

August 31, 2020

**Via Email**

Governing Board  
Maricopa Community Colleges  
2411 W. 14th St.  
Tempe, AZ 85281  
marie.sullivan@domail.maricopa.edu  
laurin.hendrix@domail.maricopa.edu

Dear MCCCCD Governing Board,

I am writing to report to you an apparent violation of the law and abuse of authority by Board Member Kathleen Winn and to claim "whistleblower" protection in the manner required by A.R.S. § 38-532.

My name is Keith Heffner. As you all know, I am a professor at Mesa Community College, and I served on the recently disband Chancellor Search Committee. On August 24, I sent a public records request to Ms. Teresa Toney, copying the rest of the Chancellor Search Committee, which at the time included Ms. Winn, to obtain the investigative report into the claims of the possible violations of the search process. I ultimately received the report on Thursday, August 27, and I shared it with the Chancellor Search Committee that same day. On Friday, August 28, at 5:00 p.m., Ms. Patrice Nango, the Faculty Association President, sent the investigative report to all the residential faculty in the District.

At 6:12 p.m., just over an hour after Ms. Nango's email was sent, Ms. Winn sent me the following text message: "You will not like my response have a fabulous weekend" [sic]. We had not corresponded by text message prior to that since April 7, 2020.


"You will not like my response," is plainly a reaction to my exercise of my right to inquire into the operation of the District protected by Arizona's public records laws, and my right to share what I have found with fellow search committee members and the faculty protected by the First Amendment and related protections in the Arizona Constitution. Ms. Winn's effort to silence me is plainly an abuse of her authority as a Governing Board Member.

Furthermore, the search for a Chancellor is an important issue. Ms. Winn's use of her authority as a Governing Board Member to chill my speech on the topic amounts to an effort to silence discussion "on the public policy controversies of the day." My right to express an opinion on such things without a threat from a Governing Board Member provides me an opportunity to "bring an action in a court of competent jurisdiction to enjoin any violation of this article by any university, community college, faculty member or administrator or to recover reasonable court costs and reasonable attorney fees," as "[a] person whose expressive rights were violated by a violation of this article." A.R.S. § 15-1864.

Even without reference to the specific Arizona law governing free speech on community college campuses, Ms. Winn's threatening text message constitutes a use of government authority to infringe on my First Amendment rights, and is cognizable under a § 1983 action.

I am asking that the Board take action to discourage Ms. Winn from making such threats in the future and ask that it take any steps necessary to protect me from future acts of retaliation by Ms. Winn.

Yours,

A handwritten signature in black ink, appearing to read 'Keith Heffner', written in a cursive style.

Keith Heffner

CC: Dr. Steven Gonzales, Interim Chancellor, [steven.gonzales@domail.maricopa.edu](mailto:steven.gonzales@domail.maricopa.edu)  
Dr. Karla Fisher, Provost, [karla.fisher@domail.maricopa.edu](mailto:karla.fisher@domail.maricopa.edu)