An executive session and a regular meeting of the Maricopa County Community College District Governing Board were scheduled to be held beginning at 5:30 p.m. at the District Support Services Center, 2411 West 14th Street, Tempe, Arizona, pursuant to A.R.S. Section 38-431.02, notice having been duly given.

GOVERNING BOARD
• Dana Saar, President
• Randolph Lumm, Secretary
• Doyle Burke, Member
• Alfredo Gutierrez, Member
• Debra Pearson, Member

ADMINISTRATION (REGULAR BOARD MEETING)
Rufus Glasper
Maria Harper-Marinick
Debra Thompson
LaCoya Shelton-Johnson
Mary O’Connor for Steve Helfgot
Lee Combs
Linda Lujan
Pattie Cardenas-Adame for Ernie Lara
Steven Gonzales
Greg Rogers for Irene Kovala
Sonya Pearson for Shouan Pan
Paul Dale
Paul DeRose for Anna Solley
Todd Simmons for Chris Bustamante
Jan Gehler
Shari Olson
Gene Giovannini

EXECUTIVE SESSION
Executive Session was called to order at 5:30 p.m.

MOTION
Motion 10207
Board Member Burke made a motion to go into Executive Session. Board Member Gutierrez seconded. Motion passed 5-0.

CALL TO ORDER
The regular board meeting was called to order at 6:40 p.m.

SUBSTITUTIONS
There were six substitutions for members of the CEC.

PLEDGE OF ALLEGIANCE
The assembly pledged allegiance to the United States of America led by Mrs. Debra Pearson.

CLASS ACKNOWLEDGEMENTS
There were no classes present.

STUDENT LIFE REPORTS
There were no reports.

EMERITUS, AWARDS, AND RECOGNITION
Dr. Steven Gonzales, President of GateWay Community College, thanked the Board and presented an Emeritus award for Dr. Jacqueline Fergusson. Dr. Jacqueline Fergusson retired in May of 2014 after twenty-two years of service as a faculty member in the Math and Sciences division at GateWay Community College. During her time at GateWay, Dr. Fergusson was a member of the Chemistry Instructional Council for approximately fifteen years, was the Chair of the Math and Science Division for five years, and co-authored with Richard Hart, CXC Chemistry, published in 1985 by Oxford University Press. Dr. Fergusson was committed to diversity initiatives and served as a Diversity Committee member, a Team Leader of the GWCC Annual International Coffee & Tea Extravaganza, and was the co-sponsor of the GWCC Black Student Union for approximately ten years. She supported the successes of GateWay and its students through her service as a GWCC Senator for ten years, her work as co-chair of the GWCC Master Planning Committee, and as an Honors Program mentor and a sponsor of the Phi Theta Kappa organization.

Dr. Fergusson thanked Dr. Gonzales for his kind words and remarked during her 22 years of service at GateWay Community College she had seen the growth of the college from a single
one story building to the magnificent three-story integrated education building that was recently completed. As the campus grew, so did its diversity and complexity and the student body spanned a diverse chunk of humanity. She was the only residential chemistry faculty member at GWCC during her stint at MCCCD and it was thrilling to see the expansion and have a hand in bringing about the growth of the program from a single course to the multi-course program it was now. She said faculty have a marked effect on their students’ lives and she wanted to assert that the student body and her fellow employees across the District have had a profound effect on her life, as well. With humility she accepted the award and thanked GWCC, the District, and the Board for the many opportunities afforded to her during her tenure.

Citizen’s Interim

There were three requests to address the Board. Written statements are included in the appendices.

1. Mr. Miguel Corzo, representing himself
2. Mr. Richard Glavan, on behalf of Mr. Corzo
3. Dr. Cleopatria Martinez, on behalf of Mr. Corzo

Mr. Miguel Corzo addressed the Board regarding agenda item 12.1 asking for his termination from MCCCD. During his statement, Mr. Corzo’s comments went beyond the 3-5 minute timeframe allotted by the Board President so he asked if his fellow speakers would be willing to give him their time so he could complete his entire statement. They agreed.

At the conclusion of Mr. Corzo’s comments, Mrs. Pearson remarked that there would be no discussion, but she wanted to thank Mr. Corzo for coming that day and giving her the opportunity to meet him. She stated she had avoided reading materials he had sent because she wanted him to understand how much respect she has for process. Without process the Board has nothing and it makes a mockery of everything. She had not responded to his emails and avoided discussion out of respect for the process. She wished he had been shown the same respect. She said she understood his desire to blame someone else for what was going on and she wanted him to understand that she had not read anything the District has presented either because it was presented out of precedence and also out of respect for process. There have been many discussions in many meetings and those attempts were out of order (i.e., any reference to this issue that was presented without the opportunity for an equal rebuttal). She said there had been very serious negligence in process and guilty people go free when there are process violations. She said she would do everything in her power to make sure process is followed—even considered resigning from the Board. However, she was given advice to stay, to not resign, because she was the only champion of process. She stated, based on policy, she could ask questions and he could answer. As she began asking specific questions, other Board members remarked that they should wait until later in the meeting when the agenda item would be discussed. Mrs. Pearson asked if she would be allowed to bring Mr. Corzo forward to answer questions at that time and the Board President said no. Discussion ensued regarding the appropriateness of questions during Citizen’s Interim. The Board President concluded she was out of order. The Board thanked Mr. Corzo for his time.

Approval of the Order of the Agenda

President Saar then requested a motion to approve the Order of the Agenda.

Motion

Motion 10208
Board Member Lumm made a motion to approve the Order of the Agenda. Board Member Burke seconded. Motion passed 5-0.

Approval of Consent Agenda

President Saar asked if anyone wanted to remove any items from the consent agenda. No items were removed.

The following items were included in the Consent Agenda:


7.1 APPROVAL OF EMERITUS DISTINCTION, GATEWAY COMMUNITY COLLEGE (GWCC)—award Faculty Emeritus Distinction to Dr. Jacqueline Fergusson.
8.1 CONSIDERATION OF EMPLOYMENTS—approve the personnel actions as proposed. Budget approvals have been granted and are on file for the recommended personnel actions in this item.

8.2 CONSIDERATION OF SPECIALLY FUNDED EMPLOYMENTS—approve the personnel actions as proposed. Budget approvals have been granted and are on file for the recommended personnel actions in this item.

8.3 CONSIDERATION OF SHORT TERM EMPLOYMENTS—approve the personnel actions as proposed. Budget approvals have been granted and are on file for the recommended personnel actions in this item.

8.4 CONSIDERATION OF SEPARATIONS—approve the personnel actions as proposed.

8.5 CORRECTION TO PREVIOUS BOARD AGENDA ITEMS—approve the personnel actions as proposed.

9.1 APPROVAL OF ARIZONA CENTER FOR EARLY CHILDHOOD MANAGEMENT (AZCECM) GRANT RIO SALADO COLLEGE—accept year three of a grant award for the Early Childhood/Human Development Program at Rio Salado College from the South Phoenix Regional Partnership Council of the AZ Early Childhood and Health Development Board (First Things First) totaling $310,113. Approval of the twelve month allowable expenditure period is requested for July 1, 2014 through June 30, 2015.

9.2 APPROVAL OF US DEPARTMENT OF EDUCATION TRIO GRANT STUDENT SUPPORT SERVICES (SSS) AT SOUTH MOUNTAIN COMMUNITY COLLEGE—accept the U.S. Department of Education grant award in the amount of $231,103 for the Student Support Services TRIO program at South Mountain Community College. Funds were awarded for year five of a five-year SSS-TRIO grant, beginning 9/1/2010 and ending 8/31/2015.


9.4 APPROVAL OF PROPOSED INTERGOVERNMENTAL AGREEMENT BETWEEN GLENDALE COMMUNITY COLLEGE AND THE WESTERN MARICOPA EDUCATION CENTER (WEST-MEC)—approve an Intergovernmental Agreement between Maricopa County Community College District and Western Maricopa Education Center (WEST-MEC) to offer Emergency Medical Technician (EMT) and Fire Science classes at Glendale Community College. West-MEC agrees to pay student tuition, registration, and fees.


10.1 APPROVAL OF UTILITIES EASEMENT TO ARIZONA PUBLIC SERVICE FOR THE NEW MONUMENT SIGN PARADISE VALLEY COMMUNITY COLLEGE—grant an easement to Arizona Public Service (APS) to provide and maintain electrical facilities for a new monument sign along Union Hills Drive at Paradise Valley Community College.

**Motion 10209**

Board Member Burke moved for approval of the Consent Agenda. Board Member Lumm seconded. Motion passed 5-0.

11.1 APPROVAL OF POLICY MANUAL—RESIDENTIAL FACULTY—approve the policy manual for Residential Faculty effective August 1, 2014.

A Board member questioned the changes in sections 3.15 and 3.16 regarding replacing and retaining faculty saying clarification was needed on the intent and purpose. Ms. LaCoya Shelton-Johnson, Vice Chancellor for HR, asked Mr. James Bowers, former Interim Vice Chancellor for HR, to answer the question as he had been a member of the Meet and Confer Team that worked with
faculty on the revisions. Mr. Bowers remarked the language replaced the previous reduction in force policy that was considered unmanageable and unworkable. The new language acknowledged there would be times when programs needed to be reduced or removed. The new language allowed for faculty professional growth funds to be used to retrain affected faculty so they could be retained within MCCCD. The previous policy was designed to lay people off; this new policy allowed departments to plan as far in advance as possible to allow them to work with affected employees to develop a retraining plan—the retraining would be supported by faculty professional growth funds.

A request for clarification regarding the establishment of ratios for occupational faculty (5.2.3) was raised. Mr. Bowers stated the ratio was established to ensure a minimum number of residential library and counseling faculty for every 1,000 FTSE. He noted MCCCD was currently very close to this level and it was a point of importance as the colleges worked to meet the Chancellor’s goal of a 60/40 ratio for residential faculty.

**Motion**

**Motion 10210**
Board Member Burke moved for approval of Item 11.1. Board Member Lumm seconded.
Motion passed 4-1 (Pearson).

**11.2 APPROVAL OF STAFF POLICY MANUAL**—approve the Staff Policy Manual effective August 1, 2014.

A Board member remarked that only a small portion of the manual had actually been presented to Employee Groups for ratification and that the process was creating a draconian document and creating an unhealthy culture for the District. It was recommended that MCCCD return to a more respectful process so employee groups are included when setting policy and to move away from the silo-style bureaucracy currently in place. Other Board members remarked that the policy document was continually updated and it could be modified. Ms. Shelton-Johnson stated that continuing to refine the document is a viable option. Her department will be tracking suggestions and approaching language changes in a responsive way rather than reacting to problems that may arise. Board members thanked those responsible for working on the changes, stating good policies were in place. Another Board member remarked that enforcing policies needed to be prioritized and suggestions for change given due diligence.

**Motion**

**Motion 10211**
Board Member Burke moved for approval of Item 11.2. Board Member Lumm seconded.
Motion passed 4-1 (Pearson).

**12.1 APPROVAL OF TERMINATION RECOMMENDATION FOR MR. MIGUEL CORZO**—approve the recommendation for termination of employee Mr. Miguel Corzo.

Chancellor Rufus Glasper made a brief statement regarding his recommendation for termination. He said the full text of his recommendation was included in the agenda materials posted on the Board web (they are also included in the appendices of these minutes). He said he strongly believed any action less than termination would be a disservice to the students and the entire system. Employees who fail to protect sensitive information should be held accountable. Mr. Corzo willfully refused to participate in procedures set by this Board. Mr. Corzo had waged an extensive public relations campaign sharing documents that claim no negligence but which cannot be verified. Another employee wiped his machine so there is no way to prove documentations presented by Mr. Corzo actually existed or from what source. The committee’s findings support this recommendation. [Regarding the 2011 incident] Mr. Corzo should have insisted Stach and Liu be given access to his systems for review. The finding that his conduct was willful is backed by evidence. The hearing was supported by the record. Dr. Glasper wanted to make it clear that no one reported to him [in 2011] that MCCCD’s systems were unprotected. In fact, he has a written record that states there was no evidence that any Maricopa data were breached and that future security measures would be put in place to ensure the data were protected. He believed that the necessary protections were put in place until he was informed otherwise in 2013. Mr. Corzo failed to protect the data and failed
to ensure leadership understood the weaknesses that still existed. When the weaknesses were brought to the Chancellor’s attention in 2013 by Mr. John Webster, he immediately responded with an independent investigation. That investigation recommended several terminations. He then stated the Board should not condone political maneuvering, noting that the public and regulatory agencies would not accept a political action. He said Maricopa needed the Board’s support to show that MCCCD takes seriously the privacy of those entrusted to it.

**Motion 10212**

Board Member Pearson moved for a substitute motion to table the termination until an investigation to determine if the process was violated could be completed. Board Member Lumm seconded. Motion failed 1-4 (Burke, Gutierrez, Lumm, Saar).

Board member Pearson stated she had not read the District’s evidence as she believed in process and procedure. She was totally committed to the District to investigate incidents. However, if the Board violated process/procedure, even to get to the guilty, it was more wrong. The Board was like a jury and if, at any point, a jury was told a procedure was incorrect, the jury would be removed until the process was reviewed and made correct. No one would be safe if the Board did not follow its own processes. Mr. Corzo brought a claim to the Board that process was not followed. The Board needed to ensure that proper procedure was followed before the Board could move forward. She said she did not believe that process had been followed in Mr. Corzo’s case. She questioned the appropriateness of the substitute representative, fearing that decision exposed Maricopa to liability. It did not matter, when violations of process occurred, if the individual was guilty or innocent—the Board was the gatekeeper for process and procedure and it must suspend action until process was investigated by an outside independent body. Another Board member asked what was meant by ‘outside independent body.’ Mrs. Pearson replied the Board would need to seek advice from the Attorney General’s Office on how to investigate violations of policy/procedure. She said it was incumbent on the Board to make sure that process was respected, protected, and upheld by the Board. Another Board member asked what would happen if the Board approved this motion. Mrs. Pearson remarked the Attorney General’s Office would be the proper place to go.

Board member Gutierrez remarked that he had read the documentation, he had read the relevant portions of procedures adopted by this Board, and he did read the testimony and supporting documentation presented by Mr. Corzo. It was made clear that process had been followed.

**Motion 10213**

Board Member Burke moved for approval of Item 12.1, as written. Board Member Gutierrez seconded. President Saar asked for a roll-call vote: Burke, aye; Gutierrez, aye; Lumm, nay; Pearson, nay; Saar, aye. Motion passed 3-2 (Lumm, Pearson).

Board member Lumm remarked he had read the documentation, he had doubts. Mr. Corzo was not in a high position at that time and Mr. Lumm did not think there was reason for termination. He was more concerned regarding the finger pointing going on. Mr. Saar said that MCCCD had an awful situation where no one was taking responsibility. He felt MCCCD tended to shuffle people around when they did not work well elsewhere and it was part of the reason MCCCD found itself in such a position in the first place. Mr. Burke noted in Mr. Corzo’s statement that the Vice Chancellors and Chancellor were informed a dozen times the situation existed but he had never seen any evidence substantiating that claim except one written, undated letter that could have been created at any time. He was at a loss why the situation was never addressed. Evidence showed one memo that stated the situation was addressed and data were secure. Mr. Corzo stated his area was not breached, but the Stach and Liu report said it was. Employees should have worked together and he did not see any evidence that occurred. Mr. Gutierrez remarked he had come to this situation after everything had happened so he looked at it with fresh eyes. The Board had spent months hearing about this divisive issue even beyond major governance issues. The IT department, as it existed at that time, needed supervision which never occurred until the 2013 incident brought it to light. Evidence shows a clear dereliction of duty. Stach and Liu’s representative at the hearing said he had informed folks that the house was on fire but the memo sent subsequently said it was a very minor problem. Mr. Corzo’s behavior was not unique—it was a department full of dereliction of duty. He hoped the situation was now being adequately addressed.
FIRST READ

13.1 REVIEW OF 4.4 BOARD PLANNING AND AGENDA PREPARATION PROPOSED REVISIONS—
review the proposed changes to its Governance Policies (policy housekeeping). No comments
were presented regarding the proposed changes.

MONITORING REPORTS

14.1 BUDGET ANALYSIS REPORT, FUND 1—GENERAL UNRESTRICTED FUND FOR THE TWELVE
MONTHS ENDING JUNE 30, 2014 (PRELIMINARY)—Expenditure analysis indicates 85.4% of the
budget has been expended this year as compared to 91.6% expended at this same point last
year. 14.6% of the budget remained unexpended or unencumbered compared to 8.4% in the
prior year. Revenue analysis indicated that 96.5% of the budget has been recognized as
compared to 97.6% in the prior year. The projected fund balance will increase by ~$4.3M this
fiscal year and the projected ending fund balance for June 2014 is $164.3M.

30, 2014 (PRELIMINARY)—As of June 30, 2014, $793.3 million, representing approximately 83%
of proceeds from the Series A, Series B, Series C, Series D, and Series 2013 issuances of the
2004 bond have been expended or encumbered and $158.0 million remains available. Bond
proceeds are invested until expended.

DISCUSSION

15.0 REVIEW OF PROPOSED 2014 GOVERNING BOARD SELF-EVALUATION TOOL
President Saar asked Board members to comment on the proposed tool for the Board’s self-
evaluation. No comments were made regarding the tool. A Board member recommended that
Board members bring up concerns and share their vision for the future. President Saar noted
the Board would be discussing its self-evaluation at the next meeting on August 12. The current
tool would be distributed to the Board for input and replies tallied prior to the meeting. He
asked Board members to share their comments about how they can work better as a Board.

BOARD MEMBER REPORTS

Mr. Saar reported he had recently attended a Governing Board Retreat with the Association
of Community College Trustees (ACCT) national association. He said it was one of the better
retreats he had attended. It was very focused and he walked away with several good ideas and
how to implement them. He will be sharing this information with the Board at a future date.

CHANCELLOR’S REPORT

Chancellor Rufus Glasper reported in July, 2014, he was invited to be on a panel in response to
President Barak Obama’s State of the Union address regarding across the board reform to
ensure community colleges meet one mission—to train workers with skills employers need.
Twenty training providers from both public and private sectors were invited to participate and
they shared best practices on how to move from good to great. The final report, The 7 Habits of
Highly Effective Workforce Programs, agreed on seven major categories:

1. Actively Engage Local Business
2. Use Labor Market Data to Drive Decisions
3. Treat Education Like a Job
4. Connect People to Careers
5. Provide Wrap-Around Student Services
6. Tap Innovative Funding Sources
7. Embrace Evaluation

MCCCD was cited in number six with the Maricopa Corporate College model being viewed as a
highly effective workforce program.

Board members asked if MCCCD could better use the labor market data and Dr. Glasper agreed it
could. Maricopa was asked to bring in independent researchers to focus on specific areas. Board
members asked if Small Business Development was being considered and Dr. Glasper said it was.
He said planning is ongoing to figure out ways to support small business. A Board member asked
how those seven categories would affect Maricopa. Dr. Glasper said they could be used as rubrics
to assess MCCCD programs and help to determine if things should be done better. A Board
member noted that career placement would be good to focus on—MCCCD should find out where
the jobs are and provide the training needed to get workers into them.
EMPLOYEE GROUP REPORTS

Ms. Lysia Hand, President of the Adjunct Faculty Association, provided the following. “President Saar, Members of the Board, Dr. Glasper, Members of the CEC and Guests, my name is Lysia Hand, Adjunct Faculty Employee Group President. Thank you for the continued opportunity to speak on behalf of the Adjunct Faculty. The purpose of speaking to you tonight is to announce that Adjunct Faculty Professional Growth has a New Online Application Process. This project started May 2013 and will launch August 2014. The Adjunct Faculty Professional Growth Program (AFPG) is administered by the Maricopa Center for Learning and Instruction in the Academic and Student Affairs Division. We are moving the AFPG application process online to provide a more efficient system and to be in alignment with MAT and PSA online professional growth application processes. The program provides funding assistance, on a reimbursement basis, to adjunct faculty to attend conferences, seminars, workshops, and professional meetings that are directly related to, and will enhance the applicant’s teaching skills and benefit student learning for current classes taught for Maricopa Community Colleges. The Adjunct Faculty Program Guidelines are available at http://mcli.maricopa.edu/adjunct-fpg. I want to thank a number of individuals who directly and indirectly helped make this possible: MCLI: Don Jensen-Bobadilla, Programs & Events Coordinator and Dr. Ramona Cox, Director Academic Affairs Support Programs and Services; Rio Salado: Matthew Budwill, CRM/SharePoint Administrator Information Services - Rio Salado Community College; Rio Salado: Ed Kelty, Vice President Information Tech; EOLT: Angelica Mihailova, MAT & PSA Professional Growth Coordinator; Phoenix College: Norma Pina, Secretary Communication, Reading and Education; and finally this project would not have been possible without the support of Dr. Harper-Marinick. Thank you for this opportunity to speak at the Governing Board meeting.” [ http://mcli.maricopa.edu/adjunct-fpg ]

VIC CHANCELLOR REPORTS

There were no reports.

COLLEGE REPORTS

There were no reports.

AADGB REPORT

Mr. Burke reported the next AADGB meeting would be in September (TBD).

ASBA REPORT

Mr. Lumm reported ASBA will be having their annual retreat in Flagstaff July 24, 2014 and he was planning to attend to meet with other Board members around the state.

ACCT REPORT

There was no report (see Board member reports).

GOVERNMENT RELATIONS UPDATE

Ms. Dawn Wallace, Director of State and Local Government Relations, provided the following. “President Saar, members of the Governing Board, Chancellor, CEC, and ladies and gentleman in the audience: today, President Obama signed into law the Workforce Innovation and Opportunity Act (WIOA), the reauthorization of the Workforce Investment Act. The law maintains the basic structure of workforce systems under Title I of what was WIA, as well as Title II, the Adult Education and Family Literacy Act. The new WIOA places a greater emphasis on career pathways and the attainment of postsecondary credentials, whereby individuals are often co-enrolled in developmental and training programs. It also eliminates the current sequence of services that stipulates individuals can only receive training services if they first complete core services. WIOA also allows local areas increased flexibility to contract with institutions of higher education. Two key provisions in the law include: 1) Accountability—WIOA streamlines the accountability process by creating six core indicators that are common across programs. Indicators include the percentage of participants in unsubsidized employment during second and fourth quarters after exit, median earnings for those participants, as well as tracking of progress and attainment of a postsecondary credential, diploma or equivalent. 2) Under the language of the WIOA bill, the effective date will be July 1, 2015, the first day of the first full program year after the President signs the bill. The new performance measures will not go into effect until the second program year after the law goes into effect, roughly July 2016, thus giving grantees time to plan accordingly. Workforce Investment Boards (WIBs)—Under WIOA, the basic structure of the state and local WIBs is maintained, however the number of mandatory slots has been reduced. While community colleges retain their slot on the local WIB,
they are only optional members of the state WIB under WIOA. There remains more work to be done before the process is complete. Both the Department of Labor and Department of Education will be developing significant regulatory guidance during transition and implementation. We will be happy to provide you further information in the days ahead.

State Relations: We are currently engaged in the election cycle. We are meeting with prospective candidates for state office, in addition to incumbents who may seek leadership and key committee chairmanships. On July 28, Chandler-Gilbert will be hosting a gubernatorial candidate forum. In conjunction with the Center for Civic Leadership, my office is organizing governing board candidate forums in September and October. Once we have those dates confirmed, we will brief you more fully. In the next two months, we will begin to develop our legislative agenda and our budget request to the state. I will be working with the colleges to develop our itineraries to bring prospective and incumbent legislators to our campuses. In September, we will organize our Planning Committee for Maricopa Day at the Capitol. We regretfully had to cancel last year due to waning days of the session. However, this year we will plan earlier, hopefully with a February date.

Next Month: As a preview, next month, I will present the state’s budget outlook for FY 2015 and beyond. Preliminary results paint a very gloomy picture of the availability of state General Fund dollars. I will also brief you on the K-12 funding lawsuit—certainly, that lawsuit was a shot heard round the world for folks who are seeking state General Fund support. The primary election will be held on the next Governing Board meeting date. Depending on the length of the meeting, I may be able to give you results on the election.”

**Next Board Meetings**

President Saar announced the following future meetings. **NOTE:** Times were changed to reflect a meeting schedule restructure.

- August 12, 2014, 8:30 a.m., Retreat, Governing Board Room
- August 12, 2014, 12:30 p.m., Agenda Review, Governing Board Room
- August 26, 2014, 6:30 p.m., Regular Board Meeting, Governing Board Room

**Adjournment**

President Saar adjourned the regular board meeting at 8:31 p.m.

Randolph Elias Lumm
Governing Board Secretary
Appendix

Statement from Miguel Corzo
Recommendations, Facts, and Findings regarding Miguel Corzo
President Saar, Members of the Governing Board, Members of CEC, guests:

My name is Miguel Corzo and I have worked for Maricopa for nearly 3 decades. I am here today to defend myself against wrongful termination by the Maricopa Administration. Others who were blamed by the Administration have resigned. The reason I am in front of the Board today is because I decided to fight this injustice rather than go silent into the night.

Let me be perfectly clear, "Members of the Executive Leadership in this Administration were informed and knew of major security issues in 2011 and 2012."

The FBI notified the Administration that data was for sale on the Internet. If that does not tell you how grave the situation was, I do not know what will. The Administration sent internal communications to all Maricopa employees with their knowledge of the situation. The VC of ITS was given the security report from Stach and Liu with supposedly all the details. The Chancellor was told repeatedly of the conditions that existed in the Department in 2012 which ultimately led to the 2013 security breach. It is in writing. You will find the warnings in the IT grievance that was filed, the Security Oversight report given to Administration and the many emails and letters sent to the Chancellor and the Vice-Chancellor. This documentation is available for your review. Members of the ITS Leadership involved in the investigation in 2011 and 2013 are available to testify if you need real facts. The Vice-Chancellor of ITS in 2013, John Webster, is available to be interviewed by the media, the Board and the Hearing Committee. Why wasn’t the testimony of these key players considered in the investigation? I provided their names as my witnesses.

The Chancellor says that he was never told about the severity of the issues. He was informed via a formal ITS Grievance. It was addressed to him. He should have been informed by his direct report as well, the Vice-Chancellor of ITS.

I should remind the Governing Board that even if the Chancellor wants to claim he was never shown the Stach and Liu report, which I cannot comment on because I never saw it, how can he try to gloss over state audit reports that year after year pointed out issues that MCCCD had failed to address?

I went above and beyond my responsibilities. When I realized that security fixes were not getting done, I filed a formal grievance in 2012 alerting the Chancellor that data could be exposed. The Administration had plenty of time to take action and prevent the bigger breach of 2013.

I was not in charge of any of the compromised systems at MCCCD in 2011 and 2013 or the security associated with those systems. That was someone else's job.
I never obstructed any investigation. Maricopa has no prove of this ever happening because I never did such thing. I was not leading the investigation at the time as directed by my Supervisor (see below).

I did not fail to protect Maricopa's data. The data I was assigned to protect by Maricopa was secure in 2011. The data that was compromised belonged to another department.

The hearing committee claims that they received all the information I provided and that is correct. What they do not say is that I requested 100s of public documents to defend myself and prove my innocence and Maricopa never gave them to me before my hearing. What the hearing committee does not say is that I was never allowed to bring my witnesses to the hearing. Why is the input of highly respected IT leaders like John Webster who ran the ITS organization being dismissed?

This entire incident could have been avoided had the Administration taken action on information provided to them over and over again in 2012.

The Maricopa Administration is accusing me of not doing a job that wasn't mine to do, being responsible for systems that I wasn't responsible for, knowing about a security document that was never shared with me, not communicating upwards when I repeatedly did so, not protecting Maricopa data when the data that was stolen was not my responsibility to protect, being the database administrator for databases I had no control over, being responsible for compromised systems that were not under my supervision, performing below standards when my supervisor evaluations pointed to the contrary, not doing enough during an incident in 2011 when I was onsite, working with my staff and others to help Maricopa address a small security breach. Why is the Administration turning a blind eye on all these facts? Why did the hearing committee ignore all these when making their recommendation?

In 2013 when the second and larger breach took place, I was no longer assigned to any supervisory or database duties. Yet, I am here today being blamed for what happened in 2013. Let me be perfectly clear again, "I was in charge of many systems at Maricopa but I was never in charge of security or networking. I certainly was not in charge of any of the compromised servers or their data''

Security is everyone's job, however, there were people in the department specifically assigned to security. These individuals reported to the Vice-Chancellor, who in turn reported to the Chancellor.

The Chancellor is accusing me of not alerting him when I became aware of the content of the Stach and Lie report. First of all, that was not my job at the time. Secondly, this is a report I have never seen and has never been given to me as testified by Martin Gang in a signed
statement to the Governing Board.

Mr. Gang says:

*The 2011 security incident report from the consultant was sent to Earl Monsour ... After receiving the report... Earl forwarded a copy of the entire report... to George Kahkedjian, Rod Marten and me. At the time the report was received, and while in the presence of George Kahkedjian, I asked why a copy of the report was not sent out to the entire IT leadership team. George firmly stated that he did not want to involve individuals who had no responsibility for the compromised systems. That meant that ... Miguel Corzo.... was not provided a copy of the report.*

Why is the hearing committee insisting that I've seen that report and that I should have acted on it? How can I warn the Chancellor about the contents of a report that I have not seen?

The chancellor doesn't want me to hold him accountable for a report he claims he never saw, but he wants me to be held accountable for the same report that I never saw, either. How fair is that?

Gang goes on to say in his letter:

*The server that was proven to be compromised was the main Maricopa public web server. The data on the web server belonged to Marketing. Marketing and the server team had sole responsibility for the content and this server was never considered part of the protected student data systems for which Miguel had responsibility... Given Miguel Corzo's job assignment at that time, Miguel had no responsibility for the information on that server as it was Marketing's data.*

Why is the Administration accusing me of being responsible for a database that wasn't my responsibility?

I hope this Governing Board takes the time to ask all these questions. My career and reputation are on the line after 3 decades with this District.

In order to defend myself, I requested a hearing per MAT policy. My hearing was completely rigged and I was denied due process. My chosen representative was replaced by the Administration without my approval. I was not allowed to have any of my witnesses. The records I requested from Maricopa to defend myself were never provided to me. This represents a violation of MAT policy 15.2 in the employee manual and a violation of my rights to due process. Needless to say, this was not a fair hearing. The outcome was sealed from the beginning.
As you can see, the Administration has made every effort to keep me from being able to defend myself. They violated Board policies, created new policy and applied it retroactively, denied me of due process in my hearing, and failed to ask my supervisor in 2013, John Webster, for his input during the hearing.

The Administration was told and Dr. Glesper was informed. The Administration knew that Maricopa was at risk. They became complacent, took a chance and something major happen.

We warned the organization, not once, not twice, but over 12 times in 2012 alone. Now, the same employee who warned them is being thrown under the bus.

The Administration denies knowing how grave the situation was. They claim that the ITS Grievance does not mention data security, however, the section on security in the grievance is several paragraphs long and it reads.

_A security oversight report was delivered to George Kahkedjian by his security officer in the Spring of 2012. This report pointed out several risks and deficiencies in the organization. Most of the recommendations were ignored by George Kahkedjian. The list of recommendations included:_

- Resolution of web server compromises. Months passed and none of the agreed upon steps were resolved. This represented a high risk to the organization that could expose personal information.

If a grievance itself is not a call to action, I am not sure what is. If this message doesn’t make someone take action, I don’t know what will. We filed this grievance in 2012. It was sent to Dr. Glesper at least twice prior to the 2013 incident. The Administration never responded to it, which represents yet another violation of policy.

It has been my intention to always do what’s right to the best of my abilities. Maricopa has recognized that over the years with multiple awards, promotions and excellent employee evaluations. Never in my entire career have I performed below standards. Never in my entire career have I received a bad evaluation.

The lack of care, concern and mistreatment from the Administration over the last several years is what caused the 2013 incident. The organization lost a tremendous amount of institutional knowledge. Nearly 50% of the department has left the organization. Losing a team of educated, trained and productive professionals left Maricopa compromised.

I never turned a blind eye on anything related to my job at Maricopa. I did not take the chances I took to save my job. On the contrary, I put my career and reputation on the line trying to save Maricopa from this embarrassment. Now, the organization is sparing no expense to end my
career.

I encourage the Board to own their own findings and ask questions. If the Board fails to make the investment, they will be leaving themselves open for litigation and the courts will tear us apart. The time is always right to do what is right.

Please take the following into consideration as you make a decision tonight

1. In order to make an informed decision, the Board needs to listen to the only legal sworn testimony about the security incident that is available to date. This is the testimony of Earl Monsour available for purchase from the courts. Has the Board heard his testimony?

2. In order to make an informed decision, the Board needs to hear from George K. Where is George? He was my supervisor. He did my evaluations and gave me marching orders. He knew about the Stach and Liu report. He knew the organization was at risk and security work had to be completed to fully protect Maricopa. Why didn’t he report this to the Chancellor or did he?

3. I made a public records request 6 months ago and I just received last week a partial list of records that I am still reviewing. Why has the Maricopa Administration denied me access to information that is not confidential and is public record? My own employee records were denied to me prior to my hearing.

4. The letter of termination wrongly assumes that I have seen a critical document, the Stach and Liu report of 2011. That document was never shared with me. Why was this critical fact missed by the committee?

5. I have been denied due process in a hearing that has been one-sided and heavily stacked in the Administration’s favor. Nearly all sections of the MAT dismissal process in the MAT policy manual (15.2) have been violated. Who is holding the Administration accountable?

6. Please consider all my contributions to Maricopa over the last 3 decades. Many of the systems that Maricopa still uses today are systems my teams developed and put in place. For years, I supervised one of the largest ERP systems and identity management systems in an educational institution in this country. None of these systems were compromised in 2011. Can someone performing below standards do this?

7. Please consider the fact that a letter of termination was presented to me last Thursday and I was given absolutely no time to respond. This is unfair and inhumane. I didn’t even know my name was on the Board Agenda until yesterday.

Honesty, integrity, responsibility, stewardship and transparency have always been at the
forefront of our organization. This incident has made us forget some of these core values.

Please join me in my fight to bring our core values back to the organization. Some of you have fought injustice before and understand what it feels like to be in my position tonight.

I am shocked and ashamed of the behavior of the Maricopa Administration. I don't understand the need to make me a scapegoat. I am a victim of this Administration's attempt at avoiding accountability. Why are you spending so much time and money to throw me under the bus?

This is a systemic problem that will be here long after I am gone if you allow things to continue this way. Miguel is not the problem. I was just a middle manager trying to do the best I can in a place I love.

The chancellor doesn't want the buck to stop with him. But it does stop with him and not with those of us whose job responsibilities had nothing to do with 2011 breach or the 2013 breach. This scapegoating is dishonest and should be unacceptable to the board.

I love my job at Maricopa. I am very sorry for what happened in 2013 and I am very sad for what's happening to Maricopa today, however, this wasn't my fault. This is a great injustice. This truly is 'to sin against hope'.

Please take the time to do a proper investigation. The 2.5 million who have been at risk of identity theft deserve no less. The taxpayers and students of Maricopa County who are now paying more tuition because of the breach deserve better.

I am asking you today to remove my name from the separation list and hold the Administration accountable. I went above and beyond to save Maricopa from this embarrassment.

I can summarize my speech with a few recorded words from the mouth of Kroll's Lead investigator hired by Maricopa "You did nothing wrong!"

As a well-known leader once said

**Our lives begin to end the day we become silent about things that matter.**

Thank you very much.
Respectfully submitted,

Miguel Corzo
June 10, 2014

Maricopa Community Colleges
Governing Board
2411 W. 14th Street
Tempe, AZ 85281

President Saar, and Members of the Governing Board,

In accordance with Section 15.2 of the Staff Policy Manual Appendix C (the MAT Manual), I am forwarding to you a copy of the decision of the hearing committee supporting the recommendation that the employment of Miguel Corzo be terminated. After careful consideration of the hearing record and the evidence, I accept the committee’s finding and will recommend termination of Mr. Corzo’s employment at a subsequent meeting. This letter provides a monitoring report to the governing board concerning my recommendation.

The following board policies, as interpreted and discussed in detail in Attachment A, apply to my recommendation:

- 2.1 Treatment of Students- Chancellor Limitation (Chancellor holds individuals accountable for failure to meet performance standards which resulted in conditions that were unfair, unsafe, undignified, untimely or unnecessarily intrusive for students)
- 2.2 - Treatment of Faculty and Staff - Chancellor Limitation (Chancellor assures that procedures are fair and holds individuals accountable for failure to meet performance standards which resulted in conditions that are unfair, unsafe or undignified for faculty and staff);

1 NOTE: THIS DOCUMENT IS HIGHLY CONFIDENTIAL AND SHOULD NOT BE SHARED WITH ANYONE. This document includes highly sensitive information about District IT operations, which if made public, would make it easier for a hacker to obtain unauthorized access to sensitive information we hold. This document also contains advice received from legal counsel, and reflects legal counsel’s mental impressions. PLEASE TAKE EXTRA PRECAUTIONS TO KEEP THIS DOCUMENT PRIVATE. Please be aware that a version of this document that is redacted to for legal privilege and to protect the security of Maricopa's network will be provided to Mr. Corzo's counsel and produced as a public record.
• 2.5 - Asset Protection - Chancellor Limitation (Chancellor holds individuals accountable for failure to meet performance standards which resulted in rendering institutional assets unprotected, inadequately maintained or unnecessarily risked); and

• 2.8 - Communication and Counsel to the Board - Chancellor Limitation (Chancellor holds individuals accountable for failure to meet performance standards which left the Chancellor and the Governing Board uninformed that millions of individuals’ data was exposed to unauthorized access for a prolonged period of time).

Based on the hearing committee’s report, the full record (which supports the hearing board’s employment termination recommendation), and the reasoning discussed below, I respectfully submit that my recommendation of employment termination is in compliance with board policy reasonably interpreted.

I strongly believe that any action short of termination would be inappropriate based on the nature of the conduct at issue and the millions of people who were impacted by it. The impacted individuals and the public we serve deserve the clear commitment of all of Maricopa, acting together as one, to ensure that our employees understand that privacy and security is Job #1, and employees who fail to protect sensitive information will be held accountable. This employment termination recommendation is a tipping point for Maricopa. I ask you to stand together with me to do the right thing so that the public we serve and our employees understand that we take the privacy and security of sensitive information entrusted to us very seriously.

The following paragraphs provide further detail. Nothing will be kept from the board. If members wish to review the hearing transcript and exhibits, a copy of the personnel recommendations of independent counsel (which includes the investigative report), and/or the 2011 and 2013 reports by security firm Stach and Liu (rebranded Bishop Fox), arrangements can be made to view them in the district office. This information includes privileged and confidential information, as well as highly sensitive information about our IT operations that, if made public, would make it easier for hackers to break into our network and obtain information without authorization. Accordingly, this information will not be shared electronically.

**The District Could Treat This as a Default Decision, but Has Not**

When a party fails to participate in a judicial proceeding, a default judgment can be entered. In a previous case, when the employee who wanted an indefinite postponement failed to continue his participation in the hearing process, I dismissed the appeal and submitted my recommendation as a consent agenda item. However, unlike that case, Mr. Corzo has created a public controversy, proclaiming that he is wrongly accused. It is important to demonstrate that the recommendation is well founded and consistent with board policy. I encourage you to make a fully informed decision and consider my recommendation as a non-consent item, subject to policy governance principles.
Nothing will be kept from the board. If members wish to review the hearing transcript and exhibits, a copy of the personnel recommendations of independent counsel (which includes the investigative report), and/or the 2011 and 2013 reports by security firm Stach and Liu (rebranded Bishop Fox), arrangements can be made to view them in the district office. Because of their legal confidentiality and data security sensitivity, they will not be shared electronically.

**The Committee Followed the Prescribed Procedure**

I note at the outset the Committee’s finding that Mr. Corzo knowingly waived his right to appeal the recommendation by refusing to participate in the hearing. This was no surprise: his attorney Richard Galvan told the press more than a week earlier (Arizona Republic, March 23, 2014) that he would not attend the hearing unless the district provided a huge volume of records, including documents he had reason to know were confidential by law. (For your information, the court did not decide that the District’s rejection of this or any other request was unlawful: under the judge’s supervision, we were able to establish a realistic schedule for disclosure, and just as important, an agreement protecting against the disclosure of legally confidential records).

Mr. Galvan claimed to the hearing committee that the records requested were necessary for Mr. Corzo’s appeal. At the same time, Mr. Galvan was working with members of the Arizona Hispanic Community Forum to submit documents and make statements to the board on Mr. Corzo’s behalf. At the February board meeting, one of these advocates claimed the documents provided were “all the board needed” to reject the recommendation to terminate Mr. Corzo and another colleague. Mr. Corzo’s advocates to the board insist the available evidence is sufficient for the board but not the hearing committee. The two positions cannot be reconciled. The committee found that there was no basis in policy or law to further extend the date when the hearing would begin. I agree. Then, Mr. Corzo’s appointee to the hearing committee resigned just prior to the scheduled hearing date, after speaking with an unnamed attorney. The procedure does not address this situation. The hearing committee applied Robert’s Rules and appointed a member who had been Mr. Corzo’s advocate and to whom Mr. Corzo stated he had no personal objection. Nonetheless, Mr. Corzo claimed he should have been consulted on the appointment. Mr. Galvan and Mr. Corzo used this issue as a pretext to do what his attorney had previously announced he would do: they left the hearing room, refusing to offer testimony under oath and subject himself and other witnesses to cross examination.

The committee did not prevent Mr. Corzo from having his written evidence, including his written response to the charge, entered into evidence and considered.

Since the recommendation to terminate was made, Mr. Corzo and his advocates, including his counsel, have waged an extensive public relations campaign to persuade the board to pre-empt the appeal process and decide this matter without input from the independent investigator, advocacy from counsel for the administration, or the findings of a hearing committee. Mr. Galvan and his clients have made many unsworn statements and shared with the board, the press,
and the public many documents they claimed exonerated Mr. Corzo. Some of these documents do not exist in any MCCCD system. The person who claims to be the author, Mr. Earl Monsour, wiped his computer before he went on medical leave. In their publicity campaign, Mr. Galvan and his clients have published information that is legally confidential because it jeopardizes the security of district data.

The board should not condone Mr. Corzo’s attempts to circumvent the hearing process and make a political decision, in which he can avoid giving sworn testimony and facing cross examination. If the board cannot hold accountable the IT employees who failed to maintain a secure system and failed to respond appropriately to the situation in 2011, it will send a message to regulators that it does not share my commitment to reforming the District IT Department. The public, and the regulatory agencies that are currently investigating the District, should not and I believe will not accept a political decision in this or any other action.

I find that the Committee’s procedural rulings were compliant with board policy, reasonably interpreted.

The Committee’s Findings and Conclusions are supported by Substantial Evidence

The Committee quotes from the testimony and the documents extensively, and review of the record demonstrates that they do so accurately. Their interpretation and application of my administrative regulations and other documents is reasonable, and is supported by expert testimony. It seems clear from the evidence presented, and I agree, that Mr. Corzo failed to work in collaboration with the other members of the IT team to assure that his and the 

He knew or should have known that the and should have insisted as far up the chain of command as necessary, that this was unacceptable. Once he heard the preliminary findings of Stach and Liu, he should have insisted that they be allowed to investigate his which was reportedly advertised for sale on the internet. Also, he should not have allowed executive leadership and the board to remain ignorant of Stach and Liu’s specific findings of or to accept that only a few hundred individuals’ data had been exposed. By failing to do these things among others, he failed to perform duties that had been communicated to him. I agree with the testimony and the committee’s finding, that his failure to provide accurate, reliable, and timely information of this kind to executive leadership was motivated by a desire to protect his job; he would certainly have faced serious questions about his performance if the true condition found by Stach and Liu in 2011 were disclosed to his supervisor, or higher. The finding that his conduct was willful is supported by the evidence.

Mr. Galvan and his clients suggest that Vice Chancellor Kahkedjian had actual knowledge that our system was wide open to intruders in 2011. They claim that I had an opportunity to know all
about data security issues, if only I had investigated reports of poor morale in IT, and a grievance seeking to rescind Mr. Kahkedjian's reorganization of the department.

The Hearing Committee's findings to the contrary are supported by the record. I can attest that Mr. Kahkedjian denied such knowledge when I asked him, and that I had no such actual knowledge.

Mr. Corzo and his advocates make much of statements that were made to me by internal and external advocates, which culminated in an informal grievance that was submitted to me informally by MAT and PSA leaders in fall of 2012. The documents to which they refer demonstrate that the concerns focused on work environment and morale issues and their alleged effects, not data security. The informal grievance was the response of the MAT and PSA leadership to Mr. Kahkedjian's reorganization of IT: the express, primary purpose of that grievance was to restore the affected employees to their former positions. The principal substantive reason for reversal of the decision was the employees' charge that the action amounted to unlawful discrimination. I immediately had this complaint investigated by an independent law firm, which found nothing unlawful. I accepted the firm's recommendations for policy changes in the area of reorganization. The voluminous grievance contained an 11-page addendum listing examples of alleged poor management of IT resources. Its purpose in the grievance was not to call for an audit of all the issues, but to challenge the Vice Chancellor's reorganization decision by attacking his overall credibility as an executive leader, offering examples. One document described some of these examples as consequences of the reorganization, but again the focus was on the then-proposed reorganization's effect on employee morale and its effect on organizational performance, not data security or any other particular concern. An investigation into the merits of the reorganization would not likely reveal the true condition of the database, especially if the witnesses were inclined to conceal it to protect their jobs.

None of the specific concerns in the addendum was a proper subject for a grievance under our procedure. Nonetheless, I inquired about these concerns. Among them was a brief statement to the effect that data security had been jeopardized by Mr. Kahkedjian's partial neglect of recommendations in a "security oversight report" that were intended to address unspecified "security risks and deficiencies." The grievance did not suggest that immediate action was required to notify and help people because there was no security and their data had been exposed since January 2011. Instead, it suggested that delayed resolution of the recommendations represented a "high risk to the organization" that "could expose personal information" presumably at some time in the future. Mr. Kahkedjian was on extended Family Medical Leave at the time of the grievance, and we do not normally contact employees in that status for legal reasons. However, when we were able to contact him, he assured me that he had not ignored any security recommendations or security issues and that to the best of his knowledge known risks were in process of being addressed when he went on leave.
I stress that the examples in the addendum were not listed by the grievance among the “non-policy” issues the employees wanted me to address. Nor were they the focus of the MAT and PSA leadership or the Office of Public Stewardship. These issues were focused on the IT reorganization and the alleged mistreatment of the employees. The remedy sought was not immediate action on the alleged consequences but rather on the alleged cause – the reorganization.

To be very clear, no one informed me at any time before 2013 that access to our systems, that our system was “wildly misconfigured and very insecure,” that no, and that because of this over two million people already had their data exposed. This information was known to the MAT employees I have recommended for termination. They did not report it to me.

What did come forward to me is consistent with Earl Monsour’s e-mail report to George Kahkedjian dated February 3, 2011, which you will find in the record. This is the only self-authenticated document I have seen, showing what Mr. Mansour actually reported to Mr. Kahkedjian about the condition of data security in 2011. Here is his reassuring conclusion:

“At this time, we have no evidence that any MCCCD data has been breached. Services have been restored in general. A few minor changes or delays have been realized due to some made to protect our environment, and there is a possibility that a few more may result as we move forward. However, we don’t anticipate anything major. We will make every effort to resolve these as soon as possible when encountered…. We have now extended our investigation into other , to ensure the attacks have not spread. We are moving forward with the development of a new standards, processes, and capabilities will be implemented…."

Mr. Monsour reported directly to me and General Counsel Lee Combs that although there was no evidence that information had been accessed, a small number files containing old personal data from a few hundred faculty members was in a position that was not protected from hackers. He informed me that these individuals would be notified citing a past precedent. I recall that Mr. Kahkedjian broadcast a notice to the MCCCD community containing a similar message. From that point on until 2013, my understanding was that the incident had been effectively addressed and that steps were being taken to address known vulnerabilities. I was, as Mr. Liu testified to the committee, shocked to learn that the system was wide open, that over two million people had their data exposed, that this condition had existed for at least two years and probably more, and that Mr. Monsour and his colleagues knew about it.

The committee correctly interpreted and applied district regulations and the board’s employment standards. Mr. Corzo failed to meet his responsibility to protect data before and after 2011 by allowing conditions to exist that resulted in exposure of sensitive information from the for which he was responsible, and also by failing to make sure that executive leadership in 2011
understood accurately and completely the true condition of data exposure as Stach and Liu found it.

The District’s dramatically different response to the same information from Stach and Liu in 2013 demonstrates the dramatically different state of my knowledge.

When IT received a report from Stach and Liu in 2013, John Webster, Interim CIO consultant conveyed the information to me immediately. The company was authorized to perform a complete examination, and I directed the situation be investigated and remediated. I imitated an internal audit, and as the scope and seriousness of the situation began to emerge I directed that the investigation must be independent of the District. We retained the exceptionally well qualified Lori Nugent and her Wilson Elser legal team to investigate the matter through Kroll, Inc., an industry leader in data security. We exercised no control over their inquiry, as Mr. Caouette testified to the committee. Ms. Nugent’s team applied MCCCD policy to Kroll’s factual findings. They recommended that the employment of several people be terminated, including Mr. Corzo. We initiated all the recommended actions. Three individuals who were charged have resigned, and we accepted the resignations. Neither they nor the District agreed to “settle” any claims. In addition to Mr. Corzo, one person has requested a hearing. The procedural and substantive issues in that person’s case are different from the MAT employees and we have attempted unsuccessfully to resolve them by agreement. I will propose a path forward for that person at a subsequent meeting.

This recommendation is not based on any hunt for scapegoats by me or my staff. An independent investigation determined the facts, and independent recommendations resulted in all the personnel actions we have taken. The independent parties were given free rein to exercise their professional judgment, as the hearing record reflects. Neither my staff nor I sought to influence their recommendations.

**My Effort to Assist District IT to Address its Challenges**

For several years I have been working to address the operational performance of District IT, which was not producing satisfactory results. Projects were not completed timely or as expected. Employees had difficulty functioning as a team. I supported Vice Chancellors as they used a variety of methods to improve IT results. I relied on qualified and trusted executives to manage their resources effectively and produce the expected results in this highly technical area.

There should be no question that I support executives who make the case that additional IT resources are needed. When John Webster sought substantial additional funding to increase staffing, replace equipment and software, and provide training, I supported his request.

The board approved it at the meeting of February 2013, two months before the hacking incident. My support for IT solutions after the incident also is a matter of public record.
Before he left, Vice Chancellor Darrell Huish expressed frustration with his staff, whose continuous infighting, fueled by egos and ambitions, divided IT into factions that lowered trust and cooperation. This would have made it difficult for anyone to manage the Department effectively. His successor, Mr. Kahkedjian, engaged in “team building” exercises intended to address this problem, with no result. Staff members openly expressed disrespect for his authority, to his face. I was in the process of addressing this situation when Mr. Kahkedjian unexpectedly needed to take medical leave. I continued to work on these issues with IT leadership, initially with John Webster, and now with Ed Kelty and Sasan Pourcetezadi. This employment action is a necessary part of the pathway for improving IT performance by holding employees accountable for their conduct. Your support of this employment action is needed to make clear to all Maricopa employees, as well as the public we serve and regulators who are charged to protect the public, that Maricopa takes seriously its obligation to protect the privacy and security of the information entrusted to us.

Conclusion

The board has the statutory authority and responsibility to “Remove any officer or employee if in its judgment the interests of education in this state require the removal.” It also has the statutory authority and responsibility to “Adopt policies for the government of the community colleges under its jurisdiction” and to “…set standards for the… administration (and) operation… of community colleges in the district.”

The board has chosen to set the standards for determining whether the interests of education require removal. For the reasons set forth above, I believe the hearing committee’s application of the board standard to Mr. Corzo was appropriate, and the best interests of education require termination of his employment.

The board has also chosen to establish policies that govern the board’s exercise of the power to remove. It has established a process that I must follow to reach a final recommendation. For the reasons stated, I believe I have followed that process. The board also requires me to comply with board policy as I reasonably interpret it. For the reasons stated above and in the detailed discussion provided in Attachment A, I believe my interpretations are reasonable and that I am in compliance with applicable board policy. Accordingly, I recommend that the board vote to terminate the employment of Miguel Corzo.

Respectfully,

Rufus Glasper, Ph.D., CPA
Chancellor
ATTACHMENT A: DISCUSSION OF APPLICABLE BOARD POLICIES

Policies that Apply to the Recommendation

This is, in effect, a monitoring report. I submit that the following board policies apply to my recommendation:

2.1 - Treatment of Students - Chancellor Limitation

With respect to treatment of students, or those applying to enroll as students, the Chancellor shall not cause or allow conditions that are unfair, undignified, unsafe, untimely, or unnecessarily intrusive.

Interpretation: As applied to this recommendation, I interpret this policy to require that I hold individuals to account in a meaningful way when I believe their failure to meet board standards of performance has resulted in conditions that were unfair, unsafe, undignified, untimely, and unnecessarily intrusive for students: namely the exposure of student personal data to unauthorized access for a prolonged period of time.

Policy Compliance: Based on the hearing committee's report and the record supporting it, and the reasoning below, I respectfully submit that this recommendation is in compliance with Board policy, reasonably interpreted.

Board Policy 2.2 - Treatment of Faculty and Staff - Chancellor Limitation.

With respect to the treatment of faculty and staff, the Chancellor may not cause or allow conditions or procedures that are unfair, unsafe, or undignified.

Interpretation: As applicable to this process, I interpret this policy to require me to assure that the hearing committee in each case followed board approved policy and procedure according to its terms. As applied to my recommendation, I interpret this policy to require that I hold individuals to account in a meaningful way when I believe their failure to meet board standards of performance allowed conditions to develop that were unfair, unsafe, and undignified for faculty and staff: namely the exposure of their personal data to unauthorized access.

Policy Compliance: Based on the hearing committee's report and the record supporting it, and the reasoning below, I respectfully submit that this recommendation is in compliance with Board policy, reasonably interpreted.

Board Policy 2.5 - Asset Protection - Chancellor Limitation

The Chancellor shall not cause or allow institutional assets to be unprotected, inadequately maintained, or unnecessarily risked.
Interpretation: As applicable to this process, I interpret this policy to require that I hold individuals to account in a meaningful way when I believe their failure to meet board standards of performance failed to maintain data security and risked the exposure of individual community members’ personal data and other digital access to unauthorized access.

Policy Compliance: Based on the hearing committee’s report and the record supporting it, and the reasoning below, I respectfully submit that this recommendation is in compliance with Board policy, reasonably interpreted.

Board Policy 2.8 - Communication and Counsel to the Board - Chancellor Limitation

The Chancellor shall not allow any practice, activity or condition that causes the Board to be uninformed or unsupported in its work.

Interpretation:

As applied to this recommendation, I interpret this policy to require that I hold to account in meaningful way individuals whose failure to meet board standards of performance, I reasonably believe, left me and the governing board uninformed that millions of individuals’ data was exposed to unauthorized access for a prolonged period of time.

Policy Compliance: Based on the hearing committee’s report and the record supporting it, and the reasoning below, I respectfully submit that this recommendation is in compliance with Board policy, reasonably interpreted.
MARICopa COUNTY COMMUNITY COLLEGE DISTRICT

In the matter of Miguel Corzo, Appellant

) HEARING COMMITTEE'S

) FINDINGS OF FACT AND

Appeal of Involuntary Termination

) CONCLUSIONS OF LAW

) PURSUANT TO SECTION

) 15.2 OF STAFF MANUAL APPENDIX C

) (MAT POLICIES, DISMISSAL)

Summary of the Proceedings and the Evidence

This appeal of the involuntary termination of the employment of Miguel Corzo (Appellant) came on for hearing pursuant to section 15.2 of Staff Policy Manual Appendix C ("the Manual") on March 31, 2014, at 9:00 am in the Offices of the Maricopa County Community College District ("MCCCD"), 2411 West 14th Street, Tempe, Arizona, before a Hearing Committee ("Committee") duly constituted under the above section. In accordance with section 15.2.8, the above hearing date was set by agreement of the parties and the committee. The original appointed members of the Committee were Daniel Huston, Chair; Dustin Landagora; and Irene Kovala, Ed.D.

Section 15.2.6 Manual charges this Committee with responsibility to "render written findings of fact and conclusions of law and forward same with its recommendation regarding retention or dismissal to the Chancellor." This document represents the unanimous decision of the Committee, and the chair is authorized by the members to execute it on their behalf.

Appellant Miguel Corzo appeared at the hearing with his attorney, Richard Galvan. The MCCCD Administration was represented by attorney James T. Tucker. The proceedings were transcribed by a court reporter.

Before the hearing, Mr. Tucker had informed the committee and Mr. Galvan that the evidence would include information about the security of MCCCD's network, that state statute [A.R.S. §§ 13-2316.02(D), 13-2301(6)(B)] and MCCCD policy (Governance Policy 6.6; Administrative Regulation 4.4) required everyone with access to such information to keep it confidential, and that he could share it with those involved in the hearing if they agreed to maintain that confidentiality. This would include Mr. Corzo, his attorney (Mr. Galvan), and the committee members. Agreement to maintain confidentiality
would be indicated by signing the proposed agreement. Mr. Huston and Dr. Kovala had already signed the proposed agreement.

Before the hearing, Mr. Galvan had requested an extension of the time for the hearing in this matter, stating that MCCCD had not responded to his request for records he considered necessary for his client's appeal. The Chair denied the request for extension because it did not meet the standard under Manual Section 15.2.8 and because Mr. Corzo's advocates previously stated to the Governing Board that she and others had submitted all the evidence necessary for the Board to decide the matter in Mr. Corzo's favor.

Notwithstanding his request, just before the hearing Mr. Galvan submitted a prehearing statement with a substantial number of documents attached.

Three working days before the hearing, Mr. Landagora informed the Chair that he had spoken with an attorney he did not name, and he resigned as a hearing committee member. MAT Policy does not address this circumstance. The employee is merely required to appoint a member to the committee, and Mr. Corzo did so. According to MAT Policy, Mr. Landagora had accepted Dr. Kovala as a member, and the committee was duly constituted. Once duly constituted, the committee's duty is to conduct a hearing so that the Chancellor and the Governing Board can act in a timely manner concerning the employee's appeal. The resignation of a member cannot be allowed to cause the process to fail and bar any decision.

The Chair applied Robert's Rules of Order, which states that a deliberative assembly like the committee is competent to transact its business if half or more of its members are present, in the absence of a contrary rule. The Chair asked Mr. Kerry Mitchell to stand by to serve as the committee's third member in the event Mr. Landagora failed to appear for the hearing. The Chair believed Mr. Mitchell, having been president of MAT and having advocated for Mr. Corzo and others under the grievance procedure could serve without bias or prejudice. When Mr. Landagora did not appear, the chair proposed to seat Mr. Mitchell as a committee member, and he was duly seated with the unanimous consent of the other members. He signed the confidentiality agreement.

Mr. Corzo stated that he had no objection to Mr. Mitchell and that he knew the committee was trying to be fair. However, Mr. Galvan stated that he objected to the Committee seating Mr. Mitchell as a new member because the chair had not consulted Mr. Galvan and his client about the appointment. Mr. Corzo then left the hearing room with Mr. Galvan.

The hearing commenced, in open session. District Administration exhibits 1 through 17 (D-1 through D-17) and appellant's exhibits 1 through 36 (A-1 through 36) were admitted into evidence without objection.

The administration called Mr. Vincent Liu, CISSP, as a witness. Mr. Liu is a recognized international expert in the field of cyber security and a principal in the security consulting firm Bishop Fox (formerly Stach and Liu). His work history includes services to Honeywell International, Ernst and Young Advanced Security Centers, and the National Security Agency. He has spoken on this topic at all
major conferences. Mr. Liu testified as to his work for MCCCD in 2011 and 2012, and what he observed during that work.

The administration next called Mr. Gregory Caouette, EnCE, CFE. Mr. Caouette is certified in the use of EnCase software for computer forensic examinations. He is also a certified fraud examiner presently working for Kroll, Inc. His previous work includes service conducting internal fraud investigations for the Postal Service. Mr. Caouette testified concerning his independent investigation of the condition of MCCCD’s system, his investigation of the cause of that condition, and his findings and conclusions about what happened.

The administration called former Interim Vice Chancellor of Human Resources James Bowers, J.D., (Currently District Director of the Human Resources Solutions Center) who testified as to the content, interpretation, and application of district policies, procedures, and job descriptions in general and as applied to Mr. Corzo. He also testified as to his final recommendation (as interim VCHR) for termination of Mr. Corzo and the proceedings leading up to it.

The Committee conducted an open hearing whenever possible to honor Mr. Corzo’s request. However, at Mr. Tucker’s request the hearing was closed when questions began to address the condition of MCCCD’s computer systems and/or steps taken to secure the system.

At the conclusion of the sworn testimony, the Committee recessed to read and study the exhibits submitted by Mr. Corzo in light of the other evidence. It reconvened to deliberate, and to approve these findings, conclusions, and recommendations. A transcript of the testimony and exhibits was prepared for the committee’s use, and the committee has had an opportunity to review it. The committee also considered proposed findings, conclusions, and recommendations submitted by the parties.

The Committee takes administrative/judicial notice of: (1) MCCCD rules, regulations, and official policy statements and guidelines; (2) the official minutes of Governing Board meetings in which presentations were made and/or documents submitted by Linda Brown, Rosie Lopez, and Beto Soto on behalf of Mr. Corzo and his colleague, Mr. Monsour, among others; and (3) the public statements, actions and recommendations of senior administration and the Governing Board, following the incident of 2013.

The Committee, having heard the testimony of the witnesses, read and considered the exhibits admitted into evidence, and heard the arguments presented by counsel, makes the following findings of fact and conclusions of law:

Findings of Fact and Conclusions of Law

The Committee finds and concludes as follows:

A. THE PROCEEDING WAS CONDUCTED PROPERLY IN ACCORDANCE WITH APPLICABLE LAW AND POLICY
1. We find that Mr. Corzo was provided with sufficient notice of the charges and the hearing and was afforded a full and fair opportunity to participate in the hearing.

2. We find and conclude that each member of the committee is required to serve not as an advocate but as an impartial judge or juror. The record supports our conclusion that the Constitutional mandate for a hearing before an impartial tribunal has been met. This would be true, even if the committee had decided to proceed with only a quorum of its members present.

3. We find and conclude that Section 15.2 of the MAT Policy Manual does not give the employee a right to choose a replacement hearing committee member after the committee has been formed, and that the law does not establish such a right independent of the MAT Policy Manual. We find that the seating of hearing committee member Kerry Mitchell, former MAT President, who previously represented Mr. Corzo in an employee grievance proceeding and advocated before the Governing Board on his behalf, is appropriate, lawful, and consistent with the requirements for disciplinary hearings under MAT Policy, which has been approved by the Governing Board. We find and conclude that there was no breach of contract or violation of Board policy involved in his seating.

4. We find that the refusal of Mr. Corzo and his counsel to participate in the hearing under these circumstances was not justified. The hearing was still Mr. Corzo's opportunity to confront and cross-examine the witnesses against him, to offer his own testimony under oath, and to persuade the hearing committee to accept his proposed findings and conclusions. He would not have waived his right to contest the procedural issues by such participation. We find and conclude that Mr. Corzo's failure to participate constitutes a knowing waiver of his right to a hearing and further appeal of the recommendation to dismiss him. Nonetheless, we find and conclude that the committee must complete its obligation to report to the Chancellor its findings, conclusions, and recommendations so that he can complete the recommendation process in accordance with the MAT Policy Manual.

5. Mr. Corzo's unsworn statements and unattested documentary evidence were considered by the Committee notwithstanding his absence. District Administration introduced into evidence all of the exhibits provided by Mr. Corzo's counsel, some of which were separately produced by District Administration as part of its proof of the charges. Most notably, District Administration has produced Mr. Corzo's full statement to Mr. Bowers in response to the charges. District Administration stipulated for purposes of the Committee's consideration that any witnesses Mr. Corzo may have produced would have testified consistent with the exhibits designated by Mr. Corzo. After the hearing, Mr. Galvan was afforded an opportunity to submit proposed findings and conclusions, and he did so.

6. District Administration has contended that many of Mr. Corzo's exhibits have no relevance to these proceedings, and the Committee agrees. In particular, the Committee finds that any grievances, charges, complaints, or other disputes previously raised by Mr. Corzo played no role in the charges before the Committee and do not refute the charges as stated.

7. Mr. Corzo presented no witnesses before he left the hearing, and no witnesses appeared during the hearing other than those presented by District Administration. No one requested an opportunity to testify on Mr. Corzo's behalf during the testimonial session of the hearing.
8. We find and conclude that the hearing was conducted in compliance with the terms of the Manual and in compliance with all legal requirements.

9. We also find and conclude that Mr. Corzo failed to establish grounds to reschedule the hearing to another date, and we affirm the Chair’s decision and rationale as described above.

B. STANDARDS OF PERFORMANCE PROVIDED TO MR. CORZO IN WRITING REQUIRED HIM TO MANAGE HIS AND IN COLLABORATION WITH OTHERS SO AS TO SECURE AND PROTECT THE DATA IT CONTAINED, AND TO PROPERLY IDENTIFY AND MANAGE RISKS RELATED TO THAT DATA.

10. Governing Board-approved employees who have successfully completed their initial probationary period may only be disciplined for just cause as provided in the Staff Policy Manual. Under the “just cause” standard, any discipline recommended for a Board-approved employee must meet the following criteria: (1) The employee knew or reasonably should have known that the employee’s conduct could lead to disciplinary action; (2) The disciplinary action is the result of job performance, violation of law, violation of established MCCCD policy or procedure, and/or a violation of established college/division/department policy or procedure; (3) Management conducted a fair and objective investigation in accordance with MCCCD policy and the law; (4) The investigation produced sufficient evidence or proof to reasonably support the failure of performance or violation as alleged; (5) The disciplinary action taken was consistent with disciplinary action for similar or comparable conduct or was otherwise reasonable under the circumstances. [MCCCD Exhibit 5, MCCCD Policy C-4(C)(5)] Management, Administrative & Technological ("MAT") policies apply a “for cause” standard that is consistent with the “just cause” standard. [MCCCD Exhibit 6, MCCCD MAT Policy 15.2] We find that all of these criteria are satisfied in this case.

11. Employees are notified of their expected job performance and the penalties for unacceptable conduct through training, policies, counseling, and other measures. [MCCCD Exhibit 5, MCCCD Policy C-4(C)(3)]. The job duties in question here are based on job descriptions, policies, and directives that predate the conduct in question.

12. Violations of generally expected job performance standards and specific rules of conduct are grouped into three separate categories by type of offense: Conduct, Performance, and Attendance. Each of these offenses is separated into two groups based on the seriousness of the offense: Group One (more serious) and Group Two (less serious). [MCCCD Exhibit 5, MCCCD Policy C-4(C)(4)(a)]

13. Examples of the categories and groups of offenses are provided in Policy A-4. [MCCCD Exhibit 7] Mr. Corzo was charged with “willful and intentional failure to perform job duties that were communicated to the employee and are within the scope of employment.” This is a Group One Performance-based offense. Although recently consolidated with other policies, this Governing Board-approved standard long pre-dates any of the acts and omissions that serve as the basis for the charge.
14. Multiple policy infractions which are closely related in time, even if unrelated or in different
groups, may be combined to result in corrective action which is more or less than the severity of the
total sum of the separate offenses. [MCCCD Exhibit 5, MCCCD Policy C-4(C)(7)(d)]

15. Group One performance-based offenses are corrected under a progressive corrective action
schedule and a first offense may result in "any disciplinary action, including dismissal." [MCCCD Exhibit
5, MCCCD Policy C-4(C)(4)(b)]

Governing Board of the Maricopa Community College District recognizes the responsibility to
demonstrate ethical and professional conduct. In order to demonstrate this commitment to public trust
and accountability to the communities the District serves, all Governing Board Members and all
employees shall be required to participate in training that focuses on public stewardship and
institutional ethics. All MCCCD employees, including those assigned positions classified as Management,
Administrative and Technological (MAT), are required to complete the training annually and certify their
completion of the training." [MCCCD Exhibit 8] This policy also predates any of the acts and omissions
that serve as the basis for the charge against Mr. Corzo.

maintains that MCCCD managers (specifically defined to include all MAT employees) are charged with
the responsibility for "establishing a system of internal controls, risk management and organizational
processes over the operations of MCCCD in a manner which provides the MCCCD Governing Board
reasonable assurance that:

A. Risks are appropriately identified and managed.
B. Interaction with the various organizational groups occurs as needed.
C. Significant financial, managerial, operational information is accurate, reliable and timely.
D. Employees' actions are in compliance with policies, standards, procedures and
   applicable laws and regulations.
E. Resources are acquired economically, used efficiently and protected.
F. Programs, plans and objectives are achieved.
G. Significant legislative or regulatory issues impacting MCCCD are recognized and
   addressed appropriately." [MCCCD Exhibit 8]

18. The Online Policy Manual further provides that the "system of internal controls over the
operations is a function of management and is an integral part of the overall process of managing
operations. As such, it is the responsibility of managers at all levels of the organization to:

A. Identify and evaluate the exposures to loss which relate to their operations.
B. Specify and establish plans and operating standards, procedures, systems, and other disciplines to be used to minimize, mitigate and/or limit the risks associated with the exposures identified.

C. Establish practical systems of internal control processes that require and encourage employees to carry out their duties and responsibilities in a manner that achieves the seven (7) control objectives outlined in the preceding paragraph.

D. Maintain the effectiveness of the systems of internal control processes that they are responsible for.” [MCCCD Exhibit 8]

19. In 2007, the Office of the CIO for MCCCD published a statement of which we take notice, the Best Practices for Data Security, Acceptable Use, and Access Management. It states, “All employees and agents of MCCCD and anyone working on behalf of MCCCD are charged with the protection of MCCCD data.”

In September 2010, ITS published “IT Operational Principles” stating, “If Maricopa is to be truly successful in achieving its information and instructional technology vision and accomplishing its IT strategic objectives, it is not sufficient to do things right; Maricopa must do the right things. ITS stated seven principles “…to help ensure that everyone involved in the delivery of information and instructional technology solutions, as well as those served by information and instructional technology within MCCCD share a common understanding of the role and mission of information and instructional technology in achieving Maricopa’s future:

Information Technology

• Facilitates strategic usage of technology to enhance teaching and learning

• Delivers technology to support efficient, effective, and secure operations across the district

• Collaborates with internal and external customers to understand and respond to their needs

• Plans in a responsible manner which includes effective use of resources and specific performance measures

• Makes decisions that are

  o Clear and concise

  o Aligned with our strategic plans

  o Reflective of broad participation and accountability

  o Defined by a shared governance structure

• Adapts to meet the evolving needs of the District
• Balances innovation with operational activities to meet the changing needs of our customers

We take notice of these statements as well.

At all relevant times, these performance standards applied to Mr. Corzo, and they were provided to him in writing. Mr. Corzo acknowledged his understanding and agreement to meet these standards by affirming during the relevant time period: "I will fulfill my responsibility for internal controls, risk management and organizational processes in a manner which provides the MCCCD Governing Board reasonable assurance that risks are appropriately identified and managed."

20. At all relevant times, Mr. Corzo’s job description provided, in pertinent part:

"Job Summary: Plans, Directs, and Administers the Database Administration team and assures there is effective database support for multiple database applications. Assists in making strategic decisions relating to enterprise database technology, design, and management."

"Representative Duties: ...develops, designs, refines and/or implements integrated database systems; researches, tests and supervises implementation of innovative database technologies; participates in budget preparation, monitoring, needs assessment and procurement; confers with users and implements procedures, methods, technical concerns and budgets; fosters the professional development of assigned staff...”

"Knowledge and Abilities: Knowledge of enterprise database architectures; enterprise database management systems currently used and supported; latest database design and management tools; database security; ...principles and practices of management and leadership."

C. THE CHARGES AGAINST MR. CORZO ARE SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE.

21. In its essence, the charge against Mr. Corzo is this: that the above job responsibilities were communicated to him in writing, and that his conduct leading up to and following the 2011 incident constituted a willful failure to perform those responsibilities.

The factual allegations are that before the 2011 incident, Mr. Corzo failed to do his job with respect to data security: that is, to work in collaboration with the other members of the IT leadership team to see to it that the personal data of individuals that was entrusted to his care was exposed to unauthorized access. The District Administration claims Mr. Corzo turned a blind eye to the lack of security of the data he managed both before and after January, 2011, failing to identify and manage this risk effectively so as to protect the information in his care. In this, he was one point of failure among several, but the District asserts that he bears responsibility for his part in allowing these conditions to develop and continue to exist. When the 2011 investigation by Stach and Liu revealed to Mr. Corzo (among others) explicitly that his... he failed to alert
executive level leadership to that fact. Again, he was allegedly one point of failure among many, but he is charged with responsibility for his part. Among other senior leaders who were aware that the [redacted] after 2011 his failure to communicate accurate, complete, reliable and timely information to executive leadership allegedly allowed executive leaders and the community to believe that a thorough investigation had revealed only a limited intrusion that had been effectively addressed, and although steps would be taken to prevent future [redacted] there was no urgent need to act. In fact, Mr. Corzo and others knew that the [redacted] and everyone’s data was exposed. By analogy, the charge is that he and others advocated that steps be taken to prevent a burglary when he knew the house had already been broken into and ransacked on his watch. By protecting his job in this way, he deprived senior management and the Governing Board of the crucial information that came forward in 2013 — that the personal data of millions of individuals was actually exposed to unauthorized access and that immediate and effective action was required to protect them.

For the following reasons, we find and conclude that the charge, that Mr. Corzo engaged in willful and intentional failure to perform job duties within the scope of his employment that were communicated to him, is supported by a preponderance of the evidence. This is a Category One performance-based offense that justifies immediate dismissal without progressive discipline.

21. SUMMARY OF THE TESTIMONY

Mr. Corzo’s position as we understand it is as stated in bold below. Evidence and findings addressing each statement follows in plain text.

"These accusations deal with security and [redacted] in Maricopa, areas I have never been responsible for (and for which I received no training)"

The evidence supports the committee’s finding to the contrary. In a November 15, 2010 memorandum, Mr. Corzo described one of his goals for 2011 as placing “heavy focus on security around [redacted] [MCCCD Exhibit 10]. Mr. Corzo also was designated to respond to security issues by the security director, Mr. Earl Monsour, when they were out of the office. [MCCCD Exhibit 11]. Moreover, [redacted] was not the cause of the 2011 incident. Mr. Liu’s testimony was that although he found in 2011 that [redacted] was also lacking, “...no amount of [redacted] could have prevented (the 2011 incident).”

Moreover, “If you’d even taken just like five minutes to see how it was set up, you can see how (the data) was not being well maintained, it was not being well taken care of.” ”(if I were a database manager responsible for security of the data) I would never have allowed it to be placed (where it was) in the first place because it’s [redacted] (Paraphrases in parenthesis) Both Mr. Liu and Mr. Caouette stressed that data security is a critical function of a database administrator; that security requires a team effort; and that Mr. Corzo was clearly a member of that team — it cannot be maintained by people who see themselves as working in silos. The committee believes that this is an obvious application of a major principle of management and leadership in Maricopa that Mr. Corzo was responsible to know and follow. The IT Organizational Principles and Best Practices documents support this finding.
Testimony of all witnesses supported by MCCCD documents referenced above supports the committee’s finding that working with others to assure proper protection served so that it would protect the data was among Mr. Corzo’s specific security responsibilities as a member of the leadership team.

“Security for Maricopa systems, all [redacted] and [redacted] including [redacted] was not my responsibility.”

Mr. Corzo’s job description at all relevant times included specific responsibility for management best practices and security of the databases. As such, and as a member of a team assigned to deliver secure IT services across the District through decisions that reflected broad participation and accountability, he was responsible for assuring the secure configuration, administration and maintenance of the databases he managed – including assuring the use of strong passwords. Security is the responsibility of all IT staff, working as a team through shared governance and sound planning, and as a senior leader of the IT staff Mr. Corzo had significant responsibilities in this area to communicate and coordinate with other members of the management team to assure that personal data was adequately protected as it [redacted]. Mr. Corzo’s list of accomplishments and goals (District Exhibit 10) clearly indicates that his duties were not nearly so narrow and ministerial as he claims: they encompass [redacted] responsibilities including security, according to witness testimony and supporting documents. Indeed, Mr. Earl Monsour, identified in the record as the Vice Chancellor’s “security officer,” referred all questions on security issues to Mr. Corzo in his absence. Mr. Corzo was the first person Mr. Monsour contacted for assistance when notified of the 2011 FBI report. See testimony of Liu, beginning on page 66 of the transcript, and testimony of Cacouette beginning on page 121]

“There were no security breaches of the [redacted] during the 2011 incident”

According to the witnesses, Mr. Corzo ignores the fact that his [redacted] was listed for sale (District Exhibit 12), and he argues for a compartmentalized, ministerial view of his duties. He fails to account for his [redacted] leadership role, working as a team member to design, administer, and maintain systems that protect data. While it is true that his [redacted] and that Stach and Liu made no finding that the [redacted] was breached, the witnesses believe his argument is untenable. Testimony of the witnesses showed that Mr. Corzo was a part of the team that worked directly with Stach and Liu in 2011. It was data from his [redacted] that was reported to be exposed and the compromise of data from his [redacted] was the principal original focus of the investigation by Stach and Liu, which was restricted from examining his [redacted]. Security can only be accomplished by people working as a team. Among others, Mr. Corzo was responsible for assuring the security of his data as it [redacted]. He was informed directly of the firm’s findings about the security of the data from his [redacted] which included: “Everything was on the [redacted] everything was on the same [redacted] There was so much information contained within [redacted] they were so [redacted] you know that they were compromised. We have evidence that the entire [redacted] was compromised…we are talking in the order of over a thousand instances of issues [redacted] on that [redacted] it was about as bad as it could get…” “It was clear that the folks with
hands on the keyboards had no knowledge about what to do in response or even the hardening of the [..] In every possible aspect, the [..] the [..] the [..] none of it was being taken care of." "There was no security program. Period." "One of the biggest challenges was that there were no [..] just basic, basic computer administration, is having [..] so you know what's going on in [..]." In response to a committee question as to the magnitude of the security problem he found in 2011 analogized to the stages of a house fire, Mr. Liu stated, "I think the building has burned down at that point, okay? And everyone was kind of looking the other way... the message we delivered was that there was evidence of [..] everything." After Stach and Liu made these preliminary findings, they were prevented from examining Mr. Corzo's[..] even though his [..] was reportedly for sale. There is no evidence that Mr. Corzo pressed Mr. Monsour for an investigation of the condition of his[..] to determine the extent to which it was compromised and get security experts' recommendations about it.

"Maricopa was made aware of risks in 2011 by the report Earl M. shared with George K. Maricopa was made aware of all the risks associated with the 2011 (incident) in the Grievance complaint filed by several members of ITS in 2012 (see attached) I followed processes to bring important matters like the 2011 incident to Maricopa's attention and avoid both the 2013 incident and many others that followed."

Mr. Corzo appears to be referring first to steps that he and others took in response to a reorganization of District IT staff that Mr. Kahkedjian announced in Spring 2012. However, this response was not a clarion call for action on data security, made necessary because millions of people's data was at that very moment exposed to unauthorized access because the system that included his [..] was [..] Their unaddressed letter of complaint dated June 25, 2012 (Appellant's Exhibit 13C) does not address security. It complains the personnel actions affecting them are unfair and discriminatory. It makes no reference to the 2011 incident or to data security in general. Nor does the undated request of Mr. Mitchell and Ms. Quiroz (Exhibit 9B). The single focus of all the requests directed to the Chancellor, whether by Mr. Corzo or others, is the adverse effect of the reorganization on personnel. The only request for action by the Chancellor is that the personnel decisions made in the reorganization be postponed or reversed and that the "work environment" be investigated. In a ten page statement in support of the personnel grievance submitted on his behalf, a single short paragraph mentions that among many other alleged shortcomings, Mr. Kahkedjian allegedly ignored a "security oversight report" submitted a few months earlier, representing a "high risk that could expose personal information." The grievance suggests there are security risks to be managed: it does not convey that the data is actually exposed and the institution [..] The intent of the grievance was to restore the positions Mr. Corzo and Mr. Monsour [among others] had lost through reorganization. The nature and extent of the information available to the Chancellor through the grievance statement and other statements about working conditions in IT contrasts sharply with the information the Chancellor received and acted upon in 2013, when he acted decisively to assure a thorough investigation and make data security and protection of individuals the top priority for MCCCD. Mr. Corzo has offered no evidence that he told the Chancellor or anyone else the true condition of data security as described to him by Stach and Liu in 2011, and the disingenuous grievance statement.
about security "risks" undermines any sentiment to give the benefit of the doubt on that subject. Mr. Liu testified that in 2011, his investigation was cut short ("...they started very quickly putting boxes around what we were looking at...if you really wanted to find out what the problem was, you would not run an investigation this way.") and his requests to speak directly with the Vice Chancellor were ignored. He was not surprised that there was a second identical report in 2013. That year, Mr. Liu found the same conditions he found before. However, with different people in charge of IT in 2013 Liu's treatment was very different. He was allowed not only speak with CIO Webster and Security Officer Williams, but also the Chancellor himself. In contrast to Mr. Monsour and Mr. Corzo, "They treated it like it was a real issue and... the attitude was much more receptive to wanting to solve and remediate the issue." Mr. Liu testified that the Chancellor was taken aback that the conditions Stach and Liu found in 2013 had existed for several years. "He had no idea how bad it was until 2013." When asked why he would not know, Mr. Liu stated, "...we knew in 2011, the behavior of the team was unusual, and we just assumed it was because there was CYA going on." This, in reference to the MCCCD managers who prevented Stach and Liu from examining the [redacted] containing the [redacted] that was advertised for sale.

22. Information was provided to the committee that other ITS employees similarly situated, who were found by Mr. Caouette to have engaged in acts and omissions that the Chancellor VCHR believed were a failure to perform to the above standards, have similarly been charged and recommended for dismissal. We make no findings on the merits of those charges, but we note that three of the five who were recommended for termination have resigned, and that all who have resigned are peers of Mr. Corzo – Direct reports to the VCIT at the relevant times, with team responsibilities for data security. As Mr. Liu testified, in 2011 he found several points of failure. The sole question before the Committee is whether the evidence supports a conclusion that Mr. Corzo was one of those points of failure. Our decision is not contingent on the outcome of the other personnel actions.

23. The Committee finds and concludes that we need not find Mr. Corzo solely responsible, or even primarily responsible, for the 2011 incident or the subsequent failure of others to meet the above standards, in order to uphold the charges against him.

24. Based on the evidence, the Committee finds that MCCCD has proven facts sufficient to support the charges against Mr. Corzo. After evaluating the evidence, the Committee concludes that Mr. Corzo's denial of having any responsibility to protect personal data on any [redacted] other than when it resides in his [redacted] and that there was no breach of his [redacted] lacks credibility and misses the point of the charge. The Committee concludes that Mr. Corzo had security responsibilities in his role as the [redacted] data administrator and in his role as the [redacted] administrator; that the data and the [redacted] were completely unprotected because [redacted] among other things; and that Mr. Corzo failed to report these facts to executive leadership even after he was expressly informed. [MCCCD Exhibit 12, at 50-51]

25. Mr. Corzo gave an example of his attitude in the investigation, when he initially denied to Mr. Caouette having any knowledge of the 2011 incident. Mr. Caouette testified that he was shocked: the overwhelming evidence, including documentation that Mr. Corzo himself has provided, establishes that Mr. Corzo was aware that his [redacted] was reported for sale; he was also aware of the breach.
investigation and Stach and Liu’s finding that the date he managed was . He was one of the first people informed about the 2011 incident. He participated as a member of the internal investigation team and knew the results of the investigation: that there were that there was and that all the data was exposed. Mr. Monsour would not allow Stach and Liu to examine the containing Mr. Corzo’s and there is no evidence that Mr. Corzo demanded such an examination to be sure his was not compromised as had been reported.

With respect to Mr. Monsour’s action or inaction, there is no credible evidence that the draft documents in his name, submitted to the committee as Appellant’s Exhibits 2 and 3, were created contemporaneously with the events in question, that they were reduced to final and signed versions, and that they were transmitted to anyone at the time the events occurred. Mr. Corzo could have offered testimony to support these propositions, but did not do so. We cannot give significant weight to these documents. If Mr. Corzo was aware of their contents and aware that they had been ignored by the Vice Chancellor, he should have shared the full content and its true significance with the Chancellor and/or the Governing Board. There is no evidence that he did so.

26. More than that, if he was monitoring security procedures to protect the data, Mr. Corzo had to be aware that the . This was the case both before and after the 2011 incident. There is no record that he protested this risky practice on behalf of the people whose data he was assigned to protect. To the extent Mr. Corzo claims that his staff regularly the committee finds and concludes that he could not reasonably have relied on review of (see testimony of Mr. Liu at Transcript, pp. 88-89) knowing the .

27. The committee finds and concludes that Mr. Corzo had a duty under the above performance standards to do more than report generally and prospectively that neglect of security improvements could create a risk of data exposure, in support of a grievance requesting restoration of his position. The report finding that there was containing personal data and could and should have been presented to the Governing Board directly if other members of senior management failed to act on it immediately; this is why the District has whistleblower protection. The information could have been presented to the Office of Public Stewardship confidentially, for due diligence inquiry. (The only complaint to that office appears to concern the “workplace climate,” according to Ms. Toney’s report to the Chancellor.) It is easy to see why the information was not so reported: leaders whose job it was to protect data would have faced serious questions as to how these conditions came to exist on their watch.

28. There is no better evidence that senior management and the Governing Board were unaware of the true condition of the institution’s data after the 2011 incident than the stark contrast in Stach and Liu’s experience in the two events: obstruction, obfuscation, and “CYA” by senior IT leaders in 2011; serious attention and vigorous action to investigate, remediate, and protect people in 2013. We find that Mr. Corzo willfully and intentionally failed to perform the above duties by allowing the risk to arise
and exist before 2011 and by failing to disclose to executive leadership fully and accurately participating in the cover-up of the known true condition of data security after the 2011 event.

29. The Committee finds and concludes that the charges against Mr. Corzo are based solely on the independent results of the Kroll investigation by Mr. Caouette and the recommendation of independent counsel. Mr. Caouette interviewed ITS employees (including Mr. Corzo), former employees, and consultants and reviewed the documentation those individuals submitted about security issues relating to the Testimony by Mr. Caouette supports our conclusion that he was objective, and that he had free access to any evidence and any witness he wanted to interview, and that he applied his independent judgment as an experienced investigator to investigate and evaluate the evidence.

30. The 2012 IT grievance’s general references to data security risks fail to disclose the critical information that Mr. Corzo knew at the time; that there was no effective security program in place to protect his data and in fact it was The Committee asked Mr. Liu to assess the significance of his 2011 findings as reported to IT managers, including Mr. Corzo. Was this the equivalent of a piece of paper on fire, or was this more serious? Mr. Liu responded, “I think the building has burned down at that point, okay? And everyone was kind of looking the other way. ...the house had been ransacked. I mean, there was evidence everywhere this had occurred.” There is no question that reports and recommendations were made to the Vice Chancellor about the incident and that plans were reported to But the information conveyed did not hint that the security house had burned down and that No crisis was reported: improvements were needed and would be made in due course. The failure of senior managers like Mr. Corzo to report upward accurately in 2011 the findings of Stach and Liu left the personal information of well over two million people exposed for two more years.

The contrast between 2011 and 2013 is compelling evidence of the above described failure to report fully the information they held. In 2013, different people were in place in IT. In response to another FBI report similar to 2011, they shut down the website and initiated an investigation. Stach and Liu (subsequently rebranded as Bishop Fox) found the same conditions they found two years earlier: none of their recommendations had been implemented. But in contrast to the 2011 response, the CIO and the Chancellor treated the situation as a serious problem. Experts were brought in to assess what had happened. Protecting Maricopa’s data and people became top priority. Resources were shifted and changes were made. Millions of people were notified and offered meaningful protection, and resources were allocated to support the protection of district data.

We find and conclude as Mr. Caouette did, that Mr. Corzo did not report fully and accurately what he knew because his job was more important to him than the protection of the people whose data it was his responsibility to secure. This was a willful decision on his part, not an inadvertent one. Had Mr. Corzo reported to senior management accurately what Stach and Liu found, he would have faced then the questions he faces now, as to how such disastrous lack of security could have existed on his watch if he were doing his job. But the information would have protected the data of the people of Maricopa from further
D. SUMMARY CONCLUSIONS AND RECOMMENDATION

As a MAT employee and as a member of the IT leadership team, Mr. Corzo had a responsibility team to operate systematically in collaboration with other team members, in a manner that helped the organization to identify and appropriately manage risk; to provide accurate, reliable, and timely information to executive leadership; to protect resources including data, and to help identify and address issues of regulatory compliance. He had a responsibility to identify and evaluate the risks related to his controls, standards, procedures and other means available to help him carry out those responsibilities. At all relevant times, Mr. Corzo was specifically assigned responsibility for security. He was a designer and implementer of who was to work in conference with other team members, applying principles and practices of management and leadership. All these responsibilities were communicated to him, and he acknowledged these responsibilities.

We cannot agree with Mr. Corzo’s point of view, that his responsibility to protect data was limited at best, that they ended when the data moved to else, and that he fulfilled such limited responsibilities as were assigned.

Taken together, the charges against Mr. Corzo supported by substantial evidence, and they constitute a willful and intentional failure to perform job duties that were communicated to him and are within the scope of his employment. See Online Policy Manual 6.7(3). This is a Category One performance-based offense. See MCCCD Policy A-4(C), Performance-Based Offense, Group One Offense.

Mr. Corzo knew or reasonably should have known that his actions and inactions could lead to disciplinary action because they were the result of poor job performance and violated established MCCCD policies or procedures.

This conclusion was reached by District Administration after a fair and objective investigation conducted in accordance with MCCCD policy and the law, which included a pre-disciplinary interview of Mr. Corzo for his version of the events and a review of pertinent e-mail correspondence. As discussed above, the investigation has produced sufficient evidence or proof to reasonably support the failure of performance or violation as alleged.

Group One offenses provide that a first offense may lead to “disciplinary action, including dismissal from employment.” MCCCD Policy C-4(b). The exposure of the data to unauthorized access in 2011 and 2013 was a direct result of Mr. Corzo’s willful non-performance of his duties.

The events described here are unprecedented, so it appears that there is no directly comparable precedent. However, the committee is informed and finds that MCCCD recommended dismissal of other individuals whose performance failed to meet the above standards, and that three resigned rather than appeal the charges. We find on that basis that the standards have been consistently applied.
The consequences of Mr. Corzo's performance failure are significant. MCCCD faces lawsuits and possible regulatory sanctions as a result of his (and others') failure to take reasonable steps to secure personal data. Given these serious consequences, the Committee finds that the proposed disciplinary action, termination, is reasonable and permissible under MCCCD policy.

Therefore, the Committee recommends that the charges against Mr. Corzo should be sustained, and that he should be dismissed from employment based on his willful nonperformance of assigned duties.

Respectfully submitted,

Daniel Huston

May 27, 2014