

## Executive Summary of 2024 John Tobia Faculty Situation Review

On Friday, July 26, 2024 at 7:56 p.m., Christopher William Davis emailed the Valencia College Public Records Notice ([publicrecordsnotice@valenciacollege.edu](mailto:publicrecordsnotice@valenciacollege.edu)) email address with concerns about Professor John Tobia that directly implicated Mr. Tobia's essential job responsibilities as a tenured faculty member. Mr. Davis stated that he used to work as an Administrative Aide with the District 3 Commission Office in Brevard County, FL reporting to Commissioner John Tobia. Mr. Davis alleged in part that during his employment with Mr. Tobia he and his County colleagues had access to Mr. Tobia's password information for Valencia College and were trained on, and tasked with, performing several of Mr. Tobia's professional responsibilities as a Valencia College faculty member.

Based on the nature of the allegations, it was determined that Ms. Lauren Kelly, Director, Organizational Development & Human Resources/Employee Relations would coordinate the College's internal review of the allegations regarding Mr. Tobia. The summary below, and substantive report that follow, detail the College's review into this matter, specifically whether allegations of misconduct by Mr. Tobia in his capacity as a tenured faculty member at Valencia College can be substantiated by a preponderance of evidence, based on the expectations of that role.

As part of the internal review, Ms. Kelly met (or attempted to meet) with relevant parties, reviewed information provided by Mr. Tobia, and reviewed other readily available information, records, and applicable College policies and procedures. The review concluded that, for years, Mr. Tobia has been relying on individuals employed by him outside of Valencia College to assist him with various Valencia College related tasks and responsibilities, including direct student contact. These individuals are not employed by, nor accountable to, Valencia and should have no access to, or engagement with, the College's internal network and systems. Mr. Tobia has been unable to articulate why he relied on individuals under his employ as an elected official to support him with Valencia College related job responsibilities, other than his own convenience. Mr. Tobia acknowledges that he never sought training or assistance through Valencia to improve his knowledge about the technological systems required for his role, even after continuing to accept online teaching assignments and reportedly struggling with these tasks for nearly a decade.

Documentation dating as far back as 2011 shows that Mr. Tobia has engaged legislative staff to assist him with Valencia work product for his courses, including – but not limited to – syllabi updates, course contact lists, practice quizzes, exam notes, online course creation and updates, capturing and reporting out student grades, and student correspondence. While Mr. Tobia claims that this support was 'minimal', the breadth of documentation wholly contradicts Mr. Tobia's assertions. In fact, the majority of documents within the online and partially online courses Mr. Tobia has taught in recent years were authored and/or modified by non-Valencia employees. Records also show that Mr. Tobia asked his legislative staff to respond to student inquiries on his behalf, without notifying the students that the responses are not from him. More than twenty (20) Microsoft Excel spreadsheets with personally identifiable student information and grades show, through document properties (also known as metadata), that they were created and/or modified by legislative staff, who should have no access to this private student information.

Mr. Tobia admits that he kept his Valencia account credentials in an openly accessible area at his County Commission office and made no effort to notify or inform the College that his accounts could be compromised, even after he claimed his credentials were stolen. Mr. Tobia acknowledges that he maintains College related records, including student correspondence, on servers and email accounts not owned or managed by Valencia College and has not (up to the time of this internal review) considered the potential

records preservation requirements of the information housed on external platforms. Despite having held multiple government roles subject to Florida's Sunshine laws, Mr. Tobia's conduct demonstrates apathy toward public records and retention requirements.

Overall, Mr. Davis' assertions about the level of Valencia College related tasks being completed by Mr. Tobia's staffers were supported by documentation pulled from the College's systems and Mr. Tobia's admissions. Mr. Tobia attempted to minimize the involvement of his legislative staffers in his Valencia College work, and only admitted to additional involvement when confronted with documents and records. Thus, it is more likely than not that throughout a significant portion of Mr. Tobia's employment, he has failed to comply with and complete all of the essential functions of his role as Professor, Political Science, and has engaged in numerous practices that may be in conflict with applicable College policies and procedures.

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## 2024 John Tobia Faculty Situation Review

### **Report from External Party**

On Friday, July 26, 2024 at 7:56 p.m., Christopher William Davis emailed the Valencia College Public Records Notice ([publicrecordsnotice@valenciacollege.edu](mailto:publicrecordsnotice@valenciacollege.edu)) email address with concerns about Professor John Tobia that directly implicated Mr. Tobia's essential job responsibilities as a tenured faculty member. On Tuesday, July 30, 2024, this information was forwarded to Dr. Scott Creamer, Dean, Humanities and Social Sciences, Osceola, Ms. Lauren Kelly, Director, Organizational Development & Human Resources (ODHR)/Employee Relations, and Mr. John Knights, Managing Director, Chief Information Security Officer.

In certain situations, a review such as this is necessary to determine sufficient facts and circumstances that may lead to a potential employee disciplinary process. Based on the nature of the allegations, it was determined that Ms. Kelly would coordinate the College's internal review of the allegations regarding Mr. Tobia.

### **Scope of Review**

Mr. Tobia has been employed by Valencia College since 2001 and has served as a full-time tenured faculty since earning tenure in 2006. He has held his full-time faculty role concurrently with elected government roles for much of his employment: Mr. Tobia served for approximately eight (8) years in the Florida House of Representatives (2008-2016) and most recently for eight (8) years as a Brevard County Commissioner (2016-2024). Mr. Tobia has been expected to fulfill the responsibilities of a full-time tenured professor throughout this time. In fact, these expectations were reiterated to Mr. Tobia in 2013 by his then Dean, Dr. Thomas Takayama and then Osceola and Lake Nona Campus President, Dr. Kathleen Plinske.

This review is focused solely on whether allegations of misconduct by Mr. Tobia in his capacity as a tenured faculty member at Valencia College can be substantiated by a preponderance of evidence, based on the expectations of that role. It is not intended to include any determination about whether Mr. Tobia has violated external laws. It is noted that Mr. Davis' email report was received by the College at around the same time as public news reports regarding a Florida Department of Law Enforcement (FDLE) investigation into Mr. Tobia arising out of his role as a Brevard Commissioner. The FDLE investigation was not focused on Mr. Tobia's dual employment but did uncover information relating to information security issues and Mr. Tobia's legislative staff performing non-Commission related activities for Mr. Tobia. The FDLE investigation concluded without criminal charges being filed by the Office of the State's Attorney. Mr. Davis was no longer an employee of Mr. Tobia at the time he made his report to Valencia College.

Because Mr. Davis' allegations to Valencia College relate to Mr. Tobia using non-Valencia employees to assume and fulfill his own job responsibilities, this review must necessarily encompass his interactions with his County legislative staff. Because Valencia College does not employ the legislative staff who may possess much of the information relevant to the allegations, however, the College cannot require them to participate in this internal review and most chose not to participate. To the extent the FDLE report contains information relevant to this review, Mr. Davis did provide a copy of the reported FDLE report and recordings of FDLE interviews conducted as part of its investigation, but to date Valencia College has been unable to obtain the full FDLE report and attachments though a public records request has been submitted to the State. As the State reportedly works to finalize the report for disbursement (redacting), in the interim, the State did provide portions of the FDLE report and audio interviews that pertain to Valencia College to the College. This internal

review relies primarily on information gathered through Valencia College's own processes and refers to information obtained from FDLE and news reports when the information is otherwise unavailable.

**Interim Actions:**

Due to the seriousness and job-related nature of the alleged conduct, and to minimize further disruption to the learning and working environment, on August 13, 2024, Mr. Tobia was placed on an Administrative Leave of Absence with Pay (a non-disciplinary measure) in accordance with college policy 6Hx28:3d-02 (Leaves of Absence) pending the College's internal review. Additionally, to avoid any disruption to the student learning experience, Mr. Tobia's previously assigned Fall 2024 courses were reassigned.

**Summary of 2024 Allegations:**

Mr. Davis' July 26, 2024, email stated that he used to work as an Administrative Aide with the District 3 Commission Office in Brevard County, FL reporting to Commissioner John Tobia. Mr. Davis has never been employed by Valencia College. In his email, Mr. Davis alleged in part that during his employment with Mr. Tobia:

- He was provided an 'instruction manual' as part of his onboarding that included the username and passwords for Mr. Tobia's personal and professional accounts (including accounts not tied to County business). Mr. Davis stated this password list included Mr. Tobia's login and password information for Valencia College's network.
- He was provided orientation in his Brevard County position by Ms. Bethany Prasad (Mr. Tobia's Chief of Staff) and was asked by Ms. Prasad to confirm his access to Mr. Tobia's personal and professional accounts.
- During his designated County work hours, he was trained on, and tasked with, performing several of Mr. Tobia's professional responsibilities as a Valencia College faculty member, including creating syllabi, writing actual test/exam questions, grading multiple choice and essay tests/exams, answering emails on behalf of Mr. Tobia, uploading information into the Valencia Canvas (the college's access restricted Learning Management System) platform, and uploading the grades of Mr. Tobia's students into Canvas.
- Ms. Prasad and Mr. Brian Bond (Mr. Tobia's Legislative Aide) were also tasked by Mr. Tobia with completing Valencia College course-related work product on behalf of Mr. Tobia.
- These Valencia College related allegations were tangentially reviewed as part of an investigation conducted by the Florida Department of Law Enforcement and Mr. Tobia's alleged misconduct as Brevard County Commissioner was subsequently submitted to the State's Attorney's Office.

Mr. Davis further noted that through a news outlet's public records request for the State Attorney's case files, Mr. Davis had copies of the FDLE report and the audio interviews of FDLE interviews with Ms. Prasad and Mr. Bond that affirm Mr. Davis' allegations. In a separate email, Mr. Davis provided copies of the FDLE report that he was given and audio recordings of FDLE interviews with Ms. Prasad and Mr. Bond.

Any of Mr. Davis' allegations, if true, would be inappropriate conduct for a faculty member and could constitute misconduct under Valencia College's policies and procedures.

**Internal Review Process:**

Ms. Kelly met via Zoom with Mr. Davis on August 6, 2024 to gather more clarifying information about Mr. Davis' concerns. Ms. Kelly reviewed the information (report records and verbal statements) provided by Mr. Davis. Ms. Kelly also met in person with Mr. Tobia on August 13, 2024, August 21, 2024, and August 28, 2024 to make him aware of the allegations and allow him the opportunity to respond. Ms. Kelly also reviewed information provided by Mr. Tobia as part of the internal review. Based on the allegations, and information shared by Mr. Tobia, information obtained from Mr. Tobia's Valencia College campus office was also reviewed, including but not limited to hard copies of his face-to-face course exam questions and other readily available course materials.

Ms. Kelly reached out to Ms. Prasad and Mr. Bond via email, both of whom responded and declined to meet with Ms. Kelly as part of Valencia College's internal review. As reported by Mr. Tobia, Ms. Prasad no longer works for Mr. Tobia. In their respective responses, both Ms. Prasad and Mr. Bond acknowledge their meetings with the FDLE. Ms. Kelly also attempted to contact Mr. David DaPonte, another former Legislative Aide for Mr. Tobia whose name arose during this review, via email with no response. Mr. DaPonte held several part-time roles at Valencia College but these roles did not involve creating or accessing course records for another Valencia College faculty member.

Ms. Kelly spoke on multiple occasions with Dr. Creamer, Mr. Tobia's Dean (direct supervisor), regarding the internal review and Dr. Creamer provided additional information for consideration as part of the review. Ms. Kelly also worked with Mr. John Knights (Managing Director, Chief Information Security Officer), and a Valencia College Applications Administrator (Enterprise Applications Services) with questions and support related to information gathering and understanding of the College's internal network and systems. The allegations reported by Mr. Davis involve access/use issues related to College email (Outlook) and the Canvas Learning Management System, which were also reviewed.

As part of the review, Ms. Kelly also reviewed other readily available information, records, and applicable College policies and procedures.

### **Summary of Information Gathered**

#### **I. Christopher Davis**

On August 6, 2024, Ms. Kelly and Mr. Tanner Anthony (ODHR/Employee Relations) met with Mr. Davis via Zoom. In this meeting, Mr. Davis stated that throughout his employment by Brevard County as Administrative Aide for Mr. Tobia, he spoke with Mr. Tobia almost daily, whether Mr. Tobia was in the office or not. Mr. Davis provided detailed information about his time working for Mr. Tobia, but the focus of this summary will be on information only directly relevant to allegations that Mr. Tobia requested that Mr. Davis and his former Brevard County colleagues complete Valencia College related work tasks on Mr. Tobia's behalf.

Mr. Davis stated that as part of his orientation to Mr. Tobia's Commissioner's office, he was trained by Mr. Tobia's Chief of Staff, Ms. Prasad, on how to use Valencia's restricted-access Canvas platform - including how to navigate courses, enter assignments, grades, and send messages to students. Mr. Davis stated that he, Ms. Prasad, and Mr. Bond (Legislative Aide) completed Valencia College related work on behalf of Mr. Tobia - though Ms. Prasad was primarily responsible for the Valencia College related tasks. Mr. Davis stated that Mr. Tobia would sometimes provide feedback on their work

product for Valencia College related tasks by printing out documents and handwriting edits that needed to be made by Mr. Davis and his County employee colleagues.

Though Mr. Davis stated he did not have any documentation of him or his prior County colleagues completing Valencia College related tasks, he recalled that the Valencia College related work he performed for Mr. Tobia was for Mr. Tobia's Intro to American Government and State and Local Government courses. Mr. Davis also named examples of work product he himself was made responsible for by Mr. Tobia— at one point specifically referencing his creating multiple choice answer options for exams and using Mr. Tobia's County staff names as possible answer options to offer to Mr. Tobia's students. Mr. Davis also recalled being tasked by Mr. Tobia with creating a revised syllabus for Mr. Tobia, which prompted him to research a similar course from other universities to get ideas for syllabi content. Mr. Davis noted to me that he was not qualified to perform these tasks and felt uncomfortable completing the work as assigned to him by Mr. Tobia. Mr. Davis also noted that Ms. Prasad would help Mr. Tobia grade papers. Mr. Davis also stated that Valencia related work items were saved on Brevard County's District 3 shared drive, which is a shared digital storage space that allows County administration teams to store, access and share files across devices and computers. Mr. Davis also stated that Mr. Tobia used Mr. Tobia's Yahoo email account for Valencia related work and that Mr. Davis and his former County colleagues had access to that email and password information as well.

Mr. Davis stated he previously kept copies of his County orientation materials, which reportedly included a copy of Mr. Tobia's password lists (including Mr. Tobia's Valencia College credentials), but that this information was kept by the FDLE as part of their investigation.

Mr. Davis also noted he voluntarily resigned from his role as Administrative Aide but following his resignation was later terminated for cause due to alleged misconduct. Mr. Davis provided information about the circumstances surrounding his separation, but those details are not materially relevant to the College's internal review.

## **II. Bethany Prasad and Brian Bond**

Though Ms. Prasad and Mr. Bond declined to meet as part of the College's internal review, portions of their sworn audio recorded interviews with FDLE that pertained to Valencia College were reviewed and summarized below.

Ms. Prasad stated that when Mr. Tobia was on a trip and did not have good service, she would login to his Valencia email and if there was something important, she would follow up. Ms. Prasad also stated she has assisted Mr. Tobia with grading student papers. Regarding her access to and use of the Canvas platform, Ms. Prasad stated she supported Mr. Tobia in setup of his classes in Canvas. Ms. Prasad stated she only provided support to Mr. Tobia with his online courses. Ms. Prasad further stated she did not like doing Mr. Tobia's personal (non-County Commission) work.

Mr. Bond stated that when Mr. Tobia was travelling out of the state or out of the country, he would help Mr. Tobia with uploading his course syllabi because of an impending deadline. Mr. Bond stated when Mr. Tobia was inputting grades at the end of a class, Mr. Tobia involved Mr. Bond in cross-reference the grades by having Mr. Bond read out a grade after Mr. Tobia called out a student name to Mr. Bond.

In Ms. Prasad’s email response to Ms. Kelly, she acknowledged meeting with the FDLE, and later asserted that she believed many of the allegations are inaccurate or out of context. Ms. Prasad asserted in the email to Ms. Kelly that she never determined a student’s grade, but assisted Mr. Tobia with entering already-determined student grades into the College’s records. In Mr. Bond’s email exchange with Ms. Kelly, he reaffirmed his statements as provided to the FDLE.

### III. Internal Records

#### A. Documents Regarding 2024 Allegations

As part of the internal review, and in partnership with the Office for Information Technology (Information Security Office and Enterprise Application Services departments), Ms. Kelly reviewed documentation available in Mr. Tobia’s prior Canvas courses as well as available and relevant email correspondence.

Seventeen (17) Canvas courses from 2018 to 2024 were reviewed. The reviewed Canvas courses contain documents (Microsoft Word and PDF) pertaining to the course, coursework, and students with document properties (also known as metadata) which provide information about a document’s origins. Available documentation shows document properties for course documents attributed to individuals other than Mr. Tobia, including Ms. Prasad (formerly Iliff) and Mr. DaPonte), including but not limited to documents such as syllabi, course contact lists, practice quizzes and exam notes. An example of Microsoft Word document properties is below – specifically an example of Mr. Tobia’s syllabus for Course POS2041 with document modifications attributed to Ms. Prasad (formerly Iliff).

2019 Spring Online Syllabus 2041 - Protected View • Saved

Layout References Mailings Review View Help Acrobat

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**POS 2041:**  
**UNITED STATES GOVERNMENT**

VALENCIA COLLEGE

Osceola Campus  
Course Syllabus and Classroom Policies  
Spring 2019: 1/17/2019 – 4/28/2019

<b>PROFESSOR:</b>	John Tobia	<b>CRN:</b>	26715
<b>OFFICE LOCATION:</b>	Osceola Campus, 3-322	<b>CREDIT HOURS:</b>	3
<b>OFFICE PHONE:</b>	(407) 289-5000 ext. 4893	<b>CLASS MEETINGS:</b>	Online
<b>CELL PHONE:</b>	(321) 720-4650	<b>OFFICE HOURS:</b>	See Office Hours Section
<b>EMAIL:</b>	jtobia@valenciacollege.edu	<b>PREREQUISITES:</b>	ENC 1101 or ENC 1101H or IDH 1110

**COURSE OVERVIEW**

**Required Materials/Textbooks**  
Dye, Thomas R. and Susan A. MacManus. *Politics in States and Communities, 13th Edition*. Upper Saddle River, NJ: Pearson Prentice Hall. ISBN: 0-205-99484-9. The textbook is available at the Osceola Campus Bookstore.

**Canvas**  
Significant portions of this course may take place online using Canvas. It is recommended that you review Canvas tutorials before beginning this material, and set up your phone or e-mail to give alerts for Canvas. To access Canvas, go to online.valenciacollege.edu. Enter your Atlas login and password. For details, contact Canvas support: 407-582-5600.

**Recommended Supplies**  
These supplies are not required, but are strongly recommended. A student should own or have access to a current edition of a college-level dictionary and thesaurus. If you cannot obtain a copy, you should have access to a computer or smart phone with online capabilities. I can recommend a number of websites to you (www.webster.com, www.wiktionary.org, or www.dictionary.com are excellent starting points). I'd also recommend purchasing a flash drive (small portable USB storage device) to assist in storing papers (this is a helpful tool through the rest of college). You may also want to investigate online cloud-based storage sites, like Google Drive or Dropbox. Additionally, students should bring a blue or black pen to each class and have access to paper – we will be completing exercises in class. Any paper will do just fine, so long as it absorbs ink and can be handed in. Alternatively, having a laptop or tablet that can e-mail messages to me, the assignment will be acceptable.

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Properties

Size 275KB

Pages 1

Words

Total Editing Time 1 Minute

Title None

Tags None

Comments None

Related Dates

Last Modified 12/28/2018 12:05 PM

Created 12/28/2018 9:59 AM

Last Printed 7/31/2018 9:31 AM

Related People

Author Jennifer Robertson

Last Modified By Iliff, Bethany

Related Documents

Open File Location

Show All Properties

In addition, OIT was able to pull internal email history from Mr. Tobia's Valencia email account showing that Mr. Tobia emailed Ms. Prasad (formerly Iliff) and Mr. DaPonte asking them to perform Valencia College related tasks for him. Though these emails are discussed further later in this report, below are two examples.

**From:** [John Tobia](#)  
**To:** [bethany.iliff@gmail.com](mailto:bethany.iliff@gmail.com)  
**Subject:** Fwd: Copyright Statement in Syllabus or In Canvas Course  
**Date:** Monday, May 14, 2018 11:31:13 AM

Please add. Useless. But whatever. J

Sent from my iPhone

Begin forwarded message:

**From:** Scott Creamer <[screamer@valenciacollege.edu](mailto:screamer@valenciacollege.edu)>  
**Date:** May 14, 2018 at 7:55:04 AM EDT  
**To:** Mark McMeley <[mmcmeley@valenciacollege.edu](mailto:mmcmeley@valenciacollege.edu)>, Mark Guillette <[mguillette@valenciacollege.edu](mailto:mguillette@valenciacollege.edu)>, Mike Szalma <[mszalma@valenciacollege.edu](mailto:mszalma@valenciacollege.edu)>, Ron VonBehren <[rvonbehren@valenciacollege.edu](mailto:rvonbehren@valenciacollege.edu)>, John Tobia <[jtobia@valenciacollege.edu](mailto:jtobia@valenciacollege.edu)>, 'Robert Rogers' <[rogers18@mail.valenciacollege.edu](mailto:rogers18@mail.valenciacollege.edu)>, Kinyel Ragland <[kragland1@valenciacollege.edu](mailto:kragland1@valenciacollege.edu)>, Ellen Pastorino <[epastorino@valenciacollege.edu](mailto:epastorino@valenciacollege.edu)>, Pierre Lubold



**From:** John Tobia  
**To:** bethany.iff@gmail.com  
**Subject:** FW: Assessment - Ethical Responsibility - Student Code of Conduct  
**Date:** Wednesday, May 23, 2018 11:18:40 AM  
**Attachments:** ATTO0001.htm  
 ATTO0002.htm  
 ATTO0003.htm  
 ATTO0004.htm  
 ATTO0005.htm  
 imaa0006.png  
 ATTO0006.htm  
 Addno the Student Code of Conduct oase to Canvas.docx  
 ATTO0007.htm

Plz help

Sent from my iPhone

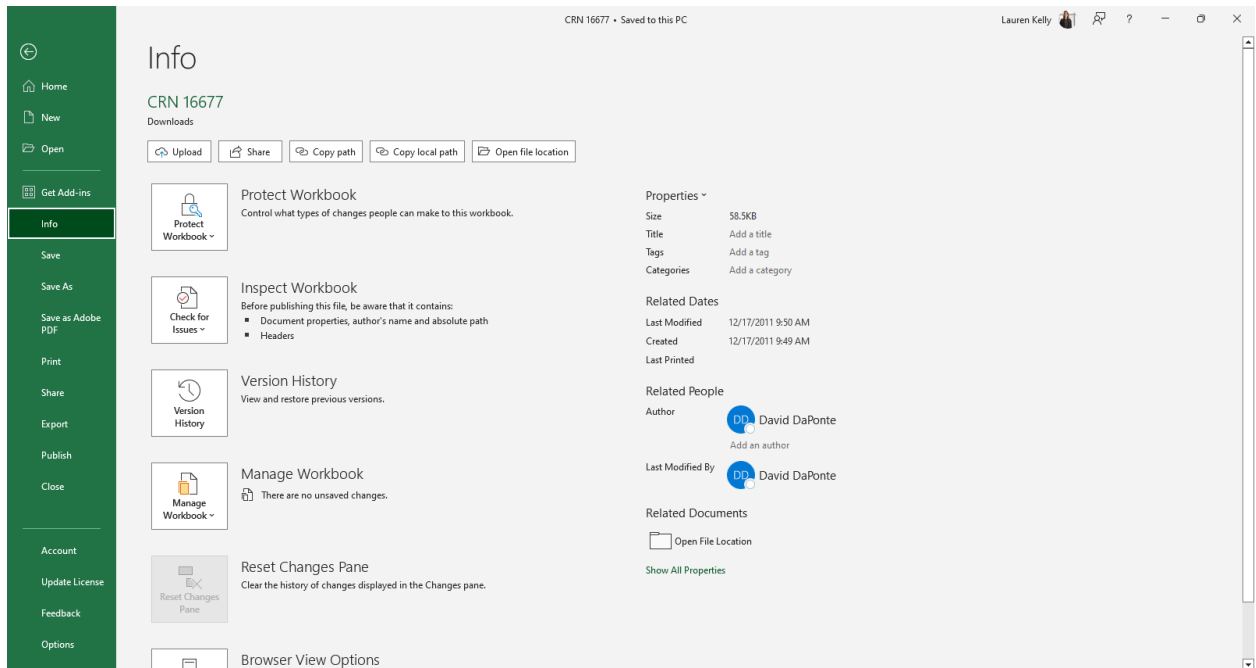
Begin forwarded message:

**From:** Scott Creamer <screamer@valenciacollege.edu>  
**Date:** May 23, 2018 at 11:08:42 AM EDT  
**To:** Kinyel Ragland <kragland1@valenciacollege.edu>, Robert Rogers <rogers18@valenciacollege.edu>, Ron VonBehren <rvonbehren@valenciacollege.edu>, John Tobia <jtobia@valenciacollege.edu>, Ellen Pastorino <epastorino@valenciacollege.edu>, Pierre Lubold <plubold@valenciacollege.edu>, Mike Szalma <mszalma@valenciacollege.edu>, Laura Magness <lmagness@valenciacollege.edu>, Jamie Shipley <jshipley@valenciacollege.edu>, Riocot Jean <rjean@valenciacollege.edu>, Mark McMeley <mmcmeley@valenciacollege.edu>, Mark Guillette <mguillette@valenciacollege.edu>  
**Subject:** FW: Assessment - Ethical Responsibility - Student Code of Conduct

One of the learning outcomes we are testing for institutionally is ethical reasoning. The assessment tool we agreed upon in social science at Assessment Day was a module of the Student Conduct Code in Canvas. All full-time professors that are teaching online

Available documentation which appears to indicate that Mr. Tobia involved non-Valencia personnel in performing his academic work for him also includes Microsoft Excel spreadsheets with document properties attributed to Ms. Prasad (formerly Iliff) and Mr. DaPonte, including personally identifiable student education record information and student grades, all of which are highly confidential in accordance with applicable laws and College policies. An example of Microsoft Excel document properties is below – specifically a spreadsheet of student information and grades from one of Mr. Tobia’s prior courses with document properties attributed to Mr. DaPonte (student names have been redacted as part of this review but appeared in the original document). There are more than 20 other examples of similar Microsoft Excel spreadsheets with document properties attributed to Mr. DaPonte for multiple of Mr. Tobia’s courses over multiple years.

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD
1	Student ID	Last Name	First Name	Grade	Average	Disc	Exam 1	Exam 2	Exam 3	Exam 4	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz	Quiz				
2	C			9	25	15	34	33	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10				
3	A			9	49	49	49	49	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10				
4	B			9	35	38	38	41	9	7	6	10	7	8	8	6	10	8	6	8	8	8	8	8	9					
5	F			5	28	29	31	27	8	7	6	6	7	7	7	7	10	7	8	7	9	8	4							
6	B			8	45	43	45	42	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10				
7	B			7	40	44	41	40	10	10	10	10	10	10	9	10	7	9	7	9	7	5								
8	F			0	39				10	8	8																			
9	B			9	41	39	40	44	9	9	8	8	9	9	9	8	9	8	9	8	9	8	8	8	8					
10	B			9	39	41	39	43	8	7	9	8	10	8	5	8	10	8	8	8	9	7	8	7						
11	B			9	41	43	41	37	9	8	8	10	9	9	8	8	9	10	8	9	9	10	9							
12	F			5	37	31			9	9	6	5	8	7	5	8	8	6	6	8	7	6								
13	D			4	38	42	43	27	9	8	8	10	10	7	8	9	8	8	9	10	9	7								
14	B			8	46	42	42	43	10	10	8	9	9	9	9	8	9	9	10	10	9	10	10	10	10					
15	D			8			45	45	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10					
16	F			8	40	35	20		10	7	4	5																		
17	B			9	47	40	44	38	9	7	8	9	8	8	7	8	9	8	7	8	6	8	8							
18	B			9	46	45	47		10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10					
19	D			6	38		44	44	10	7	7	9	9	7	8	8	8	9	9	8	10	9	8							
20	A			9	42	42	47	41	10	9	9	10	10	9	9	9	8	10	8	8	10	8	8							
21	F			4	40	9	0		10	10	7		9	5	5						2	10	1	5						
22	B			9	31	41	33	40	9	7	7	8	10	9	8	7	8	7	9	10	7	5	9							
23	F			6	0	30		28	9	6	5	7	9	9	7						6	7	7	5	7	8				
24	C			6	42	34	40	36	8	7	7	6	10	8	9	6	9	8	6	8	7	6	10							
25	A			9	46	43	45	44	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10					



Ms. Kelly also reviewed information from Mr. Tobia’s campus office, including but not limited to copies of printed versions of his face-to-face exam questions and other available course materials.

#### B. Records of Prior Allegations of a Similar Nature

Prior to the 2024 allegations, other concerns had been raised involving Mr. Tobia that could relate to the current review. This is not meant to be an exhaustive list of Mr. Tobia’s performance or conduct issues, but rather to provide relevant foundational information regarding Mr. Tobia’s performance and conduct during his employment as it relates to the subject of the current internal review.

*2013 Allegations of Other Officials Completing Mr. Tobia’s Work:* In October 2013, then Osceola Campus President Dr. Plinske and Dr. Takayama (former Dean) met with Mr. Tobia in part about faculty and staff alleging to Dr. Plinske that Mr. Tobia had his State of Florida employed Legislative Aide (David DaPonte) grading coursework and corresponding with students on Mr. Tobia’s behalf. Mr. Tobia reportedly denied the claims – stating at the time his Aide helps with his legislative duties not his duties at Valencia College and that he never provided his Valencia passwords to other individuals. Expectations regarding Mr. Tobia’s workload in light of his dual employment were also reiterated at this time.

#### IV. John Tobia:

Ms. Kelly and Mr. Anthony met in person with Mr. Tobia on August 21, 2024, and August 28, 2024. In response to learning about the specific allegations, Mr. Tobia noted in both meetings that he believes the allegations stem from a disgruntled former employee (Mr. Davis) whose voluntary resignation was later amended to a termination based on alleged misconduct on Mr. Davis’ part.

Below is a summary of the August 21, 2024 meeting:

- Outside Employment: Mr. Tobia stated he was able to maintain two full-time jobs as his role as a Valencia College faculty member is structured with stringent timeframes and deadlines, whereas

his role as Commissioner is fluid and flexible, with less restrictive timelines. Mr. Tobia noted he did not perceive a conflict with managing his responsibilities to both employers.

- College Issued Technology: Mr. Tobia stated he prefers to work from a desktop (not issued by Valencia College) with two screens, so his College issued laptop has not left his Valencia College office (and presumably has not been used much, if at all, by Mr. Tobia to perform Valencia related work).
- Password Sharing: Mr. Tobia acknowledged keeping separate lists of personal (including Valencia College) and professional login and password information. Mr. Tobia stated that his personal password list was kept on his desk at the County office, and his professional password list (though it included some personal accounts) was shared with his County team members. Mr. Tobia stated that in June or July 2023 he became aware that a former employee (Mr. Davis) stole his personal password list (which included his password information for Valencia College), which he reported to the Brevard County Sheriff's Office. Mr. Tobia acknowledged having to change other account passwords to protect his identity, but further acknowledged he did not notify anyone at Valencia College that his Valencia College password information had been breached.
  - Mr. Tobia also stated that on between 6 to 8 occasions, Ms. Prasad and Mr. Bond responded to student inquiries on his behalf through his Valencia College email or his personal Yahoo email, which he admits he also uses as one of his primary methods to engage students. Mr. Tobia stated he sought Ms. Prasad and Mr. Bond's support in communicating with students while he was out of the country and unable to access his Valencia College email account and needed to respond to student requests for hyperlinks, prior or current syllabi, and letters of recommendation for scholarships or jobs. Mr. Tobia could not articulate how Ms. Prasad or Mr. Bond would have accessed his Valencia College email without having his password information. When asked specifically about a trip to Italy in Summer 2023 reportedly when he was otherwise teaching in the Summer term, Mr. Tobia could not recall when he was in Italy and when asked to look for records of his trip to Italy, he asserted that no records were accessible.
  - When asked generally about his knowledge of Valencia College's information security practices, Mr. Tobia stated that prior to his August 13, 2024, placement on Administrative Leave of Absence with Pay, he had not read and was not familiar with the College's policy on Acceptable Use of Information Technology Resources. Mr. Tobia stated he should have been aware, but was not, and was therefore unaware of his responsibilities with respect to this specific policy and procedure.
- Teaching Modality and Technological Support: Mr. Tobia stated he has been with the College for many years but began teaching online and mixed-mode courses approximately 15 years ago. Mr. Tobia stated he is not technologically inclined and has had to seek support for online teaching matters. Mr. Tobia acknowledged the availability of Valencia College's internal support, specifically referencing prior support he received from a colleague from Online Learning services. Mr. Tobia stated he eventually sought the technological support from his County staff but was specific to say his staff members never had access to his Canvas credentials, which he stated were different login credentials than his Valencia College email and Atlas login.
  - Mr. Tobia stated Mr. Davis never supported his Valencia College work, aside from one specific task related to Mr. Tobia asking Mr. Davis to test artificial intelligence usage in his courses. Mr. Tobia acknowledged that Ms. Prasad and Mr. Bond provided support for

things related to formatting or updating, like syllabi. Mr. Tobia was not surprised that available document properties would show Ms. Prasad (formerly Iliff) as having worked on course materials, stating there should also be document properties with Mr. Bond's information. Mr. Tobia stated this support typically occurred over Ms. Prasad and Mr. Bond's lunch breaks and with Mr. Tobia sitting next to them at the same workstation.

- Regarding reports that Mr. Davis or other County staffers created exam or test questions, Mr. Tobia stated that is 'impossible' because he uses the textbook publisher questions for his exams.
- Grading: Mr. Tobia unequivocally denied ever receiving help on grading student work, except for a practice of having students peer-grade their exams in his face-to-face course sections. He stated he did not perceive this practice as problematic, in part due to a Supreme Court case (FALVO). Mr. Tobia acknowledged that Ms. Prasad, and maybe Mr. Bond, provided support 'cross-referencing' student grades by reading student names and grades aloud to Mr. Tobia as he entered grades into the Canvas gradebook. Mr. Tobia stated this practice of 'cross referencing' grades would take approximately 3-4 minutes per course and that he engaged his staff for this support because he previously had errors in student grades and wanted to have a process for checks and balances to ensure accuracy.
  - Mr. Tobia was not able to explain why there were Microsoft Excel spreadsheets from 2021 with document properties attributed to Ms. Prasad (formerly Iliff) that included personally identifiable student information and student grades. Mr. Tobia stated he may have asked Ms. Prasad for support creating the template.
- Prior Concerns: When asked, Mr. Tobia could not recall prior internal allegations of a similar nature, stating that Ms. Kelly should check his personnel file for information. Mr. Tobia stated prior concerns, like this current situation, were likely the result of politically motivated attacks, but he could not be certain as he did not recall specific situations. When prompted further about similar concerns from 2013, Mr. Tobia stated he has received similar help with updating/formatting for years.
- Additional Information: When asked what else Mr. Tobia wanted the College to know, he stated that he is contrite for errors that seem large now (and should have seemed large at the time) – like not reporting his Valencia password was compromised, especially given his Dean's (Dr. Creamer) accessibility. Mr. Tobia stated he should have and could have consulted his Dean on what is appropriate and not appropriate to seek help on and stated there is no excuse for some of his decisions. Mr. Tobia acknowledged the College provides resources for support, but he prefers to seek support from those around him. Mr. Tobia stated he hopes he continues to have the opportunity to serve the students at Valencia College and support the institution that took a chance on him more than 20 years ago.

Below is a summary of the August 28, 2024 meeting:

- Outside Employment: Mr. Tobia was asked to explain why he relied on his staffers employed by Brevard County to support him with Valencia College related job responsibilities, especially with available documentation showing that Mr. Tobia previously sought support from internal College employees for things like syllabi updates. Mr. Tobia did not specify why he specifically asked for support from non-affiliated individuals, other than to note his 'comfort' with their technological knowledge, their frequent contact, and their overarching strong relationships. When asked why

there are available comments attributed to Mr. Tobia in media reports as stating his County staffers 'volunteered' to help him with his Valencia work, along with information that Ms. Prasad stated she did not like doing Mr. Tobia's personal work, Mr. Tobia stated he was 'unsure' as Ms. Prasad had never vocalized that to him and he did not want to speak in contrast with someone he has such great respect for.

- College Issued Technology: When asked, Mr. Tobia stated he primarily uses two desktops – a Mac personal desktop at his home, and a County owned desktop at his office as County Commissioner. Mr. Tobia stated that he saves documents and College work product on a digital storage drive that can be accessed from different computers. Mr. Tobia noted he 'does not think' that other individuals have access to this digital drive as to his knowledge it requires user specific County credentials. Mr. Tobia could not explain where his Valencia documents that were authored or edited by Ms. Prasad, Mr. DaPonte, or other individuals were stored or accessed.
  - Mr. Tobia was then asked how, if he stores Valencia work product on non-Valencia issued equipment and storage spaces, and utilizes personal email when engaging students, he appropriately maintains student records in accordance with applicable retention requirements. Mr. Tobia stated that with respect to his Yahoo email, he likely does not, as he routinely deletes all emails in that mailbox. With respect to other student records, Mr. Tobia stated he keeps printed-out spreadsheets of student grades in his office. Mr. Tobia stated he uses this information to track the progress of his assignments over time.
- Password Sharing: Mr. Tobia was unable to explain how his County staffers were able to access his Valencia email account as he did not recall specifically giving them his password. Mr. Tobia stated it is possible he would provide the password over the phone for specific situations requiring their intervention on his behalf but could not recall doing so and thus could not recall changing his password after seeking their support. Mr. Tobia stated he did not have his County staffers proactively checking his Valencia or Yahoo email accounts, but further could not explain, then, how he became aware of time sensitive student emails requiring his attention while out of town and reportedly unable to access his Valencia email. He maintained that he did have access to his Yahoo email while traveling but then could not explain why he would need staffers to respond on his behalf from that account.
- Teaching Modality and Technological Support: Mr. Tobia stated he may have 'overstated' the level of support his staffers provided him with Valencia College related work. For example, Mr. Tobia stated that syllabi updated term to term were 'minutes' of work. When asked, Mr. Tobia could not specifically explain why he reported that this support happened 'over their lunch breaks' but the timestamps on the document properties vary from morning to late afternoon. With respect to Ms. Prasad specifically, Mr. Tobia said she had 'flexible' hours to balance work and home life so the adjusted times could have been her 'break' for that day. Further, Mr. Tobia was asked to reconcile his prior statements that he was 'right there with them' when his staffers performed work on his behalf, but additional documentation reflects Mr. Tobia emailing individuals to respond or complete Valencia related tasks on his behalf. Mr. Tobia provided no information to reconcile the differing accounts.

Mr. Tobia maintained that his County staffers (past or present) did not have access to his Canvas account. When asked why Mr. Tobia sent Ms. Prasad an email with information about Canvas webinars, Mr. Tobia stated she probably watched them to help him build his course but that he was there with her when they did. Regarding Canvas accessibility, and Mr. Tobia's assertion in the

August 21, 2024 meeting that the Canvas login credentials were different than other accounts when they are the same, Mr. Tobia stated again he thought they were different and were on different password update cycles.

Regarding exam questions, Mr. Tobia clarified that he only uses publisher test questions for his online course sections. When asked who creates the test/exam questions for his face-to-face course sections, Mr. Tobia noted he did.

When asked again why he continued to use his County staffers for support with editing and updating syllabi and other course materials, Mr. Tobia stated 'why does Coke still advertise?' further explaining that Word and other Microsoft Office platforms are regularly updated and he used his staffers as 'comfort blankets' to keep up with changing technology. Mr. Tobia acknowledged he had not taken a Microsoft Office training or watched video tutorials to try to get more familiar with the technology required for his role as a faculty member. When asked how he navigates Canvas, especially in consideration of his self-reported issues with technology, Mr. Tobia stated that once the course shells are created Canvas is simple to navigate. Mr. Tobia stated Ms. Prasad helped him with his Canvas course shells.

- Grading: Mr. Tobia maintained that at no point did any non-Valencia affiliated individual outright create work product for him and/or grade student work on his behalf. Mr. Tobia stated he only sought help 'cross-referencing' grades by having his County staffers read names and grades as he himself entered the grades into Canvas. When asked about Ms. Prasad's reported comments to helping Mr. Tobia with grading, Mr. Tobia stated he can only surmise that she was referring to supporting him with cross-referencing grades.

When asked why he referenced a Supreme Court case regarding student records, Mr. Tobia stated he is not an expert and only 'knows what he read' but interpreted that Supreme Court decision to suggest a grade is not an academic record until entered into the gradebook.

When asked about comments attributed back to Mr. Tobia reportedly stating that he 'hid' student names from his County staffers, Mr. Tobia stated that he has professional relationships with his face-to-face students more so than his online students and has a practice of 'hiding' their names when grading to ensure an objective practice. Mr. Tobia could not explain why this practice would have been attributed to him 'hiding' student names from his staffers, as he again acknowledged he did have his staffers read out student names and grades as he entered grades into the gradebook.

- Prior Concerns: Mr. Tobia was asked specifically about Mr. DaPonte, a former part-time employee of Valencia College and former Legislative Aide to Mr. Tobia. Mr. Tobia was informed that available documentation has document properties attributed back to Mr. DaPonte, including various spreadsheets with personally identifiable student information and grades spanning multiple academic terms from 2011 to 2013. Mr. Tobia stated that he could not recall that far back but may have had Mr. DaPonte help him with Microsoft Excel templates. Mr. Tobia was asked about available documentation of prior email correspondence from Mr. Tobia to Mr. DaPonte with information about Mr. Tobia's Valencia work responsibilities, to which Mr. Tobia stated he has 'needed help' for a long time. Mr. Tobia was asked why he would have denied Mr. DaPonte helping him with Valencia College related responsibilities when asked by college leadership in

2013, to which he stated he ‘believes the conversation could have happened but does not recall it.’ Mr. Tobia further stated that Mr. DaPonte did not ever help with grading.

- Additional Information: When again asked how far back Mr. Tobia has been receiving help with Valencia College related tasks, Mr. Tobia stated he would not have needed help for his face-to-face sections so this would timestamp to around when he began teaching online.

## **V. Analysis:**

### Information Security and Records Preservation

By his own acknowledgment, Mr. Tobia kept his Valencia credentials in an openly accessible area and, despite taking effort to report his personal information (including various login credentials) as stolen to law enforcement, Mr. Tobia made no effort to notify or inform the College that his account, and thus sensitive student information, could be compromised. Review of material found in Mr. Tobia’s campus office also shows Mr. Tobia kept a notebook of information that included passwords information for Cengage, Pearson, and other web-based academic systems. Additionally, though Mr. Tobia denies that he willingly shared his Valencia College credentials with outside individuals, his admissions through this review – and the depth of available documentation – suggests that it is more likely than not that his staffers had access to his Valencia College credentials and his Yahoo credentials, both of which were used for the completion of Valencia College related work and engagement with students.

Although Mr. Tobia denies knowledge of the College’s policy on Acceptable Use of Information Technology Resources, the standards of the policy still apply. Mr. Tobia’s admissions that he kept his Valencia credentials in accessible areas in a non-college office, in tandem with the accessibility of his Valencia and Yahoo emails (both of which are used by Mr. Tobia for College business) of non-affiliated individuals, suggest that Mr. Tobia failed to appropriately protect his username and password. Further, Mr. Tobia’s failure to report that his Valencia credentials were compromised when his reported personal password list was stolen suggest that Mr. Tobia disregarded his professional responsibility to alert necessary College officials to a compromise of his account information.

With respect to records preservation, Mr. Tobia acknowledges that he maintains College related business, including student correspondence, on servers and email accounts not owned or managed by Valencia College. Mr. Tobia asserts that he prefers to work on desktop computers and multiple monitors, however, the College offers technology packages that may have allowed Mr. Tobia the same functionality he reportedly gets from his personal and County desktop computers had he inquired. Mr. Tobia admits that he has not considered the potential records preservation requirements of the information housed on external platforms, suggesting he may not be following expectations for appropriate records retention requirements. Despite having held multiple government roles subject to Florida’s Sunshine laws, Mr. Tobia’s conduct demonstrates apathy toward public records and retention requirements.

### Roles and Responsibilities of a Tenured Faculty:

A tenured faculty position is one of the highest trust because it involves high levels of autonomy, access, and responsibility within the College. To serve in this capacity, Mr. Tobia was credentialed to ensure he maintained the necessary qualifications of the role, successfully completed the tenure-track process, and now is expected to continue to serve the institution in alignment with his job description, contractual obligations, and in the

best interest of the students. Mr. Tobia has been serving Valencia College in this capacity since earning tenure in 2006.

One of the essential job functions of Mr. Tobia's role is to prepare instructional materials and engage with students in support of their learning. Additionally, as outlined in the job description for the role, Mr. Tobia is expected to have knowledge of, ability to develop, and commitment to use emerging technologies. Despite this, for years, Mr. Tobia has been delegating various of his Valencia College related tasks and responsibilities, including work involving access to confidential personally identifiable student information, to individuals not even employed by Valencia College. To be clear, these individuals are not employed by, or responsible to, Valencia College in any teaching capacity and should have no access to, or engagement with, the College's internal network and systems. This suggests that Mr. Tobia exposed his students to unvetted and potentially unqualified individuals having access to, and in some cases engagement with, their student experience.

Mr. Tobia has been unable to articulate why he relied specifically on individuals under his employ as an elected official to support him with Valencia College related job responsibilities that he reportedly struggled to complete on his own. Mr. Tobia also states that his dual employment responsibilities were not in conflict because of the flexibility the Commissioner role provided. Mr. Tobia also has comments attributed back to him as suggesting his staffers 'volunteered' to do his work, though Ms. Prasad stated in her sworn interview with the FDLE that she did not enjoy helping Mr. Tobia with his personal work. Further, Mr. Davis asserts that being trained on Mr. Tobia's Valencia College related responsibilities was part of his orientation when working for Mr. Tobia as an Administrative Aide. While the internal review did not result in available documentation directly attributed to Mr. Davis specifically, Mr. Davis' assertions about the level of Valencia College related tasks being completed by Mr. Tobia's staffers was supported by available documentation. That, coupled with Ms. Prasad's statements, suggest that it is more likely than not that Mr. Tobia used his external role as a supervisor of others to direct his non-Valencia affiliated employees to conduct Valencia College related work on his behalf and that are wholly his responsibility to perform personally. Notably, it is unacceptable to have non-affiliated individuals performing these academic and student related tasks regardless of whether they were directed to support Mr. Tobia's Valencia College related tasks and responsibilities as the information suggests, or whether they volunteered as Mr. Tobia asserts. As the faculty member, it was up to Mr. Tobia to protect those boundaries.

Through this internal review, it has been confirmed that there is available documentation dating as far back as 2011 showing that Mr. Tobia has engaged outside individuals to assist him with Valencia work product, including – but not limited to – syllabi updates, course contact lists, practice quizzes, exam notes, Canvas course creation and updates, capturing and reporting out student grades, and student correspondence. While Mr. Tobia indicates that this support was 'minimal', primarily due to his issues navigating document formatting requirements, and often done during external individuals' lunch breaks from their non-Valencia employer, the available documentation wholly contradicts Mr. Tobia's assertions. Many of the documents are simplistic Microsoft Word documents without unique formatting and/or basic Microsoft Office and other platforms that may be required for use in his role, indicating that the reported help was not limited to complex formatting. What's more, by Mr. Tobia's own acknowledgment, the College offers ample support resources internally that could have been utilized by Mr. Tobia had he so chosen to learn the systems required to complete the functions of his role. Mr. Tobia also acknowledges he never sought training to improve in his knowledge and use of the technological systems required for his role even after he reported that he struggled with these tasks for nearly a decade. Available documentation also shows that Mr. Tobia has taught primarily online and/or mixed mode courses for years, and yet the majority of all documents within the reviewed online and



mixed-mode Canvas courses have document properties attributed to individuals other than him. This suggests that a significant amount of information students relied on as part of their online or mixed-mode course stem, at least in part, from individuals other than Mr. Tobia. Mr. Tobia attributes this support to his lack of technological acumen, but the pervasiveness of these practices in tandem with Mr. Tobia's failure to take measures to proactively improve in these areas and stringent reliance on support from other individuals, suggest an abject neglect of aspects Mr. Tobia's responsibilities as a tenured Professor at Valencia College.

Mr. Tobia also states that he was 'often right beside' his County staffers when they were helping him with Valencia College related work and that he never had his staffers 'proactively' checking his Valencia accounts. However, this assertion is contradicted by available documentation. The expansive nature of available documentation shows Mr. Tobia directing outside individuals to follow up on student correspondence or assigned departmental tasks at various times of day and on various days of the week. Additionally, the document properties attributed to individuals other than Mr. Tobia are also varied throughout days and times. This suggests that it is more likely than not that Mr. Tobia had individuals completing work with or without him present and at times that he or they should have been engaged with other non-Valencia work.

#### Student Records and Correspondence:

Further, Mr. Tobia has an ethical responsibility (as outlined in relevant College policy and procedure) to engage with students with integrity and in consideration of their rights to privacy. Mr. Tobia's practice of having unaffiliated individuals respond to student inquiries on his behalf – without notifying the students that the responses are not from him directly – suggests that Mr. Tobia's actions conflict with that responsibility. Further, Mr. Tobia admittedly having unaffiliated individuals with readily available access to his accounts, and Mr. Tobia taking no measures to safeguard said student information, suggests that Mr. Tobia can in no way ensure that student records were kept private and inaccessible by those lacking authority to access them.

Available documentation shows that there are Microsoft Excel spreadsheets with personally identifiable student information and grades with document properties attributed back to both Mr. DaPonte and Ms. Prasad (formerly Iliff). This, in tandem with Mr. Tobia's stated practice of having his non-College staffers read out student names and grades, suggests that Mr. Tobia failed to safeguard student academic records in alignment with student privacy and access rights (as referenced in relevant College policy and procedure). Further, Mr. Tobia asserts that no individual helped him make judgments or assessments regarding student grades, but rather helped to enter already established student grades. While there is insufficient information to determine that grading (the act of assessing and determining academic progress) occurred, as noted above, there is sufficient information to suggest that Mr. Tobia failed to safeguard student academic records appropriately.

#### Credibility:

Some allegations included in this review are disputed, with differing accounts from different sources. As explained above, sources who may be able to rectify these disputes refused to participate in the College's internal review, and additional records that may speak to the facts are not yet available to Valencia College.

*Christopher Davis:* Mr. Tobia has on more than one occasion referred to Mr. Davis as a disgruntled former employee. Additionally, both Mr. Davis and Mr. Tobia have reported that Mr. Davis initially resigned from his role as Mr. Tobia's Administrative Aide, but he was subsequently terminated for alleged misconduct. The circumstances of Mr. Davis' separation from his employment as Administrative Aide are not directly relevant

to the College's internal review. Notably, although the internal review did not locate documentation with document properties attributed back to Mr. Davis himself, many of Mr. Davis' other allegations are substantiated by available documentation.

*John Tobia:*

While Mr. Tobia engaged in the meetings and provided information relevant to the internal review, many of his characterizations of events were contradicted by the available documentation. For example, while Mr. Tobia acknowledges the role of his current and former staffers in helping him with Valencia College related tasks, he also minimized the significance of their engagement by describing the tasks he delegated to them as 'minimal' and not time-consuming. This is not substantiated by available documentation which shows Ms. Prasad (formerly Iliff) and others being attributed to various document properties for multiple courses over several terms and years. These documents include, but are not limited to, syllabi which require updating each term, contact lists, practices quizzes, study guides, notes for exams and Mr. Tobia's Sabbatical application materials in 2019. He also asserts that this work was limited to times when these employees were otherwise on lunch, an assertion not otherwise supported by timestamps attached to the documentation. Further, Mr. Tobia's choice to engage individuals with no affiliation to Valencia College in his Valencia College tasks and responsibilities work, whether on their lunch as he asserts, or at any time throughout the day as the documentation suggests, is inappropriate and represents a serious lapse in professional judgement.

Further, while Mr. Tobia acknowledges support in what he described as 'ancillary' tasks and 'cross-referencing grades', at no point did he volunteer information about current or former outside staffers helping with, or having access to, spreadsheets with personally identifiable student information and student grades. Available documentation, however, attributes spreadsheets from 2011, 2012, 2013, and 2021 with document properties attributed to individuals employed by Mr. Tobia in his external capacity as a State Representative and County Commissioner respectively.

In addition, while Mr. Tobia states he had his external staffers respond on his behalf to student inquiries on 6 to 8 occasions, he never stated that he used to have a practice of emailing Mr. DaPonte and Ms. Prasad with tasks or student matters for them to follow up on instead of Mr. Tobia doing this work himself as the faculty member. For example, available email documentation shows that in 2018 Mr. Tobia emailed to Ms. Prasad (formerly Iliff)'s personal Gmail account information including but not limited to Mr. Tobia's Pearson (textbook publisher) credentials and resource information, the College's transition from Blackboard to Canvas as a Learning Management System and the webinars available to learn the new system, Faculty Front Door, syllabus additions (notably telling Ms. Prasad "Please add. Useless. But Whatever. J"), updating Canvas to include a module on Ethical Reasoning (notably telling Ms. Prasad "Plz help"), student inquiries about assignments, inquiring from Ms. Prasad when graduation is, and entering information into Xitracs (notably telling Ms. Prasad "Remind me...plz...need your help with this tomorrow. Thank you. J").

Mr. Tobia asserts that he received help with his student correspondence responsibilities primarily when he was out of the country and unable to access his Valencia email account, however he was unable to provide any detailed recollection of dates he traveled. By his own acknowledgment, Mr. Tobia traveled out of the country in July or August 2023 and was out of the country at least 4 times total in 2023 but did not provide any specific dates. Mr. Tobia was asked about his Summer 2023 travel, specifically in response to reports he was traveling out of town during the Summer 2023 academic term in which he was actually teaching. Despite not knowing specific travel dates, Mr. Tobia asserts he did not travel during time periods that conflicted with

academic terms and responsibilities. A review of Mr. Tobia's Certificates of Absence or COA's (the College's internal documentation for leave usage), show that Mr. Tobia took singular days off on Feb 22, 2023, April 12, 2023, April 17, 2023, April 19, 2023, and October 4, 2023. COAs also show Mr. Tobia took a partial day off on June 28, 2023. In consideration of his self-acknowledged travel, and the limited COAs for the 2023 calendar year, information suggests it could be plausible for Mr. Tobia to have been out of the Country during academic terms in 2023 during which time his County staff performed his faculty responsibilities for him.

Additionally, although Mr. Tobia asserts that he does not recall prior allegations of a similar nature, available documentation shows that in 2013 Mr. Tobia was questioned about allegations that Mr. DaPonte, his Legislative Aide in 2013, was completing grading, responding to student posts on the discussion board, and responding to student emails. Mr. Tobia denied those allegations. Through this internal review, there are document properties with Mr. DaPonte listed as author and last modifier, including numerous spreadsheets that include personally identifiable student information and grades spanning academic terms from 2011 to 2013. Though Mr. Tobia could not recall these spreadsheets, Dr. Creamer was able to produce an example of a similar spreadsheet Dr. Creamer had from one of Dr. Creamer's 2012 courses from his time as a Faculty member, which Dr. Creamer attributed to being downloads of student grade information from Blackboard (the College's prior Learning Management System). Dr. Creamer asserts these Microsoft Excel spreadsheets from Blackboard used to be submitted to department Administration every term. This suggests that not only did Mr. DaPonte support Mr. Tobia, Mr. DaPonte, with no legitimate need, had access to downloads of Mr. Tobia's student's grades for multiple terms over multiple years. Further, available email documentation shows that Mr. Tobia emailed Mr. DaPonte in 2012, 2013, and 2014 with information including Mr. Tobia's account information to update his Faculty Front Door web page, an email from a student to which Mr. Tobia tells Mr. DaPonte the student is "Special. J", and a student requesting extra time due to illness. This documentation suggests that Mr. Tobia was not truthful in 2013.

Finally, at no point did Mr. Tobia contact anyone at Valencia College to raise awareness that the College was named and involved in an FDLE investigation or that he was accused of misconduct tied to his role as a Valencia College employee, despite his ongoing knowledge of the external investigations and his reported comments to the media during and after the external investigation. There have been comments Mr. attributed to Mr. Tobia as stating that the results of the internal review conducted by Valencia College will be the exact same as the results of the FDLE and Office of the State's Attorney's. Mr. Tobia also voluntarily provided the College with the Office of the State Attorney letter he received informing him that criminal charges would not be filed. The totality of the FDLE and Office of State's Attorney Review were not focused on Mr. Tobia's role at Valencia College and their scope was limited to whether criminal charges would be filed. As such, his assertion that Valencia College's internal review would lead to the same conclusion is misguided and not reflective of the information available in, and the nature of, the College's internal review.

**Policy Considerations:**

Below is a list of Valencia College policies and procedures that may be potentially relevant to the allegations.

Ethical Conduct and Performance – [Policy 6Xx28:3E-05.2](#)

Extra College Employment and Activities – [Policy 6Hx28:3E-05.3](#)

Student Records – [Policy 6Hx28:7B-02](#)

Acceptable Use of Information Technology Resources – [Policy 6Hx28:7A-02](#)

Disciplinary Action – [Policy 6Hx28:3E-08](#)

Suspension, Dismissal, Return to Annual Contract, or Non-Renewal of Contracts - [Policy: 6Hx28: 3F-03](#)

**Finding:**

The College relies on a preponderance of evidence standard for internal reviews and investigations, or more specifically a determination of whether something is 'more likely than not' to have occurred. In reviewing the available documentation, it is more likely than not that throughout a significant portion of Mr. Tobia's employment, he has failed to comply with and complete all of the essential functions of his role as Professor, Political Science, and has engaged in numerous practices that may be in conflict with applicable College policies and procedures.

*Lauren Kelly*

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Lauren Kelly  
Director, Employee Relations

September 17, 2024

Date