



COASTAL CAROLINA UNIVERSITY®

Office of University Counsel

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November 16, 2021

Ms. Ruth C. Smith
The Elmore and Smith Law Firm, P.C.
79 Woodfin Place, Suite 103
Asheville, North Carolina 28801

Re: Dr. Robert S. Earnest

Dear Ms. Smith:

I received your letter today and I'm surprised and concerned that you have mischaracterized our communication from last week – especially since you referenced an email where I specifically stated,

your media messaging that the University has initiated termination proceedings is not accurate because, at this time, Dr. Earnest has only been reassigned to non-teaching duties which he is actually performing and being paid his full salary.

I am greatly confused by you interpreting my statement as confirming that Coastal Carolina University (CCU) is seeking Dr. Earnest's separation from the University. As I stated in the November 11th email you referenced in your letter, because Dr. Earnest is continuing to receive his full salary, his recent reassignment is not a punitive employment action. Since the reassignment is not punitive, a serious question exists as to whether this matter is even eligible for a grievance under the University's policies and procedures. Nonetheless, the University is facilitating Dr. Earnest's grievance as you have requested.

Your accusation that the University did not respond to your October 11, 2021, Notice of Intent is inaccurate and disappointingly misleading. In addition to our several other email communications, you and I had a specific telephone discussion on October 21, 2021, during which I informed you that the deadline for the Initial Consultation would be Monday, November 1, 2021, because the 20th day (October 31) fell on a Sunday. I contacted you via email on November 1, 2021, and did not receive a response until November 3, 2021, when you submitted Dr. Earnest's request for a Dean Hearing. Again, I am greatly disappointed that you have mischaracterized our communications in this way.

In regard to the Dean Hearing scheduled for November 17, 2021, at 2:00pm, you will receive the Zoom meeting invitation via email prior to the scheduled time. As I explained to you via telephone on November 10, 2021, this proceeding is not a formal hearing, and the format will consist of Dr.

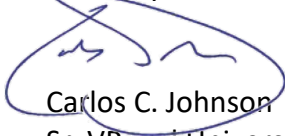
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Earnest's, or you on his behalf, presenting his grievance to Dr. Claudia Bornholdt. Dr. Bornholdt may respond to clarify points as needed, but this stage of the process does not include any traditional witness interrogation.

As you are aware, on September 18, 2021, Dr. Earnest interjected himself into a discussion between other faculty members and students and made comments that caused a major disruption to CCU's educational environment. During an in person meeting on September 21, 2021, Dr. Bornholdt and Dr. Earnest agreed that Dr. Earnest would step away from the classroom in order to help calm the disruption and to allow time for Dr. Earnest to explore his retirement options. Dr. Earnest's behavior on September 18, 2021, is currently under review to determine whether his actions violated the CCU Code of Ethical Conduct (See CCU Faculty Manual, Section 5.1.4) or endangered the welfare of students, employees, visitors or volunteer workers of the University (See CCU Faculty Manual, Section 6.10.1). At this time, CCU has not made a final determination concerning Dr. Earnest's behavior and has not initiated proceedings under Section 6.10.2 of the CCU Faculty Manual. As you and I have discussed multiple times, the University's review is ongoing because, as a courtesy, the University was working with Dr. Earnest to explore his retirement options. If Dr. Earnest has decided that he does not want to continue exploring retirement, please let me know before 2:00pm tomorrow so the University will know how to proceed with this matter.

I look forward to hearing from you. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "Carlos C. Johnson", is enclosed within a blue oval. The signature is stylized and somewhat cursive.

Carlos C. Johnson
Sr. VP and University Counsel