



State of South Carolina
Office of the State Inspector General

By electronic mail

October 20, 2023

OIG File No.: 2024-0001-I

Tracy W. Keller, Chairman
Spartanburg County Commission for Technical & Community Education
P.O. Box 4386
Spartanburg, South Carolina 29305

Re: Investigation of a Confidential Complaint Alleging Mismanagement at Spartanburg
Community College

Dear Chairman Keller:

The South Carolina Office of the State Inspector General (SIG) conducted an investigation following receipt of a confidential complaint alleging mismanagement at Spartanburg Community College (SCC).

The scope of the investigation was to determine whether:

- 1) SCC administration censored the faculty senate (FS) president's emails in violation of federal or state law and SCC policy;
- 2) SCC administration monitored faculty emails in violation of federal or state law or SCC policy.
- 3) SCC administration dissolved the FS in violation of SCC policy;
- 4) SCC conducted video surveillance of a faculty member in violation of federal or state law and SCC policy; and
- 5) SCC administration implemented a 37.5 hour on-campus workweek policy in violation of SCC procedure IV-10.21 (2014).

Following initiation of the investigation, additional allegations were levied as follows:

- 6) SCC deliberately failed to maintain a fully staffed human resources (HR) department, leading to irregularities in hiring, as well as failure to respond procedurally to faculty and staff complaints;

- 7) The acting HR director refused to act on a formal complaint filed against the vice-president of academic affairs (VP/AA) by the FS president shortly after the senate was disbanded;
- 8) SCC selected a dean of business & technologies who failed to meet the minimum qualifications for the position (Master's degree) when another candidate met the required qualifications;
- 9) SCC promoted a welding instructor to a chair position who was not degreed;
- 10) SCC hired a diesel instructor who was not degreed, and then wrongly created and oversaw "independent study" courses for that instructor to count toward his/her degree;
- 11) SCC selected a dean of nursing, director of nursing operations, and diagnostic medical sonography program director, all new positions, by filling them with former colleagues of the VP/AA, in violation of SCC policy;
- 12) SCC advertised for a diagnostic medical sonography program director prior to the program's approval by the academic council (AC), in violation of the AC bylaws;
- 13) SCC refused to allow permanent faculty the option of taking on an overload course, while extending the courtesy to administrative staff, in violation of established SCC procedure;
- 14) SCC cancelled classes on 7/3/23 for all nursing students and faculty in violation of SCC policy and state law; and
- 15) The dean of arts & sciences refused to sign off on end-of-the-year faculty performance management system (FPMS) evaluations for certain faculty members who had opposed administrative policy, in violation of SCC procedure VI-340.1 which stipulates a deadline of July 15th for department chair and academic director supplements.

The following review sets forth the SIG's findings for your use in addressing applicable administrative, operational, and/or policy deficiencies. The SIG employed the preponderance of evidence standard. Reviews conducted by the SIG conform to the professional standards set forth by the Association of Inspectors General in its *Principles and Standards for Offices of Inspector General*, often referred to as the "Green Book."

The SIG conducted this investigation pursuant to its authority under South Carolina Code of Laws §1-6-30 (1) and §1-6-20 (B).

The SIG conducted interviews with SCC officials and staff, South Carolina Technical College System (SCTCS) officials, and Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) officials.

Executive Summary

Issue #1: *Did SCC administration censor the FS president's emails in violation of federal or state law and SCC policy?*

On 11/16/22, the director of strategic communications (DSC) sent an email to all employees captioned *Important Information Regarding College-Wide Communications* advising all employees that the email was addressing an issue raised by a majority of respondents in a SCC-administered communication survey. Survey respondents complained about numerous mass emails and the lack of a regular

newsletter. The 11/16/22 email explained new protocols established by the DSC and information technology (IT) department. The new protocols created an approval process for emails that went to the *All Faculty*, *All Staff* and *All Student* mass distribution groups, which identified several subgroup categories subject to the approval process, including an “all full-time faculty” subgroup.

The new protocol provided that any email sent to one of the groups or subgroups was first received by the DSC for approval and release to the intended recipients. Per the protocols, unapproved emails were returned to the sender with comments. The 11/16/22 email included the *SCC Mass Email Policy*, which provided the following criteria for approval:

1. *Information that pertains to the majority of recipients of the email communication*
2. *Information that is deemed critical or time sensitive*
3. *Information that meets one or more of the following standards:*
 - a. *Alerts the campus/campuses to situations about health and/or safety risks*
 - b. *Provides information essential to the operation or execution of college business*
 - c. *Notifies the campus community to changes in college governance, policy, and/or practice*
 - d. *Communicates important information from the Office of the President, senior leadership, or approved staff/faculty*

In addition, the policy identified examples of inappropriate uses of internal mass email, including messages inconsistent with the mission of SCC.

On 3/31/23 at 10:14 AM, the FS president attempted to send an email to a mass distribution group email for all full-time faculty. In the attempted email, the FS president announced a 4/10/23 emergency session would be held to address shared governance, specifically the 37.5 hour on-campus presence requirement and overload policies. The attempted email stated that a vote of non-concurrence would be held, which the FS president noted “*would place faculty in an adversarial position to its administration.*” Upon receipt for review, the DSC notified SCC President G. Michael Mikota and the VP/AA, who instructed the DSC to refrain from approval until the SCC president and VP/AA determined how to respond.

On 3/31/23 at 11:40 AM, the FS president attempted to send the email a second time to the mass distribution group email for all full-time faculty, but this time copied approximately 31 senators, academic deans, and academic administrative personnel using their individual email addresses.

The DSC advised that s/he viewed the language in the FS president’s email regarding putting SCC’s “*faculty in an adversarial position with administration,*” as threatening the mission of the college and spoke to President Mikota and the VP/AA about it. They also discussed the consequences of the FS president’s second 3/31/23 email. President Mikota instructed told him/her to take no action with respect to FS president’s original 3/31/23 email. As a result, the email would expire within seven days, and the FS president would be notified. The FS president found a workaround to the mass distribution group filter by sending the email to the 13 FS senators who could distribute to their divisions but s/he feared the message did not reach everyone.

SCC procedure III-102.4 (3), *Use of the Internet, Monitoring/Blocking, and Electronic Mail* regarding *E-mail review*, dated 10/23/20, stated, “All email is subject to the right of the college to monitor, access, read, delete, copy, disclose and use such e-mail without prior notice to the originators and recipients of such e-mail. E-mail may be monitored and read by authorized personnel for the College for any violations of law, breaches of College policies, communications harmful to the College, or for any other reason.”

During the course of the investigation, the SIG learned that SCC employees were required to sign a *Data Responsibility Acceptance Form* which included a statement acknowledging that electronic communications are monitored. SCC, however, was unable to find a copy of the form signed by the FS president who was hired 30 years ago.

Finding #1: The SIG determined that SCC did not violate law or SCC policy by not releasing the FS president’s 3/31/23 email pursuant to SCC procedure III-102.4 and the SCC Mass Email Policy and procedure described in the DSC’s 11/16/22 email. **The allegation was UNFOUNDED.**

Recommendation #1: The SIG recommends that SCC update procedure III-102.4 to include the *Mass Email Policy*, as well provide an explanation of the mass distribution group email review as outlined in the 11/16/22 email, and the requirement to sign the *Data Responsibility Acceptance Form*.

Issue #2: *Did SCC administration monitor faculty emails in violation of federal or state law or SCC policy?*

A confidential complainant alleged, based on third-hand information, that the SCC administration monitored all faculty email.

As previously referenced, SCC procedure III-102.4 dated 10/2020, *Use of the Internet, Monitoring/Blocking, and Electronic Mail*, provided:

3. Email Review. *All email is subject to the right of the college to monitor, access, read, delete, copy, disclose and use such e-mail without prior notice to the originators and recipients of such email. E-mail may be monitored and read by authorized personnel for the College for any violations of law, breaches of College policies, communications harmful to the college, or for any other reason* [SIG emphasis].

On 4/4/23, the VP/AA requested FS president’s emails for the previous year from the IT department in order to determine information harmful to the college, including references to a faculty walkout in the middle of the semester, a boycott of graduation, or the withholding of grades. The review did not identify information in the FS president’s emails about those issues. The VP/AA advised that President Mikota was briefed on or about 4/5/23.

The VP/AA advised that, after additional information came to his/her attention, the FS president’s emails were again requested on 4/12/23 for the period 4/7/23 through 4/12/23. In addition, a third request was made for emails beginning 1/1/22. No information that violated policy was identified in any of the three reviews.

The VP/AA identified three other instances where employee emails or OneDrive access were requested. One involved accessing the OneDrive documents of an employee who was about to be replaced as program director were preserved. The second instance involved emails of a faculty member with whom the FS president was communicating, and the VP/AA was attempting to ascertain information referencing a faculty walkout in the middle of the semester, a boycott of graduation, or the withholding of grades. The third instance involved the OneDrive and emails of the previous VP/AA who was responsible for credentialing, accreditation and curriculum. Most of those processes were conducted by email, so the VP/AA explained s/he was attempting to preserve records that could be necessary in future reviews by SCC's accreditor.

In response to an 8/9/23 inquiry from *Inside Higher Ed* regarding the monitoring of faculty email, SCC stated, "*As stated above, it is common practice for large institutions to monitor and limit usage of mass email distribution lists, such as All-Faculty, All-Staff, etc. The College does not monitor the email usage of its employees outside of the mass email distribution lists.*"

Despite the VP/AA's knowledge that the reply was false, the VP/AA approved its release, which was included in an article published by *Inside Higher Ed*.

In response to a SIG subpoena served on SCC for specific email accounts as well as any official or unofficial personnel file/records related to the FS president, SCC complied with the subpoena on or about 8/17/23. SCC stated in its cover letter that "*as noted in the replies, there are no disciplinary or personnel actions, documents, or files (whether formal or informal) in the files maintained by [HR, the VP/AA, the dean of arts and sciences, or the department chair of social sciences].*"

Notwithstanding the review of the FS president's emails, on 9/20/23, while under oath, the VP/AA stated SCC had not conducted an SCC internal investigation regarding the FS president. In addition, the VP/AA stated SCC's response to the P&C and the SIG subpoena were accurate. The VP/AA advised that s/he believed SCC's responses to the P&C and the SIG were accurate. The VP/AA explained that, in his/her opinion the email review did not constitute an investigation.

President Mikota acknowledged to the SIG that the SCC response to the subpoena indicating there was no investigation of the FS president was not accurate.

Finding #2a: The SIG determined SCC administration monitoring of faculty emails was consistent with SCC procedure III-102.4. **The allegation was UNFOUNDED.**

Recommendation #2a: The SIG recommends that SCC develop and publish a policy governing email reviews of personnel by SCC that requires a documented factual predicate related to documented official HR functions.

Finding #2b: The SIG determined SCC issued false statements to the P&C, *Inside Higher Ed*, and the public which created the risk of damage to the reputation of SCC.

Finding #2c: The SIG determined that the VP/AA lacked candor to the SIG while under oath.

Recommendation 2b-c: The SIG recommends that the SCC Commission cause an HR inquiry to be conducted and cause appropriate discipline regarding officials connected to false statements made regarding this matter.

Issue #3: *Did SCC administration dissolve the FS in violation of SCC policy?*

As referenced above, the FS president attempted to send an email to a mass distribution group email announcing an emergency session of the FS to address the 37.5 hour on-campus presence and overload policies. This email referenced a potential vote of non-concurrence which would “*place SCC faculty in an adversarial position to its administration.*”

The VP/AA advised that faculty members expressed concern about the FS president’s email and were uncomfortable being put in an adversarial position with the administration, including the possibility of a walkout or boycott of graduation.

On 4/4/23, the FS president sent an additional email to President Mikota, the VP/AA, several deans, the DSC, and several faculty members listed on the cc line. In the email, the FS president advised that blocking his email would not stop the 4/10/23 meeting nor the FS from a vote of concurrence/non-concurrence if “*the 37.5 on-campus hour policy is not shelved.*” The FS president stated that the consequence of a FS vote of non-concurrence in relation to the administration’s 37.5 hour on-campus presence policy included:

- damage the college’s reputation within the community;
- damage to student retention and online class rapport; and
- refusal to answer student emails after 5:00 PM daily and 1:30 PM on Fridays until the following business day.

SCC procedure I-20.1 (2014), “Faculty/Staff Organizations” recognized the FS as an organization to address faculty and staff concerns. In 2020, procedure I-20.1 was updated and signed by President Mikota to again recognize the FS as serving this same purpose. In light of the above concerns, however, on 4/10/23, the SCC administration recognized an academic council for representing faculty concerns in lieu of the FS; consequently, the procedure was again updated 4/24/23, removing recognition of the FS.

FS by-laws, Section V-A stated, “*It is recognized that the SCC Commission has the final authority on all college policies.*” Per the SCC website, one of the SCC Commission responsibilities is to “*oversee and guide the president in the administration of the college.*”

Finding #3: The SIG determined that President Mikota was authorized to establish procedures, and SCC procedure I-20.1, dated 4/10/23 authorized the AC as the faculty representative. **The allegation was UNFOUNDED.**

Issue #4: *Did SCC conduct video surveillance of a faculty member in violation of federal or state law or SCC policy?*

On 5/3/23, the FS president received an email from a campus police official sent to the VP/AA that stated:

“Good Morning, [the] Chief has assigned me the task of looking into [the FS president] for you. If you could please provide me with a schedule for [him/her] this will aid me in the review of the security cameras. Thank you.”

The police official advised the SIG that the email included the FS president in error.

The FS president replied and included as recipients the dean of arts and sciences and his/her department chair asking, *“Can someone be kind enough to explain to me the nature of the complaint?”*

The police official replied, *“Good Morning [Sir/Madam], I have to apologies [sic] this was in reference to a student with a name similar to your name [FS president name withheld] and somehow I added you on the email without thinking. I needed the schedule of the student to review the incident that occurred. This matter was not intended for you and I am sorry for the confusion.”*

The VP/AA responded, *“Thank you [title and name withheld] for the clarification. I was really confused as I know nothing about this. Thanks again!”*

The police official explained to the SIG that s/he had been instructed by a senior police official to look into the FS president and review video surveillance recordings of campus cameras. The police official contacted the VP/AA for additional information to aid in the video review. The senior police official confirmed to the SIG that the VP/AA had tasked the campus police to “look into” the FS president and review surveillance video, but no video was reviewed. The police official advised that the reply to the FS president about an inquiry involving a student was a falsehood. In addition, the campus police did not open an investigation concerning the FS president.

The administration concluded the FS president had not committed misconduct; consequently, HR actions were not appropriate. Administration officials also advised that no HR investigation had been authorized or initiated.

On 6/14/23, SCC received an email from a *Post & Courier (P&C)* reporter with a number of questions for a story related to the SCC FS being dissolved, indicating the FS president “went on the record” with the P&C and provided the reporter with the above referenced email chain. The reporter wanted to know *“what [police official] was trying to investigate?”*

The police official stated to the SIG that the vice president for strategic innovation (VP/SI), VP/AA, and the DSC were told that the cover story was a falsehood. During the police official’s meeting with the administration officials, the VP/AA did not deny making the request for a review of video surveillance regarding the FS president to the campus police. The VP/SI and DSC confirmed to the SIG the police official made it clear to them the student was a cover story and the VP/AA never denied to them s/he made any such request for video.

On 6/16/23, the DSC provided responses to the *P&C* reporter which included the following response to the reporter’s question, referenced above: *“Campus police have confirmed that they do not have either an open or closed investigation concerning [FS president]. In reviewing the email chain that you refer*

to, it was clearly stated by [title and name withheld] that the email forwarded to [FS president] was in reference to a student and sent to him by mistake. This issue appears to be a misunderstanding."

On 6/19/23, the P&C inquired further, which included, "Could you tell me the nature of [VP/AA's] complaint and provide an incident report from the time of the incident?" and the VP/AA drafted a response, which was used in the 6/20/23 reply to the P&C:

"As indicated previously, there was no incident pertaining to [the FS president] being investigated. There was no complaint or incident report from [VP/AA]. Per the Family Educational Rights and Privacy Act (FERPA), we are not at liberty to discuss any issues pertaining to students."

The VP/SI acknowledged that FERPA was inapplicable and misleading, because there was no "student with a similar name."

The VP/AA, while under oath, denied to the SIG that s/he requested the senior police official to review video of the FS president. The SIG assessed that the VP/AA lacked candor to the SIG and indeed made the request.

The SIG determined that SCC administration attempted through a false statement to mislead the P&C, *Inside Higher Ed*, and the public which created the risk of damage to the reputation of SCC.

The SIG determined that no video surveillance of FS president was conducted and no police investigation was opened. In addition, the SIG determined that no HR investigation was authorized or initiated.

The South Carolina Code of Laws, §16-3-700 provides that:

"Harassment in the first degree" means a pattern of intentional, substantial, and unreasonable intrusion into the private life of a targeted person that serves no legitimate purpose and causes the person and would cause a reasonable person in his position to suffer mental or emotional distress. Harassment in the first degree may include, but is not limited to:

- (1) following the targeted person as he moves from location to location;*
- (2) visual or physical contact that is initiated, maintained, or repeated after a person has been provided oral or written notice that the contact is unwanted or after the victim has filed an incident report with a law enforcement agency;*
- (3) surveillance of or the maintenance of a presence near the targeted person's:*
 - (a) residence;*
 - (b) place of work;*
 - (c) school; or*
 - (d) another place regularly occupied or visited by the targeted person; and*
- (4) vandalism and property damage."*

Per §16-3-700(G), the section does not apply to a law enforcement officer performing official duties. The senior police official advised that the SCC campus police did not have a policy governing the use of the SCC video surveillance system.

The SIG assessed that monitoring or review of video surveillance without a factual predicate in connection with official duties would create a risk of violation of civil rights, a risk of civil liability, and a risk of criminal culpability.

Finding #4a: The SIG determined that no video surveillance of the FS president was conducted. **The allegation was UNFOUNDED.**

Finding #4b: The SIG determined SCC and its campus police did not have a policy governing the request for, or review of, security camera footage, which would create the risk of violation of civil rights, risk of civil liability, and risk of criminal culpability.

Recommendation #4b: The SIG recommends that SCC develop and publish a policy governing the use by SCC administration and the campus police of the SCC video surveillance system that requires a factual predicate related to official duties.

Finding #4c: The SIG determined SCC issued false statements to the P&C and the public which created the risk of damage to the reputation of SCC.

Finding #4d: The SIG determined that the VP/AA lacked candor to the SIG while under oath.

Recommendation 4c-d: The SIG recommends that the SCC Commission cause an HR inquiry to be conducted and cause appropriate discipline regarding officials connected to false statements made while under oath regarding this matter.

Issue #5: *Did SCC administration implement a 37.5 hour on-campus workweek policy in violation of SCC procedure IV-10.21 (2014)?*

The SCC dean of technologies notified division department chairs by email dated 3/31/23 that faculty were expected to be present on campus 37.5 hours per week. SCC procedure IV-10.21 (2014) provides that *"All faculty will be expected to be on-campus Monday-Friday...Faculty will have flexibility...in determining on-campus and off-campus activities."*

Finding #5: The SIG determined that requiring faculty members to work on campus 37.5 hours per week was consistent with SCC procedure IV-10.21. **The allegation was UNFOUNDED.**

Recommendation #5: The SIG recommends that SCC issue a new procedure to replace procedure IV-10.21 and add language: "All faculty will be expected to be on-campus 37.5 hours per week. Exceptions will be on a case-by-case basis."

Issue #6: *Did SCC's administration deliberately fail to maintain a fully staffed HR department, leading to irregularities in hiring, as well as a failure to respond procedurally to faculty and staff complaints?*

A South Carolina Technical College System (SCTCS) official advised that a former SCC VP/HR passed away in August 2021, rendering the position vacant. Since that time, SCC's HR department also experienced turnover due to retirements and other employee separations, leaving the HR department understaffed.

The SCTCS official advised that President Mikota sought and received assistance from the SCTCS in efforts to fill HR positions. In October 2022, the VP/HR position was filled, but the incumbent was terminated in January 2023 while under probation. In addition, offers were unsuccessfully made to two other candidates.

In September 2023, four new HR employees were hired, bringing their on-board staffing to six, with one remaining vacancy.

Finding #6: The SIG determined the understaffing of the HR personnel was due to attrition and was not deliberate. **The allegation was UNFOUNDED.**

Issue #7: *Did the acting HR director refuse to act on the formal complaint filed against the VP/AA by the FS president shortly after the senate was disbanded?*

The response to a grievance filed on 4/17/23 with the HR department regarding the disbanding of the faculty senate took nearly four months after submission. The response stated that the matter was not eligible for grievance.

State Board for Technical Comprehensive Education (SBTCE) Procedure 8-6-100.1, Grievances and Appeals, states a grievance may only be filed concerning the following employment actions: terminations, suspensions, demotions, involuntary reassignments, certain promotions, punitive reclassifications, salary decreases, and reductions in force.

The SIG determined that disbanding the faculty senate was not eligible to be grieved pursuant to SBTCE Procedure 8-6-100.1.

Finding #7: The SIG determined that disbanding the faculty senate was not eligible to be grieved pursuant to SBTCE Procedure 8-6-100.1. **The allegation was UNFOUNDED.**

Recommendation #7: The SIG recommends that the HR department timely respond to complainants with a clear explanation regarding the disposition of the complaint.

Issue #8: *Did SCC's administration select a dean of technologies who failed to meet the minimum qualifications for the position (Master's degree) when another candidate met the required qualifications?*

According to SCC procedure VI-10.1 and SBTCE procedure 8-7-100.1, both titled *Employment Practices*, the SCC president is authorized to make exceptions to the SBTCE minimum requirements. A SCTCS official explained that hiring decisions are subjective, and a hiring manager may select a candidate with equivalent experience to the education minimum requirement over a candidate with the minimum education requirements, but the hiring manager must document the equivalency.

A SCTCS official advised it was incumbent on an institution to justify the qualifications for faculty who serve as the instructor of record for assigned courses, and it was also incumbent on SACSCOC peer evaluators to use professional judgment when assessing compliance with the applicable SACSCOC standards, such as 6.2.a (Faculty qualifications) and 6.2.c (Program coordination).

The SIG reviewed relevant documentation regarding the position posting, including the applications and resumes of candidates. While the selected candidate had only a Bachelor's degree, s/he had many years of work experience and had supervisory experience as a department chair. Another candidate with a Master's degree did not have any supervisory experience.

Although both SCTCS and SCC had a minimum requirement for the dean position of a Master's degree plus three years' work/teaching experience, the SCC president was authorized to approve an exception to the minimum requirement. The SIG reviewed the written justification for the selection, and the documentation was deemed appropriate.

Finding #8: The SIG determined the SCC president was authorized to approve an exception to the minimum requirement and appropriately documented the justification. **The allegation was UNFOUNDED.**

***Issue #9:** Did SCC administration promote a welding instructor to a chair position who was not degreed?*

For department chair positions, the SCTCS required that SACSCOC requirements be met as well as a minimum of three years' work/teaching experience. SACSCOC guidelines for faculty teaching Associate's degree courses required a Bachelor's degree or Associate's degree with demonstrated competencies in teaching discipline.

SCC advertised a posting for the welding department chair, for which the minimum requirement was either an Associate's degree in welding technology and three years of appropriate work experience or a certificate in welding technology and five years of appropriate work experience.

The SIG determined a welding instructor was promoted to department chair after attaining an Associate's degree. In the interim, the instructor was promoted to an academic program director position.

Finding #9: The SIG determined that the welding instructor attained an Associate's degree prior to being promoted to department chair. **The allegation was UNFOUNDED.**

***Issue #10:** Did SCC administration hire a diesel instructor who was not degreed, and then wrongly create and oversee "independent study" courses for that instructor to count toward his/her degree?*

A position for a diesel instructor required an Associate's degree in medium/heavy truck/diesel technology or similar degree and a minimum of five years of work experience.

The diesel instructor hired by SCC had an Associate's degree in automotive technology as well as three certifications related to diesel and heavy equipment. The degree-granting institution was accredited by the Accrediting Commission of Career Schools and Colleges (ACCSC), which was recognized by the U.S. Department of Education as a valid and reliable authority on the assessment

of quality education. In addition, SCC required, as a condition of employment beyond that required in the minimum qualifications, that the instructor obtain three specific certifications as well as an Associate of Applied Science degree from a regionally-accredited institution during the two-year probationary period.

A SCC official advised that the diesel instructor was enrolled in the two independent study courses (course numbers AUT-112-A11 and AUT-156-A11), both administered under SCC's accrediting body. By their nature, independent studies provide flexibility and therefore could be accomplished without conflicting with the instructor's teaching duties. According to the SCC registrar, students worked with academic divisions to establish an independent study course where appropriate.

Finding #10: The SIG determined that the diesel instructor met the minimum requirements for the position, and the use of independent study courses accredited by SACSCOC was reasonable. **The allegation was UNFOUNDED.**

***Issue #11:** Did SCC administration hire a dean of nursing, director of nursing operations, and diagnostic medical sonography program director, all new positions, by filling them with former colleagues of the VP/AA, in violation of policy?*

The VP/AA confirmed former colleagues were hired to fill the positions. A senior SCC HR official advised that the positions were posted and HR processes were followed throughout the hiring process.

The complainant failed to make specific allegations of policy violations.

SCC procedure VI-10.1 and SBTCE procedure 8-7-100.1, both related to employment practices, do not prohibit hiring former colleagues.

Finding #11: The SIG determined that the hiring of former colleagues was not prohibited by SCC procedure VI-10.1 and SBTCE procedure 8-7-100.1. **The allegation was UNFOUNDED.**

***Issue #12:** Did SCC administration advertise for a diagnostic medical sonography program director prior to the program's approval by the AC in violation of the AC bylaws?*

According to the AC bylaws, functions of the AC included recommending, reviewing, interpreting, and approving academic policies, general admission and graduation requirements, teaching and learning methods, curricula, course, and assessment of student learning and curricular effectiveness. The bylaws did not contain any requirement that the AC approve new programs.

Finding #12: The SIG determined SCC administration did not violate the AC bylaws by advertising for a diagnostic medical sonography program director prior to the program being approved by the AC since there was no requirement that the program be approved by the AC. **The allegation was UNFOUNDED.**

***Issue #13:** Did SCC administration refuse to allow permanent faculty the option of taking on an overload course, while extending the courtesy to administrative staff, in violation of established SCC procedure?*

SCC procedure VI-150.1, *Faculty Teaching Load and Overload Compensation*, section VI provided:

“Teaching faculty who are assigned more than a full teaching/workload, which would result in exceeding 37.5 hours per week, during any term may be compensated for overload teaching assignments. Overload hourly pay will be at the adjunct instructor rate. Faculty overload assignments will be made at the discretion of the department chair and based on departmental needs. Every effort should be made to employ adjuncts prior to assigning overload to full-time faculty who have not requested overloads.”

The complainant failed to identify any administrative personnel receiving compensation for teaching overload courses.

The VP/AA explained the overload policy provided for overload pay for teaching in excess of 37.5 hours per week. Academic deans were instructed to ensure all faculty were working full workloads, then courses not covered should be filled by adjunct professors or other faculty. Faculty members themselves, however, were not authorized to self-assign overload courses, and assignment of, and payment for, overload courses required authorization by the VP/AA.

Finding #13: The SIG determined that SCC did not violate policy by ensuring all faculty were working full workloads prior to assignment of, and payment for, overload courses. **The allegation was UNFOUNDED.**

Issue #14: *Did SCC administration cancel classes for all nursing students and faculty on 7/3/23 in violation of SCC policy and state law?*

The SC Code of Laws, Section 8-11-30 (A)(2), *Payment or receipt of salary which is not due*, provides that *“It is unlawful for a person employed by the State to issue vouchers, checks, or otherwise pay salaries or monies that are not due to state employees.”*

A confidential complainant claimed to have been told by a second person that nursing program classes on 7/3/23 (the Monday before the 7/4/23 paid state holiday) were canceled by the VP/AA in violation of state law. The complainant was unable to provide any further information or evidence to support this allegation and was unwilling to provide the identity of the second person.

The VP/AA denied canceling nursing classes but did recall there was an HR issue about the ability for faculty to use annual or compensatory leave for the day. The SIG reviewed VP/AA emails for 7/3/23 and confirmed emails were received that day from the dean of nursing and a nursing instructor, which suggested both were working.

Finding #14: The SIG was unable to identify evidence that the VP/AA canceled 7/3/23 nursing classes for students and faculty in violation of SCC policy and state law. **The allegation was NOT SUBSTANTIATED.**

Issue #15: *Did the dean of arts & sciences refuse to sign off on end-of-the-year FPMS evaluations FPMS for certain faculty members who had opposed administrative policy, in violation of SCC*

procedure VI-340.1 which stipulates a deadline of July 15 for department chair and academic director supplements?

SCC procedure VI-28.1 and SBTCE procedure 8-4-101.1, both titled *Faculty Performance Management System (FPMS)*, provide guidelines for conducting faculty performance evaluations, including the provision of a default “Successful” rating if the rating was not completed by the end of the review period. Administration officials advised that the 2022-23 review period for nine-month employees was 4/28/23. The end of the review period for twelve-month employees was 6/30/23.

Administration officials advised that several staff evaluations for 2022-23 were tardy, including the FS president’s evaluation. As a result, the FS president received a default “Successful” evaluation. The FS president’s rating official assessed the FS president’s performance at the “Exceptional” level, but the reviewing official did not endorse the evaluation until 9/22/23, at which time it was presented to the FS president for review and signature. The reviewing official denied the FS president’s evaluation was intentionally delayed, citing his/her tardiness in completing of all other evaluations.

In regard to supplements, SCC procedure VI-340.1 stipulates that “*by July 15th of each year, the Senior Vice President of Academic Affairs will provide Human Resources a list of department chairs and academic program directors who are eligible to receive supplements.*”

The VP/AA did not approve a list of department chairs and academic program directors eligible for supplements until after 8/15/23. As of 10/2/23, SCC had not sent letters to eligible recipients regarding supplements.

Finding #15a: The SIG was unable to determine whether the dean of arts and sciences refused to timely complete end-of-year evaluations in violation of SCC procedure VI-280.2 and SBTCE procedure 8-4-101.1. **This allegation was NOT SUBSTANTIATED.**

Finding #15b: The SIG determined certain faculty members received default evaluations because an administration official failed to timely complete reviewing official duties in violation of SCC procedure VI-28.1 and SBTCE procedure 8-4-101.1. **This allegation was SUBSTANTIATED.**

Finding #15c: The SIG determined the VP/AA failed to submit a list of department chairs and academic program directors eligible for supplements by 7/15/23 in violation of SCC procedure VI-340.1 which required the VP of academic affairs to submit a list of department chairs and academic program directors eligible for a supplement to HR by July 15th of each year. The VP/AA did not approve a list for those eligible for supplements until after 8/15/23, in violation of SCC procedure VI-340. **This allegation was SUBSTANTIATED.**

Recommendation #15a-b: The SIG recommends that SCC implement internal controls to ensure timely completion of FPMS evaluations.

Recommendation #15c: The SIG recommends that SCC implement internal controls to ensure that the VP/AA timely submit a list of department chairs and academic program directors eligible for supplements to HR and provide timely notification to those eligible for these supplements.

I want to thank you and the SCC staff for the courtesies and assistance provided to the SIG staff during the course of this review.

If you have any questions regarding this review do not hesitate to call me. Additionally, the SIG's office is always available to assist the university in future training endeavors or program reviews. I may be reached at (803) 896-1287 (direct) or (803) 605-3161 (cell).

Sincerely,

A handwritten signature in black ink, appearing to read "Brian D. Lamkin". The signature is fluid and cursive, with a large initial "B" and a stylized "L".

Brian D. Lamkin
State Inspector General

CC: Michael Mikota, President, Spartanburg Community College
Tim Hardee, President, South Carolina Technical College System
Mark Plowden, Deputy Chief of Staff, South Carolina Office of the Governor