



November 8, 2021

BY CERTIFIED MAIL

Dr. Edward Martinez, President
Luna Community College
366 Luna Dr.
Las Vegas, NM 87701

Dear President Martinez:

This letter is formal notification of action taken by the Higher Learning Commission (HLC) Board of Trustees (“the Board”) concerning Luna Community College (“the Institution”). This action is effective as of the date the Board acted, November 4, 2021. In taking this action, the Board considered materials from the recent Advisory Visit, including, but not limited to: the Advisory Visit report the Institution submitted, the report from the peer review team, and the institutional response to the report.

Summary of the Action: The Institution has been placed on Probation because it is out of compliance with the Criteria for Accreditation. The Institution does not meet Core Component 2.C. The Institution is required to host a comprehensive evaluation no later than April 2023 to determine whether the institution has ameliorated the findings that led to the imposition of the sanction.

Institutional Disclosure Obligation: HLC policy¹ requires that an institution inform its constituencies, including Board members, administrators, faculty, staff, students, prospective students, and any other constituencies about the sanction and how to contact HLC for further information. The policy also requires that an institution on sanction disclose this status whenever it refers to its HLC accreditation. HLC will monitor these disclosures to ensure they are accurate and in keeping with HLC policy. The institution must submit drafts of its planned disclosures to these various audiences to its HLC Staff Liaison in advance of transmission and provide the staff liaison with a link to relevant information on its website. At a minimum, an institution must: i) provide a copy of this Action Letter to its governing board, administration, and faculty, ii) provide a copy of the enclosed Public Disclosure Notice to its currently enrolled students, and iii) prominently display the Mark of Accreditation Status where accreditation status is described on its website. Once disclosures have been made, the institution must submit copies of its disclosure documents as a single .pdf file to www.hlcommission.org/upload (by selecting “Information about Institutional Disclosures”) no later than seven (7) business days following receipt of this Action Letter. HLC will retain this information as part of the institution’s record.

¹ INST.E.20.010, Probation.

Provisional Plan: HLC policy also requires that the Institution file a Provisional Plan with HLC for review and approval by the Institutional Actions Council according to HLC's substantive change procedures. This Provisional Plan must comport with HLC's requirements for Provisional Plans.² The institution must submit its Provisional Plan within 90 calendar days of this letter.

Substantive Change: HLC policy³ states that while an institution may file one or more applications for substantive change during the probation period, such applications will be subject to strict scrutiny and are likely to be denied or deferred until after the probationary period. HLC policy also requires that an institution placed on Probation be subject to additional requirements for substantive change during the probationary period and for three (3) years following the removal of Probation.⁴

Notification Program: HLC policy⁵ states that the Institution is now ineligible for the Notification Program for Additional Locations until it has completed ten (10) years in good standing as required for access.

Board Rationale

The Board based its action on the following findings made with regard to the Institution as well as the entire record before the Board:

The Institution does not meet Criterion Two, Core Component 2.C, "the governing board of the institution is autonomous to make decisions in the best interest of the institution in compliance with board policies and to ensure the institution's integrity," for the following reasons:

- Luna's board systematically fails to delegate day-to-day management of the Institution to its administration, has encroached on lower-level operational management and academic program decisions and does not empower Luna's president and senior leadership to lead or manage the Institution.
 - This is despite the fact that new policies were put into effect in January 2020, at which time the entire board reaffirmed that board members would not encroach on the Institution's day-to-day operations and would respect the Institution's operational hierarchy.
- Regardless of the spring 2020 Campus Climate Survey results to the contrary, the institution's employees continue to fear interrogation and/or dismissal due to the board's pattern of engaging in inappropriate interactions with employees.
 - This is despite the passage of a Good Faith Resolution in April 2020 committing that no member of the board would direct the activities of employees other than the president, and despite past commitments by the board to quarterly training sessions to increase board members' education about their proper role.

² FDCR.B.10.010, Commission Approval of Institutional Teach-Out Arrangements.

³ INST.E.20.010, Probation.

⁴ INST.F.20.040, Substantive Change.

⁵ INST.E.20.010, Probation.

The Higher Learning Commission acknowledges that the Institution has worked over the course of its most recent probationary period to resolve its compliance issues related to Criterion Two, Core Components 2.A (integrity) and 2.D (academic freedom) and Criterion Five, Core Component 5.A (effective governance and administrative structures).

The Higher Learning Commission acknowledges that the Institution has been working to remedy concerns previously articulated by the Board in its November 2020 action letter and is scheduled for routine monitoring in the form of a Focused Visit related to resources, strategic planning and institutional effectiveness.

The Luna Community College Board of Trustees has engaged in repeated patterns articulated above that violate Criterion Two, Core Component 2.C and these ongoing violations continue to place the Institution's accreditation at risk.

The Board of Trustees of the Higher Learning Commission has determined based on the preceding findings and evidence in the record that the Institution is not in compliance with the Criteria for Accreditation and should therefore be placed on Probation.

Next Steps in the HLC Review Process

Focused Visit: The Board continued the requirement that the Institution host the Focused Visit on resources, integrated strategic planning and institutional effectiveness that is currently scheduled for January 2022.

Assurance Filing: The Board required that the Institution submit an Assurance Filing no later than February 1, 2023, or at least eight weeks prior to the comprehensive evaluation, providing evidence that the Institution has ameliorated the findings of noncompliance identified in this action that resulted in the imposition of Probation, and providing evidence that the Institution meets the Criteria for Accreditation and Federal Compliance Requirements.

Comprehensive Evaluation: The Institution will host a comprehensive evaluation no later than April 2023 to enable a team of peer reviewers to determine whether the Institution has ameliorated the findings of noncompliance that led to the imposition of Probation and whether the Institution otherwise meets the Criteria for Accreditation, and to make a recommendation about whether the Board should remove Probation or take other action.

Board Review: The Board will review the documents associated with the evaluation at its November 2023 meeting to determine whether Probation shall be removed, or if the Institution has not provided sufficient evidence of amelioration as noted above, whether other action should be taken, up to and including withdrawal of accreditation.

HLC Disclosure Obligations

The Board action resulted in changes that will be reflected in the Institution's Statement of

Accreditation Status as well as the Institutional Status and Requirements Report. The Statement of Accreditation Status, including the dates of the last and next comprehensive evaluation visits, will be posted to the HLC website.

In accordance with HLC policy,⁶ information about this action is provided to members of the public and to other constituents in several ways. This Action Letter and the enclosed Public Disclosure Notice will be posted to HLC's website not more than one business day after this letter is sent to the Institution. Additionally, a summary of Board actions will be sent to appropriate state and federal agencies and accrediting associations. This summary also will be published on HLC's website. The summary will include this HLC action regarding the Institution.

On behalf of the Board of Trustees, thank you in advance for your cooperation. If you have questions about any of the information in this letter, please contact your HLC Staff Liaison, Dr. Stephanie Brzuzy.

Sincerely,



Barbara Gellman-Danley
President

Enc: Public Disclosure Notice

Cc: Chair of the Board of Trustees, Luna Community College
Dani Day, Vice President for Instruction and Student Services, Luna Community College
Evaluation Team Chair
Stephanie Brzuzy, Vice President of Accreditation Relations, Higher Learning Commission
Anthea Sweeney, Vice President of Legal and Regulatory Affairs, Higher Learning
Commission
Mark Chisholm, Director of Academic Affairs, New Mexico Higher Education Department
Herman Bounds, Director, Accreditation Group, Office of Postsecondary Education, U.S.
Department of Education

⁶ COMM.A.10.010, Notice of Accreditation Actions, HLC Public Notices and Public Statements