

Investigation

From: Silvia Zapico
To: Kaye Walter
Date: 2/21/2009 12:12 PM
Subject: Re: John Tobias Investigation and resolution

Thanks, Silvia

Silvia Zapico
szapico@valenciacc.edu
Provost, Osceola Campus
Valencia Community College
P. O. Box 3028, Orlando, FL 32802
(407) 299-5000 ext. 4101

>>> Kaye Walter 2/21/2009 11:34 AM >>>

Silvia, I can honestly say I don't remember all of the details. That was some time ago. Our standard procedure is always to include Sandy and Bill in those kinds of issues. I do remember you and Dale both working with Bill on this issue.

The decision that you made was the appropriate decision under the circumstances. All of the information gathered indicated that John did not do anything wrong. His pedagogical approach may not have been the best, but he is not a seasoned instructor.....he is still learning.

Hope this helps.....K

From: Kaye Walter
To: SZapico@valenciacc.edu
Date: 2/21/2009 11:34 AM
Subject: Re: John Tobias Investigation and resolution

Silvia, I can honestly say I don't remember all of the details. That was some time ago. Our standard procedure is always to include Sandy and Bill in those kinds of issues. I do remember you and Dale both working with Bill on this issue.

The decision that you made was the appropriate decision under the circumstances. All of the information gathered indicated that John did not do anything wrong. His pedagogical approach may not have been the best, but he is not a seasoned instructor.....he is still learning.

Hope this helps.....K

From: Silvia Zapico
To: kwalter@valenciacc.edu
Date: 2/20/2009 11:13 PM
Subject: John Tobias Investigation and resolution

Hi Kaye at the time of the investigation and resolution of the concern with John Tobias Summer class, I discussed it with you and gave you a copy of the investigation and proposed resolution. Since you agreed with the conclusions and plan of action, we went ahead and implemented it. However, I am wondering now if you discussed this with Bill Mallowney or the President.

Since the schedule of Mr. Tobias is being discussed, I wondering if they know about this resolution. Please let me know if there is anything else I need to do from my end. Thanks, Silvia

Silvia Zapico
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Provost, Osceola Campus
Valencia Community College
P. O. Box 3028, Orlando, FL 32802
(407) 299-5000 ext. 4101

From: Silvia Zapico
To: Dale Husbands
Date: 8/25/2008 2:35 PM
Subject: Research and Conclusions - Investigation of John Tobias Final Exam

CC: Kaye Walter
Confidential Information

Dale:

After reading the research into the Complaint against John Tobias and additional information available to me, I have arrived at the following broad conclusions:

The student registering the concern had inaccurate/not precise information as compared to other students in the class.

Only one student anonymously registered a concern, out of over 100 students in Mr. Tobias classes of POS 2041.

No grade concerns have been received.

The alternate assignment for the final exam was confusing and it is questionable if it is related to the objectives for the course.

The purpose of the alternate assignment was difficult to understand and easily misinterpreted.

Most of the students spoke in favor of the instructor.

The instructor did not seek approval for this variation of the final exam.

The instructor provided other sources to complete the alternate assignment.

Therefore, I found no evidence that would warrant any additional steps with HR, or to enclose documentation about this incident in his HR file.

Instead, considering that this is a campus matter, I believe that you, as his Dean will be able to mentor the faculty member and to provide him with learning experiences by asking him to research the following areas that are related to this irregularity and of concern:

Research and understanding of Valencia Policies and Procedures referring to Faculty members.

Research and understanding of the objectives for the courses the instructor is currently teaching.

Research and understanding into how to plan the assessment component for the courses that he teaches to match the objectives for the course.

Research and understanding into curriculum development for POS 2041.

I recommend for the research and the learning experiences acquired by the faculty member to be documented for his reference and for his future development as a Professor of Political Sciences at the Osceola Campus. In addition, an authentic conversation with you, the Dean of the Department, on these areas will be highly meaningful and beneficial to him, as well.

Dale, I am confident that with your expertise and experience at Valencia you will be able to mentor your faculty member and to acquaint him with the best practices that already exist in your department.

Unless you have additional information on this matter, I consider that this matter is closed from my end. If you have any questions or if I may assist you in any way, please do not hesitate to contact me. Thank you, Silvia

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Research into Complaint against John Tobia

Background

Dr. Husbands received a complaint from a student on one of John Tobia's POS 2041 online classes. The student responded to an e-mail that was sent on 7/14/08. This e-mail invited John Tobia's students to participate in a project that would exempt them from the final exam. The nature of the project was not divulged. The meeting to describe the project was to be held at the bowling alley in Kissimmee.

When the student showed up at the bowling alley, he/she was given the opportunity of calling a list of potential voters in support of Mr. Tobia's candidacy for public office. He/she was given a script to go through. The student claims that he/she was not given the option of working for any other political candidates. He/she felt uncomfortable about the nature of this assignment and brought her concerns to Dr. Husbands.

Dr. Husbands met with the student on July 30, 2008. Dean Kevin Mulholland attended the meeting, and subsequent meetings, as he will be looking after Dr. Husbands' department while he is on vacation. The student reiterated his/her version of events and asserted that he/she was not given the option of working for any other political candidates.

Dr. Husbands and Kevin Mulholland placed a conference call to Mr. Tobia on the same day. A subsequent face-to-face meeting took place on July 31. He explained that he had invited all his students to volunteer to work on a campaign in lieu of taking the final. He maintained that students were offered the option of working on his campaign or another campaign of their choice. 25 students chose to work for him, and 5-6 students decided to work on other campaigns. When asked how he would assess this work or check on its completion, he explained that students got credit just for showing up for the meeting.

With this information in hand, Dr. Zapico arranged a conference call to discuss the issue. The following parties were involved in the conversation:

Dr. Kaye Walter, Chief Learning Officer
Bill Mallowney, Vice President for Policy & Legal Counsel
Dr. Silvia Zapico, Provost, Osceola Campus
Dr. Dale Husbands, Dean, Business, Social Science & IT, Osceola Campus
Kevin Mulholland, Dean, Communications & Social Sciences
Joe Nunes, Coordinator, programs, Policy & Compliance
Joe Livingston, Assistant Vice president, Human Resources

All parties involved recognized the seriousness of the issues raised by the student's complaint. Dr. Husbands and Mr. Mulholland were tasked to further investigate the issue and to produce a report for Dr. Zapico's consideration.

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In the July 31 meeting, Mr. Tobia informed us that he had contacted all the students that were assigned the optional final and asked them not to complete the assignment. Dr. Husbands and Kevin Mulholland informed him that no retaliation must be taken if he suspects a particular student of being the one making the complaint. We discussed the assigned grades and noted several areas where inconsistencies occurred in the grading. We asked that he submit his grade book, final exam, copy of submitted grades, list of students who volunteered to campaign for him and other candidates, optional exam instructions, phone calling instructions and the email that was sent to students regarding the final. All requested items were produced except the email to students regarding the option to skip the regular final exam. He said he was unable to retrieve the email that was sent. He produced copies of student responses to his email which are included in the email.

He asked if it was wise for him to retain legal counsel at this time and was informed that the deans could not advise him in this area. We told him that we were in a fact finding mode and our results will be forwarded to the Provost and then onto Human Resources, the Chief Learning Officer, and to Legal Counsel for further investigation.

The following issues were raised during the July 30 conference call and were the focus of more detailed research:

- The integrity of the grading process
- Equality of treatment for students
- Whether students felt pressured to work for his campaign
- Compliance, or non-compliance with specific policy issues

Integrity of the Grading Process

20% of the final grade in POS 2041 is assigned to the final, but over 25% of his students replaced this final with an activity that was not supposed to be completed until after grades were already assigned. Mr. Tobia explained that he had no plans to check on the completion of this assignment, and he did not have a rubric to assess a student's performance. When asked, Mr. Tobia agreed that this alternative assignment was not linked to the course outcomes and it does not mirror the outcomes reflected in the final exam.

An analysis of the grades in his online classes showed that several students were clearly so far below a "C" that they had no real prospect of getting a good enough grade on the final to push them up to a "C." Several were able to do so, however, based on a perfect score on the final. This perfect score was based on the "alternative final."

Equality of Treatment

Mr. Tobia teaches an online class and one may reasonably expect that the majority of his students will find it difficult to attend a meeting in Kissimmee in the middle of the

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working day. Students who did not respond to his e-mail invitation took a conventional final exam. Several students who took this exam ended up with a lower final grade than students who responded to the e-mail. This is in spite of the fact that the responders did not have to do any work to earn a perfect score and had lower grades going into the final. Examples of this can be seen below:

	Class average computed before final	Grade for Final	Assigned Final Grade
Example I	64.75%	10.8/20	D
Example II	64.5%	20/20 (alternative assignment)	C
Example III	74.75	16/20	C
Example IV	74.75	20/20 (alternative assignment)	B
Example V	87.5%	15.6/20	B
Example VI	85.25%	20/20 (alternative assignment)	A
Example VII	86.25%	18.4/20	B
Example VIII	86%	20/20 (alternative assignment)	A

Mr. Tobia did maintain that students could have taken the alternative assignment without attending the meeting, but that offer was only extended to students who specifically called to request such an accommodation.

It should also be noted here that Mr. Tobia maintains that he sent an e-mail to all students alerting them to the opportunity to waive the final exam. He has produced examples of this e-mail.

Pressure to Work on Mr. Tobia's Campaign

The student who complained stated that she was only given the option to work on Mr. Tobia's campaign. It should be noted that she met with Mr. Tobia at 1 p.m. on Friday, July 25. She cannot tell us what transpired at the meeting scheduled for Noon that day. Mr. Tobia maintains that all students were given the option to work on other campaigns, including his opponents in the upcoming primary election.

Kevin Mulholland called other students to ask them what transpired. 15 out of the 16 students who responded confirmed that Mr. Tobia did offer them the alternative to work on another campaign. There was some confusion among students about this. Some of them thought that option was only available "if they weren't Republicans." Others understood that they could either work for another party or one of Mr. Tobia's opponents

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in the primary. One student in particular was emphatic that Mr. Tobia articulated that they had many choices and that all choices would be treated equally in terms of a grade. The complainant's account is does not agree with what most of the other students said. One other student missed the meeting and picked up the calling list at Mr. Tobia's home and does not remember being told that she had the option of working on someone else's campaign. If there is a pattern here, it seems like students who attended the scheduled meeting were given a full range of options. Latecomers may not have been.

There were negative comments about the process from 2 students. One student was upset that [REDACTED] had driven hours to work on a project that did not interest [REDACTED] and "felt had." Another student thought the assignment was "weird" as it was past the end of the semester and benefited Mr. Tobia. Several were enthusiastic about the project and some embraced the prospect of "an easy A."

While most students clearly knew that they had the option of working for other candidates, Mr. Tobia's original e-mail explicitly states "I would love your help on a project." If a student did chose to work for another campaign, it also required several extra steps. .

Compliance with College Policies

Mr. Tobia agreed that he violated policy 6Hx28:05-12 that states: *Professors are required to give final examinations to all credit students (except those taking course work for audit) during the scheduled final examination period.* Exceptions to this must be approved by the campus Provost.

Mr. Tobia assigned a task that to be completed one month after the end of the semester, he did not seek any kind of approval to waive the policy referenced above, the alternative assignment bore no relation to the final administered to the majority of students, and there was no assessment component to the assignment.

It is possible that Mr. Tobia violated policy 6Hx28:07-26 that states: *No employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself or herself or others.* Out of the 25 students who opted for the alternative assignment, 20 worked for him. This work was compensated by exemption from a final exam and a score of 20 out of 20 on the final. On the other hand, the evidence does not suggest that students were required to work for him.

Notes on conversations with students enrolled in POS 2041
 They all took the “alternative assignment” option
 Calls conducted on 7/31/08 & 8/1/08

	Glad to work for Mr. Tobia, given options, felt no pressure
	Picked up assignment in Celebration & doesn't remember being given any option
	Loved the assignment, options laid out clearly
	No problems with assignment. Lots of options.
	Took it because it was an easy option, but “felt had” after driving for hours and having this sprung on her.
	Presented with lots of options, cool assignment, cool guy
	Thought the assignment was “weird” as it was past the end of the semester and benefited Mr. Tobia. ■■■ though ■■■’d be going to the bowling alley to work on a project or take part in a community activity.
	Had no problems with the process. ■■■ seemed to think that ■■■ had the option of working for democrats but not other republicans
	Good opportunity to get involved in the political process & no pressure
	Lots of options, no pressure, easy assignment
	No problems – liked the assignment, was given options
	Had no problems with the process. ■■■ seemed to think that ■■■ had the option of working for democrats but not other republicans
	Was given options, liked the assignment.
	Thought it was “cool”
	No concerns and was given lots of options
	Was given options, liked the assignment.

MEMO

TO: Dr. Silvia Zapico
Provost, Osceola Campus

FROM: Dr. Dale Husbands
Dean, Business, Information Technology & Social Sciences

DATE: 31 July 2008

SUBJECT: Meeting with John Tobia

A meeting was held with Dale Husbands, Kevin Mulholland and John Tobia today regarding the signed written complaint from a student (). Mr. Tobia informed us that he had contacted all the students that were assigned the optional final and asked them not to complete the assignment. I questioned him as to what grade would be assigned to these students since a final exam was not taken. He responded that the students would receive whatever grade was posted in Atlas.

We informed him that no retaliation must be taken if he suspects a particular student of being the one making the complaint. We discussed the assigned grades and noted several areas where inconsistencies occurred in the grading. We asked that he submit his grade book, final exam, copy of submitted grades, list of students who volunteered to campaign for him and other candidates, optional exam instructions, phone calling instructions and the email that was sent to students regarding the final. All requested items were produced except the email to students regarding the option to skip the regular final exam. He said he was unable to retrieve the email that was sent. He produced copies of student responses to his email which are included in the email.

He asked if was wise for him to retain legal counsel at this time and we informed him that we cannot advise him in this area. We told him that we were in a fact finding mode and our results will be forwarded to the Provost, Human Resources, Chief Learning Officer, and Legal Counsel for further investigation.

MEMO

TO: Dr. Silvia Zapico
Provost, Osceola Campus

FROM: Dr. Dale Husbands
Dean, Business, Information Technology & Social Sciences

DATE: 30 July 2008

SUBJECT: John Tobia's Complaint Response

A conference call was held between Dale Husbands, Kevin Mulholland and John Tobia regarding a signed written complaint from a student [REDACTED] who is enrolled in POS 2041 CRN 32405 with Professor John Tobia. The student was not identified to the instructor. We informed Mr. Tobia of the complaint and he acknowledged that he did assign the optional final to all students taking POS 2041 taught by him this term. He said he had presented two versions of the optional final exam. One was to campaign for him and the other was to volunteer to campaign for another candidate. He said that he had emailed all of his students informing them of the optional final. He said on 25 July 2008, he met with a group of students and presented the details of the options. He said 20 students choose to campaign for him and six choose to volunteer for another candidate. It should be noted that [REDACTED], the student who complained, claimed that [REDACTED] was not given the option of campaigning for anyone else.

He informed us that his final grades were posted even though the optional projects were not completed and were not to be completed until 23 August 2008. We asked him what effect it would be on a student's final grade if they did not complete the optional final and he said that the final grade would not be affected. We pointed out to him that these students were being rewarded for work that was not done and that this assignment was not academically challenging. He acknowledged that we were correct in our judgment. He was asked what happened to the grades of students who took the regular final exam and failed or those who did not take the final or the optional assignment. Mr. Tobia responded that those students received the grade they had earned prior to the final exam. We pointed out that this practice penalized students for taking the required final exam.

We informed him that it was against college policy not to give a final exam and I informed him that we had briefed him about this policy many times before. The "alternative assessment" in no way qualifies as an assessment tool. We also reminded him that it was very poor professional practice to involve students in any aspect of his personal life, including his political campaign.

He acknowledged that this occurred and that it was poor judgment on his part to disobey the policy. He was informed that this practice must cease immediately and that he must abide by VCC Policy 6HX2805.12. He was told that all of his political campaigning must not be conducted as part of his classes.

The meeting ended with Mr. Tobia offering his apologies. We informed him that this complaint and the results of our investigation will be forward to the Provost, Human Resources, Chief Learning Officer, and Legal Counsel for further investigation.

MEMO

TO: Dr. Silvia Zapico
Provost, Osceola Campus

FROM: Dr. Dale Husbands
Dean, Business, Information Technology & Social Sciences

DATE: 30 July 2008

SUBJECT: Osceola Campus Impropriety

Kevin Mulholland and myself met with student (), to discuss the complaint made against Professor John Tobia. This meeting took place in my office at the Osceola Campus. told us that received an email from John Tobia on 14 July 2008 stating he was assigning a project students could take in place of the regular final exam but the specifics were not included. The final exam was scheduled between 22-26 July 2008.

said choose the optional final but became concerned when she found out that it was political campaigning for the Mr. Tobia's **House District 31** attempt.

At the meeting to discuss the optional final was given a script and a list of names and numbers to call to solicit votes for Mr. Tobia. said this was the only option given to at this meeting. These calls were to be made on 23 August 2008. On 29 July 2008, was informed by Mr. Tobia that final grade in the course was an "A" despite the fact that had not even done the phone solicitation. said decided not to do the solicitation since it interfered with religious beliefs and is concerned that grade will be changed.

We assured that we will monitor grade in this course and advised of rights as a student regarding the VCC Grievance Policy.

A copy of the email, telephone script and numbers is attached to this document.

MEMO

TO: Dr. Silvia Zapico
Provost, Osceola Campus

FROM: Dr. Dale Husbands
Dean, Business, Information Technology & Social Sciences

DATE: 30 July 2008

SUBJECT: Osceola Campus Impropriety

Today I received a signed written complaint from a student _____, who is enrolled in POS 2041 CRN 32405 with Professor John Tobia. _____ also happens to be The Administrative Assistant for the UCF program at the campus. Below is the statement from the student. Professor Tobia is a tenured faculty member in Political Science who is running for political office.

"I am a student in POS2041 (on-line with Professor John Tobia) and received an e-mail in my Atlas account indicating if I wanted to exempt my final to go to Orange Lanes in Kissimmee at 12 p.m. on Friday, July 25, 2008.

When I got to the bowling alley, I found out what the project was. I was asked to volunteer/campaign for him, a Republican candidate for House District 31, in exchange for an exemption of my final exam. I received a list of names to call and a script and was instructed to call from 11 a.m. to 6 p.m. on August 23. Professor Tobia said he would follow up with students following the phone calls."

In addition to the signed statement, I have in my possession a script to be used during the phone calls, a list of individuals to call and a copy of an email to the student titled "Skip Final Option".

My plan is to conduct further research with the member and the student. Furthermore, I am very concerned about the impact on students who might not have been given the assigned project or might have refused the option. Since I will be out of the country as of 1 August 2008, and Dean Kevin Mulholland will be covering my department in my absence, I will have him attend both meetings and will provide him with a copy of all documentation.

In the event that the faculty member is indeed following the above stated practice, I will review with him the VCC Policy 6HX2805.12. which states that Final Exam must be given unless otherwise approved by the provost. I will advise him that he needs to abide by the policy and inform him that I will share all the information I have collected with the Provost, Human Resources, Chief Learning Officer, and Legal Council for further investigation.

MEMO

TO:

FROM: Dr. Dale Husbands
Dean, Business, Information Technology & Social Sciences

DATE: 31 July 2008

SUBJECT: Student Concern

Thanks for bringing to our attention the irregularity that occurred in POS 2041 at Valencia Community College. We are in the process of investigating the irregularity and will inform you as to our findings. Please be assured that no retaliation will be taken against you as a result of your action. If you feel that you are being penalized as a result, contact me or Dr. Zapico immediately. On behalf of Valencia Community College, I would like to offer my sincere apology for any inconvenience or discomfort you may have suffered.






Sincerely,

Dale Husbands

Date: Mon, 14 Jul 2008 16:01:50 -0400 (EDT)

From: "John Joseph Tobia" <jtobia@atlas.valenciacc.edu> **Block Address**

Subject: **SKIP FINAL OPTION**

 Reply  Reply All  Forward  Print  Delete





Hello Students,

Hopefully, I got your attention. I would love your help on a project. The project will take you less time to complete than the two hour final. Plus, your participation will exempt you from the final exam.

For more details you must attend the free bowling event on Friday, July 25th at Orange Bowl Lanes at noon. It is located at 1221 East Vine Street, Kissimmee 34744. My cell is 321.437.4079. Please call or email me to let me know you can attend.

Thanks so much!

John

 Reply  Reply All  Forward  Print  Delete

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