



HIGHER LEARNING COMMISSION

230 South LaSalle Street, Suite 7-500
Chicago, IL 60604-1411
312.263.0456 | 800.621.7440
Fax: 312.263.7462 | hlcommission.org

October 17, 2022

VIA ELECTRONIC MAIL

Dr. Lee Lambert, Chancellor
Pima County Community College District
4905C E. Broadway Blvd.
Tucson, AZ 85709-1005

Dear Chancellor Lambert:

This letter is to inform you that the Higher Learning Commission (HLC or “the Commission”) recently received two complaints regarding Pima County Community College District (“the institution”). In accordance with HLC Policy COMM.A.10.030, Complaints and Other Information Regarding Member Institutions, HLC initially reviewed the complaints to determine whether they suggested potential substantive non-compliance with the institution’s ability to meet the Criteria for Accreditation or other HLC requirements.

Based on that initial review, HLC concluded that the complaints and related materials raise potential concerns regarding the institution's substantive compliance with the following HLC requirement:

- Criterion Two, Core Component 2.A, “the institution establishes and follows policies and processes to ensure fair and ethical behavior on the part of its governing board, administration, faculty and staff.”¹

Based on these potential concerns, the institution is required to provide HLC a formal response to the complaints. This response should provide narrative and appropriate evidence to demonstrate that the institution continues to meet the requirement noted above in light of the complaints.

The institution should prepare and submit its response within 30 days of the date of this letter, or no later than **November 16, 2022**. The response should be no more than 15 pages of narrative and contain appropriate supporting evidence. The response, including any supporting evidence, should be submitted electronically as a single PDF file that does not contain links to external websites or documents to <https://spaces.hightail.com/uplink/HLC-LRA>.

The Commission will review the information within 30 days of receipt and will notify the institution of its determination and any next steps, if applicable, upon conclusion of the review.

¹ While the complaints cite additional Core Components and HLC requirements, the institution is not required to address any other HLC requirements beyond those cited in this letter.

Chancellor Lambert, October 17, 2022 2

Thank you for your cooperation. If you have any questions regarding this letter, please contact your HLC Staff Liaison, Dr. Linnea Stenson.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rucker", with a long horizontal flourish extending to the right.

Robert Rucker
Manager of Compliance and Complex Evaluations

Enc: Complaints

CC: Wendy Weeks, Assistant Vice Chancellor for Curriculum and Quality Improvement, Pima
County Community College District
Linnea A. Stenson, Vice President of Accreditation Relations, Higher Learning Commission

Subject: Complaint Submitted

Date: Friday, October 7, 2022 at 5:40:35 PM Central Daylight Time

From: Makyla Hays <mmhays@pima.edu>

To: Complaints <complaints@hlcommission.org>

CAUTION: This email originated from outside of the organization.

Contact Information

First name: Makyla

Last name: Hays

Email address: mmhays@pima.edu

City: Tucson

State: AZ

ZIP code: 87542

Complainant type: Faculty member

Current or former, if applicable: Current faculty member

Date of last attendance/employment, if applicable:

Program of study, if applicable:

Degree program level, if applicable:

Referred by: Other I understand the role of the HLC as the accrediting body and know this is the next step to make sure that we can hold the college accountable to following policy.

Complaint Details

Institution: 1012 - Pima County Community College District - AZ

Date that matter of complaint occurred: 06/08/2022

Circumstances leading to complaint:

We, the full-time faculty representatives of the All Employee Representative Council (AERC) at Pima Community College (PCC), on behalf of the full-time employee representatives, submit this letter to the Higher Learning Commission seeking redress to a serious policy violation impacting faculty and staff classification and compensation at PCC. The AERC attempted to resolve this issue through appropriate College channels without success. Given that policy violations affected all PCC employees and given that our grievance was summarily dismissed by the Office of Dispute Resolution (ODR), we find no other remedy than to appeal to the HLC. We request that the HLC hold the College accountable, without risk to accreditation, for following its policies and ensuring an effective and independent Office of Dispute Resolution for students, employees, and community members to report and address policy violations.

History and Context: In 2018, the PCC Governing Board relinquished oversight of the Meet and Confer process, delegating it completely to the Chancellor. In 2020, the College hired a consultant to conduct a classification and compensation study. While steering committees did have faculty and staff representation, they were not representative bodies through the AERC, as required by policy. Members were chosen by administration and prevented from sharing information, gathering feedback, and discussing final pay structures.

Violation: On June 8, 2022, in violation of College policies, new salary structures based on the study were taken directly to the Governing Board, who adopted them without input. At this meeting, public comment was moved to the end, and voting occurred before the Board could hear from employees (HLC Core Component 2.C.3). The College's actions violated BP 1.25, denying employees and their representatives opportunity "to provide input" into decisions "directly and substantially related to wages, salaries and working conditions in a structured Meet and Confer process." Contrary to AP 1.25.01, the AERC was not allowed to "convene a compensation based Meet and Confer." These are clear violations of shared governance (HLC Core Component 5.A.1).

Impact: Based on a survey of all full-time employees by AERC representatives with 364 responses, 77% felt the classification and compensation study was not conducted in an open or transparent manner, 86% felt their opinion or input was not valued and incorporated, and only 17% agreed their salary placement was fair and equitable.

Internal Grievance Dismissed: In a remarkable show of solidarity, all full-time employee representatives on the AERC jointly filed a grievance, which ODR dismissed, stating "the grievance submitted does not include the required elements or meet the definition of a grievable matter." ODR claimed that even if the AERC had been involved, there was no guarantee the outcome would have been different. These actions only reinforce the administration's disregard for established policies and due process.

Lacking any other recourse for these policy violations, we have no choice but to make the HLC aware. We request monitoring and solutions that do not harm PCC's accreditation status or service to students.

Attempted to file a complaint with the institution: Yes

Description, if yes: Please see above complaint and the attached documentation.

Attempted to address issue outside of institution: No

Description, if yes:

Release of Information and Acknowledgment of Complaints Policy and Process

I authorize HLC to contact me using the information provided in this form. I understand that communications from HLC regarding my complaint will generally be by email, with such correspondence addressed from complaints@hlcommission.org.

I authorize HLC to submit a copy of the complaint and supporting materials to the above-named institution and/or other external parties. I authorize the institution to disclose education record information, personnel information and/or other information related to me to HLC or other external parties for the purpose of responding to this complaint. I understand that if I intend to revoke this authorization, I must notify the institution of this decision in writing.

I understand and acknowledge the HLC complaint policy, process, and requirements as described above. I certify that my complaint falls within the requirements as described. I certify that the information I have provided is complete, true and accurate to the best of my knowledge and belief.

Subject: Complaint Submitted
Date: Sunday, October 9, 2022 at 11:33:40 AM Central Daylight Time
From: Makyla Hays <mmhays@pima.edu>
To: Complaints <complaints@hlcommission.org>
Attachments: 6342f64b022f4-PCCEA complaint support.pdf

CAUTION: This email originated from outside of the organization.

Contact Information

First name: Makyla

Last name: Hays

Email address: mmhays@pima.edu

City: Tucson

State: AZ

ZIP code: 85742

Complainant type: Faculty member

Current or former, if applicable: Current faculty member

Date of last attendance/employment, if applicable:

Program of study, if applicable:

Degree program level, if applicable:

Referred by: Other Understanding of the role of the HLC as the accreditor for the college

Complaint Details

Institution: 1012 - Pima County Community College District - AZ

Date that matter of complaint occurred: 07/13/2022

Circumstances leading to complaint:

Pima Community College Education Association (PCCEA) represents full-time faculty at Pima Community College (PCC) on compensation and working conditions and submits this complaint to the Higher Learning Commission regarding College actions that create fear and hopelessness. Specifically, the College has engaged in the following:

Harassment, intimidation, and retaliation against employees who have publicly expressed criticism of the College [Assumed Practice A.4; Criteria 2.A.2]

Attacks on the character and reputation of employees in ways that shame and silence them from expressing public criticism of the College [Criteria 1.C.3]

A dispute resolution process that conceals policy violations and denies employees an unbiased method of resolving complaints [Assumed Practice A.4]

These violations occurred over the past several months as faculty leaders have voiced concerns about:

the change to the classification and compensation of all PCC employees while denying representative groups like PCCEA the right to engage in a Meet and Confer process as required by College policy;
significant efforts on behalf of PCC to stall and conceal information about the content and even receipt of the draft report from the HLC visit in March 2022 regarding Board governance.

In response, faculty and staff representatives submitted a grievance about the policy violations that denied employees their right to input. Simultaneously, faculty leaders called on the Chancellor for greater transparency regarding the HLC draft report. When a local television station ran a story about the lack of transparency at PCC, the PCCEA President stated on air that “there have been a lot more rushed decisions and a lot more policies put in place that had the appearance of stakeholder input that have had trickle down effects and not always in a positive way.”

PCC’s response to these public criticisms was swift, engaging in both stonewalling and intimidation. The Office of Dispute Resolution (ODR) refused to consider the merits of the grievance despite the clear violation of policy. In response to internal questioning of the Chancellor and subsequent media attention, three faculty leaders, including the PCCEA President and Past-President, were required to submit to interviews with outside legal counsel regarding the HLC draft report. The interviews were designed to intimidate and silence dissent as well as force employee representatives to reveal confidential information and sources under the threat of disciplinary action, including termination. The day of the interviews, in an email to all employees, the Chancellor questioned the ethical integrity of those who spoke to the media, understood by many to include the PCCEA President.

PCC’s actions inhibit employees’ rights to association and expressing their views on matters of public concern. They create fear through character attacks, intimidation, and retaliation. By having ODR dismiss legitimate grievances and policy violations, PCC also fosters a feeling of hopelessness by denying employees a safe and effective avenue for complaints.

PCCEA requests monitoring and solutions that do not harm PCC’s accreditation status or service to students.

Sincerely,

Makyla Hays, PCCEA President

Endorsed on October 8, 2022 by vote of PCCEA executive board

Attempted to file a complaint with the institution: No

Description, if yes:

Attempted to address issue outside of institution: No

Description, if yes:

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October 9, 2022

Higher Learning Commission
230 South LaSalle Street, Suite 7-500
Chicago, Illinois 60604-1411

Dear Higher Learning Commission,

Pima Community College Education Association (PCCEA) represents full-time faculty at Pima Community College (PCC) on compensation and working conditions and submits this complaint to the Higher Learning Commission regarding College actions that create fear and hopelessness. Specifically, the College has engaged in the following:

- Harassment, intimidation, and retaliation against employees who have publicly expressed criticism of the College [[Assumed Practice A.4](#); [Criteria 2.A.2](#)]
- Attacks on the character and reputation of employees in ways that shame and silence them from expressing public criticism of the College [[Criteria 1.C.3](#)]
- A dispute resolution process that conceals policy violations and denies employees an unbiased method of resolving complaints [[Assumed Practice A.4](#)]

These violations occurred over the past several months as faculty leaders have voiced concerns about:

- the change to the classification and compensation of all PCC employees while denying representative groups like PCCEA the right to engage in a Meet and Confer process as required by College policy;
- significant efforts on behalf of PCC to stall and conceal information about the content and even receipt of the draft report from the HLC visit in March 2022 regarding Board governance.

In response, faculty and staff representatives submitted a [grievance](#) about the policy violations that denied employees their right to input. Simultaneously, faculty leaders called on the Chancellor for greater transparency regarding the HLC draft report. When a local television station ran a story about the lack of transparency at PCC, the PCCEA President stated on air that “there have been a lot more rushed decisions and a lot more policies put in place that had the appearance of stakeholder input that have had trickle down effects and not always in a positive way.”

PCC’s response to these public criticisms was swift, engaging in both stonewalling and intimidation. The Office of Dispute Resolution (ODR) refused to consider the merits of the grievance despite the clear violation of policy. In response to internal questioning of the Chancellor and subsequent media attention, three faculty leaders, including the PCCEA President and Past-President, were required to submit to interviews with outside legal counsel regarding the HLC draft report. The interviews were designed to intimidate and silence dissent as well as force employee representatives to reveal confidential information and sources under the threat of disciplinary action, including termination. The day of the interviews, in an email to all employees, the Chancellor questioned the ethical integrity of those who spoke to the media, understood by many to include the PCCEA President.

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legitimate grievances and policy violations, PCC also fosters a feeling of hopelessness by denying employees a safe and effective avenue for complaints.

PCCEA requests monitoring and solutions that do not harm PCC's accreditation status or service to students.

Sincerely,

Makyla Hays, PCCEA President

Endorsed on October 8, 2022 by vote of PCCEA executive board

HLC Report

Boguszak, Matej <mboguszak@pima.edu>

Fri, Jul 15, 2022 at 4:23 PM

To: "Lambert, Lee" <llambert@pima.edu>

Cc: #AFSCMEOfficers <AFSCMEOfficers@pima.edu>, ACES-OFFICERS <aces-officers@pima.edu>, AERC - All Employee Representative Council <AERC@pima.edu>, Amanda Abens <aabens@pima.edu>, Catherine Ripley <district1@pima.edu>, Diane VanderPol <dvanderpol@pima.edu>, Dolores Duran-Cerda <dcerda@pima.edu>, Don Martin <mmartin79@pima.edu>, Emily Halvorson-Otts <ehalvorson@pima.edu>, Faculty Senate Officers <pcc-facultysenateofficers@pima.edu>, Greg Wilson <gwilson@pima.edu>, James Craig <jcraig7@pima.edu>, James Gray <jgray40@pima.edu>, Jeff Thies <jthies@pima.edu>, Josie Milliken <jlmilliken@pima.edu>, Kenneth Chavez <kchavez13@pima.edu>, Laurie Kierstead-Joseph <lkierstead@pima.edu>, Michael Parker <mparker7@pima.edu>, PCCEAEXEC <PCCEAEXEC@pima.edu>, Steven Higginbotham <shigginbotham2@pima.edu>

Please consider including Rita and Makyla in the address line of the next email, as they currently serve as Presidents and were the first two signatories of this message.

Matej

--

Matej Boguszak
Mathematics Faculty
Pima Community College

On Fri, Jul 15, 2022 at 3:58 PM Boguszak, Matej <mboguszak@pima.edu> wrote:

Dear Lee,

Thank you for the response and for sending a general message to employees next week. I know many employees will welcome such a step.

It is striking how differently this latest report is being handled compared to all the other recent run-ins Pima has had with the HLC in terms of the level of leadership and employee involvement as well as regular communications. I think many of us expect a greater level of transparency, which is part of what led to the recent complaints.

Sincerely,

Matej

--

Matej Boguszak
Mathematics Faculty
Pima Community College

On Fri, Jul 15, 2022 at 3:41 PM Lambert, Lee <llambert@pima.edu> wrote:

Dear Matej,

While I appreciate that you and other employees are concerned about the HLC Focused Visit process, it's important to keep in mind that HLC has a highly structured process. Per HLC protocols, the College is expected to respect the integrity and confidentiality of the HLC process until a final decision has been made. We can provide a general update and I am working with my team to craft an informational

message to send to all employees next week. When appropriate and consistent with HLC expectations, we will certainly share more detailed information.

Best regards,

Lee

On Wed, Jul 13, 2022 at 1:27 PM Boguszak, Matej <mboguszak@pima.edu> wrote:

Dear Chancellor Lambert,

We have credible evidence that you are in receipt of the HLC Focused Visit Report. Please release the report to all employees immediately to let them know what is going on, as well as any official College response.

It is regrettable we have to ask, just like with the last HLC letter. Accreditation is now the latest of several areas at the College where employees are gravely concerned about a lack of transparency.

Sincerely,

Rita Lennon, Faculty Senate President
Makyla Hays, PCCEA President
Matej Boguszak, PCCEA Past President

--

Matej Boguszak
Mathematics Faculty
Pima Community College

Update On The HLC's Focused Visit On Board Governance

Burdick, Phil <pburdick@pima.edu>
Reply-To: pburdick@pima.edu
To: Pima-All <Pima-All@pima.edu>
Cc: Phil Burdick <pburdick@pima.edu>

Thu, Jul 21, 2022 at 12:51 PM

Sent on behalf of Chancellor Lee Lambert

Colleagues,


I want to update you on the Higher Learning Commission's (HLC) ongoing focused-visit process regarding Pima Community College Board governance. As you may be aware, two HLC peer reviewers visited the College earlier this year. They have submitted their report, which includes recommendations for further monitoring of the Governing Board, to the HLC's Institutional Actions Council (IAC) for further consideration in accordance with the HLC's procedures. Notably, these recommendations do not include any proposed sanctions on the College or limitations on the College's accreditation.

The IAC has also asked the College for additional information before they decide whether to accept or modify the reviewers' recommendations.

I want to again reassure you that the HLC reviewers have only recommended monitoring of the College's Governing Board. **The College is not facing any proposed sanctions, and our accreditation will not be adversely affected**, based on the HLC reviewers' report or recommendations.

Consistent with College practice and HLC standards, we will share the final HLC decision.

Lee D. Lambert
Chancellor

Phil Burdick
Vice Chancellor for External Relations
Finish  PimaCommunityCollege
4905 E. Broadway Blvd.
Tucson, AZ 85709-1130
pburdick@pima.edu

KOLD Request for Information | PCC Investigation

1 message

Valerie Cavazos <Valerie.Cavazos@kold.com>
To: "mmhays@pima.edu" <mmhays@pima.edu>

Fri, Jul 22, 2022 at 2:39 PM

Hi Ms. Hays, I'm currently looking into issues at PCC – primarily focusing on Lambert's leadership. You and others wrote in a July 13th email – "It is regrettable we have to ask, just like with the last HLC letter. Accreditation is now the latest of several areas at the college when employees are gravely concerned about a lack of transparency." I've already received Lambert's response.

I'm hoping you'll be willing to discuss the concerns with me. I can be reached at 520.336.1212. My investigation is scheduled to air Monday – August 1st. I have a handful of people I'm interviewing for the coverage.

Valerie Cavazos | Anchor/Chief Investigative Reporter

www.kold.com | valerie.cavazos@kold.com

HLC inquiry

Silvyn, Jeff <jsilvyn@pima.edu>
To: Jeff Silvyn <jsilvyn@pima.edu>
Bcc: mmhays@pima.edu

Mon, Aug 29, 2022 at 9:31 AM

We are concerned that information from a draft of the HLC Focused Visit Report may have been released contrary to HLC standards. We also understand that you may have information related to this issue. To determine what happened, the College has asked outside legal counsel to conduct an investigation. Accordingly, you will be contacted by a member of the Jones, Skelton & Hochuli law firm for information. Your cooperation with this review will be greatly appreciated. We expect to share the results of the review with HLC.

If you have questions or concerns regarding the review process, please let me know.

Jeff Silvyn
General Counsel
Vice Chancellor for Legal Affairs
Pima Community College
[4905C E. Broadway Blvd.](#)
[Tucson, AZ 85709](#)

Fax: 520-206-4990

Confidentiality Notice: This email may contain confidential attorney-client information and, if so, should not be disclosed or shared unless necessary. If you are not the intended recipient, please notify the sender and delete the email. **Note to PCC staff:** Forwarding this email may waive the attorney-client privilege.

Perspective On Media Stories About Pima Community College

Burdick, Phil <pburdick@pima.edu>
Reply-To: pburdick@pima.edu
To: Pima-All <Pima-All@pima.edu>
Cc: Phil Burdick <pburdick@pima.edu>

Tue, Sep 6, 2022 at 11:51 AM

Sent on behalf of Chancellor Lee Lambert

Colleagues:

As you may be aware, there were two negative stories about the College's Governing Board and leadership aired by local television station KOLD-TV last week, and I think it's important to set the record straight.

The focus of the stories was a leaked draft document from the recent visit by reviewers from our accreditor, the Higher Learning Commission (HLC.) It's disappointing that several members of our community and KOLD-TV chose to leak and publicize an HLC document while it was still in draft form. The ethics of doing so is concerning. Please know that once the HLC reaches a final decision, likely sometime this fall, we will release the final report in its entirety and address publicly any issues and recommendations.

Unlike the sensational headlines, the College's mission is not at risk, nor is our accreditation. The reviewers have only recommended continued monitoring of the Governing Board, which, if that is indeed the final recommendation, the College welcomes.

As the November election draws closer, we are likely to see an increase in negative media stories and attacks across the political spectrum. We choose to stay above the noise and continue to focus on the College's positive momentum – enrollment is up substantially, the College's financial position remains strong, issues with the class and comp implementation are being addressed through the appeals process, completion rates are increasing, and we look forward to opening the expanded Aviation Technology Center later this fall and the Advanced Manufacturing Building next year.

We are also pleased that Forbes has named Pima Community College as the [5th Best Employer in the State of Arizona](#). The College did not pay, sponsor or have any interaction with Forbes for this survey. The survey methodology is [here](#). PCC was ranked ahead of notable state employers such as Arizona Public Service (APS), USAA, Carvana and GoDaddy, and was the survey's top-ranked employer in Pima County.

For additional perspective, below are last week's stories in the media highlighting our progress and successes.

I think we are all aware that we live and work in a difficult and often politically divisive environment. However, as we are passionate about our beliefs, so too are we devoted to the purpose-driven work we do together on behalf of our students and our community. Let's not lose sight of our purpose and our work in the noise leading up to November.

As It Slowly Recovers Enrollment PCC Rethinks Recruitment Purpose (Front Page Arizona Star)

https://tucson.com/news/local/education/as-it-slowly-recovers-enrollment-pcc-rethinks-recruitment-purpose/article_5b97af34-2a38-11ed-bbc0-93767c40ee44.html

PCC Aviation Technology Center Finishing Up Expansion to Train More Students

<https://www.kgun9.com/news/local-news/pcc-aviation-technology-center-finishing-up-expansion-to-train-more-students>

Pima Community College Welcomes Students Prioritizes Safety For The New Year

<https://www.kgun9.com/news/local-news/pima-community-college-welcomes-students-prioritizes-safety-for-the-new-year>

Rep Grijalva Tucson's Top Hispanic Leaders Visit PCC's New Early Learning Center

https://www.kvoa.com/video/rep-grijalva-tucson-s-top-hispanic-leaders-visit-pccs-new-early-learning-center/video_76e8d77a-f1e7-527d-b924-4b5c5a39eca8.html

U.S. Representative Raul Grijalva Visits PCC Early Learning Center

<https://www.kgun9.com/news/local-news/u-s-representative-raul-grijalva-visits-pcc-early-learning-center>

Both Aztec Soccer Teams Earn No 1 Rankings in latest NJCAA Division II Natl Poll

https://www.tucsonsentinel.com/sports/report/082922_pcc_soccer/both-aztec-soccer-teams-earn-no-1-rankings-latest-njcaa-division-ii-natl-poll/

Pima Community College Sees Fall Enrollment Surge

https://www.kvoa.com/video/pima-community-college-sees-fall-enrollment-surge/video_cec314ad-8760-5905-a82b-f0c58f77ac34.html

Pima Community College Starts The School Year With More Students And More Options

https://www.kvoa.com/news/pima-community-college-starts-the-school-year-with-more-students-and-more-options/article_8fa453ba-2946-11ed-b337-c743d86a6320.html

<https://www.youtube.com/watch?v=KtbZimQ3PLk>

Lee D. Lambert
Chancellor

Phil Burdick
Vice Chancellor for External Relations

Finish  **PimaCommunityCollege**

4905 E. Broadway Blvd.
Tucson, AZ 85709-1130
pburdick@pima.edu



Makyla Hays <sparklesandsums@gmail.com>

RE: Perspective On Media Stories About Pima Community College

Haskovec, Jarrett [AZ] <Jarrett.Haskovec@arizonaed.org>
To: Makyla Hays <sparklesandsums@gmail.com>
Cc: "Arnquist, Paula [AZ]" <Paula.Arnquist@arizonaed.org>

Tue, Sep 6, 2022 at 4:49 PM

Here is what I wrote back based on our conversations.

Jarrett

From: Haskovec, Jarrett [AZ]
Sent: Tuesday, September 6, 2022 4:47 PM
To: Silvyn, Jeff <jsilvyn@pima.edu>; RAVI PATEL <RPatel@JSHFIRM.COM>
Cc: GEORGIA STATON <GStaton@JSHFIRM.com>
Subject: FW: Perspective On Media Stories About Pima Community College

Jeff and Ravi,

The email below is of great concern. The email notes the negative and unfavorable coverage of PCC's governance matters and the leaked draft document on KOLD last week and then – immediately thereafter – states that the chancellor finds it “disappointing that several members of the community and KOLD-TV chose to leak and publicize an HLC document.” The email goes on to characterize “[t]he ethics of doing so . . . [as] concerning.” As you are aware, one of my clients, Professor Hays, speaking in her capacity as PCCEA president, appeared on one of the KOLD stories. She was one of only a few people interviewed in the story and the only employee. Anyone with any knowledge of the KOLD report would understand this as asserting that Professor Hays was most likely among those who “leak[ed] and publicize[d]” the HLC draft report to the media (and potentially more broadly) in an unethical manner. In fact, as Professor Hays noted during the interview, one person had already called her (in the hour between when the email below was sent and her 1 pm interview) asking how she was in light of the email below suggesting that she had been involved in leaking the document to the media and attacking her ethics. Not only is it not the case that she leaked the draft report (as she just stated, she did not have or share a copy of the draft report with the media or anyone else), but what is more, this was sent out without the benefit of having even interviewed Professor Hays concerning the leak (in other words, without regard for whether she did or did not “leak” or share any document). This really looks and feels like an effort to smear and discredit Professor Hays both personally and as a PCCEA leader and to silence her. It can only have – and seems calculated to have – a chilling effect on anyone wishing to speak out about shared governance issues and other matters of public concern at PCC.

Jarrett

Jarrett J. Haskovec

General Counsel

Arizona Education Association

[345 E. Palm Lane](#)

[Phoenix, AZ 85004-1532](#)

Fax: (602) 407-2318



From: **Burdick, Phil** <pburdick@pima.edu>
Date: Tue, Sep 6, 2022, 11:52 AM
Subject: Perspective On Media Stories About Pima Community College
To: Pima-All <Pima-All@pima.edu>
Cc: Phil Burdick <pburdick@pima.edu>

Sent on behalf of Chancellor Lee Lambert

Colleagues:

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Unlike the sensational headlines, the College's mission is not at risk, nor is our accreditation. The reviewers have only recommended continued monitoring of the Governing Board, which, if that is indeed the final recommendation, the College welcomes.

As the November election draws closer, we are likely to see an increase in negative media stories and attacks across the political spectrum. We choose to stay above the noise and continue to focus on the College's positive momentum – enrollment is up substantially, the College's financial position remains strong, issues with the class and comp implementation are being addressed through the appeals process, completion rates are increasing, and we look forward to opening the expanded Aviation Technology Center later this fall and the Advanced Manufacturing Building next year.

We are also pleased that Forbes has named Pima Community College as the [5th Best Employer in the State of Arizona](#). The College did not pay, sponsor or have any interaction with Forbes for this survey. The survey methodology is [here](#). PCC was ranked ahead of notable state employers such as Arizona Public Service (APS), USAA, Carvana and GoDaddy, and was the survey's top-ranked employer in Pima County.

For additional perspective, below are last week's stories in the media highlighting our progress and successes.

I think we are all aware that we live and work in a difficult and often politically divisive environment. However, as we are passionate about our beliefs, so too are we devoted to the purpose-driven work we do together on behalf of our students and

our community. Let's not lose sight of our purpose and our work in the noise leading up to November.

As It Slowly Recovers Enrollment PCC Rethinks Recruitment Purpose (Front Page Arizona Star)

https://tucson.com/news/local/education/as-it-slowly-recovers-enrollment-pcc-rethinks-recruitment-purpose/article_5b97af34-2a38-11ed-bbc0-93767c40ee44.html

PCC Aviation Technology Center Finishing Up Expansion to Train More Students

<https://www.kgun9.com/news/local-news/pcc-aviation-technology-center-finishing-up-expansion-to-train-more-students>

Pima Community College Welcomes Students Prioritizes Safety For The New Year

<https://www.kgun9.com/news/local-news/pima-community-college-welcomes-students-prioritizes-safety-for-the-new-year>

Rep Grijalva Tucson's Top Hispanic Leaders Visit PCC's New Early Learning Center

https://www.kvoa.com/video/rep-grijalva-tucson-s-top-hispanic-leaders-visit-pccs-new-early-learning-center/video_76e8d77a-f1e7-527d-b924-4b5c5a39eca8.html

U.S. Representative Raul Grijalva Visits PCC Early Learning Center

<https://www.kgun9.com/news/local-news/u-s-representative-raul-grijalva-visits-pcc-early-learning-center>

Both Aztec Soccer Teams Earn No 1 Rankings in latest NJCAA Division II Natl Poll

https://www.tucsonsentinel.com/sports/report/082922_pcc_soccer/both-aztec-soccer-teams-earn-no-1-rankings-latest-njcaa-division-ii-natl-poll/

Pima Community College Sees Fall Enrollment Surge

https://www.kvoa.com/video/pima-community-college-sees-fall-enrollment-surge/video_cec314ad-8760-5905-a82b-f0c58f77ac34.html

Pima Community College Starts The School Year With More Students And More Options

https://www.kvoa.com/news/pima-community-college-starts-the-school-year-with-more-students-and-more-options/article_8fa453ba-2946-11ed-b337-c743d86a6320.html

<https://www.youtube.com/watch?v=KtbZimQ3PLk>

Lee D. Lambert
Chancellor

Phil Burdick
Vice Chancellor for External Relations



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Makyla hays <sparklesandsums@gmail.com>

RE: Perspective On Media Stories About Pima Community College

Haskovec, Jarrett [AZ] <Jarrett.Haskovec@arizonaaea.org>
To: Makyla Hays <sparklesandsums@gmail.com>

Wed, Sep 7, 2022 at 11:52 AM

This was the response I received to my email from yesterday.

From: RAVI PATEL <RPatel@JSHFIRM.COM>
Sent: Wednesday, September 7, 2022 11:41 AM
To: Haskovec, Jarrett [AZ] <Jarrett.Haskovec@arizonaaea.org>
Cc: GEORGIA STATON <GStaton@JSHFIRM.com>; Silvyn, Jeff <jsilvyn@pima.edu>
Subject: RE: Perspective On Media Stories About Pima Community College

Jarrett,

Thank you for forwarding this email. As we discussed during the interviews yesterday afternoon, I was not aware of the message prior to you sending it to us. I have now confirmed with the College that this message was not intended to refer to Prof. Hays directly, or indirectly. The reference to "community members" was a generalization which was not directed at any Pima employees, nor at PCCEA, and to the extent that someone may have drawn that inference, it was not intended.

PCC respects the First Amendment rights of its employees, including their right to membership, leadership or association with PCCEA.



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