

Response to Allegations from Investigator Jean Wilcox

On May 3, 2018, I was placed on administrative leave from Rio Salado College. This action has had the effect of damaging my reputation, and has tarnished the accomplishments that I have achieved during nearly a decade of service as Vice President for Public Service.

The past year has been particularly challenging, as I have been battling Maricopa Community College District Human Resources in an attempt to protect a number of KJZZ, KBAQ, and Sun Sounds employees from having their salaries frozen as the District implemented a new Classification and Compensation program that determined that they were overpaid. In the process, I had to take actions on behalf of our staff that placed me at odds with senior members of District administration, and culminated in my asserting that they provided false information to a member of the MCCCDC Governing Board.

By reacting in the way that they did to a single-sentence anonymous allegation about me, I believe that the District is retaliating against me. They should have handled my case in the same way that they worked with a fellow vice president who had received significant due process, including consultation and a warning, as a result of formal complaints regarding his behavior.

The allegations stated in the investigator's report require a response, as the majority of the issues raised by the investigator were never mentioned in her interviews with me – another clear example of lack of due process. Many other facts asserted by the investigator are not true, or have been taken out of context. Until now, I have not had the opportunity to respond to these allegations and I feel I must do so to set the record straight.

I believe the evidence supplied in this document will show that my confrontations with MCCCDC in order to protect my staff provided sufficient motivation for its administration to treat me in a retaliatory and discriminatory manner.

"Open Secrets" and Tours

The allegation that I "have a preference for men" because I give tours to [REDACTED] men ignores the fact that I serve on the Arizona State University Cronkite Endowment Board, and have been a mentor for students of both genders. As a result of my work on the Cronkite Board, I was able to recruit a highly qualified female student who interned at KJZZ. Whenever an ASU student asked me through the Cronkite Board to tour the station, if I had availability in my schedule, I would provide the tour – regardless of the gender of the student. Furthermore, I have also given tours to donors and potential donors without regard to gender. If the "open secret" were indeed an issue, how would it be possible that not a single senior manager would have been aware of the situation, nor would have mentioned it to me – nor to the HR department? In nearly a

decade of service to the District, one would think that if there were actually a problem with my performance, someone – particularly at the senior management level – would have said something to someone that would have lead to an intervention or counseling.

The following is a response to specific allegations in the investigator's report.

Employee #1

Basketball game

Employee #1, a [REDACTED] was visiting KJZZ's main studios. Evidence will show that this employee enjoyed a cordial working relationship with me. For example, once, while I was walking through the newsroom, I was surprised to come across this employee working at a workstation. When he saw me, he immediately stood up, and hugged me in front of the newsroom staff. On other occasions, he would stop by my office when he was visiting from Mexico. He would invariably hug me as a greeting. On one occasion, he brought me a box of Mexican sugar-free chocolates. In this context, I viewed his behavior as friendly and appropriate.

In our conversations, Employee #1 indicated that he was a basketball fan. Subsequently, I asked him if he would be interested in attending a Phoenix Mercury basketball game while he was in town, and he said yes. We grabbed a quick meal in my apartment (adjacent to the arena) prior to the game and walked over to the basketball arena. Our seats were folding chairs, packed tightly, and were located directly behind the game statisticians. During the action of the game, it is possible that I tapped him on the knee a few times to call his attention to a particular play. I recall him tapping me at least once during the game, as well. However, I did not place my hand on his thigh, as the investigator alleges.

After the game, I asked Employee #1 if he would like to stop over at the apartment for dessert before heading home. He said yes. We had dessert, and he went back to his hotel within thirty minutes. The "drinks" referred to in the investigative report consisted of glasses of water – and two quarter shots of tequila (less than one half of one ounce in total). Employee #1 had recently completed a story on Mexican Mezcal, and the purpose of the two quarter shots was to demonstrate the impact of barrel aging on distilled product.

All I wanted to do is enjoy a basketball game with a visiting colleague. There were no sexual advances, and there was no reason to anticipate one.

The investigator claims that Employee #1 was afraid to say no to dessert. If he wanted to leave immediately after the game, it is difficult to understand how an experienced [REDACTED] in his [REDACTED] who has worked in

dangerous foreign locations, certainly encountering difficult personalities – a person who has completed an exhaustive physical self-defense training program – would not have the confidence and resourcefulness to say something like, “Thanks, but I really need to get back to my hotel to work on a story.”

Mexico City

The dinner referred to in the investigator’s report was the culmination of a three-day video production schedule to profile the work of the KJZZ Mexico City Bureau. A large part of the production focused on Employee #1 [REDACTED] [REDACTED] which included filming him working a story on professional [REDACTED] in Mexico at [REDACTED]

When working in the field, I have found it helpful and necessary to minimize status differences between myself and my team. This reduction of status differential fosters team building and productivity. Indeed, as a sign of this status reduction, Employee #1 would regularly call me “dude,” while we were on location – but never in the office. In this context, I would not think it problematic to tap someone on the arm to get one’s attention or to emphasize a point. Given the comradery that emerged among the four of us working on the production that week – including surviving the first 2017 Mexican earthquake – it is hard to imagine that anyone would view a momentary tap on the arm as a hostile act.

Regarding the sex conversation during dinner, I do not recall a discussion of that nature. My friends, family, and colleagues who know me well would testify that this is not a part of my conversational repertoire.

Other incidents

As indicated above, Employee #1 established a pattern of friendly social contact with me, including handshakes, hugging, and occasional shoulder taps. I have taught non-verbal communication as part of interpersonal communication courses at the university level during my forty-year academic career. I am more than capable of observing adverse non-verbal communication in response to a shoulder tap or a pat on the back.

The investigator claims that Employee #1 did not know how to communicate that a shoulder tap was unwelcomed. All Maricopa employees are required to complete the District’s “Preventing Sex Discrimination and Harassment” course. This course includes training for “Responding to Sexual Discrimination/Harassment.” This training emphasizes, “As an employee of the Maricopa County Community College District (MCCCD), you must be aware of your responsibility in reporting incidents of sexual harassment and/or sexual violence. To this end, it is important to know that, as an MCCCD employee, you are a responsible party.” It should be noted that this event, if it was indeed unwelcomed, was never reported.

The investigator reports: "Employee #25 said she had asked why a certain reporter (referring to Employee #1 described above) was not being sent on the trip to the Dominican Republic and female reporters were being sent instead. She (#25) was told it was because of Paluzzi, but did not know what that meant." The fact is the News Department decided to send the KJZZ Mexico City Bureau Chief, along with an Arizona-based female [REDACTED] to work with the KJZZ TransBorder Unit in the Dominican Republic. When it came to staffing the TransBorder Unit with journalists, I relied completely on the decisions of Mark Moran, the Associate General Manager for Editorial Strategy. That is why one of our two Mexico City journalists had to stay in Mexico to cover the bureau – in this case, Employee #1.

Employee #2

Events before the trip

This section of the investigative report contains several inaccuracies. Regarding Employee #2's Facebook page, [REDACTED] came into my office complaining about the noise that Employee #2 made when he spoke in a loud voice in the KJZZ Newsroom. Apparently, what [REDACTED] characterized as Employee #2's "cackling" carried across the newsroom into [REDACTED] office. [REDACTED] added that the noise from Employee #2 increased significantly when a certain female colleague would be present in the Newsroom, and wondered if there was an emerging office romance between the two. I suggested that, if he was indeed concerned, he could check Employee #2's public Facebook page, and located it quickly in my office. [REDACTED] then asked me to send him the link to the page. I did as he requested. [REDACTED] then went back to his office, examined Employee #2's Facebook page, and sent me an instant message that said "Oh Gawd." Evidently, this is when he shared that information with Employee #2's immediate supervisor.

This is not the first time that [REDACTED] has engaged in discussion of the sexuality of his reporters. More recently, he came to my office to tell me how deflated a female [REDACTED] was when she learned that a new male [REDACTED] had a boyfriend. I did not respond and changed the subject, as the sexuality of a person has nothing to do with their job performance.

Events during the trip

As mentioned with regard to Employee #1, I believe that it is important to minimize status differential when working with a team on location. We were in Mexico City to conduct a difficult four-day training session with a group of student journalists at the Tecnológico de Monterrey. All of us were trainers, working under pressure throughout the week. I knew the other trainers quite well, as

they were [REDACTED] reporters, and I had spent several years with them in training in San Diego and Phoenix. Employee #2 was new to the team, and I had not worked with him prior to this event. Accordingly, we engaged in casual conversation during down moments, in which we established a number of common interests, including fitness and gym workout routines, cooking (including Brussel sprout recipes), and beverages. At no time, did Employee #2 seem uncomfortable during these conversations.

During that week, I discussed various social opportunities with a number of team members. For example, one of the female team members told me that she enjoyed coming to Mexico City, because it was where she could obtain brands of mezcal (a tequila-like beverage) that she could not obtain at home. She subsequently provided me with a list of her three favorite brand labels and the location of a store in the city where she purchased these beverages. Since I was staying in the city longer than the team to work with our KJZZ Mexico City Bureau Chief, I thanked her for her suggestions and suggested that the next time she was in Phoenix, we might arrange a mezcal tasting for those interested.

I consider these offers as expressions of hospitality. In my work, I frequently make expressions of hospitality to members, friends, and colleagues for the purpose of expressing that I value them, and that I again wish to minimize the status differential by offering a purely social experience – even though the vast majority of these expressions of hospitality are unlikely to ever be realized. This is the equivalent of a Latino expressing the sentiment “Mi casa es tu casa,” meaning “My house is your house.” Few people ever take advantage of the offer and move into the host’s home; however, the sentiment is sincere and is most generally appreciated.

With regard to the use of the term “crash pad,” this is a standard term in the airline industry and refers to an apartment that is located in a distant city that flight personnel use when they are working away from home. Since I fly most weeks between [REDACTED] (where my family lives) and Phoenix, and have been commuting by air for the past 14 years, I frequently use the term to refer to my Phoenix residence.

When on the road with members and colleagues, I make it a practice to make sure that I limit consumption of alcohol to take into account food consumed, time spent, and the quantity of alcohol consumed by others. Accordingly, I was not intoxicated. It is unlikely that I would have invited the two team members to my room for a nightcap, as I had no alcohol in my room. It is possible that I may have offered a nightcap at the hotel bar, however, as the investigator reports, they declined, I said goodnight, and went to my room.

On the last day of the training trip, the group had breakfast together. I heard Employee #2 say that he was experiencing a sore throat. I did not hear another team member say that she was not feeling well. The hotel restaurant is in an

open space and is quite noisy. As they would soon be leaving, I told Employee #2 that I had some zinc lozenges that I could give him. Had I heard that the other team member had a similar malady, I would have offered to share the lozenges with her, as well. Shortly afterwards, Employee #2 came to my room, knocked on my door, and stayed in the hallway while I went into my room to retrieve the lozenges and brought them out to him in the hallway. At that point, he confided in me that he was concerned that he would be too sick to meet up with friends that weekend in San Diego. I replied that those lozenges were always effective for me. I wished him well, thanked him for his participation in the training project. We said good bye, and we hugged. One can instantly determine if a hug is consensual, and this was the case that day.

The investigator reports that Employee #2 said that he was deeply uncomfortable being with me throughout the trip. If that were the case, why would he choose to accompany me to a food court across the street for dinner one night when he could have easily gone out with the other members of the team who were going somewhere else? Never once during the entire trip did Employee #2 suggest that he was uncomfortable with our interaction. He displayed a casual, friendly, and conversational demeanor at all times.

As was the case with Employee #1, Employee #2 was required to complete the District's "Preventing Sex Discrimination and Harassment" course. This course includes training for "Responding to Sexual Discrimination/Harassment." This training emphasizes, "As an employee of the Maricopa County Community College District (MCCCD), you must be aware of your responsibility in reporting incidents of sexual harassment and/or sexual violence. To this end, it is important to know that, as an MCCCD employee, you are a responsible party." It should be noted that this event, if it was indeed deeply troubling to him, was never reported.

Events after the trip

Facebook: Employee reports that I sent him a Facebook friend request. Many supervisors at the station have employees as Facebook friends. On multiple occasions I have received Facebook friend requests from members of the MCCCD Governing Board. Some I have accepted; others I have not. Despite the immense power differential between the Governing Board and me, I have never felt pressured to accept one of these Facebook requests. With regard to the Facebook message after the employee left Mexico, I sent him a text message, which the investigator severely truncated out of context:

The investigator quoted:

"Hope you can make it to San Diego this weekend! Looking forward to more good times of the malt variety in the near future"

The full message:

Hey [Employee #2]... hope you made it home OK, and that you're feeling better soon. [REDACTED] and I had a great time searching for quarters for the bureau today. Hope you can make it to San Diego this weekend! Looking forward to more good times of the malt variety in the near future. Thanks so much for being an awesome member of the team.

In this context, I was sending a message to a colleague to express my concern for his health and well-being. The offer to grab a beer was merely an expression of hospitality.

Korva Coleman event at Papago Park: Employee #2 was [REDACTED] [REDACTED] [REDACTED] After the event, I congratulated him on being the [REDACTED]. I also congratulated him on his investigative technique and groundbreaking reporting on the [REDACTED] story. To hear him quote me saying, "I wouldn't want to see you come after me because I have tools or means at my disposal if that were to happen" comes out of left field.

How Employee #2 could interpret a compliment as a threat is a mystery to me. I never threatened him. The venue was crowded and noisy; I was working the room greeting guests; the conversation lasted perhaps 30 seconds: I can only conclude that he misheard me. In any event, I had no reason to suspect that I would be the subject of an investigation by him, because he had given me no indication that I had done anything inappropriate ... at that time, and until this report was received by me.

Furthermore, it is difficult to believe that a threat as characterized by Employee #2 – a threat that was apparently openly discussed amongst his colleagues – never rose to the level of any supervisor in the Division of Public Service during the ensuing two years. Any supervisor would have been required to report a threat of this nature, as a threat of this level of magnitude – particularly with supervisor support – would have immediately brought such a level of action from Human Resources that would have guaranteed Employee #2 complete protection from retaliation. No such report was filed.

Finally, the investigator reports that Employee # 2 has not been invited to other donor events since then. On March 8, 2018, I was assigned to fundraise on-air on KJZZ with Employee #2. The fundraising hour went very well, with Employee #2 demonstrating no signs of discomfort in my presence. (He could have easily requested a reassignment to avoid working with me). Furthermore, during the times in which we were off-air preparing for our next fundraising break, we had a number of friendly conversations. In one of those conversations, Employee #2 indicated that he enjoyed wine. At that point, I mentioned that the General Manager for Sun Sounds and I had been talking about arranging a member travel experience through Arizona's Patagonia wine country, with a possible excursion to

a new wine producing region in Cananea, Sonora, Mexico. I suggested to Employee #2 that if he were interested in participating as a station personality, he could contact the Development Department to express his interest.

Employee #3

The investigator reports that I said this employee had only been to my condo one time, while Employee #3 reports that he had been to my condo on multiple occasions. If one were to review my email to her of March 19, 2018, it will clearly show that I was responding to her question "Have you invited [Employee #3] to your apartment for lunch? When and how often did that occur?" I was responded to her question truthfully: I had Employee #3 over for lunch once during nine years to discuss a potential change in reporting lines for Spot 127, our youth media center. He did visit my condo on at least two other occasions, when my family hosted his family for barbecues poolside at our condo. In fact, on one of these occasions, he threw one of my young teenage daughters into the swimming pool. In subsequent years, he would repeatedly ask me when I was going to invite his family back to my condo. I shared that additional information with the investigator during a telephone call with her on the morning of March 20, 2018. The investigator neglected to include this information in her report.

Travel: Employee #3 reports that I asked him if he was interested in sharing a room on a business trip to New York City. Since the cost of hotel rooms in that city are very expensive, I suggested this option to see if we could save on the cost of lodging. Since ninety-six percent of the funding for the radio stations comes from non-District sources (primarily member donations), this practice is normal in public radio, and has been general practice for decades.

Employee #3 claims that he declined to share a room on this trip because he was afraid of a sexual relationship with me (something that has never occurred in the nine years that we have worked together). However, the real reason he declined the offer to share a room is because he brought ██████████ to New York City so that they could enjoy a December holiday in the city while the station was paying for his hotel room. In fact, after the business portion of the trip was over and I returned to Phoenix, he continued ██████████ vacation in New York City ██████████ but moved to a cheaper hotel in New Jersey.

Arboretum: the quote that Employee #3 alleges is not only a fabrication, but is evidence of a projection of his feelings toward me. On the contrary, I recall a conversation in which Employee #3 was shaking – his voice quivering – when he told me that he had very few true friends, that he had a hard time making friends, and that he needed my friendship. As further evidence of this, I have collected five years of text messages in which he repeatedly declared his love for me, and how much he missed me when I was on the road and away from the

office. At the time, I viewed those expressions of affection as platonic and harmless.

Over time, however, I started to become concerned about Employee #3's intentions. His text messages became more frequent, occurring at all hours of the day and night (another colleague – one of his direct reports – expressed the same concern in a complaint recently filed against Employee #3). Additionally, other senior managers began to express their concerns that this employee was using what he portrayed as a "special relationship" to me in order to bolster his image within the Division. Accordingly, I had to counsel him to limit the number of times he would come to my office for non-business-related communication. Additionally, it was becoming obvious that Employee #3's affection for me was becoming an obsession, especially in terms of the frequency of text messages of a personal nature that he would send me. I ultimately had to tell him that I would not be responding to non-urgent text messages, including text messages of a personal nature. This issue regarding his obsessive text messaging was a subject of frequent conversation with my wife and my daughters.

Employee #3 persisted in texting me, and when I finally had to block his messages just to be able to sleep, he started texting one of my daughters to inquire about me. This obsession continued to the point when, in February 2018, as I was leaving the station quickly to catch a flight at the airport, he stopped me as I was leaving to know why. When I declined to provide an explanation, he then messaged my daughter, who is a university student in the United Kingdom. He told my daughter that something was wrong with me, he was concerned, and wanted to know the details. Due to the time difference between the UK and Boise, my daughter was unable to contact my wife or me (we were sleeping) – and she had to spend a whole day in tears thinking that her father was seriously ill, until my wife and I could tell her in the morning that I was fine. My daughter then messaged Employee #3, asking him to never contact her again about our family. He replied to my daughter, "Please don't tell your father."

Finally, during the past year, his overtures for physical affection became more frequent. While I was standing in the soup line at the Rio Cafe, he spotted me and gave me a huge hug in public without asking. In this context, I was embarrassed, and could not make a scene. Subsequently, when I stopped by his office to discuss a work issue with him, he changed the subject to say, "I need a hug right now." I declined. At another time, when meeting with me in my office, he again asked me to hug him, at which time I told him that his request was inappropriate. I shared this information with the investigator; however, none of this material was included in her report.

Impeding employment advancement: the investigator reports that I was standing in the way of Employee #3's advancement to the level of General Manager, evidenced by removing all of Employee #3's direct reports. In reality, the decision to remove his direct reports was a result of meetings with the

District's Senior HR Manager and the Rio Salado Dean of Administrative and Employee Services. The reason for the reassignments was due to a formal complaint filed against Employee #3 by a direct report (as well as verbal complaints brought to me by his other two direct reports). Since the formal complaint contained a concern for the direct report's personal safety, and since it would have been impossible to reassign just one employee without possibly interfering with the investigation, the decision was jointly made to reassign his direct reports. Furthermore, at Rio Salado College, Vice Presidents cannot unilaterally reassign direct reports, so I was in the Rio Salado HR Dean's office with my laptop initiating the process, with the Dean next to me approving the reassignment on her computer, which then went on the District for final approval.

In meeting with the investigator, I did not marginalize Employee #3's performance based on his performance under my direction. After significant counseling over the years, I found him to be responsive to my work assignments, and provided him with satisfactory performance evaluations. I did disclose that three of Employee #3's colleagues – [REDACTED] – had repeatedly complained to me about their experience in working with Employee #3. One [REDACTED] complained that Employee #3 had a hard time putting in a full day of work, and would frequently look for ways to waste time in non-work-related conversation. Another [REDACTED] complained that Employee #3 was difficult to work with and prone to temper expressions. Finally, a third [REDACTED] complained about Employee #3's criticism of management decisions throughout the newsroom, in effect "poisoning the well."

During an interview, the investigator asked why I would not support Employee #3's request for a promotion to General Manager, and I replied that we did not have the position available, as I was also serving as General Manager of KJZZ and KBAQ. It is possible that the investigator thought that every department in a radio station could have a General Manager; however, this is not industry practice: there can only be one General Manager for each radio station. Nevertheless, the investigator persists:

Paluzzi said they don't have general managers of departments, but then described [REDACTED] promotion to [REDACTED] Department. His reasons are contradictory and may be a pretense for having been rejected by Employee #3 on earlier occasions when Paluzzi made subtle sexual suggestions.

My reasons were *not* contradictory. [REDACTED] was appointed as [REDACTED] (one of our three radio stations: KJZZ, KBAQ, and Sun Sounds). [REDACTED] service broadcasting twenty-four hours a day, every day, to nearly fifty-thousand listeners [REDACTED] [REDACTED] has a full-time staff and a team of nearly five hundred volunteers. [REDACTED] also retains all of her responsibilities in managing the [REDACTED] Department, as well. She, in essence, does two full-time jobs, that

of former [REDACTED] (who retired) and her former job as [REDACTED]. The investigator totally misrepresents what I actually said during my interview with her:

J Paluzzi: [Employee #3] made an appointment to see me. Prior to that, he had gone to Maria [Bellino, Dean, Administrative & Employee Services] to voice his concern. Maria called me and said "[Employee #3] has come to see me and he wants a promotion," or something like that. "Can't you make him general manager of news? And I explained to her that [REDACTED] is a station. *It's a regular radio station that serves the [REDACTED].*

We have two other stations: K-BACH and KJZZ, and I'm the General Manager of both of those (stations) I am Vice President and General Manager, and I'm not ready to give that up.

I'm responsible for the entire operation [Rio Salado's Division of Public Service]. Linda has primary responsibility for Sun Sounds ... and development. I have primary responsibility for KJZZ and K-BACH...

I was hired as General Manager of those two stations. They added more things to my portfolio over the last nine years. Here's...

J Wilcox: Right. So tell me why you didn't want to make [Employee #3] general manager.

JP: Well, because you don't have general managers of departments per se. We have Associate General Managers in our structure...

JW: But [REDACTED] is a general manager.

JP: *Of a station.*

JW: A station...

JP: *Stations.* In our industry, stations have general managers – one.

The News Department is *not* a radio station, and therefore the broadcast industry does not have general managers of news.

Additionally, the investigator reveals her bias against me with regard to the subject of intoxication. Throughout the report, she accuses me of being intoxicated without providing any substantiation of behavior that would be considered evidence of intoxication. In her report, the case of Employee #3 shows the level of her double-standard:

Ironically, Paluzzi has been observed to be intoxicated on several occasions by multiple witnesses during work-related fundraising events (Employee #2, 31, and [REDACTED])

Yet, on the other hand, the investigator reviewed a formal complaint by one of Employee #3's direct reports regarding Employee #3's behavior during an away team visit to establish a news bureau in Hermosillo, Sonora, Mexico. This direct report stated:

At the bar, everyone ordered between two and four beers for the entire night except for [Employee #3] who proceeded to drink an extraordinary amount. Within an estimated two hour period in the bar, [Employee #3] ordered at least twelve alcoholic beverages. He ordered approximately four double shots of tequila that he then slammed in a single gulp and washed down with a liter of beer after each shot. After his second set of drinks, [Employee #3] stood up shaking and almost falling over and proceeded to yell at the waitress for the bartender's phone number, then sitting down and ordering his third round. We asked him to stop. He did not and instead ordered his fourth round of double-shot of tequila and liter of beer that he then gulped down quickly.

Following this state, [Employee #3] announced he was driving us back to our hotel. The hotel is approximately one mile from the bar down a busy boulevard. I felt extremely unsafe sitting in the van. I also felt compelled to travel along as [Employee #3] insisted he was fine and I did not want to cause an issue with my manager. We arrived at our hotel without incident. That was foolish on my part and I should have spoken up. In retrospect, he put all of our lives in danger and had consumed enough alcohol that his Blood Alcohol Level was more than an estimated twice the legal U.S. limit based off an estimated 12 drinks in 2 hours for ██████████ man.

Despite her full knowledge of this testimony, the investigator makes a conscious effort to minimize the gravity of this complaint in her report:

Recently, Paluzzi seems eager to find reasons to build a case against Employee #3--the March 2, 2018 complaint from another employee about Employee #3's excessive drinking in Hermosillo, suspected abuse of alcohol, removal of his direct reports, not allowing him to travel, and the timely arrival of a letter from a former intern the day before Paluzzi's interview for this investigation describing Employee #3's sexual behavior toward her.

What, in my case, was alleged as intoxication, in the case of Employee #3 (in the formal complaint documented above in extreme detail), the investigator characterized his behavior as merely a "suspected abuse of alcohol." Clearly the investigator is intentionally using a double standard to build a case against me. It is as though someone told the investigator to go easy on [Employee 3], but crush Paluzzi.

I was not "eager" to find reasons to build a case against Employee #3; it was my responsibility to report a situation which could have bearing on the safety of District employees.

Furthermore, the fact that I received a complaint from a former intern describing Employee #3's sexual behavior toward her, while coincidental to the date of my first interview with the investigator, had nothing to do with being "timely." Here, the investigator implies that I had something to do with the timing of its receipt. In reality, the complaint was delivered by express courier to our office, addressed to me, and prior to reading that complaint on that date, I had no idea that Employee #3 had any involvement of a sexual nature with this former intern. Of note, after reviewing this complaint in my office on 14 March 2018, the investigator stated, "That puts the nail in the coffin." Somehow, the investigator's perspective changed between that date and when she wrote her report.

Finally, with regard to the investigator's assertion that I was acting prejudicially with regard to denying Employee #3's request to travel to Hermosillo in March 2018, the true reason is that since an investigation of his behavior had started (and was announced to him on March 2, 2018), it would have been unwise to allow him to travel to Mexico with a direct report (who had just filed a complaint against him).

Furthermore, the Rio Salado Dean and I had reason to be concerned with regard to Employee #3's true interests in going to Hermosillo. In his formal complaint, Employee #3's direct report asserts:

While we sat in the back of the van [Employee #3] pulled out his phone and opened the WhatsApp software. He opened a particular conversation on the app that was titled "Hermosillo bureau." WhatsApp allows the user to create conversations titled by subject matter or by someone's name. I do not know whether he had created a false name for the individual he was showing me the conversation with or whether he had created a subject titled "Hermosillo bureau."

I thought he was showing me a potential applicant for our positions in Hermosillo. But instead he was showing me an ongoing conversation he had with a woman.

The icon was that of a blonde-haired female. [Employee #3] said, "what is she saying in this one?" pointing to an audio file in the strings of conversation. He gave me his earbud and I inserted it still thinking this was a candidate for one of the two positions we will be posting in the future. A woman's voice said, "Hola amor, como esta? Te extraño." Translated: "Hello, my love. how are you? I miss you."

I read earlier messages in the string. One before this audio file said, "Hola sexy". I then handed [Employee #3] back his phone and told him I that I was uncomfortable with him sharing this type of information about his personal life with me. I told him not to do so again.

Contrary to the investigator's conclusion in her report, I was not "eager to find reasons to build a case against Employee #3." I truly wish that none of this had ever happened. Nevertheless, it happened on my watch, and it was my responsibility to report it. The investigator's bias in minimizing the issues with Employee #3's behavior, while alleging malicious intent on my part for merely doing my job, belies any claim that this investigation was either fair or impartial.

Employee #4

If the investigator had asked all of her interviewees, she would have likely learned that virtually every staff member – regardless of gender – would have been the recipient of compliments from me during the course of my tenure. This is because frequent praise is an essential part of my management style.

Fortunately, it is very easy to find opportunities to compliment my staff, because we have assembled an incredible staff of dedicated, hard-working individuals. It is difficult to understand how compliments for a job well-done can contribute to what the investigator characterizes as "an uncomfortable leering environment."

Employee #5

Employee #5 denied any sexual or inappropriate relationship, and denied that my conduct offended him or made him uncomfortable.

The investigator raised the issue of favoritism towards Employee #5, which I deny. I have worked with this employee with regard to the [REDACTED]. The work of planning for [REDACTED] activities is an ongoing process, requiring discussion and exploration of members' travel options. It is occasionally helpful to continue those discussions outside of the office. For example, we visited [REDACTED] once to determine if would be suitable site for a planned series of [REDACTED] weekends, as well as member weekends that would focus on science and aging.

It was during these few out-of-office opportunities that we developed the plan for the KJZZ Travel Club Solar Eclipse project, by which we took thirty-two members to Idaho to experience the total solar eclipse in August 2017. The kind of

brainstorming that leads to the conceptualization, logistical planning, and implementation of projects like this does not often come to fruition in a nine to five office environment.

Regarding the roller derby allegation, I joined several KJZZ employees from several departments who attended this event, [REDACTED] In fact, the information regarding the event was widely distributed throughout the Division. Those of us who attended did so solely to show our support for our colleague.

With regards to the hiring process for Employee #5, there was no effort to hire him for the news department, as no position existed. For the Development Department multi-media specialist position, we had two candidates that were highly qualified. We needed both in our organization. We therefore, requested the District to approve the hiring of both candidates. District approved the hiring through a process known as an exceptions request.

This is not the first time that we have used the exceptions request process. When we subsequently searched for two senior digital media editors for the Development Department, the finalist pool included two internal candidates and one external candidate, who was also highly qualified. This third finalist was so impressive that we made the exceptions request to hire her as the third person, and today she serves exceptionally well in the News Department.

At yet another time, we used the exceptions request process during a search for two senior field correspondents for the News Department. I sat in on the final interviews for the position, as was my practice for these positions. There were three finalists for the two positions: two males and one female. I noted that the News Department management had decided to select the two males over the female. I believed that the female candidate displayed exceptional skills and abilities that were overlooked by the News Department managers on the search committee. I therefore made an exceptions request to hire all three as senior field correspondents. District approved. It should be noted that today, the two males hired are no longer working for KJZZ; however, the female senior field correspondent is highly regarded throughout the Division as a distinguished and prolific features reporter.

The investigator questions, "If Paluzzi wanted to hire him [Employee # 5] as a travel writer for an English speaking audience, why test his ability to speak vernacular Mexican Spanish by taking him all the way to Rocky Point?" It is a fair question. The answer is that a reporter working in Mexico must be able to communicate in the Mexican Spanish vernacular in order to accurately report their stories in English. This is true for our KJZZ Mexico-based reporters, as well. The differences between Castilian (European) Spanish and Latino Spanish is profound, not only in vocabulary and accent, but also in nuance. I thought it helpful to determine his ability in this regard. Additionally, there is an element of

recruitment that involves motivating a potential candidate about the possibilities of working in our environment. I believed so strongly in this that I was willing to invest my personal weekend time and resources to demonstrate this reality.

The investigator alleges that [REDACTED] "also described an incident he thought was questionable. When MCCCCD board member Alfredo Gutierrez stepped off the board, he sent an email to all staff. Paluzzi was in Spain at the time, and [REDACTED] thought the news was important enough to call Paluzzi, even though it was after midnight in Spain. Employee #5 answered Paluzzi's cell phone, sounded very drunk, and said Paluzzi would call [REDACTED] back in five minutes." In the first place, I have repeatedly questioned [REDACTED] judgement in contacting me at all hours of the day and night for issues of questionable importance. This was certainly true in this case: Mr. Gutierrez stepping down as Governing Board President had truly no bearing on KJZZ, except as a news story. [REDACTED] was using this event as yet another excuse to maintain contact with me, virtually around the clock. In reality, Employee #5 was voluntarily sharing a room with me to maximize our fundraising revenue from the 2017 KJZZ Flavors of Spain member trip. I was in the bathroom; Employee #5 was sleeping; he answered my phone, thinking that it was an emergency. Virtually anyone awoken from a sound sleep would naturally sound groggy under these conditions. There was no need for the call; there was nothing I could do about Mr. Gutierrez's actions, and at the very least, it certainly could have waited until the next day.

According to the investigator, [REDACTED] "was asked by Paluzzi to go on the trip to Flagstaff to go hiking and to meet with Employee #21 in Flagstaff to talk about travel opportunities in Northern Arizona. [REDACTED] said he was very uncomfortable and embarrassed about being with Paluzzi and Employee #5..." On the contrary, I recall [REDACTED] being excited about the opportunity to explore the concept of establishing a travel desk with an experienced travel blogger. At no time did he seem reluctant to participate in this concept development.

The investigator questions my credibility in my recruiting tactics for talent, alleging some ulterior motive. In reality, my only motive was what I consider to be my prime directive: to identify the best talented professionals who can advance our public service mission, realizing that often, the most talented professionals are not looking for a job, and will not necessarily look for – or respond to – a job posting buried in the District's HR website.

In the past, at other stations, I have taken potential engineering candidates on snowmobiles on top of isolated mountaintop transmission sites to see if they were interested and suitable for working with us. I have taken potential station managers to remote communities in Idaho to share with them the excitement of providing public radio to people who would otherwise have no access to educational, informational, and cultural programming. This is recruiting at the grass roots level that goes beyond administration; it defines leadership.

Possible retaliation – differential due process

At no time did any member of the MCCC administration advise me that I was under investigation until May 3, 2018, the day that I was placed on administrative leave. This is a marked contrast from newspaper accounts of the treatment that another Rio Salado Vice President received, who was counseled on multiple occasions, according to accounts published in *azcentral.com/Arizona Republic* [May 4, 2018].

Bustamante, the college president, said he talked with Terry about his "looking at women up and down" in March 2017 and told him sexual harassment was not tolerated at the college. Bustamante said Terry didn't affirm or deny anything; he listened and said nothing. "Terry's behavior continued to be problematic even after that admonishment," the investigator wrote. The investigative documents say that Deric Hall in the college's Office of Equity, Opportunity and Engagement met with Terry in April 2017 to discuss an allegation of sexual harassment, which he denied. Hall then followed up with complainants and talked with several individuals in September and October who had "indirect knowledge" about Terry's behavior. Hall notified Terry in December of the allegations, and the district then hired an outside investigator, Wilcox, to look into the matter further.

One might question why the District chose to administer a differential application of due process in my case. Why did the investigation of what the investigator termed an unsigned, undated, single-sentence anonymous allegation about me begin the month after I alleged that the Vice-Chancellor and the Chancellor submitted false information to the Vice President of the Governing Board? It remains an open question as to whether the timing of this investigation is purely a coincidence – or an opportunistic form of retaliation against a Vice President who was confronting the administration in order to protect his staff.

For the past year, I have been challenging District HR with regard to the inadequacies of its new Classification and Compensation program. Its effect on our Division of Public Service has been profound, divisive, and prejudicial.

The first signs of a looming problem emerged in the publication, "*Diverse Issues in Higher Education*," (March 6, 2017) in which the Vice Chancellor for Human Resources, LaCoya Shelton-Johnson, asserts her *first expression* of the problems with the District's former classification system: "For instance, a KJZZ campus radio station employee might actually be an audio technician but have a KJZZ job title. Such titles are going to be a thing of the past."

With the first release of the new Classification and Compensation plan for the Rio Salado Division of Public Service (which is home to KJZZ, KBAQ, and Sun Sounds Radio Reading Service) in June, 2017, it was clear that the evaluation of the Division of Public Service staff was deemed by District in light of Shelton-Johnson's depiction of KJZZ as a "campus radio station," instead of a major market public media service providing groundbreaking coverage of local, regional, and national issues for the country.

While the highest executives of the Division of Public Service (the Vice President and Associate Vice President) actually benefited from the new classification and compensation system, the majority of the Division's Executive Team, as well as key talent at KJZZ and KBAQ, were "red-lined" or "red-circled," meaning that they would never see a pay raise other than cost of living adjustments until the MCCCCD Governing Board might determine that the salary ranges for positions in the District needed to be raised.

This situation was, in my opinion, unconscionable.

On July 6, 2017, I initiated an effort to protect my red-lined staff (see "Chronology," Appendix A), in which I attempted to demonstrate the difference between a "campus radio station," as depicted by the Vice Chancellor, and a national producer of news and information programming that operates international news bureaus.

At the same time, I was working to achieve an urgent direct appointment for an existing staff member to serve as General Manager of our [REDACTED] who had retired.

At every step along the way, I encountered resistance from District HR. Given the magnitude of the issues the Division was facing, it was particularly problematic learning that District HR refused our urgent request for a meeting with Rio Salado's Dean of Administrative and Employee Services and myself, dismissing our request to meet to discuss these urgent issues by claiming, "We unfortunately don't have the bandwidth to hold meetings with everyone wanting something to be considered." (see "Documentation," Appendix B)

From this point forward, we began a process of documenting the problems with the new Classification and Compensation system in terms of its negative effects on the Division of Public Service. We researched the salary structures of peer public radio stations in major markets throughout the country and demonstrated that in virtually every situation, every person in the red-lined positions in the Division of Public Service was currently being paid significantly below the average of their peers throughout the country.

Not only was nearly every member of the Division of Public Service Executive Team red-lined, but additionally, key members of our on-air talent at both KJZZ

and KBAQ were red-lined, as well. In one particularly egregious case, the Division's Chief Engineer was classified at a pay level below the engineers that he was supervising.

In September, 2017, Friends of Public Radio Arizona, our foundation, hosted a delegation of public radio members and a member of the MCCCCD Governing Board (which controls the KJZZ license) to inspect our new KJZZ Mexico City Bureau. During this visit, we had the opportunity to brief the Governing Board member on the problems that we were experiencing with District HR in general, and with the Compensation and Classification rollout in particular.

On September 18, 2017, I received a direct email from the Vice President of the MCCCCD Board of Governors, asking about "the disconnect between the actual jobs and the recommended classifications" in the District's new Classification and Compensation program.

On September 19, 2017, I responded to this Governing Board member, highlighting the problems that we were encountering working with District HR in attempting to resolve problems with the new Compensation and Classification system that had been demoralizing members of my staff.

On October 28, 2017 – I received a direct email from the Vice President, Board of Governors, in which I was asked to review a response that the Board member received from Chancellor Maria Harper-Marinick and LaCoya Shelton-Johnson, Vice-Chancellor, District Human Resources. I was asked to review the document "for significant discrepancies."

On October 29, 2017, I provided the Governing Board Vice President with a first level response to her request. In this memo (see Appendix C titled "October 29 memo"), I claimed that District HR made several false representations to her, and further alleged an inequity between how the new Classification and Compensation system treated Information Technology Engineers versus Broadcast Engineers. Broadcast Engineers doing much more hazardous work in high voltage environments were classified at levels far below IT Engineers.

On October 30, 2017, I provided the Vice President of the Governing Board with a second level response to her request. In this memo (see Appendix D titled "October 30 memo"), I outline several discrepancies between the information that District HR Vice Chancellor Shelton-Johnson provided through Chancellor Harper-Marinick and actual facts.

In one of several discrepancies, Vice Chancellor Shelton-Johnson claimed, "... both Jim and Bill [Shedd, Division of Public Service Chief Operating Officer] were very involved as subject matter experts in the development of the Broadcast Family." In my response to the Governing Board Vice President, I commented that on September 27, 2013, Bill Shedd and I met with District HR staff members

Susan Krall and Luane Shull to discuss the review of the TV/Broadcast/Radio job class titling for Classification and Compensation Study. It was the *only meeting* that we had with anyone with regard to the study. Whether one meeting in four years constitutes being "very involved as subject matter experts in the development of the Broadcast Family" is debatable.

On November 13, 2017, I provided to my supervisor, Rio Salado President Chris Bustamante, a copy of the complete response provided to the Governing Board Vice President detailing several misrepresentations of the facts in the information provided by the Vice Chancellor for HR and the Chancellor. (see Appendix E titled "Complete Response.") The President presumably forwarded this information to the Vice Chancellor and his supervisor, the Chancellor.

The District began investigating me the following month, in December 2017. Source: on March 14, 2018, I had a ninety minute interview with the District-hired external investigator Jean Wilcox, ostensibly to discuss a complaint against Employee #3. During the last two or three minutes of the interview, Wilcox advised that I was also the subject of the investigation. She stated that the investigation started in December of 2017 and was part of the LeRodrick Terry [Rio Salado Vice President, Student Affairs] investigation. She indicated that she had interviewed twenty individuals, finding no evidence of any harassment on my part.

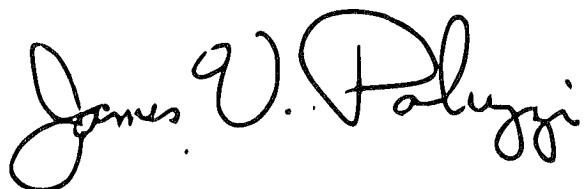
Whereas a fellow vice president was counseled by his supervisor after allegations were received (months before his investigation began), the same supervisor said nothing to me throughout the investigation – until the day I was placed on administrative leave. Neither Rio Salado's HR Department nor District HR said anything to me, either. Furthermore, I was asked to give a tour of our radio station facilities to two new members of the MCCCDC legal team on March 21, 2018. One of them was MCCCDC Associate General Counsel, Employment, Samantha Blevins. After the tour, the two attorneys and I met briefly in our conference room and discussed the investigation that was underway with Employee #3. At no time did Blevins indicate that I was the subject of an investigation.

Why the secrecy? Both my Vice President colleague and Employee #3 were advised at the start of their investigations. They had time to secure legal counsel prior to their interviews with the investigator. I was told nothing. I had no opportunity – nor reason – to secure legal counsel prior to being placed on administrative leave.

On a phone call with the investigator on March 20, 2018, she confided to me that, in her opinion, District HR had not been serving the college vice presidents well. She cited what she perceived as a dysfunction between District HR and the college HR departments, frequently blaming each other for problems.

In summary, it remains unclear as to why the District would choose to handle my case so differently, especially since no formal complaints have ever been filed against me. The investigator reports, "This investigation began with an anonymous letter received on December 19, 2017 by District HR and Vice Chancellor LaCoya Shelton," the same Vice Chancellor that I had just accused of providing false information to a MCCCDC Governing Board member. I believe the evidence supplied in the appendices shows that my confrontations with the MCCCDC in order to protect my staff provided sufficient motivation for its administration to treat me in this discriminatory manner.

James V. Paluzzi
June 29-2018

A handwritten signature in black ink that reads "James V. Paluzzi". The signature is written in a cursive style with a large, prominent initial "J".