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thereby meeting the definition of “employee” as defined under the Pennsylvania Whistleblower Law, 43 Pa.C.S. § 1422.

2. Defendant Cheyney University of Pennsylvania (“Cheyney”), located at 1837 University Circle, Cheyney, Pennsylvania 19319, is a public university incorporated and existing under the laws of the Commonwealth of Pennsylvania, and is overseen and operated by Defendant Pennsylvania State System of Higher Education.

3. Defendant Pennsylvania State System of Higher Education (“PASSHE”), located at 2986 N. 2nd Street, Harrisburg, Pennsylvania 17110, is an agency of the Commonwealth of Pennsylvania and operates 14 universities in the Commonwealth including Cheyney.

## **II. JURISDICTION AND VENUE**

4. The Court has jurisdiction over all parties pursuant to 42 Pa.C.S. § 5301.

5. Venue is proper in the Court of Common Pleas of Delaware County pursuant to Pennsylvania Rules of Civil Procedure 1006 and 2179.

## **III. FACTUAL BACKGROUND**

6. Cheyney University, founded in 1837, is the oldest Historically Black University in the United States and enjoys a long and proud tradition of offering first-class educational opportunities to underprivileged students from traditionally underserved communities, many of whom are among the first in their families to attend college.

7. For years, Cheyney has faced an accelerating decline in enrollment, which, coupled with longstanding administrative mismanagement and financial pressure, caused a deepening crisis and increasing reliance on public funds in amounts that are widely disproportionate to Pennsylvania’s other public colleges.

## **Cheyney University's Keystone Honors Academy and Scholarship Program**

8. Among the efforts to revitalize the struggling university, Cheyney's Keystone Honors Academy ("Keystone Honors Academy"), an honors program, was founded as a structured living and learning community for high-achieving students, many of whom are first-generation college students.

9. Students in the Keystone Honors Academy are provided with cultural and intellectual programs while learning valuable leadership skills by serving as tutors, assistants in Cheyney's writing center, resident assistants, and student leaders in campus clubs and organizations.

10. The Keystone Honors Academy was an initiative developed by PASSHE in collaboration with the Pennsylvania Department of Education and in partnership with the U.S. Department of Education's Office of Civil Rights.

11. Admission to the Keystone Honors Academy is restricted to students who meet specific, rigorous academic criteria, including a minimum grade point average ("GPA") and minimum standardized test scores, and the Keystone Honors Academy has been highly successful in attracting, retaining and graduating high-achieving Pennsylvania students.

12. Indeed, while Cheyney's overall enrollment has continued to plummet, caused in large part by staggeringly low student retention rates—only about 44 percent of Cheyney freshmen return for their sophomore year—the Keystone Honors Academy, which has more than 100 students, boasts a 95 percent freshman retention rate.

13. Because of the success of the Keystone Honors Academy, the program has often been referred to as a planning model on which to base future efforts to revitalize Cheyney.

14. The Keystone Honors Academy is supported by a line item appropriation by Pennsylvania's General Assembly from the Pennsylvania General Fund, amounting to over \$1 million annually, which funds are administered by the Pennsylvania Higher Education Assistance Agency ("PHEAA").

15. While the appropriation provides continuing support for the Keystone Honors Academy program generally, funding various direct and indirect program costs, the vast majority of the Keystone Honors Academy appropriation is used to provide scholarships for its honors students.

16. These scholarships are awarded to students who are Pennsylvania residents who have met the rigorous criteria for admission to the Keystone Honors Academy, and the scholarships cover the cost of tuition, fees, and room and board for up to eight (8) semesters of academic study at Cheyney.

17. Of the 16 years Dr. Kent dedicated to Cheyney, 10 were served as Dean of the vaunted Keystone Honors Academy, and she remained responsible for overseeing the program in her roles as Associate Vice President, Associate Provost and Provost.

18. Throughout her tenure at Cheyney, Dr. Kent received consistently excellent performance reviews, was praised publicly, and was promoted up the ranks, eventually achieving the position of Provost where she answered to the President of Cheyney, Aaron Walton ("Walton").

19. Although Walton and Dr. Kent were employed as Cheyney's President and Provost, respectively, PASSHE paid their salaries, oversaw their performance, and provided both with supervision and support.

## **Misuse of Restricted Public Funds at Cheyney**

20. Since its inception, admission to the Keystone Honors Academy and eligibility for the accompanying scholarship required that students satisfy minimum GPA and standardized test score requirements. In 2018, admission required a minimum 3.00 GPA on a 4.00 scale, and a minimum combined SAT score of 1080 or an ACT score of 21.

21. Only by maintaining these rigorous admissions standards was the Keystone Honors Academy—strengthened throughout Dr. Kent’s ten-year tenure as Dean—able to maintain exemplary retention and graduation rates despite lapses in leadership and governance at Cheyney, which as a whole suffered from mounting financial troubles and dismal rates of retention and graduation that threatened its accreditation.

22. Because of the strong outcomes that resulted from adherence to these high standards of academic excellence, the Keystone Honors Academy was regularly referenced in planning documents and accreditation reports as a model for Cheyney’s reform.

23. The Pennsylvania Board of Governors of the PASSHE system long considered the possibility of Cheyney becoming a “Keystone Honors College,” and each of the three past Cheyney presidents have drawn on Dr. Kent’s expertise and dedication to Cheyney’s long-term success in developing plans to walk the struggling university back from the brink.

24. In August 2017, shortly after one such Governor-appointed task force recommended developing a new strategic direction for Cheyney building upon the successes of the Keystone Honors Academy, Dr. Kent was promoted to the position of Provost and appointed Chair of the Strategic Planning and Continuous Improvement Council, in which capacities she led the effort to implement these recommendations.

25. As Provost, Dr. Kent reported directly to the President on all academic affairs and monitored Cheyney's strict adherence to its policies and procedures as well as the Middle States Accreditation Standards, a responsibility Dr. Kent took very seriously given that Cheyney's recent history of student attrition and financial mismanagement has placed the University's accreditation at risk. As Cheyney's Accreditation Liaison Officer, these functions were an important part of Dr. Kent's responsibility.

26. With Cheyney facing serious problems, both financial and academic, and with its accreditation in jeopardy, Walton committed openly to reversing previous administrations' relaxed admissions standards, lack of oversight, and history of mismanagement.

27. Walton publicly announced his commitment to strengthening admissions standards—that Cheyney at one time accepted 9 out of every 10 applicants has been cited as one cause of its poor retention and graduation rates—and, like several of his predecessors, cited the Keystone Honors Academy as a model for Cheyney's resurgence.

28. The reality proved very different from Walton's public pronouncements of higher standards and fiscal austerity, however, and in short order the Keystone Honors Academy funds, which were appropriated by the General Assembly exclusively for use by the Keystone Honors Academy, were raided and redirected for use by other Cheyney departments.

29. For example, Keystone Honors Academy scholarship funds—intended to recruit high-achieving honors students and provide those otherwise unable to afford college with a means to do so—were handed out without regard for whether recipients qualified for these funds under the high criteria established for the Keystone Honors Academy.

30. And Walton's mismanagement of public resources was not limited to his misallocation of scholarship funds, but included his violation of Cheyney's and the Commonwealth's procurement policies and requirements.

31. In at least one instance, Walton awarded/approved the award of a substantial, six-figure vendor contract without requiring any competing bids.

**Dr. Kent Reports the Widespread Misuse of Public Funds at Cheyney**

32. As Provost, Dr. Kent came to learn during the summer of 2018 of Walton's violation of procurement requirements and the widespread misuse of restricted state funds, including Keystone Honors Academy funds earmarked by the General Assembly for the exclusive use of the Keystone Honors Academy and its scholarship program.

33. On August 2, 2018, Dr. Kent met with President Walton to discuss, among other things, her concerns that procurement policy and the requirements governing the use of the Keystone Honors Academy funds were being violated, which jeopardized Cheyney's ability to obtain its annual Keystone appropriation in the future.

34. Moreover, violating the Keystone Honors Academy's rigorous requirements served only to undermine the otherwise successful program and the program's proponents in the General Assembly. Dr. Kent reminded the President that continued receipt of these funds relied on Cheyney's adherence to funding restrictions, and that Cheyney was obligated to comply with requests to audit the program.

35. Walton responded dismissively to Dr. Kent's concerns over the misallocated funds, stating he was not concerned about losing Cheyney's strongest advocates in the Pennsylvania legislature or with following the program requirements.

36. In response to Dr. Kent's complaints regarding Walton's procurement violations, Walton acknowledged he was not following procurement policy but assured Dr. Kent he had a "work-around," although Dr. Kent explained that Walton's lack of transparency and failure to disclose contracts such as a substantial, six-figure vendor contract constituted a further violation of the policy.

37. On August 16, 2018, Dr. Kent again met with Walton and again raised her concerns about the violations, including procurement violations and the misuse of Keystone Honors Academy funds, Out of State Honors Awards, the Cheyney Promise Award and the Board of Governors Scholarship. Dr. Kent also provided Walton with a list of some of the students who had been awarded restricted scholarships in violation of the requirements.

38. Dr. Kent was clear her list included only those students and scholarship funds to which she had ready access. She explained there were likely more students and public funds involved, and the issue was potentially much more serious and wide-ranging. Dr. Kent was nevertheless able to identify for Walton a number of students whose grade point averages and SAT scores fell well below the required thresholds to be eligible for their awards, yet who, upon information and belief, collectively were awarded in excess of \$300,000 in restricted state funds annually (totaling more than \$1.2 million over four years) while qualified students were wait-listed or their scholarship applications were denied.

39. Dr. Kent reiterated her concerns that the misuse of these earmarked state funds was not only a violation of the minimum requirements attached to the awards themselves, but that violating or lowering the criteria for awarding these scholarships seriously jeopardized Cheyney's ability to obtain this much-needed annual appropriation from the Commonwealth, and

that failing to adhere to policies, procedures and governance requirements violated the standards of accreditation.

40. When confronted by Dr. Kent with evidence of the misappropriation of state funding, Walton became irate, accused Dr. Kent of being an “obstructionist,” stated that he did “not have time for this,” and demanded that Dr. Kent keep her concerns to herself.

41. Dr. Kent explained to Walton that she was following established policies, requirements and standards. Additionally, she informed Walton that because scholarship disbursement involved the Office of Financial Aid, the Office of the Bursar, PHEAA and the Department of Education, there could be many others with access to and knowledge of any financial aid awards. She further explained that faculty would be aware of these violations due to their responsibility to advise the honors students, requiring knowledge of their academic credentials.

42. On August 22, 2018, Dr. Kent provided Walton with an interoffice memorandum memorializing her concerns and attached an updated—albeit still incomplete—list of students who had improperly received restricted scholarship funds from several sources including the Keystone Honors Academy.

43. Dr. Kent also included for Walton’s review various applicable guidelines and policies governing the disbursement of restricted, state-funded scholarship awards as well as ethics and governance standards, the continuing violation of which posed a serious risk to Cheyney’s already tenuous accreditation.

44. Despite Dr. Kent’s providing Walton with evidence that public funds were being misappropriated and advising of the risk of severe repercussions that would result from the

misuse, Walton conveyed no interest in considering—much less addressing—Dr. Kent’s serious concerns.

45. Shortly afterwards, at a September 4, 2018 meeting among several senior Cheyney and PASSHE administrative personnel, Walton shared his plan to improperly apply some of the earmarked scholarship funds to pay off the balances of certain overdue student tuition accounts without regard for the restrictions on those funds. Although aware this constituted a prohibited misuse of restricted public funds, Walton stated he would simply “ask for forgiveness later.”

46. In addition to Dr. Kent raising concerns about Walton’s procurement violations and the misuse of the restricted scholarship funds for unqualified students, Dr. Kent also objected to the raid on Keystone Honors Academy funds to pay for other endeavors, such as non-honors marketing and recruitment.

47. In one instance, despite Dr. Kent’s repeated refusals to approve the use of funds earmarked by the General Assembly for the Keystone Honors Academy to pay for unrelated marketing and recruitment efforts, Walton directed on September 6, 2018 that this improper use be approved.

48. The following day Dr. Kent was contacted by PASSHE’s Chief Legal Counsel and its Vice Chancellor, who had learned that Walton, in a prior meeting, had stated his intention to use restricted funds for unapproved purposes “and ask for forgiveness later.” In response to PASSHE’s inquiries, Dr. Kent disclosed her concerns, explained that several restricted accounts could be impacted but that she was directly aware of those involving the Keystone Honors Academy, and she had reported these concerns to Walton.

49. On September 10, 2018, during a telephone call with senior representatives of PASSHE, Dr. Kent reported she had prepared a memo for Walton outlining her concerns and recommendations, she had been trying to work with Walton to foreclose further violations and avoid any serious repercussions to Cheyney's funding or accreditation, but Walton had been hostile to her advice and efforts. One of the senior PASSHE administrators participating on the call agreed to talk with Walton about the matter.

50. On September 13, 2018, Dr. Kent received a memorandum prepared by the Cheyney Honors Council regarding the misuse of restricted funds, provided a copy to Walton, and requested a meeting with Walton to discuss the matter, including the negative impact on the students and Dr. Kent's proposed solutions, which meeting was eventually scheduled for September 20, 2018, just two days before the Middle States Commission on Higher Education was scheduled to visit Cheyney to assess whether to extend Cheyney's accreditation.

51. The day before her scheduled meeting with Walton to discuss the misuse of scholarship funds, Dr. Kent, together with Walton and several Cheyney and PASSHE administrative personnel, met to prepare for an upcoming faculty union meeting.

52. During this September 19, 2018 meeting, in response to an inquiry regarding a union request to review all Cheyney contracts, Walton represented that he had already provided copies of all contracts to the faculty union.

53. Dr. Kent, who knew Walton had never disclosed a \$100,000 no-bid website contract, reminded Walton and the senior PASSHE representatives present at the meeting that any lack of transparency with respect to Cheyney contracts would be a violation of Cheyney and Pennsylvania procurement requirements.

54. When Dr. Kent arrived the following day for her scheduled 2:00 P.M. meeting on September 20, 2018 prepared to discuss her concerns and potential solutions to the issues raised by the Honors Council, Walton, who was joined at the meeting by a senior PASSHE representative, handed Dr. Kent a termination letter.

55. It is believed and therefore averred that Walton's decision to terminate Dr. Kent was rendered only after consultation with, and with the approval of, senior PASSHE representatives.

56. Prior to terminating Dr. Kent just two days before Cheyney's scheduled accreditation visit, neither Walton, Cheyney nor PASSHE had ever issued Dr. Kent with any formal warning or unsatisfactory performance review.

57. After being handed her termination notice without any advance warning, Dr. Kent was immediately escorted from the building by public safety personnel and refused access to her computer, personal items or emails.

58. Dr. Kent's humiliating termination from Cheyney, a struggling institution to which she tirelessly dedicated 16 years of her career, has harmed her professional reputation and caused her to suffer economic and non-economic damages, as set forth below.

**COUNT I - Whistleblower Law**  
**43 Pa.C.S. § 1421 et seq.**

59. The allegations in the foregoing paragraphs are hereby incorporated by this reference as if fully set forth herein.

60. Dr. Kent was at all relevant times employed by Cheyney and PASSHE, public bodies as defined under the Pennsylvania Whistleblower Law, 43 Pa.C.S. § 1422.

61. Dr. Kent, having become aware of significant waste and wrongdoing by her employer, made a number of good faith reports of that waste and wrongdoing to Cheyney's President, Aaron Walton, and senior PASSHE representatives.

62. The Commonwealth of Pennsylvania has a strong public policy encouraging employees such as Dr. Kent to report wrongdoing and the waste of public funds by their employers.

63. Dr. Kent was discharged from her employment because of her good faith reports of waste and wrongdoing to the President of Cheyney and senior representatives of the Pennsylvania State System of Higher Education.

64. As a result of her unlawful discharge, Plaintiff Tara Kent, Ph.D. has suffered and will continue to suffer damages, including for lost wages, benefits and seniority, as well as embarrassment, humiliation, harm to reputation, emotional distress, and mental anguish.

WHEREFORE, Plaintiff Tara Kent, Ph.D., demands judgment against Defendants Cheyney University of Pennsylvania and the Pennsylvania State System of Higher Education, jointly and/or severally, in an amount in excess of \$50,000, together with interest, costs, attorneys' fees, and such other relief as is appropriate.

**SPRAGUE & SPRAGUE**

By: /s/ Thomas A. Sprague

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VERIFICATION

I, Dr. Tara E. Kent, am the plaintiff in the subject action and verify that the statements in the foregoing document are true and correct to the best of my knowledge, information and belief.

I do further understand that these statements are made subject to the penalties of 18 Pa.C.S.

§4904, relating to unsworn falsification to authorities.

1/28/19  
Date

  
Dr. Tara E. Kent

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