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Ross D. Copenhaver
1924-1993

April 21, 2016

Mr. Patrick E. Hacker
Hacker, Hacker & Kendall P.C.
2515 Pioneer Avenue
Cheyenne, WY 82001

Re: *Rob Breeding*

Dear Pat:

I believe you are fully aware that the College and the College President are my clients. This has been the case for many, many years and was the case the last time your office had issues with the College. I am very concerned with your decision to communicate directly with my client whom you know is represented. I would request that any further communication from you be sent to me.

Having discussed this matter with President Hicswa, I would advise you that your accusation that the College is making decisions based on the content of some articles published in the Northwest Trail is inaccurate and false.

As the Higher Learning Commission (HLC) has recently focused on faculty qualifications, Northwest College has attempted to review qualifications of all instructors, not just a few, and certainly not just Rob Breeding. To our knowledge all instructors that were similarly situated have been treated alike. Rob's situation is somewhat unique, in that he does not have tenure. The idea to offer the delay of one year for tenure purposes was to benefit Rob not hurt him. If he has not met the qualifications as required by HLC and NWC, it may factor into any decision the President ultimately makes regarding tenure. The idea of postponing that was to give Rob adequate time to acquire in a very reasonable time line the necessary course work to meet the HLC and NWC requirements.

You have suggested that the process at the College of reviewing and establishing Mr. Breeding's qualifications under the new standards were proceeding without concern. By that, I assume, you are referring to the process of informing him that he would need to acquire additional course work to be properly qualified which as I understand it, continues to be the process.

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The standards are not new. HLC is, however, emphasizing the requirement to meet those standards. If you are talking about Mr. Breeding wanting to develop an entirely new method for qualification based upon experience, then it would not be accurate to say that was proceeding without concern. I believe the Vice President for Academic Affairs made it clear to Mr. Breeding some time ago what the HLC standards were and what his expectations were for Mr. Breeding to acquire those qualifications. I believe this concern was raised in June of 2015, long before the *Northwest Trail* articles he has erroneously suggested are a motivation for reviewing faculty qualifications.

Contrary to your letter, I do not believe Mr. Breeding had filed a grievance. I believe he has contacted HR and/or the dispute resolution officer regarding initiating the process and going through the informal meeting process, after which he may or may not choose to actually file a grievance. Whether or not Mr. Breeding chooses to file a grievance or accuse the College of violating his First Amendment rights, the College will proceed to comply with its policies. To the extent financial circumstances necessitate that they take a close look at positions or programs, they will do so in accordance with their policies. Merely because an employee or his/her attorney makes unfounded accusations of discrimination or violation of rights will not dissuade the College from complying with its policies and making decisions that are in the best interests of the College and its students. We are very comfortable that should the College need to take action that affects College personnel, that decision will be squarely based upon factors that are appropriately and legally utilized to make the best decision the College can.

The College also disagrees with your accusation relating to Mr. Stothart's resignation. Hopefully, you understand that Mr. Stothart was not a decision-maker in the dispute resolution process but rather, a facilitator to assist the parties to comply with the procedural requirements. It would appear that the new DRO is well qualified to assist your client through the process if he desires to pursue it. The College neither asked for nor coerced Mr. Stothart into resigning. There is some concern that Mr. Breeding's conduct toward Mr. Stothart may have been a factor in his decision to resign.

While it may be that Rob Breeding and/or other faculty may convince the Board of Trustees to adopt some alternative experience equivalency criteria that is not the current policy and until some other policy is ultimately adopted, Mr. Breeding should work closely with Mr. Giraud to meet the faculty qualifications required by NWC. My understanding is that he has agreed to an education plan which he needs to complete.

Sincerely,

COPENHAVER, KATH, KITCHEN & KOLPITCKE, LLC



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TJC/jc

cc: Stefani Hicswa