

July 31, 2015

Lee Lambert, Chancellor  
Pima Community College

Chancellor Lambert:

We bring before you this Formal Grievance on behalf of Student Service Non-Exempt Employees regarding a Higher Learning Commission's guideline requiring that any employee who advises students must possess a Bachelors degree. This information has been presented to employees in numerous meetings and emails by Karrie Mitchell, Assistant Vice Chancellor for Student Services, Dr. Erica Holmes, Provost, and Dan Berryman, Vice Chancellor for Human Resources.

College Employees and the College's AFSCME representatives have repeatedly asked for written documentation verifying the Higher Learning Commission's mandate to make this change and the College's additional need to remove current employees from their positions; to date, no written documentation has been provided. Not only has the administratively-driven change in qualifications for Student Services personnel created a hostile work environment, the College's failure to be open and transparent with its written documentation has only served to exacerbate the sense that employees are being unfairly punished under this misguided administrative change. We also find that the PCC Student Services personnel affected by this change include a group of 37 employees of which 86% (32) are females. Of those women, 76% (28) are Mexican American (Exhibit #13).

As you know, the Board of Governors was presented with the following information on July 14, 2015, regarding misapplication of HLC Guidelines about Faculty Qualifications to Student Services Classified Staff positions:

*Upon review of the document provided, it is found that the HLC required action pertains solely to faculty. In this document it further refers to "Determining Qualified Faculty: Guidelines for Institutions and Peer Reviewers". Per this guideline (Exhibit #1) Core Component 3.C. states, "The institution has the faculty and staff needed for effective, high-quality programs and student services". Again, no mention is made of any degree mandates for Student Service positions.*

*Also, please refer to the "Report of a Comprehensive Evaluation Visit" to Pima Community College on September 15-17, 2015 for The Higher Learning Commissions composed by the Evaluation Team (exhibit #2). The only mention regarding Student Service staff members is listed under Core Component 3C-Subcomponent 6. It states, "**Staff members providing student support services, such as tutoring, financial aid advising, academic advising, and co-curricular activities are appropriately qualified, training, and supported in their professional development**". Team Determination: Core Component is met with concerns. The evidence provided relates to faculty ratios and qualifications.*

The following are the chronological chain of events that have occurred:

On July 9, 2015, Erica Holmes and Dan Berryman met with AFSCME officers to inform them of Student Service Staff position changes based on an HLC action (Exhibit #3) The following information was presented:

- Student Service Specialist and Advanced Specialist academic requirements will change from Associates degree and/or experience to a Bachelors degree.
- Change of degree requirements is based on HLC policy action
- Employees must have a “degree up” from that of the institution. For example: if the institution is a two-year college, the staff member must possess a Bachelors degree.
- The College is in no position to question HLC; “we have to do what we have to do”.
- Benchmarking other institutions
- Employees are not to question have no recourse due to HLC mandate
- Employees would not be eligible for “grandfathering” of their positions
- Employees may possibly be re-purposed for those not meeting the degree deadline of 2017.
- Ms. Holmes provided a copy to AFSCME of an email sent to her from Chancellor Lee Lambert relating to the HLC action (refer to exhibit #1)

On July 10, 2015, Chancellor Lee Lambert presented to Staff Council the following information:

- Employees were to follow a plan of action
- Degree had to be completed by September 1, 2017
- He would work with the leadership to make sure employees were being supported by supervisors towards meeting goals. Every employee would be worked with.
- He is going to try to save everybody’s job.
- He is going to ask HLC if the employees could have more time to complete the degree

July 13, 2015

Karrie Mitchell emails “ALL SSC” informing employees of a “Meeting to Discuss Student Services Qualifications”. This email is an invite to Student Service Employees of upcoming presentation (Exhibit #

July 14, 2015

Video Presentation is given to all campus sites and a live presentation is located at District. Video is available thru Intranet.

In a portion of the video Bruce Moses and Dolores Cerda-Duran spoke of a phone conversation with Dr. Karen Solomon from the Higher Learning Commission. They initiated discussion with Dr. Solomon based on scenarios and HLC interpretation. They spoke of the need of staff meeting the “one degree up” . They also spoke of individuals who have been with the College for HLC compliance for 15-20 years and asked if HLC would consider grandfathering them. Mr. Moses indicated “The board of trustee decided they were going to give a 2 year extension to September 2017 for qualification for faculty. They said no grandfathering would be considered at all. That was taken off the table”.

July 14, 2015

“Provost Meeting on Student Services Qualifications”. Ms. Mitchell emailed “All –SSC” with a summary of discussions that took place at video presentation and other information pertaining to HLC 3.C.6 and its effects on the financial situation of the College. (Exhibit #5)

July 19, 2015

Karrie Mitchell forwarded an invitation regarding "Guiding Group: Staff Qualification Meeting" along with an Outline for Discussion. (Refer to Exhibit #6)

July 22, 2015

Chief Steward Virginia Ortega requested information from Erica Holmes regarding who was the HLC individual that was referred to per a phone conversation. (Exhibit #7)

July 22, 2015

Guiding Group Meeting Part II took place. At this meeting you will find (Exhibit #8) as per the "Outline of Discussion". These guidelines also refer to HLC Component 3. C.6.

July 22, 2015

Student Support Services Qualifications Update. Information was issued regarding Individual Review process, Student Support Services Qualifications Options for HLC Criterion 3.C.6 Impacted Employees (7/22/15), which speaks of loss of position for employees who do not meet degree requirement (Exhibit #9)

July 27, 2015

Arlene Muniz, AFSCME Organizer leaves phone message for Carrie Caine, HLC Asst. to Vice President for Legal and Gov. Affairs

July 28, 2015

Zach Waymer, Coordinator for Legal & Governmental Affairs- Higher Learning Commission returned call to Arlene Muniz on behalf of Carrie Caine. Arlene informs him of the July 9, 2015 email and asks for clarification of the mandate pertaining solely to faculty. He answered "yes". Arlene further asks if this mandate is being issued to other non faculty employees. He indicated "no". She further informed him that purpose for her asking is due to concerns that have been raised by student service's employees being told of a degree mandate. He informed her that this is not HLC but may be an "internal procedure"

July 29, 2015

Meeting took place with AFSCME officers and Arlene Muniz, AFSCME Local 449 met with Chancellor Lee Lambert, Jeff Silvyn, Allison Colter-Mack and Karrie Mitchell.

AFSCME presented to Chancellor Lambert Student Service employee concerns regarding:

- Student Service position background:  
Positions were gained by competitive hiring procedures and/or reorganization and implementation of Student Service Self Help Model.  
Qualifications based on experience and training requirements
- Loss of jobs (as was perceived per Chancellor Lambert's presentation to Staff Council and letter regarding "Student Support Services Qualification Options for HLC Criterion 3.6.C Impacted Employees", dated July 22, 2015.
- HLC Bachelor degree mandate
- Recent administrative practices (meetings, presentations, emails and College Guidelines)

Chancellor Lambert presented the following information:

- HLC is not going to be that clear (in referring to degree requirements)
- Nothing in writing from HLC; this is based on HLC's way of thinking
- Chancellor Lambert spoke to HLC Karen Solomon on the phone
- Have to plan in order to be in HL compliance
- HLC may be flexible if a plan is in place (for employees needing degrees)

- Don't know scope of problem
- When HLC makes its next visit; the College could ask HLC about the staff side
- Using faculty guidelines as analogy in determining staff side
- Never said loss of jobs
- HLC is a peer review process
- This is not set in stone
- Intends to keep everyone employed with THIS student services issue
- HLC is framers of language; Chancellor Lambert will ask staffers what they are doing internally and must be consistent.
- No decisions have been made
- Employees may need "one level up" (In referring to qualifications, Bachelor degree instead of an Associate Degree because advisors speak to students about transferring to 4 year institutions)
- Do we have credentials?
- What are our peers doing?
- Who (school) is doing this differently?
- What College is in trouble?
- Assessment is needed; assessment should have occurred first
- Manner of reporting Student Service's position information to July 10, 2015 staff council meeting. Chancellor Lambert thought "our people" and ACES people would have received the information.
- Asked AFSCME officers what a reasonable deadline would be in referring to degree completion
- Student satisfaction with student services
- NACADA will act as third party in reviewing Individual Position Review employee (IPR)

July 30, 2015

Zach Waymer, Coordinator for Legal & Governmental Affairs- Higher Learning Commission issues via email to Arlene Muniz a written statement (Exhibit #10).

**The following were statements shared with AFSCME Officers by employees from Desert Vista and West Campus:**

Frances Vidal, Desert Vista- Advanced Student Service Specialist

On July 14, 2015, there was a Student Services qualification meeting. As we sat in the meeting and listened to the Provost and Assistant Vice Chancellor present changes impacting all Student Services personnel. I observed DV VP of Student Development showing her administrative support by clapping and verbalizing what the provost was saying. Her comments included "amen, amen" and "it's about time". I felt belittled and marginalized. I felt this was inappropriate for my supervisor to engage in this behavior, while my life was being completely turned upside down.

There's other staff present who witnessed this behavior. Here are a few names whom I know heard these comments: Rosa Whaley, Susana Armenta, Susan Rivera

Sandra Loreto, West Campus –Advanced Student Services Specialist

Had conversation with VPSD Aubrey Conover over the qualifications and repurposing. He stated that for the repurposing part he didn't see everyone being repurposed because of the \$ 2.5 million deficit. My heart dropped when I heard that. I started imagining all the people who will be affected by this; my colleagues and me without a job here at Pima Community College where we have honorably served for so many years.

Gloria Majalca Northwest Campus-Student Services Specialist

July 12, 2015. Email dialogue with the Chancellor Lambert (Exhibit #11)

Based on the above information given to the employees we find that they are in violation of the following College policies:

**Board Policy Title & No.:** Personnel Policy Statement for College Employees, BP-4201/

**SPG Title: Filling Authorized, Vacant, Regular, Staff and Administrator Positions**

**SPG Number: SPG-4201/BA**

### **Equivalent Skills**

- **Substituting Experience for Education**

Two years of relevant work experience may be substituted for one year of required education, any degree (associate through doctorate). Most positions require some years of work experience in addition to the required education. The work experience must be in the field specified in order to be considered for substitution.

- **Substituting Education for Experience**

In general, education cannot be substituted for missing years of experience. If a candidate has education in a major that is directly related to the position, this can be substituted for some of the years of experience requirement.

### **Section III. Employment**

#### **E. Organizational Realignment/Repurposing**

The College reserves the management right to reorganize and realign positions based on organizational needs. An employee may accordingly be realigned/repurposed to a position of a like classification. Employees placed in another full time, regular position as a result of a Chancellor approved reorganization shall maintain classification and rights, salary, and ability to return to the same classification and salary range held prior to the reorganization should the reorganization decision be reversed. This shall be initiated on a voluntary basis. In no way will this serve as a demotion, loss of salary, or placement in a lower classification. Employees realigned/repurposed will retain these rights of return for a period of two years from the date of reorganization providing they still have the ability to perform the job, no Performance Improvement Plan or disciplinary action is in effect, and have not within the two year period accepted a promotion or served in a classification which reinstates them to the same or higher salary range as held prior to the reorganization. Seniority will be used if more than one employee is eligible for return under these provisions. The Chief Human Resources Officer shall review all reorganizations. The Chancellor will make the final determination on an employee's right to reinstatement and reclassification.

### **Section IV. Compensation**

#### **B. Salary Administration Practices**

Change to Lower Classification Range (College initiated, non-disciplinary) – Upon reassignment by the College to a position in a lower classification range, employee's base pay shall be placed on the step of the new range closest to, but not below, their current salary. Employees whose current rate of pay

exceeds the maximum step placement in the lower salary range may continue to receive their current salary base rate in the new grade, but shall not receive an adjustment in salary until such time as their salary schedule placement exceeds their current salary. In no event shall an employee be placed lower than Step 2 of the lower classification range.

**Section II-Employment B. Competitive Employment for Regular Positions (Common Policy for All Employees)**

Background: In the spring of 2014 the Standard Practice Guide (SPG) 4201/BA, titled Filling Authorized, Vacant Regular Positions, was comprehensively reviewed and revised by all employee representative groups (ACES, AFSCME, PCEA and Administration). The resulting revisions were vetted through the College's policy review process. In keeping with this collaborative effort to continually improve the process contained in SPG 4201/BA, the administration and employee representative groups will jointly review this process every two years (beginning in the spring of 2016) or more often if requested by any employee representative group. Due to the substantive changes to SPG 4201/BA, this review will occur in addition to the standard SPG Review Process

**Section V. Code of Conduct/Discipline A. Preamble [all employees]**

It is the policy of the College that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the College and for the benefit and safety of all visitors, students and employees. All College employees are expected to contribute to a productive and cooperative effort to conduct the business of the College and to serve the students and the general public. Further, College employees have a responsibility to the College and the community to conduct themselves at the highest level of ethical standards.

Conduct that interferes with operations, discredits the College, or violates performance or ethical standards will not be tolerated...

C- 1. All employees are expected to conduct themselves and behave with professionalism, courtesy, integrity, and with the highest level of ethics. Such conduct includes, but is not limited to:

a. Cooperating with other employees and treating all students, visitors, other employees, and members of cooperating agencies or businesses in a courteous and considerate manner;

c. Maintaining high standards of honesty and integrity, free from personal considerations, bias, or favoritism

C-2. Employees are expected to perform their assigned duties in accordance with established timelines, standards of quality, and College Policies. This includes, but is not limited to:

a. Meeting established quality standards in a timely fashion;

C-3. Employees are required to comply with Federal, State, County, and Municipal laws and regulations as well as the Policies and Procedures of Pima Community College.

C-5. The following conduct is prohibited and any employee engaging in such conduct, attempting to engage in such conduct, or aiding another employee is subject to the Corrective Action and/or

Disciplinary Procedures. The examples below are illustrative of the behavior that will not be permitted, but are not intended to be all-inclusive:

b. Fighting or assaulting a fellow employee, visitor or student; using language, actions, and/or gestures which are threatening, intimidating, abusive, obscene, or profane; engaging in any form of intimidation, bullying, harassment, sexual harassment, discrimination, or contributing to an offensive, hostile environment (see Section I., C.); disorderly or disruptive conduct;

f. Lying or intentionally falsifying, altering or withholding relevant information from any College record or report; failing to notify the College of a felony conviction or the loss of a license or certificate required for the position, or failing to cooperate in a College investigation or audit;

The planned changes are NOT HLC mandates for Student Service's staff as Ms. Holmes, Mr. Berryman and Ms. Mitchell continue to present. The Guidelines intended for faculty have been falsely imposed onto the Student Service's employees. Your statement in your "Report to the Community" (Late Spring 2015) "Areas where progress is needed" makes no mention of Student Support Services (Exhibit 13).

Rather, this is an internal College action that has brought much unwarranted turmoil and panic to Student Service staff members throughout the District. These actions are cruel and capricious. These employees fear for loss of their job and/or the financial burden they are being placed on because of the degree requirement. Student Service Employees are feeling the pain in working in a high stressed and hostile work environment that this disturbing action has caused in their work areas, including those who may not be affected (by degree requirement). Karrie Mitchell was well aware of the emotion distress these employees were enduring by her recommendation of seeking EAP.

The issue at hand per our meeting with you is "the defining of the qualifications" as per HLC requirements. In your report "Pima Community College 2014 HLC Self-Study Report" (Exhibit # 12) you stated, "The Self Study Report provides strong evidence that the College has resolved the HLC's components regarding areas of non-compliance and meets the HLC's Criteria for Accreditation, the Core Components and the Assumed Practices. In your reference to Component 3C.6, you mentioned "Pima Community College maintains a variety of policies and procedures that ensure all staff, including those who provide student support services, are appropriately qualified and trained for the jobs they perform and are provided with professional development to ensure their continued growth". You further entail under Student Support Services Staff Members (Financial Aid, Advising, Student Life) "PCC ensures that its student support staff members are appropriately qualified, trained and supported in their professional growth". You further explained in detail the over 100 hours of training and professional development that these employees participate from day one of hire.

Therefore, we find that College is complying with any HLC qualification as is written. As mentioned in the July 29, 2015 meeting with you, a "Qualification" definition is looked as the skills and abilities to perform the job. Student Service's Employees "Qualifications" are supported by their many years of experience and documented on their Performance Evaluations.

You indicated problems existed with services to students. The problem does not exist with these "qualified employees". Virginia Ortega and Sandra Loreto shared concerns with you regarding current practices that are in place that fail to serve students properly. During the 2015-16 Meet and Confer, AFSCME argued points made by the Baker Tilly report regarding employee trainings. AFSCME was clear that training is very important to the employees and training is always welcomed. In addition, during monthly meetings with you and/or Human Resources Representatives, Virginia Ortega has discussed the importance on keeping employees well informed of any updates as they relate student services.

Services to student are of great importance to these staff members. It is the College's responsibility to assure that its leadership is providing the needed tools to address such improvements by continuing with the training you have mentioned (as per Exhibit 12)

These employees have gained their positions by either competitive employment or by the Board Approved Student Services Model reclassification. Through the frenzy of the College's probation, these employees were elemental in bringing students comfort in their choice of Pima Community College. They continue to serve the students of Pima Community College and follow all criteria set forth in their positions from the day of hire to present. They had no part in the College's HLC violations, yet they are pawns to an unjust College administrative act.

This action has been in the works since summer 2014 (Exhibit #14 -2014 email exchanges). If such action was in fact an HLC mandate, why did the College wait for one year to bring forth a critical matter such as this? Meet and Confer 2014-15 was delayed because of the Employee Group's need to address "HLC Red Flags "as a group. This group served in Interest Based Meet and Confer Sessions. The Interest Based Committee (IBC) tasks show no evidence of "red flags" indicating a need to address Student Support Qualifications (Exhibit 16).

Finding that this is an internal process, why is an outside (third party) agency being sought to assist in reviewing these employees' IPR? We have attached (Exhibit #15) that indicates a peer institution, Maricopa Community College's Student Services Specialist and Coordinator job specifications, mirror the current Pima Community College's Student Services Job Specifications/Descriptions.

In closing, we are requesting the following resolution:

- *An apology to the affected employees for the distress and anxiety they have experienced these past weeks brought forth by the College Administration*
- *Corrective Action to the College Administrative team responsible for the manner and behavior used in their application of an HLC Guideline*
- *Withdrawal of current Student Services Qualification plan in writing*
- *All actions affecting a staff member's employment in any manner (RIF, Repurposing, Salary Administration Practices, Hiring Practices) will be followed according to the Non-Exempt Policy Statement , Common Policy Statement for All Employees and Standard Practice Guides as approved by the Board of Governors.*
- *In the instance the College changes qualifications "in the future", employees will be protected and grandfathered from any loss of employment and salary.*

If further information is needed, please contact Arlene Muniz at either 520 571-8884 (office) or 520 419 2410 (cell phone).

Sincerely,

Arlene Muniz  
AFSCME Organizer

Virginia Ortega,  
AFSCME Chief Steward-PCC Division

Edie Pearson  
Steward

Sandra Loreto  
Asst. Chief Steward

Cc: Sherry Van Horsen, AFSCME Administrator  
AFSCME PCC Officers  
Pima Community College Board of Governors  
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We the Undersigned Student Service Staff Members request the acknowledgement of the Formal Group Grievance presented on our behalf from AFSCME.

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