

FILED
STATE OF MISSISSIPPI
IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI

PAUL J. CAFFERA

2020 NOV 19 PM 4:39

PLAINTIFF

VS.

CAUSE NO.: 2020-573

THE UNIVERSITY OF MISSISSIPPI

RA

DEFENDANT W

**COMPLAINT FOR INJUNCTION, DISCOVERY and
DECLARATORY JUDGMENT**

COMES NOW, the plaintiff, Paul J. Caffera (hereinafter "Caffera"), by and through counsel, and files this Complaint for Injunction and Discovery, and would state unto the Court as follows:

PARTIES

I.

Caffera is employed by the Mississippi Board of Trustees of State Institutions of Higher Learning as the University of Mississippi Ombuds, working out of the main campus in Oxford, Lafayette County, Mississippi.

II.

The University of Mississippi (hereinafter "the University") may be served with process through the Attorney General of the State of Mississippi.

JURISDICTION and VENUE

III.

Jurisdiction is proper in the instant court pursuant to Miss. Code Ann. § 9-1-19, Miss. Const. Art. 6, § 159(f) (1890) and Miss. R. Civ. P. 57.

IV.

Venue is proper in the instant Court pursuant to Miss. Code Ann. § 11-5-1 because this is the county in which the defendant may be found.

FACTS

The University of Mississippi Office of Ombuds and its purpose.

V.

In July, 2015, the University established the Office of the Ombudsperson (now known as the Office of the Ombuds) and on December 15, 2015 implemented the Charter Agreement for the Office of the Ombudsperson. (Exhibit “A”). The stated purpose of the Office of the Ombuds was “to provide dispute resolution and prevention services at the University of Mississippi with the overarching goals of protecting fairness and promoting respect for all employees.” (Exh. A, I. Introduction). Additionally, the Office of the Ombuds is mandated “to identify systemic concerns and provide feedback to the institution.” (Exh. A, II. Mandate).

VI.

In practice, the Office of the Ombuds serves the faculty, staff and graduate students of the University of Mississippi for receipt of “complaints, concerns and inquiries regarding policies, formal and informal procedures, alleged acts or omissions, improprieties, and/or any alleged broader employment-related concerns.” (Exh. A, III. Scope of Services).

VII.

Confidentiality is the hallmark of the Office of Ombuds. The International Ombudsman Association Code of Ethics and Standards of Practice, to which the Office of Ombuds is required to adhere by its Charter (Exh. A, IV. Standards of Practice), requires the Ombuds to hold “all communications with those seeking assistance in strict confidence, and . . . not disclose confidential communications unless given permission to do so” except to prevent imminent risk of serious harm. (Exhibit B, IOA Code of Ethics). Also, the International Ombudsman Association Standards of Practice state specifically “Communications between the Ombudsman

and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman's Office, rather than to any party to an issue. Others cannot waive this privilege." (Exhibit C, IOA Standards of Practice).

VIII.

Further, the Charter Agreement states that the Ombuds "shall not testify or provide records to be used in any other dispute resolution process, grievance process, or investigation, even if requested to do so by the visitor." (Exh. A, IV. Standards of Practice, Confidentiality). A "visitor" is the term of art for a person seeking assistance from the Office of the Ombuds. The Ombuds "shall take reasonable steps to ensure confidentiality of the visitor's identity and communications." *Id.*

IX.

The Charter Agreement provides that the Office of the Ombuds "shall have access to independent legal counsel when necessary in order to fulfill the functions of the position." (Exh. A, IV. Standards of Practice, Independence).

X.

Finally, the Charter Agreement provides that not only those using the Ombuds Office are protected from retaliation, but also the Ombuds "shall be protected from retaliation as a result of his/her role." Exh. A, V. Protection from Retaliation).

Caffera hired as Ombuds.

XI.

In February, 2017, Caffera was hired by the Mississippi Board of Trustees of State Institutions of Higher Learning as the Ombuds for the University of Mississippi.

XII.

On July 1, 2020, Caffera received a one-year contract extension to terminate June 30, 2021.

XIII.

Caffera is the second and longest serving Ombuds at the University.

**University investigation of hostile work environment in
Department of Journalism and New Media**

XIV.

On October 13, 2020, Caffera received an email from Gene W. Rowzee (hereinafter “Rowzee”), the Interim Director of Equal Opportunity and Regulatory Compliance (herein after “EO/RC”) at the University requesting to meet with Caffera concerning “a personnel investigation.” (Email chain, Exhibit D, p. 8).

XV.

When Caffera responded in accordance with the Charter Agreement described above that he would not be able to participate in such an investigation, he was only then advised by Rowzee that he was in fact the subject or target of the investigation. (Exh. D, p. 6). Rowzee further advised that he would be “promulgating a personnel report that will include findings and recommendations which might affect [Caffera] as a University employee.” (Exh. D, p. 6).

XVI.

Naturally concerned about such allegations, Caffera requested that Rowzee provide him some minimal detail about the nature of the allegations and the person(s) bringing them. Rowzee declined to do so. (Exh. D, pp. 1-6).

XVII.

On October 23, 2020, University Provost Dr. Noel Wilkin issued an Interoffice Memorandum in which he identified issues concerning “ongoing, persistent, and accusatory emails from an anonymous source” concerning University policies practices and standards concerning terminal degrees. (Interoffice Memorandum, Exhibit E). He further noted that a hostile work environment allegation and faculty grievance was filed against “individuals responsible for the anonymous communications” (as if the identity of these persons was known), and the EO/RC office would be investigating the complaint. (Interoffice Memorandum, Exhibit E).

XVIII.

Caffera was also contacted by an investigator from the University Police Department named Kendall Brown looking to interview him, and his counsel was advised that the subject of the investigation was certain anonymous emails sent to persons in the Department of Journalism and New Media.

XIX.

Caffera, in his capacity as University Ombuds was forced to retain the undersigned counsel in order to fulfill the requirements of his position.

XX.

On November 13, 2020, Caffera and his counsel participated in a Zoom meeting with Rowzee who stated that the EO/RC office was investigating “complaints and concerns from folks in the School of Journalism [concerning] a hostile work environment being created on the basis of race and national origin and just in general” He also advised that there were

allegations against Caffera that “he may be using his public office to pursue a personal grudge for a friend or intimate.” (Transcript of meeting, Exhibit F, p. 2).

XXI.

Rowzee advised during the course of the meeting that if he gathered information in his investigation, he would “probably” forward it to the University Police Department. Rowzee further advised that Caffera was not being compelled to answer questions, but that there may be an adverse employment action against him if he declined to answer questions for whatever reason – including by implication his refusal to answer questions in compliance with the Charter Agreement for the Office of the Ombuds. (Exh. F, p. 4).

XXII.

Caffera’s counsel requested documents relevant to Rowzee’s investigation, but Rowzee advised none would be provided. (Exh. E, p. 5).

XXIII.

Rowzee further advised that he was waiting from information from the University IT department, and that through his investigation he might access Caffera’s official university email and telephone accounts which he uses in conjunction with his position as Ombuds. (Exh. E, p. 6).

XXIV.

Caffera intends to cooperate with the EO/RC investigation and provide information within the constraints of the Charter Agreement for the Office of the Ombuds, the University whistleblower policy and any other applicable policy, standard or law. Nonetheless, the University has indicated that it may take adverse employment action against him if he declines to answer questions.

XXV.

Caffera is not the author of any of the anonymous e-mails or social media posts, nor is he affiliated with any anonymous public interest whistleblower group, and he has no knowledge of who is affiliated with these groups. Further, Mr. Caffera has never under any circumstance in his role as University Ombuds used his position to “pursue a personal grudge for a friend or intimate.”

COUNT I – INJUNCTION

XXVI.

The University seeks to compel Caffera to disclose information, including email, telephonic and other electronic communications obtained by and through his position as University Ombuds in clear violation of the Charter Agreement.

XXVII.

Further, the University has stated an intent to take adverse employment action against Caffera should he refuse to provide information in violation of the Charter Agreement.

XXVIII.

The Court should restrain the actions of the University on the basis that they are contrary to law, contract, equity and good conscience. Failure of the Court to act will cause substantial and irreparable injury to Caffera, as well as those who have communicated with him with an expectation of confidentiality (verbally or by electronic communication) in his capacity as University Ombuds. Caffera has an absolute contractual and ethical duty to keep such information confidential.

XXIX.

Caffera has no complete and adequate remedy at law to prevent the University's action. If the University unilaterally and without permission accesses Caffera's email account, the duty of confidentiality for such information will be breached.

XXX.

Caffera seeks both preliminary and permanent injunction against the University from compelling him to disclose, or taking adverse employment action against him for refusing to disclose, confidential information that he has received in his capacity as University Ombuds. There is a substantial likelihood that Caffera will prevail on the merits of this matter, a preliminary injunction will prevent irreparable injury, the injury to Caffera outweighs the harm to the University, and entry of a preliminary injunction is consistent with the public interest.

XXXI.

Finally, after hearing this matter on the merits, the Court should impose a permanent injunction against the University from compelling him to disclose, or taking adverse employment action against him for refusing to disclose, confidential information that he has received in his capacity as University Ombuds.

COUNT II – COMPLAINT FOR DISCOVERY

XXXII.

Caffera has a fundamental and due process right to be provided the documentary information supporting the allegations against him in order for him to fully defend himself in regard to the University investigation.

XXXIII.

Material information relevant to the University's investigation is exclusively within the University's power and custody.

XXXIV.

Caffera and his counsel have made diligent and reasonable efforts to obtain the information, and the University has refused to provide it. Caffera has no other way to obtain information relevant to the allegations against him than through the University.

XXXV.

It is practically indispensable to the ends of full and exact justice that the discovery be had.

XXXVI.

The Mississippi Supreme Court has held that the Complaint for Discovery is the proper and appropriate procedure for a party (like Caffera), subject to an administrative proceeding by a state subdivision (like the University), to obtain discovery of documentary evidence relevant to that proceeding. *State Oil & Gas Board v. McGowan*, 542 So. 2d 244 (Miss. 1989).

COUNT III – DECLARATORY JUDGMENT

XXXVII.

As demonstrated above, Caffera, in his capacity as University Ombuds, "shall have access to independent legal counsel when necessary in order to fulfill the functions of the position."

XXXVIII.

Caffera has required the services of counsel in order to respond to and defend himself and his office from the actions of the University.

XXXIX.

Caffera is in doubt as to the University's intent to comply with its contractual obligations under the Charter Agreement. He seeks a declaration by the Court of the rights, status and other legal relations in regard to the Charter Agreement, specifically in regard to the University's obligation to pay his attorney's fees.

WHEREFORE, PREMISES CONSIDERED, Caffera respectfully requests that the Court enter the following relief:

1. A preliminary injunction and, after a full hearing on the merits, permanent injunction against the University taking any action to compel him from disclosing confidential information provided to him by any party, verbal or written, in his capacity as University Ombuds; and further prohibit the University from taking any adverse employment action against him or his office of any sort as a result of his refusal to provide such confidential information in response to the University's investigation referenced above;

2. That the Court order the University to provide full and complete documentary discovery concerning the allegations against Caffera, including but not limited to:

a. A copy of the complaint(s) and/or grievance(s) filed or construed to be against Caffera;

b. A copy of the police report(s) filed in regard to anonymous emails to the School of Journalism and New Media referenced above;

c. A copy of any and all emails or other communication formats (including Facebook Messenger, WhatsApp, any other instant messaging service, text messages and voicemails) pertaining to alleged statements by Caffera that the University contends creates a hostile work environment;

d. A copy of any and all emails (from private accounts or through the University) or other communication formats (including Facebook Messenger, text messages and voicemails) to, from and between Dr. Noel Wilkin and Dr. Debora Wenger, Dr. H. Will Norton, Mr. Scott Fiene, Ms. Pat Thompson, Dr. Zenebe Beyene, Ms. Andrea Jekabsens (and any other member of the Human Resources Department), and each and every member of the Tenure and Promotions Committee who voted in favor of sending the grievance/complaint letter on or about October 6, 2020.concerning the allegations and investigation at issue;

e. Documents provided in response to any public records request to the University concerning the Department of Journalism and New Media from January 1, 2018 to present;

f. Emails from and to Dr. H. Will Norton, Dr. Debora Wenger, Scott Fiene, Dr. Noel Wilkin, Ms. Andrea Jekabsens (and any other member of the Human Resources Department) discussing Caffera, Brett Harris or the Office of Ombuds;

g. Communications between any University employee and the University IT Department concerning a request for emails, other electronic communications, or telephonic records regarding the investigation at issue;

h. The identity of each and every person the University has instructed to enter the Ombuds Office—318 Trent Lott Leadership Institute a/k/a LaBauve Hall— associated with the investigation at issue, including the date and time of each entry, copies of each directive to enter, photographs, inventories, notes, diagrams, and any and all other records created as a result of such entry, including voicemails, e-mails, or other documents relating to such access;

i. The identity of each and every person who has accessed, directly or indirectly (including remote access via technical means), any Office of Ombuds computer, telephone, or storage device; copies of each directive to access such devices; the date and time of each access, copies of all logs of such access, copies of each file either copied, installed, or deleted on each accessed device, and any notes, photographs, screenshots, and any and all other record documenting such access (including each directive to access this information), and any and all voicemails, e-mails, or other documents relating to such access.

j. The identity of each and every person who has accessed, directly or indirectly (including remote access via technical means), any Ombuds office telephone log, or storage device and copies of each directive to access such devices.

k. Documents related to any spyware, key loggers, and related technologies installed on Office of Ombuds computers, telephones, or electronic devices, as well as any electronic surveillance devices installed in the Ombuds Office, and the name(s) and title(s) of the person(s) who authorized such installation, and all documents, recordings, and any other recordings, photographs, or data revealed by such software or devices.

l. Documents or data supporting the University's contention that Caffera has used his position as University Ombuds to "pursue a personal grudge for a friend or intimate;" and in particular the nature of the grudge and identity of the alleged friend or intimate; and

m. A copy of any and all documents, data, statements, reports, voicemails, text messages, emails, and any other form of communication regarding the allegations against Caffera, including but not limited to letters, complaints, statements,

reports, communications, emails and communications regarding specific allegations against Caffera.

3. That the Court declare the rights and obligations of the University under the Charter Agreement, specifically find that the University is obligated to pay Caffera's attorney's fees and costs in conjunction with the University's investigation and this action.

4. Any further relief the Court may find warranted in the premises.

Respectfully submitted,

PAUL J. CAFFERA

BY:



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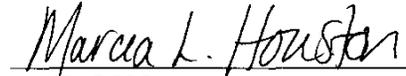
THE STATE OF MISSISSIPPI

THE COUNTY OF LAFAYETTE

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named PAUL J. CAFFERA, who stated upon oath that he has read the above and foregoing Complaint for Injunction and Discovery, and that the matters stated therein are true and correct to the best of his knowledge, information and belief.


PAUL J. CAFFERA

SWORN TO AND SUBSCRIBED BEFORE ME, on this the 18 day of November, 2020.


NOTARY PUBLIC

My Commission Expires:





THE UNIVERSITY *of* MISSISSIPPI

OFFICE OF THE OMBUDSPERSON CHARTER AGREEMENT

I. Introduction

The University of Mississippi Office of the Ombudsperson was established in July 2015 to provide dispute resolution and prevention services at the University of Mississippi with the overarching goals of protecting fairness and promoting respect for all employees. In furtherance of these goals and principles, this Charter Agreement defines the responsibilities and privileges of the University of Mississippi Office of the Ombudsperson.

II. Mandate

The Office of the Ombudsperson serves as a confidential and independent resource available to University employees for University-related concerns. The Office offers a range of dispute resolution and prevention services, and additionally the Office serves to identify systemic concerns and provide feedback to the institution. Through these services, the Office promotes positive organizational change as well as fairness and respect in the workplace.

III. Scope of Services

The Office of the Ombudsperson is available for use by all faculty, staff, and graduate students at the University of Mississippi's Oxford campus, the UM-Tupelo campus, and the UM-Desoto campus. Additionally, faculty and staff employed directly by the University of Mississippi at the Grenada Center and Booneville Center may use the services of the Office. The Office does not serve the University of Mississippi Medical Center.

Use of the Office and participation in services is voluntary. The Office receives complaints, concerns, and inquiries regarding policies, formal and informal procedures, alleged acts or omissions, improprieties, and/or any alleged broader employment-related concerns. The Office does not participate in complaints involving grade appeals or academic decisions. The Office serves to listen, review matters, offer options and ideas for handling concerns, make referrals, make informal inquiries when authorized to do so by the visitor, and facilitate resolution



through mediation and other alternative dispute resolution methods. The Office also serves to identify broader systemic issues and provide upward feedback and informal recommendations for change while maintaining the confidentiality requirements of the office. The Office serves as a consultant for the University on dispute resolution topics and provides training and educational outreach on such topics.

The Office of the Ombudsperson supplements, but does not replace, formal grievance processes, investigative systems, and appeals processes available by the University. Use of the Office's services does not delay filing requirements of any other grievance or complaint procedure.

IV. Standards of Practice

The Office shall adhere to the International Ombuds Association (IOA) Code of Ethics and Standards of Practice. These standards require that the Office operate independently of the organization, maintain confidentiality, serve impartially without bias, and limit services to informal means of dispute resolution.

Confidentiality

The Office of the Ombudsperson is a confidential and "off-the-record" resource to the extent allowable by law. The Office of the Ombudsperson shall not keep any records on behalf of the University or accept notice for the University. All reporting shall be done in a manner that protects confidentiality.

The Ombudsperson shall not testify or provide records to be used in any other dispute resolution process, grievance process, or investigation, even if requested to do so by the visitor.

The Ombudsperson shall take reasonable steps to ensure confidentiality of the visitor's identity and communications, and will only make disclosures with the visitor's express permission unless the Ombudsperson believes that there is an imminent risk of serious harm or when disclosure is otherwise required by law.

Impartiality

The Ombudsperson shall at all times be neutral, impartial, and unbiased. He/she shall not take sides in any dispute or conflict. The Ombudsperson shall never serve as an advocate for a party but may advocate for fairness of process.

The Ombudsperson shall not serve in any additional role within the University that would compromise his/her impartiality. The Ombudsperson

shall not be aligned with other University groups or associations which would create actual or perceived conflicts of interest for the Ombudsperson.

Informality

The Office of the Ombudsperson shall operate only as an informal dispute resolution resource and shall not make binding decisions, issue any formal findings, or participate in any formal investigation or adjudication process. The Office shall make only informal recommendations. The Office shall not make, change, or overrule University policy or administrative decisions.

Independence

The Ombudsperson reports to the University's Chancellor and operates independently of ordinary structures. The Ombudsperson shall not be structurally affiliated with any compliance function and shall be independent from other University entities.

The Ombudsperson also operates independently in respect to case handling. The Ombudsperson may decline involvement if the Ombudsperson believes involvement would be improper for any reason, including matters not brought in good faith, conflicts of interest, or misuse of the Office's function.

In accordance with the IOA's Best Practices, the Office of the Ombudsperson shall have access to independent legal counsel when necessary in order to fulfill the functions of the position.

V. Protection from Retaliation

The University shall not tolerate retaliation against individuals for use of the Office of the Ombudsperson. Similarly, the Ombudsperson shall be protected from retaliation as a result of his/her role. The Ombudsperson shall serve a set and renewable term.

VI. References

1. "Standards of Practice." *The International Ombudsman Association*. <<http://www.ombudsassociation.org/about-us/mission-and-vision-and-values/ia-best-practices-standards-practices>>.
 2. "Code of Ethics." *The International Ombudsman Association*. <<http://www.ombudsassociation.org/about-us/code-ethics>>.
 3. "Best Practices." *The International Ombudsman Association*. <<http://www.ombudsassociation.org/about-us/mission-and-vision-and-values/ia-best-practices-standards-practices>>.
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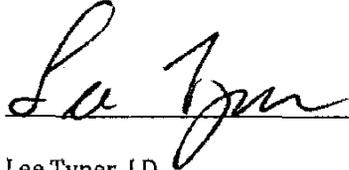
Accepted and Adopted by:



Dr. Morris Stocks
Interim Chancellor

12/16/15

Date



Lee Tyner, J.D.
General Counsel

12/16/15

Date



INTERNATIONAL
OMBUDSMAN
ASSOCIATION

IOA CODE OF ETHICS

PREAMBLE

The IOA is dedicated to excellence in the practice of Ombudsman work. The IOA Code of Ethics provides a common set of professional ethical principles to which members adhere in their organizational Ombudsman practice.

Based on the traditions and values of Ombudsman practice, the Code of Ethics reflects a commitment to promote ethical conduct in the performance of the Ombudsman role and to maintain the integrity of the Ombudsman profession.

The Ombudsman shall be truthful and act with integrity, shall foster respect for all members of the organization he or she serves, and shall promote procedural fairness in the content and administration of those organizations' practices, processes, and policies.

ETHICAL PRINCIPLES

INDEPENDENCE

The Ombudsman is independent in structure, function, and appearance to the highest degree possible within the organization.

NEUTRALITY AND IMPARTIALITY

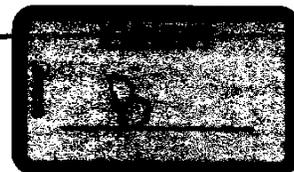
The Ombudsman, as a designated neutral, remains unaligned and impartial. The Ombudsman does not engage in any situation which could create a conflict of interest.

CONFIDENTIALITY

The Ombudsman holds all communications with those seeking assistance in strict confidence, and does not disclose confidential communications unless given permission to do so. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm.

INFORMALITY

The Ombudsman, as an informal resource, does not participate in any formal adjudicative or administrative procedure related to concerns brought to his/her attention.





INTERNATIONAL
OMBUDSMAN
ASSOCIATION

IOA STANDARDS OF PRACTICE

PREAMBLE

The IOA Standards of Practice are based upon and derived from the ethical principles stated in the IOA Code of Ethics.

Each Ombudsman office should have an organizational Charter or Terms of Reference, approved by senior management, articulating the principles of the Ombudsman function in that organization and their consistency with the IOA Standards of Practice.

STANDARDS OF PRACTICE

INDEPENDENCE

- 1.1 The Ombudsman Office and the Ombudsman are independent from other organizational entities.
- 1.2 The Ombudsman holds no other position within the organization which might compromise independence.
- 1.3 The Ombudsman exercises sole discretion over whether or how to act regarding an individual's concern, a trend or concerns of multiple individuals over time. The Ombudsman may also initiate action on a concern identified through the Ombudsman's direct observation.
- 1.4 The Ombudsman has access to all information and all individuals in the organization, as permitted by law.
- 1.5 The Ombudsman has authority to select Ombudsman Office staff and manage Ombudsman Office budget and operations.

NEUTRALITY AND IMPARTIALITY

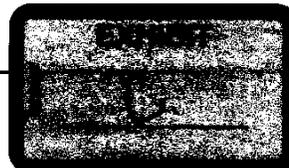
- 2.1 The Ombudsman is neutral, impartial, and unaligned.
- 2.2 The Ombudsman strives for impartiality, fairness and objectivity in the treatment of people and the consideration of issues. The Ombudsman advocates for fair and equitably administered processes and does not advocate on behalf of any individual within the organization.
- 2.3 The Ombudsman is a designated neutral reporting to the highest possible level of the organization and operating independent of ordinary line and staff structures. The Ombudsman should not report to nor be structurally affiliated with any compliance function of the organization.
- 2.4 The Ombudsman serves in no additional role within the organization which would compromise the Ombudsman's neutrality. The Ombudsman should not be aligned with any formal or informal associations within the organization in a way that might create actual or perceived conflicts of interest for the Ombudsman. The Ombudsman should have no personal interest or stake in, and incur no gain or loss from, the outcome of an issue.
- 2.5 The Ombudsman has a responsibility to consider the legitimate concerns and interests of all individuals affected by the matter under consideration.
- 2.6 The Ombudsman helps develop a range of responsible options to resolve problems and facilitate discussion to identify the best options.

CONFIDENTIALITY

- 3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following: The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman; the Ombudsman takes specific action related to an individual's issue only with the individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombudsman, unless such action can be taken in a way that safeguards the identity of the individual contacting the Ombudsman Office. The only exception to this privilege of confidentiality is where there appears to be imminent risk of serious harm, and where there is no other reasonable option. Whether this risk exists is a determination to be made by the Ombudsman.
- 3.2 Communications between the Ombudsman and others (made while the Ombudsman is serving in that capacity) are considered privileged. The privilege belongs to the Ombudsman and the Ombudsman Office, rather than to any party to an issue. Others cannot waive this privilege.
- 3.3 The Ombudsman does not testify in any formal process inside the organization and resists testifying in any formal process outside of the organization regarding a visitor's contact with the Ombudsman or confidential information communicated to the Ombudsman, even if given permission or requested to do so. The Ombudsman may, however, provide general, non-confidential information about the Ombudsman Office or the Ombudsman profession.
- 3.4 If the Ombudsman pursues an issue systemically (e.g., provides feedback on trends, issues, policies and practices) the Ombudsman does so in a way that safeguards the identity of individuals.
- 3.5 The Ombudsman keeps no records containing identifying information on behalf of the organization.
- 3.6 The Ombudsman maintains information (e.g., notes, phone messages, appointment calendars) in a secure location and manner, protected from inspection by others (including management), and has a consistent and standard practice for the destruction of such information.
- 3.7 The Ombudsman prepares any data and/or reports in a manner that protects confidentiality.
- 3.8 Communications made to the ombudsman are not notice to the organization. The ombudsman neither acts as agent for, nor accepts notice on behalf of, the organization and shall not serve in a position or role that is designated by the organization as a place to receive notice on behalf of the organization. However, the ombudsman may refer individuals to the appropriate place where formal notice can be made.

INFORMALITY AND OTHER STANDARDS

- 4.1 The Ombudsman functions on an informal basis by such means as: listening, providing and receiving information, identifying and reframing issues, developing a range of responsible options, and – with permission and at Ombudsman discretion – engaging in informal third-party intervention. When possible, the Ombudsman helps people develop new ways to solve problems themselves.
- 4.2 The Ombudsman as an informal and off-the-record resource pursues resolution of concerns and looks into procedural irregularities and/or broader systemic problems when appropriate.
- 4.3 The Ombudsman does not make binding decisions, mandate policies, or formally adjudicate issues for the organization.
- 4.4 The Ombudsman supplements, but does not replace, any formal channels. Use of the Ombudsman Office is voluntary, and is not a required step in any grievance process or organizational policy.
- 4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures. Formal investigations should be conducted by others. When a formal investigation is requested, the Ombudsman refers individuals to the appropriate offices or individual.
- 4.6 The Ombudsman identifies trends, issues and concerns about policies and procedures, including potential future issues and concerns, without breaching confidentiality or anonymity, and provides recommendations for responsibly addressing them.
- 4.7 The Ombudsman acts in accordance with the IOA Code of Ethics and Standards of Practice, keeps professionally current by pursuing continuing education, and provides opportunities for staff to pursue professional training.
- 4.8 The Ombudsman endeavors to be worthy of the trust placed in the Ombudsman Office.



Fw: EORC investigation

pcaffera@olemiss.edu <pcaffera@olemiss.edu>

Thu 10/15/2020 11:56 AM

To: pcaffera@ksu.edu <pcaffera@ksu.edu>

Paul J. Caffera

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The University Ombuds serves all faculty, staff, and graduate students at the University of Mississippi.

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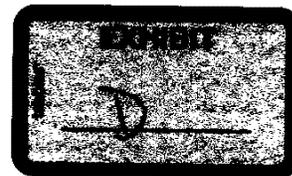
From: gwrowzee <gwrowzee@olemiss.edu>

Sent: Tuesday, October 13, 2020 4:45 PM

To: pcaffera@olemiss.edu <pcaffera@olemiss.edu>

Cc: Glenn Boyce <gboyce@olemiss.edu>

Subject: RE: EORC investigation



Paul, our office conducts meetings to discuss allegations, we don't share them over email and rarely over the phone. Then, a person with whom an allegations is shared might decide whether to continue the meeting, or postpone, or seek counsel, whatever, and that's fine. We give people multiple opportunities to share information with us, it's not just the one bite at the apple. But we don't share it over email and it would be unfair to make an exception for you.

If you would like to meet so we can discuss the allegations, it is entirely up to you, just let me know. Then you can decide to continue, postpone, seek counsel, whatever you'd like. If you don't wish to meet for me to share the allegations, we will continue our investigation without your involvement.

Paul, please take a day to consider the above, then let me know.

Dr. Boyce, I apologize for continuing to include you in this email string, but Mr. Caffera cc'd you and I did not feel right excluding you if it was his wish that you be included.

Gene W. Rowzee, Jr.
Equal Opportunity/Regulatory Compliance
The University of Mississippi
P.O. Box 1848
120 Lester Hall
University, MS 38677-1848
1-662-915-7735
1-662-915-1229 (fax)
gwwrowzee@olemiss.edu

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From: pcaffera@olemiss.edu
Sent: Tuesday, October 13, 2020 3:44 PM
To: gwwrowzee <gwwrowzee@olemiss.edu>
Cc: Glenn Boyce <gboyce@olemiss.edu>
Subject: Re: EORC investigation

Gene,

If I am facing anything remotely resembling an adverse action against me, fairness demands that you not reach any "findings" about me or the Ombuds Office or issue any "recommendations" concerning me or the Ombuds Office without me, as an individual, and the Ombuds Office, as a Department, having an opportunity to know what is alleged and to rebut, what I have every confidence is, an unfounded allegation. I reiterate, the Ombuds Office Charter envisions situations when the Ombuds and the Ombuds Office might face situations requiring independent legal counsel. Given your reluctance, thus far, to share with me the nature of the allegation(s), it seems reasonable to conclude that this might well be one of those situations.

All the best,

Paul

From: gwwrowzee <gwwrowzee@olemiss.edu>
Sent: Tuesday, October 13, 2020 2:46 PM
To: pcaffera@olemiss.edu <pcaffera@olemiss.edu>
Cc: Glenn Boyce <gboyce@olemiss.edu>
Subject: RE: EORC investigation

Paul,

Again, thank you for your response. I will consider your comments and contact you again if necessary.

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From: pcaffera@olemiss.edu
Sent: Tuesday, October 13, 2020 2:32 PM
To: gwrowzee <gwrowzee@olemiss.edu>
Cc: Glenn Boyce <gboyce@olemiss.edu>
Subject: Re: EORC investigation

Gene,

I will be happy to meet at the appropriate time once I have had an opportunity to discuss the situation with the appropriate leadership. Also, fairness dictates that I have notice, with a reasonable degree of specificity, of the scope and detail of the allegation(s) prior to being placed in a position of responding to what, I have no doubt whatsoever, is a baseless allegation.

Inasmuch as the Office of the Ombuds and the University Ombuds are one and the same, I have reason to believe any spurious complaint against me is as much an attack against the Ombuds Office. I have no intention to be at all difficult; however, I am aware that there are people on campus who have had wrongdoing exposed via the intervention of the Ombuds Office. It is not hard to envision someone attempting to neutralize the Ombuds Office effectiveness by lodging a baseless complaint against me. The Ombuds Office Charter has a provision for obtaining independent legal counsel for the purpose of fulfilling the functions of the University Ombuds. Working through the process of identifying independent legal counsel in support of the Ombuds Office and then engaging them will take time. As such, meeting before the end of this week seems unlikely.

I observe that the investigation into the Biology Chair has been going on for over a month. As such, there seems no reasonable basis for a rush to meet this week. I also note that, in that case, the Biology Chair was also appraised of the allegations against him. I have yet to be afforded anything similar. We

receive agendas in advance of going into a meeting of a Chancellor's Standing Committee; what you sprung on me today is of significantly greater import than a routine committee meeting. Asking to receive the information necessary to be able to be prepared for a meeting of such importance is not unreasonable.

In order that I may understand the allegations, and prepare for any upcoming meeting, I believe it is appropriate for you to reveal to me what I have been accused of doing or failing to do. Fairness requires this.

All the best,

Paul

From: gwrowzee <gwrowzee@olemiss.edu>
Sent: Tuesday, October 13, 2020 2:01 PM
To: pcaffera@olemiss.edu <pcaffera@olemiss.edu>
Cc: Glenn Boyce <gboyce@olemiss.edu>
Subject: RE: EORC investigation

Paul, thank you for your response. I will consider your comments and contact you again if necessary. For now I will understand your below response to be a "no," that you will not be available to meet Thursday or Friday of this week.

Good luck and have a great day!

Gene W. Rowzee, Jr.
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From: pcaffera@olemiss.edu
Sent: Tuesday, October 13, 2020 12:49 PM

To: gwrowzee <gwrowzee@olemiss.edu>
Cc: Glenn Boyce <gboyce@olemiss.edu>
Subject: Re: EORC investigation

Gene,

Gene, while I understand that you must conduct investigations concerning allegations that come to your office, I am, quite frankly shocked to learn that anyone has lodged a complaint against me. Ombuds always face the danger that someone, especially ones who might be displeased with issues an ombuds brings forward, might make baseless claims against them.

I am going to need to know the specifics of the allegations, and then consult with counsel for myself as well as for the Office of the Ombuds, as the Ombuds Office Charter specifies that, "[i]n accordance with the IOA's Best Practices, the Office of the Ombudsperson shall have access to independent legal counsel when necessary in order to fulfill the functions of the position." This will take time.

Inasmuch as I have never comported myself in anything other than a manner consistent with my role as Ombuds, if there are allegations that have been leveled against me it smacks of retaliation for performing my duties. Any such retaliation would also violate the Ombuds Office Charter, which states that, "The University shall not tolerate retaliation against individuals for use of the Office of the Ombudsperson. Similarly, the Ombudsperson shall be protected from retaliation as a result of his/her role."

If there are allegations against me, fairness dictates that I receive those allegations in detail, that I know who is accusing me of what, and that I have an opportunity to consult with counsel before participating in any investigatory interview. With all due respect, failure on the part of the University of Mississippi to allow me an opportunity to review the allegations, any alleged evidence, and to respond to same with advice of counsel prior to reaching any "findings or recommendations" will not be a legitimate investigatory process.

Again, with all due respect, I feel like, had I not raised the issue of the inappropriateness of the Ombuds Office participating in a formal investigatory interview, it was your intention to ambush me with allegations at our meeting. Having served as an arbitrator for many years, I know what fair investigatory processes are, and that is not remotely fair.

All the best,

Paul

Paul J. Caffera
University Ombuds
University of Mississippi
P.O. Box 1848
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25 Galtney Lott Plaza
University, MS 38677-1848 U.S.A.
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From: gwwrowzee <gwwrowzee@olemiss.edu>
Sent: Tuesday, October 13, 2020 11:55 AM
To: pcaffera@olemiss.edu <pcaffera@olemiss.edu>
Subject: RE: EORC investigation

Paul, I certainly understand your position. However, in all fairness, I need to tell you that part of what I am investigating are allegations against you, personally. The meeting would be your opportunity to present your side, as well as point me toward any witnesses or information you need me to explore before I complete my investigation.

At the end of the investigation I will be promulgating a personnel report that will include findings and recommendations which might affect you as a University employee. I understand the role of the Ombuds, but when allegations are directed at you personally as a University employee I need to make sure you have the opportunity to present your side before I make any findings or recommendations.

I understand the dual position you occupy (both Ombuds and University employee) might create some difficulty for you in determining whether you will participate in this investigation, but I needed to offer you the opportunity.

Thanks again for your help!

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From: pcaffera@olemiss.edu
Sent: Tuesday, October 13, 2020 10:47 AM
To: [gwwrowzee <gwwrowzee@olemiss.edu>](mailto:gwwrowzee@olemiss.edu)
Subject: Re: EORC investigation

Good morning, Gene.

It is always good to hear from you. Although, as you know, I am sometimes able to offer informal observations about issues that affect the campus, the Ombuds Office Charter agreement prohibits me from participating in any formal investigatory processes (<https://ombuds.wp2.olemiss.edu/wp-content/uploads/sites/33/2019/08/UM-Ombudsperson-Charter-Accessible.pdf>):

The Office of the Ombudsperson shall operate only as an informal dispute resolution resource and shall not...participate in any formal investigation or adjudication process.

The Ombuds Office Charter also mandates that, "The Office shall adhere to the International Ombuds Association (IOA) Code of Ethics and Standards of Practice." Inasmuch as I sit on the IOA's Government and Policy Committee; I know these documents well and I adhere to their requirements. The IOA's Standards of Practice (https://www.ombudsassociation.org/assets/docs/IOA_Standards_of_Practice_Oct09.pdf) require that the Office operate independently of the organization...." The Standards of Practice also includes the following provisions:

3.1 The Ombudsman holds all communications with those seeking assistance in strict confidence and takes all reasonable steps to safeguard confidentiality, including the following:

The Ombudsman does not reveal, and must not be required to reveal, the identity of any individual contacting the Ombudsman Office, nor does the Ombudsman reveal information provided in confidence that could lead to the identification of any individual contacting the Ombudsman Office, without that individual's express permission, given in the course of informal discussions with the Ombudsman

4.5 The Ombudsman does not participate in any formal investigative or adjudicative procedures

Consequently, although I would otherwise be pleased to meet with you, I am constrained from doing so as part of any formal investigatory process. Since the purpose of your invitation to meet involves EORC "conducting a personnel investigation," I am foreclosed from meeting with you. I trust you will understand.

Additionally, you may recall that, the Ombuds Office does not maintain any records of who contacts or meets with me, and, as a matter of practice, I do not even ask the

names of those who contact or meet with me (case in point the e-mail I sent to you earlier this morning). Therefore, even were it possible to meet with you as part of a formal investigation, I would not be confident in my having the clarity of recollection that would be of assistance to you in your investigation.

All the best,

Paul

Paul J. Caffera

University Ombuds

University of Mississippi

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From: gwrowzee <gwrowzee@olemiss.edu>
Sent: Tuesday, October 13, 2020 8:43 AM
To: pcaffera@olemiss.edu <pcaffera@olemiss.edu>
Subject: EORC investigation

Paul, my office is conducting a personnel investigation and I need to meet with you via Zoom on Thursday or Friday of this week. What is your availability on those two days?

Thank you for your assistance!

Gene W. Rowzee, Jr.

Equal Opportunity/Regulatory Compliance

The University of Mississippi

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10/15/2020

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gwwrowzee@olemiss.edu

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THE UNIVERSITY OF
MISSISSIPPI

Interoffice Memorandum

OFFICE OF THE PROVOST

University, MS 38677

Phone: (662) 915-5974 Fax: (662) 915-5280

TO: School of Journalism and New Media Faculty and Staff

FROM: Dr. Noel Wilkin, Provost and Executive Vice
Chancellor for Academic Affairs 

DATE: October 23, 2020

SUBJECT: Ongoing Anonymous Email

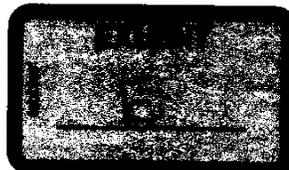
Dear Faculty and Staff,

These are truly difficult times. As we adjust everything that we do to be responsive to our missions of teaching, service, research, and scholarship due to the pandemic, we are all facing personal challenges and hardships that the pandemic and its restrictions impose.

For you, this has been further aggravated by ongoing, persistent, and accusatory emails from an anonymous source. The nature of the anonymous allegations and the questions asked seem to indicate that those behind the emails do not understand our policies, our practices, or the definitions of terminal degrees. They ignore, or fail to understand, the role that you, the faculty, play, in addition to the administrative offices, to ensure compliance with those policies, practices, and standards. They also have failed to notice relevant external facts that support our policies and practices, like the fact that the credentials of our faculty mirror those found at other public, flagship research universities in the appropriate disciplines. I am sure all of us would be happy to explain our processes and practices. After all they are public, and we all have a responsibility to embrace, adhere, and explain them. Yet, the emails persist.

At an educational institution, our work is based on the free exchange of ideas in a civil and open environment to advance truth and knowledge, which are core to our mission. This anonymous approach violates the very core of academic discourse and transparency.

A hostile work environment allegation was filed by members of the faculty against the



individuals responsible for the anonymous communications. It is my understanding that the Office of Equal Opportunity and Regulatory Compliance is conducting an investigation in response to your request. Additionally, the tenured faculty (with 2 absent and 1 abstaining) within the school filed a grievance claiming hostile working conditions that resulted from these behaviors as it “has increasingly created a chilling effect on faculty speech, dampened faculty collegiality, interfered with teaching and scholarship, and caused several to express they feel they work in a hostile environment.” While the EORC investigation takes place, I am exploring mechanisms to give faculty some relief from this barrage of anonymous allegations in the workplace. These efforts take time, and we appreciate the faculty’s patience and resolve while we do this work.

Caffera Meeting with Gene Rowzee

Rowzee: Say something real quick

Goodloe: Goodloe

Rowzee: Yea, it, it's, it's lagging a little bit. Do you want to, uh, do you want to try to sign back in, or

Goodloe: No, it's probably going to end up being this way. I hope that's not a major problem, I do Zoom stuff all the time, and you know, the audio on my computer is, is not great, and it just works better when I use the phone and that's what causes the lag sometimes.

Rowzee: Well, all this technology is going to make our lives so much easier, and it hadn't really happened yet.

Goodloe: Oh, I know, yea

Rowzee: Okay, so let me give ya'll the spill I have been telling everybody, and, uh, and then I'll, I'll deviate from that when uh, when we get, when I get towards the end. Uh, and, and I am going to record this, do you want me to share it so that you are able to record it as well?

Goodloe: You mean on Zoom?

Rowzee: Yes

Goodloe: Um, can you just provide me a copy of your recording, is that, can you do that?

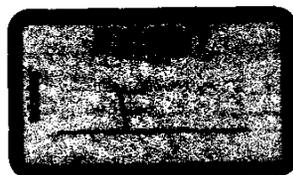
Rowzee: Yes

Goodloe: Why don't you just do that?

Rowzee: I think I can just email it.

Goodloe: Sure, let's just do it that way

Rowzee: Okay. Alright I am recording it now. Okay, so what has happened is, uh, earlier in the semester I, uh, I received some complaints and concerns from, uh, folks in the School of Journalism and they were saying that, that there was a hostile work environment being created on the basis of race and



national origin and just in general, and so when they made that complaint, I began an investigation, and it's a personnel investigation. It is protected under 25-1-100, so these notes I am not going to be giving out to people, uh, you know under Freedom of Information Act requests, and when I get done with this investigation, I will draft a report.

Goodloe: I am sorry to interrupt you, did you just cite a statute there or I, uh, you threw out some numbers.

Rowzee: Yes, 25-1-100, uh, which is the personnel records exception to the Open Records Act.

Goodloe: Okay, got you, go ahead.

Rowzee: So, uh, so when I get done with this investigation, I'll be drafting a report, and that report will have findings and recommendations if I am able to make any findings or recommendations, and that report will go to the Dean and Provost and will go to the complainants and will go to the people I identify as respondents. So, uh, and those recommendations could be anything from no recommendations to, uh, you know some kind of personnel action, to, it could be anything, it's, it's really just whatever I come up with, so it's, uh, at this stage, this is kind of an informal process, I am just trying to find out what's going on based on the complaints I have received, and uh, so let me give you, usually at this point I, I ask a witness or I ask even complainant, so tell me what's going on, but I wanted to provide you, since I have talked to about thirty people, what I understand the complaint is with regard to Mr. Caffera. So, there is a belief among some of the folks over there that he may be causing or contributing to this hostile work environment, uh, in the School of Journalism and it has to do with anonymous emails and online trolls. There is also a belief among some over there that, uh, he may be using his public office to pursue a personal grudge for a friend or an intimate, and that has to do with Dr. Swain and Dr. Beoni and, and those kind of related things. So, where I am in this right now is, uh, I am finishing up, you know, I, I'm doing some IT stuff, and, uh, looking at some computers, and, I, and, and really, , I, I just, I just want to know what's going on. I, I just want to try to find out what the story is, uh, so I can complete my investigation. And this is not, as far as my investigation goes, this is not an investigation that has anything to do with the Mississippi Free Press Article or, or Dean Norton, or any of that stuff, this is, except tangentially, if that helps me identify the folks that, uh, that I need to talk to, so that's where I am, and, uh, and, and if ya'll would like to talk about it today, we can. If we want to come up with a, a time

next week to reconvene if Paul wants to talk to me, that's fine to. It's, uh, you know, it's, it's really up to ya'll.

Goodloe: O....

Rowzee: if ya'll want to provide me any witnesses I need to talk to, uh or any, any documents or, or any kind of evidence I need to look at, uh, you know, just let me know.

Goodloe: Okay, well, and I was just going to ask you a couple of things just so I, you know, we are kind of on the same page here. Um, what, is anybody else present with you in the room now?

Rowzee: Nope

Goodloe: Okay

Rowzee: Just me

Goodloe: Um, now I have talked to an investigator with UPD about this situation, so I understand there is also a criminal investigation, are, are you acting in conjunction with that?

Rowzee: Uh, I, I don't know what conjunction means, if I have somebody that comes in and, and says I am mad because of a stalking statute, then I forward them over to them, because I am not doing that, I'm, if, if I have some piece of evidence that I think is, is beneficial to them, then I have forwarded that to them, but I am not, I am not in there, we're not, we're, we're kind of, I, I don't want to call it siloed, but I'm doing my thing, and they're doing their thing.

Goodloe: Okay, but I mean, if you obtain information through your investigation that you think they might need or want to look at, you would forward it over to them, is that correct?

Rowzee: Probably so, yea.

Goodloe: Okay

Rowzee: If, if it had, but at this point, I don't know what, what they are even investigating.

Goodloe: Okay, I

Rowzee: I, I don't know if there, if there is some kind of cyber stalking thing, I don't know.

Goodloe: Well, yea, I mean, I had a good conversation with the officer, I think Kendall Brown, I think is his name, is that correct?

Rowzee: Yes

Goodloe: Okay, and, and I mean, I will be honest with you, basically what you just told me, is almost point for point what he told me that he was investigating, so

Rowzee: "laughs"

Goodloe: I, I just you know, for what it's worth, I throw that out. Um, okay, so

Rowzee: He and I, he and I, he and I have not coordinated on what I just told you, because I just wrote it down about five minutes ago.

Goodloe: Okay

Rowzee: Before we got on the call.

Goodloe: Alright, so, is, is Paul being compelled by the University to answer questions, or provide information?

Rowzee: Uh, no, I, I'm just asking him to cooperate, I don't know if there will be any ramifications or if there will be, you know, if somebody will take that as a, uh, uh, you know a bad inference from that, I don't know. Uh, that's, that's something that occurs outside my office.

Goodloe: Yea, okay, so that was going to be my next question.

Rowzee: "Inaudible"

Goodloe:

Rowzee: I was going to say if he was being compelled, then actually that would, that would help on the criminal side because if he feels like he has to do this, if he's, uh, if he's being coerced into doing this, or, or there is going to be some job action, then, uh, then none of that can be used on the criminal side, so.

Goodloe: Okay

Rowzee: I, I kind of wish I could coerce him, but I can't.

Goodloe: Alright, and, and so what you were saying I think is that you do not know but there may be some adverse employment action taken if he does not answer questions.

Rowzee: Correct

Goodloe: Okay

Rowzee: I don't know if they'll take a negative inference for that.

Goodloe: Alright, and then, are, are you able to provide any documents that support these allegations that support these allegations?

Rowzee: I am not.

Goodloe: Okay

Rowzee: I am not, I'm, I'm in the investigation right now

Goodloe: So,

Rowzee: "inaudible" over, I don't know, yea.

Goodloe: I mean, can you identify what documents would be relevant to your investigation?

Rowzee: Uh, I could, I could identify, uh the online posts, that I think we are all familiar with on Facebook and, uh, and Twitter, and, uh, there's a couple of websites I think in WordPress and Myspace, uh, there's uh, so, so, somethings like that, I, there might be an Instagram "inaudible"... I haven't' looked on Instagram, uh, but I have just been looking at the things that have been provided to me, and uh, then there's some emails, but uh, but the emails, you know Paul's going to know which ones, if any, he was involved in, and which ones, if any, he wasn't, so, uh

Goodloe: So, so if, if I sent a written request for documents you would not be able to provide me anything correct?

Rowzee: Not, not at this time.

Goodloe: Okay, um, now you mentioned that you were waiting for some information from IT, which I guess leads me to believe that the University is accessing emails or email accounts, is that correct?

Rowzee: No, I've, I've got some, I've got some, I am not accessing the email accounts.

Goodloe: Okay, would

Rowzee: But, I am not, but that's

Goodloe: Would you

Goodloe: I'm sorry?

Rowzee: I might (inaudible)

Goodloe: Okay, so, so you, you have not ruled out that for example, just to make it specific, the University would, would access Mr. Caffera's email account, that, that may happen, is what you are saying?

Rowzee: That is what I am saying, I may do that, and I want to tell you why I am not doing that yet. I wanted to speak to Paul and I wanted to speak to a couple other people first, so that maybe I would not have to do that because once you start looking at people's emails and start looking at their computers, you are going to see a lot of personal stuff that, even if, that you don't want to see, that what might not be relevant to what I am looking at, and I don't want to see that stuff, but if I get into a situation where nobody is talking to me, then I have to go where the investigation leads me.

Goodloe: Yea, and of course,

Rowzee: (inaudible).. that is why I have not.

Goodloe: Yea, and, this is another level, but of course Paul in his official email account has certain protections by virtue of his position as the Ombud that, you know, I mean, I, I think you will probably agree but maybe you don't, that's a big can of worms, is getting into Paul's email account.

Rowzee: Yea

Goodloe: Um, okay, I'll just keep moving, um, I may have asked you this earlier, but I'll, I will just ask again in case I missed something, you know, are there, are there particular standards, rules, contract provisions, anything like that, that the University contends Paul may have violated, and can you identify those for me?

Rowzee: I right now, I am looking to see if there has been a hostile work environment created under (inaudible)... origin or just in general, just from normal old employee standards of conduct.

Goodloe: Okay, okay

Rowzee: and, as far, as far as a specific rule or anything like that, that, I don't know, that's why I am looking. That's, I am just, I'm just following where the complaints have led me.

Goodloe: Okay, alright, and then, timing, is there a, um, is there a deadline, is there some, you know, end date that, that you

Rowzee: inaudible

Goodloe: are required to comply with, or that we are required to comply with?

Rowzee: Not required, uh, I'm, I'm, I'm working on my report, you know

Goodloe: I'm sorry, I didn't understand, you are what?

Rowzee: I am working on my report, starting to work on my final report, and uh, and I still have some more information I need to, to tie down, and uh, I plan on, on promulgating it, uh, by the end of the semester, so if we are able to visit next week, that would be great, uh, and if not, and I get done and the report is sent out and there is supplementary information ya'll want considered, then that would have to just come in later either as an addendum to my report, or at some other level above me.

Goodloe: Alright, and are you able to provide the name of the complainants?

Rowzee: Not yet.

Goodloe: Okay, alright, I tell you what, let's

Rowzee: That would be

Goodloe: Sorry, say that again

Rowzee: The name of the complainants would be in the report.

Goodloe: Okay, alright, I tell you what, let, let me step outside just for a minute with Paul and, uh, we'll, uh, I, I'll be right back.

(walking out)

(walking back in)

Goodloe: Oh, okay we're back

Goodloe: Can you hear me?

Rowzee: Yea

Goodloe: Okay, there you go. Um, okay, um, I appreciate your time, I think that you've answered all of the questions that I have at this time. I need to spend a little bit more time with, with, um, Mr. Caffera, so, I, I think the only thing at this point is, you know, we'll just get back with you first of next week and, and discuss how to proceed from there.

Rowzee: Okay, alright, thank you much, ya'll have a good weekend.

Goodloe: Thanks so much, see you later, alright bye.

END OF CONVERSATION