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From: Lambert, Lee <llambert@pima.edu>
Date: Mon, Aug 15, 2022 at 8:00 AM
Subject: Re: institutional response
To: Linnea Stenson <lstenon@hlcommission.org>

Dear Linnea,

Pima Community College (PCC) would like to confirm and address a few points raised in your August 1, 2022 email:

1. The October 3-4, 2022 IAC Meeting

PCC acknowledges that this matter is now scheduled for consideration at the Institutional Actions Council’s (IAC) October 3-4, 2022 meeting. That scheduling provides a better opportunity for the IAC to review and consider the extensive record in this matter.

2. PCC is satisfied with its Institutional Response

PCC sees no need to revise the response. We expect that its July 8, 2022 Institutional Response (including the additional attachments provided on July 25, 2022) will be submitted to the IAC in its entirety, along with all of PCC’s previous responsive submissions and their supporting documents, as part of the “full record” in this matter in accordance with the HLC Policy Handbook (p. 112), INST.D.40.101 (“Institutional Actions Council Processes”):

*The [IAC] shall review and analyze the full record prior to taking action or making a recommendation. The full record shall consist of materials submitted by the institution in preparation for review; team or panel reports; **any institutional responses** from the institution; and any applicable action letters or other official letters from HLC regarding the matter. In addition, HLC may add other documents that it believes provide additional relevant information. (emphasis added)*

(See *id.*, par. 1 (“Review and Analysis of the Full Record by the Institutional Actions Council”).

3. Clarification regarding the hyperlinks

In accordance with your July 15th email, on July 25th, PCC submitted fifty (50) pages of exhibits to replace the most crucial documents hyperlinked in its July 8th Institutional Response. Notably, the previously hyperlinked documents totaled hundreds of pages, all of which were included because they are highly relevant to the issues before the IAC. Notably, the posted HLC policies do not contain any page limits. Nevertheless, after considerable effort, PCC pared the total down to just fifty pages of attachments (not including the index or the exhibit cover pages).

To the extent PCC's July 8th Institutional Response itself (which PCC was not directed to revise) still contains hyperlinks, as explained in PCC's July 25th letter, the hyperlinked documents have been fully and completely replaced by the attached exhibits, submitted on July 25th. Each of these replacements is noted and itemized sequentially in the Index of Citations (provided on July 25th), which correlates each item of hyperlinked text on each page of PCC's Institutional Response to each individual exhibits (attached as Exhibit A through Exhibit V) or to documents already in the "full record" in this matter. PCC included live hyperlinks in the Index of Citations in the interest of clarity, consistency, and for the IAC's convenience when matching cited text entries to the attached supporting exhibits. PCC included these hyperlinks along with the attached exhibits so that the IAC could access the materials in whatever format was most convenient for them.

That said, two pages of the July 25th attachments, specifically Exhibit D and Exhibit O, contain hyperlinks for a different reason. Exhibit D is a spreadsheet indexing public statements made by PCC Governing Board Members about matters currently at issue and includes hyperlinks to recordings and/or transcripts of the Board Members' actual statements. Likewise, Exhibit O is a spreadsheet indexing various meetings at which presentations were made to PCC's Governing Board about matters currently at issue (*i.e.*, diversity, equity, and inclusion, and affirmative action), and includes hyperlinks to corresponding publicly posted Governing Board documents and to video recordings of the presentations in question. PCC provided this evidence to verify that the statements identified in Exhibit D and the presentations in Exhibit O did, in fact, occur. In accordance with HLC standards, we understand that that HLC requires evidence rather than unsupported assertions, a standard that was not followed for the Focused Visit report, and we do not expect the IAC to simply take PCC at its word. (see, *e.g.*, HLC Resource, "Providing Evidence for the Criteria for Accreditation"). With the hyperlinks, the IAC may, if it chooses, verify the accuracy of PCC's statements and see for themselves what transpired. If the HLC document format does not support the hyperlinks, the IAC still has the option of copying the URL into a browser and accessing the materials. PCC provided hyperlinks to facilitate IAC review of the record; we understand IAC may or may not use the links.

4. The PCC Response Complied with HLC Standards

a. PCC did not exceed the July 15th 50-page limit for additional attachments.

It is not clear from your Aug. 1 email how PCC may have exceeded the 50-page attachment limit. Per your July 15, 2022 email, PCC was permitted to submit "an additional 25 to 50 pages as attachments" to its July 8, 2022 Institutional Response, which was previously limited to five pages total. The additional permitted attachments replaced the extensive supporting evidence previously provided by PCC via various hyperlinks in order to comply with the five-page limit. This was done in

accordance with your July 15th email, in which you stated that hyperlinks were not allowed (although PCC has not located that limitation in HLC policy). On July 25, 2022, in accordance with your direction, PCC submitted exactly 50 pages of substantive additional attachments.

PCC also included twenty-two (22) separate exhibit cover pages, as well as a five(5)-page “Index of Citations” (essentially a table correlating page numbers to exhibits and other information cited by PCC) to assist the IAC when referring to the evidence cited in PCC’s July 8th Institutional Response. As explained in the letter accompanying PCC’s July 25th submission, the cover pages (labeled “Exhibit A” through “Exhibit V” and noting the underlying submission to which they related) were added to their respective exhibits “in the interest of clarity and for the IAC’s convenience.” Likewise, the Index of Citations was provided “to assist the IAC in readily accessing the information cited in PCC’s July 8 Response.” The cover pages and the Index do not contain any substantive information for the IAC’s consideration. They are provided simply as a courtesy to the IAC members as they review and analyze the full record in this matter, which is lengthy and complex. Surely, having a well-organized series of attachments, readily corresponding to documents and information previously submitted, creates less work for the IAC members, not more. Accordingly, there is no reasonable basis for counting the cover pages or the Index against PCC’s 50-page limit.

b. HLC Policy does not limit the length of an Institutional Response or the amount of additional supporting information an institution may submit.

Even if PCC had materially exceeded the 50-page limit (it did not), the limit was arbitrary and not consistent with HLC policy. The HLC Policy Handbook does not prescribe a “standard response length” or a maximum number of pages “allowed for additional information” as your August 1 email seems to indicate. Rather, HLC Policy states much more broadly that “[a]n institution shall have the opportunity to provide a written response to the [Peer Review] team report for a comprehensive evaluation[.]” (HLC Policy Handbook, INST.C.20.010 (“Evaluative Activities Applicable to All Institutions”), p. 103, par. 1 (“Institutional Responses to Recommendations”)).

Presumably, HLC policies do not set a specific length or page limit to facilitate the required “comprehensive evaluation,” the scope and nature of which HLC no doubt understood will vary depending on the complexity of the report being evaluated. In PCC’s instant matter, there can be no reasonable debate that the Peer Reviewers’ June 24, 2022 Final Report, which the IAC will review and evaluate in October, is highly complex. There can also be no debate that the Reviewers did not allow PCC an opportunity to provide evidence to address issues of apparent interest to the Reviewers. PCC submits further that all of the information it has submitted to date regarding the Peer Reviewers’ Final Report, including PCC’s June 20, 2022 “Errors of Fact” submission in response to the draft report, is highly relevant and essential for the IAC to conduct the “comprehensive evaluation” required per HLC policy.

c. There is no limit on number of pages IAC members are required to read.

Contrary to your August 1 email, HLC Policy contains no indication “that IAC members are not required to read more than the required pages in a submission.” Rather, HLC policy states specifically that the IAC “*shall review and analyze the full record[.]*” (See HLC Policy Handbook, p. 112, INST.D.40.101, par. 1 (italics added)). Per HLC policy,

*The full record **shall consist of materials submitted by the institution in preparation for review; team or panel reports; any institutional responses from the institution; and any applicable action letters or other official letters from HLC regarding the matter.***

(See *id.* (bold type added)). Notably, this policy specifies that “any institutional responses” (plural) “shall” be included in the full record. (See *id.* (underlining added)). Here, PCC has submitted various institutional responses, including, but not limited to, its June 20th “Errors of Fact” response; its July 8, 2022 Institutional Response, and its July 25, 2022 supplement to its July 8th response (which PCC submitted per your July 15th direction). Each of these responses included various attached exhibits, specific references to previously submitted documents (in the interest of brevity and avoiding confusing duplication), and citations to HLC policies and guidance documents. Per the HLC policy cited above, all of this information “shall” be included in the “full record” presented to the IAC for its review and analysis.

5. Confirmation of the Record for the IAC Review

Without question, PCC has submitted a considerable amount of information for HLC’s consideration throughout this process. This was necessary to address the numerous factually unsupported, and in many cases blatantly false statements and conclusions made by the Peer Reviewers in their June 24th Final Report. PCC vehemently disagrees with how the Peer Reviewers conducted the Focused Visit and whether they followed the applicable standards, notably by including numerous potentially slanderous statements about PCC employees. We believe the evidence PCC has submitted will clearly demonstrate the deficiencies of the Focused Review Report.

Please confirm that all records submitted by PCC in response to the Focused Visit Report will be included as part of the full record for consideration by the IAC.

Sincerely,

Lee D. Lambert, JD
Chancellor

[Quoted text hidden]