



West Virginia University

College of Engineering and Mineral Resources

To: Provost Lang

From: Roy Nutter

A handwritten signature in black ink, appearing to read 'Roy Nutter', written over the printed name.

Subject: Enclosed delivery of eMBA Report and materials

Date: April 21, 2008

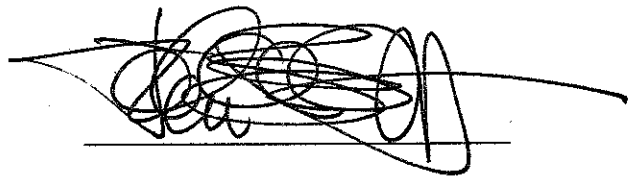
Enclosed is the final report as you have requested from the eMBA Investigation Panel.

This consists of the following:

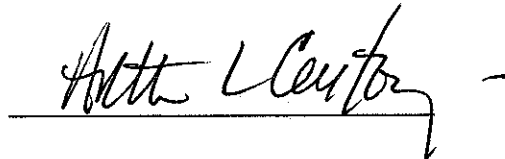
1. One paper copy of the full report including two Appendixes
2. One CD containing a copy of the full report in Adobe pdf format
3. Two paper boxes containing all materials listed in Appendix 1 of the report.

**REPORT**  
**of the**  
**SPECIAL INVESTIGATIVE PANEL**  
**FOR REVIEW OF EXECUTIVE MBA PROGRAM**  
**RECORDS**

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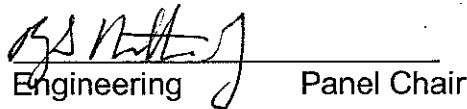
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 Panel Chair

# 1 Charge Summary

The Special Investigative Panel for Review of Executive MBA Program Records ("the Panel"), was given the following charge by WVU Provost Gerald Lang:

## Charge to the Special Investigative Panel for Review of Executive MBA (eMBA) Program Records:

1. *The Panel is charged to review all records relating to the issuance of an eMBA degree to Ms. Bresch. This review should include:*
  - i. *Establish a complete understanding of the requirements of the Executive MBA degree in 1998,*
  - ii. *Conduct an examination of the circumstances surrounding the original authorization of the earning of the degree in 1998,*
  - iii. *Determine the issues related to the loss of records in the College of Business,*
  - iv. *Evaluate the actions undertaken in fall 2007 in reconstructing the student's record from 1998 and transferring her record from the College to the University's central records,*
  - v. *Determine if the degree was appropriately earned as originally authorized in 1998 and subsequently issued in 2007,*
  - vi. *Issue a report on the Review along with recommendations for future consideration regarding the issuance of degrees for the WVU Faculty Senate and WVU senior administration.*
  
2. *[a]Specifically, the Panel is to ascertain whether Ms. Bresch earned her eMBA degree in 1998. [b]Were the records of all students handled appropriately in 1998 and 2007? [c]Was Ms. Bresch treated differently than other similarly situated students in the eMBA program in 1998 or in 2007? [d]Based on the Panel's findings, a second charge is to recommend if any actions should be taken by the University and what those actions might be.*

## 2 Summary of Major Findings

**The Panel has reviewed a voluminous amount of material and interviewed all of the individuals it believes might possess pertinent information relating to the questions presented in this Charge.\* The Panel's unanimous response to this Charge is as follows:**

The Panel finds that Ms. Bresch\*\* did not earn an MBA degree at West Virginia University.

The Panel finds further that the actions undertaken by WVU administrators in October of 2007 to determine whether Ms. Bresch had earned an MBA degree in 1998 and to thereafter modify her transcript were seriously flawed and reflected poor judgment.

But the Panel also finds that the fact that an erroneous decision to award Ms. Bresch an MBA degree that she had not actually earned does *not* reflect the existence of widespread or pervasive problems in either record-keeping or the award of credits in the College of Business & Economics ("the College" or "B&E") at WVU. The Panel concludes that the failures involved in this matter were instead mostly failures of process and failures of leadership and that they were unique to this particular, high-profile case, rather than a reflection of across-the-board weaknesses in the Executive MBA Program or systemic failure in WVU record keeping.

The Panel strongly believes and finds, accordingly, that there is no reason to question the legitimacy or value of any other MBA degree that has been awarded by the WVU College of Business & Economics based on the circumstances of this unusual case. The Panel finds that the record keeping of Admissions and Records was not problematic in this case.

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\* A list of the documents reviewed by the Panel is contained in Appendix 1 to this Report. A list of the individuals interviewed by the Panel is contained in Appendix 2 to this Report.

\*\* Many of the records reviewed by the Panel refer to Ms. Bresch by her former names, Heather Kirby or Heather Manchin. For purposes of consistency, this Report refers to her simply as Ms. Bresch.

***Charge i: "Establish a complete understanding of the requirements of the Executive MBA degree in 1998."***

The Panel reviewed the University's printed catalog for the 1996-1998 academic years, the catalog in effect when Ms. Bresch began the eMBA program in Fall 1996, as well as the printed catalog for 1998-2000, and the 2006 online version of the catalog, the most recent version currently available in the University. All three catalogs refer only to the full-time MBA program and to a part-time MBA program, with slightly different course requirements outlined for each program. None of the catalogs specifically documents the course and degree requirements for the eMBA program. Thus, the Panel relied on documentation provided by the Graduate Program Office, which indicates that the eMBA program had different course requirements from both the full-time and part-time MBA programs described in the catalogs at the time.

The eMBA Program was and still is a cohort-based, 2.5-year, lockstep program. Ms. Bresch's cohort began the program in Fall 1996 and the students who maintained steady progress throughout the 2.5 years completed the program in December 1998. The degree requirements for the eMBA Program during that period were as follows: 48 credits of course modules in subject areas such as economics, management, information technology, finance, marketing, and business law. Of the 48 credits, 42 were in required courses and 6 were in elective courses. A 3.0 GPA in all coursework was required for degree eligibility.

The printed materials for the eMBA Program viewed by the Panel do not address experiential learning – degree credits awarded for life experience. The Panel concluded that it was not a regular part of the program nor explicitly offered as an option for degree completion. However, given the highly professional nature of the student participants, and from information provided by program leadership at that time, it appears that some flexibility was allowed for individual students to receive experiential credit or independent study credit on a case-by-case basis and with the authorization of the Program Director. The student would have been provided with a written plan of study from the Director, and would have been expected to work with a faculty member on the plan and to satisfactorily complete the plan in order to receive the experiential learning credit in substitution for a regular course in the program. In these cases, normal University course registration and tuition payment rules would have applied. It also appears that transfer credit from other graduate and professional programs was approved on a case-by-case basis.

At the conclusion of the eMBA Program, a convocation ceremony was held for the cohort participants, their guests, faculty, and staff to celebrate the accomplishments of the students. Executive MBA students typically work very closely with each other and with faculty members throughout their program, and develop strong bonds through collaborative learning assignments. The custom at WVU, like the custom at other schools with similar cohort executive programs,

was to invite participants to attend and celebrate with their colleagues even if they had not fully completed their degree requirements by the conclusion of the program. This convocation was not the formal graduation ceremony; at that time, a campus-wide commencement ceremony was held each May. Student participation in the convocation or commencement ceremonies could not be construed to signify satisfactory completion of degree requirements and graduation from the University.

***Charge ii: "Conduct an examination of the circumstances surrounding the original authorization of the earning of the degree in 1998,"***

For reasons discussed later in this Report, the Panel finds that an MBA degree for Heather Bresch was not authorized in 1998.

***Charge iii: "Determine the issues related to the loss of records in the College of Business and Economics."***

The Panel found that there was insufficient reliance on existing A&R records as the official records of the University. There appeared to be over reliance on the informal record keeping of B&E for information about Ms Bresch's status as a student during the deliberations of the case.

The Panel was informed that some early eMBA student electronic records in B&E were destroyed in the late 1990s or early 2000s. It is possible that some records referenced never existed at all and others might exist on electronic media or in locations unknown.

It is clearly true that during the Summer of 2007, prior to any awareness of issues relating to the existence of Ms. Bresch's degree, paper student records were destroyed during the cleaning of a storage closet. The Panel has found no evidence that the purged eMBA files would have contained any information that would have superseded the A&R records. There was no indication, however, that the destruction of documents was intended to benefit Ms. Bresch or any other student.

Although in hindsight, some potentially pertinent records might have been shredded without proper backup, many of these records, including those regarding Ms. Bresch,

would have exceeded the eight-year timeframe in which student coursework remains valid. The Panel noted that more than nine years had elapsed since Ms. Bresch was active in the program at the time records were shredded. Shredding old records can be perfectly appropriate. But, due to the lack of policy guidelines at WVU regarding the retention and/or backup of paper and electronic records at the College level, decisions about retention or backup of paper records were left to B&E staff members, some of whom were given insufficient guidance about what to destroy and what to retain.

With respect to faculty records, the Panel found that few records remained that documented individual student performance in eMBA courses during the 1996-98 time-period. Given the time lapse, the Panel believes that it would be unusual for many faculty members to retain tests or course work for longer than a year or two at most. Some instructors had retained final grade information, grade rosters or other information, and these documents were found to be helpful but not conclusive.

On the basis of the evidence that the Panel has reviewed, the Panel believes the A&R records relating to Ms. Bresch were trustworthy. Ms. Bresch did not earn an MBA degree. The loss of some B&E records does not change this conclusion.

***Charge iv: "Evaluate the actions undertaken in fall 2007 in reconstructing the student's record from 1998 and transferring her record from the College to the University's central records."***

The Panel concludes that the actions undertaken by some WVU administrators in October of 2007 to determine whether Ms. Bresch had earned an MBA degree in 1998 were seriously flawed. Some University administrators demonstrated poor judgment in failing to provide appropriate academic leadership for the University in this process. The record-reconstruction process, the decisional process, and the subsequent record-modification process were all undertaken on an overly and unnecessarily hasty basis, resulting in an erroneous and ill-considered result.

The Panel also concludes that the award of an MBA degree to Ms. Bresch in the fall of 2007 was the product of a defective and poorly managed decision-making process that resulted in a decision that was based upon insufficient supporting information.

The Panel further concludes that the subsequent after-the-fact modification of Ms. Bresch's transcript, undertaken as a result of the prior decision to award her an MBA degree, resulted in the creation of false transcript entries. These entries gave Ms. Bresch credit for – and unearned grades in – [REDACTED]

The

subsequent creation and transfer of the newly-created grade-modification forms from the College to the University's central records violated University standard operating procedures.

## **Record Reconstruction**

The President's Office became aware of the question of whether or not Ms. Bresch had earned an MBA on Thursday, October 11, 2007, when calls were received from the Pittsburgh Post-Gazette, from Ms. Bresch, and from A&R.

The staff of the President's Office reacted immediately, treating this matter as an issue involving a "records discrepancy." The perceived "discrepancy" came strictly from the fact that Ms. Bresch disputed those records in telephone conversations with President Michael Garrison and with Chief of Staff Craig Walker. However, the University's records held by A&R were clear: Ms. Bresch had not completed an MBA degree.

On Friday, October 12, B&E Associate Dean Cyril Logar and B&E eMBA Program Director Gerald Blakely were asked to determine over the weekend what records the College possessed that pertained to Ms. Bresch and to produce those records for discussion on Monday. The Panel finds that the fact that Associate Dean Logar and Director Blakely only had a weekend, without the full availability and assistance of support staff, to discover records that would have been generated from nine to eleven years before was problematic. Records from Ms. Bresch's eMBA cohort were not readily at hand in B&E. Issues relating to the destruction and maintenance of eMBA records have been discussed previously. Moreover, Director Blakely was new to administration of the eMBA program. He did not have sufficient information about what records had been retained or where all such historical records or other relevant information might be found to enable him to accomplish this task so quickly.

Professor Paul Speaker, the Director of the eMBA Program in 1998, was also consulted regarding the existence of records. Director Blakely asked Professor Speaker how to obtain additional information on Ms. Bresch's matriculation.

Little or no effort was made to contact faculty members who taught courses in which Ms. Bresch had received a grade of [REDACTED] to determine whether or not she had actually been in their classes and, if so, what grade she had received. Similarly, no effort was made to contact other members of Ms. Bresch's cohort to see if they could confirm her presence in disputed classes.

The Panel concludes that more time should have been taken in this process to obtain all available information relating to Ms. Bresch's matriculation. The information that was obtained between Friday and Monday was ambiguous and



incomplete and not sufficient to warrant the modification of official University records.

## **Decisional Meeting**

A meeting was then held on Monday, October 15, to assess the information gathered to that point. Although not designated as such beforehand, this meeting turned into the decisional meeting on the question whether Ms. Bresch would be awarded an MBA. This meeting was chaired by Provost Lang. Also present from the President's Office were Chief of Staff Craig Walker, General Counsel Alex Macia and Vice President for Communications Bill Case. Attending from B&E were Dean Sears, Associate Dean Logar, Director Blakely and Professor Speaker.

This meeting was relatively short; it lasted less than an hour. The decision was reached to award Ms. Bresch an MBA degree based upon the evidence available to that point. The meeting participants apparently believed the information in their possession was inconclusive. Dean Sears explained, for example, that he thought that the evidence created a tie case, and that ties should go to the student. As Provost Lang explained to the Panel, given the conflicting information considered and his and other participants' belief that no additional information was obtainable, the decision was made based on the discussion at the meeting to award Ms. Bresch an MBA degree, whether she had actually earned it or not.

The decision whether to retroactively award an MBA degree was delegated by Provost Lang to Dean Sears. Dean Sears stated his view that Ms. Bresch should receive the benefit of the "tie," as described above. But, the Provost, not the Dean, ran the decisional meeting. The Panel believes that the prevailing sentiment at the meeting, evinced by the actions and comments of the Provost and the representatives of the President's Office, was that a way should be found to justify the granting of the degree, if at all possible. Either no dissenting or contrary views were expressed or they were discounted. Although the Provost asked all four B&E participants at the meeting directly whether they agreed with the final decision to award Ms. Bresch an MBA, the Panel believes that the actual or perceived pressure to go along with this decision, not to "rock the boat," was palpable.

Inexplicably, the participants at the meeting did not discuss the specifics of Ms. Bresch's actual courses or course work during the meeting. The primary information the Panel believes that the Dean and Provost relied upon in making their decision to award a degree was:

- Craig Walker's hearsay account of a telephone conversation with Ms. Bresch, wherein she reported attending convocation in December of 1998, and attending a meeting with Professor Speaker in the fall of 1998 along with a friend, a 1997 eMBA graduate, at which Professor Speaker allegedly excused her from all of the remaining eMBA requirements, including all of the classes in the summer and fall of 1998, none of which she had attended due to her participation in a complicated matter for her employer in California.
- An unofficial list of eMBA graduates found in the eMBA office that included her name, although it listed her as graduating in 1999, not 1998;
- The uncorroborated statements of Professor Speaker that he recalled that Ms. Bresch had actually completed the work for the [REDACTED] credits [REDACTED] on her transcript;
- Reports from the B&E participants that at least one other student had had substantial grade and credit reporting problems similar to Ms. Bresch's alleged problems, thus tending to substantiate the claim that such recording errors had occurred in her case.

The meeting participants supposedly considered this information in addition to Ms. Bresch's official A&R records, which indicated that she still needed [REDACTED] credit hours in order to graduate. They also heard from [REDACTED] that he had no recollection or record of Ms. Bresch having actually completed the work for his class for which a grade [REDACTED] had been recorded. Indeed, the meeting participants had absolutely no evidence at that meeting – other than Professor Speaker's non-specific recollections – that she had in fact completed all of the courses [REDACTED]. [REDACTED] stated expressly at the meeting that he had no recollection or record of [REDACTED].

The participants were also informed that Ms. Bresch had neither registered [REDACTED] for any summer or fall 1998 courses. The participants also heard from Professor Speaker that he had indeed met with Ms. Bresch and her friend in 1998, but that he did not excuse her from all remaining course and credit obligations, but rather presented her with a "workout plan" [REDACTED]. [REDACTED] with one of two different eMBA cohorts in 1999.

Many of the meeting participants recall hearing Professor Speaker comment when it was decided to award her a degree retroactively for the Fall of 1998 that "that is the one thing we know did not happen." Professor Speaker, who was no longer Director of the eMBA Program after the Fall of 1998, apparently assumed that, if Ms. Bresch had actually graduated, she must have finished her course work subsequent to 1998, pursuant to the workout plan he had given her.

As noted previously, the Panel finds that the primary information that Dean Sears and Provost Lang relied upon in deciding to award Ms. Bresch an MBA degree was – standing by itself and in light of the contrary evidence then known to them at the time of that meeting – insufficient to support such a decision.

This is true for a number of reasons. First, astonishingly, no effort was made by any administrator from the Provost's Office or B&E to confirm with Ms. Bresch the hearsay account of Ms. Bresch's reported recollection that she was given credit for all [REDACTED] outstanding credit hours needed to complete the MBA degree in the Fall of 1998. This reported accommodation was directly contradicted by the person who allegedly made it, Professor Speaker. Moreover, the Panel believes that no student should have a reasonable basis to conclude that he or she could or would be excused from so many outstanding credit and course obligations simply upon the basis of experiential learning, in this case, engaging in one's regular job responsibilities.

Second, over reliance upon the unofficial list of graduates was unjustified. The meeting participants from B&E should have been aware that additional lists of graduates existed that did not include Ms. Bresch. Moreover, this unofficial list noted that Ms. Bresch had graduated in 1999, not 1998. The meeting participants had no reason to believe that the 1999 date could possibly be accurate. It was reported to the meeting participants that Ms. Bresch herself said that she graduated in 1998 and that she attended no classes after that point. (The Panel has reviewed the unofficial list of graduates after the fact and discovered that it contains other inaccuracies, listing several other individuals besides Ms. Bresch as graduates, for example, who had neither actually graduated nor claimed to have graduated.)

Third, the meeting participants implausibly credited Professor Speaker's assertion that Ms. Bresch had completed all of the course work [REDACTED]. But they either ignored or discredited his assertion that he told her that she could only graduate by completing additional work after 1998. The Panel believes that this sort of "cherry picking" of supporting information by some meeting participants and insufficient regard for contrary information reflected an unvoiced determination by some meeting participants to support the awarding of a degree.

Fourth, meeting participants were informed that B&E had discovered that there were a number of other eMBA graduates who had been the victim of record-recording errors similar to those encountered by Ms. Bresch. This report was not true, as is discussed later in this Report. The one student that the B&E personnel were apparently referencing at that time did in fact have his transcript modified in the summer of 2007, but that was to fill in grades for classes that he had in fact taken, registered for, and paid for.

Odder still, the meeting participants apparently relied on the hearsay report of Ms. Bresch's account of what had occurred in and after the Fall 1998 meeting with Professor Speaker. But the meeting participants should have realized that Ms. Bresch reportedly admitted that she had not gone to summer or fall 1998 classes. She contended that she graduated in 1998 because Professor Speaker had absolved her of any further class or credit obligations. As a result, the only real records error that could have existed would have been due to Professor Speaker's failure to report grades for all of the credits Ms. Bresch alleged that he had forgiven her. But, of course, Professor Speaker maintained at that meeting and thereafter that Ms. Bresch had not completed the workout plan by December 1998.

In this vein, the Panel was particularly disconcerted by Provost Lang's, Dean Sears' and Associate Dean Logar's *continuing* reliance – in support of the decision to award Ms. Bresch an MBA degree – on the argument that other WVU students were similarly situated to Ms. Bresch. As is discussed later, the Panel finds that that is not the case. But, more important, the Panel believes that continued repetition of this untrue allegation about B&E records inappropriately tars the degrees of the many other eMBA Program graduates at WVU.

As to those graduates, the Panel finds expressly that the errors that occurred in this case are *not* errors that are or were pervasive in the WVU eMBA Program. The Panel conducted an after-the-fact audit of the transcripts of all eMBA graduates in Ms. Bresch's cohort and selected other eMBA students including all students who were identified to the Panel as potentially having problems in their records. The Panel discovered a handful of relatively minor administrative problems. The Panel believes, however, that these problems are similar in nature and quantity to those encountered in like programs across the country. These anomalies do not indicate the presence of any larger, systemic problem with the WVU eMBA program that might raise questions about the value of other WVU graduates' degrees.

Once again, the issues that arose in this matter were not largely the fault of poor record-keeping or record-retention practices. The Panel was told repeatedly by some administrators that the WVU record-keeping system failed because they should have been able to tell immediately – just by checking the existing records – whether or not Ms. Bresch had earned an MBA degree. In fact, the system did not fail in this respect. The records were accurate. Ms. Bresch had not earned an MBA degree.

### **Record Modification**

Subsequent to the October 15 decisional meeting, administrators at B&E prepared grade modification forms in order to: (1) give Ms. Bresch credit and grades for [REDACTED].

and (2) give Ms. Bresch additional [REDACTED] to complete the MBA degree.

As to her [REDACTED], the Panel is concerned that Ms. Bresch was given [REDACTED] for that course even though [REDACTED] understandably had no recollection or record that she completed the course work. Additionally, the Panel believes that she should not have, in any event, been given a grade [REDACTED] in that course in the absence of any evidence that she actually earned that particular grade.

As to the [REDACTED], the Panel believes that Ms. Bresch completed [REDACTED] for that course. But again, the grade [REDACTED] that was entered in that course [REDACTED] was simply pulled from thin air. It was not the grade given to her by the instructor in that course. Based upon the information reviewed by the Panel, we believe that she would have received a [REDACTED]. In any event, the point in both cases is that the grades she was given in the fall 2007 grade modifications were not grades that Ms. Bresch had actually earned.

Moreover, the means of modifying those records are questionable. The grade modification forms for Ms. Bresch bear only one signature – that of the Dean. Appropriate faculty and division chairs were neither consulted nor asked to sign these forms.

More important, in awarding Ms. Bresch an MBA degree retroactively, Provost Lang and Dean Sears credited Ms. Bresch's reported account of the fall 1998 Bresch-Speaker meeting over the contrary account of that meeting given by Professor Speaker himself. They (and the other administrators from B&E) knew that Ms. Bresch – even by her own reported account – had not attended or completed any courses in the summer or fall of 1998. Nonetheless, over Dean Sears' signatures rather than the requisite course instructors' and department chair's signatures (as required by WVU standard operating procedures), grade modification forms were prepared and filed to add to her transcript credit for [REDACTED] hours of [REDACTED] that the principals all knew that she had not taken. [REDACTED]

As a result of these grade modifications, the Panel concludes that Ms. Bresch's amended transcript now reflects her completion of some courses that she did not in fact complete, and reflects a number of grades that she did not in fact earn.

***Charge v: "Determine if the degree was appropriately earned as originally authorized in 1998 and subsequently issued in 2007." Charge 2. [a]"Specifically, the Panel is to ascertain whether Ms. Bresch earned her eMBA degree in 1998."***

On the point of authorization of the degree in 1998, as previously stated, the Panel finds no evidence of such authorization. The Panel finds further that the MBA degree that was authorized in the fall of 2007 and retroactively dated 1998 had not actually been earned by Ms. Bresch.

As previously discussed, the Panel has found that the information that WVU administrators used to award an MBA degree to Ms. Bresch in 2007 was insufficient to justify such a decision. In reviewing evidence available to this Panel since the Fall of 1997, this Panel concludes that Ms. Bresch did not earn an MBA degree. In addition to the information previously discussed, Ms. Bresch confirms that she did not complete the coursework in Summer 1998 and that she did not attend any of the classes in Fall 1998, nor is there any record of her registration or tuition payment for the Summer and Fall 1998 courses.

Ms. Bresch claims that in her Fall 1998 meeting with Professor Speaker, he waived all of the remaining course requirements for the MBA program. Taking the most charitable view of this claim, the Panel believes there may well have been a misunderstanding. But, for the reasons discussed in the preceding section, the Panel concludes that Professor Speaker did not waive all of the remaining MBA program requirements at that or any other meeting with Ms. Bresch. Indeed, there is no evidence that Professor Speaker took any steps subsequent to his meeting with Ms. Bresch to confirm her eligibility for graduation at that time. Additionally, Ms. Bresch herself neither took any steps to confirm the terms of that claimed agreement, nor did she otherwise take any further steps to complete or verify the completion of the requirements for an MBA.

Moreover, the Panel believes that no student should have a reasonable basis to conclude that he or she could or would be excused from so many outstanding credit and course obligations simply upon the basis of a single meeting without any follow up. There was some flexibility in the eMBA program to allow for individual students to receive experiential credit or independent study credit on a case-by-case basis and with the authorization of the Program Director. In order to receive such credit in substitution for regular courses in the program, the student would have been provided with a workout plan from the Director and would have been expected to work with faculty members to complete the plan. In these cases, normal University course registration and tuition payment rules would have applied. None of this occurred in Ms. Bresch's case. Several examples of workout plans were noted during interviews. Another example of appropriate use of this process surfaced late in the Panel's

investigation. This eMBA student, who graduated in 1997, moved away from Morgantown during that student's last semester. The student was nevertheless permitted to complete the work for each remaining course through independent study. According to the student, this was done pursuant to a workout plan expressly authorized and supervised by the Program Director. This plan included work on *specific* independent projects (not experiential credit) for each of the missing courses. Appropriate course registration and tuition payments were processed and recorded by WVU Admissions and Records for each and every additional course.

The "graduation list" provided by B&E and relied upon in the decisional meeting in October of 2007 to support the awarding of an MBA degree to Ms. Bresch was neither accurate nor reliable, as previously discussed. Other such lists, apparently not consulted in the October 2007 timeframe, are contradictory. Ms. Bresch's name does not appear, for example, in WVU's 130<sup>th</sup> Commencement Bulletin (May 1999, which included December 1998 graduates) in which most of her cohort are listed as graduates. Her name does appear on an unofficial convocation program for the College of Business and Economics, which does not mean that she was approved for graduation. Her name does not appear on the official A&R list of students applying for graduation during that time.

***Charge 2.[b] "Were the records of all students handled appropriately in 1998 and 2007?"***

The Panel finds that, with the exception of Ms. Bresch's record, other students' records investigated by the Panel, including all students in Ms. Bresch's cohort, were handled appropriately.

Reference has been made, by some WVU administrators, to other students who have graduated with anomalies in their records. While the Panel has found a number of minor anomalies in some records, it has found no student whose record, or the subsequent modification thereof, is comparable to that of Ms. Bresch. A fundamental point is that the Panel found no student with credits awarded without official enrollment in courses and for which no tuition was paid.

The Panel found that some Incomplete (I) and Not Reported (NR) grades from the A&R records were recorded in B&E records and were not properly transferred to A&R records. One eMBA program graduate was cited by administrators more often than others as a case similar to that of Ms. Bresch. That student's graduation was authorized although his/her transcript contained a high number of such unrecorded grades. Tuition for those courses, however, had been paid, and enrollment recorded. The subsequent change of those grades from I or NR was done in consultation with the faculty and the grade modification forms contain all appropriate signatures – that is those of faculty members, division chairs and the Dean –

the Associate Dean signing as the designee of the Dean (a common practice),

Another student who reportedly graduated with a significant deficit in credit hours was found by the Panel to have completed that work in another graduate program. The transcripts documenting that work were on record at A&R. Other anomalies examined by the Panel generally related to students who fell out of their cohort and developed and completed an alternative workout plan. These students completed their work by enrolling in and completing coursework in subsequent semesters. Other students received credits from the law school, where credits were shared between programs.

***Charge2.[c] “Was Ms. Bresch treated differently than other similarly situated students in the eMBA program in 1998 or in 2007”***

The Panel finds the rush to judgment in Ms. Bresch's case was driven primarily and inappropriately by concerns about public relations and by Ms. Bresch's high profile. She was, in fact, treated in an unusual and unique manner.

She was treated differently because of the nature of the response by the WVU administration to these events, by the haste and irregularity of the decision-making process, by the credibility that was afforded to her version of events, and by the high-level nature of the individuals involved in the decision-making process. The Panel does not consider such haste and lack of adherence to standard operating procedures to be appropriate when dealing with academic issues. This is particularly problematic when it results in modifying academic records without clear, supporting evidence, as occurred in this case.



**Charge vi: " Issue a report ... along with recommendations for future consideration regarding the issuance of degrees for the WVU Faculty Senate and WVU senior administration."**

**And**

**Charge 2. [d] "Based on the Panel's findings, a second charge is to recommend if any actions should be taken by the University and what those actions might be."**

The Panel recommends that WVU should take appropriate action with respect to the awarding of an unearned MBA degree to Ms. Heather Bresch.

The Panel recommends that the President's Office develop standard operating procedures for handling individual academic concerns when they are brought to the President's Office.

The Panel recommends that the eMBA Program be specifically listed, described, and regularly updated in the University catalog so that its distinctive features and requirements are transparent to all constituencies.

The Panel recommends that WVU develop best practices for faculty regarding retaining class records such as grade sheets, exams, homework, reports, and other materials generated during a class.

The Panel recommends that college academic record management policies be reviewed. These policies should specify which academic records are to be kept and for how long.

The Panel recommends the reconsideration of appropriate procedures for handling and tracking grade and transcript modifications and that all transfer credits be recorded on official WVU transcripts.

The Panel recommends that graduation checks of a student's record be based on official University documents held by A&R and not based on unofficial documents held by the department, division, or college.

The Panel recommends that all University employees with access to academic records be provided with FERPA training.

## ***Concluding Observations***

This is a sad set of circumstances. Mistake was compounded by mistake. An unnecessary rush to judgment, spurred in some measure by an understandable desire to protect a valued alumna and to respond to media pressure, produced a flawed and erroneous result.

It didn't have to happen this way.

In the face of these circumstances, what should the appropriate WVU administrators have done? Frankly, they should have done just what they said they were doing: they should have treated Ms. Bresch like they would or should have treated any other student who was raising such a complaint about the accuracy of his or her attendance and/or graduation records.

They should not have assumed reflexively that their own records must be wrong or incomplete. They should have been more deliberate, more discerning, and more detached in assessing the evidence that they had in hand. They should have hesitated to rely so heavily on fragments of self-serving, hearsay conversations that they could not and did not even try to confirm or verify. They should have cooperated more fully with each other. Personal animosity should have been put aside in the interest of finding the truth. They should have had the courage to accept the fact that they might have to reach a conclusion on the evidence that they did not like or want. They should have assumed the responsibility as academic leaders to make the decisions that needed to be made.

We know that it's easier to second guess – to be a Monday morning quarterback – and to tell people what they should have done after the fact, than it is to actually do the right thing in the throes of very difficult and stressful circumstances. But, that said, we nonetheless believe that all of the constituencies of West Virginia University – the students, the faculty, the staff, the alumni, the people of West Virginia – expect and deserve no less than that the administrators at WVU do precisely the right thing, no matter the circumstances. That did not happen here.

Respectfully submitted,  
The Special Investigative Panel for Review of Executive MBA Program Records\*

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\* The Panel wishes to express its deep appreciation for the indefatigable and excellent support services provided to the Panel by Jan Lauren Boyles of the WVU Perley Isaac Reed School of Journalism.