

Interview with Alex Macia (full panel)  
2/29/08, 2 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. Asked for Macia's background.

Alex Macia: I'm Alex Macia. I'm the vice president for legal affairs. I'm the general counsel. I started on July 16, and was officially active on September 1. I'm a WVU grad. I got my undergrad in 1985. I attended George Washington University's law school. I worked in private practice, and spent four years in the governor's office as chief of staff.

*John Burkoff: So you heard about this issue from Craig Walker first?*

AM: Yes.

*JB: On Thursday evening, did you talk to Craig Walker?*

AM: I don't think I learned until the following day – on Friday. It broke the evening before. A call came in from A/R to Craig. It was a record keeping issue at A/R. There were meetings the following morning.

*JB: You came to a meeting in Craig Walker's office?*

AM: He said, 'You're here – come in here.'

*JB: Who was there?*

AM: Cy Logar, Jerry Blakely, Jerry Lang, Craig Walker and me.

*JB: What was discussed?*

AM: There was an apparent discrepancy. Heather Bresch said she had the degree. A/R said she didn't. It was a matter of having people in the College of Business go to the program and find the files.

*JB: That's all that happened?*

AM: Correct. Who was director at the time? Craig Walker may have talked to Heather Bresch at that point. He relayed what happened in the December 1998 meeting.

*JB: You heard about that at the morning meeting or later?*

AM: Yes. I heard that recollection.

AM: After the newspaper stories ran, after that communication formed in January – I did speak to Heather Bresch. He had spoken to Heather Bresch. She told him [Walker] that she was away at a trial. During the latter semester of her eMBA program -- in April 1998 – she goes to California. Misses two summer sessions. In Fall 1998 – she comes back in December 1998. She wanted to finish because her cohort was graduating in December 1998. I think that's when she went to lunch with Paul Speaker. She explained all that she had done for the trial. She had evidence or proof of all that she had done. She left the meeting thinking that Speaker said this looks good – you get credit, I think you're done. She walked through graduation, and didn't think about it again.

*JB: Did she do a paper or something for her legal work?*

AM: I don't think Craig said that. In January, she called me directly, and asked about a committee, some appointments on committees, and relayed to me in more detail...

*JB: Can you explain what she said?*

AM: She had brought with her all the memos that she had worked on. She consulted on legal pleadings. She said that she had coordinated every memo to a class missed – 'Here are the memos that I've drafted based on [REDACTED] – or look at [REDACTED]'. She had collaborated with another attorney. She was missing a [REDACTED]. She coordinated all her work in California to what she had missing. She told me that she still had all those materials. They might be useful in corroborating her part in the story. She left the meeting thinking she was done, that she was allowed to finish because she had done more than enough work.

*Michael Lastinger: Is that a quote?*

AM: I think she said that of Paul Speaker.

*ML: She's quoting Paul Speaker – 'more than enough work'?*

AM: That's what she said.

*JB: You knew from what Speaker had said in various meetings. That's not exactly Speaker's account of that meeting. Speaker had given her a recollection of this meeting – notes. It's not the same as what you just reported. Did you ask about those contradictions?*

AM: I'm not sure -- I think I got that in writing. I saw Speaker gave something to her in October 2007.

*Art Centonze: Is this your first conversation with Heather Bresch? Was that your only conversation with her?*

AM: Now Paul Speaker – that was not his recollection of the meeting. She said, ‘I walked. I didn’t come back to school. If it was a matter of taking another semester, I would have done that.’

*ML: You said she had documents. Did she leave them with the professor to read and evaluate? Or did she take them away from the lunch with her?*

AM: She does have the originals. I don’t know if she left a copy. You may have to ask her that. I encouraged her – I said, ‘There’s one story out there’ – Paul Speaker has a version of the December 1998 lunch – there needs to be countertext to this. I told her if she is called, she should speak to the committee [Panel] and bring those documents.

RN: We have contacted her to come talk to us.

*AC: What was her response when you suggested that she come talk to us?*

AM: There was some trepidation. I told her, ‘If you want your story to ever be heard, it has to come from you.’ We’re told there was another version or understanding...

*JB: What are you referring to?*

AM: Paul Speaker’s version.

AM: On Monday morning – the Oct. 15 meeting – I think he said that then, his recollection...

*ML: His recollection is what?*

AM: He said, ‘That’s fine, Heather, you did a lot of good work – I can only accept four or six hours. You can submit another course of action and finish with another cohort.’

*AC: Can you recall the nature of the conversation on the 15<sup>th</sup>? Who was there?*

AM: Craig Walker and I, and Jerry, Steve Sears, Cy Logar, Jerry Blakely and Paul Speaker were around the table. He said something to the dean – talked about the purpose of the meeting – said, ‘You had all weekend. What’s the answer today. We’re not asking for a particular decision, we’re asking for a decision. It is what it is.’ After that, there was some discussion among people there about whether she had the degree. There was difficulty in finding documents. They had been shredded. There was also a y2k issue - transferring documents from one format to another. It was disheartening to hear the abysmal archival policies.

*LF: Do you think that if things had not been shredded, you could have found the records from Friday to Monday?*

AM: We should have known immediately. It should have been found immediately. B&E communicated to A/R. The College of Business archives were a black hole.

JB: A/R records show no summer or fall 1998 grades. You all know why that is -- she didn't go to classes. There were grades missing, but there was no necessity to find them. You had everything prior to that.

AM: If her version is true, there should be some documentation at A/R. Speaker should have transmitted that to A/R.

*LF: What is the way a document gets to A/R if a student signs up for a course?*

*ML: You said there were abysmal records -- is that B&E, student accounts, A/R?*

AM: Paul Speaker or Jerry Blakely said they never billed students. They were missing \$70,000 in uncollected billings.

JB: But that was not relevant at that meeting.

AM: [REDACTED]

*LF: Did anyone have a copy of the transcript?*

AM: I couldn't say why. We wouldn't have asked for one. The dean could have or would have. I don't know that he did not have it.

*JB: Was Bill Case at that meeting?*

AM: No.

*JB: Jen Fisher?*

AM: Not in the Monday or Friday meeting.

*AC: How was the recollection of Dean Sears at odds with Speaker's recollection?*

AM: Craig relayed Heather's version. Speaker and the dean had two conflicting versions. Heather Bresch, I'm told, walked through graduation. She never came back to school. There were no records that came in. Nothing was memorialized on Speaker's end. She admitted at the meeting that she didn't get a copy until November. Her name appeared as having graduated. There were two lists: two graduate...

*JB: What did he say?*

AM: He said that there's a list.

[shows him PS 6; confirms that was the list referenced]

AM: Speaker said she was finished. When he returned in 2001-- in December 1998 -- there were interim directors -- Speaker comes back in 2001. He's looking at the status of students. There was a list generated in 2001. It shows names. Some students were listed as DNF.

JB: On the list, it says she graduated in 1999.

ML: Let's look at [REDACTED], for example...

AM: I don't know what the official records show.

*ML: Was it this list upon which the decision was based?*

AM: Speaker was insistent that she finished.

JB: When Speaker was talking about her finishing, he said that he suspected she finished. He gave her a workout plan. He thought that she finished in 1999, and that's what he saw on the record.

AM: Her name was on the list. I asked to see a copy of the list.

LF: But that's not an official university document.

ML: It was a list of the cohort.

*LF: Did anyone ask if it was an official list?*

AM: We asked if any existed. In terms of following up, the dean thoroughly researched the issue, and we were told there were no lists at the time.

*RN: This is the only evidence that we have of her completing the degree?*

AM: As far as I know.

JB: And her hearsay statement.

*ML: Do you think we could go on this list and find students who appeared on the list and did not graduate and give them a degree?*

AM: That's up to the dean and the director.

*LF: What was the discussion at the Monday meeting about the lunch with Paul Speaker and Heather and Leah. Was Leah referred to as she had a witness?*

AM: Leah Summers was in the cohort preceding. I'm not sure if she was there as a witness. In my conversation with Heather Bresch, she didn't say she was a witness or anything.

*LF: Could she have been there as a witness to the agreement?*

AM: She could have been.

*LF: Was that part of moving the decision along?*

AM: I don't know what motivated the dean. There were a couple of versions of that meeting, and there was a document that purportedly shows her finishing.

*JB: What was the standard that Lang and Sears used to weigh – what was the language used in trying to decide?*

AM: The preponderance of the evidence. That wasn't the specific word.

*JB: Was it the case that a tie goes to the student?*

AM: He wouldn't have said that. Jerry's posture was – what have you found, what is your decision. I don't think he would have said that.

AM: We're student centered. We err on the side of the student. I don't think anyone would have said tie.

*AC: Did you ask representatives from the College of Business to affirm the decision made? Was it your recollection that the decision was affirmed?*

AM: Jerry Lang went around the table. I didn't get a turn. I initially thought he forgot. I thought – if I'm called on, what do I say?

*AC: What were they agreeing to?*

AM: To err on the side of the student.

*AC: To award the degree based upon the circumstances?*

AM: It was asked, 'Do you agree?' Everyone said yes.

*AC: You were told there was a need to make a decision. Did you feel pressure that a decision needed to be made quickly?*

AM: There were things that were knowable or not knowable. You have the records and have one version from student, one version from the professor, the word of documents existing...

*RN: What about financial records?*

AM: They were discussed. I didn't see any. There was another adjustment made. The total number of credit hours [REDACTED]. There was an [REDACTED], so she should have had [REDACTED].

*JB: Do you recall if that [REDACTED]*

AM: Yes.

*JB: What was said?*

AM: I have no recollection.

*JB: How was it justified?*

AM: They didn't say.

*JB: What was the basis for the other [REDACTED]?*

AM: Some of her classmates in the cohort...

*JB: Who talked to her classmates?*

AM: She had them call Craig Walker. A classmate called to corroborate.

*ML: When the Is were converted to grades, which grade was assigned? Was that discussed?*

AM: Briefly. It was a mechanical matter. You have to create a transcript. We assumed she would get [REDACTED] but we know it wasn't [REDACTED] that was assigned.

*RN: Do you have any clue who the classmates were?*

AM: [REDACTED].

*AC: Do you have any written notes from the meeting?*

AM: I didn't take any notes in that meeting.

*RN: Who presented the other classmates issue?*

AM: I'm not sure.

*RN: Craig Walker?*

AM: It could have been.

AM: She didn't fail to [REDACTED] prior to that. She says she was in every summer.

*RN: I never missed a class – I was there every day class was held. Is that what was meant?*

AM: She probably missed a class – I took that to mean, I never failed to complete a class prior to her leaving for California.

*JB: You would have known that she did have [REDACTED]. By the January conversation, you had seen the whole record. Now she's telling you that she's [REDACTED]. Is that discordant or not?*

AM: She completed all the classes until the point that she [REDACTED]. She was showing to Paul Speaker how she did all the work in California and corresponded the work. She doesn't know if she [REDACTED] in between.

*ML: So you agree that she had fallen out of sequence with her cohort in 1997?*

AM: She fell out of sequence in 1998.

AC: [REDACTED] in summer 1997 were changed to [REDACTED].

AM: She stayed with her cohort until 1998.

*ML: Who told you that?*

AM: She told Craig Walker that.

*JB: They talked about [REDACTED] at the Monday meeting. How did they clear up the [REDACTED]*

*LF: When you visited with her, did she make arrangements made to register for coursework had credit for? Did she talk to the MBA office on how to complete that transaction?*

AM: I never asked her. If she was given [REDACTED], she would be [REDACTED]

LF: It's hard to explain how someone with [REDACTED]....

AM: When she left that meeting, she thought she was done.



LF: Why were there no questions about [REDACTED] – everyone who had a conversation with her – nobody asked her how she [REDACTED]

AM: I wouldn't know to ask the question – how you get [REDACTED] hours.

LF: If it takes 48 hours to get the degree, and [REDACTED] are needed to fix that, Speaker can't turn in something someone is not registered for.

AM: She asked, 'How did this come about?' She assumed it had been taken care of by Paul Speaker.

LF: Do you think he would pay her tuition and register her?

AM: I don't know enough about the academic process. I wouldn't even know if she had thought she would have to pay for those.

JB: So you found her credible?

AM: What she was saying was her take on the meeting. She left the meeting thinking she got what she wanted.

AC: You said you were waiting for Jerry Lang to call on you. What would you have said if he had called on you?

AM: I don't know.

LF: Does it strike you as strange at the meeting on Monday that no one's passing out information? You say this decision was evidence based, but no one saw any evidence.

AM: I saw that the dean was collecting the evidence that existed. He told us there was none. We were told that they had a transcript. It wasn't my role to ask for a copy of her transcript. They mentioned other students – there were probably four or five other students who didn't complete. There was [REDACTED]. In August of this year. We looked at an after action review. There was a report with four or five other students.

RN: How many graduated during the same time period?

AM: It was the same time period.

JB: Were these cases similar or dissimilar to Heather's case?

AM: I don't know.

JB: But only one was discussed.

AM: There was discussion of how it was solved.

*JB: How similar was [REDACTED]'s case?*

AM: The dean said it was similar to hers. It was solved in the summer. We didn't know anything about that – the case. The dean said it appeared to be similar, but we could not prove one way or another.

*AC: Were you satisfied with the process?*

AM: We had all the evidence that could be gathered and was gathered. We looked and couldn't find anything. We could have found the one document that we have now. We should have found more.

*AC: Do you think the dean felt an urgency to make a decision at this meeting?*

AM: He tried to speak to some faculty members.

*ML: The meeting on Friday was at what time?*

AM: Not sure.

*ML: What time was the meeting on Monday?*

AM: Morning. We tried between Friday and Monday morning to find more information. The director who was there at the time had left.

*ML: Do you remember who that was?*

AM: Don Adams. He came in for a couple of years.

*AC: Why was there a rush to make a decision on Monday morning?*

AM: I don't know that we felt urgency. Not that there has to be an answer – has to be an answer that day – maybe at a certain point, there is nothing else that you could find. But nothing was said that we need a decision today or let's not leave until we have a decision.

*ML: When you make a decision like this, were you aware that other people were looking for this information?*

AM: The newspaper.

*ML: Were you aware that the paper had information that you were trying to get?*

AM: We were aware of the [REDACTED] that were missing. That was not part of directory information.

*ML: Did you have concern about that as legal officer?*

AM: There were other incidents that have given me pause about how to safeguard transcripts. If people come and it's not the student, and it's a legitimate education purpose for requesting, we may have had instances. We will have a staff rebriefing.

*ML: Do you think A/R gave out this information?*

*JB: From talking to Heather Bresch, she thought that after that meeting she was done. Does that thought seem credible?*

AM: She said, 'I'm done,' and she was outraged that she wasn't.

*JB: Was the workout plan because of her reliance interest?*

AM: Not really.

*JB: Why was there not more discussion of what the truth was, of what she was told?*

AM: We had her version and Heather's issue and Paul Speaker's version.

*LF: Why wouldn't the institution support the faculty member?*

AM: You'd have to ask the dean.

*AC: Did you find that curious?*

*JB: You're university counsel. It was a matter of numbers, reliance interest here?*

AM: It's not within my office for a student to certify...

*LF: Do you think it was a prominent person that has a degree that hasn't been earned?*

AM: Resume fraud happens all the time. That's probably the way it started.

LF: She put it on her resume...

AM: I don't think at the Monday meeting. It was 'Do you have a decision? Have looked at everything that you need to look at?' That's not something we factored into it.

LF: At the Monday meeting?

*JB: Is there anything else we should know?*

AM: What happened was unfortunate for everyone, regardless of students. Other students for little or no records – also received degrees. This points to some serious issues as to the

management of the timeframe of that particular program. We share all students today – we are going to be better archivists of the records. Whatever recommendations you make are supported. We don't lose documentation. I think we need to be a lot stronger there. Jerry Lang asked for a thorough review. There's a similarity to another lawsuit. We need a FERPA understanding and protecting those records at A/R, the issue that came out.

*JB: Was this case a template for how you deal with problems?*

AM: There are limitations of my office. I'm currently chairing the College of Law's dean search. There are limitations from administration, the dean. We don't want to cross the line. We should have a more robust response where lines are crossed.

Interview ending time: 3:02 p.m.