



PimaCountyCommunityCollegeDistrict

Office of the Chancellor

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Higher Learning Commission (HLC)
Institutional Actions Council (IAC)
Cc: Dr. Linnea Stenson

July 25, 2022

Dear IAC Council Members,

As directed by Dr. Linnea Stenson on July 15, 2022, Pima Community College (“PCC”) respectfully re-submits the attached exhibits, labeled as **Exhibit A** through **Exhibit V**, in support of its July 8, 2022 Institutional Response (“Response”).

These exhibits, along with others previously submitted in support of PCC’s June 20, 2022 “Errors of Fact” response (as well as citations to various Arizona state statutes and operative sections of HLC policy) were initially provided via live hyperlinks included in the PDF text of PCC’s July 8th Response. PCC submitted them as hyperlinks (which IAC members could open and review at their discretion) because the five-page limit allotted to PCC for its Response did not allow it to adequately address the extremely complex factual issues, evidentiary deficiencies, and procedural discrepancies presented by the HLC Peer Reviewers’ June 24, 2022 Focused Visit final report (“Final Report”).

On July 15, 2022, Dr. Stenson informed PCC that the hyperlinks were not working and were not allowed.¹ Dr. Stenson stated further that “because this is a complex institutional response, [the HLC would] allow for an additional 25 to 50 pages as attachments, and no more than that” with any addition submission due by “July 25th, at the latest.” In accordance with Dr. Stenson’s direction, PCC now re-submits as PDF attachments the exhibits previously hyperlinked in its July 8 Response. These exhibits total exactly fifty pages, not including cover pages, which PCC has provided in the interest of clarity and for the IAC’s convenience. In the interest of brevity, some exhibits have been edited to include just the relevant excerpts. In order to abide by the fifty-page limit, PCC has not included any exhibits or other documents previously submitted and already part of the full record in this matter, or which are otherwise readily available to the IAC (*e.g.*, HLC policies and procedures), and has instead incorporated them by reference as noted below.

To further assist the IAC in addressing the complex issues and lengthy factual record now before it, PCC also submits the [Index of Citations](#) included with this letter. PCC provides this Index to assist the IAC in readily accessing the information cited in PCC’s July 8 Response. Most of this information was previously provided to HLC in advance of the March 2022 Focused Visit and/or as exhibits to PCC’s June 20, 2022 “Errors of Fact” response submission. Per HLC policy, these documents are already part of the “full record” to be reviewed and analyzed by IAC prior to taking action or making a recommendation (*see* INST.D.40.010, “Review and Analysis of the Full Record by the Institutional

¹ PCC thoroughly tested the hyperlinks before submitting its July 8, 2022 Institutional Response and again after receiving Dr. Stenson’s July 15, 2022 email. PCC has consistently found the hyperlinks to be working and accessible. Nonetheless, PCC regrets any difficulty HLC staff have encountered in accessing the information and appreciates the opportunity to address this issue.

Actions Council” (HLC Policy Handbook, p. 112)). For the IAC’s convenience, live hyperlinks to full versions of the specified documents (as provided in PCC’s July 8 Response) are included again in the Index.

PCC is mindful of the amount of information it has submitted for IAC’s consideration in this matter, and PCC has no desire to unnecessarily burden council members. Notably, the compelling need for more documentation and a more extensive response from PCC arose from the reviewers’ decision to investigate areas beyond the scope of the original Focused Visit announcement, which was limited to Criteria 2C. While PCC acknowledges the authority of the reviewers to expand the scope of their review, PCC in turn must be afforded a full and fair opportunity to address the additional issues raised in the Final Report, including with all relevant facts and documentation, before a final decision is made.

Relatedly, PCC remains concerned that the page limits and other constraints placed on it are arbitrary and unfairly impair its ability to fully address the unusually complex additional issues created by the focused visit’s Final Report. PCC also submits that these limits are inconsistent with the direction previously given to PCC by HLC staff. Specifically, after submitting its June 20, 2022 “Errors of Fact” submission, which consisted of 38 pages and included 20 exhibits totaling hundreds of pages of highly relevant supporting evidence, PCC received an email from Dr. Stenson on June 21, 2022, stating, in relevant part, the following:

[N]either the [38-page] narrative nor the supporting evidence you’ve provided for this ‘fact check’ stage will be included in the record at this point . . . If you want any of this information included, you will need to submit it as part of your institutional response, as we’d discussed previously.

(Linnea Stenson email to Lee Lambert, Jeff Silvyn, Bruce Moses, and Marla Morgen (June 21, 2022)).

Notwithstanding any subsequently imposed page limitations, PCC submits that it has done what it was clearly directed to do by HLC and resubmitted “as part of [its] institutional response” all of the information it previously provided in its June 20, 2022 “Errors of Fact” submission. As such, PCC trusts that all of this information and the additional documentation provided as part of its July 8, 2022 Institutional Response will be included in the “full record” before the IAC for its “review and analysis” in accordance with HLC Policy (see INST.D.40.010, “Review and Analysis of the Full Record by the Institutional Actions Council”).

If any additional clarification or information would assist with your review, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee D. Lambert", with a long horizontal flourish extending to the right.

Lee D. Lambert,
Chancellor

**INDEX OF CITATIONS
TO PIMA COMMUNITY COLLEGE'S JULY 8, 2022 INSTITUTIONAL RESPONSE**

PAGE	SECTION	HYPERLINKED TEXT	CITATION
1	I. Introduction	<i>should be based on "thorough" and "compelling evidence" from "relevant and persuasive sources."</i>	HLC Resource, "Providing Evidence for Accreditation" (Sept. 1, 2020), p. 1 ("Identifying Evidence")
1	II.A, First Bullet Point, 1st secondary bullet point	<i>April 14, 2022 decision</i>	Arizona Attorney General's Decision Letter to PCC, "Open Meeting Law and the Pima County Community College District" (April 14, 2022) (see <i>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 1</i> (previously submitted))
		<i>HLC's "guiding values" of "Maintaining Institutional Autonomy"</i>	Higher Learning Commission, "Maintaining Institutional Autonomy – Information For Member Institutions that are Not Separately Incorporated" (November 2019), p. 1, <i>et al.</i>
1	II.A, Second Bullet Point	<i>transcript from the Board's May 12, 2021 meeting</i>	Transcript of PCC Governing Board's May 12, 2021 Regular Meeting (excerpt), attached as Exhibit A
1	Footnote 1	<i>PCC's June 20, 2022 "Errors of Fact" submission</i>	<i>PCC's "Errors of Fact" Submission</i> (June 20, 2022) (previously submitted)
		<i>HLC's Standards of Conduct for Peer Reviewers (PEERA.10.040)</i>	Higher Learning Commission Policy, "Standards of Conduct," PEERA.10.010
		<i>Standards of Evidence for Accreditation Review</i>	HLC Resource, Providing Evidence for Accreditation (Sept. 1, 2020), p. 1 ("Identifying Evidence")
2	Section II.A (cont'd from p. 1), Third Bullet Point	<i>the Board's bylaws</i>	PCC Governing Board Bylaws, Article X ("Code of Ethics"), attached as Exhibit B ; Article XII ("Response to Complaints"), attached as Exhibit C
2	Section II.A (cont'd from p. 1), Third Bullet Point, 1st secondary bullet point	<i>alleged misconduct and conflicts of interest by the Chancellor and other PCC personnel</i>	Excel spreadsheet, "Garcia/Gonzales statements regarding Trane," attached as Exhibit D
		<i>"Errors of Fact" submission</i>	<i>PCC's "Errors of Fact" Submission</i> (June 20, 2022) (previously submitted)

2	Section II.A (cont'd from p. 1), Third Bullet Point, 1st secondary bullet point, 1st tertiary bullet point	<u>June 9, 2021 PCC Governing Board Meeting Agenda</u>	Agenda, PCC Governing Board Meeting (June 9, 2021), Item 9.4, "Finance and Audit Committee Report on Comprehensive Integrated Energy Management Program Vendor Selection Review" (previously submitted on Aug. 6, 2021 as <u>Exhibit 21</u> to <u>PCC's Response to Ward Complaint</u>).
2	Section II.A (cont'd from p. 1), Third Bullet Point, 1st secondary bullet point, 2nd tertiary bullet point	<u>October 6, 2021 PCC Governing Board Meeting Minutes*</u> <i>*Note: This item includes a typo. The correct date is Oct. 6, 2020. PCC regrets the error.</i>	Minutes, PCC Governing Board Meeting, October 6, 2020, Section 2, "Discussion and Action Items" (incl. presentation by outside counsel of conclusions finding no conflicts of interest or violations of law in issues alleged by Board Members Garcia and Gonzales (not present)), attached as Exhibit E
2	Section II.A (cont'd from p. 1), Third Bullet Point, 1st secondary bullet point, 3rd tertiary bullet point	<u>AGB Report (Feb. 25, 2022)</u>	"An Independent Assessment of Governance Effectiveness of the Pima Community College Governing Board" (February 25, 2022), the Association of Governing Boards (AGB) (see <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 20</u> (previously submitted))
2	Section II.A (cont'd from p. 1), Third Bullet Point, 1st secondary bullet point, 4th tertiary bullet point	<u>Report of the Investigation of the Procurement of an Energy Management Program and Recommendations</u>	"Report of the Investigation of the Procurement of an Energy Management Program and Recommendations," Susan Segal -Gust Rosenfeld, PLC (March 10, 2021) (see <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 6</u> (previously submitted))
2	II.B, First Bullet Point, 1st secondary bullet point	<u>an independent assessment</u>	"An Independent Assessment of Governance Effectiveness of the Pima Community College Governing Board" (February 25, 2022), the Association of Governing Boards (AGB) (see <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 20</u> (previously submitted))
2	II.B, First Bullet Point, 2nd secondary bullet point	<u>January 29, 2019 Mid-Cycle Review Report</u>	HLC Mid-Cycle Review Report for PCC (Jan. 29, 2019) (excerpt), pp. 28-29, attached as Exhibit F
2	II.C, First Bullet Point, 1st secondary bullet point	<u>Lewis Roca Memorandum (March 14, 2022)</u>	Memorandum by Lewis Roca (March 14, 2022) (see <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 10</u> (previously submitted))
3	II.C (cont'd from p. 2), First Bullet Point, 2nd secondary bullet point	<u>PCC Governing Board March 28, 2022 Meeting Minutes</u>	Minutes and Agenda from the PCC Governing Board Meeting (March 28, 2022), attached as Exhibit G

3	II.C (cont'd from p. 2), Second Bullet Point	<u>Board's bylaws</u>	PCC's Governing Board Bylaws, Article XII ("Response to Complaints"), attached as Exhibit C
3	II.C (cont'd from p. 2), Second Bullet Point, secondary bullet point	<u>Lewis Roca Memorandum</u>	Memorandum by Lewis Roca (March 14, 2022) (see <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 10</u> (previously submitted))
3	II.D, First Bullet Point	<u>ARS 15-1443</u>	Arizona Revised Statute (ARS) 15-1433, "Meetings; officers; immunity", attached as Exhibit H
3	II.D, Second Bullet Point	<u>reviewed by the Arizona Attorney General's Office</u>	Arizona Attorney General Opinion No. I21-005 (June 3, 2021) (see <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 8</u> (previously submitted))
3	II.D, Third Bullet Point	<u>is in accordance with the Board's bylaws</u>	PCC Governing Board Bylaws, Article IV, ("Officers"), attached as Exhibit I
		<u>has been the Board's practice for many years</u>	Excerpts from Minutes from PCC Governing Board Meetings re voting for Board officers and representatives (2017-2022), attached as Exhibit J
3	III.A, First Bullet Point	<u>compelling evidence</u>	HLC Resource, "Providing Evidence for Accreditation" (Sept. 1, 2020)
3	III.A, Second Bullet Point	<u>HLC's standards of conduct</u>	HLC Resource, "Providing Evidence for Accreditation" (Sept. 1, 2020)
4	III.A (cont'd from p. 3), Third Bullet Point, 1st secondary bullet point	<u>PCC 2022 Statistics of Employees by Race, Ethnicity, and Gender</u>	See Exhibit K , attached.
4	III.A (cont'd from p. 3), Third Bullet Point, 2nd secondary bullet point	<u>PCC's 2022 College Employee Satisfaction Survey</u>	See <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 5</u> (previously submitted)
4	III.A (cont'd from p. 3), Third Bullet Point, 3rd secondary bullet point	<u>PCC DEI Strategic Planning Update (February 21, 2011)</u>	PowerPoint slides, "Diversity, Equity, & Inclusion: DEI Strategic Planning Update and Overview of Climate Assessment," PCC Governing Board Study Session (Feb. 21, 2022) (excerpt), attached as Exhibit L
		<u>PCC DEI Climate Survey 2021 (Executive Summary)</u>	Attached as Exhibit M
4	III.A (cont'd from p. 3), Third Bullet Point, 4th secondary bullet point	<u>HLC Mid-cycle Report 2019</u>	HLC Mid-Cycle Review Report for PCC (Jan. 29, 2019) (excerpt), p. 19, attached as Exhibit N
4	III.B, First Bullet Point	<u>here and here</u>	<u>PCC's 2022 College Employee Satisfaction Survey</u> (see <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 5</u> (previously submitted));

			PCC DEI Climate Survey 2021 (Executive Summary), attached as Exhibit M
		<i>Governing Board meetings</i>	Excel Spreadsheet, “DEI Presentations to the Governing Board,” attached as Exhibit O
4	III.B, Second Bullet Point	<i>the available factual evidence</i>	PCC DEI Climate Survey 2021 (Executive Summary), attached as Exhibit M
		<i>here, here, and here</i>	PCC’s 2022 College Employee Satisfaction Survey (see <u>PCC’S June 20, 2022 “Errors of Fact” Submission, Exhibit 5</u> (previously submitted)); PowerPoint slides, “Diversity, Equity, & Inclusion: DEI Strategic Planning Update and Overview of Climate Assessment,” PCC Governing Board Study Session (Feb. 21, 2022) (excerpt), attached as Exhibit L ; PCC 2022 Statistics of Employees by Race, Ethnicity, and Gender (see Exhibit K , attached)
4	III.B, Third Bullet Point	<i>the College has consistently had an extremely low number of involuntary employee separations and an annual overall retention rate in excess of 90% (for 2022, that rate was over 97%)</i>	PCC data, “Retention – All Employees” (slides) (excerpt), attached as Exhibit P
4	III.C, First Bullet Point	<i>unwaveringly committed to DEI and undertakes various ongoing institutional DEI initiatives</i>	PowerPoint slides, “Diversity, Equity, & Inclusion: DEI Strategic Planning Update and Overview of Climate Assessment,” PCC Governing Board Study Session (Feb. 21, 2022) (excerpt), attached as Exhibit L
5	III.C, First Bullet Point (cont’d from p. 4)	<i>PCC currently utilizes such metrics</i>	PowerPoint slides, “Diversity, Equity, & Inclusion: DEI Strategic Planning Update and Overview of Climate Assessment,” PCC Governing Board Study Session (Feb. 21, 2022) (excerpt), attached as Exhibit L
		<i>here</i>	PCC’s 2022 College Employee Satisfaction Survey (see <u>PCC’S June 20, 2022 “Errors of Fact” Submission, Exhibit 5</u> (previously submitted))
		<i>at various Board meetings</i>	Excel Spreadsheet, “DEI Presentations to the Governing Board,” attached as Exhibit O

5	III.C (cont'd from p. 4), Second Bullet Point	<u>current level of diversity</u>	PCC 2022 Statistics of Employees by Race, Ethnicity, and Gender (see Exhibit K , attached)
		<u>ongoing DEI commitment, advancements, and successes</u>	PowerPoint slides, "Diversity, Equity, & Inclusion: DEI Strategic Planning Update and Overview of Climate Assessment," PCC Governing Board Study Session (Feb. 21, 2022) (excerpt), attached as Exhibit L
		<u>here and here</u>	PCC DEI Climate Survey 2021 (Executive Summary), attached as Exhibit M PCC's "Diversity, Equity, & Inclusion Strategic Plan Update" (Oct. 26, 2020) (excerpt), attached as Exhibit Q
		<u>see also here and here</u>	PCC's 2022 College Employee Satisfaction Survey (see <u>PCC'S June 20, 2022 "Errors of Fact" Submission, Exhibit 5</u> (previously submitted)) PCCEA Faculty Evaluation of Administration (Chancellor and Provost) – Spring 2021, attached as Exhibit R
5	III.D, Second Bullet Point	<u>see here</u>	HLC's "Report of Comprehensive Evaluation to Pima County Community College District" (Sept. 2015) (excerpt, pp. 13-14), attached as Exhibit S
		<u>and here</u>	HLC Notification of Action Letter to PCC (March 9, 2015) (excerpt, pp. 2-3), attached as Exhibit T
5	III.E, Second Bullet Point, 1st secondary bullet point	<u>Recent results show</u>	PowerPoint slides, "Diversity, Equity, & Inclusion: DEI Strategic Planning Update and Overview of Climate Assessment," PCC Governing Board Study Session (Feb. 21, 2022) (excerpt), attached as Exhibit L
5	III.E, Second Bullet Point, 2nd secondary bullet point	<u>See ARS 41-1463</u>	Arizona Revised Statute (ARS) 41-1463, "Discrimination; unlawful practices; definition" (excerpt), attached as Exhibit U
5	III.E, Fourth Bullet Point	<u>the available demographic evidence</u>	PCC 2022 Statistics of Employees by Race, Ethnicity, and Gender (see Exhibit K , attached)
		<u>U.S Census Bureau statistics for Tucson, AZ</u>	U.S. Census Bureau, Quick Facts, Tucson, Arizona (July 1, 2021) (excerpt), attached as Exhibit V