



consists only of legal conclusions about the nature of the case to which the University is not required to respond.

In answer to the numbered paragraphs of the Complaint, the University states as follows:

1. Answering paragraph 1, the University admits that the Court's jurisdiction is properly invoked for alleged violations of the Tennessee Public Protection Act. The remaining allegations of paragraph 1 are denied.

2. The University admits the allegations of paragraph 2.

3. The University admits the allegations of paragraph 3.

4. The University admits the allegations of paragraph 4.

5. The University admits the allegations of paragraph 5.

6. The University admits the allegations of paragraph 6.

7. Answering paragraph 7, the University admits the allegations of the first and third sentences of that paragraph. The University further admits that Plaintiff was hired by the University in May 2001 as Professor and Department Head of the University's Department of Philosophy and Religion. The remaining allegations of paragraph 7 are denied.

8. Answering paragraph 8, the University admits the allegations of the first, second, and fourth sentences of that paragraph. The University further admits that during two of the six years in which he served as Department Head Plaintiff received a "Distinguished" rating, which is the highest possible rating, and that he never received an "Unsatisfactory" rating. The remaining allegations of paragraph 8 are denied.

9. The University admits the allegations of paragraph 9.
10. The University admits the allegations of paragraph 10.
11. The University is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11.
12. The University is without knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of paragraph 12. The remaining allegations of paragraph 12 are denied.
13. Answering paragraph 13, the University admits that Plaintiff gave Dr. Welsh a poor 2007 year-end evaluation. The remaining allegations of paragraph 13 are denied.
14. The allegations of paragraph 14 are denied.
15. Answering paragraph 15, the University admits that Plaintiff did not remain silent about matters involving Dr. Welsh's tenure application process. The remaining allegations of paragraph 15 are denied.
16. The University admits the allegations of paragraph 16.
17. Answering paragraph 17, the University admits the allegations of the second sentence of that paragraph and that Plaintiff did not remain silent about matters involving Dr. Welsh's tenure application process. The remaining allegations of paragraph 17 are denied.
18. The allegations of paragraph 18 are denied.
19. The allegations of paragraph 19 are denied.
20. The allegations of paragraph 20 are denied.

21. The allegations of paragraph 21 are denied.

#### **FOURTH DEFENSE**

Plaintiff did not refuse to participate in or remain silent about any alleged "illegal activities" as defined in T.C.A. § 50-1-304.

#### **FIFTH DEFENSE**

Plaintiff was not discharged or terminated from his employment with the University of Tennessee.

#### **SIXTH DEFENSE**

The University took no action against or with respect to Plaintiff because of his alleged refusal to participate in or remain silent about illegal activities.

#### **SEVENTH DEFENSE**

The University did not violate any of Plaintiff's rights and is not liable to Plaintiff for any reason or in any amount.

Respectfully submitted this 17<sup>th</sup> day of November, 2008.

THE UNIVERSITY OF TENNESSEE



Thomas C. Doolan, BPR # 012513  
Associate General Counsel  
719 Andy Holt Tower  
Knoxville, TN 37996-0170  
(865) 974-3245

Attorney for Defendant

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing was mailed to counsel for Plaintiff, Randall D. Laramore, Paty, Rymer and Ulin, P.C., 19 Patten Parkway, Chattanooga, Tennessee 37402, via first class mail this 17<sup>th</sup> day of November, 2008.



Thomas C. Doolan