

Pima County Community College District
Comments re:
Higher Learning Commission
January 2013 Fact-Finding Visit
Report

Introduction:

Pima Community College takes very seriously the concerns raised in the Higher Learning Commission fact-finding team report and thanks the HLC for the opportunity it has given PCC to respond.

We recognize that the team undertook an immense task with limited time to gather information.

Regrettably, the limitations inherent in the visitation process have resulted in misunderstandings or misperceptions with respect to several items. We appreciate this chance to identify those items that are incomplete or not entirely correct.

In addition, we do not dispute the perceptions of the individuals or representatives of groups interviewed. We do note that PCC has more than 1,300 full-time employees and another 1,600 temporary employees and adjunct instructors. And of course we understand that all employees could not be interviewed, and that due to the nature of the visit, the focus of interviews was on those employees who had concerns.

We also take this opportunity to identify items that are not clear to the College and request an opportunity to address more fully those items following clarification from the team. For example, we are seeking some guidance from the HLC Board regarding certain fact-finding team activities. The fact-finding team investigated accounts of events that took place more than five years ago, which runs counter to HLC Policy 13.1(b) (prohibiting consideration of complaints of facts or circumstances more than five years old). Further insight from HLC in this matter would be greatly appreciated.

We recognize and respect the honest opinions of individuals that are reflected in the HLC's findings.

A. Claims of sexual harassment and inappropriate behaviors by the college's Former Chancellor and failure of the Board to institute an appropriate investigation into these claims.

College response: The Board does not dispute this section's contention that the College must improve its methods for collecting and reviewing information about the one employee over whom it has direct supervision, the Chancellor. We are cognizant of the need to create a better mechanism for the College to receive complaints about the Chancellor, and of the need to create an environment in which employees feel comfortable making complaints. We recognize our errors and appreciate the HLC's insight in this matter. We are working diligently to ensure that we do not make the same mistakes again. The Board does dispute some of the individual findings in this section of the HLC team's report and includes a Timeline as an appendix for the HLC to consider. However, in the interests of moving the College forward, we respectfully wish to focus on future ways to improve College processes.

B. Claims that a hostile work environment existed at the college, perpetrated by and/or overlooked by senior administrators. The claims suggested inappropriate use of the institution's discipline and hiring processes, bullying and demeaning actions and

comments toward employees, general fear of reprisals and intimidation, and the Board's knowledge of inappropriate behaviors of senior leadership and inaction on their part to stop such behaviors.

College response – We appreciate and respect the heartfelt opinions of those interviewed by the fact-finding team. The College intends to act quickly and forcefully to address their concerns and improve our policies, practices and procedures, as detailed in the attached Initial Corrective Actions that constitutes the critical part of the College's response to the fact-finding report.

C. Claims that excessive turnover of administrative positions made continuity of leadership and institutional progress towards goals difficult or impossible.

1. The college's administrative roster demonstrates employment movement within the college as evidenced by the following data:

- a. In July of 2007 the college had 56 administrative positions. In January of 2013 they had a total of 55 administrative positions. During this time a total of 94 individuals were listed as holding administrative assignments at the college.

College Response – The report provided to the Higher Learning Commission Fact-Finding Team entitled, *Administrators from July 1, 2007 to January 10, 2013* indicates the college had 50 administrators in January 2013.

- b. 20 of these 94 administrators represented ethnic/racial diversity. In 2013, 10 of the 55 administrators on the official roster were ethnically/racially diverse.

College Response – These numbers are consistent with each other. The percentage of ethnically diverse administrators at the College from 2007-2013 is 21.3. In 2013, the percentage is 20.0.

- c. During these 5.5 years, 39 individuals were once employed as administrators but were no longer on the administrative roster in 2013. Reasons for such departure from administrative positions were listed in the official file and included retirement, return to home position, voluntary transfer to faculty position, voluntary transfer to staff position, reassignment, other employment and resignation.

College Response – The Report may create the perception that the College experienced an unusually high turnover rate among administrators. However, the administrator turnover rate averaged approximately 6 percent on average between July 2007 and January 2013. A total of 31 administrators left the College, and of this total 22 (71%) were due to retirements, according to HR documents.

- d. Of these 28 administrators, 7 of them were hired directly into their administrative positions. All others were employed at the college in some other capacity prior to becoming an administrator.

College Response – The report provided to the Higher Learning Commission Fact-Finding Team entitled, *Administrators from July 1, 2007*

to January 10, 2013, indicates 12 of 28 administrators are in the same positions as they were in 2007.

2. The 2010 report from the Office of Auditor General to PCCD stated, “High turnover of experienced employees within the District’s Budget and Reporting Department and time constraints made it difficult for the District to ensure that less experienced employees had adequate information to help prepare the financial report. In addition, because of the loss of employees, the financial information was not always adequately reviewed by someone knowledgeable.”

College Response – The 2010 auditor’s report indicated high turnover of employees in staff positions, but the HLC seems to be interpreting the turnover as among administrators. This is not accurate. Also, the College has corrected the state auditor’s finding regarding staff turnover.

3. There is no annual review of the administrative component of the institution with the Board in a setting where in-depth conversation can take place regarding how the administrators are deployed in their roles, what changes have taken place during a particular year and what changes are anticipated for the upcoming academic year.

College Response – The assignment of administrators other than the Chancellor historically has not been the responsibility of the Board, as it is part of the everyday operations of the College. The Board is notified once per year about the location and titles of the administrators when contracts for the next fiscal year are approved. The Board welcomes HLC insights into how to improve its oversight of commonplace administrative reassignment while being mindful of the importance of maintaining an appropriate distinction between Board oversight and day-to-day College operations.

4. The Board does not have a designated Human Resources committee charged with overseeing personnel policies and becoming knowledgeable about the college’s leadership structure and change to any greater extent than the three standing agenda items on its agendas.

College Response – It is true that the Board does not have an HR subcommittee. However, there are several ways for the Board to receive information on personnel matters. The Board is updated on personnel policies each month and approves changes to Personnel Policy Statements upon completion of Meet and Confer. Moreover, the College has a robust comment process that includes a 21-day public comment period on proposed changes and opportunity for input from Staff Council and Faculty Senate.

The Board recently reviewed recommendations from a Common Policy Task Force that included a change to the Employee Code of Conduct to indicate the prohibition of bullying, sexual harassment or an employee contributing to a hostile work environment; and the addition of a process to report complaints against the Chancellor. The Board welcomes further discussion on this matter.

D. Claims that processes within the HR department were unclear and not uniformly followed.

College Response – During the 5½-year review period, Human Resources had turnover in leadership and those in the leadership role did not have a background in Human Resources. In October 2010, the College hired a Vice Chancellor for Human Resources with a background in higher education human resources that included leadership and change management. When the current Vice Chancellor came to the College it was noted processes needed to be evaluated and improved. Since October 2010, Human Resources has worked steadily to improve and have consistent processes and procedures.

The College's Human Resources team, along with many others at PCC, has closely examined the HLC report. The College takes very seriously issues brought to their attention. If there are recent or current concerns regarding our practices, they want to examine and fix them, or have an impartial third-party HR professional/consultant look into matters further. But HR faces investigative challenges because of a lack of specifics, and would welcome further information from and partnership with the HLC regarding improving processes.

1. The HR department maintains two files on employees, their personnel files and second files housing investigative and disciplinary matters. An employee was told at first that he/she could not see the second file. The HR department relented and allowed the employee to review the investigative/disciplinary file, though the employee was told that he/she could not copy any of the materials in the file.

College Response – Human Resources does maintain two files for employees.

The first file is for normal personnel paperwork and contains disciplinary matters at a Step II or above. The second file is an employee relations file that may include items requiring additional confidentiality.

2. The Interim Chancellor posted and hired a new Provost for PCCD in the summer of 2012 and reassigned herself to a college presidency rather than return to the position she held prior to her move into the Interim Chancellor's position (Provost). This action took place simultaneously with the Interim Chancellor's move into the interim position and the Board's discussion regarding whether or not the Interim Chancellor would be promoted to the position permanently. Many individuals questioned why the Provost position was not left vacant until a new Chancellor arrived at PCCD and why the current Interim Chancellor reassigned herself to a position other than the one from which she most recently came.

College Response – The current Interim Chancellor, following several years as Provost, served as President of Downtown Campus and then President of Community Campus. At the time the Former Chancellor transferred to a consulting role, the current Interim Chancellor was serving in a dual role as President of Community Campus (her home position) and Provost, the latter due to a failed search for a Provost. When she was named Interim Chancellor, the College named two different employees to serve as one, Acting Provost, and two, Acting President of Community Campus. At the conclusion of her term, the Interim Chancellor returns to Community Campus as President, her home position.

3. At the same time Campus Presidents and other Executive Administrators were offered two-year rather than one-year contracts, a move allowed within new Arizona law. The Board approved the two-year contracts for this group on February 8, 2012, effective July 1, 2012. Other administrators were not, by law, allowed the two-year contracts.

College Response: The Former Chancellor brought forth to the Board approval for two-year contracts, as is allowable by Arizona Revised Statutes 15-1444(6). The intent was to help stability within College leadership. The Arizona Revised Statute has been in place for many years. That said, the Board intends to revisit the issue of two-year contracts in the near future.

E. Claims that the college and its Board violated its own procurement policy in regard to sole sourcing and that it lacked transparency on fiduciary matters.

1. The justifications on file for both contractors for all years but 2012-13 for one of the contractors (justification written by the Interim Chancellor) did not address the standards required in the college's policies. The Interim Chancellor's justification for hiring a consultant brought to the Board on 6-20-12, while more extensive than previous justification statements, did not meet the requirements of "justification" as outlined in college policy.

College response: The current purchasing manual provided to the fact-finding team included the following allowance for non-competitive purchases: "Products or services to be awarded to a specific supplier approved by the Board of Governors after review at a regular board meeting" (section 4.6, item 4.m)

2. No formal annual evaluation of services rendered was completed for either of the two contractors during the tenure of their work on behalf of the college.

College response: The vendors provided detailed summaries of all work performed and the contracts were renewed annually based on those using the services indicating that they would like to continue the contracts.

3. Some members of the college's leadership suggested that the State Auditor might indicate that the sole source policy at PCCD is inadequate and must be greatly strengthened as it completes its 2012 annual audit. It is believed that the Auditor General will conclude that while the college may not have technically violated its own policy with the hiring of outside consultants using the sole sourcing procedures, the policy itself is not in alignment with state requirements and may represent a lack of proper responsibility. (Results from this audit were scheduled for public announcement following the team's review and report.)

College response: The College's sole source procedure, which had been in place since 2000, stated that sole source awards may be allowed for the "Extension of existing contracts or services when it is determined to be in the best interests of the District."

During the 2012 audit, the Auditor General issued a finding within the Report on Internal Control and Compliance Report concluding that "The College should strengthen controls over purchasing." The report recommended that, "Sole source purchases should be approved only by district officials in those limited

situations where sole source purchases are truly justified.”

The College has strengthened sole source and non-competitive purchasing procedures and has collaborated with the Auditor General’s office to further strengthen processes and policies. Outside legal counsel also provided input for the improvements. We will ensure that the findings are remedied immediately as reflected in the current purchasing manual. The Director of Internal Audit is nearing completion of a review of contracting and procurement processes which is expected to result in further improvements.

4. In FY2005 and FY2006 the College was made aware of and negotiated repayment for an \$8,000,000 overpayment of financial aid to its students. The College reimbursed the Department of Education \$2,000,000 in FY07. This payment was discussed only in a Board retreat, with few if any members of the public in attendance and in the Board’s executive session. The general public was not notified of this significant payment during the public portion of a regular Board meeting.

College response: In March 2006, the Acting Director of Financial Aid reported a discrepancy on the Fiscal Operations Report and Application (FISAP) data to the Provost, who in turn informed the Former Chancellor and the U.S. Department of Education (DoE). The DoE instructed the College to continue business as usual and, later, to submit the prior five years’ FISAP reports, which was done. The DoE determined that the College had received excess Campus Based Funding of \$2.3 million, which the College repaid over three years. No penalties or fines were assessed since the College had self-reported the error.

F. Claims that an elemental change in the mission of the college took place impacting the general makeup of the student body of the institution, that the change was not thoroughly discussed within the college and community, and that such a change took place without due notice to and review by the HLC.

1. Early in his tenure and consistently through the remainder of his employment, the Former Chancellor discussed his intent to change the nature of the college from a community college to a four-year institution. He often referenced his interest in creating a model similar to the “Florida model” where community colleges became state colleges offering baccalaureate degrees.

College Response –The Former Chancellor expressed an interest in reviewing whether two year degrees were the most appropriate for all programs. To offer these different types of degrees would have required a change in Arizona law, which limits community colleges to two year degree programs. A.R.S. 15-1401(1). Based on conversations with Arizona university leaders, community college leaders, and legislators, this model was considered not feasible given local responses and rapidly decreasing state funding and further exploration of the idea stopped.

2. The recent admission policy change requiring that individuals who did not meet a minimum standard on the COMPASS test not be allowed to enter PCCD was instituted by using the Standard Practice Guide (SPG) process rather than the shared

governance process at the institution. The SPG process does not require Board approval but remains within the purview of the Chancellor. The SPG process does require a 21-day comment period and that comment period was held for this change. The Board of Governors did review and supported this change.

College Response – The College’s Standard Practice Guide process falls under the shared governance structure at the College, as described in SPG-1101/AA “Development Process for Board Policies, Regulations and Standard Practice Guides.” In the case of SPG-3501/AA “Admissions and Registration,” discussions occurred with key College groups, including Faculty Senate and Staff Council, both on February 4, 2011.

3. Presentations regarding the development of admissions standards were made by the Former Chancellor and college leaders to various public groups (Rotary, Workforce Investment Board, Hispanic Chamber of Commerce, and others) from February, 2011 to August of 2012. Three community forums were held in late August of 2011 and September of 2011 to discuss the admissions standards with the public.

College Response – There were four presentations; all were concluded by August 2011.

4. The administration often claimed that the change in admission policy was faculty-driven. However, the vote by the Faculty Senate to support the new admission policy occurred at a meeting where the proposal was not on the original agenda and was hastily approved in executive session in the late afternoon, without extensive college-wide faculty and academic administrative discussion. Notably, the proposal was brought to the Senate by the Former Chancellor directly, not through Faculty Senate channels. Some members of the faculty were not convinced that this action was legitimate and representative of the fuller faculty voice.

College Response – The changes in registration and placement policy were brought to the Faculty Senate twice.

The Assistant Vice Chancellor brought SPG-3501/AA, Admissions and Registration, to Faculty Senate at a regularly scheduled meeting on February 4, 2011, prior to the 21-day posting. The item was on the Faculty Senate Agenda. Senators discussed at length plans for outreach to students, issues surrounding documentation required by students, changes to International Student Admissions Process, and regulations specific to home-schooled students.

On September 9, 2011, the Former Chancellor spoke with Faculty Senate at an Executive Session. The purpose of the discussion was to determine whether, based on faculty support, the College should continue with the revised SPG-3501/AA. While the senators present were overwhelming supportive, the process was later seen as inappropriate by some faculty. To address this, the Senate amended its charter in September 2012 to ensure that “motions, resolutions and debates are restricted to the Business Section” of the agenda.

5. Representatives from the National Center for Fair and Open Testing challenged, in June of 2012, PCCD’s use of the COMPASS exam as a “de facto admissions test”.

A letter was sent to the Former Board Chair with copies to all Board members and the Interim Chancellor. Nearly four months later the Interim Chancellor and the Former Board Chair responded to the group and explained that “misconceptions” had been created. A representative of this organization made a public statement regarding fair testing and the organization’s continued concerns at a January 9, 2013 Board meeting. They continue to call for holistic evaluation using a set of measures rather than one test result to make a final decision on student admission to PCCD.

College Response – The College agrees that COMPASS scores should be used for placement. On September 13, 2011, the Assistant Vice Chancellor (AVC) spoke with a Program Consultant at ACT about the College’s uses of the COMPASS exam. The AVC emphasized that the COMPASS is being used as a placement exam, consistent with ACT’s position. The AVC also discussed the methods by which the College determined correspondence of COMPASS scores with grade level; again, these were acceptable to the ACT representative. The Provost and Community Campus President also spoke with the same Program Consultant with the same conclusions. Additionally, AIMS (Arizona Instrument to Measure Standards, a de-facto exit test for Arizona high school students) scores can now be used to assist in placing students whose COMPASS scores are low.

6. PCCD’s leadership has established a special committee scheduled to meet for two hours three times, Feb. 28, June 20, and September 26 of 2013 to review the prior semesters’ enrollment data. It is unclear whether or not this committee is charged with also reviewing and critiquing the new admission’s and registration processes. Interviewees expressed concern about the limited time frame allowed for each meeting to discuss and identify recommendations based on the data reviewed.

Additional Information – The College created an advisory committee, comprising K-12 superintendents, retired College faculty, local business leaders, concerned citizens, and current employees (administrators, faculty and staff) to examine enrollment data, analyze registration and placement trends and suggest ways to improve the processes. Among the committee members are representatives of groups opposed to the College’s standards and processes. The Provost and Executive Vice Chancellor for Academic and Student Services is chair of the committee. The charge, as stated above, was included in the letter sent by the Interim Chancellor to various citizens inviting them to join the committee, with the overarching mission to “offer insight to the College regarding its new registration and placement standards,” as “our placement standards and the Academy are works in progress “

7. There is no evidence that the college’s administration discussed these impending changes with HLC personnel. Commission policy 3.2(a)1 requires institutions to gain approval for changes in “actual or apparent mission of the institution or its educational objectives” and 3.2(a)2 requires institutions to seek approval if there are “significant changes in the character or nature of the student body.” The institution did not seek approval of a change of mission or student-body through the official HLC change review process because they did not see the admission policy change as being a mission change nor a change which would significantly change the makeup of the college’s student body.

College Response – The College did not understand that the changes outlined in SPG-3501/AA, Admissions and Registration, would be viewed by the HLC as a change in mission and therefore require HLC approval. The College did research and benchmarking to determine the definition of “open enrollment” and the practices of other similarly sized multi-campus colleges. The College faces significant challenges in helping students who test at a 7th grade or lower level of proficiency in key areas. The underlying motivation for the change was to improve the success of students.

G. Claims that the college lacks support for developmental education and suggestions that actions were taken to mask changes in the college’s initiatives to further develop its developmental education initiatives from the 2010 HLC visiting team. Claims that adequate discussion and debate about changes in the developmental education policy and practices did not take place.

1. Enrollment data for the past two years include the following as provided to the team by PCCD’s Institutional Research Office:

- a. Fall 2011- Fall 2012 Developmental Education (DE) full-time student equivalent (FTSE) dropped **30%**
- b. Fall 2011 – Fall 2012 Non-DE FTSE dropped **16.7%**
- c. Spring 2012 – Spring 2013 DE FTSE dropped **28.2%**
- d. Spring 2012 – Spring 2013 Non-DE FTSE dropped **10%**

- e. Fall 2011 – Fall 2012 Developmental Education (DE) full-time faculty equivalent (FTFE) dropped **27.8%**
- f. Fall 2011 - Fall 2012 Non-DE FTFE dropped **13.7%**
- g. Spring 2012 – Spring 2013 DE FTFE dropped **29.9%**
- h. Spring 2012 – Spring 2013 Non-DE FTFE dropped **8.4%**

College Response – Many factors probably contributed to the drop in enrollment. Among these are an improving economy, the elimination of high school outreach personnel, and, quite possibly, the assessment score changes. It should also be noted that the 2012 vs. 2011 enrollment decline was preceded by three years of large enrollment gains.

Additional factors are numerous changes to financial aid, which almost 14,000 College students receive. These changes include the elimination of Ability-to-Benefit for students without a high school diploma or GED, the 20 percent decrease in the maximum family income permitted for students to qualify for a full Pell Grant award, and the requirement that a student be in at least one 16-week course and at least one non-online course in order to receive the full Pell award or full federally subsidized student loans.

2. During subsequent years, it was perceived that the Developmental Education program received little, if any, administrative support that would sustain or strengthen it, though the HLC 2010 team identified that improvement had been made to the program and the support shown by PCCD. The timing of the resignation of the program director corresponded with what was perceived as a

public effort by the College to change its mission by altering its admission policy.

College Response – The College offers the following to illustrate its deep, ongoing commitment to help Pima County residents achieve their education goals.

The College allocates considerable funding to Developmental Education. From FY 2010-2012, the College paid at least \$4 million per year in faculty salaries for teaching Developmental Education courses, and the Provost contributed \$31,468 to annual Teaching Strategies Workshops which focus on Developmental Education. Also, the College spent \$331,000 in College Plan funds for new Developmental Education courses, mostly Math Emporium. As of the end of February 2013, the College had spent \$900,000 on the Prep Academy.

It should be noted that when the State of Arizona declined to fund Adult Basic Education, the College came up with an additional \$200,000 per year for FY 2011 and FY 2012; we were the first community college in the state to step up.

3. A Ph.D.-qualified faculty member was hired to coordinate PCCD's developmental education program on January 1, 2010. His contract ended on June 30, 2010. At that point the responsibility for this coordination was transferred to the Vice Provost's office.

College Response – The administrator referred to above was hired in 2008; he left the College June 2011 for reasons of relocation. He had other assignments prior to January 1, 2010, and after June 30, 2010.

4. The college's administration created the Prep Academy to assist students who could not meet the revised admission standard and who were in need of academic support to gain knowledge in order to successfully pass at the required standard. Admission into the Prep Academy is not supported by financial aid, as students are not admitted PCCD students, therefore they cannot receive federal funds that would support living expenses while enrolled in college.

College Response – All students are admitted students to Pima Community College regardless of attendance or enrollment in Prep Academy, Adult Basic Education, the Center for Training and Development or credit courses. Students are not admitted into the Prep Academy, rather they are eligible for enrollment in the Prep Academy based on placement scores utilizing COMPASS. Students may receive financial aid while enrolled in Prep Academy if they are co-enrolled in a certificate or degree that is financial aid eligible.

5. Individuals who are listed as faculty within the Prep Academy have various undergraduate and graduate degrees. The Director of the Prep Academy holds a Baccalaureate degree in Management.

College Response – The Prep Academy does not hire faculty to teach students, but does hire staff instructors, who are a different employee classification than faculty.

6. The faculty assigned within the Prep Academy are responsible for case management

activities, instruction, tutoring, and mentoring individuals enrolled in the non-credit program. They hold part-time temporary appointments at PCCD.

College Response – The Prep Academy hires staff instructors rather than faculty.

7. The original design of the Prep Academy had no formal evaluation process established as a way to determine either the impact of the program upon the College's developmental education program nor to determine the demographic data of those most affected by the new program and related admission policy changes.

College Response – The design of an evaluation process commenced with the beginning of the Executive Implementation Team that was convened in October 2011. Membership included, among others, staff from PIR (Planning and Institutional Research), the College Registrar, Information Technology staff, faculty and administrators. Data elements were created at the inception to track and monitor Prep Academy students. The Evaluation Plan includes demographic data, and comparison of student academic progress in Prep Academy, Developmental Education and college level courses. It is designed to provide data on a semester and yearly basis, or as often as needed.

H. Claims that the Interim Chancellor has not been candid nor honest in her response to the HLC.

1. There are discrepancies between the Interim Chancellor's letter to the Commission and facts learned during interviews with the Board members and PCCD employees. The letter indicates that the Former Chancellor retired from the Chancellor's position due to failing health. Team member interviews and statements by members of the Board indicate that while his health was a factor, the timetable for the Chancellor's retirement was greatly altered due to the allegations pending against him. One Board member indicated that the Former Chancellor was "forced out" due to the allegations.

College Response – The Former Chancellor had quadruple bypass surgery in October 2011 and an emergency angioplasty in January 2012. He had paralysis in his left hand and arm, continued pain in his chest, short-term memory loss and decreased muscle mass. He cited poor health in requesting medical leave and in resigning, as described in the College response to Section A. Our understanding is that he remains under medical care and has not resumed full-time employment.

It was never the intention of the Interim Chancellor to mislead the fact-finding team. The Interim Chancellor believes that health was the primary factor and that but for the Former Chancellor's health issues, he would have disputed the findings of the investigation into alleged sexual harassment.

2. The Interim Chancellor indicated in her letter that she was unaware of any administrators who were aware of any complaints against the Former Chancellor. At a meeting with 5 members of C-FAIRR (Coalition for Accountability, Integrity, Respect and Responsibility) in May of 2012, the Interim Chancellor, following an outburst from one of the other administrators, was heard to say, "I wish we could

get back into a civil mode. You are doing exactly what we put up with for nine years. We've been threatened like this for nine years.”

College Response – The response the Interim Chancellor gave in the letter was in reference to the alleged complaints by women employees. The response in the letter was not in reference to the Chancellor's leadership style. The Interim Chancellor was well aware of his leadership style.

3. The Interim Chancellor's letter focused more on the messengers than the message itself. Those making the claims are discussed more than the claims themselves. This is part of a larger theme often heard in interviews with leadership and the Board - where the term “the opposition” was mentioned many times and information from those filing complaints or with opposing views would be immediately discounted. The Interim Chancellor referred to those who made complaints as being politically motivated or unhappy former employees. The team discovered concerns about the negative institutional culture and actions by the Board and some senior administrators from a range of employees at all levels of the organization and from a host of well-respected community leaders.

College Response – Two of the nine paragraphs in the Interim Chancellor's letter to the HLC reference the source of the allegations against the College. Eight of the 35 paragraphs in the Addendum reference the source of the allegations against the College. The remainder of the letter and Addendum addressed the message.

Seven people took part in preparing the letter that the Interim Chancellor sent to you. These were, in addition to the Interim Chancellor, the Vice Chancellor for Public Information and Federal Government Relations, Marketing and Public Relations Manager, Provost, Vice Provost, Board Chair, and a retired national Community College leader.

4. Following the Interim Chancellor's appointment to serve in this role, she undertook a series of actions aimed towards review and change of policies and procedures which had been unclear, misunderstood, or incomplete. It was unclear to the team if these changes were sought through collaborative discussion or through the Interim Chancellor's sole direction. These policy and procedure changes included the following:

- i. Personnel policies surrounding issues of personal and professional responsibility for maintaining respect among all employees.
- ii. Strengthening the reporting processes for employees experiencing unprofessional, unethical, or illegal actions from other college employees or vendors.
- iii. Changes clarifying processes relating to whistle-blowing reports.
- iv. Revised policies and practices regarding filling authorized, vacant regular positions.
- v. Revision of contracting policies.

College Response – All of the changes to processes that the Interim Chancellor has corrected and changed have been through discussions with the Board, the executive team members whose units were being affected, the Board's legal counsel and other employees. In addition, the Board's legal

counsel gave us suggestions from the complainants and we incorporated those suggestions into our changes. They were collaborative efforts.

I. Claims that the Board of Governors has failed to uphold its responsibility to conduct its work ethically, honestly, and in the best interests of the college, its employees and its students.

1. The Board has never acknowledged in a public meeting nor through an official public statement, anything about the actual charges against the Former Chancellor, their actions to investigate these charges, and why they did not investigate anonymous complaints received as early as 2008. They took no formal action until late 2011 or early 2012 when they asked their legal counsel to look into charges of inappropriate behavior. They have made no public statements regarding how they intend to ensure that such behaviors on the parts of any administrator not recur.

College Response – See the Timeline included as an attachment to this document for more information on the chronology of events.

The Board has acted in several ways to ensure that concerns about administrator conduct are addressed. During the June 20, 2012 public meeting, the Board approved a contract with EthicsPoint to provide an independent avenue for employees to express concerns to be reviewed by the Internal Auditor. At the same meeting, the College adopted changes to the Personnel Policy Statement regarding standards of employee conduct, the whistle-blowing process, and expanded avenues for employees to report complaints regarding the Chancellor. (A copy of memorandum from Chief Human Resources Officer and attachments enclosed. These materials were previously provided to HLC.) The Colleges also is in the process of revising its anti-discrimination and harassment policy, which includes sexual harassment.

2. The Board does not conduct periodic review of all policies and how those policies are translated into regulations and standard policy guidelines, including HR policies, many of which have not been altered since the late 1990s. The Board has no regularly scheduled review of Board policies, institutional regulations or standard practice guidelines established in their operating procedures and annual agenda planning.

College Response – Personnel policies are reviewed by staff, the administration, and the Board annually as part of the Meet and Confer process.

3. One of the Board members described how members of the Board discussed with one another on a one-on-one basis, prior to the Board meeting, the potential of hiring the current Interim Chancellor as the permanent Chancellor and to “ensure we were all on the same page.” However, three of the Board members “flipped” (Board member’s actual words) at the meeting and voted to hold a national search.

College Response – The College asks HLC to clarify whether this assertion is intended to convey a concern. The College has been conducting a national search for a Chancellor with the goal of filling the position for the start of the new fiscal year on July 1, 2013.

4. The Board knew, as early as 2004, that some employees were unhappy with and fearful of the Former Chancellor. They “coached” him on softening his administrative style, but they did not discipline him nor investigate, further, the complaints.

College Response – The Board was aware of the Former Chancellor’s direct style, resulting in the referenced coaching. It was not aware, however, of the extent or depth of the concerns that have surfaced in the last 12 months.

5. At least one Board member knew, as early as 2008, that claims regarding the Former Chancellor’s inappropriate advances toward some employees, and the Board took no action to investigate the anonymous complaint. The Board learned, again, in 2010 and in late 2011 that similar complaints existed. Some Board members indicated that they could not investigate anonymous complaints.

College Response – With the possible exception of one Board member, allegations of inappropriate advances were not known in 2008. See the Timeline included as an attachment to this document for more information on the chronology of events.

Conclusion:

The College appreciates the opportunity provided by HLC to address the assertions contained in the Fact-Finding Team Report. We agree that the Report raises important questions and concerns that need to be fully addressed. The College is committed to resolving these questions and concerns to the satisfaction of HLC and the community. Some steps have already been taken but much work remains to be done. Because the questions and concerns are so significant, it is critical that the factual record be correct. As noted in detail in this response, there are a number of areas where the Report does not contain accurate or complete information. All interested in supporting the educational mission of the College must have comprehensive and accurate information upon which to base their decisions and to determine whether the corrective actions taken are appropriate and effective. For these reasons, we hope HLC will consider, in addition to the assertions contained in the report, the more comprehensive information provided in this response in making its decision.