

Interview with Gerald Lang (full panel)
2/29/08, 1 p.m.
753 Engineering Sciences Building

Roy Nutter: Explained Jan Boyles' role as recorder. Also explained that information may be made public through Freedom of Information Act requests.

RN: So how did this all start?

Gerald Lang: I was teaching class. I was making my way back from class around 5:30ish. Basically, people were waiting on me to return. I first learned of this particular issue then.

John Burkoff: What did you decide to do? Did you go to Craig Walker's office?

GL: I don't have any notes. I didn't believe I needed to be taking notes.

JB: Was Jen Fisher there?

GL: There were more than two of us. Jen was there, possibly Alex Macia.

JB: What was the discussion about?

GL: We laid out the situation unfolding at the time. We were in a discovery of exactly what was the issue – how to process the issue.

JB: At that point, what did you know? You knew what A/R had reported. What more did you know?

GL: The Post-Gazette had been calling, inquiring about Ms. Bresch's credentials. There was a discrepancy in the institutional record – A/R didn't have all the records – so where was the discrepancy? She had a personal conversation with Craig Walker. She indicated to him that she had the degree – she wrote it down on her resume that she had degree. A call to A/R said she did not have the degree. This was the sign of a discrepancy between A/R and what she believed to be the case. So beginning at that point, we discussed how we would process a resolution.

JB: Was the decision made for you to contact folks from B&E?

GL: These issues are decided by colleges. Students are certified by faculty, program directors and deans. We turned it over to the College of Business to have them do a review.

JB: Did you contact someone that evening?

GL: I don't believe I contacted anyone that evening.

Art Centonze: Was a call put in to Paul Speaker during that meeting?

JB: What happened after that?

GL: We had two meetings from which – besides that – I attended two additional meetings. On Friday morning or Friday afternoon, I had a meeting with the associate dean and the current director of the eMBA program, Jerry Blakely. I charged them to find information. The Dean was unable to attend because he had a board meeting at that time. In essence, they were charged with going through their records to see did she or did she not have her degree.

JB: So the meeting participants were Jerry Blakely, Cy Logar, Craig Walker and Bill Case?

GL: Bill Case, and maybe Jenn Fisher.

AC: Was Macia there?

GL: I can't remember.

JB: They were instructed to find out information?

GL: I said, 'Go back through your records.' This was from 10 years ago. I was asking questions about do they have records, what can they find. They were asked to go back through old technology, decipher older technology. This was the beginning of the conversation – a plan on how to proceed to analyze the information. This was important enough to work over the weekend – it shouldn't just sit.

JB: Was there a timeline for gathering information?

GL: I told them to tell us when they could get the information. It had to be done expeditiously, and we expected them to work over the weekend on it.

JB: Why?

GL: It was a major issue with the newspapers calling to get information. We could not take additional time to do this. Putting off the paper is not an easy task. We wanted to get as much information as soon as possible.

JB: Did you hear anything before Monday morning?

GL: I just don't remember.

AC: Did you speak to the dean over the weekend?

GL: I spoke to the dean sometime. Mostly, I was leaving to them to do their job. In hindsight, there was no need for me to call them – we had an issue – and they needed to resolve the issue. I expected them to resolve the issue. That was the end of the story. It was not different than any other case. There was no reason to be pushing every couple of hours to see where they are on that matter.

AC: The institution saw this as a case special enough to convene a meeting with the chief of staff and provost.

GL: I think that's fair. In the last week, we have had three or four other issues either directly through the president's office. Somebody writes about a grade, a faculty member sends to dean, processes it and it gets back to me. I vest these inquiries with the dean. In this case, obviously, the person required us to act with a little bit of haste, but to be fair about it, I just couldn't take time to drag this on for weeks.

Lori Franz: Was there ever a consideration of asking Craig Walker to go back to Heather Bresch?

GL: I never talked to her.

JB: Including e-mails?

GL: Personally, no. I never had a conversation with her. At this point, back in October, if the College of Business needed additional information from Craig Walker, they could make that connection as opposed to being processed out of the provost's office. I didn't think about it one way or another.

AC: Did you expect the dean to speak with Heather Bresch?

GL: Not necessarily.

AC: Is there any documentation that she could provide that would have shed light on the situation?

GL: I wouldn't ask the dean necessarily. Others could act on the dean's behalf. At that time, the dean was dealing with a board meeting. Except for the name, this would have been a routine investigation between records in A/R's system and what's been reported elsewhere. Did I expect the dean to get involved? I expected the dean to monitor the investigation.

AC: You said not the dean, but someone within the College of Business?

GL: That's not an unreasonable thing to be expected. I've never spoken with her. I think the conduit for her information came through Craig Walker primarily.

JB: On Monday, at the big meeting -- all principals were there. Was this a meeting that you called or Craig Walker called?

GL: It may have been called by Craig. I chaired the meeting. I sat at the head of the meeting table.

JB: Who was there?

GL: Steve Sears, Jerry Blakely, Cy Logar, Alex Macia, Craig Walker.

AC: Was Bill Case there?

GL: I don't believe so.

LF: Why was legal counsel there?

GL: He was there in case I wanted legal counsel's opinion -- if there was a legal issue because at this point, maybe still even today -- we can be sued by the student potentially and I wanted our legal counsel there to provide advice -- if necessary -- to provide advice on what could we release to the paper that protected her privacy, depending on how we would be moving forward in compliance with privacy acts. Having legal counsel there was a benefit to the institution.

JB: Let's go through the meeting.

GL: The meeting is a conversation of what information do we have and what don't we have. What do we know? At that point, given what we know, what decision are we going to come up with?

AC: So this was a meeting to make a decision?

GL: I'm not sure if that it started out that way, but that's how it ended up. If someone needed additional information -- if someone would have brought to the table the need for more information, we would not have made a decision that day. Obviously, we had a deficiency report without her name on it, a graduation list with her name on it, which is something to suggest she had participated in the graduation ceremony.

JB: What was that?

GL: A document they have someplace.

GL: There was conversation about the facts.

JB: Did you see her transcript?

GL: I did not.

[question about incompletes]

GL: ██████ said, 'That was my course. I gave her ██████ some time ago.'

JB: *Do you remember what ██████ said?*

GL: I believe he agreed ██████.

JB: *Did he agree that she had completed the course?*

GL: To the best of his knowledge. I don't know if he knew one way or another.

JB: *How did he know?*

GL: He assumed it was done. The grade is ██████. The conversation also alluded to the fact that this is not the first time we had seen this.

JB: *Who raised the issue of other students?*

GL: I don't recall.

GL: ██████ had also called in with the fact that his record appeared to be incomplete. That issue was raised back in summer.

JB: *Do you know how that was solved?*

GL: The record was confirmed that he had fulfilled the requirements of the degree.

JB: *That's all you knew?*

LF: *Do you know why records existed to confirm his degree, but why records were not found for Heather Bresch?*

GL: I assume there are no records for other degrees. That's a speculation on my part. We did not delve into that except to note that there was at least another case of that era of incomplete records. Records were shredded not long before that in an effort to clean up a closet. Everything was in paper records and not electronic copies. It was also at a time when the eMBA was more in its infancy stage, and our abilities to manage those types of programs now is far greater than when it started. The program is unique in not taking semester-type coursework. It's more block-type coursework. There is more hands-on administration of the program. It was part of the University's early entrepreneurial activities. We tried to be more responsive to non-traditional students. Basically, in my mind, there's a fairly substantial gap. In addition, there was this conversation relayed through Craig Walker as a piece of information. Heather Bresch had a conversation with Speaker with a witness present. And her interpretation of the outcome of that particular

luncheon was that she had completed her degree, and that was part of her conversation with Craig.

JB: Do you recall when Craig Walker was giving that account that he said that Heather Bresch had taken no classes or there was no evidence of further classes? Do you remember that?

GL: It was later in the fall, sometime, yes – something in that ilk. She had a meeting with Dr. Speaker, and it was affirmed to her that she had completed the degree.

JB: After that, she didn't come to classes.

GL: That's strictly belief – on a case, grades of some incompletes were converted into grades. The remaining classes that she were to have to taken – she understood Speaker to say she was completed with the degree.

JB: What was Speaker's account of that luncheon meeting?

GL: Speaker admitted, I believe, he admitted to the fact that he may have said that, she may have interpreted it that way.

JB: You don't remember the discussion of what happened after the lunch? Was there a workout plan?

GL: The workout plan came up in conversation. Supposedly, from my understanding, they are not able to produce a workout plan.

JB: So you were talking about what he said. He mentioned a workout plan. He was willing to give credit for some things in her California litigation.

GL: I can't answer that.

JB: You just don't remember. Anything else that Speaker may have said about what he did do or didn't do?

GL: Nothing specific. To me, the conversation was a conversation back and forth relative to what we did know, what she believed and how would we, in essence, come to a resolution in this particular situation.

AC: How did you come to a resolution?

GL: After the conversation, there were two choices – either she did or did not earn the degree. From the information available, what could we determine? From that point, there was a student earlier in the summer – a student in a like situation – he had his transcript was corrected to demonstrate and indicate that he had earned the eMBA degree. After we had gotten through the conversation – it was more than five minutes but less than an hour

– we talked about any other information that we can gain from continuing the conversation. I went to each of the four principals from the College of Business – do you believe she earned the degree? Each one affirmed with all the information available that she should be given credit.

JB: Did they agree with the degree or agree with the resolution?

GL: In essence, I polled each person. They agreed with the resolution, which, in essence, awards her the degree – earned or not.

AC: Did Paul Speaker agree to that?

GL: All four agreed – Speaker, Logar, Blakely, Sears.

AC: Did he [Speaker] say something like – “That’s the one thing we know that did not happen”?

GL: I don’t remember that.

LF: Awards her the degree – what do you mean earned or not?

GL: At this point, we don’t have evidence if she earned or did not earn the degree. We do not have the records because records were shredded or did not exist. The student had been told that she had a degree and she had a witness. That’s why a lawyer was present. If those four people had said no, I would have had to go back to her.

JB: What would you do if one person said no?

GL: It depends on who that person was.

JB: Why’s that?

GL: It was the dean’s call. In the end, it’s up to the dean to affirm with all the information.

JB: Is it your decision or dean’s decision? You think he’s the first one who said ‘with all we know’?

GL: It’s the dean’s decision.

JB: So it was like polling a jury.

GL: Eventually, everyone came to a consensus. And if there’s an outlier, you would certainly know who the outlier was. Given the nature of the final decision from the dean, input from that meeting that the record would indicate that each of the other participants

supported the dean's position. I had to make sure there is support for the dean. You had your chance – given all you know – to support or not.

AC: Did you discuss how to get the transcript from [REDACTED] hours to [REDACTED] hours?

GL: We did not discuss. It was left to the College of Business to handle.

AC: Were you satisfied with how that was handled?

GL: The transcript or the decision?

AC: Right now, the transcript.

GL: History is a great teacher. At the time, there was comfort with the decision and the way it was handled. It was probably not different than the way it was handled for different students.

AC: Was there an understanding that the transcript would be completed by completing courses and assigning grades?

GL: Could there have been another way to do it, possibly. I guess I don't know the answers to your questions.

LF: Did you think about using independent study rather than specific courses?

GL: That probably would have been a better alternative for the college to do. I left to them to adjust the records – whatever they did with the student in summer – it would be the same process with this particular student.

LF: You didn't see the record of the student in the summer. You're going on their hearsay. So you don't really know if it's a case similar or different.

GL: That's correct.

LF: You never looked at the case. You never looked at a transcript for Bresch.

LF: Why wasn't there a transcript at the meeting?

GL: I don't know the transcript itself was in dispute. I don't know if it would have provided additional information.

JB: Were you aware of the incompletes?

GL: I talked about [REDACTED] changing the one that he had purview to change.

LF: You knew that there were [REDACTED] hours accomplished on the record. How did you know that?

GL: I listened to the conversation of faculty in college. It was easy to check. There was no reason not to believe them.

JB: So you didn't think of any reason to delay – this is all the information we're going to get and there's not a clear way to fill those holes. Is that a fair statement?

GL: I think that's fair.

JB: There's nothing else that you would get that found that would have delayed the decision?

GL: We may have talked about it in the meeting, but it was never debated. We were mostly trying to take what we had and what she believed she had.

LF: Did anyone suggest calling Heather Bresch and asking her how she completed the discussion agreed on in the meeting?

GL: I don't think anyone called. Her interpretation of what happened at the lunch meeting – I believe that she believed she was done and that no workout plan to be accomplished.

LF: What was the role of her witness?

GL: We discussed that there was a second party there. At the time, it was just two individuals meeting with the program director – her explanation why she believes that she's done. That's why she put her the eMBA on her resume. That, in essence, I believe, that it may have been in check with Leah Summers.

JB: Was there discussion of who Leah Summers was and does she report to Heather Bresch?

GL: No.

LF: Is it consistent with your academic experience, that credit can given based on an oral agreement?

GL: Say the first part again.

LF: Repeats question.

GL: I would have no idea. If it happens, no one's going to tell me.

LF: WVU requires students to pay for credit. Is it possible to earn credit without paying for credit?

GL: Usually not. Especially today, you wouldn't get credit for not paying for it. Ten-year-old records of an entrepreneurial program – the dean found some inconsistencies. Are we perfect in what we do? Are we perfect today? This is one that has been thoroughly lifted up. We tell faculty they cannot waive; they can substitute. That's part of the institution's policy. There is some discretion within programs, but it's not monitored at our level.

LF: If someone pays for a substitute and has a meeting in which an oral agreement is reached and no action of any type is taken – that's considered a serious event for the university. A lot of credibility has been given to this meeting with no follow up. She had more credibility than a faculty member.

GL: I think the student has basically been claiming to have eMBA degree for nearly a decade. I believe the student walked out of the meeting thinking the student had earned an eMBA – the conditions, I can't tell you if she met or did not meet them. The student believed she earned the degree as relayed through Craig Walker. There was a witness there. There was another student who had the same types of problems. If we correct records for one student, we may find another student.

LF: Are you aware that the first student paid tuition and paid for courses?

GL: I didn't investigate any of that.

LF: Would it make a difference to you?

GL: At this point in time, to go back 10 years – many students were paid for by the company. There should still be some records. There were discrepancies in the financial record that was checked. If somebody tells you, you're done – if you're type A – you make sure have records of everything. Other students will not.

JB: You say you believe her when you say what happened at that meeting. Why do you believe her?

GL: It's the matter of a student versus a faculty member regarding the remembrance of 10 years ago and one has a witness.

JB: So it's simply two to one?

GL: I wish there was an alternative, absolutely – but at that point in time, we should err on the judgment on the benefit of the student.

AC: This faculty member is Paul Speaker?

GL: Yes, he was in charge of the program.

JB: If it were someone who was not as much of a prominent figure, would it have been the same result?

GL: I believe that. In part, if this panel decides that she did not earn the degree, it will be rescinded. If we were really concerned about that, we would have taken a different approach. What we are asking you to do is investigate. It's not an open-shut case. You either affirm the decision made or not. If it wasn't for the fact of who she was, it probably wouldn't be out there today. Other students would have gotten the benefit of the doubt.

AC: [REDACTED] That's a pretty big benefit of the doubt.

GL: Today's records probably would have been a lot different. We had just limited data to go with.

AC: When you went around the table and asked everyone from the College of Business, did they all agree that she completed her program and qualified for the degree?

GL: I wish I could exactly tell you. Now whatever is said has more meaning than what said at the time. In essence, I wanted to confirm that the decision that was reached – that they agree with. I probably did not ask if she earned all 48 hours. I probably asked if they supported.

AC: Could they have nodded?

AC: Did they affirm?

GL: Yes.

JB: Would there have been a nervous person or two who would not affirm?

GL: I create a fairly open environment where people can speak their mind. There is no retaliation for disagreement. The faculty were tenured. They could have raised more issues in the conversation to give an inkling that they had a position that was bothering them. But that's not the way the conversation went. One could speculate they felt some pressure to affirm. But the meeting was not run in a manner like that. It was an open exchange of ideas. People had the chance to speak their minds. My belief was the consensus was in the affirmative.

RN: The program had a new director, Blakely, who came on board a month or two before. Logar had been around long time. Was the question – Did she complete the program? – or – Should we award her the degree? And could Speaker have said something like, if you say so?

GL: No.

RN: He actually said yes?

GL: Yes.

RN: Blakely?

GL: Yes.

RN: Logar?

GL: Yes.

RN: Sears?

GL: Yes.

Michael Lastinger: Was there a question of when the degree was earned?

GL: No.

ML: Do you remember hearing, 'That's the one thing we know that did not happen' – a statement from Paul Speaker?

GL: It's not a part of the conversation that I can recall.

LF: Was there communication among those three [Logar, Blakely, Speaker]?

GL: I'm not sure how frequently they talked. They had a centralized record keeping system. The records should have been readily available.

LF: The files were on program machines rather than centralized.

AC: You didn't speak to faculty members?

GL: I can't be positive. I believe that he asked, and several faculty said they had no records.

AC: This occurred over a weekend?

GL: It's blurred now with the temporal sense.

LF: Is there anything that we didn't ask you that you would like to tell us?

GL: There was no pressure to come to any decision. I don't feel under any pressure now to any particular outcome. The college was asked to ascertain the integrity of a degree for a student. That's not an easy decision. I have thought a lot in anticipation of today – and I have two things to add. I still think that overall the college has a strong program with good academic qualities and that the individual situations may cause concerns but overall, the quality of the degrees have been good and I feel that students who have earned a degree have received a valuable education and the WVU degree is in essence not an issue.

LF: Have you implemented any process changes?

GL: To date, we have charged each dean to assess undergraduate and graduate curriculum and the process by which students are certified for graduation. We have asked to pull 20-25 records from each college of May 2007 graduates. Records are relative to what the processes are. The best we can do at this point is to find out what we're doing and how well we're doing. I think overall we're doing a good job. Faculty and those who certify students for graduation are doing it right. We've never had a problem with accreditation, so there was never any reason historically to sit back and see if we had a problem. Every professional accreditation has been approved, and there's no reason to believe we have a problem. It has never been revealed in past years. To be assured, we're going to take a personal look.

ML: I'm concerned about a number of students – there's concern of some of our interviewees – they have expressed nature of problem as having happened to many other students. There is one person named – but that's like naming every other student in the university.

GL: At least for College of Business students, we have worked with the dean to send messages to students in the programs to affirm the quality of their degrees. We have no reason to believe what happened 10 years ago...there is an audit that dean has asked for. It is my understanding that students in recent times are fine – they have met all the expectations. But there have been problems historically with some students.

ML: Can you say that a student who has █ hours or █ hours is qualitatively and quantitatively the same as a student with 45 hours and approved for graduation?

GL: Anything less is less. In essence, you either fulfill the requirements or you don't. If you're three hours short – we'd have to go back in look at what missing, how it was missing and whether the college will sign off on it.

ML: Are there cases in which the college signed off on it?

LF: It looks like in the curriculum – there is not a provision for life credit.

GL: I recommend that you go back to my charge...

LF: Life credit is different than completing a law course when in a law case.

GL: I suggest that you open that issue in the charge and open it with faculty senate.

Interview ending time: 1:55 p.m.