



Date: October 3, 2024
To: John Tobia, Professor, Political Science
From: Scott Creamer, Dean, Humanities and Social Sciences SC
Subject: Written Notice of Alleged Violation(s)

You are currently employed under a Continuing Contract of Employment in the role of Professor, Political Science. (the "Contract"). Section 4 of the Contract provides that you will devote your knowledge, skill, and working time to Valencia, and that you will not be "absent from duty" without authorized leave or release. The Contract confirms that you are bound by the College's policies and procedures and that by signing the Contract, you acknowledge your obligation to review them. Section 5 of the Contract sets forth that the Contract may be terminated pursuant to law and College policies and procedures.

As you are aware, on July 26, 2024, the College received information about your alleged misconduct in your role as a tenured faculty member. These allegations included you reportedly using your Brevard County-employed subordinates, who were not employed by the College, to engage directly with your students on your behalf, assist with your grading responsibilities, and complete your Valencia College related job tasks for you. Upon initial review, the allegations were deemed credible and called for additional internal review by the College prior to any determination of next steps. You were notified of these allegations on August 13, 2024, and, to avoid any further disruption to the learning and working environment, you were placed on, and have remained on, Administrative Leave of Absence with Pay (in accordance with Policy 6Hx28:3d-02) pending the College's internal review.

Representatives from Organizational Development and Human Resources met (and/or attempted to meet) with relevant parties, reviewed information provided by you, and reviewed other available information, records, and potentially applicable College policies and procedures. This review concluded that as far back as 2011, you have directed office staff, who were not Valencia College employees and who you supervised as part of your role with another employer, to take part in performing your essential job functions as a tenured faculty member of Valencia College. This includes, but is not limited to, your supervised non-College staff engaging at your direction in direct student contact and involvement in the creation of your course syllabi, practice quizzes, exam notes, Canvas course updates, as well as recording of grades. The review also concluded that you kept logins and passwords for your Valencia College accounts -including accounts that contain student personal information, coursework, and grades- in an openly accessible area in your County Commissioner office, and further failed to notify the College when those credentials were allegedly compromised in 2023. During the internal review process itself, while initially acknowledging that outside staff supported you with minimal and ancillary tasks, you admitted to their extended participation only when you were directly confronted with documentation evidencing such activities. In fact, documentation retrieved as part of this review revealed that you were untruthful with the College when questioned about this same conduct more than a decade ago and that you continued to engage in these unacceptable practices thereafter.

I have reviewed the College's findings in detail and have considered them in relationship to your roles and responsibilities as a Professor, Political Science.

Failure to Perform Essential Job Functions

A tenured professorship is a leadership role that involves a high level of trust, autonomy, and responsibility, both in the classroom and in the College in general. As a Professor, Political Science, and as outlined in your job description, you are personally and professionally responsible for preparing and delivering instruction to students, including the preparation of instructional materials, and submitting those materials by established deadlines. Further, your job description outlines that you are expected to maintain appropriate knowledge of, ability to develop, and commitment to use emerging technologies and alternative delivery methods appropriately, including online delivery, hybrid course options, content software, web-

enhancements, etc. and skill in the use of personal computers and general office software. Despite these explicit expectations and requirements of your job, you have repeatedly failed to complete the totality of your responsibilities. Instead, you have engaged office staff at your county job – who should have absolutely no access to, or engagement with, the College’s internal systems and the confidential and other data maintained therein - to complete these tasks on your behalf.

As a professor who has taught fully online and/or mixed-mode courses for a number of years, it is inexcusable that the internal review found an abundance of course-related documentation showing that your outside county staff had created, modified, and/or finalized those academic documents for you. Even worse, your name appeared nowhere in the documents’ history at all. This includes multiple years’ worth of syllabi for various courses, practice quizzes, study guides, and other course information and correspondence. Review of seventeen (17) of your prior Canvas courses over various years and terms show courses where nearly every document uploaded into the course is attributed to individuals other than you, individuals largely not employed by Valencia College. Although you attempted to minimize the severity of this by referring to these tasks as ‘minimal’, your explanations were dismissive of the full scope of your professional role at the College, often contradictory, and failed to demonstrate accountability for your extensive failure to fulfill basic functions of your job or for the ethical implications of your decisions. By your own admission, you failed to take any steps to improve your self-described technological challenges, and instead directed these unscreened, untrained individuals under your supervision at another employer to complete these professional tasks on your behalf. This demonstrates not only a severe lapse in professional judgment, but also denotes a pervasive pattern of neglect of your positional responsibilities to the College and to your students. The pervasiveness of this documentation and lack of any technological footprint to establish you as a participant in your own job raises significant questions about your overall engagement with your courses and your students.

Ethical Conduct and Performance

Valencia College expects all College employees, when acting on behalf of the College, to maintain and exhibit the highest standards of professional and ethical conduct. By directing county-employed subordinates to assume your Valencia College work responsibilities on your behalf, you have created a conflict between your College professional responsibilities and your personal interests. By your own admission, you relied on these individuals as your technological ‘comfort blanket’, meaning that you deliberately denigrated the integrity of your position, your course materials, confidentiality of student records, and the overall student learning experience for your own convenience utilizing individuals with no tie to Valencia College.

In addition, through this process, it was discovered that you have previously given your county staff access to your Valencia College email and your personal Yahoo email (which you advised that you use for College business) to respond to student inquiries on your behalf, without any notification to the student that your “responses” were not coming from you directly. This is deceptive, unprofessional, and inappropriate, no matter the content of these messages. Students seeking the assistance of their faculty member deserve the respect of a response from the faculty member – or at a minimum, notification of who is acting in their stead. Documentation collected during the review showed that you were forwarding academic tasks to your county staff for their attempts at completion, be it related to syllabi updates, your Faculty front-door webpage, or student correspondence – at times delivered with unprofessional commentary from you of how the tasks were unnecessary or the students involved were “special.” This is objectively inappropriate, unprofessional, and not in alignment with the expectations of integrity we have for our employees, including tenured faculty members.

Further, allegations of a similar nature were raised against you in 2013. At that time, you were given an opportunity to respond to similar concerns and you denied that your legislative staff member at the time was in any way supporting or participating in performing your Valencia College job responsibilities. Documentation found in this recent internal review, however, exposed multiple documents created by that very staff member in direct contradiction of your 2013 assertions to College leadership. Perhaps more concerning is that despite being questioned on these items in 2013 - clearly signaling that this type of support

would be inappropriate- you continued to have this outside person, and subsequently others outside the College, perform aspects of your Valencia College-related job responsibilities for you for years thereafter. Not only does this refute any opportunity for you to deny that you knew, or should have known, these actions were inappropriate, it further shows that your willful decision to continue to direct outside individuals to perform Valencia College academic work on your behalf is yet another example of your inappropriate, unprofessional, and ethically questionable judgement and decision-making.

Improper Access to Student Records

The internal review also found more than twenty (20) examples of documents containing personally identifiable student information and grades that were created, modified, and/or accessed by your county staff subordinates. Many of these appear to be final grade reports that were downloaded from Blackboard (the College's prior Learning Management System) and stored, to document student grades---something only a professor (or another Valencia employee performing their job duties) should do. County staff had no authorization or legitimate reason to access this private student information. Regardless of whether you were reportedly present for their download or not (though the breadth of information renders your claims that you were always present for their download as highly implausible), the document properties show county staff as the creator and last modifier of the documents - which is inherently inappropriate in and of itself. Further, these outside staffers had access to your College email and Yahoo email (which you openly admitted to using for College business), demonstrating yet another failure to properly safeguard confidential and other student information in direct violation with College policies, procedures, and expectations regarding student privacy and confidentiality. Your revealing information that is considered privileged, private, and/or confidential based on law, policy, or procedure to unauthorized individuals is prohibited conduct and is unacceptable.

Through this review process, you acknowledged that you did not consider the importance of maintaining, nor did you likely appropriately maintain by your own admission, student records in accordance with applicable student record retention requirements. Additionally, because you chose to store student information on networks and platforms not owned or operated by the College, we had to direct you to return this digital information to the College in digital form in our attempt to mitigate your irresponsibility and the potential negative impact to our students. Instead of following the instructions given to you, you circumvented the directive and at this time have provided printed documents on paper. I understand that this alone is a very serious lapse in following College directives and likely constitutes insubordination.

Misuse of Technology Resources

This review also determined that you kept your Valencia College credentials (such as usernames and passwords) in an openly accessible area, directed your County staff to login to your secure Valencia accounts containing student information, and admittedly failed to notify the College when your College credentials were allegedly breached by a former County employee who is not affiliated with Valencia. As an employee of Valencia College, you have a responsibility to use College resources (including our network and systems access), in a responsible, compliant, and ethical manner. This includes, at a minimum, securing your password and abstaining from deliberately sharing your passwords with others, notifying the College of potential unauthorized use or disclosure, and properly safeguarding College information – all of which you admittedly failed to do, not just on one occasion, but deliberately and pervasively over years.

Additional Performance and Behavior Concerns

In addition to your performance and conduct issues discovered and substantiated through this internal review, I have had various conversations with you about my concerns with your performance and behavior. Specifically, you have been under my supervision since 2018, and we have met regularly regarding various student complaints (including scenarios where you reportedly arrived late to class and then refused to accept student assignments), insufficiencies in your course materials, your failure to attend required department meetings at times, and your conduct in and outside of the classroom. These issues were addressed with you

in conversations, via email, and/or in your performance evaluations. Though you have been somewhat responsive to feedback, you have failed to demonstrate a consistent ability to engage productively and without incident during my time as Dean.

Further, the attached 2024 John Tobia Faculty Situation Review raised significant concerns and prompted me to engage in further review of your submitted work product. At my request, and in partnership with ODHR, it has been found that additional documents – all of which are tasks and responsibilities for which you are responsible in your faculty role – have document properties attributed to your subordinate staff reporting to you in your role as County Commissioner. For example, in academic year 2018/19 you completed your Digital Professor certification – a process by which you complete a series of professional development courses to help inform and refine your practice in online teaching. Review of your work in those courses found that one of your assignments, specifically tied to a Rubric for Online Competencies course, has document properties showing it was created and last modified by your subordinate in your role outside the College. Additionally, I found that a Portfolio Review Panel Report you submitted regarding a tenure-track candidate in 2020, similarly has document properties showing it was last modified by this same outside subordinate staffer. These discoveries are deeply troubling – as not only do we have extensive documentation of how your conduct has impacted the integrity of the learning environment, but we also now continue to discover new information about other ways you have outsourced and neglected your faculty job duties.

Additionally, in consideration of the totality of your employment record at the College, I was also advised about employment concerns about you that pre-date my tenure as Dean. This includes prior student complaints that you displayed a sexist attitude and established an offensive classroom environment. At that time, you referred to the reported comments as covered under the framework of Academic Freedom. You were advised that those remarks would not fall within the purview of Academic Freedom, should cease immediately, and these expectations were communicated to you in writing. However, since 2018 – when I became Dean - there have been further incidents (some of which witnessed by me) and student complaints of a similar nature. As an example, in 2018 there was an incident in a class that I personally observed where an offensive story (with racial undertones) was told by you that had no discernible connection to the learning outcomes of your course or a possibility to advance student knowledge of the topic or term being discussed and which directly violates this prior directive to refrain from an offensive classroom environment. Additionally, in 2008, you were correctively counseled after it was discovered that you allowed students to be considered ‘exempt’ from their final if they agreed to volunteer/campaign for you in your run for political office. These situations, while not an exhaustive account of your employment record, constitute additional examples of conflicts between your College and personal interests, severe failures of discretion and professional decision-making, and an ongoing impact to the integrity of the learning environment for our students.

In reviewing the totality of circumstances, you have repeatedly failed to satisfy your responsibilities as a tenured Professor, Political Science. Your position is one that requires trust due to the level of autonomy, access, and responsibility in the College. You have breached that trust, and your professional ethics, by willfully and deliberately engaging your subordinate staff who were not employed by the College in the completion of your Valencia College faculty job responsibilities for years, including their engagement in direct contact with students and confidential student record information. Your conduct is in direct violation of multiple College policies and procedures, and further, your conduct in these regards demonstrates a lack of consideration for our students, their learning experience, and the trust they have in our institution to properly safeguard their educational information and preserve the quality and integrity of their learning experience. Your documented, and in some cases, admitted, misconduct constitutes not only unsatisfactory performance but a neglect of duty, including a sustained failure to meet job duties that leaves me unable to trust and rely on you to perform the functions of your role.

College policy 6Hx28:3E-08, (Disciplinary Action), states that employees may be subject to discipline for prohibited conduct such as violation of College policies, processes, or procedures, conduct on or off campus which adversely affects the operation of the College, and insufficiency of productivity and quality of work. In consideration of the aforementioned facts and circumstances surrounding your conduct as outlined above, I am making a preliminary recommendation that your continuing contract with the College be terminated in accordance

with policy 6Hx28:3F- 03 (Suspension, Dismissal, Return to Annual Contract, or Non-Renewal of Contracts). Your serious breaches of College policy and professional ethics, together with years of neglect of your own job duties -for which you are paid and relied upon to perform yourself- constitute misconduct and performance deficiencies sufficient to warrant the termination of your contract for cause. Your conduct as a whole as well as demonstrated by you as you participated in this review itself demonstrates a persistent absence of honesty or trustworthiness on your part that is inconsistent with your College employment as a tenured faculty member.

Policy 6Hx28:3F-03 outlines the procedures for terminations of continuing, annual, or other full-time employment contracts for adequate cause. Presently, you are to remain on Administrative Leave of Absence, currently with pay, for the reasons described above. During the period of leave, you are to refrain from entering any College property/campus for any reason, refrain from contacting students for any reason and by any method and are encouraged not to discuss this matter with any employee except the individuals noted as resources. In addition, during this period of leave of absence with pay, you are expected to remain available for meetings as may be necessary and appropriate.

Accordingly, you are permitted and directed to attend a follow up meeting with me and a representative of Organizational Development & Human Resources, on October 7, 2024, at 11:15am. This meeting is to discuss this preliminary disciplinary recommendation, supporting documentation, and to allow you a final opportunity to provide additional clarifying information to assist me in making an informed recommendation regarding your employment status at the College.

Your cooperation is appreciated during this process. Should you have any questions regarding this process, please contact an ODHR Representative at 407-582-8125.

Attachments:

2024 John Tobia Faculty Situation Review

Policy 6Hx28:3E-05.2 Ethical Conduct and Performance

Policy 6Hx28:7B-02 Student Records

Policy 6Hx28:7A-02 Acceptable Use of Information Technology Resources

Policy 6Hx28:3E-08 Disciplinary Action

Policy 6Hx28:3F-03 Suspension, Dismissal, Return to Annual Contract, or Non-Renewal of Contracts