations".

The actions to date violate Ms. Jackson's due process rights as she is suspended without pay, yet has not been given any substantiating information for such an extreme action, nor has she been given any documentation supporting her unpaid suspension.

It is our sincere hope that you were not aware of this egregious violation of Ms. Jackson's rights and that upon hearing of it you will immediately reinstate Ms. Jackson with back pay for the period of the unpaid suspension.

Sincerely



Shannon Polvi

cc: Charles Boykin, Esq.



Henry McMaster, Governor
 Marcia S. Adams, Executive Director

DIVISION of STATE HUMAN RESOURCES
 Kim Aydlette, Director
 8301 Parklane Road, Suite A220
 Columbia, SC 29223
 803.896.5300
 803.896.5050 Fax

April 6, 2017

Ms. Kandy Peacock, Director
 Division of Human Resource Management
 S.C. Technical College System
 111 Executive Center Drive
 Columbia, South Carolina 29210

Carla Jackson
 Appellant's Name

Interim Dean
 Job Classification

Dear Ms. Peacock:

The appellant has appealed to the State Human Resources Director concerning a grievance arising from employment with your agency. Grounds for the appeal are contained in the enclosed copy of the State Employee Grievance Procedure State Appeal Form.

Please send us the documents concerning this appeal, including a brief summary of your position, a brief list of the appellant's employment record, copies of performance appraisals if applicable, and a copy of your findings and determination at each step of your grievance procedure. Any supporting documents that might serve to clarify the specific issues in the appeal should be included. You should also specifically state which policy or policies were used as a basis for the action, and include a copy of those policies. These might be either internal policies and/or State policies. If a policy was not violated, state on what criteria the action was based.

The requested information and materials must be returned to the Division of State Human Resources/Alternative Dispute Resolution Program within fifteen calendar days. Also, any future correspondence sent to the Division of State Human Resources, excluding the appellant's record, should be copied to the other party involved.

Sincerely,

Spencer Miller
 Alternative Dispute Resolution Program

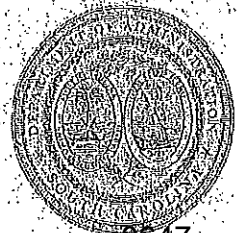
Enclosure

c: Dr. Tim Hardee, President (without enclosure)

RECEIVED
 APR 12 2017
 SC TECHNICAL COLLEGE
 HRS

South Carolina Department of Administration
 1200 Senate Street, Suite 460 Columbia, SC 29201
 Post Office Box 2825, Columbia, SC 29211

Ph: 803.734.8120
www.admin.sc.gov



0647

C | B | P | H

CROMER BABB PORTER & HICKS, LLC

Attorneys and Counselors at Law

J. Lewis Cromer * Julius W. Babb, IV * J. Paul Porter
Ryan K. Hicks * Shannon M. Polvi * Samantha L. Albrecht

April 6, 2017

TO: Division of State Human Resources
FAX NO.: 803-896-5050
FROM: Shannon Polvi
DATE: April 6, 2017
RE: Carla Jackson - State Employee Grievance Procedure State Appeal Form

NUMBER OF PAGES 3 INCLUDING COVER SHEET
ORIGINAL WILL X WILL NOT BE MAILED

IF YOU HAVE ANY PROBLEMS RECEIVING THIS FAX
PLEASE CONTACT: Shannon Polvi at (803) 799-9530

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State Employee Grievance Procedure State Appeal Form

To appeal the decision of the Agency concerning a grievance under the State Employee Grievance Procedure Act to the State Human Resources Director, the employee or representative initiating the appeal must complete this form and return it to the Division of State Human Resources.

Forms and additional documentation can be submitted via email to grievance@admin.sc.gov, via facsimile to 803-896-5050, or by mail to the address below.

Division of State Human Resources
6301 Parklane Road, Suite A220
Columbia, South Carolina 29223

*** Required information**

Employee's Name: Carla Jackson

Job Classification: Interim Dean of Business, Computers and Rel Agency*: SC Technical College Systems

Home Address:	PO Box 1351	Fairfax	SC	29827
	Street	City	State	Zip Code

Telephone:* _____

(803) 308-7606

Home Cell Office

Do you have an attorney or other representative? ☒ Yes ☐ No

If yes, please provide the contact information for your attorney or representative below:

Representative's Name: Shannon Polvi, Cromer Babb Porter & Hicks, LLC

Address: PO Box 11675 Columbia SC 29201

Telephone: (803) 799-9530

1. Has the employee completed twelve (12) months of satisfactory service with the state? * ☒ Yes ☐ No
Suspension without pay

2. What disciplinary action taken against the employee is being appealed? _____

3. Has the employee received a final decision from the agency? ☐ Yes ☒ No

If yes, what date did the employee receive the final decision?*

4. What date did the employee initiate the grievance within the agency's internal grievance procedure?*

February 17, 2017

Employee's Name*: Carla Jackson

APPEAL

Please specify why the employee contends that the agency's decision concerning the grievance is unfair and state relevant facts and issues to support that position. (Attach additional pages if necessary.):*

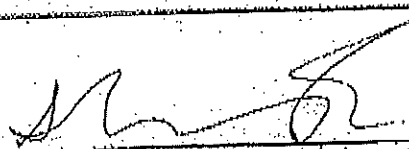
Ms. Jackson is an Interim Dean of Business, Computers and Related Technologies at Denmark Technical College. Ms. Jackson is presently on unpaid administrative leave, which is a suspension within the meaning of the State HR Regulations because it is an enforced leave of absence without pay pending a purported investigation.

Ms. Jackson was suspended on February 15, 2017. Ms. Jackson grieved her termination on February 17, 2017. Ms. Jackson properly grieved her suspension and has had two grievance hearings to date. The last grievance hearing was with Dr. Hardee, the SC Technical College Systems President, and Kandy Peacock, Chief HR Administrator, on March 27, 2017. A decision has not yet been issued by Dr. Hardee; however, 45 days have passed since Ms. Jackson's initial grievance.

Ms. Jackson is a valued employee at Denmark Tech with an excellent performance review record. She is a single parent who has been living in a state of flux without pay for more than 45 days now. Ms. Jackson has repeatedly requested an explanation for the ground(s) substantiating the investigation suspension she is presently facing. Ms. Jackson has received no explanation beyond a vague phrase alleging "involvement in improper conduct with regard to college operations". Ms. Jackson is a Dean of the College and as such her entire job entails "college operations". Ms. Jackson was verbally asked questions about a variety of matters during the hearing with Dr. Hardee and Ms. Peacock. Ms. Jackson was very open and responsive to all questions asked. We hope that with such information, a decision can be quickly made to end this unwarranted suspension. Ms. Jackson has taken no action in any way adverse to the school. Her suspension is without cause and the fact that she is not receiving any pay is catastrophic to her.

Please specify the relief that the employee is seeking by this appeal. (Attach additional pages if necessary.):*

An immediate end to the unpaid suspension, back pay for the period of unpaid administrative leave, compensatory damages, attorneys fees and costs, and removal of all suspension/administrative leave documentation from Ms. Jackson's personnel file.

Signature: Shannon Polvi, Attorney for
Carla Jackson

Date: April 6, 2017

Revised June 2015

Page 2 of 2



Via Electronic Mail

March 22, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

Re: Ms. Carla N. Jackson

Dear Ms. Polvi,

This letter is to confirm the scheduling of Ms. Carla N. Jackson's second step grievance hearing with Dr. Tim Hardee, Mr. Charles Boykin and me on **Monday, March 27, 2017 at 2:00 p.m.** The meeting will be held at the South Carolina Technical College System, System Office, located in the Enoree building at 111 Executive Center Drive, Columbia, South Carolina 29210.

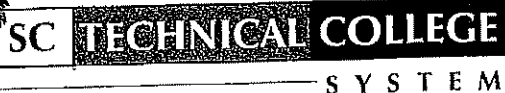
During the meeting, Ms. Jackson will have up to 25 minutes to present information regarding her appeal. Dr. Hardee and Mr. Boykin and I may ask questions regarding the information presented and informal discussion may take place. This meeting is not adversarial in nature. Following the meeting, Dr. Hardee may discuss the matter with Denmark Technical College staff prior to rendering a final agency decision.

Unless we hear otherwise, we will expect to see you and Ms. Jackson on Wednesday, March 27, 2017. Should you have any questions or concerns in the interim, please let us know.

Sincerely,

Kandy N. Peacock
Vice President and Chief Human Resource Officer

cc: Dr. Tim Hardee
Mr. Charles Boykin



Via Electronic Mail

March 22, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

Dear Ms. Polvi,

Due to scheduling conflicts (unavailability), Dr. Tim Hardee, Mr. Charles Boykin, and I will not be able to meet or discuss Ms. Jackson's grievance until March 27, 2017 at 2:00pm. Realizing this is outside of the normal time period allowed for the second step of the grievance process according to procedure, it will be necessary for you to sign on Ms. Jackson's behalf and return the attached consenting to an extension of time due to scheduling conflicts.

This extension of time in no way will affect Ms. Jackson's ability to proceed to the third step in the grievance process, should the System Office response not be to her satisfaction. Following the final System Office decision, Ms. Jackson will have ten (10) calendar days to appeal to the State Division of Human Resources.

Please return the enclosed written consent on or before March 27, 2017.

Thank you,

Kandy N. Peacock
Vice President and Chief Human Resource Officer

Enclosure

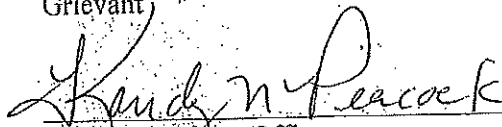
March 22, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

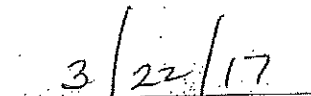
RE: Consent to extend period for Ms. Carla Jackson's Grievance Hearing -
Suspension

Our signatures below evidence our consent to an extension of time of the second step of the agency grievance process. This extension is necessary due to scheduling conflicts - unavailability.

Grievant


Human Resource Officer

Date

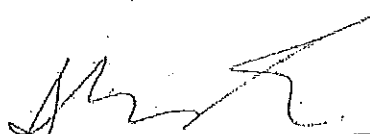

Date

March 22, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

RE: Consent to extend period for Ms. Carla Jackson's Grievance Hearing -
Suspension

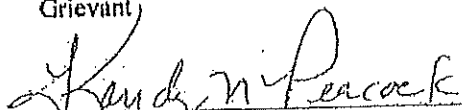
Our signatures below evidence our consent to an extension of time of the second step of the agency grievance process. This extension is necessary due to scheduling conflicts - unavailability.



Grievant

Attorney
for
Grievant

3/22/17
Date



Human Resource Officer

3/22/17
Date

C | B | P | H

CROMER BABB PORTER & HICKS, LLC

Attorneys and Counselors at Law

J. Lewis Cromer * Julius W. Babb, IV

J. Paul Porter * Ryan K. Hicks * Shannon M. Polvi

COPY

March 13, 2017

VIA U.S. MAIL & TELEFAX 803-896-5281

Dr. Tim Hardee
 System President
 SC Technical College Systems
 111 Executive Center Dr.
 Columbia, SC 29210

RE: Carla N. Jackson

Dear Dr. Hardee:

We are in receipt of a letter from Dr. Christopher Hall to our client, Carla Jackson, dated March 9, 2017 – received by Ms. Jackson on Friday, March 10, 2017.

In compliance with the State Board Technical and Comprehensive Education Procedures, please accept this letter as Ms. Jackson's Step Two Grievance Request.

Please forward any and all correspondence to our office regarding her grievance matter.

Sincerely



J. Lewis Cromer

JLC:iwr

cc: Charles Boykin, Esq.
 Ms. Kandy Peacock
 Carla N. Jackson (via email)

RECEIVED

MAR 14 2017

SC TECHNICAL COLLEGE
 HRS

SC TECHNICAL COLLEGE
SYSTEMVia Electronic Mail

March 15, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

Re: Ms. Carla N. Jackson

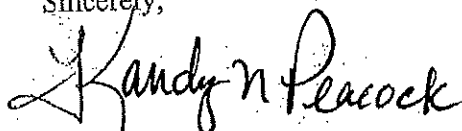
Dear Ms. Polvi,

This letter is to confirm the scheduling of Ms. Carla N. Jackson's second step grievance hearing with Dr. Tim Hardee, Mr. Charles Boykin and me on **Wednesday, March 22, 2017 at 9:00 a.m.** The meeting will be held at the South Carolina Technical College System, System Office, located in the Enoree building at 111 Executive Center Drive, Columbia, South Carolina 29210.

During the meeting, Ms. Jackson will have up to 25 minutes to present information regarding her appeal. Dr. Hardee and Mr. Boykin and I may ask questions regarding the information presented and informal discussion may take place. This meeting is not adversarial in nature. Following the meeting, Dr. Hardee and Mr. Boykin may discuss the matter with Denmark Technical College staff prior to rendering a final agency decision.

Unless we hear otherwise, we will expect to see you and Ms. Jackson on Wednesday, March 22nd. Should you have any questions or concerns in the interim, please let us know.

Sincerely,



Kandy N. Peacock
Vice President and Chief Human Resource Officer

cc: Dr. Tim Hardee
Mr. Charles Boykin

SC TECHNICAL COLLEGE
SYSTEM

Via Electronic Mail

March 15, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

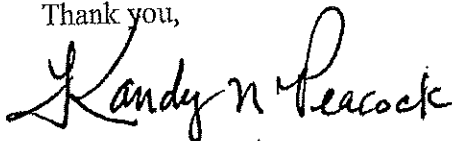
Dear Ms. Polvi,

Due to scheduling conflicts (unavailability), Dr. Tim Hardee and I will not be able to meet or discuss Ms. Jackson's grievance until March 22, 2017 at 9:00am. Realizing this is outside of the normal time period allowed for the second step of the grievance process according to procedure, it will be necessary for you to sign on Ms. Jackson's behalf and return the attached consenting to an extension of time due to scheduling conflicts.

This extension of time in no way will affect Ms. Jackson's ability to proceed to the third step in the grievance process, should the System Office response not be to her satisfaction. Following the final System Office decision, Ms. Jackson will have ten (10) calendar days to appeal to the State Division of Human Resources.

Please return the enclosed written consent on or before March 22, 2017.

Thank you,



Kandy N. Peacock
Vice President and Chief Human Resource Officer

Enclosure

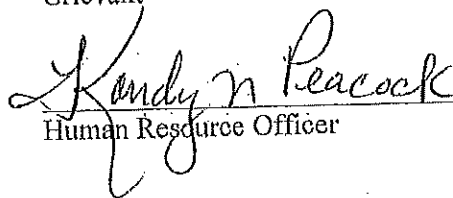
March 15, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

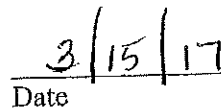
RE: Consent to extend period for Grievance Hearing - Suspension

Our signatures below evidence our consent to an extension of time of the second step of the agency grievance process. This extension is necessary due to scheduling conflicts – unavailability.

Grievant


Human Resource Officer

Date


Date

Osborne, Alicia

From: Shannon Polvi <shannon@cbphlaw.com>
Sent: Tuesday, March 21, 2017 9:17 AM
To: Osborne, Alicia
Cc: Melinda Young
Subject: RE: Carla Jackson

Dear Alicia,

I touched base with Carla. The next date she and I are both available is Monday, March 27th at 2pm or anytime thereafter.

Thanks,
 Shannon

As of January 1, 2017, J. Lewis Cromer & Associates, L.L.C. is now Cromer Babb Porter & Hicks, LLC. Please update your contact information to reflect my new email address: shannon@cbphlaw.com. All remaining contact and address information for the firm remains the same.

Shannon Polvi
 CROMER BABB PORTER & HICKS, LLC

1418 Laurel St., Suite A (29201) | P.O. Box 11675 | Columbia, SC 29211
 Phone 803.799.9530 | Fax 803.799.9533
shannon@cbphlaw.com
www.cbphlaw.com

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From: Osborne, Alicia [mailto:OsborneA@sctechsystem.edu]
Sent: Tuesday, March 21, 2017 8:30 AM
To: Shannon Polvi; Melinda Young
Cc: Linda Dunlap
Subject: Re: Carla Jackson
Importance: High

Good morning. We have had an unforeseen circumstance occur that will prevent all parties from being present at tomorrow's meeting with Ms. Jackson at 9am. Will Thursday at 1pm be an acceptable new time to meet? I apologize for any inconvenience this may cause you and your client.

Thank you,



Alicia Osborne
Benefits Manager
Office & Fax: (803) 896-5356
osbornea@sctechsystem.edu

SC TECHNICAL COLLEGE
SYSTEM

Via E-mail

March 3, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

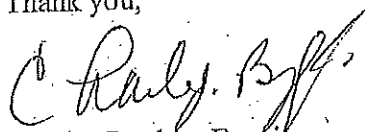
Dear Ms. Polvi,

Due to scheduling conflicts (unavailability), Dr. Christopher Hall and I will not be able to meet or discuss your grievance until March 7, 2017 at 2:00pm. Realizing this is outside of the normal time period allowed for the first step of the grievance process according to procedure, it will be necessary for you to sign and return the attached consenting to an extension of time due to scheduling conflicts.

This extension of time in no way will affect your ability to proceed to the second step in the grievance process, should the College response not be to your satisfaction. Following the final College decision, you will have five (5) calendar days to appeal to the South Carolina Technical College System, System Office.

Please return the enclosed written consent on or before March 7, 2017.

Thank you,



Charles Boykin, Esquire
Chief Legal Counsel

Enclosure

March 7, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

RE: Consent to extend period for Grievance Hearing - Suspension

Our signatures below evidence our consent to an extension of time of the first step of the agency grievance process. This extension is necessary due to scheduling conflicts – unavailability.

Grievant

Date

Interim President of Denmark Technical College

Date

March 7, 2017

Ms. Shannon Polvi
1418 Laurel Street Suite A
Columbia, SC 29201

RE: Consent to extend period for Grievance Hearing - Suspension

Our signatures below evidence our consent to an extension of time of the first step of the agency grievance process. This extension is necessary due to scheduling conflicts - unavailability.



Grievant

Shannon
Polvi
- Attorney
on
behalf of
Grievant

3/6/17

Date

Interim President of Denmark Technical College

Date

Osborne, Alicia

From: Osborne, Alicia
Sent: Thursday, March 2, 2017 4:40 PM
To: 'mendi@cbphlaw.com'.
Subject: CANCEL: Carla Jackson - 11AM Tomorrow

Importance: High

Good afternoon. I need to cancel our meeting for tomorrow morning at 11am with Ms. Polvi and Ms. Jackson. An matter of urgent concern has arisen and Dr. Hall will be unavailable.

I will call first thing in the morning to move the appointment to Tuesday afternoon at Ms. Jackson and Ms. Polvi's convenience.

We apologize for any inconvenience this may cause.

I look forward to speaking with you or Ms. Polvi first thing in the morning, Friday.



Alicia Osborne
Benefits Manager
Office & Fax: (803) 896-5356
osbornea@sctechsystem.edu

Osborne, Alicia

From: Osborne, Alicia
Sent: Thursday, March 2, 2017 4:31 PM
To: 'mendy@cbphlaw.com'
Subject: Extension of Grievance Hearing - Carla Jackson
Attachments: C. Jackson.pdf

Importance: High

Mendy,

Please see the attached letter for Ms. Shannon Polvi.

Thank you,

Alicia Osborne
 Benefits Manager
 Office & Fax: (803) 896-5356
 osbornea@sctechsystem.edu

-----Original Message-----

From: xerox@sctechsystem.edu [mailto:xerox@sctechsystem.edu]
Sent: Thursday, March 2, 2017 4:16 PM
To: Osborne, Alicia <OsborneA@sctechsystem.edu>
Subject: C. Jackson

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Printer.

Attachment File Type: pdf, Multi-Page

Multifunction Printer Location: machine location not set
 Device Name: East-Xerox-5955

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



DENMARK
TECHNICAL COLLEGE

VIA HAND DELIVERY

February 15, 2017

Ms. Carla Jackson
684 McCain Drive
Denmark, South Carolina 29042

Dear Ms. Jackson,

In accordance with State Board for Technical and Comprehensive Procedure 8-5-100.1; Disciplinary Action, you are being placed on investigatory suspension without pay effective immediately for allegations surrounding your involvement in improper conduct with regard to college operations.

The alleged conduct is representative of conduct unbecoming a state employee. Until a resolution of this matter can be reached, you are not allowed on the college campus or to have contact with other employees during business hours.

Upon completion of the investigation, we will be in contact with you to inform you of the outcome.

We regret that this action has become necessary.

Regards,

A handwritten signature in black ink, appearing to read "Christopher Hall".

Christopher Hall, PhD
Interim President, Denmark Technical College

C | B | P | H

CROMER BABB PORTER & HICKS, LLC

*Attorneys and Counselors at Law*J. Lewis Cromer * Julius W. Babb, IV
J. Paul Porter * Ryan K. Hicks * Shannon M. PolviReceived
SC TECHNICAL COLLEGE SYSTEM

FEB 22 2017

February 17, 2017

President's Office

*Via email and USPS*Ms. Kandy Peacock
Chief Human Resources Administrator
SC Technical College Systems
111 Executive Center Dr.
Columbia, SC 29210

RE: Investigatory Suspension of Carla Jackson

Dear Ms. Peacock:

We have received a copy of our client's investigatory suspension without pay effective February 15 from the Interim President, Christopher J. Hall.

We have conferred with Ms. Jackson on several occasions leading up to this action and believe she is being grossly mistreated by both Denmark Technical College and the State Tech System in taking this action against her. As you are aware or may become aware by reviewing her file she is a valued employee with an excellent performance review record, a single parent and one who has taken no action in any way adverse to the school at least as far as she knows. Her harassment and suspension are without cause and the fact that she now will not receive any pay is also catastrophic to her. She has been on FMLA and the records should indicate that, so I do not see why she should be deprived of her pay during the investigatory process.

Please treat this letter as an appeal from her suspension and I am copying your legal counsel as well as the interim president at Denmark Tech with this letter. Please let us know what steps ~~will follow in the grievance process in carrying it out to a conclusion and exhausting her~~ administrative remedies in regard to this action. It is fully our intention to pursue appropriate legal actions against State Tech, Denmark Tech and all of the individuals involved in this case for the damages caused to our client. She will be glad to cooperate with any investigation that takes place but any interviews with her will have to take place in my office with a legal representative. Should the agencies or your legal representative wish to try to resolve this matter in advance we will be glad to discuss it with you but we would ask that she be immediately returned to work with full pay and benefits and that this "investigation" be completed as soon as possible.

NAME

January 3, 2017

Page 2

Be guided accordingly.

Sincerely,



J. Lewis Cromer

JLC: med

cc: Christopher Hall, PhD, Interim President, Denmark Technical College (via USPS)
Charles Boykin, Counsel for SC Technical College System
Carla N. Jackson

C | B | P | H

CROMER BABB PORTER & HICKS, LLC

*Attorneys and Counselors at Law*J. Lewis Cromer * Julius W. Babb, IV
J. Paul Porter * Ryan K. Hicks * Shannon M. PolviReceived
TECHNICAL COLLEGE SYSTEM

Feb 2 2017

February 17, 2017

FACULTY OFFICE

*Via email and USPS*Ms. Kandy Peacock
Chief Human Resources Administrator
SC Technical College Systems
111 Executive Center Dr.
Columbia, SC 29210

RE: Investigatory Suspension of Carla Jackson

Dear Ms. Peacock:

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P.O. BOX 11675 * 1418 LAUREL STREET, SUITE A * COLUMBIA, SOUTH CAROLINA 29201
PHONE: 803-799-9530 * FAX: 803-799-9533 * [HTTP://WWW.CBPHLAW.COM](http://WWW.CBPHLAW.COM)

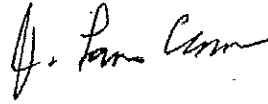
NAME

January 3, 2017

Page 2

Be guided accordingly.

Sincerely,



J. Lewis Cromer

JLC: med

cc: Christopher Hall, PhD, Interim President, Denmark Technical College (via USPS)
Charles Boykin, Counsel for SC Technical College System
Carla N. Jackson

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