



Focused Visit Report

After the team reaches a consensus, the team chair completes this form to summarize and document the team's view. Notes and evidence should be essential and concise. **Note:** If the visit involved more than five areas of focus, please contact the institution's HLC staff liaison for an expanded version of this form.

Submit the completed draft report to the institution's HLC staff liaison. When the report is final, submit it as a single PDF file at hlcommission.org/upload. Select "Final Reports" from the list of submission options to ensure the report is sent to the correct HLC staff member.

Institution: Pima County Community College District

City, State: Tucson, AZ 85709-1005

Visit Date: 03/28-29/2022

Names of Peer Reviewers (List the names, titles and affiliations of each peer reviewer. The team chair should note that designation in parenthesis.)

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Part A: Context and Nature of Visit

1. Purpose of the Visit (Provide the visit description from the Evaluation Summary Sheet.)

A visit focused on reviewing Core Component 2.C (due by April 2022) with the following issues: (1) Assess effectiveness of relationships among and between Chancellor, Board Chair, and rest of

Board; (2) review independence of outside legal counsel and engagement or lack thereof for Board members regarding Chancellor decisions; (3) examine Board's role overseeing College's employment processes; and (4) assess College's adherence to policies and procedures related to contracting.

2. Accreditation Status

- Accredited
- Accredited—On Notice
- Accredited—On Probation

3. Organizational Context

Pima County Community College District ("the College" or PCC) is a comprehensive community college located in Pima County, Arizona. Historically, the citizens for Pima County voted to establish the College in 1966 with the construction of the first campus begun in 1969. The initial governing board consisted of five members appointed by the Pima County Superintendent of Schools. With help from local citizens, the initial appointed governing board was replaced with an elected slate consisting of five governing board members representing the various sub-districts of Pima County. Pima County citizens also approved a \$5.9 million bond issue with the construction. Today, the College serves the Greater Tucson area at five campus locations, enrolling 15,544 students (as of the Fall 2020 semester) offering 53 associate degree and 103 certificate programs. Over 57% of the student body is Hispanic, making it a Hispanic Serving Institution in a county with a 2020 census indicating a 44% Hispanic population.

Pima Community College has had challenges in its accreditation relationship with the Higher Learning Commission some of which first emerged just a few years after the College's initial accreditation was granted in April 1975. Because the reasons that occasion the current visit bear a relationship in some regards to Pima's history, a fair amount of detail is provided in this section about the institution's accreditation history, particularly as relates to reasons for monitoring and/or past sanctions imposed by HLC.

In particular, matters pertaining to the role of the governing board have surfaced on numerous occasions. In October 1981, the College's accreditation was continued with a focused visit scheduled for October 1984 on the role of the governing board. The 1984 focused visit team stipulated that the College submit a Progress Report by January 1986 covering major areas of concern pertaining to implementation of the Board Code of Ethics, elimination of interference in personnel matters by the Board, steps taken regarding its role, effectiveness, and perceived public support. The Progress Report, dated May 1986, was accepted by the Commission.

However, the College was placed on Probation in March 1989 for problems that threatened its ability to meet what at that time were HLC's General Institutional Requirements relating to Board governance and Criteria relating to adequate resources organized to accomplish the institution's purposes. In February 1989, the Executive Director of the Commission recommended that an advisory visit for fact-finding purposes take place at PCC for the above stated reasons even though the College's accreditation was continued. PCC submitted a report highlighting progress made on ameliorating the specific concerns that lead to Probation. The Commission accepted the report and removed the Probation sanction on February 1991. Subsequent progress reports by PCC to the Commission documenting measures taken by the Board of Governors regarding its role,

effectiveness, and perceived public support were submitted in July 1991, July 1992, and October 1993.

The HLC received several written complaints between April 2012 and December 2012 by College individuals and two community advocacy groups concerning governance issues at PCC. While senior officials at PCC provided a response to the complaints, HLC determined that the issues raised and the College's response posed significant concerns and that a thorough investigation was warranted. Therefore, in November 2012 HLC dispatched a fact-finding team to PCC to investigate the complaints and to determine the actual facts. HLC continued to receive complaints and phone calls during the month of December 2012 and January 2013, which were forwarded to the team for consideration. The team conducted its onsite visit in January 2013 and focused on the following nine (9) issues:

- Claims of sexual harassment and inappropriate behaviors by the college's Former Chancellor and failure of the Board of Governors to institute an appropriate investigation into these claims.
- Claims that a work environment existed at the college, whether fostered by and/or overlooked by senior administrators, that permitted 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.
- Claims that excessive turnover of administrative positions made continuity of leadership and institutional progress towards goals difficult or impossible.
- Claims that processes within the HR department were unclear and not uniformly followed.
- 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.
- 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.
- 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.
- Claims that the Interim Chancellor has not been candid or honest in her responses to the HLC.
- 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.

The 2013 fact-finding Visit Report was organized around the nine themes and the team conducted a series of interviews including members of the Board of Governors, senior College officials, 58 members of the College community, and members of the two community advocacy groups. The team's findings, as characterized in its report offered a picture of an institution where "transparency and openness on the part of the Board is not part of its working ethic" and "Past actions of the Board indicate that secrecy and protection of individuals is more important than transparency and a willingness to deal openly with difficult and sometimes embarrassing situations." The 2013 fact-finding team concluded that serious governance, public trusts, and senior leadership issues existed at PCC which were, at that time, in need of urgent review, attention, and action.

In the aftermath of the 2013 visit, the College was placed on Probation in April 2013. In February 2015, HLC removed the Probation sanction and simultaneously placed PCC on Notice. The Notice sanction was removed in February 2017 with the stipulation that PCC remain on the Standard Pathway and the next comprehensive evaluation (Year 4) be scheduled in 2018-19. The HLC Board of Trustees also required that the College submit an embedded Interim Report for its next comprehensive evaluation on six identified topics. Subsequently, the College met the requirements of the embedded Interim Report.

The current focused visit resulted from a new series of complaints received by HLC alleging violations of College policies and procedures by members of the Board of Governors and senior administrative officials. The team observed that some of the complaints either mirror, or are reminiscent of complaints, examined by the HLC 2013 fact-finding team. In addition, the team heard testimony from College faculty and staff that an atmosphere of fear and retaliation exists at the College that prevents employees from coming forward to voice complaints for fear of loss of employment and denial of opportunities for promotion. Several employees registered concerns with the peer review team that in particular faculty and staff of color are held to more stringent standards than their majority counterparts.

4. Unique Aspects of Visit

For this focused visit, there were a number of written documents and electronic resources to examine for the visit's five separate complaints. In order to better understand the details of each complaint, the team developed a detailed chronology of recent PCC accreditation activities. That chronology is as follows:

- March 9, 2017: The Higher Learning Commission (HLC) Board of Trustees removed the sanction of Notice from PCC effective February 23, 2017. HLC stipulated PCC must remain on the Standard Pathway with its next comprehensive evaluation (Year 4) due in 2018-19.
- November 5, 2018: PCC presented its Assurance Argument to HLC through the Mid-Cycle Review process.
- December 3-5, 2018: HLC team conducted the onsite comprehensive visit including the mandated review of Federal Compliance and multi-campus visits to three campuses.
- January 29, 2019: HLC team submitted its final report recommending PCC remain on the Standard Pathway and provide follow-up monitoring on Federal Compliance (Title IV Program Responsibilities) and the six core components adjudged "met with Concerns." No sanctions were recommended.

- February 8, 2019: HLC submitted the Standard Pathway Comprehensive Team Report (including Federal Compliance Review and Multi-campus Visit Reports) to PCC and advised the institution of the next steps.
- February 8, 2019: PCC transmitted to HLC the required Institutional Response Form indicating that it concurred with the accreditation recommendations and chose not to submit a further response.
- April 19, 2019: HLC notified PCC of the action taken by the Institutional Actions Council (IAC) to continue accreditation with Reaffirmation with the next Reaffirmation of Accreditation in 2024-2025 and with two interim reports (1) due June 1, 2021 on the correction of concerns Identified in the 2017 Audit from the Arizona Auditor General: Financial Reporting, Student Financial Assistance Cluster, TRIO Cluster, Information Technology, and Purchasing Controls (Federal Compliance, Core Components 2A and 5A); and (2) due June 1, 2021 on the Assessment of General Education, Course, and Program Learning Outcomes; Faculty Participation; and Integration of Assessment and Program Review results into the Budgeting Processes (Core Components 3B, 4A, 4B, and 5C).
- July 7, 2021: HLC notified the institution that it received a complaint regarding PCC and had initially reviewed the complaint “to determine whether it suggested potential substantive non-compliance with the institution’s ability to meet the Criteria for Accreditation or other HLC requirements.” Based on HLC’s initial review, it concluded that the complaint raised potential concerns citing Core Components 2A, 2C, and 5A. HLC asked for a PCC response by August 6, 2021. The complaint, dated June 30, 2021 and containing 490 pages, came from a PCC employee who has since been separated from PCC. This individual alleged violations of HLC Core Components 2A and 2C and Assumed Practice A1 and PCC policies and procedures regarding contracts, purchasing and conflicts of interest.
- August 6, 2021: PCC submitted its response to the June 30, 2021 complaint. The response, authored by PCC’s Chancellor, contained 473 pages with notations and exhibits refuting the allegations in the June 30, 2021 complaint.
- August 12, 2021: HLC notified PCC that the interim reports submitted as follow-up to the Fall 2018 comprehensive visit had been reviewed and accepted. No further action was needed.
- September 2, 2021: HLC wrote PCC indicating it had reviewed its response provided to the June 30, 2021 complaint. HLC found that potential concerns remained regarding PCC’s ongoing compliance with Core Component 2C. Furthermore, HLC stated that since receipt of the institution’s response to the initial complaint, two additional complaints were submitted to HLC and HLC received supplemental materials to the original June 30, 2021 complaint. This submission totaled 503 pages. HLC indicated that, upon review of the two additional complaints and the supplemental materials affixed to the initial complaint, PCC was not required to provide a new response since many of the themes cited in now three complaints covered the same underlying circumstances.

The supplemental materials associated with the initial complaint were submitted to HLC on August 15, 2021. These materials purported to be evidence in support of the June 30, 2021 complaint. One of the new complaints was filed on August 4, 2021 by a member of the community representing a local advocacy group alleging the institution violated HLC policy 2A, specifically failure of oversight by the Board of Governors (BOG) and Chancellor in awarding a PCC contract, lack of BOG input into selection of outside legal firms and a request for evidence

of these firms' productivity. The local community advocacy group offered a set of concrete recommendations for improving communications between PCC and the community in its report. A law firm, stating that it represented PCC in its ongoing efforts to investigate allegations raised by a local community advocacy group in the group's report, referenced failures of leadership by the governing board at PCC. The legal firm advised the community group that it had begun its investigation and asked for specific information and requested preservation of evidence. The other complaint was filed by a member of the PCC BOG alleging violation of HLC Criteria for Accreditation and ongoing general BOG dysfunction.

- October 7, 2021: HLC notified PCC that it accepted the IAC recommendation (supported by PCC's assigned HLC staff liaison) for a Focused Visit to the institution to review, primarily, governance issues and, secondarily, any related concerns that may impact the institution's compliance with Criteria for Accreditation and Assumed Practices. Some of the issues raised regarding governing board dysfunction brings the institution's troubled history of board relations into focus. The focused visit team was formed and scheduled to conduct the onsite visit, March 28-29, 2022.
- February 8, 2022: PCC submitted the required Report for a Focused Visit and subsequent additional materials. The focused visit team was scheduled and scheduled to conduct the onsite visit, March 28-29, 2022.
- March 18, 2022: HLC notified PCC that it recently received two more complaints (127 pages) regarding the institution's potential non-compliance to meet HLC Criteria for Accreditation and other requirements. Complaints had been sent to HLC on June 30, 2021 (from a soon-to-be terminated employee alleging violations by senior offices and BOG), August 4, 2021 (community advocacy group chair alleging BOG violations), August 18, 2021 (sitting BOG member alleging BOG violations), March 10, 2022 (former employee alleging violation by PCC senior officer), and March 11, 2022 sitting BOG member alleging violations by PCC senior officer). The March 10, 2022 complaint alleged unethical conduct by a current PCC senior officer for not operating with integrity when dealing with a personnel matter involving a subordinate over a two-year period. The complaint expressed frustration with the lack of institutional action even though the BOG chair and Chancellor were made aware of the complaint and both failed to intercede. The March 11, 2022 complaint was submitted by a member of the BOG who alleged a current senior officer at PCC has committed multiple violations of Arizona state law. Internal College constituents, including BOG members and Executive Leadership Team officials, indicated that they were unaware of the March 10 and 11, 2022 complaints.

Two of the complaints were authored by sitting members of the PCC Board of Governors and the two other individuals who lodged complaints were former employees. Prior to the current visit, the focused visit team reached a decision to not request interviews with external parties (former employees, private contractor for energy management firm, and representatives of a local community advocacy organization), mindful of time constraints for the 1.5-day visit. Because the work of members of the Board of Governors and a few members of the College's Executive Leadership Team was deemed crucial and necessary, the team devoted the majority of its time to meeting with the aforementioned individuals.

The team was somewhat surprised by the appearance of the Chancellor's Executive Leadership Team in attendance for the full meeting of the Board of Governors. The team was aware that the meeting needed to be called to order, in compliance with Arizona Open Meeting regulations, and then moved to executive session to secure candid comments by team members in discussion with members of the Board of Governors.

The meeting with the entire Board proved to be a bit awkward with the entire Executive Leadership Team in attendance and appeared to have a stifling impact on conversation. As a result, the meeting may not have been as productive as the Team had hoped. The matter was raised with the College Chancellor who indicated that members of the leadership team normally attend Board meetings and may not have understood that their attendance impacted deliberations.

5. **Interactions With Institutional Constituencies and Materials Reviewed.** List the titles or positions, but not names, of individuals with whom the team interacted during the review and the principal documents, materials and web pages reviewed.

Institutional Constituencies:

Pima County Community College District Board of Governors (5)

Chancellor

Executive Leadership Team (10)

General Counsel

Provost & Executive Vice Chancellor of Academic Affairs

Executive Vice Chancellor for Finance & Administration

Vice Chancellor of Educational Services & Institutional Integrity/Accreditation Liaison Officer to HLC

Assistant Vice Chancellor for Human Resources

President of Campuses & Executive Vice Chancellor for Student Experience & Workforce Development

Dean of Applied Technology

Chief Procurement Officer

Director of Maintenance & Security Operations

Faculty Senate Representatives (2)

Staff Council Representatives (2)

Materials Reviewed:

Pima Community College website (www.pima.edu)

Faculty/Staff Handbooks <https://www.pimhia.edu/administration/human-resources/employee-handbook/>

Student Handbook <https://www.pima.edu/student-resources/student-policies-complaints/index>

Institutional Catalog <https://www.pima.edu/academics-programs/college-catalog/index>

Pima Community College Report for a Focused Visit on March 28-29, 2022 (submitted February 8, 2022)

HLC Focused Visit Report Template (2019 edition)

Energy Savings Performance Program Amendment (“ESPP Amendment”) to Comprehensive, Integrated Energy Management Program Agreement between Pima County Community College District and Trane U.S., Inc., March 11, 2022

Facilities Review Trane Investment Grade Audit, May 2021

Correspondence Documenting Experiences with PCC Chief of Staff

Correspondence Documenting Order of Dates for PCC Purchase and Installation of 556 Trane/Synexis Spheres (5 separate items)

HLC Review Meeting Talking Points March 29, 2022

HLC Policies regarding Focused Visit, Notice, and Special Monitoring

National Center for Education Statistics (NCES) College Navigator Data File for Pima Community College

PCC Diversity, Equity and Inclusion Plan 2017-2020

PCCCD Governing Board Bylaws (as of February 7, 2018)

PCCCD Board Policies

PCCCD Administrative Procedures

Various PCCCD Board of Governors Documents (Minutes, Board Reports)

PCCCD Review of & Proposed Revisions to Governing Board Bylaws (PowerPoint Presentation by Outside Legal Counsel on February 17, 2022)

HLC Background Information and Materials regarding Relationship with PCCCD for 2022 Focused Visit:

- PCC Institutional Status & Requirements Report (January 28, 2022)
- PCC Institutional Actions Council (IAC) Action Letter (April 19, 2019)
- PCC Mid-Cycle Institutional Response (February 8, 2019)
- PCC Mid-Cycle Standard Pathway Federal Compliance & Multi-Campus Reports (February 8, 2019)
- PCC Assurance Argument (November 5, 2018)
- PCC Mid-Cycle Team Report (January 29, 2019)
- HLC Letter to PCC regarding Ward Complaint & Requesting Response by August 6, 2021 (July 7, 2021)
- PCC Response to Ward Complaint with Exhibits 1-10 (August 6, 2021)
- PCC Educational Master Plan 2015-2025 (August 6, 2021)
- HLC Analysis of PCC Interim Report 3B, 4A, 4B, & 5C (August 12, 2021)
- HLC Reply to PCC Response to Ward Initial Complaint (September 2, 2021)
- PCC Acknowledgment HLC Focused Visit Recommendation (September 15, 2021)
- HLC Notification to PCC with IAC Recommended Action (October 7, 2021)
- HLC Letter to PCC Adding Two Additional Complaints (March 18, 2022)

Additional Documents Requested by Focused Visit Team:

- Association of Governing Boards of Universities and College (AGB) Consulting contract & report (An Independent Assessment of the Governance Effectiveness of the Pima Community College Governing Board, dated February 25, 2022)
- Association of Community College Trustees (ACCT) Consulting contracts & reports for the past five years (2017, 2018, 2019, 2020, & 2021)
- List of contracts for outside legal services for the past five years (2017, 2018, 2019, 2020, & 2021) by:
 - Firm
 - Requested service
 - Payment
- PCC Board of Governors (BOG) evaluations for the past five years (2017, 2018, 2019, 2020 & 2021)
- Roster of BOG members serving in the roles of chair and vice chair/secretary for the past ten years
- Full report of BOG evaluations of chancellor's performance for the past five years (2017, 2018, 2019, 2020, & 2021)
- List of the hires, promotions, demotions, and terminations/separations among Executive Leadership Team positions for the past five years (2017, 2018, 2019, 2020, & 2021) by:
 - Gender
 - Race/ethnicity
 - Starting date and annual compensation for new hires
 - Increase in base salary for promotions (assumption of new duties and responsibilities)
 - Reductions in base salary for demotions (reassignment of current duties and responsibilities)
 - Any conditions associated with demotions and terminations/separations (such as, non-disclosure agreements)
- Breakdown of student population using NCES Fall 2021 figures for PCC supervisorial districts by race/ethnicity
- More extensive biographical profiles for current BOG members
- Report of HLC Fact-Finding Visit to PCC January 16-18, 2013 (Kathleen Nelson Report)

6. **Areas of Focus.** Complete the following A and B sections for each area of focus identified in the visit description on the Evaluation Summary Sheet. Note that each area of focus should correspond with only one Core Component or other HLC requirement.

A1. Statement of Focus:

- **Assess the effectiveness of the relationship between the Chancellor, Board Chair, and the rest of the Board including allegations that Board members failed to follow their own policies and bylaws, are not adequately trained as to their legal and fiduciary responsibilities, are too closely aligned with influential outside groups, appear to hold differing views on shared governance, and do not always consider the interests of all segments of the College community (external and internal) when making key decisions**

Relevant Core Component or other HLC requirement:

2.C

The governing board of the institution is autonomous to make decisions in the best interest of the institution in compliance with board policies and to ensure the institution's integrity.

B1. Statements of Evidence (check one below):

- Evidence demonstrates adequate progress in the area of focus.
- Evidence demonstrates that further organizational attention, rather than monitoring, is required in the area of focus.
- Evidence demonstrates that monitoring is required.
- Evidence demonstrates that HLC sanction is warranted.

The team will also note its determination as to each applicable Core Component or HLC requirement in Part B.

Evidence:

- The Board of Governors (the Board) is the legally constituted and final authority for the operation of the Pima County Community College District (the College). The term of office for a Board member is six years, elected by supervisorial districts. The Board's primary duties include (1) determining the mission of the College and, based on the mission, formulating appropriate College priorities; (2) adopting Board policies and bylaws; (3) selecting a model of governance to meet the needs of the College and the College community; and (4) appointing the College Chancellor and establishing limitations for and delegation of authority for that position as well as evaluating the Chancellor's performance annually. In meetings with the individual members and the full Board, all members indicated that they understood their role and were capable of serving in that role. A review of Board meeting minutes, accessible via the College's website, provides proof that all Board members regularly attend meetings and study sessions and actively participate in deliberations. Finally, the team sought and received expanded biographical profiles of the five elected Board members. They are active in civic affairs, racially diverse, and socio-economically mixed.
- Under the direction of the five-member Board of Governors, the Chancellor directs all College activities of an internal, academic or administrative nature and those which contribute to effective external relations with College constituencies. The current Chancellor received a contract extension for an additional year approved by the BOG on November 10, 2021 at the Board's regular meeting. The motion for the contract extension was approved by a "3-2" vote, demonstrating disagreement among Board members as to the leadership direction of the College. The College identified 14 administrative positions that form the Chancellor's Executive Leadership Team who are responsible for effective leadership of their designated areas. The organizational

chart and names of members of the Board of Governors are available to the public on the College's website.

- As noted in the PCC Report for a Focused Visit, dated February 8, 2022, the BOG acknowledged its current challenge owing to significant internal disagreement as to how Board members view their roles and responsibilities. The team witnessed this disagreement was evident during the full meeting of the Board and heard disparaging comments among and between Board members and senior administrators. A review of Board meeting minutes revealed a number of "3-2" votes taken by BOG on major policy issues. Moreover, the team was struck by the "we" versus "them" attitude exhibited by members of the Executive Leadership Team when discussing the state of Board affairs. A couple of Board members expressed their frustration at the level of disrespect received from the Chancellor, Executive Leadership Team members, and fellow Board members. The sentiment expressed was that some Board members want to disenfranchise members of their particular District community and that issues of race, class/privilege, and access to information play a part in decision-making. The team believes the Board is divided as to its role and responsibilities and that not all members of the Board have or perceive they have a working relationship with the Chancellor. Thus, it is the team's view that the College's mission is to provide the best educational setting for the citizens of Pima County is at risk.
- The BOG participates in professional development activities aimed at enhancing its effectiveness as a public serving Board. The Board's major event is the annual retreat (normally over two days) held for the purpose of conducting the Chancellor's evaluations using the ACCT template and discussing the outcomes from the Board's self-assessment process. The team was provided the slate of 2021-22 strategic priorities and goals established by the Board as part of the annual retreat. Three of the goals were particularly focused on improving relationships among and between Board members and with the Chancellor. The first was strengthening Board effectiveness by working collaboratively and commitment to active participation by all five members. The second was improving communications within the Board and with the Chancellor through mutual trust and respect by striving to speak and act as a unified governing body. The third was conducting a thorough review of policy and bylaws by making sure all policies and bylaws are clear and meet HLC standards. The team was apprised that Board members take their goals and priorities seriously and are reviewed periodically to ensure progress is made. Further, the team advises the College to publicize the outcomes from these three goals in particular and all eight in total to the internal community as a means of reporting progress to heal the rift among and between Board members and to improve Board members' relationship with the Chancellor.
- In a meeting with the Chancellor, two Board members and the team to discuss engagement with the Chancellor in key decision-making on reasonable and relevant community interests, the Chancellor expressed a willingness to meet face-to-face with all (not just some) Board members and to work on efforts to bring the community together to share thoughts. In the same meeting, one of the two Board members voiced their frustration, directly to the Chancellor, that some Board members enjoy

preferential treatment from the Chancellor and other Board members are disrespected and treated poorly by the Chancellor. The team's review of the AGB Consulting's paper, dated February 25, 2022, uncovered a passage on page 7 that cited affirmative efforts by the Faculty Senate to clarify its role in bringing forth issues, the Chancellor's desire to change the way "meet and confer" consultations take place, and All College Council to improve communications across constituencies. In addition, the team found that the local community advocacy group C-FAIRR (Coalition for Accountability, Integrity, Respect, and Responsibility) offered the College in its August 4, 2021 complaint filed with HLC, five recommendations designed to help the PCC Board of Governors. Those recommendations are as follows: (1) The Board must establish a Citizen Advisory Council for each district to assist in improving communication between the community and the Board of Governors, and to serve as advocates to the community, the citizens, and decision-makers to ensure that the district's educational programs and services meet the needs of the community and the citizenry to be served....(2) The Board must begin to include internal and external communities in providing input into Board decision-making. (3) The Board must embrace transparency and be willing to deal openly with difficult and sometimes embarrassing situations. (4) The Board should engage in a major and thorough review of all policies pertaining to delegation of authority to Chancellor. (5) Openness, transparency, and a willingness to discuss and debate various points of view and opinions must be more readily imbedded in the Board's culture and operations. While general in nature and duplicative to a point, the recommendations were shared with the College by a local advocacy group and warrant serious consideration.

- The team reviewed notes from the last six annual retreats and noted that not all Board members attended the retreats or fully participated in both major activities (Chancellor's evaluation and BOG self-assessment). When questioned about the attendance issue, several Board members stated they had a conflict with the date chosen for the retreat. In addition, all new Board members are asked to participate in a multi-part orientation session conducted by the Board Chair, Chancellor, and several senior officers. In this session information was discussed regarding Board responsibilities, academic affairs, budgets, and strategic planning. The last new member orientation session was conducted on January 29-February 1, 2021. In its Focused Visit Report, the College described efforts made to acquaint Board members with Open Meeting Law stipulations and provided a complete list of professional development activities from 2019 through 2021 on the last two pages of the report. In conclusion, the College invests heavily in the Board's professional development including bringing in local consultants to brief members on special topics and travel to state, regional, and national conferences.
- In the meetings with individual members of the BOG and Faculty Senate and Staff Council leadership representatives as well as invited guests for areas of focus and senior management, the team noted the immense responsibility inherent in the role of Board Chair (and lesser so for the Vice Chair/Secretary of the Board). The Board Chair, based on an examination of Board minutes, works closely with the Chancellor to set Board agendas, plans Board professional development activities, communicates as needed and desired with Executive Leadership Team members, and receives and adjudicates all complaints made against the Chancellor or other Board members

working with the General Counsel. Current bylaws state that officers of the Board serve for two-year terms and shall rotate through these offices based on the original swearing-in date. There is a provision that indicates exceptions can be made to this section of the bylaw by majority vote. Two current Board members voiced their concern that the provision has been used against them to deny them the opportunity to serve in the coveted role of Board Chair and attempts to return the two-year appointment back to one-year had been cast aside with a “3-2” vote. The two members cited that the lack of a meaningful opportunity to work closely and productively with the Chancellor is detrimental to the College. The team asked for, and received, a roster listing PCC board chairs and vice chairs/secretaries since 2012. Of the current Board members, two are in their sixth year of service, two are in their fourth year, and one in his/her second year. Of the two members in their sixth year of service, one has served as chair or vice chair for six years and the other one in five of six years. The two members in their fourth year have never served as chair or vice chair/secretary even though one member self-nominated himself/herself for the role of chair and lost on a “3-2” vote. The Board member serving in his/her second year has served as an officer in both years of service on the Board (currently serving as Board chair). Based on these facts and the resulting suspicions of the affected Board members, the team finds this has contributed to ongoing conflict within the governing board to the detriment of the institution.

- An examination of the PCC Governing Board Bylaws contains an article pertaining to Code of Ethics Article X) that states elected or appointed members of the Board serve as representatives of Pima County and each and every Board member must commit itself to the very highest legal and ethical conduct. This article spells out the ethical responsibilities of the Board, including maintaining the confidentiality of privileged information and delegating authority to the Chancellor as the Board’s executive to perform a set of high-level duties. In addition, the article states the College’s expectation that Board members make known in the official records of the College any and all conflicts of interests and abide by BOG policies and bylaws. In the session with Board members, all attested to their allegiance with prescribed policies and bylaws.

Yet the College’s Report for a Focused Visit submitted to the Higher Learning Commission presented conflicting evidence to what the focused visit team heard onsite. The Report listed three examples in which some Board members are alleged to have acted not in the best interest of the College. These examples referenced (1) the refusal of two Board members to provide letters of support to a ballot initiative that the Report stated they had voted to approve, (2) an allegation of conflict of interest by Chancellor regarding an energy management contract but an inability or unwillingness to provide evidence, and (3) a lack of compliance with Open Meeting Law as public officials.

The disharmony that exists among and between Board members is real and evident. The team asked Board members in the full session what would they be willing to do to improve the situation. Recommendations such as establishing trust, improving communications, adhering to policy, and respecting the voice of others were mentioned. The team concluded that the College has adequate policies, procedures, and bylaws in place even though the drafted revisions of the current bylaws (on the College’s website) appear to codify some restrictive clauses not favored by the entire

Board. At this time, the team advises the Board against forcing major changes to its bylaws with “3 to 2” votes. Such an approach would only reinforce the “them” versus “us” viewpoint that is pervasive at the College.

A2. Statement of Focus:

The independence of the outside legal firm selected to respond to the former employee’s grievance and the engagement or the lack thereof current Board members in decisions made by the Chancellor

Relevant Core Component or other HLC requirement:

2.C

The governing board of the institution is autonomous to make decisions in the best interest of the institution in compliance with board policies and to ensure the institution’s integrity.

B2. Statements of Evidence (check one below):

- Evidence demonstrates adequate progress in the area of focus.
- Evidence demonstrates that further organizational attention, rather than monitoring, is required in the area of focus.
- Evidence demonstrates that monitoring is required.
- Evidence demonstrates that HLC sanction is warranted.

The team will also note its determination as to each applicable Core Component or HLC requirement in Part B.

Evidence:

- The College has an Administrative Procedures manual (AP 6.01.01) outlining the steps for requesting outside legal services. Given the fact that the BOG delegates day-to-day management of the College to the Chancellor and senior staff, it is reasonable to assume the BOG understands and accepts decisions made to seek outside legal advice when needed. The Chancellor and several designated senior officers (including the Internal Auditor) are authorized to request legal services. While the College does have internal legal resources, outside legal council may be contracted in situations where the College does not have sufficient expertise or in matters where specific knowledge is required. The team confirmed that requests for legal services must be directed to the General Counsel who is authorized to refer matters to contracted legal firms, with the consent of the Chancellor. The team requested, and received, a report detailing the College’s use of external legal services from FY 2017 through FY2022. A total of ten different firms were contracted for various legal services, reflecting the board use of individual firms in the Pima County community. The

report identified the firm of service, the type of service/review/consultant requested, and payment received for services. A review of services requested included, but was not limited to, real estate matters, Board bylaw reviews, and personnel matters. The team sampled a few external legal work products and found that they addressed the issue or topic of debate. For example, one such work product was the review of the Chancellor's behavior regarding all allegation of conflict of interest. The review concluded that no conflict of interest occurred based on College policy.

- There was a complaint received by HLC on June 30, 2021 that called into question the independence of one of the outside attorneys who was contracted. That attorney's assignment was to conduct a review of potential conflicts of interest of the Chancellor as related the awarding of the energy management contract and to recommend potential policy changes or practices related to procurement. The attorney in question concluded there was no conflict of interest in this matter under applicable Arizona state law and did offer several minor procedural modifications.
- The team was notified of two additional complaints received by HLC on March 18, 2021 alleging violations by PCC's General Counsel and were provided a copy of a complaint dated March 12, 2022 that was filed against the General Counsel with the Arizona Bar Association by two sitting Board members. While there were several allegations of misconduct, after meeting with the complainants, much of the discord seems to focus on the Board's role in hiring outside legal counsel and perceptions of who the General Counsel reports to and represents. The team interviewed the General Counsel who was aware of the complaints with the Arizona Bar Association but was not aware those complaints had been lodged with HLC. The General Counsel shared that the role of General Counsel was to advise on policy, compliance and risk management. In terms of reporting, the General Counsel clarified his role in that he/she is an employee of Pima County Community College District and functions within the authority specific to a particular matter. For example, he/she stated that he/she reports to the Chancellor in situations dealing with issues that have been delegated by the Board to the Chancellor and reports to the Board on issues that have not been delegated to the Chancellor. In terms of hiring contract legal assistance, Board Policy AP 6.01.01 directs all requests for legal services be forwarded to the General Counsel who is able to obtain outside legal assistance after consulting with the Chancellor.

A3. Statement of Focus:

The Board's role in overseeing the College's employment processes, including hiring, terminating, promoting, and demoting of faculty and staff members

Relevant Core Component or other HLC requirement:

2.C

The governing board of the institution is autonomous to make decisions in the best interest of the institution in compliance with board policies and to ensure the institution's integrity.

B3. Statements of Evidence (check one below):

- Evidence demonstrates adequate progress in the area of focus.
- Evidence demonstrates that further organizational attention, rather than monitoring, is required in the area of focus.
- Evidence demonstrates that monitoring is required.
- Evidence demonstrates that HLC sanction is warranted.

The team will also note its determination as to each applicable Core Component or HLC requirement in Part B.

Evidence:

- In the meetings with BOG and the Assistant Vice Chancellor for Human Resources, the team was thoroughly briefed on the responsibilities of the Human Resources Department and the intersection of this department with the College's conflict resolution and grievance procedures. The team did note the recent rapid turnover in Human Resources leadership with three different supervisors in the last five years. The current chief human resources officer has been with the College approximately 16 months, is supported by a staff of two individuals, and oversees all customary functions except employee benefits. Responsibility for affirmative action and EEOC monitoring falls under this department. The team's assessment of PCC Human Resources policies and administrative procedures is that they are appropriate for an institution of higher education and the department is capably managed by the Assistant Vice Chancellor.
- Board of Governors members at PCC are assisted in their oversight of the College's major employment processes by an established Human Resources Advisory Committee. This committee, which meets at least quarterly, keeps the Board informed regarding pertinent Human Resources matters but does not address personnel issues specific to a particular individual. The committee is comprised of two sitting Board members, at least three community representatives, and the Assistant Vice Chancellor for Human Resources. The PCC General Counsel serves in an ex-officio capacity. The team affirmed through conversations with Board members and the Assistant Vice Chancellor that the advisory committee does indeed review the Human Resources metrics crafted by College administration, considers updates aimed at improving the Human Resources Department, and offers suggestions for enhancing operations. The team also pulled up a sample of committee meeting notes from the College's website. Of note from the March 3, 2022 meeting, held virtually, was an agenda item for an update on the classification/compensation study which was a topic of great interest among employees when the team was onsite for the focused visit.

- While the 2022 focused visit team heard a number of positive comments about progress the governing board and senior administration has made since the HLC imposed 2013 Fact-Finding Visit, the positive comments were not universal. The following comments are representative of discontent that was shared with the team during the visit:
 - During the meeting with Faculty Senate and Staff Counsel leadership, comments were made that the Chancellor has undue influence over the Board and there is a noted lack of transparency (that is, what is said is not always done).
 - During the scheduled meeting with an assembled group of College administrators to discuss College policies and procedures related to contracting/purchasing, one of the attendees indicated that he/she felt intimidated and uneasy about making any comments at that time since his/her supervisor was present in the room. Such revelation resulted in the team asking other attendees to depart the session and await further word from the team. The team proceeded with the interview with the attendee's permission. The attendee stressed that a culture of fear and intimidation exists at PCC and his/her voicing any disagreement could lead to the loss of his/her job. The team informed the attendee that HLC welcomed feedback from affected faculty, staff, students, and community members and thanked the attendee for providing feedback. The attendee departed the session before the other attendees were asked to return to the session.
 - The March 10, 2022 complaint received by HLC alleges that a current PCC senior officer lied to him/her about a promise to match a salary offer from a competing institution, refused to honor the promise, and did not follow Board policy relative to grievances filed by employees to their supervisor. The individual claimed that the Chancellor and Board chair were aware of the salary dispute and refused to intervene or transmit the complaint to the appropriate office. The alleged complaint occurred two years ago.
 - During the visit, multiple senior PCC officers alleged that since the arrival of another senior PCC officer the College has embarked on a culture of fear, shame, and bullying. Mentioned as allegations are senior officers ignoring the conflict resolution policy (basically the Office of Dispute Resolution) to favor one employee over another, adjusting the compensation guidelines to offer massive salary increases to preferred senior officers without justification, exhibiting insensitive behavior toward women in leadership positions, and "crashing" ZOOM meetings without being invited. One senior officer attested to personally witnessing a lack of respect in the treatment of women and people of color by that same senior officer in the previous example. Also mentioned as contributing to PCC's toxic environment are the sudden resignation of top-level administrators of color, the resignation of a transgendered employee who left the College because they did not feel supported or respected, and a mostly white, male dominated leadership group around the Chancellor that fosters a so-called "Bro Culture."

The College is strongly advised to review these allegations by its own employees and take appropriate action to remedy such situations.

A4. Statement of Focus:

The College's failure to follow its own policies and procedures related to contracting, including the role the Board plays in reviewing and approving contracts

Relevant Core Component or other HLC requirement:

2.C

The governing board of the institution is autonomous to make decisions in the best interest of the institution in compliance with board policies and to ensure the institution's integrity.

B4. Statements of Evidence (check one below):

- Evidence demonstrates adequate progress in the area of focus.
- Evidence demonstrates that further organizational attention, rather than monitoring, is required in the area of focus.
- Evidence demonstrates that monitoring is required.
- Evidence demonstrates that HLC sanction is warranted.

The team will also note its determination as to each applicable Core Component or HLC requirement in Part B.

Evidence:

- As noted in the College's August 6, 2021, response to the June 30, 2021 complaint to the HLC by a now former employee, the institution documented the measures it took to identify and offer a contract to an energy management company. The Board of Governors delegated to the Chancellor the responsibility for the administration of financial affairs. The decision to abstain from using the State of Arizona Department of Administration cooperative purchasing agreement and instead use a competitive bidding process rests entirely with the College.
- Responsible departments are clearly spelled out in Administrative Procedures and linkages to strategic planning priorities are identified. The team met with representatives from all segments of the process. The only area of contention for the energy management project was with the role of PCC's Facilities Department. A member of that department met with the team and provided several pieces of correspondence that raised concerns about the suitability of certain components of the project. That being said, the team found evidence of a well-established College purchasing process, including milestones for seeking and receiving BOG approvals.

7. Other Accreditation Issues. If applicable, list evidence of other accreditation issues, identify the related Core Components or other HLC requirements and note the team's determination as to each applicable Core Component or other HLC requirement in Part B.

Part B: Recommendation and Rationale

Recommendation:

- Evidence demonstrates that no monitoring is required.
- Evidence demonstrates that monitoring is required.
- Evidence demonstrates that HLC sanction is warranted.

Rationale for the Team's Recommendation

The team is recommending monitoring for Pima Community College on Core Component 2.C.

The HLC received a series of complaints by current BOG members, a local community group, and former employees alleging violations of HLC requirements. HLC's initial review of the submitted complaints found cause to inquire about PCC's ability to comply with established HLC Criteria for Accreditation and Assumed Practices. A focused team was tasked to visit the College and verify compliance with Core Component 2.C.

The visiting team decided on four areas of focus to tailor its work activities. The four areas of focus are (1) Assess effectiveness of relationships among and between Chancellor, Board Chair, and rest of Board; (2) Review independence of outside legal counsel and engagement or lack thereof for Board members regarding Chancellor decisions; (3) Examine Board's role overseeing College's employment processes; and (4) Assess College's adherence to policies and procedures related to contracting.

Of these four areas of focus, the team rated two areas (A2 and A4) as demonstrating adequate progress and two (A1 and A3) which will require monitoring.

Focus Area A1, *Assess Effectiveness of Relationships Among and Between Chancellor, Board Chair, and Rest of Board*, is the team's source of major concern and warrants HLC monitoring. It is evident that a significant rift has developed among the Board of Governors with little evidence of a quick and easy path to harmony. Left unchecked, this rift could lead to a state of disfunction that further puts the institution at risk of falling out of compliance with HLC requirements. The College prepared reports for the team and also permitted its outside counsel and consultants to share their comments (which were not complimentary) about sitting Board members. Of particular note is the expressed frustration by some Board members that the role of Board Chair is being passed around to certain members to keep other Board members in a "lesser" status. Onsite senior administrators were quick to point out differences among and between Board members, rarely championing bridging qualities or points of commonality. Chancellor leadership for creating an environment of acceptance of different opinions is needed.

Focus Area A3, *Examine Board's Role Overseeing College's Employment Processes*, falls into the category of requiring HLC monitoring. Faculty and staff voiced their opinions that PCC had embraced an institutional culture of fear, bullying, and intimidation and that the Office of Conflict Resolution was an ineffective body. Related issues raised pertained to the sudden departure of senior administrators of color, the disrespectful treatment toward women, and the lack of transparency when promotions and salary adjustments. Generally speaking, a number of constituents expressed dissatisfaction that the ethnic/racial composition of the senior leadership does not reflect the student body and Pima County community.

Stipulations or Limitations on Future Accreditation Relationships

If recommending a change in the institution's stipulations, state both the old and new stipulation and provide a brief rationale for the recommended change. Check the Institutional Status and Requirement (ISR) Report for the current wording. (Note: After the focused visit, the institution's stipulations should be reviewed in consultation with the institution's HLC staff liaison.)

Not applicable.

Monitoring

The team may call for a follow-up interim report. If the team concurs that a report is necessary, indicate the topic (including the relevant Core Components or other HLC requirements), timeline and expectations for that report. (Note: the team should consider embedding such a report as an emphasis in an upcoming comprehensive evaluation in consultation with the institution's HLC staff liaison.)

The team recommends a single interim report, under Core Component 2.C., due by July 1, 2023. The report must provide evidence demonstrating the institution has remedied the following concerns:

- I) Board Effectiveness
 - 1. Revision of the BOG bylaws ensuring equal access to the Board Chair's role on a rotational basis
 - 2. Clarification and agreement on the delegation of authority for the Chancellor
 - 3. Information is flowing to and from all members of the Board of Governors

- II) Board Oversight of Employment Processes and Institutional Climate
 - 1. Processes are in place to ensure fair and equitable treatment of women and people of color with periodic progress reports shared with College community
 - 2. Enhancement of the metrics for the Diversity, Equity, and Inclusion initiative
 - 3. Defined role statements demonstrating the interconnection of the Office of Dispute Resolution and Human Resources Department
 - 4. Plan to achieve racial/ethnic and gender diversity for the Executive Leadership Team, full-time teaching faculty, and technical/professional staff reflecting the student body profile and Pima County community

The team may call for a follow-up focused visit. If the team concurs that a visit is necessary, indicate the topic (including the relevant Core Components or other HLC requirements), timeline and expectations for that visit. (Note: The team should consider embedding such a visit as an emphasis in an upcoming comprehensive evaluation in consultation with the institution's staff liaison.)

Not applicable.

Core Component Determinations

Indicate the team's determination(s) (met, met with concerns, not met) for the applicable Core Components related to the areas of focus or other accreditation issues identified by the team in Part A. If a Core Component was not included in an area of focus, it should be marked as not evaluated.

Number	Title	Met	Met With Concerns	Not Met	Not Evaluated
1.A	Core Component 1.A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.B	Core Component 1.B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.C	Core Component 1.C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.A	Core Component 2.A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.B	Core Component 2.B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.C	Core Component 2.C	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.D	Core Component 2.D	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.E	Core Component 2.E	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.A	Core Component 3.A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.B	Core Component 3.B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.C	Core Component 3.C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.D	Core Component 3.D	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.A	Core Component 4.A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.B	Core Component 4.B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.C	Core Component 4.C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.A	Core Component 5.A	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.B	Core Component 5.B	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.C	Core Component 5.C	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Other HLC Requirement Determinations

Indicate the team's determination(s) (met or not met) for the HLC requirements related to the areas of focus or other accreditation issues identified by the team in Part A.

Not applicable.