

Fired LCCC VP James Cook reinstated!

Board of Trustees reverse college president and ignore hearing officer

When I sat through the three days of hearing on the wrongful termination hearing of Dr. James Cook against Laramie County Community College, I came away convinced of several things but still unsure of the eventual outcome.

I was convinced that Darrel Hammon would lie under oath if it served his purposes and that he deliberately defied the hearing officer's admonition not to watch, read or listen to testimony of others before he testified. Hammon not only planted his wife in the hearing but also watched and/or listened to testimony live over the Wingspan streaming video feed. He obviously read stories Wingspan, the daily newspaper and the Cheyenne Herald. He admitted to doing so - in spite of Paul Hickey's legal order not to. At first he denied reading the Cheyenne Herald, then, under repeated questioning, he did admit to reading about "the story critical of board members." That was a small part of the story but Hammon thought that answer would garner support from the elderly board members and made that his reference to my story.

I was convinced that witnesses against Jim Cook were rehearsed, coached and that most provided less than candid or honest testimony. Some did not come forward until Hammon sought derogatory and negative input about Cook. They became offended when they were told they should be offended, not before. It was obvious that some did not really have their heart in their testimony but felt required to provide it or risk the wrath of Darrel Hammon. They were sitting in the middle of a hearing that proved to them just how retaliatory Hammon could be - they did not want to also be on the receiving end of similar treatment.

I was convinced that Cook's attorneys were prepared and believed in their prosecution of their client's case while the attorneys representing the college were just going through the motions - unprepared and not really committed - and were in the case more for the fees than the merit.

I believed that the Board of Trustees became more and more attentive and involved as the hearing progressed. It seems that at the beginning, they were just in attendance - not really paying much attention. It was probably Hammon's uninspired testimony and serial admissions of not following college procedures that woke them up. Maybe for the first time, they became aware that the guy they relied upon to lead LCCC during a time of great challenges had not met that goal. During three days of testimony, ranging from the riveting to the absurd, only one board member asked questions and they were few and counterproductive for him. When he wanted a witness to testify that things had gotten better at LCCC in more recent months, in confirmation that Cook's departure was a positive, he made the mistake of asking the witness that question and she detonated him by saying that nothing had improved. Basically, that the college was still the dysfunctional place

that Hammon had created during his tenure out there.

I left those three days of testimony convinced that Jim Cook was a much better witness than Darrel Hammon had been. Cook was believable. He made admissions when he could have dodged and obfuscated as Hammon had done. Cook was candid, open, truthful and detailed in his responses. Hammon bobbed and weaved more than Sugar Ray Leonard. He would have made Bill "that depends on what the meaning of 'is' is" Clinton very proud.

Cook was also more believable than almost all of the witnesses called by LCCC. As the Board's Findings of Facts, Conclusions of Law indicate, most of the allegations against Dr. Cook were taken with a grain of salt, unsubstantiated, unproven, unimportant or irrelevant.

Many of the "reasons" Hammon used to justify the termination of Cook were duplicative and/or no attempt was made at the hearing to prove the accusation. It was obvious that claiming 28 "justifiable" reasons for Cook's termination was an example of throwing enough against the wall in hopes that some sticks. None did.

Yet, the LCCC board didn't quite slap Hammon prone. They fed him a bone. They determined that the fact Cook did not chair a disciplinary hearing was grounds, by itself, for termination but that Hammon had an obligation, under LCCC rules, to administer disciplinary action at the time, not months later. For a long period after the disciplinary hearing in question was held, Hammon and the school's attorney had no problem with the replacement chair of the hearing. In fact, in response to a lawsuit brought by that student in District Court, LCCC's attorney vouched for the competency of the hearing officer and said, in effect, everything was done right. Properly.

The fact that that hearing officer, called into duty at the last minute, and another attendee at the disciplinary hearing "did not feel comfortable" was irrelevant. Unimportant. The discomfort, caused by the student's attorney, came from the student bringing an attorney to the hearing and his counsel demanded a role in the hearing, which is denied in LCCC rules. Also, the rule that the proceedings can't be taped or video recorded and the attorney didn't like that should have made everyone "uncomfortable." That's a dumb rule that should never stand. A record of the proceedings was equally important, in this case, to an expelled student as to LCCC.

In the Board's Findings, etc., there are 228 paragraphs leading up to the conclusion - virtually all of them finding against the college. In the 32 page document, time after time after time, the LCCC board minimized and dismissed allegations against Cook as unproven or not a violation. Such as asking subordinates Cook considered "friends" for the one-time use of a credit card. Bad form. No violation.

After weeks of preparation, days of coaching, days of rehearsal, days of testimony and immeasurable strife and stress, the improper action of Dr. Darrel Hammon against an LCCC vice president of student activities - a man who he had come to view as a threat to his very position - cost LCCC, actually Laramie County taxpayers, untold dollars and unrecoverable reputation, prestige and standing in the community. After 31 pages in which Hammon's action was repeatedly denounced, four paragraphs summed up the months of misplaced efforts. [See box]

The Board has posited, with this ruling favorable to Dr. Cook, that they would have wanted him to chair that student disciplinary hearing, a hearing that came out favorable to LCCC, in a mentally impaired

condition rather than have anyone else - **ANYONE ELSE, INCLUDING LCCC'S ATTORNEY** - chair the hearing. Cook wanted to postpone the hearing - one of the women who testified against him convinced him the hearing should be held that day. Had he only known her disloyalty.

How much will this cost Laramie County taxpayers? Probably in the area of \$400,000 - \$500,000 in cash. If LCCC brings Cook back, they'll have to create another position or terminate a friend of Hammon's who was hired to replace Cook. This is not the only wrongful termination lawsuit filed against LCCC. Another was settled for a cash amount that is held confidential. At least four are pending - one more will likely join (see P. 9). This must end. Hammon must go. Soon.

229. In order to affirm Dr. Hammon's termination of Dr. Cook, LCCC had the burden to prove at least one instance of immorality, misconduct, incompetency, insubordination or willful neglect of duty of sufficient severity to support Dr. Hammon's decision to terminate Dr. Cook's employment and that Dr. Hammon complied with [LCCC] Policy 4130.

230. As set forth above, a preponderance of the evidence established that Dr. Cook's failure to perform the assigned responsibility as presiding as chairperson at the Student Conduct Board Hearing of February 25, 2009, constituted **Misconduct** and a **Willful Neglect of Duty**. Dr. Hammon's determination that this conduct was properly grounds for dismissal was reasonable under the circumstances and proper basis for the dismissal of Dr. Cook.

231. However, as set forth above, Dr. Hammon, as Dr. Cook's supervisor and administrator, had the responsibility to administer disciplinary action when he became aware of the **Misconduct** and a **Willful Neglect of Duty** pursuant to Policy 4130. Dr. Hammon's failure to administer disciplinary action in a timely manner is not in accordance with Policy 4130.

232. Dr. Cook's termination is reversed for reasons as set forth in these Findings and Conclusions.

Dated this 21st day of July, 2010.

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