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## MEMORANDUM

### ATTORNEY-CLIENT PRIVILEGE WORK PRODUCT

TO: Board of Curators for Lincoln University

FROM: Lewis Rice, LLC

DATE: March 14, 2024

RE: **REPORT REGARDING ALLEGATIONS OF BULLYING AND FAILURE TO ACCOMMODATE**

### EXECUTIVE SUMMARY

The Board of Curators for Lincoln University (the “Board” or the “University”) engaged our Firm on January 18, 2024 to conduct an independent investigation after Dr. Antoinette “Bonnie” Candia-Bailey sent an email to many friends and university employees detailing multiple allegations of mistreatment and bullying at the hands of the University’s Human Resources Department and Dr. John Moseley, President of the University. See Dr. Candia-Bailey’s January 8, 2024 Email and Attachments, attached hereto as Exhibit A. The Board voted to employ our Firm as an outside third-party to review and evaluate the allegations, including whether there had been violations of the University’s HR policies and procedures. See the University’s Bid Solicitation, attached hereto as Exhibit B.

After learning that we were engaged by the Board on January 18, we immediately began our investigation by reviewing documents sent by [REDACTED]. In reviewing Dr. Candia-Bailey’s twelve-page letter, it became readily apparent that it would be prudent to conduct a searching review of email correspondence involving Dr. Candia-Bailey and others at the University. Indeed, in her twelve-page letter, Dr. Candia-Bailey noted that there were emails, recordings, and other “documentation” to support her allegations. [REDACTED]

[REDACTED] Thus, it was incredibly important that we target and review email communications that could substantiate or disprove Dr. Candia-Bailey’s allegations, particularly because her unfortunate death left us unable to interview her to conduct an inquiry into her allegations and assess her credibility.

In this regard, we contacted [REDACTED] to assess whether it was possible to conduct targeted searches for email correspondence involving certain employees to allow us to objectively assess Dr. Candia-Bailey’s allegations and employment at

the University. In our discussion with [REDACTED], we confirmed that the University had the capability to run targeted searches for email correspondence, and we provided [REDACTED] several searches to run throughout our investigation. [REDACTED] promptly provided emails that fit within our search parameters, and we received and reviewed thousands of emails. [REDACTED] also provided documents [REDACTED] compiled to respond to the Sunshine Requests the University received from media outlets.

In addition to the emails we received from [REDACTED], we also worked with [REDACTED] [REDACTED] [REDACTED] to gather additional documents and information.<sup>1</sup> See Listing of Documents Received from the University, attached hereto as Exhibit C. Lastly, upon our request, [REDACTED] provided a list of all employees in the University’s Student Affairs and Human Resources departments. See Listing of Student Affairs and HR Employees, attached hereto as Exhibit D. [REDACTED] also provided a list of employees on the President’s Advisory Council (“PAC”) and the “Extended” PAC. See Listing of PAC and EPAC Members, attached hereto as Exhibit E.

After gathering a critical mass of the documents and information we requested, we began conducting in-person and Zoom interviews over a two-week period. In total, we interviewed twenty-four people—nineteen employees of the University and five members of the Board. See List of Interviewees, attached hereto as Exhibit F. It should be noted that [REDACTED] provided us a document [REDACTED] created titled “University Witness List” with twelve witnesses to interview. See University Witness List, attached hereto as Exhibit G. There was also a request that we interview [REDACTED]. We interviewed [REDACTED] and nearly every person on the University’s Witness List with the exception of [REDACTED] and [REDACTED].

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[REDACTED]

[REDACTED]

As we have concluded, many of the allegations in Dr. Candia-Bailey’s twelve-page letter are wholly unfounded and do not implicate any employment laws at all. Indeed, many of Dr. Candia-Bailey’s allegations involve complaints regarding her negative performance evaluation, interpersonal conflict with co-workers, and rank speculation about administrative issues that pre-dated her employment at the University. In light of the broad allegations, the Board requested that we prioritize and address allegations that Dr. Moseley bullied Dr. Candia-Bailey and the suggestion that the University failed to accommodate her disability in violation of the Americans with Disabilities Act (“ADA”).

In sum, we find that the University did not fail to accommodate Dr. Candia-Bailey in violation of the ADA—on the contrary, the University responded appropriately and timely to Dr. Candia-Bailey’s request for accommodation by, among other things, allowing Dr. Candia-Bailey to work remotely one or two times per month and to use accrued leave if she needed time off.

Moreover, in order to assess Dr. Candia-Bailey’s allegations that Dr. Moseley bullied her (and other members of the PAC), we interviewed nineteen employees, including every member of the PAC and several employees who reported directly to and worked closely with Dr. Candia-Bailey and Dr. Moseley. Indeed, we interviewed the employees we assessed to have the *closest* working relationships with Dr. Candia-Bailey and Dr. Moseley. No employee reported that they had ever witnessed Dr. Moseley bully Dr. Candia-Bailey in PAC meetings or otherwise. Moreover, every member of the PAC denied that Dr. Moseley had bullied them. Lastly, in our review of text messages and thousands of emails, we did not find any correspondence sent by Dr. Moseley to Dr. Candia-Bailey that we objectively would consider to be bullying. For these reasons, and as further detailed below, the allegations in Dr. Candia-Bailey’s twelve-page letter that Dr. Moseley bullied her are unsubstantiated.

[REDACTED]

[REDACTED] Dr. Candia-Bailey’s death by suicide is beyond tragic and unfortunate for many, including Dr. Candia-Bailey’s family and University employees who clearly cared about her and are devastated by her death. The University, however, did not fail to accommodate Dr. Candia-Bailey in violation of the ADA, and the allegations in her letter that Dr. Moseley bullied her are unsubstantiated.

[REDACTED]

[REDACTED]

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[REDACTED]