

Interview with Steve Sears (full panel)  
2/15/08, 5:12 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: Describe overview of service in the West Virginia University College of Business and Economics.*

Steve Sears: Grew up in West Texas. Born in Odessa, Texas. Only person in family to go to college. Received undergrad from Texas Tech. Ran family business. Originally planned to work for Arthur Andersen. Received Ph.D. from University of North Carolina-Chapel Hill. First appointment – 1979 – University of Illinois, Urbana-Champaign. Dad died in 1984. Family business – six grocery stores and four restaurants. Moved back to Texas. Took appointment as Director of Banking Institute in 1988. In the 1990s, worked in COB's administration. Department chair, interim dean, part of two person dean team. Other individual not from academe – from industry. Went to faculty thereafter. In March 2005, contacted for position at WVU. Approached by Boston search firm – Isaacson, Miller. Interview process was strange. Didn't ask questions about job, asked questions about Sears' personality. Came to campus for first time in April 2005. Talked with Provost in May 2005. Accepted position in August 2005. Never been to West Virginia before April 2005. 1/3 search committee was internal WVU. 2/3 external. Had members of WVU Foundation, Board of Governors.

Lori Franz: Asks about meetings with Jerry Lang, Craig Walker in which the problem was discussed. Had two, 1-hour prior meetings with both individuals.

SS: Wants to illustrate timeline. First knew about issue when announcement received about Bresch's promotion. Received online press release on Oct. 5, 2007. Three to four pages in length. Governor, Puskar mentioned in release. Paragraph said she earned eMBA from WVU in December 1998.

*LF: Did you know the student?*

SS: No. Didn't know she was governor's daughter. Didn't regularly meet former students. Never met or talked to Heather Bresch. Only know her from the picture that was with announcement. On Oct. 11-12, Sears met with COB's Board of Advisors. Spent evening at dinner.

SS: On Friday, Oct. 12, was with board all day. Cy Logar had to leave the meetings, but Sears didn't know why. Walker had called the college. Wanted to visit with Logar, Blakely, Sears.

SS: Blakely was appointed to his position in July 2007. From Sept. 2006-June 2007, no director. Logar served as interim. Removed Speaker.

SS: Asked Logar what going on with Heather Bresch. Had received lots of calls in the president's office, COB. Logar, Blakely trying to figure out what's going on, what do the records show. "Not being from West Virginia, I thought that was all it was." Talked to Logar, Blakely. Found out that "she is not any ordinary student." Sent e-mail to Logar, Blakely.

SS: On Monday, Oct. 15, received e-mail or call from Walker. Wanted to see what had been "found" in latter part of week before. Present: Walker, who is chief of staff to President Garrison. Alex Macia is legal counsel. Gerald Lang is provost. Logar is associate dean of academic affairs. Speaker. Blakely. Asked to bring what found.

*John Burkoff: Was Bill Case at the meeting or did he come in late?*

[Sears refers to personal notes. Tells the committee he will give copy of notes].

SS: He may have arrived late.

*RN: This is the Oct. 15 meeting?*

SS: Yes, the first meeting on Oct. 15. It was a morning meeting.

SS: Attended afternoon meeting on Oct. 12. Friday afternoon.

*Art Centonze: Was there a pre-meeting before?*

SS: There was another meeting. Present: Case, Walker, Sears, Blakely, Logar, maybe Macia. Not about information, but to come up with appropriate response to the media. Decided to tell media that, "We're looking into this."

SS: Information used to make decision:

Review of Admissions/Records documents

Additional information provided by Paul Speaker

SS: 48 hours required to earn degree. Bresch had [REDACTED] hours. Was [REDACTED].

SS: Speaker said he could validate [REDACTED] hours. [REDACTED] were assigned.

[REDACTED] hours - [REDACTED]

[REDACTED] hours - course - [REDACTED]

[REDACTED] hours - [REDACTED]

encompassed [REDACTED]; [REDACTED], [REDACTED]

[REDACTED]

SS: Asked why were records not transferred to Admissions/Records? Received "no definitive answer." Left with [REDACTED] hours to account for. Looked at other information.

1. Discussion/evidence - Bresch's name appeared on graduation list

- Didn't take as strong evidence
2. Discussion/evidence – Name did not appear on deficiency list
  3. Bresch went through graduation ceremony

*LF: Is that normal for a student with so many deficient hours?*

SS: No. She may have wanted to walk with cohort.

SS: Acknowledged that Bresch had been out of class for a substantial part of the fall semester, as early as late summer. Working on lawsuit in California. Wasn't mentioned specifically how much she was out of class.

SS: 4. Craig Walker reported that he had called Heather Bresch and asked her about the situation. Reason? Talk to her about what could be released under FERPA. Walker reported that in 1998, Bresch had scheduled a meeting to talk to the director of the eMBA program. Classmate – Leah Summers – attended the meeting. Was also in the eMBA program at one time. Why three people attending? Doesn't know.

SS: Walker also called Leah Summers. "Heather Bresch had scheduled meeting to see what needed to make up to complete the program." Told Speaker that she was "given experiential credit for her work on the case [court case in California]." Reasonable? Needed [REDACTED] credit.

SS: Asked if Speaker remembers meeting. Said he vaguely remembers. Said that he may have said something at the meeting, but he didn't mean it the way it sounded. Meeting took place in December prior to graduation ceremony.

*AC: Was it a morning meeting?*

SS: Not sure.

SS: Speaker remembers telling Bresch that "everything's fine." But he didn't mean it in the way she interpreted it. Asked about the workout plan for Bresch. Couldn't be found.

*LF: This was the conversation at the meeting?*

SS: Yes. Meeting between Bresch, director and a witness. Witness will attest to same recall.

*AC: Did you talk to Leah Summers to confirm this?*

SS: Talked to Walker.

SS: Did not talk to Bresch, Puskar, Garrison.

*AC: You didn't ask her directly?*

SS: No.

*JB: Who asked you to make a decision?*

SS: "Not pressured to make a specific decision, but needed to make a decision."

*JB: Where did this sense of urgency come from?*

SS: Everyone. "I didn't want to make the decision."

SS: Reviews:

- hours with • hours of incomplete work
- Name on graduation list
- Name not on deficiency list
- Attended graduation
- Meeting with Speaker
  - Paul did not disagree with meeting
- No workout plan

SS: "Only thing that can be concluded is that we can't conclude that she didn't earn the degree."

*JB: In your mind, if you didn't prove that she didn't earn the degree, then she did?*

SS: "The thing that weighed heavily on my mind" is that administrators need to stand by their word at a personal level. Administrators have autonomy. Student relies upon this information.

*JB: How do you know she relied on this information?*

SS: Heard from Craig Walker.

*JB: So you have to believe Craig Walker.*

SS: If students can't believe what they are told by administration, what can they believe? Believes it was the best decision that could be made. "It was a judgment call." Received unexpected information at meeting [at Stewart Hall]. "Made best decision with the information that I had." College working to transfer records from electronic to paper form. Couldn't corroborate actual grades. Faculty weren't keeping grades/records. Any records more than five years old had been destroyed. Not able to capture within college to corroborate or disagree with University's records.

*AC: Did you try to verify Speaker's statement about the • hours?*

SS: Next week, charged Logar and Blakely with starting longitudinal audit.

*AC: You requested an audit after you made the decision?*

SS: Yes.

SS: Made decision on Oct. 22.

SS: Kept looking for college records. Asked Logar and Blakely to lead efforts. Discovered another student – [REDACTED] – who had similar circumstances. Graduated in 1999. Got transcript in Summer 2007. Unable to determine who resolved the matter.

*AC: Had records been shredded at that point?*

SS: "I can't answer that." Bonnie Anderson would have better idea.

SS: Found other students with similar problems.

SS: On Friday – President Garrison's inauguration. Attended Mountaineer Athletic Club reception. Talked with Walker there for a half hour to an hour. "Pressuring for a decision...wanted an official statement about what decision had been made."

*AC: Was Walker in charge of the decision?*

SS: Walker called meeting, but was not in charge of decision.

*AC: What was Lang's role in the meeting?*

SS: Better to ask Jerry that question.

*AC: Your point of contact on the matter would have been Walker, not Lang, correct?*

SS: "That would have probably been the case."

*LF: What did you talk about with Walker [at the MAC reception]?*

SS: Known facts of the case. Told by Walker that, "The best decision is the one you stated to me before."

*LF: What decision was that?*

SS: Had talked about awarding degree.

*ML: When did you make your decision?*

SS: After Oct. 15, "could only draw conclusion based on limited information."

*JB: Didn't you want to wait until all the facts were on the table?*

SS: Yes. "Didn't have the privilege to wait three months."

*JB: Why not?*

SS: "Getting pounded" by the media. Talked to Lang on Oct. 22. Wanted him to make the decision. Was told by Lang that, "I made the best decision that I could make."

LF: Clarifies Sears statement.

SS: Made decision "based upon assimilation of what heard from meeting on Oct. 15." No additional information in days after meeting. Lang told Sears, "Nobody blames you for this Steve." Made decision. Asked Lang what else needed to be completed. Was asked to contact Admissions/Records to "find out her transcript."

*Michael Lastinger: Did you have BUE 4 in your discussion (on Oct. 15)?*

SS: Didn't remember seeing paper there.

*ML: Did you look at transcript or notes?*

SS: Doesn't remember. Relied on Speaker, Blakely to provide information.

*LF: Wouldn't someone have brought transcript to the meeting?*

*JB: Do you credit everything that Speaker told you?*

SS: "Was the only information we had."

*JB: Did you talk to [REDACTED] about his [REDACTED]?*

SS: [REDACTED] said that Bresch had passed that.

*JB: What about the [REDACTED] hour [REDACTED]?*

SS: [REDACTED] didn't keep records.

*JB: Who told you she [REDACTED]?*

SS: Speaker.

*AC: At the meeting?*

SS: Probably.

*JB: She received [REDACTED] hours credit for that. Were you aware that she did not take classes in Fall 1998?*

SS: Wasn't aware of that. Trying to recapture [REDACTED] hours of [REDACTED].

*JB: How did you recall that she had remaining coursework?*

SS: Walker conversation with Bresch.

*AC: Do you remember Speaker saying, "That is the one thing that we know did not happen."*

SS: No. What he did say in the meeting is that when he talked to Bresch at lunch meeting, he may not have meant his comments as they were interpreted.

*JB: Did he propose workout plans for Heather?*

SS: Couldn't produce them at the meeting.

*ML: Accepted Speaker's word that work had been completed. Did not accept Speaker's word that she did not complete the degree. Where do you believe Speaker and where do you not believe Speaker?*

SS: Probably no evidence on that point. Heather Bresch told Walker that there was not a workout plan.

*LF: Wouldn't you have to register for experiential credit like independent study credit?*

SS: "That's the way I'd think about it" from experience with other COB's.

LF: Curriculum for eMBA/MBA same. No experiential work credit requirement.

SS: "That is correct." Independent studies require explanation. Students were supposed to be working professionals. Classes taught in evenings. Students typically at transition points in life – divorce, wanting to add value to resume. Not uncommon for students to change jobs in the middle of the program.

*LF: If accommodations are made with a student, wouldn't there be a paper trail?*

SS: Should have been.

*LF: Why Bresch's independent study situation different from [REDACTED]?*

SS: With [REDACTED], no paper trail of changing grades.

AC: Between Oct. 15 and Oct. 22, how did you deliberate? How did you come out with your final decision?

JB: Did you look at tuition records?

SS: That was a contentious issue at the first meeting.

JB: Why?

ML: Did you look at [REDACTED] records?

SS: Lang had.

JB: Did you know that she had [REDACTED] for some semesters?

SS: Yes.

JB: It lead to suspect that [REDACTED] was not there?

SS: "Of course it did." Other students had [REDACTED] problems, though. As classes were sequentially ordered, [REDACTED] was due at the beginning of each course. Some students had to pay four or five times during a semester. Why should the college be responsible for keeping those records?

RN: Can you explain...

SS: Someone else kept track of [financial] records. Payment was collected by the management of this program. Sometimes employers made payments.

ML: If a student had five one-hour courses, he or she would have to pay five different times?

SS: Perhaps.

ML: Do you know [REDACTED]?

SS: No information about that. Indications that she was dropped from rolls [REDACTED]  
[REDACTED]

LF: Faculty had other students on rolls, but Heather was not there. Did anyone talk to faculty?

SS: Blakely did.

JB: Did she attend any of the Fall 1998 semester?



SS: She missed a lot.

*JB: But you had the sense that she attended some?*

SS: Yes. Sense, but may not have been correct sense. Would have relied on faculty. Some remembered. Some didn't.

*LF: Did anyone remember her?*

SS: At least one professor remembers her in the fall.

SS: Had lack of documented records. Hoping faculty would find records. "But we don't have that." Didn't have records in graduate programs office. Had files from Speaker – graduation list, deficiency list. Learned about meeting with two eMBA students and Speaker.

*JB: You only talked to one person who was there at the meeting – Paul Speaker. Took accounts of someone who wasn't there, rather than talking to the other meeting participants...*

SS: "I guess."

*JB: Do you know the relationship between Heather Bresch and Leah Summers?*

SS: Don't know.

*RN: Have you discovered anything about the matter since then [October 2007]?*

SS: Found problems with "██████████". Students would be dropped from rolls. Symptomatic of the program. Issued charge to group [which was provided to panel], to compare internal, COB records with Admissions/Records.

*ML: What is the number of students that you have found with quantifiable, incredible deficiencies in their academic record?*

SS: Found many students with similar characteristics.

*JB: What do you mean by similar characteristics?*

SS: ██████████ – ████████ hours ██████████.

*ML: In what sense was he deficient?*

SS: Had no report – ██████████.

*AC: How resolved?*

SS: "We don't know."

ML: ██████████ had grades of ██████████ means a student was enrolled in a course. Completely different than no listing of course whatsoever on the transcript.

SS: Would consider ██████████ to be same as other deficiencies.

AC: Did Henderson receive his degree in 2004?

SS: Doesn't know.

AC: Was it awarded retroactively?

SS: Doesn't know when received degree.

JB: What do you mean by similar characteristics?

SS: Students with records of non payment, incompletes, no record grades, students dropped from roll/readded...

JB: Was that because the timing was different on these courses?

SS: Yes. Had different starting/ending dates. Bresch's "case is not singular."

JB: Anything found after Oct. 22 on Heather Bresch? Any additional datum to look at?

SS: "Nothing with respect to Heather."

JB: Nothing with respect to Heather?

AC: What about the grades found by Blakely's office?

SS: No explanation for that.

ML: Why do grades on transcript conflict with grades on documents submitted by COB?

SS: "I'm sorry. I don't have an answer for that."

ML: Did you ask Blakely about it?

AC: Did you ask Speaker?

SS: Ask him what?

AC: Why she received a ██████████?

SS: No further evidence. According to course catalog, should change incompletes to "A."

*ML: Do you know what the catalog says? Incompletes should revert to "F" after one semester.*

SS: If an "I" remains on the student record, it is computed as an "F." Even though the letter grade on the transcript is still an "I." Finds that "troubling." University requires "Is" to be resolved by the end of the next long semester. Wonders why incomplete "F" grades are allowed to stand on the record for years. Wonders who has responsibility to communicate to students...

LF: If it's in the course catalog, you don't have to tell students.

SS: Let's assume the assumption made by Bresch is true – that she graduated. Hasn't changed jobs since then. What reason does she have to check on transcript? University should communicate with students who have "Is" remaining on the record.

JB: Paul Speaker gave her a workplan. She received notice about her incomplete grades.

SS: She said there was no workplan.

*AC: Did you communicate your decision to Heather Bresch in writing?*

SS: No.

*AC: Did she contact you?*

SS: No.

LF: Walker talked to Bresch about privacy. Understanding that it was a verbal release not a written release.

SS: Sent memo to faculty. Sears thinks someone violated FERPA. Referred inquiries to Bobbi Brandt. Had workshop with senior management. Later in spring, going to bring back Brandt for Q&A session. Brandt felt someone had violated FERPA.

*LF: Do you think that Heather Bresch and Craig Walker have a friendship? Do you think he understands FERPA?*

SS: "I hope so." Think he/she know one another in some capacity.

*ML: Brandt said FERPA was violated. In what way?*

SS: Release of information regarding how many credits Bresch had completed/not completed.

*ML: Did she provide any other information?*

SS: Don't know. Somebody did provide some information that violated FERPA.

*JB: If you learned nothing substantially different from what you knew back in October, would you reach the same decision today?*

SS: "Yes. As dean, the most disturbing thing is that her situation is not unique." Requested internal audit. Would be nice to have records in COB to examine. Wouldn't conclude that Admissions/Records information is correct. Wondered if other courses were completed with grades that were not transferred to Admissions/Records. Puts COB in "hard way down the road." Sears "doesn't want to have to be put in a reactive mode."

*LF: When you searched for information, it appears a spreadsheet was discovered. Did you go through all the computers?*

SS: Have people doing it now.

*LF: Did anyone look at these computers in the week between Oct. 15 and Oct. 22?*

SS: Started.

*LF: Who is the custodian of the files?*

SS: Blakely. Working with IT folks.

*LF: Did you find anything during that week?*

SS: "Nothing of substance."

*LF: What about spreadsheets of students enrolled?*

SS: Did find those documents. Some students, but not all students.

*LF: Did you work with Paul Speaker on this?*

SS: Yes. Jerry Blakely worked with him.

*AC: Did you complete the grade change forms?*

SS: I was instructed to.

*AC: By whom?*

SS: Provost. "The dean has the privilege of changing grades." Should exercise as little as possible.

*AC: Can a dean change a grade even if an instructor disagrees? Did you contact the instructors here?*

SS: Blakely did. Said they had no records.

*AC: They refused to provide information?*

SS: No, they couldn't remember.

*AC: Wouldn't faculty normally initiate a grade change form? Did Admissions/Records ask for a countersignature from the Provost?*

SS: "I don't know that."

*AC: Did Admissions/Records know this was a special case?*

SS: "That was my understanding."

*LF: Did you receive information from the Provost?*

SS: Doesn't know.

*JB: Would this come out the same if we were dealing with John Doe and not Heather Bresch? Would there have been as much haste?*

SS: Probably not as much haste. Would have come out same, though. Was not politically pressured. Did talk to Bray Cary about it. Did not speak to Bresch, Puskar, Garrison. Probably most independent person to make decision. Not native West Virginian. Doesn't know anyone in West Virginia that doesn't have an opinion of Mylan, Garrison, governor. Was most independent person. "Didn't realize the full implications of my decision."

*LF: What would have happened if you would have asked for more time to make your decision?*

SS: "Would have probably received some pushback on that." There was a "sense of nervousness." Receiving lot of inquiries from Post-Gazette, students. Received threats by e-mail. "Things were building up in a hurry." Three people [at lunch meeting] made statements that could not be rejected. "Who wants to make a decision based on that?" Internal review has provided "nothing that would add more information toward making my decision the other way." Records are messy for other students. Found students who graduated but still have incompletes.

ML: Do you have a similar number of students who have major deficiencies – [REDACTED] hours of [REDACTED]

SS: One incomplete is a problem.

ML: Not the same thing, though. [REDACTED] hours of [REDACTED] is different.

SS: "Can't disagree with you in a qualitative sense." The COB "failed in record keeping." Did not maintain a paper trail for changing grades. It's a "perfect storm."

AC: Was there a discussion that Heather needed grades that would bring her GPA to 3.0?

SS: Not at the meeting that I attended.

AC: Blakely didn't raise that issue with you?

SS: No, he didn't.

ML: [Examines BUE 4]. Asks Sears questions about Speaker's grades...

LF: Have you talked to Craig Walker in the last month? Since November?

SS: No.

SS: Has received threatening e-mails.

ML: From a hotmail account?

SS: No. Harassing e-mails. Reported to security. Started to grow more personal. Said that he was "liar who had trashed the University." Also called a "sacrificial lamb."

JB: Recommends that Sears report the e-mails.

RN: Strongly urges Sears to report e-mails to campus security.

SS: Jerry received as well. Very stressful situation. Nothing you can do. "I've based my career on integrity." Doesn't like process. Students need to rely upon administrators' word, though. Had lack of complete information. Reason? "Media portrayed a lot as being a 'plot.'" Needed to meet with Garrison about COB issues. Will not meet with Garrison until after issue is settled, because "that meeting would be misinterpreted."

SS: Report in press – Dean's salary is funded by Puskar. Haven't used any part of that gift yet. Sears' salary is a "big amount."

SS: West Virginia is a "very political state." Sears has been under an "enormous amount of stress."

*ML: Do you know if there is a time limit on the validity of coursework?*

SS: When transcripts age, someone should review them. Should communicate with students. Should be timely. Not nine, 10 years later.

ML: WVU is student-centered University. But there's the other side of it. Student has a responsibility to follow-up on his/her record. Student has to apply for graduation, get diploma, obtain transcript.

SS: Thinks University needs to revisit what those responsibilities are. University bears responsibility. When Sears was looking for job, search firm couldn't find his transcript. Hours weren't properly transferred.

*LF: What about the idea that Heather Bresch merely added the degree to "puff up" her resume? Perhaps she didn't have the time to finish the degree...*

SS: "Thought about all scenarios over a seven day period. It was a judgment call. From my perspective, I made the best decision I could with the information I had. Was it the right decision? I don't know."

SS: Experiential learning concerns. Taught in eMBA program at Illinois for several years. Courses were pretty structured. Inquisitive about experiential learning and the degree of autonomy afforded.

*LF: Did you receive any advice from the Provost?*

SS: Had meeting with Jerry Lang.

*AC: In New York, a graduation list is sent to the state. Determines aid funding. Called Bundy money. Does West Virginia have anything like that?*

SS: Not for this program. For other programs, degree audits exist. Processes are not always in place.

SS: Found list of Mylan alums.

AC: So there's no official graduation list from the institution?

SS: No.

Interview ending time: 6:54 p.m.