

State of New York  
Office of the Inspector General



Investigation of Alleged Misconduct  
by SUNY Cortland Faculty Members  
Sarah Zipp and Aaron Zipp

June 2013

Catherine Leahy Scott  
Inspector General

**STAFF FOR THIS INVESTIGATION AND REPORT**

**LEONARD COHEN**

Chief Counsel

**SPENCER FREEDMAN**

Executive Deputy Inspector General

**MICHAEL C. CLARKE**

Chief of Staff and Counselor

**BERNARD COSENZA**

Deputy Inspector General for Investigations

**AUDREY MAIELLO CUNNINGHAM**

Deputy Inspector General

**JEFFREY HAGEN**

Investigative Counsel

**MAREN ROBINSON**

Investigator

**STEPHEN DEL GIACCO**

Director of Investigative Reporting (Albany)

**FELISA HOCHHEISER**

Director of Investigative Reporting (New York City)

Special Counsel

## **EXECUTIVE SUMMARY**

On March 2, 2010, the Inspector General received a complaint alleging that State University of New York (SUNY) Cortland Instructor Sarah Zipp made misrepresentations regarding her academic status in applying for salary increases. The complaint also alleged that Sarah Zipp and her husband, SUNY Cortland Instructor Aaron Zipp, engaged in conduct constituting a conflict of interest when they performed paid consulting work for LanCon, a company that provided educational trips to Europe for college students.

The Inspector General's investigation determined that Sarah Zipp misrepresented herself as being enrolled in a doctoral program at the German Sport University in Cologne, Germany, when she applied to SUNY Cortland for Discretionary Salary Increases and when she sought faculty reappointment. The Inspector General also determined that SUNY Cortland officials, despite being alerted to Sarah Zipp's misrepresentations by successive chairs of Zipp's department, failed to sufficiently investigate or address the matter.

Zipp's misrepresentations raised serious questions regarding her fitness as a faculty member and the integrity of SUNY Cortland's salary increase and reappointment procedures, and SUNY Cortland officials should have been more diligent and thorough in exploring signs of this misconduct.

The Inspector General recommends that SUNY Cortland review the conduct of its employees and take appropriate action. The Inspector General also recommends that SUNY maintain records of the submissions made by faculty members applying for Discretionary Salary Increases and reappointment and implement a mechanism for investigating apparent or alleged misrepresentations in these submissions.

The Inspector General also found that Sarah Zipp's and Aaron Zipp's affiliation with LanCon, a company that provides educational trips for students to Europe, created at the very least the appearance of a conflict of interest with their roles at SUNY Cortland. Both Zipp's were employed by LanCon immediately prior to their hiring by SUNY Cortland, and their association with the company continued after they were hired and while SUNY Cortland had a

formal agreement with LanCon. For foreign trips in 2009 and 2010, Aaron Zipp both acted as SUNY Cortland's representative and received payment from LanCon.

The Inspector General recommends that SUNY Cortland review and strengthen its policy on conflicts of interest and outside activities. The Inspector General further recommends that SUNY Cortland take steps to ensure that neither Aaron Zipp nor Sarah Zipp represent SUNY Cortland or its students in dealings with LanCon in the future.

The Inspector General is referring this report to the Joint Commission on Public Ethics for its review.

SUNY Chancellor Nancy L. Zimpher stated that SUNY will review and implement the Inspector General's recommendations.

## **INTRODUCTION AND BACKGROUND**

SUNY Cortland includes the Schools of Arts and Sciences, Education, and Professional Studies. A dean oversees each school and reports to Mark Prus, the Provost and Vice President for Academic Affairs, and Erik Bitterbaum, the SUNY Cortland President. John Cottone serves as dean of the School of Professional Studies, which includes the Sport Management Department. Both Prus and Bitterbaum held their current positions in the period pertinent to the Inspector General's investigation, and Cottone was acting dean of the School of Professional Studies at the time. The Sport Management Department provides instruction in the businesses surrounding sports and athletic competition, offering a wide range of courses such as sports-related marketing, ticket sales, and individual sport specific classes.

Relevant to this investigation are the substantive differences in the processes by which students are accepted into doctoral programs in the United States and in Germany. American university doctoral programs typically accept students after submission of an application, and doctoral students subsequently perform requisite coursework, develop a thesis topic, and prepare and defend a thesis. The model utilized by German universities, including the German Sport University, first requires a university faculty member to accept a student's proposed thesis topic. This, however, does not constitute acceptance to the program. Once the topic is accepted, the

student must submit an application which, in conjunction with the applicant's full qualifications, is reviewed by a doctoral program committee to determine if the applicant will be accepted into the doctoral program.

Also of relevance are two processes relating to the review of faculty members at SUNY Cortland: the Discretionary Salary Increase procedure and the faculty reappointment procedure. SUNY Cortland awards Discretionary Salary Increases to faculty to recognize and reward classroom performance, service to the community, and professional development. In the School of Professional Studies, faculty members nominate themselves for Discretionary Salary Increases by submitting an application listing their accomplishments in the areas of teaching, research, and service, and including scores they assign to themselves based on criteria provided. The chair of the department in which the applicants teach, the school dean, and the provost review the submission and either agree with the faculty self-scoring or amend the score as they deem appropriate. The three officials make recommendations to the SUNY Cortland President, who determines if the salary increase will be awarded.

The faculty reappointment process is a periodic review of untenured faculty members to determine if they will be retained and, if so, for what length of time. In essence, the faculty renewal process determines whether a faculty member will continue his or her academic career with SUNY Cortland. As part of the process, the faculty member submits a portfolio detailing his or her academic and teaching achievements. Submitted portfolios are formally reviewed by the Personnel Review Committee of the appropriate department, the department chair, the Reappointment Committee<sup>1</sup> of the specific school of which the department is a part, the dean of the school, and the provost. Each reviewer issues a recommendation which becomes part of the materials reviewed at the next level, culminating in a final review and decision by the SUNY Cortland President.

---

<sup>1</sup> During the relevant period, members of the School of Professional Studies Reappointment Committee were Chair James Reese, Joy Hendricks, Donna Videto, Timothy Davis, and Susan Wilson.

## **THE INSPECTOR GENERAL’S INVESTIGATION FINDS MISCONDUCT BY AARON ZIPP AND SARAH ZIPP, AND INSUFFICIENT ACTION BY SUNY CORTLAND TO ADDRESS ALLEGATIONS**

### **Sarah Zipp Misrepresented Her Status in Application for a Discretionary Salary Increase**

Aaron Zipp and Sarah Zipp, who are husband and wife, joined the SUNY Cortland faculty as instructors in the Sport Management Department in the fall of 2006.<sup>2</sup> In June 2009, the Zippes participated in a research colloquium at the German Sport University in Cologne, Germany, an institution with which the SUNY Cortland Sport Management Department has a longstanding association.<sup>3</sup>

At the invitation of German Sport University Professor Christoph Breuer, the Zippes attended the colloquium and presented their proposed doctoral topics. Breuer knew of the Zippes’ interest in becoming doctoral students at the university, and the Zippes hoped that Breuer would accept their topics and serve as their faculty advisor in a doctoral program there. Prior to the colloquium, Breuer sent several e-mails to individuals who planned to participate, including the Zippes, providing information about the content, schedule, and location of the event. A March 3, 2009, e-mail from Breuer bore the greeting, “Dear Ph.D. Student” and advised recipients that they could make a 20- minute oral presentation on “special aspects of his/her thesis.” On June 18, 2009, the day before the start of the colloquium, Breuer again e-mailed the Zippes and other participants, informing them of the specific building in which the colloquium would take place.

Despite the “Ph.D. Student” greeting, Aaron Zipp and Sarah Zipp had accomplished neither of the two steps required for enrollment in a German Sport University doctoral program: a university faculty member had not accepted their proposed thesis topics, and a doctoral program committee had neither reviewed nor accepted their applications. When interviewed by the Inspector General’s investigators, Breuer stated that he made clear in a verbal discussion with

---

<sup>2</sup> Sarah Zipp holds a bachelor’s degree in anthropology and archaeology from Washington and Lee University and a master’s degree in sport leadership-administration from Virginia Commonwealth University. Aaron Zipp holds a bachelor’s degree in anthropology and archaeology from SUNY Potsdam and a master’s degree in sport leadership-administration from Virginia Commonwealth University.

<sup>3</sup> One SUNY Cortland faculty member received his doctoral degree from the German Sport University and another was working toward it during the period relevant to this investigation. In addition, German Sport University students have taken classes at SUNY Cortland as part of their academic programs.

the Zippes at the time that they were guests at the colloquium, not formal students, as they had not received doctoral student status.

In July 2009, after returning from Germany, Sarah Zipp submitted to SUNY Cortland a Discretionary Salary Increase self-nomination for 2008-2009.<sup>4</sup> In support of her request, Sarah Zipp wrote in her submission that she had “presented doctoral dissertation proposal” and that she was “enrolled as doctoral student at the German Sport University.”<sup>5</sup> In accordance with established procedure, Sarah Zipp’s submission was first reviewed by the then chair of the Sport Management Department, Theodore Fay. In his written review, Fay agreed that Zipp should receive points for her presentation at the colloquium, but questioned her claimed enrollment at the German Sport University:

There is no current evidence to support that the nominee is “officially” accepted as a matriculated doctoral student at the German Sport University or has submitted and received written acceptance of a doctoral dissertation including Committee Chair, Committee members, topic and timelines.

Fay provided his comments to Sarah Zipp, offering her the opportunity “to clarify, provide new information, or provide a rebuttal.” She did not respond.

Cottone, then the acting dean of the School of Professional Studies, next reviewed Sarah Zipp’s submission, which now included Fay’s written questioning of Zipp’s claimed enrollment at the German Sport University. According to Cottone, in reviewing the submission, he saw the two e-mails from Breuer of the German Sport University which, as described above, related merely to the content, schedule, and location of the colloquium, not to Sarah Zipp’s claimed enrollment. In an interview with the Inspector General’s investigators, Cottone recalled thinking at the time about the e-mails, “Well there’s some evidence there, but it’s not good.” Given that her enrollment claim was supported by evidence that was “not good,” Cottone stated that the scoring for that portion of her submission was reduced. However, when asked if he or any other

---

<sup>4</sup> Aaron Zipp did not seek a Discretionary Salary Increase.

<sup>5</sup> In her application, Sarah Zipp also cited, among other accomplishments and activities, her authorship or co-authorship of a paper in a professional journal; her review of a textbook in a professional journal; her coordination and supervision of international internships; and her service on several SUNY Cortland committees.

SUNY Cortland official contacted the German Sport University to ascertain Zipp's status, Cottone answered that no such inquiry had been made.

Cottone recommended that Sarah Zipp receive a Discretionary Salary Increase. Mark Prus, SUNY Cortland Provost and Vice President for Academic Affairs, who also reviewed Zipp's submission, similarly recommended approval of her request. Prus also was aware that Sarah Zipp's academic status had been questioned, but he too indicated that he relied on the e-mails cited by Cottone. SUNY Cortland President Erik Bitterbaum advised the Inspector General that, based on the recommendations of Cottone and Prus, he approved a \$500 salary increase for Sarah Zipp, who was notified of the increase by letter dated October 29, 2009.

### **Sarah Zipp Misrepresented Her Status in Application for Faculty Reappointment**

Six months after her salary increase request, in January 2010, Breuer of the German Sport University advised Sarah Zipp, based on additional work she had presented on her dissertation topic, that her topic was acceptable and he would be her faculty advisor.<sup>6</sup> On February 16, 2010, prior to submitting a portfolio as part of her request for faculty reappointment, Zipp e-mailed Breuer requesting "a basic letter stating that [her dissertation] proposal has been accepted," to include in her portfolio. In response, Breuer e-mailed Zipp a letter on February 18, 2010, stating, "Herewith I confirm that the dissertation proposal of Mrs. Sarah S. Zipp has been accepted. I will be the supervisor of the Ph.D. – thesis." As discussed above, however, Breuer's action was only the first step in the doctoral program enrollment process, not acceptance into the program. Acceptance depended on a favorable determination by a doctoral program committee, which had not occurred. In his interview with the Inspector General's investigators, Breuer emphasized that Sarah Zipp had not been accepted into the program, and that his February 18, 2010, letter did not indicate otherwise.

In the spring of 2010, Sarah Zipp sought reappointment for the period September 1, 2011, to August 31, 2013. It is important to note that the Inspector General's investigators were unable to review the portfolio Sarah Zipp submitted in support of her application to determine the exact representation she made regarding her status at the German Sport University. Under SUNY

---

<sup>6</sup> Breuer did not find Aaron Zipp's dissertation topic acceptable.

Cortland's current practices, portfolios submitted by faculty are returned to the applicants after they have been reviewed, and copies are not maintained by the college. Nonetheless, the Inspector General obtained and examined information and recommendations from entities and individuals who had reviewed Sarah Zipp's portfolio.

Based upon that examination, Sarah Zipp appears to have continued to misrepresent her academic status at the German Sport University. In their recommendations, all of the reviewing bodies mentioned in one way or another that Sarah Zipp was pursuing a doctoral degree at the German Sport University. The School of Professional Studies Personnel Committee stated in its recommendation, "Ms. Zipp is enrolled in a doctoral program in sports management." [Emphasis added] Cottone, the school dean, stated in his recommendation for Zipp's reappointment, "Even though her master's degree satisfies the criteria for a terminal degree at this rank, it should be pointed out that she is a doctoral candidate at the German Sport University in Cologne, Germany." [Emphasis added]

It appears that only Mark Dodds, who had succeeded Theodore Fay as chair of the Sport Management Department, questioned Sarah Zipp's representations relating to the German Sport University. In his review of Zipp's portfolio, Dodds wrote on March 19, 2010, "In June 2009, Mrs. Zipp presented her doctoral dissertation to the [German Sport University] in Cologne, Germany. The dissertation has been accepted, however, there is no evidence presented concerning the coursework required for a Ph.D. typically completed prior to the dissertation stage." Dodds's comment included a misstatement in Sarah Zipp's favor – only her dissertation topic had been presented and accepted, not her actual dissertation.

When the Inspector General's investigators asked Cottone about Dodds's concern, Cottone reported that he discussed the matter with Sarah Zipp, and she told him she was a doctoral candidate. Asked if he requested documentation from Zipp of her enrollment or acceptance into the German Sport University program, Cottone said he did not, on the grounds that, "To me, it wasn't a condition of her reappointment." Despite the concern expressed by the chair of Zipp's department, neither Cottone, Prus, nor anyone else in SUNY Cortland's administration took any further action to verify Zipp's actual status at the German Sport University and whether her representations were truthful. Sarah Zipp's request for reappointment was approved.

## **Sarah Zipp Misrepresents Her Status in a Second Request for a Discretionary Salary Increase**

In the summer of 2010, Sarah Zipp sought another Discretionary Salary Increase and again submitted information misrepresenting her academic status at the German Sport University. In her self-nomination for the salary increase, Zipp claimed she had accomplished “[p]rogress toward PhD – coursework completed.” The Inspector General’s investigators questioned German Sport University Professor Breuer about Zipp’s claim that she had completed coursework in furtherance of her doctorate. Breuer responded that Zipp “didn’t attend to any courses, to my knowledge.” He explained that he taught many of the required courses and that she would not have been able to take those courses without being enrolled in the doctoral program, which she was not.

In his review of her submission, Dodds again challenged Zipp’s claimed academic status at the German Sport University, this time citing specific information contradicting her representation. While on a trip to Europe for an unrelated educational purpose, Dodds had visited the German Sport University and spoken with Breuer and other faculty members. During his review of Sarah Zipp’s portfolio, Dodds wrote to Zipp, “[I]t is my understanding from Renate Schlomer-Holland, Christoph Breuer and Gerard King from the German Sport University that you are not enrolled as a student there. Would you send me the back-up to support the PhD claim?” As when she was questioned concerning her previous application for a salary increase, Sarah Zipp did not respond to this request for supporting documentation from the department chair.

In recommending that Sarah Zipp not be considered for a Discretionary Salary Increase, Dodds reported to Cottone the information from the German Sport University faculty contradicting Zipp’s claimed academic status. The Inspector General asked Cottone whether he inquired further into Dodds’s concerns. Cottone replied that he did not because he had decided not to recommend that Sarah Zipp receive a Discretionary Salary Increase for that year, and, therefore, he considered her status at the German Sport University irrelevant. Asked if he was concerned that a faculty member might have made a false representation of her academic credentials, Cottone replied, “We had not verified that.”

Dodds, however, appears to have exercised due diligence in checking on Sarah Zipp's claimed academic status. Dodds inquired into Zipp's representation because it was well known in the department that she was claiming to be enrolled at the German Sport University, and other faculty members were doubtful of her assertion. Dodds also was aware of the concerns about Zipp's claim raised earlier by Fay, the previous department chair.<sup>7</sup>

On August 25, 2010, following SUNY Cortland's review of Sarah Zipp's Discretionary Salary Increase request, Breuer e-mailed both Aaron Zipp and Sarah Zipp, with a copy to Prus, advising that they would not be accepted into the doctoral program at the German Sport University. In the e-mail, Breuer wrote:

[W]ith this email I would like to clarify your status definitely. Unfortunately neither Sarah nor Aaron Zipp are Ph.D. students of the German Sport University Cologne. Aaron Zipp has not submitted an adequate synopsis. Sarah Zipp has submitted an adequate synopsis. However her formal status (Bachelor and Masters degree) does not equate the minimum conditions to be accepted as a Ph.D student at the German Sport University in total as well as in my department of sport management particularly. Amongst others the preconditions in my department are an Outstanding Bachelor as well as Master degree in Sport Management. In the same way Aaron does not meet the minimum conditions.

Despite Breuer's unequivocal notice to her that she would not be accepted, on September 29, 2010, Sarah Zipp e-mailed Professor Ilse Hartmann-Tews, the chair of the German Sport University Doctoral Committee, stating, "Last January (2010), I re-submitted my proposal and received word from Professor Breuer that it was accepted by the committee . . . He then advised me that I would soon be officially accepted into the program. It has now been nearly 10 months and I still have no official acceptance into the doctoral program."<sup>8</sup> Hartmann-Tews responded to Zipp in an October 5, 2010 e-mail, reiterating Breuer's statement and again advising Zipp that

---

<sup>7</sup> On September 3, 2010, SUNY Cortland President Bitterbaum removed Dodds as chair of the Sport Management Department and replaced him with a faculty member from another department.

<sup>8</sup> Sarah Zipp's e-mail was misleading. Breuer, in his February 2010 letter, did not advise her that her proposal had been accepted by "the committee," only that it had been accepted and that he had agreed to serve as her advisor. In the e-mail, Sarah Zipp also disingenuously suggested that her application was pending, when, in fact, Breuer informed her unambiguously that her application had been rejected.

her academic credentials did not fulfill the conditions required for acceptance in the German Sport University doctoral program.

**SUNY Cortland Failed to Sufficiently Address Allegations that Sarah Zipp Misrepresented Her Academic Credentials**

Shortly after receiving the e-mails from Breuer and Hartmann-Tews of the German Sport University, Sarah Zipp spoke with Joanne Barry, SUNY Cortland Assistant Vice President for Human Resources, regarding her rejection by the doctoral program. Barry advised the Inspector General that Zipp claimed to have believed she had been enrolled in the German Sport University, and provided Barry with correspondence from the university that she asserted supported this belief. These communications included Breuer's March 3, 2009, and June 18, 2009, e-mails to colloquium participants, including Aaron Zipp and Sarah Zipp, advising recipients of details of the event; and Breuer's February 18, 2010, letter advising Sarah Zipp that her dissertation proposal had been accepted and that he would serve as her thesis advisor.

Contrary to Sarah Zipp's reported claim, the Inspector General notes that none of these communications stated that Sarah Zipp was enrolled at the German Sport University. Indeed, she never received a letter of acceptance or any other communication stating that she had been accepted, and never took a class in a doctoral program at the German Sport University. Tellingly, Breuer also reported that he expressly advised Zipp that she did not have doctoral student status. Therefore, even before the August 25, 2010, e-mail from Breuer explicitly stating that she was not a doctoral student, Sarah Zipp had no basis or confirmation to conclude that she was enrolled.

Even positing, for the sake of argument, that the wording of some of the e-mails from the German Sport University and the differences in the German process of applying for doctoral programs might have initially caused Sarah Zipp to believe that she would be accepted at the university, they do not explain or justify her repeated representations over an entire year – July 2009 to July 2010 – regarding her academic status at the German Sport University. Sarah Zipp had more than adequate opportunity to determine her official status, but failed to do so, even when successive chairs of the Sport Management Department questioned her claims. Despite requests from both chairs, Sarah Zipp failed to provide any documentation or confirmation for

her claimed status or offer any explanation for her actions. Sarah Zipp refused to be interviewed during this investigation, despite several communications from the Inspector General.

Prus told the Inspector General that he had reviewed the correspondence that Sarah Zipp provided to Barry and concluded that the communications “suggested” that Zipp had been a doctoral student at the German Sport University. Prus also stated that he believed that Sarah Zipp may have been confused by the application process at the German Sport University. It should be noted, however, that any confusion, if it existed, could easily have been dispelled a year earlier, when Sarah Zipp’s claimed enrollment at the German Sport University was first questioned by the chair of the Sport Management Department. A call to the university by a SUNY Cortland official would have revealed the fact that Zipp was not enrolled in the doctoral program and brought finality to the matter at that point. However, despite the doubt expressed by the department chair, the SUNY Cortland administration did not ensure that such an inquiry was made.

As noted, the August 25, 2010, e-mail from Breuer provided indisputable documentation that Sarah Zipp was not, and would not be, accepted as a doctoral student at the German Sport University. Yet, even after receipt of that e-mail, of which both Prus, the SUNY Cortland Provost and Vice President for Academic Affairs, and SUNY Cortland President Erik Bitterbaum were aware, the administration failed to take any further action to determine if Sarah Zipp had made misrepresentations in her salary increase requests and reappointment portfolio. Rather, administration officials focused their efforts on reversing the German Sport University’s decision and determining if anyone from SUNY Cortland had unduly influenced the decision.

In August 2010, Prus twice e-mailed the German Sport University inquiring about the school’s decision regarding Aaron Zipp and Sarah Zipp, and whether the decision had been improperly influenced. For example, in an August 26, 2010, e-mail to Breuer, Prus wrote that he was “concerned that some internal issues within our Sport Management department may have unduly influenced consideration of the Zipp[s]’ application[s].” German Sport University officials did not respond to either e-mail.

In November 2010, German Sport University Professor Wolfgang Krause visited SUNY Cortland to meet with German Sport University exchange students attending SUNY Cortland.

During this visit, Prus and Barry asked to meet with Krause regarding Sarah Zipp's status. Krause advised the Inspector General that at the meeting he described to Prus and Barry the doctoral acceptance process at the German Sport University and explained that Sarah Zipp was rejected as a doctoral candidate due to her lack of qualifications. Krause said he was asked by Prus if anyone from SUNY Cortland had influenced the German Sport University's decision regarding Sarah Zipp, and he answered that no such influence had been exerted. Krause told the Inspector General that he was deeply offended by the insinuation that his institution's legitimate determination was the result of external pressure.

Apart from the meeting with Krause, the only step taken by SUNY Cortland, other than by Dodds, to address concerns related to Sarah Zipp's representation as to her status at the German Sport University was to review the e-mails discussed above. When the Inspector General specifically asked if SUNY Cortland had conducted an investigation of Sarah Zipp's representation, Barry acknowledged that no such inquiry had taken place.

#### **SUNY Cortland Policies Regarding Discretionary Salary Increase Self-Nominations and Faculty Reappointment Are Deficient**

The Inspector General found that SUNY Cortland policy does not require faculty members seeking a Discretionary Salary Increase or reappointment to sign any statement attesting to the truthfulness of their submissions. These submissions are significant, as the veracity of the information they contain directly impacts a faculty member's academic career and the compensation they receive from New York State.

The Inspector General further found that the process by which these state records are maintained is deficient. While under current procedures Discretionary Salary Increase submissions are retained by the administration, submitted portfolios are returned to faculty members after they have been reviewed. SUNY Cortland officials explained that the portfolios are not retained by the administration because they are voluminous and considered the property of the faculty members. Indeed, the faculty portfolio at issue in this investigation was not available for review by the Inspector General. As a result, the Inspector General was unable to review either the exact representations Sarah Zipp made in her portfolio or the documentation she provided in support of those representations. As Sarah Zipp refused to speak with the

Inspector General's investigators, she was not questioned regarding the contents of her portfolio. The Inspector General instead relied on recommendations and ancillary materials to ascertain information submitted by Sarah Zipp. It is, however, the practice of most applicants to include a cover letter summarizing their accomplishments and the contents of their portfolios.

### **Association of Aaron Zipp and Sarah Zipp with LanCon**

Prior to joining the SUNY Cortland faculty in 2006, Aaron Zipp and Sarah Zipp were employed for two years by LanCon, a company based in the Netherlands that provides educational trips to Europe for students, with a focus on sport-related travel. According to Sarah Zipp's curriculum vitae (CV), she worked as the International Programs Coordinator for LanCon, where her duties included serving as co-director of the American office of LanCon, coordinating foreign study programs for American undergraduate and graduate students in the field of sport management, and overseeing marketing operations. According to Aaron Zipp's CV, he was Director of Marketing and Recruitment for LanCon. His duties included serving as co-director of the American office of LanCon, recruiting American students for LanCon-sponsored trips, placing European student-athletes with American universities, and marketing LanCon trips to colleges and universities in the Eastern United States.

The investigation found that both Zippes maintained professional ties with LanCon after joining SUNY Cortland. In various submissions to SUNY Cortland, Sarah Zipp listed continuing consulting work with LanCon after beginning employment at the college. In her July 2010 self-nomination for a Discretionary Salary Increase, Sarah Zipp listed professional consultation with LanCon in marketing and management, as well as her consultation work with LanCon on foreign study programs, as activities she had performed during the preceding year. Dodds asked Sarah Zipp for information on the scope of her consulting with LanCon, but she did not respond. The Inspector General obtained two CVs submitted by Sarah Zipp to SUNY Cortland in support of various professional opportunities. In one CV, Zipp indicated that her employment relationship with LanCon ended in August 2006; in the other, she listed working at LanCon to "present," October 2009.

The Inspector General was unable to conclusively determine if Aaron Zipp or Sarah Zipp were paid for consulting services by LanCon while employed at SUNY Cortland. Despite several communications from the Inspector General, Aaron Zipp also refused to be interviewed during this investigation. On this issue, SUNY Cortland Assistant Vice President for Human Resources Joanne Barry reported to the Inspector General that she met with LanCon founder Gijs Langevoort when he visited SUNY Cortland, and Langevoort showed her records that purportedly indicated that no “compensation” was paid to the Zippes after they left employment at LanCon. Barry reported that Langevoort refused to provide copies of these records to her. The Inspector General also requested records from LanCon regarding the Zippes’ affiliation or employment with the company, as well as records of payments made to them. LanCon refused to provide this information to the Inspector General.

Until mid-February 2012, the LanCon Web site listed both Aaron Zipp and Sarah Zipp, along with Langevoort, as “Leaders of LanCon.” This description strongly suggested that both Zippes were part of the management team of LanCon. The investigation also found that, in addition to their continuing professional ties to LanCon, Aaron Zipp and Sarah Zipp maintained a close personal relationship with Langevoort. A number of faculty members advised the Inspector General that the Zippes had told them that Langevoort is the godfather of at least one of their children. Faculty also reported that on at least one occasion, Langevoort stayed at the Zippes’ home when he visited SUNY Cortland. During their tenure at SUNY Cortland, the Zippes also co-authored an article in a sport management journal regarding an interview of Langevoort. In addition, faculty reported that Aaron Zipp had remarked to them that he expects to take over LanCon upon Langevoort’s retirement.

### **SUNY Cortland’s Agreement with LanCon**

On November 19, 2007, SUNY Cortland and LanCon entered into an agreement in which SUNY Cortland agreed to send a minimum of 12 students on LanCon trips in exchange for LanCon organizing the trips. Under the agreement, LanCon provided ground transportation, assisted students in obtaining necessary travel documents, and performed other services in Europe. The Inspector General was advised that the SUNY Cortland Sport Management Department had sought to provide international opportunities for its students, and that the

agreement with LanCon was part of that initiative. Through the summer of 2010, a total of 47 SUNY Cortland students participated in European travel run by LanCon.

Aaron Zipp accompanied the students on the trips, acting as the SUNY Cortland representative. As both the Sport Management Department's coordinator and SUNY Cortland representative, Aaron Zipp was responsible, in part, for ensuring that both SUNY Cortland and LanCon met their obligations under the agreement during the trips. For the 2007 and 2008 trips, for which students earned credit for their participation, SUNY Cortland paid Aaron Zipp as a faculty instructor. Zipp's compensation for these trips was based, at least in part, on the number of students who participated. Zipp was paid \$3,000 in 2007 and \$6,000 in 2008.

For the 2009 and 2010 trips, SUNY Cortland did not award academic credit to participating students and had no record of compensating Aaron Zipp for his participation. However, LanCon paid Zipp for his supervision from a portion of the fees it collected from students on both trips. Regarding the 2009 trip, the exact amount of LanCon's payment to Zipp is unclear. However, in an e-mail dated April 28, 2009, prior to the trip, Zipp indicated that his fee would be \$4,370, or \$485.56 per student.

The Inspector General also found that in addition to the payments from LanCon, Aaron Zipp received reimbursement from Theodore Fay, the then chair of the SUNY Cortland Sport Management Department, for expenses he incurred on the 2009 trip. Specifically, Fay paid Aaron Zipp \$3,402 from his personal bank account. Fay told the Inspector General that this money was intended only to cover Aaron Zipp's expenses, and was not compensation for his supervision during the trip. Fay further stated that this was done to expedite payment to Zipp, and that Fay intended to seek reimbursement from the department's fundraising account. Fay, however, had not done so as of the date of this report. Fay advised that he discussed this matter with John Cottone, then acting dean of the School of Professional Studies, and other SUNY Cortland administrators at the time. In an e-mail dated April 30, 2009, it was discussed that Zipp's costs would be paid by the Sport Management Department for the LanCon trip. This e-mail was copied to Cottone, Prus, and Bitterbaum, among others.

For the 2010 trip, SUNY Cortland again had no record of compensation paid to Aaron Zipp for his participation. However, as with the 2009 trip, it appears that Zipp was paid by

LanCon for supervision from a portion of the fees it collected from students. Records show that each participating student paid an added charge of \$914, which was described on the LanCon invoice as “Instructors landed costs and airfare.” A review of the Zipp’s bank records showed that LanCon paid Aaron Zipp \$4,580 on June 8, 2010, as “Payment for Services.”

### **Expiration of the Agreement with LanCon**

SUNY Cortland did not renew the Memorandum of Understanding with LanCon when it expired in November 2010. After a faculty meeting on September 29, 2010, the Sport Management Department voted not to support renewal of the agreement. According to the minutes of the meeting, Aaron Zipp and Sarah Zipp alone advocated for renewal. The primary concern raised by faculty during this meeting was the apparent exclusivity of the agreement, given that other companies provided similar services.

Although the Memorandum of Understanding with LanCon was not renewed, SUNY Cortland students are still able to participate in trips organized by LanCon. Advertisements for trips sponsored by LanCon and other companies are posted on the campus. Even after the department withdrew its support for the LanCon trips, faculty reported that the Zipp’s continued to promote these trips.

### **Aaron Zipp’s and Sarah Zipp’s Association with LanCon Created at Least the Appearance of a Conflict of Interest**

In addition to the issues raised by LanCon’s compensation of Aaron Zipp for his participation in the 2009 and 2010 trips, Aaron Zipp’s and Sarah Zipp’s affiliation with the company created, at a minimum, the appearance of a conflict of interest. This apparent conflict existed regardless of whether the Zipp’s received compensation from LanCon for consulting work during their employment at SUNY Cortland. As noted, Aaron Zipp and Sarah Zipp were both employed by LanCon immediately prior to taking their positions at SUNY Cortland. After being hired by the college, both maintained a professional relationship with LanCon and a close personal relationship with the company’s founder. Aaron Zipp’s close ties with LanCon were also evidenced by his involvement in the LanCon trips and questionable means of reimbursement for the trips. In view of these circumstances, Aaron Zipp and Sarah Zipp should have been

precluded from any involvement in the agreement between LanCon and SUNY Cortland. In addition, the Zippes should have been precluded from participating in trips resulting from the LanCon/SUNY Cortland agreement.

However, this was not the case. Aaron Zipp served as both the representative of SUNY Cortland on the trips and the Sport Management Department's Undergraduate International Coordinator. As such, Aaron Zipp was responsible for ensuring that LanCon complied with the terms of its contract with SUNY Cortland. This arrangement created at least an apparent conflict of interest. In addition, students and faculty members reported to the Inspector General that Aaron Zipp and Sarah Zipp repeatedly discussed and promoted the LanCon trips in their classes, while other similar travel experiences were rarely mentioned. Faculty members stated that Aaron Zipp discouraged the department from offering trips abroad by companies other than LanCon. Although none of the students interviewed stated that they felt pressured to take a LanCon trip, the in-class promotions created, at the very least, the appearance that the Zippes were using class time to promote trips that benefited LanCon and, potentially, themselves.

The Zippes' conduct may have violated the New York Public Officers Law Section 74(2), which states:

No officer or employee of a state agency, member of the legislature or legislative employee should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

The Zippes also may have violated Section 74(3), which states in relevant part:

(a): No officer or employee of a state agency . . . should accept other employment which will impair his independence of judgment in the exercise of his official duties.

(e): No officer or employee of a state agency . . . should engage in any transaction as representative or agent of the state with any business entity in which he has a

direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

(f): An officer or employee of a state agency . . . should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

(h): An officer or employee of a state agency . . . should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

The Zipp's' previous employment at LanCon, their listing as "Leaders" on LanCon's Web site, their professional and personal relationship with Langevoort, and LanCon's 2009 and 2010 payments to Aaron Zipp called into question the independence of their professional judgment, and, at the very least, created an appearance that they could be influenced to take actions that benefited LanCon.

### **SUNY Cortland Did Not Sufficiently Address Concerns Related to Aaron Zipp's and Sarah Zipp's Apparent Conflict of Interest**

In an April 12, 2010, e-mail, Dodds, the then chair of the Sport Management Department, raised concerns to Cottone that Aaron Zipp's role and conduct with regard to LanCon could be a conflict of interest and a violation of the Public Officers Law. In the e-mail, Dodds stated, "Based on the language of the ethical rules and the behavior of Aaron, it is a concern that an ethical violation may have occurred. At the least, there is the perception of a conflict of interest." It appears, however, that SUNY Cortland administrators did not take steps to investigate these concerns.

Cottone advised the Inspector General that he recalled the issue being raised, but he concluded there was no conflict of interest associated with the LanCon agreement. Cottone acknowledged that he was aware that, at least for the 2010 trip, LanCon paid Aaron Zipp for his participation in the trip. Despite this information, Cottone said he did not believe a conflict of interest existed. He also stated that he did not see a conflict of interest with Aaron Zipp and

Sarah Zipp listed as “Leaders” of LanCon on the company’s Web site. Similarly, Prus stated that he saw no conflict of interest with Aaron Zipp being paid by LanCon and simultaneously representing SUNY Cortland. He also noted that SUNY policies regarding outside employment<sup>9</sup> do not preclude outside employment unless it interferes with an employee’s professional obligations, and he did not see the current situation as interfering with Aaron Zipp’s professional duties at SUNY Cortland.

The Inspector General also discussed this matter with Bitterbaum. When asked if he was concerned about a conflict of interest with the Zipp’s ties to LanCon, he responded that the relationship between SUNY Cortland and LanCon raised issues that needed to be examined, and he appreciated that the Inspector General was doing so.

## **FINDINGS AND RECOMMENDATIONS**

The Inspector General found that Sarah Zipp, an Instructor in the Sport Management Department at SUNY Cortland, misrepresented her academic status at the German Sport University in applications she submitted to SUNY Cortland for Discretionary Salary Increases and faculty reappointment. Zipp had ample opportunity to clarify her true status prior to making her submissions. In fact, when successive chairs of the Sport Management Department questioned her claims and requested supporting documentation, Zipp failed to respond.

The Inspector General also found that the SUNY Cortland administrative officials did not take sufficient steps to investigate or address Sarah Zipp’s misrepresentations concerning her academic status, despite concerns brought to their attention by the department. In particular, School of Professional Studies Dean John Cottone and Provost and Vice President for Academic Affairs Mark Prus should have exercised more diligence in inquiring into Zipp’s status.

The Inspector General recommends that SUNY Cortland review the conduct of its employees and take appropriate action. The Inspector General also recommends that SUNY

---

<sup>9</sup> SUNY Cortland’s Extra Service Guidelines states, “No employee may engage in other employment which interferes with the performance of the employee’s professional obligation to SUNY.” SUNY Policy “Extra Service for Professional Staff” includes essentially the same language.

maintain records of the submissions made by faculty members applying for Discretionary Salary Increases and reappointment and implement a mechanism for investigating apparent or alleged misrepresentations in these submissions.

The Inspector General also found that Aaron Zipp's and Sarah Zipp's roles with LanCon created at the least the appearance of a conflict of interest with their SUNY Cortland employment. Particularly troubling are LanCon's payments to Aaron Zipp for his participation in trips in 2009 and 2010, for which he also acted as the official representative of SUNY Cortland and student participants. The Inspector General recommends that SUNY Cortland ensure that neither Aaron Zipp nor Sarah Zipp represents SUNY Cortland or its students in future dealings with LanCon. The Inspector General further recommends that SUNY Cortland implement formal policy on conflicts of interest and outside activities that addresses the concerns identified in this report. The policy should be issued annually with employees certifying in writing that they have received, read, and understood the policy.

The Inspector General also recommends that SUNY Cortland fully document the payment of faculty compensation and expenses for any similar educational trips in the future; that SUNY Cortland conduct a school-wide analysis of its practices relating to sources of staff reimbursement and compensation; review its policies and procedures as to the source of faculty compensation and expenses; and provide training to all administration and staff on the school's policies and the appropriate sources of funding. The Inspector General further recommends that SUNY Central Administration conduct an audit of SUNY Cortland, including the Sport Management Department's fundraising account, relating to funds expended for LanCon trips.

The Inspector General is referring this matter to the New York State Joint Commission on Public Ethics for its review.

## **RESPONSE OF THE STATE UNIVERSITY OF NEW YORK**

In response to the Inspector General's report, State University of New York Chancellor Nancy L. Zimpher stated: "SUNY is committed to upholding the highest standard of honest behavior, ethical conduct and fiduciary responsibility in its operations. It is our expectation that all members of the SUNY community practice honesty and integrity in fulfilling their

responsibilities and observe high standards of business and personal ethics in the conduct of their duties and responsibilities.”

Zimpher advised that SUNY will carefully review and implement the report’s recommendations.