

February 4, 2015

To: Reader's Forum
The Courier-Journal
CJLETTER@COURIER-JOURNAL.COM

Fr: Sam Connally
Former Vice President for Human Resources & University EEO Officer
University of Louisville

Re: ***"U of L Ex-VP for Human Resources Defends Humana, David Jones Sr."***

Dear Editor:

The Courier-Journal reported today that Shirley Willihnganz has elected to resign as Executive Vice President and University Provost at the end of the current academic term. In reporting on this unexpected development, Reporter Andrew Wolfson writes, "The university said her departure as provost was voluntar(y), and university spokesman Mark Hebert said it was unrelated to allegations made by former human resources executive Sam Connally, who contended Willihnganz had improperly favored Humana in bidding for a new university health insurance plan so Humana's founder would make good on a \$10 million pledge to the university."

I am the former vice president for human resources and university EEO officer at the University of Louisville, who was terminated without cause by President Ramsey on November 26, 2014, but for reasons that I believe are clearly related to my having filed a formal complaint with President Ramsey regarding the professional conduct of Provost Willihnganz on October 2, 2014.

Clarification of Claims Regarding UofL Health Plan

The Courier-Journal has published four separate articles related to my termination (with varying degrees of accuracy and fair play) and today has posted a reference to my termination in relation to Provost Shirley Willihnganz' announcement that she would resign as EVP and Provost at the end of the current academic term. I write to you today because today's article is not an accurate representation of my complaint against Provost Willihnganz and is unfair to David Jones, Sr., and my colleagues at Humana Insurance Corporation. ***At no time have I ever stated or inferred that Humana Insurance Corporation attempted to exercise influence over the UofL health plan vendor selection process by offering a donation to our capital campaign in exchange for our selecting Humana as our health plan vendor.*** Rather, I alleged in my October 2, 2014 complaint against Provost Willihnganz that she (and she alone) conflated our public health plan bid process with ***her personal desire to solicit*** a contribution to the UofL capital campaign in the amount of \$10 million from Humana's founder, David Jones, Sr.

It is a matter of public record that I had previously recommended, in writing, the selection of another health plan vendor to the Provost (and other senior officers) following our initial evaluation of 2012 health plan RFP responses – with the unanimous concurrence of the Human Resources Advisory Committee, sitting as the Board of Trustees' appointed Benefits Committee – to execute a three-year contract with a competing vendor to serve as our health plan vendor in order to realize savings of approximately \$1.5 million per year in relation to the Humana bid. It is a matter of public record that the Provost caused this bid to be terminated without a new three-year contract for the recommended

vendor, so as to provide Humana an opportunity to re-bid our health plan contract in 2013 after only one year – instead of being locked out for three years. Finally, it is a matter of public record that, in a meeting of five UofL officers reviewing health plan bids jointly, the Provost attributed her desire to permit Humana to re-bid the health plan contract after a lock out period of only one year to be in support of her personal goal to secure a \$10 million gift from David Jones, Sr. to UofL’s capital campaign.

These are facts that the University’s hand-picked, state-funded investigator could well have verified, but for the compelling circumstance that the investigator’s mandate was contingent on finding no evidence of wrong doing on the part of the Provost in our 2012 health plan bid evaluation process. The Provost’s resignation will not change the facts of her previous behavior, in which she ostensibly subordinates a public health plan bid to the parochial interests of her soliciting a private gift to the university from a preferred vendor.

White washes are expensive, of course, so the Courier-Journal would serve its readers by asking how much this so-called “outside investigation” cost the University and whether it was paid for with state funds, student tuition dollars, laundered through the UofL Foundation, or charged back to employees and departments through the health plan itself. ***Regardless of how UofL paid for its so-called exoneration of the Provost, your readers should know that David Jones, Sr., and Humana executives are blameless in this sad episode.***

The Provost’s 2012 decision to suspend the health plan RFP has resulted in the University charging UofL employees \$1.65 million per year in health insurance premiums (or \$300 per employee per year) for 2013 and 2014 that has been spent on non-health-care expenditures – even while UofL has moved some \$5.0 million in excess funds out of the health plan to cover non-health care related expenditures over these two years. In 2015, the University is on track to charge UofL employees an additional \$1.65 million in employee premiums that would otherwise be surplus to the health plan – bringing **total excess charges to UofL employees to \$6.7 million dollars in three years, charged for health insurance, but spent on non-health care expenditures.**

Were UofL a private institution, this would be a clear-cut violation of ERISA, the Federal Employee Retirement Income Security Act, which provides that employers cannot charge employees for a specified benefit, then spend restricted benefit dollars on a non-benefit expense. This is exactly the same as State gasoline taxes – which accrue to the benefit of the State Highway Fund and cannot be used to balance the State General Fund budget.

Employee embezzlements from UofL over the past five years – including former Dean of Education Robert Felner and Family Practice Executive Director Chad Vaughn – have totaled just over \$5.0 million dollars over five years. ***If members of the Board of Trustees were rightly indignant when employees stole money from the university, how much more so should they be indignant when the University steals money from employees?*** In the past two years alone, excess health insurance premiums charged to employees (but spent on non-health expenses) exceed the total of all employee embezzlements against the University over five years – and ***will total \$6.7 million dollars over three years after 2015.***

These are facts that are and were readily verifiable, though the University’s hand-picked “investigator” did not investigate a single fact related to my October 2, 2014 complaint against the Provost for potential wrong-doing – representing only that he interviewed her in the presence of her attorney and found her explanations to be “reasonable,” while refusing to interview me because I was accompanied by an unnamed personal advisor (even though employees are afforded such personal advisors under

University policy for Title VII & Title IX investigations). The Provost's resignation (and the investigator's presumed absolution of any wrong-doing on her part) will not change the fact that the University has charged employees over \$5.0 million in health care premiums over the past two years that have been spent on non-health-care expenses and will charge \$6.7 million over three years, as of the end of 2015.

Clarification of Claims Regarding EEOC Investigations

In My October 2, 2014 complaint against Provost Willihnganz, I also alleged that she was aware of and condoned a practice by University Counsel to file knowingly false statements with the Federal Equal Employment Opportunity Commission – denying that UofL had discriminated against five African-American employees in the Office of Financial Aid – after I had issued reports as the University's EEO Officer that the self-same employees had been the victims of race discrimination over a period of six years from 2006 through 2012. In an effort to defend the Provost from her own conduct, the University paid an outside investigator to issue a finding that all five employees had ultimately entered into EEOC approved settlement agreements, suggesting that my complaint as to the Provost's hostility to my original EEO investigation was moot. This was a "straw-man" erected for the sole purpose of striking it down, as any reasonable inquiry would document.

The EEOC settlement agreements for the final three employees would clearly not have been executed but for my having intervened in the settlement process and declaring outside counsel's reports to be "intellectually dishonest and morally reprehensible" – for which I was chastised by both Provost Willihnganz and Interim University Counsel, Dana Mayton. The Provost's resignation will not change the fact that she reportedly condoned the filing of false statements in official filings with the EEOC, conveyed by outside counsel on behalf of the University, attributing non-selection decisions for positive personnel actions in Financial Aid to performance and personal ability deficiencies on the part of employees whom we had previously found were the victims of explicit race discrimination and whose non-selection for positive personal actions over six years were not attributable to personal job performance or ability deficiencies. The actions of the Provost, Vice Provost for Enrollment Management, and University Counsel served to "re-victimize" the affected employees and further polarize the department of Financial Aid on racial lines.

Human Resources' EEO investigation in 2013 found that White employees were six times more likely than African American employees to receive positive performance evaluations and ten times more likely than African American employees to be promoted, reclassified to a higher salary grade, or to receive an in-range salary adjustment as a result of the assignment of additional duties or responsibilities. Nothing in the outside investigator's report negated these facts. The investigator purports to discredit the concerns I voiced in my October 2, 2014 complaint regarding the Provost by asserting that I waited over one year to voice such complaints – while overlooking or denying the fact that on-going discussions related the legitimacy of the previous internal EEO investigations and on-going hostile climate issues pertaining to race were on-going up to and including the very week preceding my termination from the University. In fact, final EEOC settlement agreements were executed the less than two months prior to my termination and I met with four of the five complainants in the Office of Financial regarding their concerns that they continued to "live in a segregated environment" on the Friday before my Wednesday termination on November 26, 2014.

Conclusion

UofL public relations officer, Mark Hebert, volunteered in today's public information release that Dr. Willihnganz' resignation "was unrelated to allegations made by former human resources executive Sam Connally, who contended Willihnganz had improperly favored Humana in bidding for a new university health insurance plan so Humana's founder would make good on a \$10 million pledge to the university." This quote implies misconduct on the part of Humana or Mr. Jones – by suggesting a gift was offered in exchange for a contract, which was not the case. So, in fairness to Mr. Jones and Humana, it is appropriate for me to write to clarify the record. My allegations of improper conduct are attributed entirely to Dr. Willihnganz, and not to Mr. Jones or other officials of Humana Insurance Corporation – and are attributable solely to Dr. Willihnganz' own publicly stated desire to solicit a gift from Mr. Jones, not Humana's enticement of offering such a gift as a *quid pro quo* for our health contract.

As for Mr. Wolfson's statement that "An outside investigator hired by the university found (that) that and other allegations by Connally (were) untrue," it is my position that the outside investigator rendered a "white wash report" intended to "shoot the messenger" because UofL did not like the message of alleged wrong doing on the part of its 2nd chief executive officer. As detailed in my "Administrator Grievance Statement" – released to public by the University – I believe I was fired in retaliation for standing up for the integrity of race discrimination investigations as University EEO Officer (whose decisions were, by definition, the final administrative decisions of the University), when the Provost sought to overturn such decisions in communications with the EEOC and to suppress such findings of race discrimination on her watch. I believe I was fired in retaliation for objecting to an emerging pattern of charging employees excess premiums for health insurance (in excess of employee premiums required to meet actual health care expenditures) where health care funds were spent on non-health-care expenses, when the Provost wanted to use excess employee premiums to cover miscellaneous University debts, rather than refund such excess employee premiums to employees or to maintain such excess employee premiums in the health plan to offset future potential health care cost increases.

I do not expect your readers to take my word for these representations at face value, but in any "he said/she said" environment, the astute reader will ignore what both sides are saying and "*just follow the money.*" The money chase will lead to the truth as it always does. This is why God created courts and judges and juries – so that the truth will ultimately be discovered and known by those who care.

With all best wishes,

/s/ Secure Electronic Signature

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