

**Tennessee Department of Mental Health and
Developmental Disabilities, the Tennessee Department of
Health, and the University of Tennessee**

**Review of Issues Regarding an Employee's Credentials
and Positions Held with State Departments and the
University of Tennessee**

October 2002

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STATE OF TENNESSEE
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John G. Morgan
Comptroller

October 15, 2002

The Honorable Don Sundquist, Governor
and

Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

and

The Honorable Elisabeth Rukeyser, Commissioner
Department of Mental Health and Developmental Disabilities

and

The Honorable Fredia S. Wadley, M.D., Commissioner
Department of Health

and

The Honorable J. Steven Ennis, Chairman
Finance and Administration Committee
Board of Trustees

The University of Tennessee

and

Dr. John W. Shumaker, President
The University of Tennessee

Ladies and Gentlemen:

Transmitted herewith is a special report on the Division of State Audit's review of issues regarding an employee's credentials and positions held with two state departments and the University of Tennessee. The issues involved Ms. Pamela Reed, who initially worked briefly in an attorney position with the Department of Mental Health and then moved to the Department of Health to direct a fellowship program. Ms. Reed was then hired by the University of Tennessee to coordinate and expand the fellowship program for the UT Center for Health Sciences Research. The issues reviewed spanned a two-year period from Ms. Reed's completion of her requirements for a doctorate of jurisprudence at the UT College of Law on May 14, 1999, to her resignation from UT on June 13, 2001.

The central issue relating to Ms. Reed's moves through two state positions, the fellowship program with UT, and finally to her appointment as executive director of a research center at UT at a salary of \$75,000 within this two-year period, was whether outside individuals or those in high positions in state government or at UT might have improperly pressured other individuals to act in furthering her career. Additional questions were whether the two state departments and UT had adequately reviewed her resume and employment background before hiring Ms. Reed and whether the respective hiring policies and procedures were followed.

Her career with the state and UT becomes more of an issue when considered in the context of her troubled work experiences and inaccuracies in her descriptions of prior work and educational experiences.

As noted in the report, Ms. Reed's work record includes numerous examples of her inability to work positively with individuals in a variety of settings. Furthermore, on several occasions she engaged in behavior that was disruptive and unprofessional. While at UT, she was found to have made unauthorized charges to a credit card and improperly received reimbursement for expenses she claimed but never actually incurred.

In spite of all of these known issues, Ms. Reed continued to be employed and was given a variety of job responsibilities. In addition to these known issues, other issues emerged during the investigation involving Ms. Reed's integrity and credentials which were consistent with the known problems. Not only had Ms. Reed exaggerated her academic credentials on resumes, a UT application, and Curriculum Vitae, but she had also apparently represented a state department in legal proceedings without a license to practice law. Due to the reliance of various state officials on her representations of her academic accomplishments, work history, and professional licensing and their failure to confirm these matters, her misstatements were not detected until near the end of her employment with UT.

In the spring of 2001, UT began reviewing items on Ms. Reed's resume in response to questions about her credentials. UT also reviewed Ms. Reed's travel and expenditures from the president's discretionary account and conducted a special review of the proposals for various centers. In addition, a special task force reviewed the university's hiring procedures. After the release of UT's special review on Ms. Reed's credentials and travel, the Division of State Audit began its review, which also included Ms. Reed's employment with other state departments.

This review determined that Ms. Reed's employment in positions in other state departments was not the product of any outside or improper influence. However, Dr. James Gilley, as the university's president, was clearly interested in being a "mentor" to Ms. Reed and in furthering her career. As the driving force behind her career at UT beginning in August 2000, Dr. Gilley formulated her job responsibilities and interceded on her behalf when her interactions with others became problematic. Although the alleged affair between Dr. Gilley and Ms. Reed

is not at issue in this report, it does appear that the personal relationship between the two played a part in Ms. Reed's appointment as executive director, considering her poor employment record at UT. The movement of Ms. Reed to the executive director position appeared to be out of necessity to provide her with a new position rather than as part of any long-term strategy, considering her responsibilities for federal relations had just ended on a negative note.

Except for UT officials offering her the job before they appropriately advertised the newly created position, this review did not reveal any violations of hiring policies and procedures. Because of the nature of Ms. Reed's positions with state departments, hiring requirements were minimal to provide for flexibility in filling key positions. Although her initial position with the Department of Mental Health required a law license, officials were led to believe she would be obtaining her license to practice in the near future. As of the date of this report, Ms. Reed is still not licensed to practice law in the State of Tennessee. It is also noted that the Department of Mental Health, the Department of Health, and the University of Tennessee failed to perform thorough checks of Ms. Reed's employment history, which should have given state and UT officials concern about hiring her.

This review also includes an agreement between Dr. Gilley and Ms. Reed, in which both parties agreed not to make disparaging statements towards one another. The e-mail containing this agreement was found on the university's laptop computer Ms. Reed returned in May 2002, approximately one year after her resignation. In April 2002, Ms. Reed filed an EEOC complaint against the university. According to a UT official, Ms. Reed's EEOC complaint has since been dismissed. In June 2002, Ms. Reed then filed a civil lawsuit in the Knoxville Federal District Court against UT and individually against three university officials. That matter is still pending.

This review does not include the statements of Ms. Reed through a formal interview. In the fall of 2001, attempts were made by this office to interview Ms. Reed through her attorney, Mr. John P. Konvalinka. Those efforts were ultimately exhausted. However, Ms. Reed called our office on April 1 and April 3, 2002. During these phone conversations, Ms. Reed responded to some of our questions, but overall, her concern was more focused on reporting the actions of other individuals rather than on specifically answering our questions. Her limited comments from these phone calls have been included in this report.

Most of those comments related to Ms. Reed's opinion that upper management of the university worked to have her terminated upon discovery of the personal relationship between Ms. Reed and Dr. Gilley. Those issues are part of her civil lawsuit against the university. The other issues raised by Ms. Reed involving other staff and operations of the university are being reviewed.

Recently, our office received an e-mail purportedly from Ms. Reed. In the e-mail, Ms. Reed charged that this office was biased against her in its review and questioned the scope of the review. The sender of the e-mail also offered to provide recorded conversations and other documentation that the sender believed was pertinent to our review. At this point our review is

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concluded. Many attempts have been made to meet with Ms. Reed. After speaking with her and reviewing the nature of the information we have received from her, it does not appear that there is any material information she has not had an opportunity to provide.

This review recommends that the university and state departments conduct more diligent checks of background and employment histories of applicants considered for key positions. Additionally, this review recommends that these checks should be documented.

Furthermore, the results of this review were referred to the Office of the State Attorney General, the District Attorney General of the Twentieth Judicial District (Davidson County), and to the District Attorney General of the Sixth Judicial District (Knox County).

Sincerely,

A handwritten signature in black ink that reads "John G. Morgan". The signature is written in a cursive style with a long horizontal flourish at the end.

John G. Morgan
Comptroller of the Treasury

JGM/ct

State of Tennessee

A u d i t H i g h l i g h t s

Comptroller of the Treasury

Division of State Audit

Special Report

**Tennessee Department of Mental Health and Developmental Disabilities, the
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October 2002

OBJECTIVES OF THE REVIEW

The objectives of the review were to examine the work performed by the University of Tennessee (UT) and to perform any additional work necessary in regard to Ms. Pamela Reed's credentials, work, and travel; to determine if there were any inappropriate expenditures of state funds related to Ms. Reed's employment with UT and other state departments; to determine whether any state or university officials were improperly influenced in any manner during the employment process of Ms. Reed; to determine whether policies and procedures were circumvented regarding Ms. Reed's employment with the state and UT; and to determine whether Ms. Reed's appointment as the center's executive director was reasonable and whether the appointment circumvented relevant policies and procedures.

RESULTS OF THE REVIEW

The issues reviewed spanned a two-year period from Ms. Pamela Reed's completion of her requirements for a doctorate of jurisprudence at the UT College of Law on May 14, 1999, to her resignation from UT on June 13, 2001. The central issue relating to Ms. Reed's moves through two state positions, the fellowship program with UT, and finally to her appointment as executive director of a research center at UT at a salary of \$75,000 within this two-year period, was whether outside individuals or those in high positions in state government or at UT might have improperly pressured other individuals to act in furthering her career. Her career with the state and UT becomes more of an issue when considered in the context of her troubled work experiences and inaccuracies in her descriptions of prior work and educational experiences. Due to the reliance of various state and UT officials on Ms. Reed's representations, her misstatements were not detected until near the end of her employment with UT.

In the short period extending from August 2, 1999, through June 13, 2001, Ms. Reed moved through employment with two state departments and basically two different positions at the University of

Tennessee. As detailed below, this review determined that except for her final appointments at UT, Ms. Reed's employment in various state positions was not the product of any outside or improper influence but the result of negative interactions between Ms. Reed and her various supervisors and colleagues.

The Department of Mental Health, the Department of Health (TDH), and the University of Tennessee failed to perform thorough checks of Ms. Reed's employment history and failed to discover that her resume contained some falsifications. A thorough check of Ms. Reed's past employment listed on her resume should have given state and UT officials concern about hiring her.

Had department officials attempted to verify Ms. Reed's alleged employment as an adjunct faculty member at Carson-Newman College before hiring her in August 1999, they would have determined that Ms. Reed was not, in fact, employed by Carson-Newman at that time. Additionally, an inquiry into Ms. Reed's past employment would have determined that difficulties quickly developed between Ms. Reed and a staff member of a state senator's office when she worked briefly as an intern as part of UT's Legislative Internship Program.

From the information gathered in this review, it does not appear that any improper influence occurred in Mental Health's initial hiring of Ms. Reed. Although a preliminary interview with the Commissioner of Personnel and a referral to a state department with an opening may appear unusually fortuitous, we did not find this referral to be improper. Moreover, this review did not find any evidence of improper influence from other state officials or outside parties with regard to her employment with Mental Health.

This review determined that Mental Health personnel did not violate any policies and procedures when Ms. Reed was employed to fill an Attorney III position effective August 2, 1999, since they were led to believe she would be obtaining her license to practice law in the near future. Although the minimum qualifications for this position included three years of full-time experience in the practice of law, these qualifications essentially became only guidelines for Mental Health personnel after the position was changed from "career service" to "executive service" in July 1999. Clearly, she did not have any experience in the practice of law.

Although she was employed by the Department of Mental Health as an Attorney III, based on presently available information, Ms. Reed failed to inform Department of Mental Health officials that she did not receive her law license in 1999. This review confirmed that during her employment with Mental Health, Ms. Reed passed the bar examination but did not fulfill the other requirements necessary for her to receive her law license. An official from the Board of Law Examiners confirmed that a license had not been issued to Ms. Reed. According to Ms. Cannon, the department's general counsel at that time, Ms. Reed's name appeared on the list of candidates that had passed the bar examination. It appears that Ms. Reed was deceptive when she left work to allegedly attend the swearing-in ceremony on November 2, 1999. According to Ms. Cannon, Ms. Reed told her that an old family friend would be swearing her in. However, apparently Ms. Reed was not sworn in at that ceremony. As of the date of this report, Ms. Reed is still not licensed to practice law in the State of Tennessee.

In addition, Ms. Reed apparently represented the state in legal proceedings without a license to practice law. This review identified eight orders from the General Sessions Court for Knox County dated July 1999 that were signed by Ms. Reed in what appears to be her representation of Lakeshore Mental Health Institute in probable cause hearings. This review also determined Ms. Reed had signed additional orders in November 1999. Ms. Cannon confirmed that Ms. Reed occasionally substituted for department hearings. Furthermore, Ms. Cannon stated that she would have removed Ms. Reed from representing the department had she known Ms. Reed did not have her law license.

This review determined that TDOH personnel did not violate any policies and procedures when the department employed Ms. Reed.

Officials from TDH hired Ms. Reed based on her verbal representations in an interview and Ms. Reed's working relationship with a TDH official while she was employed with Mental Health. Little or no consideration was apparently given to Ms. Reed's resume. The fact that Ms. Reed was hired for an executive service position and that she had worked in concert with Dr. Regan, the former TDH Director of the Office of Policy, Planning, and Assurance, as part of her job responsibilities at Mental Health appears to have been sufficient information from the department's perspective to satisfy any of TDH's concerns about her abilities.

From the information gathered during this review, it does not appear that any improper influence from anyone outside the Department of Health was a factor in Ms. Reed's lateral move to that department. Additionally, no evidence was found to suggest that the actions of either Commissioner Wadley or Dr. Judy Regan were improperly influenced in any manner in regard to Ms. Reed's transfer to TDH.

Ms. Reed eventually negotiated a \$65,000 salary from UT. According to a UT official, Ms. Reed stated that a Vanderbilt offer of \$72,000 was on the table during the negotiation process with UT. A review of the corresponding UT e-mail and an interview with the respective professor from Vanderbilt appear to confirm that Ms. Reed misled UT officials into thinking that a job offer was extended to her from Vanderbilt University.

Except for UT officials offering her the job before they appropriately advertised the newly created position, this review did not reveal any violations of hiring policies and procedures.

UT officials admitted that their efforts to properly review Ms. Reed's employment history were lax. As Ms. Reed was already a state employee at the time she was interviewed by UT officials, more emphasis was placed on the fellowship program she was bringing to the university rather than on her employment history.

From the information gathered during this review, it does not appear that any improper influence was involved in Ms. Reed's move to UT. Moreover, it did not appear that Dr. Gilley was involved with Ms. Reed's move from TDH to UT, although they had already met each other by that time.

Within two months after Ms. Reed was employed to manage the daily operations of the fellowship program at UT, problems arose between her and the Department of Health and between her and staff at the Juvenile Court in Nashville. In addition, issues surfaced regarding Ms. Reed's alleged unprofessional behavior towards the students in the fellowship program. The problems were serious enough that UT officials removed Ms. Reed from the daily operations of the program in July 2000.

In late February 2001, in light of complaints about Ms. Reed's conduct, she was removed from federal program development. According to a university official, Ms. Reed had to be removed from the program because some federal staffers complained that she would not keep appointments and was disrespectful.

It is clear that Dr. Gilley, as the university's president, was interested in being a "mentor" to Ms. Reed and in furthering her career. Acting as the driving force behind her career at UT beginning in August 2000, Dr. Gilley formulated her job responsibilities and interceded on her behalf when her interactions with others became problematic. Although the alleged affair between Dr. Gilley and Ms. Reed is not at issue in this report, it does appear that the personal relationship between the two played a part in Ms. Reed's appointment as executive director, considering her poor employment record at UT.

It was apparent from the numerous e-mails between Ms. Reed and Dr. Gilley that Dr. Gilley was drawn into her problems with the various projects and into the problems that erupted between Ms. Reed and some of the individuals she had to interact with at UT. According to several e-mails from Ms. Reed to Dr. Gilley, one of those individuals was her immediate supervisor.

Although Ms. Reed's employment record at UT reflected numerous problems between her and other individuals, Dr. Gilley had nothing but praise for Ms. Reed's accomplishments. Under the circumstances, her appointment to the director post appears highly suspect and influenced, to some degree, by their personal relationship. Furthermore, the moving of Ms. Reed to the executive director position appeared to be out of necessity to provide her with a new position rather than part of any long-term strategy, considering her responsibilities for federal relations had just ended on a negative note.

From our review of the matter, we concur with UT's Audit and Consulting Services' conclusion that no policies or procedures were violated in the authorization process regarding the funding of the center.

UT reviewed Ms. Reed's employment history approximately one year after she was hired in May 2001, in light of questions that surfaced. UT's review revealed inaccuracies, which included her reported candidacy for a post-graduate law program in Dublin, Ireland, when in fact she never attended the college; the statement that she was a candidate for a Ph.D. in Educational Administration and Policy at UT when in fact she did not apply nor was she admitted to candidacy in this program; and the statement that she had held a position as flight attendant during her employment with Delta Airlines when, in fact, she had not.

Dr. Gilley resigned as president of UT on June 1, 2001.

On June 7, 2001, before the new center was put into place, Ms. Catherine Mizell, UT Vice President and General Counsel, wrote to Ms. Reed's attorney, Mr. John Konvalinka, to inform him that the university had grounds to terminate Ms. Reed's employment. As stated in this letter, those grounds were her unacceptable and intolerable behavior including 1) false information or concealment of facts regarding her resume and application, 2) falsification of one or more travel claims, 3) unauthorized use of another's credit card, and 4) general failure to exhibit personal and professional integrity. The university received Ms. Reed's resignation on June 13, 2001.

According to Ms. Mizell, Ms. Reed filed a civil lawsuit against the university in the Knoxville Federal District Court in June 2002. This matter is still pending.

The results of this review were referred to the Office of the State Attorney General, the District Attorney General of the Twentieth Judicial District (Davidson County), and to the District Attorney General of the Sixth Judicial District (Knox County).

"Audit Highlights" is a summary of the special report. To obtain the complete special report, please contact

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INTRODUCTION

I. ORIGIN OF REVIEW

On June 21, 2001, State Senator Randy McNally requested that our office review the financial transactions of programs, institutes, and centers for research at the University of Tennessee directly relating to a former assistant director and instructor, Ms. Pamela Reed. Senator McNally also requested an evaluation of positions, salaries, responsibilities, and qualifications of Ms. Reed during her employment with the Tennessee Department of Mental Health and Developmental Disabilities (Mental Health) the Tennessee Department of Health (TDH), and the University of Tennessee (UT).

Senator McNally questioned the accuracy of Ms. Reed's credentials, whether state positions and projects had been created specifically for her, and her apparent ties to Dr. James Wade Gilley, UT's president at that time. A particular point of contention was Dr. Gilley's authorization on March 13, 2001, to fund a newly established Center for Law, Medicine, and Technology at UT (referred to as the center in this report). Ms. Reed was appointed the center's executive director at an annual salary of \$75,000. This position was to be effective July 1, 2001; however, Ms. Reed resigned on June 13, 2001. Dr. Gilley resigned as president on June 1, 2001.

II. OBJECTIVES OF REVIEW

The objectives of the review were

1. to review the work performed by UT and to perform any additional work necessary in regard to Ms. Reed's credentials, work, and travel;
2. to determine if there were any inappropriate expenditures of state funds related to Ms. Reed's employment with UT and other state departments;

3. to determine whether any state or university officials were improperly influenced in any manner during the employment process of Ms. Reed;
4. to determine whether policies and procedures were circumvented regarding Ms. Reed's employment with the state and UT; and
5. to determine whether Ms. Reed's appointment as the center's executive director was reasonable and whether the appointment circumvented relevant policies and procedures.

III. SCOPE

This review by the Division of State Audit included an examination of the relevant interviews and working papers that UT's Audit and Management Services developed after reviewing some of these issues in May 2001. The supporting documentation for the UT special report on Ms. Reed's credentials and travel issued June 13, 2001, was also examined. We also reviewed UT's related reports on hiring procedures dated September 12, 2001, and contracts and small research center proposals issued November 21, 2001. As part of this review, state auditors examined expenditures for the Center for Law, Medicine, and Technology. Our review also included approximately 35 interviews of current and former employees of Mental Health, TDH, UT, and other pertinent agencies and organizations. Information obtained from hard drives removed from UT computers assigned to both Dr. Gilley and Ms. Reed was reviewed along with all pertinent e-mail retained on UT network servers.

Attempts were made to formally interview Ms. Reed through her attorney Mr. John P. Konvalinka. Those efforts were ultimately exhausted. Initially, Mr. Konvalinka agreed that Ms. Reed would respond in writing to any questions or she would be available for an interview if a state-paid court reporter was present. After our office agreed to having a court reporter present during Ms. Reed's interview, several days were set as tentative dates for the interview. However, Ms. Reed was apparently not available. According to Mr. Konvalinka, Ms. Reed had left the country until Christmas of 2001. Although we afforded Mr. Konvalinka more dates for the interview after Christmas, Mr. Konvalinka failed to set a date. Ms. Reed called our office on April 1 and April 3, 2002. During these phone conversations, Ms. Reed responded to some of our questions, but overall, her concern was more focused on reporting the actions of other individuals rather than on specifically answering our questions. Her limited comments from these phone calls have been included in this report. After declining a formal interview, Ms. Reed referred any further questions we had to her attorney. However, after these two phone calls to our office, Ms. Reed continued to send items responding to our questions as well as other information to our office. Utilizing this approach, she apparently sent us all the items she felt were relevant to her position. The other information she provided is being reviewed.

IV. ISSUES CONCERNING THE FOLLOWING SPECIFIC POSITIONS HELD BY MS. REED

The issues reviewed spanned a two-year period from Ms. Reed's completion of her requirements for a doctorate of jurisprudence at the UT College of Law on May 14, 1999, to her resignation from UT on June 13, 2001. The central issue relating to Ms. Reed's moves through two state positions, the fellowship program with UT, and finally to her appointment as executive director of a research center at UT at a salary of \$75,000 within this two-year period, was whether outside individuals or those in high positions in state government or at UT might have improperly pressured other individuals to act in furthering her career. Her career with the state and UT becomes more of an issue when considered in the context of her troubled work experiences and inaccuracies in her descriptions of prior work and educational experiences. Due to the reliance of various state officials on her representations of her academic accomplishments, work history, and professional licensing and their failure to confirm these matters, her misstatements were not detected until near the end of her employment with UT.

A. Mental Health

Ms. Reed's employment by the Department of Mental Health in August 1999 as a staff attorney raised several concerns. There was concern whether the department had adequately reviewed her resume and employment background before hiring Ms. Reed at this level and salary and whether the state's hiring policies and procedures were followed. In addition, there was a question concerning whether she had passed the bar examination but never fulfilled other requirements to receive a law license. If true, it was possible that Ms. Reed's activities as an attorney for Mental Health were performed without an appropriate law license.

B. Department of Health

Her employment by the Department of Health in December 1999 as a Statistical Analyst Supervisor raised similar concerns. The issues were whether the department had followed state policies and procedures in hiring Ms. Reed for a vacant "Analyst" position though she would actually direct a new Office of Healthcare Education. In addition, there was concern whether the department had adequately reviewed her resume and employment background before hiring Ms. Reed, especially since Department of Health officials were aware of persistent negative interactions between Ms. Reed and her supervisor at Mental Health.

C. UT-Memphis, Center for Health Sciences Research

Ms. Reed's employment with the Center for Health Sciences Research at UT effective May 1, 2000, as an assistant director also raised questions about whether the

university had followed policies and procedures in hiring Ms. Reed and whether the university had adequately reviewed her resume and employment background.

D. UT Knoxville, Center for Law, Medicine, and Technology

Ms. Reed's appointment as executive director of a newly created research center at UT [the center] in March 2001, in spite of her questionable work record, also raised concern. In addition, Ms. Reed's appointment by Dr. Gilley was questioned because of issues regarding the nature of their relationship.

V. REVIEWS BY THE UNIVERSITY OF TENNESSEE

In the spring of 2001, UT began reviewing items on Ms. Reed's resume in response to questions about Ms. Reed's credentials. UT also reviewed Ms. Reed's travel and expenditures from the president's discretionary account. In addition, a special task force reviewed the university's hiring procedures, and UT conducted a special review of the proposals for various centers. After the release of UT's special review on Ms. Reed's credentials and travel, the Division of State Audit began its review that was larger in scope to include Ms. Reed's employment with the state and at UT. State Audit's review included the work performed by university officials and focused on the issues mentioned above.

A. UT Special Review – Ms. Reed's Credentials

On June 13, 2001, UT issued its special review of Ms. Reed's credentials and travel on university business. The review revealed a number of inaccuracies and embellishments regarding the information Ms. Reed supplied to the university on one or more of the following documents: her employment application, her resumes and/or Curriculum Vitae, and the business plan for the center.

B. UT Special Review – Ms. Reed's Travel

The university also reviewed a travel reimbursement request by Ms. Reed because of expenses she had not incurred and her use of a third party's credit card, apparently without authorization. According to Ms. Reed's travel claim, she traveled to Washington, D.C., on January 17, 2001, to attend the presidential inauguration and to meet with a consultant group. UT's report states that Ms. Reed attempted to use a credit card to purchase an airline ticket for the trip, but the card was rejected. She then apparently used a credit card belonging to someone else to purchase the plane ticket for \$408.54 without his authorization. The individual disputed the charge with American Express, who credited his account. Ms. Reed was required to reimburse the university for the ticket. The UT report also stated that Ms. Reed used the unauthorized card to pay

her lodging expenses on this trip which totaled \$1,488. The cardholder apparently disputed these other charges initially but subsequently paid the bill.

C. UT President's Discretionary Account

UT auditors also examined expenditures from the president's discretionary account. Several immaterial exceptions were noted.

D. UT Hiring Procedures

A related review of UT's hiring procedures was presented by a university task force in a memorandum dated September 12, 2001. The task force recommended that several improvements to hiring procedures should be made, including a standardized process using common forms across the various campuses. The task force also recommended improved reference checks which should be documented and verifications of the chronological history of employment. This UT report did not expressly mention Ms. Reed.

E. UT Special Review of Center Proposals

A special review entitled *Contracts and Small Research Center Proposals* was issued November 21, 2001, by UT's Audit and Consulting Services. Included in this report was a review of Dr. Gilley's authorization to fund a Center for Law, Medicine, and Technology. This UT report mentioned that Ms. Reed had been appointed director of this center but contained nothing else expressly regarding Ms. Reed. The review determined that the funding for the center totaling \$400,000 was derived from salary savings and savings from unfilled positions. Therefore, the report concluded, these funds were not restricted and Dr. Gilley had the discretion to designate the funds in furtherance of the university's mission. The review also concluded that funding the center and other small research proposals was consistent with the university's mission and that all the relevant department heads had supported the establishment of the center.

VI. SUMMARY OF STATE AUDIT FINDINGS

In the short period extending from August 2, 1999, through June 13, 2001, Ms. Reed moved through employment with two state departments and two different positions at the University of Tennessee. As detailed below, this review determined that except for her final appointments at UT, Ms. Reed's employment in state positions was not the product of any outside or improper influence but the result of various negative interactions between Ms. Reed and her supervisors and colleagues.

A. Lack of Inquiry into Ms. Reed's Employment History

The Department of Mental Health, the Department of Health, and the University of Tennessee failed to perform thorough checks of Ms. Reed's employment history and failed to discover that her resume contained some falsifications. A thorough check of Ms. Reed's past employment listed on her resume should have given state and UT officials concern about hiring her.

1. Mental Health

Had department officials attempted to verify Ms. Reed's alleged employment as an adjunct faculty member at Carson-Newman College before hiring her in August 1999, they would have determined that Ms. Reed was not, in fact, employed by Carson-Newman at that time. Additionally, an inquiry into Ms. Reed's past employment would have determined that difficulties quickly developed between Ms. Reed and a staff member of a state senator's office when she worked briefly as an intern as part of UT's Legislative Internship Program.

2. Health

Officials from DOH hired Ms. Reed based on her verbal representations in an interview and Ms. Reed's working relationship with a DOH official while she was employed with Mental Health. Little or no consideration was apparently given to Ms. Reed's resume. The fact that Ms. Reed was hired for an executive service position and that she had worked in concert with Dr. Regan, the former DOH Director of the Office of Policy, Planning, and Assurance, as part of her job responsibilities at Mental Health appears to have been sufficient information from the department's perspective to satisfy any of TDOH's concerns in Ms. Reed's abilities.

3. UT

UT officials admitted that their efforts to properly review Ms. Reed's employment history were lax. As Ms. Reed was already a state employee at the time she was interviewed by UT officials, more emphasis was placed on the fellowship program she was bringing to the university than her employment history. UT reviewed Ms. Reed's employment history approximately one year after she was hired in May 2001, in light of questions that surfaced. UT's review revealed inaccuracies, which included her reported candidacy for a post-graduate law program in Dublin, Ireland, when in fact she never attended the college; the statement that she was a candidate for a Ph.D. in Educational Administration and Policy at UT when in fact she did not apply, nor was she admitted to candidacy in this program; and the statement that she had held a position as flight attendant during her employment with Delta Airlines when in fact she was a sales agent.

Furthermore, it appears that if UT officials had checked into Ms. Reed's story about a job offer from Vanderbilt when she was negotiating with the university, they would have determined that Ms. Reed had not been truthful about the other offer.

B. No Improper Influence in Hiring Decisions

1. Mental Health

From the information gathered in this review, it does not appear that any improper influence occurred in the state's initial hiring of Ms. Reed. Although a preliminary interview with the Commissioner of Personnel and a referral to a state department with an opening may appear unusually fortuitous, we did not find this referral to be improper. Moreover, this review did not find any evidence of improper influence from other state officials or outside parties with regard to her employment with Mental Health.

2. Health

From the information gathered in this review, it does not appear that any improper influence from anyone outside the Department of Health was a factor in Ms. Reed's lateral move to that department. Additionally, no evidence was found to suggest that the actions of either Commissioner Wadley or Dr. Judy Regan were improperly influenced in any manner in regard to Ms. Reed's transfer to TDH.

3. Dr. Gilley Exerts Some Influence in Ms. Reed's Career at UT

From the information gathered in this review, it does not appear that any improper influence was involved in Ms. Reed's move to UT. Moreover, it did not appear that Dr. Gilley was involved with Ms. Reed's move from TDH to UT, although they had already met each other by that time.

It is clear that Dr. Gilley, as the university's president, was interested in being a "mentor" to Ms. Reed and in furthering her career. The driving force behind her career at UT beginning in August 2000, Dr. Gilley formulated her job responsibilities and interceded on her behalf when her interactions with others became problematic. Although the alleged affair between Dr. Gilley and Ms. Reed is not at issue in this report, it does appear that the personal relationship between the two played a part in Ms. Reed's appointment as executive director, considering her poor employment record at UT.

C. One Exception in Adherence to Hiring Policies

1. Mental Health

This review determined that Mental Health personnel did not violate any policies and procedures when Ms. Reed was employed to fill an Attorney III position effective August 2, 1999. Although the minimum qualifications for this position were a license to practice law and three years of full-time experience in the practice of law, these qualifications essentially became only guidelines for Mental Health personnel after the position was changed from "career service" to an appointment in the "executive service" in July 1999.

2. Health

This review determined that TDH personnel did not violate any policies and procedures when the department employed Ms. Reed.

3. UT- Employment Offer Prior to Advertising Job Position Is Apparent Violation of UT Hiring Policies

Except for UT officials offering her the job before they appropriately advertised the newly created position, this review did not reveal any violations of hiring policies and procedures.

From this review, it also appeared that UT policies and procedures were followed in her appointment as an instructor.

From our review of the matter, we concur with UT's Audit and Consulting Services' conclusion that no policies or procedures were violated in the authorization process regarding the funding of the center.

D. Ms. Reed's Lack of a Law License

Ms. Reed apparently represented the state in legal proceedings without a license to practice law. Ms. Reed was employed by the Department of Mental Health as an Attorney III. Based on presently available information, Ms. Reed failed to inform Department of Mental Health officials that she did not receive her law license in 1999. This review confirmed that during her employment with Mental Health, Ms. Reed passed the bar examination but did not fulfill the other requirements necessary for her to receive her law license. An official from the Board of Law Examiners confirmed that a license had not been issued to Ms. Reed. According to Ms. Cannon, the department's general counsel at that time, Ms. Reed's name appeared on the list of candidates that had passed the bar examination. It appears that Ms. Reed was deceptive when she left work to allegedly attend the swearing-in ceremony on November 2, 1999, but had not qualified to be sworn in. According to Ms. Cannon, Ms. Reed told her that an old family friend would be swearing her in. However, apparently Ms. Reed was not sworn in at that ceremony. As of the date of this report, Ms. Reed is still not licensed to practice law in the State of Tennessee.

It also appears that department officials never confirmed that Ms. Reed was licensed to practice law because they confirmed that she had passed the bar examination and presumed she had therefore received her license to practice law.

E. Ms. Reed's Pattern of Inability to Get Along with Others and Inappropriate Behavior

1. Mental Health

According to Ms. Reed's supervisor and colleagues at the Department of Mental Health, the interactions between her and her supervisor were not positive.

2. UT

A. Alleged Job Offer

Pamela Reed eventually negotiated a \$65,000 salary from UT. According to a UT official, Ms. Reed stated that a Vanderbilt offer of \$72,000 was on the table during the negotiation process with UT. After reviewing the corresponding UT e-mail and interviewing the respective professor from Vanderbilt, it appears that Ms. Reed misled UT officials into thinking that a job offer was extended to her from Vanderbilt University.

B. Unprofessional Behavior in Fellowship Program

Within two months after Ms. Reed was employed to manage the daily operations of the fellowship program at UT, problems arose between the Department of Health and Ms. Reed and between the Juvenile Court and Ms. Reed. In addition, issues surfaced regarding Ms. Reed's alleged unprofessional behavior towards the students in the fellowship program. The problems were serious enough that UT officials removed Ms. Reed from the daily operations of the program in July 2000.

C. Unprofessional Behavior in Federal Relations

In late February 2001, in light of complaints about Ms. Reed's conduct, she was removed from federal relations. According to a university official, Ms. Reed had to be removed from the Washington, D.C., office because some federal staffers complained that she would not keep appointments and was disrespectful.

D. Problems with Supervisor and Others

It was apparent from the numerous e-mails between the two that Dr. Gilley was drawn into her problems with the various projects and into the problems that erupted between Ms. Reed and some of the individuals at UT she had to interact with. According to several e-mails from Ms. Reed to Dr. Gilley, one of those individuals was her immediate supervisor.

F. Ms. Reed's Appointment as Executive Director of New UT Center

Considering the numerous problems with the interactions between Ms. Reed and other individuals, her appointment to the director's post appears highly suspect. Although Dr. Gilley had nothing but praise for Ms. Reed's accomplishments, his approval of the center appeared to be biased in light of their personal relationship. Furthermore, the personnel move of Ms. Reed to the executive director position appeared to be out of necessity to provide her with a new position rather than part of any long-term strategy, considering her responsibilities for federal relations had just ended on a negative note.

G. Ms. Reed's Resignation

On June 7, 2001, before the new center was put into place, Ms. Catherine Mizell, UT Vice President and General Counsel, wrote to Ms. Reed's attorney, Mr. John Konvalinka, to inform him that the university had grounds to terminate Ms. Reed's employment. As stated in this letter, those grounds were her unacceptable and intolerable behavior, including 1) false information or concealment of facts regarding her resume and application, 2) falsification of one or more travel claims, 3) unauthorized use of another's credit card, and 4) general failure to exhibit personal and professional integrity. Ms. Reed's resignation followed and was received by the university on June 13, 2001.

Technically, it does not appear that the university needed any cause to terminate Ms. Reed's employment as she was an "employee-at-will." The characterization of an "employee-at-will" is an employment status with an indefinite term that can be terminated by either party at any time without cause. In this case, Ms. Reed resigned. However, in light of her deceptive resume, her inability to work with others, and her unauthorized use of a third-party credit card, it does appear that her effectiveness and credibility were diminished to the point that she was no longer a desired employee.

VII. DETAILS OF REVIEW

A. Summary of Ms. Reed's Employment after Graduation from UT

In July 1999, Ms. Reed visited the Department of Personnel, in Nashville in an effort to gain employment.

1. Mental Health

She was referred to the Department of Mental Health and was hired as an Attorney III on August 2, 1999. Ms. Reed's official workstation was in Nashville, Tennessee.

2. Health

On December 1, 1999, Ms. Reed was hired to fill a position as a Statistical Analyst Supervisor with the Department of Health. This executive service position was also in Nashville.

3. UT

Ms. Reed was hired by the University of Tennessee as an Assistant Director of Program Development in the Center for Health Sciences Research on May 1, 2000. Although the UT Center for Health Sciences Research is located in Memphis, Ms. Reed's official workstation was in Nashville, the location of the fellowship program she was hired to oversee. Her main responsibilities were to implement her ideas in expanding the fellowship program to include law and medical students. Ms. Reed was removed from the daily operation of the fellowship program in July 2000. In the summer of 2000, Ms. Reed's responsibilities changed to include federal funding research and assisting Dr. Gilley in writing a book. Ms. Reed's official station was changed to Knoxville around this time. Ms. Reed was removed from being responsible for federal funding research in February 2001. Finally, in March 2001, she was appointed the executive director of the new Center for Law, Medicine, and Technology in Knoxville.

Ms. Reed resigned on June 13, 2001, before the new center was put into place.

B. Ms. Reed's Resumes

1. Ms. Reed's Resume Submitted in the Spring of 1999

According to Ms. Betty Boner, General Counsel for the Department of Health, TennCare Division, Ms. Reed submitted her resume to the TennCare Division in Nashville in the spring of 1999, prior to her graduation from the UT College of Law in May 1999. In addition, a form letter dated February 2, 1999, from U.S. Congressman

John Duncan's office in support of Ms. Reed's efforts was also sent to the TennCare Division. Ms. Reed was not hired in the TennCare Division, and a copy of this resume was not retained by the state.

A form letter dated February 2, 1999, from U.S. Congressman John J. Duncan, Jr.'s office explained that Ms. Reed had been an intern in his Knoxville office during 1994. The letter stated it was written on behalf of Ms. Reed and that Congressman Duncan was in support of Ms. Reed's efforts in applying for employment. To verify the authenticity of this letter, auditors contacted Mr. Bob Griffiths, Chief of Staff for Congressman Duncan. Mr. Griffiths confirmed that Ms. Reed worked as an unpaid intern for approximately one month. Mr. Griffiths stated that Ms. Reed was one of the many students that had worked for that office and that nothing unusual occurred during the short period she assisted as an intern. Mr. Griffiths stated that Ms. Reed called the office in 1999 to request a letter to Ms. Boner. Mr. Griffiths stated that it was a standard practice of that office to provide such a letter under these circumstances if requested. Mr. Griffiths stated that their office did not receive any telephone calls or requests for special consideration to be given to Ms. Reed.

Mr. Griffiths' statement was supported through statements from Ms. Boner. According to Ms. Boner, no one tried to influence or persuade her to hire Ms. Reed. She stated that she had interviewed Ms. Reed, but because of Ms. Reed's lack of experience, she was not hired.

2. Ms. Reed's Updated Resume Submitted Prior to Employment with the State in August 1999

Ms. Reed's updated resume (see Exhibit A) obtained from her state personnel file was undated but was created after her graduation from law school since it contained information after that point. It was presumably received by the Department of Mental Health in the summer of 1999 because it included a doctorate of jurisprudence from UT College of Law, and Ms. Reed did not complete the requirements until May 1999.

In retrospect, a thorough check of Ms. Reed's past employment listed on her resume would have given state officials enough information to be concerned about employing Ms. Reed. Based on presently available information, a falsification could have been determined by contacting the first entry listed on Ms. Reed's resume. The first entry under "experience and accomplishments" listed Ms. Reed as an Adjunct Professor at Carson-Newman College, Division of Nursing, in Jefferson City, Tennessee. To confirm this entry, auditors contacted Ms. Ann Harley, EdD, RN, and Dean of the Division of Nursing at Carson-Newman College. According to Ms. Harley, she met with Ms. Reed around July 1999, at which time Ms. Reed had volunteered to make a presentation to a class Ms. Harley was scheduled to teach. However, Ms. Harley stated that it was her opinion that Ms. Reed was not an adjunct professor and that had she been contacted by someone from the state inquiring about this issue, she would have stated that information suggesting Ms. Reed had been an adjunct professor at Carson-Newman

was false. Ms. Harley stated that in late 1999, she and Ms. Reed discussed a class on nursing and that in the spring of 2000, Ms. Reed was approved to teach the class.

In a letter, Mr. Mark Heinrich, Interim Vice President for Academic Affairs at Carson-Newman College, extended an offer for Ms. Reed to teach a nursing course for \$1,740 during the spring semester 2000. According to Mr. Heinrich, Ms. Reed was not an adjunct faculty member but was contracted to teach as a part-time instructor at the college for the spring semester. He stated that had he been contacted in August 1999 regarding her resume, he would not have known who she was. He stated that at that point in time, the Academic Affairs office had not received any correspondence or paperwork regarding the part-time instructor position.

Ms. Reed subsequently contracted to teach a course at Carson-Newman College after December 15, 1999, but that course, in the spring of 2000, was cancelled after three class sessions because of low attendance.

Ms. Reed stated that she had been approved to teach as an adjunct faculty member and therefore felt it was appropriate to include this assignment on her resume. However, that approval was only to teach one class, not to appoint her as an adjunct faculty member. Furthermore, this offer did not occur until December 15, 1999, at least four months after Ms. Reed presumably submitted her resume to the state.

Additionally, had inquiries been made into the sixth entry on Ms. Reed's resume submitted to the state, those inquiries would have determined that difficulties quickly developed between a staff member of former Senator Bud Gilbert and Ms. Reed in 1995. These difficulties should have raised concerns about hiring Ms. Reed. According to Ms. Reed's resume, she prepared reports on TennCare issues and was responsible for tracking legislative bills during a legislative internship through UT's Political Science Department. According to Dr. Linda Tober, Assistant Dean, UT Undergraduate Academic Affairs, Ms. Reed was assigned to Senator Gilbert's Office in Nashville, Tennessee, as part of UT's Legislative Internship Program. According to Dr. Tober, Ms. Reed's assignment was in 1995 and ended after Ms. Reed resigned from the program after several weeks. According to former Senator Gilbert, Ms. Reed had difficulties working with her supervisor, a full-time staff member. Mr. Gilbert stated that the difficulties involved Ms. Reed's refusal to make photocopies and her demands for her own office.

It should also be noted that the items listed under "experience and accomplishments" on Ms. Reed's resume submitted to the state in the summer of 1999 were not dated. Normally and preferably, resumes should include a timeline of activity, and any unexplained gaps should be explored during the interview process. By electing to not include such dates on her resume, gaps and durations of employment could not be readily determined. An updated version of Ms. Reed's resume (including both positions with the state) was obtained from her UT personnel file (see Exhibit B).

3. Ms. Reed's Updated Resume Submitted to UT

Although it is not dated, Ms. Reed's updated resume was presumably received by UT around March 2000. In comparing this updated version to her resume in her state personnel file, several differences were noted. Both job positions with the Department of Mental Health and the Department of Health had been added. In addition, the resume she submitted to UT did not contain a reference to her legislative internship in the Political Science Department at UT, her responsibilities as a legal research assistant at UT College of Law, her work in independent study with the Knox County Juvenile Court, and her research and independent study with the Juvenile Justice System.

UT's special review dated June 13, 2001, reported inaccuracies (also found on her resume initially submitted to the state) which included the statement that Ms. Reed was a candidate for a post-graduate law program in Dublin, Ireland, when in fact she never attended the college; the statement that she was a candidate for a Ph.D. in Educational Administration and Policy at UT when in fact she did not apply, nor was she admitted to candidacy in this program; and the statement that she had held a position as flight attendant during her employment with Delta Airlines when in fact she was not a flight attendant. The UT review also pointed out Ms. Reed's failure to mention her brief experience as a law clerk for a Knoxville Attorney, Mr. Herbert Moncier.

Mr. Moncier confirmed that Ms. Reed was employed as a law clerk with his office in June 1998. He stated that Ms. Reed only worked for 13 days and that he had no comment on the reason she left.

In applying at UT, Ms. Reed also filled out an application (see Exhibit C). Although the items listed under "Employment Record" on the application are not all-inclusive, a timeline (see below) of her employment/experience was constructed from this application, both her resumes, and interviews conducted by the Division of State Audit.

- In 1978, she was hired by Delta Airlines, where she worked as an account executive until 1992.
- She worked as a student assistant with UT's Conflict Resolution Program from December 1992 until April 1993 in Knoxville.
- Sometime in 1994, she worked as an intern for approximately one month in U.S. Congressman John Duncan's office in Knoxville.
- From May 1994 through August 1995, she worked at the UT Knoxville Conflict Resolution Program as an intern.
- In 1995, she was an intern for approximately two weeks for State Senator Bud Gilbert's office in Nashville.
- In August 1995, she graduated from UT with a Bachelor of Arts degree.

- From August 1995 through January 1998, her resumes indicate that she worked as a part-time consultant with an entity named “PSR” in east Tennessee.
- In January 1998, she worked as an intern in District Attorney General Al Schmutzer’s office in Sevierville, Tennessee.
- In June 1998, Ms. Reed also worked briefly (13 days) as a law clerk at Attorney Herbert Moncier’s office in Knoxville.
- From late June 1998 through August 1998, Ms. Reed was a student at the Institute on International and Comparative Law in Dublin, Ireland.
- In May 1999, Ms. Reed completed the requirements for a doctorate of jurisprudence at the UT College of Law.

C. Employment Requirements

1. The State Employment Process

The executive branch of state government had 36,529 career service positions as of July 31, 2001, according to Mr. John Moore, Classification and Compensation Director, Department of Personnel (DOP). Individuals pursuing a career service position with the state are required to complete a state application. This application is designed for individuals to provide a history of their education, employment experience, and references to be contacted. DOP personnel evaluate the information provided on the state application to determine whether the candidate meets the minimum qualifications required for the job(s) applied for. DOP determines a score based on the candidate’s education and experience for a specific job classification. Eligible applicants for that job classification are placed on a list (or register) available for use by agencies as vacancies occur. Agencies must hire from among the top five eligible applicants who are willing to accept a particular vacant position.

The Department of Personnel does not process applications for executive service jobs. The executive service positions are for individuals that will be serving in an administrative capacity to a commissioner, deputy commissioner, or assistant commissioner. Individuals apply directly with the department in which the executive service position is located. A state application and job classification registers are not used.

2. The Nature of Ms. Reed's Positions

Both job positions held by Ms. Reed with state departments were executive service. Therefore, Ms. Reed was not required to complete a state application, and she was not placed on any job classification register.

The assistant director position Ms. Reed held at the University of Tennessee at Memphis and the executive director position she was appointed to were similar to the state's executive service position. The University of Tennessee at Memphis personnel procedures classified her job position as "staff exempt," that is, exempt from federal wage and hour laws. The hiring unit, the Center for Health Sciences Research, was responsible for the job negotiations and the interview with other candidates (in this case, no other candidates applied). The campus' Personnel Services is responsible for completing reference checks with previous employers for staff exempt candidates. However, in Ms. Reed's situation, these checks were left up to the hiring unit. Final authority to offer staff exempt positions is held by Personnel Services pursuant to the listing of the job position on the Job Hotline for five days.

3. Conclusion

None of the state positions held by Ms. Reed were career service. They did not require formal state applications, nor did they require that the candidate possess the minimum qualifications for the available position (to be discussed later in this report). The procedures at UT Memphis were more formal and required an application and background check. However, the positions held by Ms. Reed at UT were not civil service or tenured faculty.

D. Ms. Reed Meets with the Commissioner of the Department of Personnel

In July 1999, Ms. Reed visited the Department of Personnel for assistance in seeking employment. Ms. Reed was interviewed by Ms. Eleanor Yoakum, the Governor's Chief Administrative Officer. At that time, Ms. Yoakum was the Commissioner of the Department of Personnel. Ms. Yoakum stated that Ms. Reed had visited her office and requested an interview, that she and Ms. Reed were not formerly acquainted, and that no individuals pressured her or even contacted her on behalf of Ms. Reed. Ms. Yoakum also stated that it was not unusual for her to interview candidates. Ms. Yoakum explained that it was her job to assist in filling essential positions and she was impressed with Ms. Reed's education, her employment experiences, and her energy. Ms. Yoakum also stated that she wanted to assist Ms. Reed's interests if she could because there were not many graduates from law school seeking state employment.

According to Ms. Reed, there was not a formal interview with Ms. Yoakum. She stated that she was friends with Ms. Yoakum and her sister, Martha Yoakum. Ms. Reed stated that the three of them discussed the job with Mental Health over dinner the night before she went to interview with Mental Health.

Ms. Yoakum stated that she had not been acquainted with Ms. Reed prior to Ms. Yoakum's sister introducing Ms. Reed to her. According to Ms. Yoakum, Ms. Reed joined them for dinner that night, but the position at Mental Health was not discussed. Ms. Yoakum stated that although Ms. Reed had accompanied her sister to dinner that night, she did not do anything special for Ms. Reed in regard to her employment.

Commissioner Yoakum called Ms. Nora Cannon, former General Counsel of Mental Health, to inquire about a vacant Attorney III position. Ms. Cannon recalls that Ms. Yoakum called to say that Ms. Reed would make an "ideal addition" to the department. Ms. Yoakum stated she asked Ms. Cannon to consider Ms. Reed for the open Attorney III position but that this request was not an endorsement.

During our review, no evidence was found to suggest that the actions of Ms. Yoakum were influenced in any manner in regard to the interview of Ms. Reed and the referral of Ms. Reed to Mental Health.

Ms. Cannon interviewed Ms. Reed sometime in July 1999 for the vacant Attorney III position with Mental Health. Ms. Cannon stated that she was impressed with Ms. Reed's knowledge of law and healthcare and her desire to bring the two disciplines together. After the interview, Ms. Cannon initiated steps to employ Ms. Reed. This procedure involved personnel from Mental Health and the Tennessee Department of Personnel.

E. Ms. Reed Is Hired by the Department of Mental Health (August 1999)

According to Ms. Reed's personnel file, she was hired on August 2, 1999, as an Attorney III with Mental Health, at the starting salary of \$3,750 a month.

1. No Violation of Hiring Policy

This review determined that Mental Health personnel did not violate any policies and procedures when Ms. Pamela Reed was employed to fill an Attorney III position effective August 2, 1999, since they were led to believe she would be obtaining her license to practice law in the near future. Although the minimum qualifications for this position included three years of full-time experience in the practice of law, these qualifications essentially became only guidelines for Mental Health personnel after the position was changed from "career service" to an appointment in the "executive service" in July 1999. Clearly, she did not have any experience in the practice of law. According to the *Rules of the Tennessee Department of Personnel*, Section 1120-3-.04 (5), "For appointments in the executive service, minimum qualifications are a guide the appointing authority may follow in filling positions."

Ms. Dorothy Shell, the commissioner of the Department of Personnel at the time of this review, stated that the executive service classification is intended for positions

serving in a confidential administrative capacity to a commissioner or deputy commissioner. According to Commissioner Shell, the executive service classification is also intended to ease restrictions and allow for some flexibility in hiring individuals for essential positions. Commissioner Shell further stated that it was not unusual for Attorney III positions to be classified as executive service.

According to Department of Personnel (DOP) records for the 1999 calendar year, of the 128 Attorney III full-time positions in state government, 108 were classified as executive service. The Attorney III position held by Ms. Reed was effectively changed from career service to an executive service position on July 1, 1999. The original request from Mental Health to Ms. Eleanor Yoakum, commissioner of the DOP at that time, for this status change was dated April 26, 1999. As Ms. Reed had not applied for the position with Mental Health until mid-July 1999, the status change appears to have no correlation with Ms. Reed's employment.

During this review, it was noted that Ms. Reed's personnel file did not contain a state application. According to Ms. Vicki Graham, Personnel Manager with Mental Health, a completed state application was not required for executive service positions. This exception was confirmed with Mr. John Moore, Director of Classification and Compensation, DOP.

No documentation was found in Ms. Reed's personnel file to indicate that any references, background, or education had been verified. According to Ms. Cannon, she did not specifically recall which of Ms. Reed's references she had checked. Ms. Cannon stated that she may have telephoned UT to verify her law degree and possibly one of Ms. Reed's references. Although Ms. Cannon's review of Ms. Reed's personnel file was not extensive, it did not appear that any policies and procedures were violated. According to DOP unwritten policy, no reference, background, or educational checks were required for executive service positions.

The Department of Personnel also requires the appointing authorities of state departments considering applicants to verify the educational background and other pertinent information on the applications. The DOP memorandum stating this requirement is dated July 19, 1989, and addresses only career service appointments. Requirements for executive service positions were not specifically mentioned, and such appointments appear to be at the discretion of the appointing authority. Furthermore, no reference or criminal background checks were required by DOP.

2. Ms. Reed's Initial Salary

Based on this review, Mental Health's employment of Ms. Reed at a salary of \$3,750 a month (\$45,000 annually) did not violate policy. According to Commissioner Shell, since Ms. Reed was hired within the salary range for Attorney IIIs, her appointment was approved. According to DOP records, the monthly salary of \$3,750 offered to Ms. Reed was within the range for that position, which was \$2,914 to \$4,698 as of January 1999.

Ms. Reed's starting annual salary of \$45,000 was approved by DOP but appeared out-of-line with another Attorney III in the general counsel's office at that time. Although this high salary gives the appearance that Ms. Reed's hiring might have been improperly influenced in some manner, this review did not find any evidence that Ms. Cannon was so influenced in her decision to hire Ms. Reed or to set her starting salary.

Ms. Cannon stated that she established the salary for the position in an effort to retain a lawyer in the department and that she established the salary after informal meetings with other counsel within the state. According to Ms. Cannon, while she had a couple of conversations about the starting salary with Ms. Reed prior to her employment, the figure did not change substantially as a result of those conversations. At Ms. Cannon's request, two letters dated July 19, 1999, were sent to DOP requesting the approval of Ms. Reed's appointment at \$45,000 and to unfreeze the position. The letters requesting Ms. Reed's salary and the request to unfreeze the position were reviewed and approved by personnel at DOP. The reversal of the freeze on the position was approved because it was an essential position, according to Ms. Yoakum, the DOP Commissioner. She stated that a hiring freeze did not mean that departments could not hire for top positions.

According to Ms. Cindy Tyler, then an Attorney III with the Department of Mental Health, she was initially hired with the department in 1998, at an annual salary of \$43,000. Ms. Tyler stated that she had previous work experience as an attorney for Nashville Metropolitan Government. She stated that she was not privy to the reason Ms. Cannon, the general counsel for the department at that time, had hired Ms. Reed at a higher salary. Ms. Cannon stated that although Ms. Reed did not have any work experience in the field of law, she was involved in many activities in the medical field. According to Ms. Cannon, the higher salary was therefore appropriate. Ms. Cannon stated that although she did not verify any of Ms. Reed's experience relating to the field of medicine, she had read several of Ms. Reed's published articles relating to medical issues.

3. Ms. Reed's Inability to Get Along with Others at Mental Health

Ms. Tyler stated that Ms. Reed immediately started looking for another job after being hired. She also stated that before Ms. Reed moved over to the Department of Health, the interactions between Ms. Reed and Ms. Cannon were negative. Ms. Cannon confirmed that the interactions between her and Ms. Reed were not positive.

4. Ms. Reed's Lack of a License to Practice Law

Ms. Reed's lack of a law license became an issue because she was hired as an attorney and it appears she performed legal services for the state. We identified eight orders from the General Sessions Court for Knox County dated in July 1999, before she was hired by Mental Health, that were signed by Ms. Reed in her representation of Lakeshore Mental Health Institute in probable cause hearings. Most of the cases were

either on July 20 (Tuesday) or July 22 (Thursday) in 1999. According to Mr. Bob Weismueller, Attorney for Mental Health at Lakeshore Mental Health Institute, Ms. Reed represented the institute as an attorney during his vacation in the summer of 1999. Ms. Reed's legal representation of the institute was also verified through Ms. Cindy Tyler, currently the General Counsel for Mental Health. Ms. Tyler stated that she had to travel to Knoxville in the summer of 1999 to cover the docket in Chancery Court on a Wednesday and recalled Ms. Reed's involvement in the probable cause hearings in General Sessions court.

According to Ms. Cannon, Ms. Reed substituted for Mr. Weismueller several times. Ms. Cannon did not specifically recall Ms. Reed representing Lakeshore before she was actually hired by Mental Health on August 2, 1999, but stated that Ms. Reed was not working at the time and may have volunteered to assist or substitute for Mr. Weismueller. According to an e-mail from Ms. Reed to Dr. Regan on November 4, 1999, Ms. Reed stated that she had to travel to Knoxville to cover the docket that afternoon. A previous e-mail from Mr. Weismueller to Ms. Reed had advised her that she would cover for Mr. Weismueller.

A review of records by Lakeshore Mental Health Institute officials revealed that Ms. Reed apparently substituted for Mr. Weismueller after she was hired by the department. Ms. Reed signed eight court orders dated November 4, 1999, and she signed four complaints for judicial hospitalization in Chancery Court for Knox County on November 5, 1999.

According to Ms. Reed, she did not "practice law" while she was working for Mental Health. However, she does acknowledge that she represented the department in "show cause" hearings.

Ms. Cannon stated that in her opinion it was proper for law students and law school graduates to practice under a degree of supervision and during the time they were awaiting the results of the bar examination. According to Ms. Cannon, Ms. Reed had claimed to have practiced under supervision in Knox County, per this exception. Ms. Cannon stated that the amount of appropriate supervision is commensurate with the lawyer's need for supervision. She stated that adequate supervision in this case would have been available through a telephone call from Ms. Reed. However, Ms. Cannon stated that she was not aware that Ms. Reed did not receive her license after the bar exam results were published. She stated that she would have removed Ms. Reed from representing the department.

It should be noted that the Tennessee Bar Association Rules allow for the limited and conditional practice of law by law school graduates for the purpose of allowing for the potential lawyer's continued legal education between graduation and successful completion of the bar. However, this exception for practicing law without a license would not appear to apply in situations such as Ms. Reed's where the potential lawyer completed and passed the bar examination but did not qualify to become a licensed attorney.

According to Ms. Reed's May 23, 2001, e-mail to Dr. Gilley, she admitted that she was involved in legal proceedings conducted at Lakeshore and other mental health facilities. In her e-mail, Ms. Reed explained that this was after law school and before the bar results. In addition, her explanation for not choosing to practice law was twofold. First, she stated that she wanted to work in communications, public relations, and education. Secondly, she had to forgo obtaining a law license to protect a prominent law professor and special prosecutor. In her e-mail, Ms. Reed stated that this law professor might have been disbarred had she answered a question on the licensing application.

The questions on the licensing application range from bankruptcy and revoked credit cards to any charges of fraud, deceit, and misrepresentations in any proceeding and including any citations, arrests, or convictions.

The information gathered in this review regarding Ms. Reed's apparent unlicensed representation of the department was referred to Ms. Dana Ausbrooks, Assistant Attorney General with the Consumer Advocate and Protection Specialist Division, on February 6, 2002.

F. Ms. Reed Is Hired by the Department of Health (December 1999)

1. Ms. Reed's Personnel File

According to Ms. Reed's personnel file, she was hired on December 1, 1999, as a Statistical Analyst Supervisor with TDH, at a salary of \$3,750 a month. According to Ms. Sandy Graf, Personnel Director for the Department of Health, the department had previously filled this position with a nurse consultant in July 1999. After the consultant left, the position remained open until December 1999. According to Ms. Graf, Ms. Reed's job responsibilities were different from those classified for that position, but it was proper for the department to place Ms. Reed in that executive service position because she would be acting on an assistant director level.

There was no documentation in Ms. Reed's personnel file to indicate that any references, background, or education had been verified in regard to this transfer. Ms. Reed was appointed to this executive service position to direct a new Office of Healthcare Education within TDH, according to a letter from the Commissioner of the Department of Health, Ms. Fredia Wadley, to the Commissioner of the Department of Personnel, Ms. Eleanor Yoakum, on November 18, 1999. DOP personnel subsequently approved of this position. Ms. Reed's transfer to TDH was initiated by Dr. Judy Regan, former director of the Office of Policy, Planning, and Assurance, TDH.

Ms. Reed stated that she and Dr. Regan had worked together during Ms. Reed's employment with Mental Health and that Dr. Regan had decided to hire her because of their mutual interests in healthcare and children's rights. Contrary to this statement, Ms. Reed also claimed that an attorney in the Governor's office had played a part her in moving over to the Department of Health. Ms. Reed said that after her job with Mental

Health did not “work out,” she and Ms. Yoakum went over to talk to this attorney. This review determined that the attorney that met with Ms. Reed was Ms. Michelle Long, then Legal Counsel to the Governor.

Ms. Long stated that she did meet with Ms. Reed after Ms. Yoakum had called to explain that Ms. Reed was an attorney at Mental Health and was having difficulties in her interactions with Mental Health’s general counsel, Ms. Nora Cannon. Ms. Long stated that she had listened to Ms. Reed’s grievances. She stated that she investigated several of Ms. Reed’s complaints and found them to be without merit. Ms. Long stated that she had nothing to do with Ms. Reed’s move to the Department of Health and had no knowledge of her transfer until afterwards.

2. Dr. Regan’s Statements

While employed at Mental Health, Ms. Reed was assigned to work with Dr. Regan. Dr. Regan stated that she found Ms. Reed’s ideas regarding the interaction of students from different disciplines interesting. According to Dr. Regan, law and medical students could already join the pharmacy students who were rotating internship positions with various agencies. With the increase in methamphetamine laboratories and new DNA evidence, it appeared to be a good idea to try to develop a team of interdisciplinary students. Dr. Regan stated that she and Dr. Todd Bess, a part-time UT College of Pharmacy professor, were interested in also bringing law students into the existing program. Dr. Regan stated that she had no connection with the UT College of Law or Mr. Thomas Galligan, the Dean of the UT College of Law. According to Dr. Regan, Ms. Reed seemed to fit what they wanted to do because she had connections with both the UT College of Law and with the Tennessee Bureau of Investigation, one of the agencies expected to provide training. Dr. Regan stated that she also taught classes at Vanderbilt University and Meharry Medical College and was interested in including students from these two entities in the joint program. According to Dr. Regan, officials from Vanderbilt, Meharry, DOP, and the Tennessee Bureau of Investigation were all positive about this proposed concept of integrating students from different schools and different backgrounds.

Dr. Regan approached Commissioner Wadley about hiring Ms. Reed in the department in the fall of 1999. According to Dr. Regan, Commissioner Wadley stated that she would talk with Ms. Reed and later approved the hiring.

3. Commissioner Wadley’s Statements

Commissioner Wadley stated that Dr. Regan wanted to employ Ms. Reed to direct a larger program in public health. Commissioner Wadley stated that in an informal meeting with Ms. Reed, it appeared that she had good contacts. Commissioner Wadley stated she liked the idea of rotating students through various internship positions. Although Commissioner Wadley had heard that Ms. Reed had not worked well with Ms. Cannon at Mental Health, she liked Ms. Reed’s energy. According to Commissioner

Wadley, she was willing to overlook Ms. Reed's problems at Mental Health, with hopes that the move to TDH would be beneficial for both parties.

Commissioner Wadley said that TDH officials did not confirm information on Ms. Reed's resume. Instead, more consideration was probably given to her interview because Ms. Reed was basically moving laterally from another state department. Commissioner Wadley stated that in retrospect, a thorough background and reference check should have been performed. She also stated that she should have been leery because of the problems Ms. Reed apparently had with Ms. Cannon and the frequent manner in which Ms. Reed used numerous state officials' names in her conversation.

Commissioner Wadley stated that soon after she approved of Ms. Reed's appointment, she became aware of a problem with Ms. Reed's performance. Specifically, Commissioner Wadley said that problem dealt with Ms. Reed's attempt to give students stipends for participating in the program without budgeted funds for such payments. After Commissioner Wadley pointed out the lack of budgeted funds for the idea, the matter was dropped. Soon after, Ms. Reed approached UT personnel about the program, according to Commissioner Wadley.

G. Ms. Reed Is Hired by the Center for Health Sciences Research at UT (May 2000)

According to Ms. Reed's personnel file from UT, she was hired as an Assistant Director of Program Development in the Center for Health Sciences Research in Nashville effective May 1, 2000, at a monthly salary of \$5,416.66. According to UT employment records, Ms. Reed was the only candidate that applied for the assistant director position, categorized as "staff exempt." The position was posted on April 25, 2000, and was closed on May 1, 2000.

The procedures of the University of Tennessee Health Science Center (UT Memphis) state that preemployment screening should include verifications of education, employment, and a criminal background check. According to these procedures, hiring unit personnel or the employment office may perform the verifications and checks. In this case, Ms. Reed's educational background and employment verification were performed by the hiring unit, the UT Department of Preventive Medicine. Although these verifications were not documented in Ms. Reed's personnel file, state auditors were able to determine that her education and employment were verbally verified as noted below.

1. Verifications

This review determined that Mr. Henry G. Herrod, UT Dean of the College of Medicine; and Dr. David M. Mirvis, Director of the Center for Health Services Research, obtained verbal verifications of her employment and education. Although the timing of the verbal verifications could not be confirmed, it appears that Dean Herrod had asked Commissioner Wadley about Ms. Reed's employment with the Department of Health.

Commissioner Wadley recalled she said Ms. Reed had good ideas and high energy but was “somewhat demanding.” Dr. Mirvis spoke to Mr. Neil Cohen, a UT College of Law faculty member, in regard to Ms. Reed’s law degree and the idea of the fellowship program. Professor Cohen stated that he recalls such a conversation but was fairly certain that it took place after Ms. Reed was hired by UT. Additionally, Dr. Richard Gourley, Professor and Dean of the UT College of Pharmacy; and Mr. Jim Bloomstein, Centennial Professor of Law, Vanderbilt School of Law, had spoken highly of Ms. Reed to Dean Herrod and Dr. Mirvis and of her efforts in developing the fellowship program.

2. The Fellowship Program

According to Dr. Richard Gourley, Professor and Dean of the UT College of Pharmacy, before Ms. Reed was hired by UT, students in the UT College of Pharmacy and the College of Law were separately working summer intern positions with state departments. He stated that the fellowship program started in 1999 with Dr. Regan and Dr. Todd Bess. Dr. Gourley stated that he was introduced to Ms. Reed in the summer of 1999. According to Dr. Gourley, Ms. Reed had good ideas and appeared to be well connected with the UT College of Law and state officials in the departments considered for inclusion in the program. Dr. Gourley stated that it involved only summer interns and did not include medical students before Ms. Reed was brought on board. He stated that before she was hired at UT, he and Ms. Reed had lunch with Dr. Todd Bess and Ms. Eleanor Yoakum. Dr. Gourley stated that Ms. Yoakum talked about the Governor’s office and its support for the program. Dr. Gourley also stated that Ms. Reed had arranged and organized a very impressive seminar held at the UT College of Law. He stated that the speakers included Mr. Larry Wallace, TBI Director, and Professor Bloomstein from Vanderbilt School of Law in Nashville. Dr. Gourley stated that he attended a meeting subsequent to the seminar in which either Dean Herrod or Dr. Mirvis had asked him about the program. Dr. Gourley stated that he had told them he thought it was a good program. Dr. Gourley stated that it was decided that Dean Herrod would call Commissioner Wadley at the Department of Health to inquire about Ms. Reed and that UT would bring her on board if the department’s response was positive.

According to Professor Bloomstein from the Vanderbilt School of Law, he thought the program was an interesting idea, and he and Ms. Reed had discussed the fellowship program. Professor Bloomstein stated that Ms. Reed had organized a meeting in Knoxville at the UT College of Law, where Professor Bloomstein made a presentation on healthcare. Professor Bloomstein stated that he met Dr. Gourley and Dean Herrod and they might have discussed the fellowship program. Professor Bloomstein stated that he also talked with Dr. Mirvis in Nashville at a luncheon that Ms. Reed had arranged. According to Professor Bloomstein, Ms. Reed asked him whether Vanderbilt University would house the fellowship program. According to Professor Bloomstein, he told Ms. Reed that he could not afford the program but that Vanderbilt University might house the program if she could find funding for it. Professor Bloomstein stated that he later heard that Ms. Reed had been hired by UT.

This review determined that the significant reasons given by UT officials for hiring Ms. Reed appeared reasonable. Dean Herrod and Dr. Mirvis stated that they hired Ms. Reed because of her connections within state government and her association with the fellowship program. According to Dean Herrod, the concept of the fellowship program was appealing and he expected Ms. Reed to find external funding sources within a year. A recurring theme in the e-mails and letters to and from Ms. Reed during the hiring phase appears to be that she promised them she could bring in state funds to support the program.

In a letter dated March 14, 2000, from Ms. Reed to Dr. Mirvis, she stated that she had identified several research grants within the Department of Mental Health and the Juvenile Justice Center which could bring as much as 4.1 million dollars over five years into the research center. In addition, a “position description questionnaire” required by UT Memphis hiring policies, regarding the new position ultimately held by Ms. Reed, also mentioned financial support through state grants. This questionnaire, dated March 23, 2000, listed the job responsibilities of the assistant director position, its supervisors, and that \$250,000 in grant contracts from the state would indirectly benefit the center’s budget.

Dean Herrod also stated that he had hoped that Ms. Reed could forge better communications between the Memphis and Knoxville campuses of UT and between UT and state government. According to Dean Herrod, Ms. Reed had already proven that she was capable of accomplishing tasks and that she had good organizational skills through the seminar she arranged in Knoxville.

3. Ms. Reed’s Initial Meeting with Dr. Gilley

As early as the first week in November 1999, Ms. Reed may have initially met with Dr. Gilley to discuss the idea of expanding the fellowship program. According to an e-mail from Ms. Reed to Dr. Regan on November 4, 1999, Ms. Reed stated that she had to travel to Knoxville to cover the Mental Health court docket that afternoon. In the e-mail, Ms. Reed additionally stated that she would be trying to see Dr. Gilley to gain his support for the internship program. On November 8, 1999, Ms. Reed sent another e-mail to Dr. Regan and stated that he (presumably Dr. Gilley) was “excited and committed” to the program. She also stated that he wanted to meet with Commissioner Wadley and that he was also interested in funding a legal scholarship program at the UT College of Law. When state auditors contacted Dr. Gilley regarding the meeting with Ms. Reed, he could not confirm the November 1999 meeting. Dr. Gilley stated that he did not recall meeting with Ms. Reed until early 2000.

This review confirmed that a meeting took place in Knoxville on January 7, 2000, between Dr. Gilley, Ms. Reed, Dr. Regan, and Dr. Todd Bess, a part-time UT College of Pharmacy professor. According to Dr. Bess, he, Ms. Reed, and Dr. Regan met with Dr. Gilley to present the concept of the program. Dr. Bess stated that the program appeared to fit nicely with Dr. Gilley’s vision, which was to strengthen communications between the various university campuses.

Dr. Mirvis stated that he got a telephone call from Ms. Reed soon after that meeting. According to Dr. Mirvis, Ms. Reed introduced herself as the Director of Education with the Department of Health and stated that Dr. Gilley had referred her to him. Dr. Mirvis stated that she discussed the fellowship program and that she brought up the issue that UT ought to hire her. When asked whether Dr. Mirvis had verified Dr. Gilley's referral, Dr. Mirvis stated that he did not verify the referral with Dr. Gilley.

According to Ms. Reed, she contacted the UT-Memphis Chancellor's Office regarding the fellowship program and was referred to Dr. Mirvis. She stated that she was interested in moving the program to the University of Tennessee because, in her opinion, if the program were to receive consideration for federal grants, it stood a better chance by being connected with a university. She also stated that UT's pharmacy, law, and medical students were already involved in the program. Ms. Reed stated that Dr. Gilley had not directed her to Dr. Mirvis, nor had Dr. Gilley had anything to do with her being hired by UT. Furthermore, she denied that she told Dr. Mirvis that she had been referred to him by Dr. Gilley.

On February 2, 2000, Ms. Reed and Dr. Regan presented the program to Dean Herrod, Dr. Gourley, and Dr. Mirvis. According to Dr. Mirvis, he and Dr. Herrod and Dr. Gourley met later and discussed hiring Ms. Reed. According to a February 17, 2000, letter from Ms. Reed to Dr. Herrod, the two had discussed moving the fellowship program to UT on the previous day. Ms. Reed sent a facsimile of her resume to Dr. Herrod on the 17th. Dr. Herrod and Dr. Mirvis tentatively decided to hire Ms. Reed at some point between February 17 and March 6, 2000. On this later date, the negotiation process began.

4. The Negotiation Process Between UT and Ms. Reed

E-mail communications between Dean Herrod and Dr. Mirvis during this period reiterated Ms. Reed's apparent initial demands. On March 6, 2000, Dr. Mirvis e-mailed Dean Herrod and stated that Ms. Reed had requested a starting salary of \$70,000, a six-month contract, and a title of Program Development and Legislative Affairs Coordinator (see Exhibit D). As noted in the e-mail, Dr. Mirvis already had some reservations about Ms. Reed after his conversations with her. He stated to Dean Herrod that "this would be a high maintenance operation." Dr. Mirvis added that "there are two kinds of pains in the neck the ones that are worth it and the ones that aren't. I hope this is the former." Dean Herrod responded the same day and instructed Dr. Mirvis to proceed with bringing Ms. Reed aboard but at a salary of the low to mid 60s.

Pamela Reed eventually negotiated a \$65,000 salary from UT. According to Dean Herrod, Ms. Reed stated that a Vanderbilt offer of \$72,000 was on the table during the negotiation process with UT. Neither Dr. Mirvis nor Dean Herrod checked with Professor Bloomstein at Vanderbilt about the alleged offer. According to Professor Bloomstein, Ms. Reed was never offered a salary from Vanderbilt University.

On March 22, 2000, Dean Herrod e-mailed Dr. Mirvis and authorized him to hire Ms. Reed at \$65,000 a year (see Exhibit E). Dean Herrod stated that Dr. Mirvis should hire Ms. Reed and that she (her program) should be fully funded by the end of the year (presumably through future grants). In his e-mail to Dr. Mirvis, Dean Herrod also instructed him to notify Ms. Reed the next day so she could go forth and announce that she and the program were now part of UT.

Also, as noted below, the decision (based on the representations above) to create the position for Ms. Reed was apparently made before the position was advertised. However, UT hiring policies require “staff exempt” positions such as Ms. Reed’s to be listed in the UT Memphis Job Bulletin for a minimum of five working days before a job offer can be made. According to Dr. Mirvis, he called Ms. Reed on March 23, 2000, to offer the position to her.

On March 24, 2000, Ms. Reed wrote to Dr. Mirvis, accepted UT’s offer, and stated that she had “declined” the Vanderbilt-Meharry “offer” for the program. On March 26, 2000, Dr. Mirvis drafted a response to Ms. Reed, outlining their agreement, but Dr. Mirvis stated that he never sent the letter. According to Dr. Mirvis, he made it clear to Ms. Reed that the agreement would not be final until properly approved by UT Personnel Services. The informal agreement reached was that Ms. Reed would be given the title of Assistant Director for Program Development and Legislative Affairs. In addition to the salary of \$65,000 a year, she would be nominated for a non-tenure track faculty position and the rank of instructor. Office space and support services for her position in Nashville, Tennessee, were to be provided by the state. Her duties as program director would include the coordination of student rotations, assignments, publicity, reports, and recruitment efforts for the program. Besides managing all the operational details of the program, she was also expected to develop funding. After one year, she would be expected to generate her full salary from grants, contracts, or donations. Furthermore, she was to act as a liaison with agencies and offices of state government and with the various colleges and universities participating in the program.

According to Dr. Mirvis, he had available funding for Ms. Reed’s salary at that time, and she was placed in a newly created faculty slot under the Preventive Medicine Department in Memphis.

Before starting her new position with UT, Ms. Reed traveled to Knoxville to discuss her new job with Dr. Gilley. According to Dr. Gilley’s calendar, Ms. Reed met with Dr. Gilley in his office in Knoxville on April 17 and April 21, 2000. Dr. Gilley stated that Ms. Reed had requested the meetings to discuss her program.

On April 25, 2000, the assistant director position was advertised on the UT Health Science Center Online Job Bulletin. From information obtained from Mr. Richard Washington, UT Human Resource Director, Ms. Reed was the only candidate that responded to the advertisement. Ms. Reed signed her application on April 25, 2000. On April 28, 2000, Ms. Natalie Smith, Secretary in the Preventive Medicine Department, e-

mailed Ms. Reed to inform her that her orientation had been set for Monday, May 1, 2000.

On May 5, 2000, Ms. Brenda Scott, of the UT Personnel Services Department in Memphis, e-mailed Ms. Natalie Smith to notify her that the salary offered to Ms. Reed was outside the normal range for assistant directors and therefore required UT-Memphis Chancellor William Rice's approval. On May 9, 2000, Ms. Sharon Richardson in Chancellor Rice's office e-mailed Ms. Brenda Scott to inform her that Chancellor Rice had approved Ms. Reed's \$65,000 salary.

On May 22, 2000, Dr. Mirvis and Ms. Reed met with Dr. Gilley in his office in Knoxville. In addition, Ms. Reed met with Dr. Gilley in his office on May 26, 2000. Dr. Gilley recalled a meeting held sometime in late spring. Dr. Gilley did not recall the specific conversations of these meetings but stated that he knew very little about the fellowship program. He also stated that he recalled that Dr. Mirvis was very positive about Ms. Reed and the fellowship program.

Other than these four meetings and several e-mail communications between Ms. Reed and Dr. Gilley, no additional information was found during this review to suggest that anything other than a business relationship had occurred up to this point. Furthermore, this review did not find any information to suggest that Dr. Gilley influenced the decision of Dean Herrod and Dr. Mirvis to employ Ms. Reed at UT or that he had any reason or motive to do so.

5. Office Space in Nashville

Ms. Reed's office space was initially supplied by the state until she moved to a suite in the Sheraton Hotel in Nashville. Dr. Gourley stated that in a conversation with Ms. Reed he mentioned that a long-time supporter/contributor to UT was interested in providing space at the Sheraton Hotel for UT's use. According to Dr. Gourley, this supporter gave Ms. Reed the use of a suite at the Sheraton to house her office as the assistant director.

6. Faculty Appointment

As part of the negotiations with UT for the position as assistant director, Ms. Reed also negotiated a faculty appointment at UT. Effective September 1, 2000, until June 30, 2001, Ms. Reed was appointed to the rank of "Instructor" in the UT Department of Preventive Medicine. This appointment was a non-tenured track, and Ms. Reed's primary appointment remained as a non-faculty position with the Center for Health Services Research. According to Dean Herrod, the idea of the non-tenure track, faculty appointment was that Ms. Reed would be educating students and conducting lectures on center topics. Therefore, in a letter dated July 17, 2000, Dr. Grant Somes, Chair of the UT Center for Health Services Research, requested that Ms. Reed be appointed as a faculty member. After UT received two recommendations to promote Ms. Reed to an instructor and a verification that Ms. Reed had completed all the requirements for the

doctor of jurisprudence degree, Dean Herrod approved her appointment on August 29, 2000. The recommendations came from Mr. Thomas C. Galligan, Jr., UT Dean and Professor of Law; and Ms. Carol M. Parker, UT Associate Professor and Director of Legal Writing.

H. Ms. Reed's Initial Troubling Behavior at UT

Within two months after Ms. Reed was employed to manage the daily operations of the fellowship program at UT, problems arose between the Department of Health and Ms. Reed and between the Juvenile Court and Ms. Reed. The problems were serious enough that Dr. Mirvis decided to remove Ms. Reed from the daily operations of the program in July 2000.

1. Ms. Reed's Overbearing Behavior

According to Dr. Mirvis, Ms. Reed was removed from the daily operations and scheduling of the fellowship program because of her overbearing behavior, a situation in which she apparently lost her temper and upset officials within the Juvenile Court system in Nashville (a job setting for the students) and because of her alleged unprofessional behavior towards the students in the program. Because these students would not discuss the matter and neither matter was documented, Dr. Mirvis stated that Ms. Reed was not disciplined. However, according to Dr. Mirvis, he decided to remove Ms. Reed from the program after consulting with Dr. Regan and discussing the matter.

2. Incident at Juvenile Court in Nashville

State auditors contacted Mr. Bob Ross, Juvenile Court Contract Administrator, in regard to the incident. According to Mr. Ross, sometime in the summer of 2000, Ms. Reed and the three students in the program were scheduled to meet with him and a judge at 10:30 a.m. but were at least an hour late. Mr. Ross stated that he and the judge waited about an hour before going to lunch and that he was not present when Ms. Reed and the students finally arrived. Mr. Ross stated that Ms. Reed was upset because he and the judge had not waited for her. Mr. Ross stated that Ms. Reed was abusive to his staff and that three individuals in his office tried but failed to calm her. Mr. Ross stated that he later discussed the matter with his staff and that they decided to pull out of the program if Ms. Reed was to remain in the program. Likewise, according to Dr. Mirvis and confirmed with officials from the department, the Department of Health was ready to pull out of the program and did not want to be involved with Ms. Reed. The phone call from the Department of Health to inform Dr. Mirvis of their decision was June 28, 2000.

Dr. Mirvis stated that on June 28, 2000, his office received a phone call from Ms. Ann Alderson, Director of Health Provider Alliance in Dr. Regan's office, regarding the pending departure of Dr. Regan from the program if changes were not made. The message written by Dr. Mirvis' secretary stated that it was becoming difficult to deal with

the threats and intimidation of Ms. Reed and that unless some changes were made in the program, Dr. Regan would no longer be participating.

3. Alleged Unprofessional Behavior Towards Students

According to Ms. Ann Alderson, it was alleged that Ms. Reed was involved in the personal lives of some students, that she would talk about very personal issues and was calling them at inappropriate hours of the night. Ms. Alderson stated that some of the students felt uncomfortable with Ms. Reed's behavior.

According to Dr. Regan, she was aware that students had complained about Ms. Reed's behavior, but she did not directly intervene or discuss the problems with the students as she was on vacation that week.

4. Growing Discontent

Dr. Regan stated that after she returned from vacation, she spoke with Dr. Mirvis about the program and the apparent conflicts between Ms. Reed, Dean Herrod, and Dr. Mirvis. According to Dr. Regan, the three UT officials (Dean Herrod, Dr. Mirvis, and Ms. Reed) seemed to be in a constant state of conflict. She said that she discussed this conflict with Dr. Mirvis, and they decided that it would be better if Dr. Bess and Dr. Mirvis would take over the program and supervise the students thereafter.

Dr. Todd Bess, a part-time UT College of Pharmacy professor, summarized the situation with Ms. Reed as follows. He stated that he and Dr. Regan did not experience any trouble or power struggles involving Ms. Reed while she was with the Department of Health. He stated that after the program was moved to UT, the program changed to one that was without cooperation. Dr. Bess stated that in June 2000, Ms. Reed began to micromanage the program and was "overly authoritative." He stated that Ms. Reed's behavior caused him to rethink whether he was going to remain in the program.

According to Ms. Reed, she was never removed from the fellowship program. Although it was not described as a part-time assignment in her job description, Ms. Reed asserts that the fellowship program was just a pilot program and that after she assisted in getting the program up and running, she was to move on to other job responsibilities including the opportunity to work with Dr. Gilley. Ms. Reed denied any problems between her and the students in the fellowship program. According to Ms. Reed, there was a conflict between her and Dr. Mirvis in that he wanted to control the program.

According to Dr. Mirvis, on July 5, 2000, he discussed the issues with the program with Dr. Regan and then he decided to remove Ms. Reed from the program.

When we interviewed Dean Herrod regarding these issues, he stated that he had not been aware of the problems between Ms. Reed and the students in the fellowship program. He stated that, nevertheless, it was clear that Ms. Reed and Dr. Mirvis did not get along. Dean Herrod stated that they had made a one-year commitment to Ms. Reed

and therefore looked for other areas in which she could work rather than take any adverse personnel action against her.

On July 10, 2000, Ms. Reed met with Dr. Gilley to discuss visits with “policy makers” in Nashville, according to Dr. Gilley’s calendar. Although Dr. Gilley did not recall the meeting, it appears that the problems that had surfaced with her role at UT may have been discussed. Two days after the meeting, Ms. Reed sent a memorandum to Dr. Mirvis outlining her job responsibilities as they had previously discussed. Though her job responsibilities no longer included managing the daily operations of the program, they still included public relations and promotions, a liaison with the UT College of Law and the Tennessee Bureau of Investigation, orientations, and development of housing and funding for the program. Additionally, Ms. Reed stated in her outline that she would assist the UT Center for Health Services Research in both Knoxville and Nashville. Ms. Reed’s representation of the UT Center for Health Services Research in Knoxville becomes important because she eventually moved from Nashville to Knoxville.

Ms. Reed was assigned to the Office of Research and Information Technology in Knoxville. According to Dr. Dwayne T. McCay, Vice President, Office of Research and Information Technology in Knoxville, Dr. Gilley had two projects that he wanted Ms. Reed to assist him with in Knoxville: researching the success of the University of Alabama at Birmingham in establishing federal projects and assisting him in writing a book on 21st century higher education.

According to Dr. McCay, Ms. Reed caused trouble with most of the people she interacted with. He stated that she was demanding, uncooperative, and treated support staff without respect. Dr. McCay also stated that Ms. Reed was very emotional and would often get upset. Furthermore, Dr. McCay stated that Ms. Reed would often mention a university official or Dr. Gilley’s name during a conversation to imply that those officials would listen to her complaints about others or that she could otherwise influence those individuals.

I. Ms. Reed’s Move to Knoxville and Her Personal Relationship with Dr. Gilley

Based on e-mails dated August 13 and 14, 2000, from Ms. Reed to Dr. Gilley, Ms. Reed initiated her move to Knoxville. According to these e-mails, she had previously discussed her role at UT with Dr. Gilley, and that role was now evolving towards a “Knoxville presence” and efforts to assist him with a book project. Subsequent e-mails between Ms. Reed and Dr. Gilley indicate that her move was encouraged by Dr. Gilley. Although Dr. Gilley did not formally request Ms. Reed’s transfer to Knoxville, it appears that he supported her moving to Knoxville in that he requested office space to be provided for her. In addition, the frequent e-mail communications between Ms. Reed and Dr. Gilley support his willingness for her move to Knoxville in light of their mutual interests in various UT functions and future goals. In several of his e-mails to Ms. Reed, it was evident that Dr. Gilley was interested in the information Ms. Reed was feeding him about the inner workings and activities of officials at the UT-Memphis campus.

Moreover, it was apparent that a personal friendship was developing between Ms. Reed and Dr. Gilley as their e-mail communications shifted from all business to a more personal nature in August 2000.

1. Office Space in Knoxville

The exact date of Ms. Reed's move to Knoxville could not be determined, but according to Dr. McCay, it was during the summer of 2000. Dr. McCay stated that Dr. Gilley had asked him to find an empty office for Ms. Reed.

Dean Herrod stated that Dr. Gilley assigned Ms. Reed to Dr. McCay's supervision in July 2000. According to Dean Herrod, he knew that Ms. Reed's strengths were in publishing, creative ideas, and establishing connections. He stated that her strengths fit well with Dr. Gilley's plan to establish better communications between campuses and to establish more funded research.

2. Dean Herrod's Letter

Dr. Gilley stated that he did not specifically recall how Ms. Reed was relocated to the Knoxville campus. He stated that Ms. Reed was looking for a way to live in Knoxville and that she had approached both him and Dean Herrod about vacant positions at the Knoxville campus. Dr. Gilley stated that Dean Herrod strongly recommended Ms. Reed be transferred to Knoxville in a letter addressed to him and dated September 6, 2000.

Although Dean Herrod's letter does question how to best use Ms. Reed's talents and mentions various possibilities of Ms. Reed working in Knoxville with Dr. Gilley or Dr. McCay, it also mentions a prior meeting set up by Ms. Reed in which Dr. Gilley apparently outlined his plans for Ms. Reed. In the letter to Dr. Gilley, Dean Herrod stated, "It is apparent to me, from listening to her discussions and hearing you outline some of your plans for her, that we should move to aligning her responsibilities and reporting relationships more closely to the President's office." Therefore, it appears that Dean Herrod was merely reiterating Dr. Gilley's suggestions from this meeting rather than initiating Ms. Reed's move to Knoxville. Furthermore, considering the eight e-mail communications between Ms. Reed and Dr. Gilley that included personal topics as well as the prospect of Ms. Reed working on Dr. Gilley's book, it was evident that Dr. Gilley was personally interested in Ms. Reed's move to Knoxville.

3. E-mails Between Dr. Gilley and Ms. Reed

Dr. Gilley also stated he may have sent an e-mail or fax to Dean Herrod shortly after he received this September 6, 2000, letter. According to Dr. Gilley, this communication stated that he did not agree that it was a good idea for Ms. Reed to be stationed in Knoxville. However, a review of e-mails and letters retained on Dr. Gilley's computer hard-drive did not reveal any such correspondence. In fact, an e-mail dated August 25, 2000, from Dr. Gilley to Ms. Reed (referred to as gg mercedes) revealed that

he identified her as a “talented person” and that he was interested in being a “mentor” to Ms. Reed to further her career (see Exhibit F). The e-mail accounts used by Dr. Gilley and Ms. Reed are no longer active. Although Dr. Gilley uses the pronoun “we” when referring to Ms. Reed’s career moves and placement, it is clear, since he was the university’s president, that he was the driving force behind her career at UT.

During the months of September, October, and November 2000, Dr. Gilley and Ms. Reed communicated frequently through e-mails via their personal e-mail accounts and through the UT e-mail system. Many of these e-mails were personal in nature. On November 17, 2000, Ms. Reed e-mailed Dr. Gilley about her idea for the Center for Legal and Medical Studies. This idea later became reality after Dr. Gilley approved funding for the center.

According to Ms. Reed, she and Dr. Gilley did have an affair, which lasted for approximately eight months.

Dr. Gilley declined to comment on Ms. Reed’s statement without first seeking advice from his attorney. As of the date of this report, Dr. Gilley has not returned our telephone call requesting his comments.

4. Dr. Gilley’s Role as Protector and Counselor for Ms. Reed

As noted above, during her employment with UT, Ms. Reed was removed from the day-to-day operations of the fellowship program in Nashville in July 2000. Her office was then moved to Knoxville, where she worked with Dr. Gilley and Dr. McCay on several projects. It was apparent from the numerous e-mails between the two that Dr. Gilley was drawn into her problems with the various projects and into the problems that erupted between Ms. Reed and some of the individuals at UT she had to interact with. According to several e-mails from Ms. Reed to Dr. Gilley, one of those individuals was Dr. McCay. Although it appears that Ms. Reed would often go directly to Dr. Gilley with job-related questions and concerns, on paper Ms. Reed was reporting to Dr. McCay. However, as previously noted, Dr. Gilley was the driving force behind her career at UT. Besides directing Dr. McCay to find office space for Ms. Reed in Knoxville, Dr. Gilley also instructed Dr. McCay to contract with a consulting firm to guide Ms. Reed with federal relations. Additionally, Dr. Gilley instructed Dr. McCay that Ms. Reed’s duties would shift from federal relations and her other duties to the center, for which he would later approve funding.

A. The Communication Plan

According to Dr. McCay, the first thing that Ms. Reed worked on after transferring to Knoxville in the summer of 2000 was a communication plan for the university. He stated that after the completion of the communication plan, Ms. Reed was ineffective and her role was not clearly defined. According to Dr. McCay, because of this lack of clarity, Dr. Gilley formulated her job responsibilities and made Dr. McCay aware of them.

B. UAB Case Study

As noted below, after completing a case study of the University of Alabama-Birmingham in the winter of 2000-2001, Ms. Reed's job responsibilities were redirected by Dr. Gilley towards federal projects and federal relations.

C. Federal Projects

Dr. McCay stated that in November 2000, Dr. Gilley assigned Ms. Reed to work on federal projects. Although the responsibility for federal relations had already been assigned to another university employee, Dr. Gilley wanted to expand federal relations to increase the inflow of federal dollars to the university. He stated that approximately one month later, UT contracted with Cottone Huggins, a consulting firm Dr. Gilley had hired previously at Marshall University, to specifically assist Ms. Reed in obtaining federal grants and to maintain federal relations. University of Tennessee payments to Cottone Huggins under this contract totaled \$6,386, according to UT officials. Dr. McCay stated that Mr. James Huggins of Cottone Huggins had suggested that Pamela's title be changed to Assistant Vice President, in order for her to be effective. Additionally, Ms. Reed's new responsibilities required her to make frequent trips to Washington, D.C.

D. Ms. Reed Is Removed from Federal Projects

In late February 2001, in light of complaints about Ms. Reed's conduct, she was removed from federal projects. According to Dr. McCay, Ms. Reed had to be removed from the Washington, D.C., office because some federal staffers were upset with Ms. Reed because she would not keep appointments and was disrespectful. According to Dr. McCay, he pulled her from being responsible for federal projects late in February 2001, with Dr. Gilley's approval.

E. Dr. Gilley Once Again Intervenes

Dr. Gilley instructed Dr. McCay that Ms. Reed's duties would shift from federal projects and her other duties to the center, for which he would later approve funding. Dr. Gilley also directed Dr. McCay to draft a two-page proposal and one-page budget for the center with concurrence from Dean Herrod and Dean Galligan. Dr. Gilley also stated that Ms. Reed would keep the duties regarding media relations and promoting research.

According to Ms. Reed, she was removed from federal relations by Dr. Katherine High, UT Vice President and Chief of Staff; and Ms. Catherine Mizell, UT Vice President and General Counsel, after they became aware of the alleged affair between her and Dr. Gilley. Both Ms. Mizell and Dr. High stated that they had nothing to do with Ms. Reed's removal from federal relations.

Although Dean Herrod, Dean Galligan, and Dr. McCay selected Ms. Reed as director of the center, it appears that Dr. Gilley promoted it after repeated requests from

Ms. Reed. In an e-mail from Dr. Gilley to Dr. McCay on March 8, 2001, Dr. Gilley stated that Ms. Reed was going to request reassignment to the center (see Exhibit G).

J. Ms. Reed Is Appointed Executive Director of the Center for Law, Medicine, and Technology (March 2001)

According to a special review entitled *Contracts and Small Research Center Proposals*, issued by UT's Audit and Consulting Services on November 21, 2001, Dr. Gilley authorized \$400,000 over a five-year period for a Center for Law, Medicine, and Technology to be headed by Ms. Pamela Reed. According to Dr. McCay, he, Dean Herrod, and Dean Galligan all supported the center. UT's special review concluded that since the center was funded through salary savings from vacant positions and no special guidelines or regulations governed the use of these funds, it was within Dr. Gilley's discretion and authority to authorize the funding of the center.

Timing was also a factor in Ms. Reed's appointment as director of the center. After it was determined that Ms. Reed should be moved from federal relations, she had already promoted the idea of the center. Dr. Gilley was aware of her situation. At that time, the funding for the large and small centers was being considered. Had Ms. Reed's track record with UT been without problems, her appointment to the directorship would likely not have been questioned in this report. According to Dr. Gilley, Ms. Reed was deserving and qualified to act as the director. Dr. Gilley stated that she was successful in her case study of the University of Alabama-Birmingham; in arranging free housing for students in the fellowship program; in merging the ties between the Knoxville and Memphis campuses; and in serving as a facilitator for arranging meetings and visits of guests, faculty, and administrators to the main campus.

Dr. McCay stated that Dr. Gilley then brought the idea for the center forward and requested that Dr. McCay recommend the center and that he obtain concurrence from the deans of the various schools. Dr. McCay stated that he agreed the idea for the center was sound and received approval from Dean Herrod and Dean Galligan. However, after all the negative publicity in newspaper articles regarding Ms. Reed's credentials in May and June 2001, he stated that the university officials decided to shelve the idea of the center.

K. UT's Laptop Computer Assigned to Ms. Reed

On May 13, 2002, UT received delivery of one laptop computer and a letter from Ms. Reed's attorney stating that the returned computer had apparently been used by Ms. Reed. Approximately one year before, Ms. Reed failed to return the UT laptop assigned to her after she resigned from the university. UT officials withheld her last paycheck because of the laptop and other debts she owed the university.

Our review of the hard-drive taken from the returned laptop computer revealed numerous e-mails Ms. Reed had received and apparently authored. Approximately 200 of the communications found were between Ms. Reed and Dr. Gilley and spanned the

time period between February 2001 through April 2002. One of the items found was a mutual “non-disparagement” agreement between Ms. Reed and Dr. Gilley (see Exhibit H).

L. “Non-Disparagement” Agreements

A “non-disparagement agreement” was contained in an e-mail from Dr. Gilley to Ms. Reed on June 1, 2001. In the document, Dr. Gilley agreed not to make any negative statements regarding Ms. Reed’s job performance at UT and to provide her with a written letter of employment reference. According to the document, Ms. Reed agreed not to make any negative statements regarding Dr. Gilley and to provide him with a written statement certifying that she was not appointed or promoted by Dr. Gilley, did not receive any special consideration by Dr. Gilley, and that she and Dr. Gilley did not have a sexual affair.

According to Ms. Reed, she contracted with Dr. Gilley and received a “minor” amount of money from him in exchange for her promise not to sue him. Dr. Gilley declined to comment without first seeking advice from his attorney. As of the date of this report, Dr. Gilley has not returned our telephone call requesting his comments.

Dr. McCay advised us that he signed a similar agreement between Ms. Reed and himself, in which Ms. Reed received five dollars in exchange for her promise not to sue Dr. McCay.

M. Other Issues

At the time this report was released, Ms. Reed had filed an EEOC complaint against the university. According to Ms. Mizell, Ms. Reed had claimed that she was forced to resign from UT because she was going to file a sexual harassment complaint. Ms. Mizell later informed our office that the complaint had been dismissed.

In June 2002, Ms. Reed filed a civil lawsuit in the Knoxville Federal District Court against UT and individually against three university officials. That matter is still pending.

The results of this review were referred to the Office of the State Attorney General, the District Attorney General of the Twentieth Judicial District (Davidson County), and the District Attorney General of the Sixth Judicial District (Knox County).

VIII. RECOMMENDATIONS

Because of the decisions made and reporting responsibilities of upper-level positions, due diligence in checking backgrounds would appear necessary. The background check should include contacting former employers of the applicant, and these checks should be documented.

The Department of Personnel should consider requiring that all applicants complete a state application regardless of whether the position is executive service or career service. Such a requirement would ensure that a timeline of the applicant's relevant employment was documented.

Exhibit A

Pamela S. Reed, J.D.

ADR Cent

EDUCATION AND TRAINING

- J.D., University of Tennessee, College of Law, Knoxville, Tennessee.
- Institute on International & Comparative Law, Dublin, Ireland.
- B.A., University of Tennessee, Knoxville, Tennessee
Magna Cum Laude
- Candidate, LL.M. Program, Trinity College, Dublin Ireland

EXPERIENCE AND ACCOMPLISHMENTS

- **Adjunct Professor, Carson Newman, College of Nursing**
Health Care Law
Jefferson City, TN
- **Journalist, Knoxville Medical Academy**
Author, monthly column featured in The Knoxville Medical Academys' monthly newsletter to physicians, hospitals and health care providers.
- **Bio-Defense Consultants, LLC**
Government Relations Counsel
International firm specializing in assessing, evaluating and training for defense against biological, chemical and weapons of mass destruction.
- **PSR Consultants** East Tennessee
Managed Care consultant. Negotiated both commercial and TN-care contracts for physicians. Responsible for hiring and training office personnel, developing office policies and procedures. Assisted the physician in the preparation for depositions and preparation as expert witness.
- **Legislative Assistant**
Congressman John Duncan
Responsible for answering constituent inquiries concerning Health Care. Researched managed care issues and assisted in community forums on health care reform.
- **Legislative Internship, University of Tennessee, Political Science Department**
Responsible for tracking legislative bills and attending committee meetings. Prepared reports on TN-care issues.
- **Office of The District Attorney General, 4th District**
Law Clerk, assisted in the investigation and preparation of criminal cases.

Source: Tennessee Department of Personnel.

Purpose: To exhibit Ms. Reed's resume from her personnel file.

Exhibit A (Cont.)

Pamela S. Reed, J.D.

2

- **Legal Research Assistant, University of Tennessee, College of Law**
Professor Carol Parker. Responsible for researching children's health care issues. Prepared annotated bibliography on Children's Access to Health Care.
- **Photo-Journalist**
Freelance - Knoxville News Sentinel & WATE Television Dublin, Ireland
Prepared photo documentary and paper on The Catholic-Protestant Conflict, *The Orange Order, Through the Eyes of The Children*.
- **Independent Study, Knox County Juvenile Court**
Counselor, conducted interviews with accused juvenile offenders for consideration in participation in a pilot victim-offender program. Helped establish and implement the mediation program in the juvenile court through The Conflict Resolution Program.
- **Forum on Legal/Medical Issues with Local Political Leaders**
Knoxville Academy of Medicine
Developed a community program on prescription fraud abuse and domestic violence for physicians in the community. Created, organized and developed a program between physicians and members of the legal community and law enforcement. Obtained private funding for the program.
- **Research and Independent Study, Juvenile Justice System**
Director: Professor Gary Anderson University of TN, College of Law
The Changing Face of The Juvenile Justice System: Is There Still a Place for Rehabilitation?
Paper discussing today's issues facing the juvenile justice system and alternative sentencing
- **Directed Research Project for The College Scholars Program, University of Tennessee**
Co-Directors: Dr. Jack Reese, Chancellor Emeritus and Professor Marcus Ambrester
Thesis project compared and contrasted conflict resolution formats. The research followed and documented the increase of violence in the schools and contrasts and compared different programs used in a local school system. The appendix includes responses from teenagers and includes a mediation training video prepared by the author of this thesis.
- **Assistant to Co-Director, Conflict Resolution Program University of Tennessee**
Trained and obtained certification as mediator. Participated in mediation between adolescents and their parents. Assisted in research and participated in training seminars for various university departments and business organizations.
- **Delta Airlines**
10+ years. Flight attendant on domestic routes and graduated to international routes. Customer Service Agent and Executive Accounts Representative. Responsible for promotions, marketing and servicing new accounts within a regional area. Developed motivational techniques for a sales force of 150. Recognized for outstanding sales ability. Participated and developed promotional presentations before business and community organizations.

COMMUNITY SERVICE AND AFFILIATIONS

Member, Women's Coordinating Council, University of Tennessee, 1995; Volunteer, Knoxville Women's Center, 1993 - Directed WORK Programs for displaced workers; Debate coach, Knoxville Catholic High School, 1997; Member, Education Committee, Knoxville Opera Guild, 1998-99;

Exhibit A (Cont.)

Pamela S. Reed, J. D.

3

Co-Director, Youth Ministry Program, 5th & 6th Grade Children, Holy Ghost Parish 1998-99; Member, National District Attorney Association, 1996-present; Member, Student Bar Association, 1995-1998; Member, Tennessee Bar Association 1995-99; Member Law & Medicine Society 1995-99; Member, International Law Society 1998-99.

Member, Governor's Juvenile Justice Reform Commission, 1999-present.

References:

Professional and Academic references available upon request.

Exhibit B

Pamela S. Reed, J.D.
1305 East End Road
Strawberry Plains, TN 37871

EDUCATION AND TRAINING

- Candidate, LL.M. Program, Trinity College, Dublin Ireland
- J.D., University of Tennessee, College of Law, Knoxville, Tennessee
- Diploma, Institute on International & Comparative Law, Dublin, Ireland
- B.A., University of Tennessee, Knoxville, Tennessee
Magna Cum Laude

PROFESSIONAL EXPERIENCE

- **Department of Health, State of Tennessee**
Director, Office of Education
Developed professional student policy fellowship program between public and private academic institutions and state agencies. Developed statewide forum/conferences pertaining to public health issues. Advised Medical Director on legislative issues relating to Department of Health and Children's Services.
- **Office of Legal Counsel, Department of Mental Health, State of Tennessee**
Attorney
Represented the State of Tennessee in matters related to Mental Health. Advised Medical Director on policy and compliance issues for Department of Mental Health. Developed community projects for department, i.e., youth violence conference, suicide prevention conference. Legislative liaison for Department of Mental Health and participated on committee for redrafting T.C.A., Title 33.
- **Adjunct Professor, Carson Newman, College of Nursing**
Jefferson City, Tennessee
Health Care Law, teaching legal issues in health care.
- **Bio-Defense Consultants, LLC**
Government Relations Counsel
International firm specializing in assessing, evaluating and training for defense against biological, chemical and weapons of mass destruction.

Source: University of Tennessee.

Purpose: To exhibit Ms. Reed's updated resume from the University of Tennessee.

Exhibit B (Cont.)

Pamela S. Reed, J.D.

2

- **Photo-Journalist**
Freelance - Dublin Ireland. Contracted with Knoxville News Sentinel & WATE Television. Prepared photo documentary on The Catholic-Protestant Conflict, *The Orange Order, Through the Eyes of The Children.*
- **PSR Consultants**
Managed Care consultant. Negotiated both commercial and TN-Care contracts for physician groups. Responsible for hiring and training office personnel, developing office policies and procedures.
- **Legislative Assistant**
Congressman John Duncan
Responsible for answering constituent inquires concerning health care.
Researched managed care issues and assisted in community forums on health care reform.
- **Office of The District Attorney General, 4th District**
Law Clerk, assisted in the investigation and preparation of criminal cases.
- **Assistant to Co-Director, Conflict Resolution Program, University of Tennessee.**
Trained and obtained certification as mediator. Trained various departments and at university in negotiating and conflict resolution skills.
- **Delta Airlines (10+ years)**
Flight attendant on domestic and international routes. Marketing and executive accounts representative. Responsible for promotions and servicing accounts within a regional area. Developed motivational techniques for a sales force of 150. Recognized for outstanding sales ability. Participated and developed promotional presentations before business and community organizations.

CURRENT PROFESSIONAL ASSIGNMENTS & ACTIVITIES

- Journalist, Knoxville Medical Academy - 1999-present
Author column in monthly newsletter to physicians and hospital administrators.
- Member, Governor's Juvenile Justice Reform Commission, State of Tennessee 1999-present.
- Knoxville's Promise, Committee for Health Start Program, 1999-present.
- Member, Task Force Against Youth Violence, Department of Mental Health, State of Tennessee, 2000-present.
- Co-Chair, Health Care Section, International Law Society. 2000-present.

Exhibit B (Cont.)

Pamela S. Reed, J.D.

3

PRESENTATIONS

- Forum on Legal/Medical Issues with Political Leaders.
Developed and directed community program on prescription fraud abuse and domestic violence for physicians. Directed program for Knoxville Academy of Medicine, District Attorney General, Criminal Court Judge and University of Tennessee, College of Law.
- Directed Research Project for The College Scholars Program, University of Tennessee. Thesis project compared and contrasted conflict resolution programs. The research followed and documented the increase of violence in the schools and contrasts and compared various programs utilized in local school systems. The appendix included responses and included a mediation training video.
- *Guest Lecturer:*
- Grand Rounds, Vanderbilt Medical School, Youth Violence, April, 2000.
- College of Law, University of TN, Society of Law & Medicine, Feb. 2000.
- Grand Rounds, Meharry Medical College, Malpractice in Medicine, Feb, 2000.
- Grand Rounds, Meharry Medical College, Managed Care, Jan, 2000.
- Meharry Medical College, Legal Issues in Medicine, Dec, 1999.
- Carson Newman College, Legal Issues in Nursing, Nov. 1999.

PUBLICATIONS & PAPERS PRESENTED

- "Seclusion & Restraint" Knoxville Academy of Medicine. November, 1999.
- "Y2K Issues in Medical Practice" Knoxville Academy of Medicine. October, 1999.
- Work in Progress: Patient's Rights in Health Care. Documentary, WVLT-TV.

COMMUNITY SERVICE

Member, Women's Coordinating Council, University of Tennessee, 1995; Volunteer, Knoxville Women's Center, 1993- Director WORK Programs for displaced workers; Debate coach, Knoxville Catholic High School, 1997; Member, Education Committee, Knoxville Opera Guild, 1998-00; Knoxville's Promise-Healthy Start Program, 1999-present; Executive Women's Golf Association, 2000-present; Co-Director, Youth Ministry Program, 5th & 6th grade children, Holy Ghost Parish, 1998-00.

PROFESSIONAL ASSOCIATIONS

Member, National District Attorney Association, 1996-present; Member, Tennessee Bar Association 1999-present; Member, Society of Law & Medicine, 1995-present; Member, International Law Society, 1998-present; Member, Health Care Lawyers, 2000-present.

Exhibit B (Cont.)

Pamela Reed, J.D.

References:

Dr. Jack Reese, Chancellor Emeritus
University of Tennessee
Hoskins Library
Knoxville, TN
(423) 974-2459

Professor Carole Parker
University of Tennessee, College of Law
1505 Cumberland Avenue
Knoxville, TN 37996
(423) 974-6700

Attorney General, Al Schmutzer
4th Judicial District
125 Court Avenue, Suite 301E
Sevierville, TN 37862
(423) 429-7021

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Legislative Assistant
United States Senator, Fred Thompson
523 Dirksen Senate Office Building
Washington, D.C. 20510
(202) 224-4944

Ms. Sondra Bridgford
Vice President, Knoxville Medical Academy
422 W. Cumberland Avenue
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William J. Walters, M.D.
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James R. Holbein
Nafta Secretariat
United States Secretary
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University of TN, Legal Clinic
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Knoxville, TN 37920
(423) 573-7961

Mr. Bob Griffiths
Legislative Assistant
Office of Congressman, John Duncan
800 Market Street, Ste. 110
Knoxville, TN 37901
(423) 522-9361

Professor Dermot Walsh
Director, International Programs
University of Limerick
Limerick, Ireland
00-353-61-202533

Exhibit C



The University of Tennessee Health Science Center
Office of Personnel Services - 178 Walnut St. Memphis, Tennessee 38163

RECEIVED IN
PERSONNEL SERVICES

APR 21 2000

APPLICATION FOR EMPLOYMENT (An EEO/AA/Titles VI and IX/Section 504/ADA/ADEA Employer)

If you are disabled and need assistance in completing this form, please inform a front desk employee.

If you are a Vietnam Era Veteran, please ask for a form to declare this information if you wish. Completion of this form is voluntary; however the information is important to the University's Affirmative Action Program.

APPLICATIONS MUST BE COMPLETE TO BE CONSIDERED.

PLEASE PRINT IN INK

Name Reed Pamela S Date 4.25.00
Last First Middle

Address [Redacted] Strawberry Plains TN Phone [Redacted]
Street City State Zip Code 37871

Position title and number Assistant Director - 13589 Full-time Part-time

If desiring part-time work, days and hours available na

Salary requirement [Redacted] Date available to begin work 5.1.00

Social Security Number [Redacted]

Other contact for messages: Name [Redacted] Phone [Redacted]

In the event of emergency notify: Name [Redacted] Phone [Redacted]

Address [Redacted] Knoxville TN 3792

Have you ever applied at this office before? Yes No If so, when _____

The University of Tennessee Health Science Center does not discriminate on the basis of race, sex, color, religion, national origin, age, disability or veteran status in provision of educational or employment opportunities. This policy extends to both employment by as well as admission to and matriculation at the University.

The University does not discriminate on the basis of sex or disability in the education programs and activities which it operates, pursuant to the requirements of Title IX of the Education Amendments Act of 1972, Pub.L. 92-318; and Section 504 of the Rehabilitation Act of 1973, Pub.L. 93-112, respectively, or on the basis of Title VII of the Civil Rights Act of 1964 or the Americans with Disabilities Act of 1991 with regard to employment, services and programs.

Inquiries concerning Titles VI and IX as well as Section 504 and the ADA/ADEA should be directed to the Office of Affirmative Action, 62 South Dunlap, Suite 200, Memphis, Tennessee 38163, (901) 448-5558 or TDD (901) 448-7382. Charges of violation of the above policy also should be directed to the Office of Affirmative Action.

Inquiries and complaints alleging violation of this policy should be directed to the Affirmative Action Director, Telephone Number 448-5558, TDD 448-7382.

Source: University of Tennessee.
Purpose: To exhibit Ms. Reed's application to UT.

Exhibit C (Cont.)

Name of Employer <i>PSE Consultants</i>		Address <i>P.O. Box 2309 Knoxville TN 3701</i>			Phone <i>(615) 632-5733</i>	
Employed (Mo./Yr.) From <i>1995</i> To <i>1998</i>	Full-time <input type="checkbox"/> Part-time <input checked="" type="checkbox"/>	If part time: Hrs. per week <i>approx 20</i>	Salary Starting / Ending <i>contract work 20.00 hr.</i>	Name of Supervisor		
Job Title and Duties <i>reg. consultants commercial + TKO-Care for physicians office</i>				Reason for Leaving <i>stay for son</i>		
Name of Employer <i>Delta Airlines</i>		Address <i>Huntsville, TN</i>			Phone <i>(70) 241-4141</i>	
Employed (Mo./Yr.) From <i>1979</i> To <i>1992</i>	Full-time <input checked="" type="checkbox"/> Part-time <input type="checkbox"/>	If part time: Hrs. per week	Salary Starting / Ending <i>month / 3975</i>	Name of Supervisor <i>Shan Harris</i>		
Job Title and Duties <i>various - at abundant, executive assistant, marketing</i>				Reason for Leaving <i>getting law school</i>		
Name of Employer		Address			Phone ()	
Employed (Mo./Yr.) From To	Full-time <input type="checkbox"/> Part-time <input type="checkbox"/>	If part time: Hrs. per week	Salary Starting / Ending	Name of Supervisor		
Job Title and Duties				Reason for Leaving		
Name of Employer		Address			Phone ()	
Employed (Mo./Yr.) From To	Full-time <input type="checkbox"/> Part-time <input type="checkbox"/>	If part time: Hrs. per week	Salary Starting / Ending	Name of Supervisor		
Job Title and Duties				Reason for Leaving		
Name of Employer		Address			Phone ()	
Employed (Mo./Yr.) From To	Full-time <input type="checkbox"/> Part-time <input type="checkbox"/>	If part time: Hrs. per week	Salary Starting / Ending	Name of Supervisor		
Job Title and Duties				Reason for Leaving		
Name of Employer		Address			Phone ()	
Employed (Mo./Yr.) From To	Full-time <input type="checkbox"/> Part-time <input type="checkbox"/>	If part time: Hrs. per week	Salary Starting / Ending	Name of Supervisor		
Job Title and Duties				Reason for Leaving		

If currently employed, may your employer be contacted at this time for a reference? Yes No

Have you ever held a supervisory position? Yes No If yes, where? *PSE Consultants, State of TN*

No. of employees supervised *2-50* Date: From _____ To _____ *Delta Airlines*

For Personnel Use Only

Typing test: _____ wpm

Source: University of Tennessee.

Purpose: To exhibit Ms. Reed's application to UT.

Exhibit C (Cont.)

EDUCATION

List all schools attended: high school, technical / vocational, college, business, military, etc.

See Attached for higher education

School	Dates Attended	College or other hours completed if no degree	Certification or Degree Received	Date Rec'd	Major Subjects
Name <u>Carter High School</u> Address <u>Strawberry Plains TN 37871</u>	From <u>1971</u> To <u>1974</u>		<u>H.S. Diploma</u>		
Name _____ Address _____	From _____ To _____				
Name _____ Address _____	From _____ To _____				
Name _____ Address _____	From _____ To _____				
Name _____ Address _____	From _____ To _____				

SPECIALIZED TRAINING / SKILLS

List all current licenses and / or areas of certification (if not indicated above)

see Attached

Passed TN Bar - July 99.

List all equipment (office, trade, or laboratory) that you operate proficiently _____

List any other training skills, aptitudes, and qualifications which you feel are relevant to the type of employment you are seeking at The University of Tennessee Health Science Center see Attached.

EMPLOYMENT RECORD

List your current or most recent employer first and indicate a continuous record of employment.

(Please add a supplementary sheet if additional space is required.)

THIS EMPLOYMENT RECORD MUST BE COMPLETE EVEN IF RESUME IS ATTACHED.

Name of Employer <u>State of Tennessee</u>		Address <u>Cordell Hill Bldg Nashville TN</u>			Phone <u>(615) 532-6772</u>	
Employed (Mo./Yr.) From <u>12.1.99</u> To <u>4.30.02</u>	Full-time <input checked="" type="checkbox"/> Part-time <input type="checkbox"/>	If part time: Hrs. per week _____	Salary monthly Starting <u>3,800</u> / Ending <u>3,800</u>	Name of Supervisor		
Job Title and Duties <u>Director of Education Dept of Health</u>				Reason for Leaving		
Name of Employer <u>State of TN</u>		Address <u>same as above</u>			Phone <u>() ()</u>	
Employed (Mo./Yr.) From <u>7.1.99</u> To <u>12.1.99</u>	Full-time <input checked="" type="checkbox"/> Part-time <input type="checkbox"/>	If part time: Hrs. per week _____	Salary Starting <u>3600</u> / Ending <u>3600</u>	Name of Supervisor		
Job Title and Duties <u>Attorney, Dept of Mental Health</u>				Reason for Leaving <u>to other promotion to Director of Educ.</u>		

Source: University of Tennessee.

Purpose: To exhibit Ms. Reed's application to UT.

Exhibit C (Cont.)

PLEASE READ CAREFULLY BEFORE SIGNING

I certify that the information given by me in this application is true and complete. I understand and agree that any false information, misrepresentation, or concealment of fact is sufficient grounds for either my immediate discharge without recourse or refusal of employment by The University of Tennessee Health Science Center.

I understand and agree that all information furnished in this application may be verified by The University of Tennessee Health Science Center. I hereby authorize all individuals and organizations named or referred to in this application and any records repository, or law enforcement organization, to give The University of Tennessee Health Science Center all information relative to my employment, work habits, character, and any criminal record and hereby release such individuals, organizations, and The University of Tennessee Health Science Center from any liability for any claim or damage which may result.

I understand that if employed as a regular full-time employee, I will automatically be included in one of the University's retirement plans.

Signature *Pamela S Reed* Date 4.25.00

PLEASE DO NOT WRITE BELOW THIS LINE — FOR PERSONNEL USE ONLY

DATE OF DEPARTMENT INTERVIEW	DEPARTMENT	POSITION TITLE	PIN #	DISPOSITION	SPECIAL COMMENTS

Revised 7/98

Source: University of Tennessee.

Purpose: To exhibit Ms. Reed's application to UT.

Exhibit D

David M. Mirvis, MD

From: David M. Mirvis, MD [dmirvis@utmem.edu]
Sent: Monday, March 06, 2000 3:24 PM
To: Henry G. Herrod MD
Subject: Pamela Reed

Hank, I had a long conversation with Pamela Reed about UT arrangements. Specific issues for your OK:

1. She wants a salary of \$70k. This to me is high -- I suggest low-mid 60's as a UT employee (staff, exempt) for 6 months (she has backed off from the 4 month idea; in reality 4 may be too short to accomplish ~~external funding~~). I have approx \$32k in the center budget for use between now and 6/30/00; this would prob cover all or nearly all her direct costs if I can roll over the unused part from this fiscal year to next.
2. As a title, we came up Program Development and Legislative Affairs Coordinator to include this program plus other things she may do for the center in Nashville (CME planning, legislation tracking, legislative committee meetings, tracking grant/contract opportunities in departments).
3. If OK with you, I will write it all up in a more formal way for her to sign, etc, and work thru personnel on paperwork etc. This will be a high maintenance operation but as Gene Stollerman once told me -- there are two kinds of pains in the neck - the ones that are worth it and the ones that aren't. I hope this is the former.

David M. Mirvis, MD
The Center for Health Services Research
University of Tennessee
e-mail: dmirvis@utmem.edu
Tel: (901) 448-5826
FAX: (901) 448-8009

Source: University of Tennessee-Memphis server.

Purpose: To exhibit negotiations between Ms. Reed and UT officials.

Exhibit E

David M. Mirvis, MD

From: Henry G Herrod [HHERROD@utmem.edu]
Sent: Wednesday, March 22, 2000 5:48 PM
To: DMIRVIS@utmem.edu
Subject: guess what

Sensitivity: Confidential

David

All things considered let's hire Pam at \$65,000 for a year. Let your funds cover her for as long as possible and then we will come up with the extra. She should be fully funded by the end of the year. We should create a financial incentative that would allow her to obtain extra funding up to some figure eg\$75,000 if she can raise it. We can work out the details of that over the next couple of weeks.

If possible let her know of your decision to hire her tomorrow so she can go forth and announce she is us and us is she. If I don't hear from you I'll give her a call and tell her we think it is a done deal under the above conditions. As you know she thinks she can bring money from Ragan immediately and she is connected.

If you agree with this plan we need to get a formal letter of offer to her and start the paper work. I'll be leaving by 10AM tomorrow so if you get a chance give me a call to discuss.

Hank
am

Source: University of Tennessee-Memphis server.

Purpose: To exhibit negotiations between Ms. Reed and UT officials.

Exhibit F

Email Messages

Case: Gilley_Old_Desktop

Page 10

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<input type="hidden" name="A" value="a">
<input type="hidden" name="fn" value="james,, ">
<input type="hidden" name="ln" value="russell,, ">
<input type="hidden" name="e" value="redstrawberryboy@yahoo.com,psreed1@att.net,">
<input type="hidden" name="m" value="1">
<input type="hidden" name=".done"
value="http://us.f63.mail.yahoo.com/ym/ShowLetter?MsgId=9317_64021_4054_715_2130_0&order=down&inc=&sort=date&box
=Inbox&YY=60581">
<a href="javascript:document.frmAddAdrs.submit()"><b>Add Addresses</b></a>
</font>
</td></tr>
</table>
</form></td>
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</table>
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<pre>gg mercedes,

Just a note to give you my new email address. It just for very special communications with key people -- if you understand!

I'm writing Dwayne Mccay next to set things in motion for your office. Since he has space and both dean Herrod and I want you to have this opportunity I think that everything will work out fine. We need to get you active in those projects you are now working on and others. I really like your entrepreneurial ideas. you can make things happen -- really.

As you know I have made a practice, over some thirty years, of identifying talented persons and reaching out and touching their careers. You are a real candidate for a great career. Women have been favorites of mine in mentoring as I indicated. This is because among other things women remain a great source of untapped talent in a time when management talent is very, very short. (You are a tall talent!)

I think though for you we need to get you more active on projects that are innovative and cutting edge. We need thinkers who think out of the box.

In a year or so as Katie High and others are promoted to other management positions within the university, and if you haven't gone to Washington or somewhere higher perhaps we can move you into an executive assistant to the president role. or even a more major job at the university.

Can you be patient over the next couple of years?

But first, lets get some more experience under our belts and work together to gradually to get you into general administration over the next two years or so. I know that you are in a hurry as I was when I was your age but timing is very important.

Give me a report on your trip to Nashville and on your negotiations with Mccay. I think that we can meet at least a couple times per week as we explore opportunities for your talents and possible projects and activities for you.

I enjoyed our recent meetings and am very positive about what you can do - for me and the of the university.

Wade

Source: Dr. Gilley's desktop computer.

Purpose: To exhibit August 25, 2000, e-mail from Dr. Gilley to Ms. Reed regarding mentoring.

Exhibit G

From: "Pamela Reed" <reedps@gwmail.utk.edu>
To: <GILLEJW@gwmail.utk.edu>
Date: 3/8/01 10:29PM
Subject: Re: Computers

As always, Thank you. This has been one of the most black periods of my professional life for various reasons, feeling like I have failed in the opportunity you provided for me being the primary. Secondary, it seems like the world is against me (the ut world that is) and it is unfair to expect you to continually take the hit for me and I wil not do it anymore. I need to make it on my own. As you know - I really believe in the center for law, medicine & the impact of technology. I talked with Dwayne about how to "set up shop" and he really wants me, in fact ask me to keep it within his shop. I does give him a connection with the law school and graduate school or medicine that he did not have previously. I am very excited about the opportunities - it has been cultivated for a 1 1/2. As you know - ironically I spoke with you about this the first time I met you. I thank you for letting me stay in pr and work with mayors office and the newsentinel. Dwayne said I could even dabble in trying to get federal funding for my center - but that is down the road. Hopefully we can tie this up tomorrow. 'll try to find Hank, but we have a conference call scheduled Monday at 11:00 with Hank and a meeting with Tom Galligan at 1:00 - so I thought Dwayne and I could work out the specifics tomorrow and then we could share them with both Deans Monday and formalize - announce Monday - or even tomorrow if you like. I hope you sleep well tonight and if you will still believe me I will not let you down.

>>> "J. Wade Gilley" <GILLEJW@gwmail.utk.edu> 03/08/01 20:14 PM >>>
Thanks Dwayne,

I think tomorrow would be excellent. I will depend on your and Eli's advice on the idea of a rep. Eli is cautious about committing to ORNL on this but I think that we need to do something.

It is my undertanding that with all the confusion and the possibility of the center that Pamela is going to request reassignment to the new center on law and health and technology. I would like a two page proposal with a one page budget from you, Hank and Tom. I think this is a good move if we can pull it off. I understand that it has the support of both you and the deans. If she and this new center is housed within your shop with oversite by a committee of the two deans and yourself I think that would be an excellent move. I am told there is strong faculty support for it.

This would mean that Pamela would shift from federal relations and her other duties to this center. She would most likely keep the other duties Hank assigned her and perhaps work on the media relations concerning research where she apparently has been very effective. I talked with Brian Mitchell today and he was very enthusiastic about the up coming nine articles on research. I do not think I should have any role in this except the overarching vision thing if that is important. You should take center stage. It might be valuable in Auburn if you know what I mean.

This thing with Pamela maybe unfair but is real. She is very distraught as you most likely know. I know we do not need to go into details here as I will see you tomorrow.

I think we may need to get a professional firm to represent us generally but not just to advocate what Homer and Bill and Billy might want for ORNL. In fact Eli and I talked today and we see then need for a much stronger presence for UT out in Oak Ridge. We need to strategize about that.

Anyway a firm would not negate the need for you to be in DC but will reduce the need for staff generally including Pamela and Lillian. You will want to rethink Lillian's duties Perhaps she can be reassigned to sponsored programs under our new guy form NC.

Anyway that is your issue. But Pamela under this new arrangement would most llikely be in the center and work part time on research media stories and contine for a time on the PR project with the city of Knoxville for the time being.

Anyway we are moving forward even if unsteady in our efforts to establish a new presence in DC. I look forward to talking with you tomorrow.

Wade

Source: University of Tennessee-Knoxville server.

Purpose: To exhibit Dr. Gilley's e-mail to Dr. McCay regarding Ms. Reed's movement to the center.

Exhibit H

441) HD_19495\Unallocated Clusters Agreement

From: james gilley <wade_gilley@yahoo.com>
To: psreed1@att.net
Date: Fri, 1 Jun 2001 08:34:23 -0700 (PDT)

<!-- START::email body -->
MUTUAL NON-DISPARAGEMENT AGREEMENT
BETWEEN PAMELA S. REED AND JAMES W. GILLEY, SR.

By and for good and valuable consideration, the receipt of which is hereby acknowledged, and for other consideration as is set forth in the terms and conditions of this agreement, the parties hereto do agree and contract as follows:

The parties to this agreement are Pamela S. Reed and James W. Gilley, Sr., and the requirements of this agreement shall be binding upon them and their heirs, successors and assigns.

That neither party will make any statements, oral or written, regarding the other, or discuss the nature of their relationship except to say the

- Their association was one of a professional and family association in nature;
- Dr. Gilley served as a mentor for Ms. Reed in her quest for a doctorate in higher education.
- There was no sexual affair between the two.

Both parties agree that neither will retain or release to any person or organization any past, current or future written, oral, electronic or otherwise recorded communications between Pamela S. Reed and J. Wade Gilley, Sr. specifically including, but not limited to, notes, letters, memos, messages, statements or other written, electronically or otherwise recorded communications, documents or materials which reference their relationship, or the nature thereof without prior obtained, written consent of the other.

Dr. Gilley will make no negative statements, oral or written, regarding Mrs. Pamela Reed's job performance at the University of Tennessee, except to comment positively on the specific projects on which she worked at the University of Tennessee's Knoxville campus during the time period from September 1, 2000 through July1, 2001, during which Mrs. Reed served as a special assistant to the university's Vice President for ORIT on part-time assignment from the university's Memphis campus. Within 15 days of the signing of this agreement, Dr. Gilley will provide Ms. Reed a written letter of reference which she may use as an employment reference or educational application reference.

Ms. Reed will make no negative statements, oral or written, regarding Dr. Gilley, and will provide Dr. Gilley with a signed and notarized statement(s) specifically certifying and documenting her employment at the University of Tennessee; her original appointment and how she came to be working at the University's Knoxville campus; showing conclusively that she was not appointed or promoted by Dr. Gilley; that she did not receive any special consideration by Dr. Gilley; that she and J. Wade Gilley Sr. did not have a sexual affair while working at the University of Tennessee and certifying that she has not at any time and will not release any statement, information, documents or materials (oral, written or electronic) to that effect. It is agreed and understood that Dr. Gilley may release Ms. Reed's sworn statement(s) at his will and pleasure.

(Penalty clause.)

Source: Ms. Reed's laptop computer.

Purpose: To exhibit non-disparagement agreement.